

Climate Refugees and Environmental Justice: Rethinking Legal Protection for Climate-Induced Displacement in India

by

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ABSTRACT

Climate change has emerged as one of the defining challenges of the twenty-first century, affecting not only ecosystems and economies but also human mobility. Increasing occurrences of sea-level rise, floods, cyclones, droughts, desertification, and other climate-induced disasters have compelled millions of people to abandon their homes in search of safer living conditions. Despite the growing scale of climate-induced displacement, international refugee law does not recognize individuals displaced solely by environmental or climatic factors as refugees. Consequently, these populations often remain outside the scope of existing legal protection, creating a significant gap in international and domestic legal frameworks.

India is particularly vulnerable to climate-induced displacement because of its long coastline, large river systems, dependence on agriculture, and dense population. Coastal erosion, flooding, cyclones, glacial lake outburst floods, and changing weather patterns have already displaced thousands of individuals, particularly in states such as Kerala, Assam, Odisha, West Bengal, and Uttarakhand. These environmental challenges disproportionately affect economically weaker sections, indigenous communities, women, children, and other marginalized populations, thereby raising important concerns relating to environmental justice.

This paper critically examines the legal status of climate refugees within international and Indian law. It analyzes the relationship between climate-induced displacement and environmental justice while evaluating the adequacy of existing legal frameworks. The study further explores the constitutional dimensions of environmental protection, the limitations of current refugee law, and the growing importance of human rights-based approaches to climate mobility. The paper argues that although environmental justice has gained recognition within judicial and policy discourse, the absence of a comprehensive legal framework for climate refugees continues to undermine effective protection for displaced populations. It concludes by proposing legal and policy reforms aimed at strengthening environmental governance and ensuring justice for climate-displaced communities.

I. Introduction

Climate change is no longer a distant environmental concern but an immediate humanitarian, legal, and developmental challenge affecting millions of people across the world.¹ Scientific evidence demonstrates that global temperatures have increased significantly over the past century, resulting in more frequent and intense floods, cyclones, droughts, heatwaves, rising sea levels, and biodiversity loss.² While these environmental changes affect entire societies, their consequences are distributed unevenly. Communities with limited financial resources, inadequate infrastructure, and high dependence on natural resources often experience the most severe impacts despite contributing the least to greenhouse gas emissions.³ This unequal distribution of environmental burdens has brought renewed attention to the concept of environmental justice.⁴

One of the most significant consequences of climate change is human displacement. Environmental disasters increasingly force individuals and communities to leave their homes temporarily or permanently. Some migrate within their own countries, while others cross international borders

seeking safety and livelihood opportunities. Unlike traditional migration driven by economic or political factors, climate-induced displacement often occurs because environmental conditions make continued habitation impossible. Flooded villages, disappearing coastlines, prolonged droughts, desertification, and repeated natural disasters have transformed climate change into a major driver of population movement.⁵

Despite the growing number of people displaced by climate-related events, international law provides limited legal recognition for such individuals. The 1951 Refugee Convention defines a refugee as a person fleeing persecution on the basis of race, religion, nationality, political opinion, or membership of a particular social group.⁶ Environmental degradation and climate change are not included within this definition. Consequently, persons displaced solely because of environmental factors are generally not entitled to refugee status under existing international refugee law.⁷

This legal gap has generated considerable academic and policy debate. Scholars increasingly use the term “climate refugee” to describe persons compelled to leave their habitual residence because climate change has rendered their environment unsafe or uninhabitable. However, the term remains legally controversial because it lacks formal recognition under international law. International organizations frequently prefer the expressions “climate migrants” or “persons displaced in the context of disasters and climate change,” reflecting continuing disagreement regarding terminology and legal status.⁸

The absence of legal recognition has important practical consequences. Individuals displaced by climate change often face uncertainty regarding residence, employment, healthcare, education, and social protection. They may receive humanitarian assistance following disasters but remain without long-term legal protection or rehabilitation. These challenges are particularly significant in developing countries, where limited institutional capacity further complicates disaster response and resettlement.⁹

India represents one of the countries most vulnerable to climate-induced displacement. Its extensive coastline, densely populated river basins, Himalayan ecosystem, and dependence on climate-sensitive sectors such as agriculture expose millions of people to environmental risks. Rising sea levels threaten coastal communities in Kerala, Tamil Nadu, and West Bengal. Floods regularly displace populations in Assam and Bihar, while cyclones affect eastern coastal states such as Odisha and Andhra Pradesh. Similarly, landslides and glacial disasters increasingly endanger mountain communities in Uttarakhand and Himachal Pradesh.¹⁰

Recent environmental disasters illustrate the scale of this challenge. The Kerala floods of 2018 displaced over a million people and caused extensive destruction of homes and infrastructure. Recurring floods in Assam have repeatedly forced communities to relocate, while sea-level rise in the Sundarbans has contributed to the disappearance of inhabited islands and large-scale migration.¹¹ These examples demonstrate that climate-induced displacement is no longer a hypothetical future concern but an ongoing social and legal reality.

