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Excellency,

You will recall that the Committee on the Elimination of Racial Discrimination, at its 70<sup>th</sup> session held from 19 February to 9 March 2007, considered the fifteenth to nineteenth periodic reports of India and adopted concluding observations in relation thereto (CERD/C/IND/CO/19).

Pursuant to Article 9, paragraph 1, of the Convention, and Article 65 of the Committee's rules of procedure, as amended, the Committee requested in paragraph 34 of its concluding observations that your Government provide information on the way it has followed up on the recommendations contained in paragraphs 12, 15, 19 and 26 within one year.

To date, the Committee has not received any information from the State party in this respect. On the other hand, the Committee has been made aware of the imminent construction of the Tipaimukh dam in Manipur, the Lower Subasiri dam in Arunchal Pradesh and other dams on indigenous territories, allegedly without the free prior informed consent of the affected indigenous communities, resulting in the forced resettlement and endangering of the traditional lifestyles of those communities. In this regard, the Committee recalls paragraph 19 of its concluding observations, in which it recommended that the State party "seek the prior informed consent of communities affected by the construction of dams in the Northeast or similar projects on their traditional lands in any decision-making processes related to such projects, and provide adequate compensation and alternative land and housing to those communities."

Moreover, the Committee has received information according to which no steps have been taken to repeal the Armed Forces (Special Powers) Act of 1958, as recommended in 2005 by a special Review Committee set up by the Ministry of Home Affairs, or to release the report of the Review Committee.


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In light of this information, the Committee would like to refer to paragraph 12 of its concluding observations, in which it had urged the State party "to repeal the Armed Forces (Special Powers) Act and to replace it 'by a more humane Act,' in accordance with the recommendations contained in the 2005 report of the above Review Committee."

In light of the above, and with a view to continuing a constructive dialogue with your Government, the Committee requests the State party to submit comments with respect to the implementation of the recommendations contained in paragraphs 12 and 19 of its concluding observations, in particular with respect to the measures taken by the State party to safeguard the rights of indigenous communities whose territories and traditional lifestyles are threatened by projects such as the Tipaimukh and Lower Subasiri dams, as well as the continued application of the Armed Forces (Special Powers) Act. The Committee also reiterates its request for the State party to provide comments with respect to the implementation of the recommendations contained in paragraphs 15 and 26 of its concluding observations. The Committee wishes to receive such comments no later than 31 December 2008.

Allow me, Excellency, to reiterate the Committee's wish to pursue a constructive dialogue with your Government and underline that the Committee's requests for information are made with a view to assisting your Government in the effective implementation of the Convention.

Yours sincerely,



Fatimata-Binta Victoire Dah  
Chairperson of the Committee for the  
Elimination of Racial Discrimination