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**“A STUDY ON COASTAL REGULATION ZONE VIOLATIONS AND THE RIGHTS OF TRADITIONAL FISHING COMMUNITIES WITH REFERENCE TO THE CRZ NOTIFICATION, 2019 IN TAMIL NADU”**

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**ABSTRACT:**

India’s coastal governance framework underwent a significant structural shift with the introduction of the Coastal Regulation Zone Notification, 2019, issued by the Ministry of Environment, Forest and Climate Change under the Environment Protection Act, 1986. The 2019 Notification replaced its predecessor of 2011, introducing several modifications including the reduction of No Development Zones, expanded permissions for tourism and infrastructure projects, and revised classifications of coastal land. While these changes were presented as measures to ease regulatory burdens and promote development, they carry substantial implications for the livelihood security of traditional fishing communities residing along India’s coastline.

Tamil Nadu, home to one of India’s most historically significant artisanal fishing populations and a coastline spanning several hundred kilometres, presents an instructive jurisdiction for examining these implications. Traditional fishing communities in coastal districts such as Rameswaram, Nagapattinam, and Kanyakumari depend directly on coastal access for their subsistence and livelihoods. The erosion of regulatory protections under the 2019 Notification raises serious questions under Article 21 of the Constitution of India, which has been interpreted by the Supreme Court to encompass the right to livelihood as an integral facet of the right to life.

This paper critically examines whether the CRZ Notification, 2019 adequately safeguards the livelihood rights of traditional fishing communities, with particular reference to Tamil Nadu's coastal districts. Through doctrinal analysis of constitutional provisions, statutory frameworks, and judicial decisions of the National Green Tribunal and Madras High Court, this paper identifies structural gaps in the existing regulatory framework and proposes targeted legal recommendations for reform.

**KEYWORDS:** CRZ Notification 2019, Right to Livelihood, Article 21, Traditional Fishing Communities, Tamil Nadu, Coastal Governance

### **INTRODUCTION:**

Coastlines are not merely geographical boundaries for millions of traditional fishing communities across India, they are the very foundation of livelihood, culture, and identity. The legal framework governing coastal zones therefore carries consequences that extend well beyond environmental regulation, touching upon constitutionally guaranteed rights and the economic survival of some of India's most economically marginalised populations.

The Coastal Regulation Zone Notification, 2019, issued under Section 3 of the Environment Protection Act, 1986, represents the most recent articulation of India's coastal governance policy. Superseding the CRZ Notification of 2011, the 2019 framework introduced structural changes that have generated considerable debate among environmental lawyers, policymakers, and affected communities alike. Of particular concern is the reduction of the No Development Zone from two hundred metres to fifty metres in densely populated coastal areas, the expanded permissibility of construction and infrastructure projects in coastal belts, and the reclassification of certain ecologically sensitive zones in ways that potentially open them to development pressures.<sup>1</sup>

Tamil Nadu occupies a position of particular significance in this context. Its coastline, home to communities of traditional fishers locally known as meenavar spanning districts including Rameswaram, Nagapattinam, Cuddalore, and Kanyakumari, has for centuries sustained

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<sup>1</sup>Ministry of Environment, Forest and Climate Change, Coastal Regulation Zone Notification, 2019, S.O. 668(E), February 18, 2019.

artisanal fishing as the primary economic activity.<sup>2</sup> These communities now face mounting pressures from coastal infrastructure projects, tourism development, and port expansion activities that the 2019 Notification has rendered legally more accessible.

The constitutional dimension of this issue is anchored in Article 21 of the Constitution of India. The Supreme Court, in *Olga Tellis v. Bombay Municipal Corporation*,<sup>3</sup> authoritatively held that the right to livelihood is an integral component of the right to life under Article 21. Any state action including subordinate legislation such as a CRZ Notification that arbitrarily displaces or extinguishes livelihood rights without adequate procedural safeguards and substantive justification is susceptible to constitutional challenge.

Against this backdrop, this paper poses the following research questions: first, whether the CRZ Notification, 2019 structurally weakens the livelihood protections of traditional fishing communities; second, whether Tamil Nadu's implementation framework adequately addresses district-level displacement concerns; and third, what legal reforms are necessary to reconcile coastal development imperatives with constitutionally guaranteed livelihood rights.

The paper proceeds through an analysis of the 2019 Notification's key changes, a constitutional assessment under Article 21, an examination of Tamil Nadu-specific judicial and regulatory developments, and concludes with concrete policy recommendations.

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<sup>2</sup>Tamil Nadu Fisheries Department, Annual Report 2022–23 (Government of Tamil Nadu, 2023)

<sup>3</sup>*Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180.

