

Legal and Institutional Challenges for Ensuring Sustainable Marine Fisheries in India

John J Vachaparambil

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This research-article examines the legal and institutional challenges that hinder India's efforts to ensure sustainable marine fisheries. It highlights the multiplicity of ministries involved, overlapping mandates, conflicting regulations, the absence of a cohesive national framework, and the urgent need for harmonisation and modernisation.

Understanding Fisheries Governance Structures in India

India's fisheries sector is regulated through a wide and fragmented institutional landscape. For instance, fisheries within the territorial sea (up to 12 nautical miles) fall under individual state/UT fisheries departments, each operating under its respective "*Marine Fisheries Regulation Act*" (MFRA).¹ Conversely, the regulation of foreign-flagged fishing vessels fishing within India's maritime zones, as well as fishing by Indian-flagged fishing vessels on the high seas, are governed by Union-level legislation administered by the DoF (MoFAH&D). However, the *export*-dimension of India's fisheries is overseen by the Marine Products Export Development Authority (MPEDA), regulated by the MPEDA Act.² Additionally, registration, certification, and safety of Indian-flagged fishing vessels fall under the Merchant Shipping Act, 2025, administered by the Ministry of Ports, Shipping and Waterways (MoPSW).³

This fragmented and multi-layered legal and institutional arrangement has resulted in complex governance structures, overlapping mandates, regulatory gaps, and inconsistent enforcement. India's legal architecture for fisheries spans numerous central and state instruments—many of which are outdated or insufficient to address the contemporary environmental, technological, and economic challenges.

To understand today's challenges vis-à-vis fisheries, it is necessary to trace the legal architecture. In the pre-Independence era, fisheries in British India were regulated by the *Indian Fisheries Act, 1897*,

¹ KM Rajesh, "Fisheries Legislation in India", CMFRI. https://eprints.cmfri.org.in/9871/1/Rajesh_8.pdf.

² Marine Products Export Development Authority (MPEDA). <https://mpeda.gov.in/>.

³ Part XIII, Merchant Shipping Act, 2025. <https://www.indiacode.nic.in/bitstream/123456789/1562/1/aa1958-44.pdf>.

which included matters such as: (1) prohibiting the use of explosives for fishing, and (2) banning the use of poison, lime, or other noxious substances for catching fish.⁴

Post-Independence, the Constitutional distribution of legislative power shaped fisheries governance. Under Entry 57 of the Union List (Seventh Schedule, Constitution of India), the Union Government has the authority to enact laws relating to fishing and fisheries beyond the territorial sea. Meanwhile, Entry 21 of the State List of the Constitution empowers state governments to legislate on fisheries within the territorial sea (up to 12 nautical miles).⁵

Understanding Fragmentation at the Union Level

Building upon these constitutional provisions, the Government of India (vide its “Allocation of Business Rules, 1961”) assigns distinct responsibilities, wherein the MEA is responsible for “*matters relating to the Law of the Sea, including Indian Territorial Waters, the Contiguous Zone, Continental Shelf, and the Exclusive Economic Zone (EEZ), as well as questions of international law arising on the high seas, including fishery rights*”. Additionally, the MoPSW is tasked with matters relating to the fishing vessel industry.⁶ In contrast, the DoF (MoFAH&D) is responsible for the development of fisheries—both inland and marine—and international cooperation in the fisheries sector.⁷

These allocations make it evident that matters under the Maritime Zones of India Act, 1976 fall under the MEA; regulation of fishing by foreign vessels under the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 falls under the DoF (MoFAH&D); and aspects related to fishing vessels under the Merchant Shipping Act, 2025 fall within the remit of the MoPSW.

Thus, India’s fisheries governance evolved as an administrative patchwork rather than an ecosystem-based regulatory framework. The absence of accountability for sustainability is not incidental—it is structural.

