
CLIMATE – INDUCED DISPLACEMENT IN INDIA: BRIDGING HUMAN RIGHTS, LEGAL FRAMEWORKS AND SUSTAINABLE DEVELOPMENT

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ABSTRACT

The climate displacement stands as a serious global issue, overshadowing human rights discussions and sustainable development logics. This study intends to analyze the legal framework available in India concerning climate displacement with special emphasis on human rights and sustainable development. The following three objectives are set for research: to first examine and critique the Indian legal framework related to climate displacement and the extent to which it protects the human rights of the displaced. The Second, exploring the consistency of India's actions with regard to the sustainable development goals of the United Nations to be achieved, including social inclusion, environmental sustainability, and economic equality. Thirdly, the study ends with recommendations on legislative and policy reform to tackle climate displacement in India while safeguarding human rights and promoting sustainable development.

For the purpose of this study, a doctrinal research methodology will be adopted through an in-depth analysis of the existing body of legal literature, the statute, international treaties and conventions and judgments delivered by different courts. The framework serves as a supportive base for a critical analysis of existing legal frameworks; thus, it establishes their inadequacies and recommends changes in those legal and policy spheres. While the law and international treaties & conventions ensure core human rights covering the right to life, housing, food, water and health, the climate displacement poses vexing questions in India. With regard to sustainable development, the climate displacement in India creates a heavy bearing upon the Sustainable Development Goals (SDGs) of the UN. Different sectors and geographical zones affect these goals differently and thus require targeted action. Such responses to climate – change – based displacements are indispensable for a sustainable development – led growth project for India. Thus, the report emphasizes the elements of livelihood diversification, climate resilient infrastructures and the incorporation of climate adaptation and mitigation

into development planning. All taken into consideration, a comprehensive response shall constitute a policy and legal change, preparedness for disasters, inclusiveness, sustainable development and legal support & aid with respect to climate-induced displacement in India.

A successful response to cope with the complex realities of climate displacement, India could indeed commence the long – standing reform rhetorical discourse and build a new just, resilient and sustainable world for all, provided it could begin its long – overdue reforms and commit itself to defending the rights and welfare of those displaced.

Keywords: Climate Displacement, Human Rights, Sustainable Development Goals, Legal Framework, Environment degradation.

1. INTRODUCTION

One of the major issues in our time is climate change, which affects profoundly the environment and human society. Rising sea levels, more frequent and stronger weather events, and altered patterns in climate are becoming increasingly obvious effects of a world that is warming. The topic of relocation caused by climate change has come to the fore in the middle of this widening disaster, whose ramifications stretch across the domains of environmental, human rights, and sustainable development.¹

The impact of climate change has become brutally evident in recent decades, afflicting the vulnerable communities across the world. Countries in the developing world with large and heterogeneous populations, like India, come up against many obstacles in addressing the problem of the climate change caused by displacement. The victims of climate-related disasters include millions of displaced persons in India, experiencing the cruel agony of resource scarcity, natural disasters, and environmental degradation. The problem of climate-induced displacement in India is complex, multi-dimensional, and closely tied to issues relating to sustainable development and human rights.²

It is essential that we recognize just how grave the situation is in India. Various ecosystems, cultures, and communities across this vast nation confront varying challenges due to climate

¹Kashif Abbass et al., *A Review of the Global Climate Change Impacts, Adaptation, and Sustainable Mitigation Measures*, 29 ENVTL. SCI. & POLLUTION RES. 42539 (2022).

²Natural Res. Def. Council, *What Are the Effects of Climate Change? Impacts and Examples*, <https://www.nrdc.org/stories/what-are-effects-climate-change> (last visited Nov. 9, 2024)

change.³ So, the impact of climate-related migration in India goes beyond mere displacement; a combination of social, economic, environmental, and even legal issues. Therefore, it becomes extremely important, in a much important sense, to assess how well the existing legal frameworks are addressing the rights and welfare of climate change-displaced persons and reflectively assess and critique them.

India's legal regime to address climate-induced displacement consists of international conventions, domestic legislation, and judicial pronouncements. It is important to study how international instruments, like the Paris Accord and UNFCCC, have shaped India's response to climate change displacement. The study examines India's domestic regulations such as the National Policy on Disaster Management and the National Disaster Management Act as part of its assessment of how they respond to the complex issues posed by climate change-related displacement.⁴

1.1. Objectives of the Study:

The objectives of this study are as follows:

1. To analyze and evaluate India's current legislative frameworks on climate-induced displacement as to how efficient they are in protecting the human rights of the displaced.
2. To analyze the impact of climate-induced displacement on sustainable development in India, especially regarding the United Nations Sustainable Development Goals (SDGs).
3. To make recommendations for legislative and policy reforms that address issues of climate-induced displacement in India so as to ensure human right protection and sustainable development.

