



# 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](mailto:hrda.india@gmail.com) Web: [www.hrdaindia.org](http://www.hrdaindia.org)

**HRDA/North/UP/07/03/2023**

March 30, 2023

To,  
Mr. Indrajeet Kumar,  
National 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](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert – Urgent Appeal for Action – Uttar Pradesh – Intimidation and illegal notice to folk singer by UP police, for a song criticising state administration.**

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 Uttar Pradesh police issuing a notice to popular folk singer and satirist Mrs. Neha Singh Rathore alleging that her songs spreading disharmony in the society and the threat to file charges against her.

**Source of Information:**

- Information from HRDA North Regional Consultant
- Communication with other HRDs
- Media Reports

**Date of Incident:**

February 21, 2023

**Place of Incident:**

Akbarpur, Ambedkar Nagar, Uttar Pradesh

**Perpetrators:**

- Mr. Pramod Kumar Shukla, Inspector in charge Akbarpur, Ambedkar Nagar, Uttar Pradesh.
- Police officials of Uttar Pradesh

**About the Human Rights Defender:**

Mrs. Neha Singh Rathore is a folk singer from Bihar who sings folk songs questioning inflation, corruption, poverty, and failures of the government through her songs. She came into prominence with her song, 'UP Mein Ka Ba' during the UP-assembly elections in 2022, which became very popular on social media.

**Background of the Incident:**

On February 13, 2023, in Madauli village in Kanpur rural district, UP, a woman and her daughter burnt themselves during a demolition drive to remove encroachments from a "gram samaj" land. The officials came under heavy criticism by the media for the deaths of the duo.

Based on this incident, Mrs. Neha Singh Rathore composed and sang a political satirical song called "Ka Ba Season" 2 in UP' (What's going on in UP?) and released it on February 16, 2023. The lyrics of the song criticized the UP administration, the UP CM and his policy of bulldozing houses, and the singer uploaded this song on YouTube and Twitter.

(Link to the video: <https://youtu.be/eKnc3gMr1t4>)

**Details of the Incident:**

On February 19, 2023, 5-6 police person including 2 policewomen, reached Mrs Rathore's in-laws's house in Kanpur. Mrs Rathore and her husband lived in Delhi and were not there, so the police returned.

On February 21, 2023, an unknown woman called Mrs. Neha Rathore's husband Himanshu who works in a coaching institute in Delhi and asked him to come to Mukherjee Nagar in Delhi to solve some of her queries regarding the UPSC exam, but Mr. Himanshu refused. Later that girl called again, said that she is from Uttar Pradesh

police and has to give them a notice. Mr. Himanshu then called her to his home address in Delhi.

On February 21, 6 policemen, including 2 policewomen came to their house in Delhi and gave Neha Rathore a notice under Section 160 of CrPc, (*Any police officer, making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station*) clicked a picture and left. The notice was sent by Mr. Pramod Kumar Shukla, Inspector in charge Akbarpur Ambedkar Nagar, Uttar Pradesh.

Mrs. Rathore was asked 7 questions in the notice and was asked to reply in 3 days. The notice said that social disharmony and tension was being spread in the society due to Mrs. Rathore's song and that if her answers were not found "satisfactory" a case will be registered against Mrs. Neha under relevant sections of IPC and CrPC. Mrs. Rathore replied to the notice via her lawyer.

Mrs. Neha Singh Rathore says that "There were attempts to silence me earlier also. Now this notice has come. I sing and will continue to sing."

Former Supreme Court judge Markandey Katju has termed the UP police notice as illegal. He said, "the police sent a notice to Neha Singh Rathore under section 160 of CrPC. When the notice was sent to Mrs. Neha by the Akbarpur police of Kanpur Dehat, Neha was in Delhi at that time. A reading of section 160 clearly shows that the police can give notice only in the police station around it. How did the Kanpur police send a notice to someone sitting in Delhi."

We believe that Mrs. Neha Rathore is being targeted as a form of political reprisal. This is an attempt by UP administration to restrict the right to dissent and free speech of artistes in the country. Mrs. Rathore's song questioned the administration and its negligence. In no way did it lead to any disharmony in the society. This is a violation of Article 19(a) of the Indian Constitution which provides for free speech and power to express oneself to every citizen. Any individual has the right to review the historical events, stories, to express one's view and criticism of political establishment.

Freedom to expression is crucial to the work of artistes. The right to freedom of opinion and expression encompasses three different aspects: 1) the right to hold opinions without interference; 2) the right of access to information; and 3) the right to impart information and ideas of all kinds.

In a democracy a satire on political establishment is accepted under freedom of speech and any curbs on criticism of political establishment is against the Constitution. Mrs. Rathore being a folk singer and satirist has the full right to criticize the UP administration in her songs.

Furthermore, the notice served under the section 160 of CrPc is illegal because as deemed under Section 160 it is not within the limits of Mr. Pramod Kumar Shukla's own police station.

**Appeal:**

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

- Direct the Director General of Police of UP to explain why an illegal notice under 160 of the CrPc was given to the singer and give it in writing to the honorable commission within 4 weeks.
- Direct the Director General of Police of UP to ensure that Mrs. Neha Rathore is not harassed further by the administration for her songs and give the undertaking to the NHRC in writing.
- Independently analyze the contents of the video within the framework provided by the Supreme Court on free speech and expression on numerous occasions and according to the provisions of national and international law.
- Issue notice to the Uttar Pradesh Police for the misusing its powers and initiating actions against Mrs. Neha Singh Rathore.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary