

# Is it the Right Time to have a Population Control Law in India?

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## Introduction:-

The rising population of India is one of the major problems of the country. The present population of India consists of over 1.32 billion people. The big population of India undoubtedly provides large work-force resources which, if properly utilized, can highly advance the economic prosperity of the country. However, a large number of people are poor and illiterate. Their basic needs are not being met. Under the existing condition of our economy, it cannot be said that the vast masses of people growing out of proportion to our resources are really an asset to the country. We have to give more attention to the growth of population and its relation to the problem of unemployment and capital formation in the country. <sup>1</sup>

### a) Meaning of population:-

The meaning of the term population the total of individuals occupying an area or making up a whole. The Latin word *populus*, meaning “people,” gives us the root **popul**. Words from the Latin *populus* have something to do with people. A **population** is the group of people living in a particular place. Anything **popularis** common among or enjoyed by many people. A place that is **populous** has many people living in it.<sup>2</sup>

### b) World Population Day:-

World population day is an international level awareness campaign being celebrated all over the world to call people on stage to know the reason of this exploding population year by year

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<sup>1</sup>By Gyan, For more details Essay on population growth: Its effects and solution (Jul. 14, 2018, 10:04) <https://www.importantindia.com/21975/essay-on-population-growth-its-effects-and-solution/>

<sup>2</sup> Merriam Webster, Meaning of population (Jul. 14, 2018, 10:15) <https://www.merriam-webster.com/dictionary/population>

as well as solve the big mistake of whole human fraternity. This great awareness event is to bring a population revolution globally as well as breaking sleep of all the deeply slept people to pay their full attention and help in combating this population issue.

**c) History of World Population Day:-**

World Population Day is a great event being celebrated all through the world annually on 11<sup>th</sup> of July. It is celebrated to increase the awareness of the people towards the worldwide population issues. It was first started in the year 1989 by the Governing Council of the United Nations Development Programme (UNDP). It was exalted by the interest of the public when the global population became near about five billion at 11<sup>th</sup> of July in the year 1987.

The following message “Universal Access to Reproductive Health Services” was distributed worldwide by the theme of 2012<sup>th</sup> World Population Day celebration when the worldwide population was approximately 7,025,071,966. The big step was taken by the authority for more small and healthy society as well as sustainable future of the people. A crucial investment is made to fulfill the reproductive health care demands and supply. The step was taken for increasing the reproductive health as well as reducing the social poverty by reducing the population.

It was the huge challenge for the development when the population on the earth has reached to around 7 billion in the year 2011. According to the decisions of the Governing Council of the United Nations Development Programme in the year 1989, it was recommended that 11<sup>th</sup> of July every year should be noticed by the community globally and celebrated as the World Population Day in order to raise the awareness among common public and find out the real solutions to combat with the population issues. It was started to focus the required attention of people towards the importance of population issues.<sup>3</sup>

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<sup>3</sup> Population Day, India Celebrating ( Jul. 14, 2018, 11:00) <http://www.indiacelebrating.com/events/world-population-day/>

## 1. Definition Of Population:-

a) “, All the people who live in a particular area, city or country., The total number of people who live there one third of world’s population consumes two third of worlds resources”<sup>4</sup>

b) “, The city’s population cannot be determined, like any other fact, by evidence. The word as generally used has reference to an official census.

The word “population” shall be taken to mean that as shown by the last preceding state or national census, unless otherwise specifically provided.

Under the definition as amended by Act 12 of 1985. Population means the population as ascertained in the 1971 census until the relevant figures for the first census taken after the year 2000 have been published.<sup>5</sup>

c) “, The term ‘population’, means the population of the municipal borough as ascertained at the preceding census.<sup>6</sup>

## 2. Can Law play an important role in controlling it? :-

With a current population of 1.21 billion, India is set to become the world’s most populous country by 2030, and there are no other countries likely to ever rival this status. Since 1931, India has nearly quadrupled in size from 279 million people to well over a billion and currently represents 15% of the world’s population, although it has only 2.4% of the world’s land area (Haub, Sharma). Since its’ independence from the British in August of 1947, India has been increasing its power and influence in a global scale, and is now one of the fastest growing economies in the world. However, India’s population boom is credited with holding back India’s economic prowess as poverty and crime continue to effect its’ 1.2 billion people.

