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EDITORIAL ANALYSIS

Mapping the Legislative Vacuum in India's Heat Crisis

THE HINDU

15 April 2026

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Mapping the Legislative Vacuum in India's Heat Crisis

 The Hindu

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INTERVIEW ANGLE

"Heat waves kill over 100,000 Indians annually per excess-mortality models, yet they are not notified under the Disaster Management Act 2005. Is the absence of a statutory heat framework a legislative oversight, or a deliberate reluctance to commit SDRF/NDRF funds?"

 Source: [Original editorial](#)

The Hindu

EDITORIAL SUMMARY

Over 57% of Indian districts face heat vulnerability, yet heatwaves remain outside the Disaster Management Act 2005's notified list, and the OSHWC Code 2020 lacks binding protections for outdoor workers. The legal vacuum translates into constrained relief budgets, unprotected informal workers, and uneven urban preparedness. A statutory framework aligning disaster law, labour law, and urban planning is overdue.

THE DATA — WHY THIS IS URGENT

Heat Vulnerability

The **Centre for Science and Environment (CSE) + Asian Development Research Institute (ADRI) Heat Vulnerability Index 2024** found that **57% of Indian districts** face moderate-to-very-high heat vulnerability — measured via exposure (temperature, humidity, UV), sensitivity (age, income, comorbidities), and adaptive capacity (cooling access, healthcare).

Mortality

The official MoHFW heat-attributable death count varies between 200 and 1,500 annually — but this is widely believed to be a severe undercount because:

- Heat-death attribution requires specific ICD-10 coding (T67) rarely used in Indian hospitals
- Most heat deaths occur before hospital admission or are coded as cardiovascular/respiratory

- Rural deaths are poorly recorded

The **NEJM-India excess-mortality study (2023)** estimated **~100,000+ additional deaths annually** linked to extreme heat based on temperature-mortality regression across districts.

Economic Cost

- **Labour productivity loss** during heat waves: 5-15% (CII 2024)
- **India's annual economic cost of heat stress** (ILO 2019 model): ~4.1% of GDP by 2030 (worst globally among large economies)
- **Informal/outdoor labour** bears 70-80% of the productivity hit

THE LEGISLATIVE VACUUM — THREE LAYERS

Layer 1: Disaster Management Act, 2005

The **DM Act 2005** is India's principal disaster governance statute. Key features:

- Establishes NDMA (National), SDMA (State), DDMA (District) — all chaired by heads of government
- Creates NDRF (armed responder force) and **NDRF/SDRF** (fiscal instruments)
- Centrally **notified disasters** list unlocks NDRF/SDRF access for relief expenditure

Currently notified disasters: cyclones · earthquakes · floods · droughts · fires · hailstorms · landslides · avalanches · cloud bursts · pest attacks · frost and cold waves · tsunamis · biological/CBRN · road and rail accidents (state-level)

NOT notified: heatwaves. This is the gap.

The SDRF/NDRF Mechanism

- **SDRF** — 75% central + 25% state contribution (90:10 for NE and hill states)
- **NDRF** — 100% central; for severe disasters beyond SDRF capacity
- **Without central notification**, states may use up to 10% of SDRF for “local-specific” disasters at their discretion — but this is inadequate for scale and is exhausted quickly in severe heat events

Layer 2: OSHWC Code 2020

The **Occupational Safety, Health and Working Conditions Code, 2020** consolidated 13 earlier labour laws. On thermal conditions:

- Binds **factories** (under old Factories Act 1948 which is subsumed) — requires “reasonable” workplace temperature and ventilation
- Binds **establishments with 20+ workers** on certain standards

- Does **NOT bind outdoor workers** — agriculture, construction (which is separately under the BOCW Act 1996, unevenly implemented), delivery/gig workers, street vendors

The protection gap: The most heat-exposed cohort is outside the statute.

Where Outdoor Worker Protections Exist

- **State-level labour department circulars** during heat waves — advisories to contractors, unevenly followed
- **Municipal schemes** for construction labour hydration — in Ahmedabad, Hyderabad, Chennai — but voluntary
- **Factory Act 1948's temperature requirement** applies only to registered factories

Layer 3: NDMA Heat Wave Guidelines

NDMA Heat Wave Guidelines (2019) provide a non-statutory framework for state and city action:

- Early warning systems (in coordination with IMD)
- Public awareness campaigns
- Inter-agency coordination
- Health system preparedness

Uptake: Ahmedabad (pioneering 2013 HAP), Odisha, Telangana, Karnataka, Maharashtra, UP — have versions of HAPs. **Quality varies dramatically**; many are paper exercises updated once a year without operational backing.

Gap: Advisory nature means no funding obligation on either Centre or States to implement specific measures.

