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CLIMATE-INDUCED MIGRATION AND SDG 13: EVALUATING INDIA'S PROTECTION MECHANISMS FOR DISPLACED COMMUNITIES

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ABSTRACT:

India is considered one of the world's most climate-vulnerable countries. Rapid climate changes, such as prolonged droughts, unpredictable monsoon cycles, escalating temperatures have forced people to displace from one place to another, which is considered as climate-induced migration. Internal Displacement Monitoring Centre's (IDMC) Global Report indicates that climate related disasters resulted in 5.4 million internal displacements in India in 2024.¹ By 2050, the climate-related migrants in India are estimated to rise 45 million.² The Disaster Management Act, 2005, various national and state level action plans and Article 21 of the Indian Constitution mainly deal with climate change impacts. However, the country currently lacks a dedicated law to protect climate migrants as well as a framework that aligns with SDG 13, which calls for immediate action to combat climate change. The paper mainly aims to understand the issues relating to climate driven displacement in India and evaluate the country's alignment with SDG 13 in mitigating climate risk.

Key Words: *Climate-induced migration, Climate change, SDG 13, Institutional Frameworks, Human Rights.*

1. INTRODUCTION:

Climate induced displaced persons may either become internally displaced persons within their country or cross international borders for safety and survival. Impacts of climate-change go beyond just the environment, as it is currently a significant factor in shaping global pattern of displacement. Several climatic hazards such as sea level rise, increased frequency and changes

¹ Vitasta Kaul, *India's Rising Tide of Climate Migration: A Crisis Without a Policy*, FRONTLINE (June 12, 2025), <https://frontline.thehindu.com/environment/climate-migration-india-floods-displacement-2024/article69686419.ece>.

² *COP29: Will India Finally Address Climate Migration?* – DW – 11/08/2024, DW.COM, <https://www.dw.com/en/cop29-will-india-finally-address-climate-migration/a-70736648> (last visited Dec. 10, 2025).

in rainfall patterns intensity of tropical storms and cyclones, rising temperature and changes in atmospheric conditions influences people to migrate. It damages physical environments such as water availability, agriculture productivity, as well as provoking a loss of ecosystem and forced communities to abandon their permanent homes. Along with environment, climate change also influences economic drivers through reduction of household incomes due to productivity in various means such as agriculture, fisheries or livestock. Moreover, climate change reduces the availability of resources due to which conflict arises over access to them. The people who are forced to leave their homes due to climate related factors not only lose compromise with their basic human rights but also suffers serious hardship during resettlement. India is considered as the 7th most vulnerable country with respect to severe climate variability.³ An alarming number of people are already facing the threat of displacement. In 2020 alone, around 14 million people migrated within India due to climate extremes, making India 3rd highest globally for displacement within the country. Despite these serious concerns, there is no organised policy framework to address the protection of climate migrants. Although, National Action Plan on Climate Change (NAPCC) in 2008 addressed some measures to tackle changing pattern of climate and the issues related to it, but the Action Plan hasn't recognised or include any specific provisions relating to protection of displaced people or the topic displacement due to climate change. The National Disaster Management Authority being the primary recipient of disaster related grievances, also accepts issues related to climate induced migrants but it lacks effective financial or legal mechanism to provide support and relief to displaced persons.

More than 80% of Indians live in districts that are highly vulnerable to extreme weather disasters such as floods, cyclones and droughts. In the eastern and western parts of India, about 59% and 41% of districts respectively are highly at risk of extreme cyclones.⁴ Northeastern states are more vulnerable to floods, while the states in the southern and central parts are more vulnerable to extreme droughts.⁵ Five out of six zones in India, i.e., South, North, North-East, West and Central have a low adaptive capacity to extreme weather disasters. Currently, India is facing serious climate-related challenges. The year 2024 was the hottest on record with temperatures exceeding 45°C in multiple states, especially Punjab, Haryana, Rajasthan, Uttar

³ *Mapping India's Climate Vulnerability*, CEEW (Apr. 15, 2023), <https://www.ceew.in/publications/mapping-climate-change-vulnerability-index-of-india-a-district-level-assessment>.

