MSW MANAGEMENT -Multidisciplinary, Scientific Work and Management Journal
ISSN: 1053-7899
Vol. 36 Issue 1s, 2026, Pages: 1430-1437

# The Vanishing Subject: Climate Displacement and the "Right to Have Rights" in India, Bangladesh, and the Pacific

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## ABSTRACT
Even as international law is still trying to come up with a definition for "climate refugees," people in their millions in South Asia and the Pacific are in a state of legal uncertainty. This "protection gap" is not just a problem arising from the international treaty law but also, in a way, a deep revealing of the "Right to Have Rights," as Hannah Arendt put it, that we are dealing with. When a state's physical territory is either submerged due to rising waters or the soil is so dry that it cannot support any living beings, the person who was once a citizen of that country faces a serious threat to his/her legal being. This Article puts forth the view that the 21st-century constitution has no choice but to evolve in order to pierce through this conundrum. The first step is to examine very closely what is going on in India with the judicial activism of the courts, an activism that is represented by the 2024 M.K. Ranjitsinh ruling which, in fact, has recognized a right against climate change. The court here is not only considering human beings but is also enlarging the concept of life and equality to encompass stability in the environment. On the contrary, Bangladesh is opting for resilience-based governance as represented in the Mujib Climate Prosperity Plan, which has the at least ideal of "zero climate-induced migration" by implying adaptation in the developmental constitutional mandate. The Pacific Island States, such as Tuvalu, are probably the most extreme in their actions as they have gone ahead and made changes in their constitutions to declare "Perpetual Statehood." This has been such a legal move that it has liberated sovereignty from land and has guaranteed the "right to a place in the world" even if the land does not exist anymore. While taken individually, it is hard to see these legal developments as anything more than a not very rare occurrence in the process of adaptation of law to changing ecological conditions, but when viewed collectively as a whole they seem to produce a different impression. They indicate that protecting the climate-displaced would not suffice with uncomplicated humanitarian aid; rather, it would demand a constitutional re-imagining of belonging that allows one to remain part of the community despite the borders of a warming world being drawn ever closer.

***Keywords:*** *Climate Displacement, Right to Have Rights, Comparative Constitutionalism, Perpetual Statehood, Judicial Activism, Protection Gap.*

## INTRODUCTION
The situation of climate displacement takes a step further in making the Westphalian theory that legal authority of a state is always linked to a fixed and permanent territory, a thing of the past. The geological base of our above-ground world order, the legal plurality over the globe, is literally melting away as an ice cube does in water due to the rising of the seas and the spreading of dry land. Such a situation opens up a huge "protection gap" where the climate-displaced person is in a state of legal invisibility, that is, he is neither a traditional refugee according to the 1951 Refugee Convention nor a citizen in a homestead that is losing its rights. The present argument is that the occurrence is not simply a case of logistics gone wrong but rather an ontological crisis relating to the issue of rights that Hannah Arendt famously termed the "Right to Have Rights." According to Arendt, the loss of a political community meant the loss of humanity before the law; in the age of human-induced climate change, physical loss of land is the most effective means of exclusion. When the constitutional borders of India, Bangladesh, and the Pacific Island States are scrutinized, we find three different but interrelated ways of creating anew the legal subject. In India, the court has taken the lead to supply what the legislature has not, interpreting the "Right to Life" very widely, in fact as a mandate for climate justice, protecting the poorest people against being made powerless by environmental causes. On the other hand, Bangladesh has been working towards a model of "resilience governance," which is a step up from the so-called "adaptation," institutionally enshrined and accepted as indispensable for the nation's life and sovereignty. Interestingly, the Pacific Island Countries are pursuing very radical legal changes: dissociating sovereignty from land. Through "Perpetual Statehood" modifications, countries such as Tuvalu are proclaiming that the "Right to Have Rights" is an existent reality which is transportable, digital and cultural and will not be affected by the complete drowning of their physical territory.
In the end, this comparison indicates that the 21st-century constitution has to be "territorially agnostic." The position of this research is the fact that the rights of the climate-displaced need to be shifted from static, land-based ones to a transnational constitutionalism that accepts the "climate subject" before they are made invisible by the rising water. By exploring the conjunction of the Indian Supreme Court's historic 2024 verdicts and the 2025 ICJ Advisory Opinion on state obligations, we can start to sketch a new global legal infrastructure - one that will guarantee the right to a place in the world is always a fundamental truth and never a disappearing privilege.

## METHODOLOGY: COMPARATIVE CONSTITUTIONALISM IN THE NTHROPOCENE
The comparative constitutional law methodology is applied in this article with a functional and contextual approach instead of a mere textual comparison of the respective constitutional provisions. India, Bangladesh, and the Pacific Island States have been selected not because of their similarities but on the basis of their differences—their distinct constitutional responses to the same existential threat of climate-induced territorial instability. The paper has used a doctrinal analysis (constitutional writings, judicial cases, principles of the law of the state) and policy analysis (national climate strategies, relocation frameworks, international law developments). In this respect the judicial declarations of the Supreme Court of India and other constitutional courts are examined and the resilience, based planning of the Bangladesh government as well as the constitutional amendments of the island of Tuvalu that claim their de-territorialized sovereignty as the new normative locations in which the Right to Have Rights is being renegotiated. Rather than merely presuming that the displacement of the climate is legally acknowledged as being a category of law, this article explores a further constitutional question, that of how the legal subjecthood is maintained or lost under the circumstances of the unsteadiness of the territory. The functional approach allows juxtaposing the jurisdictions of different legal traditions and preserving the analytical integrity of the article.

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**The Core Thesis: Arendt in the Anthropocene:** At the heart of the climate displacement crisis is the downfall of the "trinity" of statehood, which includes a stable territory, a defined population and an efficient government. Hannah Arendt, who wrote during World War II, pointed out a shocking contradiction in the global human rights system. She said that "human rights," which are claimed to be universal and inalienable, turned out to be impossible to apply once a person was no longer part of a politically recognized group. This "Right to Have Rights" is the prerequisite for all other liberties. Without a state to act as a guarantor, a person is reduced to "man in the abstract," a condition Arendt viewed as a precursor to total vulnerability. In the Anthropocene, this historical dilemma is going through a climate-related change costume under the label "Climate Twist." In the past, statelessness was a consequence of political expulsion or border changes. The world is moving towards the point of physical extinction. The moment when the land of a small island state like Tuvalu or the low-lying areas of the Bengal Delta disappears due to rising sea levels, the person not only loses the government; they lose the physical container through which their rights are exercised. The "subject" of the law disappears because the law has no ground to stand on. In this respect, the article argues that the three regions, which are being studied, represent a range of constitutional evolution in an attempt to rescue the "Right to Have Rights" from the ocean.

**India: The "New" Fundamental Right and the Judicial Gap:** The Indian constitutional response to climate displacement has been characterized by a remarkable degree of Judicial Expansionism. The Indian Parliament still has to pass a thorough "Climate Migration Act," but the Supreme Court has already made a significant contribution to the planet-wide development of "green constitutionalism" through the use of its powers under Articles 32 and 142.

**The Landmark Shift: M.K. Ranjitsinh v. Union of India (2024):** The March 2024 judgment in M.K. Ranjitsinh v. Union of India is the pinnacle of this development. Although the case was ostensibly about the protection of the Great Indian Bustard from power lines, the Court took this occasion to proclaim that the "right to be free from the adverse effects of climate change" is a component of the Right to Life (Article 21) and the Right to Equality (Article 14). This is a historic change of direction for people forced to leave their homes because of the climate. The Court, by linking climate rights with Article 14, realized that environmental disasters are not "great equalizers", they are "great discriminators." The judgment is a shield enshrined in the constitution for the 5.4 million Indians who had to leave their homes due to floods and cyclones in 2024. It signifies that the state, if failing in the provision of adequate adaptation or relocation, is not only committing a policy failure but also violating a fundamental human right.

**The Execution-Implementation Gap:** The Indian Constitution has comprehensively communicated its judicial power in response to climate displacement. In the absence of a specific "Climate Migration Act, " the Supreme Court has, Suo moto, used its powers under Articles 32 and 142 to fashion a new "green constitutionalism." This fresh idea not only protects the environment but also positions the individual as a "climate subject" endowed with rights, which can be enforced in a court of law against the state's apathy towards the environment.

**India: Judicial Expansionism and the "Right against Climate Change":** The response of the Indian Constitution to climate, induced displacement is a wonderful example of the judiciary's growth in a very refined manner. The Supreme Court, albeit not by a direct and explicit law called "Climate Migration Act, " has employed its authority under Articles 32 and 142 to invent a fresh idea of "green constitutionalism." This idea goes beyond the protection of nature. It even changes the definition of a human being as a "climate subject" who can demand the state to be responsible for ecological carelessness.

**The Doctrinal Pivot: M.K. Ranjitsinh v. Union of India (2024):** The March 2024 decision in M.K. Ranjitsinh case was, in a way, the moment that the theory was made to practice: a new era of time started. Seemingly, the dispute was just about the GIB that was going to be endangered because of the power lines running above. Still, the Court's reasoning went far beyond that. When it proclaimed the "right to be free from the adverse effects of climate change" to be a separate and thus relatable fundamental right, it joined Article 21 (Life) with Article 14 (Equality). Particularly striking is the Court's use of Article 14 which is quite transformative for the climate-displaced.

It changes the debate from "environmental protection" (a common good) to "climate justice" (an individual right). By admitting that the deprived classes could not adapt to the changing climate, the Court recognized the environmental catastrophes as "great discriminators." This means that the 5.4 million Indians displaced in the year 2024 not only provided nature with a place to stay, but also were a part of the constitutional violation. If the government does not ensure "dignified relocation" or "resilient infrastructure," it can be said that it already violates the Right to Equality, as the less privileged suffer the most from the Anthropocene.

**The "Bustard-Solar" Paradox: A Critique of Green Grabbing:** The case was a classic example of a "Green vs. Green" conflict: saving a species (GIB) against the continuation of solar energy (climate mitigation). The court's decision to ultimately alter its previous injunction, permitting overhead lines in certain areas to facilitate the growth of solar power, indicates a utilitarian shift. Legal scholars consider this as a kind of "Green Grabbing, "where large, scale renewable projects are freed from the requirement of environmental impact assessments in the name of the "Greater Common Good." For the person who is displaced, this situation creates a second threat: displacement not by the sea, but by the very "green infrastructure" that is supposed to save it. You should argue that the "Right to Have Rights" is meaningless if it puts global mitigation targets above the local land rights of the ecologically vulnerable. The Supreme Court may provide "lofty rhetoric, " but the Indian executive is still silent and cautious. The Refugee Gap: India's decision not to sign the 1951 Refugee Convention puts cross, border climate migrants from Bangladesh in a situation of "criminalized precarity" under the Foreigners Act, 1946. The Internal Gap: The National Action Plan on Climate Change (NAPCC) is centered around "Missions" (Solar, Water, Agriculture) but does not have a specific mission for Climate Induced Displacement.

**The Execution-Implementation Gap: Judicial Promise vs. Legislative Reality:** The "Right to Have Rights" in India is thus a **"Judicial Promise"** waiting for a legislative vessel. Without a national policy that recognizes "Climate Displacees" as a distinct legal category, the Ranjitsinh right remains "symbolic constitutionalism"—powerful in the courtroom, but invisible in the flood-prone slums of Odisha or the sinking islands of the Sundarbans.

**Bangladesh: From Vulnerability to "Climate Prosperity":** In terms of constitutional law, Bangladesh is a unique example of the concept of Executive Resilience. Indias method is characterized by the judiciary's "top, down" imposition of rights, whereas Bangladesh has opted for a "bottom, up, " policy, led integration of climate mobility into the socio, economic development of the country. The change is legally required by Article 18A of the Constitution, which was added through the 15th Amendment. This article states that the "State shall endeavour to protect and improve the environment... for the present and future citizens." Indias Article 21, on the other hand, is a fundamental right, whereas Article 18A is a Fundamental Principle of State Policy. While it is a non, justiciable provision (cannot be directly enforced in court), it acts as the "moral and administrative compass" for the executive. Consequently, it has opened the way for the Bangladeshi government to see climate, induced displacement not as a side issue of "disaster management" but as the central content of national planning.

**The Mujib Climate Prosperity Plan (MCPP) and the "Right to Stay":** This constitutional requirement is reflected in the MCPP (2022-2041), It follows a major ontological turnaround of the vulnerability to prosperity. The plan projects that by 2050, 1 in 7 people in Bangladesh might be forced to leave their homes, and it estimates nearly 13.3 million internal climate migrants. To counter this, the MCPP is rolling out a new idea called "Locally Led Adaptation (LLA) Hubs." The MCPP's own goal is actually "zero climate-induced migration by 2041.

MSW MANAGEMENT -Multidisciplinary, Scientific Work and Management Journal
ISSN: 1053-7899
Vol. 36 Issue 1s, 2026, Pages: 1430-1437

These hubs aim at "constitutionalizing" staying put as a right. With the help of saline, resistant crops, solar, powered floating schools, and "Climate, Resilient Secondary Cities" (such as Mongla), the state is trying to make sure that the "Right to Have Rights" does not get lost in the maze of forced migration to the urban slums of Dhaka.

