



## Out of line

**CruX:** Governor Dhankhar's visit to violence-hit areas is a breach of constitutional propriety.

### Highlights:

1. There is little doubt that the West Bengal Governor visit to areas hit by post-poll violence in Cooch Behar constitutes a grave transgression of the bounds of constitutional propriety.
2. A habitual critic of the Mamata Banerjee regime, he has been given to ignoring the principle that constitutional heads should not air their differences with the elected regimes in public.
3. As recently as December 2020, Ms Banerjee had appealed to the President to recall the Governor for political statements.
4. The larger principle that the Governor should not offer public comment on situations best handled by the representative regime ought to hold good in all circumstances.
5. There should be no departure from the principle that any advice or warning the Governor wants to give to the elected government ought to be in private and in confidence.

## In COVID storm, the key principles driven home

### Health care, not coverage

1. The first is the debate between universal health care and universal health coverage. It became a benchmark for the recognition that it could not be left to market forces to deal with public health.
2. The most comprehensive document prepared so far in India, by the high-level expert group appointed by the Planning Commission, submitted in November 2011, concluded that "progressive strengthening of public facilities" is the only way to reach medical services to the population as a whole. While finance was a concern to be dealt with, the centrepiece of health care was not insurance.



3. After 2014, insurance has instead been a focus — good health to be somehow secured via insurance, as with Ayushman Bharat.
4. But for all the hype, there is no getting away from strengthening public health facilities and making that the fundamental way of ensuring a healthy life for its people.
5. India spending woefully limited amounts on health. The results are there to see.

### **Kerala Example:**

1. Kerala, when it started investing heavily in public health care in the 1950s, was told it was too expensive for a poor State like it was then. But as it went on to demonstrate, primary health care was labour-intensive, generating its own virtuous cycle of trained personnel and a well-looked after populace.
2. It enhanced the people's ability to produce, to be economic assets and enriched the State much more than could be imagined.

### **Data integrity, not hesitancy**

1. Next, comes data integrity, which is shorthand for the credibility of any government, at any time. Data-hesitancy has been a feature of this government, whether it was about economic data, making the GDP look good or on recording employment statistics.
2. If you do not track it honestly and accurately, you do not understand the disease, and if you do not do that then you cannot handle it and lesser still, rescue the future by accurate predictions.
3. In the case of COVID-19, India's mortality data are many times lower than what is officially acknowledged, as discussed in detail by the latest assessments of the Institute for Health Metrics and Evaluation.
4. This is deeply damaging to India's international standing as a reliable recorder of information. Not recording or diligently sharing data has consequences, for India and the world.

### **Our economics and the poor**

1. The fourth and final principle that the pandemic has driven home is the importance of centring good economics around improving the lives of that worst-off.



2. Numerous surveys and reports have consistently hammered at the slide into poverty. The latest report by the Azim Premji University talks of 230 million Indians slipping below the breadline during the pandemic.
3. We must recognise and practise sound welfarism which must prioritise the majority of Indians who need a social security net.
4. It is stunning disregard for global experience, whether it is Joe Biden's big-spending, Boris Johnson ending the age of austerity, Germany launching the biggest state spend since the war or China's historic drive to end absolute poverty, and India's own, when the International Monetary Fund acknowledged the fastest decline in poverty globally occurring in India between 2005-06 and 2015-16.
5. Understanding "good economics" as what helps its majority, the poorest and vulnerable, must be a principle rather than a matter of embarrassment.

### Use of Reason:

1. The virus is no sociologist but it responds to how society and human beings behave with it. Allowing gargles of cow urine to double as cures, giving it a free run to travel and diversify amongst large unprotected crowds or in a desperation to win elections such as in West Bengal, actively courting and boasting about mass gatherings till just days ago were all invitations to disaster, providing the virus with what it wanted — a chance to multiply, diversify, jump hosts and regions rapidly, adding as accelerators to the second wave.
2. This was contrary to what India did with smallpox and polio, with far fewer resources. There, its adherence to basic scientific and rational principles, helped its people, and the world beat back the disease.

