
MIGRATION OF MASSES INDUCED BY THE IMPACT OF CLIMATE CHANGES

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ABSTRACT

“Environment Refugees – The World Forgotten Victims”, as highlighted by the World Economic Forum in its report on 18th June 2021, mentioned that climate change remains a serious concern in the international arena. Climate changes are significant driver of human displacement, giving rise to the growing phenomenon of climate refugees. The Institute of Economic and Peace predicts that, within the next three decades, about 1.2 billion people will get displaced due to the adverse effect of climate change. Climate refugees are the people who are forced to leave their homes due to rising of sea level, extreme weather events, desertification and environmental degradation. Despite being forced to flee due to climate-related disasters, climate refugee lack formal recognition and legal protection under international law. As per the Refugee Convention 1951, a refugee is the person, who owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country. However, climate induced displacement does not fit in this definition, leaving climate refugees without access to the rights and protection granted to traditional refugees. Right to survival is the first basic human right. If there is a threat for the basic human right due to the adverse environmental factors to which they are no parties, they try to cross their borders to save themselves. In the present work, the authors focus on the causes and consequences of climate-induced displacement, explore case studies of vulnerable regions and analyze the gaps in existing legal and policy framework. The paper addresses the crisis faced by climate refugees which requires urgent action to mitigate climate change and ensure justice for those who are forced to migrate due to environmental factors. It also discusses viable solutions, including adaptation strategies, international cooperation and legal reforms to address the rights and needs of displaced population.

I - INTRODUCTION

Human Migration is a time honored phenomenon which is triggered by various factors like socio, economic, political and environmental. The movement of population due to climate stresses is not new. For example, archaeological evidence indicates that human populations have been migrating within Pakistan and India for the past 10,000 years in response to changing dynamics of summer and monsoon. Adding to these factors, now a day's climate change is becoming a significant driver of human migration. Our research paper is on migration due to climate change and its impact on legal system. The methodology adopted is doctrinal and the methods followed are analytical, comparative and critical. The literature received and relied upon are official documents as primary data and the opinions of a few research papers as secondary source of information.

II- CONCEPTUAL ANALYSIS

Widespread terminologies are used for the movement of people from the place of origin to place of shelter such as migration and displacement. Universally there is no consensus on the definition for the term 'Migration'. According to International Organization on Migration, hereinafter referred as IOM, migration refers to movement of people away from their usual place of residence to a new place of residence, either across an international border or within a state, former is known as international migration and the latter as internal migration.¹

United Nations Department of economic and social affairs (1998) defines migrants as people who changed their usual residence and distinguishes between short term migrants or long term migrants². The former are the people who have changed their resident for atleast three months not more than one year whereas the latter are the people who have changed their resident for atleast one year or more.

Migration is distinct from displacement. In migration, movement happens voluntarily and in displacement movement happens forcibly. According to IOM 2019, Displacement means movement of persons who have forced or obliged to flee or to leave their homes or places of habitual residence as a result of armed conflict, violations of human rights or natural disaster

¹ A.C.B.A.M.E. Sironi, *International Migration Law No. 34: Glossary on Migration*, International Organization for migration, Editor. 2019; 248. Geneva, Switzerland.

² Recommendations on Statistics of International Migration, Revision 1, ST/ESA/STAT/SER.M/58/Rev. 1. United Nations publication, Sales No. E.98.XVII.14

or human made disasters³. On the question, whether people displaced by climate change can be called as 'climate refugees' or 'environmental refugees'. IPCC in its report has used the term 'environmental migrants' instead of referring as 'environmental refugees' which clearly highlights the reality that 'there is no consensus on the definition of Climate refugees at any cost.'⁴ Both are used interchangeably.

III. WHO ARE ENVIRONMENTAL REFUGEES?

3.1. The term 'environmental refugee' was first coined by Lester brown in the year 1970⁵. Later the term was popularized by El Hinnawi (1985) ⁶. According to El Hinnawi, Environmental refugees are the "people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life." Jacobson (1988) wrote Environmental refugee means forced migration of people due to environmental degradation and natural disasters".

The most famous and recognized work on Environmental refugees was by the Myer and Kent (1995) and Norman Myers (1993, 1997, 2002, 2005), who have defined Environmental refugees as "persons who no longer gain a secure livelihood in their traditional homelands because of environmental factors of unusual scope". They are also called as climate refugees. Both terms are synonymously used.

DO ENVIRONMENTAL REFUGEES COVERED UNDER REFUGEE CONVENTION 1951

According to refugee convention 1951, refugee is a person who due to fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself for the protection of that country.⁷ So, Environmental refugees are

³ A.C.B.A.M.E. Sironi, (*International Migration Law No. 34 - glossary on migration | IOM publications platform*) <<https://publications.iom.int/books/international-migration-law-ndeg34-glossary-migration>> accessed 4 March 2025

⁴ Intergovernmental Panel on Climate Change (IPCC), A.A.F. (2023) *Climate change 2022 – impacts, adaptation and vulnerability* [Preprint]. doi:10.1017/9781009325844.

⁵ Morrissey, J. (2012) 'Rethinking the "debate on environmental refugees": From "maximalists and minimalists" to "proponents and critics"', *Journal of Political Ecology*, 19(1). doi:10.2458/v19i1.21712.

⁶ Essam El- Hinnawi, 'Environmental Refugees ' (*United Nations*) <<https://digitallibrary.un.org/record/121267?ln=en&v=pdf>> accessed 4 March 2025

⁷ Convention relating to the Status of Refugees (adopted 28 July 1951) 189 UNTS 137 Art.1.

not covered under the refugee's convention and do not get "refugee status" and do not have the rights for asylum according to International law. Certain countries hide behind the UN refugee convention regulations and refuse to grant asylum to individuals who "had to flee the place they lived to escape danger". They lose their native land due to climate change.

STATISTICAL PREDICTIONS

Climate change is the significant phenomenon in the current global arena. It has been predicted in the year 1990's itself by the Intergovernmental panel on Climate Change that Climatic changes will have its impacts on human migration. It has been estimated by the World Bank that 216 million people will get displaced by the year 2050. Effects of climate change can be categorized into two ways one is slow onset effects and sudden onset effect. Rising of sea level, Increase in temperature, desertification, ocean acidification are some of the examples of slow onset events which lead to permanent migration and weather events like floods, drought, cyclones and hurricanes are some of the examples of sudden onset events which cause temporary migration.⁸

It has been estimated by Professor. Norman Myer that when global warming takes holds, there could be 200 millions climate migrants by 2050⁹. This estimated is accepted by Stern Review on the Economics of Climate Change.

The Intergovernmental panel on Climate Change estimated that due to extreme heat and humidity, around 50-75% of the global population will be under a "life-threatening climatic conditions" by 2100. It also warns the parts of counties like India, the Persian Gulf, the Gulf of California and the southern Gulf of Mexico who are already experiencing high heat temperature.

A study on topic, "Quantifying the human cost of global warming" identifies that an average annual temperature of 29C as the upper limit of the "human climate niche".

IMPACT OF CLIMATE CHANGE ON HUMAN MIGRATION

Climate change affects our environment in many ways. It is a significant driver of human

⁸ Walter Kalin, 'Conceptualising Climate-Induced Displacement' [2010] Climate Change and Displacement : Multidisciplinary Perspectives 81

⁹ Myers, N., "Environmental Refugees: An emergent security issue", (2005) 13th Economic Forum, 23-27

migration. It refers to rising temperatures, rise of sea level, drought, floods, and many more. These climate related events affect things that people depend upon, like water, energy, transportation, wildlife, agriculture, ecosystems, and human health. These are the basic needs of human living. This catastrophic impact causes the human migration in three ways;

1. Raise in temperature will diminish the agricultural activities and it will erode the eco-services such as fertile soil and water.
2. Extreme weather events like floods, drought and heat waves destroy their life support system and make their life miserable.¹⁰ But with the increasing certainty about the effects of climate change it is believed that it will lead to large scale forced migration of people.
3. Raising sea level will crash the coastal areas and melting glaciers may induce people to migrate on a large scale. If sea levels rises by one meter due to climate change, storm surges could make island nations such as the Maldives, the Marshall Islands, Kiribati and Tuvalu largely uninhabitable and force people to take refuge in other countries.
4. Climate change as a migration trigger is often embedded within other contextual economic issues such as poverty, population pressures, malnutrition, landlessness, unemployment, over-rapid urbanization and pandemic diseases. Government shortcomings, together with ethnic strife and conventional conflicts can further exacerbate the push factors for Migration¹¹

INTERNATIONAL LEGAL FRAMEWORK TO ADDRESS THE ISSUES ON CLIMATE CHANGE AND MIGRATION:

INTERNATIONAL HUMAN RIGHTS LAW

Right to survival is the first basic human right. If there is a threat for the basic human right due to the adverse environmental factors to which they are no parties, they try to cross their borders to save themselves. Climate change threatens some of the basic rights such as right to life, food, water, health and housing. International human rights laws such as International Covenants on Civil and Political Rights hereinafter referred as ICCRP and the International Covenants on

¹⁰ Architesh Panda, Climate Refugees: Implications for India (2010) 45 Economic and political weekly 76-79

¹¹ Bhagat, R.B. and Rajan, S. I, 'Migration in the context of climate change: an introduction', Climate Change, Vulnerability and Migration (2018) Routledge 1-17.

