



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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To,
Indrajeet Kumar,
National Focal Point - Human Rights Defenders & Joint Deputy Registrar,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action- Karnataka: Physical assault, Illegal detention, and fabricated charges on protestors in Uttara Kannada.

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our concern regarding the physical assault, fabricated charges and forced pick up of protestors who were peacefully protesting the construction of an illegal road on the Kasarkod beach, Honnavar Taluk, Uttara Kannada district, Karnataka. The construction of this illegal road for the proposed port has serious implications for the livelihood and health of these communities and leads to displacement, ecological destruction and endangers the Olive Ridley Turtles that nest on the beaches of Kasarkod Tonka.

Source of Information:

- Communication with the HRDs in the region
- Communication with the HRDA Southern Regional Consultant
- Videos on the day of the incident and subsequent updates from the community

Date of Incident:

January 24, 2022

Place of Incident:

- Kasarkod Tonka, Honnavar Taluk, Uttara Kannada, Karnataka

The Perpetrators:

- Mr. Sasikumara CR PSI, Honnavar police station, Uttara Kannada, Karnataka

- Other police personnel of Honnavar police station, Uttara Kannada, Karnataka

Background to the Incident:

In 2010, a government order was passed giving permission to construct a jetty and facilitate anchoring activity and develop the port project in Honnavar. This was conditional, provided all permissions from other departments were obtained. Over the next 10 years, various permissions and approvals were moved by the project proponent - Honnavar Ports Pvt. Ltd. (HPPL).

However, the fisherfolk community of Kasarkod Tonka were extremely unhappy with this development. Since project of this scale and size was not possible without severe social and environmental implications.

When the proposal for the port came to light, they made their distress evident through multiple representations to various authorities through the years, however, when their petitions went unheeded, they started peaceful protests.

Kasargod Tonka is an intergenerational fishing community and most have no other skillset or literacy to pursue an alternate profession. The fishing and allied profession provides livelihood to not just the men, but a very large number of women are employed in sales, distribution, dry fish processing etc. Many of these women belong to marginalised sections and no other means of living. Some are single women, single mothers, and single income families. The community feels that a port of this size on their beach would break the delicate ecological balance and put an end to their livelihood. This coastal stretch is an Olive Ridley Turtle nesting site whose nests have been sighted by the locals. The turtles, believed to be an incarnation of the Lord Vishnu, are worshiped by the fisherfolk.

Turtle nesting is documented and recorded by the forest department and the local villagers continuously communicate with the forest department as part of a joint conservation activity.

The access to the proposed port was always via the existing roads and no new road via the beach had been proposed. However, construction of an illegal road which was not in the EIA and discussed in the public consultations by HPPL in 2011 was commenced. The road is an allied infrastructure to connect the port area to National Highway -66 for the upcoming Public Private port of Honnavar Port Private Ltd. This road would impact their livelihood and their future; they had been trying to get their voices heard repeatedly and the commencement of the work established that no one was listening. Thus, construction of the illegal road was peacefully protested by the local community.

Details of the Incident:

On the morning of January 24, 2022, at around 6:00 AM, about 60-70 men and women of Kasarkod Tonka fishing community gathered to sit in protest against the construction of the illegal road outside their homes by Honnavar Port Private Limited.

They had been sitting in protest from 6:00 AM until 8:30 AM when 600-700 policemen arrived with the port workers. The police pushed the men into police vans. 27 women who were also a part of the protest were physically and verbally abused and then picked up by their hands and feet and pushed into two tempos. They were forced to go in the vehicles without any disclosure of where they were being taken. They were

then taken to the Uttara Kannada police station where their phones were confiscated. All the detained women were asked to fill a form with their personal details in a document which said, "prisoners' details", where the women were asked not to mention the injuries they sustained while being forcibly picked up by the police personnel.

Of the 27 women detained, one was pregnant, one was a breastfeeding mother, a few had their periods, and some were elderly women. The pregnant woman (about seven weeks pregnant) lost her unborn child two days after this detention, on January 27, 2022.

Finally, the women were let go at 8 pm in the night once the road work had progressed and 90% of dumping of red soil and large stones was completed for the day. None of the women police accompanied them back and they were sent back in a private tempo that had been hired from a transporter that dropped them back at the location from where they had been picked up.