Unlike communist China’s stringent one child only policy, India’s federal republic-style government has turned towards less harsh methods of controlling the surging number of births. India, in fact, was the first country to have a population policy, which was introduced

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<sup>4</sup> Oxford Advance Learner’s Dictionary, 980 (6<sup>th</sup> ed.)

<sup>5</sup> P RAMANATHA AYER, The Law Lexicon, 1478 (2<sup>nd</sup> ed.)

<sup>6</sup>2 K J Ayer , Judicial Dictionary, 1322 (16<sup>th</sup> ed.)

in 1952, and is now known as the 'First Five Year Plan'. This plan was introduced as a response to decreasing mortality rates subsequent population boom. The 1950's method was known as the 'clinical approach'. Family planning clinics were built in hopes that people would utilize them, however this plan failed as parents had no incentives to attend these clinics. Failed policies continued to plague India. By the 1960's, the Indian government knew that it had to adapt its programs and initiated its' third Five Year Plan focusing on extending the current policies and setting target goals (Vasudev).

In the 1970's, a more focused effort was being directed by the government to decrease population growth. The Medical Termination of Pregnancy Act of 1971 allowed for abortions performed by a medical practitioner within the first three months of pregnancy, except in the states of Jammu and Kashmir, which are majority Muslim. Abortions could be performed after twelve weeks if the pregnancy threatened the life of the mother or the child could potentially be born with handicaps. Rape, incest, or an unwanted pregnancy all qualify as threatening the welfare of the mother under this law (Government of India). By 1976, Dr. Karan Singh helped introduce a minimum age for marriage, and encouraged education of women and research on contraception and reproductive biology.

Underdeveloped and rural areas tend to have higher fertility rates than their developed counterparts. With roughly  $\frac{3}{4}$  of its population residing in rural areas, India's fertility rates continue to be high in many states (Davis, Blake). Sterilization is often a method turned to by women, and occasionally even men (though this is much less likely due to the view that being unable to produce male children discredits one's masculinity). Sterilization can be dangerous and women are sometimes not fully informed of the health risks associated with this procedure, including its irreversible effects. Under Dr. Karan Singh, the first monetary incentives were introduced for undergoing vasectomy and tubectomy (Vasudev).

The Human Rights Watch cites sterilization as a major health concern for women in India. Female health workers and childhood nutrition workers, called *anganwadi* workers, were historically given financial incentives by the Indian government to meet yearly sterilization quotas. Due to controversy, in 1996 India announced that it would take a "target-free" approach to family planning, and while it has acted on this promise, state and local officials continue to set sterilization targets. Health care workers who do not meet these quotas risk losing their jobs. These targets lead to workers misinforming women about the health impacts

of the decision to sterilize. Recent programs have made an attempt to shift focus from numbers to quality and availability of care (Human Rights Watch).

From 1990 to 2000, India attempted to introduce target-free approaches, and move from broad, national plans to more localized area plans. An emphasis was also placed on collecting detailed data throughout the country. The National Commission on Population put forth a plan in 2000 called the National Population Plan in order to address issues such as contraception, health care infrastructure, and reproductive health care. The long term objective of this commission is to have an economically sustainable population by 2045 (National Population Policy).

The future of India's population control policies is uncertain as the growing population limits access to resources such as clean water and food. In July of 2012, the Indian government announced that it would increase its promotion and availability of contraception for birth spacing. The current national policy encompasses information learned over the past 50 years about incentives to keep family size low. Human rights and equal treatment under the law are being emphasized more so than ever, making family planning participatory. The plan also focuses on reducing HIV/AIDS, a rampant problem in India, which is second only to South Africa in percentage of citizens afflicted with the disease. While India struggles with pioneering population policy, the overall population growth rate has decreased, indicating that India's plans are seeing some success (Vasudev).<sup>7</sup>

On the other hand in one of the newspapers raised a question i.e. Does India need a population control law? Experts say no

India's population growth rate has declined in the last three decades, says demographer S Irudaya Rajan from Centre for Development Studies<sup>8</sup>

According to a report in the *Times of India* (6 May 2010) the government of India will not introduce legislation to reduce population growth. Said Union health minister Ghulam Nabi Azad, "We are not in favour of controlling population growth through any kind of legislation,

