The Right to Relocate: Establishing an Enforceable Legal Framework for Planned Climate Relocation in India

Abstract

Indian law responds to climate-related hazards chiefly through the vocabulary of disaster relief: evacuation, shelter, and ex gratia payment. It has no comparable vocabulary for the slower, more final problem of places that are becoming unfit to live in. This article examines that gap through the lens of planned relocation the managed, state-facilitated, permanent movement of people away from land that scientific evidence shows can no longer sustainably support them. Drawing on the Disaster Management Act, 2005 and its 2025 amendment, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and the Supreme Court's recognition of a constitutional right against the adverse effects of climate change in *M.K. Ranjitsinh v. Union of India* (2024), the article shows that existing law can respond to a flood or a cyclone but has no procedure for deciding, in advance and on evidence, that a place should be left. Using case studies from the Sundarbans, Assam, and Odisha, it demonstrates the practical cost of this absence: relocation happens, but on an ad hoc, discretionary, and frequently impoverishing basis. Building on recent scholarship that has called for a general climate-displacement statute, the article's principal contribution is a more granular operational architecture the Climate Relocation Rights Framework (CRRF) that specifies who assesses habitability, who qualifies for recognition, what a relocated household is entitled to, who selects and pays for a relocation site, and how relocation is reviewed and monitored after the fact. The framework is anchored in a proposed non-impoverishment principle, under which a household may not be left materially worse off by a relocation undertaken for its own safety, and in a cumulative necessity test that distinguishes relocation that is scientifically warranted from relocation that merely offers administrative convenience. The article argues that India does not need a wholly new constitutional theory to support this framework; it needs a statutory and institutional mechanism to operationalise rights the courts have already recognised.

Keywords: Climate Relocation; Planned Relocation; Internal Displacement; Disaster Management Law; Rehabilitation and Resettlement; Constitutional Law of India

I. Introduction

In April 2015, the Assam government first acknowledged what riverbank erosion had been doing to its char lands for decades: it had no policy to rehabilitate the people the Brahmaputra had made landless.[1] Families evicted from eroded char land had, until then, occupied government embankments and forest land because no law told anyone whose job it was to find them somewhere else to live.[2] A decade later, that gap has not been closed so much as it has multiplied. On Ghoramara island in the Sundarbans, panchayat officials speak of relocating the island's remaining residents to a neighbouring island that is itself losing land to the sea, because no other land is available.[3] In Odisha's Kendrapara district, a village called Bagapatia was built specifically to receive the residents of Satabhaya after coastal erosion made their original settlement unliveable; a decade on, the promised livelihoods, healthcare access, and drainage remain incomplete, and Cyclone Dana in October 2024 left the resettlement site itself waterlogged.[4] These are not failures of disaster response. Disaster response worked: people were warned, evacuated, and largely kept alive. They are failures of something India's law does not yet clearly provide for a decision, made in advance and on evidence, that a place should be left for good, and a legal process for making that decision fair.

This article is about that missing decision. Indian law is well equipped to answer the question "what do we do when a cyclone strikes?" It has no comparably developed answer to the different question, "what do we do when a place, over years, stops being a place people can safely go on living?" The Disaster Management Act, 2005, as amended in 2025, is built around hazard response, risk reduction planning, and since the 2025 amendment a National Disaster Database and dedicated urban disaster authorities.[5] It is not built around habitability determinations or permanent resettlement. The Right to Fair Compensation and Transparency in Land Acquisition,

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[1] *Assam Government Evicts People Displaced from Char Areas by Floods, Erosion*, Land Conflict Watch, https://www.landconflictwatch.org/conflicts/mayong-land-conflict (last visited Sept. 8, 2026).
[2] *Id.*
[3] *Rising Sea Levels and Tidal Erosion Eating Up Sunderbans*, Down To Earth (June 7, 2015), https://www.downtoearth.org.in/coverage/rising-sea-levels-and-tidal-erosion-eating-up-sunderbans-5361.
[4] Amrita Chowdhury, *Cyclone Dana Highlights Failures in Odisha's Climate-Resilient Resettlement Efforts*, Down To Earth (Oct. 26, 2024), https://www.downtoearth.org.in/climate-change/cyclone-dana-exposes-climate-resilient-resettlement-processes-in-odisha.
[5] The Disaster Management (Amendment) Act, 2025, Act No. 10 of 2025 (India); PIB, *Disaster Management (Amendment) Act, 2025* (Feb. 11, 2026), https://www.pib.gov.in/PressReleasePage.aspx?PRID=2226438.

Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act) contains India's most developed resettlement machinery, including a mandatory social impact assessment and consent thresholds of seventy and eighty per cent for private and public-private acquisitions respectively.[6] But it was built for land acquisition the state taking land for a project not for land that the sea, the river, or the soil itself is taking away. Nothing in Indian statute law asks, as a matter of legal procedure: has this place become unsafe enough, and unfixable enough, that the people who live there should be helped to leave, on terms that leave them no worse off than before?

The scale of the underlying problem is not speculative. The Internal Displacement Monitoring Centre recorded 5.4 million disaster-related displacements in India in 2024, the highest figure in twelve years, with 2.4 million of these arising from Assam's worst monsoon floods in over a decade.[7] Sea level in the Sundarbans has risen at roughly three centimetres a year over the past two decades three to four times the global average and four inhabited islands, including Lohachara, have already disappeared beneath the Bay of Bengal.[8] None of this, by itself, proves that climate change alone is responsible: erosion, subsidence, upstream damming, and land-use change are entangled with warming in ways this article does not claim to fully disentangle. What the evidence does show, without needing to resolve every question of attribution, is that certain places in India are becoming progressively less able to sustain the people who live there, and that the state already relocates people from such places informally, unevenly, and usually only after the point has passed at which relocation could have been planned rather than improvised.

The Supreme Court's decision in *M.K. Ranjitsinh v. Union of India*, decided on 21 March 2024, gives this problem a constitutional anchor it did not previously have.[9] The Court read a distinct right to be free from the adverse effects of climate change into Articles 14 and 21, building on decades of jurisprudence holding that the right to life includes the right to livelihood[10] and the right to shelter.[11] That recognition creates an obligation without yet creating a mechanism. This

[6]The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, No. 30 of 2013, India Code (consent thresholds, §§ 2(2), 41).
[7]Internal Displacement Monitoring Ctr., *India*, https://www.internal-displacement.org/countries/india/ (last visited Sept. 8, 2026); Internal Displacement Monitoring Ctr., *Global Report on Internal Displacement 2025* (May 13, 2025).
[8]Nicholas Muller, *In the Indian Sundarbans, the Sea Is Coming*, The Diplomat (May 1, 2020), https://thediplomat.com/2020/05/in-the-indian-sundarbans-the-sea-is-coming/.
[9]M.K. Ranjitsinh v. Union of India, 2024 INSC 280 (Mar. 21, 2024) (India).
[10]Olga Tellis v. Bombay Mun. Corp., (1985) 3 SCC 545 (India).
[11]Chameli Singh v. State of U.P., (1996) 2 SCC 549 (India).

article's central argument is that India should move from a disaster-response-oriented approach toward a rights-based framework for *planned* climate relocation, triggered only where evidence demonstrates persistent or projected loss of habitability, and structured so that relocation is necessary, evidence-based, proportionate, participatory, and rights-protective rather than an occasion for administrative convenience or land acquisition by another name.

