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# CONSTITUTIONAL PROVISIONS RELATED TO IUU FISHING

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## ABSTRACT

Illegal, Unreported and Unregulated (IUU fishing) constitutes a serious threat on the to the marine ecosystem, India's sovereign rights over its seas, and the livelihood security of the coastal population. This paper approaches IUU fishing from a constitutional perspective arguing that it is not a regulatory or administrative issue but violation of fundamental rights, directive principles and international obligations. It examines the scope of Article 21, Article 48A, Article 51A(g), and Article 39(b) with public trust doctrine, to highlight the responsibility of the state preserve the marine resources for future generation.

The paper analyses how division of legislative power between center and the state with relation to territorial sea and exclusive economic zone gaining attention on the enforcement weakness caused due to overlapping jurisdiction and inadequate institutional coordination. The paper examines India's duty under international agreements like UNCLOS, FAO port state management agreement and explains how these obligations are supported by the Indian constitution.

By bringing together the issues of environmental protection, sustainable use of marine resources, protection of fisherman's livelihood and India's authority over its maritime zones, the paper argues for a strong and unified ocean governance system. This system should be based on the cooperation between the Centre and the states, use of modern technologies.

Finally, this study concludes that alignment of constitutional values with marine governance is essential to control IUU fishing to ensure long term marine security.

**Keywords:** Illegal, Unreported and Unregulated fishing, public trust doctrine, constitutional environment rights, UNCLOS obligations.

**INTRODUCTION TO IUU FISHING IN THE CONSTITUTIONAL CONTEXT-**

The phenomenon of Illegal, Unreported, and Unregulated (IUU) fishing not only disrupts marine ecosystems but also endangers the livelihoods of millions of individuals, particularly those in coastal and developing nations. In the Indian context where an extensive coastline and a resource-rich Exclusive Economic Zone (EEZ) present vast oceanic potential IUU fishing poses a multifaceted challenge encompassing ecological degradation, legal loopholes, and governance deficiencies. Traditionally, marine resource regulation has been approached through a narrow legal and administrative lens. However, there is a pressing need to reconceptualize IUU fishing within a constitutional framework, one that incorporates fundamental rights, directive principles, and the federal structure enshrined in the Indian Constitution.

The integration of constitutional principles into ocean governance offers a holistic and enforceable basis for addressing IUU fishing. This includes recognition of environmental rights under Article 21 of the Constitution, which has been judicially expanded to include the right to a clean and healthy environment.<sup>1</sup> Article 48A of the Directive Principles of State Policy explicitly mandates the State to "protect and improve the environment and to safeguard the forests and wildlife of the country."<sup>2</sup> While non-justiciable, this principle guides legislative and policy action. Complementing this, Article 51A(g) imposes a fundamental duty upon every citizen to protect the natural environment, including marine ecosystems.<sup>3</sup> Together, these provisions establish a constitutional imperative for sustainable fisheries governance.

The India's federal structure, as laid out in the Seventh Schedule, significantly influences jurisdiction over maritime and coastal affairs. The Union List provides the central government with legislative competence over maritime navigation and fishing in territorial waters beyond the 12 nautical mile limit.<sup>4</sup> The State List covers fishing rights within territorial waters, while the Concurrent List allows both the Union and States to legislate on environmental protection.<sup>5</sup> Effective governance of IUU fishing thus demands coordinated efforts rooted in cooperative federalism, particularly since enforcement responsibilities are shared between the Centre and

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<sup>1</sup> Subhash Kumar v. State of Bihar, (1991) 1 SCC 598 (India).

<sup>2</sup> INDIA CONST. Art. 48A.

<sup>3</sup> Id. Art. 51A(g).

<sup>4</sup> Id. Schedule VII, List I, Entry 57.

<sup>5</sup> Id. List II, Entry 21; List III, Entry 17A, 17B.

the States depending on whether the infraction occurs within the territorial sea or the EEZ.<sup>6</sup> Without such coordination, enforcement gaps may arise, which can be exploited by IUU operators.

The protection of livelihood rights of traditional coastal communities is constitutionally linked to the right to life under Article 21. The Indian Supreme Court has consistently affirmed that the right to livelihood is an integral facet of the right to life.<sup>7</sup> IUU activities often facilitated by mechanized foreign vessels or unlicensed domestic operators undermine access to marine resources and violate this right. Hence, the State bears a dual obligation: to protect the environment and to secure socioeconomic rights.

India's constitutional commitment to international obligations also plays a critical role. As a party to the United Nations Convention on the Law of the Sea (UNCLOS)<sup>8</sup> and the FAO Agreement on Port State Measures,<sup>9</sup> India is bound to take effective measures to deter and eliminate IUU fishing. Article 51(c) of the Constitution obliges the State to foster respect for international law and treaty obligations.<sup>10</sup> Although a Directive Principle, this provision has been cited by courts in harmonizing domestic constitutional rights with international norms, provided there is no conflict.<sup>11</sup>

Moreover, the Public Trust Doctrine, as articulated by the Indian Supreme Court in *M.C. Mehta v. Kamal Nath*,<sup>12</sup> places a fiduciary duty on the State to preserve natural resources including marine biodiversity for the public good. The doctrine holds that natural resources are not owned by the State but are held in trust for the people, and must not be depleted through illegal or unregulated exploitation. Applying this principle to marine governance strengthens the constitutional case for decisive action against IUU fishing.

Given the increasing ecological degradation and economic harm caused by IUU practices, there is an urgent need to constitutionalize ocean governance. This entails not merely viewing IUU fishing as a fisheries management issue, but recognizing it as a violation of constitutional

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<sup>6</sup> See *Centre for Public Interest Litigation v. Union of India*, (2003) 7 SCC 532.

<sup>7</sup> *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545.

<sup>8</sup> United Nations Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 397.

<sup>9</sup> Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Nov. 22, 2009, FAO Doc. C 2009/INF/4 Rev.1.

<sup>10</sup> INDIA CONST. art. 51(c).

<sup>11</sup> *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

<sup>12</sup> *M.C. Mehta v. Kamal Nath*, (1997) 1 SCC 388.

directives and fundamental rights. Robust legal mechanisms must be developed to ensure constitutional accountability, including advanced maritime surveillance systems, real-time vessel tracking, and empowered enforcement bodies such as the Indian Coast Guard.

Framing IUU fishing within a constitutional paradigm elevates the discourse from one of administrative policy to that of legal and moral duty under India's constitutional order. Such an approach ensures that anti-IUU efforts are grounded in the principles of justice, sustainability, and human rights. As India navigates the delicate balance between economic development and environmental stewardship, embedding constitutional values into its response to IUU fishing is essential for achieving long-term ecological and legal resilience.

### **CONSTITUTIONAL FRAMEWORK FOR ENVIRONMENTAL PROTECTION IN THE CONTEXT OF IUU FISHING AND EEZ GOVERNANCE-**

India's constitutional framework reflects a robust commitment to environmental protection, notably through Articles 48A and 51A(g) of the Constitution of India. Article 48A, introduced by the 42nd Amendment in 1976, directs the State to "endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country."<sup>13</sup> Supplementing this directive, Article 51A(g), which was introduced by the same amendment, imposes a fundamental duty on every citizen "to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures."<sup>14</sup> These provisions collectively construct a symbiotic constitutional model where both the State and citizens bear obligations toward environmental stewardship.

Though neither of the article explicitly refers to the marine environment or the Exclusive Economic Zone (EEZ), their textual breadth and judicial interpretation allow for application to marine conservation and regulation of activities such as illegal, unreported, and unregulated (IUU) fishing. The coastal and marine ecosystems, integral to India's ecological and economic well-being, are encompassed within the broader ambit of these provisions.<sup>15</sup> The Indian judiciary has played a EEZ role in expanding the constitutional mandate for environmental protection through dynamic interpretation of Article 21 the fundamental right to life which has

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<sup>13</sup> INDIA CONST. Art. 48A.

<sup>14</sup> INDIA CONST. Art. 51A(g).

<sup>15</sup> Shibani Ghosh, *Constitutional Environmentalism: The Indian Judiciary and the Ecological Crisis*, 29 J. ENVTL. L. 25, 32–34 (2017).

been read to include the right to a clean and healthy environment.<sup>16</sup>

In landmark cases such as *M.C. Mehta v. Union of India*<sup>17</sup> and *Subhash Kumar v. State of Bihar*,<sup>18</sup> the Supreme Court recognized environmental quality as a facet of Article 21, emphasizing that degradation of natural resources directly impairs the right to life. These judgments, while rooted in terrestrial contexts, establish doctrinal grounds for extending environmental rights and duties to marine spaces, particularly in the EEZ where millions depend on sustainable marine resources for their livelihood.<sup>18</sup>

The Indian constitutional obligations are increasingly interpreted in consonance with India's international commitments. Article 253 empowers the Parliament to legislate for implementing international treaties and agreements.<sup>19</sup> India, as a signatory to the United Nations Convention on the Law of the Sea (UNCLOS), is bound to exercise its sovereign rights in the EEZ in a manner consistent with the conservation and management of marine living resources.<sup>20</sup> This includes the prevention and deterrence of IUU fishing through effective legislation, surveillance, and enforcement. In furtherance of these obligations, India enacted the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981,<sup>21</sup> and the Coast Guard Act, 1978,<sup>22</sup> which authorize the Indian Coast Guard to protect sovereign rights in the EEZ and regulate illegal fishing activities.

The significant enforcement challenges persist. These include limited patrolling capacity, absence of centralized real-time maritime domain awareness (MDA), overlapping jurisdictions among enforcement agencies such as the Indian Navy, the Coast Guard, and state fisheries departments, and outdated legal frameworks.<sup>23</sup> The proposed Indian Marine Fisheries Regulation and Management (IMFRM) Bill, 2021, seeks to modernize regulatory oversight in the EEZ by mandating vessel tracking systems (VMS), catch documentation, and centralized

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<sup>16</sup> T.N. Godavarman Thirumulpad v. Union of India, (2002) 10 SCC 606.

<sup>17</sup> M.C. Mehta v. Union of India, AIR 1987 SC 1086.

<sup>18</sup> Subhash Kumar v. State of Bihar, AIR 1991 SC 420.

<sup>19</sup> Sumudu Atapattu, *The Right to a Healthy Life or the Right to Die Polluted?: The Emergence of a Human Right to a Healthy Environment Under International Law*, 16 TUL. ENVTL. L.J. 65, 78 (2002).

<sup>20</sup> United Nations Convention on the Law of the Sea arts. 61–73, Dec. 10, 1982, 1833 U.N.T.S. 3.

<sup>21</sup> The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, No. 42 of 1981, INDIA CODE (1981).

<sup>22</sup> The Coast Guard Act, No. 30 of 1978, INDIA CODE (1978).

<sup>23</sup> Ministry of Fisheries, Animal Husbandry & Dairying, National Marine Fisheries Policy 2022 (Draft), available at <https://dof.gov.in>.

licensing but its implementation remains pending.<sup>24</sup>

The root causes of IUU fishing in Indian waters are complex and include socio-economic factors such as poverty among artisanal fishers, inadequate access to sustainable livelihood alternatives, and excessive fishing pressure in nearshore waters.<sup>25</sup> Therefore, any constitutional strategy to combat IUU fishing must be preventive, participatory, and integrated. Articles 48A and 51A(g) serve as normative bedrocks for such an approach. While Article 48A imposes a proactive obligation on the State to preserve marine biodiversity, Article 51A(g) enjoins citizens<sup>26</sup> including coastal communities, fishers, and industry stakeholders to uphold environmental ethics.

Judicial innovations such as the “public trust doctrine,” as articulated in *M.C. Mehta v. Kamal Nath*,<sup>27</sup> reinforce the constitutional vision of environmental justice. This doctrine holds that certain natural resources including oceans, coastal areas, and fish stocks are held by the State in trust for the benefit of the public and future generations. Exploitation through IUU fishing constitutes a breach of this fiduciary duty, warranting judicial scrutiny and regulatory response.

The ecological harm caused by IUU fishing is extensive. Destructive practices, such as bottom trawling and use of non-selective gear, damage seabed habitats, contribute to by catch, and deplete vulnerable fish stocks like tuna, pomfret, and shrimp.<sup>28</sup> Article 48A obliges the State to intervene against such degradation, which not only undermines ecological balance but also violates India’s commitments under global frameworks such as the FAO Agreement on Port State Measures 17 and the UN Sustainable Development Goal 14 (Life Below Water).<sup>29</sup>

In this framework, Article 51A(g) elevates the role of citizens from passive beneficiaries to active custodians of marine ecology. Responsible fishing practices such as gear regulation, species-specific catch limits, and timely reporting can be interpreted not merely as legal mandates but as expressions of constitutional morality. Though non-justiciable in nature, fundamental duties have been invoked by courts to validate legislative and executive actions

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<sup>24</sup> Ministry of Fisheries, Draft Indian Marine Fisheries Regulation and Management (IMFRM) Bill, 2021.

<sup>25</sup> Food and Agriculture Organization, *Illegal, Unreported and Unregulated Fishing*, TECHNICAL PAPER NO. 550 (2010).

<sup>26</sup> *M.C. Mehta v. Kamal Nath*, (1997) 1 SCC 388.

<sup>27</sup> WWF India, *Status of Marine Fishery Resources in India*, MARINE PROGRAMME REPORT (2020).

<sup>28</sup> FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Nov. 22, 2009, 55 I.L.M. 115.

<sup>29</sup> United Nations Sustainable Development Goal 14, Life Below Water, <https://sdgs.un.org/goals/goal14>.

aimed at ecological conservation.<sup>30</sup>

The right to a healthy marine environment flows from Article 21, whose expanding interpretive scope has connected environmental degradation with threats to human life, health, and dignity.<sup>31</sup> If coastal communities are unable to access safe and sustainable marine resources due to unchecked IUU fishing, their fundamental rights are compromised. While the Indian Coast Guard is tasked with patrolling the EEZ under the Coast Guard Act of 1978,<sup>32</sup> it lacks a dedicated ecological surveillance mandate, highlighting the need for statutory reform and inter-agency coordination.

In sum, Articles 48A, 51A(g), and 21 form the constitutional triad underpinning India's marine environmental jurisprudence. When harmonized with international commitments under UNCLOS and other treaties, this framework provides a compelling basis for regulating IUU fishing and ensuring ecological justice in the EEZ. Effective enforcement, judicial oversight, and participatory governance are imperative to translate these constitutional ideals into tangible outcomes for the marine environment and dependent communities.

## **DISTRIBUTION OF LEGISLATIVE POWERS AND MARITIME JURISDICTION-**

The Indian Constitution provides for a quasi-federal structure with a distribution of legislative powers between the Union and the States under the Seventh Schedule, which comprises three lists: the Union List (List I), the State List (List II), and the Concurrent List (List III).<sup>33</sup> This distribution becomes particularly complex when addressing marine governance, especially in matters concerning sovereignty, exploitation of marine resources, environmental regulation, and international obligations.

According to Entry 57 of the Union List, the Parliament has exclusive competence to legislate on matters related to "fishing and fisheries beyond territorial waters."<sup>34</sup> The Entry 21 empowers the Union to legislate on crimes committed on the high seas, and Entry 25 addresses shipping and navigation in inland waterways and maritime transport, including the regulation of fishing

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<sup>30</sup> *AIIMS Students' Union v. AIIMS*, (2001) 10 SCC 209 (holding that fundamental duties may serve as a constitutional source for legislative action).

<sup>31</sup> *Virendra Gaur v. State of Haryana*, (1995) 2 SCC 577.

<sup>32</sup> The Coast Guard Act, No. 30 of 1978, sec 14.

<sup>33</sup> INDIA CONST. art. 246, sch. VII.

<sup>34</sup> *Id.* sch. VII, List I, entry 57.

vessels.<sup>35</sup> These entries allow the central government to fulfill India's obligations under international treaties such as the United Nations Convention on the Law of the Sea (UNCLOS), to which India is a party.<sup>36</sup> Within the Exclusive Economic Zone (EEZ) extending from 12 to 200 nautical miles India exercises sovereign rights for the purpose of exploration, exploitation, conservation, and management of both living and non-living resources.<sup>37</sup> Hence, the Union's jurisdiction over the EEZ is both constitutionally and internationally mandated.

In contrast, Entry 21 of the State List enables State Legislatures to regulate inland and territorial waters, which extend up to 12 nautical miles from the baseline.<sup>38</sup> This allows coastal states to enact marine fisheries regulation acts (MFRAs) for licensing traditional vessels, imposing seasonal fishing bans, and establishing conservation measures to protect marine biodiversity and support local livelihoods.<sup>39</sup> However, the jurisdiction of these regulations is restricted to territorial waters and does not extend into the EEZ, where illegal, unreported, and unregulated (IUU) fishing and industrial-scale operations by large vessels primarily occur.

This constitutional division has resulted in significant regulatory and enforcement gaps. State-registered vessels frequently cross into the EEZ, beyond their regulatory scope, raising issues of legal ambiguity and enforcement paralysis.<sup>40</sup> The Indian Supreme Court has acknowledged this tension in cases such as *Union of India v. Gujarat*, affirming that the Union has exclusive jurisdiction over the EEZ and asserting that its governance pertains to matters of national importance.<sup>41</sup> Indian constitutional doctrine, particularly the "pith and substance" principle, allows incidental encroachment into another legislative list provided the core of the legislation lies within the legislative competence of the concerned body.<sup>42</sup> This principle becomes critical in the context of overlapping maritime governance powers.

Tensions between the Centre and coastal states are particularly evident in disputes over infrastructure projects, fishing rights in marginal waters, and regulatory control over marine ecosystems.<sup>43</sup> The proposed Indian Marine Fisheries (Regulation and Management) Bill, 2021,

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<sup>35</sup> Id. List I, entries 21, 25.

<sup>36</sup> United Nations Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 397 [hereinafter UNCLOS].

<sup>37</sup> UNCLOS, *supra* note 4, arts. 56–61.

<sup>38</sup> INDIA CONST. sch. VII, List II, entry 21.

<sup>39</sup> See, e.g., Tamil Nadu Marine Fishing Regulation Act, No. 8 of 1983 (India); Kerala Marine Fishing Regulation Act, No. 10 of 1980 (India).

<sup>40</sup> K.G. Raju, Governance of Marine Fisheries in India, 22 *Ocean & Coastal Mgmt.* 123, 128 (2020).

<sup>41</sup> *Union of India v. Gujarat*, (2003) 10 SCC 658.

<sup>42</sup> *State of Rajasthan v. G. Chawla*, AIR 1959 SC 544 (India).

<sup>43</sup> Shyam Divan & Armin Rosencranz, *Environmental Law and Policy in India* 185 (2d ed. 2001).

aims to consolidate and centralize governance in the EEZ through mechanisms such as vessel monitoring systems (VMS), licensing protocols, and compliance frameworks.<sup>44</sup> This move has faced criticism from several coastal states who argue that it infringes upon their traditional rights and could harm the livelihoods of small-scale fishers.<sup>45</sup> These concerns underscore the need for a cooperative federal model that balances central oversight with local participation and ecological sensitivity.

constitutional interpretation must account for tribal rights as outlined in the Sixth Schedule and Article 244 of the Constitution, particularly in the context of traditional fishing practices of indigenous communities in island territories like Lakshadweep and the Andaman and Nicobar Islands.<sup>46</sup> The judiciary has recognized these rights as intrinsic to cultural preservation and sustainable resource use.<sup>47</sup> In this light, any framework for marine governance must consider not only legal jurisdiction but also customary rights and community-led conservation.

International treaties and obligations further influence this legislative matrix. Under Article 253 of the Constitution, Parliament is empowered to legislate on matters within the State List to implement international agreements.<sup>48</sup> This has facilitated the incorporation of environmental and maritime treaties such as UNCLOS and the Convention on Biological Diversity into domestic law.<sup>49</sup> However, the effective implementation of these obligations depends on cooperative governance, stakeholder consultation, and institutional clarity to avoid central-state friction.

Thus, the Indian federal structure regarding marine governance presents a multifaceted and evolving framework. While the Union holds primary jurisdiction over offshore and EEZ matters, states remain indispensable actors in coastal regulation and community engagement. Addressing IUU fishing, marine biodiversity threats, and sustainable development requires strengthening institutional coordination, resolving jurisdictional overlaps, and aligning national legislation with constitutional mandates and international law. A multilevel governance approach anchored in the principles of cooperative federalism is essential to ensure sustainable

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<sup>44</sup> The Indian Marine Fisheries (Regulation and Management) Bill, 2021, Ministry of Fisheries, Government of India (Draft).

<sup>45</sup> Shalini Bhutani, *Marine Fisheries Bill 2021: Centralising the Sea, Down To Earth* (July 2021).

<sup>46</sup> INDIA CONST. art. 244, sch. VI.

<sup>47</sup> *Andaman & Nicobar Adim Janjati Vikas Samiti v. Union of India*, W.P. No. 3046 of 2005 (Calcutta HC).

<sup>48</sup> INDIA CONST. art. 253.

<sup>49</sup> Biodiversity Act, No. 18 of 2002, sec 36 (India); Coastal Regulation Zone Notification, 2011.

exploitation of marine resources and effective EEZ governance.

## **RIGHT TO LIVELIHOOD AND COASTAL COMMUNITIES (ARTICLE 21 PERSPECTIVE)-**

The constitutional right to livelihood, as interpreted under Article 21 of the Indian Constitution, holds profound implications for coastal communities, especially traditional and artisanal fishing populations. These communities engage in time-honored, sustainable fishing practices intricately tied to natural rhythms and marine biodiversity. Their economic and cultural identity is rooted in the careful stewardship of marine resources, which ensures not only ecological balance but the intergenerational transmission of occupational skills and community cohesion. However, the proliferation of Illegal, Unreported, and Unregulated (IUU) fishing characterized by the use of banned gear, overfishing in restricted zones, operations without licenses, and intrusions by foreign or industrial-scale vessels has severely depleted fish stocks.<sup>50</sup>

This depletion compels traditional fishers to venture farther into the sea, often risking their personal safety and economic stability. The reduction in nearshore catch once a sustainable source of daily livelihood threatens food security and strips these communities of their primary or sole means of subsistence. This situation constitutes a violation of their right to livelihood, which the Supreme Court of India has firmly established as an intrinsic component of the right to life under Article 21. In *Olga Tellis v. Bombay Municipal Corporation*, the Court observed that the right to life includes the right to livelihood because no person can live without the means of living.<sup>51</sup> When marine resource degradation, induced by IUU fishing, undermines this livelihood, it effectively erodes the constitutional protections guaranteed to these communities.

IUU fishing is often driven by powerful economic interests, operating with impunity due to weak enforcement mechanisms, corruption, and jurisdictional overlaps. As a result, traditional fishers particularly manual and non-mechanized face economic marginalization and ecological displacement. The consequences include rising poverty, malnutrition, school dropout rates among children from fishing households, and vulnerability to exploitative labour practices. Women, who play a vital role in post-harvest activities like fish drying, sorting, and marketing,

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<sup>50</sup> Food & Agric. Org. of the U.N., Illegal, Unreported and Unregulated (IUU) Fishing, FAO, <https://www.fao.org/iuu-fishing/en> (last visited June 7, 2025).

<sup>51</sup> *Olga Tellis v. Bombay Mun. Corp.*, (1985) 3 S.C.C. 545 (India).

are particularly affected, leading to gendered impacts such as decreased household incomes and rising economic inequality.<sup>52</sup>

Although multiple Indian statutes are intended to regulate marine resource exploitation—including the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981,<sup>53</sup> the Environment (Protection) Act, 1986,<sup>54</sup> the Wildlife (Protection) Act, 1972,<sup>55</sup> and various state-level Marine Fishing Regulation Acts (MFRAs) they suffer from fragmented implementation and institutional inefficacy. Consequently, the failure of the state to protect fishers' access to resources not only amounts to administrative lapses but also reflects a breach of its constitutional obligations under Article 21 and Directive Principles such as Article 39(b) and Article 47, which call for equitable distribution of material resources and improvement of public health and nutrition.<sup>56</sup> Fishing in many coastal communities is more than an economic activity it is a way of life interwoven with cultural practices, traditional knowledge systems, and community governance. The erosion of this way of life results in social alienation and the loss of cultural identity. Large-scale coastal development projects such as the Sagarmala initiative, which prioritize port-led industrialization, have further intensified the pressure on marine ecosystems and displaced traditional fishing communities.<sup>57</sup> When compounded with IUU fishing, these dynamics contribute to an existential crisis for such populations.

