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STRENGTHENING THE HUMANITARIAN SYSTEM IN INDIA

MARCH 2023

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IN INDIA**

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Disclaimer

This report is made possible by the collective effort and generous support from the core group represented by the All-India Disaster Mitigation Institute, Sphere India, and the United Nations World Food Programme in India.

Due to the nature of the exercise undertaken and restrictions for normal functioning during Covid-19 times, the report is a desk review of existing information available in the public domain strengthened by insights from stakeholders. The contents serve as a first step of many to initiate multi sector and multi stakeholder constructive dialogues on the subject. The report intends to benefit government, non- government, civil society, communities of practice and private stakeholders to investigate the future scope for analysis to strengthen the humanitarian system in India and the region. All rights reserved by the United Nations World Food Programme in India.

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Foreword

India's approach to humanitarian action is multi-dimensional and interconnected having evolved from a relief centric system to one that promotes preparedness and disaster risk reduction. Over the past two decades the government, with the support from non- government partners, has stepped up investments in the humanitarian sphere. The Government of India values mechanisms for timely relief, response and recovery to disaster impacts and climate vulnerabilities, and has begun implementing anticipatory action at scale for which several efforts have been undertaken in the past decade.

The COVID-19 pandemic has further underscored the need to strengthen humanitarian action in India through bi-lateral and multi- lateral initiatives. Hence, the United Nations World Food Programme in INDIA commissioned this study in partnership with the All-India Disaster Mitigation Institute (AIDMI) and Sphere India with the objective of enabling multi- stakeholder dialogue and generating partnerships, and investments to strengthen the humanitarian system in India.

The collective effort towards developing this report was initiated through a stakeholder consultation attended by experts from the Government of India, Civil Society Organisations, Non-Government Organisations, private sector, and academia in June 2021. The consultation highlighted the need to analyse existing structures and formulate recommendations for strengthening the humanitarian system in India. The recommendations form this report are intended to be a first step towards developing an actionable roadmap for strengthening the humanitarian system in India through a multi stakeholder approach.

A Technical Advisory Group (TAG) was constituted to provide guidance to the research team and supported the development of this work. The research team undertook in-depth investigations of information available and accessible in the public domain, recorded multi-stakeholder inputs through online consultations and presented its initial findings to the Technical Advisory Group for feedback, leading to the publication of the report based on an agreed framework.

The key recommendations emanating from this report include: (i) Need for developing a common humanitarian policy framework that serves as a guiding document for all stakeholders in the country; (ii) Revising the national guidelines on minimum standards of relief; (iii) Development of a model relief manual for better governance; (iv) Development of a comprehensive relief management information system; (v) Improved co-ordination framework for concerted action by all humanitarian actors; (vi) Emphasis on a gender sensitive and inclusive approach; (vii) Greater attention to trainings and capacity development; (viii) Establishing a centre of excellence for humanitarian action and (ix) Establishing a national monitoring and evaluation system for greater accountability and transparency.

We appreciate the participation of the State Disaster Management Authorities, domain experts, NGO stakeholders, academicians and disaster affected communities who provided their valuable insights that contributed to the development of this report. We are mindful that the stakeholder consultations undertaken as part of this effort were not all inclusive and there remains scope for future research and investigation on the subject through larger stakeholder engagement.

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We hope the findings from this report will benefit both the Government of India, and non-government stakeholders to undertake a deeper review and initiate future action towards Strengthening the Humanitarian System, particularly when India is poised to play a more prominent global role. The report intends to inspire countries across the world to work together to improve our global humanitarian system.



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Abbreviations and Acronyms

AIDMI	All India Disaster Mitigation Institute
ALNAP	Active Learning Network for Accountability and Performance
BIMSTEC	Bay of Bengal Initiative for Multi Sectoral Technical and Economic Cooperation
ASEAN	Association of Southeast Asian Nations
CBO	Community Based Organisation
CDRI	Coalition for Disaster Resilient Infrastructure
CERF	Central Emergency Response Fund
CHS	Core Humanitarian Standard on Quality and Accountability
CRF	Calamity Relief Fund
CSR	Corporate Social Responsibility
DDMA	District Disaster Management Authority
DPA	Development Partnership Administration
FBO	Faith Based Organisation
FCRA	Foreign Contribution Regulation Act
GFDRR	Global Facility for Disaster Reduction and Recovery
HADR	Humanitarian Assistance and Disaster Relief
IDS	Integrated Defence Staff
IFRC	International Federation of Red Cross and Red Crescent Movement
IRCS	Indian Red Cross Society
IRP	International Recovery Platform
ITEC	Indian Technical and Economic Cooperation Programme
MEA	Ministry of External Affairs
MGNREGA	Mahatma Gandhi National Rural Employment Guarantee Act
MHA	Ministry of Home Affairs
MoD	Ministry of Defence
NCCF	National Calamity Contingency Fund
NDFR	National Disaster Response Force
NDMA	National Disaster Management Authority
NDMF	National Disaster Mitigation Fund
NDRF	National Disaster Response Fund
NDRMF	National Disaster Risk Management Fund
NDRMF	National Disaster Risk Management Fund
NFCR	National Fund for Calamity Relief
NGO	Non-Government Organisation
NIDM	National Institute of Disaster Management
PFMS	The Public Financial Management System
PM CARES Fund	The Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund
PMNRF	Prime Minister's National Relief Fund
PMO	Prime Minister's Office
RMIS	Relief Management Information System
SAADMEx	South Asian Annual Disaster Management Exercise
SAARC	South Asian Association for Regional Cooperation
SDMA	State Disaster Management Authority
SDMC	SAARC Disaster Management Centre
SDRF	State Disaster Response Fund
SDRF	State Disaster Response Fund
SDRF/ NDRF	State and National Disaster Response Fund
SDRMF	State Disaster Risk Management Fund
SDRMF	State Disaster Risk Management Fund
SHSI	Strengthening the Humanitarian System in India
SOHS	State of the Humanitarian System

TAG	Technical Advisory Group
UNDRR	The United Nations Office for Disaster Risk Reduction
UNHCR	United Nations High Commission for Refugees
UNISDR	United Nations International Strategy for Disaster Risk Reduction
UNOCHA	United Nations Office for Coordination of Humanitarian Affairs
UNRWA	United Nations Relief and Work Agency
WFP	United Nations World Food Programme

Executive Summary

The study on strengthening the humanitarian system is the first of its kind in India and probably among very few, if any, such studies undertaken at the national level anywhere else in the world. Humanitarian systems have been studied more in global contexts to analyse the pattern and trend of humanitarian assistance flowing to disaster affected and conflict-ridden countries of the developing world and to assess the effectiveness of such assistance.

This study can be used as a guiding template for similar studies in other countries, especially in developing countries, interested to improve their humanitarian systems. The contexts, legacies, and the frameworks of laws, institutions, standards, and practices of each country would be different and therefore the broad structure followed in this study can be adapted according to the specific contexts and needs of the countries.

This study was initiated by the United Nations World Food Programme (WFP) in India in collaboration with All India Disaster Mitigation Institute (AIDMI) and Sphere India to document and better understand the humanitarian system in India. This study has been designed to serve the purpose of recommending measures for further strengthening the Humanitarian System in India with the following objectives:

1. To describe the structure of the humanitarian system in India
2. To analyse the type of assistance provided in response to humanitarian crisis events and identification of the gaps
3. To provide recommendations for strengthening the humanitarian system in India

Being guided by a technical advisory group, the study was completed through use of secondary information mainly collected online and through desk reviews. At the same time some primary data collected through emails, phone calls and online consultations.

The report describes in detail the main elements of the humanitarian system in India and its evolution from providing 'charity' aid to victims of disasters, to a more rights-based approach. It reviews the system through the lens of adherence to humanitarian principles, the structure and guidance of the system at various levels, humanitarian financing, and national capacity. The following are some high-level conclusions from this study:

- **India has well-developed humanitarian structures**, this is reflected in its laws, institutions and financial mechanisms, and the active involvement and participation of many voluntary and philanthropic organizations involved in humanitarian work. This however requires further integration among all stakeholders.
- **The Humanitarian system of India is largely self-reliant**, self-sufficient and has the potential to increasingly provide technical and financial assistance to other countries affected by disasters and crises events.
- **The Humanitarian response for saving lives is robust and effective**, with an active and capacitated National Disaster Response Force (NDRF) that has been effective in search and rescue operations both within and outside India and has the potential to build multi-stakeholder capacities.
- **Civil society responses to humanitarian crises are strong and pervasive** but require further standardization and mainstreaming to further supplement the initiatives of the government in providing humanitarian assistance to people in distress during humanitarian crises, especially in areas where government outreach is limited.
- **Disaster Early warning systems have prevented many humanitarian crises**, India has developed credible early warning systems for hydro-meteorological and other disasters that

are providing useful lead time to disaster response agencies to disseminate warnings to the people and evacuate at risk populations to safe places thereby saving large number of lives. There is scope to leverage this capacity for providing localised advisories, to further facilitate knowledge sharing and technology transfer solutions to Indian states and developing countries through South- South and Triangular cooperation.

- **Humanitarian finance devolved well to address humanitarian crises**, India has developed a dynamic and responsive mechanism for the timely and assured flow of funds from the Central to the State governments and from the States to the districts for responding to the humanitarian needs following disasters. The five yearly awards of the constitutionally mandated Finance Commission ensures that the State governments receive the annual earmarked State Disaster Response Fund (SDRF) for disaster response. Capacity building initiatives for administrative stakeholders in compliance with reporting, monitoring and evaluation protocols will ensure effective and transparent utilization of humanitarian finance.
- **The Humanitarian system promotes innovations and good practices at State, local and community levels.** Every State has tried to adapt the minimum standard of relief and the SDRF norms according to local conditions, based on experiences gained over the years. A few humanitarian organizations in India have taken the lead in working with several State governments in establishing District and State level Inter-Agency Groups for effective Government and NGO cooperation and coordination. There remains ample scope and potential for adapting, mainstreaming, and scaling relevant innovations and good practices.
- **The application of technology has enabled timely assistance to victims**, such as using remote sensing and GIS for surveying the affected areas and making quick assessments of damage and losses. In addition, helicopters and drones have been used for sending emergency relief to remote locations. The role of technology has immense scope to be leveraged to ensure effective and timely early warning, damage, loss and needs assessments and catalyse the right-to-relief and response efforts through the use of tools for information dissemination, including social media.

Based on the review and the above conclusions, the study has also made the following recommendations for consideration:

Recommendation 1: Develop a common Humanitarian Policy Framework

A common humanitarian policy framework and document, developed through a consultative process involving all the stakeholders, could serve as a common guidance document for all humanitarian actors in the country. In addition, this document could outline the humanitarian principles, and the accountability framework for adherence to the operating principles, guidelines, and regulations.

Recommendation 2: Revise the National Guidelines on Minimum Standards of Relief

The Minimum Standards of Relief of 2016 should be reviewed and revised through a consultative process with the government, civil society, and others, to not only provide guidance on the minimum entitlement of relief as provided in the Disaster Management Act, but also to include detailed guidance on how to deliver support in various contexts, as well as guidance on timeliness, adequacy, quality, monitoring, transparency, and special needs of affected populations.

Recommendation 3: Develop a Model Relief Manual

Based on the National Humanitarian Policy Framework and the revised National Guidelines on Minimum Standards of Relief, a comprehensive Model Relief Manual could be developed which covers all aspects of the operation and governance of disasters and other humanitarian relief in the country.

Recommendation 4: Develop a Relief Management Information System (RMIS)

Due to the lack of a national information management system on disasters and disaster relief operations and management, there is a need to develop a comprehensive, sophisticated, and transparent IT-enabled system that would capture all information on disasters and allow for greater accountability.

Recommendation 5. Establish an institutionalised coordination framework for all humanitarian actors

An institutionalised framework for collaboration and coordination among all humanitarian actors could be established at the national level which can be adapted to State and even district levels and its implementation can be guided by coordination committees at various levels.

Recommendation 6: Ensure that the Humanitarian System is gender-sensitive and inclusive

The specific needs of women, children and other vulnerable groups are not adequately addressed in the humanitarian system of the country. There is a need for disaster response services to be more gender responsive and inclusive as many vulnerable groups have special needs that may not be met in disaster situations, and often they don't approach the government and non-government stakeholders for help owing to the stigma attached to their status.

Recommendation 7: Establish Mandatory Training and Capacity Development for Humanitarian Response

With support from the United Nations and non-governmental organizations involved in global and domestic humanitarian response, the Government should develop a training package that includes learning about humanitarian laws and principles, minimum standards of relief, humanitarian finance, humanitarian logistics and supply chain management, relief camp management, the sectoral issues of relief and documentation and monitoring of relief works.

Recommendation 8: Establish a Centre of Excellence for Humanitarian Action

Building on the extensive experience in disaster preparedness and response across the country, the Government of India should establish a Centre of Excellence for Humanitarian Action in the country which could partner with a wide variety of national and international governmental, non-governmental, and international organizations to provide relevant education, training, interagency coordination, and research.

Recommendation 9: Establish a National Monitoring and Evaluation system

A robust monitoring and evaluation system must be established beyond the existing system of expenditure monitoring and financial audits, to introduce more accountability, transparency, and effectiveness in the system, supported by the proposed Relief Management Information System.

1.0 Introduction

1.1 Background

While humanitarian philosophy is age-old, the concept of the humanitarian system is relatively new and has been used in generic and specific contexts. The generic description includes the entire gamut of international and national humanitarian laws, institutions, programmes, and processes that include human rights, the rights of refugees, and humanitarian interventions during natural disasters, war, conflicts, and other crises situations.

Although every country has established mechanisms for addressing the needs of people in crises situations, very few studies or reviews of national system have been conducted. There is a need to have independent studies of the national humanitarian system to understand how it functions and to determine what can be done to increase its standard and improve the quality of humanitarian services.

Humanitarian caseloads in developed countries are relatively low as the economic conditions of the average citizens are good enough to look after their needs even during crises situations. Moreover, concrete, and effective measures for disaster risk reduction have reduced the need for pure humanitarian responses. Besides, high coverage of disaster risk insurance has ensured that the market takes care of the bulk of disaster damage and losses and the sovereign liability for humanitarian assistance is reduced. This has narrowed down the scope of humanitarian interventions to limited windows of time when people need emergency assistance.

However, the least developed and a large number of the developing countries face cascading humanitarian caseloads due to rising disasters and conflicts that cannot be coped with the national resources of the countries, and they become chronically dependent on foreign aid for sustenance. The humanitarian systems of these countries become part of the discourse of the global system as their national systems are not able to manage the humanitarian crises on the strength of their capabilities. Therefore, external humanitarian assistance should be designed to develop national capacities. This has called for a paradigm shift in humanitarian action that has been described as resilient humanitarianism.¹ Studies on national humanitarian systems are essential to strengthen national capacities.

Between these two ends of the spectrum stand many developing countries, large and small, that are still facing increasing humanitarian crises but are still able to manage these on the strength of their capabilities and have shown national resolve to further improve and strengthen their systems to deal with emerging crises in the face of climate change, rising population and other humanitarian crises. India is one among the frontline of these emerging countries and this study with a focus on strengthening the humanitarian system in India may be of help to other countries that may be interested in reforming their national systems to deal with humanitarian crises.