**The Limits of Internal Resilience: The Juridical Limbo:** Bangladesh's National Strategy on Internal Displacement (2021) is well thought out and comprehensive, addressing various aspects of the issue within the country's borders. However, the strategy essentially ends at the border. The "Right to Have Rights" in Bangladesh, which will become a right to a disappearing territory, is what happens when sea, level rise makes coastal districts physically disappear, i.e., the 53 million people living in the "Very High Exposure" zones are the ones who will lose their homes.This is the point where the "Protection Gap" is the most significant. As of 2024, Bangladesh is home to about 2.1 million international migrants. Still, it does not have a regional framework that would be the counterpart for its citizens moving outward. The "Right to Have Rights" of a Bangladeshi farmer from a flooded Satkhira district is now dependent on a state that is running out of land.

**The Path Forward: Regional "Climate Mobility Corridors":** Drawing lessons from the already existing BBIN (Bangladesh, Bhutan, India, Nepal) initiative, you may advocate for the inception of "Climate Mobility Corridors." This concept would gradually transform a "Motor Vehicles Agreement" into a "Human Mobility Agreement, " thereby offering a legal framework for safe, orderly, and dignified cross, border movement. By the framing of displacement as a right to labor and as a right to resettlement, on a regional level, Bangladesh would be able to change the status of its citizens of stateless subjects into that of a regional citizen. This would be a drastic change in the Arendtian predicament: the Right to Have Rights would cease to be dependent on an individual disappearing territory but instead a regional constitutional agreement.

**The Pacific: Sovereignty Without Land and the Emergence of the So-called De-territorialized State:** The Pacific Small Island Developing States (PSIDS) represent the furthest and cutting, edge frontier to the climate displacement crisis. As an example, climate change is not a mere risk factor in the case of Tuvalu, Kiribati, and the Marshall Islands, but it is the absence of their existence. In comparison to the expansion of the judiciary in India or the stability of the executive in Bangladesh, the Pacific approach can be characterized through the desperate, innovative efforts to de-territorialize the Right to Have Rights.

**The 2023 Constitutional Revolution: Restructuring the Montevideo State:** The main legal issue facing the Pacific has been the Montevideo Convention on the Rights and Duties of States of 1933. In Article 1 of the Convention, there are four requirements of statehood namely: (a) a permanent population; (b) defined territory; (c) government and (d) ability to conduct relations with other states. With extreme interpretation of this conventional doctrine, total submergence of an atoll nation would result in the automatic extinction of the statehood. To the people of such a country, this would become the last Arendtian nightmare, loss of a state would translate to loss of legal identity, and thus sovereign people would become a group of stateless individuals who then have no place in the world to assert rights.

As a reaction, Tuvalu took a historic step in late 2023, by revising its Constitution. This historic shift can be basically considered as a constitutional secession in the international law as never witnessed before. The new provisions state that the state of Tuvalu, its sovereignty, and its sea jurisdictions will be permanent and eternal without any qualification even in case of the geographical shift. It is more than a show of goodwill, indeed, it is a visionary move on the legal front. The inclusion of the concept of Perpetual Statehood into the highest law of Tuvalu places the whole international community into a scenario where it must make a choice: either acknowledge the existence of a state with no territory or admit that there is no space in the international legal system to accommodate the victims of the industrial past, which it has created.

**Continuing Duty of Care 2025 ICJ Advisory Opinion:** The opinion, the creation of the initiative of Vanuatu and the assistance of a massive body of what is termed the climate vulnerable states, has been termed as the Magna Carta of the climate displacement. The court was asked to establish the duties of states under the international law to safeguard the climate system and future youth.In 2025, the Court gave its opinion, which was a turning point of the thesis of perpetual Statehood of the Pacific. It cemented the concept that statehood does not exit along with the land. Instead, the Court accepted an on-going responsibility of care that a state owes to its people, even when they are not in its territory. This is a major shift in the Right to Have Rights theory. This means that the residents of Kiribati are not refugees in the true meaning of the term, but are residents of their sovereign state temporarily residing in a different state. According to the Pacific contention, the Right to Have Rights is a culturally and legally portable property that you bring with you not one that you abandon on a sinking beach.

**The "Digital Nation" and the Metaverse of Sovereignty:** Tuvalu's "Future Now" project (Te Afuaberu) is about building a digital twin of the country mapping not only its physical geography but also its culture and its systems of governance in the Metaverse. From the point of view of the constitution, this is a radical move to safeguard the "Right to Have Rights" by means of a Virtual Social Contract. If the government can still go on issuing passports, collecting taxes (maybe through blockchain), and providing social services to a diaspora through a digital interface, is it still a government under Montevideo criteria?

**Mapping Climate Displacement: Scale, Vulnerability, and Legal Invisibility**

**Climate Displacement as a Global Constitutional Stressor:** Climate displacement has become one of the fastest, growing human mobility issues, yet it remains poorly regulated. The Internal Displacement Monitoring Centre (IDMC) reports that climate, related disasters caused over 32.6 million new internal displacements worldwide in 2022, with South Asia and Small Island Developing States being the most affected regions. Climate displacement differs from conflict, induced displacement in that it is usually slow, onset, cumulative, and cannot be easily classified under law, which makes those populations visible in statistics but invisible in terms of legal rights.

India recorded around 5.4 million climate, related internal displacements in 2024, with floods, cyclones and extreme heat events being the primary causes. It is even more dramatic with regards to Bangladesh, it is estimated that by 2050, there would be 13.3 million internal climate migrants primarily caused by sea, level rise and salinity intrusion in the Bengal Delta. The climate change is the existential threat of Pacific Island States (including Tuvalu and Kiribati), and scientific models indicate that much of the national territory will become uninhabitable within a few decades. Nevertheless, climate, displaced persons in these regions are stuck in a normative vacuum. They are not recognised as "refugees" under the 1951 Refugee Convention, and they are not always protected under domestic migration or citizenship laws. Not having a legal classification for these is more than just an administrative issue; it causes the loss of their legal identity, political association, and access to public services the basic elements of the "Right to Have Rights."

**Table 1.** Comparative Overview of Climate Displacement in India, Bangladesh, and the Pacific Island States.

| Region | Scale of Climate Displacement | Primary Drivers | Legal Status |
|---|---|---|---|
| India[1] | ~5.4 million (2024) | Floods, cyclones, heat | Internal migrants; no legal category |
| Bangladesh[2] | ~13.3 million projected (2050) | Sea-level rise, salinity | Policy protection; weak legal enforceability |
| Pacific Islands[3] | Existential | Submergence | Emerging deterritorialized citizenship |

MSW MANAGEMENT -Multidisciplinary, Scientific Work and Management Journal
ISSN: 1053-7899
Vol. 36 Issue 1s, 2026, Pages: 1430-1437

This factual situation supports the article's main argument: climate displacement is no longer a humanitarian crisis that happens rarely but a constitutional challenge that reveals the territorial assumptions of modern legal systems.

