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# **REGULATORY SAFEGUARDS FOR COASTAL COMMUNITY RIGHTS IN PORT-LED BLUE ECONOMY PROJECT**

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G. Uma Maheswari, Research Scholar/Assistant Professor, VISTAS.

Dr. Jenifer Stella, Assistant Professor, HOD, VISTAS.

## **ABSTRACT**

Development based displacement is a critical issue in recent days, vulnerable fishermen is one of those affected categories who undergoes displacement. The blue economy is the sustainable use of ocean resources for economic growth, improved livelihoods and environmental health. The large-scale projects like port development, industrial zones and tourism development under blue economy leads to development-induced displacement, specifically affects the coastal community though economic growth under the head of blue economy is necessary. The fishermen depended on the coastal and marine ecosystem for their livelihood. The fishermen are being affected by the port development and connected infrastructure development. The development often leads to their displacement which puts their right to livelihood, security, rehabilitation and other rights in question. They loss their cultural identity, economic survival, traditional fishing rights and access to marine resources. There are many international, national frameworks to protect their rights. United Nations Declaration on the Rights of Indigenous people (UNDRIP) 2007 strengthens the protection of indigenous group from forced displacement. United Nations basic Principles and guidelines on Development-based Evictions and Displacement provides guidelines for evictions and state remedies including compensation and rehabilitation. International Covenant on Economic, Social, and Cultural Rights (ICESCR) 1966 speaks about the adequate standard of living, food, water and housing rights of displaced persons. In India, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (LARR Act) which mandates adequate compensation and rehabilitation for affected communities. The Coastal Regulation Zone Notification 2011 aims to protect coastal communities by framing regulation for developmental activities along coastal areas. The Environmental Protection Act 1986 provides environmental impact assessment before developmental projects, and it also necessitates public hearings and participation of affected communities in decision making process. This paper explores the existing laws, policy gaps and plausible recommendations given by the researcher for

sustainable port development.

**Keywords:** Development based displacement, Blue economy and its impacts, Right to livelihood of Coastal communities, Legal frameworks of rights of coastal communities.

## **Introduction**

Coastal community people are residing near coastal areas and marine environment. They depend on the marine ecosystem for their livelihoods. Their traditional customary practices identified them as indigenous community people. The coastal community people are having a connection with the health of the ocean and they are having the major role in conservation of marine and coastal ecosystem. In the recent developmental arena, the blue economy plays a major role in shaping the country's economy through its initiatives. The blue economy growth has also had its own disadvantages, the social injustices such as environmental degradation, ocean grabbing which leads to dispossession and displacement, loss of access to marine resources, inequitable distribution of economic benefits, livelihood impacts, social and cultural influences, community participation omitted in governance etc., Coastal community people is being affected majorly by the dispossession of their traditional land and displacement of their livelihoods through the process of ocean grabbing for development of coastal infrastructure, ship building and other activities. The regulation of use and management of marine resources and the removing of environmental and social injustices is the need of the hour. The need to achieve blue justice is essential particularly for displacement and loss of traditional land. The legal frameworks need to be in such a way addressing all the issues of the coastal community people.

## **Blue economy and displacement**

Blue economy is an emerging concept nowadays to utilise the ocean resources sustainably by focussing on in the economic activities based on trade and other activities in the ocean environment ensuring environmental sustainability. The term blue economy is introduced by Professor Gunter Pauli in his book "The Blue economy: 10 years, 100 innovations, 100 million jobs. The idea of blue economy was conceived at Rio +20 United Nations conference on Sustainable Development, held in Rio de Janeiro in June 2012, the conference addressed two key themes, the further development and refinement of the institutional framework for

sustainable development and the advancement of the “green economy” concept<sup>1</sup>. The United Nations has emphasized that the blue economy would help in achieving sustainable development goals particularly SDG – 14 ‘Life below water’. The definition given by world bank for the concept blue economy is sustainable use of ocean resources for economic growth, improved livelihoods and jobs and ocean ecosystem health<sup>2</sup>. The term blue economy is an innovative approach to sustainable development, emphasizing the responsible use and preservation of ocean resources. It seeks to strike a balance between economic growth, environmental protection and social equity within the context of our oceans and coastal areas<sup>3</sup>. The sectors of blue economy are fisheries, port and shipping, marine tourism, offshore oil gas, marine biotechnology, deep sea mining, renewable energy and transport and logistics. In this the coastal infrastructure development that’s ship building and port development is one of the sectors which affect the coastal community people. The modifications in the coastal area because of this port development and other activities, undesirable changes will occur in the coast. The major problem is the displacement and relocation of those coastal community people, which is otherwise termed as development induced displacement. The individuals of the coastal community are often sent out of their homeland through force or coercion by the authorities in other words State. It is also viewed as human rights violation. The people will lose their right which they enjoy traditionally and most of the development-based displacement occurred involuntarily. The local community people who were being suffered due to this induced displacement often gets meagre compensation. The rehabilitation and resettlement afforded is improper. They become jobless, homeless and they also suffer marginalisation in the society. They are denied their rights of access to their land which belonged to them traditionally. Sometimes they may face situations such as arrest without justification, punishments without knowing that for what reason they are getting punishment. The people will also psychologically get affected because of the induced displacement. This kind of sufferings by the indigenous local community fishermen are considered as violations of human rights. The state is under obligation to curb the violations which are undergone by the coastal community people.

