

# SEEDING BLUE JUSTICE IN AQUATIC SPACES: LEGAL PATHWAYS FOR PROTECTING THE RIGHTS OF TRADITIONAL FISHING COMMUNITIES IN INDIA

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## I. INTRODUCTION

The concept of ‘*Blue Justice*’ offers a new approach for fair and sustainable governance across the full range of aquatic spaces, not only in oceans and coastal zones but also in rivers, wetlands, estuaries, and floodplains. It demands that coastal communities share benefits and burdens equally. India’s extensive coastline, along with its vast network of inland water bodies, supports diverse fisheries, tourism, aquaculture, and offshore energy sectors. However, these occupations and developments also expose traditional fishers to mounting risks in India. The promise of economic growth, embodied in the expanding discourse of the ‘*blue economy*’ and ‘*blue growth*’, has attracted energy firms, biotechnology companies, deep-sea miners, fisheries corporations, and investors racing to tap marine and freshwater resources. Yet this rapid push carries real risks for both communities and ecosystems. Unchecked development and an unbalanced blue economy model have deepened social and ecological injustices, disproportionately affecting women, Indigenous peoples, small-scale inland and coastal fishers, and youth in coastal areas.

Meeting the ‘2030 Sustainable Development Goals’, especially the commitment to “leave no one behind”, requires us to see how coastal planning and projects affect these groups and local communities. One of the view suggests that blue growth automatically benefits economies and coastal societies, but it too often ignores unequal benefit-sharing and hidden social harms. Civil-society organizations, small-scale fisher networks, and scholars have repeatedly sounded the alarm, calling for a more inclusive and equitable approach to ocean governance. Internationally, legal instruments such as ‘United Nations Convention on Law of the Sea (UNCLOS)’<sup>1</sup> sets the legal framework, and the ‘FAO’s Guidelines for Small-Scale Fisheries (FAO-SSF)’<sup>2</sup> protect small-scale fishers. In India, national laws such as ‘the Environmental Protection Act’<sup>3</sup>, ‘Coastal Regulation Zone (CRZ) Rules’<sup>4</sup>, ‘Wetlands (Conservation and Management) Rules’<sup>5</sup> and ‘National Marine Fisheries Policy’<sup>6</sup> supports the blue economy and promote concept of blue

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<sup>1</sup> The United Nations Convention on the Law of the Sea, 1982, 1833 UNTS 3.

<sup>2</sup> Food and Agriculture Organization of the United Nations, *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication* Guideline 3.1 (FAO, Rome, June 2015).

<sup>3</sup> The Environmental Protection Act, 1986 (Act 29 of 1986).

<sup>4</sup> Coastal Regulation Zone (CRZ) Notification, Ministry of Environment and Forests, Government of India, 1991 (as amended).

<sup>5</sup> Ministry of Environment, Forest and Climate Change, Wetlands (Conservation and Management) Rules: No. G.S.R. 1203(E), Gazette of India, Extraordinary, part II, s. 3, dtd. Sep. 26, 2017 (Government of India).

<sup>6</sup> Government of India, “National Marine Fisheries Policy” (Ministry of Agriculture and Farmers Welfare, Department of Fisheries, 2017).

justice. However, traditional fishing communities in India face a range of legal challenges, including restricted access to fishing grounds, weak enforcement of coastal regulations and conservation laws, displacement from industrial projects, marginalization in blue economy policymaking, opaque lease systems, procedural exclusion from planning processes, tenure insecurity, and ecological degradation.

Against this backdrop, this article explores the Indian position promoting its blue economy ambitions while grounding ‘blue justice’ in the governance of both marine and inland aquatic spaces. The authors aim to examine the emerging concept of ‘blue justice’, related legal principles and practices, followed by the local and traditional fisheries communities in India. The first part introduces the concepts of ‘blue justice’ and ‘blue economy’ for seeding its roots in aquatic spaces. The second part discusses relevant International and Indian legal frameworks supporting them. The third part presents some case studies highlighting struggles for protecting the rights of traditional fisheries communities in India. The final part offers a critical analysis of the effectiveness of existing laws and policies protecting their rights, and proposes legal and institutional reforms to promote the concept of ‘blue justice’ in India. It employs a doctrinal research method to analyze statutes, regulations, judicial decisions, and case studies.

## **II. BLUE JUSTICE UNDER BLUE ECONOMY: A CONCEPTUAL ANALYSIS IN THE CONTEMPORARY AGE**

The blue economy envisions marine and aquatic resources as engines of sustainable development, spanning sectors such as fisheries, tourism, renewable energy, and maritime transport while aiming to safeguard ecosystem health. As the blue economy grows in both arenas, globally and in India, it opens up new avenues for sustainable development and improved livelihoods. To support a more inclusive and equitable approach, the concept of ‘*Blue Justice*’ has emerged as a vital concept to ensure its fair and sustainable implementation in aquatic spaces or regions. This part develops the conceptual foundation for the study by first examining the rise, scope, and critiques of the blue economy. It then explores the evolution of the blue justice movement, highlighting its core principles and three key dimensions: recognitional, procedural, and distributional justice. Finally, it outlines the international and national legal frameworks that shape blue justice in India’s aquatic governance, providing the legal context for the case studies in subsequent parts.

### ***A. Growth of Blue Economy***

The rise of blue economy approaches and the regulatory frameworks accompanying them has brought new economic opportunities for coastal and marine sectors. Yet several studies show that shifts in rules and authority often produce social harms: small-scale fishers and indigenous peoples may be displaced from ancestral fishing grounds; marginalized groups are excluded from decision-making; and benefits and costs are unevenly shared among stakeholders.<sup>7</sup> In practice, ‘*blue economy*’, ‘*blue growth*’, and ‘*ocean economy*’ are often used synonymously, although some scholars argue for important distinctions among them. The ‘*blue economy*’ broadly captures the sustainable use of ocean and coastal resources to promote economic development, improved

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<sup>7</sup> Rosa María Martínez-Vázquez, Juan Milán-García, *et.al.*, “Challenges of the Blue Economy: Evidence and Research Trends” 33 *Environmental Sciences Europe* 61 (2021).

livelihoods, and ecosystem health.<sup>8</sup> Various narratives now surround the blue economy, each with distinct challenges, stakeholders, and governance structures. Critics argue that in many cases, the emphasis has shifted from environmental sustainability to the commercialization of marine resources and profit-driven exploitation.<sup>9</sup> Within this framework, ‘*blue growth*’ typically emphasizes the expansion and intensification of ocean-based economic activities, prioritizing increased output and investment.<sup>10</sup> The concept of blue growth first gained attraction at the United Nations Conference on Sustainable Development (Rio+20) in 2012, where ocean resources were officially recognized as drivers of sustainable development.<sup>11</sup> However, blue growth approaches do not always integrate social equity or recognize the rights of marginalized coastal communities, which can lead to exclusion and resource conflicts. Recognition of these nuanced differences is vital for designing coastal and marine policies that avoid the pitfalls of unbalanced development and foster truly sustainable and equitable ocean governance. At its core, the blue economy refers to the sustainable use of marine environments for economic activities, while blue growth denotes the expansion of those activities.

