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Should India Implement Strict Policy to Control Population?

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ABSTRACT

In regard to population, India stands the second position in the world after China. In very few coming years, India is destined to become the most populated country globally, surpassing China, if the population growth and the fertility rate in the country continue at this pace. The adverse effects of it on the social and economic status of the country are going to be huge and beyond imagination. The country's situation is already reeling under growing unemployment, deteriorating health care conditions and facilities, increasing pollution and environmental damages, rising costs of essential commodities, depleting natural resources, etc., is going to deteriorate. The innovative and other steps taken by the government and other stakeholders like the NGO's, social organizations, welfare groups, etc. to curb population growth have practically failed to reveal any positive results, and unless stringent measures are taken in this regard, we can only look into a dark and bleak future for India. The time thus has already come to take leaping legislative and robust regulatory steps to overcome the menace of population growth; otherwise, things would get out of hand. Many of our parliamentarians who have already awakened to the situation over the years have presented private bills before the Lok Sabha regarding cutting down of benefits of welfares, subsidies, etc. doled out by the government, for those having more than two children and also taking of drastic measures to curtail some of their rights. While their legislative steps proposed have been ignored or not discussed seriously, the situation presently calls for making their strict actions a reality by way of legislation and implementing it effectively and strongly with timely monitoring.

Keywords: Population, Government Policy, Democratic, Social Welfare, Overpopulation, World Population, Population Control Law, Employment, Development, Welfare Scheme, Upliftment of Citizens.

I. INTRODUCTION

To maintain the true spirit of democracy and a welfare State, the Government of India, from

time to time, analyses the health care, social security's, employment opportunities, and status, providing necessities for existence with dignity

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among the needy class and other things connected with welfare and upliftment of its people. Both socially and economically, and based on this analysis, identifies the critical areas needing improvement through general administration or finances and flats various welfare and security schemes, frames policy and regulations, and broadly attempt to make all possible efforts for improvement of general status, opportunities and welfare of its citizens. However, in practice, certain factors tend to prove as significant obstacles to the progressive and welfare attempts of the government and overall tend to push the country backward, despite all its honest efforts and as a result, a large section of in need of upliftment on various front remain devoid of the actual benefits people I anticipated for their welfare. One of such significant obstacles is the country's large population comes in the form of the already existing. Unfortunately, even after the already large population of our country has been identified as a significant implement to the welfare of people and a prime cause of degradation of the environment in the country, the government in the country sight has taken up no effective, robust steps since independence, and as such day by day, the population factor is biting into the country's social and economic progress. With the national and as well as the global challenges taking a serious and fierce dimension, and as such they need for fast-paced

economic, social and cultural development growing with every passing phase, it is high time it seems that some strict measures need to be taken for population control in India on a high priority basis.

II. COMPARISON OF DEMOGRAPHICAL STATISTICS OF POPULATION OF INDIA AS WELL AS THE WORLD

The present population of India is 136.94 Crores³ making it the second most populated country in the world after China. Alarmingly, it is also estimated that at the current rate, the Indian population would surpass that of China by 2024.⁴ India comprises around 18% of the total global population, which also, one of every six people of the world is an Indian.⁵ Shockingly, India's present population growth rate is around 1.02%, with the birth rate being about 19/100 population and the death rate being 7.3/1000 population.⁶ The total population of India was around 32 crores only at the time of independence. In contrast, according to the first census of independent India in 1951, the population was found to be little more than 36 crores. The same reached more than 102 crores by 2001.⁷ We'll be surprised to know that the population of Australia is at present around 2.6 crores, and even the Indian States of the kind of Chhattisgarh and Jharkhand have more population than that, leave alone the other major States.⁸

³ Live population of India meter at <https://www.worldometers.info/world-population/india-population/>

⁴ India's population to surpass that of China around 2024: UN, 21st June 2017, Times of India

⁵ India Population, at <https://trading.economics.com/india/population>

⁶ India Demographics Profile 2018, <https://www.indiamundi.com/india/demographics-profile.html>