From a constitutional standpoint, this confluence of economic, social, and cultural deprivation undermines the very notion of human dignity and autonomy that Article 21 is meant to preserve. The Indian judiciary has consistently emphasized that the right to life is not merely the right to animal existence but encompasses the right to live with dignity, freedom, and respect.<sup>58</sup> Yet, affected communities are rarely consulted on decisions that directly impact their access to marine resources. The lack of participatory governance violates the spirit of constitutional democracy. Although international standards such as the principle of Free, Prior, and Informed Consent (FPIC) enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) call for community engagement in resource governance,

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<sup>52</sup> Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, No. 42 of 1981, INDIA CODE (1981).

<sup>53</sup> Wildlife (Protection) Act, No. 53 of 1972, INDIA CODE (1972).

<sup>54</sup> Environment (Protection) Act, No. 29 of 1986, INDIA CODE (1986).

<sup>55</sup> INDIA CONST. arts. 39(b), 47.

<sup>56</sup> Ministry of Ports, Shipping and Waterways, Sagarmala Programme, <https://sagarmala.gov.in> (last visited June 7, 2025).

<sup>57</sup> *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 S.C.C. 608 (India).

<sup>58</sup> United Nations Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007).

implementation remains inadequate in India's coastal states.

The Supreme Court in *M.C. Mehta v. Kamal Nath* recognized the Public Trust Doctrine, which holds that certain natural resources, including oceans and coastal ecosystems, are held by the State in trust for the public and must be preserved for collective benefit. The failure to regulate and prevent IUU fishing constitutes a breach of this fiduciary duty and intensifies systemic injustice toward marginalized coastal populations.

India is a supporter of international instruments such as the FAO's International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU)<sup>59</sup> and the Port State Measures Agreement (PSMA). Despite this, national legislation remains insufficiently aligned with these frameworks. Effective constitutional enforcement requires institutional strengthening, legal reform, and technological modernization.

Measures such as real-time vessel tracking systems, stringent port inspections, and harsher penalties for IUU violations can deter illegal operators and safeguard marine biodiversity. In conclusion, IUU fishing poses a direct threat to the constitutional right to livelihood under Article 21. This right encompasses not merely the act of earning a living, but the broader dimensions of human dignity, community identity, and sustainable access to natural resources. Addressing IUU fishing must therefore go beyond policy reform it must be rooted in constitutional values that promote social justice, ecological sustainability, gender equity, and participatory governance.

### **INTERPLAY BETWEEN CONSTITUTIONAL DUTIES AND INTERNATIONAL COMMITMENTS-**

India's constitutional framework not only guarantees fundamental rights but also imposes duties upon the State and its citizens, particularly with regard to environmental protection and the equitable use of natural resources. This normative structure creates a vital intersection with India's international commitments, especially concerning marine biodiversity, the governance of marine resources, and the livelihoods of coastal communities. The alignment between domestic constitutional obligations and international instruments such as the United Nations Convention on the Law of the Sea (UNCLOS) and the Food and Agriculture Organization's

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<sup>59</sup> Food & Agric. Org. of the U.N., *International Plan of Action to Prevent, Deter and Eliminate IUU Fishing*, FAO Doc. COFI/2001/3.

(FAO) International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) underscores the binding nature of India's obligations with respect to sustainable marine governance.

The Constitution of India contains multiple provisions that anchor environmental protection and sustainable development within its legal ethos. Article 48A, introduced by the 42nd Constitutional Amendment, directs the State "to protect and improve the environment and to safeguard the forests and wildlife of the country."<sup>60</sup> Article 51(c) mandates the State to "foster respect for international law and treaty obligations," while Article 51A(g) casts a fundamental duty on every citizen "to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures."<sup>61</sup> Together, these provisions form a constitutional morality that supports the objectives of international marine conventions such as UNCLOS and the FAO's guidelines on IUU fishing.

UNCLOS widely regarded as the "Constitution for the Oceans"—lays down a comprehensive legal framework for the governance of maritime zones, marine resources, and environmental obligations.<sup>62</sup> India ratified UNCLOS in 1995 and is thereby bound by its provisions concerning sovereign rights over the Exclusive Economic Zone (EEZ), the sustainable exploitation of living and non-living marine resources, and the obligation to prevent and control marine pollution.<sup>63</sup> Part V of UNCLOS (Articles 55–75) delineates the rights and duties of coastal states in the EEZ, including responsibilities for conservation, resource management, and the regulation of fisheries.<sup>64</sup> These principles have found expression in India's domestic legal regime through enactments such as the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, and the state-specific Marine Fishing Regulation Acts (MFRAs).<sup>65</sup>

The FAO's IPOA-IUU and the Port State Measures Agreement (PSMA) provide soft-law guidance and treaty-based obligations respectively for enhancing transparency in vessel

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<sup>60</sup> INDIA CONST. art. 48A.

<sup>61</sup> Id. art. 51(c), art. 51A(g).

<sup>62</sup> See United Nations Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 3 [hereinafter UNCLOS].

<sup>63</sup> Id. arts. 55–75.

<sup>64</sup> Id.

<sup>65</sup> See The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, No. 42 of 1981, INDIA CODE; see also Marine Fishing Regulation Acts (various state laws), e.g., Tamil Nadu Marine Fishing Regulation Act, No. 8 of 1983.

registration, strengthening flag-state responsibility, tightening port inspections, and promoting regional cooperation to combat IUU fishing.<sup>66</sup> These instruments reinforce the constitutional directive under Article 39(b), which mandates that “the ownership and control of the material resources of the community are so distributed as best to subserve the common good.”<sup>67</sup> Effective implementation of these international instruments is essential for protecting the livelihood rights of traditional fishing communities and for ensuring the ecological sustainability of marine ecosystems.

