



## **Customary Rights, Coastal Policies and Social Exclusion: Experiences of Fishing Castes in Saurashtra, Gujarat**

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### **Abstract**

The coastal fishing communities of Saurashtra possess rich traditions, customary rights, and indigenous marine knowledge that have historically shaped their access to fisheries, landing spaces, creeks, and coastal resources. However, in recent decades, the expansion of industrial fishing, coastal infrastructure projects, and shifting policy regimes such as the Coastal Regulation Zone (CRZ) and Coastal Zone Management Plans (CZMPs) have increasingly restricted these customary practices. This paper examines the intersection of coastal governance, policy transitions, and social exclusion in the context of Saurashtra's fishing castes, with a specific focus on how rights over coastal commons are negotiated, contested, and denied.

Drawing on field experiences, secondary data, legal frameworks, and community narratives, the study highlights how the marginal position of small-scale fishers is reinforced by inequitable policy design, weak participatory mechanisms, and limited recognition of customary tenure. The exclusion is not only economic but also spatial, ecological, and cultural—manifesting in loss of access to drying grounds, landing centers, shore spaces, fish markets, and traditional navigation routes. Women fish vendors and post-harvest workers face additional layers of invisibility and precarity within the fisheries value chain. The findings suggest that while coastal development discourse emphasizes growth and blue economy agendas, the absence of rights-based frameworks threatens the social fabric and livelihood sustainability of traditional fishing castes.

The paper argues for a governance approach that recognizes customary coastal rights, incorporates traditional ecological knowledge into planning, and advances participatory decision-making as a pathway toward equity and coastal justice. Such an approach remains



essential to ensure inclusive coastal transitions and dignified futures for artisanal fisher communities in Gujarat.

### **Introduction**

India's coastline, stretching over 7,500 kilometers, serves as a primary source of livelihood for millions of people, with the state of Gujarat occupying a leading position with the longest coastline of about 1,600 kilometers. The sea of Saurashtra is not merely a center of economic activity; for centuries it has also been a symbol of the social and cultural identity of the fishing communities residing along its shores. The present research paper examines the impact of customary rights and changing coastal policies on fisherfolk in the context of the strategically important port of Jafarabad in Amreli district.

Jafarabad is known for its distinctive geographical location and the 'Dol Net' fishing method. The area has been inhabited for generations primarily by the Kharva and Koli communities. Traditionally, these communities have enjoyed 'customary rights' over coastal resources, including fishing, net making, and drying fish along the seashore. However, in recent decades, new 'coastal policies' implemented as a result of globalization and industrialization have brought significant changes to this traditional framework.

### **Review of Literature:**

Numerous studies have been conducted at both global and local levels on the issues of customary rights and social exclusion among fishing communities. This review primarily focuses on four key dimensions:

**1. Coastal Resources and Customary Rights:** According to Jentoft (2004), fishing is not merely an economic activity but a social institution. He notes that when state-imposed laws ignore traditional systems, resource management becomes weak and ineffective. In the Indian context, Kurien (2005) explains that coastal communities possess "invisible rights" that are not recorded in legal documents but have been practiced and recognized over generations. The 'Dol Net' fishing system prevalent in Jafarabad is a living example of such a customary institutional arrangement.

**2. Coastal Policies in Gujarat and Industrial Influence:** Over the past two decades, Gujarat's coastline has emerged as an "industrial hub." Parthasarathy (2011) points out that the ongoing process of "marine urbanization" along the Saurashtra coast has been encroaching upon the



traditional spaces of fisherfolk. Research conducted by Sridhar (2005) reveals inconsistencies in the implementation of the Coastal Regulation Zone (CRZ), where small-scale fishers are often restricted from coastal construction, while large industrial units receive permissions. In areas surrounding Jafarabad, the establishment of cement factories and port development has limited fishers' access to both land and sea.

**3. Social Exclusion and Caste Structure:** Salagrama (2006) conducted a comparative study of fishing communities along India's eastern and western coasts. He demonstrates that despite being technically skilled, the Kharva and Koli castes of Saurashtra remain marginalized in social and political decision-making processes. Biswal et al. (2017), in their study of Dol Net fishers in Gujarat, observed that rising fishing costs and declining fish stocks have intensified economic inequality and social exclusion within these communities.

