



## HUMAN RIGHTS ORGANISATIONS: A THREAT OR SUPPORT

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### INTRODUCTION

Universal Declaration of Human Rights was proclaimed on 10<sup>th</sup> December, 1948 in the United Nations' General Assembly. The Protection of Human Rights Act, 1993 has been enacted to provide for the constitution of National Human Rights Commission, State Human Rights Commission in States and Human Rights Courts for better protection of human rights for monitoring and investigation of human rights violation in India and for taking prompt remedial action to protect the human rights. In India, the Protection of Human Rights Act was enacted in the year 1993, after Forty four years of the international declaration. Twenty two years have elapsed since the Act came into force in India<sup>i</sup>.

Recently, High Court of Madras has banned the non-governmental organizations (Here in after called as NGOs) to use the word human rights in their name, because, misuse of the forums in the name with the words "human rights". It is appropriate to examine the illegal activities of human rights organization against the business, industrial, other people and essential measures to avoid the same.

### LAW ON NGOS

Section 12 in The Protection of Human Rights Act, 1993 deals with the functions of the human rights commissions. The Commission shall perform all or any of the following functions, namely:—

- (a) inquire, suo-motu or on a petition presented to it by a victim or any person on his behalf I[or on a direction or order of any court], into complaint of—
  - (i) violation of human rights or abetment thereof; or
  - (ii) negligence in the prevention of such violation, by a public servant;
- (b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;
- (c) visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;
- (d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;
- (e) review the factors, including acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures;
- (f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;
- (g) undertake and promote research in the field of human rights;
- (h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;
- (i) encourage the efforts of non-governmental organizations and institutions working in the field of human rights;
- (j) such other functions as it may consider necessary for the promotion of human rights<sup>ii</sup>.

It may be noted that here the Section 12 (i) of the Protection of Human Rights Act, 1993 says that National and State Human Rights Commission have to encourage the efforts of non-governmental organizations and institutions working in the field of human rights.

## EVOLUTION

The World Bank defines NGOs as “private organizations that pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development.” It has functioned as the conscience of the national in the field of human right by taking prompt action to investigate the instance human right by undertaking and the spot studies and publishing the observations. In India, NGOs have become prominent in the post-independence era, Raja Rammohan Roy, Iswar Chandra Vidyasagar, Swami Vivekananda, Swami Dayananda Saraswati, Sir syyed Ahmed Khan were the people who worked with dedication towards the removal of caste restrictions, improving conditions of widows, women education, orphans and destitute women etc., in 19th century, Christian Missionaries also did pioneering work in the field of social welfare. In the early 20th century, besides relief and rehabilitation programmes in times of natural calamities like earthquake, floods, NGOs were also engaged in various fields like education, health and labour welfare<sup>iii</sup>.

Many organizations around the world dedicate their efforts to protecting human rights and ending human rights abuses. Major human rights organizations maintain extensive websites documenting violations and calling for remedial action, both at a governmental and grass-roots level. Public support and condemnation of abuses is important to their success, as human rights organizations are most effective when their calls for reform are backed by strong public advocacy.

The United Nations Declaration of Human Rights recognises the important role that non-governmental organizations play in “safeguarding democracy and promoting human rights” (Article 18) and states that everyone has a right to “form, join and participate in non-governmental organizations, associations and groups”. Freedom of association extends to all, regardless of whether the government dislikes its purpose or outcome.

The fundamental purpose of the work of human rights NGOs is to ensure that governments, and other entities that hold power, protect and promote human rights and fulfil their human rights obligations. In these respect human rights organisations are rather distinctive. Genuine human rights organisations do not take sides with respect to particular political or other interest groups. At the same time, whenever they lobby or campaign for victims or otherwise advocate for changes in law, public policy or official practice, they challenge the status quo. Much human rights work involves opposing, criticising or challenging the opinions to those in positions of authority. For this reason, human rights NGOs are often perceived by the authorities to pose a threat. This is particularly the case in societies that are authoritarian or otherwise intolerant of claims to rights<sup>iv</sup>.

## MALPRACTICES

In some countries registration occurs automatically when an NGO is formed. In others, NGOs must register in order to gain the status of a legal entity. In most domestic systems, the granting of status as a legal entity, often associated with registration, which brings significant benefits. Thousands of voluntary human rights organizations are registered under the Societies Registration Act or Indian Trust Act in India.

