

Justice J.S. Varma
Chair, National Human Rights Commission
New Delhi

Dear Sir,

We, representatives of women's groups and health groups are deeply disturbed by several issues pertaining to population policies in our country.

Shift { In February 2000, the Government of India adopted the *National Population Policy 2000*. This policy can be described as weak on many counts: population is not integrated with health, it has population stabilization rather than the health and well being of the population as a goal and so on. ~~Yet~~ ^{One} undoubtedly positive feature of the policy is that it resolutely affirms the "commitment of the government towards voluntary and informed choice and consent of citizens while availing of reproductive health care services, and continuation of the target free approach in administering family planning services":

It is thus profoundly disturbing that several state governments have announced population policies, which, in very significant manners, violate the letter and the spirit of the National Population Policy (Annexure I provides a summary of these State Population Policies.) *Instead of preventing these distortions, there are news reports #*

You would notice that the State population policies contain a series of disincentives and incentives that are anti-women, anti-adviasis, anti-dalit and anti-poor in general. They also are profoundly violative of human and democratic rights.

1. The disincentives proposed, such as denying ration cards and education in government schools for the third child, withdrawal of a range of welfare programmes for the Scheduled Castes and Scheduled Tribes with more than two children, debarring such people from government jobs etc. are anti-poor, anti-women and profoundly violative of democratic rights. The *National Family Health Survey* for 1998-99 shows that the Total Fertility Rate (TFR) is 3.15 for S.Cs, 3.06 for S.Ts, 2.66 among O.B.Cs and 3.47 among illiterate women as a whole. It is, in contrast, 1.99 among women better off and thus educated beyond the tenth grade. Imposition of the two-child norm, and the disincentives proposed, would thus mean that significant sections among these already deprived populations would bear the brunt of the state's withdrawal of ameliorative measures, as pitifully inadequate as they are.

2. The two-child norm, if imposed, would bar large sections of dalits, adviasis and the poor in general from contesting elections in the PRIs and thus deprive them of their democratic rights. Further, in the states where they have been imposed, as in Haryana and Rajasthan, we are aware of substantial numbers of women who have been deserted, or forced to undergo sex selective abortions. In general, such a norm would provide an impetus for an increase in sex-selective abortions and female foeticide, worsening an already terrible sex ratio in the country.

3. As the NPP itself acknowledges, there is a large need for health and safe contraceptive services. To propose punitive measures in this context is clearly absurd. Reflecting deprivation, the dalits, adivasis and Other Backward Castes bear a significantly higher proportion of the mortality load in the country. The *National Family Health Survey* for 1998-99, notes that the Infant Mortality Rate among the S.C.s, S.T.s and Other Backward Castes is 83 and 84 and 76 respectively, compared to 62 for Others. Similarly the Under Five Mortality Rate is 119 among the S.C.s, 126 among the S.T.s 103 among the O.B.C.s compared to 82 among the Others. Clearly, to impose a two-child norm under such circumstances is immoral. Instead of dealing with the causes for these differentials, what the state population policies seeks do is to punish victims for their poverty and deprivation.

4. The proposals violate several fundamental rights, the Directive Principles of the Constitution of India, as well as several international Covenants that India is signatory to, including the Beijing Platform of Action and the Cairo Declaration.

We would also like to bring to your notice, a Bill that has been framed in Uttar Pradesh, the Uttar Pradesh Population Control Bill, 2002 (Annexure II). This Bill codifies all the anti-human rights features of the State Population Policy that we have referred to. This Bill is thus clearly violative of the provisions of the NPP approved by Parliament.

Para 2 # In this context also, we would like to bring to your notice that press reports (*Outlook*, 29th April 2002, *Hindustan*, 23rd April 2002) indicate that the Union cabinet is considering a "Strategy Paper" to review the national family welfare programme and policy.

We are astonished that the Union Cabinet could consider discussing this document which does not have the imprimatur of either the National Population Commission or the Ministry of Health and Family Welfare. The anonymous document thus does not carry the mandate of any statutory decision-making body.

The document itself is poorly substantiated by data, deeply contradictory and shockingly at variance with the National Population Policy 2000. Although the NPP 2000 is certainly not without problem, it is firmly committed to respect for human rights, freedom and dignity of women, values that all of us cherish. These were translated into a non-target oriented family welfare programme, which rightly abjured incentives and disincentives. The NPP, as we noted earlier, recognises that there is a large and unmet need for quality health and reproductive and child health services; it also recognises that infant mortality rates and still unconscionably high and that there is an urgent need to strengthen health services, attending particularly to the needs of the poor and the marginalised. Above all, it recognises the need for quality services which respect the dignity of people, even as it emphasises equity.

failures of the State primarily to population growth. While it recognises that there is an adverse sex ratio, it is not averse to calling for a two-family national norm when it is absolutely clear that such norms have indeed contributed to the adverse sex ratio. While it recognises that there is an unmet need for health and family welfare services, it contradictorily calls for a range of incentives and disincentives, holding up Andhra Pradesh as an example. Further, it argues, incorrectly, that China continues to have a one-child norm. In any case, comparisons between Indian and China are inapposite for a large number of reasons, including per-capita incomes, achievements in health, equity and education that India can unfortunately not boast of. Finally, the so-called strategy paper invidiously suggests that concern for rights and equity are current only in NGOs financially supported by UNFPA.

It needs to be put on record that women's groups in India had, even before the ICPD, and indeed with no links to the UNFPA, critiqued the family planning policy as it then existed. The population policy in the country, it was noted, "has been one of fertility control, pursued relentlessly, and at times coercively, bringing disrepute to the family-planning programme and compromising women's health and accelerating the declining sex ratio". It is possibly in the light of such critiques, along with the commitments made at the ICPD at Cairo, that the NPP 2000 abjures targets, incentives, disincentives and specifying a two-child norm.

That there are moves to scuttle these very positive features of the NPP is deeply worrying.

We urge you to take necessary measures to ensure that steps proposed in the so-called "Strategy Paper" that violate human rights are not now included in the population policy.

With regards,

Yours sincerely,

* Depiving children of their Rt.
* Panchayati Raj Legislator

All India Democratic Women's Association.

Centre of Social Medicine and Community Health, Jawaharlal Nehru University.

Centre of Women's Development Studies.

Delhi Science Forum

Federation O R Creches E S

Jagori

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The "Strategy Paper", on the other hand, is drafted in the a-historical and unscientific language of Malthusian scare-mongering. While it recognises that infrastructure is weak, and that the quality and coverage of health services are poor, it absurdly attributes these failures of the State primarily to population growth. While it recognises that there is an adverse sex ratio, it is not averse to calling for a two-family national norm when it is absolutely clear that such norms have indeed contributed to the adverse sex ratio. While it recognises that there is an unmet need for health and family welfare services, it contradictorily calls for a range of incentives and disincentives, holding up Andhra Pradesh as an example. Further, it argues, incorrectly, that China continues to have a one-child norm. In any case, comparisons between Indian and China are inapposite for a large number of reasons, including per-capita incomes, achievements in health, equity and education that India can unfortunately not boast of. Finally, the so-called strategy paper invidiously suggests that concern for rights and equity are current only in NGOs financially supported by UNFPA.

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Jan Swasthya Abhiyan

Joint Women's Programme

Medico Friends Circle

National Federation of Indian Women

Saheli

Sama

Young Women's Christian Association