

## **REQUEST FOR SUGGESTIONS FROM PUBLIC AT LARGE**

**The State Law Commission, U.P. is working on control, stabilization and welfare of the Population of the State and has prepared a draft bill.**

I shall be personally thankful to you, if you may kindly go through it and suggest some modifications, suggestions and other ideas to improve the Draft Bill.

The suggestions may PLEASE either be sent through e-mail – [statelawcommission2018@gmail.com](mailto:statelawcommission2018@gmail.com) or post latest by

**19-07-2021**

### **PROPOSED DRAFT BILL**

## **THE UTTAR PRADESH POPULATION (CONTROL, STABILIZATION AND WELFARE) BILL, 2021**

*A Bill to revitalize efforts and provide for measures to control, stabilize and provide welfare to the population of the State by implementation and promotion of two child norm and for matters connected therewith and incidental thereto.*

AND WHEREAS in UTTAR PRADESH, there are the limited resources ecological and economic resources at hand, it is necessary and urgent that the provision of the basic necessities of human life including affordable food, safe drinking water, decent housing, access to quality education, economic/livelihood opportunities, power/ electricity for domestic consumption, and a secure living is accessible to all citizen.

AND WHEREAS it is necessary to control, stabilize the population of the State for promotion of sustainable development with more equitable distribution.

AND WHEREAS it is necessary to ensure healthy birth spacing through measures related to



augmenting the availability, accessibility and affordability of quality reproductive health services to achieve the goal of population control, stabilization and its welfare in the State;

AND WHEREAS it is necessary to provide for measures to control, stabilize and provide welfare to the population of the State by implementation and promotion of two child norm per eligible couple in the State by means of incentives and disincentive.

Be it enacted in the Seventy- Second Year of the Republic of India as follows—

## CHAPTER I PRELIMINARY

### 1. Short title, Extent and Commencement —

- (1) This Act shall be called as the Uttar Pradesh population (Control, stabilization and Welfare) Act, 2021
- (2) It shall extend to the whole of Uttar Pradesh.
- (3) It shall come into force after one year from the date of publication in the Gazette.

*Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.*

**2. Application—** The provision of this Act shall apply to a married couple where the boy is not less than twenty-one years of age and the girl is not less than eighteen-years of age.

### 3. Definition— In this Act, unless the context otherwise requires, —

- (1) „Act“ means the Uttar Pradesh population (Control, stabilization and Welfare) Act, 2021
- (2) „disability“ shall have the same meaning as the term „person with disability“ defined under Section 2 (t) of the Rights of Person with Disability Act, 2016;
- (3) „fund“ means the State Population Fund constituted under Section 22 of this Act;
- (4) “local authority” means-
  - (i) a Gram Panchayat constituted under the U.P Panchayat Raj Act, 1947;
  - (ii) a Kshettra Panchayat or Zila Panchayat constituted under the Uttar Pradesh

Kshettra Panchayats and Zila Panchayats Adhiniyam 1961;

- (iii) a Municipality constituted under the U.P. Municipalities Act, 1916; or
- (iv) a Municipal Corporation constituted under the Uttar Pradesh Municipal Corporation Act, 1959 ; or

- (5) „**married couple**“ means a married couple, the marriage of which has been solemnized legally and where the boy is not less than twenty-one years of age and the girl is not less than eighteen years of age;

**Explanation** - In cases, where the religious or personal law governing an individual allows for polygamous or polyandrous marriage, there may be a set of married couple, each of which shall consist of one man and one woman only, though the husband or wife, may be common in each set.

*Illustration*

(a) The personal law governing A allows polygamy. A has three wives B, C and D. A and B, A and C, and A and D shall be counted as three distinct married couple so far as the status of B, C and D is concerned but as far as the status of A is concerned, it shall be counted as one married couple for the purpose of calculation of cumulative number of children. For example, A has one child from B, two children from C and one child from D, the total number of children of A shall be four.

(b) The personal law governing B allows polyandry. B has two husbands A and C. B and A shall be counted as one married couple. B and C shall be counted as another married couple;

- (6) „**multiple birth**“ means birth of two or more children out of the same pregnancy;

- (7) “**Public corporation**” means any corporation (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 cooperative society is owned or controlled by the State Government ;

- (8) “**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 the expression –public service shall be construed accordingly ;
- (9) „polygamy“, „polygamous“ means the practice wherein a man can marry more than one woman at the same time;
- (10) „polyandry“, „polyandrous“ means the practice wherein a woman can marry more than one man at the same time;
- (11) „two-child norm“ means an ideal size of a family consisting of a married couple with two children.

