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Overpopulation: Unmanaged Number or Mismanaged Policy

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ABSTRACT

This paper is premised upon navigating the dilemma of overpopulation and the catch-22 situation created through varied policies of the State. It charts the trajectory of population growth in India and China through the past decades and scrutinises the policies in the context of the primal human rights of its citizens. It examines the legal accuracy of the Sovereign's intrusion into citizen's personal rights under the guise of reasonable restrictions. A judicial exploration of pro et contra of overpopulation has been assessed. The UN directions have been juxtaposed to the developing scenario in the context of overpopulation. An avant-garde attempt has been made to perceive the condition of growing masses as a source of potential to reap benefits from.

Keywords: *Overpopulation, India-China's Policies, UN Regulations, New Approach.*

I. INTRODUCTION

Overpopulation is framed as a conjectural peril but how far does society endorse it? This social imbroglio can be vindicated as on one hand a dead person is mourned over, every new birth is celebrated but, on the hindsight, a mass of public is regarded as overcrowded/burdensome. It is a thorn in the State's side as the sovereign is entrusted to balance the public interests without infringing their rights. The article will examine two important questions:

1. Whether the State intervention to control the population be legally justified or not?
2. Whether the crowded population be regarded as a boon or a bane?

Before we analyse the concept of overpopulation, its seminal factors need to be addressed.

The determinants of population are:

- Birth rate: Greater the number of births, more will be the population.
- Mortality rate: Greater the number of deaths, lesser will be the population.
- Immigration: Greater the number of immigrants, lesser will be the population from where they migrated and greater to the place where they migrated.

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The population of humans is among one of the most rapidly growing organisms on the planet Earth. The exponential growth in population is expected to reach 8.5 billion by 2030 and nearly 10.4 billion in 2100³. Earlier at the dawn of civilization, the rate of deaths was more harmonised with the number of births. Lack of improvised healthcare led to an increased number of deaths, but it was balanced by the usual natality rate. Hence the population was pro rata at that time. With the inception of the Industrial Revolution, technological advancement even in the field of medicine was perceptible. Consequently, the mortality rate waned, while the birth rates continued to augment. The trend is prevalent even today in developing countries. Therefore, four out of the top five most populous countries constitute developing nations which is a considerable number. The third course is discernible in developed nations. The couples are opting to be childless and preferring their career over family. The number of births has dwindled, while the fatality rate continues to be less because of advanced medical care. Here the population remains consistent but the majority of them are in their senescence rather than being young.

To know something conclusively is to perceive the rationale behind it. Some of the reasons behind overpopulation are mentioned further. Early marriage increases the fertile chances of creating more progenies. A marginalised family has more labour demands which expands the family size. Increased life expectancy lowers the death rates. Refraining from the use of contraceptives can lead to unwanted pregnancies which is hard to terminate due to strict abortion laws. Education gives an individual the intellect to understand consequences of their actions. Lack of it will bring unawareness among people about over exhaustion of the resources, escalating unemployment rates and financial distress as the impacts of overpopulation on them.

Considering India, it is the second most populous country with a population of 1.54 billion. Total land area of the country is 2973190-kilometre⁴ square which leads us to the conclusion that only 0.0019 square kilometres is available to each individual. This indicates the fact that people are multiplying at a faster rate than the capacity to accommodate them. It amplifies the probability of conflicts among people for the limited work opportunities and use of resources, snowballing the need to turn fertile agricultural land into residential areas. Such a situation can persuade the government to intervene and take responsibility for managing the masses. In response, the policies, laws and sanctions framed by State delimits the absolute nature of rights under the eclipse of reasonable restrictions. When the State gets to decide the size of family it

³ World Population Prospects 2022, UN report https://www.un.org/development/desa/pd/sites/www.un.org.dvelopment.desa.pd/files/wpp2022_summary_of_results.pdf (last visited Aug. 8, 2022).

⁴ THE WORLD BANK, <https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=IN>, (last visited on Aug. 7, 2022).

becomes an imposition rather than a choice of free will. This creates discourse around enjoyment of personal rights and the ambit of authority to involve in it.

II. POPULATION CONTROL AND ETHICAL DILEMMAS

This section assesses the legal aspects of intervention of the State in the matter of family planning. The Sovereign can regulate the population through laws backed by sanctions or declaring mere advisory policies. The implications of both frameworks can be scrutinised through the case studies of India and China.