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<sup>7</sup> Meredith McBride, Population control by law in India, (Jul. 15, 2018,09:45)

<https://humanrightsinasia.wordpress.com/2012/07/31/history-of-population-control-in-india/>

<sup>8</sup> Hindustan Times, need of population control in India, (Jul. 15, 2018, 10:00)

<https://www.hindustantimes.com/mumbai-news/does-india-need-a-population-control-law-experts-say-no/story-o1AqTgGmDTzMZMfCR8rPJP.html>

but by way of generating awareness and persuading people to have a small family size for betterment of the health of the mother and child.”<sup>9</sup>—

### 3. Consequences of increasing population:-

Overpopulation is, indeed, a serious socio-economic problem of India. This problem has adversely affected the progress of the economy and the standard of living of people. The problem is an urgent one and needs immediate solution. The problem of overpopulation is to be tackled immediately. There is an absolute need to contain the rapid growth of population. If this growth is not checked it is going to affect adversely the various aspects of our economy. It brings down per capita income and national income as well which may bring down standard of living of people. It becomes difficult to face the challenge of poverty, unemployment and underemployment. Basic needs of the people cannot be met with, political unrest and immorality cannot be efficiently dealt with.

Overpopulation is related to the size of the population and utilization of the countries resources. The problem should be tackled from both the sides. Firstly, production should be increased to meet the needs of the people. Secondly, size of the population should be controlled and reduced.

If the size of population of the country reaches the optimum level, it will not pose any problem. If the growth exceeds the reasonable limits, problems will crop up and that has happened in India. It means population in excess of demand or need proves to be a great liability to the society. The unprecedented growth of population in India during recent years, has brought about a series of serious consequences. Some of the main effects of population may be described here.

- i. **Population and Poverty:** Poverty and population very often go hand in hand. In fact poverty is both the cause and the effect of rapid growth of population. The mass poverty of our country is due to rapid growth of population. It is estimated that about 35% of the people of India still live below the poverty line. They are ill fed, ill clothed and ill housed. Thus, mass poverty is due to rapid growth of population.
- ii. **Unemployment and Under Employment:** Not only new born individuals are to be fed and sheltered but they are also to be provided with jobs. New jobs are to be

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<sup>9</sup> IHEU, India rules out to control population growth, (Jul. 15, 2018, 10:30) <https://iheu.org/india-rules-out-law-control-population-growth/>

created for new hands. It is not a easy job to create jobs. There is already unemployment coupled with under employment. Every year more than 5million people who attain the working age join the group of job seekers. Job opportunities that are created during the course of the Five Year Plans are not enough to meet the demand. For instance, the number of unemployed increased from 12 million at the end of the Third Plan to 16 millions at the end of the Fourth Plan, and to 21 millions at the end of the Fifth Plan. The percentage of the people who did not get employed as per 1991 census was 42.3%. In June 1999, the number of persons unemployed was 40.6 millions. In short, there is large scale unemployment and underemployment.

- iii. **Low Per Capita Income:** During the past 50 years of planning, the national income of the country has increased by about 3.6% per annum. But the per capita income has increased only by 1.5% per annum. This low per capita income of the people in India is attributed to the rapid growth of population.
- iv. **Shortage of Food:** The rapidly growing population in India has led to the problem of shortage of food supply. In spite of the fact that more than two third of its population engaged in agriculture, people do not get even minimum necessary amount of food. Even though we have attained self-sufficiency in food production, due to improper distribution, all the people do not get sufficient food to sustain their health. As a result one out of every four is suffering from malnutrition and two out of every four get only half of the daily required quantum of energizing food.
- v. **Increased Burden of Social Overheads:** Where there is a rapid growth of population in the country, the government is required to provide the minimum facilities for the people for their comfortable living. Hence it has to increase educational, housing, sanitation, public health, medical, transportation, communication and other facilities. This will increase the cost of the social overheads. Government finds it difficult to find sufficient funds to meet these “unproductive expenses.”
- vi. **Population and Labour efficiency:** Since an increase in population reduces per capita income, the standard of living of the people deteriorates. This affects very badly the health and efficiency of the workers. The physical and the mental efficiency of the workers naturally comes down. Labour inefficiency reduces productivity and the nation at large loses very heavily.
- vii. **Population and Standard of Living:** The standard of living denotes the way in which people live. It reflects the quantity and the quality of the consumption of the

people. Due to the rapid growth of population standard of living of the people has been adversely affected.

