



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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29 April 2022

Excellency,

I write to inform you that in the course of its 106<sup>th</sup> session, the Committee on the Elimination of Racial Discrimination considered information received under its early warning and urgent action procedure, related to the situation of (i) Particularly Vulnerable Tribal Groups in Andaman and Nicobar Islands and (ii) Chakma and Hajong communities in Arunachal Pradesh State in India.

(i) Particularly Vulnerable Tribal Groups in Andaman and Nicobar Islands

According to the information before the Committee, the Government of India has developed two mega projects in the Andaman and Nicobar Islands – the “Holistic Development of Great Nicobar Island” and the “Sustainable Development of Little Andaman Island Vision Document” – which would have a harmful impact on five Particularly Vulnerable Tribal Groups (PVTGs) that inhabit these islands and are already on the verge of extinction (Great Andamanese, Jarawas, Onges, Shompens and Sentinelese).

The Committee has been informed that the “Holistic Development of Great Nicobar Island” project comprises four major development projects: an International Container Transshipment Terminal, a Greenfield International Airport, a Power Plant and a Township envisaging 650,000 people to inhabit the island by 2050. It has also been informed that the “Sustainable Development of Little Andaman Island Vision Document” entails building a new greenfield coastal city in the pristine forest of the island, home to the Onge tribes.

It is also alleged that the project in Nicobar Island will impose a significant ecological pressure on the island and its surroundings and that the project in Andaman Island will require de-reserving 32% of the forest reserves and de-notifying 31% of the tribal reserves, with detrimental consequences for the PVTGs of the islands. It is further alleged that these projects violate the existing laws and policies of the State party that protects PVTGs and their habitats, *i.e.*, the Shompen Policy of 2015, which establishes prioritization of tribal rights over large scale development projects, the Forest Conservation Act of 1980, the Andaman and Nicobar Islands Protection of Aboriginal Tribe Regulation of 1956 and the Indian Forest Act of 1927.

His Excellency Mr. Indra Mani Pandey  
Permanent Representative of India  
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(ii) The situation of Chakma and Hajong in Arunachal Pradesh State

According to the information before the Committee, in August 2021, Chief Minister of Arunachal Pradesh State announced that the Chakmas and Hajongs, who were settled in the State in 1960's, will be relocated outside the State. The information received further indicates that, in order to implement this plan, Deputy Commissioner of Changlang district of Arunachal Pradesh informed in November 2021, that a special census of Chakmas and Hajongs will be conducted for reporting to the State Government of Arunachal Pradesh.

It is alleged that such special census constitutes an act of racial discrimination and profiling directed only to these communities with a view to deporting Chakmas and Hajongs from Arunachal Pradesh State.

The information received also indicates that in 1996, the Supreme Court of India declared the Chakmas and Hajongs as citizens and directed the Government of India and the State of Arunachal Pradesh to process their citizenship applications, but that these applications were never processed (*National Human Rights Commission v. State of Arunachal Pradesh and Another, 1996 SCC (1) 742*). It further notes that in 2015, the Supreme Court again directed the Government of India and the State of Arunachal Pradesh to process the citizenship applications, but that no application has been processed (*Committee for C.R. of C.A.P. & Ors vs State of Arunachal Pradesh & Ors [Writ Petition (Civil) No.510 of 2007]*).

In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee would like to request the State party to provide a response to the allegations outlined above, by 15 July 2022. In particular, the Committee requests the State Party to provide information on:

(a) The measures adopted to prevent any adverse and irreparable impact of the above-mentioned mega projects on the Particularly Vulnerable Tribal Groups (PVTGs) that inhabit the Andaman and Nicobar Islands, including the impact on the ecosystem, biodiversity, the livelihood and existence of these PVTGs;

(b) The steps taken to ensure the strict observance of the existing domestic laws and policies relating to the protection of the PVTGs of Andaman and Nicobar Islands as well as the State party's international obligations, in particular those under the ICERD;

(c) The steps taken to prevent and halt any measures directed at deporting or relocating the Chakma and Hajong communities, including the above-mentioned special census;

(d) The measures adopted to prevent and combat racial profiling or racial discrimination against the persons belonging to the Chakma and Hajong communities;

(e) The implementation of the judgements of the Supreme Court of India in the cases *National Human Rights Commission v. State of Arunachal Pradesh and Another, 1996 SCC (1) 742* and *Committee for C.R. of C.A.P. & Ors vs State of Arunachal Pradesh & Ors [Writ Petition (Civil) No.510 of 2007]*.



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,

A handwritten signature in blue ink, reading "Verene Shepherd".

Verene Shepherd  
Chair  
Committee on the Elimination of Racial Discrimination