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A PERCEPTION ON POPULATION¹

Excessive (population growth) may reduce output per worker, repress levels of living for the masses and engender strife.

- Confucius, philosopher (551-479BC)

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ABSTRACT:

Being born is not something to be weighed in any respect and certainly should not be a topic to be debated. Life is certain and death is the absolute truth, every human goes through the moment of saying hello to this world and bid farewell from the chaos. As the civilization of mankind survived the amphitheater of wars and revolutions confined in the realm of time and space, it still suffers from the consequences of that experience. Unemployment, poverty, illiteracy famine, drought, death and disorders are the realities which humans face as it breathes in the dawn of the twenty-first century. Unfortunately, we overshadow the greatest pinnacle of those realities – our own population. We are growing in this world in an incredibly unprecedented growth, our numbers race with the speed of light. The speed has to slow if we do not want to leave our home, the earth unless the house itself tears apart. Every individual needs to follow a to-do and not-to-do list if a happy generation is our only aspiration. In the near future, the question of deciding between survival and existence will be weighed in the scales of time and circumstances. Overpopulation could be the saddest reality of humanity because we do not want to spend our lives in the hope of the deaths of those who could have been us – eat and breathe. Small steps to put a cap in our size by anthropologists, ecologists, policy-makers, philanthropic institutions and the like might be trapped in the sounds of silence and therefore, this essay is an attempt to see through the prism of self for a perception on population.

INTRODUCTION:

Seconds, minutes, hours, days, weeks, months, years, decades, centuries and millenniums we have lived and we continue to live. We are called humans and we are described by many terms – man, woman, *Homo sapiens* and rational animal. We are the only living creature bestowed with the gift of reason. Through our reasoning, we run our errands and architect our future. We take in and we give, we deliver and we fade, we live and we die – we have a name and we are called the human population.

In a natural sense, procreation is the *magnum opus* of every living creature. The ability of human anatomy to reproduce its very form, again and again, is amazing. We may have never thought that our own exaggerating existence shall be brought to alter and called for the question. In the era of science and technology, the human resources have come in abundance which is making difficult for our planet to sustain. This essay indulges in a profound quest to call for a stringent policy on population control – a policy which will pave the way for a planned family and a prosperous nation.

MEANING:

The population is a general term to denote the size of people living in a particular time at a particular place and is denoted in terms of numbers and figures. It is studied in the tables of many factors, the most fundamental being birth, date, standard of living and means of survival to meet our ends. Population projects an estimate of what could future possibly look like demographically, and seeds the embryo of its step-brother – overpopulation. The surplus of people in excess beyond the grasp of natural resources to sustain them is what is called overpopulation.

“Our numbers expand, but Earth’s natural systems do not.” – Lester R.

Brown, environmentalist (born 1934)

WORLD POPULATION DAY:

World Population Day is celebrated across the world every year on the 11th of July. It is an international level awareness campaign which seeks to address one of the most unfortunate issues of mankind – the impact of overpopulation on the world and environment. This event

signifies a global population revolution by creating urgency and quintessential need to check on the increasing rate of population growth which never ceases to slow.

On this day, issues – major and minor, related to population crisis are discussed and debated all over the world. Causes, effects and solutions to tackle the menace of the impending population are put forward through suggestions, recommendations, projects and initiatives at national as well as international level. The central idea of marking the World Population Day as a celebration is to make every human responsible and work for solutions to combat population explosion.

OBJECTIVES OF CELEBRATING THE WORLD POPULATION DAY:

- 1) As a celebration, it is aimed at empowering youth from across the gender spectrum and engaging them in humanitarian activities.
- 2) Providing knowledge about sexuality and reasonable measures to avoid unwanted pregnancies also referred to as the unmet need in the field of population studies.
- 3) Recognizing the importance of delayed marriages as a tool to lessen the number of childbearing years.
- 4) Making people aware of discarding the social taboos and gender stereotypes.
- 5) Educating the people about infections from Sexually Transmitted Diseases (STDs) and other pregnancy-related conditions to prevent the danger of early childbirth.
- 6) Bringing access to education for all sections of society with emphasis on reproductive hygiene and family planning.
- 7) Providing easy access to reproductive health services and institutionalizing maternity and infant-care welfare centres at local and community level.
- 8) Call for some effective rules and policies in matters of public health, sanitation, education, poverty and family planning.

The **Tehran Conference** was the first international conference which highlighted family planning as a globally affirmed human right and stated, “Parents have a basic human right to determine freely and responsibly the number and the spacing of children.”² To commemorate

² Proclamation of Tehran, Final Act of the International conference on Human Rights, Teheran, pt. No. 16 Apr to May 13,1968, U.N. Doc. A/CONF.32/41 at 3.

its 50th anniversary the United Nations Population Fund set the theme of World Population Day for the year 2018 in the context of family planning – **Family Panning is a Human Right**; which was envisaged in the United Nations International Conference on Human Rights in Tehran on 13th May 1968.

HISTORY OF WORLD POPULATION DAY:

In the wake of the 20th century, human resources had reached milestones. For the first time in 1804 global population was estimated to have reached one billion. One hundred and twenty-three years later we had reached the second billion, followed by thirty-three years later to cross the third billion in 1960. Between 1960 and 1974, fourteen years, our numbers reached four billion, then in 1987, five billion, the end of the century, in 1999 we found ourselves in the counting of six billion. Seven billion is still uncertain to have reached in October 2011 or March 2012. We are projected to surpass the eighth billion by 2024-2030.³ Our speed has been so fast in all those years which have made the stakes of our overpopulation high.

Inspired by the public interest in Five Billion Day on July 17th, the day we crossed the five billion mark, the Governing Council of the United Nations Development Programme in its Thirty-Sixth Session set the foundation for the World Population Day in 1989 by making a recommendation, "...that, in order to focus attention on the urgency and importance of population issues in the context of overall development plans and programmes and the need to find solutions for these issues, 11 July should be observed by the international community as World Population Day."⁴

The General Assembly of the United Nations on its Forty-fifth Session in 1990 supported this resolution made by the Governing Council and another important recommendation was made by the Assembly in this regard "...that the Fund continue to focus attention on the importance of population issues in the context of overall development plans...to undertake

³ *World Population Milestones*, Wikipedia (Jun. 20, 2018, 9:25 PM), https://en.wikipedia.org/wiki/World_population_milestones.

⁴ Report on the Organizational Meeting For 1989, The Special Session and the Thirty-sixth Session, Governing Council of the United Nations Development Programme, 89/46 United Nations Population Fund, pt. No. 16, Supplement No. 13, E/1989/32.

activities aimed at building better awareness of population issues, including their relation to environment and development issues and World Population Day.”⁵

Thus, came into existence the World Population Day which is observed on 11th July, year after year since 1989.

DEFINITION OF POPULATION:

In ecology, population means all of the individuals of the same species within an ecological community and deals with how these populations interact with the environment, including their survival mode, interbreeding, habitat and other gifts of nature. In biology, the population is defined as the number of organisms of the same species that inhabit a particular geographical area at the same time, and have the capability of interbreeding. In statistics and other areas of applied mathematics, populations refer to a discrete group of people, animal or things that can be identified by at least one common characteristic for the purpose of data collection and analysis.

To understand the concept of the population it is imperative to go beyond the definition of population. In a nutshell, the theory is a hypothesis which gives us the notion of a particular concept and below is the nature and theories of the population:

THEORIES OF POPULATION:

a) MALTHUSIAN THEORY OF POPULATION

An English cleric and scholar, Thomas Robert Malthus developed a theory of population in his 1798 Book, *An Essay on the Principle of Population*. According to the Malthusian theory, the food production of a nation is inversely proportional to the original per capita production level. When the food production of a nation is in abundance, it improves the wellbeing of the populace. However, the improvement is short-lived because the surplus food level of a nation tends to increase the growth rate of the population. This theory gives us a pessimistic approach to understanding the dynamics of population and was largely inspired by the socio-economic trends prevalent after the Great Wars.

⁵Resolutions and Decisions adopted by the General Assembly during its Forty-fifth Session, Vol. I, Sept 18 to Dec 21, 1990, 45/216 Population and Development, pt. 13, p 153 Supplement No. 49 A (A/45/49).

The basic postulates of this theory are as under:

- Man cannot exist without food.
- The interdependence of the passion between sexes is natural and inevitable and it will remain constant throughout.
- The law of diminishing return has an inverse impact on agriculture.

MALTHUS BASED HIS THEORY ON TWO DOCTRINES:

POPULATION: The sex instinct is natural in human beings to increase manifold. Population increases in a geometrical progression and when unchecked, it could double itself in every twenty-five years. For instance, if we start from 1, in the next twenty-five years it would be 4, then again after twenty-five years, 8, and so on.

FOOD SUPPLY: Since the law of diminishing returns operates in agriculture the food supply increases in a slow arithmetic progression. Thus taking the same time frame of twenty-five years, starting from 1, the food supply would be 2, then after twenty-five years 3, again after twenty-five years 4 and so on.

Comparatively, the population grows at a faster rate while the food supply suffers at a slower pace.

CRITICISM: The Malthusian theory is inherently manifested by several defects:

- It is based on pessimistic assumptions of a static economic law applicable at a particular period of time, that is, the law of diminishing returns.
- The assumption that humans will continue to reproduce as they did several hundred years ago is devoid of logic.
- Further, the mathematical calculation of food supply in contrast to the population growth has not been proved empirically.

b) THE OPTIMUM THEORY OF POPULATION:

This theory is based on the interdependence between population and resources. Edwin Cannan, a British economist and historian of economic thought propounded the theory of Optimum Population in his Book, *Wealth*, which was published in the year 1924. This notion of the population is central to the idea of economics and populace.

Optimum Population may be understood as a population which accommodates an adequate workforce and leaves a small room to prevent unemployment. The basic postulates of this theory are as under:

- Natural resources are an inherent subject of a nation and they vary with time.
- Techniques of production, the stock of capital, habits and tastes of people, working hours of labour and modes of business organizations remain constant, they do not change.
- As a result, the ratio of the working population to the total population remains constant even though there is an increase in the growth of the population.

As understood by Cannan, when the increase in population is followed by the increase in per capita income, it can afford to increase its population till it reaches the optimum level. On the other hand, if the increase in population is characterized by a diminution in per capita income, the country becomes overpopulated and needs to shrink until it settles at the optimum level.

CRITICISMS: No theory is a perfect solution to any problem, thus the deformities of the theory of Optimum Population are as under:

- The concept of optimum level in the optimum theory of population is vague as there is no evidence to support the concept of optimum population level in any nation.
- Secondly, the optimum population level cannot be calculated with accuracy in precision at any given period of time due to the very fact that change is the law of nature.
- The per capita income is not a constant factor to rely on because it is a subject of variation in different sectors and enterprises.

c) THE DEMOGRAPHIC TRANSITION THEORY:

Proposed by the American demographer in 1929, the Demographic Transition Theory is the most recent theory of population credited to Warren Thomson. The central idea of this theory is the transition of our population from high birth and death rates to low birth and death rates as the nation progresses in economy and development from the pre-industrialized economic system to an industrialized economic system. According to Thomson, the low birth and death rates in industrialized nations are due to the fact that they have made the demographic transition. While developing countries are in the process of transition the birth and death rates are relatively higher. Under-developed economies in different parts of the world are the progeny of this theory because they are yet to make a start in this transition.

The basic postulated of this theory:

- 1) Culture plays a significant role to adjust our life patterns which is because every culture offers varying fertility patterns.
- 2) Economic development is the nature of economic society.
- 3) When the society makes the transition from a rural-agrarian illiterate economy to a dominantly urban industrialized literate and sophisticated society the fertility and mortality rates show a decline.
- 4) The decline in mortality is followed by the decline in fertility.
- 5) The fertility eventually matches mortality by declining.
- 6) In this process, the socio-economic transformation of a society goes hand in hand with the demographic transition.

The transition of the demography is structured in four stages:

STAGE 1: The pre-transition period had a nature of high birth rates and high fluctuating death rates.

STAGE 2: The initial transition shows a steady fall in the death rate. The birth rates are still high for which the population expands rapidly.

STAGE 3: The later transition period conversely shows a decline in the birth rate due to which the rate of population growth decelerates.

STAGE 4: The post-transition period brings a society with low birth and death rates. The issue of population crisis becomes hardly a matter of concern for the societies in this stage.

CRITICISM:

The application of the Demographic Transition Theory is limited due to the following rebuttals:

- 1) This theory fails to describe and acknowledge the abrupt causes of the demographic change in a society.
- 2) This theory is not the perfect hypothesis for the study of population pattern because it is not uniform and is not the truth of every economy which has made the transition.
- 3) The most important force of demographic transition – the fertility is not given a theoretical explanation in this theory.
- 4) Some scholars argue that the theory of demographic transition is not even a theory, but a broad generalization because it fails to extract the fundamental and inherent processes from a phenomenon and identify paramount requisite variables.

Explanations to understand the dimensions of the population had not been fully able to establish the deep root of the population crisis. However, they have given a framework to conceptualize the comprehension of our own population.

CONSEQUENCES OF INCREASING POPULATION:

Our population is not a boon, but a bane to the planet Earth. The effects of overpopulation are reflected in the following aspects:

1. **DECADENCE OF ENVIRONMENT:** The excessive use of coal, oil, fossil fuels and natural minerals has brought in some catastrophic damage to the environment. As the industrial revolution peaks at its prime and the number of vehicles become innumerable, the carbon emission has hindered the natural ecosystem to an ineffable extent including the depletion of ozone layer, global warming, unstable climatic conditions and melting of polar ice caps to name a few.

2. **EXHAUSTION OF NATURAL RESOURCES:** Earth is a dear home to mankind and it is the only known shelter that has carried the human weight since antiquity. Unfortunate as it sounds, the natural resources of our planet is limited. The ever-expanding population of the past few centuries have deteriorated the environment by cutting down forests, depriving birds and animals of their natural habitat, intensive farming practices, turning fresh-water lakes into sewage and another host of ecological problems.
3. **OVERPOPULATION IN ECONOMICS:** Poverty, starvation, famine, unemployment, low standard of living, low gross domestic per capita and the high cost of living are the negative economic barriers of an overwhelming population.
4. **HEALTH AND MALIGNANT DISEASES:** Population profusion also deforms the physical conditions and health of the people. Densely populated areas are more vulnerable to malignant and chronic diseases which are often viral. People living in slums are prone to suffer from diseases such as malnutrition, malaria and typhoid due to their unhygienic second-nature.
5. **OVERPOPULATION AND CHAOS:** Apart from the aforementioned consequences, excess population creates panic and leads to chaos and violence. Such chaos and turmoil manifest in the form of war over natural resources, increased crime rate, disobedience of law and order and peril civil and criminal consequences.