## **EVOLUTION OF COASTAL REGULATION: FROM CRZ 2011 TO CRZ 2019**

India's coastal regulation framework has evolved through successive notifications, each reflecting shifting policy priorities between environmental conservation and developmental imperatives. The CRZ Notification of 1991 established the foundational architecture of coastal governance, introducing zone-based classifications and development restrictions along the coastline. The 2011 Notification revised this framework significantly, strengthening ecological protections and expanding the rights of traditional fishing communities. The 2019 Notification, however, marks a decisive policy reorientation – one that prioritises infrastructural development and economic growth, often at the expense of ecological and livelihood safeguards.<sup>4</sup>

### **A. Reclassification of Coastal Zones**

The 2019 Notification retains the broad four-zone classification – CRZ-I (ecologically sensitive areas), CRZ-II (urban areas), CRZ-III (rural and semi-urban areas), and CRZ-IV (aquatic areas including tidal water bodies) – but introduces sub-classifications that materially alter the regulatory treatment of each zone.<sup>5</sup> CRZ-III, which encompasses rural coastal areas where traditional fishing communities predominantly reside, is now subdivided into CRZ-IIIA and CRZ-IIIB based on population density. This subdivision is particularly consequential: densely populated areas under CRZ-IIIA now attract a reduced No Development Zone of only fifty metres from the High Tide Line, compared to the two-hundred-metre restriction previously applicable under the 2011 Notification.<sup>6</sup> This reduction effectively brings traditional fishing settlements into closer proximity to permissible development activity, exposing them to displacement pressures that were previously buffered by the wider NDZ.

### **B. Expanded Permissibility of Development Activities**

<sup>4</sup>Ministry of Environment, Forest and Climate Change, CRZ Notification 2011, S.O. 19(E), January 6, 2011; CRZ Notification 2019, S.O. 668(E), February 18, 2019.

<sup>5</sup>CRZ Notification, 2019, Clause 3 – Zone Classification.

<sup>6</sup>CRZ Notification, 2019, Clause 3(iii)(A) CRZ-IIIA: NDZ of 50 metres; compare CRZ Notification, 2011, Clause 4 – NDZ of 200 metres applicable to CRZ-III areas generally.

The 2019 Notification expands the categories of activities permissible within coastal zones in ways that directly affect fishing communities. Tourism infrastructure, including beach resorts, hotels, and recreational facilities, may now be constructed in areas previously subject to stricter restrictions.<sup>7</sup> Port and harbour expansion projects have similarly received greater regulatory facilitation. While these measures are framed as instruments of economic development, they operate in direct tension with the subsistence rights of communities whose livelihoods depend on unobstructed coastal access.

### C. Coastal Zone Management Plans

The 2019 Notification mandates each coastal state to prepare and submit revised Coastal Zone Management Plans reflecting the new regulatory framework.<sup>8</sup> Tamil Nadu's revised CZMP, which is required to map fishing community settlements, ecologically sensitive areas, and permissible development zones at the district level, is a critical instrument for assessing ground-level impact. However, the approval status of Tamil Nadu's revised CZMP remains a matter requiring verification at the time of submission, and any delays or deficiencies in this process constitute a regulatory gap with direct consequences for affected communities.

Taken together, the structural changes introduced by the 2019 Notification represent a measurable dilution of the protective framework that previously insulated traditional fishing communities from the adverse consequences of coastal development. The constitutional implications of these changes are examined in the following chapter.

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<sup>7</sup>CRZ Notification, 2019, Annexure I Permissible Activities.

<sup>8</sup>CRZ Notification, 2019, Clause 5 Coastal Zone Management Plans.

## **CONSTITUTIONAL ANALYSIS: ARTICLE 21 AND THE RIGHT TO LIVELIHOOD**

### **A. Doctrinal Foundation - Livelihood as Life**

The constitutional protection of livelihood rights in India finds its authoritative basis in Article 21 of the Constitution, which guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. The Supreme Court's landmark pronouncement in *Olga Tellis v. Bombay Municipal Corporation*<sup>9</sup> decisively expanded this guarantee beyond mere physical existence, holding that the right to life necessarily includes the right to livelihood. The Court reasoned that if the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of the right to life would be to deprive them of their means of livelihood.<sup>10</sup>

This reasoning was subsequently affirmed and deepened in *Maneka Gandhi v. Union of India*,<sup>11</sup> where the Court established that any law or executive action depriving a person of life or liberty must satisfy a threefold test it must be just, fair, and reasonable thereby importing substantive due process into Article 21 jurisprudence. Applied to the present context, any regulatory notification that structurally displaces the livelihood of traditional fishing communities must satisfy this standard of substantive reasonableness and cannot be sustained merely on the ground that it follows a procedure prescribed by law.