Small wonder, then, that it was only as recently as 04 November 2025 that the Ministry of External Affairs (MEA), Government of India (GoI), through a Gazette Notification (Extraordinary), issued the “*Sustainable Harnessing of Fisheries in the Exclusive Economic Zone Rules, 2025*”. These Rules were issued under the powers conferred upon the Central Government by Section 15(2)(c) of the MZI Act, 1976 (The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act).⁸ The Rules apply to fishing and fishing-related activities within India’s EEZ, including

⁴ Act No. IV of 1897. <https://www.indiacode.nic.in/repealedfileopen?rfilename=A1897-4.pdf>.

⁵ PM Bakshi, *The Constitution of India*, Universal Law Publishing Co., New Delhi.

⁶ Cabinet Secretariat, “The Government of India (Allocation of Business) Rules, 1961”. <https://cabsec.gov.in/allocationofbusinessrules/completeaobrules/>.

⁷ Cabinet Secretariat, “The Government of India (Allocation of Business) Rules, 1961”.

⁸ MZI Act, 1976. <https://www.indiacode.nic.in/bitstream/123456789/1484/2/A1976-80.pdf>.

the exploration, exploitation, conservation, and management of fisheries resources.⁹ This marks the first instance of the MEA notifying fisheries-related Rules— an area governed by the Department of Fisheries (DoF) under the Ministry of Fisheries, Animal Husbandry and Dairying (MoFAH&D). Typically, the DoF formulates national fisheries legislation/regulations/rules applicable within India’s maritime zones (excluding the territorial sea).¹⁰

Table 1 indicates the regulatory contradictions produced by this fragmented statutory authority and is relevant to the Union level.

Table 1. Fragmented Legal and Institutional Structures in Fisheries Governance in India					
Ser	Act/Rule/Regulation/ Guidelines/Policies	Short Form	Current Status	Ministry	Remarks
1	The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976	MZI Act, 1976	In Force	Ministry of External Affairs	Sec 7(4)(a): In the EEZ, the Union has sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, including living resources Sec 15(2)(c): The Central Govt. may, by notification in the Official Gazette, make rules for regulation of the exploration, exploitation, conservation and management of the resources of the EEZ
2	Sustainable Harnessing of Fisheries in the Exclusive Economic Zone (EEZ) of India Rules, 2025	EEZ Rules 2025	In Force	Ministry of External Affairs	Issued under Sec 15(2)(c) of the MZI Act, 1976
3	The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981	MZI Act, 1981	In Force	DoF, MoFAH&D	An Act to provide for the regulation of fishing by foreign vessels in certain maritime zones of India (Sec 2(g): maritime zones of India mean the territorial waters or the EEZ of India

⁹ Ministry of External Affairs, “Notification”, G.S.R. 818(E), 04 November 2025.

https://dof.gov.in/sites/default/files/2025-11/Published_Gazette_Sustainable_Harnessing_of_Fisheries_UNES.pdf.

¹⁰ Department of Fisheries, Ministry of Fisheries, Animal Husbandry and Dairying, “Acts and Rules”.

<https://dof.gov.in/acts-and-rules>.

Ser	Act/Rule/Regulation/ Guidelines/Policies	Short Form	Current Status	Ministry	Remarks
4	The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982 ¹¹	MZI Rules 1982	In Force	DoF, MoFAH&D	Issued under Sec 25 of the MZI Act 1981
5	The Indian Marine Fisheries Bill, 2021 ¹²	-	Draft Bill	DoF, MoFAH&D	<p>This Act may be called the Indian Marine Fisheries Act, 2021 – <i>to promote the livelihood and socio-economic well-being of traditional and small-scale fishers, to provide for the sustainable development of fisheries resources in the EEZ of India and to ensure responsible harnessing of fisheries in the high seas by the Indian fishing vessels</i></p> <p>Applies to fishing and fishing related activities (i) by Indian fishing vessels in the EEZ and in the high seas, and (ii) by foreign fishing vessels in the maritime zones of India (TS and EEZ)</p> <p>Would repeal the MZI Act 1981 upon entry into force</p>
6	Guidelines for Regulation of Fishing by Indian Flagged Fishing Vessels in the High Seas, 2022 ¹³	-	Draft Guidelines	DoF, MoFAH&D	Promulgated under Art 73 of the Constitution of India
7	Guidelines for Sustainable Harnessing in the High Seas by Indian Flagged Fishing Vessels, 2025 ¹⁴	-	Draft Guidelines	DoF, MoFAH&D	Promulgated under Art 73 of the Constitution of India

¹¹ The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982. https://www.icsf.net/wp-content/uploads/1982/08/9_maritime_zones_of_india_rules_1982.pdf.