Judicial decisions in India have significantly advanced the integration of international environmental norms into constitutional jurisprudence. In *Vellore Citizens’ Welfare Forum v. Union of India*, the Supreme Court recognized the doctrine of sustainable development as part of Indian environmental law, incorporating principles from the Stockholm Declaration (1972) and the Rio Declaration (1992).<sup>68</sup> Similarly, in *T.N. Godavarman Thirumulpad v. Union of India*, the Court reaffirmed the precautionary principle and the polluter-pays principle as essential components of Indian environmental jurisprudence.<sup>69</sup> These doctrines are equally relevant in the marine context, where unregulated fishing and ecological degradation have transboundary and irreversible impacts.

Despite this robust legal architecture, practical enforcement remains deficient. India’s maritime surveillance capabilities are often inadequate to effectively monitor and regulate IUU fishing across its vast EEZ.<sup>70</sup> While the Indian Coast Guard and other maritime agencies conduct patrols, coastal states often lack the technological infrastructure and personnel necessary for enforcing MFRA or responding to transboundary fishing violations.<sup>71</sup> The absence of a centralized vessel monitoring system (VMS) and fragmented inter-agency coordination further impedes real-time data sharing and enforcement. These limitations undermine both India’s constitutional mandates and its international commitments.

The federal division of legislative powers adds complexity to marine governance. Fisheries are listed under Entry 21 of the State List (List II, Seventh Schedule), while matters relating to

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<sup>66</sup> See FAO, *International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* (2001); *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*, Nov. 22, 2009, FAO Doc. C 2009/INF/25.

<sup>67</sup> INDIA CONST. art. 39(b).

<sup>68</sup> *Vellore Citizens’ Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647 (India).

<sup>69</sup> *T.N. Godavarman Thirumulpad v. Union of India*, (2002) 10 S.C.C. 606 (India).

<sup>70</sup> See Report of the NITI Aayog on Blue Economy (2020).

<sup>71</sup> *Id.*

EEZs, foreign vessels, and maritime zones fall under Entries 57 and 21 of the Union List (List I).<sup>72</sup> This overlapping jurisdiction necessitates cooperative federalism and institutional coordination between the Union Ministry of Fisheries, Indian Coast Guard, coastal state governments, and regional fisheries bodies.<sup>73</sup> The proposed Indian Marine Fisheries Bill, 2021, which seeks to establish a uniform regulatory regime for fisheries in the EEZ, has encountered resistance from several coastal states that perceive it as an infringement on their legislative autonomy and traditional fishing rights.<sup>74</sup>

The Article 51A(g)'s emphasis on citizen participation aligns with the Aarhus Convention's principles of access to information, public participation, and environmental justice though India is not a party to the Convention.<sup>16</sup> Community-based marine conservation programs and decentralized fisheries management mechanisms embody the spirit of participatory governance and environmental democracy envisaged by both constitutional and international legal standards.

The constitutional and international frameworks for marine governance in India are complementary in both principle and purpose. Articles 48A, 51, and 51A together with Directive Principles of State Policy and Fundamental Duties provide a constitutional mandate for the implementation of international environmental norms.<sup>75</sup> To operationalize this synergy, India must bridge enforcement gaps, invest in institutional infrastructure, enhance inter-agency coordination, and promote inclusive governance models. A rights-based, ecologically grounded legal regime rooted in both domestic constitutional values and global environmental obligations offers the most promising path toward sustainable marine resource governance in India.

## **IMPACT OF IUU FISHING ON NATIONAL SOVEREIGNTY AND EEZ MANAGEMENT-**

India's sovereign rights over its Exclusive Economic Zone (EEZ) are rooted in both international law and domestic constitutional provisions. The United Nations Convention on the Law of the Sea (UNCLOS) under Article 56 explicitly grants coastal states sovereign rights

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<sup>72</sup> India Const. sch. VII, List I, Entry 57; List II, Entry 21.

<sup>73</sup> See Ministry of Fisheries, Animal Husbandry and Dairying, Blue Economy Vision 2025 Report (2021).

<sup>74</sup> See Press Information Bureau, Govt. of India, "Marine Fisheries Regulation Bill Faces Pushback from Coastal States" (2021).

<sup>75</sup> India Const. arts. 48A, 51, 51A.

for exploring, exploiting, conserving, and managing natural resources both living and non-living of the waters, seabed, and subsoil within their EEZ.<sup>76</sup> These rights are not discretionary privileges but constitute an essential component of national sovereignty under international law, crucial for economic development, food security, and marine ecological balance.

Despite this strong legal foundation, India's maritime sovereignty is increasingly undermined by Illegal, Unreported, and Unregulated (IUU) fishing activities. These intrusions, often perpetrated by unlicensed domestic actors or foreign vessels, exploit marine resources without the consent or oversight of the Indian state. The consequences include the depletion of critical fish stocks, degradation of marine biodiversity, disruption of legitimate livelihoods, and erosion of sovereign authority in Indian maritime zones. Under the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, India asserts regulatory jurisdiction over fishing by foreign vessels in its EEZ and mandates licensing requirements, enforcement powers, and penalties for violations.<sup>77</sup> Furthermore, Article 297 of the Indian Constitution vests the Union with ownership over all natural resources in territorial waters, the continental shelf, and the EEZ, thereby affirming the central government's obligation to protect these assets.<sup>78</sup> This sovereign duty is also closely tied to Article 21, which guarantees the right to life and livelihood rights that are increasingly jeopardized by IUU incursions into Indian waters.<sup>79</sup>

IUU fishing is not merely an environmental or economic challenge; it represents a constitutional failure to uphold the rights and duties outlined in the Indian legal framework. The Supreme Court in *Olga Tellis v. Bombay Municipal Corporation* affirmed that the right to life includes the right to livelihood, holding the State accountable for ensuring access to means of sustenance for its citizens.<sup>80</sup> Thus, when IUU fishing disrupts marine livelihoods, particularly for traditional and artisanal fishers, it violates both individual constitutional rights and national sovereign duties.

India's EEZ spans over 2 million square kilometers, presenting substantial enforcement challenges. The Indian Coast Guard, though statutorily empowered for maritime surveillance and law enforcement, faces operational constraints including insufficient resources,

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<sup>76</sup> United Nations Convention on the Law of the Sea arts. 55–57, Dec. 10, 1982, 1833 U.N.T.S. 397 [hereinafter UNCLOS].