Economic, Social and Cultural Rights herein after referred as ICESCR, it is the responsibilities of the states to protect the rights of the individual who is at risks

PRINCIPLE OF NON REFOULEMENT

The Principle of Non-refoulement is rooted in several key international instruments that guarantees that no individual regardless of their migration status, should be sent back to a country where they may face torture, persecution or other forms of cruel, inhuman or degrading treatment. This protection applies universally and is central to both refugee laws and human rights law. Now one of the most significant original sources of the concept of non-refoulement is the 1951 Refugee Convention specifically under Article.33, Which prohibits states from expelling or returning refugee to any country where their life or freedom may be threatened based on factors such as race, religion, nationality, membership in a particular social group or political opinion. So other critical aspects of non-refoulement are the role in the refugee status determination process. So when an individual seeks asylum, states are obliged to carefully assess whether the person qualifies for protection under the 1951 refugee convention before any decisions regarding removal can be made. In practice this means that asylum seekers must be allowed to remain in the country where they have applied for protection until their case has been completed.

The importance of the principle is highlighted in the European Union Law where asylum seeker must be permitted to stay in the host country while their application and any appeals are being processed, ensuring that they are not subject to removal during this critical period. This guarantees that their right to appeal is fully respected in line with both international and European Union obligations. Article.21 of European Union law explicitly codifies the protection from refoulement.

Non refoulement serves as a cornerstone of international refugee protection and human rights law and enshrines that individual fleeing persecution or serious harm are abandoned to their fate by being sent back to dangerous environment. As a result, principle of non refoulement is not only about maintaining legal standards, but also about upholding basic human dignity and right to life.

While the principle of non refoulement is the corner stone of international refugee and human rights law, its implementation have a significant challenges both legally and practically. The

key challenge is the limitation of refugee convention itself. The protection against refoulement under Article.33 of the 1951 refugee convention is not absolute. It applies only to those recognized as refugees and there is an exception as mentioned under Article.33(2) of refugee convention, it allows states to refoule individuals, if they pose a threat to national security or have committed serious crime. This allows the states to manipulate the principles and limits its protection in certain cases.

People who are forced to migrate due to adverse effect of climate change fall outside the refugee protection. This legal lacuna can be filled by using the principle of non refoulement and it has also be acknowledge by UN Human Rights Committee in a landmark decision *Ioana Teitiota V Newzealand*¹² (2020). Ioana Teitiota, a Kribati National, the Committee's finding is that where such risks are imminent, it may be unlawful under the International Covenant on Civil and Political Rights (ICCPR) for governments to send people back to countries where the effect of climate change exposes them to life-threatening risks (article 6) or where they are at real risk of facing cruel, inhuman or degrading treatment (article 7 of ICCPR). The Committee importantly refers to the need for robust national and international efforts to avoid exposure of individuals to violations of their rights due to the effects of climate change.

UNITED NATION FRAMEWORK, COVENTION ON CLIMATE CHANGE

United Nation Framework Convention on Climate Change hereinafter called as UNFCCC is the first international legal regime signed in the year 1992 to combat climate change by limiting the increase of average global temperature. The guiding principle of this convention is to balance the environmental protection, economic development, and division of burdens between developed and developing country¹³. The fundamental principles of UNFCCC is that developed and developing country parties have “common but differentiated responsibilities and respective capabilities,”¹⁴ The Convention asks countries to adopt policies and measures on mitigation and to report periodically.

KYOTO PROTOCOL

Kyoto protocol was adopted in the year 1992 and came into force on 2005. It implements the

¹² [2013] NZIPT 800413.

¹³ UNFCCC, art. 3.4

¹⁴ UNFCCC, art. 3.1.

principle of the United Nations Framework Convention on Climate Change by committing the state parties to reduce greenhouse gases (GHG) emissions in accordance with agreed individual targets.