⁴ *Id.*

⁵ *Constitutionalizing Climate Rights in India in Light of M.K. Ranjitsinh And Others v. Union Of India – NLIU Law Review*, <https://nliulawreview.nliu.ac.in/blog/constitutionalizing-climate-rights-in-india-in-light-of-m-k-ranjitsinh-and-others-v-union-of-india-2/> (last visited Dec. 20, 2025).

Pradesh, Maharashtra, and Madhya Pradesh reaching this peak in the month of May. The intense heatwaves in this particular year resulted in health issues, significant agriculture losses and various other hardships to the people. Simultaneously, the monsoon season, which is the main source of India's rural economy has become unpredictable worsening food security concerns and economic uncertainty. According to a report by the Indian Meteorological Department (IMD), 2023 India witnessed a 20% rise in the occurrence of extreme weather events compared to the last decade.⁶ The Climate Change Performance Index 2024 placed India at the 7th position in global climate performance. These concerning trends underline the urgent need for immediate and robust climate action to protect India's economy and environment from the growing impacts of climate change.

1.1. RESEARCH OBJECTIVES:

1. To identify the causes of climate-induced migration in India.
2. To critically evaluate the existing legal and policy framework in India and identify the gaps in the protection of climate migrants in India.
3. To assess the extent to which India's current protection mechanisms align with Sustainable Development Goal 13.

1.2 RESEARCH QUESTIONS:

1. What are the primary causes and drivers of climate-induced migration in India?
2. To what extent do the existing legal and policy frameworks in India address the protection needs of climate-induced migrants, and what gaps remain within these frameworks?
3. How far do India's current protection mechanisms for climate-induced migrants align with the objectives and targets of Sustainable Development Goal 13 (Climate Action)?

1.3 RESEARCH METHODOLOGY:

This study adopts a doctrinal research methodology, relying on primary and secondary sources of data. The research involves a critical analysis of existing legal frameworks, constitutional provisions, statutory laws, judicial decisions, and international instruments relevant to climate change and climate-induced migration. Primary sources include the Constitution of India, the Disaster Management Act, 2005, national and state climate action plans, and relevant Supreme

⁶ *Id.*

Court and High Court judgments addressing environmental protection and displacement. International instruments are examined to understand global standards and best practices. Secondary sources include books, research articles, journals, reports, policy papers, and official government publications related to climate change, migration, and human rights. The study uses analytical and descriptive methods to examine gaps in India's existing legal and institutional frameworks and to evaluate their alignment with SDG 13.

2. MEANING OF CLIMATE-INDUCED MIGRATION:

For a long time, the movement of people (migration) was considered both an agent of change and cause in generating social and economic changes for society. Over time, however, due to the impacts of global warming, Climate Change has become a driving force behind mass movements of dislocation (displacement) and migration as a result of adverse Climate change conditions (severe weather) that we experience, with the resulting loss of shelter, livelihood and security of life, along with becoming a factor in both temporary and permanent population displacements.

Currently, Climate Change Migration is no longer viewed as just another issue. Climate Change Migration is now seen as the one biggest issue created by the degradation and depletion of the Environment along with Human Rights violations, Economic Instability and Legal Vulnerability, all as a consequence of extensive Climate Change.

Climate-induced displacement is a complex and varied event due to which providing a definition for climate refugees presents a significant challenge. It is further complicated by the inconsistent and interchangeable use of terms such as climate migrants, environmental refugees, and climate-displaced persons, which often lack accurate legal meaning.

3. INTERNATIONAL PERSPECTIVE:

The 1951 Refugee Convention together with its 1967 Protocol, remains the global cornerstone of refugee protection. The Convention defines a refugee as a person who has a well-founded fear of persecution on specific grounds such as race, religion, nationality, membership of a particular social group, or political opinion.⁷ However, the Convention was originally implemented after World War II, focused on European refugees, does not expressly recognise environmental or climate-related factors as grounds for refugee status. The Convention mainly

⁷ *Convention Relating to the Status of Refugees*, OHCHR, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees> (last visited Dec. 26, 2025).

focused on the protection of refugees who were forced to flee due to threat of prosecution and because of lack of protection in their own country. The 1967 Protocol, removes these geographic and time-based limitations, expanding the Convention to apply universally and protect all persons fleeing conflict and persecution.⁸ Gradually, the 1951 Convention has proved remarkably resilient, protecting millions of refugees over the decades. Together with the 1967 Protocol as well as broader regional refugee criteria, the Convention continues to provide the legal framework to protect the rights and safety of refugees. Through progressive interpretation, it remains pertinent in solving contemporary challenges, such as continuing conflicts, climate change and disasters.

The United Nations Framework Convention on Climate Change (UNFCCC), can be considered as a complement to refugee law that represents the primary global instrument acknowledging the relationship between climate change and human movement. Since its adoption, the UNFCCC has guided global climate negotiations and is the foundational international treaty, providing the basis for subsequent landmark agreements such as the **Kyoto Protocol (1997)** and the **Paris Agreement (2015)**. The objective of the Convention is the “stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system,”⁹ within a time-limit that allows ecosystems to adapt naturally, ensures food security, and enables sustainable economic development. The UNFCCC does not impose any binding emission reduction targets. Instead, it establishes a **framework-oriented approach**, aims to facilitate continuous scientific research, international negotiations, and progressive policy development. The Convention employs through several key procedure that includes the principle of **common but differentiated responsibilities and respective capabilities (CBDR-RC)**, obligations to prepare and communicate national inventories of greenhouse gas emissions, the formulation of mitigation and adaptation strategies, and the promotion of technology transfer, financial assistance, and capacity-building specially focusing on developing countries. The UNFCCC lays the normative and institutional groundwork for addressing climate change, including its human consequences such as displacement and migration, while leaving the elaboration of solid commitments to subsequent agreements and evolving climate governance processes through these mechanisms.

⁸ *Protocol Relating to the Status of Refugees*, OHCHR, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-relating-status-refugees> (last visited Dec. 26, 2025).

⁹ *United Nations Framework Convention on Climate Change | UNFCCC*, <https://unfccc.int/process-and-meetings/united-nations-framework-convention-on-climate-change> (last visited Dec. 26, 2025).

4. CAUSES OF CLIMATE-INDUCED MIGRATION IN INDIA:

India has a variety of geographic characteristics (including delta systems and Himalayan mountain ranges) which means it is exposed to climate change in a variety of ways. Societal/food security issues are linked to the way different climatic conditions interact, which results in large-scale movements of individuals and families throughout India.

a) Drought and Water Scarcity:

Drought is among India's most prominent Climate Change environmental migration drivers. In India, rural droughts and consequent water shortages are also contributing to economic strife and a decreasing quality of life for rural people, which ultimately leads many rural individuals and families to migrate elsewhere in search of better opportunities.

Increased rainfall variability from year to year, combined with decreased crop yields and increased agricultural land loss, is forcing many people to move in search of new farms or jobs. In addition to increased rainfall variability over time and subsequent drought-decreased agricultural productivity, agricultural land in some parts of India is experiencing the highest levels of desertification.

Research by the International Institute for Environment and Development has shown that crop failure and the associated effects on rural food insecurity are among the primary reasons cited by rural households seeking to move to another region of India.

b) Floods and Monsoon Variability:

Thunderstorms Associated with Heavy Rainfall Create Conditions for Flood Events to Regularly Occur in the Northern, Eastern and Central Areas of India.

In the flood plains of the Indian State of Bihar, especially around the Kosi River and Ganges River, flood events are periodically experienced causing the dislocation of millions of individuals from their homes to higher ground.

According to the Global Report on Internal Displacement Due to Disasters 2025, Two-thirds (66.6%) of all Disaster-related internal displacement in India can be attributed to cataracts, where there was a total of 5.4 million Displaced Persons due to Disaster in 2024, which represents the largest number of cases counts ever associated with Disaster.

c) Ocean Level Rise and Coastal Enterprises:

Due to the presence of many large cities with huge populations (e.g. Mumbai and Chennai) and the long length of its Coastline, India's Coastal Region has a distinct geographical advantage.