NGOs are bound by the domestic criminal and civil laws of the country in which they are based and in any other countries in which they may operate. As advocates of the rule of law, they are bound to respect the law themselves<sup>v</sup>. Most of the organisations are working well for the protection and promotion of the human rights. But, a few organizations are involved in the malpractice by way of using the name human rights. They attempt to make money by way of threatening the business, industrial and other people.

Some human rights NGOs are issuing summon to the people like small and medium scale industries, traders and business man to appear before them for enquiry. And they are demanding money to close the complaints, which are lodged by the innocent people without knowing the legal position of these NGOs. Sometimes, these fake organizations are creating false complaints themselves and indulging in the malpractices with business people. The NGOs have no power to issue summons to any one and conduct enquiry on human rights violations.

## INITIATIONS

The National Human Rights Commission (NHRC) of India taken initiation to eradicate the mal practices of NGOs and issued three specific circulars as follows:

1. NHRC circular No: D.No 15(38)/2008 issued by the Secretary General, NHRC dated 25.10.2009 to all Chief Secretaries.
2. NHRC circular No: D.No 18(13)/20110 issued by the Secretary General, NHRC dated 29.12.2009
3. NHRC circular No: LD/MISC/CD-2013 issued by the Secretary General, NHRC dated 11.12.2013.



The NHRC in its circulars observes the following : It has come to the notice of the Commission that some NGOs/ Organizations / Societies are getting themselves registered as society/ trust/ company with names similar to the National Human Rights Commission or State Human Rights Commission for example using words such 'National Human Rights Association' or 'State Human Rights Association' etc.

Some instances of misuse of the name /logo of NHRC have also come to notice of the Commission. Some organizations are taking advantage of the similarity of their name with NHRC or SHRC in various manners.

The Commission has no provision for registration, affiliation of the individuals /NGOs/organizations or authorize any one to act on its behalf. The individuals /NGOs/organizations using the NHRC logo, name or writing 'Having association with NHRC words to the effect misleading the public by misusing the name of the Commission with render themselves liable for legal action.

During the visits of the National Human Rights Commission to various States in the country, the NGOs and Human Rights Defenders have drawn the attention of the Commission to the functional environment in the States being not very conducive to their work. They have alleged that functionaries of NGOs and human rights defenders are being threatened and sometimes have been physically manhandled by the State authorities. It has been stated by them that they live in constant fear of being implicated in false cases. These issues have also been discussed with the State government officers during the Commission meetings, open hearings and camp sittings.

### **CASE STUDIES**

Fraudsters soliciting money by masquerading as a non-profit organization can capitalize on any one of these doubts. In this case, the World Human Right Organization (a spammer or group of spammers) is inviting people around the world to a Human Rights conference in Washington DC. Non-profits are not made of resources, and if all this fake organization was doing was wasting the time of our executive assistant, they would still be doing serious harm. But these spammers are also soliciting personal information and donations<sup>vi</sup>. This is the feeling of a person, who posted in the web. Many people responded for this message and commented their story of loss.

A fraudster Mohammed Sadath Ahmad , who claimed to be the president of the 'Anti Corruption Brigade and International Human Rights Organisation' extorted crores from several people in Hyderabad and surrounding areas. He ran a 'parallel court' with his associates settling business and land disputes, family disputes, divorce cases and other issues in the area. His gang threatened people, extorted crores and grabbed lands from several victims. He even sold the posts of his 'organization' to people for lakhs and made them extort money from people.

In the last week of November, 2014, cyber crime police arrested the fraudster and his gang after some victims approached the police. Police registered seven cases against him and the gang for extortion, criminal intimidation, land grabbing, forgery, wrongful restraint and criminal trespass. Extortionists operating under the cover of human rights organisations are increasing in the city. Many frauds are now engaged in blackmailing and extortion under the cover of rights organisations<sup>vii</sup>. All over India, police has registered thousands of cases against the fraudulent human rights forums for their illegal activities. These forums are concentrating to make money from business people, government official and general public.

Members cutting across party lines made out a strong case in the Pondicherry assembly (September, 2014) that government should ban "self-styled" Human Rights Organizations in the Union Territory which were started only to "extract money" by intimidating private individuals and others. Raising the issue legislators said there were self-styled human organizations functioning in Pondicherry which were started only to intimidate the industrialists and others to extract money<sup>viii</sup>.

### **LEGAL BATTLE**

The Madras High Court Bench (October, 2014) said that it was high time for the State Government to crack down on fake human rights organizations which "blackmail government officials and the general public by printing names of former judges and retired police officers on their letter pads to give credence to their activities"<sup>ix</sup>.