International institutions have embraced blue economy ideas from the beginning. The World Bank defines the ‘*blue economy*’ as “the sustainable use of ocean resources for economic growth, improved livelihoods and jobs while preserving the health of ocean ecosystems”.<sup>12</sup> United Nations Economic Commission for Africa (UNECA) extends this definition beyond seas and coasts to include “freshwater environments such as lakes, rivers, and groundwater, emphasizing integrated, fair, and circular management of all aquatic resources”.<sup>13</sup> Despite these expansive definitions, there is growing concern that existing patterns of exploitation may simply be perpetuated under new “blue” labels. Studies of political ecologies in Africa, for example, document how large-scale investments can bypass community rights and deepen social inequities if justice safeguards are not explicitly built into policy frameworks.<sup>14</sup> This highlights a critical challenge, as without embedding explicit justice safeguards in policy and governance frameworks, the transition to blue economy models risks replicating historic patterns of marginalization and inequity under a new guise. This mix of big economic goals and deep social inequalities shows a key problem in blue economy efforts.

Recognizing this imbalance led to the emergence of ‘*blue justice*’, which demands a fair and inclusive blue economy that focuses on recognition, procedure, and distribution within its agenda.<sup>15</sup> A related strand, ‘*blue degrowth*’, challenges capitalist growth-driven efforts and instead

<sup>8</sup> European Commission, “Blue growth”, in Maritime Affairs — European Commission, *available at*: [https://ec.europa.eu/maritimeaffairs/policy/blue\\_growth\\_en](https://ec.europa.eu/maritimeaffairs/policy/blue_growth_en) (last visited on Aug. 19, 2023).

<sup>9</sup> Michelle Voyer, Genevieve Quirk, *et.al.*, “Shades of Blue: What Do Competing Interpretations of the Blue Economy Mean for Oceans Governance?” 20(5) *Journal of Environmental Policy & Planning* 595–616 (2018).

<sup>10</sup> *Ibid.*

<sup>11</sup> United Nations Conference on Sustainable Development, *The Future We Want*, U.N. Doc. A/CONF.216/16 (2012).

<sup>12</sup> World Bank, “What is the Blue Economy?”, Jun. 06, 2017, *available at*: <https://www.worldbank.org/en/news/infographic/2017/06/06/blue-economy> (last visited on Aug. 19, 2023).

<sup>13</sup> United Nations Economic Commission for Africa Sub-Regional Office for Eastern Africa, *Africa’s Blue Economy: A Policy Handbook* (UNECA, Addis Ababa, Mar. 2016).

<sup>14</sup> John R. Childs and Christina C. Hicks, “Securing the Blue: Political Ecologies of the Blue Economy in Africa” 26 *Journal of Political Ecology* 323–340 (2019), *available at*: <https://doi.org/10.2458/v26i1.23162> (last visited on Aug. 03, 2023).

<sup>15</sup> Nathan J. Bennett, Jessica Blythe, *et.al.*, *Blue Growth and Blue Justice*, IOF Working Paper no. 2020-02 (Institute for the Oceans and Fisheries, University of British Columbia, 2020).

promotes community rights, local production, and consumption as cornerstones of equitable ocean governance.<sup>16</sup> While the idea of sustainable growth and better livelihoods sounds very promising, in reality, many people are left out unfairly. Benefits are unevenly shared, and vulnerable coastal communities often get pushed aside. In many cases, environmental goals take priority over social justice concerns. As marine industries become more commercialized, traditional knowledge, rights, and community strength are often ignored or excluded from decisions. To make ocean governance truly sustainable, we must balance economic goals with justice, making sure to protect the interests and voices of people who depend most on marine resources. This important understanding leads us to look at ‘blue justice’, a concept created to fix these problems and guide ocean management toward fairness and inclusion.

### ***B. Concept of Blue Justice***

The term ‘blue justice’ first surfaced in 2018 when Moenieba Isaacs introduced it at the Third World Small-Scale Fisheries Congress in Thailand.<sup>17</sup> Since then, scholarly interest has grown rapidly. Experts have stressed the critical need to clarify the concept for better understanding of blue justice, while Isaacs locates its core in social justice for small-scale fishers, addressing their long-standing exclusion and marginalization. Early academic work on blue justice was led by the ‘Too Big to Ignore (TBTI)’ network which for years championed protecting small-scale fishers’ rights.<sup>18</sup> After Isaacs coined the term, TBTI members began explicitly using “blue justice” to press for fishers’ equitable access and participation in the emerging blue economy.<sup>19</sup> In late 2018, they launched the ‘Blue Justice for Small-Scale Fisheries’ initiative and an online platform, ‘Blue Justice Alert’, to collect and share stories of marine injustice.<sup>20</sup> That momentum culminated in the 2022 volume *Blue Justice: Small-Scale Fisheries in a Sustainable Ocean Economy*,<sup>21</sup> which assembles global case studies and argues that achieving true blue justice demands shifts in perception, institutionalization, and practice. This evolution reflects a growing recognition within the fisheries and ocean governance communities that sustainable ocean economies cannot be achieved without explicitly addressing historical injustices and structural inequities faced by small-scale fishers.

Although fishers remain central, the concept has broadened. Organizations such as the ‘World Forum of Fisher Peoples’ and the ‘World Forum of Fish Harvesters and Fish Workers’ have advocated for small-scale fishers for decades, even when they did not yet use the term ‘blue

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<sup>16</sup> *Ibid.*

<sup>17</sup> Esté Beerwinkel, “Moenieba Isaacs: Blue Justice for small-scale fisheries” *PLAAS*, July 23, 2019, *available at*: <https://www.plaas.org.za/blue-justice-for-small-scale-fisheries/> (last visited on Aug. 19, 2023).

<sup>18</sup> Too Big To Ignore, *available at*: <http://toobigtoignore.net/> (last visited on Aug. 19, 2023).

<sup>19</sup> Ratana Chuenpagdee, “Blue justice for small-scale fisheries: What, why and how” in Vesna Kerezi, Dorota Kinga Pietruszka, *et.al.* (eds.), *Blue Justice for Small-Scale Fisheries: A Global Scan* (TBTI Global Publication Series, 2020), *available at*: [http://toobigtoignore.net/wp-content/uploads/2020/07/Chuenpagdee\\_Blue-Justice\\_intro.pdf](http://toobigtoignore.net/wp-content/uploads/2020/07/Chuenpagdee_Blue-Justice_intro.pdf) (last visited on Aug. 19, 2023).

<sup>20</sup> Vesna Kerezi, Dorota Kinga Pietruszka, *et.al.* (eds.), *Blue Justice for Small-Scale Fisheries: A Global Scan* (TBTI Global Publication Series, 2020), *available at*: <https://blueventures.org/publications/blue-justice-for-small-scale-fisheries-a-global-scan/> (last visited on Aug. 03, 2023).

<sup>21</sup> Svein Jentoft, Ratana Chuenpagdee, *et.al.* (eds.), *Blue Justice: Small-Scale Fisheries in a Sustainable Ocean Economy* (Springer, 2022), *available at*: [http://toobigtoignore.net/blue-justice-small-scale-fisheries\\_book/](http://toobigtoignore.net/blue-justice-small-scale-fisheries_book/) (last visited on Aug. 03, 2023).

*justice*'.<sup>22</sup> In academic debates, *blue justice* now stands as a counter-narrative to the *blue economy* as explained, "The 'blue' in blue justice was included as a direct response to increased endorsement of 'blue economy' initiatives by governments, industries and finance."<sup>23</sup> Some scholars have adopted 'blue justice' as a framework for equitable ocean governance, documenting how blue economy policies can displace fishers and Indigenous peoples, exclude them from decision-making, and skew benefits toward powerful actors.<sup>24</sup> Researchers also spotlight other marginalized groups such as women, indigenous peoples, low-income communities, and nations. Case studies from the United Kingdom, France, Chile, and Tanzania reveal that gendered inequities in fisheries governance often go unaddressed.<sup>25</sup> The emphasis on actively amplifying marginalized voices reflects a crucial shift from mere documentation to transformative action, underscoring that achieving 'blue justice' requires not only recognizing inequities but also empowering affected communities to influence policy and governance in meaningful ways.

As the concept expands, three key dimensions of '*blue justice*' emerge:

- a. *Recognitional Justice* requires formally acknowledging coastal communities as rights-holders and knowledge-holders.<sup>26</sup> It calls for integrating customary tenure systems, traditional ecological knowledge and local governance institutions into formal marine planning and regulation. Without such recognition, policy frameworks risk perpetuating epistemic injustices which in turn dismiss community worldviews and silence long-standing stewardship practices. Effective blue justice hinges on embedding local perspectives into decision-making processes, thereby correcting historical marginalization and ensuring that diverse values shape sustainable ocean policies.<sup>27</sup> This foundational dimension challenges dominant governance models to move beyond token acknowledgment and actively incorporate historically marginalized voices as equal partners in shaping sustainable ocean futures.
- b. *Procedural Justice* guarantees that affected groups, particularly small-scale fishers and other marginalized coastal residents, can meaningfully participate in crafting, implementing and reviewing marine-resource decisions. This dimension demands transparent, inclusive procedures, accessible consultations, co-management arrangements

<sup>22</sup> Jennifer Franco, Pietje Vervest, *et.al.* (eds.), "The Global Ocean Grab: A Primer", Transnational Institute, 2014; "No to Blue Carbon, Yes to Food Sovereignty and Climate Justice, 2015", WFFP and WFF; *available at*: [https://www.researchgate.net/publication/308792829\\_The\\_Global\\_Ocean\\_Grab\\_A\\_primer](https://www.researchgate.net/publication/308792829_The_Global_Ocean_Grab_A_primer) (last visited on Aug. 03, 2023).

<sup>23</sup> Ratana Chuenpagdee, Moenieba Isaacs, *et.al.*, "Collective experiences, lessons, and reflections about blue justice" in Svein Jentoft, Ratana Chuenpagdee, *et.al.* (eds.), *Blue Justice: Small-Scale Fisheries in a Sustainable Ocean Economy* 657–680 (Springer, 2022), *available at*: <https://ouci.dntb.gov.ua/en/works/ldvRyMn7/> (last visited on Aug. 03, 2023).

<sup>24</sup> Samuel Axon, Amanda Bertana, *et.al.*, "The US blue new deal: What does it mean for just transitions, sustainability, and resilience of the blue economy?" *The Geographical Journal* 1–12 (2022).

<sup>25</sup> Madeleine Gustavsson, Katia Frangoudes, *et.al.*, "Gender and blue justice in small-scale fisheries governance" 133 *Marine Policy* 1–8 (2021), *available at*: <https://doi.org/10.1016/j.marpol.2021.104743> (last visited on Aug. 03, 2023).

<sup>26</sup> Nathan J. Bennett, Jessica Blythe, *et.al.*, "Blue Growth and Blue Justice", Working paper #2020-02, *Institute for the Oceans and Fisheries, University of British Columbia, Vancouver, Canada* 6 (2020), *available at*: <https://doi.org/10.13140/RG.2.2.36121.03686/1> (last visited on Aug. 03, 2023).

<sup>27</sup> Sigrid Engen, Vera Helene Hausner, *et.al.*, "Blue justice: A survey for eliciting perceptions of environmental justice among coastal planners' and small-scale fishers in Northern-Norway" 16(5) *PLOS One* 3 (2021), *available at*: <https://doi.org/10.1371/journal.pone.0251467> (last visited on Aug. 03, 2023).

and clear dispute-resolution mechanisms.<sup>28</sup> Genuine participation not only improves policy legitimacy, but also builds trust and adaptive capacity at the community level.<sup>29</sup> In practice, procedural justice can take the form of participatory mapping of fishing grounds or fisher representation on coastal advisory bodies, ensuring that those most impacted retain a decisive voice. By institutionalizing inclusive decision-making processes, procedural justice helps to shift power imbalances and create governance systems more responsive and accountable to local needs and knowledge.

- c. *Distributional Justice* focuses on the equitable sharing of both benefits (such as revenue, employment, and resource access) and burdens (including environmental impacts, displacement, and regulatory costs) arising from Blue Economy activities. It requires tailored compensation schemes, benefit-sharing agreements, and impact-mitigation measures that prevent any group from shouldering disproportionate harms. Without deliberate distributional safeguards, blue economy initiatives tend to privilege large-scale actors, exacerbating inequality and undermining the long-term social license for marine development.<sup>30</sup> This dimension foregrounds economic fairness as essential to sustainability, reminding policymakers that ignoring disproportionate burdens risks alienating communities and compromising the viability of ocean governance frameworks.