## CHAPTER II

### OF INCENTIVES & DISINCENTIVES

#### *Of Benefits & Incentives*

- (4) **Incentives to Public servants**—Notwithstanding anything contained in any other law for the time being in force, the public servants under the control of State Government who adopts two-child norm by undergoing voluntary sterilization operation upon himself or spouse, shall be given the following incentives—
- (a) two additional increments during the entire service;
  - (b) subsidy towards purchase of plot or house site or built house from Housing Board or Development Authority, as may be prescribed;
  - (c) soft loan for construction or purchasing a house on nominal rates of interest, as may be prescribed;
  - (d) rebate on charges for utilities such as water, electricity, water, house tax, as may be prescribed;
  - (e) Maternity or as the case may be, paternity leave of 12 months, with full salary and allowances;
  - (f) three per cent increase in the employer's contribution Fund under national pension

scheme;

(g) free health care facility and insurance coverage to spouse; and

(h) such other benefits and incentives, as may be prescribed.

**(5) Additional incentives to Public servants.** —Notwithstanding anything contained in any other law for the time being in force, the public servant, who have only **one-child** and undergo voluntary sterilization operation upon himself or spouse, in addition to the incentives provided under Section 4, shall be given the following incentives,—

(a) two additional increments during the entire services

*Provided that the additional increments provided shall be in addition to the increments provided under clause (a) of Section 4;*

(b) free health care facility and insurance coverage to the single child till he attain the age of twenty years;

(c) preference to single child in admission in all education institutions, including but not limited to Indian Institute of Management, All India Institute of Medical Science etc.;

(d) free education up-to graduation level;

(e) scholarship for higher studies in case of a girl child;

(f) preference to single child in government jobs; and

(g) such other benefits and incentives, as may be prescribed.

**(6) Extension of incentive to general public—** (1) Notwithstanding anything contained in any other law for the time being in force, any individual other than public servant, who adopts two-child norm by undergoing voluntary sterilization operation upon himself or spouse, shall be given the incentives and benefits as provided under clause (c), (d), (e) and (h) of Section 4, and such other benefits and incentives, as may be prescribed.

(2) Notwithstanding anything contained in any other law for the time being in force, any individual other than the public servant, who have only one-child and undergo voluntary sterilization operation upon himself or spouse, in addition to the incentives provided under sub-section (1) of this section, shall be given the incentives and benefits as provided under

clause (b), (c), (d), (e) and (f) of Section 5, and such other benefits and incentives, as may be

prescribed.

**(7) Special Benefit to Couple Living under the Below Poverty Line.** — Notwithstanding anything contained in this Act or any other law for the time being in force, a couple living below the poverty line, having only one-child and undergo voluntary sterilization operation upon himself or spouse shall be eligible for payment from the Government for a one-time lump-sum amount of rupees eighty thousand if the single child is a boy, and rupees one lakh if the single child is a girl.

*Of Revocation of Benefits & Disincentives*

**(8) Disincentives, Revocation of Incentives etc** — Whosoever, after the commencement of this Act, in contravention of two child norm procreates more than two children shall be ineligible to avail any incentives and benefits provided under Section (4) to Section (7), and, in addition thereto, shall be subject to additional disincentives like :-

- (i) **Debarring from benefit of Government sponsored welfare schemes,**
- (j) **Limit of ration card Units upto Four,**
- (k) Other disincentives as may be prescribed.

**(9) Bar on contesting election to Local Body etc.**— (1) Notwithstanding anything contained in any election law for the time being in force, whosoever, after the commencement of this Act, in contravention of two child norm procreates more than two children shall be ineligible to contest elections to local authority or any body of the local self-government.

*Provided that sub-section (1) shall not apply in cases of an individual, who is already a member of local body or any body of the local self-government, having more than two children at the time of commencement of this Act.*

(2) Every member of local body or any body of the local self-government, having more than two children at the time of commencement of this Act, have to give an undertaking to the effect that they shall not act in contravention to the two-child norm.

(3) Every such application under sub-section (2) has to be made within a period of one year from the date of commencement of this Act, in the manner as may be prescribed.

(4) If any action of a member of local body or any body of the local self-government, is found to be in violation of the undertaking given by him under sub-section (2), he shall be dismissed from his post as a members of local body or any body of the local self-

government, as the case may be, with immediate effect and shall be debarred from contesting further election to local body or any body of the local self-government.

