

LEND A HELPING HAND TO CHILDREN THE RIGHT WAY

Relevant for: Developmental Issues | Topic: Rights & Welfare of Children - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

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.

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.

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. 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.

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.

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. 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 (<https://112.gov.in/>) and seek the necessary help. 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](#).

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. 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. The State thus takes care of all such children who are in need of care and protection, till they turn 18 years. 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. 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.

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. Another important feature of the JJA is that it is secular in nature and simple in procedure as compared to the Hindu Adoptions and Maintenance Act, 1956 which is not only religion specific but also relatively cumbersome in procedure. 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](#).

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. 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.

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. 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.

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. The Supreme Court in *Re: Exploitation of children in Orphanages in the State of Tamil Nadu (2017) inter alia*, specifically asked the National Police Academy, Hyderabad and police training academies in every State to prepare training courses on the JJA and provide regular training to police officers in terms of sensitisation.

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 the 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.

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. It said that that 'if any such information about an abandoned or orphaned child is received by any entity, organisation, or NGO, then the NCPCR has to be informed by email (cp.ncpcr@nic.in) or over the telephone (011-23478200/23478250) for assistance and help to children'. This directive needs to be implemented in the most humane manner.

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To reassure Indian Muslims, the PM needs to state that the govt. will not conduct an exercise like NRC

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