- viii. Population and Pressure on Land:** Overpopulation inevitably leads to heavy pressure on land. Since land is limited and fixed in supply, an increase in population can only bring more pressure on it. Hence the new born people will have to share the land with the existing people.<sup>10</sup>

**4. Various Bills introduced in Lok Sabha to control population:-**

**a) THE POPULATION CONTROL BILL, 2016:** - Rapid increase in population is creating pressure on available natural resources in the country. The resources are shrinking day by day due to consumption by increasing population. Our welfare schemes are not giving desired results as these schemes are meant for limited population. Unless we make a definite law to check population explosion, the welfare schemes will not yield desired results. It is very hard to replenish natural resources. Every citizen has a responsibility to use our natural resources in a sustainable manner and the increasing population is creating an extra burden on existing resources. Therefore, it is necessary to enact a law to put a check on increasing population at the earliest. In view of consistent threat to natural resources it is necessary to take immediate steps to check growing population in the country in order to achieve sustainable development. The Bill seeks to provide for making it compulsory for every citizen not to procreate more than two living children after one year from coming into force of this Act. It also provides that if any person contravenes the provisions of this Act, he shall not be entitled to avail any benefit under any ongoing welfare scheme of the Government. Hence this Bill.<sup>11</sup>

**b) The Population Control Bill, 2015:-** The population control bill, 2015 introduced to provide for promotion of family planning measures by the Central and the State Governments for population stabilization in the country through various incentives and disincentives so as to ensure that the population is commensurate with its social, economic and other developments and with the

<sup>10</sup> C.N. SHANKAR RAO, Sociology 574-575 (Revised ed.)

<sup>11</sup> PRAHLAD SINGH PATEL, The population control bill, 2016 (Jul. 15, 2018, 12:30) <http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/27LS.pdf>



ecological balance and bridge the gap between the haves and have nots and for achieving quality of life and for matters connected therewith and incidental thereto.<sup>12</sup>

**c) The Population Control Bill, 2005:-** This Bill intends to provide for population control through promotion of voluntary sterilization among eligible couples having two living children and measures for promoting two child norms and for matters connected therewith. Rapid increase in the population has given rise to many socio-economic problems like poverty, food, housing shortage, unemployment, environmental degradation, etc. We are the second most populous country after China. If the present trend continues, it will not be possible for us to tackle the socio-economic problems which would be beyond control due to population explosion. It is, therefore, imperative that certain effective steps should be taken to check the increasing growth of our population. Since our resources are limited, proper upbringing of children is possible only if the size of the family is limited. Despite existence of various birth control measures and various family planning programmes, the problem of over population still remains. The Bill, therefore, seeks to promote voluntary sterilization among the eligible couples having two children and also provides for certain measures like providing free education and employment to one child for promoting small family norms in the future generation.<sup>13</sup>

**d) The Population Control Bill, 2000:-** The National Population Policy (NPP) 2000 provides a policy framework of achieving goals and prioritizing strategies during the next decade to meet the reproductive and child health needs of the people of India along with the target to achieve the net replacement levels (Total Fertility Rate). It aims at stable population by 2045.

**The following national socio-demographic goals were formulated to be achieved by 2010:**

1. To address the unmet needs for basic reproduction (contraception), child health services, supplies and infrastructure (health personnel).

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<sup>12</sup> RAJESH RANJAN, The population bill, 2015 (Jul. 15, 2018, 01:00)  
<http://164.100.24.219/BillsTexts/LSBillTexts/AsIntroduced/1489LS.pdf>

<sup>13</sup> Population control bill, 2005 (Jul. 16, 2018, 10:00)  
[http://164.100.24.219/BillsTexts/RSBillTexts/AsIntroduced/XIV\\_2005.pdf](http://164.100.24.219/BillsTexts/RSBillTexts/AsIntroduced/XIV_2005.pdf)