Recent Indian scholarship has begun to make the broader case for a dedicated climate-displacement statute.[12] This article does not repeat that argument; it assumes the case for legislative attention is largely made and asks a narrower, more operational question: assuming India wants to relocate communities in a manner consistent with their rights, what, concretely, does the process look like? Part II distinguishes planned relocation from the adjacent categories evacuation, disaster displacement, voluntary migration, and general internal displacement with which it is routinely and unhelpfully conflated. Part III examines what Indian constitutional and statutory law currently offers, and Part IV identifies precisely where that law runs out. Part V tests these gaps against the lived experience of the Sundarbans, Assam, and Odisha. Part VI draws two comparative lessons, from Fiji and Bangladesh, without pretending either transplants cleanly onto Indian federalism. Part VII sets out this article's principal contribution: a Climate Relocation Rights Framework built around a habitability assessment, a status of recognition, a participatory relocation process, a non-impoverishment entitlement package, and independent post-relocation monitoring. Part VIII defends the framework's constitutional footing, and Part IX confronts its most serious risk that a right to relocate communities can curdle into a right of the state to relocate them, on its own terms, whether they consent or not.

II. From Disaster Displacement to Planned Climate Relocation

Public and even legal discussion of "climate migration" in India tends to treat every form of climate-linked movement as a single phenomenon. It is not, and the conflation has legal costs, because each category attracts or ought to attract a different set of legal obligations, a different institutional actor, and a different timeline for decision-making.

[12] *See, e.g.*, Mahek Saraf, *Climate-Induced Displacement in India: Addressing a Legal and Policy Vacuum*, Legal Service India (Jan. 9, 2026).

Temporary evacuation is the shortest-horizon category: people are moved out of a hazard's path, typically for hours or days, with a firm expectation of return once the hazard passes. Odisha's multipurpose cyclone shelter network, which evacuated roughly eight lakh people ahead of Cyclone Dana in October 2024, is the paradigm case.[13] The legal question here is narrow was the evacuation timely, safe, and adequately provisioned and the Disaster Management Act's institutional architecture, run through the National and State Disaster Management Authorities, answers it reasonably well.[14]

Disaster displacement describes the somewhat longer-horizon situation in which a specific event destroys homes or livelihoods and return is delayed, sometimes for months, while shelter or fields are rebuilt. Most of the 5.4 million displacements IDMC recorded for India in 2024 fall into this category.[15] The legal question shifts from evacuation logistics to relief and reconstruction the domain the Disaster Management Act's minimum standards of relief provisions were meant to occupy, before the 2025 amendment recast the relevant machinery around the National Disaster Database and revised institutional coordination.[16]

Voluntary migration is different again: it is climate-influenced but not, in the legal sense, forced. A household in a drought-affected district that sends a wage-earner to a city is exercising economic choice under environmental pressure, however constrained that choice may be in practice. India's constitutional right to move and reside freely under Article 19(1)(d) and (e) already covers this movement; the legal need here is less a new displacement law than functioning social-protection portability ration entitlements, health coverage, and school admission that travel with the migrant which is a policy gap but not, primarily, a displacement-law gap.

Internal displacement, in the sense used by the UN Guiding Principles on Internal Displacement, is the broader umbrella: people forced or obliged to leave their homes, without crossing an international border, for reasons that can include conflict, generalised violence, or disaster.[17] The

[13] *Odisha Government to Modernize Multipurpose Cyclone Shelters*, Odisha.Plus (Oct. 30, 2024), https://odisha.plus/2024/10/odisha-government-to-modernize-multipurpose-cyclone-shelters/.
[14] The Disaster Management Act, 2005, No. 53 of 2005, §§ 3, 14, 25, India Code.
[15] *India*, Internal Displacement Monitoring Ctr., *supra* note 7.
[16] Disaster Management (Amendment) Act, 2025, *supra* note 5; The Disaster Management Act, 2005, § 12 (omitted by Act No. 10 of 2025).
[17] U.N. Office for the Coordination of Humanitarian Affairs, *Guiding Principles on Internal Displacement*, U.N. Doc. E/CN.4/1998/53/Add.2 (1998).

Guiding Principles are not a binding treaty they are a non-binding compilation of existing international law restated for the internal-displacement context but they nonetheless supply the conceptual vocabulary (habitual residence, forced or obliged movement, durable solutions) on which any Indian domestic framework would have to draw.[18]

Planned climate relocation, the subject of this article, is narrower than all four of the above and analytically distinct from them in one crucial respect: it is anticipatory rather than reactive. It is the state-facilitated, generally permanent, movement of a household or community away from an area that scientific evidence indicates has become, or is becoming, unable to sustainably support continued habitation undertaken, ideally, before a catastrophic event forces the same movement in a far less orderly way. The Fijian Climate Change Act, 2021 captures the distinction precisely in its statutory definition of "planned relocation" as action undertaken to permanently relocate or resettle a community, as opposed to displacement, which the accompanying Displacement Guidelines treat as a largely non-state-led, reactive phenomenon.[19]

The distinction matters legally because planned relocation, uniquely among these categories, permits and therefore legally requires advance participation, advance compensation planning, and advance site selection. A cyclone evacuation cannot wait for a social impact assessment. A planned relocation can, and its legitimacy depends on whether it does. This is also why "climate refugee," despite its currency in journalism and even in some Indian legal writing, is a poor fit for the domestic Indian context: refugee status in international law presupposes crossing an international border and fleeing persecution, neither of which describes a family moved from Ghoramara to Sagar Island.[20] "Climate-displaced person" or, for the anticipatory case this article is concerned with, "person facing planned climate relocation," are more accurate and, as later sections argue, more legally tractable formulations. A climate-displaced person differs in turn from a climate migrant whose movement, however climate-influenced, remains voluntary in form and from an internally displaced person generally, whose displacement need not arise from environmental causes at all and need not be susceptible to advance planning.

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[18] *Id.* introductory note (describing the Guiding Principles' non-binding, restatement character).

[19] Climate Change Act 2021 (Fiji); Fiji Ministry of Economy, *Displacement Guidelines in the Context of Climate Change and Disasters* (2019), https://www.pacificclimatechange.net/sites/default/files/documents/Displacement%20Guidelines.%20In%20the%20context%20of%20climate%20change%20and%20disasters..pdf.

[20] Convention Relating to the Status of Refugees art. 1(A)(2), July 28, 1951, 189 U.N.T.S. 150 (defining "refugee" by reference to persecution and location outside the country of nationality).

None of this is to suggest that planned relocation should become India's default response to climate vulnerability. Section VII's proposed necessity test exists precisely because relocation is a last-resort intervention: it uproots social networks, severs relationships to land that often carry cultural and economic significance disproportionate to their monetary value, and if done badly merely relocates the underlying risk, as the Bagapatia experience illustrates. The point of separating planned relocation analytically from disaster displacement is not to encourage more relocation. It is to ensure that when relocation does happen as it demonstrably already does, informally, across the Sundarbans, Assam, and Odisha it happens under a legal process rather than under none.

III. The Indian Legal and Constitutional Landscape

A. The constitutional foundation

No provision of the Constitution mentions climate relocation, and none needs to for the argument advanced here, because the relevant obligations already exist in more general form and have been extended, incrementally, by judicial interpretation over four decades. Article 21's guarantee of life and personal liberty was held in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* to include the bare necessities of life adequate nutrition, clothing, and shelter.[21] *Olga Tellis v. Bombay Municipal Corporation* extended the same provision to livelihood, reasoning that a right to life empty of the means of subsistence would be a right to nothing at all, though the Court stopped short of reading in an unconditional right against eviction, holding only that eviction must follow a fair and reasonable procedure.[22] *Chameli Singh v. State of U.P.* went further still, describing the right to shelter under Articles 19(1)(e) and 21 as encompassing not merely a roof but the surrounding infrastructure sanitation, light, water, access to livelihood necessary for a life of dignity.[23] Read together, these cases establish that dispossessing a person of home and livelihood, even where the dispossessing cause is environmental rather than administrative, engages the same constitutional register as any other state action touching Article 21.

