

# UTTAR PRADESH POPULATION CONTROL BILL, 2002

## A BILL

to provide for incentives for voluntary family planning and disincentives for violation of family planning norms and for matters connected therewith or incidental thereto.

### Short Title and extent

- (1) It is act may be called Uttar Pradesh Population Control Act 2002
- (2) It extends to the whole of Uttar Pradesh.

### Family planning norm

- For the purposes of this Act, a person shall be deemed to have committed a breach of the family planning norm if he has more than two living children one of whom is born on or after the appointed date;

Provided that where a person had only one child from an earlier delivery but two or more children are born out of a single subsequent delivery after the appointed date, the children so born at the subsequent delivery shall count as only one.

*Explanation I* – It a person has committed a breach h of the family planning norm under this section, then the subsequent death of a child will not be taken into account for the purposes of this Act.

*Explanation II* – A child given in adoption to childless couple ( and not there wise) under any law for the time being in force shall for the purposes of this section be treated as child of the adoptive parents instead of its biological parent from the date of such adoption.

### Definitions

#### 3. In this Act –

- “Appointed date,” means the date following upon the expiry of one year after the commencement of this act.
- “Local authority” means –
  - a Gram Panchayat constituted under the U.P. Panchayat Raj Act, 1947.
  - a Kshetra Panchayat or Zila Panchayat constituted under the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam 1961.
  - a Municipality constituted under the U.P. Municipalities Act, 1961; or
  - a Municipal corporation constituted under the Uttar Pradesh Municipal Corporations Act, 1959;
- “public corporation” means any corporations(including a University) or any society registered under the societies registration Act, 1860, or any co-operative society registered under the Uttar Pradesh Co-opereative Societies Act, 1965 where such corporation, society or corporative society is owned or controlled by the state Government;
- “public servant” means a person holding any post or a member of a service –
  - in connection with the affairs of the state; or
  - under a public corporation or a local authority;and public service shall be construed accordingly.

- (e) "Union" means a students' union, a trade union, and includes any association of public servants.

**Disqualifications for employment under the state –**

4. No person shall be qualified for appointment to any public service, if such person has committed a breach of the family planning norm

**Promotion –**

5. No person shall be eligible for promotion to any public service for a period of five years from the date of a child being born to him in breach of the family planning norm

**Disqualification for membership and other elective offices –**

6. No person shall be qualified for being chosen as, or for being a member of any elective office under any local authority, public corporation or union, if such person has committed a breach of the family planning norm

**Disqualification for nomination –**

7. No person shall be eligible for being nominated as chairman or managing director or any other managerial post of any public corporation, if such person has committed a breach of the family planning norm.

**Denial of certain benefits to public servants –**

8. No public servant shall be entitled to any bonus, honorarium or any other such benefit as may be prescribed in this behalf if he has committed a breach of the family planning norm.

**Stoppage of annual increments –**

9. (1). Where a child is born to a public servant at any time after the appointed date, the public servant shall be bound to inform his appointing authority about such birth within a period of one month.  
(2). Failure to comply with sub-section (1) shall be treated as misconduct for the purposes of disciplinary proceedings and in the case of a temporary servant or probationer be a ground for termination of his services.  
(3). Where a child is born to a public servant in breach of the family planning norm, he shall not be entitled to any annual increments for a period of two years from the date of birth of such child, and the increments so denied shall not be restored to him after the expiry of that period.  
(4). The amount of any annual increment paid to any public servant in contravention of sub-section(3) may be adjusted from his salary.

**Disqualification for election to union –**

10. A person shall be disqualified for being chosen as, or for being a holder of an elective office in a union if he has committed a breach of the family planning norm.

**Disincentives for violation family planning norm –**

11. No person shall –

- (a) be allotted any house under any housing scheme sponsored by the state government or any financial institution owned or controlled by the state government or the state housing and development board or any development authority created under any Uttar Pradesh Act.  
(b) be entitled to become a member of any housing or co-operative society under the Uttar Pradesh Co-operative societies Act, 1965 for purposes of allotment of a house or a plot of land for construction of a house; or  
(c) be entitled to avail of any loan or facility of any kind from and by financial institution owned or controlled by the state government.

## Further Provisions -

12. The State Government may by notification, frame schemes designed to promote family planning

by further providing for or regulation -

- (a) incentive and rewards to couples who observe the family planning norm, in the form of cash rewards, preference of concession to them or their children in the matter of admission to educational institutions at school and higher levels, including medical, management and technical institutions;
- (b) facilities to be provided to private hospitals and dispensaries and other institutions propagating or assisting in the observance of the family planning norm.
- (c) compulsory registration of marriages taking place after the commencement of this Act;

### Cases of failure of tubectomy or vasectomy

13. (1) Where a surgeon perform the operation of tubectomy on a married women or of vasectomy on her husband with a view to preventing future conception, and subsequently that woman becomes pregnant, the surgeon shall not be liable, either under civil or criminal law, for negligence merely on the ground of failure of the operation to prevent the pregnancy, notwithstanding that as a result of such failure that woman or her husband or both may have suffered physical, mental or financial injury.

(2) *A child born in the circumstances mentioned in subsection (1) shall not count for the purposes of breach of the family planning norm within the meaning of section*

### Overriding effect of Act -

14. The Provisions of this Act and of any scheme framed under section 12 shall have effect, notwithstanding anything to the contrary contained in any law or service rules and the disqualifications provide by this Act shall be in addition to and not in derogation of the disqualifications provided in any law or service rules pertaining to any public service or office or public corporation.

### Power to make rules -

15. The State Government may, by notification, make rules for carryings out the purposes of this Act.