In more specific contexts the humanitarian system has been defined to include the network of interconnected institutional and operational entities through which humanitarian action is undertaken when local and national resources are, on their own, insufficient to meet the needs of a population in crisis'.² Based on this concept, the Active Learning Network for Accountability and

¹ Dorothea Hilhorst, Classical humanitarianism and resilient humanitarianism: making sense of two brands of humanitarian action, *Journal of International Humanitarian Action*, 3:15, 2018

² ALNAP, Inception Report: The State of Humanitarian System (SOHS), Fifth Edition (2018-2021), Working Document

Performance (ALNAP) has been studying the global humanitarian system for over a decade and releasing triennial reports on the State of the Humanitarian System (SOHS).³

During the release of SOHS 2018 in India, the idea of a study on Strengthening the Humanitarian System in India (SHSI) was first conceived. It was felt that the humanitarian system in India is large, complex, and diverse, involving various stakeholders in government, civil society, business, faith-based organizations, and others who have worked relatively well without any external support. India has not only achieved self-reliance in managing its own humanitarian crises but has also emerged as a donor and has been contributing significantly to the global humanitarian system.

While SOHS 2018 was the backdrop, it was the COVID-19 pandemic that set the immediate contexts for this study. The global pandemic hit India hard, infecting millions of people resulting in death of many thousands, disrupting the economy across sectors, and rendering more than 100 million people jobless, mainly in the unorganised and informal sectors, threatening the hard-earned gains of food and nutritional security, education, and wellbeing. This was the worst humanitarian crisis of independent India for which the country was not at all prepared, like most of the countries of the world. Also, India has faced more than 400 natural and 150 technological and other disaster between 2010-2020. During this period, the hazard risk exposure and vulnerability resulted in death and injuries of hundreds of thousands, affecting 49.22 crore (492.2 million) people, out of which 42.22 lakh (4.2 million) people were rendered homeless. The total economic losses due to these disasters amounted to US\$41.4 billion.

The national lock down during the first wave in 2020 forced millions of daily wage workers and other informal workers and their families in the cities to reverse migrate to their villages, often seen walking hundreds of kilometres. During the second wave in 2021, a severe shortage of oxygen across the country resulted in the death of many infected people. These were extremely challenging situations that both exposed the weakness as well as the resilience of the system.

While national and state governments struggled to grapple with the situation, civil society and communities across the country rose to the occasion. They came forward spontaneously to extend humanitarian assistance to the people in distress and supplement governmental efforts. After the initial setbacks the government also took several measures to handle the crisis with several proactive measures such as the mobilization of all administrative and governance mechanisms at all levels and the implementation of the Covid-19 vaccination drive that demonstrated the inherent resilience of the system. Undoubtedly, the pandemic provided an opportunity for comprehensively reviewing the humanitarian system in India to identify its strengths and weaknesses and suggest measures for further strengthening the system to deal with the emerging challenges.

1.2 Scope of the Study

Although the SOHS 2018⁴ proved to be a valuable guidance document, it could hardly be accepted as the model for defining the scope and approach for the study on Strengthening the Humanitarian System in India (SHSI). SOHS was a global study that focused on emergencies for which appeals for international assistance were made and in which international aid agencies (UN agencies, IFRC, NGOs and the donors) were involved. Neither the role of the national governments nor the part played by the local and community-based organizations, and the private sector was assessed. SHSI, on the contrary, is essentially a national study that focuses on the role played by the various national actors.

³ ALNAP (Active Learning Network for Accountability and Performance in Humanitarian Action) has published four such SOHS reports in 2010, 2012, 2015 and 2018.

⁴ The State of The Humanitarian System 2018 <https://sohs.alnap.org/>

SOHS assessed the global system based on web-based survey responses from humanitarian practitioners and host governments, interviews with key practitioners, and analysis of budgets and humanitarian aid flows over a period of three years. However, SHSI is much more ambitious as it investigates the humanitarian systems legal, institutional, financial, and operational framework across all stakeholders based on primary data collected from multiple sources focusing on ten years but extending this time frame.

Despite these differences, SHSI follows the systemic approach of SOHS in assessing 'the interconnected institutional and operational entities' through which humanitarian action is undertaken to meet the needs of people in distress during crises situations. The study is also guided by the globally accepted definitions, principles, and standards of humanitarian action.

Core humanitarian actions include saving lives and providing food, water, sanitation, shelter, health services and livelihood support to people affected by natural and manmade disasters and conflicts and facilitating their return to normalcy in terms of live and livelihoods. **Other humanitarian actions** include protecting children, vulnerable women, older people, and people with disabilities during such crisis situations. Together, these actions are part of the humanitarian action agenda of the government and other stakeholders.

The **humanitarian principles**⁵ include the ideas of **humanity**, meaning the centrality of saving human lives and alleviating suffering wherever it is found; **impartiality**, meaning the implementation of actions solely based on need, without discrimination between or within affected populations; **neutrality**, meaning that humanitarian action must not favour any side in any conflict or other dispute where such action is carried out; and **independence**, meaning the autonomy of humanitarian objectives from the political, economic or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.

India has endorsed these principles as contained in the UN General Assembly resolution 46/182. To these may be added the principle of human **dignity** as it is enshrined in the Preamble of the Constitution of India.

The globally accepted humanitarian standards include the *Sphere Minimum Standards in Humanitarian Response*, and the subsidiary standards for child protection and for protection of vulnerable women, older people, and people with disabilities. Many of these standards have been adapted to the contexts of Indian situations.

1.3 Objectives

This study has been designed to serve the purpose of recommending measures for further strengthening the Humanitarian System in India with the following objectives:

1. To describe the structure of the humanitarian system in India
2. To analyse the type of assistance provided in response to humanitarian crises events and identification of the gaps
3. To provide recommendations for strengthening the humanitarian system in India

Based on the above objectives the study is designed to progressively review the existing humanitarian system in India based on data available in the public domain to create a valuable knowledge product with information for decision- making useful to both government and non-government stakeholders.

⁵ What are Humanitarian Principles?

https://www.unocha.org/sites/dms/Documents/OOM-humanitarianprinciples_eng_June12.pdf

1.4 Methodology

This study is based on a desk review and analysis of primary data and secondary literature on the subject, along with consultations with stakeholders and resource persons. The study mainly used primary and secondary data available in the public domain, such as the internet, libraries, and databases of partner institutions WFP, AIDMI, Sphere India, and other stakeholders.

As part of the literature review the research team referred to over 200 information sources to develop an annotated bibliography, which was further shortlisted to 89 references utilised for the report. Inputs to strengthen the humanitarian system were also sourced through 4 regional consultations that recorded 105 participants representing state governments and NGO stakeholders from 20 states and 5 union territories. Following which the research and academic stakeholders consultation provided inputs from 23 participants. The technical advisory group consisting of domain experts of national and international repute along with the core partners for the report provided valuable guidance, technical inputs, and insights to deliver this effort.

To access critical data available with the stakeholders, but not accessible in the public domain, three separate sets of questionnaires were prepared and circulated to the State governments, the prominent NGOs, INGOs and Corporate Trusts. Unfortunately, the response rate to the questionnaires was poor and not enough data was collected.

However, important data on the allocation and utilisation of funds for disaster response and relief were made available from the Ministry of Home Affairs, NITI Aayog (NGO Darpan), and the Ministry of Corporate Affairs (CSR database) which provided valuable inputs for the study. A series of online consultations with government and non-government stakeholders and key resource persons further provided critical insights into the humanitarian system.

As mentioned above, to get inputs from a variety of stakeholders, national-level consultations were undertaken, followed by meetings with the National Disaster Management Authority (NDMA), and National Institute of Disaster Management (NIDM); four regional consultation meetings with State governments and civil society organizations of east and northeast, north, west, and south regions were undertaken. The study also included a separate consultation meeting with academicians and researchers. The study was guided by a Technical Advisory Group (TAG), whose members also provided data and insights. The main observations flagged during these consultation meetings are summarised below.

1. India needs an organised humanitarian system formulated as per the best global standards and practices.
2. India needs to address development deficits by enhancing social and disaster resilient infrastructure to address humanitarian needs in the context of hazard risks, climate change-induced extreme weather events, and disasters.
3. India's robust welfare schemes prevent and mitigate the humanitarian crises as observed in the areas of food and nutrition, livelihood support and health care specifically utilised during crises situations such as natural disasters and, most recently, the COVID-19 pandemic.
4. To strengthen the state and regional humanitarian systems, India should leverage existing resources, leadership, governance, and capacity enhancement of stakeholders.
5. India needs a more inclusive and participatory humanitarian system to adequately address the needs of vulnerable groups like women, children, elderly, Dalits, and other marginalised groups such as the LGBTQ community, sex workers, etc.
6. India's humanitarian system needs to be more accountable and transparent with clear information on who is doing what and with what results and impacts. Active involvement

and participation of the beneficiaries and stakeholders in the management of humanitarian activities can help the system in being more transparent and accountable.

7. The role of civil society in humanitarian interventions should be well defined, and the system of collaboration and coordination must be institutionalised for better efficiency and effectiveness.
8. The Indian humanitarian system is driven by the ideas and perspectives from the top – Government, NGOs, and Corporates; this needs to be replaced by a bottom-up approach that would assess the humanitarian needs from the viewpoint of the victims/ people in need/ affected population.
9. There is a need to create a database on humanitarian initiatives - NGOs, the private sector and faith-based organizations are participating significantly in humanitarian response. Still, there is no systematic and disaggregated database on humanitarian actors and their initiatives. This management information system could be developed in collaboration with NITI Aayog, the Ministry of Corporate Affairs and other relevant organizations.
10. Coordination models involving government and non- government stakeholders across all states and districts should be developed and institutionalised, as model inter-agency coordination groups. These need to be studied and replicated on a larger scale, and more innovative models of collaboration on essential sectors, services and clusters should be explored.
11. Innovative application of technology is required to make the system efficient, open, transparent, and accountable.

2.0 Evolution of the Humanitarian System in India

India has a long tradition of providing humanitarian assistance to people in distress during war, civil unrest, and natural disasters. The generic concepts of *Dharma* and of *Rajdharma* as elaborated in the epics of Ramayana and Mahabharata and further detailed in numerous ancient texts, contained the principles of helping people in distress and of delivering justice to the *Praja* (subjects) in crises situations by the *Raja* (rulers).

Seva and *Daana* are the two cardinal principles that inspired people to help others in distress. *Seva* is an act of compassion and service to humanity and was practised by individuals and religious institutions and is an important concept of Sikhism. *Daana* is an act of charity and found mentioned in several texts of Hinduism, Buddhism, and Jainism, and can take various forms ranging from feeding the hungry or giving aid to individuals in need or philanthropic public projects that empower and help many. The Islamic concepts of *Zakat* and *Sadaqa* - compulsory and voluntary acts of donation - drive many Muslims in India to help people in distress, and the Christian concept of charity has been institutionalised through the self-less service of the missionaries.

While the societal and religious tradition of humanitarianism continues there is no recorded history of humanitarian governance in the country, barring isolated texts and epigraphs. The Famine Codes developed during the British colonial rule were probably the first organised initiatives for developing standards of humanitarian assistance.

Table 1: Evolution of Humanitarian Provisions in India

Humanitarian Provisions	Timeline	Details
Famine Code	1878	Developed by the Famine Commission as a national model to address needs arising from famines.
Revised Famine Codes	1898- 1901	Revised as comprehensive institutionalised guidelines for administrators to manage famines.
Bengal Famine Code	1941	Governmental system designed to limit its assistance to focus on preservation of life during famines while post-famine the responsibility to the afflicted is handed to the taxpaying public.
Scarcity Manuals	1950- 1959	State governments adapted and amended Famine Codes in alignment with the administrative system in independent India. Madras Famine Code (1950), Revised Famine Code of Uttar Pradesh (1953), Rajasthan Famine Code (1967), Madhya Pradesh Scarcity Manual (1952), Bihar Famine and Relief Code (1957), Bengal Manual for Relief of Distress (1959).
Relief Manuals	1955- 1990	Relief Manuals extended relief to people affected by other natural calamities. The Second Finance Commission (1955-60) devised the Margin Money scheme to award five-yearly devolution of funds from the Central to the State Governments for management of disasters. The scheme continued till 1990 when it was replaced by the Calamity Relief Fund that substantially enhanced the allocation of funds for management of disasters.
Right to Relief	2005 onwards	Disaster Management Act 2005 recognised 'relief' as an entitlement as Section 12 of the Act provided that the National Disaster Management Authority shall frame guidelines for the 'minimum standards of relief' to be provided to persons affected by disasters.

2.1 Famine Codes

The Famine Codes envisaged three stages in the development of distress and the operation of relief:

1. Standing preparation
2. Observation and the test of distress with the appearance of conditions of scarcity when rains fail
3. Declaration of famine and the organization of actual relief

The Codes prescribed detailed guidelines to be followed at each stage and were explicit in casting a duty on public officials to spend the minimum necessary to prevent the loss of lives, and nothing beyond that.

2.2 Scarcity Manuals

In independent India, State governments variously adapted and amended these Famine Codes to align these with the administrative system in independent India. Nevertheless, the legacy of the colonial code continued in several ways in these Scarcity Manuals.

1. The colonial and post-colonial codes recommended providing only the bare minimum to affected people and were not designed to fulfil their basic needs.
2. These codes were essentially guidelines for the administrators for managing famines and scarcity situations; these did not confer any rights to the affected people.
3. They were designed to address only the scarcity situations created by the successive failure of crops due to droughts; these were not meant for providing humanitarian assistance during other natural calamities.

2.3 Relief Manuals

Relief Manuals made it possible for the State Governments to broaden the scope of disaster management from droughts to other natural and manmade disasters. In several states, Scarcity Manuals were converted into Drought Codes while Relief Manuals focused on management of other types of disasters. However, the minimalist approach of the Famine Codes and the Scarcity Manuals continued in some form as the humanitarian assistance was considered more as a 'relief' from the distress caused by disasters, and not as a right to recover from its impacts.

2.4 Right to Relief

The Disaster Management Act, 2005 recognised 'relief' as an entitlement in Section 12 stating that the National Disaster Management Authority shall frame guidelines for the 'minimum standards of relief to be provided to persons affected by disaster, including shelter, food, drinking water, medical cover, and sanitation. Section 19 of the Act further provides that the State Governments may lay down similar detailed guidelines for providing standards of relief to persons affected by a disaster in the State, but such standards shall not be less than the minimum standards laid down by the National Disaster Management Authority (NDMA).

Hence relief is no longer a matter of discretion for the government; it is an entitlement of the persons affected by disasters. This has been further settled by a recent judgement of the Supreme Court of India directing the Government to grant ex-gratia relief to the next of kin of the persons who lost their lives due to the outbreak of the corona virus.⁶ A list of humanitarian actors and the humanitarian structure can be found in the Annexure.