¹² The Indian Marine Fisheries Bill, 2021. https://dof.gov.in/sites/default/files/2021-10/Draft_Indian_Marine_Fisheries_Bill_2021.pdf.

¹³ Department of Fisheries, MoFAH&D, “Guidelines for Regulation of Fishing by Indian Flagged Fishing Vessels in the High Seas, 2022”. https://dof.gov.in/sites/default/files/2022-08/Draft_GUIDELINES_on_High_Sea_Fishing_2022_0.pdf.

¹⁴ Department of Fisheries, MoFAH&D, “Guidelines for Sustainable Harnessing in the High Seas by Indian Flagged Fishing Vessels, 2025”. https://dof.gov.in/sites/default/files/2025-07/V_21_Draft_Guidelines_for_High_Seas_dated_FINAL.pdf.

Ser	Act/Rule/Regulation/ Guidelines/Policies	Short Form	Current Status	Ministry	Remarks
8	National Policy on Marine Fisheries 2017 ¹⁵	NPMF 2017	In Force	DoF, MoFAH&D	Aims to ensure the health and ecological integrity of the marine living resources of India's EEZ through sustainable harvests of the benefit of present and future generations of the nation
9	Marine Products Export Development Authority Act, 1972 ¹⁶	MPEDA Act 1972	In Force	MPEDA	An Act to provide for the establishment of an Authority for the development of the marine products industry under the control of the Union
10	The Merchant Shipping Act, 2025 ¹⁷	MS Act 2025	In Force (Recent amendment to 1958 Act)	MoPSW	Part XIII – Sailing, Fishing and other Vessels
11	The Merchant Shipping (Registration of Indian Fishing Boats) Amendment Rules, 2009 ¹⁸	MS Rules 2009	In Force (Amendment to 1988 Rules)	MoPSW	Under Section 435-U of the Merchant Shipping Act 1958
12	The Coast Guard Act, 1978	CG Act 1978	In Force	MoD	Sec 14(2)(b): providing protection to fishermen including assistance to them at sea while in distress
Source: Compiled by the Author					

These fragmented structures at the national level thereafter lead to complicated governance structures at the state level as well, generating numerous loopholes, and inefficient application and implementation, thereby adversely impacting sustainability. **Table 2** highlights the numerous marine fisheries legislations and regulations of coastal states and UTs of India, which taken in aggregate, add to the issue of fragmentation.

Table 2: MFRAs of States/UTs of India		
Ser	Act/Rule/Regulation	Remarks
1	The Andaman and Nicobar Islands Marine Fishing Regulation, 2003 ¹⁹	-
Ser	Act/Rule/Regulation	Remarks

¹⁵ National Policy on Marine Fisheries, 2017. <https://faolex.fao.org/docs/pdf/ind177473.pdf>.

¹⁶ The Marine Products Export Development Authority Act, 1972. <https://www.indiacode.nic.in/bitstream/123456789/1665/7/A1972-13.pdf>.

¹⁷ Part XIII, Merchant Shipping Act, 2025.

¹⁸ Ministry of Shipping, GoI, Notification, 24 June 2009. https://sagarmala.gov.in/sites/default/files/98513991-Indianfishingvessels_0.pdf.

Also See: Merchant Shipping (Registration of Indian Fishing Boats) Rules, 1988. https://www.dgshipping.gov.in/WriteReadData/userfiles/file/ms_rules_fishingboats1988_260212.pdf.

¹⁹ Ministry of Law and Justice, "The Andaman and Nicobar Islands Marine Fishing Regulation, 2003". <https://thc.nic.in/Central%20Governmental%20Regulations/Andaman%20&%20Nicobar%20Islands%20Marine%20Fishing%20Regulation%202003.pdf>.

Ser	Act/Rule/Regulation	Remarks
2	The Andhra Pradesh Marine Fishing (Regulation) Act, 1995 ²⁰	-
3	The Goa, Daman and Diu Marine Fisheries Regulation (Amendment) Act, 1989 ²¹	Amendment to the Act of 1980
4	The Goa, Daman and Diu Marine Fisheries Regulation Rules, 1982	-
5	The Gujarat Fisheries (Amendment) Act, 2020 ²²	Amendment to Gujarat Fisheries Act, 2003
6	The Gujarat Fisheries Rules 2003 ²³	Formulated under Fisheries Act 2003
7	The Karnataka Marine Fishing (Regulation) Act, 1986 ²⁴	Came into force on 18 August 1986
8	The Kerala Marine Fishing Regulation Act, 1980 ²⁵	-
9	The Lakshadweep Marine Fishing Regulation, 2000 ²⁶	Came into force in 2002
10	The Maharashtra Marine Fishing Regulation Act, 1981 ²⁷	-
11	The Orissa Marine Fishing Regulation Act, 1981 ²⁸	-
12	The Tamil Nadu Fishing Regulation Act, 1983 ²⁹	-
13	The West Bengal Marine Fishing Regulation Act, 1993 ³⁰	-

Source: Compiled by the Author

Such regulatory heterogeneity produces non-harmonised enforcement, fishing gear conflicts, seasonal ban disputes, and cross-boundary IUU fishing — disproportionately affecting small-scale fishers.

²⁰ The Andhra Pradesh Marine Fishing (Regulation) Act, 1995. <https://fisheries.ap.gov.in/acts-rules/APMFR%20ACT%201995.pdf>.

²¹ The Goa, Daman and Diu Marine Fishing Regulation Act, 1980 and Rules, 1982. https://www.indiacode.nic.in/bitstream/123456789/11676/1/the_goa%2C_daman_and_diu_marine_fishing_regulation_act%2C_1980.pdf.

²² Gujarat Government Gazette, “Gujarat Act No. 10 of 2020”. <https://cof.gujarat.gov.in/ViewFile?fileName=8VQmvd25XYWTZt88REXgQm6vV7RnzALSjkjXf3tYZ1FHxz7oYmDhICelWmdgsQFPhuwLm%E2%9C%BF13zZU6C3B%E2%9C%A4TUy34Yzhbr2xFTII2sAkPsGIWaaAR9hkNtOYnTCHL2N%E2%9C%A4kXciP9YMZT%E2%9C%A4PCOGrRmV5QPYug%E2%99%AC%E2%99%AC>.

²³ Ports and Fisheries Department, “Notification”, <https://cof.gujarat.gov.in/ViewFile?fileName=8VQmvd25XYWTZt88REXgQm6vV7RnzALSjkjXf3tYZ1GGM3ga788QevyK7wfjEzqOigDiFUHOQPZDTxci8Klhtgg2LxO4QZcbVTFhXmynptoci5brJ0cSyjz%E2%9C%BFE04rQSuEviNT%E2%9C%A4YkO9PsD2Tp1%E2%9C%A42dTW%E2%99%AC%E2%99%AC>.

²⁴ The Karnataka Marine Fishing (Regulation) Act, 1986. <https://www.indiacode.nic.in/bitstream/123456789/7206/1/24%20of%201986%20%28E%29.pdf>.

²⁵ Government of Kerala, “The Kerala Marine Fishing Regulation Act, 1980”. https://fisheries.kerala.gov.in/sites/default/files/inline-files/The%20Kerala%20Marine%20Fishing%20Regulation%20Act%20and%20Rules_1.pdf.

²⁶ The Lakshadweep Gazette, “The Lakshadweep Marine Fishing Regulation, 2000”, 28 November 2000. https://www.icsf.net/wp-content/uploads/2000/11/57_lakshadweeps_marine_fishing_regulation_2000.pdf.

²⁷ The Maharashtra Marine Fishing Regulation Act, 1981. https://www.indiacode.nic.in/bitstream/123456789/16710/3/the_maharashtra_marine_fishing_.pdf.