<sup>77</sup> Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, No. 42 of 1981, § 3, INDIA CODE (1981).

<sup>78</sup> India Const. Art. 297.

<sup>79</sup> India Const. Art. 21.

<sup>80</sup> *Olga Tellis v. Bombay Mun. Corp.*, (1985) 3 S.C.C. 545 (India).

technological limitations, and poor inter-agency coordination.<sup>81</sup> Enforcement efforts by coastal state governments under the Marine Fishing Regulation Acts (MFRAs) are similarly fragmented and under-resourced. The absence of a centralized digital infrastructure for tracking vessels, catch data, and license status creates enforcement loopholes frequently exploited by IUU operators.

From a UNCLOS perspective, this institutional deficiency impairs India's ability to fully implement Article 56 obligations. While India has formally endorsed international instruments such as the FAO's International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) and the Port State Measures Agreement (PSMA), actual domestic implementation remains fragmented and uneven.<sup>82</sup> A lack of dedicated national legislation to penalize IUU activities uniformly and deny port access to offending vessels weakens the deterrence capacity of Indian authorities.

In IUU fishing also constitutes a latent national security threat. Unsanctioned entry by foreign vessels into Indian waters under the pretext of fishing raises concerns over smuggling, espionage, and trafficking. As climate change and oceanic resource depletion intensify, competition over fish stocks has increased, leading to higher incidences of maritime incursions. This multidimensional threat landscape calls for an integrated maritime governance strategy, including marine spatial planning, satellite-based vessel tracking systems, and active participation in Regional Fisheries Management Organizations (RFMOs).

Constitutional values embedded in Articles 39(b) (equitable distribution of material resources), 48A (protection and improvement of the environment), and 51A(g) (citizens' duty to protect the environment) reinforce the need for proactive state intervention to prevent IUU fishing.<sup>83</sup> These provisions require the State to adopt a sustainable and inclusive approach to marine resource governance, ensuring both ecological preservation and social justice.

The failure to address IUU fishing comprehensively results in a systemic breach of India's sovereign rights over its EEZ. It violates both international obligations under UNCLOS and

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<sup>81</sup> Indian Coast Guard Act, No. 30 of 1978, § 14, INDIA CODE (1978). See also Ministry of Defence, Indian Coast Guard, <https://www.indiancoastguard.gov.in> (last visited June 7, 2025).

<sup>82</sup> Food & Agric. Org. of the U.N., International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, FAO, <https://www.fao.org/iuu-fishing/en> (last visited June 7, 2025); Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Nov. 22, 2009, FAO Doc. C 2009/INF/4 Rev.1.

<sup>83</sup> INDIA CONST. arts. 39(b), 48A, 51A(g).

domestic constitutional imperatives. The unregulated exploitation of maritime resources erodes India's legal authority, compromises environmental sustainability, and endangers the livelihood and security of its coastal communities. A holistic and constitutionally anchored policy response is required one that integrates legal reform, technological modernization, institutional cooperation, and international alignment to reclaim sovereign control and fulfill the mandate of sustainable development.

## **CONSTITUTIONAL AND POLICY REFORMS TO TACKLE IUU FISHING-**

The Illegal, Unreported, and Unregulated (IUU) fishing significantly undermines global efforts to ensure sustainable fisheries, jeopardizes marine biodiversity, threatens the economic survival of law-abiding fishers, and endangers the nutritional security of millions who rely on seafood as a primary protein source.<sup>84</sup> Its pervasive impact calls for an integrated legal and institutional response grounded not only in statutory frameworks but also in constitutional principles and national policy architecture.

### **A. Constitutional Framework: Embedding Marine Protection and the Public Trust Doctrine**

The constitutionalizing of environmental and marine protection serves as a powerful mechanism to prioritize ocean governance as a fundamental state obligation. Many modern constitutions recognize the environment as a component of either fundamental rights or directive principles.<sup>85</sup> The Indian Constitution, for instance, under Article 21 interpreted by courts to encompass the right to a healthy environment can be extended to include the right to a healthy marine ecosystem. Further, Article 48A directs the State to protect and improve the environment, while Article 51A(g) imposes a corresponding duty on citizens.<sup>86</sup>

The doctrine of public trust, recognized by Indian jurisprudence, holds the State as a trustee of natural resources, including air, water, forests, and now, increasingly, marine ecosystems. Constitutionalizing this doctrine in explicit terms can ensure a duty-bound obligation on the State to prevent overfishing, marine pollution, and IUU practices. This would provide a strong

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<sup>84</sup> Food and Agriculture Organization of the United Nations, *The State of World Fisheries and Aquaculture 2022* (FAO 2022).

<sup>85</sup> David R. Boyd, *The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment* (UBC Press 2012).

<sup>86</sup> Chandrika Sharma, "Securing Economic, Social and Cultural Rights of Small-scale and Artisanal Fishers and Fish Workers", in Svein Jentoft et al (eds), *Small-Scale Fisheries and Human Rights* (Springer 2019) 23.

foundation for judicial review of administrative decisions that enable or fail to prevent destructive fishing practices.

Constitutional recognition of the rights of coastal and indigenous communities is also vital. These communities are disproportionately affected by IUU fishing and possess critical traditional ecological knowledge. Embedding their rights to access, manage, and conserve marine resources into constitutional or quasi-constitutional norms enables co-governance systems that promote participatory monitoring and enforcement. This decentralization aligns with the principle of subsidiarity, empowering local governments, coastal councils, and fisher cooperatives to co-manage marine zones, conduct community surveillance, and implement localized conservation plans.<sup>87</sup>

## **B. Policy Reforms: A Comprehensive Anti-IUU Framework**

In tandem with constitutional reform, a coherent national policy must institutionalize multi-sectoral coordination and long-term planning to combat IUU fishing. A national marine and fisheries policy should integrate anti-IUU strategies within broader sustainable development goals, including biodiversity conservation, food security, and climate resilience.<sup>88</sup> Such a policy must harmonize fisheries governance with other sectors such as trade, customs, maritime security, labor, and environmental regulation to ensure institutional coherence and operational synergy.

