

ENVIRONMENTAL CONSTITUTIONALISM IN INDIA'S BLUE ECONOMY: INTEGRATING INTERNATIONAL NORMS, SUSTAINABLE DEVELOPMENT, AND HUMAN RIGHTS

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Abstract

The Blue Economy's rising significance characterizes an integral turning point in the collaboration between technological innovation, trade liberalisation, and constitutional governance. India's extensive coastline over 7,500 kilometres has progressed into critical center for port-based development projects, foreign investment, and advancements in maritime technology through the process of programs such as the Sagarmala. Global trade links, development of technological platforms, and the flow of capital are all involvedly related to these alterations. They strengthen India's maritime position internationally and stimulate economic growth. The development of blue economy and the substantial coastal change have placed hardship on the Indian Constitution's Articles 14, 19 (1) (g), and Article 21 which ensure equality, sustenance, and environmental equity by disintegrating fishing communities, deteriorating the environment, and constraining participatory governance. Additionally, accelerated industrialization and development in technology along the shore pose a significant threat to environmental protection and sustainable development, which have been established as Directive Principles under Articles 48A and 51A(g). The paper examines whether constitutionalism could operate as a moral check in the period of globalization in economy and rapid advancement in technology. It analyses the imbalance that exists in coastal development between corporate dominance, state sovereignty, and safeguarding of human rights. Furthermore, it establishes the duties of India under international laws and regulations like the UNDRIP, UNCLOS, ICCPR, and ICESCR, highlighting the inevitability of harmonizing national principles of constitutionality with international obligations. The paper explores a proposal for a rights-based, participatory governance strategy for Blue Economy projects which mixes the community and environmental rights along with protections from the constitution. In order to sustain the constitutional principles in the aspect of globalization, it is vital to reinforce regulatory accountability, promise real interactions with coastal people, and promote environmental sustainability. By realizing this, this paper adds to the broader conversation about constitutional principles as a flexible and defending framework in the era

of technological progress and globalization, precisely when it deals with marine development and coastal rights.

Keywords: Constitutionalism, Blue Economy, Globalisation, Coastal community Rights, Human Rights, Environmental Justice, Port development.

Introduction

The advent of the blue economy evidenced a crucial convergence among economic development, technological innovation and constitutional governance. India with its coastline extended over 7500 kilometres, has become a crucial point for port-based development, foreign venture and maritime infrastructure. Sagarmala project, an initiative by the Government of India, demonstrates how globalization, trade connectivity and digitalisation are converting India's coastal areas into hubs of national growth. Meanwhile this transformation illuminates profound constitutional and legal questions about distributive justice, sustainability and the rights of traditional coastal communities.

Global economic expansion and the need for maritime dominance affected the Indian Constitution's provisions under Articles 14, 19(1)(g), and 21. The constitutional protection enshrined in the articles such as equality, livelihood, and dignity are endangered by the displacement of fishing community groups, disintegration of the environment, and insufficient participatory governance. In a similar manner, the State is obligated to balance economic policies with environmentally friendly practices by the Directive Principles of State Policy (Articles 48A and 51A(g)). The paper analyses how constitutional principles might act as an ethical and procedural check on unrestrained globalization and rapid technological acceleration and also whether a rights-based, participatory framework may reconcile growth with justice.

India's Coastal Transformation and Blue Economy

Development initiatives like the Sagarmala Programme, which emphasizes expansion of ports, industrial development, and infrastructural enhancement, have made India's coastline an essential centre for the country's economic growth. Foreign investments are being attracted by this type of schemes which ultimately resulted in economic development and advancement in technology and it also enhances India's integration into international maritime trade connections. India has grown a major player in the international Blue Economy because of the digitization of marine activities and its implementation of innovative technologies. Substantial modifications to the environment and societal disruptions have emerged from considerable

coastal industrialization and development of infrastructure. Because of the expansions, destruction of coastal lands, limitations to enter into conventional fishing grounds, degradation of cultural legacy, fishing communities who have historically relied upon these coastal zones experience instability in their livelihoods. Critical constitutional protections have been put to the test by such disruptions.