²⁸ The Odisha Gazette, “The Orissa Marine Fishing Regulation Act, 1981”, 26 June 1982. https://www.indiacode.nic.in/bitstream/123456789/14726/1/the_orissa_marine_fishing_regulation_act_1981.pdf.

²⁹ The Tamil Nadu Fishing Regulation Act, 1983. https://www.indiacode.nic.in/bitstream/123456789/13160/1/the_tamil_nadu_marine_fishing_regulation_act_1983.pdf.

³⁰ Government of West Bengal, “The West Bengal Marine Fishing Regulation Act, 1993”, West Bengal Act IX of 1993. <https://www.indiacode.nic.in/bitstream/123456789/14499/1/1993-9.pdf>.

International Fragmentation and Impact on Sustainability

Fragmentation extends beyond domestic law into treaty decision-making, weakening India's ability to comply with global standards on sustainability and IUU fishing. While India is a party to the United Nations Convention on the Law of the Sea (UNCLOS), 1982 and the UN Fish Stocks Agreement (UNFSA), 1995 (an implementing agreement under the 1982 Convention), it is the Ministry of External Affairs which takes decisions regarding India's stance on matters arising from the application of the provisions of the UNCLOS 1982.

However, when it comes to conventions under the UN Food and Agriculture Organisation (FAO), and their application, it is the DoF (MoFAH&D) which decides India's stance, including ratification or accession to specific legal instruments such as the Port State Measures Agreement (PSMA), 2009. Notably, India has not acceded to the PSMA, 2009.

Additionally, the MoPSW—specifically the DG Shipping—looks into the implementation of the conventions and regulations under the International Maritime Organisation (IMO) in India. This also impacts India's decision to ratify or accede-to specific conventions under the IMO, including the STCW-F (International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel) of 1995,³¹ and the Cape Town Agreement (CTA) of 2012 (on safety of fishing vessels).³² This further exacerbates safety issues aboard Indian-flagged fishing vessels, leading to loss of life at sea or an increase in SAR Ops.³³

This lack of a unified treaty-making / ratifying authority significantly undermines India's credibility and weakens its response to IUU fishing.

Rules Overlapping with Existing Provisions of Law

As shown in **Table 3**, key provisions of the 2025 Rules overlap with existing legislation and create loopholes that facilitate IUU fishing and impact sustainability.

³¹ India has only signed the STCW-F, 1995.

³² India has not ratified the CTA 2012.

³³ Indian Coast Guard, "Search and Rescue Incidents". <https://indiancoastguard.gov.in/search-and-rescue-incidents>.

Ser	Theme	EEZ Rules 2025	Overlapping Mandate under Existing Law/Rule	Loopholes
1	Bycatch of protected species	Rule 2(f): ‘fish’ means finfish, molluscs, crustaceans, and all other forms of marine animals and plants excluding marine mammals, reptiles, and seabirds	Section 2(b), MZI Act, 1981: ‘fish’ means any aquatic animal, whether piscine or not, and includes shellfish, crustacean, molluscs, turtle, aquatic mammal, <i>holothurians</i> , coelenterates, seaweed, coral, and any other aquatic life	The exemptions under the EEZ Rules could lead to ‘fishing’ of protected species of marine mammals, or landing of bycatch at harbours (similar to definition in Section 3(d), Indian Marine Fisheries Bill, 2021)
2	Contradictory Rules regarding use of artificial lights	Rule 2(g): ‘fishing’ means searching for, trailing, pursuing, attracting , catching, taking, or harvesting fish by any method	Section 2(c), MZI Act, 1981: ‘fishing’ means catching taking, killing, attracting or pursuing fish by any method	<ul style="list-style-type: none"> •Section 3(g), Indian Marine Fisheries Bill, 2021: ‘fishing’ means searching for or trailing or pursuing fish, catching or taking or harvesting fish by any method (<i>attracting fish</i> is excluded). •Rule 14(b), EEZ Rules, 2025: The Central Government shall regulate, restrict, and prohibit in the EEZ <i>use or installation or operation of surface or submerged artificial lights or LED lights, fish light attractors or any other light equipment with or without generator on mechanised fishing vessel or motorised fishing craft for trawling, purse-seining, and gill netting operations</i> (also prohibited under Section 13 of the Indian Marine Fisheries Bill, 2021)
3	Contradictory Rules regarding the term motorised fishing vessel	Rule 2(l): ‘motorised fishing vessel’ means a fishing vessel with an engine, fitted inside or outside, used solely for propulsion and not for fishing operations	Section 3(s), Indian Marine Fisheries Bill, 2021: ‘motorised fishing vessel’ means any fishing vessel that has an inboard engine fitted to the hull or outboard engine fitted temporarily outside the craft, used for propulsion	<ul style="list-style-type: none"> •While the new EEZ Rules refer to the term ‘motorised fishing vessel’, the use of ‘not for fishing operations’ could mean other vessels such as refrigerated ships. This exclusion could also lead to IUU fishing. •Rule 3 specifically mentions that the EEZ Rules also apply to motorised fishing vessels exclusively engaged in fishing of tuna and tuna like species