### ***C. Law and Policy Dimensions of Blue Economy and Blue Justice***

The concepts of ‘Blue Economy’ and ‘Blue Justice’ are increasingly being shaped, constrained, and operationalized through legal and policy frameworks at both international and national levels. As global interest in harnessing ocean and aquatic resources intensifies, laws and regulations play a crucial role in defining who gets to use these resources, under what conditions, and with what safeguards. Instruments such as the “United Nations Convention on the Law of the Sea (UNCLOS), the Convention on Biological Diversity (CBD), and the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (FAO-SSF Guidelines); all offer normative guidance for ensuring sustainability and fairness in aquatic governance. These international commitments provide broad principles on access rights, benefit-sharing, and participation that countries like India have increasingly sought to reflect in their domestic laws. At the national level, India's policy landscape is governed by a mix of environmental, coastal, fisheries, and land-use laws, including the Environment (Protection) Act, the CRZ Notifications, the Wetlands Rules, the Marine Fisheries Policy, and state-specific laws like the Bihar Jalkar Act, 2006.<sup>31</sup> These laws aim to regulate access, manage ecological pressures, and balance competing interests.

Understanding these overlapping legal and policy dimensions is essential to critically evaluate how well the concept of ‘*blue justice*’ is being institutionalized within India’s evolving ‘Blue Economy’. This section provides a broad conceptual overview of the legal architecture, setting the stage for a deeper analysis of specific instruments, implementation challenges, and

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<sup>28</sup> Kate Schreckenberg, Phil Franks, *et.al.*, “Unpacking equity for protected area conservation” 22(2) *PARKS* 15 (2016), available at: [https://parksjournal.com/wp-content/uploads/2016/11/PARKS-22.2-Schreckenberg-et-al-10.2305IUCN.CH\\_2016.PARKS-22-2KS.en\\_.pdf](https://parksjournal.com/wp-content/uploads/2016/11/PARKS-22.2-Schreckenberg-et-al-10.2305IUCN.CH_2016.PARKS-22-2KS.en_.pdf) (last visited on Aug. 03, 2023).

<sup>29</sup> *Id.* at 16.

<sup>30</sup> *Supra* note 25 at 7.

<sup>31</sup> Government of Bihar, The Bihar Fish Jalkar Management Act, 2006 (Act 21 of 2006).

community-level impacts in the next section. Together, these dimensions frame blue justice as a holistic social-justice movement. They remind us that as industry and nations turn increasingly to ocean resources, we cannot repeat past patterns of exploitation. Fairness for labour, respect for rights, and genuine participation must guide any sustainable blue economy strategy. Understanding the principles and dimensions of ‘*blue justice*’ provides a crucial foundation for examining the international and national legal frameworks that seek to translate these concepts into enforceable rights and protections for traditional fishing communities.

### III. LAW AND POLICY FRAMEWORKS: ADVANCING BLUE JUSTICE IN AQUATIC SPACES IN INDIA

Legal and policy frameworks play a central role in shaping how aquatic resources are accessed, governed, and protected. In the context of evolving blue development agendas, the integration of equity and justice into legal instruments becomes essential to ensure that traditional fishing communities are not left behind. This part examines the multi-layered legal landscape that supports or constrains the realization of justice in aquatic governance. It begins with a review of key international commitments, such as UNCLOS, the BBNJ Agreement, and the FAO SSF Guidelines, which establish normative principles of sustainability, participation, and benefit-sharing. This part also explores India’s national legal and policy frameworks, including coastal regulation rules, fisheries policies, welfare schemes, and sectoral programmes that directly affect coastal and inland fishing communities. Finally, it analyses a selection of judicial decisions where Indian courts have interpreted and applied legal principles to uphold the rights of traditional fishing communities and ensure more equitable governance of aquatic resources. Together, these legal instruments and interpretations form the foundation upon which more inclusive, participatory, and equitable governance of aquatic spaces can be built.

#### *A. International Legal Instruments*

The international legal architecture for a just and sustainable blue economy is grounded in the United Nations Convention on the Law of the Sea (UNCLOS). Herein, State Parties are obliged ‘to protect and preserve the marine environment’, including adopting laws to prevent, reduce, and control pollution from any source.<sup>32</sup> It further mandates that living resources of the exclusive economic zone be used in a sustainable and equitable manner, reflecting the principle of common concern and heralding benefit-sharing in marine resource governance.<sup>33</sup> Recognizing gaps beyond national jurisdiction, the BBNJ Agreement supplements UNCLOS by establishing procedures for environmental impact assessments, designating marine protected areas, building capacity, and ensuring benefit-sharing of marine genetic resources.<sup>34</sup> Until it enters into force, signatories must also refrain from acts that defeat its object and purpose.<sup>35</sup> Earlier foundations were laid at the 1992 Rio Earth Summit, where Agenda 21’s Chapter 17 called on States to implement ‘Integrated Coastal Zone Management’, sustainable use and conservation of marine living resources, pollution

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<sup>32</sup> *Supra* note 1, arts. 192, 194-196.

<sup>33</sup> *Ibid.*

<sup>34</sup> United Nations, *Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction* (BBNJ Agreement) (adopted June 19, 2023, open for signature until Sep. 20, 2023), arts. 9, 10.

<sup>35</sup> *Ibid.*

control, and strengthened international cooperation—each through participatory, ecosystem-based approaches that explicitly recognise traditional and local knowledge.<sup>36</sup> Two decades later, the 2012 Rio+20 Outcome Document, *‘The Future We Want’*, reaffirmed these commitments and urged States to promote blue economy that is “inclusive, sustainable, and equitable”, with particular attention to small-scale fishers and coastal communities.<sup>37</sup> These political commitments crystallised into the 2030 Agenda’s Sustainable Development Goal 14 (Life Below Water). Target 14.b requires “States to provide access for small-scale artisanal fishers to marine resources and markets”; Target 14.c demands “implementation and enforcement of UNCLOS as the legal framework for ocean conservation and sustainable use”.<sup>38</sup> Complementing these treaty obligations, the FAO adopted in 2015 the ‘Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries’ (SSF Guidelines). Guideline 3.1 urges States to recognise tenure rights and ensure meaningful participation of small-scale fishing communities in governance processes.<sup>39</sup> Besides, the 1995 ‘FAO Code of Conduct for Responsible Fisheries’ similarly sets voluntary yet comprehensive standards for conservation, management, and development of fisheries—highlighting the need for special measures for artisanal and small-scale fleets.<sup>40</sup> Finally, the Convention on Biological Diversity (CBD) and its Nagoya Protocol impose access-and-benefit-sharing obligations on genetic resources, including coastal and marine biodiversity within national jurisdiction, thereby embedding equity for indigenous and local communities in marine bioprospecting.<sup>41</sup> The emphasis on sustainable use, environmental protection, and benefit-sharing highlights a global recognition of the interconnected social and ecological dimensions of ocean management. Importantly, these frameworks foreground the rights and participation of traditionally marginalized groups, such as small-scale fishers and Indigenous communities, reflecting a normative shift towards inclusivity and equity. The success of these international commitments ultimately hinges on their integration into national legal systems and governance practices, where enforcement, capacity, and political will remain variable.

