

**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**  
**WRIT PETITION (C) NO. 539/2021**

**IN THE MATTER OF:-**

GAURAV KUMAR BANSAL

..... PETITIONER

VERSUS

UNION OF INDIA & ORS.

..... RESPONDENT(S)

**AFFIDAVIT DATED 19.06.2021**  
**ON BEHALF OF THE UNION OF INDIA**

PAPER-BOOK  
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**ADVOCATE FOR THE UNION OF INDIA: B.V. BALARAM DAS**

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**AFFIDAVIT DATED 19.06.2021**

**ON BEHALF OF THE UNION OF INDIA**

I Govind Mohan, s/o Late Shri Prem Mohan, aged about 55 years, working as Additional Secretary, in the Ministry of Home Affairs, the deponent herein, do hereby solemnly affirm and state on oath as under:-

**1.** That I am working as Additional Secretary in the Ministry of Home Affairs, Government of India. I state that I am filing the present affidavit in compliance of the order of the Hon'ble Supreme court dated 24.05.2021 in the matter of *Gaurav Kumar Bansal v. Union of India & Ors.*, W.P.(C) No. 539/2021 and *Reepak Kansal v. Union of India*, W.P.(C) No. 554/2021. I say that, I am competent to consolidate the facts and submission received from various ministries and swear the present Affidavit on behalf of the Union of India, placing on record the facts received by me from the

concerned ministries during the course of official communication.

**2.** It is submitted that, the present Affidavit is being filed in response to the petitions filed by the Petitioners wherein they have *inter alia* prayed for the following reliefs:

In *Gaurav Kumar Bansal v. Union of India & Ors.*, W.P.(C) No. 539/2021, the following were the prayers:

- i. *Issue Writ of Mandamus against the Respondents to provide EX GRATIA COMPENSATION to all families whose members have died due to COVID 19 VIRUS while providing their services in relief operations or when they were associated with preparedness activities to combat COVID 19 PANDEMIC.*
- ii. *Issue Writ of Mandamus against the Respondents to provide SOCIAL SECUTIRY AND REHABILITAITON to victims of COVID 19 Victims.*
- iii. *Pass any other Order or Direction as this Honble Court deems fit and proper under the facts and circumstances of the above case.*

Further, in *Reepak Kansal v. Union of India*, W.P.(C) No. 554/2021, the following were the prayers:

- (i) *to issue an appropriate writ, order or direction in the nature of mandamus to the respondents Central / State Governments to provide ex gratia monetary compensation of Rs. 4 lacs or notified ex gratia*

*monetary compensation to the families of deceased who have succumbed to the pandemic of COVID-19 as per MHA letter No.32-7/2014-NDM-1 dated 08.04.2015 issued by Ministry of Home Affairs, Government of India, in view of Section 12 of The Disaster Management Act, 2005; and/or*

- (ii) to issue an appropriate writ, order or direction in the nature of mandamus to respondents State Governments to fulfill their obligation to take care of victims of the calamity and their family members: and*
- (iii) to issue an appropriate writ, order or direction in the nature of mandamus to the respondents State Governments to issue any official document stating cause of death, to the family members of deceased who died due to COVID-19 and/ or;*
- (iv) to issue an appropriate writ, order or direction in the nature of mandamus to the respondents Central / State Governments to to pass such other writ(s), order(s) or direction(s) as is deemed fit and proper in the premises of the case, which is not specifically prayed for hereinabove.*

**3.** It is submitted that, the matters were listed on 24.05.2021, wherein the Hon'ble court after hearing arguments at length was pleased to pass the following directions:

*“These two writ petitions have been filed in public interest seeking a direction to respondent(s) to provide notified ex-gratia monitory compensation of Rs.4,00,000/- (Rupees four lakh only) to the families of deceased who succumbed to COVID-19. It is submitted by learned counsel for the petitioner that under the revised list of items and norms of assistance from State disaster response fund which is part of the letter dated 08.04.2015, Rs.4,00,000/- as exgratia compensation is required to be made. It is contended that there is no uniform policy for issuing the certificate or any official document regarding causes of death to the deceased families due to which there is a difficulty on availing various benefits.*

*Ms. Aishwarya Bhati, learned ASG appearing for the Union of India seeks time to obtain instructions and bring all relevant materials regarding the scheme under Section 12(iii) of the Disaster Management Act, 2005 as well as the letter dated 08.04.2015. The policies or guidelines regarding issuance of death certificate with regard to patients, who were infected with COVID-19, may also be brought on the record including the guidelines issued by the ICMR.*

*As prayed, 10 days time is granted to learned ASG to file counter affidavit. Learned counsel for the petitioner is granted three days time to file rejoinder affidavit, if any.*

*List on 11.06.2021.*

*Learned counsel for the petitioner may serve copy of the writ petitions to the office of learned Solicitor General. Name of Mr. B.V. Balram Das, Advocate-on-Record be shown in the cause list on the next date of hearing.”*

A copy of the order of the Hon’ble Supreme Court in the matter of *Gaurav Kumar Bansal v. Union of India & Ors.*, W.P.(C) No. 539/2021 dated 24.05.2021 is annexed herewith and marked as “**ANNEXURE R/1**”.

It is respectfully submitted that the disaster which was envisaged while enacting the Disaster Management Act, 2005 were broadly the disasters resulting from any catastrophe or calamity which is a “one-time happening” like an earthquake, flood etc. Such “disasters” as contemplated under the Act at the time of its enactment, would be either a one-time incident or few incidents taking place periodically for some time.

The entire world in the present times, is passing through a different phenomenon which is pandemic. It is globally understood that a disaster engulfing one-country or its region is known as “epidemic”; while a disaster which

takes within its sweep the entire world is considered a “pandemic”. The pandemic engulfing the world and in the Indian context engulfing the country did not come as a one-time event like an earthquake, flood, cyclone etc. It started in the early months of January, 2020 and the country is still battling the same with different intensity, different symptoms and different mutations, with no certainty regarding the end, based upon which future financial planning and other planning can be made with precision.

It is submitted that, considering the very nature of the pandemic, the way in which the Government prepares the country, deals with the pandemic and manages its effects / impacts, has to be different from the “disaster” contemplated by the legislature, while enacting the Act.

In the “disaster” originally contemplated, is a one-time occurrence or the same occurs repeatedly for few times like floods, earthquake, cyclone, different kinds of “interim measures of relief” are to be provided, as generally it is not difficult to deal with such disasters which do not require day-to-day expenditure, day-to-day monitoring, day-to-day change in priorities and day-to-day change in the methods and modalities to deal with the same. It is this difference which is relevant while deciding the scope and ambit of Section 12 of the Disaster Management Act, in the present context.

It is respectfully submitted that it is always desirable that any disaster of the nature of earthquake, flood, cyclone etc., an *ex-gratia* payment to every deceased is stipulated in the form of guidelines contemplated under Section 12. However, when the disaster not only remains an on-going disaster but requires governmental expenditure, spending from public exchequer, monitoring the disaster on a daily basis and treating the persons with the best, everchanging and modern facilities available, the concepts of “Minimum Standards of Relief”, under Section 12 will differ. In a scenario like an on-going pandemic, the Central Government will have to provide for a different “Minimum Standard of Relief” keeping the population suffering from the disaster in mind, broadening its own vision, providing for a multi-thronged approach and putting life, health and safety of the citizens at the topmost priority, for which expenditure is needed on a daily basis.

The Central Government has, by ways of “Minimum Standard Relief” under section 12, taken several steps providing for substantial and speedy measures by way of, increase in the health, infrastructure, ensuring food safety to every citizen [as the present disaster required several lockdowns resulting in loss of earning], insurance cover to those who were dealing with the pandemic by directly remaining near to Covid infected patient etc. The following

are those steps which are taken under the heading of “Minimum Standards of Relief” as stipulated under Section 12.

**STEPS TAKEN BY THE CENTRAL GOVERNMENT UNDER THE DISASTER MANAGEMENT ACT, 2005**

**4.** It is submitted that, as provided under section 12 of the Disaster Management Act, 2005, the National Disaster Management Authority (NDMA) has already issued general Guidelines on Minimum Standards of Relief under Section 12 of the Disaster Management Act. It is submitted that the said Guidelines, issued prior to the outbreak of COVID 19, are general in nature viz. for all disasters and could not have been specific to deal with the effects and impacts of a pandemic in the nature of COVID-19. A copy of the Guidelines for Minimum Standard of Relief issued by NDMA is annexed herewith and marked as “**ANNEXURE R/2**”

**5.** It is submitted that, the Government of India and respective State Governments, in terms of Sections 46 and 48 of the Disaster Management Act, 2005 (hereinafter referred to as DM Act) had constituted National Disaster Response Fund (NDRF) and State Disaster Response Fund (SDRF). In order to operationalize these funds across the country, guidelines on constitution and administration of



SDRF and NDRF and the items and norms for providing relief assistance from SDRF/NDRF were issued *vide* Ministry of Home Affairs' OM No. 33-5/2015-NDM-I dated 30<sup>th</sup> July, 2015 and letter No. 32-7/2014-NDM-I dated 8<sup>th</sup> April, 2015 respectively. Section 46 and Section 48 of the DM Act is reproduced herewith for the ease of perusal:

**“46. National Disaster Response Fund.**—(1) *The Central Government may, by notification in the Official Gazette, constitute a fund to be called the National Disaster Response Fund for meeting any threatening disaster situation or disaster and there shall be credited thereto—*

*(a) an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf provide;*

*(b) any grants that may be made by any person or institution for the purpose of disaster management.*

*(2) The National Disaster Response Fund shall be made available to the National Executive Committee to be applied towards meeting the expenses for emergency response, relief and rehabilitation in accordance with the guidelines laid down by the Central Government in consultation with the National Authority.*

**48. Establishment of funds by State Government.**

—(1) *The State Government shall, immediately after notifications issued for constituting the State Authority*

*and the District Authorities, establish for the purposes of this Act the following funds, namely:—*

*(a) the fund to be called the State Disaster Response Fund;*

*(b) the fund to be called the District Disaster Response Fund;*

*(c) the fund to be called the State Disaster Mitigation Fund;*

*(d) the fund to be called the District Disaster Mitigation Fund.*

*(2) The State Government shall ensure that the funds established—*

*(i) under clause (a) of sub-section (1) is available to the State Executive Committee;*

*(ii) under sub-clause (c) of sub-section (1) is available to the State Authority;*

*(iii) under clauses (b) and (d) of sub-section (1) are available to the District Authority.*

A copy of the Ministry of Home Affairs' OM No. 33-5/2015-NDM-I dated 30<sup>th</sup> July, 2015 is annexed herewith and marked as "**ANNEXURE R/3**". A copy of the letter No. 32-7/2014-NDM-I dated 8<sup>th</sup> April, 2015 is annexed herewith and marked as "**ANNEXURE R/4**".

**6.** It is further submitted that the financing of Disaster Risk Management (DRM) under the Disaster Management Act, 2005, is based on the recommendations of successive

Finance Commissions, constituted under Article 280 of the Constitution of India. It is further submitted that, the allocation of the amount under NDRF and SDRF; guidelines on constitution and administration of SDRF and NDRF; and the items and norms for providing for relief assistance from SDRF/NDRF are based on the constitutional recommendations of the successive Finance Commissions. It is further stated that the successive Finance Commissions, after considering all the facets of disaster risk management, have recommended the expenditure for providing financial relief against 12 identified disasters and accordingly, the victims of 12 disasters, *viz.* cyclone, drought, earthquake, fire, flood, tsunami, hailstorm, landslide, avalanche, cloud burst, pest attack and frost & cold wave, are provided relief from these funds, which is mentioned in the memorandum dated 08.04.2015. In addition, State Governments have been given the flexibility to use upto 10% of the annual allocation of funds under SDRF, for providing relief to victims of natural disasters that they consider to be “disasters” in the local context, if a State has listed State-specific natural disasters and notified in their guidelines with the approval of State authority under the Act.

**7.** It is respectfully submitted that, the XV-Finance Commission in para 8.11 of Chapter 8 of its report for the

period 2021-22 to 2025-26, while making allocation under NDRF and SDRF *inter alia*, has chosen, to deal with the issue of financing of Covid-19 pandemic.

**8.** It is submitted that the COVID 19 pandemic has come as a novel virus and disease resulting in a pandemic for the entire world. The entire world has faced this phenomenon with differing intensity, mutations and waves, impacting life itself, healthcare systems, livelihood, access to amenities, liberties et. al., making it a global public health challenge affecting all countries. It is submitted that in light of the above, the Central Government, adopted a multi-pronged, multi-sectoral, whole of society and a whole of government approach, along with the National Plan, in order to tailor the response of the nation in tune with the evolving nature of the virus. A copy of the part of the XVth Finance Commission Report contained in Chapter 8 is annexed herewith and marked as “**ANNEXURE R/5**”. It is submitted that, the said Report alongwith an Explanatory Memorandum is also laid before the Parliament as mandated under Article 281 of the Constitution of India. A copy of the Explanatory Memorandum is annexed herewith and marked as “**ANNEXURE R/6**”.

**9.** The Government of India has while implementing the Act, has applied a different approach keeping the unprecedented nature of disaster in mind, while supporting

individual States/UTs as per their specific needs. Such support for fighting the pandemic situation has consisted of ramping up the health infrastructure in a short time, which include testing, treatment, and quarantine facilities on large-scale on the one hand, and augmenting hospital facilities, which include oxygenated beds, ventilators, and ICU facilities, on the other, in which the funds of not only NDRF but even from the Consolidated Fund of India is being spent. This is an ongoing effort, which will have to be and is being scaled up further in response to successive waves of Covid-19. The following facts and figures shows the increase in the Health Infrastructure during the course of the pandemic:

<b>TYPE OF HEALTH FACILITIES</b>	<b>BASELINE</b>	<b>CURRENT STATUS</b>	<b>NO OF FOLD INCREASE</b>
Cat I. COVID dedicated hospitals	163	4096	25-fold increase
Cat II. Dedicated COVID Health Center	0	7,929	
Cat III. Dedicated COVID Care Centre	0	9,954	

Oxygen supported beds	50,583	3,81,758	7.5-fold increase
Total isolation beds (excluding ICU beds)	41,000	17,17,227	42-fold increase
Total ICU beds	2,500	1,13,035	45-fold increase
Isolation railway coaches	0	5,601	
<b>AUGMENTATION OF HEALTH WORKFORCE</b>			
More than 150,000 health personnel engaged (7,024 MOs, 3,680 Specialists, 35,996 Staff Nurses, 18,649 MHWs, 1,01,155 community volunteers, Accredited Social Health Activist ( <b>ASHA</b> )'s & ASHA Facilitators, 48453 other support staffs).			
<b>INSURANCE COVERAGE FOR HEALTH WORKERS</b>			
Insurance coverage to 22.12 lakhs health workers including ASHAs fighting COVID-19.			
<b>INCREASE IN TESTING CAPACITY</b>			
➤ 2,621 testing labs (1,266 Government and 1,355 Private)			
➤ Phenomenal increase in testing capacity: 30,000			

tests/day in April'20 increased to a high of 22 lakhs tests/day.

- Cumulative – over 36.1 crore tests conducted for COVID-19.

#### **INCREASE IN SURVEILLANCE**

- Screening at all port of entry/exit, State/District rapid response teams.
- Contact tracing through extensive network of frontline health workers.
- State/city-specific sero-surveillance studies to estimate and monitor trends.

**10.** It is submitted that due to the peculiar nature of the COVID-19 pandemic, it was advisable not to formulate a strait jacket guideline and a cast in stone formula on “Minimum Standards of Relief”. It is submitted that in order to enable the authorities to deal with the ever changing situations in the best possible manner, utilising all the financial, human, infrastructural and all resources of the nation rationally, judiciously and keeping the future contingencies in mind, as the world does not know how this pandemic will take shape in the future, the response has taken a conscious policy decision to provide relief(s) depending upon the ever changing needs through various Ministries/Departments and such actions are coordinated and monitored by the National Executive Committee, as

contemplated in the Disaster Management Act, 2005 in general and under Section 10 in particular.

**11.** It is further submitted that, for a comprehensive response, financial resources have been and continue to be provided from as many sources as possible. The regular funding to deal with COVID-19 has been provided under the National Health Mission. In addition, in order to supplement the efforts of the State Governments, the Central Government on 14<sup>th</sup> March 2020, by way of a special one-time dispensation, decided to treat COVID-19 as a notified disaster for the purpose of providing limited assistance towards containment measures under SDRF on (i) Measures for quarantine for sample collection and screening (ii) Procurement of essential equipments/ labs for response to COVID-19.

Further to deal with problems of migrant labourers, on 28<sup>th</sup> March, 2020, the Central Government allowed use of SDRF for setting up relief camps and to provide food, water, etc. to migrant workers and other stranded people. On 23<sup>rd</sup> September, 2020, the Central Government further allowed use of SDRF by the States for oxygen generation for COVID-19 patients in States, to strengthen transport services for transporting oxygen, and setting up containment zones, COVID-19 care centres. The items and norms of expenditure allowed to States under SDRF *vide*



MHA letter dated 23.09.2020 is annexed herewith and marked as “**ANNEXURE R/7**”.

**12.** It is submitted that for the containment measures allowed under SDRF, State Governments were allowed to spend upto a maximum of 35% of the annual allocation of funds under SDRF for the financial year 2019-20. The ceiling of 35% was further enhanced to 50% during the financial years 2020-21. In addition to this, State Governments were allowed to utilize up-to 10% of their opening balance of SDRF as on 01.04.2020 by way of one-time special dispensation, for COVID-19 containment measures during 2020-21. Thus, keeping in view the recent surge in COVID-19 cases in the country, by way of a special dispensation, Central Government, further extended the dispensation allowed to States to utilise upto 50% of their annual allocation of SDRF, for containment measure of COVID-19 during the financial year 2021-22.

**13.** It is submitted that COVID-19 pandemic has also been an economic disruption. But the government has made herculean efforts to deter it from becoming a matter of economic distress, especially for the poorer and marginalised sections of society. Considering the economy-wide impact, the Government of India has announced several packages, protecting the poor and vulnerable groups, extending cheap credit to small and medium

businesses, and reducing taxes in many areas. These packages consist of lakhs of crores announced through the Pradhan Mantri Garib Kalyan Yojana (PMGKY) and the Prime Minister Atma Nirbhar Swastha Bharat Yojana (PMANSBY).

**14.** Apart from the aforesaid schemes, the Central Government also required to sustain the economic activities to deal with the economic impacts of disaster, the Central Government had to come out with several schemes either itself or through the directives issued by the Reserve Bank of India to the banks for the purpose of waiver of interest and / or restructuring of loan accounts. This has created a huge burden on the overall economy of the nation and exchequer of the Central Government, in particular. However, the Central Government is doing its best to maintain its financial equilibrium without compromising on the health, safety, food security and economic stability of the country.

**15.** It is respectfully submitted that, in the year 2020, when the national lockdown was announced, the Central government took immediate steps to provide relief to the vulnerable sections of the society. It was a critical step to strengthen the fight against the global pandemic, which averted economic distress to crores of poor families.

**STEPS TAKEN BY THE GOVERNMENT TO ENSURE  
FOOD SECURITY AND ANCILLARY RELIEFS**

**16.** It is further submitted that, the PMGKY aimed to give relief to different sections of the society – migrant workers, farmers, urban and rural poor and women. It was the world's largest food security scheme launched by the government in March 2020. The relief package included 5 kg free ration to 80 crore beneficiaries from March 2020 to November 2020. The same scheme was again reactivated nationwide in April 2021, for 2 months of May and June, 2021. On 7<sup>th</sup> June, 2021, it has been further extended till November 2021, considering the surge in COVID cases.

**SCHEMES UNDER WHICH BENEFITS OF FOOD GRAINS/ DRY RATION/ FOOD SECURITY OR DIRECT CASH TRANSFER IS EXTENDED TO POOR AND NEEDY PEOPLE**

SL.NO	NAME OF SCHEME	APPLICABLE TO WHAT CLASS OF CITIZENS	WHETHER REGISTRATION REQUIRED UNDER THE SCHEME	PROCESS OF REGISTRATION IF REQUIRED	BENEFITS UNDER THE SCHEME	NUMBER OF BENEFICIARIES
1.	PMGKAY Scheme (2020) and PMGKAY III (2021)	Antyodaya Anna Yojana (AAY) and Priority Households (PHH) beneficiaries covered under National Food Security Act (NFSA) as identified by States/UTs.	Yes, NFSA Ration cards are issued by States/UTs.	NFSA Ration cards are issued by States/UTs concerned.	Foodgrains (i.e. rice or wheat or combination) @ 5 kg per person per month, free of cost.	Around 80 Crore as per NFSA coverage, based on identification by the States/UTs
2.	Scheme to provide foodgrains to beneficiaries not covered under NFSA and to whom ration cards have been issued by the State Governments under their own scheme.	Beneficiaries not covered under NFSA and to whom ration cards have been issued by the State Governments under their own scheme	Yes	State Ration cards are issued by the State/UT Governments under their own schemes.	Foodgrains @ 5 kg per person per months are to be provided by States/UTs. Foodgrains are to be supplied to States/UTs by FCI at flat rates of 21/22 Rs. Per kg for wheat/rice respectively	<b>To be furnished by the</b> respective States/UTs as these are States/UTs own local initiatives /schemes

					throughout the country.	
3.	Open Market Sale Scheme (Domestic) [OMSS(D) Scheme]	Bulk consumers/State Governments/UTs	Yes	Besides Bulk Consumers/Traders, the State Governments/ Union Territory Administrations are also allowed to participate in the e-auction, if they require wheat and rice outside Targeted Public Distribution System (TPDS) & Other Welfare Schemes (OWS), without empanelment and submission of Earnest Money Deposit (EMD). State Governments have to register for e-auction with service provider through FCI Regional Office and obtain the user id and	Under the OMSS(D) policy for the year 2021-22, rates have been made attractive and uniform rate has been fixed pan India, without addition of any freight component to facilitate buyers to lift stocks from any place at ease during Covid period. Reserve Price of wheat has been fixed for URS 2019-20: Rs. 1800/-, URS 2020-21: Rs. 2000/-, FAQ (All crops except RMS 2021-22): Rs. 2100/- and FAQ (Crop year 2021-22): Rs. 2150/- per quintal. Reserve Price of rice has been fixed for State and Central Govt. Schemes as Rs. 2000/- per quintal and for Private parties as Rs. 2200/- per quintal.	Not Applicable

				<p>password for participation in the bids. The States are allowed to participate as a single unit.</p> <p>In view of resurgence of COVID-19 situation and to ease process of sale for the State govts/UTs, FCI will give option to State Govts/UTs to lift stocks with or without e-auction at reserve price.</p>		
4.	Scheme of supplying food grains to Charitable/ Non-Governmental Organizations etc. engaged in relief operations/ running relief camps for migrant labourers/ vulnerable groups	Migrant labourers/vulnerable groups	Not Applicable	Not Applicable.	Foodgrains are to be supplied to Charitable/ Non-Governmental Organizations etc. engaged in relief operations/ running relief camps by FCI at flat rates of 21/22 Rs. Per kg for wheat/rice throughout the	Not Applicable

					country	
5.	Scheme for small (private) traders and retail scheme for State Govts./UTs	Retailers, General Public.	Not applicable	Not applicable	<p>(i) Foodgrain (wheat) are to be supplied to small (private) traders desirous of purchasing wheat from 1-9 MT per person per depot from nominated FCI/ State Agency depots under OMSS(D) without participation in e-auction at the rate of Rs. 21/ kg for wheat.</p> <p>(ii) State/UT Governments may lift the allocated quantity of wheat and rice from the godowns of FCI and distribute it to retail consumers through their own Corporations/ cooperatives/ federations/ self-help groups or any other Government or Semi-Government organization. Similarly allocations to institutions like National Agricultural Cooperative</p>	Not Applicable

					<p>Marketing Federation of India (NAFED)/ National Cooperative Consumers' Federation of India Limited (NCCF)/Kendriya Bhandar for sale to retail consumers for checking inflationary trend in food economy and to small processors may be considered.</p> <p>Foodgrains are to be supplied to States/UTs by FCI at the <b>rate of Rs. 21/kg for wheat and Rs. 22/kg for rice.</b></p>	
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**17.** It is submitted that in the year 2020, Pradhan Mantri Garib Kalyan Package (a copy of the details of progress as on 31.03.2021 is annexed herewith and marked as **ANNEXURE R/8**) of Rs. 1,75,000 crore included:

- (i) Provision of food grains to the rural and urban poor through the Public Distribution System (PDS).
- (ii) Cash transfer of Rs 500 each to women who have Jan Dhan Accounts.
- (iii) Financial support for 3 crore senior citizens (above 60 years), widows and Divyang of Rs 1000.
- (iv) Gas cylinders, free of cost, provided to 8 crore poor families for three months.
- (v) Low-wage earners in organised sector: Wage-earners below Rs.15,000 per month in businesses having less than 100 workers were at risk of losing their employment. Herein, the Government created a policy to pay 24 percent of their monthly wages into their Provident Fund (PF) accounts for three months.
- (vi) Limit of collateral free lending increased from Rs 10 to Rs 20 lakhs for self-help groups. This impacted 6.85 crore households.

**ON THE ISSUE OF EX-GRATIA PAYMENT**

**18.** With regard to the prayer of the petitioner to allow ex-gratia compensation to families whose members have died to COVID-19, while providing their services in relief operations or when they were associated with preparedness activities to combat COVID-19 pandemic, it is submitted that the Central Government, by its pro-active and pre-emptive approach, had launched the Pradhan Mantri Garib Kalyan Package (PMGKP) as early as on 30.03.2020. Under the scheme, a comprehensive personal accident cover of Rs. 50 Lakh has been provided to 22.12 Lakh Health Care Providers throughout the country, including community health workers and private health workers who may have been in direct contact and care of COVID-19 patients and may be at risk of being impacted/infected by this.

**19.** It is respectfully submitted that, further on account of the unprecedented situation, private hospital staff/retired/volunteer/local urban bodies/contract/daily wage/ad-hoc/outsourced staff requisitioned by states/central hospitals/autonomous hospitals of central/states/UTs, AIIMS & Institute of National Importance (INI)s/hospitals of Central Ministries specifically drafted for care of COVID-19 patients were also covered under the scheme. The benefits under the said scheme have been extended for a further period of 180 days (w.e.f. 24.04.2021). The scheme is being

implemented through an insurance policy of New India Assurance Company. In order to further expedite the processing of claims, a new system has been introduced as per which the claims are now being processed by the District Collectors and forwarded to the insurance company for release of funds to the claimants. So far, ₹442.4 crore have been released to the insurance company in this regard. Herein, 477 claims of healthcare workers under the scheme have already been given the benefits, and further 344 claims of healthcare workers are under process. A detailed up to date position in respect of claims received under the scheme is attached below for ease of reference:

#### **PMGKP INSURANCE SCHEME**

##### **STATES/UTs: SUMMARY OF THE CLAIMS AS ON 03/06/2021**

Sr. No.	State/UT	Death intimations +Claims	Claims processed (Paid+ Approved)	Claim under Examination		Ineligible**
				Incomplete Documents	Only initial intimation received	
1	Andaman & Nicobar Islands	2	2	0	0	0
2	Andhra Pradesh	79	40	21	11	7
3	Arunachal	4	1	3	0	0

	Pradesh					
4	Assam	12	9	2	0	1
5	Bihar	41	12+ <b>6*</b>	14	5	4
6	Chandigarh	3	1	0	0	2
7	Chhattisgarh	38	16+ <b>5*</b>	9	0	8
8	Dadra & Nagar Haveli	1	0	1	0	0
9	Delhi	20	2	15	3	0
10	Gujarat	65	36+ <b>1*</b>	14	0	14
11	Haryana	16	5+ <b>2*</b>	9	0	0
12	Himachal Pradesh	4	1+ <b>1*</b>	1	0	1
13	Jammu & Kashmir	25	11+ <b>2*</b>	5	3	4
14	Jharkhand	14	2+ <b>3*</b>	4	0	5
15	Karnataka	94	53	36	0	5
16	Kerala	14	9+ <b>1*</b>	2	0	2
17	Ladakh	1	0	1	0	0
18	Madhya Pradesh	51	28+ <b>5*</b>	14	0	4
19	Maharashtra	185	73+ <b>20*</b>	55	5	32
20	Manipur	1	0	1	0	0
21	Mizoram	2	0	0	0	2
22	Odisha	53	8	36	6	3
23	Puducherry	11	5	4	0	2
24	Punjab	19	14	5	0	0
25	Rajasthan	77	27	32	0	18
26	Sikkim	3	0	3	0	0
27	Tamil Nadu	44	22+ <b>1*</b>	6	0	15
28	Telangana	49	23	8	14	4
29	Tripura	1	<b>1*</b>	0	0	0

30	Uttar Pradesh	44	12+3*	23	1	5
31	Uttarakhand	5	4	0	1	0
32	West Bengal	25	3+7*	10	2	3
	<b>Total</b>	<b>1003</b>	<b>477 (419+58*)</b>	<b>334</b>	<b>51</b>	<b>141</b>

**\*Claims approved but kept pending for nominee details**

**Total Claims received: 1003**

- 477 claims processed (of these 58 are approved but pending payment for nominee details)
- 141 claims not eligible

**\*\*Reasons for not eligible claims (141 claims):**

- Not health worker: 72 claims
- Not on COVID duty: 29 claims
- Neither COVID-19 positive nor Accident: 39 claims
- Death prior to policy: 1 claim

**20.** It submitted that, the Government of India has introduced a new category called 'Wards of COVID Warriors' in the guidelines for selection and nomination of candidates against Central Pool MBBS seats for the academic Year 2020-21. Five (05) Central Pool MBBS seats were reserved for this Category for the academic year 2020-21. MBBS seats were allocated for Central Pool MBBS seats for the candidates from amongst the wards of "COVID

Warriors”, who have lost life due to COVID 19; or died accidentally on account of COVID 19 related duty.

### **VACCINATIONS AND MEDICAL INFRASTRUCTURE**

**21.** The Government of India has decided to vaccinate the people of India as the most reliable preventive measure. To achieve this goal by the end of this year, the Government has taken all the steps to scale up the production, supplies, and import of vaccines. In the annual budget for 2021-22, the Government of India has allocated Rs. 35,000 crore for the mass vaccination campaign. It is submitted that, as of 19.06.21, total cumulative vaccine coverage is 27.23 crore doses. Wherein, a payment of Rs. 9381.825 crores has been made, which includes an advance. In this regard, operational cost is Rs. 123.49 crores and total cost being Rs. 9504.315 crores.

**22.** It is further submitted that, the total expenditure for necessary procurements by the Central Government (under Health Public Enterprise Division of MoHFW) and supplies made, along with quantities (starting from March 2020 till date) are as follows:

ITEM	PROCURED AND DISTRIBUTED
N95	4.32 Cr
PPE Kits	1.78 Cr
HCQ Tablets	11.6 Cr
Ventilators	45,066*
Oxygen cylinders	1,02,400
SARS COV2 Cartridges (CB-NAAT)	1,00,000
COVID-19 PCR Chip (Truenat)	12 Lakhs
*In the last one year & 3 months, more than 45,000 ventilators have been added in the country against 16,000 ventilators that were available since Independence.	

**RELEASE OF COVID-19 RELIEF FUNDS UNDER THE  
NATIONAL HEALTH MISSION (NHM)**

**23.** It is respectfully submitted that, the release of funds under NHM for FY 2018-19, FY 2019-20, FY 2020-21 and 2021-22 against the budgetary outlay are as under:

*(Rs. in Crore)*

<b>F.Y.</b>	<b>BUDGET ESTIMATE (B.E.)</b>	<b>REVISED ESTIMATE (R.E.)</b>	<b>RELEASE</b>
2018-19	25,154.61	26,118.05	26,027.62
2019-20	27,989.00	28,783.60	28,168.81
2020-21	27,989.00	29,316.75	29,747.84
2021-22	31,100.00	N.A.	1621.70

**24.** It is further submitted that in *FY 2019-20*, in addition to the above, funds to the tune of Rs. 1113.21 Crore were released to the States /UTs towards management and containment of COVID-19 over and above their normal resource envelope under NHM. The release was from the savings of Department of Health and Family Welfare (DoHFW). Therefore, the total Release under NHM (including COVID-19): Rs. 29,282.02 Crore (Rs. 28,168.81 Cr + Rs.1,113.21 Cr).



**25.** Furthermore, with regard to *FY 2020-21*, in addition to the above, funds to the tune of Rs. 8257.89 Crore have been released to the States/UTs under the India COVID-19 Emergency Response and Health Systems Preparedness Package through NHM, towards management and containment of COVID-19 pandemic. Following are the details of the same:

<b>FINANCIAL SUPPORT UNDER EMERGENCY COVID RELIEF PACKAGE</b>				
<b>S. No.</b>	<b>Programme</b>	<b>Approved Budget (Dec' 2020)</b> <i>(in Rs. crores)</i>	<b>Actual Expenditure (as on 2<sup>nd</sup> Jun 21)</b>	
			<b>(₹)</b> <i>(in crores)</i>	<b>(%)</b>
1	National Health Mission	8,310	7580.14	91.2
2	Indian Council for Medical Research	2,475	1275.00	51.5
3	National Centre for Disease Control	95	74.10	78.0
4	Central Procurement Division	3,400	3389.70	99.7

5	Ministry of Railways	720	720.00	100.0
	<b>TOTAL</b>	<b>15,000.00</b>	<b>13038.97</b>	<b>86.9</b>

A detailed copy of the Financial Progress under Emergency Covid Response Plan (ECRP)-Phase (I) is annexed herewith and marked as “**ANNEXURE R/9**”.

**26.** Lastly, with regard to *FY 2021-22*, in addition to the aforesaid tabulated estimated figures, release proposals amounting to Rs. 1692.46 Crore are under pipeline.

**ADVISORY ISSUED BY THE CENTRAL GOVERNMENT (MOHFW) ON THE JUDICIOUS USE OF OXYGEN**

**27.** It is respectfully submitted that, all the States have been advised rational use of oxygen. The guidelines on rational use of oxygen were issued on 25<sup>th</sup> September 2020. These were further revised and disseminated to States on 25<sup>th</sup> April 2021. Herein, the states were also advised to undertake oxygen consumption audit in hospitals including private hospitals.

**28.** In view of the overall limited stock of medical oxygen, a supply allocation plan for the high burden states was prepared by Department for Promotion of Industry and Internal Trade (DPIIT) in consultation with all stakeholders under the guidance of Empowered Group (EG-II). This was

first issued on 15<sup>th</sup> April 2021 and revised from time to time based on the trends of active cases and supply position. As on date, a total allocation of 10,260 MT per day, has been done to 26 High burden states as on 8th June 2021.

### **Oxygen cylinders**

**29.** It is further submitted that, 1,02,400 oxygen cylinders were procured in April and May of 2020 and distributed to States. Herein, further orders for additional 1,27,000 cylinders have been placed on 21.04.2021 (54,000 jumbo cylinders (D type) and 73,000 regular cylinders (B type). It is humbly submitted that, deliveries of the same have started and 7000 B-type and 1600 D-type cylinders have been delivered. Further, 20372 cylinders also have been received from foreign aids. In addition, 1.5 lakh SPO2 based oxygen control systems cylinders are being procured by the Defence Research and Development Organisation (DRDO).

### **Pressure Swing Adsorption (PSA) Oxygen Generation plants**

**30.** Further, with regard to Pressure Swing Adsorption (PSA) Oxygen Generation plants. It is submitted that, PSA is an established technology to generate oxygen at the local level. These PSA plants are established in hospitals, especially in far flung areas, enabling the hospitals to

become self-sufficient in generation of oxygen for their needs and thereby, reducing the burden on the medical oxygen supply grid across the country. In the first Phase, 162 PSA plants (154.19 MT capacity) were sanctioned in 32 States/UTs from PMCARES fund. Of these, 137 plants have been delivered, 113 plants have been installed and gas generation has begun in 109 plants. All these plants will be commissioned by June end.

**31.** In addition, 1051 additional PSA plants at the cost of Rs. 1,137 crores have been approved to be set up in various public health facilities across the country, taking the tally to 1213 PSA plants being funded through the PMCARES Fund. Out of the 1051 additional plants, 21 are being executed by Central Medical Services Society (CMSS), 181 by HLL Infra Tech Services Ltd. (HITES) and remaining 849 by DRDO/Council of Scientific & Industrial Research (CSIR). It is submitted that, indigenous technology for PSA plants developed by DRDO (individual plant capacity of 1000 litre/min) and CSIR (individual plant capacity of 500 litre/min) is being used. Furthermore, the Indian Navy and IIT (Kanpur) are helping to provide training for smooth commissioning and functioning of these plants. Also, in addition to the above, 108 more PSA plants are being installed by the Ministry of Petroleum and Natural Gas (MoPNG) through Corporate Social Responsibility (CSR)

funds. In this regard, the States have also been requested to set up similar oxygen generation plants in the remaining public health facilities.

**On the usage of Industrial Oxygen for Medical Purposes**

**32.** It is submitted that, an expert committee under the chairmanship of Director, AIIMS (Delhi) Dr. Randeep Guleria was constituted to examine the use of industrial oxygen for medical purposes. Thus, based on the report of the Expert Committee, States have been advised on 29<sup>th</sup> April 2021 to proactively consider setting up of make-shift hospitals near such refineries/other industrial plants and use such oxygen through piped supply with appropriate modifications as suggested by the Expert Committee.

**ADVISEMENT ON ADOPTION OF BEST COVID-19 MANAGEMENT PRACTICES**

**33.** It is submitted that the Ministry of Health and Family Welfare (MoHFW) has advised the States to adopt the following best practices on 08.05.2021 *viz.:*

- a. Dashboard to include health-facility wise Real-Time Data on available infrastructure, beds & actual oxygen consumption, followed by regular updation of the Dashboard.

- b. Stoppage of all elective surgeries. There would be surprise checks of hospitals to ensure the needful.
- c. Effective management and close monitoring of logistics of tanker movement from dispatch to recipient hospitals. There should be the use of IoT, GPS and other IT based tools to track each tanker.
- d. There should be enough number of geographically distributed emergency reserve storage points - managed by senior officers to supply oxygen to a hospital in case of SOS. They were also advised on wide dissemination of contact numbers, names and designations of these officers.

In view of the above multi-thronged approach of giving relief under the Disaster Management Act and under the constitutional obligation of the sovereign, the Central Government and the State Government had, depending upon their respective priorities provided for various reliefs

**34.** As pointed out hereinabove, the legislature, while enacting the Disaster Management Act, would not have envisaged a disaster which is a continuing disaster and which can be predicted reasonably. The interpretation of any statutory provisions cannot be literal and static in all situation. A Statute is enacted to make it effective and functional and not to defeat the very object for which it is

enacted. The Disaster Management Act also needs to be interpreted based upon the peculiar and unprecedented situation which is facing the nation. If this situational interpretation is given, the terms “shall” used in section 12 will have to be read as “may” while reading the instances given in Section 12(i) to (iii) as illustrative, leaving it open for the national authority as well as the State Authority to provide for any other “Minimum Standards of Relief” as may be required to more effectively meet a particular situation arising out of a disaster, which is not a one-time act but an unprecedented ongoing disaster changing itself daily posing new challenges to the humanity.