**Comparative Constitutional Matrix: Three Models of Legal Subject Preservation: Comparative Constitutional Responses to Climate Displacement:** A comparative constitutional study of India, Bangladesh, and the Pacific Island States discloses three different tactics to maintain legal subjecthood in the face of climate, induced territorial instability. On their part, they attribute the changing climate crisis to the Anthropocene to the constitutional systems. In the center, it is that the right to have rights is being affirmed in a variety of institutional pathways: judicial innovation in India, executive, led resilience planning in Bangladesh, and constitutional re, engineering in the Pacific. Both of the models represent a specific vision of the power of the constitution its establishment and the reaction which it must produce when the land, the traditional origin of privileges, is trembling.

**India: Judicial Constitutionalism and the Malleability of Foundational Rights:** India is a vivid example of judicial constitutionalism in which the constitutional courts are the principal sources of normative innovation. The enlargement of Article 14 and 21 has gradually transformed environmental protection by the Supreme Court into one, specific, and enforceable constitutional right. Creating a right to non-suffer the adverse effects of climate change is historic: climate change is no longer perceived as a by-product of the development but as acting against constitutional equality and dignity.The main advantage of this model is its doctrinal flexibility. The Court, by incorporating climate protection in the already existing fundamental rights, is not obliged to initiate a formal constitutional amendment, yet rapidly normative changes are still possible. Judicial remedies., adaptation, relocation, or impact assessment issued as court directions, can be very specific to particular situations thereby providing immediate relief to the most vulnerable groups. Nevertheless, this power also entails the main weakness of the model. Without legislative enactments, displaced people due to climate change remain at the mercy of courts discretion and must have access to litigation, a right which is unevenly distributed. Thus, protection becomes a pressuring tool from the reaction side of the system, whereas the recognition of rights risks being only symbolic if not converted into administrative entitlements. The Indian model, therefore, maintains the Right to Have Rights as a condition, which depends on judicial intervention rather than being assured by institutional framework.

**B. Bangladesh: Executive-Led Resilience and the Constitutionalisation of Adaptation:** Bangladesh is a notable example of the opposite: a resilient constitutionalism led by the executive branch. The constitution, through Article 18A, integrates climate adaptation as part of the development agenda. The article that entrenches the duty to safeguard the environment on behalf of the current and future generations is non, justiciable. Nevertheless, it is used as a normative guide, which shapes state policy and planning and international participation.

The first approach is the prevention which is characteristic of the Bangladeshi model. Through climate, infrastructure proofing, modernisation of secondary cities and community assistance, based adaptation, the government will be stabilising the population locally, thereby guaranteeing legal identity maintenance by territorial continuity. This policy reflects a true-to-life recognition of capacity and demographic pressure constraints: the choice to avoid displacement instead of addressing its legal implications is a hegemonic opinion.

Nevertheless, this model faces a structural challenge when displacement becomes inevitable. Since constitutional protection is mainly through policy rather than rights that can be enforced, people who are forced to leave their homes due to lack of adaptation and have no access to relocation, documentation, or cross, border mobility cannot make a constitutional claim. So, the "Right to Have Rights" in Bangladesh is territorially grounded, i.e., it is still at its strongest when the state can ensure the existence of habitable land. When the land disappears, constitutional protection weakens.

**Pacific Island States: De-territorialized Sovereignty and Constitutional Reinvention:** The Pacific Island States lead the way with the most radical and forward, looking strategy of all: de-territorialized sovereignty. By means of constitutional reforms that proclaim them as states existing forever, these states oppose the basic idea that territory is the primary condition for a legal person. Hence, they remake the constitution as a protector of peoplehood rather than landhood. Such a scheme ensures the most powerful survival of the Right to Have Rights. Citizenship, maritime rights, and political identity become portable, i.e. they can live through a complete physical disappearance. In effect, by constitutional law separating sovereignty from geography, Pacific states make climate displacement a condition of statelessness to be transformed into a form of sovereign mobility. It is not only its legal innovation, but also its normative intelligibility, which makes it radical approach. It views the climate crisis as an existential break and responds to it by creating a new constitution rather than a gradual change. However, its weakness lies in the fact that it is relying on international recognition. A de-territorialized sovereignty will only be able to work if the global legal order acknowledges the continuity of statehood without territory, which is still a question in doctrinal flux.

**Synthesis: Divergence, Complementarity, and Constitutional Futures:** All these models are an indication that the constitutional response to climate displacement cannot be defined in a single manner. According to these models, legal systems change in varied ways, and therefore they establish divergent but complementary directions within their institutions. In this regard, judicial constitutionalism is described as being immediate, executive resilient through scalability, and de-territorialized sovereignty through continuity in the face of extinction. From a comparative standpoint, the most profound revelation is that territorial stability should no longer be taken for granted as the basis of rights.

The evolution of constitutionalism in the Anthropocene is highly probable to entail hybrid mechanisms rights enforceable by the judiciary, adaptation embedded in the policy, and structural safeguards in the constitution to guarantee that the "Right to Have Rights" survives even when the physical geography of states is getting more and more unstable.

**Counter-Arguments and Constitutional Rebuttal: Should Climate Displacement Be Constitutionalised?**

**Counter-Arguments and Constitutional Rebuttal:** Although the need to climate displacement has gained a lot of acceptance as an issue in global governance, there remains a strong opposition to its constitutionalisation. This objection is founded on concerns of judicial overreach, institutional competence and the possibility of disturbing international law on a systemic level. This section interacts with these critiques, explaining the reasons why constitutional engagement is not merely defensible but also required from a normative perspective.

**The Over-Judicialisation Objection: Are Courts Becoming Climate Administrators?:** A main argument against constitutionalising climate displacement is the concern of over, judicialisation of policy. This refers to the situation where courts are blamed for interfering in areas traditionally managed by the executive and legislative branches. Opponents of such a move argue that issues arising from displacement require proper handling of the infrastructure, fiscal allocation, and scientific risk assessment, which are supposedly areas that courts are not supposed to venture. In this regard, courts that recognise climate, related rights are said to have turned themselves into de facto climate administrators.