This pattern has continued in subsequent years. The Internal Displacement Monitoring Centre recorded 5.4 million disaster-induced displacements in India in 2024, the highest annual figure since monitoring began in 2012, with 2.4 million of these attributable to the worst monsoon floods to affect Assam in more than a decade. Such figures confirm that climate-induced displacement in India is not a series of isolated emergencies but a recurring and intensifying pattern of population movement.¹

Climate-induced displacement raises important questions of environmental justice. Vulnerable communities often suffer the greatest environmental harm despite having contributed minimally to

¹ Internal Displacement Monitoring Centre, 'India' (IDMC, 2025) <<https://www.internal-displacement.org/countries/india/>> accessed 12 July 2026.

climate change. Indigenous peoples, fishing communities, small farmers, women, children, and economically weaker populations frequently possess limited capacity to adapt to environmental change.¹² Their displacement reflects broader patterns of social inequality, economic marginalization, and environmental vulnerability.

Environmental justice therefore requires more than environmental protection. It demands equitable distribution of environmental burdens, meaningful participation in environmental decision-making, and effective legal remedies for those adversely affected by environmental degradation. Climate refugees occupy a unique position within this framework because they embody the intersection of environmental law, human rights, constitutional law, disaster management, and international refugee law.¹³

The legal challenges surrounding climate refugees expose important shortcomings in existing legal systems. Although international environmental agreements acknowledge climate change and adaptation, they provide limited guidance regarding displaced persons. Similarly, Indian environmental legislation focuses primarily on pollution control, conservation, and environmental governance rather than climate-induced migration. While constitutional protections under Article 21 and judicial recognition of environmental rights provide an important foundation, comprehensive legal protection for climate-displaced populations remains absent.¹⁴

This paper seeks to examine these legal and institutional challenges through the framework of environmental justice. It evaluates whether existing international and Indian legal mechanisms adequately protect persons displaced by climate change and identifies the reforms necessary to address emerging patterns of climate mobility. The study argues that climate-induced displacement requires a distinct legal framework integrating principles of environmental justice, human rights, disaster management, and sustainable development.

II. Research Methodology

This research adopts a doctrinal legal research methodology, relying primarily on the analysis of statutory provisions, judicial decisions, international legal instruments, government reports, and scholarly literature.¹⁵ The study employs qualitative methods to critically evaluate the legal status of climate refugees and the relationship between climate-induced displacement and environmental justice.

Primary sources include the Constitution of India, relevant environmental legislation, disaster management laws, international treaties, declarations, and judicial decisions of the Supreme Court of India and other relevant tribunals. International instruments such as the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol, the United Nations Framework Convention on Climate Change (UNFCCC), the Paris Agreement, the Sendai Framework for Disaster Risk Reduction, and the Global Compact for Safe, Orderly and Regular Migration are examined to assess existing legal protections.¹⁶

Secondary sources comprise books, peer-reviewed journal articles, reports published by the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the Intergovernmental Panel on Climate Change (IPCC), governmental publications, policy papers, and academic commentaries on environmental justice, refugee law, and climate governance.¹⁷

The scope of the study is limited to the legal dimensions of climate-induced displacement, with particular emphasis on India. Although comparative references to international practices are included where relevant, the primary objective is to evaluate the adequacy of the Indian legal framework and identify reforms capable of strengthening environmental justice for climate-displaced populations.

III. Conceptual Framework: Climate Refugees and Environmental Justice

Introduction

Climate change has fundamentally altered the relationship between human beings and their environment. While environmental degradation has historically influenced migration patterns, the increasing frequency and intensity of climate-related disasters have transformed displacement into one of the most pressing global challenges of the twenty-first century.¹⁸ Rising sea levels, prolonged droughts, floods, cyclones, desertification, and other climate-induced events are forcing millions of people to leave their homes, either temporarily or permanently.¹⁹ These developments challenge legal frameworks that were originally designed to address displacement resulting from persecution, armed conflict, or political instability rather than environmental change.²⁰

The absence of a universally accepted legal definition of “climate refugee” has created considerable uncertainty regarding the legal rights and protections available to persons displaced by climate change.²¹ At the same time, the concept of environmental justice has evolved beyond pollution control and environmental regulation to encompass issues of climate equity, human rights, and the fair distribution of environmental risks.²² Understanding these concepts is essential for evaluating the adequacy of existing legal frameworks.

Meaning of Climate Refugees

The expression “climate refugee” generally refers to persons who are compelled to leave their habitual place of residence because climate change has rendered their environment unsafe or incapable of sustaining human life.²³ Such displacement may result from sudden disasters such as floods, cyclones, and wildfires or from slow-onset environmental changes including sea-level rise, coastal erosion, desertification, glacier retreat, and prolonged drought.²⁴

Although the term has become increasingly common in academic literature, it has not been recognized under international refugee law.²⁵ The 1951 Refugee Convention limits refugee protection to individuals fleeing persecution and does not include environmental degradation among the recognized grounds for refugee status.²⁶

International organizations such as the International Organization for Migration therefore prefer expressions including “environmental migrants” or “persons displaced in the context of disasters and climate change.”²⁷ Nevertheless, many scholars continue to use the term “climate refugee” because it reflects the involuntary nature of climate-induced displacement and highlights the need for legal protection.²⁸

Climate Refugees, Environmental Migrants and Internally Displaced Persons

Climate refugees, environmental migrants, and internally displaced persons represent related but distinct legal concepts.