#### **GUIDELINES FOR RECORDING OF COVID-19 DEATHS**

**35.** It is submitted that so far as the recording of Covid-19 deaths are concerned, there is a statutory mechanism in place either by way of an Act of Parliament or guidelines having the force of mandate and the law. Any breach of the guidelines mentioned hereunder would be a criminal offence as stipulated under section 188 of the IPC. In fact, non-adherence to this directive/guidelines also amounts to contempt of court as held by this Hon'ble Court in Writ Petition(s)(C) No(s). 468/2020 titled as *Alakh Alok Srivastava* versus Union Of India, the relevant part is reproduced hereunder:-

*“Disobedience to an order promulgated by a public servant would result in punishment under section 188 of the Indian Penal Code. An advisory which is in the nature of an order made by the public authority attracts section 188 of the Indian Penal Code.*

*We trust and expect that all concerned viz., State Governments, Public Authorities and Citizens of this country will faithfully comply with the directives, advisories and orders issued by the Union of India in letter and spirit in the interest of public safety.”*

As pointed herein, it is mandated that any death resulting from Covid-19 shall have to be so certified i.e. as Covid death, failing which, everyone responsible [including the certifying doctor] shall be responsible for penal consequences.

**36.** The broad guidelines for appropriate recording of COVID-19 related deaths in India were prepared by the Indian Council of Medical Research (ICMR) and were issued on 10<sup>th</sup> May 2020 for all States for implementation and subsequently placed on the ICMR website. This was further communicated to the MoHFW, Government of India. Thereafter, the Ministry communicated it to all the States and UTs. This guidance is to help and guide doctor's



certification for COVID-19 related deaths. The guidelines clearly states that positive deaths, implicate deaths related to COVID-19. Further these guidelines are in sync with the WHO Mortality Coding. A copy of the guidelines for appropriate recording of COVID-19 related deaths in India is annexed herewith and marked as **“ANNEXURE R/10”**.

**37.** It is submitted that, on the question of issuance of death certificates, the registration of birth and death is done under the provisions of a central Act namely, Registration of Births and Deaths Act, 1969 (RBD Act). This Act was enacted in the year 1969 and was enforced in most of the States/UTs from 1<sup>st</sup> April, 1970 to promote uniformity and comparability in the registration of Births and Deaths across the country.

A copy of RBD Act, 1969 and Model Rules for Registration of Birth and Death, 1999 is annexed herewith and marked as **“ANNEXURE R/11”** and **“ANNEXURE R/12”** respectively

**38.** It is further submitted that, the Registrar General, India (RGI) at the Central level coordinates and unifies the activities of registration throughout the country and at the same time allowing enough scope for the State Governments to evolve an efficient system of registration suited to the characteristics of the respective administration.

**39.** Further, as per the provisions of the Act, the contemporary system is State governed and implementation of the statute is vested with the State Governments/UT Administration. Accordingly, the State authority (Chief Registrar) has been declared as the Chief Executive authority, in the respective State for implementing the provisions of this Act and Rules and order framed thereunder. Similarly, the District Registrar for each district within the State is responsible for carrying into execution the provision of RBD Act and Rules in respective district. At lowest level, the Registrars are responsible for registering the events occurred in his/her area of jurisdiction and issue certificates of birth and death, as the case may be. There are more than 2.8 lakhs registration centres in rural areas and around 7500 in urban areas.

**40.** It is submitted that, the events of birth and death are registered at the place of occurrence of the event that is where the event took place. The normal period of reporting the death event is 21 days from its occurrence, however, the event can be registered after the normal period under delayed registration provisions of Section 13 of the RBD Act.

**41.** According to the provisions of the act, at the local area level, the death events are registered by the designated local authority (Registrar) on the basis of information given

to him/her by the informant prescribed under Section 8 or 9 of the RBD Act. Under the provisions of section 10 of the RBD Act, 1969, the information related to cause of death is filled-up by the medical practitioner attending to the deceased at the time of terminal illness. The medical practitioner shall, after the death of the person, issue a certificate as to the cause of death in prescribed forms stating to the best of his knowledge and belief the cause of death.

**42.** This cause of death certificate is sent to the Registrar along with death reporting form on the basis of which, the Registrar makes necessary entries related to cause of death in the register of death, at the time of registration of death event.

**43.** Further, as per the Section 12 of RBD Act, 1969 and State rules made thereunder, the Registrar as soon as the registration of death has been completed, gives free of charge, an extract/certificate of death from the register relating to such death, to the informant who gives information under Section 8 or 9.

**44.** Under the provision of Section 17 of the RBD Act 'no extract relating to any death, issued to any person, shall disclose the particulars regarding the cause of death as entered in the register', accordingly, the cause of death cannot be disclosed by the Registrar to any person, hence

the extract/certificate of death does not include any information related to the cause of death of an individual, it is therefore most respectfully stated that the death certificate does not show the cause of the death of any individual. The said Section 17 of RBD Act is reproduced below for ready reference:-

**“17. Search of births and deaths register.—(1)**

*Subject to any rules made in this behalf by the State Government, including rules relating to the payment of fees and postal charges, any person may—*

- (a) cause a search to be made by the Registrar for any entry in a register of births and deaths; and*
- (b) obtain an extract from such register relating to any birth or death:*

*Provided that no extract relating to any death, issued to any person, shall disclose the particulars regarding the cause of death as entered in the register.*

*(2) All extracts given under this section shall be certified by the Registrar or any other officer authorised by the State Government to give such extracts as provided in section 76 of the Indian Evidence Act, 1872 (1 of 1872), and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.*

**GUIDELINES ISSUED BY THE OFFICE OF THE REGISTRAR GENERAL OF INDIA (ORGI) REGARDING COLLECTION OF CAUSE OF DEATH DUE TO COVID-19**

**45.** It is respectfully submitted that, in the context of pandemic due to corona virus, ORGI had issued directions/guidelines to the Chief Registrars of all States/UTs during April, 2020 to collect and certify the information on cause of death due to COVID-19 as per two emergency codes created by World Health Organization (WHO) for COVID-19 in the 10<sup>th</sup> revision of International Statistical Classification (ICD-10) of Diseases and Related Health Problems. A copy of the WHO Guidelines for certification and classification (coding) of Covid-19 as cause of death is annexed herewith and marked as “**ANNEXURE R/13**”. A copy of the directions/guidelines issued by Office of the Registrar General of India (RGI) to the Chief Registrars of all States/UTs is annexed herewith and marked as “**ANNEXURE R/14**”.

**46.** It further submitted that, recently, in May, 2021, ORGI has also issued guidelines regarding registration of death and recording of the cause of death, wherein it was advised that the death of the person should be registered within the stipulated time within 21 days. All out efforts should be made to ensure that all institutional/non-institutional deaths are covered and reported to the local

Registrar in time and to collect the information on causes of death including Covid-19. A copy of the guidelines regarding registration of death and recording of the cause of death issued by ORGI is annexed herewith and marked as “**ANNEXURE R/15**”.

**GUIDELINES REGARDING DEATH AUDIT AND DEATH CERTIFICATION**

**47.** It is respectfully submitted that, the MoHFW *vide* its letter dated 09.10.2020 has released guidelines on distinction between ‘Death Audit’ and ‘Death Certification’. A copy of the guidelines dated 09.10.2020 by MoHFW on distinction between ‘Death Audit’ and ‘Death Certification’ is annexed herewith and marked as “**ANNEXURE R/16**”.

**48.** It is submitted that ‘Death Certification’ is required to be done for recording deaths in accordance with the regulations prescribed by the Registrar General of India. The primary goal of certification of cause of death (Death Certificate) is to identify and correctly classify all deaths due to a medical condition (e.g. COVID-19) and to eliminate any discrepancy in coding so as to obtain true estimates of burden of COVID-19 deaths. All deaths with a diagnosis of COVID-19, irrespective of co-morbidities, are to be classified as deaths due to COVID-19. The only exception could be where there is a clear alternative cause of death,

that cannot be attributed to COVID-19 (e.g. accidental trauma, poisoning, acute myocardial infarction, etc), where COVID-19 is an incidental finding.

**49.** Whereas, ‘Death Audit’ on the other hand is an administrative exercise to identify gaps that contribute to deaths of patients. The aim is to improve quality of healthcare services by suitable corrective measures to prevent/minimize future deaths. The indicative proforma that may be considered for death audit is annexed herewith and marked as “**ANNEXURE R/17**”.

It is however submitted that, States/UTs may continue using their State specific death audit proforma, provided it broadly captures the parameters as the indicative proforma.

#### **SPECIFIC SUBMISSIONS ON THE PRAYERS:-**

**50.** It is submitted that there are two types of prayers in the petition for whom amount of *ex-gratia* payment has been demanded. The first relates to those involved in relief operations or associated in response activities to COVID-19. As mentioned in the paras above, under the Pradhan Mantri Garib Kalyan Yojana Package announced in March, 2020, the Government of India has provided insurance cover of Rs.50 lakhs per person, entirely at the cost of the Central Government. This insurance covers not only health

workers, but also other workers who may have been drafted for work in relief or response to COVID-19. This insurance cover has been made available from the inception of the pandemic and it provides a sum more than 12 times larger than the sum being sought in the writ petition.

**51.** It is respectfully submitted that as regards the prayer for *ex-gratia* to kin of all persons, who have died due to COVID, while all casualties are a matter of deep regret and sadness and a colossal loss to the family and the nation, it is imperative to appreciate the current approach in the light of a few important considerations. This epidemic is a disaster, unlike any other that the country (and the world) has experienced in a long time. Its extraordinary spread and impact, requires an approach different from the one that is applied to a natural disaster, which has limited and defined dimensions in terms of geography, population, and overall losses. The pandemic is still not over in the country as also the world and it is extremely difficult to predict with accuracy, it's further trajectory, mutations and waves. It requires rapidly scaled-up health and non-health efforts for a long period of time which will cost the nation lakhs of crores. There is a need to focus simultaneously on prevention, preparedness, mitigation, and recovery, which calls for a different order of mobilization of both financial and technical resources. Due to its scale and impact, it



would not be appropriate to apply the scheme of assistance, eligible for natural disasters, to the epidemic.

**52.** The pandemic has caused more than 3,85,000 deaths, a number which is likely to increase further. It exceeds the number of deaths in any other natural disaster in the past, in the country. These deaths have affected families from all classes - the rich and poor, professionals and informal workers, and trader and farmers. The Government is fully conscious of the need to provide them the necessary help and support. However, it is not correct to state that such support could be provided only through *ex-gratia* assistance for those who have died. In the current context of the pandemic, it would be a rather pedantic and narrow approach. A broader approach, which involves health interventions, social protection, and economic recovery for the affected communities, would be a more prudent, responsible, and sustainable approach. Globally, the Governments in other countries too have followed this approach, and have announced interventions that provide fiscal stimulus. The Government of India has followed a similar approach.

**53.** It is further submitted that, in the case of various disasters, for which such *ex-gratia* is provided under SDRF norms, the disaster is of a short and finite duration, occurring and ending quickly. Covid-19, on the other hand,

is a global pandemic, which has affected all the countries in the world. Within our country, it has affected all the States/Union Territories, which have experienced several waves of Covid-19 cases. There is no precedent of giving *ex-gratia* for an ongoing disease or for any disaster event of long duration, extending for several months or years. In fact, granting *ex-gratia* for one disease, while denying the same for those accounting for larger share of mortality, would not be fair or proper. It would create unfairness and invidious discrimination between persons suffering from one disease and those suffering from another. Further, unlike floods, earthquake, cyclone, etc., during the present COVID-19 pandemic, thousands of crores of rupees have been spent by Central Government and State Governments on prevention, testing, treatment, quarantine, hospitalization, medicines and vaccination etc. and it is still continuing. It is not known that how much more is required. Thus, Central and State Governments are taking all possible measures to prevent and prepare for future waves of COVID-19.

**54.** It is further submitted that *ex-gratia* relief under the Disaster Management Act, 2005, to 12 notified disasters is provided through the State Disaster Response Fund (SDRF). The annual allocation for the year 2021-22 for SDRF, for all States combined is Rs.22,184 crores.

Therefore, if an *ex-gratia* of Rs.4 lakhs is given for every person, who loses life due to COVID-19, the entire amount of SDRF may possibly be spent on this item alone, and indeed the total expenditure may go up further. In this regard it is submitted that, Public Health is a State subject under the 7<sup>th</sup> Schedule of the Constitution. If the entire SDRF funds get consumed on *ex-gratia* for COVID-19 victims, the States may not have sufficient funds for organizing Covid-19 response, for provision of various essential medical and other supplies, or to take care of other disasters like cyclones, floods, etc. Hence, the prayer of the petitioner for payment of *ex-gratia* to all deceased persons due to COVID-19, is beyond the fiscal affordability of the State Governments. Already the finances of State Governments and the Central Government are under severe strain, due to the reduction in tax revenues and increase in health expenses on account of the pandemic. Thus, utilisation of scarce resources for giving *ex-gratia*, may have unfortunate consequences of affecting the pandemic response and health expenditure in other aspects and hence cause more damage than good. It is an unfortunate but important fact that the resources of the Governments have limits and any additional burden through *ex-gratia* will reduce the funds available for other health and welfare schemes.

**55.** It is further submitted that under the Disaster Management Act, 2005, Section 12, it is the “National Authority” which is empowered to recommend guidelines for the minimum standards of relief, including *ex-gratia* assistance. This is the function entrusted to the Authority by the law passed by the Parliament. It is well settled through numerous judgements of the Supreme Court that this is a matter which should be performed by the authority, to whom it has been entrusted and not one where the Court will substitute its own judgement for the decision to be taken by the Executive. Any attempt to second guess may create unintended and unfortunate Constitutional and administrative ramifications. It may also be noted that the term ‘*Ex-Gratia*’ itself connotes that the amount is not based on legal entitlement.

**56.** It is, therefore, the respectful submission of the UOI that the present strategic approach is based on expert medical, financial and administrative advise and takes into account comprehensive considerations, all of which are germane to adopting an incisive, calculated and formidable response to the pandemic, as a Nation.



**DEPONENT**

(गोविन्द मोहन)  
(GOVIND MOHAN)  
अपर सचिव (यूटी)  
Additional Secretary (UT)  
गृह मंत्रालय  
Ministry of Home Affairs  
नॉर्थ ब्लॉक, नई दिल्ली-110001  
North Block, New Delhi-110001

**VERIFICATION**

I, the deponent above named, do hereby verify that the contents of Para 1 to 56 of my above affidavit are prepared on the basis of information available in my office, no part of it is false and nothing material has been concealed there from to the best of my knowledge.

Verified at New Delhi on this the 19.06.2021.

**DEPONENT**

(गोविन्द मोहन)  
(GOVIND MOHAN)  
अपर सचिव (यूटी)  
Additional Secretary (UT)  
गृह मंत्रालय  
Ministry of Home Affairs  
नॉर्थ ब्लॉक, नई दिल्ली-110001  
North Block, New Delhi-110001

**ITEM NO.2 Court 6 (Video Conferencing)****SECTION PIL-W****S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS****Writ Petition(s)(Civil) No(s).539/2021****GAURAV KUMAR BANSAL****Petitioner(s)****VERSUS****UNION OF INDIA & ORS.****Respondent(s)****(FOR ADMISSION and I.R. and IA No.61469/2021-EXEMPTION FROM FILING  
AFFIDAVIT and IA No.61466/2021-PERMISSION TO APPEAR AND ARGUE IN  
PERSON)****WITH****W.P.(C) No.554/2021 (PIL-W)  
(FOR ADMISSION)****Date : 24-05-2021 These petitions were called on for hearing today.****CORAM :****HON'BLE MR. JUSTICE ASHOK BHUSHAN  
HON'BLE MR. JUSTICE M.R. SHAH****For Petitioner(s) Petitioner-in-person****2.1****Mr. S.B. Upadhyay, Sr. Adv.  
Mr. Reepak Kansal, Adv.  
Mr. Yadunandan Bansal, Adv.  
Mr. Nishant Kumar, Adv.  
Mr. Prince Arora, Adv.  
Ms. Shahnaz Rahman, Adv.  
Mr. Harisha S.R., AOR****For Respondent(s) Ms. Aishwarya Bhati, ASG  
Mr. Rajat Nair, Adv.  
Mr. Amit Sharma, Adv.  
Mr. B.V. Balram Das, AOR****Mr. Chirag M. Shroff, AOR****UPON hearing the counsel the Court made the following  
O R D E R**

**These two writ petitions have been filed in public interest seeking a direction to respondent(s) to provide notified ex-gratia monitory compensation of Rs.4,00,000/- (Rupees four lakh only) to the families of deceased who succumbed to COVID-19. It is submitted**

by learned counsel for the petitioner that under the revised list of items and norms of assistance from State disaster response fund which is part of the letter dated 08.04.2015, Rs.4,00,000/- as ex-gratia compensation is required to be made. It is contended that there is no uniform policy for issuing the certificate or any official document regarding causes of death to the deceased families due to which there is a difficulty on availing various benefits.

Ms. Aishwarya Bhati, learned ASG appearing for the Union of India seeks time to obtain instructions and bring all relevant materials regarding the scheme under Section 12(iii) of the Disaster Management Act, 2005 as well as the letter dated 08.04.2015. The policies or guidelines regarding issuance of death certificate with regard to patients, who were infected with COVID-19, may also be brought on the record including the guidelines issued by the ICMR.

As prayed, 10 days time is granted to learned ASG to file counter affidavit. Learned counsel for the petitioner is granted three days time to file rejoinder affidavit, if any.

List on 11.06.2021.

Learned counsel for the petitioner may serve copy of the writ petitions to the office of learned Solicitor General. Name of Mr. B.V. Balram Das, Advocate-on-Record be shown in the cause list on the next date of hearing.

(ARJUN BISHT)  
COURT MASTER

(KAMLESH RAWAT)  
COURT MASTER (NSH)

National Disaster Management Authority  
Guidelines on Minimum Standards of Relief

**Introduction**

Disaster Management Act (Section 12) mandates National Disaster Management Authority (NDMA) to recommend Guidelines for minimum standards of relief to be provided to persons affected by disaster which shall include:

- (a) The minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water, medical cover, sanitation
- (b) Special provisions to be made for widows and orphans.
- (c) *Ex gratia* assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood
- (d) Such other relief as may be necessary

According to Section 19 of the act, the State Authorities shall lay down detailed guidelines for providing standards of relief to persons affected by disaster in the state and such standards shall in no case be less than the minimum standards in the guidelines laid down by National Authority. Hence, NDMA, as mandated by the Act, has worked out the basic minimum standards of relief to be provided to the persons affected by disaster.

Before finalizing the above Guidelines, various meetings were held in NDMA with the representatives of Nodal Ministries / Departments of Govt of India in which senior officials from State Govt. also participated to offer their valuable views. It was observed during the above meetings that the Guidelines on Minimum Standards need to be simple and implementable by the States.



### **Definition of Relief and Rehabilitation Camp:-**

Relief shelters and Rehabilitation camps shall be set up in order to accommodate people affected by a disaster. The camp shall be temporary in nature, with basic necessities. People in the camp shall be encouraged to return to their respective accommodation once the normalcy is returned.

The State Govt / District administration sometimes may not be able to implement all the basic guidelines recommended by NDMA from the day one of the disaster and therefore, the following method shall be followed:-

- (a) First three days ----- Basic norms to the possible extent may be followed.
- (b) 4 to 10 days ----- Efforts should be made to follow most of the norms recommended by NDMA in this Guideline.
- (c) 11 days and above ----- NDMA's prescribed norms shall be followed.

The factors like terrain, climatic conditions at the site of disaster etc. will also impact the requirement and ability of the administration and other stakeholders to deliver relief. These constraints should also be kept in view while prescribing minimum standards of relief.

### **2. Minimum Standards in respect of Shelter in relief camps :-**

- (a) State / UT / District Administration shall take necessary steps to pre-identify locations / buildings like local schools, anganwadi centers / cyclone shelters/ community centers/ marriage halls etc which can be used as Relief shelters where people can be accommodated in case of disaster in the area. In such centers, necessary facilities like sufficient number of toilets, water supply, generators with fuel for power back up during disasters shall be ensured.
- (b) After a disaster, large covered space shall be required to accommodate the affected people. In order to avoid last minute arrangement and high cost, States/UTs can explore the option of advance MoUs with manufacturers / suppliers for supply of factory made fast track pre-fabricated shelters / tents / toilets / mobile toilets

and urinals etc. which can be dismantled and taken back by the supplier after the closure of the camp. This arrangement shall avoid delay in setting up of camp and exorbitant billing of essential supplies.

(c) In the relief centers, 3.5 Sq.m. of covered area per person with basic lighting facilities shall be catered to accommodate the victims. In mountainous areas, minimum covered area shall be relaxed due to lack of available flat land / built up area. Special care shall be taken for safety and privacy of inmates, especially for women, widows and children. Special arrangements should be made for differently-abled persons, old and medically serious patients.

(d) Relief centers shall be temporary in nature and be closed as soon as normalcy returns in the area.

(e) Sufficient number of sites based on population density shall be identified as relief centers and earmarked well in advance at the time of planning and development of a metro/city/town.

3. **Minimum Standards in respect of Food in relief camps:-**

(a) Milk and other dairy products shall be provided for the children and lactating mothers. Every effort shall be taken in the given circumstances to ensure sufficient quantity of food is made available to the affected people (especially for aged people and children) staying in the relief shelters / camps.

(b) Sufficient steps shall be taken to ensure hygiene at community and camp kitchens. Date of manufacturing and date of expiry on the packaged food items shall be kept in view before distribution.

(c) It shall be ensured that men and women are supplied food with minimum calorie of 2,400 Kcal per day. In respect of children / infants, the food to be supplied would be 1,700 Kcal per day.



4. **Minimum Standards in respect of Water in relief camps:-**

(a) Sufficient quantity of water shall be provided in the relief camps for personal cleanliness and hand wash.

(b) It may be ensured that the minimum supply of 3 liters per person, per day of drinking water is made available in the relief camps. Further, the State / UT / District authorities shall adjust the minimum quantity of water etc as per the geographic, demographic and social practices of the region. If other means for providing safe drinking water is not possible at-least double chlorination of water needs to be ensured.

(c) In order to ensure adequate water supply, the location of the source of water supply shall preferably be within the premises of relief shelter /camp. However, the maximum distance from the relief camp to the nearest water point shall not be more than 500 mtrs. if tapped water supply is available.

5. **Minimum Standards in respect of Sanitation in relief camps:-**

(a) **Number of toilets:** 1 toilet for 30 persons may be arranged / built. Separate toilet and bath area be catered for women and children. At least 15 liters of water per person needs to be arranged for toilets / bathing purposes. Hand wash facility in toilets should be ensured. Steps may be taken for control of spread of diseases. Dignity kits for women shall be provided with sanitary napkins and disposable paper bags with proper labeling.

(b) Toilets shall not be more than 50 m away from the relief camps. Pit Latrines and Soak ways shall be at least 30 m from any ground water source and the bottom of any latrine has to be at least 1.5 m above the water level.

(c) Drainage or spillage from defecation system shall not run towards any surface water source or shallow ground water source.

6. **Minimum Standards in respect of medical cover in relief camps:-**

(a) Mobile medical teams shall visit relief camps to attend the affected people. Steps shall be taken to avoid spread of communicable diseases.

(b) If the relief camps are extended over a long time, then necessary arrangement may be made for psychosocial treatment.

(c) Helpline should be set up and contact number and details of which shall be displayed at the relief/shelters and adequately publicized to inform the people.

(d) For pregnant women, necessary basic arrangements shall be made by the local administration for safe delivery.

(e) Advance tie up / arrangement shall be made with the Govt / private hospitals so that necessary doctors / para-medical staff are available at short notice for relief camps to attend to the affected people. In respect of people who are affected and being referred to hospitals for treatment / operation etc, suitable transportation shall be arranged to reach to referred hospital.

(f) In order to manage mass casualty in a disaster, advance contingency plans for management of multiple casualties shall be developed.

7. **Minimum Standards of Relief for Widows and Orphans:-**

(a) In each camp, a separate register shall be maintained for entering the details of women who are widowed and for children who are orphaned due to the disaster. Their complete details shall be entered in the register, duly counter signed by the concerned officials and this register shall be kept as a permanent record with the District administration.

(b) Special care shall be given to widows and orphans who are separated from their families. For widows, certificate by the District Admn shall be issued stating that she lost her husband in the disaster and the same shall be issued **within 15 days of disaster**.



(c) As the widow / family shall be economically weak, the State administration shall provide a reasonable amount for the funeral rites of her husband and this payment shall be deducted from the subsequent financial compensation / relief that shall be paid by the Govt.

(d) Necessary financial compensation and other government assistance need to be arranged within 45 days of the disaster to the widow and to the orphaned children. In respect of orphaned children, similar certificate shall be issued and the children need to be taken care of properly and the funds that may be given to the children by the Govt. shall be duly deposited in a PSU Bank in a Joint A/C where the Collector / DC shall be the first account holder of the Bank account. Interest from the fund can be given to the child / guardian every month for his / her proper upkeep. Education for the child shall be ensured by the District / local administration.

(e) As far as ex gratia assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood, the norms provided by Govt of India (Ministry of Home Affairs) for assistance from SDRF should be the minimum standards of relief.

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Most Immediate

No. 33-5/2015-NDM-I  
Government of India  
Ministry of Home Affairs  
(Disaster Management Division)

'C' Wing, 3<sup>rd</sup> Floor, NDCC- II,  
Jai Singh Road, New Delhi-110001,  
Dated the 30<sup>th</sup> July 2015

OFFICE MEMORANDUM

Subject: - Guidelines on Constitution and Administration of the State Disaster Response Fund and National Disaster Response Fund based on the recommendations of the Fourteenth Finance Commission 2015-20.

Sir/ Madam,

The Fourteenth Finance Commission (FFC) has made provision of funds for the State Disaster Response Fund in its recommendations which has been accepted by the Government of India. Keeping in view of the provision of the Disaster Management Act, 2005 and the recommendations of Fourteenth Finance Commission, Government of India has framed guidelines for administration of National Disaster Response Fund (NDRF) at the National level and for State Disaster Response Fund at the State level, which are enclosed herewith for necessary action.

2. A copy of each of the guidelines for SDRF and NDRF respectively are enclosed for further necessary action at your end. These guidelines can also be downloaded from website of Disaster Management Division of Ministry of Home Affairs i.e. [www.ndmindia.nic.in](http://www.ndmindia.nic.in).



(Goutam Ghosh)  
Director (DM-I)  
Telefax: 23438123

Encl: As above.

**Distribution:-**

1. Ministry of Finance, Department of Expenditure, North Block, New Delhi.
2. Ministry of Agriculture [Joint Secretary (DM)], Krishi Bhawan, New Delhi.
3. National Disaster Management Authority, New Delhi.
4. Chief Secretaries of (All States).
5. Relief Commissioners/ Secretaries, Department of Disaster Management of (All States).
6. Accountants General of all State Governments.
7. Controller General of Accounts (CGA), New Delhi.
8. Comptroller & Auditor General (CAG), New Delhi.

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Ministry of Home Affairs  
(Disaster Management Division)

**Guidelines on Constitution and Administration of the State Disaster Response Fund (SDRF)**

**Introduction**

1. The State Disaster Response Fund (SDRF) is a fund constituted under section 48(1) (a) of the Disaster Management Act, 2005 (53 of 2005) (hereinafter DM Act, 2005). These guidelines are being issued under section 62 of the DM Act, 2005.

**Period of Operation**

2. These guidelines will be operative from financial year 2015-16 and will continue till further orders.

**Calamities covered under the SDRF**

3. (i) The SDRF shall be used only for meeting the expenditure for providing immediate relief to the victims of cyclone, drought, earthquake, fire, flood, tsunami, hailstorm, landslide, avalanche, cloud burst, pest attack and frost & cold wave.

(ii) A State Government may use up to 10 per cent of the funds available under the SDRF for providing immediate relief to the victims of natural disasters that they consider to be 'disasters' within the local context in the State and which are not included in the notified list of disasters of the Ministry of Home Affairs subject to the condition that the State Government has listed the State specific natural disasters and notified clear and transparent norms and guidelines for such disasters with the approval of the State Authority i.e. the State Executive Authority (SEC). Any amount spent by the state for such disasters over and above the ceiling would be borne out of its resources and would be subject to the same accounting norms.

Most Immediate

No. 33-6/2016 NDM-I  
 Government of India  
 Ministry of Home Affairs  
 (Disaster Management Division)

'C' Wing, 3<sup>rd</sup> Floor, NDCC-II,  
 Jai Singh Road, New Delhi – 110001,  
 Dated the 3<sup>rd</sup> April 2017

To

The Chief Secretaries  
 (All States/ UTs)

Subject:- Guideline on Constitution and Administration of the State Disaster Response Fund and National Disaster Response Fund – regarding.

Sir/ Madam,

I am directed to refer this Ministry's letter of even number dated 30<sup>th</sup> July 2015 on the above mentioned subject.

2. It has now been decided to partly modify the aforesaid SDRF guideline in respect of para No 3 by inserting new sub-para (iii) i.e. "The State Government is required to implement mandatorily the guidelines of 'Drought Manual 2016' prepared and circulated by the Ministry of Agriculture & Farmers Welfare, while determining/ declaring drought in their State, accordingly. The determining/ declaration of drought would mandatorily require (a) notification on drought, (b) details of assessment of drought as per manual (table 3.10) and (c) village-wise field verification data (para 3.2.6) etc.. The finding of field verification exercise will be the final basis for judging the intensity of drought as per page 43-44 of Drought Manual, 2016. Further, the State Governments are required to consider the overall socio-economic scenario as reflected through distress migration, fodder shortage, food and drinking water scarcities, abnormal price rise in food commodities and fodder, malnutrition among vulnerable sections for providing relief. All stages of drought say, starting from rain failure/ deficiency to crop condition/ market arrival etc. should be monitored through identified indicators online by capturing data at block level in the system".

3. In view of the above, the State Governments are requested to kindly comply with the mandatory instruction/ parameter mentioned in the 'drought manual-2016 to determine/ declaration of drought in the State.

  
 (Sanjeev Kumar Jindal)  
 Joint Secretary (DM)

Copy to:-

- i) The Relief Commissioner/ Secretary (Disaster Management) (All States/ UTs).
- ii) The Resident Commissioners (All States/ UTs), New Delhi.

Copy also to:-

JS (PF-I) Expenditure/ JS -DM (DAC & FW)/ Master Folder.



## Constitution of State Disaster Response Fund

4. The State Disaster Response Fund will be constituted with the nomenclature "State Disaster Response Fund" in the Public Account under the Reserve Fund bearing Interest in the Major Head:8121-General and other Reserve Fund in the accounts of the State Governments concerned and would be invested as per provisions of paras 18-25 of these guidelines. The closing balance as on 31.03.2015 in the State Disaster Relief Fund (SDRF) shall be transferred to the SDRF as opening balance for 2015-16. The State Government shall pay interest to the SDRF at the rate applicable to overdrafts under Overdraft Regulation Guidelines of the RBI. The interest will be credited on a half-yearly basis. State Governments are required to issue certificate that the relevant notifications establishing SDRF as per section 48(1) (a) of the DM Act, 2005 is in force.

### Contributions to the Fund

5. The aggregate size of the State Disaster Response Fund of each State for each of the financial years 2015-16 to 2019-20, would be as recommended by the 14<sup>th</sup> Finance Commission. Of the total size of SDRF indicated, Government of India will contribute 75% for general category States and 90% for special category States of the total yearly allocation in the form of a non-plan grant. The balance 25% in case of general category States and 10% in case of special category States will be contributed by the State Government concerned.

6. The share of the Government of India to the SDRF shall be paid as Grant-in-aid and accounted for in the Government of India accounts under the major head "3601-Grants-in-aid to State Governments-01 Non-plan grants- 109 Grants towards contribution to State Disaster Response Fund". The State Governments shall take these as receipts in their budget and account under the Major Head "1601-Grants-in-aid from Central Government-01 Non-plan Grant-109 Grants towards contribution to State Disaster Response Fund".

7. In order to enable transfer of the total amount of contribution to the SDRF (including the States' share of contribution), the State Governments would make suitable Budget provision on the expenditure side of their budget under the head "2245-Relief on Account of Natural Calamities-05 State Disaster Response Fund- 101 Transfers to Reserve Fund and Deposit Accounts- State Disaster Response Fund". Immediately upon receipt of Government of India's share as per para 6 above, the States would transfer the amount, along with their share, if not already transferred, to the Public Account Head within 15 days of its receipt. Any delay will require the State Government to release the amount, with interest, at Bank rate of RBI, for the number of days of delay. The State Government is required to endorse the copy of the release order to the Ministry of Finance and Ministry of Home Affairs.



### Booking of Expenditure on Immediate Relief

8. The actual expenditure on relief works will be booked only under respective Sub/ minor head within Major Head: 2245. (i.e. 01 for drought, 02 for flood, 03 for cyclones, 4 for earthquake, 05 for hailstorm, 06 for landslides, 07 for cloud burst, 08 for fire, 09 for tsunami, 10 for avalanche, 11 for pest attack and 12 for cold wave/frost and 13 for other State specific disasters, 13.1 for specific disaster, 13.2 for specific disaster, 13.3 for specific disaster, 13.4 for specific disaster, 13.5 for specific disaster... etc; 16 for "State Disaster Response Fund" and 80 for General). The expenditure to be charged to the SDRF will be shown as a negative entry under 2245-05-901 – deduct amount met from SDRF for relief expenditure". As proper accounting brings in transparency for booking of expenditure, office of the Controller General of Accounts/Accountant Generals in the respective States may create Sub Head/ Minor Head in respect of each of the notified calamities / items under Major Head 2245. The expenditure to be charged from the SDRF will be shown as a negative entry under 2245-05-901-deduct amount met from SDRF for relief expenditure.

9. Direct expenditure should not be made from the Public Account. Even if for some administrative reasons, expenditure on immediate relief has been met under heads of account other than MH:2245, these should be finally booked under MH: 2245 through inter-account transfers.

### Release of Central Contribution to the Fund

10. The share of the Central Government in SDRF shall be remitted to the State Governments in two instalments in June and December in each financial year. Likewise, the State Governments shall also transfer their contribution to the SDRF in two instalments in June and December of the same year, provided that if Ministry of Home Affairs, upon being satisfied that exigencies of a particular calamity so warrant, may recommend an earlier release of the Central share upto 25% of the funds due to the State in the following year. This release will be adjusted against the instalments of the subsequent year.

11. The share of the Government of India to the SDRF due in a year shall be released to the State Governments subject to fulfillment of the following conditions:-

- (i) The first instalment of central contribution to SDRF for 2015-16 will be released on receipt of self certification by State Government that the arrangement of accounting procedure as mentioned in paras 4 to 9 above and other conditions as mentioned below in paras 11(ii) to (vii) will continue during the award period of Fourteenth Finance Commission. Any



deviations from these accounting practices would result in withholding of further releases until the required accounting procedure is adopted or restored.

(ii) A 'State Disaster Response Fund' has been duly constituted by the State Government as specified in DM Act, 2005, following the accounting procedure and manner described in paras 4 to 9 above. State Governments are required to issue certificate that the relevant notifications establishing SDRF as per section 48(1) (a) of the DM Act, 2005 is in force.

(iii) State has to constitute the State Executive Committee (SEC) as mentioned in para 12 below. State Governments are required to issue a certificate that the relevant notifications constituting SEC is in force.

(iv) The State Government shall furnish a certificate to the Ministry of Home Affairs and to Ministry of Finance in the months of April and October every year indicating that the amount received earlier has been credited to the SDRF along with the State's share of contribution, accompanied by a statement giving the up-to-date expenditure and the balance amount available in the SDRF. This statement is to be provided in the format at Attachment-II, Once the Finance Accounts of the previous year are available, expenditure reported for that particular year should match with expenditure figure in Major Head:2245 and balance in SDRF in MH:8121. In case of any discrepancy, the figures in MH: 2245 and in MH: 8121, as reflected in the Finance Accounts, will be considered.

(v) The central contribution due in December of a year shall be released after the receipt, in the Ministry of Home Affairs and in the Ministry of Finance, by September of that year, of an 'Annual Reports on Natural Calamities', prepared by the State Government on any natural calamities, mentioned in para 3 above, faced in the previous year, by September of every year. This Annual Report shall, inter-alia, furnish details of expenditure incurred by the State Government on each of calamities, for each type of expenditure allowed as per the items and norms of expenditure of SDRF/ National Disaster Response Fund (NDRF) so fixed by MHA with the concurrence of Ministry of Finance. Format will be prescribed in due course.

(vi) Whenever the SDRF of a State is replenished with additional grant-in-aid from NDRF, the State Government would treat this grant in the same manner as the funds in SDRF as far as transfer and accounting are concerned. However, in such cases, a specific utilization certificate will be required within three months of the close of the financial year in which

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such a grant is released. Format for the utilization certificate will be prescribed in due course.

(vii) The release of installments shall be made by Ministry of Finance after receiving due recommendations from the Ministry of Home Affairs (DM Division).

### **State Executive Committee**

12. Every State will constitute a State Executive Committee (SEC) as per section 20 of the Disaster Management, Act, 2005. The Chief Secretary to the State Government shall be the ex-officio Chairperson of the SEC.

### **Functions of the State Executive Committee regarding affairs of SDRF**

13. State Government shall entrust the SEC, inter-alia, with following responsibilities:-

(i) The SEC will decide on all matters connected with the financing of the relief expenditure of immediate nature from SDRF. Period for providing gratuitous relief will be as per assessment of the SEC and the Central Team (in case of NDRF). The default period of assistance should be as per prescribed time limit. However, if the SEC so feels and depending on the ground situation, the period of relief assistance can be extended beyond the prescribed time limit subject to the condition that expenditure on this account should not exceed 25% of SDRF allocation for the year.

(ii) The SEC will arrange to obtain the contributions from the concerned Governments, administer the SDRF and invest the accretions to the SDRF in accordance with the norms approved by the Government of India from time to time. The norms of investment are indicated in paras 18-25 below.

(iii) The SEC shall ensure that a) the money drawn from the SDRF is actually utilised for the purposes for which the SDRF has been set up, b) expenditures are only on items of expenditure and as per the norms as in para 15 below, c) timely remittance of State share into SDRF account, d) amount is not retained under non-receipt bearing public account, e) fund is not diverted to inadmissible expenditure, f) excess utilization of fund due to mixing up of State resources/ budget fund with SDRF resulting the identity of SDRF is lost and g) accounting procedures in para 4 to 9 above are followed.

(iv) The accretions to the SDRF together the income earned on the investments of the SDRF will be used by the SEC to meet items of expenditure covered under the approved norms as in para 15 below.



## Expenditure of SEC

14. All administrative expenses of the SEC and miscellaneous expenses shall be borne by the State Government from its normal budgetary provisions and not from the SDRF or NDRF.

### Assessment of assistance under Items and Norms of Expenditure.

15. The norms for the amounts to be incurred on each approved item of expenditure will be fixed by the Ministry of Home Affairs with the concurrence of Ministry of Finance, as amended from time to time. In case any State Government exceeds the amount prescribed, the excess expenditure should be borne on the budget of the State Government and not be charged to SDRF or NDRF.

16. The SEC will assess the requirements of assistance from the SDRF for financing relief expenditure. The provision for expenditure on relief will be made in the budget of the State Government as mentioned in para 7 above. The extent of relief expenditure to be financed from the SDRF as authorized by the SEC shall be withdrawn from the SDRF after liquidation of the investment holdings in the manner described in paras 26-27 below.