2. To make school education up to age 14 free and compulsory and reduce dropouts at primary and secondary school levels to below 20 per cent for both boys and girls.
3. To reduce infant mortality rate to below 30 per 1,000 live births.
4. To reduce maternal mortality rate to below 100 per 100,000 live births.
5. To achieve universal immunization of children against all vaccine preventable diseases.
6. To promote delayed marriages for girls, not earlier than age 18 and preferably after 20 years of age.
7. To achieve universal access to information/counseling, and services for fertility regulation and contraception with a wide basket of choices.
8. To achieve 80 per cent institutional deliveries and 100 per cent deliveries by trained persons.
9. To achieve 100 per cent registration of births, deaths, marriages and pregnancies.
10. To prevent and control communicable diseases, especially AIDS and sexually transmitted infections (STIs).
11. To promote vigorously the small family norm.
12. To integrate Indian Systems of Medicine (ISM) in the provision of reproductive and child health services, and in reaching out to households.

It is to be noted that like China, a coerced population control policy of one child only has not been accepted in India. It has been kept totally voluntary. For achieving the goals of family welfare programme, accredited social health activists have been appointed.

The policy document hoped that if NPP 2000 was fully implemented, India's population in 2010 would be 1,107 million. In other words, the absolute population would be lower by over 55 million if TFR is brought down to replacement level by 2010.

The document stated a special strategic theme for underserved population—slum population, tribal communities, displaced migrant population and adolescents. Not only this, NPP 2000

had identified a separate strategic theme for the aged persons for their health care and support.

Ironically enough, the family planning (new welfare) programme failed to deliver desired results at least till recently. Much of the failure, as is generally suggested, can be attributed to a deep-rooted attitude of preference for a male child and also ignorance of the rural masses about the birth control techniques. Despite all efforts, there is little evidence of our capacity to arrest population explosion. An estimate suggests that about 8,000 persons are added to it every day.

According to the Human Development Report (2011), India ranks a low 134 position among 187 countries in terms of HDI. The HDI ranking is a combined measure of long and healthy life (expectation of life), education and standard of living.<sup>14</sup>

**5. Personal views on above introduced bills:** - India is the second most populous country after China with highest birth rate in the World. China's annual rate of population growth has been 0.6 per cent., against India's 1.4 per cent. Our population is around 1.3 billion, and is increasing every moment. Around 2030, India will become the most populous country on the earth with a population of 1.6 billion by 2050. Our global land area is 2.4 per cent., but we have more than sixteen per cent of the global population making it the most densely populated nation of the world. This scenario is compelling as half the population lives in slums and under squalid conditions. This has caused overcrowding due to which law and order situation also is deteriorating. Unemployment is rising rapidly causing frustration amongst the unemployed, particularly the youth who are being lured by anti-national and anti-social elements. There is unparallel transformation of human values, social institutions and economic structures. Agriculture land holdings are becoming smaller and smaller and uneconomical and farmers are committing suicides due to this fact. The housing needs are far beyond the available finances and the shortage is appalling. Educational facilities are becoming hopelessly poor. Overcrowding is also causing environmental degradation. Jungles are vanishing for fuel, construction, furniture and for funeral purposes which has resulted water shortage and less rain and increased carbon dioxide in the environment resulting in harmful diseases. The healthcare

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<sup>14</sup> PUJA MONDAL, The population control bill, 2000 (Jul. 16, 2018, 11:15)

<http://www.yourarticlelibrary.com/law/highlights-on-national-population-policy-2000-india/31384>

facilities are far from satisfactory and if, the population is not stabilised, we can hardly expect to achieve quality life and the situation will become from bad to worse. It is, therefore, imperative that effective steps must be taken to check the increasing population. A clear message must go across the nations that since our resources are limited; we have to opt for smaller families. It is very unfortunate that despite availability of various birth control measures and several Family Planning Programmes, the population continues to rise menacingly. These Bill's are a step towards population stabilization in the country.

#### **6. Should India adopt two child policy:-**

India was one of the first countries to introduce a population control plan way back in 1952, but despite several family planning initiatives, incentives and schemes, population has now grown close to 1.3 billion. By 2028, India is expected to overtake China to become the most populous country in the world. That's a serious concern for a country that's trying hard to improve the quality of life of its people.

#### **Family Planning and India's two-child policy**

It is impressive that the government just after independence was apprised of the fact that the country needed to control population growth and set up the Family Planning Association of India in 1949. The government initially focused on birth control but soon expanded its purview to include women and children's welfare, health and nutrition.

