



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No: HRDA/North/UP/02/01/2021

January 23, 2021

To,  
Mr. CS 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](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action –Uttar Pradesh: Misuse of law, forced house arrest and harassment of WHRD Ms. Richa Singh by the Uttar Pradesh Police.**

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 women human rights defender Ms. Richa Singh being under illegal house arrest for four days by the Uttar Pradesh police and administration who stopped her from participating in peaceful farmer protests.

**Source of Information:**

- Communication with victim's family and local HRDs
- Communication with the HRDA North Regional Coordinator
- Media Reports

**Date and Time of Incident:**

January 07, 2021

**Place of Incident:**

Sitapur, Uttar Pradesh

**The Perpetrators:**

- Mr. Amit Bhatt, Sub-Divisional Magistrate, Sitapur
- City Magistrate, Sitapur
- Mr. Piyush Kumar Singh, Circle Officer-City Sitapur
- Mr. Tej Prakash Singh, Station House Officer, Shehar Kotwali, Sitapur
- Police Personnel of Sitapur, Uttar Pradesh

**About the Human Rights Defender:**

Ms. Richa Singh (53) is the founder member of “Sangtin Kisan Mazdoor Sangathan” and National Convenor of National Alliance of People's Movements (an alliance of progressive people's organizations and movements which works against discrimination). She is a committed HRD who has been working with women, workers, Dalits and farmers for the last three decades in Sitapur, Uttar Pradesh.

**Details of the incident:**

On January 07, 2020, a farmers' tractor rally was organized in Sitapur, Uttar Pradesh and Ms. Richa and her son were driving to the rally. However, near the national highway they were stopped by 2 -3 bike riders, including Mr. Chaurasia, the Chowki in-charge of Sadar police station.

Mr. Chaurasia called the SHO of Shehar Kotwali Mr. Tej Prakash Singh, the SHO politely asked Ms. Richa about where she was going and then she was allowed to go to farmers' rally. However, she was followed by uniformed and non-uniformed policemen the entire time including during her return.

After she returned home at 5 pm in evening, one uniformed policeman stood outside her house watching her movements. At 6:30 pm she took a cab to go to Lucknow (approx. 100 km away), but barely had the cab moved 100 metres away from her house that 2-3 bike riders stopped them again including the Sadar Chowki in-charge, Mr. Chaurasia. Again, they inquired where she was going, and on hearing that she was going to Lucknow for a medical appointment, the SHO was called and he reached her house with 2-3 uniformed policemen and one policewoman. The police made a

polite offer to take her to Lucknow but refused to let her travel alone. The CO city Mr. Piyush Kumar Singh, and the city magistrate were also in front of her house. Alarmed at the restriction on her movements, Ms. Singh asked the policemen to provide official papers for her detention, at which the city magistrate said that they office will be giving the papers for her house arrest. However, no papers were given to her and 2 policemen were left standing outside her house to ensure that she doesn't move out of the house.

On January 08, about 12:30 noon, the SHO and the SDM reached her home again and told her that she couldn't move out of her house for the next two days. Her repeated requests for official documents were repeatedly delayed. From January 07, 2021 to January 10, 2021 without an order or appropriate explanation, Ms. Singh was not allowed to leave her house and 1-2 policeman was stationed outside her home.

We believe that this house arrest is completely arbitrary, illegal and serious violation of constitutionally guaranteed personal liberty by the Constitution. Their purpose is to gag democratic dissent against the government. No written orders were furnished to the HRD Ms Singh, confirming permission for such detentions as ordered by a magistrate. Furthermore, it's a breach of Article 19 (1) (a) of the Indian Constitution which guarantees to all its citizens the right to freedom of speech and expression. The Supreme Court in *Shreya Singhal v. State* (2015) had observed that there are three concepts which are fundamental in understanding the reach of this most basic of human rights which are discussion, advocacy and incitement. Mere discussion or even advocacy of a particular cause howsoever unpopular is at the heart of Article 19(1)(a). It is only when such discussion or advocacy reaches the level of incitement that Article 19(2) kicks in. It is at this stage that a law may be made curtailing the speech or expression that leads inexorably to or tends to cause public disorder or tends to cause or tends to affect the sovereignty & integrity of India, the security of the State, friendly relations with foreign States, and so on. Article 21 of the Constitution ensures to all its citizen right to life – a life to live without fear, intimidation, harassment or mental torture. To stop citizens from moving out of their houses without any legal order is indeed a form of intimidation and mental torture and thus totally against the Constitution.

Article 19 (1) (b) of the Constitution guarantees the right to peacefully assemble and it is evident that the acts of police restricting free movement of HRDs has resulted in barring exercise of this fundamental rights.

The illegal house arrest is also against international human rights laws. Article 19 of the Universal Declaration of Human Rights (UDHR) also proclaims the right to freedom of expression, which includes freedom “to seek, receive and impart information and idea through any medium regardless of frontiers”. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) sets forth the right to freedom of opinion, expression and information. Also, The Declaration on Human Rights Defenders, adopted in 1998 by the UN General Assembly states that governments are under a duty to “take all necessary measures to ensure the protection of human rights defenders by the competent authorities against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary actions” as a consequence of their efforts to promote human rights. Therefore, the Indian government is bound by its international legal obligations to ensure that all activists and human rights defenders are provided with security against harassment or intimidation so that they may enjoy their constitutional right to due process, life and liberty under Article 21, and the right to freedom of speech and expression and peacefully assemble under Articles 19(1)(a) and (b) of the Constitution of India.

**Appeal:**

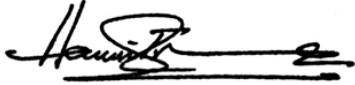
Would like to express our grave concern about the abuse of power by District Administration and Police Personnel of Sitapur, Uttar Pradesh. The Hon'ble Commission should urgently:

- Order an immediate, independent, thorough, transparent, effective, and impartial investigation into the above-mentioned incident.
- Order the Chief Secretary of Uttar Pradesh to provide adequate compensation for the unconstitutional curbing of her right to travel and to access medical care over more than 48 hours.
- Take 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 which recognizes the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals.

- Put an end to acts of harassment and intimidation against all human rights defenders in general in Uttar Pradesh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hinderances.

Looking forward to your immediate action in this regard.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', followed by a horizontal line and a small flourish.

(Henri Tiphagne)

National Working Secretary