17. Expenditure for providing immediate relief to the victims of State-specific natural disasters within the local context in the State, which are not included in the Government of India (GoI) notified list of disasters, issued by MHA, as per approved norms, may be met from SDRF within the limit of 10 percent of the fund available in SDRF. However, this flexibility would be applicable only after the State has listed the natural disasters for inclusion and notified clear and transparent norms and guidelines for disaster relief for such disasters with the approval of the State Authority, i.e. the SEC. Any amount spent by the State for such natural disasters over and above the ceiling would be borne out of its own resources and would be subject to the same accounting norms.

18. The provision for disaster preparedness, restoration, reconstruction and mitigation should not be a part of SDRF or NDRF. Such expenditure is needed to be built into the normal budgetary heads/ State Plan funds etc.

18.1 Five per cent (5%) of the annual allocation of SDRF may be kept for Capacity Building Activities by the States. These activities are as under :

- a) Setting up/strengthening of Emergency Operation Centres (EOCs) in the State.
- b) Training/Capacity Building of stakeholders and functionaries in the State.
- c) Supporting disaster management centres of State ATIs and other institutions.

- d) Preparation of Disaster Management Plans based on Hazards, Risk and Vulnerability Analysis.
- e) Strengthening of SDMAAs and DDMAAs.

### **Patterns of Investment from the Fund**

19. On receipt of the amounts of contributions from the Government of India and/or the State Government, the SEC would take action for investment of the funds as per the norms prescribed in para 20 of the Guidelines.

20. The accretions to the SDRF together with the income earned on the investment of the SDRF shall, till contrary instructions are issued by Government of India, be invested in one or more of the following instruments.

- (a) Central Government dated Securities;
- (b) Auctioned Treasury Bills; and
- (c) Interest earning deposits and certificates of deposits with Scheduled Commercial Banks.

The investment of the funds shall be carried out by the branch of the Reserve Bank of India (having Banking Department) at the headquarters of the State, or a Bank designated by RBI. In cases of Jammu & Kashmir and Sikkim, these functions may be carried out by that State's bankers.

### **Account of Investment Transactions**

21. The SEC will, from time to time, issue instructions to the concerned local bankers indicated in para 20 above to invest specified amount(s) from the SDRF in the securities specified in clauses (a) to (c) under para 20. Banks will immediately arrange to make the necessary investment locally or through their branches /correspondent banks/RBI at Mumbai or other metropolitan centres. The banks would scroll to the Government the debit on account of the investment and other incidental charges like brokerage, commission etc. in the usual course. However, in order to ensure that the investment transactions of the SDRF do not get mixed up with other transactions these may be indicated distinctly in separate scrolls.

22. On receipt of the scrolls the investment transactions would be accounted for under the head "8121-General and Other Reserve Fund-'State Disaster Response Fund'. The incidental charges like brokerage, commission etc. shall be accounted for as a charge on the SDRF.

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23. The bank will arrange to collect interest on these securities/bonds and credit the same to the account of the Government on the due date. These receipts shall form a part of the receipts of the SDRF and would be accounted for as such. Further, these would require to be invested by the SEC as in the case of the contributions by the Government i.e. in accordance with the investment norms prescribed in para 20 above. On maturity of the securities, the proceeds will be collected and credited to the account of the Government or reinvested on the basis of instructions received from the SEC. As in the case of the debit scrolls the banks shall use separate scrolls for the receipts.

24. On receipt of instructions from the SEC, the concerned bank will arrange to sell the securities at the ruling price through its branches/correspondent banks/RBI at Mumbai or any other metropolitan Centre and credit the amount realised, less incidental charges, to the account of the Government.

25. The receipts on account of maturity or sale of the securities would be credited to the "State Disaster Response Fund". The incidental charges on sale may be charged to the SDRF.

26. The auctioned Treasury Bills may be purchased by the bank either at the Treasury Bill auctions on the basis of a non-competitive bid or in the market.

#### **Encashment of Securities**

27. To meet liability on account of the claims sanctioned for relief, the SEC will first dispose of its holdings of auctioned Treasury Bills to the extent required, the oldest lot of bills being sold first and so on. If the amount obtained by the sale of auctioned Treasury Bills is not sufficient to meet the liability towards relief sanctioned, the SEC may encash the deposits with the local branches of the scheduled commercial banks. The Central Government dated securities may be sold only if the amount realised by the sale of treasury bills and encashment of the deposits is not adequate.

28. The concerned State Government will pay to the RBI/banks a commission at the rate determined by RBI in consultation with the concerned State Government. These charges shall also be borne by the SDRF as in the case of the charges indicated in para 22. The loss or gain on the sale of securities shall also be taken to the account of the SDRF.

## Monitoring by the Ministry of Home Affairs

29. The Ministry of Home Affairs is the nodal Ministry for overseeing the operation of SDRF, and shall monitor compliance with the prescribed processes. MHA may issue directions/instructions under of DM Act.

## Unspent Balance in the SDRF

30. The unspent balance in the SDRF account as at the end of the financial year 2014-15 shall be the opening balance of SDRF account of the financial year 2015-16. Government of India will communicate the modalities for handling any balances available at the end of 2019-20 in SDRF of the States. Otherwise, unless provided, the closing balance would be available for relief expenditure under SDRF in the ensuing period of 2020-25.

## Accounts and Audit

31. The accounts of the SDRF (approved calamity-wise) and the investment shall be maintained by the Accountant General in charge of accounts of the State in the normal course. Disclosure about the position of the opening balance, receipts, expenditure and closing balance in respect of SDRF will be made in the Finance Accounts, as a separate appendix/line. The SEC will, however, maintain subsidiary accounts (calamity wise) in such manner and details as may be considered necessary by the State Government in consultation with the Accountant General.

32. Comptroller and Auditor General of India would cause audit/ perform audit of SDRF conducted every year in conformity with approved items & norms in terms of the purposes of the SDRF Guidelines. The State Government shall furnish a copy of the audit report of the Comptroller and Auditor General of India in respect of SDRF to the Ministry of Finance and Ministry of Home Affairs.

## Saving

33. The Ministry of Home Affairs with the concurrence of Ministry of Finance, shall alter/modify instructions as may be considered necessary from time to time. Further, in case of any difficulty in the operation of any provision of these instructions, the Central Government, if satisfied, may modify the provisions or by amending the DM Act.

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ATTACHMENT-IIPROFORMA

(Rs. in lakhs)

## (A) Statement of earlier released amounts to the Calamity Relief Fund (CRF)/ State Disaster Response Fund (SDRF).

1. Opening balance as on 01.04.20.....
2. Centre share including advance release credited to CRF/SDRF:
3. Corresponding share of state:
4. Corresponding share of state credited to CRF/SDRF:
5. Amount received under NDRF/NCCF:
6. Expenditure as on 30<sup>th</sup> September:.....
7. Expenditure as on 31<sup>st</sup> March 20.....
8. Amount transferred to investment account:
9. Amount received from investment account:
10. Closing balance (1+2+4+5+9) - (7+8): 31<sup>st</sup> March/30<sup>th</sup> September

- B) 1. Opening balance: 1<sup>st</sup> April/1<sup>st</sup> October  
 1.1 Total investment made out of SDRF as on 31<sup>st</sup> March 201.....

2. Receipt during the current financial year .....
  - (i) Centre's share:..... (date of receipt from Govt. of India)
  - (ii) State's share:.....
  - (iii) Assistance under NCCF/NDRF : .....
  - (iv) Date of transfer of Centre's and State's share to the SDRF account:
  - (v) Interest paid to the SDRF account in case of delay of transfer of funds beyond 15 days:
  - (vi) Interest earned (including investment : .....
  - made out of SDRF/CRF)
  - (vii) Others : .....
  - (viii) Arrears of Centre's/State's share, if any : .....
  - to be credited to CRF/SDRF
  - (ix) Total (i) to (viii) : .....
  - (x) of which amount credited to SDRF : .....
3. Total amount available in the SDRF {1+2(x)} : .....
4. Total Expenditure incurred inconformity with items & norms of SDRF during the year out of the Fund:
  - i) As on 31<sup>st</sup> March, 201.... : .....
  - ii) As on 30<sup>th</sup> September, 201.... : .....
5. Balance available in the Fund (3-4) : .....31<sup>st</sup> March/30<sup>th</sup> September

## (C) Submission of Annual Report on Natural Calamities.

- (i) Whether "Annual Report on Natural Calamities" for the previous year ..... has been sent to Ministry of home Affairs (Yes/No): .....
- (ii) If yes, date on which sent: .....

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Ministry of Home Affairs  
(Disaster Management Division)

**Operational Guidelines for Constitution and Administration of the  
National Disaster Response Fund (NDRF)**

**Introduction**

1.1 These guidelines shall be called 'National Disaster Response Fund' (NDRF) Guidelines. NDRF is a fund constituted under section 46 of the Disaster Management Act, 2005. These Guidelines are issued under section 46(2) of the Disaster Management Act, 2005 (hereinafter DM Act, 2005), to supplement funds from the State Disaster Response Fund (SDRF) of a State, to facilitate immediate relief in case of calamities of a severe nature.

**Period of operation**

2.1 The guidelines shall come into force with effect from the financial year 2015-16 after notification of NDRF and will continue till further orders.

**Calamities covered under NDRF**

3.1 Natural calamities of cyclone, drought, earthquake, fire, flood, tsunami, hailstorm, landslide, avalanche, cloud burst, pest attack and **cold wave & frost** considered to be of severe nature by Government of India and requiring expenditure by a State Government in excess of the balances available in its own State Disaster Response Fund (SDRF), will qualify for immediate relief assistance from NDRF.

**National Disaster Response Fund**

4.1 The NDRF will be operated by the Government of India for the purpose of providing immediate relief to people affected by the above mentioned calamities which are assessed as being of 'severe nature', following the procedure described in para 7 of these guidelines. NDRF is classified in the Public Account in the sub-section (b) 'Reserve Funds not bearing Interest' of the Government of India under the major head 8235- 'General and other Reserve Funds' – 119- National Disaster Response Fund'.

**Contribution to the NDRF**

5.1 The closing balance of the NDRF at the end of financial year 2014-15 shall be the opening balance of the NDRF in the year 2015-16.



5.2 Funds will be credited into the NDRF in accordance with the provisions of the section 46(a) & (b) of Disaster Management Act, 2005.

5.3 The budget provision for transferring funds to the NDRF as mentioned in para 5.2 above shall be made in the Demand for grants no. - "Transfers to State and UT Governments" (under non-plan provision). Releases to State Governments will be made by the Ministry of Finance from this provision.

5.4 During the years 2015-20 transfers to the NDRF established in the Public Account of India will be made by operating the following heads of account: Major Head "2245-Relief on account of Natural Calamities - 80-General-797-Transfers to Reserve Funds and Deposit Account"-Transfer to National Disaster Response Fund.

### **Arrangements for Monitoring natural calamities**

6.1 The Ministry of Home Affairs will make appropriate arrangements to monitor the occurrences of natural calamities relating to cyclones, earthquakes, fires, floods, tsunami, landslides, avalanches and cloud bursts. Department of Agriculture and Cooperation will make appropriate arrangements to monitor calamities associated with drought, hailstorms, pest attacks and cold wave/ frost.

### **Assessment of Relief Assistance from the NDRF**

7.1 Upon a request made by a State not having adequate balance in its State Disaster Response Fund (SDRF), Ministry of Home Affairs or the Ministry of Agriculture, as the case may be, will ascertain that State government has submitted memorandum as per the guidelines/ formats circulated by GOI, showing sector/ item-wise damage with proper justification of requirement of funds, and assess whether a case for additional assistance from NDRF is made out under these guidelines and the approved items and norms of assistance under NDRF/SDRF. The following procedure will be adopted for making such assessment:

- (i) The memorandum of the State Government will be examined to assess the likely requirement of funds as per items and norms of expenditure under SDRF/NDRF. If the preliminary examination reveals that there are adequate funds in SDRF with the State for providing relief as per norms, the State would be advised accordingly.

- (ii) If the preliminary examination reveals that the State is in need of assistance, a Central Team will be deputed for making an on the spot assessment.
- (iii) The report of the Central Team shall be examined by the Subcommittee of the National Executive Committee (SC-NEC) constituted under section 8 of the DM Act, 2005. The NEC will assess the extent of assistance and expenditure which can be funded from the NDRF, as per the norms of NDRF/SDRF, and make recommendations.
- (iv) Based on the recommendations of SC-NEC, a High Level Committee (HLC) will approve the quantum of immediate relief to be released from NDRF.
- (v) The release of assistance from NDRF will be subject to adjustment of 50% of the balance in the SDRF as on 31<sup>st</sup> March of the preceding financial year.
- (vi) MHA may evolve a mechanism, and share with all stakeholders to have real time information about availability of funds with State Governments, who would be liable to feed and upload data on real time.

### **High Level Committee (HLC)**

8.1 The High Level Committee will be constituted with Home Minister, Finance Minister, Agriculture Minister, and (Planning Minister/ VC- NITI Aayog) as members. HLC is serviced by the Disaster Management Division of Ministry of Home Affairs.

### **Ministry of Home Affairs to supervise**

9.1 The Ministry of Home Affairs (MHA) shall oversee the utilisation of releases from NDRF for the purposes for which funds have been released and monitor compliance with the guidelines of NDRF. States will need to provide the required information to MHA as per annexures in this regard.

### **Inadmissible assistance from NDRF**

10. Expenditure from NDRF is meant to assist a State to provide immediate relief in those cases of severe calamity, where the expenditure required is in excess of the balance in the State's SDRF. Expenditure on disaster preparedness, restoration, reconstruction and mitigation should not be a part of SDRF or NDRF, and is to be met from the **normal budgetary heads/ plan funds**.



## Releases to States

11.1 Upon the approval of HLC, Ministry of Finance will release assistance from NDRF to States.

11.2 Release of assistance to the State Governments from NDRF shall be made from the head "2245 – Relief on account of Natural Calamities – 80-General – 103 -Assistance to States from NDRF" with equivalent amount shown as recovery from the fund maintained in the Public Account under the head – "8235-General and Other Reserve Funds-119 National Disaster Response Fund". Accordingly, nomenclature of the minor-head 103 under Major Head: 2245 will change from "Assistance to States from National Calamity Contingency Fund" to "Assistance to States from National Disaster Response Fund". The amount recovered from NDRF shall be shown as below the line recovery in the Demand for grants no. 35.

11.3 On receipt of funds from the NDRF, the State Government shall treat them as receipts along with the receipts of Central/State shares of State Disaster Response Fund under the major head "1601" - Grants-in- aid from Central Government -01 Non-Plan Grants- 110 Grants from National Disaster Response Fund. The State Government would make suitable budget provision on the expenditure side of their budget under the relevant minor heads under the major head "2245- Relief on Account of Natural Calamities – 80 General-103 Assistance to States from National Disaster Response Fund". The State's SDRF account should distinctly show the receipt of assistance from NDRF apart from the remaining four sources of receipts into the fund; namely (i) Centre's share of State Disaster Response Fund (ii) State's share of Disaster response Fund (iii) Return on investments and (iv) redemption of investments.

11.4 The actual expenditure out of NDRF should be booked under respective minor heads within major head: 2245. Direct expenditure by State Governments from the Public Account should not be made. If for any administrative reason, expenditure on relief by State Governments has been met under a head of account other than MH: 2245, it should be finally booked under MH: 2245 through an inter-account transfer. Deviations from this accounting practice could lead to releases of assistance from NDRF to States being with-held until the above accounting procedure is adopted/ reverted to.

11.5 The Pay and Accounts Office, Ministry of Finance shall release payments to the State Governments. The detailed account of the Fund shall be maintained by the Controller General of Accounts through the Chief Controller of Accounts, Ministry of Finance.

### **Oversight by State Executive Committee**

12.1 The State Executive Committee, constituted by the State Government under section 20 of the Disaster Management Act, 2005, shall be responsible for ensuring that the expenditure incurred out of the funds received under the NDRF is in accordance with the items and norms of expenditure of NDRF/SDRF.

### **Unspent balance in NDRF**

13.1 Government of India will communicate the modalities for handling any balances available at the end of 2019-20 in NDRF.

### **Accounts and Audit**

14.1 The detailed accounts of NDRF shall be maintained by the Controller General of Accounts through the Chief Controller of Accounts, Ministry of Finance.

14.2 The accounts of the NDRF shall be audited annually by Comptroller & Auditor General. The State Government shall furnish a copy of the audit Report of CAG to Ministry of Finance and Ministry of Home Affairs.

### **Saving**

15.1 The Ministry of Home Affairs with the concurrence of Ministry of Finance may amend these guidelines, in such manner as may be required to facilitate smooth operation of immediate relief efforts.

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## Revised list of items & norms of assistance from State Disaster Response Fund (SDRF)/ National Disaster Response Fund (NDRF)

(Period 2015-20, MHA Letter No. 32-7/2014-NDM-I Dated 8<sup>th</sup> April 2015)

Sl. No.	Items	NORMS OF ASSISTANCE
1	2	3
1.	Gratuitous Relief	
	a) Ex-Gratia payment to families of deceased persons.	<b>Rs.4.00 lakh</b> per deceased person including those involved in relief operations or associated in preparedness activities, subject to certification regarding cause of death from appropriate authority.
	b) Ex-Gratia payment for loss of a limb or eye(s).	<b>Rs. 59100/-</b> per person, when the disability is between 40% and 60%.  <b>Rs. 2.00 lakh</b> per person, when the disability is more than 60%.  Subject to certification by a doctor from a hospital or dispensary of Government, regarding extent and cause of disability.
	c) Grievous injury requiring hospitalization	<b>Rs. 12,700/-</b> per person requiring hospitalization for more than a week.  <b>Rs. 4,300/-</b> per person requiring hospitalization for less than a week.
	d) Clothing and utensils/ house-hold goods for families whose houses have been washed away/ fully damaged/severely inundated for more than two days due to a natural calamity.	<b>Rs.1,800/-</b> per family, for loss of clothing.  <b>Rs.2,000/-</b> per family, for loss of utensils/ household goods.
	e) Gratuitous relief for families whose livelihood is seriously affected.	<b>Rs. 60/-</b> per adult and <b>Rs. 45/-</b> per child, not housed in relief camps. State Govt. will certify that identified beneficiaries are not housed in relief camps. Further State Government will provide the basis and process for arriving at such beneficiaries district-wise.  Period for providing gratuitous relief will be as per assessment of the State Executive Committee (SEC) and the Central Team (in case of NDRF). The default period of assistance will upto to 30 days, which may be extended upto 60 days in the first instance, if required, and subsequently upto 90 days in case of drought/ pest attack. Depending on the ground situation, the State Executive Committee can extend the time period beyond the prescribed limit subject to that expenditure on this account should not exceed 25% of SDRF allocation for the year.
2.	<b>SEARCH &amp; RESCUE OPERATIONS</b>	
	(a) Cost of search and rescue measures/ evacuation of people affected/ likely to be affected	As per actual cost incurred, assessed by SEC and recommended by the Central Team (in case of NDRF).  - By the time the Central Team visits the affected area, these activities are already over. Therefore, the State Level Committee and the Central Team can recommend actual / near-actual costs.

	(b) Hiring of boats for carrying immediate relief and saving lives.	As per actual cost incurred, assessed by SEC and recommended by the Central Team (in case of NDRF).  The quantum of assistance will be limited to the actual expenditure incurred on hiring boats and essential equipment required for rescuing stranded people and thereby saving human lives during a notified natural calamity.
<b>3</b>	<b>RELIEF MEASURES</b>	
	a) Provision for temporary accommodation, food, clothing, medical care, etc. for people affected/ evacuated and sheltered in relief camps.	As per assessment of need by SEC and recommendation of the Central Team (in case of NDRF), for a period up to 30 days. The SEC would need to specify the number of camps, their duration and the number of persons in camps. In case of continuation of a calamity like drought, or widespread devastation caused by earthquake or flood etc., this period may be extended to 60 days, and upto 90 days in cases of severe drought. Depending on the ground situation, the State Executive Committee can extend the time period beyond the prescribed limit subject to that expenditure on this account should not exceed 25% of SDRF allocation for the year.  Medical care may be provided from National Rural Health Mission (NRHM).
	b) Air dropping of essential supplies	As per actual, based on assessment of need by SEC and recommendation of the Central Team (in case of NDRF).  - The quantum of assistance will be limited to actual amount raised in the bills by the Ministry of Defence for airdropping of essential supplies and rescue operations only.
	c) Provision of emergency supply of drinking water in rural areas and urban areas	As per actual cost, based on assessment of need by SEC and recommended by the Central Team (in case of NDRF), up to 30 days and may be extended upto 90 days in case of drought. Depending on the ground situation, the State Executive Committee can extend the time period beyond the prescribed limit subject to that expenditure on this account should not exceed 25% of SDRF allocation for the year.
<b>4.</b>	<b>CLEARANCE OF AFFECTED AREAS</b>	
	a) Clearance of debris in public areas.	As per actual cost within 30 days from the date of start of the work based on assessment of need by SEC for the assistance to be provided under SDRF and as per assessment of the Central team for assistance to be provided under NDRF.
	b) Draining off flood water in affected areas	As per actual cost within 30 days from the date of start of the work based on assessment of need by SEC for the assistance to be provided under SDRF and as per assessment of the Central team(in case of NDRF).
	c) Disposal of dead bodies/ Carcasses	As per actuals, based on assessment of need by SEC and recommendation of the Central Team (in case of NDRF).
<b>5</b>	<b>AGRICULTURE</b>	
(i)	<i>Assistance farmers having landholding upto 2 ha</i>	
A.	<b>Assistance for land and other loss</b>	
	a). De-silting of agricultural land (where thickness of sand/ silt deposit is more than 3", to be certified by the competent authority	<b>Rs. 12,200/-</b> per hectare for each item.  (Subject to the condition that no other assistance/ subsidy has



	of the State Government.)	been availed of by/ is eligible to the beneficiary under any other Government Scheme)
	b) Removal of debris on agricultural land in hilly areas	
	c) De-silting/ Restoration/ Repair of fish farms	
	d) Loss of substantial portion of land caused by landslide, avalanche, change of course of rivers.	<b>Rs. 37,500/-</b> per hectare to only those small and marginal farmers whose ownership of the land is legitimate as per the revenue records.
<b>B.</b>	<b>Input subsidy (where crop loss is 33% and above)</b>	
	a) For agriculture crops, horticulture crops and annual plantation crops	<b>Rs. 6,800/-</b> per ha. in rainfed areas and restricted to sown areas. <b>Rs. 13,500/-</b> per ha. in assured irrigated areas, subject to minimum assistance not less than Rs.1000 and restricted to sown areas.
	b) Perennial crops	<b>Rs. 18,000/-</b> ha. for all types of perennial crops subject to minimum assistance not less than Rs. 2000/- and restricted to sown areas.
	c) Sericulture	<b>Rs. 4,800/-</b> per ha. for Eri, Mulberry, Tussar <b>Rs. 6,000/-</b> per ha. for Muga.
<b>(ii)</b>	<b>Input subsidy to farmers having more than 2 Ha of landholding</b>	<b>Rs. 6,800/-</b> per hectare in rainfed areas and restricted to sown areas. <b>Rs.13,500/-</b> per hectare for areas under assured irrigation and restricted to sown areas. <b>Rs. 18,000/-</b> per hectare for all types of perennial crops and restricted to sown areas.  Assistance may be provided where crop loss is 33% and above, subject to a ceiling of 2 ha. per farmer.
<b>6.</b>	<b>ANIMAL HUSBANDRY - ASSISTANCE TO SMALL AND MARGINAL FARMERS</b>	
	i) Replacement of milch animals, draught animals or animals used for haulage.	<p><b>Milch animals -</b></p> <p><b>Rs. 30,000/-</b> Buffalo/ cow/ camel/ yak/ Mithun etc. <b>Rs. 3,000/-</b> Sheep/ Goat/ Pig</p> <p><b>Draught animals -</b></p> <p><b>Rs. 25000/-</b> Camel/ horse/ bullock, etc. <b>Rs. 16,000/-</b> Calf/ Donkey/ Pony/ Mule</p> <p>- The assistance may be restricted for the actual loss of economically productive animals and will be subject to a ceiling of 3 large milch animals or 30 small milch animals or 3 large draught animals or 6 small draught animals per household irrespective of whether a household has lost a larger number of animals. (The loss is to be certified by the Competent Authority designated by the State Government).</p> <p><b>Poultry:-</b> Poultry @ <b>50/- per bird</b> subject to a ceiling of assistance of <b>Rs 5000/-</b> per beneficiary household. The death of the poultry birds should be on account of a natural calamity.</p>

		<i>Note: - Relief under these norms is not eligible if the assistance is available from any other Government Scheme, e.g. loss of birds due to Avian Influenza or any other diseases for which the Department of Animal Husbandry has a separate scheme for compensating the poultry owners.</i>
	ii) Provision of fodder / feed concentrate including water supply and medicines in cattle camps.	<p>Large animals- <b>Rs. 70/-</b> per day.</p> <p>Small animals- <b>Rs. 35/-</b> per day.</p> <p>Period for providing relief will be as per assessment of the State Executive Committee (SEC) and the Central Team (in case of NDRF). The default period for assistance will be upto 30 days, which may be extended upto 60 days in the first instance and in case of severe drought up to 90 days. Depending on the ground situation, the State Executive Committee can extend the time period beyond the prescribed limit, subject to the stipulation that expenditure on this account should not exceed 25% of SDRF allocation for the year.</p> <p>Based on assessment of need by SEC and recommendation of the Central Team, (in case of NDRF) consistent with estimates of cattle as per Livestock Census and subject to the certificate by the competent authority about the requirement of medicine and vaccine being calamity related.</p>
	iii) Transport of fodder to cattle outside cattle camps	As per actual cost of transport, based on assessment of need by SEC and recommendation of the Central Team (in case of NDRF) consistent with estimates of cattle as per Livestock Census.
<b>7</b>	<b>FISHERY</b>	
	i) Assistance to Fisherman for repair / replacement of boats, nets – damaged or lost <ul style="list-style-type: none"> <li>-- Boat</li> <li>-- Dugout-Canoe</li> <li>-- Catamaran</li> <li>-- net</li> </ul> (This assistance will not be provided if the beneficiary is eligible or has availed of any subsidy/ assistance, for the instant calamity, under any other Government Scheme.)	<p><b>Rs. 4,100/-</b> for repair of partially damaged boats only</p> <p><b>Rs. 2,100/-</b> for repair of partially damaged net</p> <p><b>Rs. 9,600/-</b> for replacement of fully damaged boats</p> <p><b>Rs. 2,600/-</b> for replacement of fully damaged net</p>
	ii) Input subsidy for fish seed farm	<p><b>Rs. 8,200</b> per hectare.</p> <p>(This assistance will not be provided if the beneficiary is eligible or has availed of any subsidy/ assistance, for the instant calamity, under any other Government Scheme, except the one time subsidy provided under the Scheme of Department of Animal; Husbandry, Dairying and Fisheries, Ministry of Agriculture.)</p>
<b>8</b>	<b>HANDICRAFTS/HANDLOOM ASSISTANCE TO ARTISANS</b>	
	i) For replacement of damaged tools/ equipment	<p><b>Rs. 4,100</b> per artisan for equipments.</p> <ul style="list-style-type: none"> <li>- Subject to certification by the competent authority designated by the Government about damage and its replacement.</li> </ul>
	ii) For loss of raw material/ goods in process/ finished goods	<p><b>Rs. 4,100</b> per artisan for raw material.</p> <ul style="list-style-type: none"> <li>- Subject to certification by Competent Authority designated by the State Government about loss and its</li> </ul>

		replacement.
<b>9</b>	<b>HOUSING</b>	
	a) <b>Fully damaged/ destroyed houses</b>	
	i) Pucca house	<b>Rs. 95,100/-</b> per house, in plain areas.
	ii) Kutcha House	
	b) <b>Severely damaged houses</b>	<b>Rs. 1,01,900/-</b> per house, in hilly areas including Integrated Action Plan (IAP) districts.
	i) Pucca House	
	ii) Kutcha House	
	(c) <b>Partially Damaged Houses –</b>	
	(i) Pucca (other than huts) where the damage is at least 15 %	<b>Rs. 5,200/-</b> per house
	(ii) Kutcha (other than huts) where the damage is at least 15 %	<b>Rs. 3,200/-</b> per house
	d) <b>Damaged / destroyed huts:</b>	<p><b>Rs. 4,100/-</b> per hut,</p> <p><i>(Hut means temporary, make shift unit, inferior to Kutcha house, made of thatch, mud, plastic sheets etc. traditionally recognized as hut by the State/ District authorities.)</i></p> <p><i>Note: -The damaged house should be an authorized construction duly certified by the Competent Authority of the State Government.</i></p>
	e) Cattle shed attached with house	<b>Rs. 2,100/-</b> per shed.
<b>10</b>	<b>INFRASTRUCTURE</b>	
	<p><i>Repair/restoration (of immediate nature) of damaged infrastructure:</i></p> <p><i>(1) Roads &amp; bridges (2) Drinking Water Supply Works, (3) Irrigation, (4) Power (only limited to immediate restoration of electricity supply in the affected areas), (5) Schools, (6) Primary Health Centres, (7) Community assets owned by Panchayat.</i></p> <p>Sectors such as Telecommunication and Power (except immediate restoration of power supply), which generate their own revenues, and also undertake immediate repair/ restoration works from their own funds/ resources, are excluded.</p>	<p><b>Activities of immediate nature :</b></p> <p>Illustrative lists of activities which may be considered as works of an immediate nature are given in the enclosed <b>Appendix</b>.</p> <p><b>Assessment of requirements :</b></p> <p>Based on assessment of need, as per States' costs/ rates/ schedules for repair, by SEC and recommendation of the Central Team (in case of NDRF).</p> <ul style="list-style-type: none"> <li>- As regards repair of roads, due consideration shall be given to Norms for Maintenance of Roads in India, 2001, as amended from time to time, for repairs of roads affected by heavy rains/floods, cyclone, landslide, sand dunes, etc. to restore traffic. For reference these norms are <ul style="list-style-type: none"> <li>• Normal and Urban areas: upto 15% of the total of Ordinary Repair (OR) and Periodical Repair (PR).</li> <li>• Hills: upto 20% of total of OR and PR.</li> </ul> </li> <li>- In case of repair of roads, assistance will be given based on the notified Ordinary Repair (OR) and Periodical Renewal (PR) of the State. In case OR &amp; PR rate is not available, then assistance will be provided @ Rs 1 lakh/km for State Highway and Major District Road and @ Rs. 0.60 lakh/km for rural roads. The condition of "State shall first use its provision under the budget for regular maintenance and repair" will no longer be required, in view of the difficulties in monitoring such stipulation, though it is a desirable goal for all the States.</li> </ul>

		<ul style="list-style-type: none"> <li>- In case of repairs of Bridges and Irrigation works, assistance will be given as per the schedule of rates notified by the concerned States. Assistance for micro irrigation scheme will be provided @ Rs. 1.5 lakh per damaged scheme. Assistance for restoration of damaged medium and large irrigation projects will also be given for the embankment portions, on par with the case of similar rural roads, subject to the stipulation that no duplication would be done with any ongoing schemes.</li> <li>- Regarding repairs of damaged drinking water schemes, the eligible damaged drinking water structures will be eligible for assistance @ Rs. 1.5 lakh/ damaged structure.</li> <li>- Regarding repair of damaged primary and secondary schools, primary health centres, Anganwadi and community assets owned by the Panchayats, assistance will be given @ Rs 2 lakh/damaged structure.</li> <li>- Regarding repair of damaged power sector, assistance will be given to damaged conductors, poles and transformers upto the level of 11 kV. The rate of assistance will be @ Rs. 4000/poles, Rs 0.50 lakh per km of damaged conductor and Rs. 1.00 lakh per damaged distribution transformer.</li> </ul>
<b>11</b>	Procurement of essential search, rescue and evacuation equipments including communication equipments, etc. for response to disaster.	<ul style="list-style-type: none"> <li>- Expenditure is to be incurred from SDRF only (and not from NDRF), as assessed by the State Executive Committee (SEC).</li> <li>- The total expenditure on this item should not exceed 10 % of the annual allocation of the SDRF.</li> </ul>
<b>12</b>	Capacity Building	<ul style="list-style-type: none"> <li>- Expenditure is to be incurred from SDRF only (and not from NDRF), as assessed by the State Executive Committee (SEC).</li> <li>- The total expenditure on this item should not exceed 5% of the annual allocation of the SDRF.</li> </ul>
<b>13.</b>	State specific disasters within the local context in the State, which are not included in the notified list of disasters eligible for assistance from SDRF/ NDRF, can be met from SDRF within the limit of 10% of the annual funds allocation of the SDRF.	<ul style="list-style-type: none"> <li>- Expenditure is to be incurred from SDRF only (and not from NDRF), as assessed by the State Executive Committee (SEC).</li> <li>- The norm for various items will be the same as applicable to other notified natural disasters, as listed above. or</li> <li>- In these cases, the scale of relief assistance against each item for 'local disaster' should not exceed the norms of SDRF.</li> <li>- The flexibility is to be applicable only after the State has formally listed the disasters for inclusion and notified transparent norms and guidelines with a clear procedure for identification of the beneficiaries for disaster relief for such local disasters', with the approval of SEC.</li> </ul>

Note:- (i) The State Governments are to take utmost care and ensure that all individual beneficiary-oriented assistance is necessary/ mandatory disbursed through the bank account (viz; Jan Dhan Yojana etc.) of the beneficiary.

(ii) The scale of relief assistance against each items for all disasters including 'local disaster' should not exceed the norms of SDRF/ NDRF. Any amount spent by the State for such disasters over and above the ceiling would be borne out of the resources of the State Government and not from SDRF.

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**Illustrative list of activities identified as of an immediate nature.****1. Drinking Water Supply :**

- i) Repair of damaged platforms of hand pumps/ring wells/ spring-tapped chambers/public stand posts, cisterns.
- ii) Restoration of damaged stand posts including replacement of damaged pipe lengths with new pipe lengths, cleaning of clear water reservoir (to make it leak proof).
- iii) Repair of damaged pumping machines, leaking overhead reservoirs and water pumps including damaged intake – structure, approach gantries/jetties.

**2. Roads**

- i) Filling up of breaches and potholes, use of pipe for creating waterways, repair and stone pitching of embankments.
- ii) Repair of breached culverts.
- iii) Providing diversions to the damaged/washed out portions of bridges to restore immediate connectivity.
- iv) Temporary repair of approaches to bridges/ embankments of bridges., repair of damaged railing bridges, repair of causeways to restore immediate connectivity, granular sub base, over damaged stretch of roads to restore traffic.

**3. Irrigation :**

- i) Immediate repair of damaged canal structures and earthen/masonry works of tanks and small reservoirs with the use of cement, sand bags and stones.
- ii) Repair of weak areas such as piping or rat holes in dam walls/ embankments.
- iii) Removal of vegetative material/building material/debris from canal and drainage system.
- iv) Repair of embankments of minor, medium and major irrigation projects.

**4. Health :**

Repair of damaged approach roads, buildings and electrical lines of PHCs/ community Health Centres.

**5. Community assets of Panchayat**

- a) Repair of village internal roads.
- b) Removal of debris from drainage/ sewerage lines.
- c) Repair of internal water supply lines.
- d) Repair of street lights.
- e) Temporary repair of primary schools, Panchayat ghars, community halls, *anganwadi*, etc.

**6. Power: Poles/ conductors and transformers upto 11 kv.**

## 7. The assistance will be considered as per the merit towards the following activities:

	Items/ Particulars	Norms of assistance will be adopted for immediate repair
i)	Damaged primary school building	Up to Rs. 2.00 lakh/ unit
	Higher secondary/ middle/ college and other educational institutions buildings	Not covered
ii)	Primary Health Centre	Upto Rs. 2.00 lakh/ unit
iii)	Electric poles and wires etc.	Normative cost (Upto Rs.4000 per pole and Rs. 0.50 lakh per km )
iv)	Panchayat Ghar/ Anganwadi/ Mahila Mondal/ Yuva Kendra/ Community Hall	Upto 2.00 lakh/ unit
v)	State Highways/ Major District road	Rs. 1.00 lakh/ km *
vi)	Rural road/ bridge	Rs. 0.60 lakh/km *
vii)	Drinking water scheme	Upto 1.50 lakh/ unit
viii)	Irrigation Sector: Minor irrigation schemes/ Canal	Upto Rs. 1.50 lakh/ scheme
	Major irrigation scheme	Not covered
	Flood control and anti Erosion Protection work	Not covered
ix)	Hydro Power Project/ HT Distribution systems/ Transformers and sub stations	Not covered
x)	High Tension Lines (above 11 kv)	Not covered
xi)	State Govt Buildings viz. departmental/ office building, departmental/ residential quarters, religious structures, patwarkhana, Court premises, play ground, forest bungalow property and animal/ bird sanctuary etc.	Not covered
xii)	Long terms/ Permanent Restoration work incentive	Not covered
xiii)	Any new work of long term nature	Not covered
xiv)	Distribution of commodities	Not covered. (However, there is a provision for assistance as GR to families in dire need of assistance after a disasters).
xv)	Procurement if equipments/ machineries under NDRF	Not covered
xvi)	National Highways	Not covered (Since GOI born entire expenditure towards restoration works activities)
xvii)	Fodder seed to augment fodder production	Not covered

\* If OR & PR rates are not provided by the State.

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## Chapter 8

# Disaster Risk Management

*Successive Finance Commissions have followed an expenditure-based approach to determine the allocation of funds for disaster management to State Governments. In a significant departure from the past, in our Report for the Year 2020-21, we had recommended a new methodology, which is a combination of capacity (as reflected through past expenditure), risk exposure (area and population) and hazard and vulnerability (disaster risk index) for determining State-wise allocation for disaster management. This shall be continued for the five-year award period from 2021-22 to 2025-26 also.*

*Similarly, we have recommended continuation of mitigation funds at both the Union and State levels – National Disaster Mitigation Fund (NDMF) and State Disaster Mitigation Funds – to aid the implementation of mitigation measures in States for the award period, as provided in the Disaster Management Act, 2005. The six types of earmarked allocations within the overall allocation of National Disaster Response Fund and NDMF shall also continue in order to address certain priorities related to preparedness, mitigation and recovery through special initiatives.*

*A set of ideas and innovations which promote market-based instruments of risk management and identify alternative sources of funding has also been presented.*

8.1 Paragraph 9 of the Terms of Reference (ToR) mandates the Commission to “review the present arrangements on financing Disaster Management initiatives, with reference to the funds constituted under the Disaster Management Act, 2005 (53 of 2005), and make appropriate recommendations thereon”. Further, Para 7 requires the Commission to “consider proposing measurable performance-based incentives for States, at the appropriate level of government, in following areas: ... (iii) Achievements in implementation of flagship schemes of Government of India, disaster resilient infrastructure, sustainable development goals, and quality of expenditure”. Subsequently, we were asked to submit two reports, one for the year 2020-21 and a final report for an extended period of 2021-22 to 2025-26. To this end, we had already made our recommendations in Chapter 6 of the Report for the Year 2020-21.