Climate refugees are generally understood as persons forced to move because climate-related environmental changes make continued habitation impossible.²⁹

Environmental migrants constitute a broader category that includes persons displaced by pollution, industrial accidents, deforestation, natural disasters, resource depletion, and climate change. Migration may be either voluntary or involuntary.³⁰

Internally displaced persons (IDPs) remain within the territorial boundaries of their own State. Since most climate-induced displacement occurs internally, climate-displaced persons are frequently categorized as IDPs rather than refugees.³¹ The Guiding Principles on Internal Displacement provide important normative guidance but do not create legally binding obligations comparable to those established under international refugee law.³²

Climate Change as a Driver of Human Displacement

Climate change contributes to displacement through both sudden-onset and slow-onset environmental processes.

Sudden-onset events include floods, cyclones, hurricanes, landslides, wildfires, and storm surges. These disasters often require immediate evacuation and emergency relief. Although many displaced persons eventually return, repeated disasters frequently make permanent relocation unavoidable.³³ The glacial lake outburst flood that struck Sikkim in October 2023, triggered by the collapse of the South Lhonak lake, illustrates the destructive potential of sudden-onset events in mountain regions. The disaster killed fifty-five persons, affected approximately eighty thousand people across a hundred villages, and destroyed the Teesta III hydroelectric dam along with numerous bridges and roads.²

Slow-onset events involve gradual environmental deterioration resulting from sea-level rise, desertification, salinization of agricultural land, glacier retreat, declining freshwater resources, and prolonged drought.³⁴ Unlike sudden disasters, these processes gradually erode livelihoods and eventually compel migration when adaptation becomes impossible.³⁵

The distinction between sudden-onset and slow-onset displacement is significant because different legal and policy responses are required for each category.³⁶

Environmental Justice: Meaning and Evolution

Environmental justice emerged from social movements in the United States during the 1980s, which challenged the disproportionate exposure of marginalized communities to environmental hazards.³⁷ Since then, the concept has developed into an important principle of international environmental governance.

Environmental justice recognizes that environmental harms and environmental benefits are not distributed equally across society.³⁸ It seeks fairness in environmental decision-making while ensuring equal access to environmental resources, legal remedies, and democratic participation.³⁹

Modern environmental justice is generally understood through three interconnected dimensions.

A. Distributive Justice

² Sikkim State Disaster Management Authority, *Post Disaster Needs Assessment: Glacial Lake Outburst Flood Sikkim 2023* (National Disaster Management Authority, 2023) <<https://ssdma.nic.in/Uploads/PdfFiles/SIKKIM%20PDNA.pdf>> accessed 12 July 2026.

Distributive justice concerns the equitable allocation of environmental benefits and environmental burdens.

Environmental benefits include clean air, clean water, biodiversity, forests, and healthy ecosystems.

Environmental burdens include pollution, hazardous waste, flooding, climate change impacts, and ecological degradation.⁴⁰

Climate change illustrates distributive injustice because communities contributing least to greenhouse gas emissions frequently experience the greatest environmental harm.⁴¹

B. Procedural Justice

Procedural justice emphasizes public participation in environmental governance.

Affected communities should have access to environmental information, public consultation, transparent decision-making, and judicial remedies.⁴²

Meaningful participation strengthens democratic accountability and improves the legitimacy of environmental decision-making.

C. Corrective Justice

Corrective justice focuses on remedies for environmental harm.

Individuals adversely affected by environmental degradation should receive effective compensation, rehabilitation, resettlement, legal assistance, and access to justice.⁴³

Climate-induced displacement highlights the importance of corrective justice because disaster relief alone cannot adequately restore the rights and livelihoods of displaced populations.

Climate Justice and Environmental Justice

Climate justice represents a natural extension of environmental justice.

Whereas environmental justice originally focused upon pollution and environmental inequality, climate justice addresses the unequal impacts of global climate change.⁴⁴

Climate justice recognizes that:

- Industrialized nations have historically contributed a disproportionate share of greenhouse gas emissions.
- Developing countries possess comparatively fewer resources for adaptation.
- Vulnerable communities bear the greatest consequences despite contributing least to climate change.⁴⁵

Climate refugees therefore represent one of the clearest examples of climate injustice.

Environmental Justice in India

Environmental justice has gradually become an important constitutional principle in India.

Although the Constitution does not expressly guarantee a fundamental right to a healthy environment, the Supreme Court has interpreted Article 21 to include the rights to clean air, clean water, and a pollution-free environment.⁴⁶

Articles 48A and 51A(g) further strengthen environmental governance by imposing duties upon both the State and citizens to protect and improve the environment.⁴⁷

Judicial decisions including *M.C. Mehta v. Union of India*, *Vellore Citizens' Welfare Forum v. Union of India*, and *Subhash Kumar v. State of Bihar* have significantly expanded environmental jurisprudence by recognizing sustainable development, the precautionary principle, and the polluter pays principle.⁴⁸

Despite these developments, Indian law continues to lack specific legal protection for persons displaced by climate change.