PARIS AGREEMENT

Paris agreement is considered as milestone for climate regime since it was the first legally binding agreement on climate change. The main goal is to hold “the increase in the global average temperature to well below 2°C above pre-industrial levels” and pursue efforts “to limit the temperature increase to 1.5°C above pre-industrial levels.” But, of late, international communities have stressed the need to limit global warming to 1.5°C by the end of this century. Since, Intergovernmental Panel on Climate Change suggested that crossing the 1.5°C threshold risks unleashing far more severe climate change impacts, including more frequent and severe droughts, heat waves and rainfall.

CANCUN ADAPTATION FRAMEWORK, 2010

The UNFCCC for the first time recognized importance of human mobility by establishing the Cancun Adaptation Framework at COP16 in Cancun, Mexico and was introduced in the year 2011. The main objective of this framework to enhance action on adaptation through international cooperation.¹⁵ It also proposed the idea of a climate risk insurance facility, and ways to address rehabilitation due to the adverse effect of climate related disasters¹⁶. Since, these recommendations are voluntary, it only had a limited impact on the situation faced by Climate induced migrants.

THE NANSEN INITIATIVES, 2012

In reply to COP16, the Nansen Initiative was taken up by Switzerland and Norway, and based on consultations, the Initiative published an “Agenda for the protection of cross-border displaced persons in the context of disasters and climate change”, which was endorsed by 109

¹⁵ UNFCCC, "Cancun Agreements," <https://unfccc.int/process/conferences/pastconferences/cancun-climate-change-conference-november-2010/statements-and-resources/Agreements>,

¹⁶ UNFCCC: The Cancun Agreements Adaptation. 2020 [https:// unfccc.int/tools/cancun/adaptation/index.html](https://unfccc.int/tools/cancun/adaptation/index.html). accessed by

states in 2015.¹⁷ However, India is not signatory to the Nansen initiatives.

NEWYORK DECLARATION FOR REFUGEES AND MIGRATION (2016):

UN General Assembly adopted the New York declaration for refugees and migration to strengthen and enhance mechanisms to protect people on the move. It also addresses migration due to climate change, as well as the environmental impacts of migration, large population movements, and the environmental sustainability aspects of migration. It also acknowledged that climate change is the driver both internal and international migration. This declaration paved way for the adoption of two global compact in 2018: a global compact on refugees and a global compact for safe, orderly and regular migration.

GLOBAL COMPACT ON REFUGEES:

Global compact on refugees is a framework that talks on sustainable solutions to refugee situations cannot be achieved without the international cooperation. It also talks on equitable sharing. The main objectives are, to ease the pressure on host countries, to enhance refugee self reliance, to expand access to third country solutions and to support conditions in countries of origin for return in safety and dignity.

GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION, 2018

The Global Compact for Safe, Orderly and Regular Migration an intergovernmental, non-binding, UN global agreement was adopted on 10th December 2018 which, acknowledged the urgent situation of migrants who are displaced because of climate change. This compact seeks to address concerns of state sovereignty and responsibility-sharing while upholding human rights and principles of non-discrimination.

INDIA'S RESPONSE TO CLIMATE REFUGEES

India has a diverse and complex migration history starting from migration during colonial period till the present. But these migrations happened due to social and economic reasons.

In 1834, Indian labor export started to Mauritius which is an Indian Ocean island by Britain

¹⁷ Kälin W. The Nansen Initiative: building consensus on displacement in disaster contexts. *Forced Migr Rev.* 2015;49:3.

under British colonial rule. During 1870's, Indians were working in South Africa, Fiji, Trinidad and all other colonies of Great Britain. Between 1885 to 1940 there was a mass emigration from eastern and central Punjab which to western Punjab which is Pakistan today¹⁸. Partition of India and Pakistan is one of the greatest migrations in human history especially in a short period of time. Approximately, 7.2 million Muslim people migrated to Pakistan and 5.5 million Hindus and Sikhs migrated to India. This continued till 1971. In 1970, Indian migration to Gulf countries increased because of the increased need for labor in the Gulf States. India-Gulf migration is the second largest in the world.¹⁹ Indian migration to Europe has a long history. It increased actually in the last 50 years for various reasons including employment opportunities, family reunification, education, business and also for asylum. Within Europe, the UK hosts the largest Indian community. However all these migration were not climate induced migration²⁰.

CLIMATE INDUCED MIGRATION:

Regarding Climate induced migration, currently, India is facing significant migration issues caused by climate change. India is the fourth worst-hit country in the world when it comes to climate change-induced migration, with more than three million people forced to leave their homes in 2020-21 due to the adverse effect of climate change²¹. It was estimated by Climate Action Network South Asia that in the year 2020, nearly 14 million people in India were migrated due to adverse effect of climate change and extreme weather events and by the year 2050, it is estimated that climate change will lead to the displacement of approximately 45 million individuals in India²². It has been indicated by forecasts that by 2050, the rise in the intensity of South Asian monsoon leads to the increase in rainfall upto 20% in the regions like eastern India and Bangladesh.²³ In the year 2020, India has witnessed a displacement of 3,856,000 individuals due to environmental disasters, which was 989 times higher than the

¹⁹ Naujoks.D, 'Emigration, Immigration and Diaspora Relations in India' (*Migration Policy Institute*, 10 October 2009) <https://www.migrationpolicy.org/article/emigration-immigration-and-diaspora-relations-india> accessed by 27 Feb 2025

²⁰ Ram, S. 'Indians in England: why did they emigrate?' (1987) vol. 9 *Population geography: a journal of the Association of Population Geographers of India*, 37-44.

²¹ Centre For Science And Environment, 'State of India's Environment' (2022) <https://www.cseindia.org/static/page/CSE-annual-report-2022.pdf>. Accessed

²² Harjeet Singh & others, 'Costs Of Climate Inaction: Displacement & Distress Migration' (Climate Action Network South Asia, December 2020) <https://cansouthasia.net/costs-of-climate-inaction-displacement-and-distress-migration> accessed by

²³ Nicole Greenfield, Climate Migration and Equity, Climate Migration, <https://www.nrdc.org/stories/climate-migration-equity> (last visited Sep. 11, 2023).

number of people displaced by conflicts.²⁴ Despite the severe risks of climate migration, India still lacks a policy framework.

Climate change may affect India in two ways, one increased migration within India two increased flow of migrants from the neighboring countries due to the accelerated effects of climate change.²⁵ Climate change may lead to increased flow of migrants from neighboring countries to India, which is already facing resource scarcity. It had estimated that 120 million people could be rendered homeless by 2100 both in India and Bangladesh due to sea level rise²⁶. It has also been estimated that about 20 million people are migrating every year from Bangladesh to India²⁷. India is at risk of experiencing a massive migration from Bangladesh, Srilanka and Afghanistan.

LEGAL FRAMEWORK FOR MIGRATION IN INDIA

There is legal lacuna in the field of climate refugees. The Emigration Act 1983 and its successive amendments as well as the Foreigner Act of 1946 the Passport Act 1967 and the Citizenship Act 1955. Migrations do not cover the climate migration. Currently, India has no national internally displaced person policy.

There are number of key international conventions and protocols, where India is a party such as Inspection of emigrants Convention, 1926, The Unemployment convention 1919, Forced labor Convention, 1930, Discrimination (Employment Occupation) Convention, Global Compact on Refugees and Global Compact on Migrants. However India is not a signatory to the 1951 refugee convention or the 1967 protocols that came after that. There are number of memorandums of understandings and specific bilateral labor agreement that India has signed with other countries.

The Disaster management Act of 2005 is a piece of legislation that prepares disaster plan, mitigates disaster effects and also deals with the rehabilitation in the event of climate events.

²⁴ Sumaira Abdulali & Laika Abdulali, Victims of the weather: How climate change is creating more refugees than other conflicts, FORBES INDIA, <https://www.forbesindia.com/blog/climate-change/victims-of-the-weather-how-climate-change-is-creating-more-refugees-than-other-conflicts/> (last visited July 21, 2023).

²⁵ Architesh Panda, 'Climate Refugees: Implications for India (2011)' Economic and Political Weekly, Vol. XIV, No. 20, 2010, <https://ssrn.com/abstract=1935922>

²⁶ Rajan & Sudhir Chella, 'Blue Alert: Climate Migrants in South Asia: Estimates and Solutions' (2008) Greenpeace India www.greenpeaceindia.org

²⁷ Brown, 'Climate Change and Forced Migration: Observations, Projections and Implications' (2007) Human Development Report <https://www.researchgate.net/publication/239615791>

However, this act does not talk on rehabilitation of climate refugees from other countries.

In 2008, India has launched a National Action Plan on Climate change for the climate change mitigation and adaptation initiatives. However, this does not address the issues on climate migration directly.

