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The Uttar Pradesh Population (Control, Stabilization, and Welfare) Bill, 2021

Ayush Kumar Agarwal^a

^aSymbiosis Law School, Nagpur, India

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One of the theoretical problems facing our country is overpopulation. For decades, India's population has grown rapidly, which is becoming a nightmare for the government and the rest of the countrymen, so the purpose of this article is to get an overview of the Uttar Pradesh Population (Control, Stability, and Welfare) Bill 2021. One of the main problems of overpopulation is a decrease in the country's GDP (despite the fact that the country is developed, due to overpopulation, GDP does not increase). So, after the adoption of your Population Control Bill, the outcome for 2021 will be :(i) Improved quality in the education system. (ii) Reduced population, less pollution, and a cleaner environment. (iii) Overcrowding has exacerbated the government's failure to expand healthcare. Later research has also suggested what reforms have to be taken into consideration and what are the problems faced.

Keywords: *population control, Uttar Pradesh, family planning, population law, Indian constitution.*

INTRODUCTION

DOES INDIA HAVE A POPULATION PROBLEM?

Human resources are the most important asset, but they are becoming a burden on our country. According to the Indian Census of 1941, India's population was close to 31 million,

which since then has increased more than four times since independence. According to the 2011 Indian Census, the population of India is exactly 1,210,193,422. India's land area is 2.4%, but India's population accounts for 18% of the world's population. Research shows that by 2025, India will surpass China to become the most populous country in the world¹. The recent Covid19 pandemic has not only further highlighted health issues, but also other non-health issues of overcrowding. The densely populated areas have become a nightmare for the leadership to control and suppress the Covid19 infection. The outcomes of populace development will at some point or another become issues confronting the world: clean water sources, wastewater treatment, deficient precipitation, fast exhaustion of natural assets, and the vanishing of numerous creature and plant species because of deforestation. Dangerous air and water contamination, high baby and kid mortality, and appetite brought about by extreme neediness are a portion of the outcomes of overpopulation. It is time for various forums around the world to provide effective solutions to this problem and accelerate the understanding and implementation of birth control and contraceptive events. From 1951 to 1997, the average annual growth rate of factor cost GDP was 4.1%, but the average annual growth rate of the population was 2.2%, and the per capita GDP was 1.9%². Despite the high national income in some years, these slow increases in per capita income are the result of rapid population growth. In 2019, the Prime Minister of India, Shri Narendra Modi appealed to his Countrymen to have small families during the year 2019 on the occasion IndependenceDay. In the speech he mentioned overpopulation and how it is harmful to mankind and the country. He addressed the idea of less population as "patriotism"³.

¹ Hannah Ritchie, 'India will soon overtake China to become the most populous country in the world' (*Our World in Data*, 16 April 2019) <<https://ourworldindata.org/india-will-soon-overtake-china-to-become-the-most-populous-country-in-the-world>> accessed 12 April 2022

²Rakesh Mohan, 'The Growth Record of the Indian Economy, 1950-2008: A Story of Sustained Savings and Investment' (*RBI Docs*) <<https://rbidocs.rbi.org.in/rdocs/Speeches/PDFs/83118.pdf>> accessed 12 April 2022

³ 'Population control a form of patriotism: PM Modi' (*Hindustan Times*, 15 June 2020) <<https://www.hindustantimes.com/india-news/73rd-independence-day-2019-population-control-a-form-of-patriotism-pm-modi/story-P8tzby4nqd5FA9ROs4qrhP.html>> accessed 12 April 2022

Uttar Pradesh's fertility rate itself went from 4.82 in 1993 to nearly half that – 2.7 – in 2016, in keeping with central authority data⁴. It is predicted to touch 2.1 through 2025. So on July 11 this year, the CM of Uttar Pradesh, Shri Yogi Adityanath proposed the 2021-2030 population policy of Uttar Pradesh. The aim of the scheme is to lessen the birth rate to 2.1% by 2026 and 1.9% by 2030⁵.

