

Climate-Induced Migration: Need for a Legal Framework in India

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ABSTRACT

Climate-induced migration has emerged as a critical socio-legal challenge in India as environmental degradation, extreme climatic events, and ecosystem disruptions increasingly compel communities to relocate. Despite the growing scale of displacement, India lacks a dedicated legal or policy framework that recognises or protects climate migrants. Existing mechanisms such as the Disaster Management Act, environmental legislations, and rehabilitation policies offer only temporary relief and fail to address long-term rehabilitation, rights-based protection, or planned relocation. Through an analysis of climate hotspots, case studies, and international practices, the study highlights the limitations of current governance structures and the heightened vulnerability of displaced populations. The findings demonstrate the urgent need for a comprehensive national law that defines climate migrants, establishes institutional authority for coordinated action, and ensures social protection, livelihood support, and planned relocation grounded in human rights principles. The paper argues that integrating climate migration into national development planning and adopting anticipatory, community-centred strategies are essential for building resilience and fulfilling India's constitutional and international commitments. The study concludes that a forward-looking, rights-based legislative framework is indispensable for addressing the complex realities of climate-driven displacement in India.

KEYWORDS

Climate induced migration, environmental displacement, legal framework, planned relocation, human rights, India, climate vulnerability.

1. INTRODUCTION

Climate change is reshaping global demographic patterns, compelling individuals and communities to leave their homes in search of safety, livelihood, and stability. The slow onset of environmental degradation such as desertification, sea level rise, and salinisation as well as sudden disasters such as cyclones, floods, and cloudbursts has intensified displacement across South Asia. India stands at the heart of this crisis, with reports predicting that by 2050, millions may be forced to migrate internally due to climate stress.

In India, migration has historically been shaped by economic factors, social inequalities, and seasonal labour demands. However, climate-related factors are now accelerating the pace of

displacement, particularly in coastal belts, mountainous regions, drought-prone rural areas, and flood-affected river basins. The absence of a legal identity for “climate migrants” exacerbates their vulnerability, pushing them into cycles of informal work, urban poverty, and lack of social protection.

Research Problem

Although climate-induced migration is steadily increasing, India lacks a legal or institutional framework to address it. Migrants affected by climate disasters remain invisible in law, unprotected in policy, and unsupported in rehabilitation schemes.

Objectives of the Study

1. To examine the nature and patterns of climate-induced migration in India.
2. To evaluate existing legal and policy frameworks dealing with displacement.
3. To identify gaps in Indian law concerning climate migrants.
4. To analyse international practices and extract lessons for India.
5. To propose a comprehensive legal framework for climate-induced migration.

Methodology

This study adopts a qualitative research methodology that relies on the systematic review of scientific and legal literature, analysis of case studies from climate vulnerable regions in India, and evaluation of existing statutory frameworks. It further incorporates a comparative examination of relevant international norms and principles, supported by a doctrinal analysis to assess the adequacy of current legal provisions and identify the need for a comprehensive framework addressing climate-induced migration.

2. UNDERSTANDING CLIMATE-INDUCED MIGRATION

2.1 Concept and Definitions

Climate-induced migration refers to the movement of people primarily driven by environmental and climatic factors, yet the term itself lacks a universally accepted legal definition. Scholars and researchers use various expressions to describe such displaced populations. The term *climate migrants* generally denotes individuals compelled to move because their environment has undergone significant climate-related changes. Another commonly used expression is *environmental refugees*, though this label has no legal recognition and is avoided by UN bodies due to its inconsistency with the Refugee Convention¹. A related category is *Internally Displaced Persons (IDPs)*, which is recognised under the Guiding Principles on Internal Displacement; however, this framework is not climate-specific and does not adequately address the complexities of climate-driven mobility. In the Indian context, the legal and policy landscape

remains silent on this issue, as no statute or official policy defines or recognises climate migrants as a distinct category requiring protection or specialised intervention².

2.2 Drivers of Climate Migration in India

Sea-level rise and coastal erosion have emerged as significant drivers of displacement in India, particularly along the Bengal and Odisha coasts, where increasing erosion, salinity intrusion, and frequent flooding are shrinking landmass and forcing communities especially in the Sundarbans to relocate. In addition to the slow-onset threats, sudden disasters such as cyclones and floods are intensifying in frequency and severity. Powerful cyclones like Amphan, Fani, Hudhud, and Tauktae have displaced millions, both temporarily and permanently, disrupting livelihoods and pushing families into long-term migration.

