



Between word and intent

Chief Justice's remarks on legislative debates flag the need for clarity in law-making.

Highlights:

1. The disquiet over the absence of adequate debate or discussion in Parliament is quite widespread.
2. Concerned citizens and sections of the Opposition bemoan the evident haste with which laws are pushed through; presiding officers fret over the low productivity due to time lost amidst unruly protests, and even government representatives may worry that their legislative agenda is not being carried out in time.
3. The Chief Justice of India, Justice N.V. Ramana, has added a new dimension to this sense of discontent by pointing out the absence of any help from parliamentary debates when the courts are faced with ambiguities or lacunae in-laws.
4. His description, of a "sorry state of affairs", would resonate as crucial pieces of legislation are indeed passed without sufficient debate, and often with nothing more than a Minister's brief reply or a mere assurance in response to any concern raised by some members.
5. The CJI's concern was possibly occasioned by some specific law such as the Tribunals Reforms Bill, recently passed with a few clauses struck down by the Supreme Court. However, the import of his observation, at a celebration to mark the 75th Independence Day, was that when the courts were unable to fathom the intent behind some laws, the parliamentary record could throw some light if the debates were sufficiently enlightening.
6. He referred to the illuminating debate on the Industrial Disputes Act as an example.

Parliamentary Debate:

1. It is quite true that a fuller debate in the legislature would provide greater insight into the intent behind laws, but a situation that requires scrutiny of such intent ought not to arise in normal circumstances.



2. Legislation should be drafted clearly and the letter of the law should not stray much beyond its purpose and scope. A purposive interpretation of a statute is normally required only when the wording of the law is unclear.
3. Otherwise, reliance on House committee reports or parliamentary debates is only an extrinsic aid, and not fully determinative of a law's meaning.
4. In a recent example, the Supreme Court ruled that the 102nd Amendment to the Constitution ousted the power of State governments to identify backward classes, even though it was vehemently argued by the Government that it was not Parliament's intention.
5. It highlights the need to have the wording of the lawfully reflect the legislative intent. More than the quality of debate, it is the scope for detailed discussion that imparts clarity and much-needed proximity to the original intent and purpose of any statute.
6. For this, it is vital that important pieces of legislation are scrutinised by standing committees, which will have the advantage not only of eliciting replies from the executive but also inputs from the wider civil society before the statute is framed.

Doctor at the door

Doorstep healthcare delivery can mitigate the effects of disruption caused by pandemics.

Highlights:

1. Long before the pandemic struck, health experts had warned of a health epidemic — one that involved non-communicable diseases (NCDs). The last two years, however, managed to expose the frailties of even robust health systems in the country that saw not one, but two debilitating waves of COVID-19.
2. It also exposed the chinks in what was traditionally believed to be the armour of health care — institution-based treatment. When access to these institutions was severed all of a sudden, States had to introspect about how they could bolster their healthcare setup in ways that would protect it from such disruptions.



3. For Tamil Nadu, this introspection resulted in its 'Makkalai Thedi Maruthuvam' scheme, community-based intervention to tackle and treat NCDs and to address the crucial issues of prevention and early detection. Inaugurated by Chief Minister M.K. Stalin earlier this month, it involves a tentative budget in excess of ₹250 crores.
4. It includes population-based screening for the 18-plus population for 10 common conditions — hypertension, diabetes, oral, cervical and breast cancers, TB, leprosy, chronic kidney disease, Chronic Obstructive Pulmonary Disease, mental health — and the delivery of hypertension/diabetes drugs to patients aged 45-plus besides to those with restricted or poor mobility.
5. The State, which has a high burden of NCDs, also acted on data that indicated very low community control rates for hypertension (7.3%) and diabetes (10.8%) among patients.

Focusing NCDs

1. Once the tenacious link between NCDs such as uncontrolled diabetes and hypertension, and COVID-19 outcomes was apparent, it became clear that control of these health parameters was paramount and would necessitate uninterrupted access to healthcare services. According to India: Health of the Nation's States report, in 2016, 55% of the total disease burden in India was caused by NCDs, with the burden of NCDs increasing across all States from 1990 to 2016.
2. The disruption of access to health care during the pandemic did affect compliance to drug regimens, and led to uncontrolled disease, with implications for quality of life too. It is ideal that nations prepare themselves to face further epidemics that might occur and cause similar disruptions in society by arming themselves to overcome such drawbacks.
3. The Tamil Nadu initiative is a well-meaning notch in trying to address this; the efficacy of its chosen method of door delivery of drugs has been proven earlier with the supervised drug regimen, or DOTS therapy used in tuberculosis control.
4. Ultimately, the success of a well-conceived programme rests in the proper implementation of each of its components. If Tamil Nadu is able to demonstrate, with this scheme, that it is possible to maintain the continuum of care even in the most trying of circumstances, then, here is a model that could inspire other States to follow suit.