Concept of Blue Economy

The environmentally friendly utilization of oceanic resources for occupations, better living standards, and economic expansion while preserving the optimal condition of ocean ecosystems is often referred to as the "Blue Economy"¹. For India, this encompasses emerging sectors like marine biological research and exploration of the deep waters, as well as port-based industrial development, logistical and shipping services, the fishing sector, offshore renewable energy, and tourist industry². With the goal to link up rural regions, promote port infrastructure, and generate both domestic and foreign private capital, governmental initiatives like the Sagarmala program have been crucial³. The Ministry of Shipping anticipates that Sagarmala projects will generate ₹8.5 lakh crore in investments throughout the country, with a specific focus on advancement, capacity development and adoption of technological innovations⁴.

Large-scale infrastructure projects frequently circumvent consultation with communities, which may end up in protests, legal issues, and even physical confrontations. The constitutional promise for equal treatment and democratic governance has recently been called into uncertainty by insufficient compensation and inappropriate relocation initiatives, and these have further undermined trust in the structure⁵.

Globalisation, Technological advancement and the Indian Coast

Port-led development and impact on coastal livelihoods

Special Economic Zones (SEZs), industrial regions, and international trade hubs are evidence of the ways that Indian coastlines are gradually becoming increasingly interconnected. Global

¹ World Bank, *The Potential of the Blue Economy – Increasing Long-term benefits of the Sustainable use of Marine Resources for small island Developing States and coastal Least developed countries* (World Bank, 2017).

² Chaudhuri, 'Sagarmala and Blue Economy: Opportunities and Challenges' (2021) 132 *Marine Policy* 104685.

³ Ministry of Ports, Shipping and Waterways, Government of India, *Sagarmala Programme: Harnessing India's 21st Century Maritime Potential* (2022).

⁴ Government of India, *Annual Report 2022-2024, Ministry of Shipping* (Government of India, 2023).

⁵ A. Jalais, 'Coastal Change and Constitutional Rights: The Case of Indian Fish workers' (2019) 15 (1) *Socio-Legal Review* 111-129.

businesses and local business groups have made substantial investments in terminals in Gujarat, Maharashtra, Andhra Pradesh, and Tamil Nadu⁶. With docks and shipping companies implementing blockchain-based logistics, fully automated handling of cargo, and satellite tracking for vessel traffic management, digitization is increasingly critical to this transformation⁷. These technological advances improve worldwide supply chains' effectiveness and transparency, but they additionally pose the danger of disturbing traditional stakeholders who lack appropriate knowledge of digital technologies⁸.

Traditional fishing communities confront existential challenges as the consequence of these modifications since novel regulatory structures generally fail to sufficiently recognize their inherent entitlements to land and sea. Several people found themselves displaced by initiatives including land acquisition, drilling, or alterations to fishery governance regimes, which has culminated in socioeconomic marginalization and a destruction of cultural value⁹.

Constitutional provisions and coastal rights

Fundamental provisions to safeguard the rights of coastal communities and ensure environmental preservation have been included in the Indian Constitution, the provisions have become particularly relevant in light of the continual development of the Blue Economy. Article 14 forbids discrimination against people who are vulnerable, particularly traditional fishing communities, by providing equality before the law¹⁰. The freedom to take part in any occupation, trade, or business is guaranteed by Article 19(1)(g). Coastal livelihoods that depend upon fishing and other comparable activities regularly invoke this fundamental right¹¹. The right to a healthy and sustainable environment has been included in the broad interpretation of Article 21, which has been actively upheld in cases concerning coastal regulations¹².