Why Climate Refugees Require Legal Recognition

Climate-induced displacement increasingly challenges the adequacy of existing legal frameworks.

Without legal recognition, climate-displaced persons frequently encounter difficulties relating to housing, employment, healthcare, education, land ownership, documentation, and social security.⁴⁹

Existing refugee law, environmental law, disaster management legislation, and human rights law each provide only partial protection.

Many scholars therefore advocate a separate legal framework specifically governing climate-induced displacement rather than expanding the traditional refugee definition.⁵⁰

Such a framework would clarify legal status, define State obligations, strengthen rehabilitation policies, and improve access to justice for vulnerable communities.

Conclusion

Climate refugees occupy a unique position at the intersection of environmental law, refugee law, human rights, constitutional law, and climate governance. Existing legal systems continue to provide fragmented protection despite increasing recognition that climate-induced displacement represents one of the defining humanitarian challenges of the twenty-first century.

Environmental justice offers an appropriate framework for addressing these challenges because it emphasizes fairness, equality, participation, and access to legal remedies. As climate-induced displacement continues to increase, environmental justice must extend beyond traditional environmental regulation to include the legal protection, rehabilitation, and long-term resilience of climate-displaced populations.

IV. International Legal Framework Governing Climate Refugees

Introduction

Climate-induced displacement has become one of the fastest-growing humanitarian consequences of climate change. Despite growing international concern, there is still no comprehensive treaty that specifically protects persons displaced by climate-related environmental changes. Existing international legal instruments regulate refugee protection, climate change, migration, disaster management, and human rights independently, resulting in fragmented legal protection for climate-displaced persons.⁵¹

This fragmented legal framework creates significant protection gaps. Individuals displaced by rising sea levels, prolonged droughts, floods, cyclones, or other climate-related disasters frequently fall outside the scope of traditional refugee law while also lacking enforceable rights under international climate agreements. Consequently, they often rely upon temporary humanitarian assistance or domestic administrative measures rather than legally guaranteed protection.⁵²

This chapter critically examines the principal international legal instruments relevant to climate-induced displacement and evaluates whether they adequately protect climate refugees or whether a separate legal framework is required.

A. Limitations of the 1951 Refugee Convention

The **Convention Relating to the Status of Refugees, 1951**, remains the cornerstone of international refugee protection. Adopted in the aftermath of the Second World War, the Convention was designed to protect individuals fleeing persecution arising from armed conflict, political instability, discrimination, and human rights violations.⁵³

Article 1(A)(2) of the Convention defines a refugee as a person who, owing to a well-founded fear of persecution based on race, religion, nationality, membership of a particular social group, or political opinion, is unable or unwilling to return to his or her country of nationality.⁵⁴ Environmental degradation and climate change are not included within this definition.

Consequently, individuals displaced solely because of rising sea levels, floods, droughts, desertification, or other climate-related disasters generally do not qualify for refugee status under international law.⁵⁵ This exclusion represents one of the most significant shortcomings of the existing refugee protection regime.

Another important limitation is the Convention's requirement that an individual must cross an international border. The overwhelming majority of climate-induced displacement occurs within national borders. Persons displaced internally remain classified as internally displaced persons rather than refugees and therefore receive no protection under the Refugee Convention.⁵⁶

Several scholars have argued that the refugee definition should be expanded to include climate refugees. Norman Myers estimated that climate change could displace hundreds of millions of people during the twenty-first century, making climate displacement one of the largest humanitarian challenges in history.⁵⁷ Jane McAdam, however, cautions that simply amending the Refugee Convention may not be appropriate because climate-induced displacement differs fundamentally from persecution-based displacement.⁵⁸

States have also been reluctant to expand the Convention because broader refugee protection could significantly increase legal and financial obligations. Many governments fear that expanding the refugee definition could overwhelm existing asylum systems and weaken the Convention's original focus on victims of persecution.⁵⁹

Therefore, although the 1951 Refugee Convention remains indispensable for protecting persons fleeing persecution, it is ill-equipped to respond to contemporary patterns of climate-induced displacement.

B. The 1967 Protocol Relating to the Status of Refugees

The **1967 Protocol Relating to the Status of Refugees** removed the temporal and geographical limitations originally contained in the 1951 Refugee Convention. Under the original Convention, refugee protection applied only to persons displaced because of events occurring before 1 January 1951, and States could choose to limit its application to Europe.⁶⁰

The 1967 Protocol eliminated these restrictions, making refugee protection universally applicable regardless of the time or place of displacement.⁶¹ However, the Protocol did not alter the substantive definition of a refugee contained in Article 1 of the Convention.