1.2. Research Questions:

The ensuing major inquiries to be focused in the study are:

³Lin Zhang et al., *Globalization, Green Economy and Environmental Challenges: State of the Art Review for Practical Implications*, 10 FRONTIERS ENV'T SCI. (2022), <https://www.frontiersin.org/articles/10.3389/fenvs.2022.870271/full>.

⁴Patrick Toussaint, *Loss and Damage and Climate Litigation: The Case for Greater Interlinkage*, 30 REV. EUR. COMP. & INT'L ENV'T L. 16 (2021).

1. How does the legal system of India deal with climate-induced displacement?
2. Am going to focus on finally such aspects in connection to pros and cons in right protection strategy for the victimization of climate-induced displacement incidence?
3. How will climate-induced displacement affect India's ability to achieve these SDGs, namely with references to aspects like social inclusion, environmental sustainability, and economic development, both directly and indirectly?
4. What legislative and policy reform must occur concerning climate change-induced displacement in India in order to shore up human rights protection and advance sustainable development?

1.3. Research Methodology:

The present investigation primarily utilizes a doctrinal research technique in order to conduct a thorough analysis of the legal frameworks pertaining to climate-related displacement in India. To understand the current legal framework, doctrinal research includes an in-depth examination of all available legal literature, legislation, international treaties, and case law.

In fact, this methodological study of judicial documents, academic publications, and legal instruments allows for the very careful study into the legal aspects of climate displacement. This step provides the basis to pinpoint the shortfalls of the existing laws and regulations, as well as propose concrete changes towards improving them. It assures a well-founded, knowledgeable consideration of the legal consequences of climate-changing displacements, both in India and in any other country.

1.4. Review of literature:

1. Adelman et.al. (Eds.). (2018).⁵

An extensive examination of the legal, economic, and social justice ramifications of forced relocation is given in this edited collection. It provides a multidisciplinary framework for comprehending the difficulties experienced by communities that have been displaced,

⁵*The Consequences of Forced Displacement: Legal, Economic, and Social Justice* (Howard Adelman & Simon Levine eds., Cambridge Univ. Press 2018).

especially those caused by climate change. The book examines the legal systems, financial effects, and social justice issues surrounding forced migration.

2. McAdam, Jane. (2012).⁶

The intricate relationship between forced migration, international law, and climate change is explored in Jane McAdam's book. It offers a thorough analysis of the application of international legal frameworks, including human rights law and refugee law, to people who have been displaced because of environmental or climate-related reasons. A useful reference for comprehending the legal nuances of climate-related displacement is McAdam's work.

3. Adger, W. Neil, et al. (2002).⁷

In this academic paper, W. Neil Adger and associates examine the difficulties and methods that poor countries have in adjusting to climate change. It explores different adaption strategies and looks at how vulnerable populations are affected by climate change. The paper advances knowledge of the intricate connection between growth, displacement, and climate change in developing nations.

4. Huq, Saleemul, et al. (2003).⁸

Among this article, Saleemul Huq and associates discuss the idea of mainstreaming climate change adaptation among the world's least developed nations (LDCs). It highlights how crucial it is to incorporate climate adaptation within LDCs' larger development plan. In order to address climate-induced displacement, the study addresses adaptation-related policy initiatives and obstacles.

5. McAdam, Jane. (2010).⁹

The paper by Jane McAdam examines the role that displacement plays in the global climate change regime. It talks about how international climate agreements and debates have acknowledged displacement as a problem. McAdam looks at the ways that frameworks and

⁶Jane McAdam, *Climate Change, Forced Migration, and International Law* (Oxford Univ. Press 2012).

⁷ W. Neil Adger et al., Adaptation to Climate Change in the Developing World, 3 *Progress Dev. Stud.* 179 (2002).

⁸ Saleemul Huq et al., Mainstreaming Adaptation to Climate Change in Least Developed Countries, 3 *Climate Pol'y* 147 (2003).

⁹ Jane McAdam, Displacement in the Climate Change Regime, 23 *Cambridge Rev. Int'l Aff.* 233 (2010).

policies related to climate change manage displacement and the difficulties that come with dealing with such a complicated problem.