### Lend a helping hand to children the right way

**Crux:** Following the COVID surge, the laws and procedures for the care and protection of orphaned children must be noted

### Vulnerability:

1. The second wave of the COVID-19 pandemic now sweeping India has left many children orphaned and vulnerable. Social media is flooded with requests



to adopt children who have lost their parents in the pandemic. And a few non-governmental organisations (NGOs) have come forward to help such children.

2. However, before handing over an orphan child to any agency, family or person, however well-intended the move may be, it is important to be aware of the laws that are prevalent and procedures with regard to the care and the protection of orphan children rather than face legal action for violations later.

### Many options to help

1. Any individual who finds an orphan child or even any child who needs care and protection under the circumstances should immediately call the toll free Childline number 1098, an emergency phone outreach service (managed by the Women and Child Development department's nodal agency, the Childline India Foundation) which operates round the day and on all days across the country.
2. After taking note of the whereabouts of the child, the helpline reaches out immediately and takes charge of the child. These Childline units are nothing but civil society organisations duly approved by the government.
3. The second option is to intimate the district protection officer concerned whose contact details can be found on the National Tracking System for Missing and Vulnerable Children portal maintained by the Women and Child Development department of the Government of India.
4. The third alternative is to approach the nearest police station or its child welfare police officer who is specially trained to exclusively deal with children either as victims or juvenile delinquents.
5. Nonetheless, one can always dial the Emergency Response Support System (ERSS) which is a pan-India single number (112) based emergency response system for citizens in emergencies and seek the necessary help.
6. The non-reporting of such children is also a punishable offence under the JJA or the Juvenile Justice (Care and Protection of Children) Act, 2015.

### Established process

1. Once an orphan child is recovered by the outreach agency, it is the duty of the said agency to produce the child within 24 hours before the Child Welfare Committee (CWC) of the district.



2. The CWC, after an inquiry, decides whether to send the child to a children's home or a fit facility or fit person; if the child is below six years, he or she shall be placed in a specialised adoption agency.
3. The State thus takes care of all such children who are in need of care and protection, till they turn 18 years.
4. In Sampurna Behrua vs Union of India (2018), the Supreme Court of India directed States and Union Territories to ensure that all child care institutions are registered.
5. Thus, any voluntary or NGO which is not registered as per the requirement of the JJA cannot house children in need of care and protection.
6. Once a child is declared legally free for adoption by the CWC, adoption can be done either by Indian prospective adoptive parents or non-resident Indians or foreigners, in that order.
7. Another important feature of the JJA is that it is secular in nature and simple in the procedure as compared to the Hindu Adoptions and Maintenance Act, 1956 which is not only religion-specific but also relatively cumbersome in the procedure.
8. Second, the procedure of adoption is totally transparent and its progress can be monitored from the portal of the statutory body, the Central Adoption Resource Authority.

### **Court directives to police**

1. It is quite often said that ignorance of the law is not an excuse. Therefore, if an orphan child is kept by someone without lawful authority, he or she may land themselves in trouble.
2. According to the Hindu Minority and Guardianship Act, 1956, the father, and in his absence the mother, is the natural guardian. Not even a close relative can look after the child without authorisation.
3. The Supreme Court in Bachpan Bachao Andolan vs Union of India directed all Directors General of Police, in May 2013, to register a first information report as a case of trafficking or abduction in every case of a missing child.
4. At least one police officer not below the rank of assistant sub-inspector in each police station is mandatorily required to undergo training to deal with children



in conflict with the law and in need of care and protection. They are not required to wear a uniform and need to be child-friendly.

5. Similarly, each district is supposed to have its special juvenile police unit, headed by an officer, not below the rank of a Deputy Superintendent of Police.

### Recent order

The National Commission for Protection of Child Rights (NCPCR) recently wrote to the Chief Secretaries of all States and Union Territories on the issue of children orphaned due to COVID-19.

### Conclusion:

Children are an important national asset, and the well-being of the nation, and its future, depend on how its children grow and develop. The primary purpose of giving a child in adoption is his welfare and restoring his or her right to family. Article 39 of the Constitution prohibits the tender age of children from being abused. Therefore, orphaned children who have lost both their parents or abandoned or surrendered due to the COVID-19 pandemic must not be neglected and left to face an uncertain future. They must be taken care of by the authorities entrusted with responsibilities under the JJA.