⁶ The Supreme Court of India judgement dated 30 June 2021 in Writ Petition (Civil) No. 539 of 2021 titled Gaurav Kumar Bansal Versus Union of India

3.0 Humanitarian Landscape of India

Humanitarian crises are created when vulnerable conditions are exposed to natural or human induced hazards. This section provides an overview of the intersecting vulnerabilities, hazards, and exposures to understand the depth and complexities of the humanitarian crises in India.

3.1 Layers of Vulnerabilities

Layers of vulnerabilities in India include social, economic, physical, and environmental. According to the baseline report on the Multidimensional Poverty Index, published by NITI Aayog, the official think tank of the Government of India, 25 percent of the population of India (325 million people) is affected by multi-dimensional poverty.⁷ The report further found that the incidence of poverty was much higher among the Scheduled Tribes (46 percent) and the Scheduled Castes (33 percent) than others.

The physical vulnerabilities of India are most starkly reflected in its housing conditions. The Census data shows that two-fifths of the houses of India are built with mud and burnt bricks or are thatched houses or are covered with polythene or plastic, making all these houses particularly vulnerable during disasters like earthquakes, floods, and cyclones. Moreover, the collapse of large number of houses during many disasters renders thousands of people homeless. The problem is particularly acute in urban areas where many slums and other informal settlements are located in low lying unsafe areas.

The deteriorating environmental conditions of India include high levels of air and water pollution, and depleting ground water sources, forests, and mangroves. Climate change and its adverse impacts on livelihood in general, and agriculture, fisheries, and other related sectors further compound the vulnerabilities. Thousands of poor people, mainly men from villages in fragile environmental zones such as mountains, coasts, and arid areas, are migrating to urban areas in search of livelihood, leaving the women even more vulnerable with an additional burden of tending the fields along with the responsibility of child-rearing.

3.2 Multiple hazards

India's geo-physical and agro-climatic conditions are such that large parts of the country are susceptible to multiple hazards of nature, such as earthquakes, floods, cyclones, droughts, tsunami, landslides, extreme temperatures, avalanches, and erosion. While each of these hazards can cause loss of lives, and assets, and disrupt livelihoods and economy of the local areas, those with the greatest potential to inflict large-scale destruction and loss of lives are earthquakes, floods, cyclones, droughts, and tsunamis, which can create major humanitarian crises in the country.

However significant progress has been made in disaster preparedness. Weather forecasts have improved considerably, and robust early warning systems have been developed for cyclones and tsunamis, enabling the evacuation of vulnerable people from risk zones. Similar warning systems for floods, landslides, lightning, and other hydro-meteorological hazards are being developed.

Disaster Response Forces have been set up at the national and state levels providing professional services for evacuation, search and rescue, saving lives, and preventing potential humanitarian crises. This has significantly reduced disaster mortalities, but disaster losses due to damages of housing and infrastructure, loss of livelihoods, and disruption of services continue to rise significantly.

⁷ NITI Aayog, India: National Multi-Dimensional Poverty Index- Baseline Report, 2021

Without any national statistical system on disasters, it is difficult to accurately estimate the incidence of disasters in India. The Ministry of Home Affairs, Government of India's guidelines, require every state government to submit an Annual Report on Natural Calamities by September every year, which would include a list of disasters experienced that year. However, Odisha is the only state that regularly compiles such data and publishes its Annual Report in the public domain.

The Ministry of Home Affairs (MHA) has been compiling this data in its Annual Report, but this practice stopped in 2018. As per the Annual Reports of the MHA, during the period from 2010-2017, 13,441 persons lost their lives, 4.17 lakh cattle perished (0.42 million), 49.24 lakh houses collapsed (4.9 million) and 261.49 lakh hectares of cropped areas (26.1 million) were damaged due to natural disasters (cyclone, floods, landslides, and cloudbursts). However, the MHA report does not provide any information about the number of persons affected by disasters, or the total economic losses suffered due to disasters.

As per EM-DAT, the only credible global database of disasters, India faced as many as 408 natural and 149 technological and other disasters between 2010 and 2020. According to this data 140,259 persons were killed in these disasters. Another 51781 persons were injured, and 49.22 crore (492.2 million) people were affected, out of which 42.22 lakh people were rendered homeless. And the total economic losses due to these disasters amounted to US\$ 41.4 billion.

EM-DAT database is also incomplete as it excludes low-intensity disasters that kill less than 10 persons and/or affect less than 100 persons. However, the number of small-scale recurring disasters and the overall cascading effect on humanitarian crises situations could be significant.

Table 2 - Summary of disasters by State/Union Territory (UT)

State/ UT	Natural Disaster	Other Disasters	Total
Uttar Pradesh	46	23	69
Maharashtra	20	21	41
Bihar	32	7	39
Assam	34	2	36
West Bengal	25	9	34
Andhra Pradesh	27	6	33
Orissa	26	3	29
Jammu and Kashmir	17	8	25
Himachal Pradesh	13	8	21
Rajasthan	16	4	20
Uttarakhand	15	5	20
Tamil Nadu	16	3	19
Madhya Pradesh	9	9	18
Delhi	8	8	16
Gujarat	10	4	14
Karnataka	9	4	13
Kerala	10	3	13

Punjab	9	4	13
Arunachal Pradesh	9	3	12
Jharkhand	9	3	12
Haryana	8	2	10
Chhattisgarh	4	2	6
Manipur	6	0	6
Meghalaya	4	2	6
Telangana	4	2	6
Tripura	5	1	6
Mizoram	4	0	4
Nagaland	4	0	4
Sikkim	4	0	4
Andaman and Nicobar	0	2	2
Ladakh	2	0	2
Puducherry	2	0	2
Goa	0	1	1
Lakshadweep	1	0	1

Source: EM-DAT- International Database on Disasters, Centre for Research on Epidemiology of Disasters, Leuven, www.emdat.be

3.3 Climate change and humanitarian crises

India is extremely vulnerable to climate change as rising temperature, melting glaciers and uncertain rainfall are impacting agriculture, water resources, and livelihoods in many sensitive agro-climatic zones. Climate change also contributes to the increasing frequencies and intensities of climatic events such as cyclones, floods, and droughts. Many parts of the country are experiencing drought during early monsoon and floods during late monsoon due to changing rainfall patterns. These, coupled with many slow onset climatic processes such as increased surface water evapotranspiration, decreasing recharge of ground water and growing salinisation of soil in coastal areas, are driving many small and marginal farmers out of farming and inducing migration to urban areas in search of livelihood. A silent humanitarian crisis is slowly building up as risks of climate change are accumulating faster than the initiatives for adapting to such risks.

4.0 Management of the Humanitarian System

India has a reasonably well-developed legal and institutional framework for providing humanitarian assistance to people affected by natural and man-made disasters. The operation and management of the system has evolved over the years, increasing the preparedness and transparency of responses. However, the system still focuses to provide enough assistance to help the affected populations to survive in a crisis without consideration of the longer term needs to enable them to recover from the crisis, to rebuild their lives and livelihoods.

The system is still managed by the civil servants of the revenue and relief departments of the State Governments, who are not adequately trained and oriented to deliver humanitarian assistance with the full application of the humanitarian principles of humanity, neutrality, impartiality, and independence. There is also a lack of enrolment and utilisation of technical expertise to assist in effective delivery of multi-sectoral relief and recovery interventions. Usually, the relief package is pre-determined and not tailored to the specific needs of the affected population. Hence the operations and management of the system should be reviewed and strengthened in every aspect – from the formulation of policies and guidelines to their implementation on the ground.

4.1 Humanitarian Policy

The National Policy on Disaster Management 2009⁸ was the first of its kind in the country, announcing that *“there will be a paradigm shift, from the erstwhile relief-centric response to a proactive prevention, mitigation and preparedness-driven approach for conserving developmental gains and to minimise loss of life, livelihood and property”*. The National Policy included a chapter on ‘Relief and Rehabilitation’ and made a significant policy statement on relief where it was no longer perceived as simply gratuitous assistance or provision of emergency relief, but rather it was presented as an overarching system that facilitates the provision of assistance to the victims of disaster for their rehabilitation in states by ensuring social safety and security of the affected persons in a prompt, adequate manner and as per approved standards.

Although the National Policy did not prescribe any ‘overarching system of facilitation’ of ‘prompt and adequate’ relief assistance to the affected people, it included several measures for the setting up of temporary relief camps, intermediate shelters, temporary rehabilitation options, and a review of standards of relief.

4.2 National Minimum Standards of Relief

The National Disaster Management Authority (NDMA) developed the National Guidelines on Minimum Standards of Relief in 2016⁹ for persons affected by disasters as mandated under section 12 of the Disaster Management Act, 2005¹⁰. These standards formed a benchmark for the SDMAs to similarly lay down detailed guidelines for providing minimum standards of relief to persons affected by disasters in the State mandated under section 19 of the Act. By 2016 the NDMA had already developed as many as 12 national guidelines on disaster management covering a wide range of issues, through a consultative process involving all the stakeholders and experts at the national and state levels. A similar process was not followed for the development of guidelines on minimum standards of relief, which unlike other guidelines, was mandated under the specific provisions of law.

⁸ The National Policy on Disaster Management 2009
https://nidm.gov.in/PDF/policies/ndm_policy2009.pdf

⁹ National Guidelines on Minimum Standards of Relief in 2016
<https://nidm.gov.in/PDF/pubs/NDMA/19.pdf>

¹⁰ Disaster Management Act, 2005 https://ndma.gov.in/Reference_Material/DMAct2005

The guidelines focused on prescribing the minimum standards of relief to be provided in relief camps, and the special provisions to be made for widows and orphans, as provided in section 12 (i) and (ii) of the Disaster Management Act, 2005.

4.3 Compliance with National Minimum Standards

The perfunctory and summary nature of the NDMA guidelines on minimum standards of relief becomes apparent when it is compared with international standards of humanitarian assistance as compiled and periodically updated in the Sphere Handbook on the Humanitarian Charter and Minimum Standards in Humanitarian Responses¹¹. The handbook outlines the Core Humanitarian Standard on Quality and Accountability (CHS) that sets out nine Commitments that organizations and individuals involved in humanitarian responses can use to improve the quality and effectiveness of their assistance. These commitments ensure that communities and people affected by crisis:

1. receive assistance appropriate and relevant to their needs
2. have access to the humanitarian assistance they need at the right time
3. are not negatively affected and are more prepared, resilient, and less at-risk as a result of humanitarian action
4. know their rights and entitlements, have access to information, and participate in decisions that affect them
5. have access to safe and responsive mechanisms to handle complaints
6. receive coordinated, complementary assistance
7. can expect delivery of improved assistance as organizations learn from experience and reflection
8. receive the assistance they require from competent and well-managed staff and volunteers
9. can expect organizations assisting them to manage resources effectively, efficiently, and ethically

The nine commitments are further supported by a set of guiding questions for monitoring key actions and organizational responsibilities. These provide a set of golden standards or benchmarks on quality and accountability that should guide humanitarian actors both within and outside the government.

The Sphere Minimum Standards on water, sanitation, and hygiene promotion; food security and nutrition; shelter, settlement, and non-food items; and health provide comprehensive guidelines on assessing the needs in each sector, specific actions to be taken for addressing the needs, the way such actions must be performed, and the benchmarks and indicators for monitoring the actions and the results. In addition, the standards further provide insights into the lessons learnt from humanitarian action around the world and the good practices available globally.

4.4 State Minimum Standards of Relief

State Disaster Management Authorities in Kerala, Karnataka, and Rajasthan have formulated their own minimum standards of relief in the exercise of powers conferred under Section 19 of the Disaster Management Act, 2005.

- The Kerala standards were developed in consultation with all stakeholders with due consideration of the Sphere standards to ensure that 'all actors involved in disaster response – including state agencies and civil society and humanitarian organizations – take concerted measures to safeguard the human rights of disaster-affected individuals, groups and communities and ensure that their interventions do not facilitate

¹¹ The Sphere Handbook 2018 <https://spherestandards.org/handbook-2018/>

discrimination or suffering.’ These guidelines also include standards for psychological counselling, access to education, access to livelihood options, access to adequate and timely information, and protection against violence. The guidelines further prescribe that a Relief Camp Management Committee shall be formed with the Village Officer, two male and female inmates, representatives from the Local Self Government Department and ASHA workers to manage relief camps.

- The Karnataka guidelines emphasize that Article 21 of the Indian Constitution guaranteeing every person right to life and personal liberty, casts a ‘positive obligation on the State to define minimum standards of relief to protect lives and dignity of affected people by maintaining an equitable and impartial approach, identifying and meeting the specific needs of vulnerable groups and ensuring planning and implementation of rehabilitation programs.’ However, the guideline does not prescribe standards higher than the national standards.
- The Rajasthan guideline is similarly a reiteration of the National Disaster Management Authority guidelines on minimum standards of relief.

There is reluctance on the part of the State governments to prescribe anything higher than the national standards as these would not be covered under the SDRF/ NDRF norms that govern the release of funds for disaster response and relief. Any expenditure incurred over and above the national norms shall have to be borne by the State governments from their own resources, even though the State governments share 25 percent of the funds allocated by the Finance Commission to the States.

4.5 State and National Disaster Response Funding Norms

State and National Disaster Response Fund (SDRF/ NDRF) norms¹² are much wider in scope than the minimum standards of relief as they include relief for deaths and injuries as well as financial assistance to the affected small and marginal farmers, fishermen, artisans for livelihood recovery, reconstruction of houses, and repair and restoration of damaged infrastructure. SDRF/ NDRF norms further include assistance for search and rescue and capacity building for disaster preparedness.

Essentially, the SDRF/NDRF norms provide the financial standards of expenditure to be followed by the State governments for disaster response, relief, and rehabilitation out of the State Disaster Response Funds allocated by the Finance Commission. The same norms are also applied to funds allocated to the States under the National Disaster Response Fund. These norms have been in existence since 1990 and predate the minimum standards of relief and are revised once in the five-year fiscal cycle through inter-ministerial consultative processes coinciding with the implementation of the recommendations of the successive Finance Commission.

SDRF/ NDRF norms include all areas of core humanitarian assistance (shelter, food, water, sanitation, and medical care) for all affected persons both inside and outside relief camps. No financial norms are prescribed for relief camps but a time limit of maximum of 30 days is prescribed for such camps, which can be extended up to 60 days for catastrophic disasters and 90 days for severe drought. Financial assistance of Rs 60 / adult and Rs 45 / child/ day is provided for those affected persons who continue in their own homes. Still, the default period of such assistance is 30 days but can similarly be extended to 60 or 90 days. SDRF/ NDRF norms prescribe

¹² 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 th April 2015) <https://ndmindia.mha.gov.in/images/pdf/SDRF-NDRFNorms-dated8april2015.pdf>

that total expenditure on relief camps and in-situ relief assistance shall not exceed 25 percent of the allocated funds in a state.

No disaggregated information is available either with the Central or the State governments about the quantum of funds spent for humanitarian assistance in the relief camps and in-situ assistance as per norms. Further, disaggregated information on specific sectors of humanitarian assistance such as shelter, food, water, sanitation, and health care are also unavailable.