8.2 In this first report, we briefly outlined the current mechanism of disaster risk management. We also gave fifteen recommendations (i to xv) at para 6.4 of the chapter on Disaster Risk Management. These include setting up of mitigation funds, allocation of funds at national and state level, a new methodology to estimate the disaster risk management fund and the allocation of funds to various States to cover both mitigation and response. From the total earmarked grants for disaster management, both for the national and State corpus, 20 per cent was

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earmarked for mitigation and the remaining 80 per cent for the response fund. The response fund was further apportioned into three windows, namely Response and Relief, Recovery and Reconstruction and Capacity Building in the ratio of 50.0:37.5:12.5. Further, four priorities were identified under the National Disaster Mitigation Fund (NDMF) and two priorities under the National Disaster Response Fund (NDRF).

8.3 We reviewed these recommendations along with feedback from the Union and the State Governments. We also examined the context of the unprecedented Covid-19 pandemic within the current framework of disaster management in India. Recommendations for disaster risk management covering the period from 2021-22 to 2025-26 are made after considering all relevant issues.

## **Background**

8.4 Disaster management, as a subject and as a facet of Union-State relations, has evolved over the years. Initially, the focus was largely on disaster relief. Earlier Finance Commissions too used the term ‘disaster relief’ while drafting their recommendations. However, the Disaster Management Act expanded the area of concern and action of both the Union and State Governments to a wide range of disaster management functions, which included relief and response, preparedness and mitigation, as well as recovery and reconstruction.

8.5 The Act also led to the creation of a new institutional structure for disaster management, with the setting up of the National Disaster Management Authority (NDMA) and State Disaster Management Authorities (SDMAs). The role of these institutions and the functions mandated by the Act have influenced the recommendations of Thirteenth and Fourteenth Finance Commissions (FC-XIII and FC-XIV). Successive Finance Commissions have taken a gradual and incremental approach to strengthening financial arrangements for disaster management. Based on their recommendations, a well-structured scheme of funds at the Union and State levels has been institutionalised, supported through guidelines and norms for assistance.

8.6 This scheme of funding for disasters has provided State Governments with a dependable source of assistance to meet their disaster response and relief needs. Further, these funds could be augmented and replenished through a national disaster fund when disasters of rare severity necessitate it. The guidelines and norms for assistance have been periodically revised, resulting in enhanced provisions for those affected by disasters.

8.7 A review of these arrangements every five years provides Finance Commissions an opportunity to introduce innovations in the funding arrangements as well as to improve the efficiency and equity of disaster management funds. The Finance Commissions are called upon to address a much broader task than allocating financial resources to States based on a set of considerations. This broader task is equally about reviewing the context of risk and vulnerability in the country, improving the institutional and policy aspects of disaster management, expanding



its scope, and encouraging more stakeholders to participate in an area which has a direct bearing on the physical safety, security and well-being of the people.

8.8 Over the years, Finance Commissions, through their recommendations, have steadily promoted innovation and reforms in the way governments at different levels support disaster management. We intend to follow the same path and precedent, though with a greater sense of urgency in view of the frequency of disasters and their mounting impacts in human and economic terms.

### **The Evolving Context of Finance Commission's Recommendations**

8.9 Several considerations have guided the process of review and framing of our recommendations. The most important of these has been the ToR. A second important consideration has been the impact of climate change. The country has witnessed large-scale floods in different States (Uttarakhand, Tamil Nadu, Assam, Bihar and Kerala), cyclones; Phailin and Hudud (Odisha), Okchi (Tamil Nadu), Titali (Andhra Pradesh and Odisha), Gaja (Kerala and Tamil Nadu), Bulbul, Fani and Amphan (West Bengal) and successive droughts (Rajasthan, Maharashtra, Karnataka, Andhra Pradesh, and Telangana) over the last five years.

8.10 Third, the NDMA and SDMAs, which have become well-established institutions, have expanded the scope of disaster management beyond the traditional response-and-relief functions to include preparedness, mitigation and recovery and reconstruction. Disaster management has become a more specialised area internationally, with a rich body of literature devoted to risk assessment, risk transfer and risk reduction. Its professional needs have also increased at the national and state levels, as States have undertaken diverse initiatives in different areas of disaster management. The involvement of non-government organisations (NGOs) and the private sector has also helped in expanding participation in disaster management activities, as evidenced recently in some disasters of rare severity.

8.11 Fourth, the Union government has used the provisions of the Disaster Management Act for the management of the Covid-19 pandemic. For such events in the past, State Governments used the provisions of the Epidemic Diseases Act, 1897. As epidemics/pandemics are not explicitly provided in the Seventh Schedule of the Constitution – except the related broader subjects like 'public health' and related entries in the State List and 'preventing the spread of diseases from one state to another' in the Concurrent list – some observers had felt that the Constitutional framework leaves scope for improvements in the clarity of the roles of the Union and States. The Second Administrative Reforms Commission (2006) had recommended the addition of an entry in the Concurrent List for “Management of emergencies, natural or man-made”. The National Commission to Review the Working of the Constitution (2002) had also recommended for similar action. It is interesting to note that even for passing the Disaster Management Act in 2005, the Parliament had to trace its legislative competence to the Concurrent List entry at No. 23 - 'Social security and social insurance: employment and unemployment'. We

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are given to understand that the Ministry of Home Affairs has constituted a task force for filling the legislative vacuum on the ambit of disasters. In view of this, we are hopeful that the legislative framework to deal with Covid-19 kind of pandemics and related issues would get streamlined soon and we chose to deal with this issue in the chapter on the health sector rather than in the disaster risk management chapter.

8.12 Fifth, the insurance industry has witnessed significant growth in the last decade, especially after the increase in the limit on foreign direct investment in the sector to 49 per cent under the automatic route in 2015-16. Leading global insurance companies have set up operations in India in collaboration with domestic players and a range of life and non-life insurance services and products have been introduced in the market. As household income has increased, the insurance sector in India is likely to experience strong growth through product innovation, lower premiums, better claims management and regulatory supervision. The insurance sector can be leveraged to substantially reduce the financial burden of disaster management by households, particularly well-to-do ones.

8.13 Finally, India is a signatory to three large global frameworks, which were created in 2015: Sustainable Development Goals (SDGs), Paris Agreement on Climate Change and Sendai Framework on Disaster Risk Reduction (SFDRR).<sup>1</sup> These frameworks call for a set of inter-related actions on the part of governments and other stakeholders, which improve mitigation and adaptation, strengthen regulations, reduce risks and vulnerabilities and build greater resilience at the level of the state and civil society. India's commitment to these frameworks call for enabling actions so that we achieve the key indicators of these development frameworks.

8.14 In combating climate change, India has launched eight missions under the National Action Plan on Climate Change (NAPCC) in the specific areas of solar energy, energy efficiency, water, agriculture, Himalayan eco-system, sustainable habitat, green India and strategic knowledge on climate change. Climate actions at the State level are based on the State Action Plans on Climate Change (SAPCC). Thirty-three States/Union Territories have prepared their SAPCCs in line with the NAPCC, taking into account their specific issues relating to climate change. These initiatives, among other things, outline sector-specific and cross-sectoral priority climate actions. The Union Government is also implementing the National Adaptation Fund for Climate Change (NAFCC) to support adaptation measures of States/Union Territories in areas that are particularly vulnerable to the adverse impacts of climate change. Under the NAFCC, thirty projects have been sanctioned in twenty-seven States to tackle the issues related to adaptation in agriculture, water, forestry, etc. The Government of India has also embarked upon ambitious actions in the areas of renewable energy, afforestation, energy efficiency and urban development. As a result of these efforts, India has achieved 21 per cent reduction in the emission intensity of its gross domestic product (GDP) between 2005 and 2014, thereby achieving its pre-2020 voluntary goal of reducing the emission intensity of GDP by 20-25 per cent from 2005

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<sup>1</sup> It is called the Sendai framework as it was adopted by the United Nations member states between 14 and 18 March 2015 at the World Conference on Disaster Risk Reduction held in Sendai, Japan.

levels by 2020.<sup>2</sup> The success of the missions launched under the NAPCC is key to India's commitment to the Paris Agreement to combat climate change and achieve its SDGs.

### Studies and International Workshop

8.15 Given the changing context and priorities, we commissioned two studies, in collaboration with the NDMA, to prepare our recommendations. Our recommendations have benefitted from these studies and other workshops that we organised in collaboration with the United Nations Development Programme (UNDP) and the World Bank. In one of these, the UNDP, conducted a review of disaster risk financing practices and presented several recommendations, which cover allocations for the SDRFs and the NDRF, diversification of funding windows and sources of resource mobilisation. The second study, undertaken by the Indian Institute for Human Settlements, Bengaluru has focused on urban risks and vulnerabilities and the capacities and resources, which are required to be addressed by the urban local bodies. An international workshop on disaster risk financing held in Delhi on 12 and 13 November 2018 brought together several international experts, senior government officials, and representatives from the private sector and the insurance industry to discuss various aspects of disaster risk financing. The workshop presented several ideas about the size and allocation of disaster funds and the need for diversifying financial instruments and services for improved risk management.

### States' Priorities

8.16 State Governments have also submitted memorandums to the Commission. These include several demands which are broadly similar to what they had raised before previous Finance Commissions. The key demands are:

- i. SDRF allocation for States needs to be augmented. A majority of States recommended that the existing criteria for allocation, which is based on past expenditures, needs to be reviewed and the considerations of risk and vulnerability need to be taken into account. However, a few States were of the opinion that allocations should continue to be based on past expenditures.
- ii. Some States were of the view that the SDRF should be financed entirely by the Union Government, as they find it difficult to provide their matching contribution.
- iii. States and SDMAAs should have greater flexibility in disbursing relief. The norms of assistance for the SDRF and NDRF are nationally determined, and do not always have flexibility for the unique needs of certain areas, especially remote and hilly terrains.
- iv. The list of items considered for, and norms of, assistance included in the guidelines for the NDRF and SDRF should be revised and improved.

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<sup>2</sup> India's Second Biennial Report 2018.

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- v. The process of assessment for the determination of Union assistance through the NDRF as well as its release should be made faster and more efficient and transparent.
- vi. The existing norms of assistance should include more resources for recovery and reconstruction. At present, the allocations are not sufficient for the reconstruction of housing and infrastructure.
- vii. Separate allocations need to be made for the resettlement of people in floodplains, coastal areas and hills who have been displaced as a result of the impact of climate change.
- viii. Mitigation, which has emerged as an important component of disaster management, should be funded through Union allocation. States are currently funding risk reduction measures on their own, but these funds are insufficient for the task.
- ix. States should receive allocation for preparedness measures, which improves their ability to act upon early warnings. These measures would include setting up State Disaster Response Forces, which reduces dependence upon the armed forces, and the National Disaster Response Force.
- x. Capacity-building grants introduced by the FC-XIII, which had been very useful in building state capacities in disaster management but were discontinued by FC-XIV, should be restored.
- xi. The process of adjustment from the SDRF while releasing the NDRF allocation to the States needs to be reviewed.
- xii. States should be provided greater technical assistance through national agencies for supporting their disaster management functions.
- xiii. Concerted effort needs to be made to reduce the growing number of incidents of death by lightning. Families of people who die due to lightning should get ex gratia assistance.
- xiv. Incidents of elephant attacks, lightning, mining-related fire hazards, snakebites, heatwaves, river and coastal erosion and public health disasters such as Japanese encephalitis, Nipah and the Covid-19 pandemic must be included in the eligible list of disasters for funding support from SDRF and NDRF.
- xv. The amount earmarked for State-specific disasters should be increased up to 25 per cent from the current 10 per cent of SDRF allocation, in view of the large number of local calamities not covered under the national list.

### **Views from Union Agencies and Ministries**

8.17 The NDMA has long advocated the setting up of a NDMF and State Disaster Mitigation Funds (SDMFs) so that resources for investment in risk reduction are available. Further, a separate funding window will help implement softer mitigation measures. Such funding is

available at present under scattered heads like Climate Change Fund and Sustainability Mission, among others.

8.18 The UNDP study refers to the Advisory Committee of the NDMA emphasising that the release and utilisation of financial resources from the NDRF and SDRFs should lead to measurable outcomes in terms of preparedness and response at the national and state levels, respectively. The Advisory Committee also noted that capacity building for disaster management should be funded through these mechanisms and suggested that there should be greater accountability in the utilisation of these resources. The National Institute for Disaster Management (NIDM) has also suggested the need for a separate funding for preparedness, capacity building, creating awareness, innovation and research. It has suggested allocations for State Institutes for Disaster Management (SIDMs), which are the State resource centres, for strengthening the disaster management system at the State level.

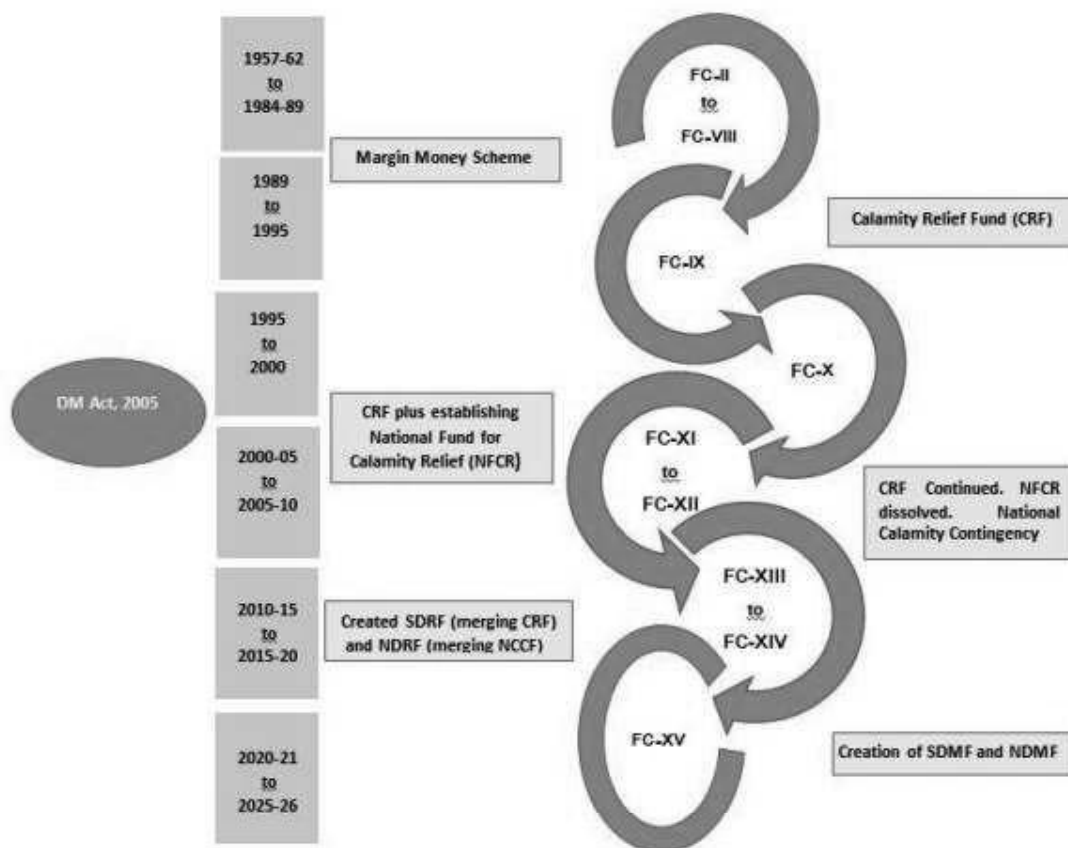
8.19 The ministries expressed their sectoral concerns. The Ministry of Agriculture and Farmers' Welfare has introduced new norms for the declaration of drought, based on a range of indicators, which the States need to follow. It has also suggested that the States should promote the Pradhan Mantri Fasal Bima Yojana (PMFBY) for reducing losses suffered by farmers. The Ministry of Home Affairs has suggested that the SDRF allocations be increased significantly and requested for financial assistance to strengthen and support disaster governance at State and district levels as well as the National Disaster Response Force. The Ministry of Finance suggested that the Commission may consider size of population, area, fiscal discipline and the vulnerability to disasters of each State while determining the size of the SDRF corpus and also earmark allocation for undertaking measures related to disaster preparedness. Further, it has also recommended the setting up and earmarking of allocation for the NDMF. The Ministry of Defence has requested for a review of procedures of funding disaster relief so that reimbursements to defence forces for disaster relief work are received in a near real time frame.

8.20 These priorities and views are based on the actual experiences of dealing with disasters. It casts an important responsibility on us to respond to these clearly and improve the existing system. In doing so, we need to place our recommendations in the context of the disaster risk financing system that has evolved over the years through the wisdom of previous Finance Commissions. We need to improve the existing system in a way that is fiscally sustainable, empowers State and local governments and retains the strength of our system while introducing innovations based on international practices. In brief, these improvements and innovations represent continuity with change. The Commission interacted extensively with the NDMA and other specialists in the field and is happy to note that expertise in disaster management have emerged with the necessary capacity and resources to take reforms and innovations to their logical conclusions.

### Evolution of Disaster Risk Financing

8.21 The evolution of disaster risk financing in India over more than six decades in line with recommendations of successive Finance Commissions has been mapped in Figure 8.1. The important aspects of recommendations relating to disaster management from the FC-II (1957-62) to this Commission (FC-XV) are summarised and provided in Annex 8.1.

Figure 8.1: Evolution of Disaster Risk Financing in India



### Key Features of Disaster Risk Financing

8.22 The mechanism of disaster risk financing in India reflects the distribution of responsibility in respect of disaster management. It is the State Governments which respond immediately to disasters – organising rescue, evacuation and relief and providing people with assistance. After the disaster event, the responsibility for recovery and reconstruction also lies primarily with the State Governments. The Union Government extends secondary support

through deploying the National Disaster Response Force and the armed forces at the request of State Governments. The Union Government and its agencies also provide financial and technical assistance whenever necessary.

8.23 As a result, it is the State Governments which incur most of the expenditures on disaster management. These expenditures are, at present, met through the SDRF. When States exhaust their SDRF resources, they can request financial assistance through the NDRF by submitting memorandums to the Union Government. The NDRF, which is set up at the Union level, replenishes and reinforces the State funds following a set of guidelines. This has been the central feature of disaster risk financing in India, and it has met the requirements of States for disaster assistance on a predictable basis. The broader impact of these allocations is reflected in improved early warning and preparedness nationally and, consequently, reduced human mortality over the years. However, as disaster risk has increased – both in terms of incidence as well as economic impact – the existing disaster risk financing arrangements appear less than adequate in terms of both source and application.

### Aggregate Expenditures on Disasters

8.24 *The total expenditure on disaster response and relief across twenty-eight States between 2011 and 2019 has been Rs. 1,66,702 crore (Table 8.1). A steep jump in annual expenditure from 2015-16 could be explained by the upward revision of the norms of assistance in 2015.*

**Table 8.1: Aggregate Expenditure of 28 States on Disasters**

(Rs. crore)

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
<b>Aggregate States' expenditure on disasters*</b>	14008	11425	16923	18416	32952	27727	15803	29448

\* Major Head 2245 + expenditure incurred directly from Public Account

Source: Finance Accounts, CAG

8.25 It is observed that, in addition to the assistance from the SDRF and NDRF, State Governments have also been allocating funds from their budgetary resources for response and relief. State Governments also availed of World Bank loans for supporting larger recovery and reconstruction projects.

### Conceptual Framework for Disaster Risk Financing

8.26 These expenditures on response and relief need to be viewed in two ways: one, how they impact public finances, and two, whether they help the people reduce their risk and vulnerability. However, it is also time to recognise that such a huge expenditure should also take poverty and disaster risk into consideration, as these are closely linked.

8.27 In public finance, disasters are looked upon as a contingent liability of the state. Contingent liabilities refer to (government) obligations that are triggered when a potential, but uncertain, future event occurs. The allocations made through the SDRF and NDRF help governments meet their contingent liabilities. However, the existing approach to meeting the contingent liabilities has two weaknesses. First, it is aimed at *meeting* the contingent liabilities, not *reducing* them. Governments should invest in estimating risk exposure and taking appropriate measures to reduce contingent liabilities. Second, the SDRF and NDRF, which function as dedicated reserve funds, are presently the only financial mechanisms for meeting the contingent liabilities. When risk exposure is high and contingent liabilities could increase significantly, multiple instruments and funding windows need to be introduced to meet these liabilities.

8.28 At the community and household level, disaster funds also need to be considered as means of transfer of resources to the people. When people have access to cash, they take several measures to address their welfare losses. They adopt coping strategies in response to disasters, and if they still have resources, they try to recover from the impact and resume their livelihoods. As the size of assistance is generally low, coping with disasters emerges as the primary objective.

8.29 If people need better protection against disasters, they need to build and acquire assets. These assets could include household assets, such as houses or sources of livelihoods, or community assets such as roads, drainage and health centres. Assets provide a sense of well-being and act as a defence against uncertainties and losses associated with disasters. Households with more assets are less likely to experience welfare losses following the occurrence of a disaster event. A disaster assistance strategy, therefore, should not just help people cope with the impact, but should also help them recover from the impact and reduce their risk and vulnerability.

8.30 These two broad conceptual approaches have simultaneously guided our deliberations and helped us frame our recommendations in more forward-looking terms. We envisage that not only should the Union and State Governments have adequate funds to deal with disasters, but these funds should also be sufficiently diversified to support a framework which includes all aspects of disaster management. Risks posed by natural hazards have increased and they need a more comprehensive and balanced response, as compared to the present approach which focuses just on response and relief. Further, the transfer of resources on such a scale should have a clear, discernible impact on poverty and risk which affects households and communities, particularly the poorer sections, all over the country.



### Guiding Principles for the FC-XV

8.31 Based on a review of the established practices, both national and international, we are guided by the following four principles.

8.32 First, in all countries with a federal system, while it is the union or federal government which provides disaster assistance, the primary responsibility for disaster management rests with states. Whether it is the United States, Canada or Australia, the federal governments provide the assistance based on a declaration of disaster. In India too, the Union Government has the responsibility for disbursing assistance to the States, either through the NDRF, SDRF or other transfers. SDRF is a well-established mechanism, mandated by the legal provisions of the Disaster Management Act. In view of its long evolution, legal status and operational utility, SDRF should continue as the main vehicle of state resources for disaster management.

8.33 Second, a disaster management cycle consists of several functions – prevention, preparedness, response, mitigation, recovery and reconstruction. A disaster management system, in its infancy, does lay stress on response. However, as it develops further, it advocates other disaster management functions too. The Commission, therefore, having acknowledged the expanding field of disaster management and earmarked financial allocations for different functions, covering both relief and mitigation and provisions made under the Disaster Management Act, had recommended, in its report for 2020-21, the creation of a National Disaster Risk Management Fund (NDRMF) and State Disaster Risk Management Funds (SDRMF) at State level in its first report.

8.34 Third, after subsuming a substantial amount of the National Calamity Contingency Duty (NCCD) into the goods and service tax (GST) and the creation of SD MF and ND MF, the Union Government's fiscal space for disaster management at the national level has reduced significantly. The FC-XIV had recommended a change in the financing pattern of SDRF by the Union and States in the ratio of 90:10 for all States. The Union Government had accepted the recommendation made by the FC-XIV with the modification that contribution of the States to SDRF will continue as before; and that once GST is in place, the recommendation of the FC-XIV on disaster relief would be fully implemented. As the GST introduced in July 2017 has not stabilised, the Union Government decided that its share in SDRF during the award period of FC-XIV shall remain in the same ratio as it was in FC-XIII award period. **Hence, the sharing arrangement recommended by the FC-XIII (25 per cent contribution by all States, except for the North-Eastern and Himalayan (NEH) States which shall contribute 10 per cent) continued and we consider it appropriate to maintain the same arrangement.**

8.35 Fourth, as the system of disaster financing matures, the financial services and instruments for disaster management need to be diversified. Public funds serve a very important purpose in providing predictable support to states. However, these funds are seldom sufficient. We need to recognise the importance of alternative sources of funding and the role that market instruments can play in risk management.

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8.36 Guided by these principles, we have made recommendations on all aspects of disaster risk financing. Our first set of recommendations relate to the size and allocation of SDRMF and NDRMF and funding windows for disaster management functions. Recognising some of the challenges posed by emerging risks and vulnerabilities, we have recommended earmarked allocations within the overall allocation.

8.37 We follow it up with recommendations for strengthening systems, guidelines and capacities which need to support the planning and utilisation of resources allocated at the Union and State levels. We believe that a certain level of investment in the governance framework will go a long way in improving the results and outcome in this sector.

8.38 We also follow it up with presenting a set of ideas and innovations which promote market-based instruments of risk management and identify alternative sources of funding. These innovations require further elaboration and due diligence before they are introduced and implemented. However, we believe that it is time to implement these interventions to diversify sources of disaster risk financing and improve the disaster risk management framework in the country.

8.39 Before we present our recommendations, we would like to mention two issues which we have decided not to engage with. Several States have asked for a revision in the norms for assistance provided from SDRF/NDRF now covered under SDRMF/NDRMF. While their request may be justified, such a task is beyond the scope of the Finance Commission. It is the Ministry of Home Affairs which should periodically revise the norms of assistance in consultation with the States. We take note of the fact that the norms are revised periodically, and the practice should continue.

8.40 The existing norms of assistance allow 10 per cent of SDRF to be used for relief assistance for people affected by lightning and other local disasters. In case States are more seriously affected by local disasters, they should bring it to the attention of the Ministry of Home Affairs and NDMA and seek relaxation of the norms. We are satisfied with the existing norms.

### **National and State Disaster Mitigation Funds**

8.41 There is a concept of flexi-fund in development programmes, which allows State Governments to spend 25 per cent of programme resources on implementing mitigation measures. However, in actual practice, these flexi-funds have not been utilised for this. In 2016, the Supreme Court directed the Union Government to set up the NDMF in accordance with Section 47 of the Disaster Management Act. But the NDMF has not been constituted till now. The ministries of Finance and Home Affairs, in their memorandum, as well as the NDMA, have argued for such a fund to be set up without any further delay.

8.42 There is lack of clarity about mitigation in policy and planning discussions. Mitigation refers to “lessening or minimising of the adverse impacts of a hazardous event”. It includes both

structural measures (constructing flood embankments and sea walls) as well as non-structural measures (developing building codes and a land use plan) aimed at reducing risks.

8.43 Section 2 (i) of the Disaster Management Act defines 'mitigation' as measures aimed at reducing the risk, impact or effects of a disaster or a potential disaster situation. Hence mitigation could be considered as all related measures, including large scale interventions such as construction of coastal walls, flood embankments, etc. But these are very resource intensive measures which should be pursued through regular development schemes and not from the mitigation fund. **We are of the view that the mitigation fund created should be used for those local level and community-based interventions which reduce risks and promote environment-friendly settlements and livelihood practices.**

8.44 Mitigation, as it is commonly understood and practised in disaster management, is closely related to climate change adaptation. Many interventions such as water resource management, afforestation and livelihood diversification could be considered as helping both disaster mitigation and climate change adaptation. It would, therefore, be desirable to link mitigation to climate change adaptation and use the mitigation fund for supporting adaptation measures as well. At the same time, it should be noted that 'mitigation' is defined differently in climate change policy, where the term is used for the reduction of greenhouse gas emissions that are the source of climate change.

8.45 Given the increasing levels of risks posed by climate change, unregulated urbanisation and over-exploitation of natural resources such as land, water and forests, the idea of a mitigation fund addressing risks and vulnerabilities at the local level has become imperative. Setting up such a mitigation fund, as recommended in our report for 2020-21, will provide a full expression to the objectives of the Disaster Management Act. It would also be in keeping with international practices related to supporting mitigation, along with response.

8.46 **The Commission, taking cognizance of need for mitigation funds at both the national and State levels in accordance with the provisions of the Disaster Management Act, has suggested allocations at these levels.** Mitigation funds should typically provide small grants for community-based local initiatives, pursuing an approach which promotes adjustment with hazards through soft measures, rather than controlling them through hard measures. An indicative list of mitigation activities is provided in Annex 8.2 and the Ministry of Home Affairs, in consultation with NDMA, may issue a detailed list of mitigation activities as part of the guidelines of the Mitigation Fund. The NDMA and SDMA should supervise the National and State Disaster Mitigation Funds as per the provisions of the Act.

### **Size and Allocation of Disaster Risk Management Funds for States**

8.47 One of the key issues before the Finance Commission is the determination of the size of the SDRF and its inter-state distribution. This is an important concern for State Governments as they see the SDRF as the primary source of funds for disaster response. Though the Disaster

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Management Act stipulates the constitution of the SDRF, it does not mention the size or source of the fund. The responsibility for determining this, therefore, has been given to the Finance Commission in its ToR. We have now decided to call the basic fund for States as State Disaster Risk Management Fund (SDRMF) which includes both SDRF and SDMF.

8.48 Successive Finance Commissions have pursued an expenditure-based approach to determine the allocation of funds for disaster management to each State. The expenditure-based allocation, however, tends to favour the better-off States, which can allocate resources and show higher expenditures. This gives them a larger base, which allows for even greater percentage increase in future allocations. In contrast, States with a lower initial allocation and expenditure see a lower increase in their allocations. The divergence in the allocations between these groups of States will progressively increase, creating a highly asymmetric situation.

8.49 Several States, which have received lower SDRF allocations, have highlighted this asymmetry arising from the expenditure-driven method. If such an approach persists, it will only aggravate such asymmetry in the inter-state allocation. Successive Finance Commissions have acknowledged the limitations of this approach and have indicated they would prefer a methodology which reflects the risk and vulnerability profile of each State. In fact, the FC-XIV had recommended in its report that such a risk and vulnerability assessment be conducted for the entire country to support the process of allocation. However, an integrated risk and vulnerability assessment at the national level has not yet been approved.

8.50 In view of these concerns, a detailed methodology was worked out which promotes equity and fairness and need-based allocation of funds to States for disaster management. The Commission has used the methodology for determining State-wise allocation for SDRMF in the manner as it had used in its report for 2020-21. It is important to note that this methodology has been the outcome of the deliberations of the Commission with main stakeholders like the Ministry of Home Affairs, NDMA, NITI Aayog, State Governments and UNDP as well as the latter's report on disaster risk financing.

8.51 **This new methodology, which replaces the expenditure-driven methodology, is most inclusive, as it represents a combination of capacity (as reflected through expenditure), risk exposure (area and population) and hazard and vulnerability (risk index).** The new methodology as indicated in the first report is detailed in Annex 8.3 for ready reference.

8.52 Given the high degree of uncertainties amidst the Covid-19 pandemic followed by the long period of lockdown, the Commission anticipates a sharp contraction in the domestic economy. Consequentially, there will be considerable squeeze in the availability of total divisible resources, at least in the near term. Secondly, we had already recommended a substantial increase in the allocation of grants for the total corpus at the State level to Rs. 28,983 crore in 2020-21, compared to Rs. 13,465 crore in 2019-20<sup>3</sup>, keeping in view the demands of the mitigation fund that was recommended by us. Thus, the Union share for this amount increased by 115 per cent in 2020-21 against the 2019-20 budget estimates (BE). **The Commission,**

<sup>3</sup> [https://www.ndmindia.nic.in/images/gallery/Statewiseallocation\\_SDRF\\_2015-2020.pdf](https://www.ndmindia.nic.in/images/gallery/Statewiseallocation_SDRF_2015-2020.pdf)

therefore, recommends that allocation for SDRF and NDRF for 2021-22 be retained at the level of 2020-21 and thereafter be set to increase by 5 per cent annually from 2022-23 to 2025-26.

8.53 The total allocation for disaster management (SDRMF) to the States for the duration of the award period is Rs. 1,60,153 crore (Table 8.2). We recommend that the total State allocation for SDRMF be divided into SDRF and SDMF, which together address the full cycle of disaster management needs – response and relief, recovery and reconstruction, preparedness and capacity-building and mitigation.

**Table 8.2: Annual Allocation for States for Disaster Management**

(Rs. crore)

Year	2021-22	2022-23	2023-24	2024-25	2025-26	Total
Union share	22184	23294	24466	25688	26969	122601
States' share	6799	7137	7491	7864	8261	37552
<b>Total</b>						
(Union + States' share)	28983	30431	31957	33552	35230	160153
Percentage increase over previous year	-	5	5	5	5	

8.54 The SDRF would receive 80 per cent of the total SDRMF, while the SDMF would get 20 per cent of the allocation. Within the SDRF allocation of 80 per cent, there would be three sub-allocations: Response and Relief (40 per cent), Recovery and Reconstruction (30 per cent) and Preparedness and Capacity-building (10 per cent). While the funding windows of SDRF and SDMF are not inter-changeable, there could be flexibility for re-allocation within the three sub-windows of SDRF. Table 8.3 shows how the overall States allocation will be divided among the SDMF and SDRF, and further three sub-allocations within the SDRF:

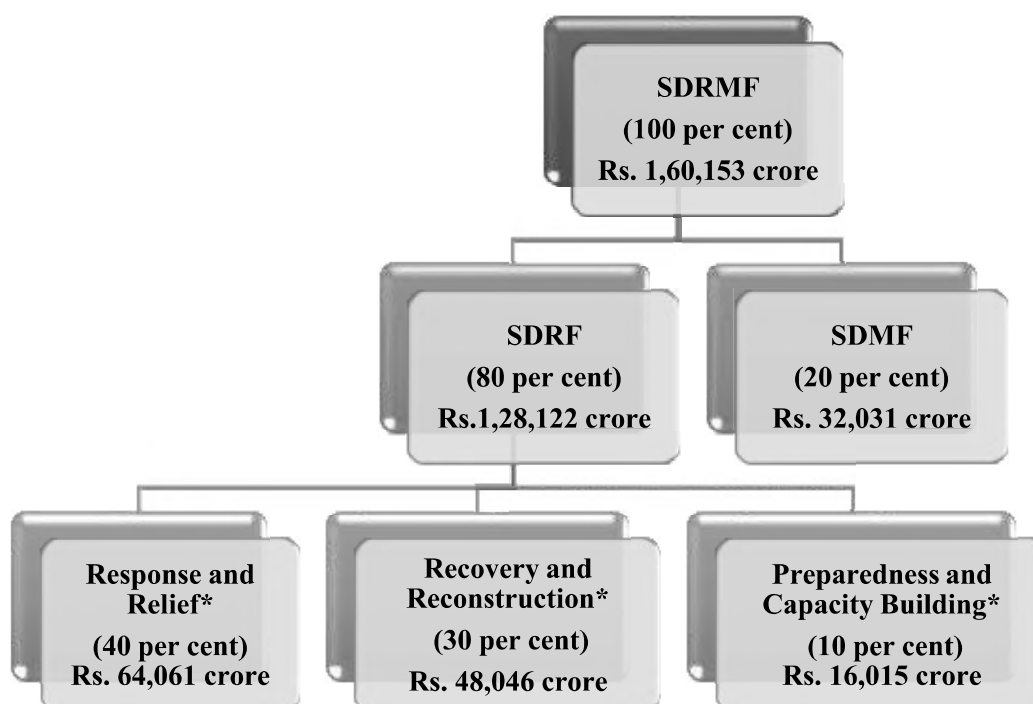
**Table 8.3: Distribution of Total States Allocation**

(Rs. crore)

Funds (percentage distribution)	Amount
SDMF (20)	32031
SDRF (80)	128122
<i>i) Response and Relief (40)</i>	64061
<i>ii) Recovery and Reconstruction (30)</i>	48046
<i>iii) Preparedness and Capacity Building (10)</i>	16015
<b>Total (SDMF + SDRF) (100)</b>	<b>160153</b>

8.55 The State-wise allocations based on the new methodology are provided in Annex 8.4 and Annex 8.5. A snapshot of the sub-categories and earmarked funds for SDRMF recommended by the Commission for the period 2021-26 is depicted in Figure 8.2.

**Figure 8.2: Earmarked Funds for SDRMF**



*\* Reallocation within the three sub-windows is recommended.*

### **Allocation of Funds for National Disaster Risk Management Fund**

8.56 The NDRF represents the national disaster reserve, which supplements the SDRF. The NDRF needs to be budgeted and aligned with the SDRF in such a way that it assists States and supplements their SDRF allocations, rather than becoming the main source of disaster assistance.

8.57 The release of funds through the NDRF has been increasing exponentially. During the FC-XII period, the total release through the National Calamity Contingency Fund (NCCF), as it was known then, was Rs. 10,938 crore. During the FC-XIII period, the total release through the NDRF rose to Rs. 17,559 crore, an increase of 61 per cent over the FC-XII cycle. During FC-XIV (2015-20), the NDRF allocation went up to Rs. 57,146 crore, an increase of 225 per cent over the FC-XIII cycle. The projection during the FC-XIV is based on the expenditure incurred during the first three years of its cycle and budgeted expenditure for the last two years of its cycle.

8.58 The NDRF was funded through the proceeds of the NCCD. The NCCD on most of the

commodities has now been subsumed under the GST and is now levied on very few products such as tobacco and crude petroleum. The proceeds of the NCCD, therefore, would not be adequate to fund the NDRF. Hence, it is necessary to make an annual budgetary provision for the NDRMF, into which the NDRF has been subsumed.

8.59 As the provision for the NDRF is linked directly to expenditure, **we recommend a total national allocation of Rs. 68,463 crore for NDRMF for the period from 2021-22 to 2025-26** (Table 8.4), in view of the similar method followed while estimating the size of the SDRMF. In other words, the size of NDRMF for the first year (2021-22) has been kept at the same level of 2020-21 and thereafter, an annual increase of 5 per cent for the rest of the award period has been provided for.

**Table 8.4: Proposed Annual National Allocation for Disaster Management**

(Rs. crore)

2021-22	2022-23	2023-24	2024-25	2025-26	TOTAL
12390	13010	13660	14343	15060	68463

8.60 The Disaster Management Act stipulates two windows of funding at the national level, namely NDRF and NDMF. We have now proposed that these two will fall under the overall amount fixed at the national level called NDRMF. The total allocation for NDRMF should thus be divided among NDRF and NDMF in an 80:20 ratios (Table 8.5).

**Table 8.5: Distribution of Total National Allocation**

Funds	Amount (Rs. crore)	Percentage Share
NDMF	13693	20
NDRF	54770	80
<b>Total (NDMF+NDRF)</b>	<b>68463</b>	<b>100</b>

8.61 We further suggest that three sub-allocations should be made within the NDRF corpus, similar to the SDRF: Response and Relief (40 per cent); Recovery and Reconstruction (30 per cent); and Preparedness and Capacity-building (10 per cent) (Table 8.6). If required, the Ministry of Home Affairs may examine the need for amending the Disaster Management Act to create such funding windows. While the funding windows for NDRF and NDMF are not interchangeable, there could be flexibility for re-allocation within the three sub-windows of NDRF, subject to the condition that earmarked allocations shall not exceed 10 per cent of the amount earmarked for that sub-window.

Table 8.6: Windows of NDRF

Windows of NDRF	Amount (Rs. crore)	Percentage Share
<b>Response and Relief</b>	27385	40
<b>Recovery and Reconstruction</b>	20539	30
<b>Preparedness and Capacity Building</b>	6846	10
<b>Total NDRF Corpus</b>	54770	80

8.62 If the NDRMF releases to the States exceed the total budget provision, the Union Government could make additional provision for resources. However, a budget plan for the next five years will help the NDRMF to support States more systematically.