**4. Gender and the Role of Markets:** The role of women in fishing communities is also crucial to the study of social exclusion. According to Nayak (2014), the advent of modern market systems and technologies has placed women's traditional activities of fish drying and selling at risk. In Jafarabad, women engaged in the processing of Bombay Duck face economic exclusion due to changing market policies and the lack of basic infrastructural facilities.

**Conclusion of the Literature Review:**

The analysis of the above literature clearly indicates the necessity of examining social exclusion and policy impacts in the context of Jafarabad using secondary data. While most studies emphasize economic production, there remains a significant gap in research on the relationship between customary rights and social justice. Addressing this gap constitutes the central objective of the present paper.

**Research Objectives:**

- To understand the nature of coastal commons, fish-drying spaces, and traditional fishing rights of fishing communities.
- To examine the obstacles faced by fisherfolk in accessing the coast and sustaining their traditional livelihoods due to the implementation of the Coastal Regulation Zone (CRZ) and industrial development in Jafarabad.



- To analyze how fishing castes are being excluded from mainstream development processes and decision-making authority as a result of changing economic and political policies.

**Study Area:**

Jafarabad is a major port located in Amreli district of the Saurashtra region of Gujarat. In recent years, large-scale industrialization has taken place in and around Jafarabad. In particular, the establishment of major industrial plants such as UltraTech Cement and the development of private ports have brought significant changes to the traditional fishing grounds and the coastal geography of the area. This region was therefore selected as the study area to examine these transformations.

**Research Methodology:**

The present study adopts the following methodology to examine customary rights and social exclusion among the fishing community of Jafarabad.

This study is descriptive and analytical in nature. Along with describing the socio-economic aspects of the lives of fisherfolk, it also analyzes the problems faced by them. For the purpose of the study, 100 respondents were selected from the fishing community of the Jafarabad area. A purposive sampling method was used to ensure the inclusion of active fishermen from the Kharva and Koli castes, as well as women engaged in fish vending and processing. Out of the 100 respondents, 60 were male fishermen and 40 were women involved in the dried fish trade. Primary data were collected from the 100 respondents through an interview schedule specifically designed to gather information on customary rights, the impacts of the Coastal Regulation Zone (CRZ), and issues of social exclusion. Secondary data were obtained from reports of the Central Marine Fisheries Research Institute (CMFRI), statistics from the Fisheries Department of the Government of Gujarat, previous research articles, and newspaper reports.

In addition, field visits were conducted to collect information through direct interactions with the community. The study also involved direct observation of fishing activities along the Jafarabad coast and the changes brought about by industrial development.



## Customary Rights:

In the context of Jafarabad, customary rights are not merely a legal concept but represent a social and economic way of life that has evolved over generations. For fishing communities, the sea and the coast are not regarded as private property but as common property resources. The major dimensions of customary rights are outlined below:

**1. Rights over Coastal Commons (Access to Coastal Commons):** Fisherfolk possess customary rights not only to fish in the sea but also to use coastal land.

- **Net repair:** Fishermen use specific areas along the coast to weave and repair their fishing nets.
- **Right to construct scaffolds:** In Jafarabad, wooden elevated platforms (scaffolds) are constructed for drying Bombay Duck. Decisions regarding who will build scaffolds and where they will be located are not governed by state laws but by long-standing customary understandings passed down through generations.

**2. Traditional Fishing Methods and Grounds (Traditional Fishing Grounds):** The 'Dol Net' fishing method practiced in Jafarabad is a prime example of customary rights.

- **Allocation of fishing sites:** The placement of 'dol' nets at specific locations in the sea follows predetermined "water routes." This system was established by ancestors and is respected within the community as equivalent to formal law.
- **Respect for boundaries:** Fishermen from one village do not cast nets in the fishing grounds of another village, an unwritten but strictly observed social rule.