INITIATIVES TAKEN BY JUDICIARY:

Indian judiciary always protects the refugees in India on the basis on the right to life guaranteed under Constitution of India. Many cases were decided regarding refugees, however the first case happened in 2024. In *National Human Rights Commission v. State of Arunachal Pradesh*²⁸, the apex court has adopted this right based approach in order to protect non citizen and refugees. In *Hans Muller of Nuremburg v. Superintendent, Presidency Jail*, Supreme Court has that refugees and noncitizens are protected from removal as long as they have valid visa, have not committed any offences and does not cause any threat to national security. Under international human rights law, the principle of non-refoulement guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm²⁹. This principle applies to all migrants at all times, irrespective of migration status. This principle of non-refoulement is also guaranteed to non-citizens under Article 21 and deportation can only be conducted under the procedure established by law³⁰. Very recently, The Supreme court of India delivered a crucial judgement in the case of *M K Ranjitsinh v. Union of India*³¹. This decision introduced a constitutional right to be free from the adverse effect of climate change, based on article 21 (Right to life) and Article 14 (Right to equality) of the constitution of India. The case involved balancing renewable energy infrastructure development with protecting the critically endangered Great Indian Bustard. This Judgement not only prioritizes renewable energy but also lays the foundation for climate litigation. People can now demand governmental action to protect his newly recognized rights. However, it raises question about the adequacy of clean energy solutions and the need for comprehensive climate adaptation strategies. This judgment clearly highlighted the growing consensus on the need for dedicated climate legislations in India. Such

²⁸ (1996) 1 SCC 742

²⁹ UDHR, Art. 14

³⁰ Mike Sanderson, *The Role of International Law in Defining the Protection of Refugees in India*, (2015) 33 *Wis. Int'l L.J.* 46, 51

³¹ (2024) INSC 280

legislation would provide a structured framework for climate actions across sectors and region.

RECENT LEGISLATIVE EFFORT:

The Climate Migrants (Protection and Rehabilitation) Bill, 2022 was introduced by Pradyut Bordoloi, Member of Parliament, Lok Sabha, as a private bill in India³². It appears as an innovative attempt to codifying protection laws for the displaced person by climate change. The main aim of this bill to establish an appropriate policy framework for the protection and rehabilitation of internally displaced climate migrants³³. However, this bill does not talk about the cross-border migration associated with climate change.

This bill proposes to establish an authority called National Climate Migration authority to carry out the purpose of the act³⁴. This bill also provides to establish a Climate migration fund for the purpose of this act³⁵.

Since it's a private member's bill, it faces challenges in getting adopted. There is no further action taken till date. So the lack of action on this bills emphasis the challenges in enacting policies to protect climate migrants in India. These circumstances clearly spotlight the need for legal framework in order to addresses the growing issue of climate induced migration.

CONCLUSIONS:

Climate change displaces a large number of people and it also forcing the people to migrate either internally or externally. Nations are under pressure to safe guard their citizens from climate related disasters. Notwithstanding, protection for the people who are forced to migrate across international borders due to climate change are inadequate, fragmented, and lack binding enforcement under various laws related to international humanitarian measures, human rights, and refugee protection.

Main suggestion are ;

1. These people should be recognized as climate refugees under international laws and proper institutional arrangements should be made to address their problems. There is no consensus on

³² The Climate Migrants (Protection and Rehabilitation) Bill, Bill No. 160 of 2022 (2022)

³³ Ibid

³⁴ The Climate Migrants (Protection and Rehabilitation) Bill (2022), Sec.4

³⁵ The Climate Migrants (Protection and Rehabilitation) Bill (2022), Sec.6

the definition of 1951 refugee convention and the status of climate refugees owing to the distinct meaning the term refugees carry under international law. It is urgent to develop a new definition for the climate refugees either by establishing the Convention Relating to the Status of Climate Refugees as a new refugee laws or revising the 1951 Refugee Convention.

2. The Current need of the moment is the inclusion of the term climate refugees in national and international law and providing adequate policies on considering the adverse effect of climate change all over the world.

3. There is limited knowledge on the relation between climate change and migration, this need to addressed by creating awareness.

4. World leader need to recognize the problem and should take appropriate strategies and measures to assist the people displaced by climate change should be devised to effectively deal with the problem.

5. India is facing bipartite challenge one is climate-induced internal displacement of people and the other is the inflow of climate refugees from neighboring nations. So the legal lacuna in India framework will aggravate the issue of climate induced displacement in future.

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