⁷ Variation of population since 1901, censusindia.gov.in/census.data-2001/India-at-glance/variation.aspx

⁸ Australia Population 2019, www.population.net.au; Srajan Srivastava, "India and Australia: Population is

III. REASONS FOR OVERPOPULATION IN INDIA

The two major causes of the rising population are first that the birth rate in India is significantly higher than the death rate and secondly that though by various efforts of the government and its policies, the fertility rate has come down yet it is considerably higher than other world countries.⁹ These causes are the effect of some other essential issues which need to be looked at to get a clear picture. Poverty and Ignorance, Child Marriages, Illegal Migration, Cultural and Social Norms, Inadequate Social Security, etc., are the leading causes of the growing population in India has already reached a dangerous level, there are other causes too like lack of means of entertainment, belief that more children add to images of maintainers, betterment in economic position, joint family systems, indifferences towards family planning modes specially aversion to such methods in Muslims, etc. but all in all many factors which in its own little or big ways aggravate the problem of overpopulation in our country

IV. EFFECT OF OVERPOPULATION IN INDIA

Though we generally are only aware of or talk about some effects of overpopulation in India, there are practically many factors which are adversely and unfavorably affected by overpopulation and many benefits to which

people of the country are devoid despite all effort by the government, solely due to large population. Some of these factors are:

a) Depletion of Natural Resources-

Indian population constitutes more than 17.5% of the world population but sadly constitutes only 2.4% of the world's total land area. As such, naturally, it has a limited amount of natural resources. Preservation of natural resources is not only necessary for economic growth but for creating adequate living conditions for future generations to come. However, with extensive and uncontrolled population growth, vital natural resources like water, oil, wood, iron, coal, minerals, etc., would keep depleting at a more significant rate than they can be renewed. Moreover, many of the natural resources are non-renewable. This would thus not only create a shortage of resources, adversely affect the future generation's well-being, and result in rising prices.

b) Degradation of Environment-

Overpopulation is the leading cause of the derogation of the environment in India. One of the effects of overpopulation is more urbanization, hence more need of areas, buses, etc., thereby cutting down forests and even agricultural areas, resulting in fewer trees, flora, fauna, fisheries, etc., affecting the overall environment. It also results in ground and surface water contamination, air pollution, global

the difference", updated 26th July 2013, Times of India, at <https://timesofindia.indiatimes.com/nri/citizen-journalists/citizen-journalists-reports/srajan-srivastava/India-and-Australia-Population-is-the-difference/articles>

⁹ Rumani Saikia Phukan. "Over population in India-Causes, effects and How to Control It?", 31st July 2014 updated on 28th May 2019, at <https://www.ma.psofindia.com/my-india/india/overpopulation-in-india-causes-effects-and-how-to-control-it/>

warming, and other related issues, including soil exhaustion. Moreover, there is a need for development in agriculture for feeding such a large quantity of people, as such new methods for agriculture have to be used like High yielding variety seeds. Fertilizers etc., thereby resulting in depletion of the environment. Moreover, increased use of natural resources would be needed, resulting in further degradation of the environment.

c) Healthcare

Overpopulation's effect on the environment results in badly polluted cities and villages, lack of fresh air, and pure water. This gives rise to health problems and issues further intensified due to densely populated areas, giving rise to many airborne diseases and skin infections, infections diseases. As we can see from the last many years, the viral infection spreads to many people, along with malaria, dengue, flue, etc., and that too round the year. To address such problems, which are challenging in themselves, requires proper healthcare facilities, centers, equipment, medicines, etc. Further, with a large percentage of the population in India already reeling under poverty, the government needs to provide free health care and clean and well-equipped health care centers. But how can any government offer such facilities to such a large section of the population with its limited

resources, financial or otherwise? Population rise has thus become the main reason for unsatisfactory inadequate and substandard health care in the country. Moreover, increased population means more vehicle pollution leading to respiratory problems like Asthma, lung cancer, congestion, cardiovascular diseases, etc., from an early age. However, due to its restrained financial and economic conditions, India at present is only able to spend 12% of GDP on healthcare which is insufficient to cater to population." such large population.¹⁰

d) Social Security Issues

India invariably consists of a vast number of people below the poverty line, labor class, old aged people, people unemployed, families with no income, and a lot of other categories which require a robust social security system from the government for their minimum survival needs. The government, no doubt from its end, even after its weak economic conditions, has from time to time floated several schemes about social security, taking into account the needy people. For example, the Pradhan Mantri Jan Dhan Yojna, Pradhan Mantri Jeevan Jyoti Bima Yojna, Pradhan Mantri Suraksha Bima Yojana, Atal Pension Yojna, Pradhan Mantri Mudra Yojna, Stand up India Scheme, Pradhan Mantri Vaya Vandana Yojna, and several others, including Sukanya Samridhi yojana and the proposed

¹⁰ Nicholas Perry, "National Health Policy approved by Cabinet", 16th April 2017 at <https://www.healthissuesindia.com/2017/04/16/>; Nicholas Parry, "India's growing population: Its Effects on Healthcare", 17th September 2017, at <https://www.healthissuesindia.com>; Immunization by UNICEF at unicef.in/whatwedo/3/immunization; Ramanan Laxminarayan and Nirmal Kumar Ganguly, "India's Vaccine Deficit: Why More than Half of

Indian Children are not fully immunized, and what con-and Should-be done", June 2011, at <https://www.healthaffairs.org/doi/full>; India's TB Report 2018; Revised National TB Control programmes: Annual States "Impact of overpopulation on health in India", updated 13th July 2015 at <https://www.dnaindia.com>; R. Srinivasam, "Healthcare in India-Vision 2020: Issues and Prospects" at planningcommission.nic.in/report

comprehensive social security system providing retirement, health, old age, disability, maternity, and unemployment benefit to 50 crore workers, are all meant to boost the social, financial and economic status of its people as well as the nation as a whole. However, India's growing and already large population is a significant obstacle to successfully implementing social security schemes. A large number of people and that too with varying literacy levels, social standards of living, culture, religion, status resources, etc., make it difficult to productively benefit people at large even with the best of government planning and intentions.

e) Food Security:

India still constitutes about 25% of the hungry people across the globe, with around 190 million undernourished people. Farmer suicide rates and amount of people forced to quit farming have steadily increased. 177.7 The Country stands 97th in rank in Oxfam's Food Availability Index and 103rd in Global Hunger Index 2018 defying the government claims. The Economic Survey 2018 report indicates a net availability of 487 grams of food grains per person only. The per capita food grain availability, which was 186.2 kg in 2016. Strikingly contrast, China's food 2 kg in 1991 slipped to grain availability per capita is 450 kg, U.S. around 1100 Kg and even in

Bangladesh, it is 200 kg. The seriousness kg. The situation deteriorating due to the population boom is clear from the facts revealed by the United Nations Population Fund study, which says India's food security faces significant challenges by population growth which has exceeded agricultural development and production and that about 35 million of the country's population has a low buying power. A large population invariably causes low availability of land for agriculture and a greater demand for agricultural products.¹¹

f) Unemployment:

With the present population, India is unable to generate sufficient employment opportunities to cater to all those in need, and with the increasing population, day by day conditions are becoming worst, and a total imbalance of jobs and aspirants is growing. The problem is so severe that even the highly educated youth classes like engineering and MBA or equivalent degrees are forced to apply and compete for jobs requiring high school qualification, intermediate or straightforward graduation. So much so that according to a report of the International Labour Organisation, the unemployment rate was 3.5% in 2018 with around 18.6 million jobless people in the country, and as per the report, the figures for 2019 are estimated to be 18.9 million