[21]Francis Coralie Mullin v. Administrator, Union Territory of Delhi, (1981) 1 SCC 608 (India).
[22]Olga Tellis v. Bombay Mun. Corp., (1985) 3 SCC 545, *supra* note 10.
[23]Chameli Singh v. State of U.P., (1996) 2 SCC 549, *supra* note 11.

M.K. Ranjitsinh v. Union of India is the most direct doctrinal bridge to climate relocation specifically.[24] The case arose from litigation over the Great Indian Bustard and the routing of transmission lines, and the Court's holding that Articles 14 and 21 together generate a distinct right to be free from the adverse effects of climate change was not decided in a displacement context. But its reasoning, that climate change threatens life, health, and equality in ways that fall disproportionately on geographically and economically vulnerable communities, applies with obvious force to residents of eroding deltas and flood-prone river islands.[25] The Court did not prescribe a remedy beyond the case before it, and this is precisely the gap this article's proposed framework seeks to fill: a constitutional right without an operational mechanism functions, in practice, as an aspiration rather than an entitlement.

Beyond Article 21, the Directive Principles supply an interpretive frame rather than directly enforceable obligations. Article 38 directs the state to secure a social order for the promotion of welfare; Article 39(a) and (b) speak to adequate livelihood and the distribution of resources to subserve the common good; Article 47 concerns public health; and Article 48A added by the Forty-Second Amendment directs the state to protect and improve the environment. Article 51A(g) imposes a reciprocal fundamental duty on citizens to do the same. None of these provisions is justiciable in the way Article 21 is, but Indian courts have long used the Directive Principles to give content and colour to Part III rights, and *Chameli Singh* itself relied on this technique to root the right to shelter partly in Article 39.[26] A statutory Climate Relocation Rights Framework, discussed in Part VII, would in this sense not be creating rights so much as giving enforceable shape to obligations the Constitution already gestures toward but does not, by itself, operationalise.

B. The Disaster Management Act, 2005, as amended in 2025

The Disaster Management Act, 2005 remains the closest thing India has to a general displacement-response statute, and its limitations for planned relocation are instructive precisely

[24]M.K. Ranjitsinh v. Union of India, 2024 INSC 280, *supra* note 9.
[25]*See* Aman Mehta, *Breathing Life into the Right to Life: The Indian Supreme Court and the Right to be Free from the Adverse Effects of Climate Change*, IACL-IADC Blog (Apr. 30, 2024), https://blog-iacl-aidc.org/2024-posts/2024/4/30/breathing-life-into-the-right-to-life-the-indian-supreme-court-and-the-right-to-be-free-from-the-adverse-effects-of-climate-change.
[26]Chameli Singh v. State of U.P., (1996) 2 SCC 549, *supra* note 11 (invoking Article 39 in construing the right to shelter).

because the Act is otherwise a reasonably mature piece of institutional design. It establishes the National Disaster Management Authority, State Disaster Management Authorities, and District Disaster Management Authorities, and requires each tier to prepare disaster management plans.[27] The Disaster Management (Amendment) Act, 2025, which came into force on 9 April 2025, strengthened this architecture in ways directly relevant to habitability assessment: it expanded the statutory definition of "disaster management" to include disaster risk reduction, added definitions of "disaster risk," "hazard," "evacuation," and "exposure," gave statutory status to the previously administrative National Crisis Management Committee and High-Level Committee, mandated a National Disaster Database containing risk assessments and mitigation information, and through a new Section 41A empowered State Governments to constitute Urban Disaster Management Authorities in state capitals and municipal-corporation cities.[28]

This amendment is a genuine advance, and a future climate relocation framework should build on it rather than duplicate it: the National Disaster Database, in particular, is a natural repository for the habitability data a Climate Habitability Assessment (discussed in Part VII) would need. But the amendment does not close the gap identified in this article. Its risk-reduction focus remains oriented toward hazard mitigation and preparedness building embankments, issuing early warnings, constituting urban authorities rather than toward the harder question of when mitigation has failed and relocation, rather than further adaptation spending, is the more honest response. The Act contains no procedure for declaring an area's habitability compromised beyond recovery, no defined legal status for a person displaced by slow-onset degradation as opposed to a discrete disaster event, and no entitlement package specific to permanent relocation as distinct from post-disaster relief.

C. The RFCTLARR Act, 2013

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 supplies India's most developed statutory rehabilitation machinery, and any climate relocation framework will inevitably borrow from its structure. The Act requires a Social Impact Assessment before acquisition for most categories of project, appoints an

[27]The Disaster Management Act, 2005, §§ 3, 14, 25, *supra* note 14.
[28]PIB, *supra* note 5; The Disaster Management (Amendment) Act, 2025, § 41A (Urban Disaster Management Authority).

Administrator for Rehabilitation and Resettlement, and conditions private and public-private acquisitions on the consent of seventy and eighty per cent of affected families respectively.[29] Its Rehabilitation and Resettlement Schedule contemplates housing, land-for-land where feasible, and a range of livelihood and social-security entitlements that go well beyond cash compensation.

The difficulty is one of fit rather than quality. RFCTLARR is triggered by an acquiring authority's decision to take land for a stated public purpose; a climate relocation scenario has no acquiring authority in this sense, because nobody is acquiring the eroding half of Ghoramara island the sea is. The Act's consent architecture presupposes a proposal that affected families can approve or withhold approval from; a habitability assessment that concludes a place is becoming uninhabitable is not a proposal in that sense, and applying RFCTLARR's consent thresholds mechanically to habitability-driven relocation risks either paralysis (if consent is required before any assessment can even be acted upon) or their quiet abandonment (if authorities simply decline to treat climate relocation as an "acquisition" and thereby avoid the Act's safeguards altogether). This is, in fact, the more common outcome in practice: the Sundarbans, Assam, and Odisha case studies in Part V describe communities relocated under state schemes that borrow RFCTLARR's language of rehabilitation without triggering its statutory guarantees, because no acquisition in the Act's technical sense has occurred. A separate Bill reportedly introduced during the 2026 budget session has been described as proposing to bar acquisition of irrigated multi-cropped land in climate-vulnerable regions and to mandate a food-security impact assessment;[30] the author has not been able to independently verify this Bill's current legislative status against a primary parliamentary source, and it is flagged here as requiring verification rather than relied upon as settled law.

D. Forest Rights Act, environmental law, and state climate plans

[29]The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, §§ 4, 41, *supra* note 6.

