

Draft Lakshadweep Development Authority Regulation 2021 (LDAR) : New Rules by Praful Khoda Patel

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Residents of Lakshadweep have been protesting against some new regulations that have been introduced by their new administrator Praful Khoda Patel. At the heart of the problem is the draft Lakshadweep Development Authority Regulation 2021 (LDAR), which gives the administrator powers to remove or relocate islanders from their property, for town planning or any developmental activity. The citizens are even saying that the administrator is not working for the island.

In news: Save Lakshadweep campaign: What is it about?

Placing it in syllabus: Society

Dimensions

- Provisions of the Regulation
- Importance
- Criticisms
- Suggestions

Content:

Provisions of the Regulation:

The Draft Lakshadweep Development Authority Regulation, 2021 or LDAR 2021 was notified on the official website of the administration.

It proposes to change the existing land ownership on the island and provide for the development of towns in Lakshadweep.

Constitution of Lakshadweep Development Authority (LDA):

- It empowers the government, identified as the administrator, to constitute Planning and Development Authorities under it to plan the development of any area identified as having “bad layout or obsolete development”.

Delineates Powers of LDA:

- Planning and Development Authorities are to prepare land use maps, carry out zonation for type of land use and indicate areas for proposed national highways, arterial roads, ring roads, major streets, railways, tramways, airports, theatres, museums etc.
- Only cantonment areas are exempted from this.

Defines ‘Development’:

- It defines development as the carrying out of building, engineering, mining, quarrying or other operations in, on, over or under land, the cutting of a hill or any portion thereof or the making of any material change in any building or land or in the use of any building or land.

Legal Immunity and Penalties:

- As per the regulation the development plan would not, (either before or after being approved), be questioned by anyone, be it in any legal proceedings too.
- It allows the administrator authority to forcibly remove or relocate residents from their property for any developmental activity
- It establishes penalties such as imprisonment for obstructing the development plan’s work or workers.

Proposes Fees for Changing Zones:

- It stipulates that islanders must pay a processing fee

for zone changes.

- It implies that localities would be required to pay fees to gain approval to alter zones as per the development plan, as well as fees for permission to develop their own land.

Article 240:

- LDAR is to be enacted by exercising powers conferred by **Article 240** of the Constitution, under which the President has the power to make regulations for the peace, progress, and good government of the Union territory of Lakshadweep.
- The power of the President to legislate under Article 240 is so immense that, any regulation made thereunder may repeal or amend any Act made by Parliament which is for the time being applicable to the Union territory.
- Therefore, the President may by a regulation made under Article 240 repeal or amend any Act made by Parliament which is for the time being applicable to the Union territory.
- When promulgated by the President, the regulations shall have the same force and effect as an Act of Parliament which applies to that territory.

Importance:

- **Tourism Development:** The Lakshadweep Administration has stated that the LDAR is necessary for the development of the islands into a bustling tourism hub.
- **Strategic Significance:** The development of the territory possesses huge strategic significance in the Indian Ocean amidst rising Chinese inroads in nearby countries of Sri Lanka and Maldives.
- **Income and Employment Generation:** Lakshadweep administration and NITI Aayog aim at generating income and providing employment to the islanders by “Holistic

Development of Identified Islands". The projected Budget Estimates at ₹266.70 crore and additional investment from the private sector at ₹788 crore for sustainable development. was committed to developing the infrastructure in the archipelago as well as.

About Lakshadweep:

- India's smallest Union Territory, Lakshadweep is an archipelago consisting of 36 islands with an area of 32 sq km.
- It is directly under the control of the Centre through an administrator.
- There are three main groups of islands: Amindivi Islands, Laccadive Islands, and Minicoy Island.
- Amindivi Islands are the northernmost while Minicoy island is the southernmost.
- All are tiny islands of coral origin (Atoll) and are surrounded by fringing reefs.
- The Capital is Kavaratti and it is also the principal town of the UT.
- Pitti island, which is uninhabited, has a bird sanctuary.



Demography:

- More than 93% of the population who are indigenous, are Muslims and majority of them belong to the Shafi School of the Sunni Sect.
- Malayalam is spoken in all the islands except Minicoy where people speak Mahl which is written in Dhivehi script and is spoken in Maldives also.

- The entire indigenous population has been classified as Scheduled Tribes because of their economic and social backwardness.
- There are no Scheduled Castes in this Union Territory.

Criticisms:

People of Lakshadweep have raised the following concerns about LDAR:

Violation of Fundamental Rights:

- The Regulation provides the Government and the Planning and Development Authority constituted by the Government manifestly arbitrary powers to acquire, alter and transfer the properties owned by the residents of Lakshadweep.
- It would hit the fundamental rights of the residents of Lakshadweep guaranteed by Articles 14 and 21 of the Constitution.

Fears of Real Estate Lobby:

- The LDAR has reportedly stoked fears in the local population that it is aimed at facilitating the entry of capital from outside the islands for acquisition of land.
- Many islanders also suspect that LDAR might have been issued for seeking real estate interests to usurp small holdings of property owned by islanders.
- A majority of them (94.8% as per the 2011 census) belong to the Scheduled Tribes (ST).
- Proposals to bring real estate development concepts such as 'transferable development rights' to the island have raised people's fear of forced migration en masse.

Forcible Relocation & Eviction:

- The provisions of LDAR that give the authority unbridled

power to relocate people for the development plans has raised concerns of forcible eviction.

- Also the LDAR puts the onus on the owner to develop his holding as per the plan prepared by the authority as also to heavily penalise them in the event of non-compliance.

Threaten the culture and life:

- The island community is a close-knit group with families living in close proximity. The regulation will destroy the way of life practised by them for generations.

Ecological Concerns:

- It is neither ecologically sustainable nor socially viable and the people's representatives were not consulted before drafting it.

Dilutes the objectives of Land Acquisition Act:

- The regulation could amend the provisions of the Land Acquisition Act which are applicable to Lakshadweep.
- However, the amendments as per Section 22 and Section 24 would defeat the very objectives of the Land Acquisition Act.
- A few of the very important objectives of the Land Acquisition Act, as stated in its preamble, are to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed, and transparent process for land acquisition.

Ignores Peoples' Needs and Geographical Realities:

- The regulation talks about building and expanding "existing and proposed national highways, major streets, ring roads, railways, tram-ways, airports and canals", ignoring the geographic reality of the region and the long-standing demands of people.

- For instance, a major concern of the island people is transport connectivity between the islands and the Indian mainland.
- What is needed is more ships and boats and better management of the facilities, not trains and trams.

Suggestions:

- Centre must advise Lakshadweep administrator against imposing questionable agenda in name of islands' development
- The anomaly between the needs of the residents and the vision of the administration should be reduced through participative development, rather than the heavy-handed and top-down approach that refuses to engage with local concerns and needs.
- The first step towards that could be for the government to withdraw the Draft Lakshadweep Development Authority Regulation (LDAR) –which is at the centre of the insecurities.
- Also, start a dialogue with the local population, the primary stakeholders in the island's development.

Mould your thought: Discuss the provisions of the Draft Lakshadweep Development Authority Regulation, 2021. Why has there been controversy about it in the recent past?

Approach to the answer:

- Introduction
- Discuss the provisions of LDAR 2021
- Discuss the its importance
- Discuss the criticisms of LDAR
- Suggest a few solutions briefly
- Conclusion