¹¹ 2018 Report of Food and Agricultural Organization of the United Nations India at a glance at www.fao.org/india/fao-in-india/india-at-a-glance/en; Jitendra, "India claims to be self-sufficient in food production but facts say otherwise", updated 19th November 2018, at <https://www.downtoearth.org.in/news/food>; D.K. Sinha, "Population Explosion and Food Security in India", at [\[www.yourarticlelibrary.com/essay/population-explosion-and-food-security-in-india/42503\]\(http://www.yourarticlelibrary.com/essay/population-explosion-and-food-security-in-india/42503\)" R. Radhakrishnan and K. Venkata Reddy", *Food Security and Nutrition: Vision 2020*, at \[planningcommission.nic.in/reports/geerep/bkcpap2020/16-by-2020.pdf\]\(http://planningcommission.nic.in/reports/geerep/bkcpap2020/16-by-2020.pdf\); M.S. Swaminathan and R.V. Bhavani, "Food Production and Availability – Essential Prerequisites for Sustainable Food Security", *India Journal of Medical Research*, 2013, September 138 \(3\), paper 383-391](http://www.yourarticlelibrary.com/essay/population-</p>
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unemployed people. Another report released by the periodic Labor Force Survey of the National Sample Survey office shows that the unemployment rate in India for the Financial year 2018 was 5.3% in rural India and 7.8% in urban India. According to a study carried out by the Centre for Sustainable Employment at Azim Premji University under the title 'State of working India', the scene is so bad that 16.3% of graduates and 14.2% of graduates in the country are unemployed.¹²

The above are only a few of India's actual consequences of overpopulation. It is so because practically, overpopulation affects anything unfavorably and everything connected with effective human and humanity growth and development, be it social, cultural, or economic aspects.

V. EFFORTS MADE TO CONTROL POPULATION

No doubt, the adverse effects of overpopulation are being seen and realized by the government and citizens of India yet for decades. Recently in 2016, Mr. Prahlad Singh Patel, an M.P., with the support of a few other M.P., introduced The Population Control Bill 2016¹³, which among other things, provided that no person shall

procreate more than two living children after one year from commencement of this Act and that the appropriate government shall take steps to encourage, promote and motivate married couples to opt for small families and also that any person not doing so shall not be entitled to avail any benefit under any welfare scheme of the government. This issue was again in 2018 by some M.P.s during the monsoon session of 2018 before President Shri Ram Nath Kovind. Importantly, as stated under the Bill, the two-child policy is presently being implemented since 2016 in China and has been used successfully in Vietnam.¹⁴ But, sadly, the said bill never came to a vote. The reasons include that India is a signatory to the United Nations coordinated International Conference on Population and Development convened in Cairo, Egypt in 1994, which emphasizes the reproductive right of couples to decide freely on the number of children and their spacing.¹⁵ Further, Shri B. Paswan, the Head of the Department of Population Policies and programs at the International Institute for Population Sciences, is also of the view that such a strong two-child. However, the policy cannot be brought in India by any government as the people would reject it,

¹² Vinay lohar, "Impact of Overpopulation on India's Growth", 19th June 2017, at <https://intpolicydigest.org/2017/07/19/>; India Today Web Desk "18.6 million without jobs in India this year, unemployment rate to stand at 3.5 per cent in 2019", 9th November 2018, at <https://www.indiatoday.in/education-today/jobs-and-careers/story/unemployment-growing-concern-indian-students-1384978-2018-11-09>; ET Bureau "Is the job scene in India bad? Depends on how you see it, says Govt", 1st June 2019, at <https://economictimes.indiatimes.com/jobs>; Report "State of Working India 2018" at <https://cse.azimp>

remjiuniversity.edu.in/state-of-working-india

¹³ Bill No. 77 of 2016

¹⁴ India Today Web Desk, "Population Control Bill: Will India be able to handle its overpopulation crisis?" 13th August 2018, at <https://www.indiatoday.in/education-today/gk-current-affairs/story/population-control-bill-india-crisis-1313179-2018-08-13>

¹⁵ International Conference on population and Development (ICPD) 5th September 1994-13th September 1994, Cairo, Egypt at <https://www.untpa.org/event/international/conference-population-and-development-icepd>

and also such a policy is not compatible with the socio-economic conditions of the country.