The two-child policy was adopted and people were encouraged through various government benefits and incentives to restrict the family size to four, including two children. However, success achieved during different periods since early 50s has been widely debated, with most experts holding the opinion that family planning measures as planned by the government failed to check the growth in population.

During Emergency from 1975 to 77, the ruling Congress party came under heavy criticism for its high-handed and often coercive methods of family planning and birth control measure that were forcefully enforced. The people reacted by voting the Congress party out in 1977.

Various governments since then have tried to incentivize and educate people on the need and benefits of family planning but continued with promoting its two-child policy.

### **Has the two-child policy worked?**

If one were to compare growth rates between 1991-2001 and 2001-2011, the rate of population growth in percentage terms actually declined from 21.5% seen during the 90s to 17.7% seen during 2001-11. Today, India has the largest pool of young population in the world and this is an asset for the nation if harnessed productively.

So broadly, the two-child policy seems to be working in India's favour but is it enough, given the fact that economic development and agricultural growth has not grown proportionately to sustain this substantial increase in population?

Moreover, two-child policy has had varied responses from different sections of people. In urban areas, there has been greater acceptance of the two-child policy whereas in rural areas, it has not been widely practiced.

The reason for this is mostly economic but also due to the fact that infant mortality is higher amongst the poorer sections that reside mostly in rural areas. Amongst the economically weaker sections, more children mean additional hands to support the parents in the fields or at home. Whereas, in urban areas, lack of space and high cost of living is forcing people to restrict the family size to four.

Among tribal communities that largely live off the land, basic subsistence is not impacted with additional children and therefore, government-driven family planning is not really welcomed or adopted among these communities. It is common to see most families in tribal communities bearing more than two children even today.

### **India's two-child policy versus China's one-child policy**

Both countries have been facing the challenge of a rapidly growing population but have taken different approaches to tackle the problem.

Communist China under the leadership of Chairman Mao Zedong believed that people were an asset in nation building and encouraged the population to have more babies. As a result, from the time of communist takeover in 1949, China's population grew rapidly, outpacing India's. It was only in 1978 that China officially began to recognize the perils of uncontrolled birth and soon introduced the one-child policy.

This was a mandate that covered around 53% of the population but excluded some minority groups. There was strong resentment against the government interfering in people's personal life and choices but they had no option but to comply. The fall out was that additional children had to be given away and raised by other family members or childless couples thus causing unforeseen social problems.

The long-term effect of one-child policy has resulted in China having one of the largest aging populations in the world today and has also resulted in a huge demographic imbalance. The male-female ratio has widened with males finding it increasingly difficult to find a suitable female partner.

India, on the other hand, had adopted policies that were more voluntary and largely encouraged through self-imposed birth control measures, which was supported by cash and other incentives. Barring a brief period during emergency, India's family planning policies have not generated too much of public resentment.

The long-term impact can be seen in the fact that the rate of growth is slowing down and India today has one of the largest pools of young population, which will be able to accelerate India's development, going forward.

### **Should India continue with its two-child policy?**

It seems so in the absence of better alternatives. The success of family planning depends largely on people realizing the futility of having more children rather than the government telling them what is right for them.

The right to reproduce is and must remain a personal choice but the prerogative and responsibility to educate and build awareness of birth control and family planning must continue to lie with the government and related stakeholders like NGOs etc.

Political interference in this sensitive space needs to be discouraged. Recent statements like the one from BJP leader Giriraj Singh saying that all communities must be mandated to have only two children and the same was needed to protect Hindu girls from the Muslim community. Statements such as these only act to polarize communities and discourage the two-child policy from being voluntarily adopted.

The need for a small family as an efficient and positively contributing unit must be taught right from school along with the consequences of unbridled population growth. The world over, education and awareness right from school onwards has had more positive impact than any other coercive measures on part of governments.

India must therefore continue to include all sections of societies, in both urban and rural areas, and ensure that education and awareness programmes are well publicized, funded and incentivized to restrict the family unit to four.

Hopefully, in coming years, India will be able to restrict the population growth and optimize its resources for the benefit of its people. The two-child policy will help us achieve that at some point.