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<sup>1</sup> John Lesperance, *The Blue Economy: Origin and Concept*, Commonwealth of Learning, (6 June 2016) [https://www.col.org/news/the-blue-economy-origin-and-concept/?utm\\_source=chatgpt.com](https://www.col.org/news/the-blue-economy-origin-and-concept/?utm_source=chatgpt.com).

<sup>2</sup> World Bank Group, *What Is the Blue Economy?* (June 6, 2017), <https://www.worldbank.org/en/news/infographic/2017/06/06/blue-economy>.

<sup>3</sup> Aninver development partners, *The blue economy: definition, opportunities and problems (Climate change and energy*, Feb 2025) <https://aninver.com/blog/the-blue-economy-definition-opportunities-and-problems>.

## Displacement on Gujarat- Port Mundra due to port expansion

Mundra is located on Gulf of Kutch, in the state of Gujarat. Kutch region is famous for its rich biodiversity, mangroves, estuaries, coral reefs, seaweeds, fishes and other rare marine species. Mundra is having significant marine ecosystem and natural creek formations along the coast. Many migratory birds make Mundra region as their habitat. The mangrove forest was recognised by as ecologically sensitive area. The coastal soil conservation, breeding of fish and other sea lives are depended on mangroves for their growth. The indigenous local community fishermen depend on the fishing for their livelihood. The traditional occupation such as animal husbandry, agriculture and horticulture was carried out in Mundra region.

During 1994-95 the commercial activities began by Adani group, along with Gujarat Maritime Board in Mundra region. Agreement was signed and it guaranteed development rights over the land. Multi-purpose berths were started to operate and an agreement was also signed with Tata power to produce power for handling coal cargo. The concept of special economic zone was created in the parliament. The special economic zone status has also been granted to Adani port in Mundra coast<sup>4</sup>. It was named as Mundra port and Special Economic Zone Limited (MPSEZL) after merging with Gujarat Adani Port Limited (GAPL) in 2006.

The coastal and marine environment was severely affected because of the commercial activities carried out in that area. The mangroves which is very significant for balancing the ecosystem of the coast and soil preservation in the Mundra area were destroyed since the inception of the industrial activities. The villagers filed petition in high court stating that the expansion of special economic zone was done violating the Coastal Regulation Zone Act 1991 and Forest Conservation Act 1980<sup>5</sup>. The land near to the Mundra Coast was leased to various industrial units and the units failed to get permission or clearance under EIA Notification 2006. The court stated in its judgement clearly to shut down the industrial units near the port. The judiciary also played a vital role in enhancing the environmental protection. The judgment emphasised the strict adherence to the environmental laws, policies, regulations and responsibility of the industrial developers and also the authorities on the other side towards the

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<sup>4</sup> Kanchi Kohli, Vikal Samdariya and Manshi Asher, *Ripping off the Mundra Coast! Environment and Forest Clearance Violations in Mundra Port and Special Economic Zone. Ltd., Projects: A case study* (June 2010) [https://kalpavriksh.org/wp-content/uploads/2020/09/CSO-Case-Study-On-Mundra-Port-and-Special-Economic-Zone\\_CS0\\_June-2010.pdf?srsltid=AfmBOoqO0Ilw70MTOTIkCcYf4zwn4W26mWkzIptfNwveLaXsNWznGSv0](https://kalpavriksh.org/wp-content/uploads/2020/09/CSO-Case-Study-On-Mundra-Port-and-Special-Economic-Zone_CS0_June-2010.pdf?srsltid=AfmBOoqO0Ilw70MTOTIkCcYf4zwn4W26mWkzIptfNwveLaXsNWznGSv0).

<sup>5</sup> Gajubha (Gajendrasinh) Bhimaji Jadeja Vs Union of India through Secretary & ors., [2014] C/WPPIL No. 21 of 2013 (Gujarat High Court 2014).

environment while focussing on development. The port was acquired initially for salt panning and export, but later the port has been expanded. The port is well facilitated for harbouring with less investment; hence it becomes very convenient for the Adani group to expand the port. The port was equipped with oil tankers, automobile export hubs, coal storage. The port expansion process needed the neighbouring land in the port area where the indigenous fishermen are residing. Around fifteen villages had been acquired as a part of development of port. These villages got affected because the expansion, as their traditional fishing activity and other activities such as farming and cattle grazing got affected. The people depend mostly on the wetlands and they were seriously affected as they lost their livelihood. The land near to the port which was allocated to Gram Panchayat which was used by the fishermen community for grazing and agricultural purposes was allotted to Adani Port Special Economic Zone in 2005 by the State Government. The Villagers, belonged to Navinal a village in Kutch district, Gujarat who were being affected by the acquisition of land, filed public interest litigation in Gujarat High Court<sup>6</sup> contended that the concerned land was essential for grazing and that is their basic livelihood and the allocation of the land to special economic zone of Adani port will impact their livelihood badly and also the ecological balance of the village. The principle of natural justice was also violated as the land was acquired without having any public hearing. The state fortified that the allocation was made in the process of implementing the policy to promote economic development. The Adani group answered as they were followed the due process while acquiring the land that the project will give more employment to the local people and also it will foster the economic development of the country. The court in its order emphasised that harmonious balance has to be maintained between development and social and environmental sustainability. The development will not be at the cost of the right to livelihood of local community people. The public consultation which was not given much importance was also notified by the Court as the acquirement depends upon the resources which is common to the local community people also. In consequence the land which was allotted to the Adani group was acquired back by the government. Adani group approached the Supreme Court against the order of the Gujarat High Court<sup>7</sup> as they were not heard before High Court of Gujarat. The supreme court stayed the order of the Gujarat High Court.

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<sup>6</sup> Fakir Mamad Suleman Sameja & Ors.v. State of Gujarat & Ors., C/WPPIL No. 17 of 2011 (Gujarat High Court).

<sup>7</sup> Adani Ports and Special Economic Zone Ltd. v State of Gujarat, WPIL No 17 of 2011 (Gujarat High Court 2024).

The actions were taken by the industrial developers for compensating the community people residing near the port and the offer of employment for the fishing community people in the seaport and airport was all writings in paper. The compensation granted was insufficient. The alternative access given to the fishermen community was not accepted. The fishermen were afraid that the way given may be acquired further for the airstrip, which completely blocks their way. The fishermen are constantly protesting for their rights.

### **Legal Frameworks governing the rights of coastal communities**

The legal frameworks both nationally and internationally govern the coastal area and also the coastal communities from violation of their rights. **Sustainable Development Goal 14 – life below water** clearly speaks about the matters related to ocean, marine resources and coastal communities. **SDG 1** talks about **No poverty** and **SDG 2** speaks about **Zero hunger**. Induced displacement of fishermen because of various reasons threatens their livelihood, disturbs their traditional practices and food security. Through the sustainable development goals the countries are attempting to mitigate the displacement through sustainable management of resources and inclusive development policies.

**United Nations guiding principle on displacement 1998** is the recognised principles adopted to prevent, respond to and resolve internal displacement. The people should not be forcibly displaced without any reason from their home or place of habitual residence. Authorities are under the obligation to provide protection to the people when they are displaced. They must be protected from violence, exploitation and human rights violations. The right to dignity, life, liberty and security of those affected people need not be violated. The state is under the obligation to protect the indigenous people, minorities, peasants and other groups who are having special attachment to their land. After considering all the possible alternatives of displacement and without finding any alternative way if the displacement is being made means, then measures need to be taken to minimise the adverse effects. The security of the person needs to be assured and no one should be subjected to arbitrary arrest. The displaced persons need to be provided with necessary food and water. The rehabilitation and resettlement of the displaced persons need to be facilitated by the authorities<sup>8</sup>.

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<sup>8</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Guiding Principles on Internal Displacement* (Sept. 2004), <https://www.un-documents.net/gpid.htm>.

**United Nations Declaration on the Rights of Indigenous People UNDRIP 2007** provides that the indigenous people have human rights and fundamental freedoms as recognised under UN charter, Universal Declaration of Human Rights and under International human rights law. The people should not be discriminated of any kind particularly based on their identity or origin. The indigenous people having the right to self-determination, they have the right to live in freedom, peace and security. Indigenous persons will not be forcefully removed from their lands. Free consent and arriving to a just and fair compensation are necessitated to displace the indigenous people. They are having their own right to practise their own culture and tradition. Redressal mechanisms and compensations need to be provided by state properly. The people are having the right to dignity. Indigenous people are having their own rights to the lands, territories and resources which they have traditionally owned, occupied or acquired. The indigenous people have the right to own, use, develop and control the lands, territories and resources that they possessed traditionally. Protection of the environment and their land and territories have been guaranteed to the Indigenous people. Human rights and fundamental rights guaranteed under this declaration should be respected<sup>9</sup>.

