



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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January 08, 2021

To,
Mr. C S Mawri,
Focal Point - Human Rights Defenders & Assistant 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- Goa: Forced construction of IIT Goa in ecologically sensitive area of Melauli without local consent and lathi charge by Goa police on indigenous communities protesting the construction.

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for 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 grave concern regarding the forced demarcation of land to construct the IIT Goa complex in Melauli village in Sattari Taluka in Goa, despite local community protests. This involved teargas and lathi charge by the police personnel of Goa on peacefully protesting indigenous people. The construction of this complex in these extremely ecologically sensitive area will displace the local tribal communities, usurp their forest lands, lead to social conflict and endanger the local flora & fauna.

Source of Information:

- Communication with the HRDs in the region
- Communication with our Southern Regional Consultant
- Information from Media

Date of Incident:

January 05-06, 2021

Place of Incident:

Shel-Melaulim, Goa

The Perpetrators:

Government of India

Government of Goa

Police Personnel of Goa

Background of the Incident:

The village of Melauli is included in the Ministry of Environment, Forest & Climate Change Notification dated February 27, 2017 (commonly called Western Ghats Ecologically Sensitive Areas Notification). The village borders the Bondla Wildlife Sanctuary on its South-West side, has the Mhadei Wildlife Sanctuary less than 700 m from its Eastern boundary, while Bhagwan Mahavir Wildlife Sanctuary lies 2 km to the South-East. The village, therefore, has unique and exceptional importance for the wildlife of Goa in view of its strategic location.

This has the best continuous stretch of forests and cultivated lands which is teeming with people and wildlife of all kinds. These forests provide water recharge for springs, timber and other forest produce, soil generation, soil fertility, environmental security, ecological balance and by reducing wildlife conflict. There are also large plantations of the scheduled tribes and indigenous communities and provide continuity of habitat, food and shelter to the rich wildlife of the adjoining forest patches.

An IIT complex has been proposed at the site of the Melauli village (land bearing sy no. 67/1). The proposal has been pushed by the authorities with no information to the local people. The villagers feel that the proposed IIT project will be a greater threat to the wildlife and the people in the corridor and this has led to numerous protests by the local communities.

Details of the incident:

On January 05, 2021, the people of Melauli village, Sattari taluk peacefully gathered to protest against the proposed IIT project in the Melauli village region. Around 200 villagers mostly women, gathered and peacefully protested on the road against the

survey of their lands. Around 9:00 am, the Goa government deployed a heavy police force of about 550 policemen equipped with tear gas, riot gear, etc to forcibly get 10 lakh sq. meter of the tribal lands surveyed for the IIT project.

However, after about 1:00 pm, the survey was started near the Jhalmi Temple at the other ends of the land. As soon as the locals came to know that clearing of bushes was being done near the temple, they ran through the forest and protested and the policemen withdrew.

On January 06, 2021, the police returned to the protest site and used tear gas and lathi charge to disperse the protestors. Many protestors including women suffered injuries.

We firmly believe that the forcible and hasty construction of the IIT complex in an ecologically rich area which will lead to ecological imbalance and social upheaval is a violation of Indian laws and as well as the International Human rights laws.

The Constitution of India recognizes the Rights to Life, Livelihood, Equality, Justice and Environment as a fundamental right. International law also widely recognizes and accepts environmental rights as human rights. 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 UN Human Rights Commission (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.

Secondly, 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.

Thirdly, Melauli is fully inhabited, possessed and used by the members of the Scheduled Tribes residing in the Murmune ward, Shel, Maingine, Dhada and Paikul wards of Melauli village who will lose their agricultural, grazing and forest lands and become dispossessed. The attempt to dispossess the tribal community is a violation

of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Fourthly, the water security of this region, which is highly sensitive and fragile from the inception, is already highly threatened due to diversion of Madei river by Karnataka, leaving the Ragada river as the main tributary of the Mandovi river on which lakhs of Goans depend. The project will not only destroy 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 scarce water resources of the Ragada River, thus denying tens of thousands of local farmers and fishers of the region the precious and limited water resources on which their lives and livelihoods depend.

Fifthly, the procedures laid down under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 must be followed by the government. Since the people of Melauli village have rights over all of the lands that are proposed to be usurped from the possession, notwithstanding whether the rights are recorded in the survey records and records of rights maintained by the Government.

Sixthly, the Goa Panchayat Raj Act, 1994 has the objective of greater participation of the people in the governance and decision making for their villages, and which provides for informing the people, holding discussions and taking decisions through the Gram Sabha of the concerned Village Panchayat. The 73rd amendment of the Constitution of India states that, it is now a Constitutional requirement to ensure people's participation in taking such decisions. It is therefore incumbent upon the Government to initially consult the people and their local bodies to determine, recognize and document the rights of the local people over the land bearing sy no 67/1, Melauli village, before taking any other steps with regards to the proposal to use these lands for the IIT Goa project.

Furthermore, the project will also create social conflict in the region. The indigenous local communities of Sattari taluka are the most oppressed in the State of Goa due to the ruthless ruling class of this taluka. Most of the people of the villages surrounding Melauli don't have any documentation of their rights over the lands on which they live and cultivate. Most of the lands in this region are wrongly recorded in Government records as occupied by the ruling class families or by the Government of Goa, though

the indigenous communities have lived on these lands, cultivated them and occupied them continuously and without any interruption for thousands of years.

This must be first resolved by ensuring that all the rights of the indigenous communities are recorded in the Government records, before any changes in land use are proposed. The IIT project will create a speculative demand for land from the thousands of rich and privileged people from across India who will be using or visiting these facilities, allowing the local feudal landlords to sell the lands wrongly recorded in their names to these unsuspecting investors, leading to mass displacement of the indigenous communities residing/cultivating on these lands.

The IIT project will also have a massive negative impact on the already beleaguered food security of Goa, which does not augur well for the State and its residents in the face of the food crisis expected due to the impending climate emergency.

Lastly, Melauli village are home to exceptionally rich wildlife and is critical wildlife corridor connecting the three wildlife sanctuaries located around this land and is a violation of Wild Life (Protection) Amendment Act, 2002. It will not only decimate healthy populations of the Schedule-I animals like pangolin, bison, leopard, slender loris, etc but will also ensure that the populations of 5 species of deer and various other fauna perish as well. It will also cause devastating man-wildlife conflict in all the neighboring lands, which are presently under heavy cultivation. Further, the loss of this critical wildlife corridor will have a massive negative impact on the health of the wildlife populations of all the three wildlife sanctuaries.

Therefore, we urge to the Hon'ble Commission to immediately take necessary steps and:

- Direct the Director General of Police of Goa to withdraw the police force from the village immediately and urgently and to conduct a fair and transparent inquiry into the lathi charge and the teargassing of the local protestors. Submit to the Hon'ble Commission the official document authorising lathi charge on the peacefully protesting citizens.
- Direct the investigation division of the Hon'ble Commission to independently assess the incident of police excesses on peacefully protesting citizens and also assess if due processes were followed for land acquisition as mandated by the laws.

- Direct the Government of India and the Government of Goa to take immediate cognizance of the issues raised by the villagers/ advasis and not proceed in any manner without due and proper consultation with the villagers/ Adivasis, as also required under provisions of law.
- Direct the concerned officials of the central and state governments to halt the land survey and other processes immediately.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line drawn underneath it.

(Henri Tiphagne)

National Working Secretary