[30]*Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*, Ujiyari (Apr. 13, 2026), https://ujiyari.com/legislation/land-acquisition-act-2013/ (describing a reported LARR (Amendment) Bill, 2025). **Verification required**: the author has not been able to independently confirm this Bill's introduction or current status against PRS Legislative Research or an official parliamentary bulletin, and this reference should be treated as unverified pending such confirmation.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 becomes relevant wherever relocation affects forest-dependent or tribal communities, since it recognises individual and community forest rights that a relocation process cannot simply extinguish by fiat; any climate relocation scheme touching forest land would need to operate consistently with, rather than in substitution for, the Forest Rights Act's own consent and recognition procedures. State Action Plans on Climate Change, prepared under the National Action Plan on Climate Change, generally acknowledge vulnerability to sea-level rise, flooding, and erosion in qualitative terms, but function as planning documents rather than sources of enforceable entitlement, and none reviewed for this article establishes a habitability-assessment procedure of the kind Part VII proposes. Panchayati Raj institutions, finally, are conspicuously absent from most existing displacement and rehabilitation law as decision-making bodies in their own right, despite Article 243G's contemplation of Gram Panchayats as institutions of local self-government with functions that could, in principle, include disaster management and social welfare planning; this absence recurs as a structural weakness in Part IV below.

IV. Where the Existing Framework Falls Short

The preceding section examined four bodies of law in turn; read together, they reveal a pattern rather than a series of unrelated omissions. Each instrument was designed to answer a question adjacent to planned relocation how do we respond to a disaster, how do we compensate for land taken for a project, how do we protect forest rights without any of them designed to answer the question this article poses directly. The table below sets out twelve of the questions identified at the outset of this inquiry against the mechanism, if any, that current law supplies.

Problem	Existing mechanism	Gap	Consequence
When does deterioration justify relocation?	None; DM Act triggers on hazard events, not habitability trends	No legal threshold or test for slow-onset uninhabitability	Relocation happens only after a catastrophic event forces it
Who determines uninhabitability?	No designated authority	Determination made informally by local officials or not at all	Inconsistent, unreviewable, and politically contingent decisions
Who qualifies as climate-displaced?	Undefined in statute	No registration, no appeal against non-recognition	Affected persons cannot assert entitlements they cannot name

What rights attach to that status?	RFCTLARR entitlements apply only where "acquisition" occurs	Relocation outside formal acquisition falls outside RFCTLARR	Entitlements depend on legal characterisation, not need
Can the state relocate without participation?	RFCTLARR consent thresholds; no equivalent for non-acquisition relocation	No consultation mandate where no acquisition is deemed to occur	Communities relocated on terms set unilaterally by local authorities
Who selects the relocation site?	No statutory criteria	Site selection is discretionary and unreviewed	Sites chosen for available land, not safety (see Bagapatia, Part V)
Who bears the cost?	Disaster relief funds (SDRF/NDRF) are event-triggered	No dedicated funding stream for anticipatory relocation	Relocation deferred until disaster-relief funds become available
What happens to land and livelihood rights?	RFCTLARR Schedules, where applicable	Assets lost to erosion cannot be "acquired" and thus attract no schedule	Land loss to natural processes is legally invisible
How is secondary impoverishment avoided?	No comparable statutory principle	No baseline-and-monitoring requirement	Relocated households frequently emerge poorer, not equal
What if affected persons object?	Judicial review under Article 226 in theory	No specialised or accessible appellate forum	Practical remedy exists mainly for those able to litigate
Which authority implements and monitors?	Fragmented across NDMA/SDMA, revenue departments, and R&R Administrators	No single accountable authority for relocation specifically	Responsibility diffuses until it disappears
What happens after relocation?	No statutory monitoring obligation	No post-relocation audit or comparable-indicator review	Deterioration at the new site (as at Bagapatia) goes unaddressed

Two structural observations follow from this table. First, the gaps are not independent of one another; they compound. Because no authority is charged with determining habitability, no one is legally positioned to trigger a participatory process; because no participatory process exists, no site-selection criteria are applied; because no site-selection criteria are applied, relocation sites are chosen for land availability rather than safety, reproducing the very risk relocation was meant to escape. Second, and more troublingly, the absence of a *dedicated* legal channel does not mean relocation does not happen it means relocation happens through whatever channel is administratively convenient, most often general state welfare schemes or informal district-level arrangements that borrow rehabilitation vocabulary without assuming rehabilitation obligations. The Bagapatia resettlement, discussed next, is illustrative: it drew on state housing schemes (the

Biju Pucca Awas Yojana) rather than a dedicated climate relocation statute, with predictable consequences for site quality and long-term entitlement.[31]

V. Climate Relocation in Practice: Selected Indian Case Studies

A. The Sundarbans

The Indian Sundarbans present the clearest slow-onset case. Sea level at the nearby Haldia tide gauge has shown a sustained long-term rise, and independent satellite-based studies estimate the rate of sea-level rise in the delta at roughly three centimetres a year over the past two decades three to four times the global average.[32] Four inhabited islands Bedford, Lohachara, Kabasgadi, and Suparibhanga have already disappeared beneath the Bay of Bengal, and Ghoramara island, once measured at 3,912 hectares by the local panchayat, had shrunk by an estimated 41 per cent since 1969, displacing some 7,000 islanders over three decades even before the most recent projections of continued contraction through 2032.[33] What makes the Sundarbans instructive for legal purposes is not merely the scale of loss but the character of the state's response to it: officials on Sagar Island have spoken of accommodating Ghoramara's remaining residents on Sagar itself, notwithstanding that Sagar is, on the same scientific evidence, among the more vulnerable islands in the delta.[34] This is precisely the failure mode a habitability-assessment requirement, of the kind proposed in Part VII, is designed to prevent: without an independent, criteria-based site-selection process, the path of least resistance is to relocate people from one climate-risk zone into another, because that is where available land happens to be.

B. Assam

Assam illustrates a different variant of the same underlying legal absence riverbank erosion is a slower, more spatially dispersed process than Sundarbans submergence, but its cumulative effect

[31]Chowdhury, *supra* note 4.
[32]Muller, *supra* note 8; *see also* A.K. Raha et al., *Sea Level and Associated Changes in the Sundarbans*, SACON ENVIS, https://saconenvis.nic.in/publication/Sea%20Level%20and%20associated%20changes%20in%20the%20Sundarbans.pdf (last visited Sept. 8, 2026).
[33]*Rising Sea Levels and Tidal Erosion*, *supra* note 3; *Sinking Ghoramara: What a Vanishing Island Reveals About India's Coastal Policy*, India Water Portal (Feb. 18, 2026), https://www.indiawaterportal.org/rivers-and-lakes/displacement/ghoramara-island-is-disappearing-and-exposing-indias-coastal-policy-gaps.
[34]*Rising Sea Levels and Tidal Erosion*, *supra* note 3.

is comparably severe. An estimated seven per cent of Assam's land area eroded between 1950 and 2000, and the char and chapori areas along the Brahmaputra home to roughly 24.9 lakh people across 3.6 lakh hectares as of the last dedicated socio-economic survey of the region experience erosion and flooding as a near-annual event.[35] Until 2015, Assam had no state policy for rehabilitating riverbank-erosion victims at all; displaced households were left to occupy embankments, forest land, or informally leased private land, with no legal claim to any of it.[36] Even where the state has since issued river-erosion certificates recognising a household's displacement, these certificates have in practice not been honoured as a basis for land regularisation under newer schemes such as Mission Basundhara, which excludes riverine char and forest land from its regularisation processprecisely the land on which erosion victims are most likely to be settled.[37] IDMC's data placing 2.4 million of India's 5.4 million disaster displacements in 2024 in Assam alone, driven by the state's worst monsoon floods in over a decade, confirms that this is not a residual or declining problem.[38] Assam demonstrates a distinct failure: the absence not merely of an entitlement package but of any stable legal categorya "river-erosion certificate" is neither a land title, a rehabilitation entitlement, nor a recognised climate-displacement statusinto which the state's own limited recognition of displacement can be translated into an enforceable right.

C. Odisha

Odisha demonstrates that even a state with genuinely capable disaster-response institutions can fail at the distinct task of durable relocation. Odisha's multipurpose cyclone shelter network, expanded after the 1999 super cyclone, is widely regarded as one of the more effective disaster-preparedness systems in India, and evacuated roughly eight lakh people ahead of Cyclone Dana in October 2024 with the state reporting zero casualties.[39] But Odisha's experience

[35]Directorate of Minority Affairs & Char Areas, Govt. of Assam, *History*, https://dircad.assam.gov.in/about-us/history-0 (last visited Sept. 8, 2026); *Assam Government Evicts People*, *supra* note 1 (citing an estimated seven per cent land loss to erosion, 1950–2000).
[36]*Assam Government Evicts People*, *supra* note 1.
[37]Mahmodul Hassan, *Displaced and Disregarded: The Plight of Assam's Erosion Victims*, The Migration Story (July 24, 2025), https://www.themigrationstory.com/post/displaced-and-disregarded-the-plight-of-assam-s-erosion-victims.
[38]*India*, Internal Displacement Monitoring Ctr., *supra* note 7.
[39]*Odisha to Revamp Cyclone Shelters and Enhance Disaster Preparedness Following Cyclone Dana*, MyCityLinks (Oct. 30, 2024), https://www.mycitylinks.in/odisha-to-revamp-cyclone-shelters-and-enhance-disaster-preparedness-following-cyclone-dana-success.

with *permanent* relocation, as distinct from temporary evacuation, tells a more mixed story. The village of Satabhaya, in Kendrapara district, was rendered progressively uninhabitable by coastal erosion combined with storm surge; residents campaigned for years before the state agreed to relocate them to Bagapatia, roughly eight kilometres away.[40] The resettlement proceeded in phases271 families initially, 571 eventually granted formal land allocation, with several hundred more residing at the site without formal allocation and relied on the state's general rural housing scheme rather than a dedicated relocation statute.[41] The site itself required substantial levelling because the chosen land was low-lying and had never been developed; approach roads, healthcare access, and livelihood opportunities remained underdeveloped nearly a decade after relocation; and when Cyclone Dana struck in October 2024, Bagapatia itself was reported inundated with several feet of tidal water.[42] The lesson is precisely the one this article's proposed non-impoverishment principle, discussed in Part VII, is designed to codify: a resettlement site chosen primarily for land availability, without an enforceable requirement that the new site leave residents no worse off than before across housing, livelihood, and service-access indicators, can reproduce rather than resolve the underlying vulnerability.

Together, these three case studies demonstrate different faces of a single legal absence. The Sundarbans shows the risk of relocating people into a new hazard zone for want of site-selection criteria. Assam shows the risk of state recognition without an enforceable legal status. Odisha shows that even where the state acts in comparatively good faith and with genuine evacuation competence, the absence of a non-impoverishment guarantee and post-relocation monitoring obligation allows a resettlement to fail on exactly the dimensions safety, livelihood, services that justified it in the first place.

VI. Comparative and International Lessons

International instruments provide vocabulary and normative orientation more than binding obligation. The UN Guiding Principles on Internal Displacement are, as noted in Part II, non-binding, though widely treated as an authoritative restatement of applicable international human rights and humanitarian law; the Paris Agreement and the UNFCCC framework establish

[40]Chowdhury, *supra* note 4.
[41]*Id.*
[42]*Id.*

state obligations on mitigation and adaptation finance but say little that is operational about domestic relocation procedure; and the Sendai Framework for Disaster Risk Reduction is technical guidance rather than law.[43] None of these instruments should be mistaken, in an Indian legal analysis, for directly enforceable domestic obligations but two national legal frameworks outside India offer more concrete, and more genuinely instructive, comparison.

Fiji is the most legally developed example of planned relocation anywhere in the world, and the comparison is instructive precisely because Fiji built a specific legal architecture for the problem rather than relying on general disaster or land law. The Fijian Climate Change Act, 2021 is, on the available evidence, the first legislation globally to create an organised statutory approach to planned relocation, defining it as action undertaken to permanently relocate or resettle a community and treating it as analytically distinct from displacement, which the accompanying Displacement Guidelines characterise as generally reactive and non-state-led.[44] Beneath the Act sit the Planned Relocation Guidelines (2018) and Standard Operating Procedures (2023), which set out relocation in defined stages, mandate attention to human rights at each stage, and are funded in part through a dedicated Climate Relocation and Displaced Peoples Trust Fund established in 2019.[45] The Fijian government has identified dozens of communities requiring near-term relocation and many hundreds more in the longer term, and its 2012 Tukuraki landslide relocation is frequently cited as the model instance of the framework in operation.[46] What India can plausibly learn from Fiji is not the transplantation of any specific provision Fiji is a small island state with customary land tenure arrangements that have no Indian analogue but the underlying institutional insight that planned relocation requires its *own* statute, its own guidelines, and its own dedicated fund, rather than being left to whichever existing law happens to be adjacent.

[43]U.N. Framework Convention on Climate Change, May 9, 1992, 1771 U.N.T.S. 107; Paris Agreement, Dec. 12, 2015, T.I.A.S. No. 16-1104; Sendai Framework for Disaster Risk Reduction 2015–2030, U.N. Doc. A/RES/69/283 (2015).
[44]Climate Change Act 2021 (Fiji), *supra* note 19; Fiji Ministry of Economy, *Displacement Guidelines*, *supra* note 19.
[45]Fiji Ministry of Economy, *Planned Relocation Guidelines: A Framework to Undertake Climate Change Related Relocation* (2018); Govt. of the Republic of Fiji, *Submission to the Transitional Committee* (Apr. 25, 2023) (Climate Relocation and Displaced Peoples Trust Fund, est. 2019; Standard Operating Procedures, 2023).
[46]Govt. of the Republic of Fiji, *Submission to the Transitional Committee*, *supra* note 45; Fiji Ministry of Economy, *Displacement Guidelines*, *supra* note 19 (describing the Tukuraki Village relocation).

Bangladesh offers a instructively different model, one arguably closer to India's own scale and administrative structure. Bangladesh's National Strategy on Internal Displacement Management, adopted in 2021, does not create a separate relocation statute but instead integrates climate and disaster displacement into a broader internal-displacement policy framework, and treats relocation of landless and homeless populations as simultaneously a climate-adaptation measure and a development and social-equity strategy, extending housing, land, and basic services as part of ordinary poverty-reduction programming rather than a standalone displacement scheme.[47] The lesson for India is the opposite of Fiji's: Bangladesh demonstrates that relocation entitlements can be built into existing social-protection and housing architecture rather than requiring an entirely new institutional apparatus, provided that architecture is deliberately extended to recognise climate displacement as a qualifying category rather than left to catch such cases only incidentally.

Neither jurisdiction can be imported wholesale. Fiji's approach presupposes a scale of governance a few hundred communities, nationally that has no equivalent in a country the size of India, where Assam's char areas alone hold several million people. Bangladesh's integration model presupposes administrative capacity to identify and track climate-displaced households within general welfare rolls, which is a considerable data and coordination burden even before the added complexity of India's federal structure is considered. The synthesis this article draws from both, developed in Part VII, is a framework that borrows Fiji's insight that relocation needs dedicated statutory recognition and Bangladesh's insight that entitlement delivery should route through and thereby strengthen existing rehabilitation and welfare institutions rather than duplicating them.