ABOUT THE BILL

The law is dynamic since it needs alterations, changes, revocation as per needs and conditions, and considering social welfare. The subjects of populace control and family arranging are remembered for the Concurrent rundown of the Indian Constitution, and both the focal and state governments have legal specialists. As of late, on July 11, 2021, World Population Day, Uttar Pradesh Chief Minister Yogi Adityanath proposed another populace strategy from 2021 to 2030 to balance out the state's general public development. The all-out fertility rate in Uttar Pradesh has been diminished from 2.7 to 2.1, which is the Population Control Act of 2026. The Act advances a two-youngster strategy and targets giving impetuses to the families who cling to the approach and it will disentitle the ones who break it so this Bill has the two motivators and disincentives. The draft Bill targets giving essential necessities to human existence including reasonable food, safe drinking water, good lodging, admittance to quality training, financial/business openings, power/power for home-grown utilization, and so forth. This arrangement will be appropriate for a hitched couple where the kid is over 21 years old and the young lady is over 18 and the approach will be deliberate which can't be applied to any person.

⁴ Shiva S. Halli and et al., 'Fertility and family planning in Uttar Pradesh, India: major progress and persistent gaps' (*Reproductive Health*, 23 August 2019) <<https://reproductive-health-journal.biomedcentral.com/articles/10.1186/s12978-019-0790-x>> accessed 13 April 2022

⁵ Samarth Srivastava, 'UP CM Yogi Adityanath unveils new population policy, aims to bring population growth to 2.1%' (*India Today*, 11 July 2021) <<https://www.indiatoday.in/india/story/up-cm-yogi-adityanath-new-population-policy-two-children-1826613-2021-07-11>> accessed 13 April 2022

UNDERSTANDING THE POPULATION BILL

The population law is divided into six main chapters **{(1) Preliminary, (2) Of Incentives and Disincentives, (3) Of General Exceptions, (4) State Population (5) Fund, and (6) Duties of Government and Miscellaneous}**.

The population law initially defined various concepts in its preliminary chapters. The population law also considers polygamy and polyandry into consideration. Chapter 2 of the Population Law stipulates the incentives and deterrence measures that the state should provide for couples.

Sections 4-7⁶ of the Population Act define the benefits to be granted and the conditions that must be met to use these benefits.

Section 4⁷ (Rewards for Government Officials): This section applies to state government employees who comply with the second-child rule when performing voluntary sterilization of either women or men. Officials include:

- Two full-service allowances;
- A subsidy for the purchase of a piece of land or land or a house built in accordance with the regulations of the housing management department or development agency;
- A discount loan for the construction or purchase of a house at a prescribed nominal interest rate;
- Reimbursement of water, electricity, water, house tax, and other supporting expenses according to regulations;
- Maternity leave or 12 months of paternity leave with full pay and benefits if necessary;
- Employer contribution fund under the national pension plan increased by 3 %;
- Free medical care and insurance for spouses; and
- Other mandatory benefits and incentives.

⁶ Population Control Act, 2026, ss 4-7

⁷ Population Control Act, 2026, s 4

Section 5⁸ (Additional Reward for Government Officials): This section applies to government officials who have only one child and are undergoing voluntary sterilization of either female or male. In addition to the awards specified in Section 4, civil servants shall also include:

- Two additional salary increases over the entire length of service, provided that the additional salary increases granted are in addition to the salary increases specified in Section 4(a)⁹;
- Provide free medical and insurance for unmarried sons under the age of 20;
- Give priority to enrolling a child in all educational institutions (including but not limited to the Indian Institute of Management, Indian Institute of Medical Sciences, and numerous additional Organizations.);
- Free education until graduation ;
- Student scholarship for a girl;
- Preference for unmarried children to hold public office; and
- Other mandatory benefits and rewards.

Section 6¹⁰ (Communication of incentives to the public): This section consists of two articles. The first point is about people who adhere to the two-child rule, and the second point is about people who have only one child. The first clause is applicable to non-government officials who follow the second-child rule after voluntarily sterilizing men or women. Or buy a house at a prescribed nominal interest rate;

- Maternity leave or 12 months of paternity leave with full pay and benefits if necessary;
- Reimbursement of additional expenses such as water, electricity, water, and house tax according to regulations;
- Other mandatory Sexual welfare.