8.63 We recommend that all the Central assistance through the NDRF and NDMF should be on a cost-sharing basis. As the total allocations for the States have registered a significant increase, **there is a case for introducing cost-sharing arrangements on a graded basis, when States request Union assistance through different windows. States should contribute 10 per cent for assistance up to Rs. 250 crore, 20 per cent for assistance up to Rs. 500 crore and 25 per cent for all the assistance exceeding Rs. 500 crore from the NDRF and NDMF.** Such a cost-sharing arrangement would discourage exorbitant demands prepared on the considerations of competitive populism. The graded contribution would also be in keeping with international practice.

## Diversifying Funding Windows

### *Recovery and Reconstruction Facility*

8.64 At present, there is no funding window for recovery and reconstruction to support States. State Governments, therefore, have to request the Union Government for assistance. However, the guidelines for the NDRF and SDRF are oriented towards response and relief, and support for recovery and reconstruction is minimal.

8.65 When States are faced with disasters of rare severity, most of them seek loans from the World Bank, with the approval of the Union Government. However, access to such loans depend upon States' overall borrowings. Besides, States cannot approach the World Bank every time they suffer damage and loss because of such disasters.

8.66 In the past, the Planning Commission and Finance Commission have opined that resources for recovery should be allocated through development assistance. In the case of disasters of rare severity, the Union Government would provide a part of resources needed for recovery and reconstruction to States through additional Central allocation. However, with the discontinuation of the distinction between Plan and non-Plan expenditure, there is no such mechanism to support States at present.



8.67 Recovery presents an opportunity to get development activities off the ground as governments and communities spend recovery assistance on rebuilding infrastructure and houses, reviving livelihoods and improving civic services. The present near-total expenditure focus on response and relief does not leave any resources left for recovery. Without recovery, development gets seriously affected, which deepens the incidence of poverty and backwardness. Many States in the northern and eastern parts of the country experience flooding on recurrent basis and, without much recovery, these States tend to lag in development, which contributes significantly to regional imbalances.

8.68 Based on a clear appreciation of the pressing needs to rebuild assets and livelihoods, **we have recommended setting up a Recovery and Reconstruction Facility, both within the SDRF and NDRF, and suggested that 30 per cent of the resources available with these two funds be earmarked for this purpose.** When the resources are used for recovery and reconstruction, these would help people affected by disasters on a long-term basis.

8.69 Assistance for recovery and reconstruction needs to be determined on the basis of an assessment of damage and loss. **Governments do not pay for the entire cost of recovery and reconstruction, and the assistance could be a percentage of the total cost. Recovery and reconstruction is generally a multi-year programme and the assistance needs to be released annually against expenditures.** Further, assistance for recovery and reconstruction needs to be shared between the Union and States. When we apply these filters - needs assessment, recovery assistance on a partial basis, annual releases against expenditures, and cost-sharing between the Union and States - the cost of recovery and reconstruction can be easily managed on a fiscally sustainable basis.

### ***Preparedness and Capacity-building Grants***

8.70 **State Governments need to have essential disaster preparedness to respond effectively to disasters. Their institutions and facilities must be equipped and well-functioning to meet the exigencies of a situation.** The FC-XIII had introduced the capacity-building allocation by recommending a grant of Rs. 525 crore, linked to the overall size of the SDRF.

8.71 This capacity-building grant proved useful for States to develop their preparedness levels. Many States used these resources to procure emergency equipment and improve their search and rescue capacities. Though several States asked for the continuation of capacity-building grants, the FC-XIV did not include this in its recommendations and left this issue to be dealt with by the Union and State Governments.

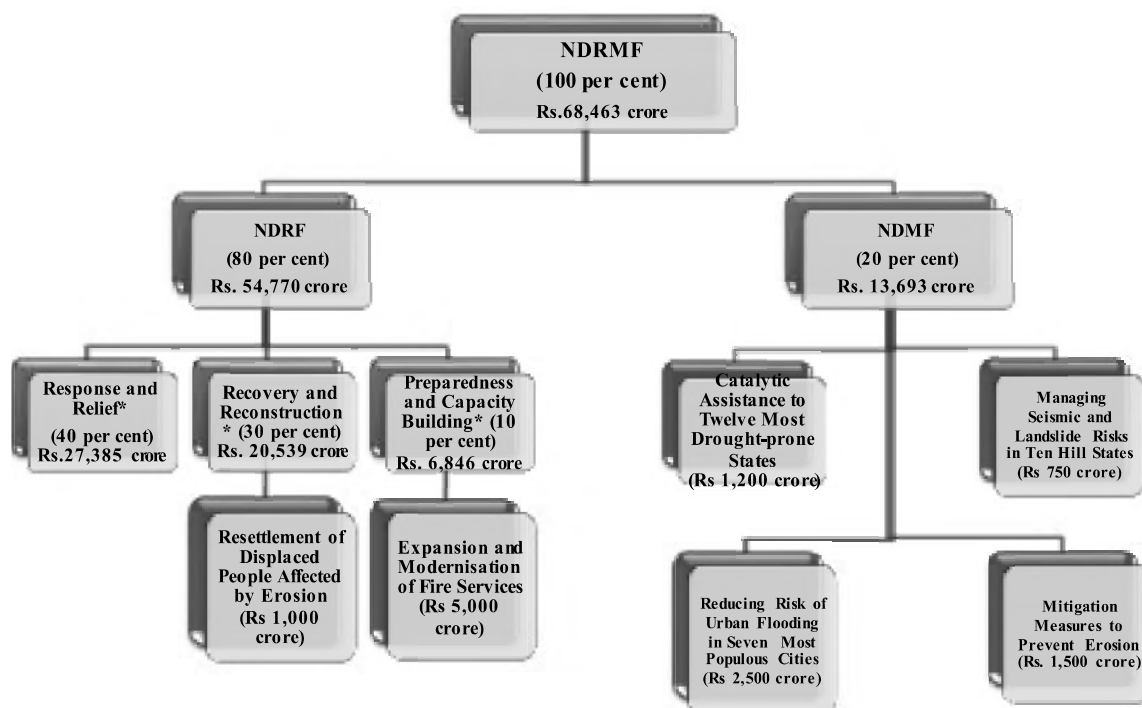
8.72 The preparedness and capacity-building components were included in the guidelines and norms of assistance for the utilisation of SDRF and NDRF, with the State Governments having the flexibility to use 10 per cent of their resources for the procurement of essential search, rescue and evacuation and communication equipment, and 5 per cent on capacity-building activities. In

spite of this flexibility, the claim upon the SDRF was too heavy to allow States to use these resources for equipping their search and rescue teams. The lesson that emerged from such an arrangement is that these resources can be utilised for capacity-building and procurement only if they are earmarked.

8.73 To support the critical institutional, functional and technological components of the disaster management system, it would be essential to earmark allocations for preparedness and capacity-building. **Such an allocation should be 10 per cent of the total State allocation and should be accessed through a sub-window within SDRF.** These funds are meant to support the SDMA, SIDM, training and capacity-building activities and emergency response facilities. State Governments would not use these resources for personnel support. It is recommended that a separate set of guidelines be developed for preparedness and capacity-building grants. A similar window of preparedness and capacity-building should be made available within the NDRF, which will largely be used to support national agencies.

8.74 A snapshot of the sub-categories and earmarked funds for NDRMF recommended by the Commission for the period 2021-26 is depicted in Figure 8.3.

**Figure 8.3: Earmarked Funds for NDRMF**



\* Reallocation within the three sub-windows is recommended, subject to the condition that earmarked allocations under the respective sub-window is duly fulfilled.

8.75 We recommend six types of earmarked allocations: two under NDRF (Expansion and Modernisation of Fire Services; Resettlement of Displaced People affected by Erosion) and four under NDMF (Catalytic Assistance to Twelve Most Drought-prone States; Managing Seismic and Landslide Risks in Ten Hill States; Reducing the Risk of Urban Flooding in Seven Most Populous Cities; and Mitigation Measures to prevent Erosion). These priorities are listed as follows:

### *Expansion and Modernisation of Fire Services*

8.76 Fire services are the core first responders, particularly in urban areas. They provide a range of services, which include search and rescue, evacuation and immediate medical assistance. Incidents of fire in metropolitan and smaller cities have increased. According to National Crime Records Bureau data, 1,85,383 people lost their lives due to fire accidents between 2010 and 2019. This is an average of fifty-six deaths a day.

8.77 Fire services in the country lack resources and are ill equipped to provide adequate fire safety cover to the population. The NDMA has estimated the extent of deficiency of fire services in the country: fire stations - 97.54 per cent; firefighting and rescue vehicles - 80.04 per cent; and fire personnel - 96.28 per cent. It has recommended for allocation of grants worth Rs. 7,000 crore to States to meet these shortages. Such an investment would be completely justified and timely to save lives and economic losses which are mounting every year. As these resources need to be provided on a cost-sharing basis, we recommend a provision of Rs. 5,000 crore for strengthening fire services at the State level in the next five years. These resources could be allocated through the Preparedness and Capacity-building component of the NDRF. States need to apply for these funds, for which they should contribute 10 per cent of the amount sought. These resources could ideally provide a top-up to the existing programmes.

### *Catalytic Assistance to Twelve Most Drought-prone States*

8.78 Drought is considered to be a silent killer and has a creeping effect. Several States such as Andhra Pradesh, Karnataka, Maharashtra and Rajasthan have suffered drought on a recurrent basis. These States are situated in low rainfall zones (less than 750 millimetres annually) and poor rainfall in successive years seems to have aggravated the intensity of drought. Even States such as Madhya Pradesh and Uttar Pradesh, where the annual rainfall ranges between 750 and 1125 millimetres, have suffered droughts. Small and marginal farmers in these States, which are largely engaged in rain-fed farming, are seriously affected by droughts.

8.79 In view of persistent droughts, widespread agrarian distress and large-scale expenditure on drought relief, it would be critical to establish a long-term drought management mechanism at the State level. While both the Union and State Governments have set up different schemes to mitigate the impact of drought, these interventions have not come together on the ground.

Implemented as they are by different agencies, these schemes have limited impact at the local level.

8.80 States need to develop long-term drought mitigation plans to address the challenges posed by successive droughts. These plans need to include area-specific farming systems, improvements in surface and ground water management, promoting efficiency of water use, agro-forestry schemes and solar energy installations. Each drought-affected district should develop a plan to bring about convergence of these interventions and monitor them on a long-term basis.

8.81 To develop district-level drought mitigation plans, we recommend allocating Rs. 100 crore each to twelve most drought-prone States over five years. These States are: Andhra Pradesh, Bihar, Gujarat, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Tamil Nadu, Telangana, and Uttar Pradesh (Table 8.7). It would involve a total allocation of Rs. 1,200 crore over the FC-XV award period (2021-2026). The assistance could be provided through the proposed NDMF.

**Table 8.7: Allocation to Drought-prone States for Drought Mitigation**

(Rs. crore)

States	Total Allocation
Andhra Pradesh	100
Bihar	100
Gujarat	100
Jharkhand	100
Karnataka	100
Madhya Pradesh	100
Maharashtra	100
Odisha	100
Rajasthan	100
Tamil Nadu	100
Telangana	100
Uttar Pradesh	100
<b>Total</b>	<b>1200</b>

### *Managing Seismic and Landslide Risks in Ten Hill States*

8.82 The Himalayas are not only the youngest mountains in the world, they are also among the most seismically active areas. The Indian Seismic Zonation Map classifies this region into Zones IV and V, the highest seismicity zones in India. The States of Himachal Pradesh, Uttarakhand and all the north-eastern States are in these two zones.

8.83 Seismic activities in the region trigger landslides too and both the risks are closely connected. Landslides are also triggered by heavy rains and flooding in the region. The entire Himalayan region experiences landslides on a frequent basis, causing death, destruction and economic disruptions.

8.84 It is critical that the two hill States – Himachal Pradesh and Uttarakhand – and all the eight states in the north-east undertake a mitigation programme to address the earthquake and landslide risks. The mitigation programme implemented over five years will also help these States in developing technical capacities and resources.

8.85 We recommend an allocation of Rs. 750 crore from the proposed NDMF for seismic and landslide risk reduction in the Himalayan region during the next five years. It would include an allocation of Rs. 250 crore each to Himachal Pradesh and Uttarakhand at the rate of Rs. 50 crore per year, and Rs. 250 crore for all the States in the north-east (Table 8.8). The allocation for the north-eastern States could be increased further if they are able to implement the programme and utilise these resources.

**Table 8.8: Allocation for Managing Seismic and Landslide Risks in Hill States**

(Rs. crore)

States	Annual Allocation	Total Allocation (2021-26)
<b>Himachal Pradesh</b>	50	250
<b>Uttarakhand</b>	50	250
<b>All North-Eastern States</b>		250
<b>Total</b>		<b>750</b>

### *Reducing the Risk of Urban Flooding in Seven Most Populous Cities*

8.86 All the major cities in India are heavily affected by floods. The frequency of urban floods has increased, with not a year passing without large parts of some city or the other getting submerged. In December 2015, Chennai was heavily flooded, when the city received a rainfall of 340 mm in the course of just one day. In July 2018, Mumbai received 864.5 mm of rainfall within a week, which was nearly the rainfall for the entire month and in July 2019 over twenty people died due to floods in the city. In both cities, life and economic activity were disrupted as a result.

8.87 While State Governments have sought to address these issues, it requires an approach which brings together urban planning, ecological conservation and disaster management together. State Governments need to support a set of interventions which are implemented by multiple urban agencies working together. In view of the regular incidence of flooding and heavy losses, we recommend that a targeted allocation be made to address urban flooding in seven cities (excluding Delhi), which have a metropolitan area with a population exceeding five million.

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These cities are: Mumbai, Chennai, Kolkata, Bengaluru, Hyderabad, Ahmedabad and Pune.

8.88 A similar approach and fund allocation is applicable to Delhi as well. However, since Delhi is a Union Territory (with Legislature), we have not made a separate allocation for it. The Ministry of Finance shall make the requisite fund allocation for Delhi for the award period of this Commission to reduce the risk of urban flooding.

8.89 We recommend that an allocation of Rs. 100 crore per year be made for each of the metros – Mumbai, Chennai and Kolkata – to prepare integrated solutions for flood management (Rs. 1,500 crore over five years). For the next tier of cities – Bengaluru, Hyderabad, Ahmedabad and Pune – an allocation of Rs. 50 crore per year should be made to prevent urban flooding (Rs. 1,000 crore over five years). The total assistance for urban flood management based on the proposed assistance is estimated to be Rs. 2,500 crore during our award period (Table 8.9). This amount may be allocated through the proposed NDMF. These allocations must be made on a cost-sharing arrangement, with the cities contributing 10 per cent of the resources.

**Table 8.9: Allocation to Cities for Reducing the Risk of Urban Flooding**

(Rs. crore)

Cities	Annual Allocation	Total Allocation (2021-26)
Mumbai	100	500
Chennai	100	500
Kolkata	100	500
Bengaluru	50	250
Hyderabad	50	250
Ahmedabad	50	250
Pune	50	250
<b>Total</b>	<b>500</b>	<b>2500</b>

*Coastal and River Erosion*

8.90 Coastal and river erosion can have serious adverse socio-economic consequences. A study conducted by the Space Application Centre (SAC), Ahmedabad, in association with the Central Water Commission (CWC), in May 2014 noted that around 45 per cent of India's coastline is facing erosion. The most telling example of river erosion has been Majuli island in Assam. Considered to be the world's largest riverine island, it is slowly shrinking because of erosion by the Brahmaputra river over decades. Satellite imagery shows the landmass of the island has shrunk from 1,256 square kilometres in 1971 to only 524.2 square kilometres in 2016, which means it has lost more than half of its area during the last forty-five years.

8.91 We have considered two aspects related to erosion: mitigation measures to prevent erosion (under NDMF) and resettlement of displaced people affected by erosion (under NDRF).

i) **Mitigation Measures to Prevent Erosion**

8.92 Coastal erosion, one of the recurring natural hazards, generally occurs as part of the erosion-accretion cycle. It is feared that with the predicted rise in sea levels due to climate change, there will be an increase in the rate of beach erosion as well as loss of coastal properties. In addition, the floods emanating from the Himalayan rivers wreak great annual damage, especially for the people of Assam, Bihar, Uttar Pradesh and West Bengal. Such disasters impede incentives for economic activity in these regions and make it difficult for the inhabitants to break out of their cycles of recurrent damage and poverty. **To reduce the annual flood disasters caused by regular river erosion, major capital works are required for proper upstream river basin management, with gestation spreading over ten to fifteen years. These cannot be accommodated through Finance Commission awards. Therefore, we are persuaded to recommend that such projects should be considered as national priority projects for execution. Only such holistic projects can help address flood mitigation properly. A piecemeal approach will simply witness yearly washing away of river embankments.**

8.93 In order to mitigate the risk of erosion, we recommend an allocation of Rs. 1,500 crore from the proposed NDMF for our award period. States would need to apply for these funds for undertaking erosion mitigation works and NDMA and/or Ministry of Home Affairs may develop suitable norms for this purpose. These allocations must be made on a cost-sharing arrangement, with the States contributing 10 per cent of the resources.

ii) **Resettlement of Displaced People Affected by Erosion**

8.94 The displacement caused by river erosion has taken a regional dimension covering the States of Assam, Bihar, Odisha and West Bengal. Rising sea levels have also threatened habitats. The Sundarbans in West Bengal is a climate hot spot threatened by rising sea water. The coastal fisher-population, who are amongst the most vulnerable communities, suffer loss of life and property as a result of sea erosion.

8.95 Given the magnitude of the problem, we recommend that both the Union and State Governments develop a policy to deal with the extensive displacement of people caused by coastal and river erosion. People must be provided with alternative settlements and they should receive some assistance from the government. To implement this policy, we allocate Rs. 1,000 crore to address the issue of displacement at the national level. State Governments can request the assistance for resettling affected people. Such assistance should be made available through the resources available from the recovery and reconstruction window of the NDRF. However, State Governments should avail these resources on a cost-sharing basis, contributing 10 per cent of the cost of resettlement. Such resettlements should ensure safer sites for the people being resettled.

8.96 **In view of the urgency and importance of these preparedness, risk reduction and recovery priorities at the national level, we recommend Rs. 11,950 crore from different windows of the NDRF and NDMF to address these issues (Table 8.10).** The NDMA should supervise the allocation and utilisation of these resources by framing the guidelines and setting the indicators.



Table 8.10: Summary of Earmarked Allocations

(Rs. crore)

Funding Windows	Earmarked Purpose	Total Allocations (2021-26)
NDRF (Capacity Building)	Expansion and Modernisation of Fire Services	5000
NDRF (Recovery and Reconstruction)	Resettlement of Displaced People affected by Erosion	1000
<b>Sub-total (under NDRF)</b>		<b>6000*</b>
NDMF	Reducing the Risk of Urban Flooding in Seven Most Populous Cities	2500
NDMF	Catalytic Assistance to Twelve Most Drought-prone States	1200
NDMF	Managing Seismic and Landslide Risks in Ten Hill States	750
NDMF	Mitigation Measures to prevent Erosion	1500
<b>Sub-Total (under NDMF)</b>		<b>5950**</b>
<b>Grand Total</b>		<b>11950</b>

\*This amount of Rs. 6,000 crore shall be earmarked out of the total NDRF corpus of Rs. 54,770 crore.

\*\*This amount of Rs. 5,950 crore shall be earmarked out of the total NDMF corpus of Rs. 13,693 crore.

8.97 We are of view that the objectives of all the earmarked allocations cannot be achieved unless the projects for which they are meant are implemented without undue delay, so that benefits accrue at the earliest to the target group. Therefore, such projects recommended by us under NDRF and NDMF should be sanctioned in such a manner that these can be completed within the award period of the Commission. **The Commission is also of the view that there shall be no spill-over for the liabilities committed for the projects sanctioned against earmarked allocation beyond the award period (2021-2026) of the Commission.**

### Feasibility of District Disaster Response and Mitigation Funds

8.98 There have been consultations with State Governments in the past on the issue of separate district-level funds. State Governments have not supported the idea and suggested that the SDRF can take care of the requirements at the district level as well. Similarly, if the SDMF is constituted, it will take care of mitigation requirements at the district level.

8.99 There are many practical issues that will arise in the case of district-level funds. First, if a district does not experience any disaster, these funds will remain unspent, which will be an inefficient utilisation of resources, which are substantial. Second, the States would find it

difficult to pool resources distributed across districts to respond to a disaster in a particular district or group of districts within that State. Third, the jurisdiction of the State-level funds and district-level funds, which are meant for the same purpose, will overlap and there will always be an issue about how the district-level funds would be spent differently from State-level funds.

8.100 While setting up district-level disaster funds does not seem to be a practical idea, we recommend that State Governments must allocate resources to districts for preparedness and mitigation on an annual basis. Empowering the district administration is essential for improving disaster preparedness at the local level. Without the devolution of resources, the district administration and local governments at the district, taluka and municipal levels would find it difficult to support disaster management preparedness and implementation. State Governments managing the entire fund at the State level is a practice which needs to change.

8.101 State Governments should consider allocating these resources following a methodology that they should evolve. In subsequent allocations, the State Governments may also consider the expenditure incurred by districts under these funds.

### **Empowering Panchayati Raj Institutions for Disaster Preparedness and Management**

8.102 In the present situation, government agencies take sole responsibility for disaster preparedness, rescue, relief and reconstruction activities without providing adequate scope for local participation. Not only has this increased people's dependence on the government machinery but it has also diminished the capacity of local communities to cope with natural disasters. The lack of disaster preparedness and mitigation planning at the local level, especially at the Gram Panchayat level, gives rise to considerable problems in the management of disasters.

8.103 In the event of disasters like floods or earthquake, it takes a while for the full impact to be felt and necessary formalities to be completed before the District Disaster Response Force/ State Disaster Response Force/National Disaster Response Force teams can swing in to action. Meanwhile enormous damage has taken place and people have suffered tremendous loss and faced hardship. Additionally, round the year events like floods, lightning or even local level droughts do not trigger an intervention at the State or Union Government level. It is, therefore, necessary to build adequate capacity at the panchayat level. Thus, the current-top-down approach for disaster management should be suitably corrected and made more effective and efficient by empowering panchayats.

8.104 The Commission, therefore, considers the role of panchayats crucial and necessary in view of their proximity to the local community (including the weaker sections of society) and their ability to enlist people's participation on an institutionalised basis. Their involvement can provide a quick response to disaster events – whether natural or man-made – and also sensitise people to deal with them and minimise their dependence on the government for rescue and relief operations.

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8.105 In fact, making panchayats the nodal agency for relief and rehabilitation will result in improved planning, coordination and monitoring, and this will make the overall relief and rehabilitation interventions better. The panchayati raj institutions can play a pro-active role in all stages of disaster management, covering prevention, mitigation, preparedness, response, restoration, rehabilitation reconstruction work.

8.106 The Commission believes that the involvement of panchayats will lead to enhanced effectiveness of activities like rescue operations and arranging temporary shelters; distributing immediate relief in the form of money, food grains, medical care, clothes, tents, vessels, drinking water and other necessities; restoration, rehabilitation and reconstruction efforts of damaged villages and towns; crop protection measures and livestock management; health and sanitation measures; organising health camps and so on. In addition, panchayats can undertake several risk mitigation activities far more effectively. Therefore, some mitigation activities out of the proposed indicative list of activities in Annex 8.2 should be left to the panchayats rather than being taken up by the Union or State Governments.

8.107 The Commission is of the view that State Governments should allocate some reasonable amount out of the allocation made for SDRF and SDMF to districts. These financial mechanisms would strengthen a decentralised approach to disaster management, although, allocating resources to 2,63,028 panchayati raj institutions, comprising 2,55,549 Gram Panchayats, 6,825 Block Panchayats and 654 District Panchayats across 739 districts could be a challenge

### **Reimbursement to the Ministry of Defence for Expenditure on Disaster Rescue and Response**

8.108 The Ministry of Defence renders assistance to the civilian administration for disaster rescue and response. Reimbursement for this expenditure is a major issue of concern. **Normally, the procedure for reimbursement should be resolved between the Ministry of Defence and the Ministry of Home Affairs through mutual consultations. However, as the issue has been referred to the Finance Commission, we recommend the following options:**

- (i) Once the requested operation concludes, the unit providing the services submits the bill to the State Government. Upon receipt of this bill, the State Government releases the amount to the local military authority. The State Government can then submit the bill to the Ministry of Home Affairs for reimbursement through the NDRF. The Ministry of Home Affairs then releases the assistance to the State Government as per the norms of assistance included in the guidelines. The armed forces get their reimbursement quickly, and if there is any delay, it is a matter between the State Government and the Ministry of Home Affairs.
- (ii) The Ministry of Home Affairs, in consultation with the Ministry of Finance, advances an amount from the NDRF based on average expenditures during previous years to the Ministry of Defence. The total cost incurred on rescue and relief by the

Ministry of Defence is adjusted against this advance at the end of the financial year. This would ensure that the Ministry of Defence has the requisite resources for providing these services.

(iii) Once the requested operations conclude, the local military authority submits the bill to the State Government and gets it countersigned. It then submits the countersigned bill to the Ministry of Defence, which forwards it to the Ministry of Home Affairs, which in turn, will then release the amount through the NDRF to the Ministry of Defence.

8.109 **Both the Union ministries could agree upon any one of these options.**

### **Strengthening Institutional Capacities and Improving Guidelines**

8.110 There is a pressing need to strengthen capacities and systems for managing the NDRF and SDRF at the Union and State levels. At present, funds are released to State Governments, which incur the expenditure, and financial flows are monitored in terms of release and utilisation of funds, with little emphasis on the purpose of utilisation.

#### ***Dedicated Capacity for Managing NDRMF and SDRMF***

8.111 Given the magnitude of allocations for the NDRMF and SDRMF, **we recommend setting up a dedicated capacity within the Ministry of Home Affairs, Ministry of Finance or NDMA to manage these funds actively. This could be modelled on the lines of Mexico's FONDEN (Fund for Natural Disasters).** Such a capacity with a small staff would carry out the functions of budgeting, release, utilisation, reporting and audit. It would lead to an active management of funds and a greater accountability for allocation, expenditure and reporting. **Such a dedicated capacity would also be helpful in looking beyond the SDRMF and NDRMF and augmenting disaster funding through other sources.**

8.112 We also recommend setting up an online system for the release of NDRMF and SDRMF allocations. It will show the release of SDRMF allocations, expenditures and the outstanding balance for each State online. Such a system would improve the process of adjustment while funds from the Union Government are being released.

#### ***Two-stage Assessment for NDRF Allocation***

8.113 **We recommend replacing the existing system of assessment of the damages caused by any natural calamity by a two-stage assessment. The first stage should be a smaller assessment, largely to ascertain humanitarian and relief needs. The second assessment should be inter-sectoral and more elaborate, and cover damage, loss and recovery needs.** The Union Government should consider introducing Post-Disaster Needs Assessment (PDNA) as defined in the manual on PDNA produced by the NIDM

([https://nidm.gov.in/PDF/pubs/pdna\\_manual\\_vol1.pdf](https://nidm.gov.in/PDF/pubs/pdna_manual_vol1.pdf)) as the standard methodology for carrying out the assessment following a disaster event.

### ***Developing a Disaster Database***

8.114 **We recommend setting up a disaster database as a special initiative. The database should have disaster assessments, the details of allocations and expenditure and preparedness and mitigation plans.** As insurance coverage expands in India, such a database would be extremely helpful in diversifying and improving insurance products and services.

### ***Disbursing Assistance to Women Members of Households***

8.115 Given the gender imbalances within households, **we recommend that cash assistance should be transferred to families in a way that women members of the household also get access to the money.** Housing and livelihoods assistance should also be targeted at women. This is an area which requires significant reforms in recognising the legal rights of women and their central role in ensuring the well-being of families.

### ***Development of Guidelines***

8.116 **If the new funding windows are being set up, they need to be supported through the development of guidelines.** Once the NDMF and SDMF are set up, they should follow the guidelines for mitigation. Similarly, States should also have guidelines for preparedness and capacity-building. A national recovery framework would guide the States in developing recovery plans. **The NDMA could develop the guidelines and frameworks and organise training around these enabling guidelines.**

### ***NDMA's Leadership Role***

8.117 The NDMA should take a leadership role in **developing and maintaining the financial system for disaster management and work closely with the SDMAs.** It needs to play an active role in setting up the Mitigation Fund and the Recovery and Reconstruction facility. These are new mechanisms which require support and nurturing. States need continuous guidance in setting up these windows and effectively using these resources. Without an active champion, these new windows will not be able to yield the expected results.

### ***Outcome Framework***

8.118 A greater accountability for the allocation and utilisation of SDRMF and NDRMF resources may be ensured through developing an outcome framework. Such a framework calls

for States' commitments to achieve the Sendai Framework indicators. Some of these include reducing mortality, supporting community recovery and resilience and improving the quality and substance of disaster assistance. **An annual report at the national level may record all the allocations, expenditures, key achievements and results against various indicators developed for the implementation of SFDRR.** The ministries of Finance and Home Affairs and the NDMA may lead a mid-term review of the entire allocations and assess the impact of expenditures through different windows. **The contribution of these allocations to national and state capacities and resources may be evaluated against a set of indicators determined by the NDMA.**

### **Alternative Sources of Funding**

8.119 **The resources provided by the SDRF and NDRF would be insufficient in many situations, and both the Union and State Governments would be constrained to mobilise disaster funding through other sources like reconstruction bonds, contingent credit/stand-by facility with international financial institutions, crowdfunding platforms and corporate social responsibility.** Developing these financial mechanisms and instruments ahead of a contingent situation would help governments identify and select more cost-effective options. **We recommend that the Union and State Governments look at these mechanisms and instruments carefully and consider accessing them when they are faced with disasters.**

### ***Reconstruction Bonds***

8.120 In a post-disaster situation, State Governments can issue reconstruction bonds, with a maturity of three to five years, with the approval of the Union Government. People would like to contribute to recovery and reconstruction efforts, and they would prefer to invest in bonds, for reasons other than just financial returns. So the State Governments could issue these bonds with a lower yield. However, the resources raised by these bonds should largely be spent on the construction of productive and social assets.

### ***Contingent Credit/Stand-by Facility with International Financial Institutions***

8.121 International financial institutions, the World Bank and the Asian Development Bank (ADB) have been among the most important sources of financial assistance for post-disaster recovery and reconstruction in India. Beginning in 1990, there have been at least nine recovery and reconstruction projects supported by the World Bank with an approximate cost of US\$ 2.5 billion across different States.

8.122 If the World Bank and ADB have provided loans for recovery and reconstruction on a regular basis, there could be a long-term arrangement through which the lending operation could be made shorter and easier. Such an arrangement would ensure that if the cost of disaster exceeds

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a certain threshold, States could request loans from these institutions with necessary approvals. Such proposals may be considered taking into account the cost of borrowing, knowledge transfer and organisational help.

***Crowdfunding Platforms for Disaster***

8.123 Crowdfunding is playing an increasingly larger role in mobilising resources for disaster relief and recovery. Campaigns are launched on the internet to raise funds from the public. Communities and organisations with volunteers on the ground ascertain critical needs and create targeted donation pages. Within a matter of hours, a fundraising campaign is launched and a community of fundraisers takes shape.

8.124 Both the Union and State Governments need to recognise the role of crowdfunding and use it when disasters occur. While several crowdfunding platforms come up following a disaster event, a platform set up by the government with specified objectives and an assurance of transparency can attract public contributions on a more significant scale. Setting up a crowdfunding platform would require skills and expertise, which the governments could consider outsourcing. Identifying the right time for crowdfunding, setting up secure payment gateways and ensuring accountability and transparency are the most important considerations for the success of such an initiative. It is an area where both the Union and State Governments together should prepare operational guidelines.

***Corporate Social Responsibility Window***

8.125 The private sector has been supporting disaster relief and recovery for a long time. However, it can expand its contribution to disaster management by diversifying its engagement. In addition to relief and recovery assistance, it can support an event or campaign to raise awareness, mobilise donations from private sector employees and support crowdfunding. It can provide technological and innovation support for disaster management.

8.126 Incentives for a wider engagement of the private sector could include tax exemption to contributions to the NDRF and SDRF. The FC-XIV had made this recommendation, and this needs to be implemented. We reiterate these recommendations for providing tax exemption for such contributions. Schedule VII of the Companies (Corporate Social Responsibility Policy) Rules 2014 relating to corporate social responsibility states that companies may provide funds for the Prime Minister's Relief Fund or “any other fund set up by the Union Government or the State Governments for socio-economic development and relief”. This rule could be used as an enabling provision for the contribution of the private sector to disaster funding windows. The corporate social responsibility rules and tax exemption incentives could be applied more innovatively to improve and diversify private sector support for disaster management.



### ***Insurance and Risk Pooling***

8.127 In the past, Finance Commissions have engaged with the provision of insurance for disaster-affected people. However, after due deliberations, they considered insurance as impractical on several grounds. They concluded that it would be cheaper for State Governments to directly provide disaster relief, as is being done presently, instead of going through an insurance intermediary.

8.128 While the Finance Commissions have correctly held these views and hence did not favour an insurance coverage for disasters to be extended to the entire population, there is a strong case for introducing insurance and risk pooling in niche areas, where essential conditions for market-based risk management instruments exist.

8.129 Insurance is feasible and practical when risk pools are large, the data on damage and loss is available and pay-outs could be estimated with reasonable accuracy. An expanded risk pool, which could exist at national or global levels, and quantified risks through a long-term database could be key to the feasibility of insurance services.

8.130 Furthermore, the use of insurance instruments is most efficient for natural perils, which occur infrequently but have high potential impact. The cost of response and recovery for frequently occurring natural hazards (occurring once every five to ten years, depending on the peril) are best absorbed by public funds such as the SDRF and NDRF. However, severe natural hazards occurring every ten to hundred years are best suited to be covered by an insurance policy or catastrophe bond.

8.131 In keeping with these principles, **we propose four insurance interventions, which need to be studied further by the NDMA and the relevant ministries for their feasibility.** These insurance interventions would provide an additional layer of protection to the people. These interventions do not seek to replace the existing public fund mechanisms; rather, they supplement these mechanisms and reinforce protection to the people. However, **these insurance mechanisms need to be introduced with due diligence in partnership with insurance companies.** The proposed insurance mechanisms are discussed below:

### ***National Insurance Scheme for Disaster-related Deaths***

8.132 An insurance programme for disaster-related deaths in India could be a feasible intervention for several reasons, and it confers clear benefits upon the families of those who have died. In India, disaster mortality as a proportion to the total population has reduced over the years. Due to improved early warning systems and preparedness as well as better communications, the annual mortality has seen a clear decline. The mortality is expected to decline further, which is a stated policy goal to meet the commitments expressed in the SFDRR.

8.133 On the strength of State-wise disaster mortality data, a national insurance scheme could be set up in partnership with an insurance company. State Governments may join the scheme by

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paying insurance premium based on their annual mortality. The Union Government could also contribute to the risk pool. Such insurance premium would generally be less than what State Governments pay by way of ex gratia assistance. In case of deaths, insurance companies would release the pay-out to the affected families at different stages such as one instalment immediately after the death, second instalment after five years, and again after ten years. The insurance company could also make monthly payments to affected families. The insurance scheme could be designed in a way that it essentially works as a social protection scheme. It does not increase the administrative burden on the government, as the responsibility for the pay-out lies with the insurance company.

*Synchronising Relief Assistance with Crop Insurance*

8.134 Farmers receive assistance in case of crop failure due to disaster events through two sources: SDRF/NDRF release and crop insurance pay-out. Discussions with State Governments showed that the assistance through government sources to a small and marginal farmer ranges from Rs. 3,000 to Rs. 10,000 on an average. While such assistance is helpful to farmers in times of distress, it is not a significant amount. However, if the pay-out from the crop insurance scheme is available at the same time, there is a substantive increase in total assistance. The PMFBY is an effective tool for compensating farmers for crop losses due to natural perils. Its effectiveness would increase considerably if the assessment and pay-out for crop failures is coupled with the SDRF/NDRF assistance.

8.135 We recommend that the Ministry of Agriculture and Farmers' Welfare should take steps through which the synchronisation between the SDRF/NDRF release and crop insurance pay-out could be improved. It would include a common assessment of the area under crops, improved loss assessment methodology and a prompt budget provision for crop insurance.

*Risk Pool for Infrastructure Protection and Recovery*

8.136 Infrastructure assets are prone to risks of hazards, causing massive damage and loss as seen in recent disasters. As governments are considered the ultimate insurer, there would generally be no insurance coverage for infrastructure protection. When disasters strike, the Union and State Governments release assistance for restoration of infrastructure. However, these resources generally prove inadequate for restoration and reconstruction. As the scale of infrastructure in India increases, the need for their protection would require a major commitment of resources.

8.137 Infrastructure protection could be supported through setting up a national risk pool for infrastructure in partnership with an insurance company. Infrastructure companies within the country could be encouraged to join the risk pool, which will yield the benefit of getting insurance protection against risks as well as the incentive for investing in improved standards and

regulations. When there is damage and loss to infrastructure due to a natural hazard, the risk pool will pay for recovery and reconstruction.

8.138 Setting up a risk pool for infrastructure would be an innovative step and would require partnering with an insurance company. However, it would be more cost effective compared to other risk transfer solutions. As the Union Government has decided to set up the Coalition for Disaster Resilient Infrastructure, setting up a risk pool for infrastructure would be the first step towards seeking risk transfer solutions through market mechanisms.

#### *Access to International Reinsurance for Outlier Hazard Events*

8.139 **We recommend exploring an additional layer of protection against extreme hazard events through the international reinsurance market. Such a protection would have a parametric feature, aimed at low-frequency, high-intensity disaster events, and would provide an additional layer of protection through a global risk pool.** The index for such disasters could be defined in terms of magnitude and severity. For example, a great earthquake of magnitude 8 Mw or a super-cyclone could be the trigger for insurance pay-out.

8.140 It would be necessary to procure such an insurance protection through market quotes. Due to the low frequency of disasters and a global reinsurance pool, the premium for a parametric risk protection could be cost effective. International reinsurance companies can bid for protection, based on the magnitude of the hazard and pay-out. It is important that such an insurance protection is cost effective and should be cheaper than other forms of protection.

#### **List of Calamities**

8.141 This Commission, like its predecessors, has also examined the requests received from States for inclusion of a number of calamities in the eligible list of disasters for funding support from the SDRF and NDRF. The Commission feels that most of the calamities suggested by the States for inclusion in the list of notified calamities are State-specific or region-specific and can be difficult to quantify, as the scale of severity would vary from region to region.

8.142 The Commission considers that calamities like fire incidents and river and coastal erosion can be tackled efficiently through mitigation efforts. It has, therefore, made an allocation of Rs. 7,500 crore from the NDRMF for this. Of this allocation, Rs. 5,000 crore has been earmarked for strengthening fire services (para 8.77) and Rs. 2,500 crore has been set aside for mitigation measures to prevent erosion and resettlement of displaced people affected by erosion. (paras 8.93 and 8.95).

8.143 The Commission has observed that the list of notified disasters eligible for funding from SDRMF and NDRMF covers the needs of the States to a large extent and thus did not find much merit in the request to expand its scope.