Through major decisions like *S. Jagannath v. Union of India* and *Vaamika Island v. Union of India*, which safeguard the privileges of coastal communities, obligate comprehensive

⁶ NITI Aayog, *Port-led Industrial Corridors and SEZs: Strategic Roadmap* (Government of India 2023).

⁷ G.C. Pillai, 'Digital Transformation in Indian Ports, A smart move' (2023) 18 (2) *Journal of Ocean Technology* 44-58.

⁸ M. Banvinck, D. Johnson & A. Vijayan, 'Voices from the Coast: Concerns from India's Fishing Communities' (2020) 34 (1) *Indian Journal of Human Geography* 71-89.

⁹ M. Menon, Nair. R & Fernandes, S. (2021). 'Environmental Impacts of Port-led Industrialization in India' (2021) 56(12) *Economic and Political Weekly* 42-48.

¹⁰ CPR India, *The Supreme Court's Guiding Principles for Coastal Regulation* (CPR India, 2022).

¹¹ Law Bhoomi, *Marine and Coastal Conservation in India: Constitutional Duties and Provisions* (Law Bhoomi, 2025).

¹² Dakshin Foundation, *Legal Concepts and Principles Governing Coastal and Marine Commons in India* (Dakshin Foundation 2025).

environmental and social impact investigations just before projects are authorized, and reiterate the concept that customary and fundamental livelihood rights are crucial for India's constitutional order, the Supreme Court has further strengthened these provisions¹³. The Coastal Regulation Zone (CRZ) notifications, which at first incorporate constitutional and legal protections for coastal populations and conventional users, supplement these principles by providing a statutory framework for regulation of land use, preservation of the environment, and participatory rights in the management of coastal areas¹⁴.

Global standards and India's International Obligation

India is a signatory to many of the international instruments which were specifically adopted for coastal community rights and the blue economy. A comprehensive legal framework UNCLOS, United Nations Convention on Law of Sea, 1982¹⁵ was established for the proper utilisation of marine resources, obligating environmental protection and sustainable development. The self-determination of people, cultural rights and the right to development is enshrined under the significant international instrument The International Covenant on Civil and Political Rights (ICCPR)¹⁶ and the International Covenant on Economic, Social and Cultural rights (ICESCR)¹⁷. Right to land, territories, resources, participation and free, prior and informed consent (FPIC) affirmed by adopting the United Nations Declaration on the Rights of Indigenous People (UNDRIP)¹⁸. The member states are advised by international bodies such as the United Nations Human Rights Council and the International Labour Organisation (ILO) to harmonise national economic policies with these right based standards¹⁹.

Limited statutes like the Coastal Regulation Zone Notification fulfilled India's international obligations, though serious implementation gaps persist. These encounters consist of weak enforcement, significant economic development pressures, scarce scientific data and insufficient integration amidst governance levels. International jurisprudence is emerging

¹³ Pleaders blog, *All Constitutional Provisions Pertinent to Environment and Landmark Judgments* (Pleaders Blog, 2021).

¹⁴ Vajiram & Ravi Coastal Regulation Zone (CRZ): *Meaning, Types, Notifications* (Vajiram & Ravi 2025).

¹⁵ *United Nations Convention on Law of the Sea*, 1833 UNTS 3 (adopted 10 December 1982, entered into force 16 November 1994).

¹⁶ *International Covenant on Civil and Political Rights*, GA Res 2200 A (XXI), UN GAOR, 21st Sess, Supp No 16, UN Doc A/6316 (16 December 1996).

¹⁷ *International Covenant on Economic, Social and Cultural Rights*, GA Res 2200 A (XXI), UN GAOR, 21st Sess, Supp No 16, UN Doc A/6316 (16 December 1996).

¹⁸ United Nations Declaration on the Rights of Indigenous Peoples, GA Res 61/295, UN Doc A/RES/61/295 (13 September 2007).

¹⁹ International Labour Organization, *Reports on the Harmonization of National Policy with International Labour and Community rights standards* (ILO, 2021).

through bodies like the International Tribunal on Law of the Sea which is constantly focussing on blue justice which seeks to balance economic priorities with ecological protection and community rights²⁰.