Nevertheless, this criticism confuses the recognition of rights with the formulation of policies. Courts in charge of constitutional adjudication are not obliged to come up with schemes for relocation, drafting climate budgets, or inventing adaptation technologies. On the contrary, they set the standards for basic rights of dignity, equality, and legal identity that the political branches are required to uphold. Constitutional law operates as a limitation on state action and inaction, thus not replacing governance. The experience of different constitutions around the world is consistent with this argument. Courts from different legal traditions have been adjudicating rights to socio, economic goods like housing, health, and education without taking over executive functions. Judicial review in situations of climate displacement has the same function of limiting the options of the state and making sure that affected populations are not disrespected or taken for granted. The lack of constitutional

MSW MANAGEMENT -Multidisciplinary, Scientific Work and Management Journal
ISSN: 1053-7899
Vol. 36 Issue 1s, 2026, Pages: 1430-1437

support for climate, displaced persons makes them vulnerable to welfare regimes that are subject to changes, therefore, they can be easily turned off, delayed, or unfairly implemented which goes against the very idea of the rule of law.

**Disaster Management versus Constitutional Harm: A False Dichotomy:** A connected argument against this claims that climate displacement should be met with disaster management, controlled by emergency laws and administrative relief methods, rather than by constitutional rights. This perspective, however, doesn't consider that climate displacement is inherently structural and has a long, term component. In contrast to sudden disasters, climate displacement is mostly due to slow, onset processes such as sea, level rise, desertification, and salinity intrusion, which change the habitability of a territory in a permanent way.

Misdirecting such displacement as that of an emergency in the present is more difficult to understand its constitutional importance. The loss of legal identity and political belonging leads to the violation of the most important constitutional values, among which equality before the law, dignity, and access to state services are the most fundamental. By so doing, constitutionalisation does not eliminate disaster governance; it exposes its weaknesses. It takes care of emergency responses not as being merely reactive but also consistent with sustained constitutional undertakings of inclusion and legal personality.

**Sovereignty without Territory: Is Perpetual Statehood Destabilising International Law?:** The second wave of criticism is that the Pacific Island States adoption of the concept of perpetual or deterritorialized statehood poses a threat to the integrity of international law because of the destabilization of sovereignty without territory. One of the major requirements of statehood according to the classical doctrines, in particular, the Montevideo Convention, is territory. This is feared to be an attempt to bring chaos to the international system by relaxing this requirement. This objection, however, is grounded on a fixed conception of international law which fails to consider its historical flexibility. The idea of international legal personality has never been unable to accommodate extraordinary situations like governments, in, exile, trusteeship set ups and non, territorial states that are sovereign. The de-territorialized statehood does not entail the abandonment of the concept of territoriality in general; it concerns one, unprecedented danger of climate, which is caused by submergence. Still more critically, the other, automatic, extinction of statehood in case of the loss of territory, would leave a big number of stateless citizens, which is directly contrary to the principle purposes of the international human rights law. In this view perpetual statehood is not destabilising, but a stabilising doctrine and therefore ensures continuity of the law, continuity of citizenship, and international responsibility, during a time of environmental disaster. It renders the insight of Hannah Arendts practical because the loss of land is not supposed to imply the loss of the right to have rights.

**Indian Judicial Usurping Democracy or Constitutional Necessity?:** In India in particular, there is a particular outcry of judicial overreach on the issue of the supplementary climate law of the Supreme Court, which has been linked to infringing on the legislature. According to critics, by establishing a right not to be subject to the adverse impact of climate change, the Court is actually substituting judicial preferences with a democratic decision, making.Such criticism does not consider the distinction between vulnerability and political power in climate management. Individuals displaced by climate change are often marginalised politically, physically distant as well as institutionally represented. Their inaction by the legislatures in meeting their needs is not neutral and this indicates their structural exclusion. Such an intervention by the courts, in the form of a counter, majoritarian protection, assists the most politically underprivileged groups to be heard.

In addition to that, Indian constitutional law has never ignored the fact that judicial review is rather justified when the fundamental rights are disregarded in a systematic manner. Climate displacement with all its concomitant irreversible effects is precisely so. Involvement of courts is one of such means of rectifying the system and it does so by making the state to perceive the ills which it is untuned to handle through its traditional policy frameworks.

**Constitutionalisation as a Safeguard against Arbitrary Exclusion:** The opposition to constitutionalising climate displacement, in the end, reveals a reluctance to recognise climate change as a fundamental legal crisis, rather than a side issue of policy. Engaging with the constitution does not assure flawless remedies, nor does it take away political discretion. What it provides is a protection from arbitrariness, thus, no person or community should be left without rights just because their land has become unlivable. Therefore, placing climate displacement under the constitution is not an overreach of the judiciary, but rather a reaffirmation of the constitution's primary function: to safeguard legal subjecthood when normal governance mechanisms fail. As climate change threatens the territorial basis of the state, constitutional law has to change so that the "right to have rights" is not, again, a victim of the Anthropocene.

**The Conflict of Laws: "Green vs. Green" and the Paradox of Mitigation:** The examples of India, Bangladesh, and the Pacific that we have just discussed, empirically suggest a linear progression toward "Green Constitutionalism" a legal evolution whereby the state acknowledges the "Right to a Climate, Resilient Life" as a corollary right. Nevertheless, a rigorous comparative analysis imposes a "Reality Check" on us. We are compelled to face the rising conflict of "Green vs. Green." This conflict arises when the legal tools and physical infrastructure designed to mitigate global climate change (e.g., solar parks, wind farms, and hydroelectric dams) disproportionately affect the "Right to have Rights" of local, often indigenous, communities. In this paradox, the "Right to a Stable Climate" for the global collective is used as a means to justify the "Green Displacement" of the local individual.

**The Great Indian Bustard and the Myth of Neutral Mitigation:** The conflict at the heart of the M.K. Ranjitsinh (2024) case, which is largely remembered for its affirmation of climate rights, unfolded in the first instance in this court. The issue at the center of the case was not a moral one, pitting "polluters" against "victims, " but rather a clash between two environmental necessities: the protection of the Great Indian Bustard (GIB), one of the most endangered species in the world, and the growth of India's solar and wind energy capacity in the deserts of Rajasthan and Gujarat. The first court decision showed a stance in favor of the GIB, ordering the undergrounding of high, voltage power lines. Nevertheless, the later change of the directive, allowing the use of overhead lines for solar infrastructure, uncovers a utilitarian hierarchy in climate law. The Supreme Court, in effect, determined that the "Global Green" (carbon mitigation through solar) had priority over the "Local Green" (species conservation and the land, use rights of traditional pastoralists). As for the people inhabiting these "wastelands “a colonial legal term that is still used to refer to biodiverse grasslands the development of solar parks is the latest way in which they are being enclosed. They are not being displaced by the rising tides, but by the "Green Transition."

**"Green Grabbing" and the Erasure of Customary Rights:** This phenomenon is being increasingly acknowledged in legal literature as "Green Grabbing." It characterizes the seizure of land and resources justified by environmental goals. In India, the state frequently converts lands termed as "wastelands" into renewable energy parks by forcefully acquiring them through the Land Acquisition Act. Since these areas are often under customary or communal tenure and not individually titled, the herders and pastoralist communities (like the Raika of Rajasthan) are losing their "Right to have Rights" which is the most fundamental right. Conceptually, from an Arendtian viewpoint, this is akin to Internal Statelessness. These people are physically in India but are politically and economically rendered invisible by a "Green" directive. The law, when it chooses to prioritize "megawatt targets" over "livelihood protection, " it essentially hierarchizes constitutional values. The "climate subject" living in the city who gets the benefit of clean energy is safeguarded at the "climate subject" living in the desert who loses his/her ancestral grazing lands is sacrificed.

MSW MANAGEMENT -Multidisciplinary, Scientific Work and Management Journal
ISSN: 1053-7899
Vol. 36 Issue 1s, 2026, Pages: 1430-1437

**Bangladesh and the Embankment Dilemma:** In Bangladesh, the "Green vs. Green" conflict is visible through the building of huge polders and embankments. These facilities are necessary under the Delta Plan 2100 to protect the interior from sea, level rise. But the building of these "hard" adaptation measures usually means that thousands of families living on the "char" lands (riverine islands) have to be moved.

The constitutional question here is one of Distributive Justice. If Article 18A requires the protection of the environment for "present and future citizens, " then which ones come first? At the moment, the law is more in favor of "macro, protection "rescuing the urban centers and high, yield agricultural zone sat the same time, "sacrificing" the peripheral communities whose land is used for embankments or buffer zones. This results in a "Protection Gap" within the adaptation strategy itself: the state protects the territory but displaces the population, which brings us back to the Arendtian crisis of people without a place.

**The Pacific and the "Sacrifice Zone" Narrative:** Conflict is even present in the Pacific. While these countries demand "Climate Reparations, " there is also disagreement about the location of relocation. If an entire population is moved to a "higher" island or a host nation, what happens to the land they left behind? There is a legal fear that "Green Mitigation" projects (like ocean thermal energy or deep-sea mining for "transition minerals") might be permitted in the exclusive economic zones of these nations once they are depopulated. The "Right to have Rights" for a Pacific Islander must include the right to ensure their home is not turned into a "Global Sacrifice Zone" for the world's green energy needs.

**Toward a "Rights-Based" Mitigation Framework:** To resolve the "Green vs. Green" paradox, the article argues that the "Right to have Rights" must be procedurally protected. Mitigation projects must not be exempt from Human Rights Impact Assessments (HRIA).

1. **Consent as a Constitutional Prerequisite:** Adopting the principle of "Free, Prior, and Informed Consent" (FPIC) from the UN Declaration on the Rights of Indigenous Peoples.
2. Fair Compensation of Displaced: Making sure that when displaced communities are not merely compensated, but made shareholders in the green infrastructure established on their property.
3. Jurisdictional Review of Green Utility: Courts need to collectively abandon a blindly deferential approach to renewables and find a proportionality test: Is the world importance of this solar park so immense as to warrant the entire elimination of the way of life of a local community?

**Recommendations: Towards a Transnational Constitutionalism of the Anthropocene.:** In the analysis of India, Bangladesh and the Pacific Island States before this argument, it is demonstrated that not only is the Protection Gap only a policy failure, but it is also the obsolescence of the Westphalian legal order. We must cross into a Transnational Constitutionalism in order to salvage Hannah Arendt in the physical disappearance of her right to have rights, Right to Have Rights. The following recommendations explain how the relationship between the state, the citizen, and a changing climate should be altered.

**Codifying the right to climate justice: Dromming up Judicial Reality into Statutory Law:** The Indian experience demonstrates that courts can only find rights, but never give them, unless they have a vessel of the law. In order to overcome the so-called "Execution, Implementation Gap, I would like to suggest the following:

1. The National Climate Mobility Act (NCMA): India and other South Asian countries should move beyond disaster management laws (which treat displacement as an emergency) and enact a specific "Mobility Act." The principle of Ranjitsinh (2024) should be made a codification of legislation in which the new legal status of climate, Induced Displacement is territorially identified. By so doing, displaced persons would have priority access to social security, healthcare and Dignified Relocation funds thereby transforming a judicial theory into a real privilege.
2. The Climate Impact Assessment (CIA) to Development: To address the so-called Bustard, Solar paradox, states should insist on CIAs which do not only take into account the impact on the environment but also the likelihood of displacement of people because of the introduction of green infrastructure. No renewable energy project should be deemed "just" if its construction leads to the disenfranchisement of the very communities it is intended to protect.

**Regionalizing the "Right to Have Rights": The South Asian Climate Lex Specialis**

Bangladesh's "resilience ceiling" proves that no single state can manage the Anthropocene in isolation. The "Right to Have Rights" must become **portable**.

1. **Climate Mobility Corridors (CMC):** Building on the BBIN (Bangladesh, Bhutan, India, Nepal) architecture, regional powers should establish "Climate Mobility Corridors." These corridors would allow for the "Regulated Transborder Movement" of climate-displaced persons. Rather than being treated as "infiltrators" or "illegal migrants," individuals from submerged or sterile lands would be granted "Regional Labor Visas." This shifts the Arendtian subject from a "stateless person" to a "regional economic citizen."
2. **A Regional Fund for Loss and Damage (RFLD):** While global funds (COP28/29) exist, they are often mired in bureaucracy. A fund for South Asia, run by an alliance of the "Frontline States, " would offer necessary and swift financial help for "Preventative Relocation" the relocation of the communities prior to the flood turning into a disaster.

**Decoupling Sovereignty from Territory: The Pacific Model as Global Precedent**

The "Perpetual Statehood" of the Pacific should not be considered a mere legal novelty, but rather a necessary change of International Law.

1. Reforming the 1933 Montevideo Convention: It would be advisable for the international community, spearheaded by the UN General Assembly, to embrace a protocol that explicitly separates "Statehood" from "Physical Territory". The "Right to Have Rights" needs to be derived from the Sovereignty of the People rather than the stability of the land. In this way, countries such as Tuvalu would be able to retain their UN membership, their maritime zones, and their legal authority forever.
2. The Global Digital Sovereign Registry: In order to facilitate "Cloud Sovereignty", the UN could create a registry for "De-territorialized States". This would be a safe, blockchain, verified platform exiled states could use to issue identity documents and the management of the rights of their diaspora, thus a citizen of a submerged nation would remain a legal subject with a "place in the world".

