
CLIMATE INDUCED DISPLACEMENT AND THE RIGHT TO REHABILITATION: A SOCIO-LEGAL ANALYSIS

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ABSTRACT

Climate change has evolved from an environmental phenomenon into a pressing human-rights and social-justice crisis. Extreme weather events, sea-level rise, coastal erosion, recurrent floods, and prolonged droughts are already triggering large-scale internal displacements in India and worldwide, disproportionately affecting marginalized communities who lack the resources to adapt or relocate. Despite policy rhetoric on “adaptation” and international commitments under the Paris Agreement, India lacks a dedicated legal framework that recognises climate-induced displacement as a distinct category requiring a rights-based Right to Rehabilitation. This paper offers a socio-legal analysis of climate displacement in India. It maps empirical patterns of displacement, critically examines the adequacy of existing laws (notably the Disaster Management Act, 2005 and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013), and evaluates judicial approaches that have shaped environmental justice in India. Drawing on international instruments particularly the Guiding Principles on Internal Displacement and comparative experiences, the paper argues that rehabilitation must be reframed as a justiciable element of the right to life and dignity under Article 21 of the Constitution. The article concludes with model policy architecture for a National Climate Displacement and Rehabilitation Framework grounded in environmental justice, gender sensitivity, and intergenerational equity.

I. Introduction

Climate change is no longer a distant prediction; it is a current driver of human mobility. Rising sea levels, coastal erosion, increasing frequency and intensity of storms, riverine and flash floods, and progressive salinization force households and whole communities to relocate, sometimes temporarily, sometimes permanently¹. The Intergovernmental Panel on Climate Change (IPCC) has underscored that climate impacts are already causing displacement and will increasingly do so unless ambitious mitigation and adaptation measures are implemented.²

In India, the human face of this crisis is visible across multiple geographies: the Sundarbans and other low-lying deltaic regions experiencing salinity intrusion and shoreline retreat; coastal communities losing homes and fishing grounds; flood-prone regions such as Assam witnessing recurrent mass displacements; and drought-affected districts forcing seasonal and permanent out-migration³. Recent monitoring by displacement specialists has highlighted that floods and related hazards have triggered very large numbers of internal displacements in India over recent years, revealing acute governance gaps in prevention, response, and long-term rehabilitation⁴.

The legal landscape is fragmented. Disaster response architectures exist, and India's laws on land acquisition and resettlement speak to rehabilitation in the development context; yet there is no statute or jurisprudence that squarely addresses climate-induced displacement as a distinct socio-legal phenomenon requiring guaranteed entitlements like housing, livelihoods, cultural continuity, and procedural safeguards over and above short-term relief. This lacuna raises fundamental questions of justice: who bears the burden of relocation, how are vulnerable groups protected, and what rights do the displaced have to claim rehabilitation and restitution? This paper examines those questions and proposes an actionable rights-centred framework.

II. Understanding Environmental Justice and Displacement

Environmental justice is a normative claim that environmental benefits and burdens must be distributed fairly, and that affected communities should have meaningful participation in decision-making⁵. In the Indian context, environmental justice has evolved through public

¹ IPCC, *Climate Change 2023: Synthesis Report* (AR6).

² *ibid*

³ Internal Displacement Monitoring Centre (IDMC), *India Country Spotlight Reports* (2024).

⁴ IDMC, *Global Report on Internal Displacement (GRID)* (2024).

⁵ Shibani Ghosh, *Climate Change Litigation in India*, 55 EPW 34–41 (2020).

interest litigation and judicial innovation; courts have repeatedly invoked constitutional guarantees to correct market and regulatory failures that engender ecological harm. Landmark judgments have deployed Article 21 (the right to life) to protect environmental quality and human health, thereby anchoring environmental protection within fundamental rights jurisprudence⁶.

Displacement caused by environmental degradation raises specific justice problems. First, vulnerability is uneven: caste, class, gender, and indigeneity intersect to make certain groups disproportionately susceptible to loss of land, housing, and livelihoods. Second, displacement often fractures social identity and cultural continuity, especially for indigenous and forest dependent communities whose ties to place are constitutive of socio-economic rights. Third, the dominant state response tends to be short-term relief rather than long-term rehabilitation and restitution, implying a justice deficit when forced relocation is involuntary or inadequately compensated.

A socio-legal approach to climate displacement therefore needs to marry doctrinal analysis (constitutional rights, statute, judgments) with social realities (livelihood loss, gendered impacts, cultural dispossession) and policy design (planning, finance, institutional roles).

