

Justice in Practice: Fisherfolk and Customary Governance in Coastal Tamil Nadu

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This article examines customary dispute resolution mechanisms among fisher communities, known as Ur Panchayats (UPs), in the coastal district of Ramanathapuram, Tamil Nadu, to understand access to justice for fisherfolk. UPs are prevalent among the Hindu, Muslim, and Christian fisher communities. Based on Sustainable Development Goal 16.3 (SDG), the study tries to understand how fisherfolk engage with the UPs for different kinds of disputes, how gender, sub-caste, and kinship shape access to these bodies, and whether UPs provide meaningful access to justice in the sense that all community members have the practical capacity to engage with UPs equally. The theoretical framework comprises legal pluralism, developed by Griffiths (1986) and including Moore's Semi-Autonomous Social Field (SASF) (1973) and Santos' interlegality (1987), intersectionality, and the capabilities approach. The paper argues that UPs provide accessible customary justice while simultaneously reproducing gender and sub-caste inequalities, exposing the gap between institutional accessibility and substantive access to justice. The study uses a concurrent mixed-methods design. The findings reveal that about 97.5% of fishermen depend on UPs and have, at the same time, undergone transformations in the jurisdiction of fisheries matters. Rather than declining due to institutional pressure from the state, UPs have consolidated their authority in marriage, domestic relations, inheritance, and communal morality. The central finding is that UPs function both as the most practically accessible justice forum for fisherfolk and as sites of structured exclusion for women and sub-caste minorities. The study concludes that achieving SDG 16.3 requires distinguishing institutional legitimacy from institutional justice, and building on existing pathways, such as SHG engagement and community-embedded legal literacy, to expand substantive freedoms.

Keywords: Customary Justice; Ur Panchayats; Legal Pluralism; Access to Justice; Gender Exclusion; Fishing Communities

Introduction

Sustainable Development Goal 16.3 (SDG) seeks to ensure equal access to justice for all (United Nations [UN], 2015). However, formal legal systems remain largely inaccessible to marginalised communities because of financial

costs, procedural complexity, and geographical distance. In such contexts, customary dispute resolution mechanisms function as enduring sources of authority embedded in everyday social life and are not mere substitutes for state institutions (Ehrlich, 1936). In coastal Tamil Nadu, community-based fishing councils known as *Ur Panchayats* (UPs) operate as the primary forums for dispute resolution among Hindu, Muslim, and Christian fishing communities. Although they lack formal state recognition, UPs have strong moral, social, and quasi-legal authority. They regulate livelihoods, oversee welfare distribution, and shape the cultural life of the fisherfolk. Their continued relevance raises critical questions about accessibility, legitimacy, and equity within plural legal settings (Bavinck et al., 2013; Jentoft & Bavinck, 2019).

Existing scholarship on UPs in Tamil Nadu brings about three major gaps. Bavinck's (2001) work examines UPs as resource management institutions through a single-village ethnography focused on a Hindu site with no sub-caste differentiation. The role of UPs in settling personal, domestic, and community disputes remains largely undocumented. Bavinck and Karunaharan (2006) focus on the fragmentation of UP authority over fisheries regulation in Ramanathapuram district, with their conceptual framework centred on resource allocation and ignoring social and domestic disputes. Singh and Chellaperumal (2014) document leadership transitions in UPs but discuss women's exclusion only in the background, rather than as a substantive analytical concern. Bavinck and Vivekanandan (2017) acknowledge women's exclusion as "disquieting," but they consider only the responsiveness of UPs as a measure of well-being, not the expansion of substantive freedoms. So, it becomes difficult to distinguish between institutions that provide collective welfare and those that do so at the cost of excluding women and sub-caste groups. Overall, these studies leave three critical gaps: the significant role of UPs in adjudicating everyday social disputes is undocumented; the intersectional dimensions of exclusion have not been systematically analysed; and high dependence on UPs has been treated as an indicator of institutional quality without examining whether it reflects equitable access or the normalisation of exclusion. This gap points to a more fundamental conceptual problem: the conflation of institutional legitimacy with substantive justice. Legitimacy, in this sense, refers to an institution's perceived authority and the willingness of a community to defer to it; justice refers to whether that institution actually delivers equitable outcomes to those who engage with it.

This article addresses these gaps through three objectives: to document how fisherfolk engage with UPs across religious communities and dispute

categories; to investigate how access is shaped by gender, sub-caste, kinship, and religious identity; and to evaluate whether UPs provide meaningful access to justice as the practical capacity of all community members to engage on equitable terms rather than mere institutional availability. These objectives are evaluated against the normative standard of SDG 16.3, which provides for assessing whether the promise of inclusive justice is achieved. But as customary institutions fall largely outside SDG monitoring and accountability structures, the study tries to bring into view a significant blind spot in global justice governance. The paper argues that Ur Panchayats provide accessible customary justice but simultaneously reproduce gender and sub-caste exclusions, showing that institutional legitimacy does not necessarily ensure substantive justice.

The article is organised as follows: the next section is a review of customary fisherfolk governance across international and Indian contexts, followed by the historical and social context of coastal Tamil Nadu and the structure of UPs in Ramanathapuram district; after this, the theoretical framework, research design, and methods follow; the next section is findings, which presents the structure and functioning of UPs, the scope of customary authority, patterns of access and exclusion, and the gendered dimensions of governance; This is followed by discussion section which interprets the findings based on theoretical frameworks and SDG 16.3; the article ends with a conclusion on the the study's contributions, limitations, and implications.

Fisherfolk, Customary Governance, and Access to Justice: A Theoretical Perspective

Three theoretical frameworks are used in this article: legal pluralism, intersectionality, and the capabilities approach, evaluated against SDG 16.3. Legal pluralism, developed by Griffiths (1986) and extended to fisheries governance by Jentoft and Bavinck (2019), recognises the coexistence of multiple normative orders within a shared social space. Moore's (1973) SASF framework illuminates how UPs generate internal norms while remaining subject to external pressures from courts, police, and Fishermen Associations. Santos' (1987) interlegality and Silbey's (2005) legal consciousness explain how fisherfolk navigate between forums depending on moral authority and social position. Legal pluralism also challenges SDG 16's assumption that justice is achieved through formal state mechanisms. It establishes the need for customary institutions like UPs, which are depended on by fisherfolk and are invisible to the monitoring mechanisms of SDG, to be considered in the assessment of access to

justice. But since legal pluralism is concerned with establishing UPs as a legitimate normative order, it does not account for who benefits from that order and who is excluded by it. The question of legitimacy tells us the institution matters, not whether it is just. Legal pluralism has limitations in analysing why some fisherfolk participate from positions of authority while others are structurally barred within the same plural institutional field. This requires intersectional analysis.