### **B. Application to Traditional Fishing Communities**

Traditional fishing communities along Tamil Nadu's coast derive their livelihood exclusively from direct coastal access for fishing operations, drying and processing of catch, storage of boats and nets, and the conduct of fish markets along the shoreline. Any regulatory framework that permits construction, tourism infrastructure, or port expansion within or immediately

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<sup>9</sup>*Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180.

<sup>10</sup>*Ibid*, para 32.

<sup>11</sup>*Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

adjacent to these zones necessarily curtails this access and, by extension, threatens the constitutional right to livelihood guaranteed under Article 21.

The Supreme Court in *S. Jagannath v. Union of India*<sup>12</sup> specifically addressed the rights of traditional coastal communities, holding that the rights of local fishermen and their right to livelihood cannot be ignored while permitting development activities along the coast. The Court directed that the CRZ framework must be implemented in a manner that protects, rather than undermines, the subsistence rights of traditional coastal dwellers. This precedent carries direct force against the permissive developmental framework introduced by the 2019 Notification.

### **C. The Proportionality Question**

The reduction of the No Development Zone from two hundred metres to fifty metres under CRZ-III A, and the expanded permissibility of tourism and infrastructure projects, must be assessed against the constitutional proportionality standard. The Supreme Court, in *Modern Dental College v. State of Madhya Pradesh*,<sup>13</sup> formally adopted proportionality as a constitutional standard of review under Article 21, requiring that any restriction on a fundamental right must be proportionate to the legitimate aim pursued.

Applied here, the question becomes whether the developmental benefits sought by the 2019 Notification increased tourism revenue, port capacity, and infrastructure growth are proportionate to the livelihood costs imposed upon traditional fishing communities who lack alternative means of subsistence. Given that these communities represent one of India's most economically vulnerable populations, with no realistic capacity to absorb displacement or transition to alternative livelihoods, a strong argument exists that the 2019 Notification fails the proportionality test as applied to CRZ-III areas in Tamil Nadu.

### **D. Article 19(1)(g) - Right to Practise Any Profession**

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<sup>12</sup>*S. Jagannath v. Union of India*, (1997) 2 SCC 87.

<sup>13</sup>*Modern Dental College and Research Centre v. State of Madhya Pradesh*, (2016) 7 SCC 353.

Complementing the Article 21 analysis, the right of traditional fishers to practise their hereditary occupation is also protected under Article 19(1)(g) of the Constitution. Any regulatory measure that effectively forecloses this right through coastal displacement must satisfy the requirements of Article 19(6) it must constitute a reasonable restriction in the interests of the general public. Development-driven displacement of subsistence fishing communities, without adequate rehabilitation or compensation frameworks, is difficult to sustain as a reasonable restriction under this standard.

Collectively, the constitutional framework under Articles 21 and 19(1)(g), as interpreted through the Supreme Court's evolving jurisprudence, provides a robust basis for challenging the structural vulnerabilities created by the CRZ Notification, 2019 for traditional fishing communities in Tamil Nadu.



## **TAMIL NADU: GROUND REALITY AND JUDICIAL RESPONSE**

### **A. Profile of Traditional Fishing Communities in Tamil Nadu**

Tamil Nadu's coastal districts sustain one of India's most historically entrenched artisanal fishing populations. Districts including Nagapattinam, Rameswaram, Cuddalore, Kanyakumari, and Chennai abrithe densely populated fishing hamlets known locally as meenavar settlements where fishing constitutes not merely an occupation but an inherited way of life passed across generations.<sup>14</sup> The Tamil Nadu Fisheries Department estimates that the state's marine fisheries sector supports several lakhs of fishers and fishing-dependent workers, making it among the most significant in the country.<sup>15</sup> These communities are characterised by low capital mobility, absence of formal employment alternatives, and near-total dependence on coastal access for subsistence.

Against this backdrop, the structural changes introduced by the CRZ Notification, 2019 carry disproportionate consequences. The reduction of the No Development Zone to fifty metres in CRZ-III areas which encompasses many of Tamil Nadu's densely populated fishing hamlets effectively brings permissible construction and tourism infrastructure into the immediate vicinity of active fishing settlements. In districts like Rameswaram and Nagapattinam, where fishing communities occupy narrow coastal strips with no spatial buffer, this reduction creates a direct and measurable threat to livelihood continuity.

