

COMPULSION IN FAMILY PLANNING: THE FUNDAMENTAL CONSIDERATIONS

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1. This paper attempts to focus attention on some of the basic issues and considerations involved in the question of compulsion in family planning, which under the present contraceptive technology, only means compulsory sterilisation. To begin with, it may be noted that pressures have been mounting towards more and more stringent measures converging on coercion to control population growth in most of the underdeveloped countries around the world. During the Emergency in India (1975-77), it was felt by the then Government, the ruling party, and some groups and individuals that time has come to treat the population problem on a war footing and adopt drastic measures such as compulsory sterilisation. However, it was not realised that the more drastic the measure, the more meticulous and deep is the scrutiny and open public debate it deserves. Considering that compulsory sterilisation as a means of population control is an extreme step, that it involves crucial socio-economic, psychological and ethical issues and that it has not been tried ever in the past or in any part of the globe, the onus rests first and squarely on the advocates of compulsion to provide an adequate and scientific justification for it rather than on the opponents to show how the measure is unjustified. After a review of the debate on compulsory sterilisation, one wonders whether a convincing justification ever came forth for the measure. The Government of Maharashtra which pioneered a bill on compulsory sterilisation (1976) dispensed with the question with a five-line justification entitled as "Statement of Objects and Reasons" for the measure. The present paper does not deal in detail with the various arguments for compulsory sterilisation by themselves but rather with the premises underlying them. In particular, it attempts to indicate the theoretic-philosophical problems involved in providing a rational or ethical justification for compulsion in family planning. It raises the question whether such a justification is at all possible and whether a search for a justification is doomed to be a futile exercise. This exercise will have great relevance for a long time to come, because despite the recent unhappy experience of coercive measures in some areas, there is still a responsible school of thought which honestly believes that only severe measures including compulsory sterilisation can effectively solve India's problem of poverty and population.