



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

August 05, 2022

To,
Mr. Indrajeet Kumar,
National Focal Point - Human Rights Defenders & 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- Kasarkod Tonka, Karnataka: Extreme harassment, physical assault, illegal detention, and fabricated charges on women HRDs by Karnataka police

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 concern regarding the harassment, intimidation, physical assault, fabricated charges and forced pick up of women HRDs 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 lead to displacement, ecological destruction and endanger 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 and subsequent updates from the community

Date of Incident:

- January 24, 2022

- June 03, 2022

Place of Incident:

Kasarkod Tonka, Honnavar Taluk, Uttara Kannada, Karnataka

The Perpetrators:

Police personnel of Honnavar police station, Uttara Kannada, Karnataka

Background of the Incident:

Kasargod Tonka is an intergenerational fishing community and most have no other skillset or literacy to pursue an alternate profession. About 2000 women are part of this community who are engaged in traditional dry fish processing. Others are engaged in the sales and distribution of both fresh catch as well as dry fish. The community anticipates that a port handling coal and iron ore of this size on their beach would break the delicate ecological balance and put an end to their inter-generational livelihood. This coastal stretch is a sporadic Olive Ridley Turtle nesting site whose nests have been sighted by the locals, who also participate in the conservation jointly with the Karnataka Forest Department who document and record the nesting activity. The turtles, believed to be an incarnation of the Lord Vishnu, are worshipped by the fisherfolk.

The local men and women of the community are being repeatedly harassed and intimidated by the current dispensation, through the filing of false FIRs against the Kasarkod Tonka fishing community members on trumped up charges involving petty issues. The police have indulged in instances of verbal abuse and powerful intimidation, while blowing out of proportion everyday matters. All this because the community members are simply standing up for their rights and protesting peacefully against the illegal road being constructed by the Port Department as an access road for the Honnavar Port.

In 2010, Karnataka Government granted approval to construct a Barge/Vessel loading facility at Kasarkod Tonka, Honnavar Taluk, Uttar Kannada District, Karnataka. 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 fishing community of Kasarkod Tonka were extremely unhappy with this development since a project of this scale and size was not possible without severe social and environmental implications. Since then, the community had been consistent in calling out the issue of the siting of the port itself on an ecologically sensitive sandspit at the estuarine confluence of the River Sharavathi and River Bagadani. 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. Finally, when the illegal road to the port on the beach, was being constructed in January 2022, and it posed imminent danger and a direct threat to their livelihoods and overall well-being, they chose to peacefully blockade the vehicles as

a sign of protest, when the vehicles arrived with the construction material to build port/road for the port.

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 in January of 2022. This 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. The site of the road is unsurveyed land, an inter-tidal region, part of the coastal commons and comes under Coastal Regulation Zone III, No Development Zone (NDZ).

Details of the Incident:

On morning of January 24, 2022, at around 6:00 AM about 60-70 men and women of Kasarkod Tonka fishing communities gathered to sit in protest the laying 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 the Police Force and the port workers arrived. They were met with a quick and intense reaction from the police that had been deployed in large numbers at the location – a force of about 600-700 strong. The protesters including the women were not spoken to or addressed by the police. The men were immediately pushed into police vans. As they tried reasoning with the police, 14 women were immediately picked up with force (they were hit and verbally abused) and pushed into two tempos that were waiting without any provocation and with no disclosure to where they were being taken. Some of them were physically carried by their hands and feet by some of the 15 women police officers present.

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, 1 was pregnant, 1 was a breastfeeding mother, a few had their periods and some were elderly women. The pregnant woman (about 7 weeks pregnant) lost her unborn child two days after this detention day on January 27, 2022.

At around 8 pm, once the road work had progressed and 90% of dumping of red soil and large stones was completed for the day the woman protestors were allowed to go. 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. The entire machinery of the state has been used against the fisherfolks who were merely protecting their livelihoods.

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.

An additional burden on this already suffering community is caused due to the constant movement of heavy machinery and vehicles for the port-related work that has now created fault lines and cracks in the homes of some of the residents. Damages are of a different nature:

- Houses where grey water pipelines have been destroyed, causing health issues to the family as the water constantly accumulated there.
- Small kirana shops attached to some of the family homes have been demolished with no notice or permissions
- Makeshift shelter for vehicles outside their homes in the way of the road has been demolished with no notice

False and wrongful FIRs were filed against the fishing community of Kasarkod by the Honnavara police on November 09, 2021, wherein FIR no: 0303/ 2021 was filed under IPC 143(unlawful assembly), 147(Rioting), 323(voluntarily causes hurt), 341(wrongful restraint), 504(Intentional insult with intent to provoke breach of the peace), 506(criminal intimidation), 149 (Every member of unlawful assembly guilty of offence committed in prosecution of common object) on Jagadish Ishwar Tandel, Ramesh Manjunath Tandel, Prashant Rama Tandel, Manjunath Narayan Tandel, Keshav Narayan Tandel, Kartik Krishna Tandel, Chandrakant Durgayya Tandel.

On January 24, 2022, FIR no: 0034/2022 was filed under IPC 506(criminal intimidation), 504(Intentional insult with intent to provoke breach of the peace), 143(unlawful assembly), 147(Rioting), 149 (Every member of unlawful assembly guilty of offence committed in prosecution of common object), 447 (criminal trespass) on Renuka Ganapati Tandel, Sudha Sanjay Tandel, Parvati Datta Tandel, Susila Mahesh Banavali, Nagaveni Deepak Mesta, Pranitha Hari Tandel, Managal Nagaraj Tandel, Rekha Rajesh Tandel, Mangala Sheshagiri Mesta, Parvati Madev Tandel, Sunita Santosh Tandel, Saraswati Vishnu Tandel, Sunita Ravi Tandel, Sachin Santosh Tandel, Jeevan Ganapati Kharvi, Rahul Datta Tandel.

On January 25, 2022, FIR no: 0035/2022 was filed under IPC 506(criminal intimidation), 341(wrongful restraint), 504(Intentional insult with intent to provoke breach of the peace), 143(unlawful assembly), 147(Rioting).

The latest FIR has been filed on the peaceful protestors on June 03, 2022, FIR no: 0213/2022 under IPC 506(criminal intimidation), 341(wrongful restraint), 504(Intentional insult with intent to provoke breach of the peace), 143(unlawful assembly), 147(Rioting),

149 (Every member of unlawful assembly guilty of offence committed in prosecution of common object) on Ganapati Ishwar Tandel, Bhaskar Ishwar Tandel, Ramesh Ishwar Tandel, Narasimha Nanda Kharvi, Madev Shivaram, Preeti Ganesh Tandel, Chetana Yaande Sudha Sanjay Tandel, Parvati Datta Tandel, Rekha Rajesh Tandel.

These false complaints have impacted the mental health and caused severe stress to many of them, this active group of citizens who were targeted by the false complaints are part of several Olive Ridley turtle conservation efforts, beach cleaning and many such environmental activities.

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.

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:

Therefore, we urge to 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 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 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