Intersectionality (Crenshaw, 1991) examines how overlapping axes of gender, sub-caste, and religious identity compound to shape institutional access. Collins' (2000) matrix of domination shows how multiple power systems operate simultaneously to produce exclusion. Bourdieu's (1990) symbolic violence explains how these exclusions become normalised as natural social order, and Mahmood's (2005) paradox of agency reveals how individuals act strategically within the very structures that constrain them. Intersectionality exposes a core limitation in SDG 16's "access for all" concept: aggregate measures of inclusion hide compounded exclusions by mistaking formal access as substantive participation. This is precisely where legitimacy and justice come apart empirically: an institution can command near-universal deference and high legitimacy while distributing that deference unequally across gender, sub-caste, and kinship position, so that aggregate satisfaction measures legitimacy while masking the absence of justice for specific groups. Intersectionality also has limitations in capturing whether those who can access UPs achieve meaningful outcomes. This evaluative gap requires the capabilities approach.

The capabilities approach, developed by Sen (1999) and applied to justice contexts by Gloppen (2006), assesses substantive freedoms or the actual capacity to achieve valued outcomes. Rhode's (2004) justice gap is also used under this framework, which states that meaningful access not only requires institutional availability but also the social, informational, and material conditions to engage with it effectively. In the context of this study, these conditions for engagement are shaped by gender norms, caste hierarchies, and kinship structures. This supplies the missing evaluative criterion: justice, on this view, is not the absence of formal exclusion but the presence of the actual capacity to convert entitlements into outcomes, a standard an institution can fail even while retaining full legitimacy in the eyes of those it serves. On this basis, the capabilities approach is crucial for operationalising the principle enshrined in SDG 16.3.

In the study, all of these frameworks are organised around the distinction between institutional legitimacy and substantive justice. Each framework

addresses a different dimension of this problem: legal pluralism establishes why a customary institution like the UP must be taken seriously as a site of authority in the first place; intersectionality shows why that authority's legitimacy can coexist with, and conceal unequal treatment; and the capabilities approach supplies the criteria for judging whether access, once granted, is meaningful. They build toward a single analytical claim that legitimacy and justice must be assessed as separate empirical questions, not inferred from one another.

Customary Governance in Fisherfolk Communities: International and Indian Contexts

Most fisher communities worldwide have customary governance institutions to manage marine resources, resolve disputes, and sustain social order. In Asia, Indonesia's system of religious sanctions on fish harvesting (Ruddle, 1994), the reconciliation-based *Barangay* Justice System of the Philippines (Golub, 2003), and the fishing cooperatives of Japan, on which Ostrom (1990) devised her common-pool resource theory, showcase the institutional diversity of customary governance. In the Pacific Islands, the *qoliqoli* system of Fiji and *tabu* institutions of Vanuatu possess ecological knowledge and exercise social regulation, and spiritual sanction (Foale & Manele, 2004; Techera, 2010). In Africa, the *asafo* institutions of Ghana (Overa, 2003), *Lebou* elder councils of Senegal (Laloe & Samba, 1990), and informal resource access rules of Zimbabwe (Jimu et al., 2025) confirm the cross-regional significance of customary governance among fisher communities. In Latin America, AMERBs system of Chile grants artisanal communities collective management rights grounded in traditional local norms (Gelcich et al., 2010).

Most of these institutions lack formal legal recognition, and their legitimacy is exclusively based on social embeddedness. However, their effectiveness also depends on their relationship with the state. Only when state agencies acknowledge or collaborate with them, they can sustain for a longer period. Their authority continuously adapts to environmental conditions, economic pressures, and legal reforms (von Benda-Beckmann, 2002). This adaptive character is analytically significant as it establishes customary authority as a historically contested and continuously renegotiated condition rather than a fixed inheritance.

Bavinck et al.'s (2013) comparative study across six South Asian coastal regions documents diverse relationships between state and customary bodies from their indifference to active cooperation. In Tamil Nadu's Ramanathapuram

district, UPs have historically regulated territorial use and fishing technologies; in Kerala, *kadakkodi* institutions have evolved into fisheries policy actors; in Gujarat and Goa, caste-based *samaj* and *rampon* collectives combine dispute resolution with political advocacy. While Kerala's and Goa's customary councils faced legitimacy pressures from expanding state regulation, Tamil Nadu's UPs responded by concentrating authority in personal, domestic, and social governance. This study documents this empirically and theorises it through Moore's (1973) SASF framework.

A significant gap in the comparative literature is its focus on resource governance over the adjudication of personal and social disputes, and its limited engagement with gendered dimensions of customary authority. Research from West Africa confirms that women's access to informal justice is constrained by patrilineal norms (Adongo & Kanwetuu, 2024), while Latin American studies show that women's exclusion from fisheries decision-making persists despite their substantial contribution towards the post-harvest sector (Cavole et al., 2025). Recent scholarship continues to reveal this imbalance: Watson et al.'s (2026) study of plural policing in Tuvalu shows that limited state presence across dispersed island communities pushes justice-seeking toward informal and customary actors, yet accountability mechanisms for these actors remain understudied, particularly in gender-related disputes. The present study also addresses this gap, considering gender exclusion as a central analytical problem.

Fisherfolk Communities and Customary Governance in Coastal Tamil Nadu

Tamil Nadu has 575 marine fishing villages across 13 coastal districts and a fisherfolk population of 7,95,708 (Central Marine Fisheries Research Institute & Department of Fisheries [CMFRI-DoF], 2020).¹ UPs are the primary governance institutions in these coastal villages, and they existed even before colonial rule. The colonial administration ignored these customary institutions, and hence, post-independence India inherited a dual structure in which formal law governed markets while customary forums regulated social and community relations (Washbrook, 1981). Accordingly, UPs today are understood not merely as remnants of tradition but as historically entrenched governance systems continuously renegotiated in relation to state law (von Benda-Beckmann et al., 2009).