“When it comes to tackling climate change and extreme weather, we ignore population at our peril.” – Emma Woods, Royal Society, Head of Policy, Wellbeing

CAN LAW PLAY AN IMPORTANT ROLE IN CONTROLLING POPULATION?

In common parlance, the law is understood as a set of rules and regulations which are to be obeyed by the citizens of the country. It defines the pattern of a civil society by approving the

enactments of rules made by the legislature. Law indoctrinates human behaviour and therefore has the potential to influence change in a society. Law is given acceptance because it is concerned with the welfare, progress and common good of the citizens. The law covers various predicaments of humanity and therefore it has to be sanctioned and legislated to meet the prevalent exigency. Whether law can play a role in controlling population is a profound inquest because, for a law to be effective, it has to be executed, implemented and exercised without any compromise. Legislative enactments pertaining to population have found a place in the judicial library of India but it is hard to comment on its prominence.

“If the government knew how I should like to see it check – not multiply – the population.” – Ralph Waldo Emerson, writer (1803-1882)

The population is a multi-dimensional issue and it would be unjust to confine it in the tables of numbers and statistics alone. Law can play the protagonist part in controlling the population if population control laws are introduced in matters of public health and sanitation, family planning, food and nutrition, migration, marriage, fertility, maternity benefits, infant-care and education. The influence of law on administrative and regulatory pyramid could broaden the attitude of people. In this context the words of Robert H. Edward is worth a mention: “As negotiators, as those who could help articulate policy and as designers of the instrument of policy, the lawyers should not be forgotten. Population policy would normally involve a complex balancing of interests and opinions rather than the simple drafting of legal statutes, contraception, abortion, the age of marriage, etc. Lawyers usually needed to take into consideration a jungle of existing conflicting laws which bore directly on matters of population policy; the regulation of the manufacture and importation of drugs, restrictive laws on what doctors and paramedical staff can and cannot do, conflict of law between received and post-colonial enacted law.”⁶ The pursuit to halt the rapid growth of population, by means of law is considered if it is construed as a device, not a tool.

COURT’S OPINION/CASE LAW:

Where the measures taken by the legislators to halt the increase in our population failed to provide control, individuals are drawn to this problem and are working to seek an order in the

⁶ USHA TANDON, Population Law: An Instrument for Population Statbilisation, p 16 (2003).

growth of our population by filing petitions in the Apex Court and calling for action to be taken by the judiciary in this regard. Recently, Ashwini Kumar Upadhyay, a leader of Delhi BJP filed a petition which sought a direction to the Centre to take appropriate steps to make two-child norm mandatory criteria for contesting parliamentary, state and local body elections.⁷

In the past, the population problem was addressed by the Supreme Court in the case of *Javed vs. State of Haryana* where Hon'ble Chief Justice R. C. Lahoti stated:

“Every successive five-year plan has given prominence to a population policy. In the first draft of the First Five Year Plan (1951-1956) the Planning Commission recognized that [a] population policy was essential to planning and that family planning was a step forward for improvement in health, particularly that of mothers and children. The Second Five Year Plan (1956-61) emphasized the method of sterilization. A Central Family Planning Board was also constituted in 1956 for the purpose. The Fourth Five Year Plan (1969-74) placed the family planning programme, ‘as one amongst the items of the highest national priority.’ The Seventh Five Year Plan (1985-86 to 1990-91) had underlined ‘the importance of population control for the success of the planned programme...’ But, despite all such exhortations, ‘the fact remains that the rate of population growth has not moved one bit from the level of 33 per thousand reached in 1979. And in many cases, even the reduced targets set since then have not been realized’.”⁸

Chief Justice R. C. Lahoti further highlighted, in this case, the fundamental duty enshrined in our Constitution in this regard by stating;

“None of these lofty ideals can be achieved without controlling the population inasmuch as our materialistic resources are limited and claimants are many. The concept of sustainable development which emerges as a fundamental duty from several clauses of Article 51-A too dictates the expansion of population is kept within reasonable bounds.”⁹

⁷ *Fresh Plea on Supreme Court on Population control*, Times of India (Feb. 21, 2018, 10:33 PM), <https://timesofindia.indiatimes.com/india/fresh-plea-in-sc-on-population-control/articleshow/63018969.cms>.

⁸ *Javed v. State of Haryana*, (2003 (8) S.S.C. Page 369) (India).