The Coastal Region of India contains very fragile eco-systems (i.e., Sundarbans) that are being inundated by Sea Level Rise (SLR), Storm Surges (i.e., Tidal Waves) and Salt Water intrusion into the Land.

As the Coastal Regions of India enter a period of rapid development, the amount of SLR, Storm Surges and Salt Water intrusion is increasing at an alarming rate in Coastal Regions. The Continued Salt Water intrusion into Coastal Regions, which is destroying adjacent dry land near the Coastal Cities.

Climate Change will also have a profound impact on the Continued Quality of Life for Coastal Residents in India. Climate Change, in combination with SLR, may lead to many Coastal Residents leaving their Coastal Residence in search of Higher Ground.

The Many Coastal Livelihoods (e.g. Fishing, Farming) that depend on Resources Derived from the Coastline will also experience the Negative Effects of this Combination. To date, there are millions of Coastal Residents displaced from their homes due to Climate Change, Tropical Cyclones (e.g. Amphan, Yass, Taukate, Biporjoy) and the Direct Impacts of Climate Change and SLR. The Current Situation will only continue to Get Worse During the Continuing Effects of these Generations of Cyclones and Continued Climate Changes and SLR.

d) Impact of Heat Waves on Livelihood:

There are many factors that will influence the Livelihood of People impacted by Heat Waves. These effects will come as a result of how people may choose to respond to scientific research being conducted regarding the effects of Climate Change and the Environmental Impacts from Heat Waves on their Livelihood.

In the last 100 years, Heat Waves have caused people to migrate to a higher degree than previously, as farmers and agricultural workers have lost a great deal of productivity due to Crop Failures associated with Heat Waves. The Trend of Increasing Pastoral Pioneering has also increased dramatically over the past century due to the repercussions that Heat Waves have caused.

e) Drought and Agrarian Distress Recurrent Droughts:

Persistent drought and inadequate precipitation across India have significantly decreased agricultural production. Consequently, as a result of decreased precipitation in the Agricultural sector, farmers are experiencing reduced crop production (i.e. crop yields) and thus experiencing an increased incidence of groundwater depletion.

Historically, many parts of Maharashtra, Karnataka, Telangana, Andhra Pradesh, Rajasthan

and near Madhya Pradesh have suffered from food insecurity as a direct result of drought adversely affecting agricultural productivity. These regions have established the chains of poverty and food insecurity in farming families through their heavy reliance on the environment and their land for livelihood.

5. LEGAL AND POLICY FRAMEWORK IN INDIA:

India currently lacks a comprehensive legal or policy framework that explicitly acknowledges or protects climate-induced migrants. India is a non-signatory to the 1951 Refugee Convention and its 1967 Protocol, nor the country has any particular national refugee law, that creates a foundational gap in addressing displacement arising from environmental and climatic factors and the protection of the rights of climate forced migrants. This migration remains legally invisible, treated largely as an administrative or humanitarian concern rather than a rights-based legal crisis due to which the migrants faced a huge violation of human rights.

Disaster Management Act, 2005, the principal statutory mechanism governing displacement in India adopts a predominantly reactive and short-term approach. The Act focuses on immediate relief measures such as evacuation, temporary shelters, food distribution, and emergency medical assistance. However, it does not mandate and long-term rehabilitation or resettlement, recognition of displaced persons as a legally protected class, or restoration of livelihoods, cultural identity, and social security for climate-displaced communities. Due to this reason, displacement caused by floods, droughts, cyclones, and sea-level rise is framed as a temporary disruption rather than a structural human rights issue that requires a sustained legal protection. Article 21, right to life and personal liberty of Indian Constitution has been interpreted by the court in several landmark cases that include people's right to live with human dignity and right to shelter. These fundamental rights are also available to all citizens including climate-induced migrants. Landmark judgments such as *M.C. Mehta*¹⁰ and *Subhash Kumar case*¹¹ have firmly established that environmental degradation directly infringes upon the right to life. However, Indian courts have not explicitly articulated right to migration due to climate duress, right to resettlement or rehabilitation for climate-displaced persons, or legal recognition of climate migrants as a distinct rights-bearing group.