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8.144 Man-made disasters and technological disasters (chemical and industrial disasters including radioactive contamination, railway/air accidents), including public health disasters such pandemics/epidemics, which are caused by either negligence/oversight or faulty equipment or even bad weather, may have low chances of occurrence but require high level of funding. The Commission feels that financing of preventive and relief measures for such disasters should be left out of the SDRMF and NDRMF. These disasters may continue to be taken care of by the respective nodal ministry/department. The Union Government may consider financing disaster relief in respect of such disasters as a one-time temporary arrangement from the NDRMF for initial mitigation, as was done at the time of the Covid-19 outbreak provided that funds available with the respective designated ministry/department are not sufficient.

**Accounting Norms and Standards**

8.145 Mandates relating to operating of the disaster-related funds require the States to transfer their matching share towards the SDRF along with the Union's share received by them. However, some of the States do not make transfers into the public account maintained by them in a timely manner. This results in inadequate funds being available with the States to tackle disasters of a severe nature and they seek additional central assistance (ACA) from the NDRF. States are, therefore, advised to make timely transfers of their matching share under SDRF and SDMF. It is further suggested that since SDRF and SDMF (together now called SDRMF) are non-lapsable corpus, any balance left under these heads from one Finance Commission award period should be carried forward to the award period of the next Commission.

8.146 The Commission also considers that since the disaster response fund and mitigation fund are different identities, there should be separate accounting heads for each under SDRMF and NDRMF in order to utilise allocation made for response and mitigation efforts. Therefore, the Commission suggests that the Ministry of Home Affairs, in consultation with Department of Expenditure in the Ministry of Finance, take appropriate action to open new accounting heads while formulating the operational guidelines and norms for the SDRMF and NDRMF. Accordingly, sub major heads corresponding to minor heads under MH '1601 - Grants-in-aid from Central Government', MH '2245 - Relief on account of Natural calamities', MH '3601- Grants-in-aid to State Governments', MH- '8121- General and other Reserve Funds' under Reserve Funds Bearing Interest, and MH '8235-General and other Reserve Funds under Reserve Funds Not Bearing Interest should be opened before first instalment of 2021-22 for SDRMF and NDRMF is released. The CGA and Department of Expenditure should ensure that these accounting norms are adhered to. The CAG may appropriately review the adherence to these prescribed accounting practices.

8.147 As per the current practice, 50 per cent of the available balance under SDRF as on April 1 of a financial year, as reported by the Accountant General of the State, is adjusted while calculating the requirement of ACA from the NDRF during severe calamities. However, this does

not capture the contribution (Union as well as States share) made to the SDRF until that period while calculating ACA under NDRF. The contribution made to the SDRF in that financial year is also meant to ensure that States have adequate funds under the SDRF for tackling severe disasters. The Commission is, therefore, of the view that the balance as on April 1 of a financial year and Union and States' contribution of their respective shares made to the SDRF until the latest date should be adjusted while calculating ACA under NDRF and the first charge should be on the SDRF during a severe disaster.

### Summary of Recommendations

(I) The ratio of contribution by Union and States to the State-level allocations for disaster management recommended by FC-XIII should be maintained. Thus, States are to contribute 25 per cent of funds of SDRF and SDMF except the NEH States which shall contribute 10 per cent, and the rest is to be provided by the Union Government.

(para 8.34)

(ii) Mitigation Funds should be set up at both the national and State levels, in line with the provisions of the Disaster Management Act. The Mitigation Fund should be used for those local level and community-based interventions which reduce risks and promote environment-friendly settlements and livelihood practices.

(para 8.43 and 8.46)

(iii) Allocation of disaster management funds to SDRMFs should be based on factors of past expenditure, area, population, and disaster risk index (which reflect States' institutional capacity, risk exposure, and hazard and vulnerability respectively). Assuming an annual increase of 5 per cent, we arrive at the total corpus of Rs.1,60,153 crore for States for disaster management for the duration of 2021-26, of which the Union share is Rs. 1,22,601 crore and States share is Rs. 37,552 crore.

(para 8.51, 8.52 and 8.53)

(iv) Total States allocation for SDRMF should be subdivided into funding windows that encompass the full disaster management cycle. Thus, the SDRF should get 80 per cent of the total allocation and the SDMF 20 per cent. The SDRF allocation of 80 per cent should be further distributed as follows: Response and Relief – 40 per cent; Recovery and Reconstruction – 30 per cent; and Preparedness and Capacity-building – 10 per cent. While the funding windows of the SDRF and SDMF are not interchangeable, there could be flexibility for re-allocation within the three sub-windows of SDRF.

(para 8.54)

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(v) The allocation for the NDRMF should be based on expenditure in previous years. Assuming an annual increase of 5 per cent, the total national allocation for disaster management is estimated to be Rs. 68,463 crore for the duration of 2021-26.

(para 8.59)

(vi) The allocation for the NDRMF should also be subdivided into funding windows similar to that of States' allocation for disaster management. Hence, the NDRF should get 80 per cent of the total allocation for the NDRMF, with further division into 40 per cent for Response and Relief, 30 per cent for Recovery and Reconstruction and 10 per cent for Preparedness and Capacity-building. The NDMF should be allotted 20 per cent of the total allocation for the NDRMF. If required, the Ministry of Home Affairs may examine the need for amending the Disaster Management Act to create three sub-windows within the NDRF. While the funding window of NDRF and NDMF should be maintained, there could be flexibility for re-allocation within these sub-windows.

(para 8.60 and 8.61)

(vii) To discourage excessive and unsubstantiated demands from States, all Central assistance through the NDRF and NDMF should be provided on a graded cost-sharing basis. States should contribute 10 per cent for assistance up to Rs. 250 crore, 20 per cent for assistance up to Rs. 500 crore and 25 per cent for all assistance exceeding Rs. 500 crore.

(para 8.63)

(viii) A Recovery and Reconstruction Facility should be set up within the NDRF and SDRF. Assistance for recovery and reconstruction is generally a multi-year programme, and the assistance, shared between the Union and States, needs to be released annually against expenditures and only as a percentage of total cost.

(para 8.68 and 8.69)

(ix) State Governments need to have essential disaster preparedness to respond effectively to disasters. Their institutions and facilities must be equipped and well-functioning to meet the exigencies of a situation. The preparedness and capacity-building grants could be used to support the SDMA, SIDM, training and capacity-building activities and emergency response facilities. A similar window of preparedness and capacity-building should be made available within the NDRF, which could be used to support national agencies.

(para 8.70 and 8.73)

(x) Major capital works required for proper upstream river basin management (to mitigate annual flood disasters caused by river erosion) with gestation periods of ten to fifteen years cannot be accommodated through Finance Commission award. Therefore, we recommend that such projects should be considered as national priority projects. Only such holistic projects can help address flood mitigation properly. A piecemeal approach will simply result in yearly washing away of river embankments.

(para 8.92)

*Chapter 8 : Disaster Risk Management*

(xi) There should be six earmarked allocations for a total amount of Rs. 11,950 crore for certain priority areas, namely, two under the NDRF (Expansion and Modernisation of Fire Services and Resettlement of Displaced People affected by Erosion) and four under the NDMF (Catalytic Assistance to Twelve Most Drought-prone States, Managing Seismic and Landslide Risks in Ten Hill States, Reducing the Risk of Urban Flooding in Seven Most Populous Cities and Mitigation Measures to Prevent Erosion).

(para 8.96)

(xii) A streamlined system of payment to the Ministry of Defence by the Ministry of Home Affairs should be institutionalised through mutual consultations. Three options for the system of payment have been outlined.

(para 8.108)

(xiii) In order to strengthen institutional capacities, a dedicated capacity should be set up to supervise the NDRMF and SDRMF and augment disaster funding through other sources. In addition, a disaster database should be developed to help assess the impact of expenditures on different aspects of disaster management. Other interventions such as disbursing assistance to women members of households will make disaster management more effective and efficient. NDMA, as a leading agency in disaster management, needs to be proactive and collaborate with States in pushing the agenda of reforms in disaster management.

(para 8.111, 8.114, 8.115 and 8.117).

(xiv) To improve and streamline the access of Central assistance to the states, the existing system of assessment of the damages caused by any natural calamities should be replaced by a two-stage assessment – an initial humanitarian needs assessment for response and relief assistance and a post-disaster needs assessment (PDNA) for recovery and reconstruction needs.

(para 8.113).

(xv) All the new funding windows need to be supported through development of guidelines, the drawing up of which should be led by the NDMA. (para 8.116)

(xvi) An annual report at the national level may record all the allocations, expenditures, key achievements and results against various indicators developed for the implementation of the SFDRR. The contribution of these allocations to national and State capacities may be evaluated against a set of indicators determined by the NDMA.

(para 8.118)

(xvii) In the event of SDRMF and NDRMF assistance falling short of the required assistance, the Union and States should have recourse to other financial instruments. These instruments are identified as reconstruction bonds, contingent credit/stand-by facility with international financial institutions, crowdfunding platforms and corporate social responsibility.

(para 8.119)



*Fifteenth Finance Commission*

(xviii) Insurance mechanisms, which act as a social safety net and supplement the existing financial mechanisms, need to be introduced in partnership with insurance companies after due diligence is done. These mechanisms are: national insurance scheme for disaster-related deaths, synchronising relief assistance with crop insurance, risk pool for infrastructure protection and recovery, and access to international reinsurance to the outlier hazard events

(para 8.131 and 8.139).

Government of India  
**Ministry of Finance**  
Department of Economic Affairs

**EXPLANATORY MEMORANDUM AS TO THE ACTION TAKEN ON THE RECOMMENDATIONS MADE BY THE FIFTEENTH FINANCE COMMISSION IN ITS FINAL REPORT SUBMITTED TO THE PRESIDENT ON NOVEMBER 9, 2020.**

1. The Fifteenth Finance Commission (XV-FC) [Commission, henceforth] was constituted on 27<sup>th</sup> November 2017 by the President, vide Order number S.O. 3755(E) dated 27<sup>th</sup> November 2017. The Commission, vide S.O. No.4308 (E) dated 29<sup>th</sup> November, 2019, was mandated to submit two reports i.e. a first report for financial year 2020-21 and a final report for the period 2021-22 to 2025-26. The Commission submitted its first report covering the financial year 2020-21 to the President on 5<sup>th</sup> December 2019 and an Explanatory Memorandum on the Action taken was presented to Parliament on 1<sup>st</sup> February 2020.
2. The Final Report of the Commission covering the financial years 2021-22 to 2025-26 commencing from April 1, 2021, together with this Explanatory Memorandum on the action taken on the recommendations of the Commission, is being laid on the Table of the House, in pursuance of Article 281 of the Constitution. Summary of the main recommendations related to sharing of the Net proceeds of Union taxes between the Centre and the States, grants-in-aid of revenue of States under Art 275(1) of the Constitution, financing of relief expenditure, grants to local bodies and other recommendations are contained in this Memorandum. This Memorandum also contains the recommendations related to Sectoral Grants, State Specific Grants and fiscal path as contained in the Report submitted by the Commission to the President on November 9<sup>th</sup> 2020.

**Sharing of Union Taxes**

3. The Commission has recommended that 41 per cent of the net proceeds of Union taxes should be shared with the States as against the present 42%. The Commission felt that, financial resources equivalent to 1% of the net proceeds of Union taxes should be retained with the Central Government for financing the requirements of the newly formed Union Territories of Jammu & Kashmir and Ladakh.

***The Government has accepted the above recommendation of the Commission.***

**Grants-in-aid of Revenues of States under Article 275 of the Constitution**

4. The Commission has recommended Grants-in-aid of revenues of States for revenue deficit, local bodies, disaster management, sector-specific and certain state specific under Art 275 of the Constitution.

**Revenue Deficit Grants**

5. The Commission has recommended Post-devolution Revenue Deficit Grants amounting to ₹2,94,514 crore for seventeen States over 2021-22 to 2025-26. The number of States qualifying for the revenue deficit grants decrease from seventeen (17) in 2021-22, the first year of the award period to six (6) in 2025-26, the last year of the award period. Over the five-year period Andhra Pradesh, Assam, Haryana, Himachal Pradesh, Karnataka, Kerala, Manipur, Meghalaya, Mizoram, Nagaland, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttarakhand and West Bengal are being recommended to be provided the deficit grants in one year or the other. The details of the revenue deficit grants and the manner of providing them are contained

in paras 10.11 to 10.19 and Tables 10.2, 10.3 and 10.4 of Chapter 10 of Volume–I of the Final Report.

***The Government has accepted the above recommendations of the Commission.***

### **Local Bodies Grants**

6. The Commission has recommended total grants for duly constituted local governments that add up to ₹4,36,361 crore for the period 2021-26. The Commission has recommended basing the inter-se distribution of grants for local bodies among the States, on population and area in the ratio of 90:10.
7. A sum of ₹ 2,36,805 crore is earmarked for rural local bodies, ₹1,21,055 crore for urban local bodies and ₹70,051 crore for health grants through local governments. ₹8,000 crore is performance-based grants for incubation of new cities and ₹450 crore is for shared municipal services.
8. The Commission has recommended imposing entry-level conditions for local bodies to receive grants. These include (i) setting up of State Finance Commissions in States, act upon their recommendations and lay the explanatory memorandum as to the action taken thereon before the State legislature on or before March 2024 (ii) having both provisional and audited accounts online in the public domain (iii) fixation of minimum floor for property tax rates by the relevant State followed by consistent improvement in the collection of property taxes in tandem with the growth rate of State's own GSDP (for urban local bodies).
9. The Commission has recommended that 60 per cent of the grants to rural local bodies and for urban local bodies in non-Million-Plus cities should be tied to supporting and strengthening the delivery of two categories of basic services: (a) sanitation, maintenance of ODF status (for Rural Local Bodies), solid waste management and attainment of star ratings as developed by MoHUA (for non-million plus cities / Category-II Cities/Towns; (b) drinking water, rain water harvesting and water recycling (both for Rural Local Bodies and Urban Local Bodies).
10. The Commission has recommended that for cities with million plus population (Million-Plus cities), 100 per cent of the grants are performance-linked through the Million-Plus Cities Challenge Fund (MCF).
11. The Commission has recommended that a sum of ₹8,000 crore is recommended to States as grants for incubation of new cities and ₹450 crore for facilitating shared municipal services.
12. The detailed recommendations of the Commission related to local bodies grants are contained in Chapter 7 of Volume–I of the Final Report.

***The Government has accepted the above recommendations of the Commission.***

### **Disaster-related Grants- State Disaster Risk Management Fund (SDRMF) and the National Disaster Risk Management Fund (NDRMF)**

13. The Commission has recommended the continuation of the existing cost sharing ratio between the Union and State Governments of 75:25 for general states and 90:10 for North-East and Himalayan States. The Commission has recommended allocation of disaster management funds to SDRMFs should be based on factors of past expenditure, area, population, and disaster risk index (which reflect States' institutional capacity, risk exposure, and hazard and vulnerability respectively). Assuming an annual increase of 5 per cent, the Commission recommends the total corpus of ₹1,60,153 crore for States for disaster management for the duration of 2021-26, of which the Union share is ₹1,22,601 crore and States share is ₹ 37,552 crore.

14. The Commission has recommended that the total States allocation for SDRMF should be sub-divided into funding windows that encompass the full disaster management cycle. Thus, the SDRF (State Disaster Response Fund) should get 80 per cent of the total allocation and the SDMF (State Disaster Management Fund) 20 per cent. The SDRF allocation of 80 per cent to be further distributed as 40 per cent for Response and Relief, 30 per cent for Recovery and Reconstruction and 10 per cent for Preparedness and Capacity-building. While the funding windows of the SDRF and SDMF are not interchangeable, there could be flexibility for re-allocation within the three sub-windows of SDRF.
15. The Commission has recommended that the allocation for the National Disaster Risk Management Fund (NDRMF) should be based on expenditure in previous years. Assuming an annual increase of 5 per cent, the total national allocation for disaster management is estimated to be ₹68,463 crore for the duration of 2021-26.
16. The Commission has earmarked allocations under NDRMF. The Commission has recommended that NDRF(National Disaster Response Fund) should get 80 per cent of the total allocation for the NDRMF, with further division into 40 per cent for Response and Relief, 30 per cent for Recovery and Reconstruction and 10 per cent for Preparedness and Capacity-building. The National Disaster Mitigation Fund (NDMF) should be allotted 20 per cent of the total allocation for the NDRMF. If required, the Ministry of Home Affairs may examine the need for amending the Disaster Management Act to create three sub-windows within the NDRF. While the funding window of NDRF and NDMF should be maintained, there could be flexibility for re-allocation within these sub-windows.
17. The Commission has recommended that all Central assistance through the NDRF and NDMF should be provided on a graded cost-sharing basis. States should contribute 10 per cent for assistance up to ₹250 crore, 20 per cent for assistance up to ₹500 crore and 25 per cent for all assistance exceeding ₹500 crore.

***The Government has accepted these recommendations of the Commission.***

#### **Grants to States for Specific Sectors**

18. The Commission has recommended providing grants to State Governments in eight different sectors, namely health, school education, higher education, agriculture, maintenance of PMGSY roads, aspirational districts and blocks, judiciary, statistics. The Commission has recommended providing grants to these sectors amounting to ₹1,29,987 cr during the five year period of the award period.
19. The details of the sectoral grants for health to be provided through State Governments are contained in paras 9.52 to 9.67 of Chapter 9 of Volume-I of the Final Report. The details of these sectoral grants are contained in paras 10.31 to 10.92 of Chapter 10 of Volume-I of the Final Report.

***Government will give due consideration to sectors identified by the Commission while formulating and implementing existing and new Centrally Sponsored and Central Sector Schemes.***

#### **State Specific Grants**

20. The Commission has recommended State Specific Grants amounting to ₹49,599 cr over the award period of the Commission. These recommendations are contained in paras 10.117 to 10.125 including Table 10.11 and Annexes 10.9 and 10.10 in Chapter 10 of Volume-I of the Final Report.

***Keeping in view the untied resources with the State Governments and the fiscal commitments of the Central Government, due consideration will be given to the above recommendation.***

### **Modernization Fund for Defence and Internal Security (MFDIS)**

21. The Commission has recommended to constitute in the Public Account of India, a dedicated non-lapsable fund, Modernisation Fund for Defence and Internal Security (MFDIS), to bridge the gap between projected budgetary requirements and budget allocation for defence and internal security. Total indicative size of the proposed MFDIS over the five-year period to be ₹2,38,354 crore. Of this amount the Commission has recommended that a total of ₹1,53,354 cr shall be transferred to the MFDIS from the Consolidated Fund of India over the award period of the Commission. The details of the said Fund, its constitution etc are contained in Chapter 11 of Volume-I of the Final Report.

***The Government has accepted in-principle the creation of non-lapsable fund for Defence in the Public Account of India. Sources of funding and modalities will be examined in due course.***

### **Fiscal Roadmap**

22. The Commission has recommended that the normal limit for net borrowings of State Governments may be fixed at 4 per cent of GSDP in 2021-22, 3.5 per cent in 2022-23 and be maintained at 3 per cent of GSDP from 2023-24 to 2025-26. The Commission has also recommended an extra annual borrowing space for the States, of 0.50 per cent of their GSDP for the period 2021-22 to 2024-25, based on performance criteria in the power sector.
23. The Commission has recommended that the FRBM Act needs a major restructuring and recommend that the time-table for defining and achieving debt sustainability may be examined by a High-powered Inter-governmental Group. This High-powered Group can craft the new FRBM framework and oversee its implementation. It is important that the Union and State Governments amend their FRBM Acts, based on the recommendations of the Group, so as to ensure that their legislations are consistent with the fiscal sustainability framework put in place.

***The Government accepts in-principle, the recommendations in respect of the quantum (as a per cent of GSDP) of net borrowing ceilings for the States. Other recommendations related to the fiscal road map for the States and amendments to the FRBM Act will be examined separately.***

### **Other recommendations**

24. In addition to the above, the Commission has made other recommendations. These relate to resource mobilization (Chapter 5 of Volume-I of the Final Report), fiscal consolidation for States and the conditionalities associated with the same (Chapter 12 and 13 of Volume-I of the Final Report), performance-based incentives and grants (Chapter 10 of Volume-I of the Final Report) etc.

***The Government will examine these recommendations of the Commission in due course.***

### **Implementation**

25. Orders on the accepted recommendations under Article 270 and 275(1) of the Constitution relating to share in Union Taxes and duties and Grants-in-aid respectively will be issued after obtaining the approval of the President. The recommendations related to fiscal path, borrowing limits of the States and Other recommendations of the Commission will be acted upon in due course.

No. 33-04/2020-NDM-I  
Government of India  
Ministry of Home Affairs  
(Disaster Management Division)

'C' Wing, 3<sup>rd</sup> Floor, NDCC-II,  
Jai Singh Road, New Delhi,  
Dated 23<sup>rd</sup> September, 2020

To

The Chief Secretaries,  
(All States)

**Subject: Item and Norms of assistance under State Disaster Response Fund (SDRF) for containment measures of COVID-19.**

Sir/ Madam,

I am directed to refer this Ministry's letter of even number dated 14<sup>th</sup> July 2020 on the above mentioned subject and to enclose herewith partially modified list of items and norms of assistance for containment measures of COVID-19 in the country, eligible from SDRF by way of special one-time dispensation with the overall capping of 50%, for the financial year 2020-21.

2. This issues with the approval of the Competent Authority.

Yours faithfully,

  
(M. Subramanian)

Deputy Secretary to Government of India  
Tel: 23438123

Encl.: As above.

I. Copy for making similar provisions for utilization of UT Disaster Response Funds by the Union Territories:

- (i) Additional Secretary (JKL), MHA
- (ii) Additional Secretary (UT), MHA

II. CC for information: PS to HM/ MOS (R)/ MOS(N)/ HS.

**Annexure to Ministry of Home Affairs Letter No. 33-4/2020-NDM-I  
dated 23<sup>rd</sup> September, 2020 Modified List of items & norms of  
assistance from State Disaster Response Fund (SDRF)  
in the wake of COVID-19 outbreak for F.Y. 2020-21**

Sl. No.	ITEMS	NORMS OF ASSISTANCE
1	2	3
1.	<b>Measures for quarantine, sample collection and screening:</b>  (a) Provision for temporary accommodation, food, clothing, medical care, etc. for people affected and sheltered in quarantine camps (other than home quarantine) or for cluster containment operations.  (b) Cost of consumables for sample collection.  (c) Support for checking screening and contact tracing.	Total expenditure on account of items 1 and 2 should not exceed <b>50%</b> of the annual allocation of the SDRF.  As such funding percentage of SDRF between these two items is interchangeable, subject to overall capping of <b>50%</b> .  In these items, the other terms and conditions of the norms of assistance shall remain the same as earlier.
2.	<b>Procurement of essential equipments/ labs for response to COVID-19:</b>  (a) Cost of setting up additional testing laboratories within the Government and the cost of consumables and testing kit.  (b) Cost of personal protection equipment for healthcare, municipal, police and fire authorities.  (c) Cost of Thermal Scanners, ventilators, air purifiers, oxygen generation and storage plant in hospitals, strengthening ambulance services for transport of patients, setting up containment zones, Covid -19 hospital, Covid-19 care centres and consumables in the Government hospitals.	

**Note:-**

- (i) SEC shall ensure overall oversight mechanism so that no duplication takes place with reference to other Government schemes.
- (ii) Any amount spent by the State for COVID-19, over and above the ceiling, would be borne out of the resource of the State Government and not from SDRF.

  
(M. Subramanian)

Deputy Secretary to Government of India

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## Empowered Group on Economic and Welfare Measures

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### PM – Garib Kalyan Package & Atma Nirbhar Bharat PROGRESS SO FAR

New Delhi: 31-3- 2021

As part of the Rs 1.70 lakh crore **Pradhan Mantri Garib Kalyan package**, the Government announced free food grains and cash payment to women and poor senior citizens and farmers. The swift implementation of the package is being continuously monitored by central and state governments. Around **42 crore** poor people received financial assistance of **Rs 68,903 crore** under the Pradhan Mantri Garib Kalyan Package.

- **Rs 17,891 crore** front loaded towards payment of the first instalment of PM-KISAN to **8.94 crore** beneficiaries.
- **Rs 10,325 crore** credited to **20.65 crore** (100%) women Jan Dhan account holders as first installment. **Rs. 10,315 crore** credited to **20.63 crore** (100%) women Jan Dhan account holders with second installment. **Rs. 10,312 crore** credited to **20.62 crore** (100%) women Jan Dhan account holders with third installment.
- **Total Rs 2,814.5 crore** disbursed to about 2.81 crore old age persons, widows and disabled persons in two installments. *Benefits transferred to all 2.81 crore beneficiaries in two installments.*
- **1.83 crore** Building & construction workers received financial support amounting to **Rs 5,012.44 crore**.

## ➤ Under PMGKY I -

Month	Quantity Distributed (in LMT)	Beneficiaries (in Crore)
<b>FOODGRAINS</b>		
April – June '20	111.6	75.04
<b>PULSES</b>		
April – June '20	5.5	18.3

## ➤ Under PMGKY II -

Month	Qty Distributed (in LMT)	Beneficiaries (in Crore)
<b>FOODGRAINS</b>		
July '20	37.3	74.54
August '20	37.5	75.1
September '20	37.9	75.8
October '20	37.3	74.7
November '20	35.8	71.7

Month	Qty Distributed (in MT)	Beneficiary HH (in Crore)
<b>PULSES</b>		
July '20	1,63,875	16.4
August '20	1,66,003	16.6
September '20	1,67,354	16.7

October '20	1,49,731	14.9
November '20	1,29,906	12.9

➤ Under Atma Nirbhar Bharat –

Month	Qty Distributed (in LMT)	Beneficiaries (in Crore)
<b>FOODGRAINS</b>		
May – Aug '20	2.74	5.48

Month	Qty Distributed (in LMT)	Beneficiary HH (in Crore)
<b>PULSES</b>		
May – Aug '20	16,751	1.67

- Under **PMUY cylinders**, total number of refill delivered against advance or reimbursed is 14.17 crore.
- **44.56 Lakh members** of EPFO has taken benefit of online withdrawal of non-refundable advance from EPFO account amounting to **Rs. 11,528 crore**.
- Increased rate has been notified w.e.f 01-04-2020. In the current financial year, **273 crore** person's man-days of work generated. Further, **Rs 78,534** crore released to states to liquidate pending dues of both wage and material.
- **24% EPF contribution** month-wise data is below –

Month	Beneficiaries (in lakh)	Amount (in Rs. Crore)
April '20	17.46	196.6
May '20	36.6	445.8
June '20	34.76	449.2
July '20	34.05	451.5
Aug '20	34.6	468.2
Sep '20	39.85	552.9

- Under **DMF**, States have been asked to spend 30% of the funds, which amounts to Rs. 3,787 Cr and that Rs. 502.33 cr has been spent so far.
- **Insurance scheme for health workers** in Government hospitals and Health care centers operationalized w.e.f. 30 March, 2020. New India Assurance Scheme is implementing the scheme. Rs. 130.5 crore paid towards Insurance premium..

**Pradhan Mantri Garib Kalyan Package**  
**Total Direct Benefit Transfer till 16/10/2020**

Scheme	Number of Beneficiaries	Amount
Support to PMJDY women account holders	1 <sup>st</sup> Ins - 20.65 Cr (100%) 2 <sup>nd</sup> Ins – 20.63 Cr 3 <sup>rd</sup> Ins - 20.62 (100%)	1 <sup>st</sup> Ins – 10,325 Cr 2 <sup>nd</sup> Ins – 10,315 Cr 3 <sup>rd</sup> Ins – 10,312 Cr

Support to NSAP (Aged widows, Divyang, Senior citizen)	2.81 Cr (100%)	2814 Cr
Front-loaded payments to farmers under PM-KISAN	8.94 Cr	17891 Cr
Support to Building & Other Construction workers	1.82 Cr	5012 Cr
24% contribution to EPFO	.45 Cr	2564 Cr
Ujjwala	1 <sup>st</sup> Ins – 7.43 2 <sup>nd</sup> Ins – 4.43 3 <sup>rd</sup> Ins – 1.82	9670 Cr
<b>TOTAL</b>	<b>42.1 Cr</b>	<b>68903 Cr</b>

**ANNEXURE R/9****Financial Progress –ECRP - Phase-I**

Rs. In Crores

S. No.	Name of the Agency	Approved Budget (July'20)	Approved Budget (Dec' 2020)	Committed Expenditure up to Mar'21		Actual Expenditure (as on 2 <sup>nd</sup> Jun 21)		Revised Budget Allocation with Approval of HFM in May 2021
				(₹)	(%)	(₹)	(%)	
1	National Health Mission*	6,986	8,310	8,257.8	99.4	7580.14	91.2	8261.45
2	Indian Council for Medical Research**	2475	2,475	1,275.0	51.5	1275.00	51.5	1801.28
3	National Centre for Disease Control	95	95	76.5	80.5	74.10	78.0	227.63
4	Central Procurement Division	4724	3,400	3,389.7	99.7	3389.70	99.7	3989.64
5	Ministry of Railways	720	720	720.0	100.0	720.00	100.0	720.00
<b>TOTAL</b>		<b>15,000.00</b>	<b>15,000.00</b>	<b>13,719.22</b>	<b>91.46</b>	<b>13038.97</b>	<b>86.9</b>	<b>15,000.00</b>

Note: \*1. NHM includes Rs.110.60 Crore towards insurance for Health Workers (including ASHAs) for committed and reported expenditure; 2. A total amount of Rs.1324 Crore surrendered by CPD has been allocated to NHM; 3. Saving of Rs. 1283.28 Cr reallocated with approval of HFM and also factored in ECRP II

**ANNEXURE R/10**

# **Guidance for appropriate recording of COVID-19 related deaths in India**

**Correspondence to:**

Director

National Centre for Disease Informatics and Research

Indian Council of Medical Research

(Department of Health Research, Ministry of Health and Family Welfare, Govt. of India)

NirmalBhawan-ICMR Complex (II Floor), Poojanahalli

Kannamangala Post, Bengaluru – 562 110 (India)

Telephone: 080-22176300

Email: [ncdir@ncdirindia.org](mailto:ncdir@ncdirindia.org)

Website: [www.ncdirindia.org](http://www.ncdirindia.org)

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## 1. Introduction

### 1.1 What is Cause of Death?

The cause of death (COD) is defined as “all those diseases, morbid conditions or abnormalities, injuries which either resulted in or contributed to death and the circumstances of the accident or violence which produced any such injuries.”(1)

### 1.2 How to record Cause of Death?

Medical Certificate of Cause of Death (MCCD) is the certificate issued by the attending medical practitioner who had treated the person during admission in a medical institution or in the last illness (prior to death) while taking treatment from a physician outside of a medical institution. Medical certification of cause of death is the process of recording and reporting death using standard Form 4 (institutional deaths) and Form 4A (non-institutional deaths) as per the rules of the Registration of Births and Death Act, 1969. The MCCD form contains Part 1 to record the immediate and antecedent causes, and Part 2 to record the significant conditions that contributed to the death but were not part of the sequence of events leading to death.

**Image 1:** Cause of Death section of Form 4/4A

CAUSE OF DEATH		Interval between onset and death approx
<b>I</b> <b>Immediate cause</b> State the disease, injury or complication which caused death, not the mode of dying such as heart failure, ashenia, etc	a) ..... due to (or as a consequence of)	.....
<b>Antecedent cause</b> Morbid conditions, if any, giving rise to the above cause stating underlying conditions last	b) ..... due to (or as a consequence of)	.....
	c) .....	.....
<b>II</b> Other significant conditions contributing to the death but not related to the disease or condition causing it	..... ..... ..... .....	..... ..... ..... .....

### 1.3 What is Underlying COD?

Death often results from the combined effect of two or more independent or related conditions, that is, one condition may lead to another, which in turn leads to a third condition and so on. Where there is a sequence, the disease or injury which initiated the sequence of events, called the **underlying cause of death** is recorded and reported. It is:

(a) The disease or injury which initiated the train of morbid events leading directly to death;

Or

(b) The circumstances of the accident or violence which produced the fatal injury.

All the morbid conditions or injuries consequent to the underlying cause relating to death are termed as antecedent and immediate cause.

The medical part of the certificate consists of two parts-

### **I. Sequence of events leading to death -**

First line is the immediate cause of death – the condition / disease that directly led to death / that preceded death.

The cause of death antecedent to immediate cause should be entered in line (b), and a cause further antecedent to this should be entered in line (c).

Underlying cause of death is on the lowest line of part I – It is the disease or condition that started the sequence of events between normal health to immediate cause of death. Conditions if any, as a consequence thereof will be entered above it in ascending causal order of sequence.

### **How many cause of death can be entered in Part I?**

Only one cause is to be entered on each line of Part I. There may be many morbid events that happened, but the sequence of events that caused death should be sorted out, and one cause should be written on each line of Part 1 so that there is a **logical sequence of events leading to death**.

### **What if there is only one condition?**

The disease, injury or complication that immediately preceded death can be the only entry in the MCCD FORM if only one condition is present at death.

### **What if there is only one condition antecedent to the immediate cause?**

The condition antecedent to the immediate cause should be entered in line (b). Line (c) should be kept blank.

### **How to record time interval from onset of disease to death?**

The time interval between the presumed onset of the condition, not the diagnosis, and death should be reported. It is acceptable to approximate the intervals or use general terms, such as hours, days, weeks, or years.

### **II. Other significant conditions that contributed to the death**

All other diseases or conditions believed to have unfavourably influenced the course of the disease leading to death, but were not related to the disease or condition directly causing death.

### **What should be entered in Part II - Other significant conditions?**

Any disease, abnormality, injury or late effects of poisoning, believed to have adversely affected the deceased should be reported such as chronic conditions, and also information such as:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Chronic Bronchitis /COPD/Asthma/ Tuberculosis</li> <li>• Cancer –Primary / Metastatic cancer / On cancer directed treatment /Old cancer - cured or treated</li> <li>• Cardiovascular disease- Hypertension / IHD/Coronary Heart Disease / heart failure</li> <li>• Stroke / Neurological conditions like epilepsy, Parkinson's disease, dementia, Alzheimer's disease</li> <li>• Rheumatoid arthritis / Immune related conditions</li> </ul> | <ul style="list-style-type: none"> <li>• Use of alcohol and/or other substances.</li> <li>• Tobacco use (smoking / smokeless)</li> <li>• Recent pregnancy, if believed to have contributed to the death.</li> <li>• Environmental factors-exposure to toxic fumes, history of working in specific industry, professional exposure to toxins, specific animals</li> <li>• Late effects of injury, including head injury sequelae</li> <li>• Any iatrogenic underlying cause</li> <li>• Surgical information, if applicable</li> </ul> |
|---|--|

## 1.4 Public health significance of Cause of Death data

Stating the sequence of morbid conditions in order, allows selection of the cause of death that is considered as “underlying” cause. It is the underlying cause of death that is coded with ICD -10 codes and is counted for statistical purposes.

Robust cause of death information in a population is useful for understanding disease burden estimations, and explains trends in the health of populations. It is useful for evaluation and planning of health services and programmes. Good cause of mortality statistics also aids in identifying research questions of public health significance.

## 2 COVID-19

### 2.1 COVID-19 pandemic and need for cause of death

COVID-19 is the infectious disease caused by the most recently discovered coronavirus (SARS- CoV- 2) from Wuhan, China, in December 2019. The COVID-19 disease outbreak was declared a Public Health Emergency of International Concern (PHEIC) on 30 January 2020 by the World Health Organization, and later on 11 March 2020 as a Global Pandemic. During such situations, mortality surveillance becomes a very important public health tool to assess the impact of the viral infection.

### 2.2 COVID-19 as Underlying Cause of Death (UCOD)

COVID-19 is reported to cause pneumonia / acute respiratory distress syndrome (ARDS) / cardiac injury / disseminated intravascular coagulation and so on. These may lead to death and may be recorded in line ‘a’ or ‘b’. It is likely that COVID-19 is the underlying cause of death (UCOD) that lead to ARDS or Pneumonia in most of the deaths due to COVID-19 (test positive and symptoms positive). In these cases COVID-19 must be captured in the last line / lowest line of Part 1 of MCCD form 4/4 A. Acute respiratory failure is a mode of dying and it is prudent not to record it in line a/b/c.

Patients may present with other pre-existing comorbid conditions such as chronic obstructive pulmonary disease (COPD) or asthma, chronic bronchitis, ischemic heart disease, cancer and diabetes mellitus. These conditions increase the risk of developing respiratory infections, and may lead to complications and severe disease in a COVID-19 positive individual. These conditions are not considered as UCOD as they have directly not caused death due to COVID-19. Also a patient may have many co-morbid conditions, but only those that have contributed to death should be recorded in Part 2.

### 2.3 ICD-10 Codes for COVID-19 provided by World Health Organization

Emergency ICD-10 Code	Usage conditions
<b>U07.1</b>	COVID-19,virus identified
<b>U07.2</b>	COVID-19, virus not identified, Clinically-epidemiologically diagnosed COVID-19 Probable COVID-19 Suspected COVID-19

## 2.4 Public health significance of recording cause of death in COVID-19 pandemic

COVID-19 is a new disease and is a pandemic affecting all communities and countries. It's clinical presentation ranges from mild to severe, and fatality depends on the severity of the illness, associated co-morbid conditions and age of patients. Patterns of disease and patterns of death can come from only standardised recording of clinical disease history and cause of death, and therefore epidemiological surveillance of disease and death are important. Robust data is needed from every district and state in India to measure the public health impact of COVID 19 and to plan for timely health interventions and protect communities. At the same time, other health conditions affecting populations need to be also monitored so that the health system is prepared for responding to the needs of the population.

## 3 Completing Medical Certification of Cause of Death (MCCD) in COVID-19

### 3.1 Mortality coding of COVID-19 with ICD-10 codes

The ICD-10 codes presently recommended by WHO for mortality coding are:

Test	Symptoms of COVID-19	Diagnosis	Code
+ve	None	Confirmed COVID-19	U07.1
+ve	Present	Confirmed COVID-19 documented as UCOD	U07.1
+ve	Present with comorbid conditions like heart disease, asthma, COPD, Type 2 diabetes	Confirmed COVID-19 documented as UCOD	U07.1
Test Negative	Present	Clinically –Epidemiologically diagnosed COVID -19	U07.2
Test awaited	Present	Suspected COVID-19	
Test inconclusive	Present	Probable COVID-19	

### 3.2 Examples of underlying cause of death in COVID-19

Some examples are provided to help physicians' record cause of death in COVID-19

Example 1 : 40 year old male diagnosed with COVID-19			
CAUSE OF DEATH			
Part I		Interval between onset and death approx	For statistical use
<b>Immediate Cause</b> State the disease, injury or complication which caused death, not the mode of dying such as heart failure, asthenia, etc	a) Respiratory acidosis	2 days	

<b>Antecedent cause</b> Morbidity conditions, if any, giving rise to the above cause stating underlying conditions last.	b) Acute respiratory distress syndrome (ARDS)  c) COVID-19	3 days  7 days	<b>U07.1</b>
Part II Other significant conditions contributing to the death but not related to the disease or condition causing it.	..... ..... .....		