III. Climate Change and Displacement in India: Patterns and Communities at Risk

India's geophysical diversity means climate impacts and displacement patterns manifest differently across regions. Deltaic and coastal communities of the Sundarbans (West Bengal), large stretches of Odisha's and Andhra Pradesh's coasts, and many Kerala coastal hamlets face accelerated coastal erosion, saltwater intrusion, and storm surges. These processes threaten housing, agricultural land, and fisheries, the primary livelihoods of coastal communities, producing both seasonal and permanent relocation pressures. Riverine flood zone states like Assam and Bihar experience repeated, often catastrophic, riverine flooding. Recent years have witnessed unprecedented flood episodes in Assam that displaced millions internally, highlighting gaps in risk reduction and resettlement planning. Drought and agrarian distress. Prolonged droughts and groundwater depletion affect internal migration in arid and semi-arid regions; agrarian households migrate seasonally or permanently to urban centres, altering social structures and raising questions about long-term rehabilitation of agricultural

⁶ M.C. Mehta v. Union of India, AIR 1987 SC 1086; Vellore Citizens Welfare Forum v. Union of India, (1996) 5 SCC 647.

communities. Urban climate exposure and informal settlements. Urban poor living in low-lying informal settlements face eviction and recurrent exposure to flooding; the lack of secure tenure compounds vulnerability, and evictions often produce forced displacement without adequate rehabilitation, as the Supreme Court's *Olga Tellis* decision demonstrated in the livelihood/eviction jurisprudence (right to life includes the right to livelihood)⁷. These patterns demonstrate that climate displacement is a multi-dimensional phenomenon involving sudden-onset events (storms, floods) and slow-onset processes (erosion, salinization).

IV. The Legal and Institutional Framework: Gaps and Limitations

India has multiple statutes and institutions that touch aspects of displacement and rehabilitation, but none address climate displacement holistically.

A. Disaster Management Architecture

The Disaster Management Act, 2005 creates a national, state, and district architecture for disaster preparedness, mitigation, and response, with the National Disaster Management Authority (NDMA) at its apex. The Act mandates disaster management plans and assigns functions for relief and rehabilitation. However, the Act is primarily oriented to emergency response and does not create a standalone, proactive entitlement to long-term rehabilitation for those permanently displaced by climate processes.

B. Land Acquisition and Rehabilitation Law

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) governs acquisition for developmental projects and contains provisions for rehabilitation and resettlement of project-affected persons. The Act is, however, reactive to state-led acquisition and does not address involuntary displacement that results from environmental disasters or climate processes where land loss is not formally "acquired" but rendered unusable. Its compensation and R&R mechanisms therefore leave an institutional gap for climate-affected populations whose land may be lost by sea-level rise or salinization rather than by statutory acquisition.

⁷ *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545 (S.C.).

C. Constitutional Remedies and Judicial Innovation

Indian courts have been willing to read environmental protection into Article 21 and to craft remedies in the public interest (see *M.C. Mehta and Vellore Citizens' Welfare Forum*), but adjudication is case-driven and cannot substitute for predictable statutory entitlements. Judicial pronouncements provide valuable principles polluter pays, precautionary principle, sustainable development but do not by themselves create an administrative system for mass rehabilitation and durable resettlement of climate-displaced communities.

D. Institutional Shortcomings

Practically, institutional responsibilities overlap across the Ministry of Home Affairs (NDMA), Ministry of Environment, Forest and Climate Change, state disaster management authorities, and local bodies, often resulting in coordination deficits⁸. Fiscal mechanisms for long-term rehabilitation housing, livelihood restoration, land-for-land replacement are underdeveloped. Further, vulnerability mapping and anticipatory planning for relocation remain nascent in many states.

V. International and Comparative Perspectives

International law does not yet recognise “climate refugees” as a protected category in the sense of the 1951 Refugee Convention. Nonetheless, normative guidance exists. The Guiding Principles on Internal Displacement (1998) offer a rights-based framework for protecting internally displaced persons (IDPs) irrespective of cause; these principles emphasise protection, assistance, and durable solutions including return, resettlement, and local integration, concepts clearly applicable to climate-displaced persons⁹.

At the multilateral level, the Paris Agreement recognises “loss and damage” associated with climate impacts and urges Parties to avert, minimise, and address loss and damage, signalling political recognition of non-economic harms that accompany climate events¹⁰. However, operationalizing compensation, financing, and liability for climate displacement remains politically fraught.

⁸ Disaster Management Act, 2005; Ministry of Environment, Forest & Climate Change reports.