Ramanathapuram district, on the southern Coromandel Coast, accounts for 24% of Tamil Nadu's fisherfolk population, with 42,672 fishermen households across 178 fishing villages (Hindus 65.43%, Muslims 18.25%,

Christians 16.32%) (CMFRI-DoF, 2020). Hindu fishing households belong to the *Mutharayar* caste, comprising several subgroups such as *Valayar*, *Karayar*, *Ambalakarar*, and *Konar*, and each sub-caste occupies a distinct position in the internal social hierarchy; Muslim households constitute the Marakkayars; Christians belong to the Paravar caste, with no sub-caste variation (Fieldwork survey, 2023).² These community boundaries shape access to customary institutions and the distribution of authority within them. Occupationally, fishing communities in the study villages of Ramanathapuram are engaged in country boat fishing (69.2%), beach seining or *Karavalai* (27.5%), and conch shell diving or *Sanghuli* fishing (13.3%) (Fieldwork survey, 2023).³ Along with customary institutions, the fisherfolk of Ramanathapuram also engage with occupational associations and state mechanisms, and this institutional plurality is representative of the broader pattern of post-colonial legal pluralism in South Asian coastal governance.

The institutional origins of UPs can be traced to the kinship organisation of fishing communities. The coastal villages are composed of *pangaali* groups (patrilineal kinship units) whose members share livelihoods and community concerns (Gomathy, 2006). Membership is only for married men and is based on your affiliation with kinship groups. Unmarried men participate through *Valibha Sangam* (youth wings). Although women are central to the post-harvest economy through fish vending, squid and prawn processing, and net cleaning, they are systematically excluded from membership and formal participation in UPs. This pattern is also evident in Kerala (Matovu et al., 2024), West Africa (Adongo & Kanwetuu, 2024), and Latin America (Cavole et al., 2025). So, the kinship-based logic of membership operates as a structural mechanism that reproduces and normalizes women's exclusion from UPs.

Methodology

This article is based on a doctoral study of UPs in Tamil Nadu, focusing on Ramanathapuram district. The district was selected purposively because it is Tamil Nadu's most significant marine-fishing district, and comprises Hindu, Muslim, and Christian fisher communities (Central Marine Fisheries Research Institute [CMFRI], 2010). Within the district, Ramanathapuram taluk was chosen for its heterogeneous religious composition.⁴ From the taluk, three villages were selected for proportional community representation: Meenavarkuppam (206 households: 61.10% Hindu, 38.80% Muslim), Pirappanvalasai (101 households: 85.10% Hindu, 14.80% Muslim), and Seeniappadargah (147 households: 77.50%

Hindu, 21.08% Muslim, 1.36% Christian) (CMFRI, 2010). Ramanathapuram also has plural institutional settings with customary, religious, and state forums having contested jurisdictional boundaries, making it appropriate for legal pluralist analysis.

The study used a concurrent mixed-methods design, combining a structured quantitative survey with qualitative methods, including FGDs, in-depth interviews, informal interactions, and non-participant observation, all conducted simultaneously during fieldwork (September–December 2023). This design was chosen because survey data capture patterns of dependence and satisfaction across the population, while qualitative methods help to reveal the structural inequalities, such as symbolic violence, gendered sanctions, and welfare conditionality, which the aggregate measures conceal. A pilot study was conducted before fieldwork to improve interview schedules and FGD prompts. The primary unit of survey was married male fishermen, as UP membership is restricted to this group. Household lists were obtained from UP leaders of each religious community in each village. Respondents were stratified by religion in proportion to their community's share of the village population, with systematic sampling applied within each stratum. This yielded a total sample of 120 respondents across three villages (40 per village): 89 Hindu, 29 Muslim, and 2 Christian (Table 1).

Table 1: Sample Distribution by Village and Community

Village	Hindu	Muslim	Christian	Total
Meenavarkuppam	24	16	–	40
Pirappanvalasai	34	6	–	40
Seeniappadargah	31	7	2	40
Total	89	29	2	120

For qualitative data collection, initial contacts were established through Fishermen Cooperative Society officials, who introduced the researcher to women members of self-help groups (SHGs). Using snowball sampling, these contacts mobilised women for FGDs organised along religious lines (8–12 participants each, primarily married women aged 25–65, including separated, divorced, and widowed women). In-depth interviews were conducted with UP leaders, Fishermen Association representatives, Cooperative Society officials,

police officers, lawyers, and Valibha Sangam members. Non-participant observation was conducted at UP monthly meetings and SHG meetings.

Quantitative data were analysed using SPSS and Microsoft Excel. Given the small Christian sub-sample ($n=2$), Fisher's exact test was used in place of chi-square to assess community-level variation ($\alpha = 0.05$). Qualitative data underwent thematic and narrative analysis. All FGDs and interviews were audio-recorded with informed consent, transcribed manually, and translated into English while preserving local idioms. Participants were assigned anonymised codes (e.g., INT-MH3 for the third male Hindu interview participant; FGD-FH5 for the fifth female Hindu focus-group participant). Inductive thematic coding identified recurring patterns, including welfare conditionality and gendered sanctions, which were grouped into broader analytical themes. Narrative analysis examined how participants, particularly women and sub-caste members, recounted their experiences of UP authority, revealing patterns of naturalised exclusion and constrained agency. Qualitative findings were integrated with quantitative results through triangulation, with qualitative evidence used both to corroborate and to challenge statistical patterns.

A binary survey item of Yes/No was used to measure community dependence. This was corroborated using qualitative accounts of fishermen's escalation pathways in various disputes. The effectiveness and fisherfolk satisfaction with UP performance were measured using a five-point Likert scale, and qualitative data were used to underscore variations in perceptions across different sub-caste and religious groups. The capabilities approach was used to operationalise access to justice through FGD accounts, narratives of women participants, and dynamics observed during UP meetings. Both survey item and observational data was used to measure gender exclusion, and sub-caste marginalisation was identified through surveys and in-depth interviews. Survey items and qualitative accounts on categories of disputes and rationale of forum selection were used to operationalise welfare conditionality and jurisdictional scope of UPs.

The study has adhered to ethical principles. Informed verbal consent was obtained before all interviews and FGDs by explaining the purpose of the study, their voluntary participation, and the audio recording of interviews and discussions. All personal names used in the study are pseudonyms. The researcher is a Kerala-born Hindu woman, an outsider to the fishing community, but her fluency in Tamil facilitated direct engagement with the fisherfolk without a translator. Data interpretation remained grounded in participants' voices and

contextual knowledge developed through sustained fieldwork throughout the analysis. This helped in controlling the imposition of external frameworks on insider experiences.