(A) China's Population and the Republic's Control Mechanism

China's population has peaked transcending decades, but it reached its pinnacle in the mid-20th century. Around 1970's the Chinese Government shifted its focus on education and population control. The decade of 1970 witnessed two important steps adopted by the then government. One was an awareness campaign about family planning with the basic idea of “*wan, xi, shao*⁵”. The program aimed at controlling the population by encouraging people to marry at later ages, maintaining longer time frames between subsequent children and by limiting the total number of births. Along with this scheme, ‘one-child policy’ was one of the strictest initiatives enforced with the fear of penalties. A target was set by the authorities for the number of children to be born in a particular year. Official permits were granted acting as a watchdog on the couples permitting them to have a child. The unplanned pregnancies without official permits were terminated by abortions. IUDs were inserted after the first birth in women. These stringent norms were repudiated by the society, ergo some liberal changes had to be introduced. Rural couples with single daughters, couples working in risky areas, couples belonging to minority ethnic groups, disability, or death of the first child would allow the parents to have more than one child. Non-adherence to the policy resulted in lowering of wages, demotions, excessive fines, and exclusion from public employment. Deranged sex-ratio due to gender selective abortions, decreased deaths, and reduced young workforce inflated the adversities of the State rather than empowering the economy. The State noticed their fallacy in one-child policy and hence decided to amend it to two-child policy in the year 2015. Now the cap on the couples to have one child was increased to two. Although it is ambiguous whether they were promoted to have two children or merely removed the restriction on having one. The challenges of one-child policy persisted even after introducing the two-child scheme. President Xi Jinping's government addressed the issue while introducing a three-child plan in 2021 stating that it is a

⁵ Stuart Basten and Jiang Quanbo, *China's Family Planning Policies: Recent Reforms and Future Prospects*, 45 Studies in Family Planning 493, (2014).

“supportive measure, which will be conducive to improving our countries population structure, fulfilling the countries policy of actively coping with an ageing population⁶.” The task of regulating the population has become wayward for China as the higher cost of living, social fashion of preferring one child, and less deaths of the greying population are rampant in society. The above reasons fade the success of child controlling policies in China.

III. INDIA: SOARING POPULATION AND LIBERAL POLICIES

India is the seventh largest country and is home to 17.74%⁷ of the total population of the world. The nation always had a plethora of people inhabiting it. The matter of population became alarming with the report of population census held in 1891. Post-independence, the census of 1951 again took the attention of officials towards the plight of overpopulation. The then Prime Minister, Pt. Jawaharlal Nehru called for a new National Planning Committee which recommended services of pro bono sterilisation and contraceptives on clinical, social, and economic grounds⁸. The Indian Emergency of 1975-77 needs no introduction in regard to population control. The main agenda of ‘*garibi hatao*’ failed and diplomats soon transmuted it into a mass sterilisation program linking it with eradication of poverty. A National Population Policy (NPP) was introduced in 1976 which focused on family planning by delegating population targets to State governments. Compulsory sterilisation, incentives to its adherents, and disincentives for families with more members were implemented. The whole tempo of the scheme indicated that coercion and compulsion were authorised by the central government⁹. But the situation diffused after the Emergency was retracted. A sustainable and more liberal approach was adopted by the Indian Sovereign. At present the government is focused “not only to achieve the goal of population stabilisation but also promote reproductive health and reduce maternal, infant and child mortality¹⁰.”

⁶ Meghan Tatum, *China's three-child policy*, 397 *The Lancet* 2238, (2021).

⁷ World Population Prospectus, <https://worldpopulationprospects.info/country/india/> , (last visited on Aug. 9, 2022).

⁸ Bimal J. Deb, *Population and Development in North-East India* 42 (Concept Publishing Company 2010).

⁹ Rebecca Jane Williams, *Storming the Citadels of Poverty: Family Planning under the Emergency in India, 1975-1977*, 73 *The Journal of Asian Studies* 471, 473 (2014).

¹⁰ National Health Portal, <https://nhm.gov.in/index1.php?lang=1&level=2&sublinkid=821&lid=222> , (last visited Aug. 9, 2022)