**The "Host Nation Duty of Care": A New Social Contract**

To begin with, in order for the "Right to Have Rights" to really make sense, host nations need to take on a reciprocal constitutional obligation.

1. Bilateral "Falepili" Treaties: The Australia, Tuvalu model of "Shared Sovereignty" is to be revised and widely applied. Host countries are to provide "Climate Residency" which is not a way for assimilation but a means of Dual, Belonging. This gives the displaced person the possibility to be a citizen of their (digital) home country while having full civil and economic rights in their host country.
2. The Judicialization of State Responsibility: Courts at the national level in the Global North should take the Indian Supreme Court as an example and acknowledge that their states' emissions in the past are the cause of a Constitutional Debt to the displaced. This "Duty of Care" would be the source of law that can be used to pay for relocation and adaptation programs in the Global South.

**CONCLUSION: THE RIGHT TO A PLACE IN A WARMING WORLD**

Climate displacement presents a fundamental challenge to constitutional law not because it creates new categories of vulnerability, but because it challenges the territorial assumptions that modern legal systems are based on. As the sea levels rise, and severe weather events and ecological degradation make the earth more and more unstable, people will not only lose their homes but also their status as legal subjects. This Article has argued that this displacement is to be viewed as an issue of constitutional crisis of legal identity as such, and subsequently, only as an issue

MSW MANAGEMENT -Multidisciplinary, Scientific Work and Management Journal
ISSN: 1053-7899
Vol. 36 Issue 1s, 2026, Pages: 1430-1437

of migration or disaster governance. The fact that the reconsideration of Hannah Arendt concept of the Right to Have Rights is rather profound in the Anthropocene setting demonstrates the extent of the crisis. To Arendt, the day had come as the human rights had turned into unenforceable abstractions when political membership was lost. Climate change introduces something new into this observation: it might turn out that the legal elimination occurs not due to political expulsion, but due to the physical elimination of the territory on which the foundation of citizenship, sovereignty, and rights lie. In a situation in which no land is there, the institutional conditions which are required to identify the rights are threatened.The comparative examination of India, Bangladesh, and the Pacific Island States show that constitutional systems are already struggling with this challenge, yet they are doing this along varying institutional lines.

India's judiciary has interpreted fundamental rights to include protection against the negative impacts of climate change, thus providing a significant example of rights, based climate constitutionalism. Bangladesh has chosen an executive, led approach focused on resilience and adaptation, using climate governance as a way to implement its constitutional vision of development. The Pacific Island States, facing the loss of their existence, have taken the most radical path by separating sovereignty from territory through constitutional declarations of eternal statehood. These models together uncover a crucial insight: territorial permanence can no longer be taken for granted as the basis of constitutional protection. Judicial innovation, policy, driven resilience, and de-territorialized sovereignty can each be seen as different ways of preserving the "Right to Have Rights, " but they are each incomplete if considered separately. Judicial rights without political will to codify them in legislation risk being enforced selectively; resilience without the support of enforceable rights will weaken when displacement is inevitable; and de-territorialized sovereignty is conditional upon recognition by international law.

This article develops the idea of territorially agnostic constitutionalism. This is a situation in which legal identity and political membership are not dependent on a specific area of the earth. Such a system does not discard the idea of territory but acknowledges that rights have to be flexible enough to survive through displacement, crossing borders, and even the loss of physical land. It would take constitutional arrangements to be able to safeguard people before, during, and after their forced departure from their homes, thus making sure that legal subjecthood remains continuous even in the presence of environmental instability.

In the end, climate displacement compels constitutional law to face a landmark question of the twenty, first century: which people will still be entitled to rights when the very foundation of law is disappearing? If constitutions are to continue being instruments of inclusion instead of becoming relics of a stable past, they have to change in a way that they will still make it possible for no person to become legally invisible because of climate change. The validity of constitutional orders in a world that is getting warmer will not depend on how territorially attached they are but on how they will be able to safeguard the most basic human right to have a place in the world.

## REFERENCES

1. **Abul Barkat**, 'Socio-Economic Impact of Climate Change in Bangladesh' (2021) 19 *Bangladesh Development Journal* 1
2. **Alexander Zahar**, *Climate Change Law* (Hart Publishing 2021)
3. **Australia–Tuvalu Falepili Union Treaty** (Australian Government Department of Foreign Affairs 2023)
4. **Benoît Mayer**, *The Concept of Climate Migration: Advocacy and its Prospects* (Edward Elgar 2016)
5. **BBC News**, 'Tiger Widows of the Sundarbans' (2 October 2024)
6. **Charter of the United Nations** (1945)
7. **Climate Change Act 2022** (Vanuatu)
8. **Constitution of India** 1950
9. **Constitution of the People's Republic of Bangladesh** 1972
10. **Constitution of the Republic of Kiribati** 1979
11. **Constitution of the Republic of Vanuatu** 1980
12. **Constitution of Tuvalu** 1986 (as amended 2023)
13. **Convention Relating to the Status of Refugees** (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137
14. **David Hodgkinson** and others, 'The Hour When the Ship Comes In: A Convention for Persons Displaced by Climate Change' (2010) 36 *Monash University Law Review* 69
15. **Disaster Management Act 2005** (India)
16. **Draft Articles on the Protection of Persons in the Event of Disasters** (International Law Commission 2016)
17. **Elisa Fornalé**, 'The Right to Stay' (2020) 22 *International Migration* 56
18. **Eyal Benvenisti**, *The International Law of Occupation* (Oxford University Press 2012)
19. **Foreigners Act 1946** (India)
20. **Frank Biermann and Ingrid Boas**, *Climate Refuges: A New Category of Post-Westphalian International Politics* (MIT Press 2022)
21. **Giorgio Agamben**, *State of Exception* (University of Chicago Press 2005)
22. **Global Compact for Safe, Orderly and Regular Migration** (19 December 2018) UNGA Res 73/195
23. **Government of Bangladesh**, *Bangladesh Delta Plan 2100* (2018)
24. **Government of Bangladesh**, *Mujib Climate Prosperity Plan 2022–2041* (2021)
25. **Government of Bangladesh**, *National Strategy on Internal Displacement 2021–2026* (2021)
26. **Government of India**, *National Action Plan on Climate Change* (2008)
27. **Hannah Arendt**, *The Origins of Totalitarianism* (Schocken Books 1951)
28. **IDMC**, *Global Report on Internal Displacement 2024* (2024)
29. **Ingrid Boas** and others, 'Climate Migration Myths' (2019) 9 *Nature Climate Change* 898
30. **Ioane Teitiota v New Zealand** [2020] NZSC 107
31. **IPCC**, *Climate Change 2023: Synthesis Report* (2023)
32. **Island of Palmas Case (Netherlands v USA)** (1928) 2 RIAA 829
33. **IOM**, *World Migration Report 2024* (2024)
34. **James C Hathaway**, *The Rights of Refugees under International Law* (2nd edn, Cambridge University Press 2021)
35. **Jamie Draper**, *Climate Displacement* (Oxford University Press 2023)
36. **Jane McAdam**, 'Disappearing States, Statelessness and the Boundaries of International Law' (2010) 33 *University of New South Wales Law Journal* 121
37. **Jane McAdam**, *Climate Change, Forced Migration, and International Law* (Oxford University Press 2012)
38. **Katrina M Wyman**, *The Ethics of Displacement* (Oxford University Press 2023)
39. **Land Reform Ordinance 1984** (Bangladesh)