⁸ Population Control Act, 2026, s 5

⁹ Population Control Act, 2026, s 4(a)

¹⁰ Population Control Act, 2026, s 6

The second clause applies to individuals who are not government officials, have only one child, and are undergoing voluntary sterilization of men and women they can also use these incentives in addition to the incentives in the previous statistic. They are:

- Free medical care and insurance for unmarried children under the age of 20;
- Priority admission of a child to all educational institutions, including but not limited to the Indian Institute of Management, Indian Institute of Medical Sciences, etc.;
- Free education until graduation
- Student scholarship for a girl;
- Preference for unmarried children to hold public office;

Section 7¹¹ (Special benefits for couples living below the poverty line): Eligible couples living below the poverty line have only one child, and voluntarily let a man or woman sterilize themselves from the government: 80,000 rupees if the unmarried child is a child; 1,000,000 rupees if the unmarried child is a girl. Sections 8-12¹² of the Population Law stipulate the requirements that must be met by persons with more than two children after the entry into force of this law, which violates the two-child rule set forth in this law.

- No right to enjoy the benefits stipulated in Articles 4-7 of the Population Law.
- You cannot take advantage of any state-funded social assistance programs.
- The maximum number of grocery cards is four.
- You cannot vote for local creatures.
- You are prohibited from applying to the government.
- You are not allowed to enter the civil service.
- You are not entitled to government subsidies.

Once the definitions, incentives, and deterrence incentives are defined, the Population Law provides for exceptions to the terms of incentives and deterrence incentives, such as adoption, death, and child incapacity.

¹¹ Population Control Act, 2026, s 7

¹² Population Control Act, 2026, ss 8-12

Chapters 4 and 5 of the Population Bill are very interesting. Chapter 4 is dedicated to establishing a fund to cover the various amounts allocated as incentives for the Population Bill. Chapter 5 describes the tasks of the national government. Basically, they should disseminate information and educate the masses about population control and its various methods.

POPULATION CONTROL LAWS RELATED TO THE INDIAN CONSTITUTION

In Section 20A¹³ of the Concurrent List mentioned in the Seventh Schedule of the Indian Constitution, the central government and states have the right to legislate population control and family planning speaking of family planning. An interesting aspect of this document is that Article 20A was not originally part of the Indian Constitution, but was added by the 40th Amendment¹⁴ that entered into force in 1977. This is the government's first action in family planning or population control. When discussions about the change broke out, the government drafted Article 47¹⁵, stating that the framers of the Constitution expected that the government would have to intervene in the family in the name of public health. Article 14¹⁶ of the Indian Constitution speaks of equality before the law: The state cannot deny that everyone is equal before the law or equal protection of the law in India.

In *R.K. Garg v Union of India*¹⁷, the Supreme Court of India revised Article 14 and concluded that although it talks about equality, it does not rule out the possibility of order distinction, and is within the scope of this article. Two test conditions were established outside. Article 14:

- The classification must be based on an understandable distinction in order to distinguish the grouped objects from other objects,
- This distinction must have a reasonable connection with the goals to be achieved in accordance with the law. This clause gives the government the right to make reservations, but nowhere does it give the government the right to attribute

¹³ Constitution of India, 1949, art. 20

¹⁴ Constitution of India, 1949, 40th Amendment

¹⁵ Constitution of India, 1949, art. 47

¹⁶ Constitution of India, 1949, art. 14

¹⁷ *R.K. Garg v Union of India* (1981) 4 SCC 675

disadvantages to citizens at its discretion. Articles 14 and 16 can be said to determine who is rewarded and who bears the required burden in the classification/classification bill.

The same coin has two sides, there are always two opposing viewpoints on the same issue.

So the negative consequences of this population law Bill are as follows:

- In the case of *Suchita Srivastava and Anr. v Chandigarh Government*¹⁸ and the Supreme Court determined that women's freedom to make reproductive choices is an important aspect of the personal freedom guaranteed in Article 21¹⁹, and said "recognition of reproductive opportunities is beneficial to fertility and freedom can also achieve temperance. In the case of *K.S. Puttaswamy v UOI*²⁰, the constitution regarded the autonomy of individuals over their bodies as an extension of the right to privacy, but the restrictions on this right must comply with the principle of proportionality. In a patriarchal society like India, the number of births is not restricted, and there is also a lot of gender discrimination. Discrimination leads to sex-selective abortions. The preference for sons is well documented in rural and urban India. Legal restrictions on two children may force couples to perform selective abortions based on gender because only two "tryings" can get pregnant. From 2001 to 2004, a study was conducted in 5 states (Andhra Pradesh, Haryana, MPs, Odisha, and Rajasthan) to examine the implementation results of the two children's standards and found Bigamy and abandonment, neglect, and the death of young girls. Cases of prenatal sex determination. As part of the two-child policy, families that have abortions for the sake of giving birth may exacerbate already unequal gender relations. This may exacerbate the gender balance that leads to economic inequality.
- The law may cause imbalances in the future, thereby affecting socio-economic growth. For example, China implemented the "one-child" rule in the 1980s; however, due to the rapid increase in the number of elderly relatives, the shortage of working-age

