



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ORIGINAL JURISDICTION

SPECIAL LEAVE PETITION (C) NO. 8442 OF 2021

FISHERMAN CARE

...PETITIONER (S)

VERSUS

THE GOVERNMENT OF INDIA DEPARTMENT OF
ANIMAL HUSBANDRY, DAIRYING AND FISHERIES
REP. BY ITS SECRETARY AND ORS.

...RESPONDENT(S)

WITH

WRIT PETITION (C) NO. 262 OF 2022

GNANASEKAR AND ORS.

...PETITIONER(S)

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENT(S)

J U D G M E N T

I.A. No. 190882/2024 in Writ Petition (C) No. 262 of 2022

1. The issue under consideration relates to the right of fishermen using *purse seine nets* to access the Exclusive Economic Zones [“EEZ”] beyond the territorial waters of the State of Tamil Nadu. By this judgment and order, we are disposing of the I.A. No. 190882/2024 in Writ Petition (C) No. 262 of 2022. We are of the opinion that this judgment sufficiently

encompasses the batch of the Special Leave Petition as well as the Writ Petitions pending before this Court¹.

2. The short facts necessary for our determination are as follows. In 1983, the State of Tamil Nadu exercising its legislative mandate under List II Entry 21 of the Seventh Schedule of the Constitution of India enacted the Tamil Nadu Marine Fishing Regulation Act, 1983 [“1983 Act”]. Provisions of this Act that are relevant for our purpose are; Section 3(k) defining “specified area” as an area in the sea along the coastline of the State, but not beyond territorial waters, Section 5 empowering the State Government to issue notifications to regulate, restrict, or prohibit fishing activities in the specified area and Section 7 requiring the owner of any fishing vessel to apply to an authorized officer for a license to fish in specified area.

3. In exercise of the powers under the Act, State of Tamil Nadu issued G.O. MS No. 40 dated 25.03.2000 (hereinafter referred to as the impugned G.O) through the Department of Animal Husbandry, Dairying and Fisheries prohibiting fishing using *purse seine nets* within the territorial waters for the purposes of conservation of juvenile fishing stock. The impugned G.O. reads as follows:

***“PROHIBITION OF FISHING BY PAIR TRAWLING OR
FISHING WITH PURSE-SEINE NETS IN THE ENTIRE***

¹ SLP (C) No. 8442/2021, W.P. (C) Nos. 262/2022, 710/2022, 1039/2022 and 549/2023.

**COASTAL AREAS OF TAMIL NADU UNDER TAMIL NADU
MARINE FISHING REGULATION ACT, 1983**

No. II(2)/AHFI/396/2000-In exercise of the powers conferred by clause (a) of sub-section (1) of section 5 of the Tamil Nadu Marine Fishing Regulation Act, 1983 (Tamil Nadu Act 8 of 1983), the Governor of Tamil Nadu hereby prohibits fishing by Pair Trawling or fishing with Purse-Seine nets by any fishing vessel/Craft, whether country craft or mechanised boat, irrespective of their size, and power of the engine, in the entire coastal areas of Tamil Nadu in the territorial waters, as a measure to conserve the fishery.

2. The order shall come into effect on and from 25th March 2000.”

4. To enforce the mandate of the GO authoritatively, State of Tamil Nadu also issued the Tamil Nadu Marine Fishing Regulation Rules, 2020 [“Marine Fishing Regulation Rules, 2020”]. Rules 15 and 17 of the Marine Fishing Regulation Rules, 2020, regulating fishing within the territorial waters and use of gear, to the extent they are relevant for our purpose, are extracted herein for ready reference:

“Rule 15 – Regulation In Specified Area

.....

(5) When a mechanised fishing vessel or deep-sea fishing vessel is taken out from a notified place of berthing or anchoring, it shall follow a specified channel marked by the authorized officer having jurisdiction in the sea up to five or twelve nautical miles limit as the case may be and then proceed to the fishing grounds;

Provided that the passing of such mechanised fishing vessel or deep-sea fishing vessel is taken through the specified channel shall not in any manner cause any damage to any fishing gear belonging to any person who engages in fishing in the specified area by using any country craft and motorized country craft.

(6) *The owner of a country craft and motorized country craft shall not use his gear in the channel earmarked as the passage for mechanised fishing vessel or deep-sea fishing vessel.”*

“Rule 17 – Regulation on use of gear

.....