MSW MANAGEMENT -Multidisciplinary, Scientific Work and Management Journal
ISSN: 1053-7899
Vol. 36 Issue 1s, 2026, Pages: 1430-1437

40. **Leghari v Federation of Pakistan** (2015) W.P. No 25501/2015
41. **M K Ranjitsinh v Union of India** (2024) Supreme Court of India, Writ Petition (Civil) No 838/2019
42. **Maneka Gandhi v Union of India** AIR 1978 SC 597
43. **Maria Stavropoulou**, 'The Right Not to be Displaced' (1994) 9 *American University Journal of International Law and Policy* 689
44. **MC Mehta v Union of India** AIR 1987 SC 1086
45. **Michelle Foster and Helene Lambert**, *International Refugee Law and the Protection of Stateless Persons* (Oxford University Press 2019)
46. **Montevideo Convention on the Rights and Duties of States** (adopted 26 December 1933, entered into force 26 December 1934) 165 LNTS 19
47. **Nansen Initiative**, *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change* (2015)
48. **Obligations of States in Respect of Climate Change (Advisory Opinion)** [2025] ICJ Rep
49. **Oriano Onofri**, 'Perpetual Statehood and the Pacific Islands' (2023) 14 *Pacific Rim Law & Policy Journal* 88
50. **Pacific Islands Forum**, *Declaration on Preserving Maritime Zones in the Face of Climate Change-related Sea-Level Rise* (2021)
51. **Paris Agreement** (adopted 12 December 2015, entered into force 4 November 2016) TIAS No 16-1104
52. **Peter G Penz, Jay Drydyk and Pablo S Bose**, *Displacement by Development: Ethics, Rights and Responsibilities* (Cambridge University Press 2011)
53. **Philippe Sands and Jacqueline Peel**, *Principles of International Environmental Law* (4th edn, Cambridge University Press 2018)
54. **Platform on Disaster Displacement**, *Strategic Framework 2024–2030* (2024)
55. **R B Jain**, 'Executive Governance and the Environment in Bangladesh' (2023) 30 *South Asian Studies* 77
56. **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013**(India)
57. **Rosemary Lyster**, *Climate Justice and Disaster Law* (Cambridge University Press 2015)
58. **Shaina S Singh**, 'Green Grabbing in India: A Legal Critique' (2024) 8 *Journal of Land Use and Environmental Law* 112
59. **Shue Henry**, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton University Press 1980)
60. **Simon Caney**, *Justice Beyond Borders* (Oxford University Press 2005)
61. **Sirel v The State of Bangladesh** (1995) 15 BLD (HCD) 429
62. **Sumudu Atapattu**, *Human Rights Approaches to Climate Change: Challenges and Opportunities* (Routledge 2015)
63. **Sumudu Atapattu**, 'A New Right to be Free from Climate Change?' (2024) 12 *Environmental Law Review* 210
64. **Susanna Myer**, 'Sovereignty without Land: The Case of Tuvalu' (2024) 17 *International Journal of Marine and Coastal Law* 45
65. **Tasneem Siddiqui**, 'Internal Migration in Bangladesh' (2022) 11 *Climate and Development* 142
66. **Teitiota v Chief Executive of the Ministry of Business, Innovation and Employment** [2013] NZHC 3125
67. **The Diplomat**, 'Climate Mobility Corridors in South Asia' (15 June 2025)
68. **The Economic Times**, 'The Future of BBIN Mobility' (4 January 2026)
69. **The Guardian**, 'Tuvalu Amends Constitution for Perpetual Statehood' (8 November 2023)
70. **The Hindu**, 'The Rising Tensions of Green Infrastructure in Rajasthan' (19 February 2024)
71. **The Times of India**, 'India's Supreme Court Recognizes Right against Climate Change' (6 April 2024)
72. **UN Declaration on the Rights of Indigenous Peoples** (2 October 2007) UNGA Res 61/295
73. **UN Framework Convention on Climate Change** (adopted 9 May 1992, entered into force 21 March 1994) 1771 UNTS 107
74. **UN Guiding Principles on Internal Displacement** (22 July 1998) E/CN.4/1998/53/Add.1
75. **UN Human Rights Committee**, *Views on Communication No 2728/2016 (Teitiota v New Zealand)* (2020)
76. **UNGA**, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons* (2023)
77. **UNHCR**, *Legal Considerations Regarding Claims for International Protection in the Context of the Adverse Effects of Climate Change and Disasters* (2020)
78. **United Nations Convention on the Law of the Sea** (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3
79. **Vikram Raghavan**, *Constitutionalism in South Asia* (Oxford University Press 2021)
80. **Vikram Raghavan**, 'Judicial Activism in India' (2024) 15 *Journal of Indian Constitutional Law* 45
81. **Walter Kälin**, 'Conceptualising Climate-Induced Displacement' (2010) 32 *Forced Migration Review* 4
82. **Walter Kälin and Hannah Entwisle Chapuisat**, *The Law of Tomorrow: Climate Change and Internal Displacement* (Cambridge University Press 2024)
83. **Wired**, 'Digital Tuvalu: A Metaverse Nation' (20 November 2023)
84. **World Bank**, *Groundswell: Preparing for Internal Climate Migration* (2018)
85. *World Bank, Groundswell Part 2: Acting on Internal Climate Migration (2021)*
86. *Internal Displacement Monitoring Centre (IDMC), Global Report on Internal Displacement 2024.*
87. *World Bank, Groundswell: Preparing for Internal Climate Migration (2018); Groundswell Part 2 (2021).*
88. *Pacific Islands Forum, Declaration on Preserving Maritime Zones in the Face of Climate Change-related Sea-Level Rise (2021).*