Ser	Theme	EEZ Rules 2025	Overlapping Mandate under Existing Law/Rule	Loopholes
4	Reference to an old legislation	Rule 2(o): ‘Registrar of the fishing vessel’ means the Registrar appointed under Section 435E of the Merchant Shipping Act, 1958	-	Part XVA of the MS Act 1958 has been amended and incorporated in Part XIII, MS Act 2025. The same applies to other Rules that refer to the MS Act, 1958
5	Numerous regimes for fishing within India’s EEZ	Rule 3: All motorised fishing vessels having overall length of 24 metres and above, and mechanised fishing vessels shall have an access pass to operate in the EEZ, including motorised fishing vessels exclusively engaged in fishing of tuna and tuna like species	Section 4, MZI Act, 1981: The owner of a foreign vessel or any other person who intends to use such vessel for fishing within any maritime zone of India, shall apply for a license Section 5, MZI Act, 1981: Every Indian citizen and every person who intends to use any foreign vessel for fishing within any maritime zone of India, shall apply for a permit	<ul style="list-style-type: none"> •The EEZ Rules 2025 do not specify whether the Rules apply solely to Indian-flagged fishing vessels or foreign-flagged fishing vessels, or both. There is a possibility for an owner of a foreign-flagged fishing vessel to obtain a license under the MZI Act, 1981 and undertake fishing operations within India’s EEZ (Rule 2(i) of EEZ Rules 2025: ‘fishing vessel’ means a ship or a boat which is exclusively engaged in sea-fishing for profit). •Tuna and tuna like species are considered to be highly migratory species and are listed in Annex I of the UNCLOS 1981 (Art 64), requiring special conservation measures including those under the IOTC. •Moreover, as per Rule 3, a motorised fishing vessel of less than 24 metres in length do not require an access pass if the vessel does not fish for tuna and tuna like species •Additionally, sea safety requirements for fishing vessels within India’s EEZ are provided in MS Rules 1988 (amended to Rules, 2009). •Under the Indian Marine Fisheries Bill, 2021, a license is required for fishing within India’s EEZ
6	Typo	Rule 7: Inspection and enforcement	-	Typo: should be ‘and enforcement’