Presuming that State governments have fully utilised the maximum ceiling of 25 percent of SDRF allocation the total expenditure on core humanitarian assistance could reach Rs 8395 crore (US\$1.06 billion) in 2010-15, increasing to Rs 15,282 crore (US\$1.93 billion) during 2015-20 and may further go up to Rs 27,385 crore (US\$3.47 billion) during 2020-25.¹³ This could be much higher if the central assistances on NDRF are factored in.

All cash assistance to the affected people for gratuitous relief and other assistance are mandatorily disbursed through the bank account of the beneficiaries via the Public Financial Management System (PFMS) of the Controller General of Accounts of the Ministry of Finance or State specific portals that are fully integrated with the Public Financial Management System (PFMS). This has ensured that the beneficiaries receive the cash assistance directly from the government, and chances for corrupt practices by the mediators have been greatly reduced, if not eliminated altogether.

However, expenditure for running relief camps is incurred by the district administration, or the agencies engaged by the administration. There is no in-built system to cross-check that the amount spent on the relief camps have reached the beneficiaries to their satisfaction. Despite the best of efforts made to collect this information from the Central and State governments it was not possible to find out state wise number of relief camps, number of inmates in the camps, or details of expenditure incurred in the camps. In the absence of these details, it is difficult to assess the efficiency and effectiveness of the camps. The current situation thus limits the scope of ensuring accountability to the affected populations.

4.6 State Relief/ Disaster Management Manuals

Most of the state governments in India do not have Relief Manuals to guide the process of delivering humanitarian assistance to the people affected by disasters. Instead, they have a set of executive rules or orders that are periodically revised to reflect the revisions in SDRF/ NDRF norms of the Ministry of Home Affairs. However, several state governments have developed their comprehensive Relief Codes/ Disaster Management Manuals to meet the emerging needs and challenges.

Several states, however, retained a separate Relief/ Disaster Management Manual as the management of humanitarian relief requires various details that could not be incorporated into the Disaster Management Plan. In addition, it was noted that the Disaster Management Plan provides an overview and should be revised and updated annually, whereas the Manual is a handbook for the administration and management of post-disaster relief and rehabilitation which need not be part of the plan.¹⁴

The evolution of Relief/ Disaster Management Manuals of the states has had a mixed impact on disaster planning and response. It widened the scope by including every type of natural and manmade disasters covered by the SDRF/ NDRF norms, besides the state specific disasters

¹³ The total allocation on SDRF is Rs 33580 crore by the Thirteenth Finance Commission (2010-15), Rs 61128 crore by the Fourteenth Finance Commission (2015-20) and Rs 109540 crore by the Fifteenth Finance Commission (2020-25) <https://fincomindia.nic.in/ShowContentOne.aspx?id=9&Section=1>

¹⁴ This was stated by former Relief Commissioners/ Principal Secretaries of Disaster Management in several States

approved by the State Executive Committees¹⁵. However, they have also narrowed the scope as the NDMA guidelines on Minimum Standards of Relief provided the contours of humanitarian assistance in relief camps and the SDRF/ NDRF norms laid down administrative and financial processes to be followed for the delivery of such assistance. Further, the norms for relief work largely followed the process laid down in the detailed guidelines of the Mahatma Gandhi National Rural Employment Guarantee Act 2005 (MGNREGA)¹⁶. The Relief/ DM Manuals essentially reiterated the same in the specific contexts of the states.

Despite the inherent strengths of the state-specific manuals, some challenges remain. First, the manuals are driven entirely by the functionaries of the revenue and relief departments of the concerned state governments with very little involvement and participation from other humanitarian actors. These functionaries like District Magistrates/ District Collectors/ Deputy Commissioners, Sub-Divisional Magistrates, and Tehsildars are burdened with so many responsibilities that they hardly have time to attend to humanitarian relief. Often the tasks of management of relief camps are relegated to junior level functionaries that do not have the necessary skill sets required for effective humanitarian action.

Many non-governmental organizations (NGOs), community-based organizations (CBOs) and faith-based organizations (FBOs) are already supplementing the efforts of the government in providing humanitarian relief to people in distress. The roles of these organizations have been formally recognised by the central and state governments several times in the past and present.

Many NGOs receive regular grants from the government for implementation of various welfare, social protection, and development schemes. Section 22 (2) (f), Section 24 (j), Section 30 (xiii) and Section 30 (xxvii) of the Disaster Management Act, 2005 has mandated the State Governments and District Administrations to involve NGOs in disaster management.

The Relief Manuals must recognise the role of NGOs and provide them space for conducting their activities smoothly and without any hindrance. Often the NGOs find it difficult to coordinate with the government, thus often resulting in duplication of efforts, with multiple agencies working in the same sectors in the same geographical areas. Therefore, there is tremendous scope for improved coordination.

4.7 Humanitarian Finance

There are several windows of humanitarian finance in India, the most important being the five yearly allocations of funds by the Finance Commission to the State governments for disaster management under the State Disaster Risk Management Fund (SDRMF) and the mobilisation of funds by the Central Government under the National Disaster Risk Management Fund (NDRMF). The other windows include the Prime Minister's Relief Fund¹⁷ at the Centre, the Chief Minister's Relief Fund in the States; the PM Cares Fund¹⁸ which was set up during the outbreak of the COVID-19 pandemic; funds contributed by the private sector under Corporate Social Responsibility; funds mobilised by the NGOs and the FBOs; resources spent by the UN agencies for their humanitarian operations in India; and from individual giving.

Together these resources have been considered adequate for funding humanitarian interventions post disasters and other humanitarian crises. As a matter of policy, India stopped appeals for external humanitarian assistance after the Indian Ocean Tsunami of 2004, and the policy has been

¹⁵ As per the award of both Fourteenth and Fifteenth Finance Commissions 10% of SDRF allocation can be spent on State specific disasters

¹⁶ The Mahatma Gandhi National Rural Employment Guarantee Act 2005, Ministry of Rural Development, Government of India https://nrega.nic.in/Nregahome/MGNREGA_new/Nrega_home.aspx

¹⁷ Prime Ministers National Relief Fund <https://pmnrf.gov.in/en/>

¹⁸ PM Cares Fund <https://www.pmcare.gov.in/en/>

followed consistently thereafter, except for the brief period following the second wave of the corona virus when the government accepted external assistance to meet the domestic shortfalls of oxygen and medical equipment.

4.7.1 Finance Commission awards

Over the years, funds allocated through successive Finance Commissions to the state governments for disaster relief/ management form the core of humanitarian financing in India. Both the amount and scope of these funds have expanded significantly over the years to meet the increasing demands for humanitarian assistance. The Second Finance Commission (1957-62) innovated with the Margin Money scheme. It allocated an amount of Rs. 6.15 crores (US\$780,000) per annum to the States, roughly based on the average annual expenditure on relief over the previous decade. The total allocations under the scheme gradually increased to Rs. 240.75 crore (US\$30.5 million) per annum under the Eighth Finance Commission (1984-89). In the event that State expenditure on disaster response exceeds its margin money allocation, Central assistance of up to 75 percent (50 percent as a loan and 25 percent as a grant) was made available.

Table 3- Finance Commissions allocations to State Governments for Disaster Relief/ Management (Crore INR)

Finance Commission	Period	Amount allocated
First	1952-1957	-
Second	1957-1962	30.75
Third	1962-1966	48.45
Fourth	1966-1969	60.21
Fifth	1969-1974	85.49
Sixth	1974-1979	121.87
Seventh	1979-1984	253.55
Eighth	1984-1989	1203.75
Ninth	1989-1995	4020.00
Tenth	1995-2000	6304.27
Eleventh	2000-2005	11007.59
Twelfth	2005-2010	21333.33
Thirteenth	2010-2015	33581.00
Fourteenth	2015-2020	61219.00
Fifteenth	2020-2025	160153.00

The Ninth Finance Commission (1989-95) recommended the establishment of a Calamity Relief Fund (CRF) for each State, the size of which was decided based on the average of the actual ceiling of expenditure approved for an individual State over ten years ending 1988-89. The Union would contribute 75 percent of the CRF, while the States would contribute 25 percent. As a result, the allocations of CRF also increased gradually from Rs 4020 crore during 1989-95 to Rs 11,007.59 crore during 2005-10. In addition, a National Fund for Calamity Relief (NFCR) and subsequently a National Calamity Contingency Fund (NCCF) was also constituted to meet the contingent demands of the States for calamity relief over and above the CRF.

The Thirteenth Finance Commission (2010-15) reviewed the disaster financing arrangements in the light of the provisions of the Disaster Management Act regarding the constitution of disaster

response and mitigation funds at the national, state, and district levels. The Commission recommended that the CRF be merged into the State Disaster Response Fund (SDRF), and that the NCCF be merged into the National Disaster Response Fund (NDRF). It also recommended that the contribution to the SDRFs be shared between the Union and States in the ratio of 75:25 for general category states and 90:10 for special category states. The Commission calculated the total size of the SDRFs at Rs. 33,581 crore (US\$4.25 billion) during the five-yearly fiscal cycle. It also recommended an additional grant of Rs. 525 crore (US\$66.5 million) for capacity building to the States, outside the size of the total SDRF allocation.

The Fourteenth Finance Commission (2015-20) followed the expenditure-driven approach of previous Finance Commissions to arrive at an aggregate corpus of Rs. 61,219 crore (US\$7.75 billion) for all States for the award period. At the same time, it recommended a change in the cost-sharing arrangement by which the 90:10 sharing of contribution between the Union and the States was extended to general category States. It also recommended that up to 10 percent of the funds available under the SDRF could be used by State Governments for natural disasters, which are not included in the notified list of disasters of the Ministry of Home Affairs but are considered to be 'disasters' within the local context.

The Fifteenth Finance Commission (2020-2025) recommended significant changes in the pattern of financing disaster risk management in India.

- First, the scope of the twin funds of SDRF and NDRF was expanded – SDRF was transformed into State Disaster Risk Management Fund (SDRMF) and NDRF into National Disaster Risk Management Fund (NDRMF) to cover expenses on post-disaster response, relief, and recovery as well as on pre-disaster mitigation.
- Second, there was a quantum jump in the five-yearly allocations under the two funds – Rs. 1,60,153 crore (US\$20.3 billion) for SDRMF and Rs. 68,463 crore (US\$8.7 billion) for NDRMF.
- Third, SDRMF was split into two components:
 - State Disaster Response Fund (SDRF) with an allocation of Rs. 1,28,122 crore (US\$16.2 billion) (80 percent) and
 - State Disaster Mitigation Fund (SDMF) with an allocation of Rs. 32,031 crore (US\$4.05 billion) (20 percent).
 - SDRF allocation was again divided in three parts – Rs 64,061 (US\$8.1 billion) (40 percent) for disaster response and relief; Rs. 48,046 crore (US\$6.08 billion) (30 percent) for disaster recovery and reconstruction; and Rs. 16,015 crore (US\$2.03 billion) (10 percent) for disaster preparedness and capacity building.
- Fourth, NDRMF was also split into two components – the National Disaster Response Fund (NDRF) with an allocation of Rs. 54,770 crore (US\$69.3 billion) (80 percent) and National Disaster Mitigation Fund (NDMF) with an allocation of Rs. 13,693 crore (US\$17.3 billion) (20 percent).
- Finally, the methodology of distribution of funds among the States also changed. The expenditure-driven methodology followed by all the previous Finance Commissions was replaced by a composite methodology that put relative weights on risk index (hazards and vulnerabilities), exposure (area and population) and capacity (expenditure incurred during the previous decade).

The SDRF allocation of Rs. 1,28,122 crore (US\$16.5 billion) during 2020-25 represents an increase of 109 percent over the 2015-20 allocation of Rs. 61,219 crore (US\$7.75 billion). The Ministry of Home Affairs has released the Central share of SDRF for the first two years of 2020-21 and 2021-22, but it has still not issued any new SDRMF/ NDRMF norms based on the recommendations of

the Fifteenth Finance Commission. Instead, the Ministry has extended the application of existing SDRF/NDRF norms till further orders. The existing norms have not factored in the NDMA guidelines on Minimum Standard of Relief and has put a ceiling of 25 percent of total SDRF allocations on humanitarian assistance in the relief camps and outside.

4.7.2 Prime Minister's National Relief Fund

The Prime Minister's National Relief Fund (PMNRF) was established in 1948 with public contributions to assist persons displaced from Pakistan. The resources of the PMNRF are now utilized primarily to render humanitarian assistance to families of those killed in natural calamities like floods, cyclones, and earthquakes, etc., and to the victims of the major accidents and riots as well as to partially defray the expenses for related medical treatments. The fund consists entirely of public contributions with no budgetary support. Contributions towards PMNRF are notified for 100 percent deduction from taxable income under section 80(G) of the Income Tax Act, 1961. Annual contributions to the fund and interests accrued during the past ten years ranged from Rs. 200.79 crore in 2011-12 to Rs. 870.93 crore (US\$1.1 billion) in 2014-15. Annual assistance rendered from the fund during the same period ranged from Rs 123.98 crore (US\$157 million) in 2010-11 to Rs 624.74 crore (US\$791 million) in 2015-16. As of 31 March 2021, PMNRF had a closing balance of Rs. 4926.28 crore (US\$6.2 billion).

4.7.3 Chief Minister's Relief Fund

Every State has Chief Minister's Relief Fund. Contributions to these funds are also exempt from income tax. Although each State has its own rules for utilising this fund, generally, they are used at the discretion of the Chief Ministers to offer assistance to individuals in distress. No consolidated information on the amount of funds collected and disbursed annually is available. Still, these funds have been a source of support to families affected by communal riots and domestic violence who are not covered under the norms of other welfare schemes of the government.

4.7.4 PM CARES Fund

The 'Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund' (PM CARES Fund) was registered as a public charitable trust in March 2020 during the first outbreak of COVID-19 in the country. The objectives of the Fund are to provide humanitarian relief or assistance of any kind relating to a public health emergency or any other kind of emergency, either man-made or natural, including to create or upgrade healthcare or pharmaceutical facilities.

The PM CARES Fund consists entirely of voluntary contributions from individuals/organizations and such contributions qualify for 100 percent exemption under the Income Tax Act. Donations to the fund also qualify as Corporate Social Responsibility (CSR) expenditure under the Companies Act, 2013. The fund has also been exempted under the Foreign Contribution Regulation Act (FCRA), enabling it to accept donations and contributions from individuals and organizations based in foreign countries. During 2020-21, the PM CARES Fund received total contributions of Rs 10,990.17 crore (US\$13.9 billion), out of which Rs 3976.17 crore (US\$5.0 billion) was used to procure 50,000 ventilators for government hospitals, 6.6 crore (66 million) doses of COVID-19 vaccines and to establish 2 makeshift COVID hospitals, and 162 medical oxygen generation plants.

4.7.5 Private Sector

Section 135 of the Companies Act 2013 made it obligatory for every company having a net worth of Rs 500 crore or more, a turnover of Rs 1500 crore or more, or a net profit of Rs 5 crore or more during any financial year to spend a minimum of 2 percent of their net profit after taxation to discharge their Corporate Social Responsibilities (CSR). Schedule VII of the Act specified the list of activities that may be included in CSR, with many directly or indirectly related to humanitarian

assistance. An amendment to the schedule in 2019 specifically included 'disaster management, including relief, rehabilitation, and reconstruction activities' as a permissible CSR activity and in 2020, the PM CARES Fund was included.