¹⁰ M.C. Mehta v. Union of India and Ors, 4 SCC 463, See Also AIR 1988 SC1037) (1987).

¹¹ Subhash Kumar v. State of Bihar and Ors AIR 420, SCR (1) 5, Supreme Court 420, 1991 (1) SCC 598 (1991).

A significant development occurred in April 2024 with the Supreme Court's decision in *M.K. Ranjitsinh and Others case*¹², where the Court recognised a human right against the adverse impacts of climate change. The judgment acknowledged India's international climate commitments and affirmed that citizens possess a "right to be protected from adverse climate effects." However, the Court did not define the scope of this right, nor identify duty-bearers, or operationalising enforceable protections for climate-affected populations, including migrants.

a) National Disaster Management Act, 2005¹³ (NDMA)

The Act is the foundational legal framework for disaster management in India, passed by the Government of India with the aim of efficiently managing disasters and any matters connected thereto. Aftermath of the 2004 Indian Ocean Tsunami, which caused widespread death, displacement, destruction, there was an urgent need of legislative Act that addresses impacts of disasters in India. The Act seeks to establish a holistic, coordinated, and institutionalised approach to disaster risk reduction, detailed direction to guide disaster management efforts, capacity development, co-operation at international and national level agencies, response, recovery, and mitigation, with the overarching objective of minimising loss of life, damage to property. It provides for the establishment of the Disaster Management Authority (NDMA) as the apex body headed by the Prime Minister of India as the Chairperson, that responsible for formulating national policies, plans, and guidelines, with that State Disaster Management Authorities (SDMAs) and District Disaster Management Authorities (DDMAs) to ensure decentralised and effective implementation at the state and district levels. The Act mandates the preparation of national, state, and district disaster management plans to ensure a structured and anticipatory response mechanism, while also creating the National Disaster Response Force (NDRF) to carry out specialised rescue and relief operations. Emphasising prevention and mitigation, the NDMA promotes early warning systems, public awareness initiatives, infrastructure strengthening, and community resilience. Overall, the NDMA focuses on fostering a culture of readiness and resilience through an integrated "build back better" approach, reinforcing coordination and effectiveness across all levels of governance in disaster management in India. However, the significant drawback of the 2005 Act is that it is more

¹² *MK Ranjitsinh et al. v. Union of India et al. - The Climate Litigation Database*, https://www.climatecasechart.com/document/mk-ranjitsinh-et-al-v-union-of-india-et-al_91a4 (last visited Dec. 29, 2025).

¹³ The Disaster Management Act of 2005, No. 53 of 2005.

centralised, due to which the local authorities claim to not getting adequate funding, slow-onset disasters and lacks in clear accountability.

b) *The Climate Migrants (Protection and Rehabilitation) Bill, 2022*¹⁴:

The 2022 bill which was not passed in the Parliament, constitute a significant legislative attempt to address the increasing challenge of climate-induced internal displacement in India. The bill was introduced as a private member's bill by MP (Lok Sabha) Pradyut Bordoloi. The bill sought to establish a comprehensive policy framework for the protection, rehabilitation, and equitable treatment of internally displaced climate migrants, and the ancillary events, although it was largely influence by the serious threat caused by monsoon flood in the state of Assam due to its mighty river Brahmaputra. During the monsoon season, large number of people loss their home, property and lives as well due to flood, land erosion. In 1985 nearly 7.4% of land had been lost due to erosion, particularly along the Brahmaputra River, displacing thousands of inhabitants whose livelihoods and homes are repeatedly destroyed.¹⁵ On the basis of these severe experiences, the Bill focused on the creation of a dedicated climate migration fund and laid down mechanisms for coordinated evacuation, resettlement, and long-term rehabilitation. Despite its progressive objective, the Bill has been rejected. The absence of such legislation continues to result in deprivation of rights of climate induced migrants, uncoordinated responses by states to this issue and consistent legal failure, and underscoring the urgent need for meaningful legislative intervention at the national level.

c) *New Initiatives in India:*

The Food and Agriculture Organization of the United Nations (FAO) and the International Organization for Migration (IOM – UN Migration) joint programme is a three-year initiative aimed at strengthening the resilience of climate-vulnerable migrants and rural communities in the states of Odisha and Telangana, where climate change, agriculture stress, and migration largely impact the people. FAO and IOM are supported by the Migration Multi-Partner Trust Fund (MMPTF), the programme addresses both distress migration and return migration by promoting climate-resilient agribusinesses, sustainable livelihoods, and safer migration practices. In climate-sensitive regions such as Ganjam district in Odisha and Vikarabad district in Telangana, declining agricultural and fishing productivity, frequent cyclones, unpredictable

¹⁴ Pradyut Bordoloi, *The Climate Migrants (Protection and Rehabilitation) Bill, 2022*.

¹⁵ Shubham Thakur, *Clear and Present Need to Address Climate Migration*, THE NEW INDIAN EXPRESS (Mar. 27, 2025), <https://www.newindianexpress.com/opinion/2025/Mar/27/clear-and-present-need-to-address-climate-migration>.

rainfall, and rising costs of cultivation have intensified livelihood insecurity, extremely affecting women, child, and small and marginal farmers, fishermen. The programme seeks to build local capacities through skill development, access to finance, and agribusiness support, while also improving awareness of migration rights, access to services, and policy coordination at national and sub-national levels. Adopting a human-rights-based and gender-sensitive approach, the initiative acknowledges migration as both a challenge and a development strategy, aiming to reduce forced migration, ensuring that those who migrate can do so safely, with improved results for migrants and the families they leave behind.¹⁶

6. SDG 13 AND ITS RELEVANCE TO CLIMATE-INDUCED MIGRATION:

SDG 13, on climate change, urges governments to ‘take urgent action to combat climate change and its impacts’. It recognises that addressing and minimising the risks posed by climate change is integral to the successful implementation of the other goals of sustainable development. It is intrinsically connected to climate-induced migration as the failure to effectively address climate change and its impact directly increases the intensity of human displacement. Climate change related issues such as floods, droughts, cyclones undermine livelihoods, access to basic necessities of human beings, forcing individuals to migrate for their survival.

The goal 13 underscores the need of developing education, awareness-raising, and human and institutional capacity in areas such as climate change mitigation, adaptation, impact reduction, and early warning systems, enabling societies to respond more effectively to climate risks.¹⁷ It focuses on recognising the principle of equity and common but differentiated responsibilities, SDG 13 calls upon developed countries to honour their commitments under the UNFCCC, including the mobilisation of USD 100 billion annually to support developing countries, and to fully operationalise the Green Climate Fund through timely capitalisation.¹⁸ Moreover, the goal promotes mechanisms to enhance climate change-related management capacities in least developed countries and small island developing States, with special emphasis on women, child, and local and marginalised communities, thereby advancing inclusive and just climate action at the global level.

¹⁶ *India: Joint Initiative of FAO and IOM to Tackle Climate Change-Induced Migration*, <https://india.iom.int/news/india-joint-initiative-fao-and-iom-tackle-climate-change-induced-migration> (last visited Dec. 20, 2025).

¹⁷ *SDG 13: Take Urgent Action to Combat Climate Change and Its Impacts*, UN WOMEN – HEADQUARTERS, <https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-13-climate-action> (last visited Dec. 30, 2025).

¹⁸ *Id.*

Until recently, India's domestic position and policy on climate change, rarely recognise the issue as being closely linked to the country's development priorities. However, over the last decade, there has been a gradual change in perceptions around the issue of climate change emerging both within national and state governments in India. There is a drastic improvement of 13 points in overall composite score of Goal 13 from 54 (Performer category) in SDG India Index 3 (2020-21) to 67 (Front Runner category) in the SDG India Index 4 (2023-24). Disaster preparedness score as per Disaster Resilience Index stands at 19.20 according to the recent study.¹⁹

7. GAPS IN INDIA'S PROTECTION MECHANISMS:

Climate-induced displacement in India conveys a broad spectrum of human rights, including the rights to life, housing, health, water, education, livelihood, and dignity. However, for climate migrants, these rights are not properly protected in India. There is an of legal recognition and identity renders climate migrants that unable to claim even basic entitlements, as access to food ration schemes, health insurance, voting registers, and welfare benefits. This structural invisibility negatively affects vulnerable groups. Particularly, women and child have faced high risk of sexual violence including rape, trafficking, abuse in relief shelters, exclusion from basic rights and limited access to sanitation and healthcare facilities. Migrants already struggle with the trauma displacement often leads to additional emotional and psychological challenges and to a rise in mental health issues for refugee women and children, like fear, anxiety, despair and depression. Children don't get proper early education, suffer from malnutrition, loss of identity documents. These rights violations are not incidental but systemic, arising from the India's continued refusal to formally recognise climate migrants as legal subjects entitled to protection.

At the international level, the United Nations High Commissioner for Refugees (UNHCR) recognising India as a safe shelter for asylum seekers²⁰. However, as India is not bound by international obligations to provide minimum standards of housing, livelihood, and protection to displaced persons, in the absence of an internationally binding framework and a systematic national policy addressing climate refugees, protection mechanisms remain ad hoc and discretionary. This legal drawback allows for arbitrary practices such as detention, forced

¹⁹ NITI AAYOG, *India | Goal 13: Take Urgent Action to Combat Climate Change and Its Impacts*, <https://www.niti.gov.in/competitive-federalism/sdg/goal-13-take-urgent-action-combat-climate-change-and-its-impacts> (last visited Dec. 20, 2025).

²⁰ *India*, UNHCR INDIA, <https://www.unhcr.org/in/where-we-work/countries/india> (last visited Dec. 20, 2025).

expulsion, and selective protection or assistance based on religion, region, gender, or political considerations, thereby undermining principles of equality and non-discrimination. India's National Action Plan on Climate Change (NAPCC), launched in 2008, is a national strategy to address climate change through mitigation and adaptation, focusing on sustainable development.²¹ But this policy does not explicitly recognise protection of the rights of climate-induced migrant, rather it focuses on addressing climate change and the ongoing nation's developmental mission and climate action. Nevertheless, the NAPCC could serve as a normative umbrella under which policy frameworks acknowledging climate migrants, including clearly defined criteria for recognising climate-induced displacement, could be developed.

Following the ongoing issue of climate change and forced migration due to climate change in India, there is an urgent requirement for legislative and policy reform. India should formally recognise climate migrants as a distinct category, which will enable the formulation of strategic policies, programmes addressing their rights and vulnerabilities. Without proper recognition, climate-migrants will continue to remain legally invisible and their rights will deprive continuously in face of escalating climate risks.

8. CONCLUSION:

People have been migrating over the years for several reasons. An integral aspect of human history, there have been various reasons responsible for migration that concern socio-economic, political and environmental aspects. Climate-induced migration has consequences which affect both displaced individuals and the receiving regions, source and destination areas driven by both pull and push factors. Migration, often perceived as a last option, has become a common adaptation strategy for affected communities. In India, existing national legislation and policy frameworks are largely concentrate on responding to short-term, sudden-onset climatic disasters. People affected by gradual environmental changes often fall outside the scope of formal protection and rehabilitation mechanisms. Policy attention is predominantly directed towards immediate relief at the site of disaster, while long-term rehabilitation, livelihood restoration, and support for displaced populations at their destinations receive little to no consideration. This policy gap significantly exacerbates the economic and social vulnerabilities of affected communities. As climatic and ecological pressures on human

²¹ *Climate Change Programme | Department Of Science & Technology*, <https://dst.gov.in/climate-change-programme> (last visited Dec. 20, 2025).

habitats intensify and climate-induced migration is expected to rise substantially in the coming decades, there is an urgent need for a comprehensive, nationally integrated approach that not only responds to immediate impacts but also addresses root causes, mitigates long-term effects, and ensures sustained protection for climate-affected populations.

To effectively address climate-induced migration, the following measures are urgently required:

- a) **Legal Recognition:** Climate-induced migrants must be formally recognized as a distinct category under national law to ensure visibility and protection.
- b) **Dedicated Legislation:** The enactment of a comprehensive legislations on climate migrants focusing on protection, rehabilitation and resettlement would provide systematic and rights-based framework to tackle the issue.
- c) **Rights-Based Approach:** It is essential to guarantee access to food security, healthcare, housing, education, social security, and identity documentation as these are the basic human rights.
- d) **Gender- and Child-Sensitive Measures:** The mostly affected one due to displacement are women and children, therefore incorporating safeguards against violence, trafficking and exclusion in relief and rehabilitation processes is important.
- e) **Institutional Coordination:** Strengthen coordination between disaster management, climate policy and human rights institutions is crucial for ensuring reasonable policy implementation and accountability.
- f) **Data & Early Warning Systems:** Enhancing climate risk mapping and displacement data collection and to enable preventive planning will support reducing future displacement risks.

REFERENCES:

BOOKS

1. **Mridula Ramesh**, *The Climate Solution: India's Climate-Change Crisis and What We Can do about it* (Hachette India 2018).
2. **Amitav Ghosh**, *The Great Derangement: Climate Change and the Unthinkable* (Univ. of Chi. Press 2016).
3. **Nawneet Vibhaw**, *Environment, Energy and Climate Change* (EBC 2017).

CASES

1. M.C. Mehta v. Union of India and Ors, 4 SCC 463, AIR 1988 SC 1037, 1987.
2. Subhash Kumar v. State of Bihar and or, AIR 420, SCR (1) 5, Supreme Court 420, 1991 (1) SCC 598 (1991)
3. M.K. Ranjitsinh v. Union of India, Writ Petition (Civil) No. 838 of 2019 (Sup. Ct. India Mar. 21, 2024).

STATUTES

1. Disaster Management Act, No. 53 of 2005, INDIA CODE (2005).

CONSTITUTION

1. INDIA CONST. art. 21.

ARTICLES

1. Vitasta Kaul, India's Rising Tide of Climate Migration: A Crisis Without a Policy, *FRONTLINE* (June 12, 2025)
2. Midhat Fatimah, COP29: Will India Finally Address Climate Migration?, *DW Asia Newsletter* (Nov. 8, 2024)
3. Hansika Kumari, Constitutionalizing Climate Rights in India in Light of *M.K. Ranjitsinh & Ors. v. Union of India*, *NLIU L. Rev.* (Aug 21, 2024)

REPORTS / INSTITUTIONAL PUBLICATIONS

1. Mapping India's Climate Vulnerability, *Council on Energy, Environment & Water* (Apr. 15, 2023), <https://www.ceew.in/publications/mapping-climate-change-vulnerability-index-of-india-a-district-level-assessment>.
2. India | Goal 13: Take Urgent Action to Combat Climate Change and Its Impacts, *NITI Aayog*, <https://www.niti.gov.in/competitive-federalism/sdg/goal-13-take-urgent-action-combat-climate-change-and-its-impacts>.
3. India: Joint Initiative of FAO and IOM to Tackle Climate Change-Induced Migration, *International Organization for Migration – India*, <https://india.iom.int/news/india-joint-initiative-fao-and-iom-tackle-climate-change-induced-migration>.
4. Climate Change Programme, *Department of Science & Technology, Government of India*, <https://dst.gov.in/climate-change-programme>.

ONLINE SOURCES

1. Convention Relating to the Status of Refugees, *Office of the United Nations High Commissioner for Human Rights*, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees>.
2. Protocol Relating to the Status of Refugees, *Office of the United Nations High Commissioner for Human Rights*, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-relating-status-refugees>.
3. United Nations Framework Convention on Climate Change, *UNFCCC*, <https://unfccc.int/process-and-meetings/united-nations-framework-convention-on-climate-change>.
4. India, *UNHCR India*, <https://www.unhcr.org/in/where-we-work/countries/india>.