The credibility and trustworthiness of the findings were addressed through some concurrent measures. The triangulation of methodology across survey, FGD, interview, and observational data allowed qualitative evidence to corroborate or challenge statistical patterns. Four months of sustained fieldwork engagement, combined with fluency in Tamil, fostered rapport and reduced reactivity among participants. Dependability was strengthened through a piloted interview and FGD protocol, systematic stratified sampling, and verbatim transcription with anonymised coding, which allowed the procedures of the study to be traced and scrutinised.

Discussion and Interpretation of Findings

Structure and Functioning of Ur Panchayats

Across religious communities, the structure of office-bearers of UPs is same. UPs consist of *Thalaivar* (President), *Thunai Thalaivar* (Vice President), *Selaalar* (Secretary), *Thunai Selaalar* (Joint Secretary), *Porulaalar* (Treasurer), and *Thandal* (Informer). Hindu UPs and Muslim UPs (*Jamaats*) generally comprise 6–10 members; Christian UPs have 11–15 members. Membership is restricted to married men across all communities. Marriage signifies social responsibility and moral credibility; unmarried men participate through *Valibha Sangam* (youth associations). Women are excluded from UP committees across all communities. The only exception is the *Makaliyar Sangam* in Meenavarkuppam village, where a women's committee operates subordinately under the main UP. It addresses minor disputes among women without any autonomous authority, and unresolved cases and financial dealings are handled by the men's *Periya Sangam*.

The criteria for selecting UP leaders converge even when selection mechanisms differ: 73.3% of respondents considered general moral conduct as the most important quality for being chosen as a UP leader. 85.4% of Hindus also shared this perception. A Hindu fisherman stated, “an ideal leader is a soft-spoken, respectful, and calm person” (INT-MH17, Pirappanvalasai, 2023). However, the mechanisms through which the shared criterion is translated into office differ in ways that carry consequences for who can plausibly hold power: Hindu UPs use open voting with caste rotation in multi-sub-caste villages; Jamaats rely on nominations by existing committee members, and this can

actually lead to kinship-based succession and elite dominance; Christian UPs use contested elections. This variation matters for legitimacy and institutional adaptation since nomination-based succession concentrates authority differently than open or contested elections do.

Across communities, UP legitimacy rests on the institution's moral and spatial embeddedness in community life rather than on formal procedures. UP meetings are held in temples, mosques, and churches, depending on the community. Fishing is suspended on the days of UP meetings. UPs have therefore made attendance socially obligatory. The proceedings of UP meetings and appellate mechanisms available within UPs vary significantly. Each community's UP has a distinct relationship to state legal institutions, producing three different models of the customary-state interface. Among Hindus, complaints are submitted to the UP and proceedings are recorded in a *theerumana* note (minutes book); unresolved conflicts may be escalated to the appellate body known as *Taluka/Vattara Sangam*. Among Muslims, written complaints are submitted to the Jamaat and may proceed to the appellate body, the *Aikya Jamaat*, and, if necessary, to the *Shariat* Courts.⁵ Among Christians, written complaints are mandatory, and a nominal fee is charged by UP for resolution. Unresolved cases proceed to the Parish Priest and Diocese Court. Access to the forum itself is also gendered in its mode: among Christians, for significant matters, the church bell is rung and the entire village, including women, is summoned. Christian UPs thus exhibit comparatively better inclusive practices.

Disputes, Sanctions, and the Scope of Customary Authority

Escalation to formal state institutions follows a similarly patterned logic across communities rather than occurring uniformly. Among Hindus, 61.8% reported that they rely on UPs for fishing-related disputes. Net-cutting incidents between boats are typically resolved on the shore without police involvement. A UP member noted: "When nets are cut, we call both the disputing fishermen to the shore the same day and settle it there. No need to go to the police, the Thalaivar's word is enough" (INT-Hindu UP member, Meenavarkuppam, 2023). However, 38.2% of Hindus acknowledged a declining role, with fishing conflicts increasingly redirected to Fishermen Associations, labour unions, and the State Fisheries Department. Jamaats intervene only in serious conflicts over customary fishing zones; Christian UPs handle no fishing disputes, relying entirely on Fishermen Associations.

All respondents across communities indicated complete reliance on UPs for personal and family disputes. Hindu UPs address marital conflict, domestic

violence, inheritance, dowry, and divorce. A UP leader described the process: “We sit with both families and make sure the woman gets what she was promised, her gold, her expenses. Only if the man still refuses, we send them to the police” (INT-Hindu UP Thalaivar, Seeniappadargah, 2023). Jamaats regulate marriage, and divorce (*talaq*) with a mandated six-month waiting period, and settle compensation claims of divorces, even up to twenty lakhs. Christian UPs address domestic conflicts, boundary disputes, and inheritance, escalating to police only when moral persuasion fails.

The involvement of UPs in social and public disputes is limited and uneven. Hindu UPs intervene in theft, caste-based tensions, and disputes involving outsiders. Muslims respondents reported strong communal cohesion and no significant social disputes in recent times. But they noted that in the case of an inter-religious dispute, UPs of both communities would collaborate to resolve the conflict before escalating to the police. Christian UPs address minor thefts and political altercations but rely on state authorities for serious public order issues. A Christian respondent recalled a major caste conflict that happened in the late 1980s in which men from a neighbouring village sang a derogatory song directed at local women of their village: “They came drunk and started singing ‘*Rukkumani vandi varuth paar*’. Everyone knew what it meant, who it was aimed at. It was not just a song. It was an insult to our women, and to the whole community” (INT-MC1, Seeniappadargah, 2023). The conflict escalated into violent riots and was brought under control through the cooperative efforts of UP leaders, police, and the District Collector.

The sanctioning practices of UPs differ in form, even as they perform the same function of compelling reintegration into community norms. These sanctions operate through the normative grammar of communal life. Hindu UPs impose monetary fines according to the severity of the offences: Rs. 1000–2000 for minor altercations; Rs. 30000 for elopement or inter-caste marriage, along with social ostracisation. Jamaats prefer moral correction and social ostracisation; inter-religious marriage may require conversion for reintegration into the community. Christians prefer apologies and counselling, but access to church-linked services, including burial grounds, depends on the recognition of UP. Sanctioning practices also illustrate how legitimacy operates independently of equitable treatment: fines and ostracisation are accepted across communities as legitimate correctives regardless of who bears them or how unevenly.

