



SYMPOSIUM ON POPULATION CONTROL AND THE LAW

EDITORIAL NOTE

IN THE summer of 1971 the Institute of Law and Jurisprudence of the Faculty of Law and Jurisprudence of the State University of New York at Buffalo obtained support from the United States Department of Health, Education and Welfare for research in the interaction of law and population policies in India.¹ India was chosen because it has officially recognized the severity of its population problem and has made serious efforts to deal with it. India's experience should hold valuable lessons for other nations.

The passage of the Medical Termination of Pregnancy Act, 1971 came at a fortuitous moment in the life of this research project. It provided a made-to-order subject for a case study.

While representatives of the State University Law Faculty² assisted in organizing the project, the research work was done by a team of Indian scholars from three participating institutions: the Indian Law Institute, the Faculty of Law of Delhi University, and the Indian Institute of Management, Calcutta. Dr. Krishnamoorthy, Director of the Indian Institute of Management, Dr. K.B. Rohatgi, Dean, Delhi Law Faculty, and the administration of the Indian Law Institute supported and encouraged the work and their organizations contributed greatly to its success.

With the Medical Termination of Pregnancy Act agreed upon as a focal point of the study, each participant chose a particular aspect of the law or its implementation for examination. Dr. Madhava Menon of the Delhi Law Faculty looked at the law as a piece of social legislation and studied its probable effect in Kerala and Tamil Nadu. Dr. Alice Jacob of the Indian

1. The project presented herein was carried out pursuant to a grant from the U.S. Office of Education, Department of Health, Education and Welfare. However, the opinions expressed herein do not necessarily reflect the position or policy of the Office of Education, and no official endorsement by the Office of Education should be inferred.

2. The Project Director, for purposes of administering the grant, was Milton Kaplan of the Faculty of Law and Jurisprudence, State University of New York at Buffalo. The research work was initially organized by his associate, David L. Willcox; Dr. Z. M. Shahid Siddiqi of the Delhi Law Faculty, the first Project Coordinator; Dr. John M. Thomas of the School of Management, State University of New York at Buffalo; and Bertram F. Willcox, Professor Emeritus, Cornell Law School. Editing of the project papers was done by David L. Willcox and Milton Kaplan.



Law Institute examined the way in which the Act and its execution are influenced by centre-state relationships. Dr. Savithri Chattopadhyay of the Institute of Management studied the implications of the Act for India's political climate, while her colleague Dr. Asit Bose looked at the probable effect of the statute in the city of Calcutta. Mr. Dinesh C. Pande of the Indian Law Institute reviewed some of the religious customary traditions and beliefs of Hindus and Muslims which may inhibit the carrying out of the law. Mr. R.V. Kelkar of the Delhi Law Faculty did a case study of the law in the city of Sangli in Maharashtra. Dr. Bhupen N. Mukerjee, who returned to India after a year as a consultant to the United Nations Fund for Population Activities, was the coordinator of the research project during its final stages. He contributed a paper comparing India's abortion law with the abortion laws of other countries.

What is presented here is a symposium of different papers. Although members of the group met together occasionally and shared their findings with one another, there was no attempt to integrate the papers into a single, or even a connected, presentation. The opinions of the various authors differ about many things, including the probable effects of the law. To some extent their differences reflect variations of views on the subject held within the entire Indian polity.

The significance of this project transcends the findings and opinions reflected in the symposium articles. As Thomas Ryniker and Kaplan indicate in their introductory "overview" paper, the effort of this group is perhaps unique in the history of Indian scholarship in that it has combined lawyers and social scientists in research on a critical problem of contemporary Indian society; and in so doing attests to the interdependence of their methodologies and contributions. In that sense this is a groundbreaking venture. But, even more important, the project carries the message that population law must be placed high on the list of subjects competing for Indian research resources.

The following papers included in this issue are not part of the symposium : three papers by B.N. Mukerjee, namely, World Constitutions and Population : A Preliminary Survey of World Constitutions; A Critique on UNFPA and 'Law and Population Project'; and Teaching Materials and Textbook on 'Population Law' : A Comparative Approach; Joseph Minattur, Medical Termination of Pregnancy and Conscientious Objection; R. Jaganmohan Rao, Joint Family and Population Problem—A Study in Legal Policy.

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