**(10) Bar on applying to government jobs—** (1) Notwithstanding anything contained in any law dealing with employment of government employees for the time being in force, whosoever, after the commencement of this Act, in contravention of two child norm procreates more than two children shall be ineligible to apply for government jobs under the the State Government.

*Provided that this sub-section (1) shall not apply in cases of an individual, who is already a government employee under the State Government.*

(2) Every government employee under the State Government, having more than two children at the time of commencement of this Act, have to furnish undertaking to the effect that they shall not act in contravention to the two-child norm, , in the manner as may be prescribed.

(3) Every such application under sub-section (2) has to be made within a period of one year from the date of commencement of this Act.

(4) If any action of a government employee under the State Government, is found to be in violation of the undertaking given by him under sub-section(2), he shall be dismissed from his employment with immediate effect and shall be debarred from applying in future for any government jobs under the State Government.

**(11) Bar on Promotion in government services:** Notwithstanding anything contained in any law dealing with employment of government employees for the time being in force, any employee of the government jobs under the State Government, after the commencement of this Act, in contravention of two child norm procreates more than two children shall be ineligible to get promotion in government services.

*Provided that sub-section (1) shall not apply in cases of an individual, who is already a government employee under the State Government, having more than two children at the time of commencement of this Act.*

**(12) Bar on receiving any kind of government subsidy-** Notwithstanding anything contained in any law dealing with subsidies provided by government, any individual who after the commencement of this Act, in contravention of two child norm procreates more than two children shall be ineligible receive any kind of government



subsidy.

*Provided that this sub-section shall not apply in cases of an individual, having more than two children at the time of commencement of this Act.*

### CHAPTER III

#### OF GENERAL EXCEPTIONS

##### *Of Multiple Birth and Adoption of Child*

**(13) Multiple Birth out of Second Pregnancy-** Notwithstanding anything contained in this Act or any other law for the time being in force, an action of an individual shall not be deemed to be in contravention of the two child norm under this Act, if he or as the case may be, she having a child born out of the first pregnancy, subsequently have more than two children, as a result of multiple birth subsequently out of the second pregnancy.

##### *Illustrations*

(a) A and his wife B had a child born out of the first pregnancy on 01.01.2021. On 01.01.2023, they subsequently have two children born out of the second pregnancy. The actions of A and B are not in contravention to the two-child norm under this Act.

(b) A and his wife B had a child born out of the first pregnancy on 01.01.2021. On 01.01.2023, they subsequently have three children born out of the second pregnancy. The Actions of A and B are not in contravention to the two-child norm under this Act.

(c) A and his wife B had two children born out of the first pregnancy on 01.01.2021. On 01.01.2023, they subsequently have two child-born out of the second pregnancy. The Actions of A and B are in contravention to the two-child norm under this Act.

**(14) Adoption-** Notwithstanding anything contained in this Act or any other law for the time being in force, an action of an individual shall not be deemed to be in contravention of the two child norm under this Act, if he or as the case may be, she having two children conceived from his marriage adopts a third child under The Hindu Adoption and Maintenance Act, 1956 or The Juvenile Justice Act, 2015, The Guardians and Ward

Act, 1890 or any other law for the time being in force dealing with adoption in India.

**Explanation I**— This section shall apply only for individuals who have two children born out of their marriage and have opted for an adoption of a third child.

**Explanation II**—This section shall not apply to individuals having no child or one child born out of his marriage, and subsequently has more than two children, as a result of adoption.

#### *Illustrations*

(a) A and his wife B have no child born out of their marriage. They have adopted two children subsequently. The actions of A and B are not in contravention to the two-child norm under this Act.

(b) A and his wife B have no child born out of their marriage. They have adopted more than two children subsequently. The actions of A and B are in contravention to the two-child norm under this Act.

(c) A and his wife B have a child born out of their marriage. They have adopted two children subsequently. The actions of A and B are in contravention to the two-child norm under this Act.

(d) A and his wife B have two children born out of their marriage. They have adopted one child subsequently. The actions of A and B are not in contravention to the two-child norm under this Act.

(e) A and his wife B have two children born out of their marriage. They have adopted two or more child subsequently. The actions of A and B are in contravention to the two-child norm under this Act.

#### *Of Death or Disability of Child*

**(15) Disability of the first or second child-** Notwithstanding anything contained in this or any other law for the time being in force, an action of an individual shall not be deemed to be in contravention of the two child norm under this Act, if the either, or both, of his children born out of the earlier pregnancy suffer from disability and the couple conceives a third child subsequently.

**Explanation** - The term ‘disability’ for the purpose shall have same meaning as the term ‘person with disability’ defined under Section 2 (t) of the Rights of Person with Disability

Act, 2016.

*Provided that in no case shall the total number of children under this section shall be more than three, except in cases where there has been multiple birth.*

*Illustrations*

(a) A and his wife B had two children born out of the marriage. The first child suffers from disability. A and B subsequently have a third child born out of the marriage. The actions of A and B are not in contravention to the two-child norm under this Act.

(b) A and his wife B had two children born out of the marriage. The first child suffers from disability. A and B subsequently have third and fourth child born out of the same pregnancy as a result of multiple birth. The actions of A and B are not in contravention to the two-child norm under this Act.

(c) A and his wife B had two children born out of the marriage. Both the children suffer from disability. A and B subsequently have third and fourth child born out of the different pregnancies. The actions of A and B are in contravention to the two-child norm under this Act

(d) A and his wife B had one child born out of the marriage. The child suffers from disability. A and B subsequently have second and third child born out of the same pregnancy as a result of multiple birth. The actions of A and B are not in contravention to the two-child norm under this Act

(e) A and his wife B had one child born out of the marriage. The first child suffers from disability. A and B subsequently have second and third child born out of different pregnancies. The actions of A and B are in contravention to the two-child norm under this Act.

**(16) Death of the child—** Notwithstanding anything contained in this Act or any other law for the time being in force, an action of an individual shall not be deemed to be in contravention of the two child norm under this Act, if either, or both, of his children born out of the earlier pregnancy dies and the couple conceives a third child subsequently.

*Provided that in no case shall the total number of children of the couple under this section shall be more than three, except in cases where there has been multiple birth.*

*Illustrations*



(a) A and his wife B had two children born out of the marriage. The first child died. A and B subsequently have a third child born out of the marriage. The actions of A and B are not in contravention to the two-child norm under this Act.

(b) A and his wife B had two children born out of the marriage. The first child died. A and B subsequently have third and fourth child born out of the same pregnancy as a result of multiple birth. The actions of A and B are in contravention to the two-child norm under this Act.

(c) A and his wife B had two children born out of the marriage. Both the children died. A and B subsequently have third and fourth child born out of the different pregnancies. The actions of A and B are in contravention to the two-child norm under this Act.

(d) A and his wife B had one child born out of the marriage. The child dies. A and B subsequently have second and third child born out of the same pregnancy as a result of multiple birth. The actions of A and B are not in contravention to the two-child norm under this Act

(e) A and his wife B had one child born out of the marriage. The first child dies. A and B subsequently have second and third child born out of subsequent pregnancies. The actions of A and B are in contravention to the two-child norm under this Act.

*Of married couple expecting a child at the time of commencement of this Act*

**(17) Married couple expecting a child at the time of commencement of this Act—** Notwithstanding anything contained in this Act or any other law for the time being in force, an action of an individual shall not be deemed to be in contravention of the two child norm under this Act, if he already having two children conceived from his marriage, **conceives a third child within one year from the date of commencement of this Act.**

*Provided that in no case shall the total number of children of the couple under this section shall be more than three, except in cases where there has been multiple birth.*

*Of exceptions in cases of polyandrous or polygamous marriages*

(18) **Effect of contravention of two-child norm in cases of polygamous**

**marriages—**

(1) Notwithstanding anything contained in this Act or any other law for the time being in force, if actions of a husband of polygamous marriage is in contravention of the two-child norm, he shall be precluded from receiving any benefits and incentives under provided under this Act, and in addition as a consequence of such contravention, shall be liable to face the disincentives provided under this Act.

(2) Notwithstanding anything contained in this Act or any other law for the time being in force, the mere fact that the actions of a husband of polygamous marriage is in contravention of the two-child norm, shall not preclude his wives and their children who are eligible for claiming incentives and benefits provided under this Act.

*Provided that in any case, if the actions of any of the wives of polygamous marriage is in contravention of two-child norm, she shall not be eligible for benefits and incentives provided under this Act, and in addition for such contravention, shall be liable to face the disincentives provided under this Act*

**(19) Actions when in contravention to two-child norm in cases of polygamous marriages—** In cases of a polygamous marriages, where the husband has more than one wife—

(1) it shall be deemed that the Action of the husband is in contravention of two child norm, if he has more than two children, from all his marital relationships.

*Provided that in cases of multiple birth, where more than one child is born out of same pregnancy, all the children in excess of 'one' shall be counted as 'one' for the computation of total number of children.*

*Provided further that the first proviso shall not apply in case of multiple children born out of the first pregnancy of the first marriage of the husband with his first wife, and in such cases the number of children shall be counted as 'two'*

**Illustrations to Sub-Section (1)**

(a) The personal law governing A allows polygamy. A has two wives B and C. A with his first wife B conceive a child. A subsequently marries C and conceive another child. A has a total of two children from all his marital relations and has not acted in contravention of two child norm.

(b) The personal law governing A allows polygamy. A has two wives B and C. A with his first wife B conceive two children. A subsequently marries C and conceive another child. A has a total of three children from all his marital relations has acted in contravention of two child norm.

(c) The personal law governing A allows polygamy. A has two wives B and C. A with his first wife B conceive two children, born out of the same pregnancy. A subsequently marries C and conceive another child. A has a total of three children from all his marital relationships has acted in contravention of two child norm.

(d) The personal law governing A allows polygamy. A has two wives B and C. A with his first wife B conceive a child. A subsequently marries C and conceive three children, all the three children being born out of the same pregnancy as a result of multiple birth. A has a total of two children from all his marital relations and has not acted in contravention of two child norm.

(e) The personal law governing A allows polygamy. A has two wives B and C. A with his first wife B conceive a child. A subsequently marries C and conceive two children, both born at the time of same pregnancy. A has a total of two children from all his marital relationships and has not acted in contravention of two child norm.

(f) The personal law governing A allows polygamy. A with his first wife B conceive a child. A subsequently marries C, and after few-year marries D. A conceive another child with D. A has a total of two children and has not acted in contravention of two child norm.

(g) The personal law governing A allows polygamy. A with his first wife B conceive a child. A subsequently marries C, and after few-year marries D. A conceive two children with D, both born at the time of same pregnancy. A has a total of two children and has not acted in contravention of two child norm.

(2). it shall be deemed that the action of the wife of a polygamous marriage, is in contravention of two child norm, only if she has more than two children from her marital relationship with the husband, irrespective of the total number of children the husband may have from all his marital relationships.

*Provided that in cases of multiple birth, where more than one child is born out of same*

*pregnancy, all the children in excess of 'one' shall be counted as 'one' for the computation of total number of children.*

*Provided further that for computation of number of children of the wife only, the first proviso shall not apply in case of multiple children born out of the first pregnancy of the marriage, and in such cases the number of children shall be counted as 'two'.*

*Illustrations to Sub-Section (2)*

(a) The personal law governing A allows polygamy. A has two wives B and C. A with his first wife B conceive two children. A subsequently marries C and conceive two more children. Here, though A may have acted in contravention of the two-child norm, however, B and C have not acted in contravention of the two-child norm.

(b) The personal law governing A allows polygamy. A has two wives B and C. A with his first wife B conceives a child and subsequently after a few years conceives two

more children born, out of the same pregnancy as a result of multiple birth. A subsequently marries C and conceive two more children. Here, though A may have acted in contravention of the two-child norm, however, B and C have not acted in contravention of the two-child norm.

(c) The personal law governing A allows polygamy. A has two wives B and C. A with his first wife B conceive a child. A subsequently marries C and conceive two more children, born out of the same pregnancy. A and C further conceive another child. Here, A and has acted in contravention of the two-child norm. Similarly, C has also acted contravention of the two-child norm. However, B has not acted in contravention of the two-child norm.

(d) The personal law governing A allows polygamy. A has two wives B and C. A with his first wife B conceives a child, and, subsequently after a few years conceive two more children born out of the same pregnancy as a result of multiple birth. A marries C after few years and further conceive two children with C. Here, though A may have acted in contravention of the two-child norm, however, B and C have not acted in contravention of the two-child norm.

(e) The personal law governing A allows polygamy. A has three wives B, C and D. A with his first wife B conceives a child, and, subsequently after a few years



conceive another child with her. A marries C after few years and further conceive two children with

C. After a few years A marries D and conceives two more children. Here, though A may have acted in contravention of the two-child norm, however, B, C and D have not acted in contravention of the two-child norm.

(f) The personal law governing A allows polygamy. A has three wives B, C and D. A with his first wife B conceives a child, and, subsequently after a few years conceive another child with her. A marries C after few years and further conceive two children with

C. After a few years A marries D and conceives three more children. Here, besides A, D has acted in contravention of the two-child norm, however, B and C have not acted in contravention of the two-child norm.

**(20) Effect of contravention of two-child norm in cases of polyandrous marriages—** In cases of a polyandrous marriages, where the wife has more than one husband, the provisions of Section 18 shall apply *mutatis mutandis*.

**(21) Actions when in contravention to two-child Norm in cases of Polyandrous Marriages—** In cases of a polyandrous marriages, where the wife has more than one husband, in order to determine whether the actions of husband or wife are in contravention of the two- child norm, provisions of Section 19 shall apply *mutatis mutandis*.

## CHAPTER IV

### STATE POPULATION FUND

**(22) Constitution of State Population Fund—**There shall be constituted a State Population Fund on such date as may be notified by the Government , which shall be utilized for the purposes of implementation of this Act.

## CHAPTER V

### DUTIES OF GOVERNMENT

**(23) Duties of Government—** The government shall—

(a) implement the Revised State Population Policy to achieve the goals mentioned therein;

(b) establish maternity centers at all the primary health centers;



- (c) distribute contraceptive pills, condoms, etc through Healthcare Centres and Non-Governmental Organizations;
- (d) encourage use of contraceptive pills, condoms, etc through Healthcare Centres and Non-Governmental Organizations;
- (e) spread awareness about family planning methods through community healthworkers such as auxiliary nurse midwife or accredited social health Activist;
- (f) ensure mandatory registration of pregnancy, deliveries, birth and death across State;
- (g) distribute iron and vitamin capsules and tablets amongst the expecting mothers;
- (h) conduct regular vaccination and immunization drives to protect the children from various health risks;
- (i) undertake efforts to encourage the husband-wife communication and male participation in family planning matters;
- (j) organize massive information and education campaigns to generate public awareness related to the benefits of having small families and healthy birth spacing;
- (k) form village level societies to encourage and as the case may be, disseminate benefits of small family norm, value of girl child and efforts to promote gender equality in all walks of life; and
- (l) undertake such other measures as it may deem fit and expedient for the purposes of this Act.
- (m) facilities at Government expense for reversing sterilisation operations in case of death or permanent disability of a child of the couple after the sterilisation.

**(24) Introduction of Population Control in School Curriculum—** In addition to the duties mentioned in Section 23 of this Act, it shall be the duty of the government to introduce a compulsory subject relating to population control in all secondary schools.

**(25) Availability of Contraceptives—** In addition to the duties mentioned in Section 23 of this Act, it shall be the duty of the government to ensure that contraceptives

are available at reasonable rates at all sub-health centres in the State.

**(26) Compulsory insurance to cover cases of failure of tubectomy or vasectomy- (1)**

The State Government shall as soon as possible after the commencement of this Act take steps for group insurance, at Government expense, of all qualified allopathic surgeons carrying on sterilization operations on men or women and of other staff and of hospital authorities concerned to cover claims for compensation to be paid to a couple where the woman operated on or the wife of the man operated on becomes pregnant even after such operation:

Provided that a fixed sum of fifty thousand rupees shall be payable as compensation even where the claimant fails to plead or establish that the operation was unsuccessful due to the negligence of the surgeon or the hospital staff or authorities.

(2) The State Government may in exceptional cases of clearly culpable negligence recover the compensation paid to the claimant or any part thereof from the surgeon or other person found negligent.

(3) A child born in the circumstances mentioned in sub-section (1) shall not count for the purposes of breach of the two child norm within the meaning of this Act.

## CHAPTER VI

### MISCELLANEOUS

**(27) Overriding effect**—Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act and any rules, notification or circular made thereto under this Act shall have an overriding effect.

**(28) Savings**—Save as otherwise expressly provided in this Act, the provision of this Act shall be in addition to and not in derogation of any other law for the time being in

force in any part of the State.

**(29) Power to make rules—** (1) The Government may, by notification in the Official Gazette, make rules for the purpose of carrying out this Act,

(2) Every rule made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**(30) Power to remove difficulties—** If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order or give such direction, not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

*Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.*

*Provided further that every order made under this section shall be laid, as soon as may be after it is made before each house of the State Legislature.*