¹⁸ *Suchita Srivastava and Anr. v Chandigarh Government* (2009) Civil Appeal No.5845/2009

¹⁹ Constitution of India, 1950, art. 21

²⁰ *K.S. Puttaswamy v UOI* (2017), AIR 4161

population, and the large number of old-aged people who need expensive medical care, China is currently encouraging couples to have more children to maintain balance.

- In rural areas, due to lack of education, early marriage, limited contraceptive methods, and the need for additional work, it is expected that the poor will have large families to meet their additional work needs. This is part of the nightmare because most people are poor and medium-sized families with more than two children, which contradicts the two-child policy, Hence they will be deprived of getting benefits out of the government schemes. This is the section that is in dire need of these government schemes the most but they will be the ones to get deprived of. The policy may act as coercion to these people by providing benefits with a condition that cannot be termed a welfare act.

The following are the more positive aspects of the population bill:

- In the present world, great training is vital for the further development and improvement of society. The right to schooling is one of the fundamental rights ensured by Article 21A²¹ of the Indian Constitution. **Tamil Nadu and Ors v K Shyam Sunder and Ors**²² accept that "youngsters' privileges ought not to be restricted to free and obligatory schooling, yet ought to be worked on so that there is no separation in monetary, social and financial issues. Getting excellent instruction. The size of the Family incredibly affects instructive accomplishment in families where tutoring is accessible yet costly. The association between neediness and instruction is particularly applicable for young ladies. Young ladies from enormous families with relatively fewer assets are the least extent liable to go to class. According to the National Family Health Survey (NFHS) 4 data arranged in order of birth, women who are out of school have the largest proportion of births. The bill also mentions compulsory population control subjects in all secondary schools. Set up obstetric clinics in all primary health care centres, distribute contraceptives, such as pills and condoms, and disseminate information about family planning methods by local well-being staff.

²¹ Constitution of India, 1950, art. 21A

²² *Tamil Nadu and Ors v K Shyam Sunder and Ors* (2011) Civil Appeal Nos. 6015-6027/2011

- A healthy mind comes from a healthy body. Excessive population growth has caused problems such as overcrowding in cities and environmental changes, leading to the emergence of many infectious diseases. Overcrowding has exacerbated the government's failure to expand healthcare. This problem can be solved by raising the public's awareness of family planning and overcrowding, adopting birth control policies and regulations, and ensuring the popularization of birth control tools. There will be more affordability and fairer distribution. The population reduction will improve access to resources for relatively more people in the state, thereby building a happy and healthy society.
- The smaller the population, the less pollution, and the cleaner the environment, because the right to a healthy environment is included in Article 21 of the Constitution as a basic right. Obligations, because Article 51A(g)²³ stipulates the country's main obligation to protect and improve the environment. Developing countries are most vulnerable to the environmental impact of overpopulation because they are interconnected. As the population grows, resources including plants and animals are depleted due to consumption, leading to increased exposure to air pollution, disease, and access to clean water.

THE ALTERNATIVES

With the exception of China, population policies have not played an important role in population control, even in Indian states. Even in China, not all scientists agree that this is the norm for the population. The only child who caused a decline in infertility. A study by White, Wang, and Yong (2015) links the decline in China's fertility rate with the rapid economic development in the 1990s, rather than with the population policies imposed on the people. Another study by Junsen Jang (2017) shows that although population policies may be a factor, other factors have played an important role in the decline in the birth rate. Indian states such as Kerala and Tamil Nadu are able to reduce the birth rate by investing in health and education, while countries with fewer resources than India such as Sri Lanka

²³ Constitution of India, 1950, art. 51(A)g

(increasing the minimum age for marriage), Bangladesh, and Indonesia (investing heavily to ensure affordability Affordable) birth control) can reduce fertility without resorting to coercion. India can do the same, but it needs the willpower of politicians.

