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ABSTRACT:

*“The idyllic archipelago of 36 Islands, Lakshadweep, has lately, been all over the media platforms for all the wrong reasons. The islanders profoundly protest against the regulations brought in by the newly appointed administrator, Mr. Praful Patel, who was in controversies during his earlier work-period. The major reforms brought in by him are: **Draft Lakshadweep Development Authority Regulation 2021 (LDAR)** — which empowers the administrator to remove or relocate islanders from their property, for town planning or any developmental activity; the **Prevention of Anti-Social Activities Act (PASA), 2021**, under which a person can be detained without any public disclosure for a period of up to one year; the draft Panchayat Notification, under which a member with more than two children is disqualified from being a member and lastly the **Lakshadweep Animal Preservation Regulation, 2021**, which bans beef.*

Apart from these regulations, he also turmoil the Covid Guidelines, due to which people had to survive the deadly wave and faced lethal health complications; removed fishing tents in a place where people are primarily depending upon fishing vividly violating the Fundamental Rights. The citizens condemn that the administration is trying to disarray the cultural and pious essence of the Island and that the regulations will spoil the natural core of their place of living. The further manuscript will evaluate the aforementioned regulations and their repercussions on the citizens and the environment whilst the political conundrum.

I. INTRODUCTION:

Amid the second and deadly wave of COVID-19 and the different kinds of fungus a citizen is dealing with, our very own archipelago of 36 islands in the Arabian Sea has come up with a whole new set of problems. Over the last few days, social media is covered with the **#savelakshadweep** and there have been protests all over the territory. The question falling in our minds here is: **WHAT IS HAPPENING IN LAKSHADWEEP?** The administrator of the Union Territory and former BJP Minister, Mr. Praful Khoda Patel has been all over the news because of very major series of reforms brought in by him as he was appointed in

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December, 2020, after the death of former Administrator Dineshwar Sharma. The past postings of Mr. Patel in several other places were also quite controversial but this time he went too far. Complaints related to harassment, bribe, demolishing the traditional and cultural diversity were filed against him. This time he brought up several regulations dealing with *Draft Lakshadweep Development Authority Regulation 2021 (LDAR)* — which empowers the administrator to remove or relocate islanders from their property, for town planning or any developmental activity; the *Prevention of Anti-Social Activities Act (PASA), 2021*, under which a person can be detained without any public disclosure for a period of up to one year; the draft panchayat notification, under which a member with more than two children is disqualified from being a member and lastly the *Lakshadweep Animal Preservation Regulation, 2021*, which bans beef in region which primarily have the population of Malayali Muslim and also struck off the non-vegetarian items from the school menus.

Islanders took to Twitter and other social platforms as a medium to show their rage and discontentment which is a result of aforementioned regulations and laws enforced by the administration. A local resident came up and tweeted that he is a resident of Lakshadweep and the new administrator is destroying their island. He also mentioned that in the previous wave, the island was in the green zone from Covid but after the appointment of the new administrator the whole scenario is flipped and the current situation is where people are finding it difficult to survive. But, what are these Reforms, which are creating such a chaos.

II. RECENTLY INTRODUCED REFORMS IN RESPECT OF

LAKSHADWEEP:

II.I LAKSHADWEEP DEVELOPMENT AUTHORITY

REGULATION DRAFT, 2021 (LDAR):

The LDAR draft empowers the government to constitute planning and development authorities to set-up and plan the development in any area which is being identified as the bad layout or obsolete development, except the cantonment areas which are exempted from it. In

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Lakshadweep, the administrator is that person of the government which is appointed by the President under Article 239(1)¹ of the Constitution of India. This Planning and Development Authority would be a corporate body constituting a chairman appointed by the government, a planning officer and three government experts besides two local authority representatives.

In simple words, this law allows Mr. Praful Patel and his people of administration under the planning and development authorities to take over any piece of land on the island and pass the orders to develop in a certain way. The word ‘Development’ is defined under draft as the carrying out the operations of building, engineering, mining, quarrying or other operations in on, over or under the land, it also adds that the development plan shall not, either before or after, it has been approved by the administration, be questioned in any manner via any legal proceedings whatsoever. Hence, the owner of the land cannot object the possession, as he gets penalized if he does not follow up as he was supposed to do.

This draft empowers the administration and its bodies with arbitrary and tyrannous powers which would directly infringe the fundamental rights of the residents of Lakshadweep guaranteed under Article 14² and 21³ of the Constitution. Lakshadweep being the smallest union territory has a very high population density and due to which there is scarcity of landed properties. Due to lack of land and community life in Lakshadweep it is very difficult for the resident of the island to obtain a suitable property after the acquisition of his landed properties by the government for the purpose of development and no compensation would be enough to fulfill the loss, he faced due to this acquisition. The Hon’ble Supreme Court in the case ***Olga Tellis and others vs. Bombay Municipal Corporation and others***⁴, laid the dictum

¹ (1) Save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify.

² 14. Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

³ 21. Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law.

⁴ 1985 (3) SCC 545.

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which held that the right to life under Article 21 includes the right to livelihood. It may be restricted by a procedure established by law which should be just, fair and reasonable. It is also held that the article 300A of the constitution also provides that no person shall be deprived of property save by authority of law. Additionally, Supreme Court in the case *Ramana Dayaram Shetty vs. The International Airport Authority of India and others*⁵, held that the authority of law should be exercised in a reasonable and non-arbitrary manner as the principle of reasonableness which is the essential element of equality projected by the article 14 of the constitution. And all the actions of the state are characterized under this article 14 of the constitution.

The islanders invested their lifetime income which is earned through fishing and other small occupations to purchase land for their living and suddenly all of it is snatched from them in the name of development use his power to relocate the people from their land regardless of their will. The development which he talks about is nothing but the destruction of cultures as the island community is a close-knit group with families living in close proximity and this regulation will destroy their life which they were living from generations. The regulation will not only destroy the culture but it is neither ecologically sustainable nor socially viable.

II.II LAKSHADWEEP PREVENTION OF ANTI-SOCIAL ACTIVITIES REGULATION OR GOONDA ACT, 2021:

The Act was introduced in January 2021. Under this law a person can be detained without any public disclosure for a period of up to 1 year. The country is in the middle of the pandemic and the administration here is talking about the Anti-Social activities in a region where already the crime rate is very low. As per the local media, the administration used this Goonda Act just to stop the CAA/NRC protests as they don't want people to speak freely and peacefully on the issue. They want to terrorize the local people and as the execution they arrested and detained several people who protest against CAA/NRC under this Act. This is not the first time Mr. Patel is doing something like this he in his previous period of

⁵ 1979 (3) SCC 489.

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administration in Daman and Diu also stopped people who were peacefully protesting against demolitions.

II.III ANIMAL PRESERVATION REGULATION, 2021:

The draft introduced on 25th Feb. created havoc among the citizens of Lakshadweep. This Union Territory is a Muslim-majority region with around 96.5 per cent of the population; Malayalam being the dominant language, and the primary occupation being fishing. The new regulation brought in by the administrator not only bans cow slaughter but buying, selling and transportation or storing beef or its products is strictly prohibited and its violation will invite stringent punishments and fines. Also, the slaughter of other animals for religious purpose will require a certificate.

Now, this took a political turn when Sunil Deodhar, BJP National Secretary, in 2018 said that “there won’t be a ban on beef in the Northeast where it is widely consumed.” Also, BJP took a different stand when a number of states involving Congress-ruled ones, had cow-slaughter bills and was also silent upon this issue in the recent assembly elections held in Kerala. And then, while referring to the regulation the officials said that they want to protect the milch animals. The regulation goes against the lifestyle and culinary practices of islanders who are predominantly consumers of non-vegetarian. Lastly, beef formed and integral part of the local cuisine and dietary protein intake and this act basically focused more on cows and bulls rather than preserving marine biology.

The above-mentioned reforms are the foremost reasons why the islanders are protesting but then, this is not end, there are other issues also which abuse the culture and heritage of the island. The administration is planning to relax the laws on the supply of liquor in the resorts to get the attention of the tourists. Lakshadweep is the place for tribal community and for them their culture and heritage is everything, this move of the administration to ban beef and allowing supply of liquor is completely against the culture of the islanders and hence, the protests.

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III. PANDEMIC MANAGEMENT:

Lakshadweep was a Covid-free region up till mid-January, 2021 as the restrictions were stringent and proper containment plan, also, the administration knew that the small island won't be able to cope with the deadly wave. But all of it vanished when its first case was reported on January 18th and since then the situation got worsened till date. The cases increased to 4,986 with the deaths of 14 people until May, infecting 7% of the total population. As per the initial guidelines a passenger arriving on the island has to go through the quarantine period of 7 days before they got themselves tested⁶ and arriving in Agatti⁷, they had to undergo quarantine for 14 days.

But these were changed in December, 2020 the quarantine period was removed instead a passenger could now enter the UT with a Negative test report by ICMR approved laboratory. The reason of increased cases was blamed on the administration and the laxity in quarantine measures that resulted in the surge in cases in the union territory, to which the administration replied that “the movement of people rose due to a resume in economic activities” and “the transmission rate of the virus was very high”.

As the situation got out of the hands of the administration, the earlier guidelines were re-introduced comprehensively stating that even the family members of the person travelling also need to be quarantined, if staying in the same house; Night curfew was placed; healthcare and frontline workers were given both the doses of Vaccine. Also, setting up of new hospital, stocking up of oxygen cylinders and concentrators are being planned by the administration in order to be prepared for the third wave.

IV. CONCLUSION:

Recently, the residents adamantly refused to follow these reforms and held up placards during a 12-hour hunger strike against these anti-people policies brought in by the administration.

⁶ RT-PCR Test.

⁷ An Island situated on a coral atoll in Lakshadweep.

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The “Save Lakshadweep Forum” being the forefront of the protest includes women and children demanding the alleged draconian laws to be revoked. The islanders firmly believe that the administration is ignoring their demands and they want to safeguard the interest of the islands.

Hence, they participate in peaceful protests abiding by the lawful protocols of the Covid-19 pandemic. All of the above contentions states that the people of Lakshadweep are not against change but are against the illogical and mindless reforms which do not go well with the local needs and ground reality.