Ser	Theme	EEZ Rules 2025	Overlapping Mandate under Existing Law/Rule	Loopholes
7	Similar Rules under different legislations	Rule 8(1): The Central Government, in consultation with scientific institutions, coastal states, fishers and their associations shall specify fisheries management plans	Section 6(1), Indian Marine Fisheries Bill, 2021: The Central Government may, after consultation with the State Governments, prepare and notify one or more Marine Fisheries Management Plans in accordance with the National Policy on Marine Fisheries (r/w Sec 4)	The provision of the draft law has similar criteria for creating the management plans
8	National Plan of Action on IUU Fishing (IUUF)	Rule 15: The Central Government shall issue a National Plan of Action to prevent, deter, and eliminate IUU Fishing	Section 9, Indian Marine Fisheries Bill, 2021: The Central Government shall, after consultation with the state governments, notify a National Plan of Action based on the FAO's IPOA-IUU (International Plan of Action to Prevent, Deter and Eliminate IUU Fishing)	While IUU fishing is a non-traditional maritime security threat for India, there is no 'National Plan of Action' to prevent, deter, and eliminate IUU F). In sharp contrast, several countries including Bangladesh, have such a national plan of action on IUUF
9	Compliance issues under RFMOs	Rule 16: The fishing and fishing-related activities shall be in compliance with relevant conservation and management measures of the concerned RFMO to which India is a party	-	India is only party to three RFMOs: (1) APFIC, 1948; (2) NACA, 1988; and (3) IOTC, 1993 Some Indian-flagged fishing vessels are already listed for illegal fishing by the IOTC in its IUU Vessel List
Source. Compiled by the Author				

The provisions of the new EEZ Rules highlight governance flaws and transparency issues at the national level. The fragmentation would have further implications on small-scale fishers who have to comply with the state-level laws within the territorial sea (12 nautical miles), and national laws, regulations, rules beyond the territorial sea.

Impact of Fragmentation on India's Marine Fisheries Sector

India's marine fisheries sector is a vital part of the nation's economy and food security. India is the third-largest producer of fish globally, with production reaching approximately 4.49 million tonnes in 2023-24. The sector supports an estimated 16-28 million livelihoods across fishing, processing, and marketing, with marine products exports valued at over INR 60,000 crore (around US\$ 7.3 billion) in 2023-24.

Despite this huge economic significance, the sector faces substantial legal and institutional challenges in ensuring sustainable marine fisheries. The UN's "Sustainable Development Report 2025" notes a moderate improvement in India's SDG 14 Index but emphasises persistent problems such as poor ocean health and limited protection of marine ecosystems.³⁴ Further, India's overall IUU Fishing Risk Index score of 2.99 (where 1 is best and 5 worst) underscores the infirmities in regulatory enforcement.³⁵

These challenges are reflected domestically in the growing incidence of illegal fishing, including frequent transgressions by fishermen across coastal state boundaries and violations of seasonal fishing bans. For instance, in 2023, the Porbandar Wildlife Division and the Indian Coast Guard arrested 10 fishermen from Tamil Nadu for killing 22 common dolphin, a species listed in Schedule 2 of the Wildlife Protection Act, 1972.³⁶ More recently, the owners of two Kerala-based fishing vessels were summoned before the Joint Director of Fisheries, Tamil Nadu, for violating the ongoing fishing ban along the east coast.³⁷

In the IOR, climate-change-induced shifts in fish stocks have contributed to Indian fishers crossing international maritime boundaries, resulting in rising cases of detention and imprisonment abroad. In 2024, the total number of Tamil Nadu fishermen arrested, and boats confiscated by the Sri Lankan Navy were estimated to be around 526 fishermen from a total of 72 boats.³⁸

These outcomes are the consequence of the institutional fragmentation traced across central, state, and international legal regimes.

Recommendation and Conclusion

India's legal and institutional architecture governing marine fisheries has evolved incrementally, driven by sectoral mandates rather than ecosystem-based principles. The result is a policy environment in which maritime jurisdiction, vessel registration, sustainability mandates, export regulations, and international treaty compliance sit within separate ministerial silos. The unexpected issuance of the *Sustainable Harnessing of Fisheries in the Exclusive Economic Zone Rules*,

³⁴ UN Sustainable Development Report, 2025, "Part 2 – The SDG Index and Dashboards".

<https://s3.amazonaws.com/sustainabledevelopment.report/2025/part-2.pdf>.

³⁵ IUU Fishing Risk Index, "India". <https://iuufishingindex.net/profile/india>.

³⁶ Express News Service, "10 fishermen on Tamil Nadu trawler held in Gujarat for hunting dolphins", *The Indian Express*, 16 March 2023. <https://indianexpress.com/article/cities/rajkot/10-fishermen-on-tamil-nadu-trawler-held-in-gujarat-for-hunting-dolphins-8501564/>.