Table 2: Comparative Structure and Jurisdictional Profile of UPs by Community

Dimension	Hindu Ups	Muslim Jamaats	Christian UPs
Membership	6–10 married men	6–10 married men	11–15 married men
Leadership	Open voting; caste rotation	Nomination; kinship-based succession	Contested elections
Meetings	Monthly (1st)	1–2 meetings/month (after Friday prayers)	As required
Appellate body	Taluka/Vattara Sangam	Aikya Jamaat; Shariat Courts	Parish Priest; Diocese Court
Fishing disputes	61.8% rely on UP; declining	Serious zone conflicts only	None; Fishermen Association only
Personal disputes	Marriage, DV, divorce, inheritance (100%)	Marriage, talaq, divorce compensation	Domestic, boundary, inheritance; fee charged
Primary sanction	Fines Rs. 1,000–30,000; social ostracism	Moral correction; ostracism; conversion requirement	Apology; counselling; denial of burial rights
Women's participation	Excluded; Makaliyar Sangam (subordinate) in one village	Access mediated through male kin	Summoned for significant matters; comparatively inclusive

Source: Primary Data

Governing Everyday Life: Cultural, Livelihood, and Welfare Rolls of UPs

UPs organise religious festivals through mandatory household contributions among Hindus known as *thalakettu vari* of Rs. 500–1000 per household with total budgets reaching Rs. 10–15 lakhs; Jamaats collect only voluntary contributions; Christian UPs collect small amounts of Rs. 300–500. Women contribute financially to festivals but hold no formal governance role in their organisation or decision-making. Konar members contribute financially to festivals but are institutionally excluded. But marriage governance among Hindu UPs indicates adaptive interlegality: following police intervention in a case involving a minor, Hindu UPs began verifying Aadhaar cards to confirm legal age before approving marriages. A UP leader explained: “The police did not come and create any problem; they politely informed us. We also understood that if we approve marriages outside the legal age, we would be held responsible. So, we agreed to verify Aadhaar cards before finalizing any marriages” (INT-Hindu UP leader, Meenavarkuppam, 2023). This suggests that UPs are not static institutions and engage in adaptive cooperation with state law, in which customary institutions respond to formal legal pressures rather than remaining in opposition.

Welfare provisions of UPs also differ across communities. Hindu UPs provide approximately Rs. 10000 for the funeral expenses of fishermen, prizes for the academic achievements of fisherfolk’s children, and support for women’s employment through seaweed collection programmes. Jamaats manage schools and hostels for boys, donate land for public purposes, and facilitate access to state welfare schemes. A Muslim fisherman stated: “Our Jamaat has donated private land for the construction of a lighthouse in our village. I consider it a great deed from our community” (INT-MM14, Meenavarkuppam, 2023). Jamaat leaders also prepare community concerns for the District Collector and vouch for bank loan applicants. Christian UPs provide funeral support, medical assistance, educational aid, and an elderly pension scheme. A Christian fisherman noted: “There is an elderly pension scheme instituted by our UP, which actually helps my ageing mother to manage her medical expenses” (INT-MC2, Seeniappadargah, 2023).

However, access to welfare is conditional on regular contributions, participation in community rituals, and adherence to UP norms. The two major groups who experience this conditionality without benefiting from the contributions it demands of them are women and sub-caste groups, who contribute financially to festivals but hold no formal governance role in their

organisation or decision-making. The case of Samuel from Seeniappadargah brings out the extent of this conditionality.⁶ Samuel got into a longstanding boundary dispute with his neighbour Jude. Both approached UP for an amicable settlement. The UP arrived at a decision, which Samuel refused to follow. As a result, Samuel and his family were socially ostracised. He and his family were not welcome at any community events, and no other Christian families were allowed to attend functions in his family. So, when his mother died, she was denied burial space in the church cemetery. Only after Samuel promised to follow the decision of UP in the dispute with Jude, his mother’s burial was permitted in the Church cemetery. Samuel stated, “I had no other choice, even when I was not satisfied with the UP decision. I had to abide by it. Cremating my mother in a public crematorium was unthinkable. It was her last wish to be buried next to my father in the same cemetery” (INT-MC2, Seeniappadargah, 2023). This incident shows that conditionality is not merely administrative but also existential. Samuel's case shows that UP legitimacy and welfare provision are two sides of the same mechanism: the same conditionality that makes UPs indispensable providers of welfare is what converts continued legitimacy into a precondition for justice, rather than a guarantee of it.

Access to Justice through UPs

The spatial and ritual embeddedness of UPs is the mechanism through which moral authority is converted into binding institutional authority, and it is also what accounts for the very high dependence and satisfaction scores reported across communities (Table 3):

Table 3: Quantitative Indicators of UP Dependence, Effectiveness, Satisfaction, and Perceived Bias by Community

Indicator	Overall (N=120)	Hindu (n=89)	Muslim (n=29)	Christian (n=2)
UP Dependence	97.5%	96.6%	100%	100%
Perceived Effectiveness	97.5%	96.6%	100%	100%

Satisfaction (Agree/Strongly Agree)	90.0%	86.5%	100%	100%
Perceived absence of bias	96.7%	95.5%	100%	100%
Support for women's inclusion	4.2%	3.4%	6.7%	0%
Fisher's exact p	—	Dependence: p=.571 (ns); Satisfaction: p=.036*; Bias: p=.571 (ns); Women's inclusion: p=.599 (ns)		

*Source: Primary Data (Male Survey Respondents, N=120). * $p \leq .05$.*

97.5% of fishermen reported that they depend on UPs and consider their decisions effective. Three fishermen from the Konar sub-caste in Seeniappadargah village reported non-dependence (Fisher's exact $p = .571$, no significant community difference). The Konar fishermen stated that they sometimes depend on the police when their disputes are not addressed by UPs. The higher percentages of both dependence and effectiveness suggest that both measures actually indicate the absence of effective use of institutional alternatives rather than positive institutional quality.