⁹ *Ibid.*

The two-child norm policy was debated across the country when it was first introduced. A case was brought before the Supreme Court for its justification where the Court observed;

“In the first place, the provision preventing third pregnancy with two existing children would be in the larger interest of the health of the air hostess concerned as also for the good upbringing of the children. Secondly...when the entire world is faced with the problem of population explosion it will not only be desirable but absolutely essential for every country to see that the family planning programme is not only whipped up but maintained at sufficient levels so as to meet the danger of overpopulation which, if not controlled, may lead to serious social and economic problems throughout the world.”¹⁰

The approach has been made to the judiciary for its opinion in matters pertaining to the population by individuals and non-governmental organizations. Several other petitions were also brought before the apex court by advocates and litigators, Anuj Saxena, Prathvi Raj Chauhan and Priya Sharma which highlighted the statistics of our population. Another petition filed by an activist Anupam Bajpai in this regard outlined the degradation of our natural resources caused by the mounting burden of the population.¹¹ It is expected the Court will perform its duty in the most judicial way.

VARIOUS BILLS INTRODUCED IN THE LOK SABHA TO CONTROL POPULATION:

With respect to the legislation and policies to combat population profusion in India, various Bills have been introduced in the Lok Sabha, the lower House of the Parliament. The first National Population Policy of 1976 raised the marriage age to 18 years for girls and 21 for boys, in addition, it also emphasized special attention to research in the field of reproductive biology and contraception. In the Sixth Five Year Plan, the National Health Policy was introduced in 1983. The aim of this policy was to secure small family norms through voluntary efforts and moving towards the goal of population stabilization.

“For us to plan properly, we must manage our population...”- Goodluck

Jonathan, President of Nigeria 2010-2015 (born 1957)

¹⁰ Air India vs Nergesh Meerza, S.C.C. Page 374, Para 101 (India).

¹¹ *Supra* note 6.

Summaries of some of the other prominent drafts are discussed under the following heads:

THE POPULATION CONTROL AND FAMILY WELFARE BILL, 1999¹²

OBJECTIVE: To provide for measures for population control through compulsory sterilization of certain persons and providing incentives/disincentives for adopting small family norm.

SALIENT FEATURES:

- 1) The Act provided for the establishment of ‘Small Family-cum-Child Welfare Centre’ for every five thousand of the population in rural areas and for every twenty-five thousands of population in urban areas. The Centre shall promote adequate measures for preventive methods of birth control and supply of medicines free of cost. It shall also provide complete medical care at no cost to every child up to the age of five years.
- 2) The Act set a time gap of not less than six years between the births of two children for every married couple.
- 3) The major feature of this Act was the emphasis on compulsory sterilization which the husband or the wife had to undergo after procreating two or more children within one year from the commencement of the Act. Failing to undergo sterilization, shall attract imprisonment for six months. Husband above the age of sixty years and wife above the age of forty years are exempted from this rule. If an unmarried woman becomes a mother, the Act calls for immediate steps to be taken to determine the paternity of the child through various modes of investigation including Deoxyribonucleic Acid Test.
- 4) The age for marriage as laid down by the Act is twenty-five years in case of male and twenty-one years in case of a female.
- 5) Another salient feature was the compulsory introduction of ‘Population Control and Family Welfare’ as a subject at the secondary level in all educational institutions. It shall be incorporated in the part of the curriculum from class nine onwards.
- 6) An interesting feature of this Act is the incentive scheme offered to those male or female who choose to remain unmarried and give the same in writing to that effect. Incentives

¹² The Population Control and Family Welfare Bill 1999, Bill No. 131 of 1999.

pertaining to education, health, housing, financial security, transport and other means of sustenance are the perks of staying unmarried under this Act.

- 7) Couples having one child and undergo sterilization voluntarily shall be offered the following facilities and benefits:
- Allotment of a housing accommodation under various Governments housing schemes allowing at least 20% rebate on usual cost, backed by discounted loan facilities.
 - Concessional travelling facilities within the country.
 - Medical facilities for the child and his parents.
 - In the event of death or disablement of the child, a monthly pension of Rupees two thousand and five hundred per couple at the attainment of sixty years of age with no source of income to secure a reasonable standard of living.
- 8) Union or State Government employees have to give an undertaking that they shall not procreate more than two children. Failing to comply with this rule, attracts a disciplinary action.
- 9) Disincentives: Person violating the time gap of procreation under the Act or procreating a third child in addition to the living two, shall be:
- Subjected to stoppage of annual increments for a period of three years and be debarred from promotion during this period in case the person is serving in connection with the affairs of Union or public undertaking;
 - In case the person is working in a private organization, his employer is empowered to deduct 15% of his wages and deposit the amount so deducted in Government Treasury every month for a period of three years.
 - Where such person is engaged in agriculture or is self-employed he shall be fined Rupees fifty thousand recoverable over a period of three years.
- 10) National Population Control and Family Welfare Fund is to be constituted by the Central Government. The fund shall be utilized in :
- Giving national population control awards to States or Union Territories which record the lowest population growth rate during a year.
 - Recognizing the efforts of individuals and organizations which contribute substantially to creating awareness to the need for adoption of small family norms by giving National Population Control Certificate.

POPULATION CONTROL BILL, 2000¹³

OBJECTIVE: To provide for population control measures and for promoting small family norm and for matters connected therewith:

In the light of this essay, it is important to note that this Bill was applied for a leave for a grant in the Lok Sabha debates by Shri Y.S.Vivekananda Reddy on 20th of April 2000 and was so granted. However the status of the Bill is pending in the Lok Sabha and is unlikely to be in force since fresh Bills in the same regard had been introduced in the Lower House in the subsequent years. The Draft may have embodied some effective notions to check the population steep of the country but devoid of operation, the salient features of the Bill will be impracticable.

POPULATION CONTROL BILL, 2005:¹⁴

OBJECTIVE: To provide for population control through the promotion of voluntary sterilization among eligible couples having two living children and measures for promoting two child norms and for matters connected therewith.

SALIENT FEATURES:

- Section 4 of the Act entitles the couples having one child to avail the benefits enshrined thereunder, these are;
 - Free education including higher education to such child;
 - Suitable employment for such child after he completes his education;
 - Such other benefits as may be prescribed.
- Union or State Government employees have to give an undertaking that they shall not procreate more than two children. Failing to comply with this rule, attracts a disciplinary action.

¹³ The Population Control Bill 2000, Bill No. 36 of 2000.

¹⁴ The Two Child Norm Bill, 2005, Bill No. XIV of 2005.

- The Act provides for a simple imprisonment for not less than five years with fine which may extend up to twenty thousand rupees for those violating Section 5 of the Act which states that a family shall consist of husband, wife and two children.

POPULATION CONTROL BILL, 2015¹⁵

OBJECTIVE: to control the growth of population in the country and for matters connected therewith and incidental thereto.

SALIENT FEATURES:

- 1) The Central Government shall constitute the National Population Control Board consisting of Chairperson, Secretaries of the Union Ministries, Chief Secretaries of the State Governments, Director of the National Institute of Health and Family Welfare, one representative each from the Medical Council of India and Family Planning Association of India and two members from non-Governmental Organizations working in the field of population control.
- 2) The Board shall perform functions such as :
 - Formulating and implementing the two-child norm policy.
 - Recommending the Central Government incentives to be given to those following the two child norm policy.
 - Organizing family planning workshop and launch family planning clinics.
 - Suggesting measures to reduce rate mortality and morbidity.
 - The undertaking, promoting and publishing studies and investigation on Indian population in all its aspects.
- 3) The Population Control Fund shall be constituted by the Central Government to carry out the purpose of the Act. Contributions and Grants from the Central Government and donations from sources within and outside India shall be credited to this Fund. However, only 15% of the Fund of the Board shall account for meeting the expenditure of the Board.

¹⁵ Population Control Bill 2015, Bill No. 337 of 2015.

- 4) The Board shall prepare an annual report every year to be laid before each House of the Parliament. Such report shall outline the activities of the Board, plans and policies formulated and measures taken to curb population control.

POPULATION CONTROL BILL, 2016¹⁶

OBJECTIVE: To provide for population control and for matters connected therewith.

SALIENT FEATURES:

- 1) A person is prohibited from procreating more than two living children under this Act.
- 2) A Board shall be constituted at the district level to be known as the District Board consisting of Chief Medical Officer of the District, District Collector, one representative of Panchayat and one representative of Municipal Council.
- 3) An application is to be made to the Board by the person intending to procreate more than two living children due to any medical reasons. The Board shall, on examination of the reasons given by the applicant may either grant necessary permission or reject the application after giving an opportunity of being heard.
- 4) The Union or State Government shall initiate measures to encourage, promote and motivate married couple to opt for small family norms.
- 5) A person who contravenes the rules enshrined under this Act is deprived of availing the benefits offered by the Government under any ongoing welfare schemes.

AUTHOR'S VIEW ON THE ABOVE BILLS:

Since the theme of this essay is perception, the author presents his take on the above Bills in a chronological order:

1. The Bill of 1999 is an ambitious document which makes compulsory sterilization a mandate. For the first time, we are made to maintain our present in our hands and they keep on saying the future is in our hands. While the Bill has some positive calling, such as investigation to give a child its father's name, introduction of a compulsory academic subject relating to population in

¹⁶ The Population Control Bill 2016, Bill No. 77 of 2016.

educational institutions and incentives to the law abiders it creates a social distinction by not incentivizing the law-violators and this distinction is not really a compromise the Indian society is ready to accept. The author contends to a scheme of developing ideas which will inherent itself in people to go for sterilization voluntarily instead of influencing the authority to force coercion.

