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

Family Planning Norm
2. 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 first date 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 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 of its biological parent from the date of such adoption.

Definitions
3. In this Act –
   (a) "Appointed date," means the date following upon the expiry of one year after the commencement of this Act.
   (b) "Local authority" means –
      ii) a Kshetra Panchayat or Zila Panchayat constituted under the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961.
      iii) a Municipality constituted under the U.P. Municipalities Act, 1961; or
      iv) a Municipal corporation constituted under the Uttar Pradesh Municipal Corporations Act, 1959.
   (c) "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-operative Societies Act, 1965 where such corporation, society or corporate society is owned or controlled by the state Government;
   (d) "public servant" means a person holding any post or a member of a service –
      i) in connection with the affairs of the state; or
      ii) under a public corporation or a local authority; and
      public service shall be construed accordingly.
(c) "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 authority competent to fix the salary of such servant shall be entitled to deduct from the salary of such servant the amount of increment he would have earned if such child had not been born, and to charge such amount towards the salary of such servant from the date of birth of such child, and the increments so charged shall not be restored to him after the expiry of that period.

(2) Where a child is born to a public servant in breach of the family planning norm, the amount of any annual increment paid to any public servant in contravention of sub-section(1) 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 entitled to 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 board or any development authority created under any Uttar Pradesh Housing Board Act, 1965 (Act 4 of 1965) or the Uttar Pradesh Cooperative Societies Act, 1965 (Act 2 of 1965) for construction of a house, or
(b) be entitled to become a member of any housing cooperative society under the Uttar Pradesh Cooperative 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) incentives 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 performs the operation of tubectomy or vasectomy without complying with the provisions of sub-section (3) of section 3, he shall be liable, either under civil or criminal law, to be punished for negligence on the ground of failure of the operation to prevent the pregnancy, notwithstanding that as a result of such failure pregnancy, abortion, sterilization of the operated or both may have taken place.

(2) A person who gives or promises to pay for the purpose of breach of the family planning norm within the meaning of

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 disincentives provided by this Act shall be in addition and not in derogation of the disincentives 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 carrying out the purposes of this Act.