³⁷ India News Newsdesk, "Kerala fishermen violate fishing ban, boat owners summoned", *Australia India News*, 18 May 2025. <https://indianews.com.au/kerala-fishermen-violate-tn-fishing-ban-boat-owners-summoned/>.

Also See: Times of India, "Maha fishermen's method destroying marine wealth", 16 Feb 2024.

<https://timesofindia.indiatimes.com/city/rajkot/depletion-of-marine-wealth-concerns-over-maha-fishermens-unethical-line-fishing-in-gujarat-waters/articleshow/107738704.cms>.

³⁸ Ministry of External Affairs, GoI, "Question No-1026 Tamil Nadu Fishermen Arrested by Sri Lankan Navy".

[https://www.mea.gov.in/lok-](https://www.mea.gov.in/lok-sabha.htm?dtl/39863/QUESTION_NO_1026_TAMIL_NADU_FISHERMEN_ARRESTED_BY_SRI_LANKAN_NAVY#:~:text=(d)%20As%20of%2015%20July,and%20welfare%20of%20Indian%20fishermen.)

[sabha.htm?dtl/39863/QUESTION_NO_1026_TAMIL_NADU_FISHERMEN_ARRESTED_BY_SRI_LANKAN_NAVY#:~:text=\(d\)%20As%20of%2015%20July,and%20welfare%20of%20Indian%20fishermen.](https://www.mea.gov.in/lok-sabha.htm?dtl/39863/QUESTION_NO_1026_TAMIL_NADU_FISHERMEN_ARRESTED_BY_SRI_LANKAN_NAVY#:~:text=(d)%20As%20of%2015%20July,and%20welfare%20of%20Indian%20fishermen.)

2025 by the Ministry of External Affairs—traditionally a matter lying outside the ministry’s operational domain—has exposed these structural fissures. The Rules do not merely represent regulatory innovation; they exemplify how fragmented authority generates contradictory definitions, parallel licensing pathways, and loopholes that can be exploited by IUU actors.

At the Union level, overlapping statutes—from the MZI Act framework to the Merchant Shipping regime, MPEDA Act, and sectoral guidelines—have produced layers of regulation that lack coherence. At the State/UT level, disparate MFRAs create inconsistent enforcement, gear conflicts, and cross-boundary violations. Internationally, the absence of a single institutional voice on fisheries-related treaty obligations undermines India’s credibility in multilateral fora and limits its ability to meet contemporary conservation standards. The fragmentation is therefore not only administrative; it has tangible consequences for ecological sustainability, fisher livelihoods, maritime security, and India’s standing in global fisheries governance.

Given the strategic and socio-economic importance of marine fisheries, continuing with this patchwork approach carries significant risks. Climate-driven migration of fish stocks, the increasing mobility of fishing fleets, and the transboundary nature of marine ecosystems demand a governance model capable of integrating science, compliance, and livelihoods. India requires a “***National Marine Fisheries Code***” that consolidates marine fisheries legislation across Union and State jurisdictions and clarifies institutional responsibilities. Such a framework must embed sustainability as a legal obligation, harmonise licensing norms, eliminate definitional inconsistencies, streamline IUU enforcement, and align domestic law with relevant regional fisheries management organisations and global instruments.

Critically, a unified code cannot be formulated through ministerial fiat or bureaucratic inertia. It must be shaped through meaningful participation from coastal states, scientific bodies, maritime agencies, export authorities, and—above all—fishing communities whose lived experiences define the sector’s vulnerabilities. Only through stakeholder-led consolidation can India transition from a fragmented regulatory landscape to a coherent governance framework capable of sustaining marine resources for current and future generations.

About the Author

Mr John J Vachaparambil is an Associate Fellow at the National Maritime Foundation and meaningfully contributes to the Foundation’s ‘Public International Maritime Law’ (PIML) cluster. His current research focuses on the legal aspects of IUU fishing and the conservation of the marine biological diversity of areas beyond national jurisdiction (BBNJ). He can be reached at law5.nmf@gmail.com