## **7. Suggestion to control population:-**

Population of India is quite large and rapidly increasing. One percent growth rate means an addition of 1 crore people every year but actually speaking 2 crore persons are being added every year. So effective population control measures is the need of the hour. We know that birth rate is mainly responsible for rapid population growth. Hence measures which can reduce the birth rate should be adopted. These measures can be classified into 3 heads.

### **A. Social Measure:**

Population explosion is a social problem and it is deeply rooted in the society. So efforts must be done to remove the social evils in the country.

i. **Minimum age of Marriage:**

As fertility depends on the age of marriage. So the minimum age of marriage should be raised. In India minimum age for marriage is 21 years for men and 18 years for women has been fixed by law. This law should be firmly implemented and people should also be made aware of this through publicity.

ii. **Raising the Status of Women:**

There is still discrimination to the women. They are confined to four walls of house. They are still confined to rearing and bearing of children. So women should be given opportunities to develop socially and economically. Free education should be given to them.

iii. **Spread of Education:-**

The spread of education changes the outlook of people. The educated men prefer to delay marriage and adopt small family norms. Educated women are health conscious and avoid frequent pregnancies and thus help in lowering birth rate.

iv. **Adoption:**

Some parents do not have any child, despite costly medical treatment. It is advisable that they should adopt orphan children. It will be beneficial to orphan children and children couples.

v. **Change in Social Outlook:**

Social outlook of the people should undergo a change. Marriage should no longer be considered a social binding. Issueless women should not be looked down upon.

vi. **Social Security:**

More and more people should be covered under-social security schemes. So that they do not depend upon others in the event of old age, sickness, unemployment etc. with these facilities they will have no desire for more children.

**B. Economic Measures:**

**The following are the economic measures:**

i. **More employment opportunities:**

The first and foremost measure is to raise, the employment avenues in rural as well as urban areas. Generally in rural areas there is disguised unemployment. So efforts should be made to



migrate unemployed persons from rural side to urban side. This step can check the population growth.

**ii. Development of Agriculture and Industry:**

If agriculture and industry are properly developed, large number of people will get employment. When their income is increased they would improve their standard of living and adopt small family norms.

**iii. Standard of Living:**

Improved standard of living acts as a deterrent to large family norm. In order to maintain their higher standard of living people prefer to have a small family. According to A.K. Das Gupta those who earn less than Rs. 100 per month have on the average a reproduction rate of 3.4 children and those who earn more than Rs. 300 per month have a reproduction rate of 2.8 children.

**iv. Urbanization:**

It is on record that people in urban areas have low birth rate than those living in rural areas. Urbanization should therefore be encouraged.

**C. Other Measures:**

**The following are the other measures:**

**i. Late Marriage:**

As far as possible, marriage should be solemnized at the age of 30 years. This will reduce the period of reproduction among the females bringing down the birth rate. The govt. has fixed the minimum marriage age at 21 yrs. for males and 18 yrs. for females.

**ii. Self Control:**

According to some experts, self control is one of the powerful methods to control the population. It is an ideal and healthy approach and people should be provided to follow. It helps in reducing birth rate.

**iii. Family Planning:**

This method implies family by choice and not by chance. By applying preventive measures, people can regulate birth rate. This method is being used extensively; success of this method

depends on the availability of cheap contraceptive devices for birth control. According to Chander Shekher, “Hurry for the first child, Delay the second child and avoid the third.”

**iv. Recreational Facilities:**

Birth rate will likely to fall if there are different recreational facilities like cinema; theatre, sports and dance etc. are available to the people.

**v. Publicity:**

The communication media like T.V., radio and newspaper are the good means to propagate the benefits of the planned family to the uneducated and illiterate persons especially in the rural and backward areas of country.

**vi. Incentives:**

The govt. can give various types of incentives to the people to adopt birth control measures. Monetary incentives and other facilities like leave and promotion can be extended to the working class which adopts small family norms.

**vii. Employment to Woman:**

Another method to check the population is to provide employment to women. Women should be given incentive to give services in different fields. Women are taking active part in competitive examinations. As a result their number in teaching, medical and banking etc. is increasing rapidly. In brief by taking, all there measures we can control the growth of population.<sup>15</sup>

**8. Case Laws/ Courts opinion:-**

**Taking steps to address population explosion: Government to High Court,** The Centre today told the Delhi High Court that it was taking necessary steps to address the issue of population explosion in the country.

The submission by the central government was made before a bench of Chief Justice G Rohini and Justice Sangita Dhingra Sehgal which was hearing a PIL seeking implementation

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<sup>15</sup> POOJA MEHTA, suggestions to control over population (Jul. 16, 2018, 11:20)  
<http://www.economicdiscussion.net/essays/measures-to-control-population-of-india/2249>

of population control methods across the country. In view of the government's submission, the court directed the Ministry of Health and Family Welfare to consider the suggestions given by the petitioner, a lawyer, in his representation of June 20, 2016, and to take a decision.

The bench said any decision taken has to be communicated to the petitioner, Ashwini Upadhyay, who was given the liberty to approach the court if he was aggrieved by the outcome.

With these directions, the court disposed of the PIL.

In his plea, Upadhyay had sought implementation of the National Population Policy-2000 and the recommendation of the National Commission to Review the Working of the Constitution (NCRWC) to add a provision in the Constitution for control of the country's population. The petition had sought a direction to the Centre to "frame a comprehensive, effective and uniform Population Control Policy".

Upadhyay had also sought a direction to the Centre to declare the first Sunday of every month as 'Health Day' and to provide necessary vaccines, contraceptive pills etc. free of cost to economically weaker sections and below poverty line families.

He had claimed that if current trends of population growth continue, then India stands to overtake China in 2045 to become the most populous country in the world.

"The problem of population explosion is a national and global issue for which priority in policy-oriented legislation, wherever needed, is necessary. Legislative measures to check the menace of growing population is valid," his petition said.<sup>16</sup>

**Three Petitions filed by the Lawyers in Supreme Court to help formulate stronger population Control laws in India:-** Three separate petitions have been filed by Advocates

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<sup>16</sup> THE ECONOMICS TIMES, Cases against over population (Jul. 17, 2018, 12:30)  
<https://economictimes.indiatimes.com/news/politics-and-nation/taking-steps-to-address-population-explosion-government-to-high-court/articleshow/53450647.cms>

Anuj Saxena, Prathvi Raj Chauhan and Priya Sharma, in the Supreme Court seeking a direction to the Centre “*to formulate, enact and implement a strong Population Control Law, in view of the exorbitant rise in population in the Nation, which is indeed instrumental in catena of social, economical, professional and demographical Problems in the Nation.*”

Aggrieved by the unprecedented and lethal population explosion in the country and its detrimental effects on the Right to Life, the PIL contends that the extreme population explosion is driving the youth towards ubiquitous unemployment and if this situation persists, then it could lead to a ‘civil war situation’.

The petitioner has specifically stated that a developing country like India, where the resources and employment opportunities are limited, the rapid increase in population during the post-independent has negatively affected its economy. They have further submitted that growth of population may prove to be a boon only for the developed countries in the West or in countries like Japan which are rich enough to employ all their people according to their abilities for the ‘rapid growth of industries and national wealth’.

The petitioner referred the judgment in *Javed & Ors vs State Of Haryana & Ors* on 30 July, 2003 wherein the three Judges Bench, Supreme Court had Categorically Upheld the Stringent Provisions Pertaining to Population Control as intravires of the Constitution, Salutary and in Public interest.

The Petitioners have cited several causes for the increase in population, including; accelerating birthrate, increased immigration and having less space than required. The petitioners have also mentioned the effects of population explosion in India which includes- Over-population, unemployment, poverty, illiteracy, poor health, pollution and global warming.

The petitioner have thus sought to ensure strict population control measures by adopting a two-child policy and reward or punish those who adhere or fail to follow it. The PILs are likely to come up for hearing next week.<sup>17</sup>

## 9. Conclusion:-

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<sup>17</sup> NAAZISH FATIMA, Courts opinion against increase in population(Jul. 17, 2018, 1:00)  
<https://theindianjurist.com/2018/02/19/three-petitions-filed-lawyers-supreme-court-help-formulate-stronger-population-control-laws-india/>

In conclusion overpopulation can lead to problems in the form of depleting natural resources, environmental pollution and degradation, and loss of habitat. Therefore, urgent steps need to be taken to manage human population growth to a level that can be managed well. The theories founded by Reverend Malthus can be still followed because the natural resources available now may not be sufficient in the future if we do not control human population growth.