### **B. Status of Tamil Nadu's Coastal Zone Management Plan**

The CRZ Notification, 2019 mandates each coastal state to prepare a revised Coastal Zone Management Plan mapping fishing settlements, ecologically sensitive areas, and permissible development zones at the district level.<sup>16</sup> The preparation and MoEF&CC approval of Tamil Nadu's revised CZMP is a critical safeguard without an approved plan, district-level protections for fishing communities remain legally ambiguous and administratively unenforceable. The

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<sup>14</sup>Tamil Nadu Fisheries Department, District-wise Fisher Population Data

<sup>15</sup>Ibid

<sup>16</sup>CRZ Notification, 2019, Clause 5 Coastal Zone Management Plans.

current approval status of Tamil Nadu's revised CZMP must be verified through official MoEF records or RTI before submission, as it constitutes a foundational factual premise of this paper's argument.

### **C. Judicial Response - NGT and Madras High Court**

The National Green Tribunal's Southern Bench, located in Chennai, has adjudicated several matters concerning coastal regulation and fishing community rights in Tamil Nadu in the post-2019 period. While a comprehensive survey of these orders requires database research through NGT's official order portal, the Tribunal has generally affirmed the principle that coastal development must not be permitted at the cost of traditional fishing livelihoods, reflecting the constitutional jurisprudence discussed in the preceding chapter.

The Madras High Court's environmental bench has similarly intervened in matters involving coastal displacement and CRZ violations in Tamil Nadu. Notably, the Court has emphasised the obligation of state authorities to ensure that CZMP implementation is conducted with meaningful consultation with affected fishing communities a procedural safeguard whose observance in Tamil Nadu's revised CZMP process requires empirical verification.

Collectively, the ground reality in Tamil Nadu illustrates that the 2019 Notification's permissive developmental framework intersects with a population uniquely vulnerable to its adverse consequences a vulnerability that neither the Notification itself nor Tamil Nadu's implementing framework has adequately addressed.

## **INTERNATIONAL FRAMEWORK: COMPARATIVE PERSPECTIVES**

### **A. FAO Voluntary Guidelines for Small-Scale Fisheries**

At the international level, the Food and Agriculture Organisation's Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, adopted in 2015, represent the most comprehensive normative framework addressing the rights of traditional fishing communities.<sup>17</sup> Although voluntary in character and therefore not legally binding upon India, these Guidelines articulate principles that carry persuasive authority in legal and policy discourse.

Of particular relevance is the Guidelines' emphasis on the principle of non-discrimination, the obligation of states to recognise and protect the tenure rights of small-scale fishing communities over coastal resources, and the requirement that development decisions affecting fishing communities be preceded by free, prior, and meaningful consultation.<sup>18</sup> India's CRZ framework, including the 2019 Notification, does not expressly incorporate these principles a gap that this paper identifies as a significant normative deficiency warranting legislative attention.

### **B. Sri Lanka : A Comparative Coastal Governance Model**

Sri Lanka's Coast Conservation and Coastal Resource Management Act, 2011 provides an instructive point of comparison.<sup>19</sup> The Sri Lankan framework explicitly recognises the rights of traditional coastal communities as a primary consideration in coastal zone management decisions, and mandates participatory processes involving affected fishing communities before development approvals are granted in coastal areas. While Sri Lanka's implementation record

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<sup>17</sup> Food and Agriculture Organisation, Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (FAO, Rome, 2015).

<sup>18</sup> Ibid, Sections 5 and 7 Tenure Rights and Participatory Governance.