2. CLIMATE-INDUCED DISPLACEMENT IN INDIA

India faces a complex problem with climate-related displacement because of its wide population, variety of climatic zones, and susceptibility to the effects of climate change. The main focus under this part on relocation brought by climate change to the most vulnerable people, examines the patterns and reasons of displacement, and provides significant case studies. It offers a comprehensive summary of the complex problem at hand.¹⁰

2.1 Causes and Patterns of Climate-induced Displacement:

The primary causes of climate-induced migration in India include a variety of environmental issues that are made worse by climate change. These elements consist of:

1. **Extreme Weather phenomena:** Heatwaves, cyclones, floods, and droughts are among the extreme weather phenomena that can occur in India. People may be forced from their homes by these occurrences, especially in low-lying and coastal locations.¹¹
2. **Glacial Retreat:** As a result of warming temperatures, the Himalayan region—which includes Jammu & Kashmir and Himachal Pradesh—is seeing a fast retreat of glaciers. Seismic eruptions from glacial lakes may cause abrupt displacement.¹²
3. **Sea-Level increase:** Land will eventually submerge in coastal regions due to sea-level increase. This danger, for instance, affects West Bengal's Sundarbans area.¹³
4. **River Erosion:** Throughout India, riverbank erosion is a problem that uproots families

¹⁰ Shweta Jayawardhan, Vulnerability and Climate Change Induced Human Displacement, *Consilience* 103 (2017).

¹¹ Council on Energy, Environment and Water (CEEW), *Preparing India for Extreme Climate Events*, <https://www.ceew.in/publications/preparing-india-for-extreme-climate-change-events-and-weather-conditions> (last visited Nov. 15, 2024).

¹² Rayees Ahmed et al., Glacial Lake Outburst Flood Hazard and Risk Assessment of Gangabal Lake in the Upper Jhelum Basin of Kashmir Himalaya Using Geospatial Technology and Hydrodynamic Modeling, 14 *Remote Sensing* (2022).

¹³ Abdullah-Al Jabir et al., Correlation Between Temperature, Sea Level Rise and Land Loss: An Assessment Along the Sundarbans Coast, *J. King Saud U. - Eng'g Sci.* (2021).

and destroys agricultural land.¹⁴

5. **Crop Failures:** Extended droughts and alterations in precipitation patterns can cause crop failures, which force rural people to relocate in quest of employment.¹⁵

Displacement patterns frequently differ depending on the location and the type of climate-related disaster. For instance, storms and sea level rise cause displacement in coastal areas, but glacial lake outbursts may cause displacement in northern states.¹⁶

2.2 Notable Case Studies:

The following prominent case studies highlight the effects of relocation brought on by climate change in India:

1. **Sundarbans, West Bengal:** Increasing sea levels are putting the Sundarbans, a UNESCO World Heritage Site, in danger. Numerous residents in this area have been compelled to leave their houses and means of subsistence.¹⁷
2. **Kosi River Erosion, Bihar:** Communities along the banks of the Kosi River have been relocated due to the river's severe and unpredictable erosion, creating ongoing risks.¹⁸
3. **Cyclone Displacement, Odisha:** The necessity for disaster preparedness and response methods is highlighted by the mass displacement caused by cyclones such as Phailin and Fani.¹⁹

¹⁴ *River Bank Erosion Induced Human Displacement and Its Consequences*, https://www.researchgate.net/publication/279200603_River_Bank_Erosion_Induced_Human_Displacement_and_Its_Consequences (last visited Dec.10, 2024).

¹⁵ Managing Vulnerability to Drought and Enhancing Livelihood Resilience in Sub-Saharan Africa: Technological, Institutional and Policy Options, 3 *Weather & Climate Extremes* 67 (year not provided—add year).

¹⁶ UNHCR - The UN Refugee Agency, *Climate Change and Disaster Displacement*, <https://www.unhcr.org/what-we-do/build-better-futures/environment-disasters-and-climate-change/climate-change> (last visited Jan. 9, 2025).

¹⁷ Joydeep Gupta, *In Sundarbans, Rising Sea Levels Have Turned Farms into Wasteland, Threatening to Displace Millions*, Scroll.in (Jan. 16, 2018), <https://scroll.in/article/865138/in-sundarbans-rising-sea-levels-have-turned-farms-into-wasteland-threatening-to-displace-millions> (last visited Feb. 9, 2025).

¹⁸ Rahul Kumar Gaurav, *Trouble Comes in Threes for Residents of Kosi's Riverbanks in Bihar*, 101Reporters (Jul. 23, 2022), https://101reporters.com/article/environment/Trouble_comes_in_threes_for_residents_of_Kosis_riverbanks_in_Bihar (last visited Nov. 9, 2024).

¹⁹ Debabrata Mohanty, *How Odisha's Model of Disaster Preparedness Came into Being*, Hindustan Times (May 26, 2021), <https://www.hindustantimes.com/cities/cyclone-yaas-how-odisha-s-model-of-disaster-preparedness-came-into-being-101621969683964.html> (last visited Feb. 9, 2025).