**Example 2 : 60 year old male, father of COVID-19 patient and a known diabetes individual presented with Influenza like illness (ILI) and died, test for COVID-19 not available**

<b>CAUSE OF DEATH</b>			
Part I		Interval between onset and death approx	For statistical use
<b>Immediate Cause</b> State the disease, injury or complication which caused death, not the mode of dying such as heart failure, asthenia, etc	a) Acute respiratory distress syndrome (ARDS)	1 day	
<b>Antecedent cause</b> Morbidity conditions, if any, giving rise to the above cause stating underlying conditions last.	b) Influenza like illness  c) COVID-19 suspect	4 days  4 days	<b>U07.2</b>
Part II Other significant conditions contributing to the death but not related to the disease or condition causing it.	Diabetes ..... .....	15 years	

**Example 3 : 50 year old female completed chemotherapy for Breast cancer admitted with breathlessness and developed shock and died**

<b>CAUSE OF DEATH</b>			
Part I		Interval between onset and death approx	For statistical use
<b>Immediate Cause</b> State the disease, injury or complication which caused death, not the mode of dying such as heart failure, asthenia, etc	a) Disseminated Intravascular Coagulation ( DIC)	2 days	

<b>Antecedent cause</b> Morbidity conditions, if any, giving rise to the above cause stating underlying conditions last.	b) Pneumonia  c) COVID-19	5 days  5 days	<b>U07.1</b>
Part II Other significant conditions contributing to the death but not related to the disease or condition causing it.	Breast Cancer ..... .....	6 months	

<b>Example 4 76 year old male with Ischemic heart disease developed fever and breathlessness two days ago, and was admitted and died in 24 hours, first test was inconclusive</b>			
<b>CAUSE OF DEATH</b>			
Part I		Interval between onset and death approx	For statistical use
<b>Immediate Cause</b> State the disease, injury or complication which caused death, not the mode of dying such as heart failure, asthenia, etc	a) Acute cardiac injury	1 day	
<b>Antecedent cause</b> Morbidity conditions, if any, giving rise to the above cause stating underlying conditions last.	b) Probable COVID-19	2 days	<b>U07.2</b>
Part II Other significant conditions contributing to the death but not related to the disease or condition causing it.	Ischemic heart disease ..... ..... .....		

### 3.3 What to avoid as Cause of Death?

- Avoid Mode of Dying as Cause of Death – Mode of dying merely tells you that death has occurred and is not specifically related to the disease process.

<b>Mode of dying</b>		
Respiratory Arrest	Emaciation	Vasovagal attack
Asphyxia	Exhaustion	Cardiac arrest
Asthenia	Heart Failure	Heart attack
Brain failure	Hepatic/Liver failure	Hepatic failure
Cachexia	Hepatorenal failure	Liver Failure
Cardiac Arrest/Heart	Kidney failure/Renal	Cardio respiratory failure
Attack	failure	Multiorgan/System failure

Cardio Respiratory Arrest Coma Debility	Respiratory arrest/Failure Shock Syncope Uraemia Vagal inhibition	Respiratory Failure Cardio Pulmonary failure
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- Avoid abbreviations and short forms like ARDS, COPD, SARI.

Incorrect	Correct
ARDS	Acute respiratory distress syndrome
COPD	Chronic obstructive pulmonary disease
SARS	Severe Acute Respiratory illness
CRF	CRF could be Cardio respiratory failure or Chronic Renal failure
MI	Myocardial Infarction / Mitral Incompetence
AD	Acute Diarrhoea / Alzheimer's Dementia
MS	Mitral Stenosis / Multiple Sclerosis
RTI	Respiratory Tract Infection / Reproductive Tract Infection

- Though COVID-19 (Corona virus disease -19) is an abbreviation, it has been specified by the WHO and is an acceptable term to be used as UCOD.

- Avoid vague terms or ambiguity –

Sometimes it is difficult to provide a simple description of cause of death when there are no medical records or a doctor is seeing the patient in a critical condition for the first time or the doctor is not the treating physician.

Incorrect	Correct
Irrelevant talking and feverishness	Delirium due to fever
Very poor nourishment	Severe Malnutrition
Less healthy at birth	Low birth weight / Congenital Anomaly

- Avoid short forms / incomplete description –

Incorrect	Correct
Ca Br	Cancer Breast / Cancer Brain
Ac. Infarct	Acute Myocardial Infarction / Acute Cerebral Infarction
Sev Mal	Severe Malaria / Severe Malnutrition

- Avoid symptoms / signs

Incorrect	Correct
Jaundice	Hepatitis
Fever	Infection
Chest pain	Angina

- Avoid terms such as senescence, old age, senility, infirmity, and advanced age.

These terms cannot be the immediate cause of death. There may be 1 or 2 conditions that have been due to old age and thus the etiological sequence should be specified. If old age was a contributory factor, it should be entered in Part II.

Part I	Incorrect	Correct
Ia	Bed ridden	Aspiration Pneumonia
Ib	Old Age	Stroke
Ic	Hypertension	
Part II		
I		Old Age
		Hypertension

### 3.4 Other considerations in recording MCCD for COVID -19

- i. Provide specific medical terms as cause of death. COVID-19 is a 'viral infection' and presentations include 'influenza like illness' (ILI) or "Severe acute respiratory illness (SARI). These are not specific and can be used in the sequence of the events and the specific virus / bacteria / agent that caused the disease should be recorded as UCOD, for example COVID-19.
- ii. Record the logical sequence of events in Part 1. There may be many medical conditions in a person. Based on the most logical events that caused death, only these conditions are mentioned in Part 1 of the MCCD form.
- iii. **Manner of death:** It refers to the circumstances under which death has occurred.
  - Manner of death due to COVID-19 infection will mostly be 'natural', as it is the disease that led to the death.
  - In case of suicide by an individual tested +ve for COVID-19, the manner of death may be captured as suicide / pending investigation if the medical autopsy is awaited.
- iv. **Place of death:** Most of the deaths due to COVID-19 occur in a hospital and in such cases the place of death should be captured as 'Hospital'. In case an individual is discharged from hospital and the death occurs in his/her residence, the place of death must be captured as 'House'.

## 4. Use of ICMR-NCDIR e-Mortality (e-Mor) software for recording cause of death

The ICMR-NCDIR e-Mortality (e-Mor) software application aids in recording and reporting cause of deaths as per national standards of death reporting laid down by the Office of Registrar General of India (ORGI) under its Civil Registration System (CRS). This software can be implemented by hospitals and district local registrar offices in a district (to record deaths occurring in residence). Institutions should register with ICMR-NCDIR or State authority for provision of authorized login credentials. This will allow access to the software with its technical training on MCCD), ICD-10 coding for cause of death and use of software for recording and reporting deaths. The application data entry form is designed to record all details of Form 2 (Death Report) and Form 4 / 4A (MCCD Forms).

NCDIR e-Mor software features include:

- a. Record details of death of all institution and non-institution based deaths with guide to prevent errors in cause of death
- b. Guide in recording the sequence of death events and underlying cause of death



- c. Guide in ICD-10 coding as per the National list of the ORGI and codes for COVID-19 announced by the World Health Organization.
- d. Quality check modules to reduce errors in recording like date check, missing field check and search and export features
- e. Exporting data to maintain mortality register of the institutional deaths and generate statistical tables for data analytics to establish mortality audit systems in hospitals.
- f. On completion of accurate data entry, Form 2 and Form 4 can be printed, signed by appropriate authority for further submission to the Local Registrar for Death registration under CRS.
- g. District Registrar and Chief Registrar Office at the state level can monitor data coverage, MCCD coverage, and generate statistical tables on leading causes of death district and state wise.

Role of NCDIR: NCDIR e-Mor software is accessible online through dedicated secure webserver that hosts the software and shall support the online data transmission and standard data encryption. Offline access to the software may also be facilitated.

As coordinating unit, NCDIR team shall provide technical resources in implementation and monitoring of data quality. As per the NCDIR policy of data processing and disclosure, all necessary safeguards for data confidentiality and data security will be maintained. NCDIR shall develop data analytics for reporting all-cause mortality statistics and deaths related to COVID-19 as per guidelines. NCDIR will assist state/UT governments in strengthening MCCD through technical assistance.

## 5. Additional Guides

1. ICMR-NCDIR e-Mor : <http://ncdirindia.org/e-mor/>

[This software is available free of cost for use by any hospital/health facility/private practitioner/administrative unit concerned with recording cause of death]

2. World Health Organization. COVID-19 coding in ICD-10. Available from: <https://www.who.int/classifications/icd/COVID-19-coding-icd10.pdf?ua=1>
3. National Center for Health Statistics. Guidance for certifying deaths due to COVID–19. Hyattsville, MD. 2020.
4. Physicians Manual on Medical Certification of Cause of Death by ORGI, India.

**THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969**

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**ARRANGEMENT OF SECTIONS**

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**CHAPTER I****PRELIMINARY****SECTIONS**

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## SECTIONS

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THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969  
ACT NO. 18 OF 1969

[31st May, 1969.]

An Act to provide for the regulation of registration of births and deaths and for matters connected therewith.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

CHAPTER I  
PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the Registration of Births and Deaths Act, 1969.

(2) It extends to the whole of India.

(3) It shall come into force in a State on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint:

- 
1. 1st October, 1970, *vide* notification No. G.S.R. 1718, dated 22nd, November, Gazette of India, Extraordinary, Part II, sec. 3(i) in the following areas of the State of Jammu and Kashmir:—  
the area comprised within the jurisdiction of the Police Station of Ramnagar in Udhampur district.  
the area comprised within the jurisdiction of the Police Station of Kupwara in Baramulla district.  
the area comprised within the limits of the Municipalities of Jammu and Srinagar.  
the area comprised within the limits of Town Area Committees of Anantnag, Kathua and Leh.  
1st May, 1974 *vide* notification No. G.S.R. 379, dated 22-3-1974 in the Union territory of Mizoram.  
1st January, 1971 *vide* notification No G.S.R. 1927, dated 21-11-1970, *see* Gazette of India, Extraordinary, Part II, sec. 3(i) in the Union territory of Goa, Daman and Diu.  
1st January, 1971 *vide* notification No. G.S.R. 2027, dated 24-11-1970, *see* Gazette of India, Part II, sec. 3(i) in the Union territory of Manipur.  
1st April, 1974, *vide* notification No. G.S.R. 106, dated 16-1-1971, *see* Gazette of India, Part II, sec. 3(i) in the Union territory of Andaman and Nicobar Islands.  
1st October, 1971, in the whole of the State of Nagaland *vide* notification No. G.S.R. 1324, dated 30-8-1971, *see* Gazette of India, Part II, sec. 3(i), dated 11-9-1971.  
1st July, 1972, in the Union territory of Arunachal Pradesh *vide* notification No. G.S.R. 552, dated 11-4-1972, *see* Gazette of India, Part II, sec. 3(i).  
1st April, 1972, in the whole of State of Tripura *vide* notification No. G.S.R. 202(E), dated 17-3-1972, *see* Gazette of India, Extraordinary, Part II, sec. 3(i).  
1st December, 1972 *vide* Notification No. G.S.R. 463(E), dated 21-11-1972, *see* Gazette of India, Extraordinary, Part II, sec. 3(i) also in the area comprised within the limits of cantonments of Barrackpore, Labong and Jalapahar in the State of West Bengal  
1st July, 1970, *vide* notification No. G.S.R. 973, dated 26th June, 1972, extended to the Union territory of Delhi.  
1st April, 1970, *vide* notification No. G.S.R. 514, dated 21st March, 1970, Gazette of India, sec. 3(i), in the areas of the State of Assam except:—

(i) the district of United Khasi & Jaintia Hills excluding the areas comprised within the limits of:

(a) Municipality of Shillong

(b) Contonment of Shillong

(ii) the entire district of Garo Hills

(iii) the entire district of United Mikir and North Cachar Hills

(iv) the entire district of Mizo Hills.

In the State of West Bengal except:

(i) The area comprised within the limits of Corporation of Calcutta;

(ii) the area comprised within the limits of Howrah Municipality;

(iii) Fort Villiam; and

(iv) the area comprised, within the limits of cantonments of Barrackpore, Labong and Jalapahar.

1st April, 1970, *vide* notification No. G.S.R. 461, dated 7th March, 1970, *see* Gazette of India, sec. 3(i), in the States and the Union territories:

STATES

1. Andhra Pradesh

2. Bihar

3. Gujrat

4. Haryana

5. Kerala

6. Madhya Pradesh

7. Maharashtra

8. Mysore

9. Orissa

10. Punjab

11. Rajasthan

12. Tamil Nadu

13. Uttar Pradesh.

UNION TERRITORIES.

1. Chandigarh

2. Dadra and Nagar Haveli

3. Himachal Pradesh

4. Laccadive, Minicoy and Amindivi Islands.

Provided that different dates may be appointed for different parts of a State.

**2. Definitions and interpretation.**—(1) In this Act, unless the context otherwise requires,—

(a) “birth” means live-birth or still-birth;

(b) “death” means the permanent disappearance of all evidence of life at any time after live-birth has taken place;

(c) “foetal death” means absence of all evidence of life prior to the complete expulsion or extraction from its mother of a product of conception irrespective of the duration of pregnancy;

(d) “live-birth” means the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or show any other evidence of life, and each product of such birth is considered live-born;

(e) “prescribed” means prescribed by rules made under this Act;

(f) “State Government”, in relation to a Union territory, means the Administrator thereof;

(g) “still-birth” means foetal death where a product of conception has attained at least the prescribed period of gestation.

(2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

## CHAPTER II

### REGISTRATION ESTABLISHMENT

**3. Registrar-General, India.**—(1) The Central Government may, by notification in the Official Gazette, appoint a person to be known as the Registrar-General, India.

(2) The Central Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging under the superintendence and direction of the Registrar-General, such functions of the Registrar-General under this Act as he may, from time to time, authorise them to discharge.

(3) The Registrar-General may issue general directions regarding registration of births and deaths in the territories to which this Act extends, and shall take steps to co-ordinate and unify the activities of Chief Registrars in the matter of registration of births and deaths and submit to the Central Government an annual report on the working of this Act in the said territories.

**4. Chief Registrar.**—(1) The State Government may, by notification in the Official Gazette, appoint a Chief Registrar for the State.

(2) The State Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Chief Registrar, such of his functions as he may, from time to time, authorise them to discharge.

(3) The Chief Registrar shall be the chief executive authority in the State for carrying into execution the provisions of this Act and the rules and orders made thereunder subject to the directions, if any, given by the State Government.

(4) The Chief Registrar shall take steps, by the issue of suitable instructions or otherwise, to co-ordinate, unity and supervise the work of registration in the State for securing an efficient system of registration and shall prepare and submit to the State Government, in such manner and at such intervals as may be prescribed, a report on the working of this Act in the State along with the statistical report to in sub-section (2) of section 19.

**5. Registration divisions.**—The State Government may, by notification in the Official Gazette, divide the territory within the State into such registration divisions as it may think fit and prescribe different rules for different registration divisions.

**6. District Registrar.**—(1) The State Government may appoint a District Registrar for each revenue district and such number of Additional District Registrars as it thinks fit who shall, subject to the general control and direction of the District Registrar, discharge such functions of the District Registrar as the District Registrar may, from time to time, authorise them to discharge.

(2) The District Registrar shall superintend, subject to the direction of the Chief Registrar, the registration of births and deaths in the district and shall be responsible for carrying into execution in the district the provisions of this Act and the orders of the Chief Registrar issued from time to time for the purposes of this Act.

**7. Registrars.**—(1) The State Government may appoint a Registrar for each local area comprising the area within the jurisdiction of a municipality, panchayat or other local authority or any other area or a combination of any two or more of them:

Provided that the State Government may appoint in the case of a municipality, panchayat, or other local authority, any officer or other employee thereof as a Registrar.

(2) Every Registrar shall, without fee or reward, enter in the register maintained for the purpose all information given to him under section 8 or section 9 and shall also take steps to inform himself carefully of every birth and of every death which takes place in his jurisdiction and to ascertain and register the particulars required to be registered.

(3) Every Registrar shall have an office in the local area for which he is appointed.

(4) Every Registrar shall attend his office for the purpose of registering births and deaths on such days and at such hours as the Chief Registrar may direct and shall cause to be placed in some conspicuous place on or near the outer door of the office of the Registrar a board bearing, in the local language, his name with the addition of Registrar of Births and Deaths for the local area for which he is appointed, and the days and hours of his attendance.

(5) The Registrar may, with the prior approval of the Chief Registrar, appoint Sub-Registrars and assign to them any or all of his powers and duties in relation to specified areas within his jurisdiction.

### CHAPTER III

#### REGISTRATION OF BIRTHS AND DEATHS

**8. Persons required to register births and deaths.**—(1) It shall be the duty of the persons specified below to give or cause to be given, either orally or in writing, according to the best of their knowledge and belief, within such time as may be prescribed, information to the Registrar of the several particulars required to be entered in the forms prescribed by the State Government under sub-section (1) of section 16,—

(a) in respect of births and deaths in a house, whether residential or non-residential, not being any place referred to in clauses (b) to (e) the head of the house or, in case more than one household live in the house, the head of the household, the head being the person, who is so recognised by the house or the household, and if he is not present in the house at any time during the period within which the birth or death has to be reported, the nearest relative of the head present in the house, and in the absence of any such person, the oldest adult male person present therein during the said period;

(b) in respect of births and deaths in a hospital, health centre, maternity or nursing home or other like institution, the medical officer in charge or any person authorised by him in this behalf;

(c) in respect of births and deaths in a jail, the jailor in charge;

(d) in respect of births and deaths in a choultry, chattram, hostel, dharmasala, boarding-house, lodging-house, tavern, barrack, toddy shop or place of public resort, the person in charge thereof;

(e) in respect of any new-born child or dead body found deserted in a public place, the headman or other corresponding officer of the village in the case of a village and the officer in charge of the local police station elsewhere:

Provided that any person who finds such child or dead body, or in whose charge such child or dead body may be placed, shall notify such fact to the headman or officer aforesaid;

(f) in any other place, such person as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), the State Government, having regard to the conditions obtaining in a registration division, may by order require that for such period as may be specified in the order, any person specified by the State Government by designation in this behalf, shall give or cause to be given information regarding births and deaths in a house referred to in clause (a) of sub-section (1) instead of the persons specified in that clause.

**9. Special provision regarding births and deaths in a plantation.**—In the case of births and deaths in a plantation, the superintendent of the plantation shall give or cause to be given to the Registrar the information referred to in section 8:

Provided that the persons referred to in clauses (a) to (f) of sub-section (1) of section 8 shall furnish the necessary particulars to the superintendent of the plantation.

*Explanation.*—In this section, the expression “plantation” means any land not less than four hectares in extent which is being prepared for the production of, or actually produces, tea, coffee, pepper, rubber, cardamom, cinchona or such other products as the State Government may, by notification in the Official Gazette, specify and the expression “superintendent of the plantation” means the person having the charge or supervision of the labourers and work in the plantation, whether called a manager, superintendent or by any other name.

**10. Duty of certain persons to notify births and deaths and to certify cause of death.**—(1) It shall be the duty of—

(i) the midwife or any other medical or health attendant at a birth or death,

(ii) the keeper or the owner of a place set apart for the disposal of dead bodies or any person required by a local authority to be present at such place, or

(iii) any other person whom the State Government may specify in this behalf by his designation,

to notify every birth or death or both at which he or she attended or was present, or which occurred in such areas as may be prescribed, to the Registrar within such time and in such manner as may be prescribed.

(2) In any area, the State Government, having regard to the facilities available therein in this behalf, may require that a certificate as to the cause of death shall be obtained by the Registrar from such person and in such form as may be prescribed.

(3) Where the State Government has required under sub-section (2) that a certificate as to the cause of death shall be obtained, in the event of the death of any person who, during his last illness, was attended by a medical practitioner, the medical practitioner shall, after the death of that person, forthwith, issue without charging any fee, to the person required under this Act to give information concerning the death, a certificate in the prescribed form stating to the best of his knowledge and belief the cause of death; and the certificate shall be received and delivered by such person to the Registrar at the time of giving information concerning the death as required by this Act.

**11. Informant to sign the register.**—Every person who has orally given to the Registrar any information required under this Act shall write in the register maintained in this behalf, his name, description and place of abode, and, if he cannot write, shall put his thumb mark in the register against his name, description and place of abode, the particulars being in such a case entered by the Registrar.

**12. Extracts of registration entries to be given to informant.**—The Registrar shall, as soon as the registration of a birth or death has been completed, give, free of charge, to the person who gives information under section 8 or section 9 and extract of the prescribed particulars under his hand from the register relating to such birth or death.

**13. Delayed registration of births and deaths.**—(1) Any birth or death of which information is given to the Registrar after the expiry of the period specified therefor, but within thirty days of its occurrence, shall be registered on payment of such late fee as may be prescribed.

(2) Any birth or death of which delayed information is given to the Registrar after thirty days but within one year of its occurrence shall be registered only with the written permission of the prescribed authority and on payment of the prescribed fee and the production of an affidavit made before a notary public or any other officer authorised in this behalf by the State Government.

(3) Any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order made by a magistrate of the first class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.

(4) The provisions of this section shall be without prejudice to any action that may be taken against a person for failure on his part to register any birth or death within the time specified therefor and any such birth or death may be registered during the pendency of any such action.



**14. Registration of name of child.**—Where the birth of any child has been registered without a name, the parent or guardian of such child shall within the prescribed period give information regarding the name of the child to the Registrar either orally or in writing and thereupon the Registrar shall enter such name in the register and initial and date the entry.

**15. Correction or cancellation of entry in the register of births and deaths.**—If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.

#### CHAPTER IV

##### MAINTENANCE OF RECORDS AND STATISTICS

**16. Registrars to keep registers in the prescribed form.**—(1) Every Registrar shall keep in the prescribed form a register of births and deaths for the registration area or any part thereof in relation to which he exercises jurisdiction.

(2) The Chief Registrar shall cause to be printed and supplied a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed; and a copy of such forms in the local language shall be posted in some conspicuous place on or near the outer door of the office of every Registrar.

**17. Search of births and deaths register.**—(1) Subject to any rules made in this behalf by the State Government, including rules relating to the payment of fees and postal charges, any person may—

- (a) cause a search to be made by the Registrar for any entry in a register of births and deaths; and
- (b) obtain an extract from such register relating to any birth or death:

Provided that no extract relating to any death, issued to any person, shall disclose the particulars regarding the cause of death as entered in the register.

(2) All extracts given under this section shall be certified by the Registrar or any other officer authorised by the State Government to give such extracts as provided in section 76 of the Indian Evidence Act, 1872 (1 of 1872), and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

**18. Inspection of registration offices.**—The registration offices shall be inspected and the registers kept therein shall be examined in such manner and by such authority as may be specified by the District Registrar.

**19. Registrars to send periodical returns to the Chief Registrar for compilation.**—(1) Every Registrar shall send to the Chief Registrar or to any officer specified by him, at such intervals and in such form as may be prescribed, a return regarding the entries of births and deaths in the register kept by such Registrar.

(2) The Chief Registrar shall cause the information in the returns furnished by the Registrars to be compiled and shall publish for the information of the public a statistical report on the registered births and deaths during the year at such intervals and in such form as may be prescribed.

#### CHAPTER V

##### MISCELLANEOUS

**20. Special provision as to registration of births and deaths of citizens outside India.**—(1) The Registrar-General shall, subject to such rules as may be made by the Central Government in this behalf, cause to be registered information as to births and deaths of citizens of India outside India received by him under the rules relating to the registration of such citizens at Indian Consulates made under the Citizenship Act, 1955 (57 of 1955), and every such registration shall also be deemed to have been duly made under this Act.

(2) In the case of any child born outside India in respect of whom information has not been received as provided in sub-section (1), if the parents of the child return to India with a view to settling therein,



they may, at any time within sixty days from the date of the arrival of the child in India, get the birth of the child registered under this Act in the same manner as if the child was born in India and the provisions of section 13 shall apply to the birth of such child after the expiry of the period of sixty days aforesaid.

**21. Power of Registrar to obtain information regarding birth or death.**—The Registrar may either orally or in writing require any person to furnish any information within his knowledge in connection with a birth or death in the locality within which such person resides and that person shall be bound to comply with such requisition.

**22. Powers to give directions.**—The Central Government may give such directions to any State Government as may appear to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule or order made thereunder.

**23. Penalties.**—(1) Any person who—

(a) fails without reasonable cause to give any information which it is his duty to give under any of the provisions of sections 8 and 9; or

(b) gives or causes to be given, for the purpose of being inserted in any register of births and deaths, any information which he knows or believes to be false regarding any of the particulars required to be known and registered; or

(c) refuses to write his name, description and place of abode or to put his thumb mark in the register as required by section 11,

shall be punishable with fine which may extend to fifty rupees.

(2) Any Registrar or Sub-Registrar who neglects or refuses, without reasonable cause, to register any birth or death occurring in his jurisdiction or to submit any returns as required by sub-section (1) of section 19 shall be punishable with fine which may extend to fifty rupees.

(3) Any medical practitioner who neglects or refuses to issue a certificate under sub-section (3) of section 10 and any person who neglects or refuses to deliver such certificate shall be punishable with fine which may extend to fifty rupees.

(4) Any person who, without reasonable cause, contravenes any provision of this Act for the contravention of which no penalty is provided for in this section shall be punishable with fine which may extend to ten rupees.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), an offence under this section shall be tried summarily by a magistrate.

**24. Power to compound offences.**—(1) Subject to such conditions as may be prescribed, any officer authorised by the Chief Registrar by a general or special order in this behalf may, either before or after the institution of criminal proceedings under this Act, accept from the person who has committed or is reasonably suspected of having committed an offence under this Act, by way of composition of such offence a sum of money not exceeding fifty rupees.

(2) On the payment of such sum of money, such person shall be discharged and no further proceedings shall be taken against him in respect of such offence.

**25. Sanction for prosecution.**—No prosecution for an offence punishable under this Act shall be instituted except by an officer authorised by the Chief Registrar by general or special order in this behalf.

**26. Registrars and Sub-Registrars to be deemed public servants.**—All Registrars and Sub-Registrars shall, while acting or purporting to act in pursuance of the provisions of this Act or any rule or order made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

**27. Delegation of powers.**—The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act (except the power to make rules under section 30) or the rules made thereunder shall, subject to such conditions, if any, as may be specified in the direction, be exercisable, also by such officer or authority subordinate to the State Government as may be specified in the direction.

**28. Protection of action taken in good faith.**—(1) No suit, prosecution or other legal proceeding shall lie against the Government, the Registrar-General, any Registrar, or any person exercising any power or performing any duty under this Act for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance, of this Act or any rule or order made thereunder.

**29. Act not to be in derogation of Act 6 of 1886.**—Nothing in this Act shall be construed to be in derogation of the provisions of the Births, Deaths and Marriages Registration Act, 1886.

**30. Power to make rules.**—(1) The State Government may, with the approval of the Central Government, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for—

- (a) the forms of registers of births and deaths required to be kept under this Act;
- (b) the period within which and the form and the manner in which information should be given to the registrar under section 8;
- (c) the period within which and the manner in which births and deaths shall be notified under sub-section (1) of section 10;
- (d) the person from whom and the form in which a certificate as to cause of death shall be obtained;
- (e) the particulars of which extract may be given under section 12;
- (f) the authority which may grant permission for registration of a birth or death under sub-section (2) of section 13;
- (g) the fees payable for registration made under section 13;
- (h) the submission of reports by the Chief Registrar under sub-section (4) of section 4;
- (i) the search of birth and death registers and the fees payable for such search and for the grant of extracts from the registers;
- (j) the forms in which and the intervals at which the returns and the statistical report under section 19 shall be furnished and published;
- (k) the custody, production and transfer of the registers and other records kept by Registrars;
- (l) the correction of errors and the cancellation of entries in the register of births and deaths;
- (m) any other matter which has to be, or may be, prescribed.

<sup>1</sup>[(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature.]

**31. Repeal and saving.**—(1) Subject to the provisions of section 29, as from the coming into force of this Act in any State or part thereof, so much of any law in force therein as relates to the matters covered by this Act shall stand repealed in such State or part, as the case may be.

(2) Notwithstanding such repeal, anything done or any action taken (including any instruction or direction issued, any regulation or rule or order made) under any such law shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions aforesaid, as if they were in force when such thing was done or such action was taken, and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

**32. Power to remove difficulty.**—If any difficulty arises in giving effect in a State to the provisions of this Act in their application to any area, the State Government may, with the approval of the Central Government, by order make such provisions or give such directions not inconsistent with the provisions of this Act as appears to the State Government to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section in relation to any area in a State after the expiration of two years from the date on which this Act comes into force in that area.

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1. Ins. by Act 4 of 1986, s. 2 and the Schedule (w.e.f. 15-5-1986).

**MODEL REGISTRATION OF BIRTHS AND DEATHS RULES, 1999**

In exercise of the powers conferred by section 30 of the Registration of Births and Deaths Act, 1969, (18 of 1969) the State Government/Governor/Administrator of..... with the approval of the Central Government, hereby makes the following rules, namely;

- 1. Short title**--(1) These rules may be called the Registration of Births and Deaths Rules, 1999.
- (2) They shall come into force with effect from 1.1.2000 through notification in the Official Gazette.
- (3) These rules will replace the..... Registration of Births and Deaths Rules, -----and all its subsequent amendments notified from time to time.

**2. Definitions**--In these rules, unless the context otherwise requires:

- (b) "Form" means a Form appended to these rules; and
- (c) "Section" means a section of the Act.

**3. Period of gestation**--The period of gestation for the purposes of clause (g) of sub-section (I) of section 2 shall be twenty-eight weeks.

**4. Submission of report under section 4(4)**--The report under sub-section (4) shall be prepared in the prescribed format appended to these Rules and shall be submitted along with the statistical report referred to in sub-section (2) of section 19, to the State Government by the Chief Registrar for every year by the 31<sup>st</sup> July of the year following the year to which the report relates.

**5. Form, etc. for giving information of births and deaths**--(1) The information required to be given to the Registrar under section 8 or section 9, as the case may be, shall be in Form Nos. 1, 2 and 3 for the Registration of a birth, death and still birth respectively, hereinafter to be collectively called the reporting forms. Information if given orally, shall be entered by the Registrar in the appropriate reporting forms and the signature/thumb impression of the informant obtained.

(2) The part of the reporting forms containing legal information shall be called the 'Legal Part' and the part containing statistical information shall be called the 'Statistical Part'.

(3) The information referred to in sub-rule (1) shall be given within twenty one days from the date of birth, death and still birth.

**6. Birth or death in a vehicle**--(1) In respect of a birth or death in a moving vehicle, the person incharge of the vehicle shall give or cause to be given the information under sub-section (1) of section 8 at the first place of halt.

*Explanation*--For the purpose of this rule the term "Vehicle" means conveyance of any kind used on land, air or water and includes an aircraft, a boat, a ship, a railway carriage, a motor-car, a motor-cycle, a cart, a tonga and a rickshaw.

(2) In the case of deaths (not falling under clauses (a) to (e) of sub-section (1) of section (8) in which an inquest is held, the officer who conducts the inquest shall give or cause to be given the information under sub-section (1) of section 8.

**7. Form of certificate under section 10(3)**--The certificate as to the cause of death required under sub-section (3) of section 10 shall be issued in Form No.4 or 4A and the Registrar shall, after making necessary entries in the register of deaths, forward all such certificates to the Chief Registrar or the officer specified by him in this behalf by the 10<sup>th</sup> of the month immediately following the month to which the certificates relate.

**8. Extracts of registration entries to be given under section 12**--(1) The extracts of particulars from the register relating to births or deaths to be given to an informant under section 12 shall be in Form No.5 or Form No.6, as the case may be.

(2) In the case of domiciliary events of births and deaths referred to in clause (a) of sub-section (1) of Section 8 which are reported direct to the Registrar of Births and Deaths, the head of the house or household as the case may be, or, in his absence, the nearest relative of the head present in the house may collect the extracts of birth or death from the Registrar within thirty days of its reporting.

(3) In the case of domiciliary events of births and deaths referred to in clause (a) of sub-section (1) of section 8 which are reported by persons specified by the State Government under sub-section (2) of the said section, the person so specified shall transmit the extracts received from the Registrar of Births and Deaths to the concerned head of the house or household as the case may be, or, in his absence, the nearest relative of the head present in the house within thirty days of its issue by the Registrar.

(4) In the case of institutional events of births and deaths referred to in clauses (b) to (e) of sub-section (1) of section 8, the nearest relative of the new born or deceased may collect the extract from the officer or person in charge of the institution concerned within thirty days of the occurrence of the event of birth or death.

(5) If the extract of birth or death is not collected by the concerned person as referred to in sub-rules (2) to (4) within the period stipulated therein, the Registrar or the officer or person in charge of the concerned institution as referred to in sub-rule (4) shall transmit the same to the concerned family by post within fifteen days of the expiry of the aforesaid period.

**9. Authority for delayed registration and fee payable therefore--**(1) Any birth or death of which information is given to the Registrar after the expiry of the period specified in rule 5, but within thirty days of its occurrence, shall be registered on payment of a late fee of rupee two.

(2) Any birth or death of which information is given to the registrar after thirty days but within one year of its occurrence, shall be registered only with the written permission of the officer prescribed in this behalf and on payment of a late fee of rupees five.

(3) Any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order of a Magistrate of the first class or a Presidency Magistrate and on payment of a late fee of rupees ten.

**10. Period for the purpose of section 14--** (1) Where the birth of any child had been registered without a name, the parent or guardian of such child shall, within 12 months from the date of registration of the birth of child, give information regarding the name of the child to the Registrar either orally or in writing :

Provided that if the information is given after the aforesaid period of 12 months but within a period of 15 years, which shall be reckoned

- (i) in case where the registration had been made prior to the date of commencement of the Registration of Births & Deaths (Amendment) Rules, 19..., from such date, or
- (ii) in case where the registration is made after the date of commencement of the Registration of Births & Deaths (Amendment) Rules 19..., from the date of such registration, subject to the provisions of sub section (4) of section 23,

the Registrar shall

- (a) if the register is in his possession forthwith enter the name in the relevant column of the concerned form in the birth register on payment of a late fee of rupees five,
  - (b) if the register is not in his possession and if the information is given orally, make a report giving necessary particulars, and, if the information is given in writing, forward the same to the officer specified by the State Government in this behalf for making the necessary entry on payment of a late fee of rupees five.
- (2) The parent or the guardian, as the case may be, shall also present to the Registrar the copy of the extract given to him under section 12 or a certified extract issued to him under section 17 and on such presentation the Registrar shall make the necessary endorsement relating to the name of the child or take action as laid down in clause (b) of the proviso to sub-rule (1).

**11. Correction or cancellation of entry in the register of births and deaths--**(1) If it is reported to the Registrar that a clerical or formal error has been made in the register or if such error is otherwise noticed by him and if the register is in his possession, the Registrar shall enquire into the matter and if he is satisfied that any such error has been made, he shall correct the error (by correcting or canceling the entry) as provided in section 15 and shall send an extract of the entry showing the error and how it has been corrected to the State Government or the officer specified by it in this behalf.

(2) In the case referred to in sub rule (1) if the register is not in his possession, the Registrar shall make a report to the State Government or the office specified by it in this behalf and call for the relevant register and after enquiring into the matter, if he is satisfied that any such error has been made, make the necessary correction.

(3) Any such correction as mentioned in sub-rule (2) shall be countersigned by the State Government or the officer specified by it in this behalf when the register is received from the Registrar.

(4) If any person asserts that any entry in the register of births and deaths is erroneous in substance, the Registrar may correct the entry in the manner prescribed under section 15 upon production by that person a declaration setting forth the nature of the error and true facts of the case made by two credible persons having knowledge of the facts of the case.

(5) Notwithstanding anything contained in sub-rule (1) and sub-rule (4) the Registrar shall make report of any correction of the kind referred to therein giving necessary details to the State Government or the officer specified in this behalf.

(6) If it is proved to the satisfaction of the Registrar that any entry in the register of births and deaths has been fraudulently or improperly made, he shall make a report giving necessary details to the officer authorized by the Chief Registrar by general or special order in this behalf under section 25 and on hearing from him take necessary action in the matter.

(7) In every case in which an entry is corrected or cancelled under this rule, intimation thereof should be sent to the permanent address of the person who has given information under section 8 or section 9.

**12. Form of register under Section 16** - The legal part of the Forms No. 1, 2 and 3 shall constitute the birth register, death register and still birth register (Form Nos. 7, 8 and 9) respectively.

**13. Fees and postal charges payable under section 17**--(1) The fees payable for a search to be made, an extract or a non-availability certificate to be issued under section 17, shall be as follow :

**Re.**

- |  |      |
|--|------|
| (a) Search for a single entry in the first year for which the search is made | 2.00 |
| (b) for every additional year for which the search is continued              | 2.00 |
| (c) for granting extract relating to each birth or death                     | 5.00 |
| (d) for granting non-availability certificate of birth or death              | 2.00 |

(2) Any such extract in regard to a birth or death shall be issued by the Registrar or the officer authorized by the State Govt. in this behalf in Form No. 5 or, as the case may be, in Form No. 6 and shall be certified in the manner provided for in section 76 of the Indian Evidence Act, 1872 (1 of 1872).

(3) If any particular event of birth or death is not found registered the Registrar shall issue a non-availability certificate in Form No. 10.

(4) Any such extracts or non-availability certificate may be furnished to the person asking for it or sent to him by post on payment of the postal charges therefore.

**14. Interval and forms of periodical returns under section 19(1)** - (1) Every Registrar shall after completing the process of registration send all the Statistical Parts of the reporting forms relating to each month along with a Summary Monthly Report in Form No. 11 for births, Form No. 12 for deaths and Form No. 13 for still births to the Chief Registrar or the officer specified by him on or before the 5<sup>th</sup> of the following month.

(2) The officer so specified shall forward all such statistical parts of the reporting forms received by him to the Chief Registrar not later than the 10<sup>th</sup> of the month.

**15. Statistical report under section 19(2)**--The statistical report under sub-section (2) of section 19 shall contain the tables in the prescribed formats appended to these rules and shall be compiled for each year before the 31<sup>st</sup> July of the year immediately following and shall be published as soon as may be thereafter but in any case not later than five months from that date.

#### **16. Conditions for compounding offences—**

(1) Any offence punishable under section 23 may, either before or after the institution of criminal proceedings under this Act, be compounded by an officer authorized by the Chief Registrar by a general or special order in this behalf, if the officer so authorized is satisfied that the offence was committed through inadvertence or oversight or for the first time.

(2) Any such offence may be compounded on payment of such sum, not exceeding rupees fifty for offences under sub-sections (1), (2) and (3) and rupees ten for offences under sub-section (4) of section 23 as the said officer may think fit.

**17. Registers and other records under section 30(2)(k)--**(1) The birth register, death register and still birth register shall be records of permanent importance and shall not be destroyed.

(2) The court orders and orders of the specified authorities granting permission for delayed registration received under section 13 by the Registrar shall form an integral part of the birth register, death register and still birth register and shall not be destroyed.

(3) The certificate as to the cause of death furnished under sub-section (3) of the section 10 shall be retained for a period of at least 5 years by the Chief Registrar or the officer specified by him in this behalf.

(4) Every birth register, death register and still birth register shall be retained by the Registrar in his office for a period of twelve months after the end of the calendar year to which it relates and such register shall thereafter be transferred for safe custody to such officer as may be specified by the State Government in this behalf.



**INTERNATIONAL GUIDELINES FOR CERTIFICATION AND  
CLASSIFICATION (CODING) OF COVID-19 AS CAUSE OF  
DEATH**

**Based on ICD**

**International Statistical Classification of Diseases**

**(16 April 2020)**

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## 1. PURPOSE OF THE DOCUMENT

This document describes certification and classification (coding) of deaths related to COVID-19. The primary goal is to identify all deaths due to COVID-19.