### ***B. National Legal Instruments***

India’s environmental and resource governance rests on constitutional imperatives. Article 48A directs the State to “protect and improve the environment”, while article 51A(g) imposes on every citizen “the duty to safeguard the natural environment”.<sup>42</sup> To give effect to these mandates, Parliament enacted the Environment (Protection) Act, 1986, empowering the Central Government to frame regulations for coastal and marine protection, including the Coastal Regulation Zone (CRZ) Notification.<sup>43</sup> At highest level, Ministry of Environment, Forest and Climate Change (MoEFCC) administers CRZ norms, whereas, the Department of Fisheries under the Ministry of

<sup>36</sup> United Nations Conference on Environment and Development, *Agenda 21*, UN Doc. A/CONF.151/26 (Vol. I) (1992), ch. 17.

<sup>37</sup> *Report of the United Nations Conference on Sustainable Development*, Outcome Document: “The Future We Want,” U.N. Doc. A/CONF.216/16 (2012), para. 153.

<sup>38</sup> UN General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1 (21 Oct. 2015) SDG Targets 14.b, 14.c (2015).

<sup>39</sup> *Supra* note 2.

<sup>40</sup> Food and Agriculture Organization of the United Nations, *Code of Conduct for Responsible Fisheries* (FAO, Rome, Oct. 31, 1995), arts 6.1.1, 6.4.

<sup>41</sup> *Convention on Biological Diversity*, 1760 UNTS 79, 31 ILM 818 (Dec. 29, 1993), arts. 11–12.

<sup>42</sup> Constitution of India, arts. 48A, 51A(g).

<sup>43</sup> *Supra* note 3, EPA, s. 3(1)(v).



Fisheries, Animal Husbandry and Dairying oversees marine fisheries management and implements biodiversity-conservation measures. An Act formally establishes India's EEZ up to 200 nautical miles and vests power in the Central Government to regulate activities, including fishing in that zone.<sup>44</sup> Under Section 3 of the Environment (Protection) Act, 1986, MoEFCC issued the Coastal Regulation Zone Notification, 2019 (G.S.R. 37(E)), categorising coastal stretches into CRZ I–IV and prescribing 'No Development Zones' to safeguard ecosystems and dependent livelihoods.<sup>45</sup> Notably, CRZ III expressly recognises the rights of traditional coastal communities, permitting existing rural structures while barring large-scale tourism infrastructure, a statutory nod to '*blue justice*' by legally securing artisanal fishers' access to coastal resources.<sup>46</sup> However, the 2019 amendments relax floor-space and permitting restrictions in urban CRZ II<sup>47</sup> zones, potentially prioritising coastal real-estate over equitable resource rights and diluting participatory governance for fishing villages. The National Policy on Marine Fisheries, 2017<sup>48</sup> sets out a strategic vision for sustainable, inclusive fisheries, emphasising conservation, value addition, and community welfare, but stops short of conferring enforceable tenure rights or mandating co-management structures for small-scale fishers. To redress social vulnerabilities, the Central Sector Scheme: 'National Scheme of Welfare of Fishermen (2014)'<sup>49</sup> provides pension, insurance and capital support; yet restrictive eligibility frequently excludes migrant and women fishworkers, perpetuating inequities.

Launched in year 2020, the *Pradhan Mantri Matsya Sampada Yojana*<sup>50</sup> (PMMSY) integrates infrastructure development, technology adoption and cluster approaches, but offers limited legal guarantees for community benefit-sharing or formal participation in decision-making bodies. The Coastal Aquaculture Authority Act, 2005,<sup>51</sup> regulates coastal aquaculture through licensing and environmental oversight. Despite its protective aim, enforcement gaps have allowed large shrimp farms to appropriate common-property lands, disadvantaging traditional users and undermining Blue Justice. Similarly, the *Sagarmala* Programme (2015) under the Ministry of Ports, Shipping and Waterways<sup>52</sup> promotes port modernisation and coastal economic zones; however, its policy-only status and lack of statutory participatory safeguards have led to displacement of fishing hamlets without adequate consultation or compensation, contravening principles of equity and inclusion. Additionally, the Biological Diversity Act<sup>53</sup> reinforces community rights through provisions on access and benefit-sharing (ABS) and protection of traditional knowledge. Coastal and marine biodiversity accessed for commercial use, such as bio-prospecting of marine organisms, is subject to ABS obligations, with benefits mandated to flow back to local communities. However, lack of awareness, weak implementation, and minimal

<sup>44</sup> The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 (Act 80 of 1976), s. 3(2).

<sup>45</sup> Government of India, Ministry of Environment, Forest and Climate Change, Notification G.S.R. 37(E), *Coastal Regulation Zone Notification, 2019, Gazette of India, Extraordinary, Part II* (Jan. 18, 2019).

<sup>46</sup> *Id.*, s. 3.3(i).

<sup>47</sup> *Id.*, s. 4.1.1.

<sup>48</sup> *Supra* note 5.

<sup>49</sup> Government of India, Department of Fisheries, *Implementation of Central Sector Scheme: National Scheme of Welfare of Fishermen* (May 15, 2014).

<sup>50</sup> Government of India, Ministry of Fisheries, Animal Husbandry and Dairying, *Pradhan Mantri Matsya Sampada Yojana* (2020).

<sup>51</sup> The Coastal Aquaculture Authority Act, 2005, s. 3.

<sup>52</sup> Government of India, Ministry of Ports, Shipping and Waterways, *Sagarmala Programme* (2015).

<sup>53</sup> The Biological Diversity Act, 2002 (Act 18 of 2003).

involvement of coastal fishers in Biodiversity Management Committees (BMCs) often limit the effectiveness of these safeguards in practice.

Collectively, these statutes define clear legal categories and protections for coastal zones, from strictly protected no-development areas to sections where traditional activities may continue under regulation. They introduce targeted welfare schemes and policy goals to support fishers' livelihoods, establish environmental oversight for aquaculture and coastal infrastructure, and set out strategic plans for fisheries development and port modernization. By mapping out tenure rights, financial assistance and permitting regimes, this body of law creates a framework intended to integrate community welfare with ecosystem conservation. While India's statutory and policy frameworks contain provisions supportive of fisher welfare and environmental sustainability, their justice outcomes remain uneven. The judiciary has emerged as a critical forum for bridging this implementation gap which needs an examination in this context.

