



REFERENCE: CERD/EWUAP/104th session/2021/CS/ks

25 August 2021

Excellency,

I write to inform you that in the course of its 104th session, the Committee on the Elimination of Racial Discrimination considered information received under its early warning and urgent action procedure, concerning the situation of the Scheduled Tribes of Lakshadweep in India.

According to the information received, on 28 April 2021 the Administration of the Union Territory of Lakshadweep published the “Draft Lakshadweep Development Authority Regulation 2021”, allegedly without duly informing or consulting the Scheduled Tribes of Lakshadweep before drafting the regulation. Additionally, the information suggests that the regulation could possibly cause serious harm to these tribes, if implemented.

It is reported that the regulation gives sweeping, arbitrary and unchecked powers to the Administration of the Union Territory to seize lands of the Scheduled Tribes of Lakshadweep for development projects, including building, engineering, mining, quarrying and other operations. Reportedly, it would infringe the rights of the Scheduled Tribes of Lakshadweep, in particular their right to their lands, to possess and retain their property and to their culture, and would irreparably damage the environment of Lakshadweep and the traditional way of life of its people.

It is further alleged that the regulation would violate the “Laccadive Islands and Minicoy Regulation I” of 1912 and the “Lakshadweep (Protection of Scheduled Tribes) Regulation” of 1964, in particular the prohibition of alienation of tribal lands in the Union Territory of Lakshadweep.

In this regard, the Committee recalls its general recommendation No. 23 (1997) on the rights of indigenous people and its recommendations made in paragraphs 10 and 19 of its concluding observations (CERD/C/IND/CO/19) of 2007.

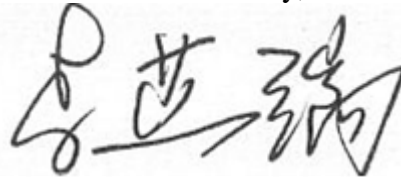
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In accordance with Article 9(1) of the Convention and article 65 of its Rules of Procedure, the Committee would be grateful to receive a response to the allegations outlined above, by 15 October 2021. In particular, it requests the State Party to provide information on:

- (a) The current status of the “Draft Lakshadweep Development Authority Regulation 2021”, including information on any recent modification, in particular with regard to the alleged arbitrary powers conferred to the Administration of the Union Territory to seize lands of the Scheduled Tribes of Lakshadweep;
- (b) The measures adopted to fully and adequately guarantee the right to consultation and to fulfil the requirement of free, prior and informed consent of the Scheduled Tribes of Lakshadweep regarding the drafting and discussion of this Draft Regulation, as well as on any steps taken to consider suspending its adoption or withdrawing it until such consultations take place and consent is obtained.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of India, with a view to ensuring the effective implementation of the Convention.

Yours sincerely,



Yanduan Li
Chair

Committee on the Elimination of Racial Discrimination