As per the CSR MIS report of the Ministry of Corporate Affairs, 22,264 companies spent as much as Rs. 1,21,412.46 crore (US\$154 billion) on CSR between 2014-15 and 2020-21. The education sector received the most (Rs.35,218.72 crore or US\$45 billion), followed by health care (Rs.23,653.41 crore or US\$30 billion), rural development (Rs.12,103.76 crore or US\$15 billion), environmental sustainability (Rs.7,574.53 crore or US\$9.6 billion), poverty and hunger eradication and nutrition (Rs.6,260.09 crore or US\$7.9 billion) and livelihood enhancements (Rs. 4,659.89 crore or US\$5.9 billion). On the other hand, humanitarian assistance or disaster relief and rehabilitation have not been listed as a separate sector, but this looks subsumed in several sectors.

CSR investments are spread out unevenly in the country. States in the west and the south¹⁹ received a larger share of the CSR funding, while the more vulnerable north-eastern and eastern States received much less.

Private sector contributions for humanitarian relief are not limited to CSR contributions only. Many private sector companies have been sharing larger share of their profits for providing relief and rehabilitation assistance. Edelegive Hurun India Philanthropy List 2020²⁰ released a list of 22 Indian corporate leaders, each contributing more than Rs 5 crore during 2020 with Azim Premji topping the list with a personal donation of Rs 7,770 crore (US\$9.8 billion)²¹. No disaggregated data regarding flow of funds in the humanitarian sector is available.

4.7.6 Non-Governmental Organizations

As many as 1,37,732 NGOs in the country are registered with the NGO Darpan²², the database of non-government organizations maintained by the NITI Aayog, of which more than 20,000 are involved with various aspects of disaster management, including humanitarian activities. They mobilise their resources from multiple sources, including private donations, corporate sponsorships, government grants, foreign contributions, and income. No precise information is available about the quantum of resources deployed by the NGOs for humanitarian action, but these could be sizeable. Unfortunately, NGO Darpan does not provide a comprehensive information on the NGOs in the country as many civil society organizations who have been working in the field of humanitarian relief are not registered with the system.

As per the FCRA database of the Ministry of Home Affairs 16,813 NGOs are actively registered to receive foreign contributions under the Foreign Contributions Regulation Act 2010.²³ During 2017-18 as many as 23,911 NGOs had received foreign contributions of Rs. 16,956.83 crore (US\$2.14 billion), which increased marginally to Rs 16,991.32 crore (US\$2.1 billion) received by 22,181 NGOs during 2018-19 but dropped sharply to Rs. 1,921.56 crore (US\$243 million) during 2019-20, as

¹⁹ Maharashtra (Rs. 18,103.77 crore or US\$23 billion), Karnataka (Rs. 6,967.90 crore or US\$8.8 billion), Gujarat (Rs. 5,975.07 crore or US\$7.6 billion), Telangana (Rs. 5,171.32 crore or US\$6.5 billion) and Andhra Pradesh (Rs. 5,018.33 crore or US\$6.3 billion) -

²⁰ EdelGive Hurun India Philanthropy List <https://www.hurunindia.net/edelgive-hurun-india-philanthropy-l>

²¹ EdelGive Hurun India Philanthropy Report, 2020

https://www.hurunindia.net/files/ugd/e8ca26_932c66bb0b9443b18693f217d3683513.pdf

²² NGO Darpan, NITI Aayog <https://ngodarpan.gov.in/>

²³ <https://fcraonline.nic.in> As per this database FCRA registration of 20675 NGOs were cancelled during 2020-21 due to their failure to comply with the procedure and registration of another 12583 NGOs expired for their failure to renew the registration.

many NGOs may not have disclosed their Annual Returns. NGOs were given time to file their Annual Returns by 30 June 2021.²⁴

Faith Based Organizations (FBOs) have been using their reserves and further mobilising resources from the devotees to provide humanitarian assistance to people in distress. These organizations play a vital role in the humanitarian system of the country, but there is no database to quantify their role in precise terms. This could be a fascinating subject of a separate research.

Table 4- Number of Non-Governmental Organizations (NGO) and Voluntary Organizations (VO) Working on Disaster/ Humanitarian Relief

STATES/ UTs	Total registered	Total working on disaster/ humanitarian relief and other sectors	Total working exclusively on disaster/ humanitarian relief
Uttar Pradesh	19432	2942	765
Maharashtra	18768	2842	456
Delhi	10622	1607	328
West Bengal	10383	1571	428
Tamil Nadu	9663	1462	331
Karnataka	7838	1186	142
Gujarat	6697	1013	155
Madhya Pradesh	6519	986	190
Rajasthan	5188	785	166
Andhra Pradesh	4853	734	282
Bihar	4755	719	383
Orissa	4040	611	366
Kerala	4020	608	78
Telangana	3168	479	85
Haryana	3115	471	60
Jharkhand	2572	389	93
Manipur	2415	365	272
Assam	2258	372	215
Uttarakhand	2041	309	113
Chhattisgarh	1866	282	57
Punjab	1741	263	19
Jammu & Kashmir	1693	256	157
Himachal Pradesh	823	125	28

²⁴ Reply to Rajya Sabha Unstarred Question No. 2450 dated 17 March 2021. NGOs have been given until 30 June 2021 to file their Annual Returns.

Tripura	486	74	28
Arunachal Pradesh	466	71	31
Nagaland	429	65	22
Meghalaya	310	47	8
Puducherry	305	46	21
Goa	266	12	3
Mizoram	258	39	9
Chandigarh	224	34	4
Andaman & Nicobar Islands	171	26	6
Ladakh	164	25	0
Sikkim	130	20	1
Dadra & Nagar Haveli	30	0	0
Daman & Diu	17	5	1
Lakshadweep	4	0	0

Source: NGO Darpan, NITI Aayog, Government of India

4.7.7 Individual Philanthropy

Retail humanitarian assistance by countless individuals to people in distress, in cash or in kind, has been an enduring aspect of the humanitarian system in India. Such assistances have been regular and continuous, and during crises situations there is an overpouring of such assistance. Not even guesstimates are available about the quantum of individual philanthropy in India, which remains 'the biggest missing piece in estimating the total volume and value of philanthropic capital in India'.²⁵

Individuals contribute to philanthropy through different channels, such as retail giving, online giving, crowd funding, or direct donations to charitable organizations. Sometimes individuals contribute to such organizations to gain exemptions from income tax. As per the 'Statement of Revenue Foregone' in the receipt budget of 2022-23 revenue worth Rs. 1,292.68 crore (US\$243 million) was foregone in 2020-21 due to deductions on account of donations by individuals to charitable trusts and institutions under section 80G of the Income Tax Act.²⁶ But this gives only partial information on total charitable contributions made by individuals as a significant proportion of individual giving takes place through informal mechanisms, such as in-kind donations or donations in cash, which is not captured formally under any dataset. Often high-net-worth individuals make philanthropic contributions either independently or through a family-run foundation, and they are not required to either report their philanthropic investments, or to claim tax exemptions for such investments.

The Ashoka University study on Estimating Philanthropic Capital of India has concluded that with the economy's growth, the Indian philanthropy is also growing. However, it is still very minuscule and has considerable scope for growth through the multiple windows of humanitarian funding.

²⁵ Estimating Philanthropic Capital India: Approaches and Challenges, Centre for Social Impact and Philanthropy, Ashoka University, 2019

²⁶ Ministry of Finance, Receipt Budget 2022-23, Statement of Revenue Impact of Tax Incentives under the Central Tax System: Financial Years 2019-20 and 2020-21

Probably stronger network of dedicated and professional humanitarian organizations can tap these windows for better mobilising philanthropic capital for supplementing the government's efforts and addressing the country's unmet humanitarian needs.

5.0 Humanitarian Sector Overview

5.1 Logistics

Section 31(3)(d) of the Disaster Management Act, 2005 has prescribed that District Disaster Management Authorities (DDMA/s) should prepare District Plans that include response plans and procedures, forming an enabling mechanism for humanitarian logistics. Section 50 of the Act also enables immediate procurement of provisions or materials or the immediate application of resources for rescue or relief by the National Authority, the State Authority, or the District Authority.

These provisions enable the country's robust humanitarian logistics and supply chain management system. Over the years, DDMA's have been managing the logistics of humanitarian relief with the line departments being entrusted with the responsibilities of emergency support functions in their respective domains:

- the Department of Food and Civil Supplies makes arrangements for food grains that are supplied through the Public Distribution System
- the Department of Public Health Engineering makes arrangements for water and sanitation
- the Public Works Department arranges for the makeshift relief camps for shelter
- the Department of Health is responsible for health care
- the Social Welfare Department is responsible for the care and protection of children, women, persons with disability etc and
- the Police Department is accountable for the security of the affected populations

All residual functions outside the usual domain of responsibilities of line departments, such as procurement of dresses, beddings and blankets, utensils, etc., arrangements for cooked meals for the camp inmates, and distribution of ex-gratia relief, etc., are taken care of by the revenue/ relief/ disaster management departments.

These arrangements are coordinated, supervised, and monitored by the District Magistrate/ District Collector/ Deputy Commissioner and the CEO of the Zilla Parishad/ Panchayat who are the co-chairs of the DDMA. The respective line departments follow their departmental rules and procedures for procurement, storage, transportation, and installation/ distribution of the goods and materials.

Humanitarian logistics of a district or a sub-division are usually designed according to the level of risks and the potential impact of the humanitarian crisis. Some districts maintain warehouses at appropriate places to stockpile essential relief materials that can be dispatched at short notice. For example, Sphere India's initiative of Inter-Agency Groups (IAG) at the State and District levels has provided an effective platform for coordinating humanitarian action by multiple stakeholders and is an effective way of coordinating humanitarian logistics.

5.2 Human Resources

Very few functionaries within the humanitarian system have specialised knowledge, expertise, and experience in humanitarian response, hence adequate, strategic and sustainable investments need to be mobilised at all levels for training and capacity development along with maintenance of the required infrastructure. The top functionaries of the Ministry of Home Affairs at the Central government and the Department of Revenue/ Relief/ Disaster Management at the State and district levels are administrators who may or may not have hands-on experience in dealing with humanitarian crises at the field level. National Disaster Management Authority (NDMA), chaired by the Prime Minister, is a multi-disciplinary team drawn from the bureaucracy, army, and specialists from various fields who bring their specialised knowledge and experience for disaster

management. The State Disaster Management Authorities (SDMA/s) of most of the States are mostly a committee of Ministers and officers headed by the Chief Ministers. Few States that have a proper institutional set up of SDMAs having experts drawn from various fields of disaster management.

The DDMA under the co-chairmanship of the District Magistrate/ District Collector/ Deputy Commissioner and CEO of the Zilla Parishad/ Panchayat is mostly functions as a committee of district level officers representing various line departments. Some of them deal with the humanitarian crises on the ground, but very few of them have been exposed to the concepts, principles, and tools for managing humanitarian crises. Thus, proactively providing trainings and building capacities of officials at the district and state levels to respond to human needs based on existing standards is essential. It remains a priority to also enrol domain experts to supplement the required capacities for humanitarian action.

The National Institute of Disaster Management²⁷, which is mandated with the tasks of research, training, and capacity building for disaster management, mainly focuses its training programmes on different aspects of disaster management, with very few programmes focusing on humanitarian crisis management. Of the more than 700 universities in the country, none offers a master's programme in Humanitarian Studies, which is a common programme found in universities in Europe and the United States of America. Several universities in India have started offering courses on disaster management, for example the Tata Institute of Social Sciences has a dedicated school for disaster studies, but the focus of these courses is on managing risks of disasters and may not adequately cover the core issues of humanitarian systems across the spectrum of a humanitarian crises.

5.3 Accountability and Documentation

Although enormous amounts of public resources are spent annually for relief and rehabilitation assistance to people affected by disasters very little information is available in the public domain. However, some of the information is available in government records; much in digital formats as all cash assistance is disbursed directly to beneficiary bank accounts.

As per the guidelines of the Ministry of Home Affairs, every state government is required to submit an Annual Report on Natural Calamities by September, which should include information on the type and frequency of disasters, numbers affected, and the amount of assistance provided, but unfortunately, most states are not producing these reports, and this has reduced the possibility for ensuring accountability and documentation.

Taking note of the paucity of data on disasters and managing of disasters in the country, the Fifteenth Finance Commission recommended 'setting up a disaster database as a special initiative'. In addition, the Commission noted that it would be extremely helpful for insurance companies to expand their coverage by diversifying and improving their products and services in India. The Commission further recommended that an annual report at the national level may be prepared to record all the allocations, expenditures, key achievements, and results against various indicators.²⁸

Currently, there is no particular system to assess the system's performance. Informal discussion with the Relief Commissioners of some of the states confirms the general impression that the existing system of withdrawal and expenditure of funds in the districts and monitoring of expenditure in the States have many loopholes, which provide scope for irregularities and misappropriation. The Comptroller and Auditor General of India has recommended that a computerised tracking system for monitoring the utilization of financial assistance should be

²⁷ The National Institute of Disaster Management <https://nidm.gov.in/>

²⁸ Report of the Fifteenth Finance Commission, 2021

introduced in consultation with the State governments. Pre-contract system for emergency procurement has also been recommended for compliance with procedures without sacrificing the needs of urgency.

While financial audits are important to ensure that expenditure is incurred as per norms and there are no misappropriations, such audits are no substitutes for a sound monitoring and evaluation system. Currently, there is no system or practice of conducting independent monitoring and evaluation of the huge expenditure incurred on disaster relief and rehabilitation in the country. Therefore, the Fifteenth Finance Commission has strongly recommended setting up an accountability and outcome framework for the allocation and expenditure of funds for disaster risk management by the Central and State governments. As the Government of India has fully accepted the recommendations of the Commission, it may be expected that the much-awaited accountability is developed to make the system more transparent and efficient.

6.0 International Humanitarian Action of India

India has had a long tradition of providing humanitarian assistance to people in distress. Since independence, India has provided shelter to hundreds of thousands of refugees from neighbouring countries. India is also one of the largest contributors to the UN Peace Keeping Force across the world. However, until recently, India did not substantially participate in international Humanitarian Assistance and Disaster Relief (HADR) as India was seen more as a recipient than as a provider of such assistance. The 2004 Indian Ocean tsunami was the turning point when India not only assisted several affected countries with search and rescue missions and relief materials despite being itself affected by the disaster; it also announced its policy of not seeking international assistance in such disasters.²⁹

Since then, Indian action in international HADR has been on the rise, both financially and geographically. India's total budgetary allocations for international humanitarian and other development assistance have increased from US\$250 million in 2004-05 to US\$3.25 billion in 2019-20. India has clearly emerged as the second largest donor outside the DAC framework.³⁰

6.1 Policy and Strategy

Despite its growing role India does not have any declared policy on international HADR and thus its responses to international humanitarian events have been ad hoc, driven mainly by bi-lateral relations with affected countries and other strategic considerations. However, India has consistently followed the following principles in humanitarian assistance.