VII. The Proposed Climate Relocation Rights Framework

This Part sets out the article's principal contribution: an operational architecture for planned climate relocation in India, referred to here as the Climate Relocation Rights Framework (CRRF). The framework does not propose a new constitutional theory; it proposes to give

[47] *Planned Relocation: A South-South Learning Exchange Between Bangladesh and Fiji*, PAMAD Project (July 15, 2025), https://pamad.disasterdisplacement.org/2025/07/15/planned-relocation-a-south-south-learning-exchange-between-bangladesh-and-fiji/ (describing Bangladesh's National Strategy on Internal Displacement Management, adopted 2021).

enforceable, procedural shape to obligations Indian courts have already recognised in principle. It is organised around eight linked components, each addressing one of the questions left unanswered in Part IV's gap table.

A. Climate Habitability Assessment

The framework's first and most consequential component is a legal mechanism for determining, on evidence, whether an area's habitability has been or is likely to be seriously compromised. This article deliberately does not propose a fixed numerical threshold a specified rate of shoreline retreat, a specified number of flood-years because no single indicator captures habitability across India's varied hazard geography, and rigid thresholds invite both under-inclusion (areas suffering compound, sub-threshold stress) and gaming (development pressure engineered to cross or avoid a bright line). Instead, the assessment should proceed as a multi-factor evaluation, drawing on indicators already used in Indian and international practice: frequency and severity of recorded climate hazards; measured or projected sea-level rise and shoreline retreat, drawing on the kind of tide-gauge and satellite data already generated for the Sundarbans;[48] recurrence of inundation; agricultural productivity loss; salinity intrusion into groundwater and cultivable land; degradation or destruction of essential infrastructure; frequency of prior disaster displacement from the same location; and, critically, the feasibility of continued in-situ adaptation embankment reinforcement, drainage improvement, or crop substitution as an alternative to relocation. The assessment would draw on the National Disaster Database created by the 2025 amendment to the Disaster Management Act, giving that database a substantive use beyond general risk cataloguing.[49] The assessment must be conducted by a technically qualified body logically, a unit within or reporting to the State Disaster Management Authority, working with the India Meteorological Department and relevant state remote-sensing or water-resources agencies and must be published, with reasons, before any relocation process begins. Habitability determinations should be subject to periodic review rather than treated as permanent, since embankment failure, siltation, or successful adaptation can change the underlying facts in either direction.

B. Legal recognition: climate-displaced person status

[48]Raha et al., *supra* note 32.
[49]Press Information Bureau, *supra* note 5.

A habitability determination triggers eligibility for recognition, not automatic relocation. This article proposes a status "person or household facing planned climate relocation" deliberately avoiding "climate refugee," for the reasons given in Part II, and distinguishing this status from the broader and more loosely used "climate migrant" or general "internally displaced person." The status should be available to individuals, households, and communities collectively, and should extend to both sudden-onset displacement traceable to a habitability-relevant hazard and to slow-onset degradation, provided the applicant can show a substantial and demonstrable connection between their displacement or anticipated displacement and the relevant habitability assessment. Registration should occur through the same District Disaster Management Authority structure already established under the 2005 Act, avoiding the creation of a wholly new bureaucratic layer, with a right of appeal against denial of status to the independent review mechanism described in subsection G below. Registration should be free, should not require documentary land title as a precondition since informal occupants, tenants, and the landless are frequently the most exposed to climate hazard and the least likely to hold formal title, a defect the RFCTLARR framework already struggles with and should be paired with basic safeguards against arbitrary declassification.

C. Right to participation

Recognition and habitability assessment together generate an obligation to consult, not a licence to relocate unilaterally. Drawing on RFCTLARR's Social Impact Assessment model while adapting it to a non-acquisition context, this article proposes a sequenced procedure: public disclosure of the habitability assessment and its methodology; a defined period for affected-community consultation, convened through Gram Sabhas and, where forest rights are implicated, in a manner consistent with the Forest Rights Act's own consent architecture; a social-impact assessment specific to the proposed relocation, covering livelihood, cultural and religious sites, and community cohesion; an opportunity for affected persons to object to the proposed relocation plan, its timeline, or its site; and a reasoned final decision open to independent review. Particular attention is required for groups whose voice is most easily marginalised in a general consultation women, whose land and livelihood entitlements in India are frequently derivative of a male relative's rather than independently held; children, whose schooling continuity is easily disrupted; elderly and disabled residents, for whom relocation

logistics carry disproportionate risk; and, where relevant, Scheduled Tribe communities whose relationship to land the Forest Rights Act and Fifth and Sixth Schedule protections already recognise as requiring heightened procedural care. This article does not assert that a "free, prior and informed consent" standard automatically applies to climate relocation as a matter of existing Indian law, since that standard's clearest domestic statutory basis lies in the Forest Rights Act and in Panchayat (Extension to Scheduled Areas) Act consultation requirements for Scheduled Areas specifically; rather, it proposes that an analogous standard of substantive, resourced, and non-token consultation be adopted as a matter of the CRRF's own statutory design, applicable to all communities facing planned relocation regardless of whether Scheduled Area status independently requires it.

D. Relocation entitlement package

The framework rejects a purely monetary compensation model, for reasons the case studies in Part V illustrate directly: cash compensation for eroded land cannot restore a fishing livelihood, and a lump-sum payment is easily exhausted before a family has re-established itself. The entitlement package instead should guarantee, cumulatively: secure housing with clear tenure at the relocation site, sized and located to preserve reasonable access to livelihood activity; livelihood continuity measures specific to the community's existing occupation replacement agricultural land where feasible, continued fishing access where the community was fishing-dependent, or, where continuity is not feasible, funded livelihood transition and skills training; access to schools, primary healthcare, drinking water, sanitation, and electricity at the new site, provided *before* or concurrently with relocation rather than as a subsequent development promise, addressing precisely the failure documented at Bagapatia; portability of existing welfare entitlements ration cards, health coverage, pension payments across the administrative boundary the relocation may cross; and compensation for common-property resource access lost in relocation, a category RFCTLARR's individual-property framework tends to under-value. This package draws directly on RFCTLARR's Rehabilitation and Resettlement Schedule as a template, extending it to a category of loss land taken by natural process rather than administrative acquisition that the parent Act does not presently reach.

E. The non-impoverishment principle

This article's most significant proposed innovation is a legally measurable non-impoverishment principle: a household or community should not be rendered materially worse off because the state relocated it for its own climate safety. This is proposed here as a principle for legislative or administrative adoption, not as a rule already established in Indian law, though its normative foundations lie readily available in the Article 21 jurisprudence discussed in Part III a relocation that leaves a household unable to meet the bare necessities *Francis Coralie Mullin* identified, or unable to sustain the livelihood *Olga Tellis* protected, is difficult to reconcile with the constitutional register those cases establish, even though neither case was decided on facts resembling planned relocation. Operationalising the principle requires a defined baseline, taken before relocation, across housing quality, land access, income, employment, livestock and productive assets, access to common resources, education continuity, healthcare access, existing social-security entitlements, and community-network integrity. The same indicators should be re-measured at defined intervals after relocation this article suggests one, three, and five years by an authority independent of the relocation-implementing body. Where the post-relocation measurement shows substantial deterioration against baseline, the state should be under a continuing obligation to provide additional rehabilitation until parity is restored, rather than treating the initial entitlement package as a one-time, closed transaction. This is a considerably more demanding standard than RFCTLARR currently imposes, which is compensation-focused and largely front-loaded; it is proposed here deliberately, because Odisha's Bagapatia experience shows that a well-intentioned front-loaded entitlement can still decay into impoverishment absent a continuing monitoring obligation.

F. Relocation site selection

Site selection criteria should be established in advance and applied by the same body conducting the habitability assessment, precisely to prevent the Sundarbans failure mode of relocating a community from one at-risk zone into another. Criteria should include: the proposed site's own habitability assessment, applying the same methodology used to justify the original relocation, so that a site cannot be selected without first confirming it does not carry a comparable or worse hazard profile; proximity sufficient to preserve, where possible, access to existing livelihood, kinship, and market networks; water availability; environmental carrying capacity, so that relocation does not merely displace ecological stress onto a new location; and, where a

community expresses a strong preference rooted in cultural or religious continuity, weight given to that preference as a factor in an otherwise criteria-based process rather than as a formality. The Bagapatia case a site requiring twenty to thirty feet of levelling because it had never been assessed for suitability before selection illustrates precisely the failure this component is designed to prevent.[50]

G. Institutional mechanism

This article deliberately avoids proposing an elaborate new bureaucracy, in line with the instruction implicit in comparing institutional options rather than assuming novelty is itself valuable. The most defensible institutional design nests the CRRF within structures the Disaster Management Act already establishes, adding functions rather than new tiers. At the national level, the National Disaster Management Authority should be given an explicit statutory mandate currently absent to issue and periodically update habitability-assessment methodology and to maintain the climate-displaced person registry as an extension of the National Disaster Database. At the state level, State Disaster Management Authorities should conduct habitability assessments, drawing on state remote-sensing, water-resources, and revenue department data. At the district level, a District Climate Relocation Committee not a wholly new body but a designated standing sub-committee of the existing District Disaster Management Authority should conduct the participatory process, prepare the relocation plan, and coordinate implementation, with membership drawn from district administration, technical experts, and, critically, elected representatives of the affected community itself rather than merely consulted stakeholders. For independent review of contested habitability determinations, denials of status, or objections to a relocation plan, this article considers three options: a wholly new tribunal, the existing National Green Tribunal, or a designated appellate authority within the state disaster management structure. A new tribunal is not justified by the scale of the underlying caseload and would risk becoming, in practice, another under-resourced forum; the National Green Tribunal has relevant environmental expertise but a jurisdictional mandate not obviously extending to habitability and rehabilitation disputes as presently drafted, and would require legislative amendment to acquire one. The more workable option is a designated appellate authority a retired High Court judge or equivalent, sitting with technical assessors constituted at the state

[50]Chowdhury, *supra* note 4.

level under the same statute that creates the CRRF, with a further right of appeal on questions of law to the jurisdictional High Court. This avoids creating new institutional infrastructure while ensuring genuine independence from the implementing authority.

H. Funding

An entitlement without money behind it is not a right but a recommendation. This article does not propose a wholly new "Climate Migration Fund" simply because such a proposal already exists in the literature; it proposes, more specifically, a funding architecture with defined sources, legal basis, and accountability. The most administratively realistic near-term source is a dedicated head within the existing State Disaster Response Fund and National Disaster Response Fund architecture, ring-fenced for anticipatory relocation rather than post-disaster relief, since the statutory basis for these funds already exists and requires expansion of purpose rather than creation of new machinery. A supplementary source lies in climate adaptation finance already flowing to India through bilateral and multilateral channels, provided such finance is explicitly programmed for relocation rather than only for infrastructure adaptation. A polluter-pays contribution for instance, a cess on activities with a demonstrable and quantifiable contribution to the specific hazard driving relocation, such as upstream infrastructure altering river morphology is legally defensible in principle, consistent with environmental jurisprudence's general acceptance of the polluter-pays principle, but administratively difficult to apply to diffuse, cumulative hazards like sea-level rise, and this article does not recommend it as a primary funding source for that reason. Whatever combination of sources is adopted, the framework should require independent audit of relocation expenditure, public disclosure of fund allocation by district, and a statutorily defined eligibility rule tying disbursement to registered climate-displaced-person status rather than to discretionary allocation.

I. Post-relocation monitoring and review

The framework closes with an obligation that existing law entirely lacks: a duty to monitor outcomes after relocation is complete, rather than treating relocation as concluded once households are physically moved. This component operationalises the non-impoverishment principle described above and should be conducted by the same independent body responsible for baseline measurement, reporting publicly at the one, three, and five-year intervals proposed

earlier. Monitoring findings should feed back into two mechanisms: a continuing-obligation trigger, requiring supplementary rehabilitation where deterioration is found, and a systemic-learning function, requiring the National Disaster Management Authority to revise habitability-assessment and site-selection methodology where monitoring reveals recurring failure patterns precisely the kind of institutional learning that Bagapatia's post-relocation flooding during Cyclone Dana suggests did not occur between the original site selection and the present day.

J. The Climate Relocation Necessity Test

Underlying all eight components is a threshold question: when should this apparatus be triggered at all? This article proposes a cumulative Climate Relocation Necessity Test, refined from the eight-factor formulation with which inquiry into this problem often begins, into a more disciplined five-part standard: (i) a demonstrable, evidence-based climate-related hazard affecting the area, established through the habitability assessment; (ii) a finding that the hazard is persistent or, on credible projection, likely to worsen rather than a one-off event; (iii) a substantial threat to life, health, or livelihood that in-situ adaptation cannot adequately address within a reasonable planning horizon; (iv) the availability of a relocation site that itself satisfies the site-selection criteria in subsection F, so that necessity is not established in the abstract but against a genuinely safer, feasible alternative; and (v) completion of the participatory process in subsection C, such that a finding of necessity triggers a right to a fair process rather than a licence to relocate over community objection. All five elements must be satisfied cumulatively; none is sufficient alone. This is a deliberately demanding standard, and it is meant to be: the purpose of the CRRF is to make relocation *possible* where it is genuinely warranted and *harder to abuse* where it is not, and a test that could be satisfied by hazard evidence alone would fail on exactly the safeguard concerns Part IX addresses next.

VIII. Constitutional and Legal Justification of the Proposed Framework

The CRRF's constitutional footing rests on the proposition, defended throughout this article, that it operationalises rather than invents rights. Article 21's guarantee of life, read through *Francis Coralie Mullin*, *Olga Tellis*, and *Chameli Singh*, already obliges the state to avoid action and, on

a fair reading of *M.K. Ranjitsinh*, to avoid inaction that leaves people without shelter, livelihood, or basic dignity where climate-related hazard is at issue.[51] The habitability assessment and non-impoverishment principle give that obligation a testable content it presently lacks; without them, the constitutional right recognised in *Ranjitsinh* has no procedural home in which to be vindicated, and litigants seeking its enforcement are left to argue from first principles in individual writ petitions rather than under a settled statutory standard.

Article 14 supplies a distinct justification specific to the framework's participatory and site-selection components. A relocation process conducted without consistent criteria as the Sundarbans case study shows, where site selection turns on land availability rather than published standards is vulnerable to an arbitrariness challenge under the *E.P. Royappa* line of Article 14 jurisprudence, which treats arbitrary state action as inherently unequal. A statutory framework with defined, published, and reviewable criteria for habitability determination and site selection converts an otherwise discretionary administrative practice into one capable of surviving that scrutiny.

Proportionality is the framework's organising internal discipline rather than merely an external constitutional constraint. The five-part necessity test in Part VII.J requires relocation to be shown as a response proportionate to demonstrated risk, exhausted only after in-situ adaptation is shown inadequate mirroring the structure Indian courts apply generally to state action restricting Part III rights, under which a measure must be suitable, necessary in the sense that no less restrictive alternative achieves the same end, and balanced against the individual interest at stake.

Federalism poses a genuine, not merely formal, constraint on this framework's design, and this article does not claim final answers on legislative competence that would require the kind of detailed entry-by-entry analysis a full constitutional-law treatment would demand. Disaster management sits, as the existing Disaster Management Act's own passage under Entry 23 (social security) and related concurrent-list heads suggests, within a domain Parliament can legitimately occupy, and the CRRF could plausibly be structured as a central framework statute analogous to RFCTLARR itself setting minimum national standards while leaving implementation, habitability assessment, and site selection to state and district machinery, consistent with the

[51]M.K. Ranjitsinh v. Union of India, 2024 INSC 280, *supra* note 9; Francis Coralie Mullin, (1981) 1 SCC 608, *supra* note 21; Olga Tellis, (1985) 3 SCC 545, *supra* note 10; Chameli Singh, (1996) 2 SCC 549, *supra* note 11.

existing three-tier disaster management structure. Inter-state relocation, where a habitability determination in one state points toward a safer site in another, raises coordination questions this article flags rather than resolves; a national framework statute would need an inter-state coordination mechanism, plausibly modelled on the Inter-State Council, but designing that mechanism in detail is a task for the legislative process rather than for this article. Portability of welfare entitlements across state lines, similarly, depends on existing central schemes' own portability architecture the "One Nation One Ration Card" system being the most directly relevant precedent and the CRRF's contribution here is to make climate-displacement status a recognised trigger for that architecture rather than to reinvent it.

Finally, the framework's compatibility with property and rehabilitation law more generally is best understood as complementary rather than displacing: RFCTLARR continues to govern acquisition for stated public purposes, and nothing in this framework proposes to weaken its consent thresholds or entitlement standards. The CRRF instead fills the space RFCTLARR structurally cannot reach relocation necessitated by natural process rather than administrative acquisition using RFCTLARR's own entitlement architecture as a template rather than a rival.

IX. Implementation Challenges and Safeguards

No framework of this kind is self-executing, and several of its components carry real risk of misuse or failure that this article does not wish to understate.

The most serious risk is the one framed at the outset: that a right to relocate communities becomes, in practice, a right of the state to relocate them. A habitability assessment conducted by a state agency with an independent interest in the land for a port, a highway, or a mining lease could be manipulated to manufacture a finding of uninhabitability where none genuinely exists, using climate relocation as cover for what is, in substance, development-driven displacement without RFCTLARR's consent thresholds attaching. The safeguards proposed in Part VII are designed with this risk specifically in view: publication of the habitability assessment and its underlying data, independent appellate review open to affected communities, and critically a five-part necessity test that requires the state to show a genuinely safer available alternative site rather than merely showing that the origin site is hazardous. None of these safeguards is failure-proof, and this article recommends that any implementing legislation include an explicit

prohibition on climate relocation being invoked as a substitute acquisition mechanism for a stated commercial or infrastructure purpose, with independent review empowered to strike down a relocation order found to be a colourable exercise of this kind.

Funding adequacy is the second serious risk. A framework this comprehensive, if under-funded, risks becoming an unenforceable paper right precisely the outcome this article is trying to avoid by giving *Ranjitsinh*'s constitutional recognition procedural teeth. Ring-fencing a portion of existing disaster-response funds for anticipatory relocation, as proposed in Part VII.H, is a starting point rather than a complete solution, and the scale of need Assam's char populations alone number in the millions means that funding constraints will likely require the framework's necessity test to do real triage work, prioritising cases of most acute and demonstrated risk over a longer list of areas experiencing gradual stress.

Political resistance is likely at both ends of the process: state governments may resist a national framework perceived as imposing central standards on state land and welfare administration, while local communities may resist relocation even where habitability has genuinely deteriorated, given the well-documented tendency of affected populations to underweight slow-onset risk relative to the immediate cost of leaving home, land, and social network. The framework's participatory design is intended to mitigate the second concern by ensuring relocation is never imposed over sustained, informed community objection, but this design choice carries its own cost: a community that persistently declines a well-founded relocation recommendation may continue to bear escalating risk, and this article does not propose overriding that choice, on the view that a right to relocate cannot be made meaningful by converting it into an obligation to relocate.

Administrative capacity and corruption risk are linked concerns. The entitlement package proposed in Part VII.D, if implemented through the same district machinery already strained by existing rehabilitation obligations under RFCTLARR, competes for the same limited administrative bandwidth, and elite capture of relocation-site allocation a documented risk in RFCTLARR implementation generally is not automatically solved by extending the same machinery to a new category of beneficiary. Independent post-relocation monitoring, proposed in Part VII.I, is this article's primary answer to this risk, on the logic that a framework which measures its own outcomes at defined intervals is more likely to surface capture and exclusion

than one which, like current practice, simply declares relocation complete once households are moved.

Finally, land scarcity is a genuine constraint this article does not minimise. India's site-selection criteria in Part VII.F require land that is simultaneously safe, accessible, and available a combination that will not always exist within a reasonable distance of the origin community, particularly in already densely settled coastal and riverine districts. Where no such site exists, the framework's honest answer is that relocation may need to occur across greater distances, with correspondingly greater investment in preserving livelihood and community continuity, rather than a false assurance that a nearby, safe, available site can always be found.

X. Conclusion

The problem this article began with a state that can evacuate a village ahead of a cyclone but has no legal process for deciding, calmly and in advance, that the village should not be rebuilt where it stood is not a problem of insufficient law in the sense of insufficient legal text. India has a Disaster Management Act, a land acquisition and rehabilitation statute, a constitutional right recognised by its Supreme Court, and functioning disaster-response institutions that, as Odisha's cyclone-shelter record shows, can perform genuinely well within their designed remit. The problem is that none of these instruments was designed to answer the specific question this article has posed, and each solves a problem adjacent to, but distinct from, planned relocation.

This article's proposed Climate Relocation Rights Framework does not ask India to invent a new constitutional theory. It asks India to build the procedural machinery a habitability assessment, a legal status, a participatory process, a non-impoverishment entitlement, an independent appellate mechanism, and post-relocation monitoring through which the right *Ranjitsinh* has already recognised, and the obligations *Francis Coralie Mullin*, *Olga Tellis*, and *Chameli Singh* have long implied, can actually be exercised by the people the case studies in Part V describe: the remaining residents of Ghoramara, the char dwellers of Dhubri district, the families of Satabhaya now living in Bagapatia. None of them currently has a legal status that names their situation, a forum in which to contest a relocation decision, or an enforceable guarantee that their new home will leave them no worse off than their old one.

The central safeguard this article insists on, repeated deliberately across Parts VII and IX, is that the framework must remain genuinely optional for the state to invoke only under demonstrated necessity, and genuinely participatory for the community whose home is at stake because the risk this article takes most seriously is not that India will fail to relocate people who need relocating, but that a poorly designed relocation power will be used to relocate people who do not need it, on terms that serve purposes other than their safety. A right to relocate, built without that safeguard, is merely the state's right to relocate people dressed in more sympathetic language. Built with it, it is a genuine addition to Indian rights-based governance: not a promise that climate change will leave no one displaced, but a guarantee that where displacement is genuinely unavoidable, it will happen through a process the displaced can see, contest, and hold the state accountable to.

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