(7) *No owner or master of any fishing vessel shall carry on fishing by pair trawling or fishing with purse-seine net using any fishing vessel or craft whether country craft or mechanized boat irrespective of their size and power of the engine in the entire coastal area of the State.”*

5. The grievance of the applicants is that the State of Tamil Nadu is invoking Marine Fishing Regulation Rules, 2020 to prevent them from even carrying these *purse seine nets* to the EEZ for fishing beyond 12 nautical miles which is outside the realm of the State’s regulation.

5.1 *Per Contra*, the State of Tamil Nadu submits that as per Rule 17(7), even carrying *purse seine nets* in a fishing vessel is a violation of the ban. Moreover, fishing entities could use their vessels with *purse seine nets* in the territorial waters itself while proceeding to the EEZ. The concern of the State is that under the guise of fishing in the EEZ, the applicants could employ *purse seine nets* within 12 nautical miles, and it is difficult for the State to regulate such activities despite the clear prohibition under Rule 17(7).

6. The ban imposed by the impugned GO was the subject matter of litigation before the Madras High Court. By the judgment and order dated 20.04.2021, the High Court dismissed the Writ Petition challenging the said GO. The petitioners therein filed a Special Leave Petition against the

said order and during the pendency of the Special Leave Petition², the applicants also filed a Writ Petition under Article 32 of the Constitution of India seeking permission to undertake fishing with *purse seine nets* beyond territorial waters of the State of Tamil Nadu.

7. Given that the Writ Petitioner's prayer involved fishing beyond the territorial waters, this Court vide its order dated 24.08.2022 had directed the Union of India to constitute an Expert Committee to submit a detailed report after examining the use of *purse seine nets* undertaken by fishermen of different maritime States and Union Territories within a period of 3 months. The terms of reference of the Expert Committee included assessing the impact of *purse seine nets* on fish population in the EEZ, addressing grievances of various stakeholders and bringing about a national consensus on use of *purse seine* fishing in the EEZ.

8. Pursuant to the above directions, the Expert Committee submitted an interim report on 15.11.2022 making the following suggestions;

"1. Given the facts elaborated above, a ban on purse seine fishing is not justified, and may be allowed (in the TW and EEZ of India) subject to conditions as below.

2. The state government may devise an access plan (spatial as well as temporal) restricted to a specified fishing window every year depending on best scientific advice at the state's disposal from time to time without violating the seasonal fishing ban and other existing fishing regulations. This arrangement may be reviewed periodically for its impact through scientific studies.

² Special Leave Petition No. 8442 of 2021.

3. The Government of India may devise and implement a comprehensive seine fishery management plan for areas beyond territorial waters.

4. The government may regulate the fishing capacity of the purse seine fishery through standardizing/specifying the boat size/engine power/gear size and mesh size for catching specific resources or for operation in specific zones. The Government may also devise mechanisms to prevent practices like registering units that operate purse seines under other gear categories to circumvent regulations.

5. The Government may work on mechanisms to implement a catch declaration system on a pilot scale for the purse seine fishery.

6. The above measures specific to the purse seine fishery may be supplemented by other overarching fishery management measures such as preventing accelerate capture of juveniles through mesh size regulation and notifying minimum legal size (MLS) for major targeted species, installation of vessel monitoring details system (VMS), and guidelines for vessel construction and adoption of sea safety measure.”

9. A broad overview of these recommendations indicates that *purse seine nets* do not cause any major environmental harm in the maritime zones on population of fishing stocks. While an outright blanket ban is not suggested, the Expert Committee’s view was that there must be effective regulation on the use of these nets.

10. Taking note of the limited relief sought by the applicants, i.e. to transit through Tamil Nadu’s territorial waters to fish in the EEZ, this Court by order dated 24.01.2023 made an interim arrangement to the following effect;

“13. After hearing both sides at some length, we are of a prima facie opinion, that interest of all parties need to be protected. Hence, we propose to pass a restricted interim order, allowing the

Purse Seine Fishing beyond the territorial waters of Tamil Nadu, but within the Exclusive Economic Zone, with certain conditions. These conditions are as follows:

- i) Only registered fishing vessel, as on date, will be given permission i.e. a fishing vessel registered under Section 11 of the Marine Products Export Development Authority Act, 1972 (Central Act 13 of 1972) as well as registered with the State Government under its Rules or Regulations, presently in force in the State of Tamil Nadu.*
- ii) The Fisheries Department will give permission to such boats only, which are installed with an approved Vessel Tracking System (VTS), which shall be kept running during the operating time of vessels.*
- iii) These vessels will be allowed to operate only twice a week i.e. on Monday and Thursday of each week with the other restrictions of non-fishing period applying as is applicable to all other fishing activity.*
- iv) The vessels which will be given this permission shall leave the coastline on or after 8 AM and shall return to the designated place positively by 6 PM on the same day.*
- v) It shall be mandatory for all the sailors to keep their biometric card/photo ID with them.*
- vi) It shall be mandatory to provide the code of the VTS to the Fisheries Department, Marine Police, Coast Guard and the Indian Navy.*
- vii) Fisheries Department of the State shall also give a colour code to these Purse Seine Fishing Boats for the above purposes.*
- viii) The Registration Number of these vessels shall be prominently displayed on the boat. In order to ensure that the vessels have fished only outside the territorial waters of the State, the tracking data of each vessel for each of its trips shall be submitted the same day to the concerned Assistant Commissioner, Fisheries, or such other designated officer, after the vessels reach ashore.*
- ix) These boats shall be allowed to land/dock only at one or more than one designated centre, which will be earmarked by the Fisheries Department.*
- x) The State Fisheries Department shall display on its website the permission granted by it for this kind of fishing i.e. Purse*

Seine Fishing to such individuals/companies as the case might be and the registration number of each of the vessels.”

11. Almost a year after the above-referred interim order, Union of India placed on record the final report of the Expert Committee on 31.05.2024. In the final report, the Expert Committee analysed the technical characteristics of the usage of *purse seine nets* in India along with sustainability concerns of overfishing. It also examined State-Wise guidelines regulating *purse seine nets* as well as stakeholders’ concerns regarding the asymmetric regulatory regimes across different States. While balancing the economic interests of *purse seine net* users with environmental sustainability, the Expert Committee recommended:

- a) For innocent passage of vessels which intend to fish in the EEZ through the territorial waters regulated by the State, special annual permits may be issued by Tamil Nadu Fishing authorities based on specified criteria such as the optimum fishing fleet for different vessel categories and the age of the vessel. The State may also provide designated landing centres and harbours for docking such permitted fishing vessels.
- b) For fisheries management in the State of Tamil Nadu guidelines have been issued which contain spatial, temporal

and technical regulations regarding the use of these nets depending on the territorial zone of fishing.

c) Introduction and enforcement of a Vehicle Monitoring System (VMS) and a Distress Alert Transmitter by the State to ensure the safety of fishing vessels. This system shall also consist of a mandatory catch reporting log to keep track of criteria like area of operation, number of fishing days and amount of fish stock caught by each authorised vessel. This data will facilitate the State to conduct a proper assessment of fish stock and appropriately make regulations in a scientific manner.

d) Union of India to establish a nodal agency for implementation of a National Permit System for fishing vessels using *purse seine nets* on a centralised platform for smooth registration licensing and other operational formalities to fish in the EEZ.

12. Following the final recommendations of the Expert Committee, in exercise of its power under Section 7(1) of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, Union of India framed and notified the Sustainable Harnessing of Fisheries in the Exclusive Economic Zone Rules, 2025 ("EEZ Rules 2025") on 04.11.2025. Rule 2(1)(a) contemplates 'Access Pass' to fishing

vessels permitting fishing in the EEZ and this is issued by the Issuing Authority, defined under Rule 2(1)(j) as an officer not below the rank of Deputy Director in the Department of Fisheries in the Central Government. Rule 2(1)(r) defines 'Verifying Officer' as an officer of the State designated by the Central Government in consultation with the State Government for verifying documents and for physical inspection of fishing vessel for grant of Access Pass.

12.1 While Rule 3 deals with the criteria for providing the 'Access Pass', Rule 4 delineates the process for issuing the pass, which includes making an application as per format given under Form-I for grant of permission to adopt *purse seine fishing* in the EEZ. These rules enable the authorities to have a database of VMS.

12.2 Rule 8 provides for a fisheries management plan that the Central Government would be required to prepare following an eco-centric approach to ensure sustainable fishing. The Rules also outline other important obligations that vessels fishing in India's EEZ must comply with, such as reporting of the fish caught, requirement of an identity card for fishermen and crew of fishing vessels under Rules 12 and 13. It also places an obligation on the Central Government to prohibit juvenile fishing in the EEZ under Rule 14 as well as prepare a National Action Plan to prevent illegal or unregulated fishing under Rule 15.