**3. Economic Rights of Fisherwomen (Rights of Fisherwomen):** Women play a crucial role within the customary system.

- **Rights over markets:** The right to sell fish at specific spots in traditional markets is inherited by women across generations.
- **Processing activities:** Cleaning fish along the coast and preparing them for drying traditionally fall within the domain of women, free from external interference.

**4. Contemporary Challenges and Threats to Customary Rights:**

- **Industrial encroachment:** Due to the expansion of industries and private ports, lands previously used by fishermen for constructing scaffolds have been converted into private property.



- **Coastal Regulation Zone (CRZ):** In the name of environmental protection, traditional coastal structures (such as temporary shelters used by fishermen) are often declared illegal, leading to violations of customary rights.
- **Lack of legal recognition:** Indian law primarily recognizes formal land ownership through title deeds, while fisherfolk lack written documentation to legally substantiate their customary rights.

### Coastal Policies in Gujarat:

Coastal policies in Gujarat are primarily centered on two key objectives: environmental protection and economic development. The major components of these policies are outlined below:

**1. Coastal Regulation Zone (CRZ):** The Coastal Regulation Zone is the most important policy framework for coastal management in India. It was first implemented in 1991 and was subsequently amended in 2011 and 2019.

- **Objective:** To protect coastal ecosystems and provide safeguards against damage caused by tidal actions.
- **Zonal classification:**
  - **CRZ-I (Ecologically Sensitive):** Environmentally fragile areas such as mangroves and coral reefs. All forms of construction are prohibited in these zones.
  - **CRZ-II (Developed Areas):** Areas that are already developed and fall within municipal limits.
  - **CRZ-III (Rural/Natural Areas):** Rural regions where agriculture or fishing activities take place. In these areas, up to 200 meters from the coastline (or less under revised norms) is designated as a No Development Zone (NDZ).
  - **CRZ-IV (Marine Area):** The area extending up to 12 nautical miles into the sea from the low-tide line.

**2. Sagarmala Project:** Sagarmala is an ambitious initiative of the Government of India focused on port-led development.

- **Modernization:** Upgrading existing ports and establishing new private ports.



- **Connectivity:** Linking ports with rail and road networks to facilitate faster movement of goods.
  - **Coastal community development:** While the policy includes provisions for skill development among fisherfolk, its primary impact has been on industrial expansion.
- 3. Blue Economy Policy:** The “Blue Economy” refers to the sustainable use of marine resources for economic growth, improved livelihoods, and employment.
- **Deep-sea fishing:** Encouraging traditional fishermen to move from near-shore fishing to deep-sea fishing.
  - **Mineral extraction:** Extraction of oil, gas, and other minerals from the seabed.
  - **Marine spatial planning:** Allocating different marine zones for tourism, industry, and fishing activities.
- 4. Gujarat State-Specific Policies:** Given that Gujarat has the longest coastline in India, state-level policies play a crucial role:
- **Gujarat Fisheries Act:** Regulates fishing methods, types of nets, and fishing seasons (including the monsoon ban).
  - **Subsidy policies:** Providing financial assistance for diesel, kerosene, modern fishing vessels, and ice boxes for fish storage.
  - **Mangrove conservation policy:** Emphasizing the plantation and protection of mangroves to prevent coastal erosion.
- 5. Challenges and Issues:** Despite appearing robust on paper, these policies raise several concerns at the ground level:
- **Displacement:** Port development has led to the loss of traditional commons used by fishing communities.
  - **Environmental damage:** Industrial waste discharged into the sea has destroyed fish breeding grounds.
  - **Complex legal frameworks:** Complicated regulations such as the CRZ are difficult for ordinary fishermen to understand, creating obstacles in obtaining official permissions.



## Data Collection and Analysis:

### 1. Analysis of Socio-Economic Profile

This section classifies the basic condition of the community.

Details	Category	Number of Respondents (N=100)	Percentage (%)
Caste	Kharwa / Koli	55 / 45	100%
Education	Illiterate / Primary	41 / 35	76%
Monthly Income	₹5,000 to ₹15,000	68	68%
Debt	From private moneylenders	82	82%

#### Analysis:

The data shows that 76% of people have primary education or less, which proves that educational backwardness is a major barrier to their economic development. The 41% illiteracy is not just a lack of basic literacy, but also an inability to read and understand legal documents. When new coastal policies are announced, this community cannot read them, and therefore cannot register objections or suggestions.