Accordingly, the requirement of persecution remains central to refugee status determination. Persons displaced exclusively because of environmental degradation, sea-level rise, extreme weather events, or other climate-related causes continue to fall outside the legal scope of both the Convention and the Protocol.⁶²

Although the Protocol significantly expanded the geographical reach of international refugee law, it failed to anticipate emerging forms of displacement associated with climate change. Consequently, the international refugee regime remains largely confined to persecution-based displacement despite growing recognition that climate change is increasingly forcing people to leave their homes.⁶³

This limitation has encouraged international organizations and legal scholars to explore alternative legal mechanisms, including human rights law, climate governance, disaster risk reduction frameworks, and the development of a distinct legal regime for climate-displaced persons.

C. United Nations Framework Convention on Climate Change (UNFCCC)

The United Nations Framework Convention on Climate Change (UNFCCC), adopted in 1992, represents the primary international treaty governing climate change.

Its principal objective is the stabilization of greenhouse gas concentrations at levels that prevent dangerous anthropogenic interference with the climate system.

The Convention recognizes that climate change poses serious risks to human societies and ecosystems. It establishes principles such as:

- Common but differentiated responsibilities.
- Sustainable development.
- International cooperation.
- Climate adaptation.
- Capacity building.

Despite acknowledging the adverse effects of climate change, the UNFCCC contains no provisions specifically addressing climate refugees or climate-induced displacement.

Its emphasis remains on mitigation and adaptation rather than legal protection for displaced persons.

Nevertheless, the Convention provides an important institutional framework through which future policies relating to climate mobility may develop.

D. The Paris Agreement, 2015

The Paris Agreement represents one of the most significant international climate agreements adopted under the UNFCCC framework.

Its primary objective is to limit the increase in global average temperatures while strengthening adaptation efforts and promoting climate resilience.

Unlike earlier agreements, the Paris Agreement expressly recognizes the relationship between climate change and human rights. The preamble encourages States to respect human rights while addressing climate change.

Importantly, the Paris Agreement also established the **Task Force on Displacement** under the Warsaw International Mechanism for Loss and Damage.

The Task Force was created to develop recommendations concerning climate-related displacement, migration, and planned relocation.

Although this represents significant progress, the Paris Agreement does not create legally enforceable rights for climate refugees.

Its provisions remain largely policy-oriented, leaving implementation to individual States.

Consequently, while the Agreement acknowledges climate-induced displacement, it stops short of establishing a binding legal protection regime.

E. The Sendai Framework for Disaster Risk Reduction (2015–2030)

The Sendai Framework seeks to reduce disaster risks and strengthen resilience among vulnerable communities.

It emphasizes:

- Disaster preparedness.
- Risk reduction.
- Community resilience.
- Early warning systems.
- Post-disaster recovery.

Climate change significantly increases disaster risks, making the Sendai Framework particularly relevant to climate-induced displacement.

The Framework encourages governments to integrate disaster risk reduction into national development planning and to protect vulnerable populations from environmental hazards.

However, like the Paris Agreement, it does not create enforceable legal rights for displaced persons.

Its recommendations are voluntary and depend largely upon domestic implementation.

Nevertheless, improved disaster management can substantially reduce forced displacement and strengthen environmental justice.

F. Global Compact for Safe, Orderly and Regular Migration (2018)

The Global Compact for Migration represents the first comprehensive international framework addressing migration in all its dimensions.

It acknowledges that climate change, environmental degradation, and natural disasters increasingly influence migration patterns.

The Compact encourages States to:

- Improve disaster preparedness.
- Facilitate planned relocation.
- Develop climate adaptation strategies.
- Strengthen protection for vulnerable migrants.

Unlike the Refugee Convention, the Compact recognizes environmental factors as important drivers of migration.

However, it is not legally binding.

The Compact creates political commitments rather than enforceable legal obligations.

Consequently, climate-displaced persons continue to depend upon national legislation for effective protection.

G. Human Rights Law and Climate-Induced Displacement

International human rights law provides an important complementary framework for protecting climate-displaced persons.

Fundamental rights recognized under various human rights instruments include:

- Right to life.
- Right to adequate housing.
- Right to health.
- Right to food.
- Right to water.
- Right to an adequate standard of living.

Climate change increasingly threatens the enjoyment of these rights.

Several United Nations human rights bodies have recognized that environmental degradation may give rise to human rights obligations.

A particularly significant development occurred in **Ioane Teitiota v. New Zealand (2020)**, where the United Nations Human Rights Committee held that States should not return individuals to countries where climate change creates conditions posing a real risk to life. Although the applicant was not granted protection in that case, the decision acknowledged that severe climate impacts could, in certain circumstances, engage international human rights obligations.

This decision represents an important step toward integrating climate change into international human rights law.

H. Need for a New International Legal Framework

The foregoing analysis demonstrates that no existing international instrument provides comprehensive legal protection for climate refugees.

Current legal frameworks remain fragmented.

Refugee law excludes environmental displacement.

Climate agreements focus primarily on mitigation and adaptation.

Human rights law provides indirect protection but lacks a specialized mechanism addressing climate mobility.

This fragmentation creates uncertainty regarding:

- Legal status.
- Cross-border movement.
- Long-term resettlement.
- State responsibilities.
- International burden-sharing.

Many scholars therefore advocate the adoption of a separate international treaty governing climate-induced displacement.

Such a framework could:

- Define climate refugees.
- Establish minimum protection standards.
- Clarify State obligations.
- Promote international cooperation.
- Facilitate planned relocation.
- Ensure equitable burden-sharing.
- Protect vulnerable populations.

While negotiating a new treaty may prove politically challenging, continued reliance upon fragmented legal instruments is unlikely to provide adequate protection as climate-induced displacement increases.

Conclusion

The existing international legal framework provides only partial and indirect protection for persons displaced by climate change. The 1951 Refugee Convention and the 1967 Protocol remain confined to persecution-based displacement, while climate agreements such as the UNFCCC and the Paris Agreement primarily address mitigation and adaptation rather than legal status or refugee protection. Similarly, the Sendai Framework and the Global Compact for Migration encourage cooperation but do not impose binding legal obligations.

Human rights law has begun to bridge some of these gaps, particularly through evolving interpretations recognizing the relationship between climate change and fundamental rights. Nevertheless, these developments remain insufficient to address the scale and complexity of climate-induced displacement.

The absence of a comprehensive international legal framework leaves millions of climate-displaced persons in a position of legal uncertainty. Addressing this gap is essential not only for humanitarian reasons but also for achieving environmental justice and ensuring that those most affected by climate change receive meaningful legal protection.

V. Climate-Induced Displacement in India: Challenges and the Quest for Environmental Justice

Introduction

India is among the countries most vulnerable to the adverse effects of climate change. Its extensive coastline, Himalayan mountain ranges, large river systems, and dependence on climate-sensitive sectors such as agriculture expose millions of people to environmental hazards. Climate change has intensified the frequency and severity of floods, cyclones, droughts, heatwaves, landslides, and coastal erosion, resulting in widespread displacement and loss of livelihoods. Although many of these movements occur within national borders, they raise significant legal and policy concerns regarding the protection of displaced populations.

Climate-induced displacement in India cannot be viewed solely as a humanitarian issue. It is also a question of environmental justice because the communities most severely affected are often those with the least capacity to adapt. Small farmers, fisherfolk, tribal communities, women, children, and economically weaker sections face disproportionate risks despite contributing minimally to greenhouse gas emissions. The absence of a comprehensive legal framework addressing climate-induced displacement further compounds their vulnerability.

This chapter examines the major drivers of climate-induced displacement in India, evaluates the existing legal framework, and analyzes the challenges faced by climate-displaced communities.

A. Coastal Erosion and Sea-Level Rise

India has a coastline extending over 7,500 kilometres, supporting millions of people who depend on fishing, tourism, agriculture, and coastal ecosystems for their livelihoods. Climate change has accelerated sea-level rise, coastal erosion, and saltwater intrusion, threatening human settlements and natural habitats.

Several coastal regions have experienced significant land loss due to erosion. Communities living in low-lying areas are increasingly compelled to relocate as homes, agricultural lands, and public infrastructure become uninhabitable. Rising sea levels also contaminate freshwater sources through saltwater intrusion, reducing access to safe drinking water and affecting agricultural productivity.

The Sundarbans delta illustrates this process most acutely. Ghoramara Island, once home to an estimated four thousand residents, has lost more than half its landmass to erosion since the 1970s, while the neighbouring island of Lohachara submerged completely in the early 2000s, displacing

several hundred families who resettled on Ghoramara itself, only to face renewed displacement as erosion advanced further.³

In states such as Kerala, Tamil Nadu, Odisha, and West Bengal, coastal communities have witnessed repeated displacement caused by cyclones, tidal surges, and erosion. The Sundarbans, shared by India and Bangladesh, provide a particularly striking example. Several islands have experienced severe erosion, forcing residents to migrate permanently to other regions.

These developments demonstrate that climate change threatens not only the environment but also the realization of constitutional rights such as the right to life, livelihood, and dignity.

B. Floods and Riverine Displacement

Flooding is one of the most common causes of climate-induced displacement in India.

Climate change has increased the intensity of extreme rainfall events, leading to more frequent and destructive floods. States such as Assam, Bihar, Kerala, Uttar Pradesh, and West Bengal experience recurring floods that destroy homes, agricultural lands, schools, healthcare facilities, and public infrastructure.

The 2018 Kerala floods displaced more than one million people and caused extensive economic losses. Similarly, annual floods in Assam repeatedly force thousands of families to seek temporary shelter in relief camps before attempting to rebuild their lives.

Assam is particularly susceptible to this pattern because nearly ten per cent of its population, more than three million people, live on fertile riverine islands known as chars that are highly exposed to annual flooding, while roughly forty per cent of the state's territory remains susceptible to inundation. The severity of these floods has increased in recent years, forcing growing numbers of char-dwelling families to relocate repeatedly and for extended periods.⁴

For many affected communities, displacement is no longer temporary. Repeated flooding makes reconstruction economically unsustainable, compelling permanent migration to urban areas or safer rural regions.

This recurring cycle of displacement illustrates the close relationship between climate change, poverty, and environmental justice.

C. Cyclones and Extreme Weather Events

India's eastern coastline is particularly vulnerable to tropical cyclones.

Cyclones such as Fani, Amphan, and Yaas caused widespread destruction of homes, agricultural land, and public infrastructure. Although improvements in disaster preparedness have significantly reduced mortality rates, large-scale displacement continues to occur.

Cyclone Amphan, which struck West Bengal in May 2020, affords a further illustration of scale, having affected more than ten million people in the state and necessitated the evacuation of over three million residents from low-lying coastal districts before landfall, even as evacuation capacity was constrained by concurrent public health restrictions. Cyclone Tauktae, by contrast, made landfall in

³ Maureen Nandini Mitra, 'Rising Sea Levels and Tidal Erosion Eating Up Sunderbans' *Down To Earth* (15 June 2015) <<https://www.downtoearth.org.in/coverage/rising-sea-levels-and-tidal-erosion-eating-up-sunderbans-5361>> accessed 12 July 2026.

⁴ Internal Displacement Monitoring Centre (n 1).

Gujarat in May 2021, demonstrating that India's western coastline, though less frequently affected than the east, is not immune to severe cyclonic activity.⁵

Many families lose not only their homes but also their sources of income. Fishing communities often experience destruction of boats, harbours, and coastal ecosystems, while farmers suffer crop losses due to flooding and saline water intrusion.

The increasing frequency of extreme weather events suggests that climate-induced displacement will continue to rise in coming decades.

D. Himalayan Disasters

The Himalayan region has experienced increasing environmental instability due to climate change.

Glacial retreat, changing rainfall patterns, cloudbursts, landslides, and glacial lake outburst floods have become increasingly common.

More than three hundred glacial lakes across the eastern Himalaya share physical characteristics similar to South Lhonak lake, and scientists have cautioned that continued glacial retreat is likely to increase the frequency of such outburst floods in the coming decades, placing downstream settlements, hydroelectric infrastructure, and the sole highway connecting Sikkim to the rest of India at recurring risk.⁶

The 2013 Uttarakhand disaster and subsequent extreme weather events demonstrated the vulnerability of mountain communities.

Climate change has also increased the risk of glacial lake outburst floods, threatening villages located downstream.

Displacement in mountain regions presents unique challenges because relocation often involves loss of agricultural land, cultural identity, and traditional livelihoods.

For indigenous and tribal communities, forced relocation may also undermine their cultural and spiritual relationship with ancestral lands.

E. Drought and Agricultural Distress

Climate change has intensified drought conditions in several parts of India.

Irregular rainfall, declining groundwater levels, increasing temperatures, and prolonged dry seasons have significantly affected agricultural productivity.

Agriculture remains the primary source of livelihood for millions of Indians.

When repeated crop failures occur, many rural households migrate to urban centres seeking employment.

⁵ 'West Bengal Faces the Brunt of Cyclone Amphan' *Mongabay-India* (26 May 2020) <<https://india.mongabay.com/2020/05/west-bengal-faces-the-brunt-of-cyclone-amphan/>> accessed 12 July 2026.

⁶ 'The Sikkim Flood: A GLOF Case Study' *Curriculum Press* (2 February 2024) <<https://curriculum-press.co.uk/blog/the-sikkim-flood-a-glof-case-study/>> accessed 12 July 2026.

Although such migration is often classified as economic migration, climate change frequently acts as the underlying driver by undermining agricultural livelihoods.

This illustrates the difficulty of distinguishing environmental migration from economic migration.

F. Existing Legal Framework in India

Despite increasing climate-induced displacement, India does not have a dedicated legal framework specifically protecting climate-displaced persons.

Existing legislation addresses environmental protection and disaster management separately.

Important statutes include:

- The Environment (Protection) Act, 1986.
- The Disaster Management Act, 2005.
- The National Green Tribunal Act, 2010.
- The Biological Diversity Act, 2002.

These laws contribute significantly to environmental governance but do not establish legal rights for climate refugees or provide comprehensive rehabilitation mechanisms.

Similarly, India has not enacted refugee legislation. Refugee protection is largely governed through executive policy and judicial interpretation rather than comprehensive statutory law.

Consequently, climate-displaced persons often remain without clear legal status.

G. Constitutional Protection

Although India lacks specific legislation concerning climate refugees, constitutional jurisprudence provides an important foundation for protection.

The Supreme Court has consistently interpreted **Article 21** to include the right to live with dignity, the right to clean air, the right to safe drinking water, and the right to a healthy environment.

Articles **48A** and **51A(g)** further emphasize environmental protection as both a constitutional objective and a civic responsibility.

These constitutional principles could potentially support stronger legal protection for climate-displaced communities.

However, judicial interpretation alone cannot substitute for comprehensive legislative action.

H. Environmental Justice and Vulnerable Communities

Climate change affects all sections of society, but its impacts are far from equal.

Communities most vulnerable to climate-induced displacement include:

- Small farmers.
- Fishing communities.
- Tribal populations.

- Women.
- Children.
- Elderly persons.
- Persons with disabilities.
- Economically weaker sections.

These groups often possess limited financial resources, weaker political representation, and reduced access to healthcare, education, and legal assistance. Displacement compounds these burdens for women in particular. Research indicates that women affected by climate-related displacement and migration often take on an additional twelve to fourteen hours of unpaid labour each week to compensate for lost resources and disrupted household routines, on top of pre-existing responsibilities of securing water, food, and fuel for their families.⁷

Environmental justice requires that adaptation policies prioritize these vulnerable populations rather than adopting uniform responses.

Meaningful participation in rehabilitation planning is equally important.

Affected communities should be consulted before relocation and provided with adequate housing, livelihood opportunities, education, healthcare, and social security.

Conclusion

Climate-induced displacement has become an increasingly significant challenge for India. Rising sea levels, floods, cyclones, droughts, and Himalayan disasters have already displaced millions of people, and scientific projections suggest that these trends will intensify as climate change progresses.

While India's constitutional framework and environmental legislation provide important foundations for environmental protection, they remain inadequate for addressing the unique challenges faced by climate-displaced populations. The absence of a comprehensive legal framework leaves affected communities dependent upon fragmented disaster relief measures rather than rights-based protection.

Viewed through the lens of environmental justice, climate-induced displacement reveals profound inequalities in the distribution of environmental burdens. Addressing these challenges requires not only stronger environmental governance but also legal recognition of the rights and needs of climate-displaced persons.

Footnotes

1. Intergovernmental Panel on Climate Change, *Climate Change 2023: Synthesis Report* 4–10 (2023).
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3. Id. at 46–60.
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6. Convention Relating to the Status of Refugees art. 1(A)(2), July 28, 1951, 189 U.N.T.S. 137.
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⁷ Observer Research Foundation, 'Climate Change and Women: A Crisis Within a Crisis' *ORF Expert Speak* (2023) <<https://www.orfonline.org/expert-speak/climate-change-and-women>> accessed 12 July 2026.

9. U.N. High Comm'r for Refugees, *Legal Considerations Regarding Claims for International Protection Made in the Context of the Adverse Effects of Climate Change and Disasters* (2020).
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11. Internal Displacement Monitoring Centre, *Global Report on Internal Displacement* 2024 64–76 (2024).
12. U.N. Env't Programme, *Emissions Gap Report* 2023 9–18 (2023).
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14. INDIA CONST. arts. 21, 48A, 51A(g); *M.C. Mehta v. Union of India*, (1987) 1 SCC 395; *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647.
15. S.N. Jain's Legal Research and Methodology 25–42 (7th ed. 2016).
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17. Jane McAdam, *Climate Change, Forced Migration, and International Law* (Oxford Univ. Press 2012); Intergovernmental Panel on Climate Change, *Climate Change 2023: Synthesis Report* (2023); International Organization for Migration, *Glossary on Migration* (Int'l Migration L. No. 34, 2019); U.N. High Comm'r for Refugees, *Legal Considerations Regarding Claims for International Protection Made in the Context of the Adverse Effects of Climate Change and Disasters* (Oct. 1, 2020).
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19. Internal Displacement Monitoring Centre, *Global Report on Internal Displacement* 2024 8–27 (2024).
20. Jane McAdam, *Climate Change, Forced Migration, and International Law* 3–29 (Oxford Univ. Press 2012).
21. Benoît Mayer, *The Concept of Climate Migration* 7–15 (2016).
22. David Schlosberg, *Defining Environmental Justice: Theories, Movements, and Nature* 13–41 (Oxford Univ. Press 2007).
23. Norman Myers, *Environmental Refugees: A Growing Phenomenon of the Twenty-First Century*, 357 Phil. Trans. Royal Soc'y B 609 (2002).
24. IPCC, *supra* note 18, at 98–116.
25. McAdam, *supra* note 20, at 37–59.
26. Convention Relating to the Status of Refugees art. 1(A)(2), July 28, 1951, 189 U.N.T.S. 137.
27. Int'l Org. for Migration, *Glossary on Migration* 31–35 (2019).
28. Mayer, *supra* note 21, at 19–32.
29. Myers, *supra* note 23, at 610–614.
30. Int'l Org. for Migration, *World Migration Report* 2024 215–232 (2024).
31. Internal Displacement Monitoring Centre, *supra* note 19, at 45–58.
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33. IPCC, *supra* note 18, at 110–126.
34. *Id.* at 140–162.
35. McAdam, *supra* note 20, at 89–108.
36. IPCC, *supra* note 18, at 165–181.
37. Schlosberg, *supra* note 22, at 1–18.
38. *Id.* at 25–38.
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59. Guy S. Goodwin-Gill & Jane McAdam, *supra* note 53, at 75–92.
60. Convention Relating to the Status of Refugees, *supra* note 54.
61. Protocol Relating to the Status of Refugees, Jan. 31, 1967, 606 U.N.T.S. 267.
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