**Universal Declaration of Human Rights 1948** guarantees right to life, liberty and security to the fishermen, persons should not be subjected to inhuman treatment and torture, and also the freedom of movement and to reside in the place where the people being displaced. The displaced persons have the access to food, housing, medical care and social services.

**The International Covenant on Economic Social and Cultural Rights 1966**, ensures economic, social and cultural rights to the people who are displaced. The people are guaranteed with the right to work that is they can have access of employment opportunities available in the country without discrimination. They have to be provided with the social security measures granted in the country. They have their right to education, good health, medical care and sanitation. The cultural identity of the displaced people needs to be protected. The displaced people need to provide with adequate food, clothing, housing and improved standard of living.

**Coastal Regulation Zone 2011** notification controls the development along the coastline and guaranteeing protection to fishermen and coastal environment. The notification ensures livelihood securities to the fishermen community and other local communities. The protection

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<sup>9</sup> G.A. Res. 61/295, *United Nations Declaration on the Rights of Indigenous Peoples*, UN Doc. A/RES/61/295 (Sept. 13, 2007), <https://www.un-documents.net/a61r295.htm>.

and conservation of coastal areas guaranteed. The notification declares the coastal area as CRZ I, CRZ II, CRZ III and CRZ IV areas to protect and conserve the coastal environment.

The notification also restricts the setting up of any industry and its expansion and manufacture or handling of hazardous substances in the coastal area CRZ I. the area is declared as highly sensitive area and fishing activities can be allowed with restrictions within the High tide line and Low tide line, research and conservation projects can be permitted. New constructions are not allowed in this area. CRZ II have developed towns and municipalities. Buildings can be constructed in the landward side of the coast. Regulated urban development permissible. The measures which are needed to control coastal erosion, land reclamation or disturbing of natural course of water for modernisation of ports, harbours permissible only when they are essential and permitted under notification, setting up of and expansion of fish processing units and warehouse, reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities are regulated. CRZ III are considered as undisturbed zone, it consists of only coastal villages and traditional fishing. Amended notification of 2019 has reduced the non-development zone area, which allows the restricted development. The fishermen are allowed to undertake reconstruction; repair works of dwelling units of local fishing communities. Small scale tourism allowed in this area. The groundwater can be taken only in the areas where local communities are inhabited. The notification guarantees the consultation of the local fishermen community while development projects being carried out and particularly the notification recognises the traditional land of the local community people. Critically vulnerable coastal areas are identified and need to be taken care with the involvement of fishing community people. CRZ IV area is oceanic area, where traditional fishing is allowed, and also dredging and navigation with environmental clearance is permitted.

**The right to fair compensation and transparency in land acquisition rehabilitation and resettlement act 2013** provides that the local community fishermen will be compensated if their lands are acquired for coastal infrastructure development. Section 3 of the act defines the affected fishermen family will be included for asserting compensation even though they are not owning any land. Section 2 of the Act provides that when the Government acquired the land for public private partnership projects and private companies for public purpose then the consent of the affected families should be obtained. Section 16 mandates a census need to be taken regarding the affected families and later rehabilitation and resettlement entitlements of each owner and landless who depended the land for their livelihood need to be drafted by the

administrator. Section 26 speaks about the compensation which will be given would be based on the market value of land and assets, which belonged to the displaced fishermen. Section 30 ensures that compensation will be given with additional solatium to the fishermen who will be displaced. Section 31 deals with the rehabilitation and resettlement award made by the collector for affected families which involves particulars of any fishing rights, amounts to artisans and small traders which includes fishermen and if the affected families need any infrastructural facilities and basic amenities. Section 38 mandates the collector to be responsible to ensure that the rehabilitation and resettlement processes is completed in all aspects before displacing the families. Section 41 provides special provisions for Schedule castes and tribes, traditional communities which includes fishermen that it should be noted that as far as possible their areas would not be taken. Without leaving any other way and if the state is under the pressure to acquire their land, then it is the duty of the state to check they were resettled in same area. The affected people can be given an alternative fishing grounds for their livelihood. If the affected fishermen are relocated outside their district, then they shall be paid an additional twenty five percent of compensation and the rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a onetime settlement of fifty thousand rupees<sup>10</sup>.

