

Govt move to acquire plots leaves residents on shaky ground

Lakshadweep's ecology has been imperilled by heating seas and a string of tourism projects. HT, in a series supported by the Pulitzer Center, looks at the changes that have hit the vibrant archipelago off India's southwest coast

Jayashree Nandi and Tannu Jain

letters@hindustantimes.com

KAVARATTI: It's a clammy Sunday morning in Kavaratti as the islanders slowly emerge from their homes to catch up with each other. Some meet at the tea shacks that pepper Lakshadweep's capital, all 4.22 sq km of it. Others, usually on bikes stop every time they see someone they know, neighbours, children chasing the tiny goats on the island, or women lounging on sail boats along the coast.



LAKSHADWEEP AT CROSSROADS

The scenes appear idyllic, straight out of picture post cards: A people at peace with its life. But, there is a growing sense of unease on the island, along with the nine others that form the Union territory, with multiple crises looming large. One of the largest is the issue concerning so-called pandaram land.

Lakshadweep consists of 36 islands of which only 10 are inhabited. According to a draft note of the ministry of home affairs, the land area is only 32km while the lagoon area is 4,200km.

Land in Lakshadweep can be classified as private land, jenmam, and pandaram (used as commons land and for other purposes).

The history of the islands is largely anecdotal, said Abdul Khader, the head of the last panchayat of Lakshadweep before the local body system was disbanded in 2022.

"Nearly 250 years ago, the Arakkal King (the Kerala dynasty) gave the Pandaram Lands to the islanders," said the 70-year-old.

These lands, largely in the peripheral areas of five islands — Kavaratti, Agatti, Minicoy, Androth and Kalpeni — were then used by islanders as village commons, for growing coconut trees, and other developmental and per-

sonal needs such as residences and shops.

"Under the British rule, the land was again allotted to the islanders. The only condition was that these lands cannot be used for construction of religious structures or burial grounds. They could be used for growing coconut," Khader said.

And things remained unchanged until recently, when the new administrator, Praful Patel Khoda, in a bid to boost tourism, started introducing amendments to the existing laws.

"There were several new notifications touching on every aspect of life in the islands including land since the new administrator took charge," said Ubaidullah AS, an advocate. "It's become the land of notifications," he joked.

On June 27, the Lakshadweep Administration's department of revenue collectorate issued an order which said "pandaram" lands over which the government has "proprietary" rights will be taken back from islanders to whom these lands were leased out for specified period.

"...Pandaram Land in Lakshadweep islands has been given to islanders on lease for agricultural purposes. Such lease holders are called cowledars and they do not possess any propriety rights over the said pandaram land given to them on lease... However, the ultimate proprietorship of this land is



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vested with the government. Therefore, the government can take back this pandaram land as and when required," the order, signed by the collector Arjun Mohan said.

The Kerala high court, on July 8, ordered an interim stay on the order for three months.

HT has seen a copy of the government and court orders.

In 2021 the Lakshadweep administration issued the draft Lakshadweep Development Authority Regulation (LDAR), through which it intended to change land ownership to facilitate development and tourism. The regulation was widely criticised for being insensitive to islanders' needs and aspirations.

said that the regulation "is not presently under consideration". The "Lakshadweep Town and Country Planning, 2024 is under consultation with stakeholder department and ministries", the ministry added.

An RTI seeking details of the new plan is pending with the ministry.

While the islanders believe that their land is being taken over to realise the central government's plans to expand tourism in the UT, the collector's order said: "Given the need for land for developmental purposes in these islands and to prevent the concentration of land among a few individuals or families, the requirement for reassessing and reallocating land... is crucial. Considering the potential for tourism development, economic growth and employment generation along with the benefits these projects can bring to the people, the deputy collectors are hereby instructed to take possession of all pandaram land, subject to certain conditions."

HT reached out to Lakshadweep Administrator, Praful Patel Khoda for an interview on the concerns facing Lakshadweep. "All your queries and interview request has been sent to the honourable administrator's office but he is not available for an interview because of his extremely busy schedule in view of VIPs visiting the UTs," said

his office on September 9.

Islanders are extremely concerned about how changes to land use will impact them. "I have seen the June 27 order and raised objections. I spoke about this in detail in Parliament too. Pandaram lands are being used by islanders since their forefathers' time. Fortunately, there is a stay by the Kerala high court on taking back land," said Muhammed Hamdullah Sayeed, Congress leader and MP from Lakshadweep.

"We feel like they want us to leave this place," said Khader.

Until now, whenever the government acquired pandaram land, it compensated the lease holder at the market price, said islanders.

Within the 1965 regulation, there is not a single provision granting any power to the collector or the administrator to take back any pandaram land held by the local population, classified as scheduled tribe owing to their financial status, according to a memorandum sent by Lakshadweep ST welfare association to Union tribal affairs minister Jual Oram on August 12.

"In fact, islanders were provided with ownership certificates, based on transactions in these lands, and every time the government wanted to acquire the land for any development projects like for schools, hospitals, etc, islanders were always willing to give and

they were compensated by the government," said Khader.

In the August 12 memorandum, the Lakshadweep ST Welfare Association highlighted Mohan's order for "taking back 575 ha of land in possession and ownership of nearly 2,000 tribal natives of five main islands in Kavaratti, Androth, Minicoy, Kalpeni and Agatti."

Questioning the sudden policy change, the memorandum added: "In the last 68 years of the Union territory, no land held by the tribals including pandaram land was taken by the government without proper written agreement and payment of land compensation."

Apart from cancellation of the June 27 order, the organisation sought directions to the Lakshadweep administration to cancel all activities affecting the rights of ownership of the tribal natives.

Approaching the court with proper documentation might be the only recourse for islanders.

"The islanders should gather any evidence or documentation that might support their claim to the land. This could include historical records, evidence of continuous use, or any legal recognition of their ownership prior to 2019... The complexities of property law, especially when dealing with government land, require expert navigation," said CN Nooral Hidayat, advocate based in Kavaratti.