

# Democracy and Demography: Societal Effects of Fertility Limits on Local Leaders

## ONLINE APPENDIX

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### 1 State-wise Regulations

#### 1. Rajasthan:<sup>1</sup>

According to the the Rajasthan Panchayati Raj Act, 1994, “...Every person registered as a voter in the list of voters of a Panchayati Raj Institution shall be qualified for election as a Panch or, as the case may be, a member of such Panchayati Raj Institution unless such person-...(l) has more than two children.”...“The birth during the period from the date of commencement of the Act (23rd April, 1994), hereinafter in this proviso referred to as the date of such commencement, to 27th November, 1995, of an additional child shall not be taken into consideration for the purpose of the disqualification mentioned in Clause (l) and a person having more than two children (excluding the child, if any, born during the period from the date of such commencement to 27th November, 1995) shall not be disqualified under that clause for so long as the number of children he had on the date of commencement of this Act does not increase.”

#### 2. Haryana:

According to the 1994 Act<sup>2</sup>, “...No person shall be a Sarpanch or a Panch or a Gram Panchayat or a member of a Panchayat Samiti or Zila Parishad or continue as such who- (q) has more than two living children: Provided that a person having more than two children on or upto the expiry or one year of the commencement of this Act, shall not be deemed to be disqualified.”

Prior to revocation:<sup>3</sup> “Person shall be disqualified for being elected to a Gram Panchayat, Panchayat Samiti or Zila Parishad if:

...(xvii) has more than two living children; provided that this disqualification of more than two living children shall not apply for the persons who had more than two living children before 21st April, 1995 unless he had additional child after the said date.”

The Haryana government amended Section 175(q) of the Haryana Panchayati Raj Act, 1994, retrospectively with effect from January 1, 2005 to omit the section (q).<sup>4</sup>

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<sup>1</sup>Source: <http://www.rajpanchayat.gov.in/common/toplinks/act/act.pdf>

<sup>2</sup>Source: <http://www.panchayat.gov.in/documents/10198/350801/The%20Haryana%20Panchayati%20%20Raj%20Act%201994.pdf>

<sup>3</sup>Source: <http://secharyana.gov.in/html/faq1.htm>

<sup>4</sup>Source: <http://hindu.com/2006/07/22/stories/2006072207150500.htm>

### **3. Andhra Pradesh:<sup>5</sup>**

According to Section 19 (3) of the Andhra Pradesh Panchayati Raj Act, 1994, “...A person having more than two children shall be disqualified for election or for continuing as member:

Provided that the birth within one year from the date of commencement of the Andhra Pradesh Panchayat Raj Act, 1994 hereinafter in this clause referred to as the date of such commencement, of an additional child shall not be taken into consideration for the purposes of this clause;

Provided further that a person having more than two children (excluding the child if any born within one year from the date of such commencement) shall not be disqualified under this clause for so long as the number of children he had on the date of such commencement does not increase;

Provided also that the Government may direct that the disqualification in this section shall not apply in respect of a person for reasons to be recorded in writing.”<sup>6</sup>

### **4. Orissa:<sup>7</sup>**

A person shall be disqualified for being elected to a PR institution if he “...has more than one spouse living or has more than two children. The last named disqualification shall not apply if the person had had more than two children before 21.04.1995 unless he begot an additional child after the said date. Rule 25 of O.G.P. Act gives full description of the disqualifications.”

### **5. Madhya Pradesh:<sup>8</sup>**

“...condition to disqualify an office bearer of the Panchayat for holding the post: (1) that he must have more than two living children, and (2) out of whom one is born on or after the 26th day of January, 2001...”

The Population Policy of Madhya Pradesh states that “persons having more than two children after January 26, 2001 would not be eligible for contesting elections for *panchayats*, local bodies, *mandis* or cooperatives in the state. In case they get elected, and in the meantime they have the third child, they would be disqualified for that post.”

### **6. Chhattisgarh:<sup>9</sup>**

“Section 36: Disqualification for being office bearer of Panchayat:- 36(1) No person shall be eligible to be an office bearer of Panchayat who:... (m) has more than two living children one of whom is

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<sup>5</sup>Source: <http://www.ielrc.org/content/e9412.pdf>

<sup>6</sup>Further explanation at: [http://www.apsec.gov.in/RLBS\\_GPs/CLARIFICATIONS%202013/877%20-%20Qualification.pdf](http://www.apsec.gov.in/RLBS_GPs/CLARIFICATIONS%202013/877%20-%20Qualification.pdf).

<sup>7</sup>Source: <http://secorissa.org/download/FAQ2.pdf>

<sup>8</sup>Source: <http://www.indiankanoon.org/doc/1285129/>

<sup>9</sup>Source: <http://www.the-laws.com/Encyclopedia/Browse/ShowCase.aspx?CaseId=023002211000>

born on or after the 26th day of January, 2001.”

#### **7. Maharashtra:**

“(j-1) No person shall be a member of a Panchayat or continue as such, who has more than two children:

Provided that, a person having two children on the date of commencement of the Bombay Village Panchayats and the Maharashtra Zila Parishads and Panchayat Samitis (Amendment) Act 1995 (hereinafter in this clause referred to as “the date of such commencement”) shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase;

Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

... For the purposes of clause (j-1):

Where the couple has only one child on or after that date of such commencement, any number of children born out of a single subsequent delivery shall be deemed to be one entity.

“Child” does not include an adopted child or children....”