Realities from the Indian Coast: Case studies

The Ennore Port Expansion

The port expansion at Ennore involved numerous large scale infrastructure projects which were aimed at critically increasing cargo handling capacity and industrial activity in that region. Massive fishing community relocation, salt pan contamination of the soil, and a disappearance of wetlands that are crucial to mitigating urban flooding were all major consequences of Ennore Port's development. Expansion of port related activities have attracted stringent opposition from local residents and environmental groups particularly because of the loss of wetlands, pollution, anticipated health risks and impacts on fishing livelihoods. Challenges continued to persist in spite of directions by the National Green Tribunal to the Tamil Nadu Government to fasten the process of removal of invasive charru mussels from Ennore Wetlands to retrieve the health of the ecosystem and facilitate local fisheries and also insisted on the preparation and implementation of remedial plan. These measures create an obligation to restore the ecosystem and to prevent further damage²¹.

Gujarat's Mundra Port Project

One of the largest maritime terminals in India, Mundra, which belongs to the Adani Group, has undergone significant expansions recently, Development of port city with multipurpose terminals, export-import zones, warehouses, cold storage and industrial units were undertaken in the process of port expansion. Rail-road connectivity has been increased facilitating port's increasing cargo volumes and ensuring better access. Despite the expansion activities in Mundra port come under criticism for purportedly violating environmental regulations and damaging substantial quantities of habitat. The company which is involved in the expansion process has been condemned by the local community for interfering on pastures for livestock and disrupting typical tide flows, resulting in an impact on fisheries and agriculture. The

²⁰ J.K. Panigrahi and P.K. Mohanti, 'Effectiveness of the Indian Coastal Regulation Zones Provisions for Coastal Zone Management and its Evaluation using SWOT Analysis' (2012) 67 *Ocean & Coastal Management*, 12-22.

²¹ National Green Tribunal, *Panel Report on Ennore Wetlands Degradation* (National Green Tribunal, April 2022).

Supreme Court had taken up the subject and directed that coastal zone laws be implemented more stringently²².

Mangrove Destruction in Maharashtra

Destruction of Mangroves which are more crucial for coastal erosion control and fisheries occurred in Mumbai and Navi Mumbai because of rapid industrialisation, port development, infrastructure expansion along the coast. The Vadhavan Port in Palghar district faces these challenges as over 98 acres of mangroves are identified within the project's coastal regulation zone²³. Though minimal damage was claimed by the port authorities and environmental impact assessment, local residents, community people and environmentalists raised objections over the loss of marine biodiversity, disruption to traditional livelihoods and cultural heritage sites has been intertwined within this mangrove ecosystem. The High Court of Bombay highlighted the ecological importance of mangroves when a public interest litigation²⁴ is filed and guaranteed protection under Public Trust Doctrine. The destruction of mangroves was prohibited if it is done without seeking prior judicial approval and except for public interest. The Court held that the state agencies were accountable under Article 21, 47, 48A, and 51 A(g) of the constitution to safeguard and conserve the mangroves.

Ensuring justice and Human Rights in Blue Economy Governance in India

Comprehensive policy measures that integrate grassroots participation, lawful implementation, and adherence to international standards are essential for India's rights based Blue Economy. Legislation must be made stronger, such as by reforming the Environment Protection Act and Coastal Regulation Zone notifications that require accumulated impact assessment and frequent public assessments of important projects. Safeguarding livelihoods necessitates the Forest Rights Act to provide legal recognition of fishing society's customary rights. The Environmental Law Research Foundation (2024) highlights that in addition to further enhancing the credibility of law enforcement agencies, accountable and participatory ways of monitoring must be put into effect²⁵.

²² *Kheti Vikas Seva Trust v Union of India* (2017), National Green Tribunal.