Hon'ble Justice Kirubakaran, Judge of the Madras High Court sitting in Chennai on a matter that was pending in CrI.O.P. No 15960/2014 before the Madurai Bench of the Madras High Court passed an important order (February, 16, 2015) relating with the fake human rights associations as follows.



In spite of the amendment in the Societies Registration Act based on the recommendation given by the Human Rights Commission, Tamil Nadu, that use of the words “Human Rights” to be prohibited, many organizations themselves claim to be “Human Rights Organisations”, using those words in their names are conducting “Kangaroo Courts” and blackmailing the officials, police authorities, business people and the general public<sup>x</sup>.

The businessmen and industrialists are main victims of the above said “Kangaroo Courts”. Most of the people, normally, will not have knowledge on human rights law. They used to be afraid of illegal activities of the fake human rights NGOs. It is killing their time and money, which is leading to the mental agony also.

Following the order of Justice N Kirubakaran of the Madras High Court, calling for details of such forums and asking the State government to crack down on associations that misuse their status, a large number of forums have shut shop or changed their nomenclature, unable to bear the heat generated by jurisdictional police. There have been arrests too. World Awareness Centre, a Human Rights organization in Dindigul district knocked at the Madras High Court doors, crying foul over the ongoing drive. Claiming to have enrolled 60,000 members during the last two and half years of its existence, its funder-trustee P Chellam assailed police action against it and said it was unconstitutional.

The first bench of the Madras High Court comprising Chief Justice Sanjay Kishan Kaul and Justice M M Sundresh, however, remained unimpressed with the argument and said that merely because inconvenience had been caused to individuals, the aggrieved people could not challenge the very validity of the law. Cautioning that the court would be constrained to dismiss the public interest litigation with a heavy cost, the judges said the petitioner-forum and its counsel should explain how the state lacked legislative competence or acted beyond its jurisdiction in clamping down on organisations with 'human rights' as part of their name. The petition was then dismissed as withdrawn<sup>xi</sup>.

## CONCLUSION

It is no doubt that many human rights NGOs are working for the protection and promotion of the human rights. On the other side of the coin, in the name of human rights NGOs, general public, particularly business and industrial people, are facing trouble also from the illegal activities of some fraudulent human rights forums. In order to eradicate the illegal threat from the human rights NGOs, it is essential to concentrate on the following measures.

- i. The business, industrial and other people have to learn about human rights to identify that which is government organization and private forum.
- ii. The Central and State government have design a plan to regulate the human rights NGOs.
- iii. The National and State Human Rights commissions have to take necessary steps to prohibit human rights NGOs, which are involving malpractice.
- iv. The use of word "human rights" in the NGO's names has to be prohibited by way of necessary amendments in the Societies Registration and Indian Trust act, etc.
- v. The special investigation teams in National and State Human Rights commissions have to monitor the activities of human rights forums also.
- vi. Severe action has to be taken against the fraudulent human rights forums, which are a threat to the society.

The present conditions of some Human Rights Organizations seem to be a threat to the business, industrial and other people. Such threat has to be eliminated to save the people, which will be good for all the sections of the society.

## REFERENCE

<sup>i</sup>Dr. V. Ramaraj, Human Rights Courts: An Illusion or Reality, *International Journal of Management and Social Science Research Review*, Vol.1, Issue.16, Oct - 2015 Page 319

<sup>ii</sup> The Protection of Human Rights Act, Gazette of India, Extra, Part II, Sec 1, 10<sup>th</sup> Jan.1996.

<sup>iii</sup> Dr. Tuhina Johri, *NGOs: Ensuring Human Rights*, Research Revolution, Volume - 1, Issue - 5, Indore, 28 February 2013, p1-2.



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<sup>iv</sup> Human Rights Organizations: Rights and Responsibilities, Final Draft Report, International council of Human Rights, 2009, p.6.

<sup>v</sup> Op.cit,p.62.

<sup>vi</sup> <http://jessicadickinsongoodman.com/2009/06/30/world-human-right-organization-is-a-fraud-unlike-my-cool-organization-the-world-organization-for-human-rights-usa/>, dt. June 30,2009.

<sup>vii</sup> Deccan Herald, Hyderabad edition, November 27, 2014.

<sup>viii</sup> One India, September 19, 2014.

<sup>ix</sup> The Hindu, October 30, 2014, p.1.

<sup>x</sup> Order of High Court of Madras in Criminal Original Petition No: 1560/2014, dated 16 February, 2014, p 2.

<sup>xi</sup> Times of India, Chennai, March 10,2015.