2.3 Vulnerable Populations:

India's following communities are especially susceptible to relocation brought on by climate change:

1. **Coastal Communities:** Residents in low-lying coastal communities are at risk from cyclones and rising sea levels. Examples include sections of Tamil Nadu, the Gulf of Khambhat, and the Sundarbans.²⁰
2. **Indigenous Communities:** Because of their intimate links to the environment, indigenous inhabitants in hilly and wooded areas are frequently disproportionately affected²¹.
3. **Agricultural Laborers:** People who depend on rain-fed agriculture may have to relocate in search of employment if their crops fail.²²
4. **Urban Slums:** People living in urban slums are more vulnerable to flooding and other extreme weather conditions because they lack adequate shelter and infrastructure.²³
5. **Rural Poor:** Climate-related concerns might cause rural communities with low resources and access to basic amenities to be at risk of being displaced.²⁴

Addressing these groups' unique vulnerabilities and making ensuring they have access to safety precautions and support networks are essential in the face of these difficulties.²⁵

²⁰ *Coastal Vulnerability Assessment of India's Purba Medinipur-Balasore Coastal Stretch: A Comparative Study*, https://www.researchgate.net/publication/360781698_Coastal_vulnerability_assessment_of_India's_Purba_Medinipur-Balasore_coastal_stretch_A_comparative_study_using_empirical_models (last visited Nov. 9, 2023).

²¹ Division for Inclusive Social Development (DISD), *Challenges and Opportunities for Indigenous Peoples' Sustainability*, <https://www.un.org/development/desa/dspd/2021/04/indigenous-peoples-sustainability/> (last visited Mar. 10, 2025).

²² Inga Mareike Nienkerke et al., From Distress Migration to Selective Migration: Transformative Effects of Agricultural Development on Seasonal Migration, 29 *World Dev. Persp.* 100483 (2023).

²³ Habitat for Humanity GB, *What is a Slum? Definition of a Global Housing Crisis*, <https://www.habitatforhumanity.org.uk/what-we-do/slum-rehabilitation/what-is-a-slum/> (last visited Nov. 18, 2024).

²⁴ Population Reference Bureau (PRB), *Climate Change, Rural Vulnerabilities, and Migration*, <https://www.prb.org/resources/climate-change-rural-vulnerabilities-and-migration/> (last visited Jan. 9, 2025).

²⁵ *Ibid.*

3. LEGAL FRAMEWORKS IN INDIA:

The legal structures in India that regulate displacement caused by climate change are a complicated combination of international accords, domestic laws, and court rulings. This section explores these legal aspects in detail to provide readers a thorough grasp of how India deals with the problems associated with displacement brought on by climate change.

3.1 International Agreements and Obligations:

India is obligated to fulfill the responsibilities stated in the several international agreements that it has signed.²⁶ A number of significant international accords pertaining to human rights and displacement brought on by climate change include:

1. **United Nations Framework Convention on Climate Change (UNFCCC):** India is a member country to the UNFCCC, which highlights the need for adaptation measures and acknowledges the negative effects of climate change on vulnerable groups. These ideas are expanded upon in the Paris Agreement, which is an expansion of the UNFCCC.²⁷
2. **The Kyoto Amendment to the Montreal Protocol:** It addresses hydrofluorocarbons (HFCs), which are strong greenhouse gases. India's pledge to phase out HFCs is consistent with efforts to mitigate climate change.²⁸
3. **Sendai Framework for Disaster Risk Reduction:** This framework highlights the significance of lowering disaster risk and boosting resilience, which are essential components of addressing climate-induced displacement, even if it is not exclusively focused on displacement.²⁹
4. **International Human Rights Instruments:** India is part of many international human rights treaties, together with the International Covenant on Civil and Political Rights

²⁶ Ram Charan Meena, *International Treaties and Law of Environment in India: An Overview*, 6 Res. Ambition: Int'l Multidisciplinary e-J. 27, 27–35.

²⁷ UNFCCC, *What Is the United Nations Framework Convention on Climate Change?* <https://unfccc.int/process-and-meetings/what-is-the-united-nations-framework-convention-on-climate-change> (last visited Feb. 15, 2025).

²⁸ UNFCCC, *Kyoto Protocol*, https://unfccc.int/kyoto_protocol (last visited Nov. 9, 2024).