Satisfaction is also high: 35.8% strongly agreed, and 54.2% agreed that UP decisions are satisfactory, with only 2.5% dissenting. Fisher's exact test found a statistically significant difference between the distributions of Hindu and Muslim satisfaction ($p = .036$), reflecting not a genuine divergence in institutional quality but a structural issue: the Hindu dissenters are the formally excluded Konar members. High satisfaction scores measure the distribution of belonging, the degree to which UP normative order has been internalised by those who benefit from it. Among Hindus, 75.3% stated that some villagers do not comply with UP rulings, but compliance is ultimately ensured because even relocation to

a new village requires a permission letter from the UP. This indicates that even those who initially resist UP norms reconcile before major life events such as marriages or deaths occur in their family. For some members, then, legitimacy represents structural dependence, and high satisfaction measures the distribution of belonging rather than institutional fairness. Youth adherence to UP norms is changing with generational shifts. Among Hindus and Muslims, youth have strong adherence due to the presence of Valibha Sangams through which young men build symbolic capital that qualifies them for UP membership in the future (Bourdieu, 1986).

Despite high overall satisfaction, structural bias persists in UP functioning. A significant majority of Hindus (95.5%) and all Muslim respondents (100%) perceived no bias (Fisher’s exact $p = .571$). Yet, 3.4% of Hindus acknowledged gender bias. One respondent noted: “Women are made to stand while attending UP meetings for presenting their disputes. They are not offered chairs even if men are sitting on chairs. I find it discriminatory” (INT-MH21, Meenavarkuppam, 2023). 2.2% of respondents observed kin bias, where leaders from the Valayar and Karayar sub-castes favoured their relatives while making decisions in some disputes. Among Muslims, women can register their complaints with the Jamaat only through male relatives. The Konar sub-caste also faces exclusion from participating in UP proceedings despite their financial contributions to UP committees, and this indicates structural differential access.

Table 4: Access and Exclusion Patterns by Identity Group

Group	UP Members hip	Depende nce	Key Constraint	Theoretical Framework
Male married fishermen (Hindu/Muslim/Chri stian)	Full (where sub-caste eligible)	97.5%	High satisfaction reflects normalised inclusion	Legal consciousnes s (Silbey, 2005); SASF (Moore, 1973)

Konar (Hindu)	sub-caste	Denied despite financial contributions	Partial (police for unresolved cases)	Sub-caste hierarchy; structural capability deprivation	Intersectionality (Collins, 2000); capabilities (Sen, 1999)
Women communities)	(all	Entirely excluded	Mediated through male kin	Gender exclusion; asymmetric sanctions; welfare conditionality	Symbolic violence (Bourdieu, 1990); paradox of agency (Mahmood, 2005)
Women without male kin (widowed, divorced, separated)		Entirely excluded	Severely constrained	Compound exclusion; kin-based representation fails entirely	Intersectionality (Crenshaw, 1991); justice gap (Rhode, 2004)

Source: Compiled by the Author

Appeals against UP decisions are rare across all communities: 21.3% of Hindus have formally appealed to the Taluka; 16.7% of Muslims have appealed to the Aikya Jamaat; No Christians reported any appeals against UP decisions. These appeals were mostly made when UPs were unable to reach a decision, which suggests that appellate bodies function as additional problem-solving mechanisms rather than accountability instruments. Hence, the presence of appellate bodies does not indicate a mechanism to challenge UP authority. Most disputes are resolved at the UP level itself, and appellate mechanisms function only as latent institutional options rather than actively mobilized forums.

The legal literacy among fisherfolk is also low. As one Hindu fisherman stated: “We do not know about our rights, and nobody gives us any information. We know the UP, we know the police. Courts, legal aid, that is for educated

people in the city” (INT-MH9, Pirappanvalasai, 2023). There are tendencies to normalise rights violations, such as the imposition of fines and ostracisation on eloped couples, which actually infringe on constitutionally protected freedoms. On the other hand, Christian women who received NGO-facilitated legal literacy sessions showcases higher tendencies to approach police directly in domestic violence cases.

In the plural institutional field, the overall dependence on police is high (94.2%; Fisher's exact $p = .366$, no significant community difference). Police are approached primarily for physical violence, inter-caste matters, and cases unresolved by UP. Court dependence is considerably lower (20.2% Hindus, 13.3% Muslims). Courts are mostly approached for legal documentation after customary proceedings. Fishermen Association dependence is near-universal (98.3%), primarily for diesel subsidies, insurance claims, and trawling-ban compensation.

Patriarchal Governance and Women's Exclusion in UPs

Gendered exclusion is almost similar in its outcome across communities, even where its specific mechanisms differ. Women are completely excluded from UP membership across all study villages, even though they play a crucial role in fisheries livelihood, such as fish vending, seaweed collection, and prawn processing. It is impossible for a woman to become *Ur Thalaivi* (female village head). Women are also unable to influence dispute resolution or the imposition of sanctions. They are present as contributors and subjects of UP authority, but structurally absent from its exercise. Although collective spaces such as *Makaliyar Kulus* (SHGs) and church-based *Anbiyams* provide economic support and social solidarity, they do not confer institutional authority on these women. This reveals a sharp divide between community involvement and access to institutional power. Only 7.9% of Hindu and 13.3% of Muslim fishermen acknowledged patriarchy in customary institutions. They stated that the reluctance of UP leaders in supporting fisherwomen to access the Monsoon Relief Fund, and the differential restrictions in the divorce proceedings of Jamaat as some expressions of this patriarchy. A divorced Muslim woman stated: “After talaq, he can go back to the sea the next day. I had to stay inside for 45 days, without any work or income, and nobody asked whether that was fair” (INT-FM4, Pirappanvalasai, 2023). These patterns reflect recent comparative findings: Sulaeman et al. (2025), studying Minangkabau marital disputes where customary, Islamic, and state law intersect, found that plural dispute-resolution channels tend to reproduce rather than resolve gender injustice, pushing women

toward individualised, informal coping strategies instead of substantive redress. Similarly, the International Development Law Organization's (IDLO) (2024) cross-country review of customary and informal justice systems notes that such systems often reflect unequal power dynamics and conservative social norms with adverse effects on women, even as they remain the primary forum through which women seek justice.

Support for women's inclusion in UP committees is extremely low: 3.4% of Hindus and 6.7% of Muslims favoured it, with near-universal opposition (96.6% Hindu, 93.3% Muslim, 100% Christian; Fisher's exact $p = .599$). Comparable resistance to formal inclusion has been documented elsewhere in customary governance: IDLO's (2024) issue brief notes that meaningful increases in women's participation in customary bodies, such as Burundi's Bashingantahe system, have typically required externally driven charter reform rather than organic change from within. Those opposing the inclusion of women in UPs argued that women are "already represented" through Kulus and Anbiyams: "Women have their own meetings, their own Sangams. The UP is for men's matters, sea matters, village matters. Women have no role in it. That is how it has always been" (INT-MH6, Pirappanvalasai, 2023). This statement actually ignores the difference between participation in welfare spaces and access to institutional power.