### **Conclusion and suggestions**

Development is a condition where it will always go forward and never stay at any point of time. The idea needs to be kept in the mind is how far the future generation can be benefitted with the balance resources after exploitation in the process of development. International and National laws guaranteed the protection of rights of the coastal community who undergoes the induced displacement though the proper implementation and the enforcement mechanism always remain as a question. There exists a conflict between development and community rights always before starting a project or expanding a project. Hence, in port expansion Environment impact assessment can propose alternatives rather than displacing the fishing community people from their traditional lands. Social Impact assessment can also be carried out before initiating a development. The displacement of the coastal community people for port development can be a least measure after thinking of other alternatives. The port developers need to concentrate on the principles laid down in environmental laws before initiating a project. The state can promote developments in a smaller basis rather giving permission to

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<sup>10</sup> *The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act*, Act No. 30 of 2013 (India).

larger ports. The green port initiatives can be implemented and sustainable fishing activities can help less ecological damage and protect livelihoods. Mangroves can be grown and conserved for the marine biodiversity protection. Port designs should be in such a way that it includes climate adaptation strategies such as natural breakwaters and eco-sensitive dredging.

The development - based displacement viz., port development must be addressed through more stringent laws like one of the individuals from the affected coastal family must be employed in the port. The state must take the responsibility of ensuring that the quality education is provided as guaranteed under the constitution. The community participation is just in laws and most of the development projects are started without public hearing, that must be made mandatory in all the development projects and the coastal community people need to be involved while the port expansion occurs in their traditional area affecting their livelihood which emphasize the participatory governance. All the participants of the community including women or other representatives need to be given opportunity to explain their sides. While the process of rehabilitation and resettlement the coastal community people must be involved in decision making so that at least they can express their views regarding their needs. Their rights must be informed to them and the rehabilitation and resettlement awarded to them should not in any way become a problem to them. Development, environment and society need to be considered in a balanced way as such it is a core component of blue economy, hence all the aspects need to be kept in mind. The unjust displacement must be prevented while promoting port development. Laws must be made in such a way that it should be inclusive, transparent and ecologically responsible which harmoniously constructs a balance between economic progress of the country and the welfare of the coastal community people.

## REFERENCES

1. Malcolm.N.Shaw, *International Law*, (7<sup>th</sup> ed., 2014).
2. S. Shanthakumar, *Introduction to Environmental Law*, (2<sup>nd</sup> ed., 2009).
3. S.R. Myneni, *Environmental Law*, (2008).
4. S K Kapoor, *International Law and Human Rights*, (22<sup>nd</sup> ed., 2021).
5. Ashok Brahma, Safeguarding the Rights of Indigenous Peoples in India 24 *IOSR Journal of Humanities and Soc Sci* (2019)
6. Nathan James Bennett, Jesica Blythe, Carole Sandrine White and Cecilia Campero, Blue growth and blue justice: Ten risks and solutions for the ocean economy, 125 *Marine Pol'y* 104387, (2021).
7. Srinivasan Ramani, Development and Displacement: Resentment in the Kutch, 45 *Econ & Pol Wkly*, (February 20, 2010).
8. Kaumudhi Chella, Development – induced Displacement: Legal and Human Rights Perspectives, *Bharathi L Rev.* (Oct-Dec 2013)
9. Benjamin Mackinnon, Mundra SEZ spells displacement for fisherfolk, *Down to Earth*, (March 31, 2007) [https://www.downtoearth.org.in/environment/mundra-sez-spells-displacement-for-fisherfolk-5744?utm\\_source=chatgpt.com](https://www.downtoearth.org.in/environment/mundra-sez-spells-displacement-for-fisherfolk-5744?utm_source=chatgpt.com).
10. Aditi Patil, Adani's Mundra Port in Gujarat gets Government's Nod, Mangroves, Livelihoods at Risk *Land Conflict Watch*, (May 2018) [https://www.landconflictwatch.org/conflicts/kutchi-fishermen-and-farmers-still-suffering-after-adani-s-mundra-port-setup?utm\\_source=chatgpt.com](https://www.landconflictwatch.org/conflicts/kutchi-fishermen-and-farmers-still-suffering-after-adani-s-mundra-port-setup?utm_source=chatgpt.com).
11. Prof Bipin Jojo (ed), Development and Displacement Module 17, *Rural Development, e-PG Pathshala*.
12. *Coastal Regulation Zone Notification*, G.S.R. 37(E) (Ministry of Environment, Forest & Climate Change, Jan. 18, 2019), <https://egazette.nic.in>