²⁹ UNDRR, *Sendai Framework for Disaster Risk Reduction 2015–2030*, <http://www.undrr.org/publication/sendai-framework-disaster-risk-reduction-2015-2030> (last visited Dec. 9, 2024).

and the International Covenant on Economic, Social, and Cultural Rights; these are in direct relation to displacement brought on by climate change.³⁰

India is required under these international accords to take steps to safeguard the rights of those who are displaced by climate change and to advance adaptation and mitigation strategies.³¹

3.2 National Legislation and Policies:

India has developed strategies and passed a number of national legislation to address the problems brought on by climate change-related displacement.³² Several noteworthy legal and policy tools consist of:

1. **National Disaster Management Act (2005):** This created the legislative foundation for disaster management in India. Concerning displacement brought on by climate change, it contains measures for disaster risk reduction, response, and rehabilitation.³³
2. **National Policy on Disaster Management (2009):** This offers a tactical framework for the nation's management and mitigation of catastrophe risk. It places a strong emphasis on the defense of weaker communities and the advancement of sustainable development in the face of calamities, especially those brought on by climate change.³⁴
3. **Forest Rights Act of 2006:** This law, which is important to indigenous groups, protects the rights of tribes and people who live near forests to their ancestral lands and resources.³⁵

³⁰ United Nations, *The Foundation of International Human Rights Law*, <https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law> (last visited Jan. 9, 2025).

³¹ *Ibid.*

³² Indian School of Public Policy, *India's Climate Change Policy: Challenges and Recommendations*, <https://www.ispp.org.in/indias-climate-change-policy-challenges-and-recommendations/29174/> (last visited Nov. 9, 2024).

³³ NDMA, *Introduction*, <https://ndma.gov.in/about-us/introduction> (last visited Nov. 9, 2023).

³⁴ UNDRR, *Hyogo Framework for Action*, <https://www.preventionweb.net/sendai-framework/Hyogo-Framework-for-Action> (last visited Dec. 8, 2024).

³⁵ Pathfinders, *India's Landmark Law to Empower Indigenous Forest-Dwellers to Sustainably Access and Use Forest Resources*, <https://www.sdg16.plus/policies/indias-landmark-law-to-empower-indigenous-forest-dwellers-to-sustainably-access-and-use-forest-resources/> (last visited Nov. 16, 2024).

4. **The National Rural Employment Guarantee policy of 2005:** By creating jobs in rural regions and lowering the demand for migration as a result of financial strain, this policy can assist lessen displacement caused by climate change.³⁶
5. **Guidelines for the Coastal Regulation Zone (CRZ):** These regulations control operations along the coast with the goal of safeguarding the coastal environment, which includes populations at risk from coastal erosion and sea level rise.³⁷

4. HUMAN RIGHTS IMPLICATIONS:

The consequences of India's relocation due to climate change for human rights are critical. Displacement brought on by climate change has an immediate impact on a number of essential human rights. Examining the legal frameworks that safeguard fundamental rights like the right to life, the right to decent housing, the right to food and water, and the right to health, this part looks at the effects on these rights.³⁸

4.1 Right to Life:

One of the most essential human rights is the one guaranteed by Article 21 of the Indian Constitution: the right to life. This right is immediately threatened by climate-induced relocation brought on by extreme weather events, rising sea levels, and environmental degradation. People's safety and lives are in jeopardy when they are uprooted from their homes. Furthermore, moving frequently results in unstable housing, which puts people's health at danger and leaves them vulnerable.³⁹

Both national and international laws are part of the framework that upholds this right. The right to life is upheld internationally by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR). The Indian judiciary has

³⁶ Taylor & Francis, *Can the Rural Employment Guarantee Scheme Reduce Rural Out-Migration: Evidence from West Bengal, India*, https://www.researchgate.net/publication/279274841_Can_the_Rural_Employment_Guarantee_Scheme_Reduce_Rural_Out-migration_Evidence_from_West_Bengal_India (last visited Jan. 12, 2025).

³⁷ *Coastal Regulation Zone Notification, 2019*, <http://crz.elaw.in/crz2019.html> (last visited Nov. 9, 2024).

³⁸ UN Press, *Climate Change-Induced Sea-Level Rise Direct Threat to Millions Around World, Secretary-General Tells Security Council*, <https://press.un.org/en/2023/sc15199.doc.htm> (last visited Feb 9, 2023).

³⁹ The Amikus Qriae, *Right to a Healthy and Sustainable Environment Under Article 21 of the Constitution of India*, <https://theamikusqriae.com/right-to-a-healthy-and-sustainable-environment-under-article-21-of-the-constitution-of-india/> (last visited March. 11, 2025).

acknowledged the right to a safe environment as a fundamental component of the right to life, underscoring the need of shielding people from relocation caused by climate change.⁴⁰

4.2 Right to Adequate Housing:

Displacement brought on by climate change also affects the right to sufficient housing, which is guaranteed by Articles 21 of the Indian Constitution and 11 of the International Covenant on Economic, Social, and Cultural Rights. It might be difficult for displaced people to locate safe, suitable homes. This right is directly violated by temporary shelters and subpar living circumstances, which can result in homelessness and property loss.⁴¹