A robust national anti-IUU strategy should include:

- Defined objectives and timelines
- Inter-agency coordination mechanisms
- Clear institutional mandates
- Adequate funding and technical capacity
- Monitoring, reporting, and evaluation tools.

It should be aligned with international instruments such as the FAO Code of Conduct for Responsible Fisheries the Agreement on Port State Measures (PSMA), the United Nations

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<sup>87</sup> United Nations Development Programme, *Community-Based Approaches to Fisheries Management* (UNDP 2010) 16.

<sup>88</sup> FAO, *Code of Conduct for Responsible Fisheries* (1995).

Convention on the Law of the Sea (UNCLOS), and relevant Regional Fisheries Management Organization (RFMO) obligations. This alignment is critical given the transboundary and high-seas nature of many IUU fishing activities.

Enforcement mechanisms must target all three pillars of IUU fishing: unauthorized fishing, misreporting, and circumvention of legal frameworks. This requires strengthened vessel registration, licensing, catch documentation schemes (CDS), vessel monitoring systems (VMS), and mandatory electronic reporting.<sup>89</sup> Emerging technologies such as satellite-based surveillance, blockchain for traceability, and digital catch logs can enhance transparency across the seafood supply chain.

### **C. Economic, Social, and Trade-Linked Reforms**

Anti-IUU policies must address the economic drivers of illegal fishing. Subsidies that incentivize overcapacity and non-compliance should be eliminated. Trade-related measures including denial of market access for IUU-derived products must be adopted in alignment with WTO and EU trade frameworks. Socioeconomic interventions are equally essential. Many small-scale fishers engage in illegal or unregulated fishing due to poverty, exclusion from legal regimes, or lack of livelihood alternatives. Integrating anti-IUU policies with rural development, social protection, access to legal fishing rights, and gender-responsive programs for marginalized groups can reduce such pressures.<sup>90</sup> The labour protections must be extended to fishers. Many IUU operations exploit migrant and informal labor. National labor laws must cover the fisheries sector, and port state controls should include labor inspections to ensure that environmental enforcement also protects human rights.<sup>91</sup>

### **D. Institutional and Governance Reforms**

Institutional strengthening is a key pillar of reform. This includes the creation of a dedicated multi-agency task force on fisheries enforcement, enhancement of Coast Guard and maritime enforcement capabilities, and the establishment of specialized Marine Environmental Courts or tribunals. Independent oversight bodies such as Parliamentary Committees, Environmental

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<sup>89</sup> FAO, *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* (2009).

<sup>90</sup> Béné, Christophe, et al., "Poverty in Small-Scale Fisheries: Old Issue, New Analysis", 7 *Progress in Development Studies* 279 (2007).

<sup>91</sup> International Labour Organization (ILO), C188—Work in Fishing Convention, 2007 (No. 188).

Ombudsmen, or audit commissions should be empowered to evaluate anti-IUU policies and associated public expenditures.<sup>92</sup>

Transparency and public participation are essential. Reforms must ensure open access to data on vessel ownership, fishing licenses, catch records, enforcement actions, and fish stock assessments. Civil society organizations and investigative journalists should have unhindered access to fisheries-related data to enable accountability. National digital platforms can facilitate the real-time dissemination of such data and enable public reporting of suspected IUU activities.<sup>93</sup>

### **E. Adaptive and Inclusive Governance**

The reforms must be adaptive to evolving ecological, technological, and geopolitical contexts. The marine environment is inherently dynamic, subject to climate change, shifting migratory patterns, and ecological transformations. Thus, anti-IUU frameworks must mandate regular scientific reviews and policy updates. These updates should incorporate the voices of indigenous peoples, women in fisheries, marine scientists, and private sector actors.<sup>21</sup> National institutions such as Maritime Policy Councils or Fisheries Advisory Boards must be institutionalized to oversee such updates and ensure accountability.

In constitutional and policy reforms offer a transformative pathway to embed anti-IUU fishing measures into national governance. When rooted in constitutional values, supported by institutional integrity, and aligned with international norms, such reforms can safeguard marine biodiversity, uphold the rule of law, protect fishing communities, and preserve the marine commons for future generations.<sup>94</sup>

### **CONCLUSION-**

Illegal Unreported and Unregulated, fishing (IUU fishing) is not just a problem of interrupting fishing rules. The IUU fishing is of a serious nature that affects the constitution, the environment, the economy and the lives of the coastal people as well. The constitution poses a duty on all the citizens that it is the responsibility of the state to protect the nature, use the

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<sup>92</sup> United Nations Office on Drugs and Crime (UNODC), *Best Practices to Combat Illegal Fishing* (UNODC 2016).

<sup>93</sup> Transparency International, *Netting the Big Fish: Holding Companies Accountable for IUU Fishing* (2015).

<sup>94</sup> Intergovernmental Oceanographic Commission, *Global Ocean Science Report 2020: Charting Capacity for Ocean Sustainability* (UNESCO 2020).

available resources fairly, and respect International Law. The constitution also adds that the people have the right to live with dignity, which includes the right to earn a living. It is also the responsibility of the government to make sure that the environment and the marine resources are protected and used in a sustainable manner for the future generation.

The Indian constitution when read with International Laws like UNCLSO and FAO guidelines, it becomes clear that protection of oceans should not be handled in a scattered or isolated manner. A uniform approach should be followed that respects people's rights, impose duties on states and the citizens as well as protect the environment. To achieve this, the central and state government must work together, use modern technologies for monitoring, enforce strict laws and also involve public in decision makings. It is significant to treat the coastal and indigenous communities as partners in protecting the sea , because their traditional knowledge and dependance on marine resources are part of their right to live with dignity under the constitution.

On a long run, controlling IUU fishing should be treated as a constitutional duty and not just as ordinary government policy. Protection of the environment, sustainable use of marine resources, security of fisherman's livelihood and India's authority over its seas are all inter connected and should be addressed together under constitutional principle. When all these standards are properly built into laws, government institutions and enforcement systems, India can move from reacting to the damages occurred to actively protecting and managing the oceans on a long run so that the marine resources remain safe and for both present and future generation.