Drought and water scarcity further exacerbate climate-induced movement in regions such as Marathwada, Bundelkhand, and parts of Rajasthan, where chronic water stress compels both seasonal and permanent migration in search of stable livelihoods. Riverbank erosion along the Brahmaputra in Assam leads to repeated displacement, often without adequate rehabilitation, leaving affected populations in a cycle of vulnerability³. Additionally, glacial melt and flash floods in the Himalayan states of Uttarakhand and Himachal Pradesh have increased the frequency of disasters such as cloudbursts and glacier-outburst floods, displacing communities and altering settlement patterns in these ecologically fragile regions.

2.3 Indian Hotspots of Climate-Induced Migration

The Sundarbans in West Bengal represent one of the most vulnerable regions in India, where several villages have already been submerged, agricultural land has become increasingly saline, and large-scale out-migration has become a common survival strategy. Similarly, Majuli in Assam, the world's largest river island, is rapidly shrinking due to continuous erosion, leaving its inhabitants with no option but to relocate repeatedly. Coastal Odisha faces comparable challenges, with villages such as Satabhaya already relocated because of severe shoreline erosion. In the interior regions, Marathwada and Vidarbha in Maharashtra continue to experience drought-triggered agrarian distress, forcing families to migrate in search of livelihood opportunities⁴.

The Bundelkhand region, spanning Uttar Pradesh and Madhya Pradesh, suffers from chronic droughts that push residents, particularly rural communities, to migrate to major cities. In the Himalayan belt, areas like Kedarnath and surrounding regions are frequently affected by disasters such as flash floods and landslides, resulting in significant and often permanent displacement of local populations.

2.4 Case Studies

(a) The Sundarbans Crisis

The Sundarbans, one of the world's largest mangrove ecosystems, is experiencing severe land loss due to rising sea levels, tidal surges, and continuous coastal erosion. Entire villages such as Ghoramara and Lohachara have virtually disappeared beneath the rising waters, forcing thousands of residents to abandon their ancestral homes. As agricultural land becomes increasingly saline and unproductive, families are compelled to migrate in large numbers to urban centres like Kolkata, Goa, Delhi, and Mumbai. Most migrants find work in low-paid sectors such as construction, domestic labour, fishing, and small-scale services where they face informal working conditions, limited social security, and increased vulnerability. The Sundarbans crisis reflects a slow-onset climate disaster that steadily erodes both livelihoods and cultural heritage, leaving communities with no long-term support or legal recognition.

(b) Kedarnath Floods (2013)

The 2013 Kedarnath tragedy, triggered by sudden glacial melt, unprecedented rainfall, and massive flash floods, resulted in extensive destruction across Uttarakhand. Thousands of residents were displaced as entire settlements, roads, and infrastructure were washed away in a matter of hours. Many families lost their homes, livelihoods, and access to essential services, pushing them into prolonged uncertainty. Despite large-scale relief operations, rehabilitation efforts have remained inadequate and uneven, with several victims struggling to rebuild their lives due to delays in compensation, lack of permanent housing, and limited livelihood restoration. The disaster highlighted the increasing fragility of Himalayan ecosystems under climate stress and the absence of long-term planning for communities living in high-risk zones.

(c) Drought Migration in Maharashtra

In regions such as Marathwada and parts of Vidarbha, persistent drought, groundwater depletion, and crop failures have intensified rural distress. Thousands of families are forced to migrate seasonally to sugarcane factories, brick kilns, and urban labour markets. Migrants often enter into informal or exploitative contracts, such as working as *jodi* labourers (couple-based labour) in sugarcane cutting, where long working hours, poor living conditions, and wage deductions are common. Women and children face additional vulnerabilities, including lack of access to education, healthcare, and basic sanitation. This cyclical pattern of drought-induced migration underscores the structural challenges faced by rural communities who lack climate-resilient farming options, financial support, and legal safeguards.

Collectively, these case studies demonstrate that climate-induced migration in India is multidimensional, affecting both slow-onset and sudden disasters. They highlight the urgent need

for systemic, long term, and legally grounded solutions to protect affected communities and ensure sustainable rehabilitation.

3. EXISTING LEGAL FRAMEWORK IN INDIA: A CRITICAL ANALYSIS

India currently lacks a dedicated law that specifically addresses climate-induced migration, and the existing mechanisms offer only partial, temporary, and relief oriented responses. The Disaster Management Act (DMA), 2005, for instance, focuses primarily on immediate disaster response and relief operations. It does not recognise climate migrants as a distinct category requiring long-term protection, and the relief camps established under the Act are temporary and inadequate for sustained rehabilitation. Moreover, the Act does not guarantee livelihood security, housing rights, or permanent resettlement for displaced populations. As a result, the DMA remains largely reactive rather than preventive, failing to address the long-term nature of climate-driven displacement.

Environmental laws such as the Environment Protection Act, the Water Act, and the Forest Act are primarily aimed at regulating pollution, conserving ecosystems, and protecting natural resources. While these laws contribute to environmental governance, they do not engage with crucial human dimensions of climate change, such as displacement, long-term migration, or the rights and welfare of affected communities⁵. This gap limits their ability to respond meaningfully to the emerging crisis of climate-induced movement.

Similarly, the Rehabilitation and Resettlement framework under the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013, deals exclusively with displacement caused by land acquisition for development projects. It does not extend its protection to communities displaced by climate disasters, leaving a significant gap in legal coverage. The situation is further complicated by the absence of a central law governing internal migration in India. Climate-induced migrants are left in an ambiguous position neither recognised as refugees nor as Internally Displaced Persons (IDPs) under specific legislation, nor as victims of disaster with long-term rehabilitation rights.

Additionally, the inadequacies in social security and labour laws deepen the vulnerabilities of climate migrants. Most displaced persons end up in informal sectors where they lack access to social security benefits, adequate housing, health insurance, or educational opportunities for their children. This exposes them to exploitation, poverty, and insecure working conditions.

Across the legal system, several critical gaps become evident: there is no legal definition of a climate migrant, nor is there formal recognition or rights associated with this category. India lacks long-term rehabilitation policies, inter-state coordination mechanisms, and a dedicated institutional body to address climate displacement. Urban planning laws also fail to acknowledge or plan for population influxes from climate-stressed regions⁶. Moreover, the absence of anticipatory relocation frameworks makes communities more vulnerable to predictable climate risks. Together, these shortcomings highlight the urgent need for comprehensive and dedicated legislation to address the growing challenge of climate-induced migration in India.

4. INTERNATIONAL LEGAL POSITION

The international legal framework provides limited and largely non-binding guidance on climate-induced migration, leaving affected populations without clear protection. The UN Refugee Convention of 1951 does not recognise climate migrants as refugees, as the definition of a refugee is restricted to those fleeing persecution based on race, religion, nationality, political opinion, or membership in a particular social group⁷. Since climate-related displacement does not fall within these categories, individuals affected by environmental changes cannot claim refugee status, and therefore no binding international protection currently exists for them.

Under the Cancun Adaptation Framework (UNFCCC), states are encouraged to address climate-induced displacement, migration, and planned relocation as part of climate adaptation strategies. However, the framework remains voluntary and advisory in nature, lacking enforceable obligations or specific mechanisms to safeguard the rights of climate migrants⁸. This limits its effectiveness in ensuring uniform or coordinated action across countries.

The Sendai Framework for Disaster Risk Reduction focuses primarily on reducing disaster risks, strengthening resilience, and improving preparedness for natural hazards. Although it indirectly relates to displacement by advocating for risk reduction and early warning systems, it does not explicitly address the legal rights, entitlements, or long-term protection of climate-displaced individuals. It is therefore more of a disaster-management tool than a migration or human-rights instrument.

The Nansen Initiative and its successor, the Platform on Disaster Displacement, represent pioneering global efforts aimed at protecting people displaced across borders due to disasters and climate change. While non-binding, these initiatives offer strong human-rights-based principles and practical guidance that can help states develop national or regional frameworks for assisting displaced populations⁹. Their emphasis on dignity, protection, and long-

term solutions makes them valuable reference points for countries dealing with climate displacement.

Several national examples demonstrate emerging good practices. Bangladesh, for instance, introduced the National Strategy on Internal Displacement in 2021, which recognises the role of climate change in displacement and integrates protection measures into broader development planning. Fiji has implemented comprehensive guidelines for the planned relocation of communities threatened by sea-level rise, ensuring that relocation decisions are community-driven and rights-based. Vanuatu has incorporated climate displacement into its national security and migration policies, recognising it as a central challenge for future planning¹⁰.

The key lesson for India is the need to adopt a forward-looking, rights-based, and planned relocation framework. Drawing on these international experiences, India can develop comprehensive policies that prioritise human dignity, protect vulnerable communities, and incorporate climate migration into long-term national development strategies.

5. Need for a Comprehensive Legal Framework in India

Climate-induced migration has emerged as an unavoidable phenomenon in the Indian context, necessitating a shift from ad-hoc, relief-oriented responses to a proactive and institutionalised legal framework. The scale of projected displacement estimated to affect millions by 2050 underscores the urgency for systematic intervention¹¹. Individuals displaced by sea-level rise, recurrent flooding, drought, glacial retreat, and extreme weather events often confront significant human rights challenges, including homelessness, precarious employment, absence of social protection, and heightened vulnerability to exploitation. Unregulated migration further imposes substantial economic pressures on urban centres, exacerbating the burden on slum settlements, informal labour markets, and core public infrastructure¹². These concerns are compounded by inconsistencies in the administrative capacities of different states, resulting in fragmented and ineffective responses. Moreover, as certain ecological zones approach conditions of permanent uninhabitability, anticipatory and planned relocation becomes an imperative rather than a discretionary measure.

In this context, India requires a dedicated legal statute addressing climate-induced displacement and migration. Such a law must begin by establishing precise legal definitions of key terms—including climate migrant, climate-induced displacement, planned relocation, and vulnerable hotspots to ensure uniform interpretation and implementation across jurisdictions. The creation of a National Climate Migration Authority would be central to this framework. This

specialised body should be entrusted with identifying high-risk zones, coordinating relocation processes, monitoring the welfare of displaced populations, and integrating migration management with national and state-level climate action plans. A legally mandated Climate Migration Fund drawing from central and state contributions, corporate CSR allocations, and international climate finance would provide a sustained financial base for rehabilitation and long-term support.

A rights-based rehabilitation architecture is equally essential. Such a framework must guarantee displaced communities access to permanent housing, livelihood restoration, healthcare, education, social security, and culturally sensitive community rehabilitation¹³. The law should also institutionalise anticipatory and planned relocation mechanisms that allow communities to move before catastrophic risk materialises, ensuring informed consent and preservation of cultural identity. Effective inter-state coordination mechanisms are required to manage migrant registration, facilitate portability of welfare entitlements, address inter-jurisdictional disputes, and streamline movement across states. Additionally, the proposed framework must be harmonised with existing national and sub-national policies including the National Action Plan on Climate Change, State Disaster Management Plans, the Smart Cities Mission, and ongoing social welfare schemes to promote coherence and avoid policy duplication¹⁴. Most importantly, the law must adopt a community-centred orientation, recognising affected communities as active stakeholders in decision-making processes rather than passive recipients of state support.

6. FINDINGS AND SUGGESTIONS

The study reveals that climate-induced migration is steadily increasing across various regions of India as communities face escalating environmental stressors such as sea-level rise, extreme weather events, and ecosystem degradation. Existing legal and policy frameworks in India, including disaster management and environmental laws, offer only temporary relief and fail to provide long-term protection or rehabilitation for displaced populations. The absence of a legal category for climate migrants further exacerbates their vulnerability, leaving them without enforceable rights or structured support mechanisms. Additionally, current development and environmental policies do not explicitly address climate-related displacement, resulting in fragmented governance and inadequate institutional responses. Comparative international experiences, particularly from countries like Bangladesh, Fiji, and Vanuatu, demonstrate the effectiveness of planned relocation, institutional coordination, and rights-based frameworks in addressing climate-induced mobility.

In light of these findings, several key recommendations emerge. India should enact a comprehensive and forward-looking National Climate Migration Act that formally recognises

climate migrants as a protected category within national legislation. Establishing a National Climate Migration Authority would be essential for systematically assessing risks, coordinating inter-state responses, and monitoring long-term rehabilitation¹⁵. Urban planning laws must be strengthened to anticipate and integrate the needs of incoming migrant populations, while social protection schemes such as the Public Distribution System, health insurance, pensions, and educational benefits should be made fully portable across state boundaries. Investment in climate-resilient livelihoods is crucial to reducing the scale of distress-driven migration, particularly in environmentally vulnerable regions. Furthermore, the development of community-led relocation guidelines would ensure that relocation processes uphold human dignity, safeguard cultural continuity, and promote community participation. Finally, climate migration must be mainstreamed into national development planning to ensure alignment with the Sustainable Development Goals and India's broader climate commitments.

7. CONCLUSION

Climate induced migration is no longer a distant possibility it is a present reality for India. Rising sea levels, cyclones, droughts, floods, and land degradation are uprooting communities across the country. Yet, migrants displaced due to climate stress remain invisible within India's legal and policy frameworks. They navigate a cycle of displacement, informal labour, and social insecurity without recognition or protection.

A dedicated legal framework is essential to address this growing humanitarian and developmental challenge. The proposed Climate Migration Act should adopt a rights-based, community centred, and anticipatory approach that ensures long-term rehabilitation rather than short term relief. The creation of specialised institutions, clear legal definitions, coordinated federal action, and planned relocation mechanisms can transform India's response to climate displacement.

As India prepares for the realities of a warming world, proactive legal intervention is not merely desirable it is indispensable. Recognising and protecting climate migrants is a critical step towards climate justice and sustainable development.

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