2. The author intends to remain neutral and withdraws from commenting on the Bill of 2000 because it is not justifiable to talk about something which is out of existence.
3. The Bill of 2005 is a self-explanatory bill which seeks to promote activities to raise awareness by reforming the human conscience to accept sterilization voluntarily. The author perceives the Bill as workable because of the perks made available to a couple having one child and determined not to have another. This Bill is in sync with China's approach of 'carrot and stick' to the one-child policy.
4. The Bill of 2015 is an informatory document in the sense that it merely establishes Boards and Funds to regulate the growth of population and prescribes the roles and functions of those institutions. The author suggests that the Bill could have performed better if it could have thrown light on the means and actions along with the roles and functions to achieve the objective of the respective Bill.
5. In the Bill of 2016, people are prohibited from procreating and it also discriminates those whose hands are full. Innovation is applied by creating a Population Board at the district level which could play a vital role in the rural communities. The author opines the Bill is considerable but prohibition to procreate is a huge expectation.

SHOULD INDIA ADOPT A TWO-CHILD POLICY?

The Two-Child Norm Bill is a statutory Act enacted by the Parliament in the Fifty-sixth year of the Republic of India (2005). Influenced by China's One-Child policy, the two child bill seeks to address the increasing problem of a population crisis. As a target oriented family size control policy, this Bill encourages parents to limit their families to two children. Let us understand the salient features of this Bill, as under:

- The objective as envisaged in the Act is “to provide for population control through the promotion of voluntary sterilization among eligible couples having two living children and measures for promoting two child norms and for matters connected therewith.”
- Section 4 of the Act¹⁷ entitles the couples having one child to avail the benefits enshrined thereunder, these are;
 - Free education including higher education to such child;
 - Suitable employment for such a child after he completes his education;
 - Such other benefits as may be prescribed.
- Union or State Government employees have to give an undertaking that they shall not procreate more than two children. Failing to comply with this rule, attracts a disciplinary action.
- The Act provides for a simple imprisonment for not less than five years with fine which may extend up to twenty thousand rupees for those violating Section 5 of the Act which states that a family shall consist of husband, wife and two children.

“Everybody with a womb doesn’t have to have a child any more with vocal chords has to be an opera singer.”- Gloria Steinem, feminist journalist and activist (born 1934)

Coming to the point whether India should adopt a two-child policy, it must be noted that the Act itself underlies several pessimistic repercussions, such as,

- The Act creates disadvantages to couples with more than two children which includes disqualification from Panchayat council positions, denial of certain public services and government welfare programs including maternal and child health programs.
- The Act has been perceived as anti-democratic as it intends to discriminate against young couples who aspire to have more than two children by preventing them from doing so.
- Interference in the intimacy of couples and their reproductive rights further eliminates the Bill from mass approval and could be accounted for violating Human Rights.

¹⁷ The Two Child Norm Bill, 2005, Sec 4, Bill No. XIV of 2005.

- The negative outcome of the Act has a major effect on women and marginalized classes in the pretext of forced abortions, sex-selective abortions, desertions and disowning of the third child.
- There is no uniformity in the Act because it fails to address the question of whether twins should be considered as two individual children or a single unit which is again dependent upon the subjective interpretation by the State.

Setting aside the political, religious and cultural differences, population policies and family welfare programs have to achieve a national consensus which is a hard road for the Two-Child Norm Bill. Population control measures have to be accepted as a social and Cultural Revolution without which the policies cannot be effective. The policies designed to tackle the increasing menace of population crisis have a direct impact on the population, therefore it must be construed after due consideration of the demographic variations. In the contemporary world, population explosion has become the talk of the day and it is not through deliberations made by a group of people sitting in the Parliament that this challenge of reduction in population growth could be achieved.

India, even if it desires to adopt the two-child policy in its stringent form, will have a hard time in achieving a broad consensus due to two major reasons:

- a) Firstly, the spending on public health from the Gross Domestic Product (GDP) is meager as compared to other nations, which is just a little over 1% of the net GDP. This paucity of commitment to public health is a major obstacle to overcome.
- b) Secondly, there is no balance between population control ambitions and incentives for resources to achieve them. In a diverse nation like India, caste and class prejudice further obliterates the sacrifice of poor women's health and lives in the context of saving the nation from the hapless population crisis.

Considering the above parameters, the author agrees to be positive about the adoption of a two-child policy by our country and insists on an effective implementation of the same.

AUTHOR'S SUGGESTION TO CONTROL POPULATION:

In the recent years, the human population has experienced an unprecedented growth. While national and international organizations strive to put a cap on the exponential increase in

population, the numbers have a different story to tell. Again as many European countries have achieved low fertility rates and an almost balanced with the mortality rate, the global population still cannot be contained in a perfect equilibrium. The author puts forward the following suggestions that could cease the overwhelming increase in population:

1. Knowledge is a virtue of education. It has played a catalytically important role in shaping the dynamics of human civilization. Education can be a tool to moderate the population growth by adopting measures such as incorporating sexual education and reproductive hygiene at the appropriate level in the curriculum.
2. Making the masses aware of the excessive population through multimedia campaigns, propaganda, workshops, conferences and seminars could have a major positive impact on them. Spreading awareness at local and community levels through regional NGOs and philanthropists organizations have influenced many under-developed and developing nations.
3. Matrimony is a sacred institution in some countries while for some countries it is just a means of survival. Delaying marriage can have a positive impact in this regard and lessen the number of childbearing years.