13. We now have the entire legal regime through which *purse seine fishing* can be regulated in the EEZ, while addressing the concerns of the State Government within the territorial waters.

14. There are two distinct legal regimes, operating in two regulatory provinces, while one regulates fishing activities in the EEZ governed by the EEZ Rules, 2025, the other regulates such activities in the territorial waters governed by the Marine Fishing Regulation Rules, 2020. Before addressing the question of access under these two sets of rules, we make it clear that there is no conflict between the EEZ Rules, 2025 of the Union and the Marine Fishery Regulation Rules, 2020 of the State of Tamil Nadu. While the power to regulate fishing and fisheries beyond territorial waters falls under Entry 57 of List I and lies within the legislative competence of the Parliament and the executive power of the Union, the legislative power to regulate fisheries in territorial waters vests with the State Legislature under Entry 21 of List II and the executive power of the State. The powers of both the Union and the State are co-equal and autonomous in each of their legislative spheres.³

³ Constituent Assembly Debates, Vol. 11 (25 November 1949). [Dr. B R Ambedkar – “As to the relation between the Centre and the States, it is necessary to bear in mind the fundamental principle on which it rests. The basic principle of Federalism is that the Legislative and Executive authority is partitioned between the Centre and the States not by any law to be made by the Centre but by the Constitution itself. This is what the Constitution does. The States under our Constitution are in no way dependent upon the Centre for their legislative or executive authority. The Centre and the States are co-equal in this matter.”]

15. Laws, Rules and Regulations addressing the issue of access to EEZ for fishing using *purse seine nets*, transiting through the territorial waters of the State have come into force and are operating. For effective and efficient implementation of these rules and regulations, it is necessary for the Union and the State to abide by the principle of cooperative federalism. The Union as well as the State administration, are the duty bearers not only to implement the respective regulations within their province, but also to ensure that the stakeholders have easy access and efficient clearance of their applications to pursue their fundamental rights under Article 19(1)(g) of the Constitution of India, of course subject to reasonable regulations.⁴

16. On the practical side and as a reality check, we note that status of applications for Access Passes under the EEZ Rules, 2025 on the Registration and Licensing of Fishing Craft Portal (ReALCRaft Portal) as on 03.08.2026 is rather disturbing and demonstrates a lack of coordinated endeavour between the Issuing Authority appointed by the Union and the Verifying Authority of the State, who is a State Government Official.⁵ It is seen that out of the total 257 applications made, almost 226 applications

⁴ Union of India And Anr. v. Mohit Minerals Private Ltd., (2022) 10 SCC 700, paragraphs 51 to 54 and State of Kerala v. Joseph Antony, (1994) 1 SCC 301, paragraph 28; Kerala Swathanthra Malaya Thozhilali Federation And Others v. Kerala Trawl-net Boat Operators' Association And Others, (1994) 5 SCC 28, paragraph 27.

⁵ Registration And Licensing of Fishing Craft, Department of Fisheries, Government of India, < https://realcraft.gov.in/web/new/realcraft_graph/> - Annexure A1 of Brief Note on Behalf of Respondent No.1-Union of India.

are still pending verification by the State of Tamil Nadu. It appears that only 6 Access Passes have been issued. This is said to be the lowest among all coastal States. Not processing the applications in time, virtually amounts to imposing an unwritten ban, which is impermissible in law. The State of Tamil Nadu is directed to ensure effective, efficient and timely clearance of the applications as per the rules and regulations which govern the subject.

17. Having noted the laws and regulations that are now in operation and having emphasised the obligation of the respective regulatory authorities, we are of the opinion that the I.A. can now be disposed of with the following directions;

- (i) the rights and liabilities of the parties will now be governed as per the relevant laws, EEZ Rules, 2025 and the Tamil Nadu Marine Fishing Regulation Rules, 2020’.
- (ii) the State Government to frame necessary rules/regulations designating a specified channel under Rules 15(5) and (6) of the Marine Fishing Regulation Rules, 2020 for transit of vessels from its territorial waters to the EEZ for fishing using *purse seine nets*. These rules/regulations may be made after taking into account the final recommendations of the Expert Committee.

18. With these directions, I.A. No. 190882/2024 stands disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
SEPTEMBER 02, 2026.