²³ India Mongabay, 'Port Project in Maharashtra cleared by Environment Ministry Despite Community Protests' *Mongabay India* (September 2024).

²⁴ *Bombay Environmental Action Group v State of Maharashtra*, 2018 SCC online Bom 2680.

²⁵ Environmental Law Research Foundation, *Policy Recommendations for coastal Regulation* (Environmental Law Research Foundation, 2024).

The increased inclusion of coastal communities in regional and state bodies that make decisions, in addition to mechanisms like Free, Prior, and Informed Consent (FPIC) for all significant port and coastal expansions, need to formalize involvement from communities. With the aim to strengthen participants as well as make sure that their views are taken seriously in decisions about governance, strengthening capacity initiatives such as legal and technological proficiency instruction for coastal populations are important²⁶. An administrative task working group should assess India's commitment to international treaties that pertain to the governance of coastal resources for the purpose to reconcile national activities with worldwide legal responsibilities. Rights-centered policies and financial stability can be promoted further by strengthened relationships with global organizations, such as the ones that emphasize mitigation of disaster risks and sustainable fisheries²⁷.

Public Interest and Judicial Activism in Coastal Governance

The Indian judiciary has frequently advocated rights for communities and ecological justice, emphasizing that sustainable development constitutes an obligation under the constitution compared to an extravagance. The principles of "sustainable development," "precautionary principle," and "polluter pays" were firmly developed through landmark cases like *Vellore Citizens Welfare Forum v. Union of India* (1996)²⁸ and *M.C. Mehta v. Union of India (Taj Trapezium Case)*²⁹, decisively setting them into the foundation of Indian environmental jurisprudence. In furtherance of guaranteeing the continued existence of ecologically sensitive areas, reimbursement for victims of environmental damages, and rehabilitation of devastated ecosystems, the judiciary has reiterated the right to a healthy environment underlying Article 21 of the Constitution.

Civil society organizations, that are frequently involved as petitioners or intervenors in public interest proceedings, carry out a fundamental supporting role by passing on information, encouraging group action, and enhancing access to justice for vulnerable individuals³⁰. Nevertheless, since courts can fill in policy and regulatory gaps abandoned by both legislative and executive branches, there may be an inherent danger of overreach by the courts or "policy breach by litigation". According to academic assessments, this throws the democratic

²⁶ M. Bavinck, D. Johnson and A. Vijayan, 'Voices from the Coast, Concerns from India's Fishing Communities' (2020) 34(1), *Indian Journal of Human Geography* 71-89.

²⁷ NITI Aayog, *Blue Economy: Policy and International Cooperation* (Government of India, 2024).

²⁸ *Vellore Citizens Welfare Forum v Union of India* (1996) 5 SCC 647.

²⁹ *M.C. Mehta v Union of India* (1997) 2 SCC 353.

³⁰ Human Rights Law Network, *Reports* (Human Rights Law Network, 2022).

equilibrium at risk and underscores the absolute necessity for effective legislative frameworks, rigorous executive action, and strengthening of local self-governance³¹.

Conclusion

India's Blue Economy has tremendous potential for foreseeable economic growth, career expansion, and preservation of the environment. India has the capacity for effectively utilizing its ocean resources to improve its living conditions and national economy owing to its extremely long coastline, tremendous marine biodiversity, and beneficial location. To achieve this a comprehensive approach which consists of participatory governance, rights to community people and the protection of the environment is needed. It is vital to strengthen the laws and policies facilitating development at the same time protecting the environment and community rights, foster innovation and enhance interdisciplinary collaboration. Ultimately, India's successful blue economy and sustainable development goals can be easily achieved only by integrating development of maritime infrastructure, preservation of environment, elevating vulnerable groups and efficiently confronting climate challenges simultaneously.

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³¹ A. Jalais, 'Coastal Change and Constitutional Rights: The Case of Indian Fish workers' (2019) 15(1) *Socio-Legal Review* 111-129.

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