

22 DEC 1992

Bill No. LXXX of 1992

THE CONSTITUTION (SEVENTY-NINTH AMENDMENT) BILL, 1992

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further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Seventy-ninth Amendment) Act, 1992.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 47 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 47A.

10 “47A. The State shall endeavour to promote population control and the small family norm.”

Duty of the State to promote population control and small family norm.

3. In article 51A of the Constitution, after clause (j), the following clause shall be inserted, namely:—

Amendment of article 51A.

“(k) to promote and adopt the small family norm.”

Amendment
of article
102.

4. In article 102 of the Constitution, in clause (1), after sub-clause (d), the following sub-clause shall be inserted, namely:—

“(dd) if he is so disqualified under the Thirteenth Schedule;”.

Amendment
of article
191.

5. In article 191 of the Constitution, in clause (1), after sub-clause (d), the following sub-clause shall be inserted, namely:—

“(dd) if he is so disqualified under the Thirteenth Schedule;”.

Addition of
Thirteenth
Schedule.

6. After the Twelfth Schedule to the Constitution, the following Schedule shall be added, namely:—

‘THIRTEENTH SCHEDULE

[Articles 102(1) and 191(1)]

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Provisions as to disqualification on ground of violation of the small family norm

1. **Interpretation.**—In this Schedule, unless the context otherwise requires,—

(a) “Act” means the Constitution (Seventy-ninth Amend- 15
ment) Act, 1992;

(b) “House” means either House of Parliament or the Legis-
lative Assembly or, as the case may be, either House of the Legis-
lature of a State;

(c) “member” means a member, whether elected or nomina- 20
ted, of a House.

2. **Disqualification on ground of violation of small family norm.**—
A person shall be disqualified for being chosen as, and for being, a
member of a House if he has more than two children:

Provided that nothing contained in this paragraph shall apply to 25
any person—

(a) having more than two children on the date of commen-
cement of the Act or, as the case may be, within a period of one
year of such commencement, unless he begets an additional child
after the said period of one year; 30

(b) having one child on the date of commencement of the
Act or, as the case may be, within a period of one year of such
commencement, if a subsequent childbirth results in the birth
of more than one child.

Explanation.—For the purposes of this paragraph, a person shall 35
not cease to incur disqualification merely by reason of his giving his
child in adoption.’

STATEMENT OF OBJECTS AND REASONS

According to the 1991 Census, as on 1st March, 1991, the population of India was 844.3 million. It is increasing by more than 17 million annually. At the present growth rate of 2.5 per cent, India's population may cross one billion by 2000 A.D. Stabilisation of the population at the replacement level is an overriding national priority.

2. Unchecked population growth will have adverse implications for our socio-economic development. Enormous resources would be required to fulfil basic needs of food, housing, education, health, etc.

3. The population explosion has to be tackled on the basis of a national consensus with the participation of all citizens backed by strong political commitment. Elected representatives have to set an example and demonstrate political will and commitment for population control. Awareness of the population problem and willingness to tackle it is an important attribute of responsible citizenship.

4. It is, therefore, proposed to amend the Directive Principles of State Policy to provide that the State shall endeavour to promote population control and the small family norm and to include in the Fundamental Duties, a duty to promote and adopt the small family norm. It is also proposed that a person shall be disqualified for being chosen as, and for being, a member of either House of Parliament or either House of the Legislature of a State, if he has more than two children. The proposed amendments will, however, have prospective effect and will not apply to any person who has more than two children on the date of commencement of the proposed amendment or within a period of one year of such commencement. However, if such person has another child after the said period of one year he will incur the disqualification. Similarly, in the case of a person having only one child on the date of commencement of the amendment or within a period of one year of such commencement, it is proposed to provide that if a subsequent childbirth results in the birth of more than one child he will not incur any disqualification. It is also proposed to provide that the mere act of giving a child in adoption will not enable a person to escape disqualification.

5. The Bill seeks to achieve the above objects.

NEW DELHI;
The 18th December, 1992.

M. L. FOTEDAR.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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PART IVA

FUNDAMENTAL DUTIES

51A. It shall be the duty of every citizen of India—

Fundamental duties.

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102. (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—

Disqualifications for membership.

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191. (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State—

Disqualifications for membership.

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RAJYA SABHA

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further to amend the Constitution of India.

(*Shri M. L. Fotedar, Minister of Health and Family Welfare*)