Domestic legislation, such the National Disaster Management Act, places a strong emphasis on recovery and rehabilitation, which includes giving displaced people a suitable place to live. But issues frequently occur when putting these regulations into practice, making things tough for individuals who are relocated.⁴²

4.3 Right to Food and Water:

Access to food and water can be disrupted by climate change and its effects, such as relocation, which can impact the right to sufficient nourishment and clean water. A shortage of food may result from crop failures brought on by droughts and altered precipitation patterns. Furthermore, because their relocation frequently takes place in places with inadequate infrastructure, displaced populations can have trouble getting access to clean drinking water.⁴³

The National Food Security Act (2013), which attempts to guarantee food security for everyone, recognizes the right to food in India. Numerous rules, notably those pertaining to environmental protection, implicitly recognize the right to water. However, the consequences of displacement brought on by climate change on these rights underscore the necessity of taking

⁴⁰ United Nations, *The Foundation of International Human Rights Law*, <https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law> (last visited Jan. 9, 2025).

⁴¹ *Housing Judgments India*, https://www.hlrn.org.in/documents/Housing_Judgments_India.pdf (last visited Feb. 15, 2025).

⁴² Elizabeth Ferris, *Natural Disasters, Human Rights, and the Role of National Human Rights Institutions*, Brookings, Oct. 25, 2008, <https://www.brookings.edu/articles/natural-disasters-human-rights-and-the-role-of-national-human-rights-institutions/> (last visited Jan. 9, 2025).

⁴³ U.S. EPA, *Climate Impacts on Agriculture and Food Supply*, <https://climatechange.chicago.gov/climate-impacts/climate-impacts-agriculture-and-food-supply> (last visited Feb. 27, 2025).

more thorough and proactive steps to address the food and water security of displaced communities.⁴⁴

4.4 Right to Health:

Displacement brought on by climate change may potentially affect the right to health. People who are displaced frequently have higher health risks as a result of poor living circumstances, exposure to harsh weather, and disruptions in healthcare services. For example, moving might result in congested temporary shelters where infections can spread, endangering the right to health even more.⁴⁵

The National Health Policy (2017) and the National Rural Health Mission are two examples of the many laws and policies pertaining to healthcare in India that are intended to guarantee access to medical treatment. But the effects of displacement brought on by climate change on the right to health highlight the necessity of focused initiatives to meet the needs of displaced people in terms of their health.⁴⁶

5. SUSTAINABLE DEVELOPMENT IMPLICATIONS:

The displacement caused by climate change in India has far-reaching and complex ramifications for sustainable development. In light of the pertinent legislative frameworks, this section examines the effects on the Sustainable Development Goals (SDGs), environmental sustainability, social inclusion, and economic development.⁴⁷

5.1 Impact on Sustainable Development Goals (SDGs):

India has pledged to meet a number of economic, social, and environmental goals by 2030 as a signatory to the Sustainable Development Goals (SDGs) of the United Nations. Achieving these objectives may be impacted both directly and indirectly by relocation brought on by

⁴⁴ Priyam Sengupta & Kakali Mukhopadhyay, *Economic and Environmental Impact of National Food Security Act of India*, 4 *Agricultural and Food Economics* 1–23 (2016).

⁴⁵ Better Health Channel, *Climate Change and Health*, <https://www.betterhealth.vic.gov.au/health/healthyliving/climate-change-and-health> (last visited Feb. 9, 2025).

⁴⁶ National Rural Health Mission, *National Health Mission*, <https://nhm.gov.in/index1.php?lang=1&level=1&lid=49&sublinkid=969> (last visited Jan. 19, 2025).

⁴⁷ Niloufar Fallah Shayan et al., *Sustainable Development Goals (SDGs) as a Framework for Corporate Social Responsibility (CSR)*, 14 *Sustainability* (2022).

climate change.

- **SDG 1 - No Poverty:** Economic losses resulting from climate-related relocation frequently exacerbate poverty among impacted people.⁴⁸
- **SDG 2: Zero Hunger:** Access to enough nutrition and food production may be hampered by displacement.⁴⁹
- **SDG 3: Good Health and Well-Being:** Health concerns and insufficient access to healthcare might result from displacement.⁵⁰
- **SDG 6: Clean Water and Sanitation:** Access to potable water and sanitary facilities may be hampered by displacement.⁵¹
- **SDG 11: Sustainable Cities and Communities:** Migration to urban areas as a result of climate-related displacement frequently puts a burden on urban infrastructure and services.⁵²
- **SDG 13 - Climate Action:** This target emphasizes how climate change causes displacement, underscoring the connection between this problem and the aims of climate action.⁵³

India's progress towards sustainable development is impacted by the interplay between climate change-related displacement and the wider Sustainable Development Goals (SDGs).