For example, when a girl is married at twenty years of age, she will procreate and have a child ready to get married in the next twenty years. Again when this child attains the age of twenty she would be considered the third perfect bride in the same family. Thus, in a time-span of sixty years, three generations come into existence from the same family. Now, this is too much of a stake.

4. Many countries are resorting to anti-natal policies by attempting to limit the number of children. China and India are the glaring examples in this context. But if the legislative actions are devised to reform the parenting traditions by taking measures for effective family planning, prohibition of child marriage, the abolition of child slavery, the anti-natal policy could very well be taken out of scope.
5. Poverty is another significant factor influencing the trajectory of population explosion. It is observed that underdeveloped countries with a high rate of poverty have a high rate of population growth since families cannot make their ends meet; more children mean more hands to earn. Poverty should be eradicated at the earliest by fiscal policies, education and introduction of skill development training.
6. Ease of accessibility to contraceptives for both sexes are a pivot to the goal of achieving a stable and sustained economy. The government could introduce health

schemes and take initiatives to that effect by making it readily available in government hospitals and maternity centres at an affordable cost.

7. Gender bias laws should be repealed to empower women to make personal and professional decisions. Liberty of a woman will enable her to have a say in the frequency of deliveries. Discarding the communal orthodox sentiments such as taboo on menstrual hygiene and pathetic preference of boy over girl could call for stability in the man-woman ratio.
8. Population policies must be made to be accepted on economic, political, sociological, ecological and environmental fronts. In other words, the next population policies should focus not only on the ends but more importantly on the means to achieve those ends.
9. Large families do not bring royalties and therefore should not be encouraged. The desire to crave for another gender in addition to the already existing opposite gender should not be given a pass. Making newlywed matrimonial couples aware about the responsibility of a large family by the modes of achieving family planning – contraception, sterilization and abortion.
10. Lastly, adoption of an orphan is a humane alternative to surrogacy for parents who do not have a child or bereaved parents because instead of adding to the infinite number, why not nurture and shelter an abandoned one!

CONCLUSION:

While terms like ‘population explosion’ and ‘population bomb’ are getting prominence like never before, some conspiracy theorists reject the idea of overpopulation and perceive it as a myth by implying that the so-called population bomb will never explode. Perhaps the whole idea of the ‘carrying capacity of the earth’ is an illusion but instances like mass migration, global food crisis and global warming are certain phenomena of reality and deserve the benefit of the doubt.

Word of mouth has caused woe of losing our planet to our very hands by the excessive increase in our size, but where word of mouth is a doubt; numbers and figures do not lie. Our calculations and estimations are subject to error and maybe even wrong but are we brave enough to barter with the truth of our self-conceived prophecy. While we celebrate our

birthday by singing ‘Happy Birthday’ to ourselves, year after year, we share our born day with millions in nook and corner of this world every year. Similarly many go down six feet under the grave every day mourned by their loved ones marked by a funeral. Faith and religions say our time to walk the earth is fixed and fated by our stars while science prefers to reply our time is limited and is based on our choice and actions reflected by the theory of ‘cause and effect.’ Several laws and enactments, rules and policies have been drafted by our policymakers to overcome the problem of population in India but yet, the numbers never cease to herald. Comparing the growth of the population size between the census of last three decades – 1991-2001-2011- the population policies lack effectiveness as if suffering in the dearth of a dilemma. Approach to population policy must conform to the expectation of acceptance by the masses, without fail, and to achieve this, rejuvenating our mindset to be cautious of an alarming population is the first step. To begin with, this first step should be taken at the very first place, that is, our home by inculcating the seeds of awareness about the population in our children because when the right time comes, decided by nature, those children will bring into this world the next generation. And they say, ‘Charity begins at home,’ true they say so!

Birth and death is a way of life. Our departure from this world is fated but our creation is within the scope of our reach. We cannot ascertain our death, save giving preference to the way we want to die. However, we can certainly decide to open or not to open the doors of the world to our duplicates. Seeing a baby born, hearing its first cry and holding it for the first time is, in the words of John Keats a Thing of Joy Forever. None wants to be deprived of living this joy but we have only one home and it is our utmost responsibility to preserve our residence. It is high time for laws restricting the overhauling growth of our population are called for Performa and for a country like India; it is just about the right time!

Humanity can find peace only if it is not a citizen of anarchy which our generation might lead to if the surplus replica is not checked and regulated. Throughout the centuries we have erected a mountain of the population and on the twenty-first century, here we stand, on the edge of that mountain. It is inevitable that we shall fall from the cliff and even if we escape the fall, the mountain will still crumble. It is destined for everyone and everything to meet its end, this paper is no exception, and for now, thus concludes in the hope of a learned perception on population.