India provides most of its assistance bi-laterally and avoids routing assistance through the multi-lateral and regional organizations or sub-national entities and NGOs unless the government so advises it. Indian assistance is always 'demand driven', based on the requirements and needs as defined by the affected government. Indian missions in the affected countries determine the needs of the affected governments, and response actions are planned accordingly.

India strives to adopt a non-political approach to humanitarian assistance, stressing that humanitarian aid should not be linked to political objectives. This stance is stated to be a natural extension of India's traditionally non-aligned worldview. Accordingly, India prefers to view itself as a 'partner' who wants to stand in solidarity with its sister developing countries in distress, and not as a 'donor' who bestows charity or aids to other sovereign nations. India subscribes to the internationally agreed humanitarian principles of universality, neutrality, and impartiality.³¹

6.2 Institutional Mechanisms

The task of organising HADR outside India is only mandated in section 6 (2)(h) of Disaster Management Act 2005, which makes the National Disaster Management Authority (NDMA) responsible for providing 'such support to other countries affected by major disasters as may be determined by the Central Government'. The Allocation of Business Rules of the Government of India makes the Ministry of Home Affairs (MHA) responsible for looking after 'all matters relating to the loss of human lives and property due to all natural and man-made calamities. However, neither NDMA nor MHA are usually involved in India's international operations in HADR, except in

²⁹ As per this policy India would not issue any appeal for foreign assistance in disaster response, relief and recovery, but would not deny such assistance as a measure of friendship and goodwill

³⁰ China was the largest donor outside OECD framework with estimated contribution of US\$4.79 billion in 2017-18. Fiscal Yearbook, Ministry of Finance, People's Republic of China

³¹ This has been reiterated time and again in various statements made by India in UN General Assembly and other forums.

cases where NDRF have been deployed, such as during Nepal earthquake and Japan's Fukushima incident.³²

India's overseas HADR operations are planned, funded, and directed by Ministry of External Affairs (MEA) in close coordination with Prime Minister's Office (PMO). Policy decisions are taken by the Minister of External Affairs with approval of Prime Minister, whenever necessary. Unlike USAID, DFID or bilateral assistance entities of developed countries, Development Partnership Administration (DPA) is not a separate entity but is embedded within the Ministry of External Affairs.

DPA has three Divisions:

1. DPA I deals with project appraisal and lines of credit;
2. DPA II with capacity building, disaster relief and Indian Technical and Economic Cooperation Programme (ITEC); and
3. DPA III with project implementation.

The Joint Secretary in charge of DPA-II is responsible for normal HADR. Still whenever India engages in post-disaster recovery and reconstruction, the other two Divisions also join in deciding issues related to grants-in-aid, lines of credit and project appraisal and management.³³

Actual HADR operations on the ground are managed by various agencies in close coordination with India's missions in the affected countries. Integrated Defence Staff (IDS)³⁴ of the Ministry of Defence (MoD) plays a critical role in response and relief operations, as the armed forces have the logistics wherewithal for such operations. Nodal agencies of the Ministry of Consumer Affairs, Food and Public Distribution, Ministry of Health and Family Welfare, and Department of Pharmaceuticals are involved in procuring and packaging of relief materials and medicines. Various types of planes and sea vessels are used to transport relief materials to their destinations. To bolster its HADR capabilities the Indian Navy has acquired an amphibious Landing Platform Dock (LPD) which has the capacity to carry transport helicopters and negotiate debris littered shorelines.³⁵

Indian NGOs and the private sector are increasingly taking part in international humanitarian assistance, often independently according to their capabilities and resources and sometimes in conjunction with the government to supplement the initiatives of official HADR. The Indian NGOs having international outreach in humanitarian action include the All-India Institute of Disaster Management, Sewa Foundation, and Art of Living to name a few. In addition, many Indian corporate houses having manufacturing and servicing units abroad take part in international humanitarian action in their countries of operations.

6.3 Bilateral Humanitarian Action

Although the bulk of India's humanitarian assistance goes to neighbouring countries, assistance to African and the Pacific countries has been growing in recent years. Afghanistan has remained the largest beneficiary of Indian foreign aid - since 2001 India invested more than US\$13.8 billion in Afghanistan of which most was for humanitarian assistance.³⁶ India has also invested in infrastructure support for roads, bridges, dams, power transmission lines, cold storages, etc.,

³² This was because MHA is the administrative ministry of NDRF and NDMA has the authority of supervision over NDRF as per provisions of M Act 2005.

³³ Ministry of External Affairs, Development Partnership Administration, 2019

³⁴ IDS is an integrated establishment of three services (army, navy and air force) tasked with various responsibilities including coordinating role of armed forces in HADR both within and outside the country.

³⁵ S S Parmar, Humanitarian Assistance and Disaster Relief (HADR) in India's National Strategy, Journal of Indian Defence Studies and Analysis, Vol 6, No1, 2012

³⁶ MEA, India-Nepal Partnership in Post-Earthquake Reconstruction, 2018

besides supporting numerous small development projects and constructing the iconic national Parliament building.

6.4 Multilateral Initiatives

Although the Government of India prefers bilateral modalities of humanitarian assistance, there have been instances where they have used multilateral channels, upon request of the recipient country. For example, in 2010, India offered US\$45 million to Pakistan for flood relief but was asked that it be routed through the UN system. In addition, India has donated through multi-lateral channels when there are logistic and security constraints in bi-lateral operations. For example, India has partnered with the UN World Food Programme³⁷ and the International Federation of the Red Cross³⁸ to respond to the needs of affected populations in Iraq, Libya, North Korea, Sudan, Syria, Yemen, and other countries with security challenges.

India has also been a major contributor to three UN agencies involved with humanitarian action – the UN Relief and Work Agency (UNRWA), the UN High Commission for Refugees (UNHCR) and the UN World Food Programme (WFP) even though there is a declining trend in such contributions in the recent years. However, India's relationship with the UN Office for Coordination of Humanitarian Affairs (UNOCHA), the nodal agency of the United Nations on humanitarian action, has not been very steady. India seldom responded to the OCHA flash appeal for humanitarian assistance. India never responded positively to the UNOCHA proposal to set up a base in Delhi for their operations in South and Central Asia, there was a welcome departure in 2006 when India pledged US\$4 million for the newly constituted Central Emergency Response Fund (CERF) and the UN nominated an Indian in the Advisory Board of the fund, but this was not useful in enhancing long term collaboration as India scaled down its contribution to US\$0.5 million annually.

India is much more open to other multi-lateral forums which link humanitarian action with recovery and development, such as the Global Facility for Disaster Reduction and Recovery (GFDRR) of the World Bank, the International Recovery Platform (IRP) based in Kobe, and the UN International Strategy for Disaster Risk Reduction (UNISDR). India is a contributing member in GFDRR and has been supporting various initiatives of both IRP and UNISDR (now UNDRR). India has pledged US\$40 million to the proposed Coalition on Disaster Resilient Infrastructure (CDRI) in Delhi, focusing on reconstructing infrastructure damaged during disasters and making existing and upcoming infrastructure resilient to disasters and climate change.

6.5 Regional Initiatives

India has been actively involved with several regional organizations such as the South Asian Association for Regional Cooperation (SAARC), the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), the Association of South-East Asian Nations (ASEAN), and others. Many of these organizations have regional initiatives on disaster management for capacity development and sharing of good practices, which India has supported to the core. For example, India hosted the SAARC Disaster Management Centre (SDMC) in Delhi which developed the South Asian Framework on Disaster Management, prepared several road maps on various aspects of disaster risk management, and facilitated the SAARC Agreement on Rapid Response to Natural Disasters. The agreement has been signed and ratified by all the eight member countries of SAARC. Still, there has not been a single attempt for a regional humanitarian response to disasters in South Asia. For example, the Nepal earthquake provided an excellent opportunity for the implementation of the regional agreement, but the member countries responded bilaterally. However, India has taken the lead in organising the South Asian Annual

³⁷ United Nations World Food Programme- <https://www.wfp.org/>

³⁸ International Federation of Red Cross <https://www.ifrc.org/>

Disaster Management Exercise (SAADMEx), which despite its nomenclature of being an annual event was held only once in 2015.

India has emerged as a major player in international humanitarian action. India has actively participated in various international and regional initiatives for humanitarian response, relief, recovery, and reconstruction, but bilateralism has remained the hallmark of the Indian approach to HADR. This approach has had the advantage of making HADR a potent instrument of India's 'soft power' diplomacy, but this has also cut off India from the mainstream of international humanitarian action.

7.0 Conclusions

The age-old humanitarian tradition of India has been reinforced by its constitutional and legal system that guaranteed rights to people, ordained the government to create the enabling conditions for the enjoyment of the rights, and permitted citizens, individually or in groups, to join in the humanitarian initiatives of saving lives and helping people in distress during crises situations. Together these have facilitated the development of the humanitarian system in India that addressed recurring humanitarian crises with relative success. Based on the narratives and analysis in the previous chapters, the strengths of the humanitarian system in India can be briefly described below.

- **India has a well-developed humanitarian structure**

India has developed, over the years, a credible and effective humanitarian system which is reflected in its laws, institutions and financial mechanisms, and the active involvement and participation of many voluntary and philanthropic organizations in humanitarian work. India's legal system guarantees the fundamental right to life, which has been interpreted liberally by the judicial system to include basic humanitarian needs that are necessary for dignified living. Several rights-based legislations on food security, employment guarantee, education, minimum standards of relief after disasters have been enacted and several development programmes have been initiated that effectively address the basic humanitarian needs of the people. Despite its burgeoning population and periodic monsoon failure, India has successfully prevented famines and starvation deaths.

- **Humanitarian system of India is largely self-reliant, self-sufficient**

India has achieved self-reliance in responding to disasters and addressing the humanitarian needs of people after disasters. Over the years, India slowly developed its capacity for disaster response and relief and declared its official policy of not making any appeal for humanitarian assistance from bi-lateral or multilateral agencies in 2005 immediately after Indian Ocean tsunami. India further assisted several countries in the neighbourhood and outside with search and rescue teams and humanitarian assistance. In fact, India has emerged as one of the most significant humanitarian donors in the developing world.

- **Humanitarian response for saving lives is robust and effective**

India has developed a strong and robust system of humanitarian response for saving lives during and after disasters. India has a 15-battalion strong National Disaster Response Force (NDRF), which is fully trained and equipped to conduct search and rescue operations in various types of disasters. The NDRF is the largest disaster response force in the world and is credited with saving hundreds of thousands of human lives in 73 response operations in the country.³⁹ In addition, NDRF teams have been deployed in several search and rescue operations outside India.

- **Civil society response to humanitarian crises is strong and pervasive**

India has an extensive network of civil society organizations: NGOs, community-based organizations, voluntary organizations, and faith-based organizations spread throughout the country, adequately the governments initiatives in providing humanitarian assistance to people in distress during humanitarian crises. Unfortunately, in the absence of any reliable database on the details of the activities of these organizations it isn't easy to correctly estimate such assistance in physical or financial terms. However, various micro-level case studies and surveys indicate that

³⁹ National Disaster Response Force www.ndrf.gov.in

such assistances are quite substantial, especially in areas where government outreach is limited⁴⁰,but require further standardization and mainstreaming.

- **Early warning of disasters has prevented many humanitarian crises**

India has developed credible early warning systems for hydro-meteorological and other disasters that provide valuable lead time to the disaster response agencies to disseminate the warning to the people and evacuate at risk populations to safe places, thereby saving many lives. Early warning for tropical cyclones - date, time, and location of landfall of cyclone landfall and its track, wind speed, and height of storm surge, intensity, and rainfall spread – have been fairly accurate. Long, medium, and short-range rainfall forecasts have also been accurate, leading to useful early warning for droughts and flood. India has also developed an early warning system for tsunamis.

- **Humanitarian finance devolved well to address humanitarian crises**

India has developed a dynamic and responsive mechanism for the timely and assured flow of funds from the Central to the State governments and from the states to the districts for responding to the humanitarian needs following disasters. The five-yearly awards of the constitutionally mandated Finance Commission ensures that the State governments receive the annual earmarked State Disaster Response Fund (SDRF) for disaster response and relief, which they can invest in securities if not fully utilised during the five-yearly fiscal cycle, to be used for humanitarian response and relief in future disasters. If the grant is inadequate to meet the needs the State governments can demand additional grants from the National Disaster Response Fund (NDRF). This mechanism has provided both predictability and flexibility to the State governments to plan their humanitarian response according to the allocations and further deal with disasters if the allocations are inadequate. The successive Finance Commissions have also been very responsive in acknowledging the growing needs for humanitarian response and accordingly have almost doubled the allocations on SDRF in every fiscal cycle.

- **The Humanitarian system promotes innovations and good practices**

The decentralised system of federal governance in India, involvement of rural and urban self-governing institutions in disaster relief, and participation of a strong and vibrant civil society in humanitarian initiatives have promoted and encouraged many good practices at the state, local, and community levels. Every state has tried to adapt the minimum standard of relief and the SDRF norms according to local conditions, based on experiences gained over the years. Odisha has excelled in the planned evacuation of millions of people at risk to safe places during catastrophic cyclones. Assam has developed a community-based flood early warning system to save lives and property during recurring floods. Assam has further developed detailed guidelines on the management of relief camps. Kerala has successfully involved the panchayat raj institutions in disaster relief operations. Local communities have played a vital role in providing humanitarian assistance to people affected by unprecedented floods in Kashmir. Sphere India has taken the lead in working with several State governments in establishing district and State level Inter-Agency Groups for effective GO-NGO cooperation and coordination of government with non-government organizations. Several NGOs have provided exemplary outreach services to vulnerable people, and providing livelihood support to the victims, significantly supplementing the effort and initiatives of the government agencies.

- **The application of technology has enabled timely assistance to victims**

India has successfully deployed many cutting-edge technologies for providing humanitarian response and relief to the people affected by disasters. Remote sensing and GIS have been used

⁴⁰ Sphere India, Humanitarian Aid Recipient Report, 2022

extensively to survey the affected areas and quickly assess damage and losses. Helicopters and drones have been used for sending emergency relief to remote areas. Artificial Intelligence is being applied for logistics and supply chain management. Ex-gratia and other cash assistance are directly transferred to the bank accounts of the beneficiaries online through Direct Benefit Transfer (DBT) which is now the established norm. This has made such transfers timely and transparent and reduced the chances of corruptions and other malpractices.

Information and communication technology were deployed very innovatively and extensively for managing the COVID-19 pandemic in the country. The specially designed Arogya Setu app was used to monitor the spread of the disease in communities. At the same time, the COWIN portal managed the massive vaccination drive in a very short period. The role of technology has further potential to be leveraged to ensure effective and timely early warning, damage, loss and needs assessments.

8.0 Recommendations for strengthening Humanitarian Systems of India

The Humanitarian system of India is well founded in its cultural ethos, embedded in its constitutional and legal systems, entrenched in its institutions of federal governance, and enriched by the active participation and involvement of a large number of civil society organizations of various shades and the private sector. These provide strong foundations for an excellent humanitarian system to develop.