Though there is an encouraging indicator that while the population growth was 21.5 % from 1991 to 2001, due to increase in education levels, developments, government policies, reduction in child marriages and another factor, it has come down to 17.6% during the period 2001-2011, yet keeping in view the already large population, even this growth rate is much more than necessary.¹⁶ Sadly, in India, the family planning sector gets only 4% of the total budget available under the National Health mission's reproductive and child health pool. Also report suggests that in 2016-2017 only 60.7% of the funds available for family planning were spent. The government had planned to increase investment for family planning in 2012 and committed to spending 2 billion dollars by 2020 for family planning programs, while in July 2017, the government again increased its commitment to in next 3 billion dollars by 2020; however, if the total allocation for family planning is not utilized, the commitment is a waste.¹⁷ For population control not only, proper financing is needed but also effective spending. The Economic Survey 2018

also stresses this need along with target-driven measures to be taken and making efficient spending of funds by improving coordination between planning processes of center and states.¹⁸

Talking of efforts made for population control, legislative on otherwise, recently in Rajya Sabha a Member of Parliament Rakesh Sinha introduced the population Regulation Bill 2019 which called for penal action against people with the government on various more than two children including removal from government services as well disqualification from being an elective representative, denial of benefit Public Distribution System and other similar actions.¹⁹ The government on various fronts since independence has been trying to implement and float policies for population control. In 1949, one of the planning commissions during Jawaharlal Nehru emphasized the need for robust family planning in the country. In 1952, the National Family planning Programme was launched to reduce birth rates to make the country's economy consistent with population, and with this, it became the first country in the world to do so.²⁰ During the First five-year plan 1951-56 and

¹⁶ *Ibid*, See also, "Size, Growth Rate and Distribution of population" released by Government of India at censusindia.gov.in/2011-prov-result/data-files/india/final-ppt-2011-chapter3.pdf

¹⁷ See "Commitment under India: Commitment makes since 2012" at <https://www.familyplanning2020.org/india> ; Neetu Chandra Sharma, "Govt failed to use 40% of funds for family planning this financial year: Report", 2nd January 2018, at <https://www.livemint.com/politics/Punam-Muttreja,-Better-Budgetary-Allocation-for-family-planning-can-help-India-meet-global-sustainability-goals> 30 January 2018, at <https://www.hindustantimes.com/analysis>

¹⁸ Poonam Muttreja, "Budget 2018: Govt needs to invest more in healthcare, family planning measures",

updated 1st February 2018, <https://www.businessstoday.in/union-budget-2018-2019/news>

¹⁹ *Private member's Bill calls for two-child norm*, July 13th 2019, at <https://www.insightsonindia.com/2019/07/13> ; Web Desk BTVI "Can Proposed, Population Regulation Bill Solve India's Population Growth Problem?" 24th July 2019 at <https://www.btvi.in/>

²⁰ National Programme for Family Planning at <https://nhp.gov.in/national-programme-for-family-planning-pg> See "Family Planning Chapter 6" released by Ministry of Health and Family Welfare at <https://mohfw.gov.in/sites/default/files/5632445563214.pdf>

allocation of Rs. 65 lakh for the said purpose was done while during the Second five-year plan 1956-61, Rupees 5 crore was allocated for this. However, despite all efforts, the population kept growing village rapidly as such in third five-year plan 1961-66 the government started campaigns for educating rural people to adopt family planning, with the help of development Committees and panchayats. Even in 1976, the Department of Family welfare within the Ministry of Health and Family planning was developed; in the fourth five-year plan, Rs. 330 crores were allocated for family planning. The Government expenditures for family planning have been increasing with every five-year plan. The national population policy was also abundance in February 2000 with an objective to address the need for contraceptives, reduce the fertility rate, and achieve a stable population by 2045.²¹

Since independence, it is significant to note that close to 35 Private member Bills have been presented in the parliament relating to population control. Still, it is shocking to know that despite every person besides the government itself being aware of the adverse effects of a growing population in our country, none of these bills were ever discussed in the parliament. Recently, the Responsible parenthood Act 2019 drafted by Shri Manu Gaur, the President of Tax Payers