⁹ Guiding Principles on Internal Displacement, 1998.

¹⁰ Paris Agreement, UNFCCC (2015).

Comparative lessons: Bangladesh has experimented with planned relocation and community-based adaptation in deltaic contexts; several Pacific Island nations pursue regional protection strategies and explore migration with dignity. These models demonstrate that policy combinations anticipatory planning, participatory relocation, sustainable livelihood packages, and cultural-sensitive resettlement, are feasible but require political will and financing.

VI. Towards a Right to Climate Rehabilitation: Doctrinal and Policy Pathways

This section proposes doctrinal and policy approaches to establish a rights-based Right to Climate Rehabilitation in India.

A. Constitutional Framing

Article 21 (right to life and personal liberty) has been expansively interpreted to include health, livelihood, and a wholesome environment¹¹. The Right to Climate Rehabilitation can be framed as a derivative of Article 21: where state action or omission results in forced displacement and foreseeable long-term loss of home and livelihood due to climate processes, the state must ensure rehabilitation that restores the substantive elements of the right to lifehousing, livelihood, and dignity. Case law on eviction and livelihood (e.g., Olga Tellis) and environmental jurisprudence.

B. Legislative Pathways

A dedicated statute on National Climate Displacement and Rehabilitation Act could create (a) definitions for climate displacement; (b) entitlements to relocation, land-for-land compensation, housing, livelihood restoration, and cultural safeguards; (c) anticipatory planning duties on national/state authorities; (d) participatory decision-making requirements; and (e) funding and grievance redressal mechanisms. Where displacement results from slow-onset processes, the statute should enable planned, community-led relocation with binding timelines and funding guarantees¹².

C. Institutional Design and Finance

A nodal National Climate Relocation Authority (or a well-empowered wing within NDMA)

¹¹ Constitution of India, Art. 21.

¹² . Proposed model legislation (2023), National Climate Displacement and Rehabilitation Framework.

should coordinate anticipatory mapping, social impact assessments, and resettlement funds. Financing must combine central/state budgets, climate adaptation funds, Loss & Damage mechanisms under UNFCCC, and innovative instruments (e.g., resilience bonds)¹³. Social audits, women's representation, and oversight by an independent statutory ombudsman would ensure accountability.

D. Procedural Safeguards and Participation

Relocation must be voluntary where feasible; where involuntary, it must be guided by procedural safeguards: prior notice, meaningful consultation, culturally sensitive rehabilitation plans, and legal aid for affected communities. Participatory mapping and consent-based approaches for indigenous populations should align with Free, Prior and Informed Consent (FPIC) norms.

E. Gender and Social Equity Mainstreaming

Rehabilitation schemes must integrate gender-responsive measures: women's land titles where possible, livelihood training attuned to local economies, GBV prevention in camps/resettlement sites, and targeted social protection for elderly and disabled persons¹⁴.

VII. Implementation Challenges and Objections

Several practical and normative objections arise. First, resource constraints: large-scale rehabilitation is expensive. Second, political resistance: relocation involves electoral costs and complex inter-state coordination. Third, legal complexity: defining causation in slow onset climate processes can be contestable, complicating entitlement triggers¹⁵.

Yet these are not insurmountable. Prioritising high-risk areas, phased implementation, pilot planned relocations with rigorous evaluation, and leveraging international climate finance can reduce costs and build political legitimacy. Legally, the statute can adopt a presumption-based approach where clear environmental indicators (e.g., coastal erosion exceeding threshold rates, recurrent flood metrics) trigger relocation entitlements, reducing litigative uncertainty.

¹³ UNFCCC Loss & Damage Mechanism Reports (2023).

¹⁴ UN Women, Gender and Climate Displacement Report, 2022.

¹⁵ World Bank, Costing Climate-Induced Relocation in South Asia (2023)

VIII. Conclusion

Climate-induced displacement presents a test of India's commitment to constitutional justice, human dignity, and intergenerational fairness. The present legal patchwork disaster management provisions, land acquisition rules, and judicial directives contains valuable tools but falls short of guaranteeing a predictable, rights-based path to rehabilitation for climate-displaced persons. A combination of doctrinal advocacy (anchoring rehabilitation within Article 21), statutory innovation (a dedicated Climate Displacement and Rehabilitation Act), institutional reform, and inclusive policy design can transform climate rehabilitation from discretionary relief into a justiciable right. Doing so will not only protect vulnerable communities; it will institutionalise environmental justice in an era when climate harms are increasingly inseparable from questions of social justice.