

Bill No. 137 of 2009

THE TWO CHILD NORM BILL, 2009

By

SHRIMATI SUPRIYA SULE, M.P.

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BILL

*to provide for promotion of two child norm to control population in the country
and for matters connected therewith.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Two Child Norm Act, 2009.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint and shall remain in force for a period of ten years from the date
of its commencement, but its expiry under this sub-section shall not affect—

(a) the previous operation of, or anything duly done including any incentive
given, under this Act, or

Short title,
extent,
commence-
ment, duration
and savings.

(b) any penalty or punishment incurred under this Act,

and any investigation, proceeding or remedy in respect of any offence committed under this Act before its expiry may be instituted, continued or enforced after expiry of this Act and penalty or punishment may be imposed as if the Act had not expired.

Definition.	2. In this Act, unless the context otherwise requires, "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government.	5
Central Government to encourage small family norm.	3. It shall be the duty of the Central Government to promote, encourage and motivate married couples to opt for small family norm with a view to control the rising population in the country.	
No person to have more than two living children.	4. Any person— (a) who has two or more than two living children shall not procreate any more living child after a period of one year from the commencement of this Act; and (b) who has less than two living children on the date of commencement of this Act, shall not procreate more than two living children.	10
Incentives.	5. A married couple who has only one living child, and if either of them voluntarily undergoes sterilisation, shall be given following incentives by the appropriate Government— (a) free education including higher education to such child; (b) suitable employment to such child after he completes his education; and (c) such other benefits as may be prescribed by rules made under this Act.	15
Undertaking by Government employees.	6. (1) Any person who is serving in connection with the affairs of the Union or in any undertaking or organization under the control of the Government, as the case may be, and who has only two children or who has not procreated any child or who is unmarried on the date of commencement of the Act, shall give an undertaking that he shall not procreate more than two living children. (2) Any person violating the provisions of sub-section (1) shall be subject to such disciplinary action as may be determined by the appropriate Government.	20
Act to have overriding effect.	7. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.	25
Power to make rules.	8. (1) The Central Government may, by notification in the official gazette make rules to give effect to provisions of this Act. (2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification of annulment shall be without prejudice to the validity of anything previously done under that rule.	30

STATEMENT OF OBJECTS AND REASONS

Rapid increase in population has given rise to a number of socio-economic problems like poverty, shortage of food, housing, employment opportunities and environmental degradation, etc. India is the second most populous country after China. China has been able to control the rapid growth in its population. But we have not been successful in it. Our population has crossed the figure of one hundred crore. If the present trend continues, it will not be possible for us to address our socio-economic problems which have arisen due to increase in population.

Recently, some countries have accused us of being the largest consumer of world's foodgrains and oil seeds which has resulted in worldwide shortage of these commodities and thereby giving a push to inflationary trends in the world.

It is, therefore, imperative that certain effective steps are taken to check this menace because our resources are limited. Despite the existence of various birth control measures and various family planning programmes in force for many years to motivate the people to accept these birth control methods, the problem of population explosion still remains.

The Bill, therefore, seeks to provide for two child norm in a family and promote small family norms in future generation. There is also a provision that this Act shall remain in force for a period of ten years from the date of its commencement.

Hence this Bill.

NEW DELHI;
November 12, 2009.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for certain incentives like free education, employment, etc. to the children of such couples who adopt small family norm. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred crore will be involved as a recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill.

As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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(Shrimati Supriya Sule, M.P.)