### *C. Judicial Responses*

Indian courts have played an instrumental role in interpreting 'blue justice' principles and balancing coastal development with fishers' rights. In India, several landmark Supreme Court decisions illustrate this evolving concept focused on recognitional, procedural, and distributional justice in marine and coastal governance. The case of *S. Jagannath*,<sup>54</sup> marked a significant milestone in protecting traditional fishing rights. The Supreme Court struck down government orders that allowed mechanized trawling within the tidal zones of Tamil Nadu, recognizing that coastal fishers' centuries-old customary rights merit constitutional protection under articles 21 (Right to Life) and 300A (Protection against Deprivation of Property). Crucially, the Apex Court mandated the establishment of 'no-development zones' extending 500 metres from the high tide line to safeguard these communities' livelihoods and habitats. This judgment embedded both recognitional justice, by affirming fishers' rights, and procedural justice, by directing regulatory frameworks to respect traditional practices and involve affected communities. In *M.C. Mehta Case* (1997)<sup>55</sup>, the Court expanded the scope of 'blue justice' by linking Coastal Regulation Zone (CRZ) protections with broader ecological health concerns. It quashed a coastal resort's environmental clearance in Goa that would have resulted in mangrove destruction, emphasizing the strict enforcement of CRZ norms under the Environment Protection Act, 1986. The ruling underscored the necessity of procedural safeguards, including mandatory public hearings and expert appraisals before granting coastal permits. By doing so, the Court reinforced both procedural and distributional justice, safeguarding coastal communities reliant on mangrove ecosystems from environmental and economic harm. *Research Foundation for Science case*,<sup>56</sup> though not specific to fisheries, laid crucial groundwork for environmental jurisprudence linked to 'Blue Justice.' The Court recognized environmental rights as integral to the right to life under article 21, thereby setting a precedent for judicial activism in marine governance. It affirmed that sustainable resource use and meaningful community participation are essential to protect vulnerable populations, framing the foundation for subsequent Blue Justice cases that demand fair procedures and equitable outcomes. In *T.N. Godavarman case*,<sup>57</sup> the Court's expansive

<sup>54</sup> *S. Jagannath v. Union of India* (1996) 7 SCC 320.

<sup>55</sup> *M.C. Mehta v. Kamal Nath* (1997) 1 SCC 388.

<sup>56</sup> *Research Foundation for Science, Technology and Natural Resource Policy v. Union of India* (1995) 3 SCC 42.

<sup>57</sup> *T.N. Godavarman Thirumulpad v. Union of India* (1997) 2 SCC 267.

interpretation of the term “forest” to include mangroves significantly strengthened habitat conservation efforts. This decision was critical for coastal communities dependent on mangrove ecosystems, contributing to distributional justice through enhanced environmental protections that also support traditional livelihoods. Finally, the *Goa Foundation case*<sup>58</sup> reaffirmed the Court’s commitment to Blue Justice by striking down portions of the CRZ Notification for failing to adequately protect ecologically sensitive coastal areas. The judgment emphasized the State’s duty to safeguard both environmental integrity and the socio-economic interests of fisher communities, thereby enforcing recognitional and distributional justice.

Together, these decisions demonstrate the judiciary’s willingness to safeguard traditional fishing rights, enforce coastal-zone protections, and require inclusive processes. They form a vital legal bulwark for Blue Justice in India’s Blue Economy era. Overall, the interplay of international treaties, national statutes and judicial pronouncements illustrates a maturing legal landscape for India’s Blue Economy, one that increasingly embeds ‘*blue justice*’ principles of recognition, participation, and equitable benefit-sharing. While global instruments like UNCLOS and SDG 14 set broad normative goals, national laws provide the scaffolding for coastal regulation, fisheries management, and welfare schemes. It is through the courts, via landmark rulings affirming customary fishing rights, enforcing CRZ safeguards, and mandating procedural transparency, that these lofty commitments have been translated into enforceable rights for small-scale fishers and coastal communities. This judicial activism not only closes gaps in statutory implementation but also charts a course for more inclusive, rights-based ocean governance. Taken together, the interplay between international norms, domestic legislation, and judicial intervention reveals an evolving legal ecosystem that, while imperfect, is increasingly responsive to the justice claims of traditional fishing communities across India’s diverse aquatic spaces. Having examined the legal and policy frameworks that define rights, responsibilities, and governance principles in India’s aquatic spaces, it is now essential to explore how these norms unfold in practice. The following part highlights specific instances where traditional fishing communities have engaged with, adapted to, or been affected by these regulatory structures, offering insights into the real-world dynamics of equity and justice in aquatic governance.

#### **IV. INTERFACING LAW AND COMMUNITY EXPERIENCE: CASE STUDIES FROM INDIAN TRADITIONAL FISHING COMMUNITIES**

This part makes a selection of noteworthy yet illustrative case involving Indian traditional fishing communities across coastal and inland settings. Each example highlights a distinctive legal or administrative response that sheds light on how blue justice principles have been interpreted, challenged, or adapted in practice. Together, these cases offer fresh insights into the creative communities, regulators, and courts to navigate the complexities of equitable ocean use. By examining diverse instances such as ‘Kerala’s monsoon trawling ban’, ‘Bihar’s floodplain co-management’, and ‘West Bengal’s wetland governance’, it highlights how existing laws are interpreted, adapted, or contested in aquatic spaces in India.

##### ***A. Kerala’s Monsoon-Trawling Ban***

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<sup>58</sup> *Goa Foundation v. Union of India* (2001) 5 SCC 24.

Since 1988, Kerala has imposed a seasonal ban on mechanised trawling during the southwest monsoon season to protect juvenile fish and sustain artisanal fishing livelihoods. The Kerala Marine Fishing Regulation Act<sup>59</sup> empowers the state government to regulate or suspend mechanised fishing activities, including variable-length closed seasons based on ecological data. According to the Food and Agriculture Organization's 2017 country review of India's west coast fisheries, this seasonal trawling ban has led to measurable increases in total trawl landings and catch per unit effort, confirming its ecological and conservation benefits.<sup>60</sup> Despite these gains, enforcement remains challenging. A 2010 FAO discussion paper highlights persistent gaps in monitoring capacity, with limited coastal patrol resources and a lack of uniform protocols for tracking violations. Consequently, many trawlers continue to operate illegally during the closed season.<sup>61</sup>

To address enforcement and equity, fishers' unions and village-level committees have established community-monitoring groups. These groups collaborate with the Fisheries Department to detect infractions and support adaptive enforcement, exemplifying procedural and recognitional justice practices. Since at least the early 2000s, the monsoon trawling ban has typically been enforced for 52 days, with mechanized trawlers required to remain at least 12 nautical miles offshore, while traditional fishers are exempted from the restriction.<sup>62</sup> Despite the uniform timeline, small-scale mechanized fishers have reported economic hardship due to the ban, particularly in the absence of alternative livelihood support. The State's Fisheries Welfare Board provides compensation for affected fishers;<sup>63</sup> however, fishers frequently report delays and restrictive eligibility criteria that undermine the scheme's fairness and effectiveness.<sup>64</sup> Addressing these distributional challenges requires streamlining welfare disbursement, clarifying grievance redress mechanisms, and enhancing co-management frameworks to ensure sustainable conservation outcomes that fairly benefit Kerala's traditional fishing communities.