However, the operational framework of the system provides scope for improvement. Despite several changes made in the system of governance of disaster relief and rehabilitation in the country over the years, the system is still fragmented and the minimalist approach of relief for the survival of the victims and the bureaucratic processes for delivery of relief persists. Moreover, while the legal system has heralded a rights-based approach to relief, the operational system continues, which requires a coordinated, and sustained efforts to reform and strengthening the country's humanitarian system in consultation with all the stakeholders.

The following recommendations can be implemented within a short timeline without drastically altering the existing institutional arrangements without major financial implications.

Recommendation 1: Develop a common Humanitarian Policy Framework

The Humanitarian System in India is fragmented in several laws, policies, schemes, and programmes, layered in different levels of governance, and split in multiple sectors. As a result, there is no single policy document or framework detailing the humanitarian system in the country. The Disaster Management Policy of 2009 speaks of a paradigm shift from disaster relief and rehabilitation to risk prevention and preparedness, and outlines the tasks of disaster relief, but these mostly follow the conventional approach.

A common humanitarian policy framework and document, developed through a consultative process involving all the stakeholders, could serve as a standard guidance document for all humanitarian actors in the country. This document could outline the humanitarian principles, and the accountability framework for adherence to the principles. As it is the nodal ministry for disaster management, the Ministry of Home Affairs would be the most obvious choice for developing this policy document. It could serve as a template for State Governments to do the same if need be.

Recommendation 2: Revise the National Guidelines on Minimum Standards of Relief

The Minimum Standards of Relief of 2016 should be revised through a consultative process with the government, civil society, and others, not only provide guidance on the minimum entitlement of relief as provided in the Disaster Management Act, but also to include detailed guidance on how to deliver support in various contexts, as well as guidance on timeliness, adequacy, quality, monitoring, transparency, and special needs of affected populations.

The guidelines should consider the global good practices on minimum standards, including the Sphere standards, and should be contextualised for the various regions of India. The National Disaster Management Authority (NDMA) could lead the process, and the final guidelines could form the basis of the SDRF Norms developed by the Ministry of Home Affairs.

Recommendation 3: Develop a Model Relief Manual

Only 8 out of 28 States in India have prepared state-specific Relief /Disaster Management Manuals, while the rest of the States follow the SDRF Norms for disbursement of relief to the victims of disasters. Based on the National Humanitarian Policy Framework and the revised National Guidelines on Minimum Standards of Relief, a comprehensive Model Relief Manual could be developed by the Ministry of Home Affairs covering all aspects of the operation and governance

of disasters and other humanitarian relief in the country, including procurement, transportation, stockpiling and disbursement of relief materials, setting up and management of relief camps, logistics and supply chain management, emergency support functions of line departments, the timeline for various operations, responsibilities of nodal officers, submission of information in prescribed format at regular intervals regarding relief operations, management of media, redressal of public grievances, monitoring, and evaluation, etc.

This manual could be circulated to the states for suitable modifications/ adaptations according to the local contexts, to be adopted within a given time frame. This manual would be meant for the State Governments and not for other humanitarian actors who would be free to follow their own process within the common national policy framework laying down the humanitarian principles and commitments for adhering to them.

Recommendation 4: Develop a Relief Management Information System (RMIS)

Due to a lack of a comprehensive national information management system on disasters and disaster relief operations and management, there is a need to develop a comprehensive and transparent IT-enabled system that would capture all information on disasters and allow for greater accountability: affected populations, sectoral needs, types, amount, and value of assistance provided, etc. In addition, the RMIS could have built-in mechanisms for generating reports that should be shared in the public domain.

Recommendation 5. Establish an institutionalised coordination framework for all humanitarian actors

It has been demonstrated time and again that NGOs and other humanitarian actors play crucial roles in the humanitarian system in India, and they perform functions that are often beyond the capacity of the government machinery. As the Government is the most important humanitarian actor as well as being the custodian of legal-institutional-policy frameworks. It also has a special responsibility to ensure that all genuine non-government and civil society organizations can provide coordinated and complementary humanitarian support within the broad policy and accountability framework. An institutionalised framework for collaboration and coordination among all humanitarian actors should be established at the national level, which can be adapted to state and even district levels.

To implement the framework, an apex Coordination Committee may be set up at the national level under the chairmanship of the Union Home Minister with representatives of various categories of humanitarian actors, NDMA, IRCS, and the State Governments as members to discuss the broad policy issues of collaboration and coordination and such other issues as may be referred by the State Committees. State Committees may be headed by the State Chief Minister with representatives of the prominent humanitarian actors in the state to deliberate on the state-specific issues, while District Committees under the chairmanship of the District Magistrate/ District Collector/ Deputy Commissioner may sort out the day-to-day issues of collaboration and coordination before, during and after the humanitarian crises. The experiences gained through the existing Inter-Agency Groups set up in some of the States and the districts may be considered while deciding the constitution and terms of reference of these committees.

Recommendation 6: Ensure that the Humanitarian System is gender-sensitive and inclusive

The specific needs of women, children, and other vulnerable groups are not adequately addressed in the humanitarian system of the country. There is a need for disaster response services to be more gender responsive. For example, the NDRF which is responsible for disaster evacuation and search and rescue only had male responders until recently they began recruiting women rescuers. There is also growing recognition of the important role women play in dealing with crisis situations within households and communities.

Millions of self-help groups of women in the rural areas, large number of highly active women's organizations, and hundreds of thousands of women elected representatives in both rural and urban local bodies are bringing women into the focus. Women's leadership at the local level has enabled highlighting issues of violence against women, women's privacy in relief camps, and special needs of women such as dignity kits and reproductive healthcare during emergencies. Therefore, it is necessary to formally recognise the role of women in the humanitarian system by giving them adequate representation at every level while also working together to review guidelines and procedures to ensure that they are gender-sensitive and inclusive.

Marginalized and vulnerable groups, such as persons with disabilities, people living with HIV/AIDS, and LGBTQ+, also suffer significant challenges during disaster situations. Many of them have special needs which may not be met in disaster situations, and often they don't approach for help owing to the stigma attached to their status. Sometimes such people are invisible in official records and do not have IDs as they may have been trafficked or abandoned. In such cases, they may not be able to access humanitarian assistance. This accentuates their vulnerability. It is important for the Government to sensitize the disaster response teams to be able to identify and include such groups in an inclusive and sensitive manner and provide them essential humanitarian support.

Recommendation 7: Establish Mandatory Training and Capacity Development for Humanitarian Response

Very few humanitarian workers in the government and the civil society have been trained with the principles, standards, and procedures of humanitarian practices.

With support from the United Nations and non-governmental organizations involved in global and domestic humanitarian response, the Government should develop a training package that includes learning about humanitarian laws and principles, minimum standards of relief, humanitarian finance, humanitarian logistics and supply chain management, relief camp management, the sectoral issues of relief and documentation, monitoring of relief works and first responder skill sets. The training can be delivered online, in multiple languages, in the form of a self-paced Learning Management System or provided by a pool of master trainers from the National Institute of Disaster Management or the Administrative Training Institutes of the States.

Universities should be encouraged to develop and implement diploma/ certificate courses on humanitarian work, modelled after those from other countries in the United States of America and in Europe.

Recommendation 8: Establish a Centre of Excellence for Humanitarian Action

Considering the extensive experience and long history of humanitarian action in India, as well as the demands for professionally trained humanitarian workers both within and outside the country, the Government of India should establish a Centre of Excellence for Humanitarian Action in the country, similar to the Centre for Excellence in Disaster Management and Humanitarian Assistance (CFE) for the Asia-Pacific region. The Centre of Excellence could partner with various national and international governmental, non-governmental, and international organizations to provide relevant education, training, interagency coordination, and research.

The much awaited and expected reforms in the humanitarian sector in the country and India's growing stature as a global humanitarian actor would indeed create new job opportunities for humanitarian professionals which the universities with vision should anticipate and accordingly prepare to develop human resources to meet the demands. Universities should, at the same time encourage humanitarian research as the subject is largely unexplored and offer enormous opportunities for in-depth analysis of humanitarian crises to broaden our knowledge and understanding of the subject.

Recommendation 9: Establish a National Monitoring and Evaluation system

A robust monitoring and evaluation system, beyond the existing system of expenditure monitoring and financial audits, must be established to introduce more accountability, transparency, and effectiveness in the system. The proposed Relief Management Information System would generate lot of information on the management of humanitarian relief, and this would provide support for monitoring the results achieved on each rupee spent on humanitarian relief, identify the problem areas, and take immediate remedial measures for resolving the problems so that the miseries and sufferings of the victims are addressed with speed and seriousness these deserve.

In the coming five years the State Governments will be spending a huge amount of Rs 160253 crore (US\$2 billion) allocated by the Fifteenth Commission on State Disaster Risk Management Fund and this will be further supplemented by grants from the National Disaster Risk Management Fund as and when the need arises. The Commission has recommended setting up an accountability and outcome framework for the allocation and expenditure of funds for disaster risk management by the Central and the State governments, which would include preparing an Annual Report and Mid-term Review of the entire allocation, expenditure, achievements, and results. As the recommendations of the Commission have been fully accepted by the government it may be expected that action would follow soon to prepare of these reports.

9.0 Annexure- Humanitarian Architecture of India

India has a well-developed humanitarian architecture. The constitutional and legal systems of the country support the eco system of humanitarian interventions in crises situations by multiple actors - the central, state, and local governments, non-government organizations, corporate sector, faith-based organizations, and inter-government agencies.

9.1 Constitutional Provisions

Article 21 of the Indian Constitution guarantees to every person the fundamental right to protection of life which has been liberally interpreted to mean not mere animal existence, but right to live with human dignity, right to livelihood, right to privacy, right to compensation etc. Right to protection of life further includes right to be protected against exigencies like natural calamities to the extent these are feasible under circumstances. It ensures all freedom and advantages that would go to make life agreeable. These are the core principles of humanity.

Article 14 of the Indian Constitution guarantees to every person the fundamental right to equality before law and equal protection of law and article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. This subsumes the concepts of impartiality, neutrality and independence of the State and its machinery in delivering humanitarian assistance to affected people. However, the concept of neutrality is not unqualified as the Indian Constitution allows affirmative discriminations in favour of women and children and further for the advancement of the socially or educationally backward classes of citizens including the Scheduled Castes and the Scheduled Tribes. These principles of affirmative discrimination do not negate the humanitarian principles of impartiality and neutrality but strengthens these further as it addresses the issues of vulnerabilities and promotes equity that are very crucial in a country like India that is structured in multiple layers of discrimination that get further accentuated during crisis situations.

There are numerous other provisions in the Constitution of India that support the eco-system of humanitarianism. These include the solemn declaration in its Preamble that the Indian Constitution shall secure to all its citizens 'FRATERNITY assuring the dignity of the individual and the fundamental right against exploitation that prohibits traffic in human beings and employment of child labour. Article 19 guarantees to all its citizens 'right to form associations' which ensures right to form non-government organizations for humanitarian action; 'right to move freely throughout the territory of India' that ensures that such activities can be carried out on a pan-India basis; and the 'right to freedom of speech and expression' that guarantees the right to the citizens and media to highlight the sufferings of the people during humanitarian crisis and the shortcomings in humanitarian interventions.

The Constitution of India further lays down certain Directive Principle of State Policy that is 'fundamental in the governance of the country'. These include the directions that the State shall strive to 'promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political shall inform all the institutions of national life'; that 'the citizens, men and women equally, have the right to an adequate means of livelihood'; that the State shall regard 'raising the level of nutrition and standard of living of its people and the improvement of public health as among its primary duties' and that the State shall, within limits of its economic capacity and development, make effective provisions for securing the right to work, to education, and to public assistance in case of unemployment, old age, sickness and disablement, and in other cases of undeserved want'. These cases 'undeserved wants' surely include the humanitarian needs during crises situations, such as natural calamities and civil disturbances, wars, and conflict situations.

9.2 Humanitarian Laws

From the perspectives of the humanitarian system, the most important is the Disaster Management Act, 2005 which, for the first time ever has provided a legal and institutional framework of disaster risk management in the country. Although the Act is designed to provide a holistic framework that includes pre-disaster prevention, mitigation and preparedness and post-disaster response, recovery and reconstruction, the Act contains significant provisions for management of humanitarian crisis created due to natural and manmade calamities.

Prior to 2005, humanitarian assistance to the people affected by disasters was governed by the norms of Calamity Relief Fund awarded by the successive Finance Commissions to the State Governments for five yearly fiscal cycles. These norms were essentially in the nature of administrative guidelines issued by the Ministry of Agriculture and subsequently by the Ministry of Home Affairs (since 2001) for the disbursement and utilisation of humanitarian assistance for relief and rehabilitation. The Disaster Management Act, 2005 provided a legal mandate for minimum standards of relief, which made it legally binding for the Central and State Governments to formulate guidelines for minimum standards of relief that include shelter, food, water, and health care. This simultaneously confers rights on the victims to claim humanitarian assistance as per these standards.

Section 12 of the Act provided that the National Disaster Management Authority shall frame guidelines for the 'minimum standards of relief' to be provided to persons affected by disaster. These minimum standards include

- a) minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water, medical cover, and sanitation
- b) special provisions to be made for widows and orphans
- c) ex-gratia assistance on account of loss of life and assistance on account of damage to houses and for restoration of means of livelihood; and
- d) such other relief as may be necessary

Section 19 of the Act further provided that the State Governments may similarly lay down detailed guidelines for providing standards of relief to persons affected by disaster in the State, but such standards shall in no case be less than the minimum standards laid down by the NDMA.

National Disaster Management Authority formulated its Guidelines on Minimum Standards of Relief in 2016 which informs humanitarian interventions of the Central and State Governments. Several State Governments developed their own guidelines that provided higher standards of humanitarian assistance than provided in national guidelines. These guidelines are not administrative conveniences but legally mandated humanitarian standards that confer rights and entitlements to the affected persons to claim these reliefs.

Disaster Management Act, 2005 further created a National Disaster Response Force (NDRF) 'for the purpose of specialist response to a threatening disaster situation or disaster'. The 15-battalion strong NDRF, since its constitution in 2006, has performed a stellar role in its professional tasks of evacuation and search and rescue and saved lives of thousands of people affected by disasters. Although there was no legal mandate most of the State Governments constituted State Disaster Response Force (SDRF) to supplement the role of NDRF.

Disaster Management Act, 2005 contains several other provisions to facilitate quick humanitarian response and relief. These provisions of Disaster Management Act, 2005 highlight the following

key issues of humanitarian systems in India. First, emergency response and relief are the shared responsibility of the Central and State Governments and the local authorities, with primary responsibility lying clearly on the State Governments, supporting responsibility with the Central Government and the implementation responsibility largely with the district authorities. Secondly, emergency management is not the exclusive responsibility of any single department or authority of government; it is the joint responsibility of what is often described as the whole-of-government approach.

Disaster Management Act provided a much-awaited legal framework for humanitarian interventions during crisis situations created by natural and manmade disasters. However, no such legal framework is still available for addressing other humanitarian crisis situations like civil disturbances, communal riots, insurgencies, and other conflict situations. There are several criminal laws and procedures that deal with the acts of violence and other unlawful activities preceding or following such acts of violence, but there are no laws, norms or guidelines that provide standards of humanitarian assistance to people affected by such crisis situations that are not infrequent in the country. Many innocent citizens fall victims of such civil disturbances and must endure very severe and prolonged humanitarian crisis, but there is no legal mechanism for providing relief and compensation to such victims. Sometimes Central and State Governments have provided some relief to the affected people from the discretionary Relief Funds of the Prime Minister and the State Chief Ministers. Often Courts have intervened in public interest litigations to provide some relief and compensation to the victims. Sometimes district authorities have made some arrangements by adjustment of resources available under miscellaneous sources but there is no regular legal framework for addressing the humanitarian needs of the collateral victims of such riots, disturbances, and conflicts. The victims are largely left to fend for themselves or depend on some good Samaritans in the neighbourhood or the civil society, which may not always be forthcoming in disturbed situations. This is a serious lacuna in the humanitarian system which needs to be addressed for strengthening the system.

Ministry of Home Affairs has partly addressed the lacunae by providing for ex-gratia relief of maximum Rs. 1 lakh to the family of a civilian killed due to left wing extremist and other terrorist activities in selected districts of the country. As such this does not adequately address other humanitarian crises created due to civil disturbances, communal riots, insurgencies, and other conflict situations.

India also enacted several legislations that guaranteed legal rights to its people, particularly the vulnerable people, to basic facilities for living with dignity. For example, The National Food Security Act 2013, the National Rural Employment Guarantee Act 2005, the Unorganised Workers Social Security Act 2008; the Right to Education Act 2009; the Street Vendors Livelihood Act 2014; the Rights of Persons with Disability Act 2016 etc. These provisions protected the rights of various vulnerable sections of the community and empowered them to build resilience in difficult situations.

9.3 Humanitarian Actors

There are a wide range of humanitarian actors in India. They may be broadly categorised under three heads: Government, Non-Government, and Inter-Government.

A. Government Actors

Government actors include both the nodal and the support agencies of the Central and State Governments responsible for disaster response and relief.

a) Central Government:

The nodal agencies in Government of India include the Ministry of Home Affairs (MHA), the National Disaster Management Authority (NDMA) under the chairmanship of Prime Minister, the

National Crisis Management Committee (NCMC) under the chairmanship of the Cabinet Secretary and the National Executive Committee (NEC) under the chairmanship of the Home Secretary. While NDMA issues guidelines and approves plans, the NCMC coordinates the critical issues of response and relief that require intervention at the highest level, the NEC is responsible to ensure implementation of the guidelines and plans of NDMA at the national level in coordination with all concerned agencies. MHA oversees the entire process and further releases the requisite funds to the State Governments for carrying out humanitarian response and relief on the ground.

The National Disaster Response Force (NDRF) constituted under section 44 of the Disaster Management Act is responsible for 'specialised response to a threatening disaster situation or disaster'. NDRF performs humanitarian functions of saving lives through evacuation, search, and rescue of affected people in earthquake, cyclone, flood, landslides, and other natural and manmade disasters including chemical, biological, radiological, and nuclear disasters. There are 15 battalions of NDRF stationed across the country that function under general superintendence, direction, and control of NDMA and operational command of the Director General of the force.

The support agencies in Government of India include all concerned Ministries of Government and the agencies working under their control that are responsible for performing specific support functions of humanitarian response and relief, for example, the Ministry of Defence is responsible for making available the services of the armed forces – the army, the navy, and the air force – for disaster response when the capacity of other agencies of Central and State Governments are overwhelmed. Similarly, the Ministry of Consumer Affairs, Food and Public Distribution is responsible for supply of food and essential supplies and the Ministry of Health & Family Welfare is responsible for arrangement of medical teams and supply of medicines as required. The support agencies work in coordination with the nodal agencies and the system has worked effectively and efficiently.

b) State Governments

The nodal agencies in the State Governments include the Department of Revenue/ Department of Relief/ Department of Disaster Management, as these are variously called in different States, the State Disaster Management Authority (SDMA) under the chairmanship of State Chief Minister, the State Executive Committee (SEC) under the chairmanship of the State Chief Secretary and the District Disaster Management Authority (DDMA) under the co-chairmanship of District Magistrate/ District Collector/ Deputy Commissioner and President of Zilla Parishad (District Council).

Although not mandated under law, almost every State Government has constituted its own State Disaster Response Force (SDRF), drawn from its police forces, for supplementing the efforts of NDRF in specialised response to disasters for saving lives. The support agencies in the State Governments similarly include all concerned Departments and the agencies working under their control and their district level functionaries that are responsible for performing various Emergency Support Functions as entrusted to them under the State and District Plans.

The coordination arrangements among the various agencies of the government at the State and district levels have performed differently in different States. The States that institutionalised the system of preparedness with functional Emergency Operation Centres (EOC), detailed Standard Operating Procedures and comprehensive Relief/ Disaster Management Manuals with clear line of responsibilities, timely stockpiling of all relief materials, and regular drills and coordination meetings with all concerned agencies have performed better than other States that are not so well prepared. Visionary, proactive, and empathetic leadership at the State and district levels have also made a very big difference to the situations. There is huge scope for improvement of the systems, processes, and performance of the humanitarian agencies at the State level.

c) Local Authorities

Local authorities like the rural and urban self-governing institutions, particularly the Municipal Corporation in large cities play a very important role in humanitarian response and relief. High density of population in cities, especially in slums and other informal settlements make it imperative that the city administration has contingency plans ready to respond to crisis situations which include setting up of relief camps and providing humanitarian response to people in distress. Section 41 of the Disaster Management Act has mandated all authorities to stockpile resources to be readily available for use in the event of any threatening disaster situation or disaster and carry out relief, rehabilitation, and reconstruction activities in the affected area in accordance with the State Plan and the District Plan.

B. Non-Government Actors

There are large numbers of semi-government and non-government actors in the humanitarian system of India. These include the Indian Red Cross Society, the NGOs, the Faith-Based Organizations, and the corporate sector.

a) Indian Red Cross Society (IRCS)

An important semi-government humanitarian actor is the Indian Red Cross Society (IRCS) that has a history of more than one hundred years. IRCS was established in 1920 under the Indian Red Cross Society Act and has 36 State/ Union Territories branches and more than 1100 districts and sub district branches. President of India is the President and Union Health Minister is the Chairman of the Society which functions under the administrative control of the Ministry of Health & Family Welfare. Governors/ Lt. Governors of States/ UTs are the Presidents of the State/UT branches while District Magistrates are the Presidents of the district branches.

Indian Red Cross Society is a member of the International Federation of Red Cross and Red Crescent Movement (IFRC) and is governed by the same humanitarian principles of humanity, neutrality, independence, and impartiality, which is the motivating force of IFRC; besides IRCS has adopted the values of dignity, empathy, service, and harmony for its activities 'to bring help and hope to all who need us in their hour of need'. So far, these activities have been mostly limited to running blood banks, HIV/AIDS programmes, home for disabled servicemen, vocational training centres, programs for maternity, child and family welfare, preparedness and prevention of communicable & infectious diseases, and relief operations in fire, railway & other accidents, and events. Surely there are huge opportunities for expanding the humanitarian activities of IRCS beyond these health and family welfare related programmes. IRCS had adopted its Strategy 2030 to expand such activities and occupy the humanitarian space that rightfully belongs to this historic organization. As an initial step it was assigned with the responsibilities of disbursing emergency medical assistance received from the foreign countries during the peak of Covid-19.

b) Non-Government Organizations

India has a strong and vibrant civil society involvement in humanitarian response and relief. These are mostly institutionalised through Non-Government Organizations (NGOs) variously registered under Societies Registration Act 1860, Indian Trust Act 1882 and Indian Companies Act 1956 as modified in 2013. As per NGO Darpan, the database of non-government organizations maintained by the Niti Aayog, as many as 1,33,824 NGOs in the country are registered with the system of which 20,210 NGOs are involved with various aspects of disaster management including humanitarian activities. These are unevenly spread out throughout the country. They mobilise their resources from various sources which include private donations, corporate sponsorships, government grants, and their own income. No precise information is available about the quantum of resources deployed by the NGOs for humanitarian action, but these could be sizeable. The most important asset and contribution of the NGOs is their outreach activities at the grassroots which enable them

to assess the needs of the affected people and design programmes and activities for addressing their needs in a flexible, creative, innovative, and sustained manner that are missing in government sponsored straight jacketed interventions. NGOs involve large number of volunteers who have very intimate knowledge of the local people and their living conditions and are in a strong position to implement the programmes in a participatory framework that have very high chances of success. Many NGOs have professional planners and architects who have designed innovative low-cost risk resilient houses for victims. Many NGOs have social work, gender and nutrition specialists who have insights into the depth of humanitarian crisis that are usually not visible on the surface and escape attention, such as gender discriminations in humanitarian action, psycho-social trauma in crisis situations, trafficking of women and children, problems of trans-gender communities etc. There are many moving success stories and exemplary good practices of NGOs that stand out as part of the humanitarian system in India.

c) Faith Based Organizations

Faith based organizations practising different religions, such as Hinduism, Sikh, Islam, Christianity, Buddhism, Jainism etc., have been playing a very significant role in providing humanitarian assistance during crisis situations. Organizations like the Ramakrishna Mission, Bharat Sevashram Sangha, Sikh Gurudwara Prabandhak Committee, to name a few, have a network of branches throughout the country that have always come forward to help people in distress to supplement the efforts of government and non-government organization. Gurudwaras in several parts of the country were converted into makeshift hospitals during the peak of the second wave Covid-19 when hospital beds and oxygen fell short of the demands from rising number of people infected with the virus. No database on the nature, extent, and volume of participation of faith-based organizations is available, but these could be substantial in crisis situations such as the Covid-19 pandemic.

d) Corporate Sector

Indian corporate sector had always responded to humanitarian crisis by supporting humanitarian relief and rehabilitation assistance to people affected by disasters. Such assistances were either routed through the government agencies, NGOs or faith-based organizations or provided directly by the corporate bodies through their own trusts and foundations. Section 135 of the new Companies Act 2013 made it obligatory for every company having net worth of Rs 500 crore or more, or turnover of Rs 1500 crore or more or a net profit of Rs 5 crore or more during any financial year to spend a minimum of 2 percent of their net profit after taxation to discharge their Corporate Social Responsibilities (CSR). Schedule VII of the Companies Act, 2013 specified the list of activities that may be included in CSR. These include, inter alia, many humanitarian activities, such as eradication of hunger, poverty, and malnutrition; promoting preventive health care, sanitation and making available safe drinking water; and disaster management, including relief, rehabilitation, and reconstruction activities.

C. Inter-Government Actors

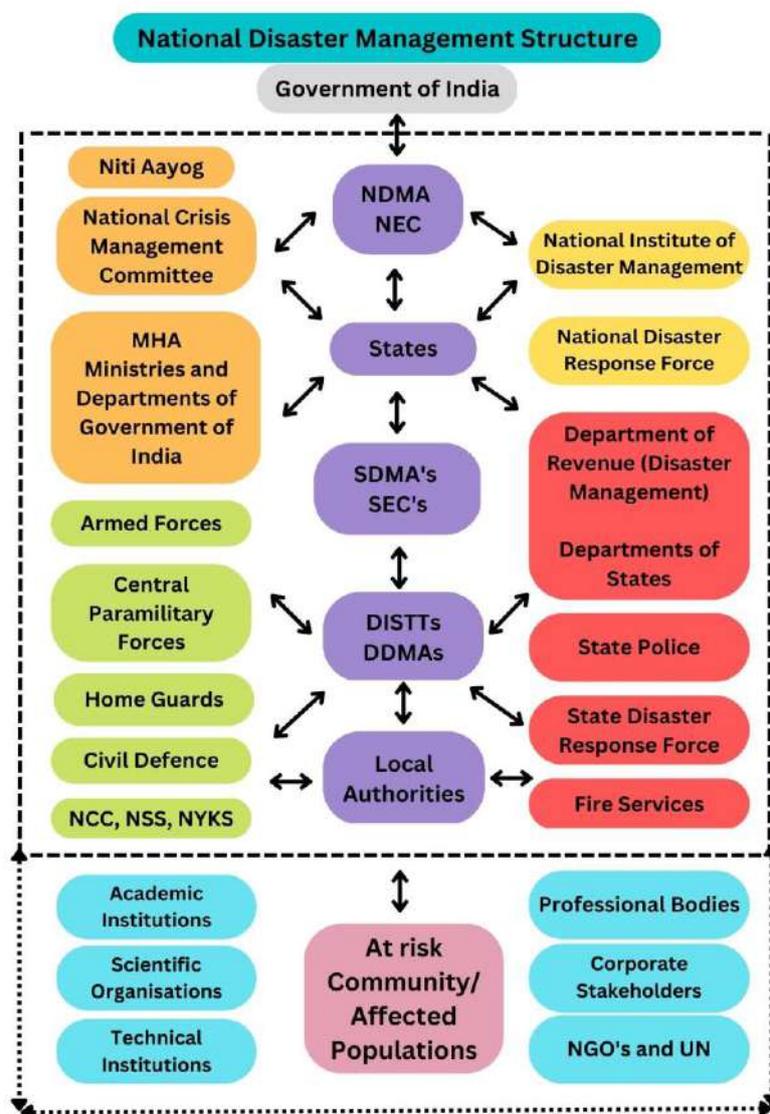
The international humanitarian actors include the UN agencies, the bi-lateral and multi-lateral funding, the International Federation of Red Cross, the international NGOs etc. India is one of the prominent members of the United Nations and many UN agencies have their strong presence in India and some of these agencies are very actively involved in humanitarian activities, such as the UNICEF, UNDP, WHO, WFP, UNESCO, ILO, UNHCR, UNWOMEN, UN Volunteers etc. Many other UN agencies that do not have their offices in India, such as the UNDRR, UNOCHA etc are also involved in providing technical guidance for dealing with humanitarian crisis arising out of natural and manmade disasters.

The World Bank and the Asian Development Bank have been actively involved in developing Post Disaster Need Assessment (PDNA) following every major disaster and providing loan on soft terms

for long term recovery and reconstruction including livelihood recovery of people affected by disasters.

The bi-lateral funding agencies like the USAID, DFID, JICA, AFC, SDC, CDC etc., have their presence in India but they are not directly involved in humanitarian operations, as Government of India had taken a policy decision in 2004, in the aftermath of Indian Ocean Tsunami, not to seek external assistance for disaster response and relief. India has not only achieved self-reliance in providing humanitarian assistance to its citizens, but it has also been extending such assistance to the affected people in its neighbourhood and other countries. The only exception was during the peak of the second wave of COVID-19 when India decided to accept oxygen related equipment's, drugs, and other medical facilities from foreign countries to be routed through Indian Red Cross Society.

Figure 1: The National Disaster Management Structure of the Government of India



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