



Human Rights Defenders Alert – India

National Coordination Office

No. 6 Vallabai Road, Chokkikulam, Madurai-625002, Tamil Nadu, INDIA

Tel: +91-9994368540 Email:hrda.india@gmail.com

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Shri A. K. Parashar

National Focal Point - Human Rights Defenders & Joint 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 – Tamil Nadu- A disability rights activist and human rights defender Mr. T.M.N. Deepak, founder-president of the “December 3 movement”, ill-treated / denied his right to use a battery-operated vehicle (Buggy) at Egmore Railway Station, Chennai, Tamil Nadu – Regarding

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours 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 discrimination and ill-treatment meted out to the disability rights activist and the founder-president of the “December 3 movement” Mr. T.M.N.Deepak at the Egmore Railway station in Chennai on 15 September, 2015. Mr. T.M.N.Deepak was refused to use the services of a battery-operated vehicle or buggy at Egmore Railway Station, Chennai, Tamil Nadu meant for carrying differently abled and old aged passengers for boarding the trains.

Source of Information on the Incident:

- Media Reports
- The Regional Coordinator for the South, HRDA-India
- Information provided personally in writing by Mr. T.M.N.Deepak.

The Human Rights Defenders:

Mr. T.M.N. Deepak is a disability rights activist, human rights defender and founder-president of the “December 3 Movement”. “December 3 Movement” is a rights based group of physically challenged people in Chennai, Tamil Nadu. Mr. T.M.N. Deepak has worked as a clinical psychotherapist in the past. Since 2007 he has been an activist, raising voice for the human rights of people with disabilities in rural and urban areas of Tamil Nadu. “December 3 Movement” came into existence after a split from Tamil Nadu Handicapped Federation (TNHF) in February 2015. Around 13 disability rights associations came together to form “December 3 Movement” as December 3 is annually observed as the International Day of Disabled Persons. The group has been fighting for the human rights of the disabled persons. “December 3 Movement” organised a hunger fast from August 14 to August 20, 2015 under the leadership of TMN Deepak in the capital city of Chennai to demand for rationalist regulation of liquor sales in Tamil Nadu. According to the movement, alcoholism in crowded areas caused numerous accidents that led to disability of many which was the point of concern triggering them to demand closing down of the liquor shops. They were taken into custody and lodged in places without access to toilets and water. In July 2014, Mr. T M N Deepak led a protest after an incident in which persons with disability travelling in a train from Tiruchi to Chennai were abused and ill treated by railway employees in reserved coach exclusively for differently abled persons. After a railway enquiry the culprits were punished.

The Perpetrators:

- The Buggy Driver
- The Railway Manager, Egmore Railway station. Chennai
- The Police,Chennai

Date of Incident:

15th September, 2015

Place of Incident:

Egmore Railway Station, Chennai, Tamil Nadu

Incident detail:

According to sources, T.M.N. Deepak, disability rights activist and founder-president of the “December 3 Movement” reached Egmore railway station to catch a train to Tiruchi on 15 September, 2015 at 9.50 PM. He was denied the use of a battery-operated vehicle at Egmore railway station as the vehicle was kept reserved for the Governor of Tamil Nadu.

Normally, the train leaves from Platform 4, but when Deepak went in, it was announced the train would leave from Platform 5. When he went to the battery-operated vehicle and asked the driver to take him to Platform 5, he refused to take him. When Mr. Deepak insisted he was told that it had been put on hold for the Governor of Tamil Nadu who was also travelling that night. After this, Deepak had to walk for about half a kilometre to get into his train.

According to sources, there were two battery-operated vehicles at the station. One was under repair. The other was not made available because the Governor was scheduled to travel to Salem on the same night and the police had blocked the vehicle for security reasons. Railway officials claim that it was not their decision.

According to media reports, the Governor’s office issued an apology to Mr. Deepak, but sources at Raj Bhavan (Governor’s Residence) have denied issuing an official note but however said that the Governor was apologetic about the incident. Mr. Deepak has filed a complaint in this regard at the station manager’s office in Tiruchi, Tamil Nadu.

Appeal:

We, therefore urge you to immediately direct the Railways and the police for ensuring uninterrupted services to the differently abled, aged, women and children and to take necessary steps to ensure that the Railways as well as the District Administration of Chennai in Tamil Nadu:

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of denial of his rights to a differently abled human rights defender Mr. T N M Deepak and causing obstruction in availing the vehicle facility to board the train by the railways and the police;

- Take immediate action on the perpetrators in this case the railways and the police of Chennai Egmore Railway station for the obstruction and refusal to allow the use of the vehicle and creating severe hardships in boarding the train to Mr. T N M Deepak ;
- Take steps to ensure the provisions contained in Section 44, 45 and 46 of Persons with Disabilities Act, (PWD) 1995 dealing with non-discrimination in transport, non-discrimination on the road and non discrimination in the built environment which provide barrier free access to public places to persons with disabilities which includes facilities for easy movement;
- Ensure provision of reparation, compensation, apology to defender for the physical and psychological suffering he underwent because of the harassment and provides a re-assurance of not engaging in such acts against HRDs;
- Put an end to all acts of harassment against all human rights defenders in the State of Tamil Nadu to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Takes steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels,
 - Article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration";
- Recommend urgently and speedily during the pendency of this complaint the SHRC in Tamil Nadu to also take necessary steps to establish a state focal point for HRDs in order that HRDs have a new protection mechanism in their own state;

- Recommend urgently and speedily during the pendency of this complaint that the SHRC in Tamil Nadu convenes meetings of all state human rights institutions in the state [women, minorities, right to information, disability, children etc.] to ensure that a co-ordinated strategy is developed within the State of Tamil Nadu for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Tamil Nadu in collaboration with the SHRC Tamil Nadu to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, "individually and in association with others,... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels" (art.1 of the Declaration on Human Rights Defenders);
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Tamil Nadu.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary