

Why Two-Child Norm (2CN) is not an effective strategy for stabilizing population?

The two-child norm (2CN) is a target-oriented family-size policy prescription, which compels couples to limit their families to two children through a series of incentives and disincentives, the primary one being disqualification of candidates to contest elections to Panchayati Raj Institutions. The 2CN draws inspiration from China's one child norm policy, and is only applicable to persons in the active reproductive age groups. Incentives and disincentive schemes associated with the norm include a minimum marriage age, grants to stakeholders that properly effect change, restrictions on the right to contest elections and incentives to strengthen village recording systems.

There is no reason for India or any Indian state¹ to consider the enforcement of a 2CN because of impressive progress that has been made in reducing fertility and slowing down population growth.

Measures that seek to enforcing limits on the number of children a family can have or a 2CN always proven counter-productive.

At the national level:

1. Enforcing a two-child norm contradicts Government of India's own position.

- As the first country to announce a family planning programme, India has always taken the stand that 'development is the best contraceptive.' Introducing forced sterilization and incentives for meeting sterilization targets (which a two-child norm is likely to bring with it) during the national Emergency between 1976-78 had serious political repercussions. But more significantly, it setback India's family planning program by almost two decades.
- As a signatory to the International Conference on Population and Development (ICPD) in 1994, India was among the first nations to endorse a human rights approach and emphasize that a small family norm can be achieved through ensuring gender equality, empowering women, and improving education.
- India's National Population Policy (NPP) 2000 fully reflects the commitments made at the ICPD and seeks to fulfill the unmet need for contraceptives and services by advocating a small family norm without suggesting any limits on the number of children a family can or should have.
- In December 2020, in an affidavit filed in the Supreme court on a petition seeking implementation of a two-child norm the Ministry of Health and Family Welfare, Government of India, stated that *"International experience shows that any coercion to have a certain number of children is counter-productive and leads to demographic distortions. The Family Welfare Programme is voluntary in nature, which enables couples to decide the size of their family and adopt the family planning methods best suited to them, according to their choice, without any compulsion."*

2. Enforcing a two-child norm is not necessary because most states have reached the replacement Total Fertility Rate of 2.1. Others are rapidly reaching the replacement TFR of

- India's Total Fertility Rate (TFR) has declined substantially from 3.2 in 2000 to 2.2 (Sample Registration System, 2018).

¹ See Annex 1 for the recent moves by Assam and Uttar Pradesh to introduce a 2CN.

- Even by 2015-16, the replacement TFR of 2.1 had been achieved by 24 out of 36 states and UTs. India's urban TFR 1.8 – well below the replacement TFR of 2.1
- Progress since 2015-16 has been impressive. According to limited data released for 17 states and 5 UTs by NFHS-5 for 2019-20, only three (Bihar, Manipur and Meghalaya) are yet to achieve a TFR of 2.1 or less.
- Bihar has accelerated the reductions in TFR without enforcing a two-child norm. Between 2015-16 and 2019-2020, Bihar's TFR dropped from 3.4 to 3.0 (over four years). Urban TFR in Bihar in 2019-20 is 2.4 – close to the replacement rate of 2.1

3. Drastic efforts to curb India's fertility rates now will not slow down India's population growth rate significantly over the next 25 years.

- India's population is projected to peak at 1.6 billion (from 1.3 billion today) by 2048. Population momentum alone will account for more than 70 per cent of projected population increase.
- After 2048, there will be a steep decline in India's population when in 2100, the Total Fertility Rate would have dropped to 1.3 and population would have come down to 1.1 billion.

4. Even China has given up its one-child policy. Alarmed by the negative consequences, even China, the only country in the world to have adopted a coercive population policy, has dropped its one-child and two-child policy.

5. No country except China has adopted a policy of limiting the number of children that a family can have to lower fertility rates. High fertility societies like Indonesia and Bangladesh, both Muslim dominated countries have lowered their fertility rates by promoting girls' education, empowering women, providing a far wider range of contraceptives, more convenient services, often provided at home by health workers

6. We have so much of our own experience to guide us on what needs to be done. India's own experience across states including Kerala and Tamil Nadu informs us about what is needed to lower fertility and stabilize population: ensure the provision of basic services, expand opportunities, invest in girls' education, and ensure access to family planning services.

At the individual and family level:

1. Indian women do not want to have more than two children.

- The average ideal family size among women age 15-49 was 2.2 in 2015-16.²
- The total wanted fertility rate³ in India is 1.8 children per woman, compared with the actual fertility rate of 2.2 children.
- In India, only five states have a wanted fertility rate above the replacement level of fertility—Meghalaya (2.8), Bihar (2.5), Manipur and Nagaland (2.3), and Mizoram (2.2)

² The National Family Health Survey asks women age 15-49 the number of children they would like to have if they could start over again. Those who already had children were asked, 'If you could go back to the time you did not have any children and could choose exactly the number of children to have in your whole life, how many would that be?' asks women 15-49 years with children what is the 'ideal' number of children they would like to have had.

³ The total wanted fertility rate indicates the level of fertility that would result if all unwanted births were prevented.

2. **Evidence reveals that religion is not an important factor in determining family size. Socioeconomic status, poverty, lack of education and employment opportunities among women account for fertility differentials across the country.**
 - The wanted fertility rate among all religions is less than the replacement TFR of 2.1: 1.7 among Hindus, 2.0 among Muslims, 1.7 among Christians, and 1.4 among Sikhs.
 - The TFR among Muslim women in Kerala (TFR = 1.86) and Tamil Nadu (TFR=1.74) is lower than the TFR among Hindu women in Bihar (3.29) and Uttar Pradesh (2.67)
3. **Girls schooling and basic education make a big difference in reducing fertility rates.**
 - Women with no schooling consider 2.6 children to be their ideal number of children, compared with 1.8 children for women with 12 or more years of schooling.
4. **A 2CN is iniquitous and unfair on the poor, vulnerable and marginalized communities who have been denied equal access to basic social services.**
 - A 2CN affects marginalized sections of society the most: those who have less access to adequate child and maternal health care services and have more children to compensate for high Infant Mortality Rate. According to NFHS-4, 13% (or 29 million currently married women in the age group of 15-49 years) of currently married women have an unmet need for family planning and contraception use is the lowest, among women from the Scheduled Tribe (45%) followed by Other Backward Classes (47%) and those from the Scheduled Caste at 49%. Any attempt to impose penalties is biased against the poor, the illiterate and socially disadvantaged groups in society, the same groups that have historically faced discrimination and neglect.
5. **A 2CN is gender insensitive and will end up discriminating even more against women and the girl child**
 - Our experience from Madhya Pradesh and other states (where a 2CN has been enforced) shows that it adversely impacts women - instances of men deserting their wives to deny proof of a third child in order to contest local body elections, children being given up for adoption, stark increase in sex-selective abortions and female feticide (Buch 2005).
 - As an outcome of the two child policy states such as Haryana and Punjab have witnessed highly skewed sex ratios with lesser number of women to men. As a result, women are sold as brides and are forced into sex work, treated as slaves, abused physically and sexually and eventually abandoned. The changing social norms in terms of son meta-preference (desire for a male child) has resulted in 21 million 'unwanted girls' in India between 0-25 age group (Economic Survey 2017-18).
6. **A 2CN norm undermines the fundamental rights of Indian citizens**
 - Reproductive rights are inalienable human rights and coercive strategies impede on many reproductive rights including the right to information, the right to bodily integrity, and the right to freely decide the number and spacing of children. These strategies deny individuals the family planning options available before they make an important reproductive health decision.

Six actions are urgently needed in the high fertility Indian states to reduce fertility and stabilize population.

- 1) **Repeal Two Child Policy** - States need to view their population as an asset for development rather than a liability. It should abandon all incentive and disincentives and instead enable couples to make their own positive reproductive choices through strengthening family planning and development programs. Governments at all levels need to spend more on healthcare, promote sexual and reproductive health services, invest in skills education, create enabling livelihood opportunities for men and women, and develop a robust public health service network.
- 2) **Ensure girls complete at least ten years of schooling**
- 3) **Improve the quality of and access to family planning services** throughout the country is essential, as doing so leads to lower IMR and MMR, and therefore reduces desired fertility rates. It is also important to improve the supply and quality of contraceptives by expanding the basket of choice and promoting spacing methods, especially for young population.
- 4) **Introduce comprehensive reproductive sexual health education** should be made mandatory for in-school and out of school children and used as a tool to empower adolescents and youth especially girls in order for them to make informed decisions.
- 5) **Invest in gender equality initiatives** such as ending early and forced marriages and provide life-skills education to them to enable them to stay longer in the workforce are extremely important, because empowering women to make their own decisions about sexual and reproductive health is the single most important factor that can reduce population momentum.
- 6) **Advocate male involvement and male responsibility for family planning** reinforces a man's responsibility for reproductive decisions and his children, strengthens and reduces discord in relationships.

Annexure 1

Current status of two-child policy in India

The most recent state to adopt the policy was **Assam in 2021**. The state announced that people with more than two children will not be able to avail benefits under specific schemes funded by the state. According to the National Family Health Survey-5 (NFHS) 2019-2021, Total Fertility Rate (TFR) in Assam is 1.9, which is less than the national average of 2.2. Data from the NFHS-5 shows that 77% of currently married women and 63% of men aged 15-49 in Assam want no more children, are already sterilized or have a spouse who is already sterilized. This shows that even without a coercive population policy, men and women want smaller families. *The state, therefore, needs to expand the basket of contraceptive choices, especially Long-Acting Reversible Contraceptives (LARC), which are critical in view of our large population of adolescents and youth.*

On July 9th 2021, the **Uttar Pradesh State Law Commission** released the first draft of the proposed population control bill for the state. The draft bill has provisions to debar people who have more than two children from the benefits of government schemes and perks to those who follow the two-child policy. As per NFHS-4, while UP's sex ratio for the overall population is 995, the sex ratio at birth for children born in the last five years is 903 girls for every 1000 boys. The data clearly indicates an alarming trend in sex selective practices in the state. Stringent population control measures can potentially lead to an increase in these practices and unsafe abortions given the strong son preference in India, as has been witnessed in a few states in the past. *Instead, UP should prioritize addressing the high unmet need for family planning in the state (18.1% as per NFHS-4), which is much higher than the national average of 13%.*

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