Supreme Court on two-child norm

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Why in News?

In a recent case, SC questioned the constitutional validity and contemporary relevance of state laws penalizing or disqualifying individuals with more than two children from contesting local body elections.

- **The landmark case - *Mangala Bhimrao Ingle v. The Additional Commissioner (2026).***
- The Court formally referred its previous 2003 ruling in ***Javed v. State of Haryana.***
    - It upheld the validity of the two-child norm to a **larger bench for immediate reconsideration**, observing that *"we cannot ride into the future on a horse that is dead"*.

Key Highlights

- **Demographic Shift -** The Court pointed out that India's foundational fear of runaway "overpopulation" that originally justified these restrictive laws has crumbled.
- India's Total Fertility Rate (TFR) has dropped significantly from around **3.0 in 2003 to 1.9**, falling well below the critical replacement level of **2.1**.
- **Infringement on Reproductive Autonomy (Article 21) -** The bench emphasized that penalizing citizens by barring them from democratic participation forces an unconscionable choice between exercising reproductive freedom and participating in grassroots governance, directly violating **Article 21**.
- **Disproportionate Burden on Women -** The judgment highlighted that in a patriarchal framework, women bear the disproportionate brunt of these laws.
- It often facing severe consequences such as desertion, coerced sex-selective abortions (female foeticide), or lack of agency over family size.
- **Legislative Arbitrariness & Inequality (Article 14) -** The Court questioned the discriminatory nature of applying population-control disqualifications exclusively to local body/panchayat representatives while sparing state and national lawmakers (MLAs and MPs).
- **States Enforcing Similar Norms-** Maharashtra, Rajasthan, Odisha, Andhra Pradesh, Madhya Pradesh, Assam, Gujarat, Uttarakhand.
- **Evolution of the Doctrine of Changed Circumstances -** The Supreme Court noted a vital legal principle, a legislation that was valid and constitutional when enacted can become arbitrary, unconstitutional, and obsolete if the socio-economic and demographic foundations supporting it fundamentally shift over time.

Reference

The Hindu | Supreme Court judgment questions two-child norm



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