Association of India, with the support of several Ministers and Members of Parliament, was presented to the Provident of India Shri Ramnath Kovind, requesting him to consider it before its too late and the country is gripped with severe poverty, unemployment, crimes. Disputes, starvation, suicides, etc.²²

Even a campaign, "Bharat 4 population Law" has been started, headed by the Taxpayers Association of Bharat, an independent advocacy group of taxpayers, and this campaign has the support of more than 125 members of Parliaments and several Bollywood celebrities. Those involved in this campaign believe that time has come to take measures through strict laws and stern steps and actions to control the unrestricted growth of the population.²³ Many Non-profit organizations and brands like Durex and Manforce have also been involved in creating awareness through advertisements and campaigns against the development of the population.²⁴ The question, however, remains that with all governmental effort besides several policies, plans, awareness seminars, campaigns, etc. When no significant outcome is being obscene, then what more can be done.

Indian Courts and Population Control- The issue of controlling the population, decreasing fertility rates, and devising ways to curb population growth is a policy decision that comes under the

²¹ National Population policy 2000 at <https://mohfw.gov.in/sites/default> Also see article by Puja Mondal, "Population policy of India (with statistics)" at www.yourarticlelibrary.com/enay

²² TAXAB's Manu Gaur hand sover draft of Responsible Parenthood Act 2019 to President Kovind, 15th February 2019, at <https://m.dailyhunt.in/news/india/english> See also

article by Navtan Kumar, "Campaign to enact law for population control", 9th February 2019 at <https://www.sundayguardianlive.com/news/campaign-enact-law-population-control>

²³ *Ibid*

²⁴ World population Day Campaigns are here for liberal levitation, 12th July 2019 at www.socialsamosa.com/2019/07

arena of the government and its concerned ministries to it and does not concern the courts. However, the Court in India, equally aware of the adverse effects of overpopulation on the country's economy, the health of people, employment opportunities, and other issues, have intervened when called upon to comment or decide problems connected to these matters. Interestingly, the Haryana Panchayati Raj Act 1994 states that no person with two or more living children shall be a sarpanch or panch of a Panchayati Samiti or Zila Parishad or continue as such.²⁵ Also, it provides that if a gram panchayat or a member any member of gram panchayat, Panchayati Samiti or Zila Parishad who has been elected and who was subject to such disqualifications as mentioned under Section 175, shall be disqualified from continuing to be a member and his office shall 24 become vacant.²⁶ These provisions were challenged before the Court in more than Act, on the grounds that it was violative of Article 14, 25, and 26 of the Constitution of India, it adversely affected liberty of personal life, was violative of Article 21 of Constitution as curtailing freedom of having children, was discriminatory and other grounds.²⁷ All the above petitions were consolidated, and the Supreme Court passed a remarkable judgment in *Javed and others v State of Haryana and others*²⁸ The Supreme Court observed that a similar provision under the Haryana Municipal Act 1973 disqualifies a

person being chosen as a member of municipality if he has more than two living children²⁹ and such policies have far-reaching implications and are dynamic and can be implemented in a phased manner Upholding the Section 175 (1) (q) and 177 (1) of the Haryana Panchayati Raj Act 1994 the Court said it was not violative of Constitution as it seeks to achieve a purpose and socio-economic and health welfare of manses and is also hence consistent with the National Population Policy. The Supreme Court believed that the torrential increase in the population of the country is one of the major hindrances in its socio-economic progress, and the goals of Directive Principles of State Policy under the Constitution of India can only be achieved if the population explosion is checked effectively.³⁰ The Court emphasized that provisions of Article 38 directing State to strive to promote the welfare of people provisions of Article 38 directing State to promote the welfare of people and developing social order, Article 47 of promoting educational and economic interests of weaker sections of society.