Further, 82% of people depend on private moneylenders. This “debt-bondage” system weakens them economically to such an extent that they cannot invest in education or health, thereby making social exclusion permanent.

### 2. Examination of Customary Rights and Coastal Resources

This section examines the rights over land and marine resources traditionally used by the community.

Type of Customary Right	Earlier Situation	Present Situation (Response)
Scaffolds (Manchda/Vada)	Free usage	63% reported shortage of space
Sea access routes	Continuous access	58% reported route changes due to industries
Net repair areas	Common land	40% areas are now fenced



### **Analysis:**

These figures clearly show that the community's traditional rights over coastal commons (common land) are gradually being taken away. 63% reported that the areas for placing scaffolds (Vada) are decreasing. Traditionally, fishers determined space through oral agreements, but now when industries fence off land, fishers lose legal claims due to lack of written documents. 58% of fishers had to change their traditional sea access routes. This shows that industrial development has directly affected the fishers' Right to Mobility.

### **3. Impact of Coastal Policies and Industrialization**

This section examines the impact of government regulations and industrial development on fishers.

<b>Policy/Industrial Impact</b>	<b>High</b>	<b>Medium</b>	<b>Low</b>
Impact of CRZ policy	24	36	40
Industrial pollution	65	25	10
Port expansion	55	30	15

### **Analysis:**

65% of respondents believe that fish availability near the coast has declined due to industrial activities. However, only 24% understand the strict implications of CRZ regulations, while 76% remain unaware due to legal complexity.

74% of fishers are unaware of CRZ rules, yet when they build small coastal shelters, these are demolished as "CRZ violations." Meanwhile, 55% believe that large port expansions, which cause significant environmental damage, receive easy approval.

Further, 65% reported a decline in fish catch due to chemical discharge from industries into coastal waters. This has severely affected small-scale fishers, who are the most vulnerable group.

### **Major Findings of the Study:**

Based on the given data and analysis, the major findings (conclusions) of the study can be summarized as follows:



## **1. Educational Backwardness and Legal Inability**

The study reveals that 76% of the community is illiterate or has only primary education. This educational backwardness is not only an economic disadvantage but also a major cause of political and legal marginalization. Due to their inability to understand complex government policies such as the Coastal Regulation Zone (CRZ), they are unable to raise their voices for their rights or formally register objections.

## **2. Economic Vicious Cycle and Debt Bondage**

82% of the respondents depend on private moneylenders, which clearly indicates that the community is excluded from institutional credit systems such as banks. This debt places them in a condition similar to bonded labour, preventing them from investing in education or healthcare and trapping them in a cycle of poverty.

## **3. Erosion of Customary Rights**

The fishers' traditional rights over land and marine resources (coastal commons) are rapidly eroding. 63% reported shortage of space, and 40% reported fencing of areas traditionally used for net repair. This demonstrates that traditional oral agreements are no longer valid in the face of modern legal systems that require written documentation, resulting in the loss of their customary access to land and coastal resources.

## **4. Restriction on Mobility**

Due to industrialization, 58% of fishers have been forced to change their traditional sea access routes. This finding indicates that industrial expansion directly restricts the fishers' Right to Mobility and threatens their livelihood.

## **5. Policy Inequality and Environmental Injustice**

A contradictory situation is observed where 74% of fishers are unaware of CRZ laws, yet their small coastal shelters are demolished for violating these regulations. At the same time, large-scale port expansions (reported as high impact by 55%) receive official approval. Furthermore, 65% of respondents believe that industrial pollution has destroyed coastal fish stocks, directly affecting the livelihood of small and economically vulnerable fishers.

The study concludes that the social exclusion of the fishing community in Saurashtra is not caused by poverty alone, but is the result of multiple structural factors, including lack of



education, absence of formal legal recognition of customary rights, and policy frameworks that favor industrialization over traditional livelihoods.

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