On January 25, 2022, the police had barricaded the area where the road was being constructed and as a result blocked access to and from the homes of many of the villagers. No one was allowed to step out and mobility was severely restricted and their livelihood impacted as they are daily wage workers. Section 144 of the CrPC continued to be in place and villagers were not allowed to work or step out of their homes. The construction of the road continued till 7:00 pm under the protection of heavily armed large police force that was deployed there all day.

On January 26, 2022, India's Republic Day, as the road work continued under police protection and Section 144, one young boy from the community questioned as to why work was being carried out on Republic Day, a national holiday and he was hit with lathi and detained in the police station.

In March 2022, the protestors were asked to appear to the Honnavar police station. On reaching the police station they were asked to sign a letter dated March 11, 2022, which said that they had been asked to come for an inquiry regarding the facts of the case on March 17, 2022. The policemen present at the Honnavar police station refused to give them the notice they were made to sign and put pressure on them to stop the protests saying, "why do you want to invite so much trouble; just stop the protests". 13 women protestors and three men protestors were forced to sign the document.

The protestors do not have any clarity if an FIR has been filed, no clear information or documents are being shared and given that they are illiterate, they are being clearly intimidated by the process. Such ill treatment of peaceful citizens, especially women standing up for their human and environmental rights by the Karnataka police is deplorable.

The Constitution of India recognizes the Right to Life, Livelihood, Equality, Justice, and Environment as a fundamental right. Additionally, all international laws and India's stand in the world widely recognize and accept environmental rights as human rights.

The right to peaceful protest is enshrined in the article 19(b) of the Constitution and the local communities have a full right to protest the policies which will harm the ecological balance of the area and their livelihood.

However, in contrast to the constitutional mandate, the State has resorted to illegal detention and intimidation against peaceful citizens acting in the interest of their livelihood and protecting their environment

The Stockholm Declaration established a foundation for linking human rights and environmental protection and the International Covenant of Economic Social and Cultural rights (ESCR) provides the right to health which recognizes the need for environmental improvement. It also provides for self-determination including the right of all peoples to manage their own natural resources.

The OHCHR has also adopted several resolutions linking human rights and environment like Res 2005/60 which calls on states to take all necessary measures to protect everyone's human rights when promoting environmental protection.

Thirdly, the biodiversity of this region will be impacted negatively including the Schedule I species, the Olive Ridley Turtle. This region is highly sensitive and fragile; it is already highly threatened due to Sharavathi river being dammed upstream and in Kasarkod Tonka where it joins the Arabian Sea is prone to high erosion and accretion since the river meets the sea. This estuary is unique since it is home to marine life which is not found anywhere else. Thousands of people depend on the river and the sea for their simple livelihoods and nutritional needs. The project will pollute the recharge area of the local water resources, on which it is proposed to be constructed, but will also be a big consumer of the water resources, thus denying tens of thousands of local fishers of the region the precious and limited water resources on which their lives and livelihoods depend.

Fourthly, the Karnataka Panchayat Raj Act, 1993 has the objective of greater participation of the people in the governance and decision making for their villages (Gram Panchayat, Taluk and District level) and informing the people, holding discussions, and taking decisions through the Gram Sabha of the concerned Village Panchayat.

As per the 73rd amendment of the Constitution of India, it is now a constitutional requirement to ensure participatory decision making. It is therefore incumbent upon the government to initially consult the people and their local bodies to determine a project's need and discuss the impact with the people vis-a-vis the construction of a port allied infrastructure through common land.

Appeal:

We urge the Hon'ble Commission to immediately take necessary steps and:

- Direct the investigation division of the Hon'ble Commission to independently assess the incident of police excesses on peacefully protesting citizens and assess if due processes were followed for the construction of the road as mandated by the laws.
- Depending on the result of the investigation, direct the Director General of Police of Karnataka to take stern action against the police personnel of Honnavar police station.

- Direct the Director General of Police of Karnataka to withdraw all the complaints filed against the all protestors involved in peaceful protests.
- Direct the Director General of Police of Karnataka to immediately stop any harassment or reprisal of the village protestors and submit it in writing to the Hon'ble Commission within two weeks.
- Direct the Government of India and the Government of Karnataka to take immediate cognizance of the issues raised by the villagers/ fisher people and not proceed in any manner without due and proper consultation with the villagers/ fisher people, as also required under provisions of law.

Yours sincerely,



Henri Tiphagne
National Working Secretary