Women's access to UPs is structurally mediated through male family heads, kinship networks, and collective spaces. But, among Hindu and Christian women, there is a gradual shift. Complaints can now be submitted directly to the Thalaivar in writing or by phone, rather than through male kin. Muslim women's access remains more restricted. Their issues are typically mediated through husbands. One Muslim woman noted: "We do not usually have many problems requiring direct access to Jamaat Thalaivar" (FGD-FM2, Pirappanvalasai, 2023). This shows how gendered norms shape what women perceive as legitimate grievance and limit their capability of recognising injustice and realising it as a problem requiring institutional redress.

The discussions and interviews with women also revealed the different consequences experienced by men and women for the same offences. In cases of elopement and inter-caste marriage, men typically pay fines of Rs. 3000–5000 and are reintegrated into the community. On the other hand, women are expelled from their natal villages. As one Hindu fisherwoman stated: "For the man it is a fine, and it is over. For the woman, she can never go back. Her village disowns her" (FGD-FH3, Seeniappadargah, 2023). The case of Vanitha from

Meenavarkuppam village illustrates this asymmetry concretely. Vanitha eloped with a fisherman from a different village belonging to a different sub-caste. Her husband paid a fine and was reintegrated into his community, while Vanitha was permanently ostracised from her natal village. Observation at UP meetings revealed further structural injustice; Sunitha, a divorced woman, was unable to arrange her daughter's marriage because her estranged husband no longer lives in the village and is no longer a member of UP. It is mandatory to have a male family member in the UP committee for UPs to approve marriages. Even her ex-husband's family refused to accept them as their family. The solution UP gave to Sunitha was to reconcile with her ex-husband. This was a completely unworkable and outrageous resolution that left her daughter's marriage in crisis. Her case illustrates that access to the forum does not guarantee voice or redress, and structural exclusion and kin-based bias continue to silence women even when they manage to enter the spaces of customary justice.

Across communities, women mostly comply with UP rulings to avoid stigma. They negotiate within narrow limits, and approach formal institutions like police only with UP permission or in cases of severe physical violence. A female respondent stated: "If we go straight to the police, the village will not stand with us later" (FGD-FH6, Meenavarkuppam, 2023). Most of the time, domestic violence cases are resolved by UPs through the means of pressurising women to reconcile. A Christian woman noted that most of the solutions offered by UPs instruct them to "adjust first", even when it is not safe (FGD-FC1, Seeniappadargah, 2023). For women, UPs function not only as dispute resolution forums but also as the social infrastructure through which marriage recognition, community welfare, burial rights, and village belonging are administered. Women's near-total compliance with the UP ruling is not evidence that the institution is experienced as just. Instead, it is evidence of how completely its legitimacy is enforced through the same channels that produce exclusion.

These patterns of exclusion should not be considered as static. The findings also state that there are incremental adaptations aimed at minimising the total exclusion of women. Hindu and Christian women's shift toward direct written or phone complaints to the Thalaivar, the Meenavarkuppam *Makaliyar Sangam*'s subordinate but real forum for minor disputes, the Christian practice of summoning women to significant village-wide matters, and the greater willingness of NGO-literate Christian women to approach police directly, together suggest that customary institutions are not experienced identically by all women, nor are they stuck in a patriarchal template. These variations can be

understood as adaptations at the margins of an institutional order whose core allocation of authority, exclusive male membership, and control over sanctioning has not altered. This distinction matters analytically: it separates institutions that provide collective welfare while incrementally expanding participation from those that use welfare provision to entrench exclusion. It cautions against inferring a uniform, unchanging patriarchal logic from what is in practice an unevenly and partially adapting set of institutions.

Key Findings through a Theoretical Lens

The study shows that UP authority has not weakened as the state and Fishermen Associations have taken over the resolution and management of fishing-related disputes. Instead, it has consolidated its authority in the domains of marriage, inheritance, domestic conflict, and communal morality, where kinship embeddedness and welfare conditionality are stronger, which gives more authority and control to UPs. This clearly shows the refinement of Moore's (1973) SASF framework in the sense that, rather than eroding customary authority, the external intervention and pressures have made it focus on domains which are intimate and linked to community welfare, where women face extreme exclusion. The bounded and differentiated authority of UPs in resolving social disputes, where they cooperate with police and district administration rather than competing with them, shows that fisherfolk experience customary and state authority as operationally differentiated tiers of a single normative landscape rather than as competing systems (Santos, 1987).

The dependence, effectiveness, and satisfaction scores (Table 3) reveal a major limitation of using aggregate legitimacy scores as an indication of institutional justice. If we analyse by disaggregating sub-caste, these scores fall to zero for Konar fishermen who are structurally excluded from UP membership despite contributing financially. The statistically significant satisfaction gap ($p = .036$) between Hindu and Muslim fishermen can be attributed to the dissent among Hindu Konar fishermen. So, high satisfaction actually measures the distribution of belonging, regarding how far UP's normative order has been internalised by those it serves, rather than the fairness of the institution itself. This indicates Bourdieu's (1990) symbolic violence, in which the naturalisation of unequal treatment secures compliance without coercion. This extends Crenshaw's (1991) and Collins' (2000) intersectional analysis empirically: Table 4 shows that gender exclusion, sub-caste exclusion, and their combination (women without male kin) produce qualitatively distinct, non-additive

deprivations rather than a single undifferentiated pattern of marginalization that aggregate satisfaction data would reveal.

If we look at gender bias specifically, only 3.4% of Hindus and none of the Muslim or Christian respondents perceived gender bias in UP proceedings, yet the interviews and FGDs document concrete instances of differential sanctioning, exclusion from seating, and mandatory male mediation. This near-absence of perceived bias in the survey is itself evidence for Bourdieu's (1990) symbolic violence and Mahmood's (2005) paradox of agency, since both frameworks predict that the most effective exclusions are the ones least likely to be named as exclusion by those who live inside them. Similarly, the statistically significant Hindu-Muslim satisfaction gap ($p = .036$) does not indicate that Muslim UPs are more just; qualitative accounts trace it instead to the concentration of Hindu dissent among Konar respondents, so the quantitative divergence confirms the intersectional pattern of sub-caste exclusion rather than a difference in institutional quality. In this sense, the survey statistics do not simply run in parallel with the interview material; they provide population-level evidence that allows the qualitative interpretation to be generalized beyond the individuals quoted, while the qualitative material provides the mechanism that the percentages alone cannot explain.