We need honest measures, including promoting women's access to higher education. Sociologists say that education is a magic wand with multiple benefits. Women with higher education tend to marry late, which reduces their age at childbirth after marriage, thereby reducing their fertility. In addition, highly educated women have a better understanding of the methods and benefits of family planning, thereby increasing the distance between the two children and reducing the number of pregnancies. The second way is to weaken the patriarchal structure of society. In India, ordinary women cannot decide how many children they have. Your relatives have an important say in this regard. Education will empower women and help them liberate themselves. The third way is to provide birth control for married couples, so a lot of investment is required in this area, so a variety of birth control options must be provided for couples to choose according to their needs. Needs and convenience. If these steps are taken, India will not need a mandatory population policy (two-child rule).

The opposition responded to the population control bill

The warfare party of Uttar Pradesh brought up a few significant issues. The Samajwadi Party (SP) called this a populace limitation strategy that zeroed in on the impending government decisions and, as political researchers, called it election propaganda. Representative Salman Khurshid expressed that lawmakers should report the reach over their youngsters. Unintentionally, realities alongside the Uttar Pradesh house web website shows such a huge amount between the UP Parliament along 304 seats oversea in regards to the 403 seats, extra than half with respect to MLAs have more prominent than two kids. More than mostly about BJP MLAs hold 3 and additional youngsters. In Mayawati, a senior delegate of the Bahujan Samaj Party (BSP), discussed to that sum Adityanath's choice used to be motivated exclusively via decisions. In her view, as soon to be specific the routine is set up, such a need to initiate incongruity with spread records to individuals of terms on populace the executives.

RESPONSIBILITIES OF THE GOVERNMENT

- It is the obligation of the public authority to introduce an obligation subject relating to population control in all optional schools.
- Establish obstetric clinics in all primary health care institutions.
- Encourage and promote the use of contraceptives Pills, condoms, etc. by health centres and NGOs
- It is the obligation of the public authority to guarantee that prophylactics are available at sensible rates to all sub-wellbeing focuses in the states.
- Spread mindfulness about family arranging strategy through local area health labourer like helper, nurse or certify social wellbeing activists.
- Guarantee compulsory enlistment of pregnancy, deliveries, birth, and passing across State
- Distribution of iron and vitamin capsules and tablets to pregnant women
- Customary immunization protects kinds from different health hazards.
- Efforts to promote men's Communication with women and male participation in family planning
- Organize large-scale information and educational activities to raise public awareness of the benefits of small families and healthy distance
- The parishes of village schools encourage and promote the spread of the benefits of family norms, The value of girls, and efforts to promote gender equality in all walks of life
- The state will obligatory protection to cover instances of disappointment with tubectomy or vasectomy.

CONCLUSION

We need to consider the examples of China and Japan. These countries allow us to experience the side effects of population control policies. China introduced a children's policy in 1979 to control the exponential growth of the number of children. Today, about 42 years later, China is facing the side effects of its policies. In 2015, China ended its one-child policy by itself. In 1971, China's population of about 65 years old accounted for about 3.8% of the total population. In 2020, the population over 65 will increase to 12%. The massive increase in the elderly

population has led to a massive loss of labour in the country. In addition, this policy has led to a huge change in the country's gender balance. In fact, it can be said that China passed the Population Control Law, which had to be abolished 36 years later. In Japan, the growth of the elderly population is also a problem. In 2010, the proportion of the population over 65 years old was 22.5%, and in 2019 it rose to 28%. Such a large increase in the elderly population has brought many complications. These two countries should be considered when understanding population control laws. The population law proposed by the National Law Commission of Uttar Pradesh must have received widespread support from all walks of life. This is largely because the state's ruling party has a good opinion of one group in society and opposes another group. In addition, in view of the upcoming elections in the state, the move by the Uttar Pradesh government is seen as a strategy to win votes. Without succumbing to these theories, we need to understand that government policies are actually working. National policymaking is important, but political parties come and go, and laws still exist.