Earlier too, the Supreme Court in *Air India v Nargesh Meergz and others*³¹ the Court while upholding the Rule of the airline recommending termination of services of Air Hostesses on their third pregnancy with two already existing children, observed that when the entire world is faced with population explosion, it is not only desirable but necessary that every country should

²⁵ Section 175 (1)(q) of the Haryana Panchayati Raj Act 1994

²⁶ Section 177 (1)

²⁷ T.K. Rajlakshmi "Population Policy: Children as Disqualification", Frontline, Volume 20, Issue 17, August 16-29, 2003

²⁸ AIR 2003 SC 3057; 2003 (4) AWC 2920 SC; 2003 (3) CTC 620 decided on 30th July 2003

²⁹ Section 13A (1)(e) of Haryana Municipal Act, 1973 (inserted by Haryana Act 13 of 1997)

³⁰ *Supra* note 43

³¹ (1981) 4 SCC 335; 1982 SCR (1) 438

see that family planning program is maintained at effective levels as the danger of overpopulation if not controlled can lead to severe social and economic problems.³² Rule 6 of the Medical Colleges of the Government of Maharashtra Rules for Admission 1983-84 provides for merit as determined by marks obtained in science subjects and is subject to additions as deductions as detailed under the Rules. Interestingly the Rule provides one additional mark to be given for sterilization operation.³³ The said Rule 6 as a whole was challenged before the Bombay High Court in several petitions as being violative of fundamental Right under Article 14 of the Constitution, being arbitrary with a selection of a meritorious candidate for admission to medical colleges. Bombay High Court in *Rajashri Yeshwant Jadhav Etc. v State of Maharashtra and others* observed that the said rule was intended to achieve the national objective and goal of family planning and has a versus with the national population control policy. Population control is closely connected with national health, and as such, it cannot be said that the national policy of population control or planned family has no nurses with medical education.³⁴

From time to time, several High Court has not only upheld the various state Act and Regulations

demanding holding of essential panchayat parts and equivalent posts subject to candidate having not more than two children but have also, in cases necessary, commented on the adverse effect of overpopulation and its impact on social and economic conditions of the country.³⁵

VI. TIME TO IMPLEMENT STRICT POLICIES AND LAWS

To date, the Supreme Court, in its various decisions, has emphasized the need for population control in India and has even gone to the extent of observing that "it is in the interest of the nation to check the growth of population by casting disincentives even through legislation." This observation of the Court is further supported by the fact that practically all the government policies, seminars, camps, cation initiatives, advertisements, subsidies on family planning, etc. have failed to provide the desired impact and the population of the country is seeing a steady rise severely affecting its social and economic growth, employment and health care opportunities and every issue that matters for a better future of people and the country as a whole. It is thus high time that some strict policy regulations and legislation are put in place to control the rise of the population and lower the fertility rate.

³² *Ibid*

³³ Rule 6(B)(vii) and Rule 4C (XV) (a) and (b) of medical Colleges of the Government of Maharashtra Rules for Admission 1983-84

³⁴ *Ibid* at Para 7

³⁵ Mukesh Kumar Ajmera and Others vs. State of Rajasthan and Others, AIR 1997 Raj 250 decided on 4th April 1997; See Elkapalli Latchaiah and Another vs. Government of Andhra Pradesh and Others, 2001v

(5) ALD 679, 2001 (5) ALT 410, decided on 18th August 2001; See Ashok Bala Saheb Chaugule vs. State of Maharashtra, Writ Petition No. 5613 of 2012 decided by Bombay High Court on 5th September 2012; See Gautam Rama Latke vs. State of Maharashtra and Others, Writ Petition No. 1097 of 2018, decided by Bombay High Court on 26th February 2018

It is true that the two-child policy norm, which had earlier been applied and tested in highly populated countries like China, Vietnam, Indonesia, the U.K., etc., has been criticized and taken back by the governments, but the situation in India is different. The country has a minimal land area available for agriculture, further reducing population growth as more housing space would be required. The same would happen with the limited forest lands, and also the limited natural resources like oil, water, minerals, etc., would also not be sufficient to cater to the entire population of the country. Therefore, the economic and social growth would be severely affected. Hence in India, which is a few years is desired to become the most populated country of the world surpassing China, it has become necessary to apply the laws and regulations, the two-child policy and implement it strictly and efficiently.

Strict enforcement of and bringing of legislation both at central and State today. The States of levels based on their powers to make laws, is the call Haryana, Rajasthan, Bihar, Odisha and also Uttrakhand having joined this year have already passed and enforced law that any person having more than two children would not be eligible to contest Panchayat elections³⁶, but similar law must be framed and passed by every State of India with immediate effect. Further, the law must be made and enforced to the effect that no person having more than two children would be entitled to any government welfare scheme

benefits, should be barred from contrasting any y elections be at Panchayat or Zila Parishad level or any other election even for MLA or M.P. Policies and laws should be enforced not only for government employees but even by the private companies for their staff and employees. So much so that an undertaking must also be taken from young people joining the government or private jobs that in case during their tenure of service a third child is born, then their services would stand terminated with immediate effect some rebates may also be announced by Income Tax Department, extra tax on people having more than two children to motivate people to have no more than two children I also get a financial incentive for the same. If the government wishes, sterilization may also be made compulsory through legislation for having two children. Similar legislation should be enforced, and their implementation monitored at the district level making the District Magistrate in charge of preparing updated reports every six months on the enforcement of policies and laws in their district.

More actions can be taken by making a comprehensive and robust population policy and setting up population council and population research centers in every State. All educational benefits being doled out by the center and State must cease with immediate effect for third child extra incentives, priority in promotions, the increment can be provided by the government and private companies and organizations for

³⁶ Mukesh Rawat “Explained: What is Uttrakhand’s 2-child condition, education criteria for panchayat polls”, 27th June 2019, at <https://www.indiatoday.in> See also article by Dhananjay Mahapatra “2-child

norm valid even if 3rd given for adoption: SC” updated 25th October 2018, at <https://timesofindia.indiatimes.com>

employees who opt for sterilization after one or two children. More strict should be norms for elected representatives as they should set an example for the nation. Also, there is a need to change immigration policies, and the National Register of Citizens also must be made not only for Assam but for every State to root out illegal migrants. There is also a need to make abortions easier by amending suitably the Medical Termination of Pregnancy law in India. Today's need is not only to take the above and similar steps to regulate population growth in India but also to do so on a priority and urgent basis without wasting any further time; otherwise, the dark situation would get murkier with every passing day.

VII. CONCLUSION

The scenario and prospects of the growth of India on a global level are on their brightest phase today. Very soon, it's on the route of becoming the fifth largest economy globally, surpassing the United Kingdom. Last year India ranked 7th in Ease of Doing Business Indian, and the GDP growth was 7.3% in 2018-19. However, the uncontrolled growth of the population in India is proving to be the major obstacle to its social and economic development. It is not that the governments in the country or its people do not realize this. But regrettably, all the initiatives that the government has taken by way of making liberal policies, running education and awareness campaigns, urging people for sterilization, educating people on ways and methods of family planning, etc. all have failed to achieve any positive results since independence and the population is on steady growth unabated and

unrestrained. The negative impacts of population growth are appearing more clearly day by day in the form of increasing unemployment, poor status of health care, cutting down of forests, depletion of natural resources, shortage of electricity and water, rising prices of essential commodities, etc. and if at this stage the population growth and fertility rate are not controlled the country will be pushed back economically. Things will get worse with every passing day.

Time thus has come to initiate and take bold steps in the form of strict legislations, regulations, and rules and for their equally effective monitoring and enforcement. The financial benefits, welfares, and subsidies being doled out by the government to its people for their maintenance of better life have got to be stopped at this juncture for people who have or intend to have or opt to have more than one or two children. The starting and setting of an example have to come from elected representatives who must be stopped from contesting elections of any form if they have more than two living children. The control has then to be applied for government servants and finally for private employees. Uniform legislation in this regard at both the central and state level on a high priority basis is the immediate need of today if we want to see us living peacefully and contented in a socially and economically developed nation.
