



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

HRDA/UA/North/UP/03/05/2024

May 10, 2024

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 – Urgent Appeal for Action – Uttar Pradesh- illegal arrest, fabricated cases and solitary confinement of Advocate Kripa Shankar Singh for legal activism & illegal arrest, fabricated cases on his wife Mrs. Binda Sona.

Greetings from Human Rights Defenders Alert!

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 concern regarding the illegal arrest, fabricated cases and inhumane prison treatment of advocate Mr. Kripa Shankar Singh for assisting workers and farmers and providing legal support as a lawyer.

About the Human Rights Defender:

Mr. Kripashankar Singh is an Advocate registered with the Bar Council and practices in Court of Law in Allahabad. The activist student was active in Gorakhpur, Deoria, and Maharajganj, working among students from his student life. After that, he worked among workers and farmers in various villages of Purvanchal with the Mazdoor Kisan Ekta Manch. In February 2010, he was arrested under UAPA. After spending 6 years in jail, he was released on bail in 2016. He challenged the wrongful application of UAPA in the Supreme Court. The Supreme Court stayed the proceedings of this case.

After his release from jail in 2016, Mr. Kripashankar pursued a law degree and started practicing legal activism. Under this, he facilitated the release of many prisoners who had no one to support them in jail. During this time, he formed an anti-fascist movement with progressive personalities of Uttar Pradesh and also edited a magazine against it.

Ms. Binda Sona, (42), first met Allahabad based activist and lawyer Kripashankar through a Social Organization Rupantar. Later, they got married and moved to Uttar Pradesh. Then, due to health reasons, she shifted from social work to teaching in a school. For the past four years, she had been working as a typist in the Allahabad High Court.

Source of Information:

- Communication with HRDA Regional Co-ordinator
- Communication with other HRDs in the region

The Perpetrators:

- Anti-Terrorism Squad, Uttar Pradesh
- Personnel of Uttar Pradesh Police

Date of Incident:

March 05, 2024

Place of Incident:

Pritam Nagar, Jayantipur, Police Station, Dhuman Ganj, Prayagraj. Uttar Pradesh.

Background of the incident:

Since 2020, HRD Kripashankar Singh has been practicing law in the Allahabad High Court. In October 2023, while arguing in Anita's case, a lawyer from Anti-Terrorism Squad threatened him.

Details of the Incident:

Advocate Kripashankar Singh was living with his wife Ms. Binda Sona who is a typist in local court. On March 05, 2024, at 7.00 am ATS Uttar Pradesh and Police personnel from Police Station in Dhuman Ganj came to HRD's house and arrested HRD Kripashankar Singh and his wife Ms. Binda Sona. Police and ATS personnel did not inform any of the family members of HRD about the arrests of Kripa Shankar Singh

and his wife. No arrest memo was prepared. There were plainclothes police personnel also with them.

Both Mr. Kripashankar Singh and Ms. Binda Sona were accused under sections of **Indian Penal Code- 120 B**(Waging, or attempting to wage war, or abetting waging of war, against the Government of India), **121A**. (Conspiracy to commit offences punishable by section), **419** (Punishment for cheating by personation), **420**(Cheating and dishonestly inducing delivery of property), **467**(Forgery of a valuable security, will or authority to make or transfer any valuable security, or to receive any money, etc.), **468**(maximum punishment of seven years of imprisonment and a fine for individuals found guilty of forgery), **471**(Using as genuine a forged document) and **13((1)** Whoever- (a) takes part in or commits, or (b) advocates abets, advises or incites the commission of, any unlawful activity, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be liable to fine),**18**(punishment for recruiting of any person or persons for terrorist act'), **38**(A person, who commits the offence relating to membership of a terrorist organisation under sub-section (1), shall be punishable with imprisonment for a term not exceeding ten years, or with fine, or with both.) of the **Unlawful Activities (Prevention) Act**.

We believe that Advocate Kripashankar Singh has been arrested under false and draconian UAPA due to his work as an HRD and legal activism for the poor and the marginalised citizens. His wife Binda Sona has been arrested merely for association with the HRD. We also believe that there were multiple violations of DK Basu Guidelines of arrest with no arrest memo, information to the families or provision of legal resources to the HRDs.

Furthermore we are disturbed at the reports of the HRD Advocate Kripashankar Singh being kept in solitary confinement which is an inhumane practice severely affecting the prisoners physically and mentally.

We would also like to recall for NHRC's reference here provisions of the **United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)**, in particular Rule 1 which states that – All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel,

inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification.

Rule 45.1 of the Nelson Mandela Guidelines states that “Solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority. It shall not be imposed by virtue of a prisoner's sentence.”

Appeal:

We urge the Hon'ble Commission to take cognisance of the above case and urgently:

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry in the illegal arrest and fake charges on Mr. Kripashankar Singh and Ms. Binda Sona submit the report to NHRC within four weeks.
- On the basis of the investigation, direct the Director General of Police of Uttar Pradesh and ATS chief Uttar Pradesh to take urgent action against the officials who were responsible for the illegal arrest of Advocate Kripashankar Singh and his wife.
- Direct the Director General of the Prisons of Uttar Pradesh to urgently release Mr. Kripashankar Singh from solitary confinement in Lucknow jail and ensure independent review of solitary confinement, his physical and mental state and submit a report in writing to the NHRC within two weeks.

We hope to hear from you soon,

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary