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**EQUITY IN CLIMATE DISPLACEMENT: RETHINKING EQUALITY  
FOR INTERNALLY DISPLACED PERSONS IN INDIA**

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*Climate change is causing more floods, droughts, and rising sea levels in India, forcing many people to leave their homes and move to safer places. These people are called **internally displaced persons (IDPs)**. India, however, does not have a proper law to protect their rights or ensure their fair rehabilitation. This paper studies how the idea of **equality** must be understood through **equity** meaning fair and need-based treatment instead of the same treatment for everyone. It explains that people who suffer more because of climate change need extra legal protection and government support. Using examples from the Indian Constitution, court judgments, and international laws, the paper argues that India should create policies based on fairness and justice. It concludes that true equality for climate-displaced people can be achieved only when laws focus on rebuilding lives with dignity and equal opportunities.*

**I. INTRODUCTION**

Developmental policies in developing nations, including India, have been more focused on the economic benefit with the least attention on environmental protection and poverty elimination<sup>2</sup>. Traditional and rural communities that rely primarily on the natural resources available in the surroundings for their sustenance face the outcome of these policies. These communities rarely participate in these policy formulations and therefore they do not have any say in compensation, displacement, employment, and any other socio-economic decisions.

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<sup>2</sup> Sehrawat, Madhu, A. K. Giri, et. al., "The impact of financial development, economic growth and energy consumption on environmental degradation: Evidence from India." *Management of Environmental Quality: An International Journal* (2015).

Weather-related disasters such as extreme heat, droughts, and massive flooding are increasing both in frequency and intensity across India. While their impact is widespread, it is usually the **vulnerable and economically weaker communities** that suffer the most. These groups often live in disaster-prone regions, depend directly on natural resources for livelihood, and lack access to proper housing, healthcare, and legal protection. As a result, they are disproportionately affected by the consequences of climate change and displacement<sup>3</sup>. In 1976, **Lester Brown** first introduced the term “*environmental refugees*.” Later, in 1985, **Essam El-Hinnawi** elaborated on the concept, describing these individuals as people compelled to leave their native lands either temporarily or permanently due to environmental disruptions that threaten their lives and degrade their quality of living.<sup>2</sup> Over time, several related terms have emerged, including *climate refugee*, *environmental displacee*, *climate migrant*, and *environmental migrant*, all referring to persons displaced as a result of climate-induced or environmental disasters.<sup>3</sup> However, these terms remain subject to ongoing debate, as climate-induced migration is a relatively new and evolving concept in international law.

Climate-induced migrants do not fit within the traditional definition of “refugee” as established under the 1951 Refugee Convention, leading to uncertainty and inconsistency in their legal status. This distinction becomes crucial in international discourse, where **migrants** and **refugees** are treated differently based on the nature of obligations imposed on host states. The **International Organization for Migration (IOM)** has emphasized the need to broaden the legal understanding of “refugee” to include persons displaced by environmental and climatic factors, as the current definition leaves such populations without recognition or adequate protection during relocation and resettlement<sup>4</sup>. The **International Organization for Migration (IOM)** and the **United Nations High Commissioner for Refugees (UNHCR)** have repeatedly stressed the need for an expanded definition of “refugee” to encompass those displaced by climate change. The **Global Compact for Migration (2018)** acknowledges climate change as a driver of migration, urging states to adopt cooperative frameworks, yet it remains non-binding. Similarly, the **Warsaw International Mechanism for Loss and**

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<sup>3</sup> Deutsche Welle, India: Extreme weather fuels migration-related challenges, *Hindustan Times* (2025).

<sup>4</sup> Shreya Singh, Climate Migration and Displacement: Challenges and Responses, Indian Council of World Affairs (2024)

**Damage (2013)** under the UNFCCC highlights displacement due to climate change but offers limited enforcement mechanisms.

In the Indian context, climate-induced displacement is largely treated as a disaster management issue rather than a rights-based concern. The **Disaster Management Act, 2005**, and related policies focus on emergency response and relief but do not address long-term rehabilitation or legal recognition of displaced persons. States such as Assam, Odisha, and coastal regions of Gujarat and Tamil Nadu have witnessed large-scale internal migration due to floods, cyclones, and sea-level rise, yet the absence of a dedicated legal framework leaves affected communities vulnerable to poverty, social exclusion, and loss of identity.

Hence, it becomes essential to approach the issue of climate displacement not merely as an administrative challenge but as a matter of **equity and justice**, requiring proactive recognition and protection of displaced persons' rights under constitutional and international obligations.

## II. CURRENT SCENARIO OF CLIMATE DISPLACEMENT IN INDIA

India already records some of the highest numbers of population displacements in the world every year. The vast majority of is triggered by disasters. The "State of India's Environment-2022" report puts country fourth in the world when it comes to climate change-induced migration. The study revealed that over three million people were forced to leave their homes in 2020-2021 due to environment-related catastrophes. The Internal Displacement Monitoring Center (IDMC) in India estimates there are currently about 14 million people in total who have been forced out of their homes due to climate change. While the state is willing to provide immediate support for disaster relief and rehabilitation, there is little long-term institutional support for the needs of those affected by these disasters<sup>5</sup>

A report published by ActionAid and Climate Action Network South Asia estimated that India alone will see 45 million people being forced to migrate from their homes by 2050 due to climate emergencies three times the current number of people on the move as a result of extreme weather events. The summer of 2024 has already taken its toll on parts of India, which are experiencing heavy rainfall and devastating floods. The heavy rain followed an

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<sup>5</sup> Deutsche Welle, India: Extreme weather fuels migration-related challenges, *Hindustan Times* (2025).

unbearable heat wave, which caused temperatures to hit as high as 50 degrees Celsius (122 Fahrenheit) in places like New Delhi and the northern states of Rajasthan and Uttar Pradesh. If it's rising water that's forcing people to leave the Sundarbans in West Bengal, erratic rains are forcing migration from Uttarakhand's hills, and drought is pushing lakhs from Karnataka's hinterlands to Bengaluru. And yet, the country still lacks a comprehensive policy framework<sup>6</sup>.

### III. LEGAL AND POLICY FRAMEWORK IN INDIA

Despite the growing threat of climate-induced displacement, **India does not yet have a specific legal or policy framework** that recognizes or protects *climate migrants* or *environmentally displaced persons*. Instead, several **existing laws, schemes, and policies** address related issues **indirectly**, through disaster management, environmental protection, and social welfare mechanisms.

#### 1. The Disaster Management Act, 2005

This is the **primary national law** governing disaster relief and rehabilitation. It establishes the **National Disaster Management Authority (NDMA)** and state-level bodies to coordinate disaster preparedness, response, and recovery. However, the Act primarily focuses on **immediate relief efforts** such as evacuation, compensation, and rehabilitation after natural disasters rather than on **long-term displacement, resettlement, or livelihood restoration**. There is **no legal category** for "climate migrants" under this Act. Consequently, once the relief phase ends, affected persons are often left without **sustained institutional support**.

#### 2. The National Action Plan on Climate Change (NAPCC), 2008

The **NAPCC** outlines India's strategy to combat climate change through eight "missions," including the **National Mission for Sustainable Agriculture, Water Mission, and Green India Mission**.

While these missions focus on mitigation and adaptation, the plan **does not address migration or displacement** as a social consequence of climate impacts. The absence of a

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<sup>6</sup> Shubham Thakur, Clear and present need to address climate migration, *The New Indian Express* (2025)



migration-specific mission reflects the **policy gap** in linking climate impacts with human mobility and livelihood loss.

### 3. State-Level Climate Action Plans (SAPCCs)

Most Indian states have prepared **State Action Plans on Climate Change (SAPCCs)** in line with the NAPCC. These plans identify vulnerable regions and sectors but **lack uniform guidelines** for managing or rehabilitating displaced populations. For instance, states like **Odisha** and **Assam**, which experience recurrent floods and cyclones, have introduced **temporary shelter and livelihood support schemes**, but there is still no **permanent legal recognition** or **policy for long-term rehabilitation** of climate-displaced persons.

### 4. Constitutional and Human Rights Perspective

Although no explicit constitutional right addresses climate displacement, several judicial interpretations provide indirect protection.

In *People's Union for Civil Liberties v. Union of India*<sup>7</sup>, the Court emphasized the state's obligation to protect vulnerable populations during times of crisis, reinforcing the idea of *state accountability* in humanitarian contexts,

In I.A. No. 8/2001 at pages 66-68, certain schemes of the Central Government are mentioned which are required to be implemented by the State Governments. These schemes are: Employment Assurance Scheme which may have been replaced by a Sampurna Gramin Yojana, Mid-day Meal Scheme, Integrated Child Development Scheme, National Benefit Maternity Scheme for BPL pregnant women, National Old Age Pension Scheme for destitute persons of over 65 years, Annapurna Scheme, Antyodaya Anna Yojana, National Family Benefit Scheme and Public Distribution Scheme for BPL & APL families. The Chief Secretaries of all the States and the Union Territories are hereby directed to report to the Cabinet Secretary, with copy to the learned Attorney General, within three weeks from today with regard to the implementation of all or any of these

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<sup>7</sup> *People's Union for Civil Liberties v. Union of India*, (2003) 2 SCC 688 (India).

Schemes with or without any modification and if all or any of the Schemes have not been implemented then the reasons for the same.

Further, in *Olga Tellis v. Bombay Municipal Corporation*, the Supreme Court recognized that the *right to livelihood* is an integral part of the *right to life*, which directly connects with the plight of climate-displaced persons who lose their homes and means of living due to environmental degradation, here it mentions,

If the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation. Such deprivation would not only denude life of its effective content and meaningfulness but it would make life impossible to live. There is thus a close nexus between life and the means of livelihood and as such that, which alone makes it possible to live, leave aside what makes life livable, must be deemed to be an integral component of the right to life.

*Baksey v. Board of Regents*<sup>8</sup> *Munn v. Illinois*<sup>9</sup> and *Kharak Singh v. State*<sup>10</sup> relied on

D.B.F. The principles contained in Articles 39(a) and 41 must be regarded as equally fundamental in the understanding and interpretation of the meaning and content of fundamental rights. If there is an obligation upon the State to secure to the citizens an adequate means of livelihood and the right to work, it would be sheer pedantry to exclude the right to livelihood from the content of the right to life. The State may not, by affirmative action, be compelled to provide adequate means of livelihood or work to the citizens. But any person, who is deprived of his right to livelihood, except according to just and fair procedure established by law, can challenge the deprivation as offending the right to life conferred by Article 21.

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<sup>8</sup> *Baksey v. Board of Regents*, 347 MD 442 (1954)

<sup>9</sup> *Munn v. Illinois*, (1877) 94 US 113

<sup>10</sup> *Kharak Singh v. State of U.P.*, (1964) 1 SCR 332 : AIR 1963 SC 1295 : (1963) 2 Cri LJ 329

However, despite these judicial advancements, there remains a **legal vacuum** concerning the rights and protection of persons displaced by climate change. While constitutional principles and judicial precedents offer a moral and legal foundation, **India still lacks a specific legislative or policy framework** that addresses the unique vulnerabilities of climate-induced migrants.

Hence, there is an urgent need to **translate these judicial principles into actionable law and policy**, ensuring that equity and justice extend beyond abstract rights to practical protection for those forced to move due to environmental and climatic distress.

#### IV. CONCLUSION

Climate change has evolved from an environmental concern into a fundamental issue of human rights and social justice. The increasing frequency of droughts, floods, cyclones, and heatwaves in India has not only destroyed livelihoods but also displaced millions from their ancestral homes. These internally displaced persons face multiple layers of marginalization loss of livelihood, absence of legal recognition, and lack of access to welfare schemes. While they bear the heaviest burden of environmental degradation, their plight remains largely invisible in the legal and policy landscape.

The Indian Constitution, through its guarantees under Articles 14, 19, and 21, lays a strong foundation for protecting such vulnerable groups. Judicial interpretations have consistently broadened these rights to include the right to a clean environment, the right to livelihood, and the right to live with dignity. Landmark decisions such as *Olga Tellis v. Bombay Municipal Corporation*<sup>11</sup>, *Subhash Kumar v. State of Bihar*<sup>12</sup>, *People's Union for Civil Liberties v. Union of India*<sup>13</sup>, and *MC Mehta v. Union of India*<sup>14</sup> demonstrate that the Indian judiciary recognizes environmental degradation as a direct violation of the right to life. However, these protections remain fragmented and are not codified into a coherent legal framework addressing climate displacement.

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<sup>11</sup> *Olga Tellis v. Bombay Mun. Corp.*, AIR 1986 SC 180 (India)

<sup>12</sup> *Subhash Kumar v. State of Bihar*, AIR 1991 SC 420 (India)

<sup>13</sup> *People's Union for Civil Liberties v. Union of India*, (2003) 2 SCC 688 (India).

<sup>14</sup> *MC Mehta v. Union of India*, AIR 1987 SC 1086 (India).

The principle of **equity**, embedded in India's constitutional philosophy and environmental jurisprudence, must guide future policy actions. Equity demands that those who are disproportionately affected by climate change despite contributing the least to it be provided with stronger legal and institutional safeguards. Equal treatment is not sufficient when the starting points of vulnerability are unequal; therefore, equity becomes the tool to bridge this gap between **formal equality** and **substantive justice**.

Moving forward, India must take concrete steps to establish a **comprehensive legal and policy framework** for climate-induced migration. This includes:

- Recognizing climate migrants as a distinct vulnerable category under law.
- Integrating displacement management into national and state-level disaster policies.
- Providing long-term rehabilitation and livelihood opportunities for affected communities.
- Encouraging state accountability and participatory governance in resettlement processes.

In essence, the way India responds to the challenge of climate displacement will reflect its commitment to constitutional values of justice, equality, and dignity. It is no longer merely an environmental issue but a **constitutional imperative**. By embedding equity into law and policy, India can ensure that development and adaptation are not achieved at the cost of its most vulnerable citizens, but rather **through their inclusion and protection**.