A simplified section specifically addresses the persons that fill in the medical certificate of cause of death. It should be distributed to certifiers separate from the coding instructions.

## 2. DEFINITION FOR DEATHS DUE TO COVID-19

A death due to COVID-19 is defined for surveillance purposes as a death resulting from a clinically compatible illness, in a probable or confirmed COVID-19 case, unless there is a clear alternative cause of death that cannot be related to COVID disease (e.g. trauma). There should be no period of complete recovery from COVID-19 between illness and death.

A death due to COVID-19 may not be attributed to another disease (e.g. cancer) and should be counted independently of preexisting conditions that are suspected of triggering a severe course of COVID-19.

## 3. GUIDELINES FOR CERTIFYING COVID-19 AS A CAUSE OF DEATH

In view of COVID-19 it is important to record and report deaths due to COVID-19 in a uniform way.

### A- RECORDING COVID-19 ON THE MEDICAL CERTIFICATE OF CAUSE OF DEATH

**COVID-19** should be recorded on the medical certificate of cause of death for ALL decedents where the disease caused, or is assumed to have caused, or contributed to death.

### B- TERMINOLOGY

The use of official terminology, **COVID-19**, should be used for all certification of this cause of death.

As there are many types of coronaviruses, it is recommended not to use "coronavirus" in place of COVID-19. This helps to reduce uncertainty for the classification or coding and to correctly monitor these deaths.

### C- CHAIN OF EVENTS

Specification of the causal sequence leading to death in Part 1 of the certificate is important. For example, in cases when COVID-19 causes pneumonia and fatal respiratory distress, both pneumonia and respiratory distress should be included, along with COVID-19, in Part 1. Certifiers should include as much detail as possible based on their knowledge of the case, as from medical records, or about laboratory testing.

Here, on the International Form of Medical Certificate of Cause of Death, is an example of how to certify this chain of events for deaths due to **COVID-19** in Part 1:

<b>Frame A: Medical data: Part 1 and 2</b>			
<b>1</b> Report disease or condition directly leading to death on line a  Report chain of events in due to order (if applicable)  State the underlying cause on the lowest used line		Cause of death	Time interval from onset to death
	a	Acute respiratory distress syndrome	2 days
	b	Due to: Pneumonia	10 days
	c	Due to: COVID-19 (test positive)	14 days
	d	Due to:	
<b>2</b> Other significant conditions contributing to death (time intervals can be included in brackets after the condition)		Underlying cause of death	
<b>Manner of death:</b>			
<input type="checkbox"/> Disease		<input type="checkbox"/> Assault	
<input type="checkbox"/> Accident		<input type="checkbox"/> Legal intervention	
<input type="checkbox"/> Intentional self harm		<input type="checkbox"/> War	
		<input type="checkbox"/> Could not be determined	
		<input type="checkbox"/> Pending investigation	
		<input type="checkbox"/> Unknown	

Note: This is a typical course with a certificate that has been filled in correctly. Please remember to indicate whether the virus causing COVID-19 had been identified in the defunct.

### D- COMORBIDITIES

There is increasing evidence that people with existing chronic conditions or compromised immune systems due to disability are at higher risk of death due to COVID-19. Chronic conditions may be non-communicable diseases such as coronary artery disease, chronic obstructive pulmonary disease (COPD), and diabetes or disabilities. If the decedent had existing chronic conditions, such as these, they should be reported in Part 2 of the medical certificate of cause of death.



## COVID-19 - GUIDELINES FOR DEATH CERTIFICATION AND CODING

Here, on the International Form of Medical Certificate of Cause of Death, are examples of how to certify this chain of events for deaths due to **COVID-19** in Part 1, with comorbidities reported in Part 2:

Frame A: Medical data: Part 1 and 2			
<b>1</b> Report disease or condition directly leading to death on line a  Report chain of events in due to order (if applicable)  State the underlying cause on the lowest used line		Cause of death	Time interval from onset to death
	a	Acute respiratory distress syndrome	2 days
	b	Due to: Pneumonia	10 days
	c	Due to: Suspected COVID-19	12 days
Underlying cause of death			
<b>2</b> Other significant conditions contributing to death (time intervals can be included in brackets after the condition)		Coronary artery disease [5 years], Type 2 diabetes [14 Years], Chronic obstructive pulmonary disease [8 years]	
<b>Manner of death:</b>			
<input type="checkbox"/> Disease		<input type="checkbox"/> Assault	
<input type="checkbox"/> Accident		<input type="checkbox"/> Legal intervention	
<input type="checkbox"/> Intentional self harm		<input type="checkbox"/> War	
		<input type="checkbox"/> Could not be determined	
		<input type="checkbox"/> Pending investigation	
		<input type="checkbox"/> Unknown	

Note: This is a typical course with a certificate that is filled in correctly. COVID-19 cases may have comorbidity. **The comorbidity is recorded in Part 2.**

Frame A: Medical data: Part 1 and 2			
<b>1</b> Report disease or condition directly leading to death on line a  Report chain of events in due to order (if applicable)  State the underlying cause on the lowest used line		Cause of death	Time interval from onset to death
	a	Acute respiratory distress syndrome	2 days
	b	Due to: Pneumonia	10 days
	c	Due to: COVID-19	10 days
Underlying cause of death			
<b>2</b> Other significant conditions contributing to death (time intervals can be included in brackets after the condition)		Cerebral palsy [10 Years]	
<b>Manner of death:</b>			
<input type="checkbox"/> Disease		<input type="checkbox"/> Assault	
<input type="checkbox"/> Accident		<input type="checkbox"/> Legal intervention	
<input type="checkbox"/> Intentional self harm		<input type="checkbox"/> War	
		<input type="checkbox"/> Could not be determined	
		<input type="checkbox"/> Pending investigation	
		<input type="checkbox"/> Unknown	

Note: This is a typical course with a certificate that has been filled in correctly. COVID-19 cases may have comorbidity. **The comorbidity is recorded in Part 2.**

## E- OTHER EXAMPLES

Frame A: Medical data: Part 1 and 2			
<b>1</b> Report disease or condition directly leading to death on line a  Report chain of events in due to order (if applicable)  State the underlying cause on the lowest used line		Cause of death	Time interval from onset to death
	a	Respiratory failure	2 days
	b	Due to Pneumonia	8 days
	c	Due to Pregnancy complicated by COVID-19	12 days
<b>2</b> Other significant conditions contributing to death (time intervals can be included in brackets after the condition)		Underlying cause of death Death (time intervals can be included in brackets after the condition)	
<b>Manner of death:</b>			
<input type="checkbox"/> Disease		<input type="checkbox"/> Assault	<input type="checkbox"/> Could not be determined
<input type="checkbox"/> Accident		<input type="checkbox"/> Legal intervention	<input type="checkbox"/> Pending investigation
<input type="checkbox"/> Intentional self harm		<input type="checkbox"/> War	<input type="checkbox"/> Unknown
<b>For women, was the deceased pregnant?</b>			
<input type="checkbox"/> Yes		<input type="checkbox"/> No	<input type="checkbox"/> Unknown
<input type="checkbox"/> At time of death		<input type="checkbox"/> Within 42 days before the death	
<input type="checkbox"/> Between 43 days up to 1 year before death		<input type="checkbox"/> Unknown	
<b>Did the pregnancy contribute to the death?</b>			
<input type="checkbox"/> Yes		<input type="checkbox"/> No	<input type="checkbox"/> Unknown

Note: This is a typical course with a certificate is filled in correctly. In case of a pregnancy, puerperium or birth leading to death in conjunction with COVID-19, please record the sequence of events as usual, and remember to enter the additional detail for pregnancies in frame B of the certificate of cause of death.

Frame A: Medical data: Part 1 and 2			
<b>1</b> Report disease or condition directly leading to death on line a  Report chain of events in due to order (if applicable)  State the underlying cause on the lowest used line		Cause of death	Time interval from onset to death
	a	Acute respiratory distress syndrome	3 days
	b	Due to COVID-19	One week
	c	Due to	
<b>2</b> Other significant conditions contributing to death (time intervals can be included in brackets after the condition)		Underlying cause of death HIV disease [5 years]	
<b>Manner of death:</b>			
<input type="checkbox"/> Disease		<input type="checkbox"/> Assault	<input type="checkbox"/> Could not be determined
<input type="checkbox"/> Accident		<input type="checkbox"/> Legal intervention	<input type="checkbox"/> Pending investigation
<input type="checkbox"/> Intentional self harm		<input type="checkbox"/> War	<input type="checkbox"/> Unknown

Note: This is a typical course with a certificate that is filled in correctly. The certifier has identified HIV disease as contributing to the death and recorded it in **Part 2**.



## COVID-19 - GUIDELINES FOR DEATH CERTIFICATION AND CODING

The examples below show recording of cases where death may have been influenced by COVID-19, but death was caused by another disease or an accident.

Frame A: Medical data: Part 1 and 2			
<b>1</b> Report disease or condition directly leading to death on line a  Report chain of events in due to order (if applicable)  State the underlying cause on the lowest used line		Cause of death	Time interval from onset to death
	a	Hypovolaemic shock	1 day
	b	Due to: Aortic dissection	1 day
	c	Due to: Motor vehicle accident	2 days
	d	Due to:	
<b>2</b> Other significant conditions contributing to death (time intervals can be included in brackets after the condition)		COVID-19	Underlying cause of death
<b>Manner of death:</b> <input type="checkbox"/> Disease <input type="checkbox"/> Assault <input type="checkbox"/> Could not be determined <input type="checkbox"/> Accident <input type="checkbox"/> Legal intervention <input type="checkbox"/> Pending investigation <input type="checkbox"/> Intentional self harm <input type="checkbox"/> War <input type="checkbox"/> Unknown			

Note: Persons with COVID-19 may die of other diseases or accidents, such cases are not deaths due to COVID-19 and should not be certified as such. In case you think that COVID-19 aggravated the consequences of the accident, you may report COVID-19 in Part 2. Please remember to indicate the manner of death and record in part 1 the exact kind of an incident or other external cause.

Frame A: Medical data: Part 1 and 2			
<b>1</b> Report disease or condition directly leading to death on line a  Report chain of events in due to order (if applicable)  State the underlying cause on the lowest used line		Cause of death	Time interval from onset to death
	a	Heart failure	1 day
	b	Due to: Myocardial infarction	5 days
	c	Due to:	
	d	Due to:	
<b>2</b> Other significant conditions contributing to death (time intervals can be included in brackets after the condition)		COVID-19	
<b>Manner of death:</b> <input type="checkbox"/> Disease <input type="checkbox"/> Assault <input type="checkbox"/> Could not be determined <input type="checkbox"/> Accident <input type="checkbox"/> Legal intervention <input type="checkbox"/> Pending investigation <input type="checkbox"/> Intentional self harm <input type="checkbox"/> War <input type="checkbox"/> Unknown			

Note: Persons with COVID-19 may die due to other conditions such as myocardial infarction. Such cases are not deaths due to COVID-19 and should not be certified as such.

#### 4. GUIDELINES FOR CODING COVID-19 FOR MORTALITY

This document provides information about the ICD-10 codes for COVID-19 and includes mortality classification (coding) instructions for statistical tabulation in the context of COVID-19. It includes a reference to the WHO case definitions for surveillance.

New ICD-10 codes for COVID-19:

- U07.1 COVID-19, virus identified  
<https://icd.who.int/browse10/2019/en#/U07.1>
- U07.2 COVID-19, virus not identified
  - Clinically-epidemiologically diagnosed COVID-19
    - Probable COVID-19
    - Suspected COVID-19

<https://icd.who.int/browse10/2019/en#/U07.2>

Details of the updates to ICD-10 are available online at:

<https://www.who.int/classifications/icd/icd10updates/en/>

##### A- ICD-10 Cause of Death coding of COVID-19

Certifiers use a range of terms to describe COVID-19 as a cause of death, a sample can be found in the annex of this document.

Although both categories, U07.1 (COVID-19, virus identified) and U07.2 (COVID-19, virus not identified) are suitable for cause of death coding, it is recognized that in many countries detail as to the laboratory confirmation of COVID-19 will NOT be reported on the death certificate. In the absence of this detail, it is recommended, for mortality purposes only, to code COVID-19 provisionally to U07.1 unless it is stated as “probable” or “suspected”.

The international rules and guideline for selecting the underlying cause of death for statistical tabulation apply when COVID-19 is reported on a death certificate but, given the intense public health requirements for data, COVID-19 is not considered as due to, or as an obvious consequence of, anything else in analogy to the coding rules applied for INFLUENZA. Further to this, there is no provision in the classification to link COVID-19 to other causes or modify its coding in any way.

With reference to section 4.2.3 of volume 2 of ICD-10, the purpose of mortality classification (coding) is to produce the most useful cause of death statistics possible. Thus, whether a sequence is listed as ‘rejected’ or ‘accepted’ may reflect interests of importance for public health rather than what is acceptable from a purely medical point of view. Therefore, always apply these instructions, whether they can be considered medically correct or not. Individual countries should not correct what is



## COVID-19 - GUIDELINES FOR DEATH CERTIFICATION AND CODING

assumed to be an error, since changes at the national level will lead to data that are less comparable to data from other countries, and thus less useful for analysis.

A manual plausibility check is recommended for certificates where COVID-19 is reported, in particular for certificates where COVID-19 was reported but not selected as the underlying cause of death for statistical tabulation.

**B- CHAIN OF EVENTS**

Here, on the International Form of Medical Certificate of Cause of Death, is an example of how to code this chain of events and select the underlying cause of death for deaths due to **COVID-19** in Part 1:

<b>Frame A: Medical data: Part 1 and 2</b>			
<b>1</b> Report disease or condition directly leading to death on line a  Report chain of events in due to order (if applicable)  State the underlying cause on the lowest used line		Cause of death	Time interval from onset to death
	a	Acute respiratory distress syndrome J80	2 days
	b	Due to: Pneumonia J18.9	10 days
	c	Due to: COVID-19 (test positive) U07.1	14 days
	d	Due to:	
<b>2</b> Other significant conditions contributing to death (time intervals can be included in brackets after the condition)		Underlying cause of death	
<b>Manner of death:</b>			
<input checked="" type="checkbox"/> Disease	<input type="checkbox"/> Assault	<input type="checkbox"/> Could not be determined	
<input type="checkbox"/> Accident	<input type="checkbox"/> Legal intervention	<input type="checkbox"/> Pending investigation	
<input type="checkbox"/> Intentional self harm	<input type="checkbox"/> War	<input type="checkbox"/> Unknown	

Note: Select COVID-19 as underlying cause of death. Step SP3 applies as causes have been reported on more than one line in Part 1 and the condition reported first on the lowest used line (COVID-19) can cause all the conditions, pneumonia (J18.9) and acute respiratory distress syndrome (J80), mentioned on the lines above. [See ICD-10 2016 and later, Volume 2, Section 4.2.1].

## C- COMORBIDITIES

Here, on the International Form of Medical Certificate of Cause of Death, are examples of how to code this chain of events and select the underlying cause of death for deaths due to **COVID-19** in Part 1, with comorbidities reported in Part 2:

Frame A: Medical data: Part 1 and 2			
<b>1</b> Report disease or condition directly leading to death on line a  Report chain of events in due to order (if applicable)  State the underlying cause on the lowest used line		Cause of death	Time interval from onset to death
	a	Acute respiratory distress syndrome J80	2 days
	b	Due to Pneumonia J18.9	10 days
	c	Due to Suspected COVID-19 U07.2	12 days
Underlying cause of death			
<b>2</b> Other significant conditions contributing to death (time intervals can be included in brackets after the condition)		Coronary artery disease [5 years], Type 2 diabetes [14 Years], Chronic obstructive pulmonary disease [8 years] I25.1, E11.9, J44.9	
<b>Manner of death:</b>			
<input type="checkbox"/> Disease		<input type="checkbox"/> Assault	<input type="checkbox"/> Could not be determined
<input type="checkbox"/> Accident		<input type="checkbox"/> Legal intervention	<input type="checkbox"/> Pending investigation
<input type="checkbox"/> Intentional self harm		<input type="checkbox"/> War	<input type="checkbox"/> Unknown

Note: Code all entries in Part 1 and 2, and in this example select COVID-19, specified as suspected (the case has virus not confirmed) as underlying cause of death. Step SP3 applies as causes have been reported on more than one line in Part 1 and the condition reported first on the lowest used line (COVID-19) can cause all the conditions, pneumonia (J18.9) and acute respiratory distress syndrome (J80), mentioned on the lines above. [See ICD-10 2016 and later, Volume 2, Section 4.2.1].

Frame A: Medical data: Part 1 and 2			
<b>1</b> Report disease or condition directly leading to death on line a  Report chain of events in due to order (if applicable)  State the underlying cause on the lowest used line		Cause of death	Time interval from onset to death
	a	Acute respiratory distress syndrome J80	2 days
	b	Due to Pneumonia J18.9	10 days
	c	Due to COVID-19 U07.1	10 days
	d	Due to	
Underlying cause of death			
<b>2</b> Other significant conditions contributing to death (time intervals can be included in brackets after the condition)		Cerebral palsy [10 Years] G80.9	
<b>Manner of death:</b>			
<input type="checkbox"/> Disease		<input type="checkbox"/> Assault	<input type="checkbox"/> Could not be determined
<input type="checkbox"/> Accident		<input type="checkbox"/> Legal intervention	<input type="checkbox"/> Pending investigation
<input type="checkbox"/> Intentional self harm		<input type="checkbox"/> War	<input type="checkbox"/> Unknown

Note: Code all entries in Part 1 and 2, and in this example select COVID-19 as underlying cause of death (the case probably has been tested positive). Step SP3 applies as causes have been reported on



## COVID-19 - GUIDELINES FOR DEATH CERTIFICATION AND CODING

more than one line in Part 1 and the condition reported first on the lowest used line (COVID-19) can cause all the conditions, pneumonia (J18.9) and acute respiratory distress syndrome (J80), mentioned on the lines above. [See ICD-10 2016 and later, Volume 2, Section 4.2.1].

## D- OTHER EXAMPLES

Frame A: Medical data: Part 1 and 2			
<b>1</b> Report disease or condition directly leading to death on line a  Report chain of events in due to order (if applicable)  State the underlying cause on the lowest used line		Cause of death	Time interval from onset to death
	a	Respiratory failure <i>Code both, O99.5 and J96.9</i>	2 days
	b	Due to Pneumonia <i>Code both, O99.5 and J18.9</i>	8 days
	c	Due to Pregnancy complicated by COVID-19 <i>Code both, O98.5 and U07.1</i>	12 days
<b>2</b> Other significant conditions (intervals can be included in brackets after the condition)		Underlying cause of death	
<b>Manner of death:</b>			
<input type="checkbox"/> Disease		<input type="checkbox"/> Assault	
<input type="checkbox"/> Accident		<input type="checkbox"/> Legal intervention	
<input type="checkbox"/> Intentional self harm		<input type="checkbox"/> War	
		<input type="checkbox"/> Could not be determined	
		<input type="checkbox"/> Pending investigation	
		<input type="checkbox"/> Unknown	
<b>For women, was the deceased pregnant?</b>			
<input type="checkbox"/> Yes		<input type="checkbox"/> No	
<input type="checkbox"/> Unknown			
<input type="checkbox"/> At time of death		<input type="checkbox"/> Within 42 days before the death	
<input type="checkbox"/> Between 43 days up to 1 year before death		<input type="checkbox"/> Unknown	
Did the pregnancy contribute to the death?		<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
		<input type="checkbox"/> Unknown	

Note: Code all entries in Part 1 and 2, and in this example select other viral diseases complicating pregnancy, childbirth and the puerperium (O98.5) as underlying cause of death. Step SP3 applies as causes have been reported on more than one line in Part 1 and the condition reported first on the lowest used line (other viral diseases complicating pregnancy, childbirth and the puerperium) can cause all the conditions, pneumonia (O99.5 and J18.9) and acute respiratory distress syndrome (O99.5 and J80), mentioned on the lines above. [See ICD-10 2016 and later, Volume 2, Section 4.2.1]. Use additional code to retain COVID-19. [See ICD-10 2016 and later, Volume 2, Section 4.2.8 Special instructions on maternal mortality (Step M4)].

Frame A: Medical data: Part 1 and 2			
1 Report disease or condition directly leading to death on line a  Report chain of events in due to order (if applicable)  State the underlying cause on the lowest used line		Cause of death	Time interval from onset to death
	a	Acute respiratory distress syndrome J80	3 days
	b	Due to COVID-19 U07.1	One week
	c	Due to HIV disease B24	5 years
	d	Due to	
2 Other significant conditions contributing to death (time intervals can be included in brackets after the condition)			
<b>Manner of death:</b>			
<input type="checkbox"/> Disease		<input type="checkbox"/> Assault	<input type="checkbox"/> Could not be determined
<input type="checkbox"/> Accident		<input type="checkbox"/> Legal intervention	<input type="checkbox"/> Pending investigation
<input type="checkbox"/> Intentional self harm		<input type="checkbox"/> War	<input type="checkbox"/> Unknown

Note: The certifier should have added the HIV disease as a comorbidity in Part 2 of the certificate, however the selection rules of ICD allow to identify COVID-19 as underlying cause of death. (COVID-19) is reported in a sequence ending with a terminal condition (Acute respiratory distress syndrome due to COVID-19). Mortality coding rule step SP4 applies as causes have been reported on more than one line in Part 1 and the condition reported first on the lowest used line (HIV disease) cannot cause all the conditions. [See ICD-10 2016 and later, Volume 2, Section 4.2.1].

Frame A: Medical data: Part 1 and 2			
1 Report disease or condition directly leading to death on line a  Report chain of events in due to order (if applicable)  State the underlying cause on the lowest used line		Cause of death	Time interval from onset to death
	a	Hypovolaemic shock T79.4	1 day
	b	Due to Aortic dissection S25.0	1 day
	c	Due to Motor vehicle accident V89.2	2 days
	d	Due to	
2 Other significant conditions contributing to death (time intervals can be included in brackets after the condition)		COVID-19 U07.1	
<b>Manner of death:</b>			
<input type="checkbox"/> Disease		<input type="checkbox"/> Assault	<input type="checkbox"/> Could not be determined
<input type="checkbox"/> Accident		<input type="checkbox"/> Legal intervention	<input type="checkbox"/> Pending investigation
<input type="checkbox"/> Intentional self harm		<input type="checkbox"/> War	<input type="checkbox"/> Unknown

Note: Code all entries in Part 1 and 2, and in this example select motor vehicle accident (V89.2) as underlying cause of death. Step SP3 applies as causes have been reported on more than one line in Part 1 and the condition reported first on the lowest used line, motor vehicle accident (V89.2), can cause all the conditions, traumatic aortic dissection (S25.0) and traumatic hypovolemic shock (T79.4), mentioned on the lines above. [See ICD-10 2016 and later, Volume 2, Section 4.2.1].



## COVID-19 - GUIDELINES FOR DEATH CERTIFICATION AND CODING

Frame A: Medical data: Part 1 and 2			
<b>1</b> Report disease or condition directly leading to death on line a  Report chain of events in due to order (if applicable)  State the underlying cause on the lowest used line		Cause of death	Time interval from onset to death
	a	Heart failure 150.9	1 day
	b	Due to Myocardial infarction 121.9	5 days
	c	Due to	
	d	Due to	
<b>2</b> Other significant conditions contributing to death (time intervals can be included in brackets after the condition)		COVID-19	U07.1
<b>Manner of death:</b>			
<input type="checkbox"/> Disease		<input type="checkbox"/> Assault	<input type="checkbox"/> Could not be determined
<input type="checkbox"/> Accident		<input type="checkbox"/> Legal intervention	<input type="checkbox"/> Pending investigation
<input type="checkbox"/> Intentional self-harm		<input type="checkbox"/> War	<input type="checkbox"/> Unknown

Note: Code all entries in Part 1 and 2, and in this example select acute myocardial infarction (I21.9) as underlying cause of death. Step SP3 applies as causes have been reported on more than one line in Part 1 and the condition reported first on the lowest used line, myocardial infarction (I21.9), can cause the condition, heart failure (I50.9), mentioned on the line above. [See ICD-10 2016 and later, Volume 2, Section 4.2.1].

## E- Additional WHO cause of death certification links

- How to fill in a death certificate: Interactive Self Learning Tool (WHO)  
<http://apps.who.int/classifications/apps/icd/icd10training/ICD-10DeathCertificate/html/index.html>
- Cause of Death on the Death Certificate: Quick Reference Guide (Section 7.1.2)  
[https://icd.who.int/browse10/Content/statichtml/ICD10Volume2\\_en\\_2016.pdf](https://icd.who.int/browse10/Content/statichtml/ICD10Volume2_en_2016.pdf)
- International form of medical certificate of cause of death (Section 7.1.1)  
[https://icd.who.int/browse10/Content/statichtml/ICD10Volume2\\_en\\_2016.pdf](https://icd.who.int/browse10/Content/statichtml/ICD10Volume2_en_2016.pdf)

## 5. ANNEX

Examples of terms used by certifiers to describe COVID-19 and that can be coded as synonyms of COVID-19:

- COVID Positive
- Coronavirus Pneumonia
- COVID negative
- COVID-19 Infection
- Sars-Cov-2 Infection (Coronavirus Two Infection)
- COVID-19 Coronavirus
- Infection – COVID-19 (Coroner Informed)
- Hospital Acquired Pneumonia - COVID-Positive
- COVID-19 possible - tested negative
- Corona Virus two infection (SARS-Cov-2)
- Corona Virus Pneumonia (COVID-19)
- Coronavirus-Two Infection
- Novel coronavirus



भारत सरकार/गृह मंत्रालय  
GOVT OF INDIA/MINISTRY OF HOME AFFAIRS  
भारत के महारजिस्ट्रार का कार्यालय

*Speed Post/Email*

OFFICE OF THE REGISTRAR GENERAL INDIA  
एम.सी.सी.डी यूनिट, जीवनांक प्रभाग, रा.क. पुरम, पश्चिमी खंड १, नई दिल्ली-११००६६  
MCCD Unit, V.S. DIVISION, R.K. PURAM, WEST BLOCK-1, NEW DELHI-110066

सं/No. 8/2/2017-VS (MCCD)

Dated: 22.04.2020

To

The Chief Registrar of Births & Deaths  
All States/ UTs.

**Subject:** ICD-10 codes for COVID-19 mortality coding reg.

Madam/ Sir,

As you are aware, the COVID-19 virus outbreak has assumed a serious problem. The Government is making all out efforts to contain the spread of the deadly virus. The COVID-19 outbreak has been declared a public health emergency of International concern.

2. The World Health Organisation (WHO) has created two emergency codes for COVID-19 in the tenth revision of International Statistical Classification (ICD-10) of Diseases and Related Health Problems. These are given as under:

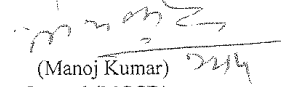
1. Code U07.1 COVID-19 virus identified.
2. Code U07.2 COVID-19, virus not identified
  - Clinically- epidemiologically diagnosed COVID-19
  - Probable COVID-19
  - Suspected COVID-19

More updates are available on at: <https://www.who.int/classifications/icd/icd10updates/en/> Details of definitions are enclosed as **annexure**

3. In order to effect improvements in the scheme on above count, it has been decided to extend the coverage of the scheme to all medical institutions in the country. It is, therefore, requested that data on mortality due to COVID-19 may please be collected and certified accordingly through the registration units under your jurisdiction.

4. These direction are issued under Section 3(3) of the Registration of Birth and Deaths (RBD) Act 1969. Kindly acknowledge the receipt of this letter.

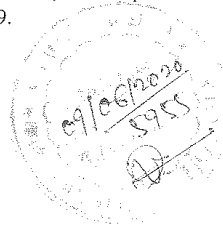
Yours faithfully,

  
(Manoj Kumar)

Deputy Registrar General (MCCD)

Copy for information to:

1. PPS to RG& CCI
2. PPS to Secretary to the Government of India, Department of Health Research, M/o Health & Family Welfare & Director General, ICMR, V. Ramalingaswami Bhawan, Ansari Nagar, New Delhi-110029
3. PPS to Addl. Registrar General (Y)/ Addl. Registrar General (S)/ DDG
4. Directorate of Census Operations, All States/ UTs.
5. Deputy Registrar General CRS/SRS, VS Division West Block-1, R.K. Puram. New Delhi.
6. Technical Director, DP Division, ORGI, NDC, IT Park, Shastri Park, with request to make necessary changes in online software for reporting mortality due to Covid-19.



# COVID-19 coding in ICD-10

25 March 2020

This document provides information about the new codes for COVID-19 and includes clinical coding examples in the context of COVID-19. It includes a reference to the WHO case definitions for surveillance.

## 1 New ICD-10 codes for COVID-19

- U07.1 COVID-19, virus identified
- U07.2 COVID-19, virus not identified
  - Clinically-epidemiologically diagnosed COVID-19
  - Probable COVID-19
  - Suspected COVID-19

Details of the updates to ICD-10 are available online at  
<https://www.who.int/classifications/icd/icd10updates/en/>



**F.No. 11/4/2020-VS-CRS**  
**GOVERNMENT OF INDIA**  
**MINISTRY OF HOME AFFAIRS**  
**OFFICE OF THE REGISTRAR GENERAL, INDIA**  
**V.S. Division, West Block-1, R.K.Puram, New Delhi-110066**  
Email Id: [drq-crs.rqi@nic.in](mailto:drq-crs.rqi@nic.in) dated: 18-05-2021

To,

The Chief Registrar of Births and Deaths,  
All States/UTs

Subject: - Death Registration and recording of the causes of Death - Regarding

Sir/Madam,

Please refer to this office letter No: 8/2/2017-VS(MCCD) dated: 22<sup>nd</sup> April 2020, requesting for collecting and certifying the data on mortality due to COVID-19 as per the 10<sup>th</sup> revision of the ICD code (Copy of letter enclosed) and the NHRC Advisory for upholding the dignity and protecting the rights of the dead vide no. F.No.R-18/18/2020-PRP&P(RU-1) dated 14th May, 2021 (copy enclosed for ready reference), vide which, it has been advised that local govt/District Registrar should maintain the district wise digital dataset of death cases.

2. In this regard, it is advised, that the death of the person should be registered within the stipulated time frame as laid down in the RBD Act, 1969 and corresponding Rules thereof i.e. within 21 days. All out efforts should be made to ensure that all institutional / non-institutional deaths are covered and reported to the local Registrar of Births and Deaths in time. Along with the registration of death, it is further advised to collect the information on causes of death including Covid-19.

3. It is, therefore, requested to issue necessary directions in this regard once again to all the Registrars under your jurisdiction and ensure that data on mortality, specifically due to COVID-19, is collected and certified as per Registration of Births and Deaths Act, 1969 and the corresponding State Rules under the Act.

4. Kindly acknowledge the receipt of this letter.

Encl: As above

Yours faithfully,

(Sandhya Singh)

Deputy Registrar General



प्रत्येक जन्म एवम् मृत्यु का पंजीकरण सुनिश्चित करे /  
“Ensure Registration of Every Birth and Death”



F.No. 11/4/2020 VS (CRS) dated 17-05-2021, New Delhi 110066

Copy Forwarded to :

1. Secretary, MHA, North Block, New Delhi, 110001 for information.
2. Secretary General, National Human Rights Commission, Manav Ahikar Bhawan, C-Block, GPO Complex, INA, New Delhi-110023 in reference to their Advisory dated 14-05-2021.



(Sandhya Singh)

Deputy Registrar General



आरती आहुजा भा.प्र.से.

अपर सचिव

**Arti Ahuja, IAS**

**Additional Secretary**

Tel. : 011-23061066, 23063809

E-mail : ash-mohfw@nic.in



**ANNEXURE R/16**

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भारत सरकार

स्वास्थ्य एवं परिवार कल्याण मंत्रालय  
निर्माण भवन, नई दिल्ली-110011

Government of India  
Ministry of Health and Family Welfare  
Nirman Bhavan, New Delhi - 110011

DO No. Z.28015/238/2020-EMR

Dated the 9<sup>th</sup> October 2020

Dear *Sh/Madam,*

It has been observed in interactions with States/UTs that there is still some ambiguity about the distinction between Death Audit and Death Certification in the context of COVID-19. It is, thus, important to explain the ambit of these two concepts.

**Death Certification** is required to be done for recording deaths in accordance with the regulations prescribed by the Registrar General of India. The primary goal of certification of cause of death (death certificate) is to identify and correctly classify all deaths due to a medical condition (e.g. COVID-19) at a hospital and to eliminate any discrepancy in coding so as to obtain true estimates of burden of COVID-19 deaths. All deaths in hospitals with a diagnosis of COVID-19, irrespective of co-morbidities, are to be classified as deaths due to COVID-19. The only exception could be where there is a clear alternative cause of death that cannot be attributed to COVID-19 (e.g. accidental trauma, poisoning, acute myocardial infarction, etc) where COVID-19 is an incidental finding. Detailed WHO guidance in this regard is placed at **Annexure I**.

**Death Audit** on the other hand is an administrative exercise to identify gaps that contribute to deaths of patients. The aim is to improve quality of healthcare services by suitable corrective measures to prevent / minimize future deaths. The indicative proforma that may be considered for death audit is at **Annexure II**. States/UTs may, however, continue using their State specific death audit proforma, provided it captures broadly the parameters at Annexure II.

It is, therefore, advised that relevant authorities may be appraised about these aspects to correctly certify deaths and conduct death audits to improve patient outcomes.

*With warm regards,*

Yours sincerely

*(Arti Ahuja)*

**Enclosure: Annexure I & II**

**Additional Chief Secretary (Health), Principal Secretary (Health) of all States/UTs**

## Indicative Death Audit Proforma

- All dates to be filled in DD/ MM/ YY format and Time to be filled in 00.00 hours (24 hours format)

Details of Respondent		3. Profile of Deceased									
1. Name of respondent:		Name:									
2. Relationship of respondent with deceased:		Age: (in years)									
		Sex: (M/ F/ Other's)									
		Address:									
		• City:									
		• District:									
		• State:									
4. Date of onset of symptoms		5. Date of collection of samples									
6. Date of COVID 19 diagnosis:		7. Date of test result intimation									
8. Was the person identified during contact tracing?		9. Date and time of death:									
10. Place of death (Home/ Hospital)											
<b>Section A: Delay in seeking Care or Deaths at home</b>											
11. Did the health worker/ surveillance team visit the home daily to measure temperature and SpO2 since person was home isolated		12. Is the person covered under any form of health insurance? (Govt/ private)									
13. Did the person seek medical care? (Y/ N); if yes then fill next sections											
14. When did the person seek medical care? (date)		15. What symptoms did the person develop that he/she had to seek clinical care?	<table border="1"> <tr> <td>Fever</td> <td>Y/ N</td> </tr> <tr> <td>Cough</td> <td>Y/ N</td> </tr> <tr> <td>Breathlessness</td> <td>Y/ N</td> </tr> <tr> <td>Others (if specify)</td> <td>Y/ N</td> </tr> </table>	Fever	Y/ N	Cough	Y/ N	Breathlessness	Y/ N	Others (if specify)	Y/ N
Fever	Y/ N										
Cough	Y/ N										
Breathlessness	Y/ N										
Others (if specify)	Y/ N										
<b>Section B: Delay in Reaching Healthcare facility/ transport</b>											
16. Date of contacting the helpline number provided		17. Response of Helpline: (a) Prompt/Delayed/No response (b) Useful/ Not useful									
18. If helpline not contacted, what was the mode of contact with health facility?		19. Mode of transport (self-owned/ government ambulance/ paid ambulance/ others)									
20. Time and date of placing request for ambulance		21. Time and date of pick-up by ambulance									
22. Time and date of reaching hospital											
<b>Section C: Referral</b>											
23. Number of health facilities visited/ admitted before coming to the hospital	Facility Name	Type (CCC/DCHC/DCH/any other)	Time of admission of discharge								
<b>Section D: Delay in Care at Healthcare Facility</b>											
24. Date of admission		25. Date of death									
26. Waiting time from arrival at facility to allocation of bed		27. No. of days between admission and death									
28. Name of hospital where death occurred		29. Type of Hospital Where death occurred	<table border="1"> <tr> <td>COVID</td> <td>Non-COVID</td> </tr> <tr> <td>Govt</td> <td>Private</td> </tr> </table>	COVID	Non-COVID	Govt	Private				
COVID	Non-COVID										
Govt	Private										
30. Past medical history/Associated Co-morbid conditions	Ischemic Heart Disease	Y/ N									
	Chronic Lung Disease	Y/ N									
	Chronic Kidney Disease	Y/ N									
	Hypertension	Y/ N									
	Diabetes Mellitus	Y/ N									
	Cancer	Y/ N									



## Section E: Quality of Care

31. Clinical condition at the time of admission	<table border="1"> <tr><td>RR</td><td></td></tr> <tr><td>SpO<sub>2</sub></td><td></td></tr> <tr><td>BP</td><td></td></tr> <tr><td>PR</td><td></td></tr> <tr><td>Level of consciousness</td><td></td></tr> <tr><td>Radiological finding</td><td></td></tr> </table>	RR		SpO <sub>2</sub>		BP		PR		Level of consciousness		Radiological finding		<table border="1"> <tr><td colspan="2">32. Treatment modality used</td></tr> <tr><td>Antibiotics</td><td>Y/ N</td></tr> <tr><td>Antivirals</td><td>Y/ N</td></tr> <tr><td>Dexamethasone</td><td>Y/ N</td></tr> <tr><td>HCQ</td><td>Y/ N</td></tr> <tr><td>LMWH</td><td>Y/ N</td></tr> <tr><td>Oxygen</td><td>Y/ N</td></tr> <tr><td>Mechanical ventilation</td><td>Y/ N</td></tr> <tr><td>ECMO</td><td>Y/ N</td></tr> <tr><td colspan="2">Investigational drug</td></tr> <tr><td>Remdesivir</td><td>Y/ N</td></tr> <tr><td>Plasma therapy</td><td>Y/ N</td></tr> <tr><td>Tocilizumab</td><td>Y/ N</td></tr> </table>	32. Treatment modality used		Antibiotics	Y/ N	Antivirals	Y/ N	Dexamethasone	Y/ N	HCQ	Y/ N	LMWH	Y/ N	Oxygen	Y/ N	Mechanical ventilation	Y/ N	ECMO	Y/ N	Investigational drug		Remdesivir	Y/ N	Plasma therapy	Y/ N	Tocilizumab	Y/ N	<table border="1"> <tr><td colspan="2">33. Complications</td></tr> <tr><td>Sepsis</td><td>Y/ N</td></tr> <tr><td>Respiratory failure</td><td>Y/ N</td></tr> <tr><td>ARDS</td><td>Y/ N</td></tr> <tr><td>Heart failure</td><td>Y/ N</td></tr> <tr><td>Septic shock</td><td>Y/ N</td></tr> <tr><td>Coagulopathy</td><td>Y/ N</td></tr> <tr><td>Secondary infection</td><td>Y/ N</td></tr> <tr><td colspan="2">Other (Please specify):</td></tr> </table>	33. Complications		Sepsis	Y/ N	Respiratory failure	Y/ N	ARDS	Y/ N	Heart failure	Y/ N	Septic shock	Y/ N	Coagulopathy	Y/ N	Secondary infection	Y/ N	Other (Please specify):	
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