
(1999) 08 AP CK 0003

In the Andhra Pradesh High Court

Case No : Writ Petition No. 15758 of 1998

Are Gangadhar

APPELLANT

Vs

Zilla Praja Parishad, Karimangar and others

RESPONDENT

Date of Decision : 11-08-1999

Acts Referred:

Andhra Pradesh Panchayat Raj Act, 1994 — Section 19(3)
Constitution of India, 1950 — Article 14, 19, 21

Citation : (1999) 5 ALD 585 : (1999) 5 ALT 516

Hon'ble Judges : V. Eswaraiah, J;B. Subhashan Reddy, J

Bench : Division Bench

Advocate : Mr. K. Ashok Reddy, for the Appellant; Mr. P. Raghavender Reddy and Government Pleader for Panchayat Raj, for the Respondent

Judgement

B. Subhashan Reddy, J.—This writ petition has been filed questioning the orders of the Chief Executive Officer, Zilla Praja Parishad, Karimnagar, dated 13-5-1998 passed vide his proceedings No.A12/3667 of 1997.

2. The petitioner was elected as a member of the Mandal Praja Parishad Territorial Constituency, Potharam village. There is a provision u/s 19(3) of A.P. Panchayat Raj Act, 1994 disqualifying the elected member, if he has more than two children. Even if a person before election has got two children, but begets third child after the election, such person is liable to be disqualified. The said provision has been incorporated in view of the population explosion which is beyond imagination. The population of this country was just 30 crores around 1950 and it rose to 60 crores by 1980 and before we enter into the third millennium, it will be one billion, and in fact, it was already stated that we are one billion population. As stated by Dr. Malthus way back in 18th Century, that the population grows in geometrical progression while the resources grow only in arithmetical progression and then the population will be doubled in the world every twenty five years and there will be struggle for existence and survival of the fittest. But the West and United States of America have belied the theory of

Dr. Malthus, who was a great economist of England. But the Asians, particularly, Indians, have proved that the theory is correct. So it is obvious from the figures stated above, that the population is the mother of all ills and there are more wants because of the explosion of population by leaps and bounds. Every year India is adding 2% to its population and if this is the state of affair, by 2050, India's population will be more than two billion. There will be no place to live in and if there is a place to live in, there will no place for other resources like agricultural land, water resources and other material resources for sustenance. If the population is not contained, leave apart food, we may not get potable water to drink. As such, the restriction of number of children for the elected representatives has got nexus with the object to be achieved i.e., containing the population by measure of practising family planning. As such, there is no violation of any of the Constitutional rights and the provision is intra vires the Constitution.

3. In the circumstances, we cannot find fault with the order passed by the 1st respondent, and accordingly, we dismiss this writ petition. It is needless to mention that the interim order granted by this Court on 12-6-1998 stands vacated. No costs.