### ***B. Bihar's Manika Floodplain Co-Management***

In this case, the Bihar *Jalkar* (Floodplain Wetlands) Management Act grants exclusive fishing and management rights over seasonal *chaurs* (floodplain wetlands) to registered fishers' cooperative societies, thereby formally recognizing customary tenure practices when land inundates during the monsoon.<sup>65</sup> At Manika Beel, a part of the Koshi–Gandak basin, this lease-based model has enabled cooperatives to invest in ecosystem maintenance, such as fingerling stocking and embankment repairs, supporting both fish populations and fisher livelihoods. A 2023 survey in the Koshi–Gandak basin reports that privately managed or informal-group *chaurs*

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<sup>59</sup> The Kerala Marine Fishing Regulation Act, 1980 (Act 10 of 1981).

<sup>60</sup> Food and Agriculture Organization, *Country Review: India (West Coast)* 114–15 (FAO Fisheries and Aquaculture Circular No. 1021, 2017).

<sup>61</sup> Food and Agriculture Organization, *Kerala's Marine Fishery: Evolving Towards Sustainable Small-Scale Fisheries* 17 (FAO Discussion Paper, 2010).

<sup>62</sup> K.S. Mohamed, P. Puthra, *et al.*, *Report of the Committee to Evaluate Fish Wealth and Impact of Trawl Ban along Kerala Coast, Department of Fisheries* (Government of Kerala, 2014).

<sup>63</sup> Kerala Fishermen's Welfare Fund Board, Department of Fisheries, Government of Kerala, *available at*: <https://fisheries.kerala.gov.in/> (last visited Aug. 04, 2023).

<sup>64</sup> Kerala State Planning Board, *Social Protection for Fishworkers: An Assessment and Suggestions for Reform*, Working Group Report for 14th Five Year Plan, 15 (Jan. 2022).

<sup>65</sup> *Supra* note 31, s. 3.

averaged 187 kg/ha of annual fish yield, while cooperatively managed *chaurs* at Manika achieved 123 kg/ha, compared to just 48 kg/ha in unmanaged wetlands.<sup>66</sup> These figures demonstrate the productivity gains and the equitably shared profits that co-management can deliver when formal recognition underpins community stewardship. Procedural justice at Manika Beel is institutionalized through mandatory cooperative elections and monthly general-body meetings, where members make binding decisions on lease renewals, fee structures, and conflict resolution.

However, challenges remain: the statutory leasing fee, which is determined by district authorities, often exceeds the financial capacity of small-scale fishers, skewing access toward better-capitalized actors and undermining fair benefit-sharing.<sup>67</sup> Moreover, flood-control infrastructure such as embankments and drainage canals built under state water-management programmes, has altered inundation regimes without adequate fisher consultation, disrupting traditional fishing calendars and habitat dynamics.<sup>68</sup> Such procedural gaps illustrate that genuine co-management must include fishers in planning and decision-making for all interventions that affect their resource base. To strengthen distributional justice, Bihar could recalibrate lease fees to local income levels, introduce sliding-scale or in-kind fee payments, and mandate fisher consultation in infrastructure projects. These reforms would ensure that the formal co-management framework envisioned by the Jalkar Act translates into equitable economic benefits and a resilient ecosystem for Manika's traditional fishing communities.

### ***C. Khalsi Beel Governance and Ecological Stressors***

Khalsi Beel in West Bengal, India, is a notified wetland under the rules notified by the Ministry under the Environment (Protection) Act, 1986. These rules require state governments to prepare site-specific wetland management plans with public participation in the drafting process.<sup>69</sup> The Rules mandate the establishment of State Wetlands Authorities responsible for the identification, notification, and conservation of wetlands within their jurisdiction, including engaging stakeholders in management planning. Khalsi Beel faces multiple interlinked challenges. Unregulated irrigation withdrawals from February to May reduce wetland inundation, hampering both capture and culture fisheries and often prioritizing agricultural users over fishers.<sup>70</sup> Encroachment by non-fisher elites through embankment construction, sluice gates, and conversion for agriculture or shrimp culture, gradually diminishes wetland area and closes off smaller channels critical for hydrological connectivity.<sup>71</sup> Jute retting in situ elevates organic loads, leading to eutrophication and declines in water quality.<sup>72</sup> Infrastructure developments such as road embankments and drainage canals, disrupt natural channel networks, altering flood regimes and

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<sup>66</sup> Raushan Kumar and Nalin R. Kumar, "Comparative Economics of Various Management Regimes of Chaur Fisheries in Koshi-Gandak River Basin of Bihar" 60 *Fishery Technology* 212-220 (2023).

<sup>67</sup> Ganesh Chandra and B.K. Das, "Governance and Institutional Arrangement in Floodplain Wetland Fisheries of India: Comparative Study of Assam and Bihar" 51 *Journal of Inland Fisheries Society of India* 82-90 (2019).

<sup>68</sup> Basanta Kumar Das, Ganesh Chandra, *et. al.* "Roadmap for Fisheries Development in Mauns and Chaurs of Bihar", Policy Paper No. 6 12-13 (ICAR-CIFRI, Nov. 2019).

<sup>69</sup> *Supra* note 5.

<sup>70</sup> Anjana Roy and B.K. Das, "Resource degradation and conflicts affecting small-scale wetland fishers of West Bengal, India" in Ratana Chuenpagdee and Velma Kerezi (eds.), *Blue Justice for Small-Scale Fisheries: A Global Scan 3* (TBTI Global, 2022).

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

habitat heterogeneity.<sup>73</sup> Additionally, the proliferation of invasive catfish (*Pterygoplichthys paradalis* and *P. disjunctivus*) has created ecological imbalances, outcompeting native fish and reducing biodiversity.<sup>74</sup> The Lower Gangetic floodplain wetlands, including Khalsi Beel, face significant ecological challenges due to invasive water hyacinth (*Eichhornia crassipes*). Scientific assessments confirm that water hyacinth frequently clogs channels, increasing labor demands on local fishers to clear waterway mats to access fishing grounds.<sup>75</sup> This invasive species reduces aquatic productivity by physically obstructing water flow and disrupting habitat quality.<sup>76</sup> Addressing these multifaceted issues requires integrated and participatory approaches. Community-based co-management involving fishers, farmers, and local authorities has proven effective in fostering equitable resource use and enhancing conservation efforts. Integrated water resource management strategies are essential to regulate irrigation, reduce agricultural runoff, and maintain hydrological connectivity. Mechanical removal and biological control of invasive species like water hyacinth, employing agents such as *Neochetina* weevils, combined with local fisher cooperation, can restore aquatic habitat quality. The promotion of sustainable fishing practices through restrictive regulations, seasonal bans, and capacity-building programs is vital to replenish fish stocks. Strengthening governance by empowering State Wetlands Authorities and ensuring rigorous enforcement of wetland conservation laws will safeguard the wetland's ecological integrity.