WHAT A STATUTORY FRAMEWORK WOULD LOOK LIKE

A comprehensive heat governance framework should cover:

1. Disaster Management

- Notify heatwaves under DM Act 2005
- Define thresholds (e.g., 40°C+ sustained for 3 days in plains; region-specific calibration)
- Unlock SDRF/NDRF for: cooling shelters, water distribution, hospital surge capacity, ex-gratia for heat-attributable deaths

2. Labour Protection

Amend OSHWC Code 2020 or pass parallel statute covering outdoor workers:

- **Work-rest cycles** mandated during heatwave alerts (10 AM – 4 PM rest in severe heat; employer liable)

- **Hydration stations** at construction sites, delivery hubs, street-vendor clusters
- **Heat-wage premium** during red/orange alert days
- **Employer liability** for heat-related illness — compensation mechanism

3. Urban Planning

- Statutory HAP for all cities with population >5 lakh
- Building bye-laws: passive cooling, reflective roofs, shaded public spaces
- Urban forest cover targets
- Cool pavements + cool roofs programmes (Ahmedabad’s Jeevan Amrit scheme as template)
- Heat-vulnerability mapping at ward level

4. Healthcare Preparedness

- Dedicated heat units in district hospitals during summer
- Dengue/heat parallel surveillance
- Heat-specific training for ASHA/ANM workers
- Ambulance surge protocols

INTERNATIONAL PRACTICE

Countries with statutory heat frameworks:

COUNTRY	FRAMEWORK
Spain	Royal Decree 486/1997 sets workplace temperature thresholds; 2024 amendments added mandatory work suspension above specific WBGT (Wet Bulb Globe Temperature) thresholds
France	Plan Canicule (2003 after the 15,000-death heatwave) — statutory emergency response framework
USA	OSHA proposed (2022) heat illness prevention standard for indoor/outdoor workers; California has mandatory outdoor worker heat standard since 2005
Australia	NSW and Victoria have heat-specific work health and safety codes
China	National heat action plan + employer liability for outdoor heat exposure
UAE	Mandatory midday work ban (June 15 – September 15) for outdoor workers since 2005

India’s framework lags substantially — particularly given our population exposure.

FINANCE COMMISSION ROLE

The **15th Finance Commission** (period 2020-21 to 2025-26) retained the notified disaster list without adding heat waves, despite representations.

The **16th Finance Commission** (being appointed 2024-25; period 2026-27 to 2030-31) provides a timely opportunity:

- Expand notified list to include heatwaves
- Consider a separate **Climate Contingency Fund** parallel to SDRF/NDRF for climate-related disasters
- Earmark tied transfers for state HAPs

THE POLITICAL ECONOMY

Why has the reform not happened despite repeated academic, activist, and journalistic pressure?

- ❶ **Fiscal concern:** Notifying heatwaves expands the Centre's fiscal commitment — in a decade where climate disasters are rising overall
- ❷ **Attribution difficulty:** Heat deaths are politically less visible than cyclone or flood deaths — because they are dispersed, individual, often rural or slum-based
- ❸ **Institutional inertia:** The DM Act's disaster categories have remained largely frozen since 2005
- ❹ **Lack of stakeholder pressure:** The cohort most affected (outdoor informal workers) has weak political voice
- ❺ **Fragmentation across ministries:** NDMA (Home), MoLE (Labour), MoHUA (Urban), MoHFW (Health), MoEFCC (Environment) all have roles — coordination failures dilute reform

WHAT NOW

Three immediate steps the current government and 16th Finance Commission could take:

- ❶ **Notify heatwaves under DM Act 2005** — single most impactful administrative act, unlocks SDRF/NDRF
- ❷ **Issue MoLE advisory backed by court direction** (a PIL may accelerate) requiring outdoor workers' heat protections
- ❸ **Tie Smart Cities Mission 2.0 funding** to statutory HAP adoption

The heat crisis will not wait for legislative convenience. Every summer without a framework is a summer of preventable deaths and productivity losses.

UPSC RELEVANCE

PAPER	ANGLE
GS2 — Polity/Governance	DM Act 2005; Finance Commission; SDRF/NDRF; inter-ministerial coordination
GS2 — Social Justice	Outdoor workers' protection; informal labour; right to life (Article 21)
GS3 — Environment	Climate adaptation; urban heat island; Heat Action Plans; IMD warning systems
GS3 — Economy	Productivity losses; ILO 2019 projections; labour economics
GS4 — Ethics	State's duty to protect; distributional justice in climate impact
Mains Keywords	DM Act 2005, notified disasters, SDRF, NDRF, NDMA Heat Wave Guidelines, OSHWC Code 2020, Ahmedabad HAP, Finance Commission, heat mortality

● KEY ARGUMENTS AT A GLANCE

India's heat governance is caught in a legislative vacuum — heatwaves are absent from the notified disaster list under the DM Act 2005, outdoor workers fall outside the OSHWC Code 2020's binding protections, and NDMA Heat Action Plan guidelines remain advisory. The cost of this gap is counted in ~100,000+ excess deaths annually.

✓ SUPPORTING

- 57% of Indian districts face moderate-to-very-high heat vulnerability (CSE-ADRI 2024); excess-mortality models (NEJM-India 2023) estimate ~100,000+ heat-attributed deaths annually — far above the official 500-1,000 reported by MoHFW.
- The DM Act 2005's centrally notified disaster list includes cyclones, earthquakes, floods, cold waves, and 12 others — but NOT heat waves. This excludes states from SDRF/NDRF relief access, forcing reliance on the 10% 'local-specific disaster' carve-out at state discretion.
- The OSHWC Code 2020 regulates indoor thermal conditions but does not bind outdoor workers (construction, delivery, agriculture, street vending) — who are precisely the most exposed cohort during heat waves.

- Ahmedabad's 2013 Heat Action Plan (India's first) cut heat mortality by ~30%; Odisha's HAP is well-developed — but 70%+ of India's heat-exposed cities have no functioning HAP, reflecting the advisory-only nature of NDMA's guidelines.

COUNTER

Adding heatwaves to the notified disaster list expands central fiscal commitments (SDRF/NDRF) materially in a decade of rising climate-related expenditures. The Finance Commission has repeatedly constrained the notified list precisely to prevent fiscal overreach; careful sequencing — state-level HAPs first, national notification later — may be more sustainable.

WAY FORWARD

A four-layer reform: (1) Notify heat waves under the DM Act 2005 to unlock SDRF/NDRF; (2) Extend OSHWC Code 2020 protections to outdoor workers with work-rest cycles, cooling stations, and hydration mandates; (3) Mandate Heat Action Plans for all Tier-1 and Tier-2 cities with statutory backing; (4) Integrate heat vulnerability into urban master plans (AMRUT 2.0, Smart Cities Mission) and building bye-laws for passive cooling.

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MAINS ANSWER FRAMEWORK

QUESTION

India's heat waves are not recognised under the Disaster Management Act 2005 despite mounting mortality and productivity losses. Analyse the legislative gaps in heat governance and suggest a framework that integrates disaster management, labour law, and urban planning. (250 words)

INTRODUCTION

India's heat waves kill more people than any other climate hazard, with excess-mortality models estimating ~100,000+ annual deaths — yet heat governance remains statutorily unanchored. Heatwaves are not on the notified disaster list under the Disaster Management Act 2005; the OSHWC

Code 2020 does not bind outdoor workers; NDMA's Heat Action Plan guidelines are advisory only. This vacuum has fiscal, protective, and planning consequences.

BODY

Three specific gaps structure the crisis. **First, disaster law:** the DM Act 2005's centrally notified disaster list covers 12+ hazards (cyclones, earthquakes, floods, cold waves) but excludes heat waves. This restricts State Disaster Response Fund (SDRF) and National Disaster Response Fund (NDRF) relief access — states may use only up to 10% of SDRF for 'local-specific' disasters without central notification, inadequate for scale. **Second, labour protection:** the Occupational Safety, Health and Working Conditions Code 2020 regulates indoor thermal conditions (temperature, ventilation) but does not bind outdoor workers — agriculture, construction, street vending, gig delivery — who are the most exposed cohort. **Third, urban planning:** NDMA's 2019 Heat Wave Guidelines are advisory; while Ahmedabad's pioneering 2013 Heat Action Plan demonstrably cut heat mortality by ~30%, 70%+ of heat-exposed Indian cities lack functioning HAPs.

The institutional architecture exists (NDMA, SDMA, DDMA) but without statutory force on heat specifically. The reform needed is three-part: notify heatwaves under the DM Act (unlocking SDRF/NDRF for relief); amend the OSHWC Code or pass a parallel statute to cover outdoor workers with mandatory work-rest cycles, cooling stations, and heat-wage premiums; and mandate statutory HAPs for all cities above a threshold, tied to AMRUT 2.0 and Smart Cities Mission infrastructure investments.

CONCLUSION

Heat is no longer a meteorological anomaly — it is a recurring, economically material, and lethal disaster that outpaces India's governance framework. Without legislative recognition, outdoor workers will continue to bear disproportionate mortality; states will continue to fund relief from ad-hoc sources; and urban planning will continue to be blind to thermal risk.

The 16th Finance Commission, due to report in 2025-26, offers a timely window to reclassify disasters and expand SDRF/NDRF scope — Parliament should simultaneously act on the labour law gap.

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