Samuel's case shows how welfare conditionality converts formal entitlements, such as burial rights, marriage recognition, and community belonging, into structural capability deprivation (Sen, 1999). Compliance is extracted at moments of maximum vulnerability, when the cost of resistance is highest, and the capacity to resist is lowest; the entitlement exists in principle but cannot be converted into an actual outcome without subordination to UP authority. This deprivation compounds the findings in Table 4: it is most severe for women without male kin, whose formal exclusion from UP membership is doubled by their exclusion from the kin-based channels through which even mediated access operates. Low legal literacy, which is revealed through the "before the law" consciousness (Silbey, 2005) of fisherfolk indicates a conversion failure, in which legal protections exist on paper but cannot be recognised or exercised. The Christian women exposed to NGO-facilitated legal literacy showed greater willingness to approach police directly indicates this is a remediable capability gap rather than a fixed cultural constraint, and models the incremental pathway toward institutional change that SHG engagement across all three communities already represents.

The findings looked through the lens of SDG 16.3 indicate that geographic proximity, cultural intelligibility, and procedural familiarity, the very features that make UPs accessible, are inseparable from the features that make them exclusionary: kinship embeddedness, ritual participation, and communal welfare are simultaneously the basis of UP legitimacy and the mechanism of its exclusions. This suggests that achieving SDG 16.3 in such settings requires building on existing institutional dynamics rather than displacing customary forums with formal alternatives that most fisherfolk currently lack the legal consciousness or resources to access.

Conclusion

This article examined access to justice for fisherfolk communities in Ramanathapuram district through the lens of UPs. The central finding is that UPs function both as the most practically accessible justice forum available to fisherfolk and as sites of structured exclusion for women and sub-caste minorities. The article states that institutional availability is an insufficient measure of justice. The gap between the formal presence of institutions and substantive access to them is not incidental. It is reproduced through mechanisms that make these institutions appear legitimate to community members.

Theoretically, the study makes three contributions. It refines the SASF framework by showing that external institutional pressure consolidates rather than erodes customary authority within domains of deepest social embeddedness. It extends intersectionality scholarship by showing that high aggregate satisfaction can coexist with, and conceal, systematic exclusion along intersecting axes of gender, sub-caste, and kinship. And it extends the capabilities approach by showing that welfare conditionality, linking burial rights, marriage legitimacy, and community welfare to compliance with UP, constitutes structural capability deprivation, binding the practical freedom to seek redress to prior conformity with a normative order the most marginalised had no part in shaping. Overall, these contributions indicate that disaggregating institutional legitimacy from institutional justice is an empirical and normative necessity, not merely an analytical preference.

These findings suggest three practical directions for advancing SDG 16.3 within existing institutional dynamics rather than through displacement. First, strengthening SHG engagement in UP decision-making on welfare and domestic matters, building on the direct-complaint channels already emerging in some Hindu and Christian villages. This is a lighter version of the strategy pursued in

South Africa's traditional and Khoi-San Leadership Act (2019), which mandates that women hold at least one-third of seats on traditional councils, showing that customary bodies are required, rather than merely encouraged, to share authority. The Ramanathapuram case suggests a gradualist alternative to this legislative route, building outward from SHGs' existing welfare standing rather than imposing quotas on institutions that currently deny women membership outright. Second, extending community-embedded legal literacy which is already existing among Christian women in their greater willingness to approach police directly, to other groups such as Hindu and Muslim women. Sierra Leone's Timap for Justice trains community paralegals who work within, rather than against, a dual customary-formal legal system, mediating cases and referring them onward only when customary forums fail to deliver redress (Maru, 2006). A similar intermediary role, neither replacing UPs nor deferring to them uncritically, could extend the legal literacy gains presently concentrated among Christian women to others as well.

Third, strengthening awareness of formal redress mechanisms among structurally excluded groups, such as the Konar sub-caste, who already turn to the police as an alternative when UP proceedings exclude them. This resonates with broader debates on hybrid legal orders (von Benda-Beckmann, 2002), which caution against treating customary and state forums as substitutes for one another; rather than displacing UPs, formalising the Konar's existing recourse to police as a recognised complementary channel would convert an ad hoc workaround into a durable institutional option.

The study is geographically limited to Ramanathapuram district, and its cross-sectional design does not trace the longitudinal dynamics of the UP authority. Future research would benefit from longitudinal and comparative designs centring women and Konar fishermen as primary respondents. The present study establishes the foundational distinction between the legitimacy of customary institutions and the justice they deliver, and disaggregating them is the first step toward building institutions that are not only accessible but also genuinely equitable.

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Notes

1. The Marine Fisheries Census 2016 (CMFRI-DoF, 2020) is the most recent published census data for Tamil Nadu's fisherfolk population. However, as this report was released in November 2020, it was not accessible when the sampling framework for this study was designed. The proportional stratification of respondents across religious communities and villages was therefore based on CMFRI (2010) figures, which constituted the most current available data at the time of sampling finalisation. Substituting 2016 figures retrospectively would misrepresent the actual basis on which the sample was constructed. CMFRI (2010) citations are accordingly retained wherever they directly underpin sampling and methodology, while all contextual and descriptive statistics, including state-level fisherfolk population, district household figures, and data on women's roles in fishing-allied activities, have been updated to CMFRI-DoF (2020).
2. Sub-caste classifications within Hindu fishing households are not captured in official government census reporting. This information is drawn entirely from the author's primary fieldwork conducted in Ramanathapuram district between September and December 2023.
3. All statistics, figures, and percentages cited in this article are based on primary data collection and analysed by the author.
4. Ramanathapuram taluk comprises 17,198 fishermen households across 101 fishing villages (Hindus 69.25%, Muslims 26.29%, Christians 4%) (CMFRI, 2010).
5. Although the Madras High Court has banned reliance on *Shariat* codes for legally binding decisions, these forums continue to function unofficially and remain in practice (Subramani, 2016).
6. All personal names used in this article are pseudonyms. Original names have been changed to protect anonymity.

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