India's growing emphasis on the blue economy reflects a national ambition to harness the economic potential of its vast aquatic resources, spanning oceans, rivers, coasts, and wetlands. However, the rapid expansion of development activities in these areas has raised serious concerns about the exclusion, displacement, and marginalisation of traditional fishing communities. While legal instruments at both international and national levels aim to promote sustainable and inclusive aquatic governance, multiple implementation gaps continue to affect those most dependent on these ecosystems. At the global level, instruments such as the UNCLOS, the BBNJ Agreement, and the FAO Voluntary Guidelines call for sustainable use, recognition of community rights, and participation of small-scale fishers in governance. However, the effectiveness of these frameworks remains limited due to delays in ratification, weak enforcement mechanisms, and a lack of coherence in integrating them into domestic legal systems. India's legal response has included tools such as the Environmental Protection Act, the Coastal Regulation Zone (CRZ) notifications, and the National Marine Fisheries Policy. While these frameworks articulate commitments to conservation and community welfare, their practical application often favours industrial expansion, port infrastructure, and tourism projects over the traditional access and customary practices of fishing communities.

Ground-level experiences highlight the persistence of these challenges. In Kerala, the long-standing seasonal trawling ban under the Kerala Marine Fishing Regulation Act seeks to regenerate fish stocks and protect small-scale fishers. However, enforcement gaps, unequal treatment of mechanised and non-mechanised fishers, and limited community involvement in decision-making continue to raise procedural concerns. Fishers' unions have had to push for more transparent

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<sup>73</sup> *Ibid.*

<sup>74</sup> P.K. Parida, B.K. Das and P.R. Swain, "Impact of Water Hyacinth in Floodplain Wetland on Aquatic Production and Livelihoods" in Ratana Chuenpagdee and Velma Kerezi (eds.), *supra* note 70 at 78-80.

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

enforcement and recognition of artisanal knowledge in regulating the ban. In Bihar, the floodplain fisheries model under the Jalkar Act formally recognises seasonal rights of fishers' cooperatives in wetlands like Manika Beel. Yet the absence of community consultation in hydraulic engineering works—such as embankments and drainage projects—has disrupted fish migration patterns and wetland ecology. These interventions proceed without structured participation of fishers, revealing critical flaws in how environmental and livelihood planning are integrated. In West Bengal, legal protections under the West Bengal Wetland (Conservation and Management) Rules require site-specific management plans for notified wetlands like Khalsi Beel. However, these plans are rarely updated, and public consultations tend to be tokenistic. Moreover, communities face ecological burdens such as water hyacinth invasions without institutional support, highlighting the State's failure to translate legal mandates into meaningful protection or assistance. Across these cases, additional barriers recur. Overlapping mandates among fisheries departments, pollution control boards, and local authorities lead to fragmented governance and weakened accountability. Tenure insecurity remains a major issue, with lease renewals, eligibility criteria, and access rights often unclear or skewed in favour of politically connected groups. Traditional users frequently lose access while receiving little compensation or redress.

In this context, 'blue justice' movements have grown in response to these systemic failures. Their demands include recognition of customary tenure, meaningful participation in governance, protection from displacement, and support for community-based stewardship. These calls are not in opposition to the blue economy, but rather in favour of a more people-centred model of aquatic development. Achieving blue justice requires not only laws and policies, but also practical safeguards that address procedural gaps, resolve tenure ambiguities, and ensure community voices are part of everyday decision-making. The three case studies discussed offer clear lessons about what works and what remains inadequate. They point to the need for reforms that genuinely reflect the lived realities of India's traditional fishing communities, ensuring that economic progress does not come at the cost of social inclusion and ecological resilience.

## V. CONCLUSION

After analysis of the above conceptual and legal aspects, it is found that India's expanding blue economy could be aligned with the goal of ensuring justice for its traditional fishing communities. Through a combination of legal analysis, judicial review, and case studies from Kerala, Bihar, and West Bengal, the authors found that while policy frameworks exist at both international and national levels, their impact on the ground remains uneven. India's legal and institutional commitments, although well-intentioned, often fall short in addressing the needs and rights of small-scale and artisanal fishers. Policies lack clarity on customary tenure, public consultations are frequently symbolic, and benefit-sharing tends to favour large-scale commercial actors. The above-discussed case studies show that legal protections are not always translated into real-world safeguards. For instance, Kerala's seasonal trawling ban highlights gaps in participatory enforcement, Bihar's co-management model lacks consultation in infrastructure planning, and West Bengal's wetland rules remain under-implemented. Judicial decisions have provided critical support for community rights. In cases like *S. Jagannath*, *M.C. Mehta*, and *T.N. Godavarman*, the courts have upheld constitutional protections for environmental health and traditional livelihoods. These judgments reflect a commitment to recognizing community rights, ensuring fair processes,

and promoting fair sharing of benefits. However, courts cannot substitute for systemic policy and institutional reform.

The findings confirm the assumption that justice must be actively built into blue economy initiatives in India. Without legal clarity, procedural inclusion, and fair benefit distribution, traditional fishing communities will continue to face exclusion and uncertainty in the coastal areas of India. Justice including ‘Blue Justice’ would not be always a natural outcome of development. It should be deliberately integrated into the design and implementation of policies and regulations. To move forward, several steps are essential: First, the law must explicitly recognize customary fishing rights and support community-based governance models among traditional fisheries communities. Second, their participation must go beyond consultation and ensure their representation in decision-making. Third, financial and ecological benefits from marine and inland resources must be shared fairly with women, migrant workers, and Indigenous groups living in such communities. Fourth, coordination among fisheries, environment, and coastal authorities must be improved to avoid overlapping mandates and unclear enforcement in aquatic spaces. Fifth, regional and trans-boundary cooperation is also required with other neighboring countries engaged in traditional fishing and other activities. India has the legal foundations and community knowledge needed to lead in promoting the concept of ‘Blue Justice’ for the protection of the legal rights of traditional fisheries communities. By grounding development in community rights, fair processes, and environmental stewardship, India can create an effective blue justice model that will support both fisheries livelihoods and aquatic sustainability.