5.2 Environmental Sustainability:

Displacement brought on by climate change affects the ecosystem in both positive and bad

⁴⁸ Department of Economic and Social Affairs, *Goal 1*, <https://sdgs.un.org/goals/goal1> (last visited March. 18, 2025).

⁴⁹ UNDP, *Sustainable Development Goals*, <https://www.undp.org/sustainable-development-goals/zero-hunger> (last visited Jan. 9, 2025).

⁵⁰ UNICEF DATA, *SDG Goal 3: Good Health and Well-being*, <https://data.unicef.org/sdgs/goal-3-good-health-wellbeing/> (last visited Feb. 29, 2025).

⁵¹ United Nations Sustainable Development, *Water and Sanitation*, <https://www.un.org/sustainabledevelopment/water-and-sanitation/> (last visited Jan. 19, 2025).

⁵² Department of Economic and Social Affairs, *Goal 11*, <https://sdgs.un.org/goals/goal11> (last visited Nov. 9, 2024).

⁵³ Department of Economic and Social Affairs, *Goal 13*, <https://sdgs.un.org/goals/goal13> (last visited Nov. 9, 2024).

ways. As people abandon high-carbon lifestyles, it can help cut greenhouse gas emissions; yet, because displaced populations may put strain on newly established places, it can also worsen environmental conditions. Sustainable development depends on controlling these environmental effects.⁵⁴

The National Environment Policy (2006), the Forest (Conservation) Act, and the Environment (Protection) Act are just a few of the environmental laws and regulations that India has in place to try to preserve and safeguard the natural world. But these legal tools need to be customized to deal with the particular issues surrounding displacement brought on by climate change.⁵⁵

5.3 Social Inclusivity:

Social problems, such as rifts in social cohesiveness and the uprooting of vulnerable groups can result from climate-related relocation. Marginalized and indigenous communities may experience prejudice as well as challenges relocating to new areas and assimilating.⁵⁶

The goal of India's affirmative action programs, which include job and educational reservations, is to encourage social inclusion. To ensure that displaced people do not face additional prejudice, they might need to be modified to meet their unique requirements.⁵⁷

5.4 Economic Development:

Affected communities may experience livelihood disruptions and financial losses as a result of climate-related relocation. Thus, local and regional economic growth may be hampered. The goals of India's economic development programs, such as Made in India and Skill India, are to increase employment and the country's GDP. Developing these policies in a way that offers displaced people opportunity can support sustainable development.

⁵⁴ Intergovernmental Panel on Climate Change (IPCC), *Chapter 5: Food Security — Special Report on Climate Change and Land*, <https://www.ipcc.ch/srccl/chapter/chapter-5/> (last visited Feb. 29, 2025).

⁵⁵ Vinay Vaish, *Environment Laws in India*, Vaish Associates Advocates, Aug. 31, 2017, <https://www.mondaq.com/india/waste-management/624836/environment-laws-in-india> (last visited Jan. 19, 2025).

⁵⁶ Department of Economic and Social Affairs, *Challenges and Opportunities for Indigenous Peoples' Sustainability*, <https://www.un.org/development/desa/dspd/2021/04/indigenous-peoples-sustainability/> (last visited Jan. 11, 2025).

⁵⁷ Upendra Bhojani et al., Affirmative Action, Minorities, and Public Services in India: Charting a Future Research and Practice Agenda, 4 (NS) *Indian Journal of Medical Ethics* 265, 265–273 (2019).

6. CASE LAWS

i. *Subhash Kumar v. State of Bihar*⁵⁸

This case is an important precedent for Indian environmental law. Under Article 21 of the Indian Constitution, it is well established notion that the environmental preservation is an essential part of the right to life, although it has nothing to do with displacement brought on by climate change as it sets the stage for the recognition of the right to a safe and healthy environment as a basic human right.

ii. *Narmada Bachao Andolan v. Union of India*⁵⁹

This precedent concerns with the rights of the displaced groups, especially indigenous populations and their right to appropriate rehabilitation. It is in relation to the Narmada dam project which addresses human rights and environmental issues related to relocation brought on by climate change.

iii. *Gujarat Urja Vikas Nigam Ltd. v. Essar Power Ltd.*⁶⁰

This instance highlights how crucial it is to strike a balance between environmental concerns and growth initiatives, especially in the energy industry. Yet, the problem pertaining to climate change remains intact although it does deal with environmental and sustainable development challenges.

iv. *Chhetriya Pardushan Mukti Sangharsh Samiti v. Vardhman Kaushik*⁶¹

The need of resolving environmental challenges that might result in relocation and impact on issues related to life and a healthy atmosphere is highlighted by this case which centers on environmental pollution in Delhi.

v. *Shramik Mukti Sangh v. State of Maharashtra*⁶²

This case deals with worker displacement brought on by development projects,

⁵⁸ Subhash Kumar v. State of Bihar, AIR 1991 SC 420.

⁵⁹ Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751.

⁶⁰ Gujarat Urja Vikas Nigam Ltd. v. Essar Power Ltd., (2008) 4 SCC 755.

⁶¹ Chhetriya Pardushan Mukti Sangharsh Samiti v. Vardhman Kaushik, 169 (2010) DLT 65.

⁶² Shramik Mukti Sangh v. State of Maharashtra, AIR 2003 SC 2364.

highlighting the necessity of ensuring fair and reasonable resettlement and rehabilitation, which is pertinent to concerns regarding displacement brought on by climate change.

7. RECOMMENDATIONS FOR THE POLICY AND LEGAL REFORMS:

There are so many legislative as well as regulatory changes required in India to tackle with the problem caused by increasing population. In this respect important suggestions are outlined in this section.

7.1 Fortifying Legal Structures:

- **Comprehensive Law:** Create inclusive laws that are dedicated to resolving displacement caused by climate change, using guidelines from international accords like the Guiding Principles on Internal Displacement.
- **Explicit Recognition of Human Rights:** Make sure that the displaced people's rights to life, decent shelter, food, water and health are recognized and upheld by the legal framework.
- **Cross – Border Displacement:** Clearly define the rights and legal standing of people who migrate across international boundaries as a result of climate change, guaranteeing their safety and assistance.⁶³

7.2 Disaster readiness and Response:

- **Localized Disaster Plans:** Create and carry out plans for disaster readiness and response at the local level giving special attention to communities and areas that are at risk.
- **Early Warning Systems:** Boost early warning systems to give at-risk populations timely information so they can take preventative action.
- **Capacity Building:** Increase the ability of communities, first responders, and local

⁶³ Naziye Dirikgil, Addressing the Prevention of Internal Displacement: The Right Not to Be Arbitrarily Displaced, 24 *J. of Int'l Migration & Integration* 113, 113–138 (2022).

government to handle climate-related displacement and the difficulties it presents.⁶⁴

7.3 Initiatives for Sustainable Development:

- **Climate – Resilient Infrastructure:** To lower the danger of displacement, particularly in coastal and vulnerable areas, invest in climate – resilient infrastructure.
- **Livelihood Diversification:** To lessen a community's reliance on industries that are susceptible to climate change, encourage skill development and livelihood diversification in at-risk areas.
- **Adaptation and Mitigation:** To address the underlying causes of displacement, incorporate climate adaptation and mitigation strategies into development projects.

The goal of these suggestions is to strengthen India's legislative and policy framework in order to handle displacement brought on by climate change. The implementation brought in by these changes can better protect the rights and welfare of those affected by climate change.

8. CONCLUSION:

In India, the jeopardy posed by climate – induced displacement has a compounded urgency that links sustainably to the development and human rights. This generalized study goes ahead to explore the legal framework and its implications on human rights and actions requiring sustainable development, necessitating a full understanding of the climate change disaster in India with regard to climate – induced displacement. The fixed proclamations coexisting to form a framework in India are national laws, international treaties, and precedents which would construct a foundation upon which an introduction to climate-displacement would rest. However, these legal remedies are implemented very deficiently thus; the hindrances in enforcing policies in India are enormous including the absence of data, lack of coordination & lack of resources.

⁶⁴ The Importance of Early Warning Systems in Disaster Risk Reduction, *Int'l Labour Org.*, https://www.ilo.org/global/topics/employment-promotion/recovery-and-reconstruction/WCMS_858123/lang-en/index.htm (last visited Mar. 19, 2025).

The Displacement caused due to climate change has grave implications on the right to life, decent housing, food and water. These rights are protected within the national legal system with respect to international instruments. Yet, often there is gaps exist between the legal mandate and actual fulfillment that directly calls for enforcement mechanisms and accountability mechanisms. India's success in attaining United Nations Sustainable Development Goals will depend on its capacity to deal with climate-induced displacement through sustainable development. The impact of displacement would be varied across different geographies and different sectors thus, would solicit nuanced and tailor-made interventions.

In conclusion, India needs a multi-faceted approach to deal with climate-induced displacement. The aforementioned actions will be strengthening the governance framework, enhancing disaster preparedness, promoting sustainable development, ensuring social inclusion and providing remedy and support for legal issues which can be achieved through international collaboration with other countries and international organizations which can ultimately place India into better footing to handle cross-border displacement. The problem is intimidating, yet not insurmountable and can be mitigated by reforms capable of establishing interoperability and with continued commitment to capacity-building for rights protection and good living standards. India might help in steering climate-induced displacement safely over the presently treacherous terrain towards a just, resilient and a sustainable future for all.