

Draft Uttar Pradesh Population Control, Stabilization and Welfare Bill 2021

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The Uttar Pradesh Law Commission released the draft of the Uttar Pradesh Population (Control, Stabilisation and Welfare) Bill, 2021, days before the state's chief minister unveiled a new population policy. The overall objective of the proposed law is the welfare of the people of the state by promoting the two-child norm. There are certain benefits promised to public servants with only two children and then there are more that are promised for those who have adopted the one-child norm.

In news: Why UP's proposed population control bill is bad as policy and politics

Placing it in syllabus: Governance

Dimensions

- Provisions of the Bill
- Importance of the Bill
- Criticisms
- Suggestions

Content:

Provisions of the Bill:

- The Uttar Pradesh government announced a new population bill known as the Uttar Pradesh Population (Control, Stabilization, and Welfare) Bill, 2021 on World Population Day.
- The population bill is divided into six basic chapters

(Preliminary, Of Incentives and Disincentives, Of General Exceptions, State Population Fund, Duties of Government and Miscellaneous)

- The Bill comprises incentives for those who limit their families to two children or less and disincentives for those who defy the two-children norm laid out in the bill.

Key Provisions:

Section 4 (Incentives to Public servants):

This section is applicable to the public servants employed under the State Government, who by **undergoing voluntary sterilization operation** upon either the male or the female adheres to the **two-child norm**.

The incentives that can be availed by such public servants are:

- two additional increments during the entire service;
- subsidy towards purchase of plot or house site or built house from Housing Board or Development Authority, as may be prescribed;
- soft loan for construction or purchasing a house on nominal rates of interest, as may be prescribed;
- rebate on charges for utilities such as water, electricity, water, house tax, as may be prescribed;
- Maternity or as the case may be, paternity leave of 12 months, with full salary and allowances;
- three per cent increase in the employer's contribution Fund under national pension scheme;
- free health care facility and insurance coverage to spouse; and such other benefits and incentives, as may be prescribed.

Section 5(Additional incentives to Public servants):

public servants employed under the State Government, who have

only one child and undergo voluntary sterilization operation upon either the male or the female can avail **additional benefits** as follows:

- two additional increments during the entire services
- free health care facility and insurance coverage to the single child till he attain the age of twenty years;
- preference to single child in admission in all education institutions, including but not limited to Indian Institute of Management, All India Institute of Medical Science etc.;
- free education upto graduation level;
- scholarship for higher studies in case of a girl child;
- preference to a single child in government jobs; and such other benefits and incentives, as may be prescribed.

Section 6(Extension of incentive to general public):

This section is divided into two clauses. The first clause deals with individuals adhering to two child norm, while the second clause deals with individuals having only one child.

The first clause is applicable to individuals who are not public servants and who by undergoing voluntary sterilization operation upon either the male or the female adheres to the two-child norm.

The incentives that can be availed by such individuals are:

- soft loan for construction or purchasing a house on nominal rates of interest, as may be prescribed;
- rebate on charges for utilities such as water, electricity, water, house tax, as may be prescribed;
- Maternity or as the case may be, paternity leave of 12 months, with full salary and allowances; such other benefits and incentives, as may be prescribed.

Individuals who are not public servants and who have **only one child and undergo voluntary sterilization** operation can avail additional benefits such as:

- free health care facility and insurance coverage to the single child till he attain the age of twenty years;
- preference to single child in admission in all education institutions, including but not limited to Indian Institute of Management, All India Institute of Medical Science etc.;
- free education up-to graduation level;
- scholarship for higher studies in case of a girl child;
- preference to single child in government jobs;

Section 8 – 12 the disincentives:

These sections detail the disincentives that shall be borne by people who after the commencement of this Act, procreate more than two children in contravention to the two-child norm laid down in this bill.

The disincentives laid down are:

- Shall be **ineligible to the incentives** provided under Section 4 to Section 7 of the population bill.
- Shall be **debarred from the benefits of the Government sponsored welfare schemes.**
- There shall be a **limit of Ration card units upto four.**
- Shall be **barred from contesting election to Local Bodies.**
- Shall be **barred from applying to government jobs.**
- Shall be **barred from getting promotion in government service.**
- Shall **not be eligible to receive any kind of subsidy** that is provided by the government.

Importance of the Bill:

- The bill aims at curbing the population menace in the

state. Uttar Pradesh, with a population of around 220 million, is India's most populous state.

- The overall objective of the proposed law is the welfare of the people of the state by promoting the two-child norm.
- It focuses on increasing access to contraceptive measures as stated under the Family Planning Programme.
- The bill also aims at providing a safe system for abortion and reduce the maternal and newborns mortality rate.

Criticisms:

Some of the important criticisms of the bill are:

Anti-Deocratic and Anti-Poor:

- The approach is **anti-poor, as they tend to have more children** than middle-class people.
- Further, it is an anti-democratic practice that **impairs a citizen's right to choice and his/her sexual and reproductive rights.**

Ignores Socio-economic Realities:

- People have more children if there is a high prevalence of socio-economic issues such as infant and child mortality.
- For instance, the National Family Health Survey-4 (2015-16) reveals that women who have little access to health and education and those caught in a cycle of poverty, produce more and more children

No proof of Population Explosion at current levels:

- India's **Total Fertility Rate (TFR)** is about to reach the **net replacement rate, or NRR**, of about 2.1-2.2.
- So, India is not being threatened by a "population explosion".

- The **National Family Health Survey (NFHS)** and Census data show that in most states, and many urban areas, the TFR has already reached replacement levels (2.1).

Challenge of Skewed Sex Ratio:

- If the first two children are girls, one of them faces a risk to life immediately after birth, as their parents have a preference for male offspring.
- This will increase even more female infanticide in India.
- According to the 2011 census, the UP had 908 females per 1,000 males, compared to the national average of 940 females per 1,000 males. The two-child policy is bound to increase this imbalance.

Retroactive Nature of Solution:

- Population control measures address yesterday's problem.
- The population control measures might end up creating difficulties for tomorrow.
- Attempts to address the population issue through exclusionary policies will not improve the quality of life in states. So, this creates problems in the future.

Against National Human Rights Commission order:

- The incentives/disincentives approach has been denounced in the past by the NHRC after such measures were introduced by several States in the 1990s and 2000s. i.e., Haryana, undivided Andhra Pradesh, Madhya Pradesh, Rajasthan, Chhattisgarh, and Odisha.

Suggestions:

Focus on strengthening medical infrastructure and on socio-economic issues:

- The success of India's southern states in containing population growth indicates that economic growth, as

well as attention to education, health, and empowerment of women, work far better to disincentivize larger families than punitive measures.

Adopting Women-Centric Approach:

- Population stabilisation is not only about controlling population growth, but also entails gender parity.
- So, states need to incentivize later marriages and childbirth, promoting women's labor force participation, etc.

View Population as a Resource rather than Burden:

- Instead of population control policies at the state level, India needs a universal policy to utilize population in a better way.
- As the **Economic Survey, 2018-19**, points out that India is set to witness a sharp slowdown in population growth in the next two decades.

Mould your thought: Critically evaluate the provisions of the draft Uttar Pradesh Population (Control, Stabilization, and Welfare) Bill, 2021.

Approach to the answer:

- Introduction
- Mention the key summary of provisions in the bill
- Discuss the Importance of such a bill
- Mention the criticisms of the bill
- Suggest measures to improve the situation
- Conclusion