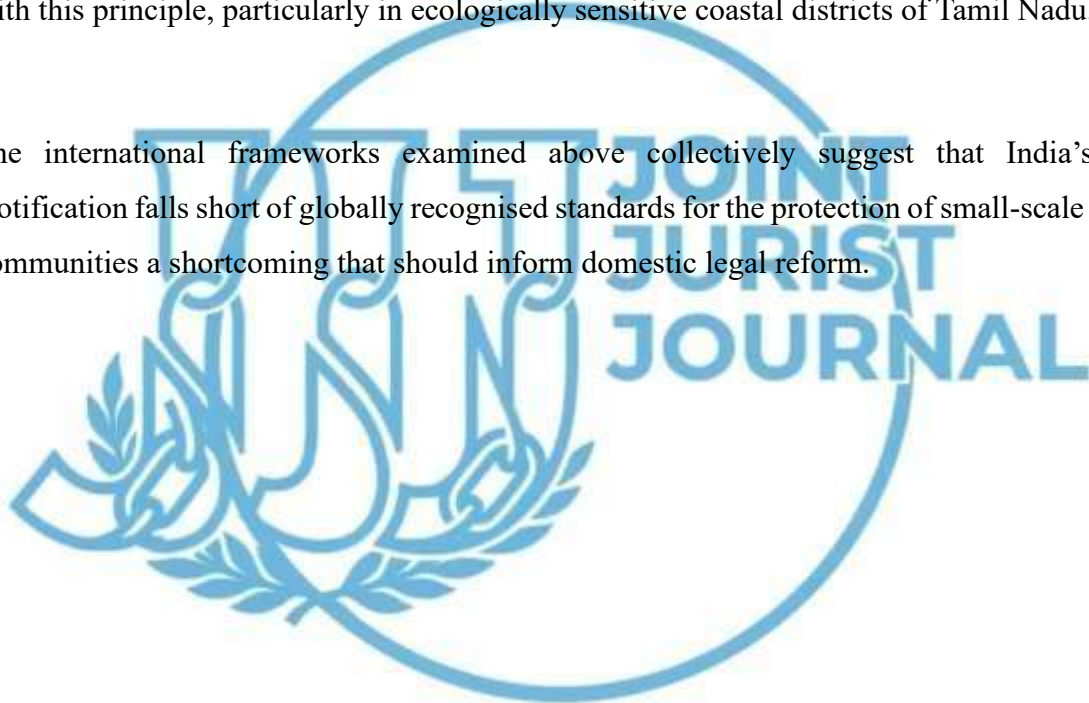
<sup>19</sup> Coast Conservation and Coastal Resource Management Act, No. 57 of 1981 as amended by Act No. 49 of 2011 (Sri Lanka).

is itself imperfect, the legislative recognition of community participation rights represents a structural safeguard absent from India's CRZ framework.

### **C. The Principle of Sustainable Development**

The principle of sustainable development affirmed in the Rio Declaration, 1992 and subsequently incorporated into Indian environmental jurisprudence through *Vellore Citizens Welfare Forum v. Union of India*<sup>20</sup> requires that developmental activities be pursued in a manner that does not irreversibly compromise the ecological or livelihood foundations upon which present and future generations depend. The CRZ Notification, 2019's facilitation of coastal infrastructure at the expense of traditional fishing livelihoods is difficult to reconcile with this principle, particularly in ecologically sensitive coastal districts of Tamil Nadu.

The international frameworks examined above collectively suggest that India's 2019 Notification falls short of globally recognised standards for the protection of small-scale fishing communities a shortcoming that should inform domestic legal reform.



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<sup>20</sup> *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647.

## **FINDINGS, RECOMMENDATIONS AND CONCLUSION**

### **A. Key Findings**

This paper's analysis yields three principal findings.

- First, the CRZ Notification, 2019 has structurally diluted the regulatory protections previously available to traditional fishing communities through the reduction of No Development Zones and the expanded permissibility of coastal development changes that are constitutionally suspect under the right to livelihood guaranteed by Article 21 and the right to practise an occupation under Article 19(1)(g).
- Second, Tamil Nadu's implementing framework presents specific vulnerabilities, including ambiguities in the revised CZMP approval process and insufficient judicial data to conclusively assess enforcement patterns gaps that themselves constitute independent regulatory failures.
- Third, India's CRZ framework lags behind international standards, particularly the FAO Voluntary Guidelines, 2015, in failing to mandate meaningful participatory processes for affected fishing communities before coastal development decisions are made.

### **B. Recommendations**

The following legal reforms are proposed.

- First, the No Development Zone for CRZ-IIIA areas should be restored to at least one hundred metres, or alternatively, site-specific exemptions should be subject to mandatory consultation with gram sabhas of affected fishing communities before approval.
- Second, the Central Government should incorporate the FAO Voluntary Guidelines' free, prior, and meaningful consultation standard into the CRZ framework as a binding procedural prerequisite for all development approvals in fishing community zones.
- Third, Tamil Nadu's revised CZMP should be finalised and approved on priority, with mandatory district-level public hearings involving fishing community representatives as a condition of approval.
- Fourth, the National Green Tribunal should be vested with explicit jurisdiction to review post-approval CRZ violations on a suo motu basis in districts with high concentrations of traditional fishing settlements.

### C. Conclusion

The coastline of Tamil Nadu is not merely a regulatory boundary, it is the livelihood of thousands of families whose constitutional rights demand more than procedural acknowledgment. The CRZ Notification, 2019, in its current form, privileges developmental imperatives over the subsistence rights of traditional fishing communities in ways that are constitutionally untenable and internationally inconsistent. Legal reform that centres community rights, ensures procedural participation, and restores meaningful No Development Zone protections is not merely desirable, it is constitutionally imperative.

