Chapter – IV
CHAPTER IV
FOUNDATION OF PEOPLE’S WATCH AND ITS ADMINISTRATIVE STRUCTURE

The system of protection and promotion of Human Rights has since its beginnings been inconceivable without the work of Non Governmental Organizations. (NGOs) These organizations are a vital aspect of the global Human Rights struggle.

Human Rights NGOs: Role, Structure and Legal Status

Role of Human Rights NGOs

As is well-known, a considerable number of NGOs is engaged in the protection of human rights both at the national and international level. The varied role of these NGOs can be summarized as follows.

Agenda setting: NGOs play a crucial role in the creation of the political atmosphere and context to stimulate action in the field of human rights by governments and intergovernmental organizations (IGOs). They contribute to drawing the attention of world public opinion to human rights issues, influence the setting of the public agenda in this respect and help governments and IGOs to identify and prioritize key human rights issues.¹

Standard setting: NGOs are actively involved in the drafting process of human rights conventions and treaties (e.g., Universal Declaration of Human Rights, International Covenant on Civil and Political Rights).

Human Rights, Convention on the Rights of the Child, Convention Against Torture) and thus help in the development of human rights norms. Lobbying is generally the means by which NGOs provide their input in standard setting (e.g., 1993 World Conference on Human Rights in Vienna, 1995 Fourth World Conference on Women in Beijing, 2001 World Conference on Racism). In many instances part of the lobbying strategy consists in submitting legal studies drafted by experts, which contain the NGO’s own interpretation of the applicable international rules and suggestions for improvements.

**Enforcement:** NGOs help to safeguard human rights against government infringement through techniques such as diplomatic initiatives, fact-finding missions, reports, public statements and mobilization of public opinion. These techniques have proven successful, since in most circumstances, NGOs are more independent from political forces than States or IGOs and thus are more able to identify and criticize human rights violations. Once NGOs bring a problem to a State’s attention it becomes more difficult to ignore human rights violations.

Most NGOs publicly report the results of their missions and thus provide valuable information about violations of human rights. Publicity is an important factor in the enforcement of human rights by NGOs. NGOs also contribute to the enforcement of human rights by carrying out research and providing it to IGOs or to national delegations or governmental bodies. Once norms are promulgated and the machinery to hold States accountable for human rights violations is in place, NGOs play a predominant role in providing the machinery with the information necessary for them to discharge their tasks effectively.
**Aid and Education:** NGOs provide assistance to victims of human rights violations. They also assist States and IGOs in the implementation of human rights programmes by acting as their agents on the field. In addition, NGOs educate the general public by disseminating information on human rights and offering courses on the topic.

**Mandates**

Human rights NGOs differ widely in their mandates. Some of them have very narrow and discrete mandates, focusing on one category of rights and even on a particular aspect of a category, while other NGOs have broader and more inclusive mandates. Moreover, some NGOs have activities in several countries and are thus considered as “international” NGOs, while others limit their activities to their own country. The main difference between these two types of NGOs is that international NGOs base their advocacy more consistently on international law.

Mandates of human rights NGOs have been dynamic, changing according to different circumstances, such as: political and institutional context, ideological positions and geographical locations, practical issues of membership and fundraising, concerns on how to maximize achievements, self-perception and pressures from local groups or other institutions. The differences in mandates also correspond to the division between First World and Third World NGOs. In general, First World NGOs concentrate more than Third World NGOs on civil and political

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2 The term “First World NGOs” in this context refers to NGOs based in developed countries and committed to traditional Western liberal values. The term “Third World NGOs” refers to all other NGOs not included in the first category. Given the diversity of conditions, cultures and values in developing countries, this category constitutes a more diffuse one than “First World NGOs”.

rights, due process and the protection of individuals against State interference. Third World NGOs, on the other hand, tend to stress the importance of economic, social and cultural rights.

**Structure And Configuration**

Most NGOs consist of a small group of policy makers and administrators without a broad membership. International human rights NGOs are often structured so that there is an international secretariat that represents national sections in various countries. The membership composition of human rights NGOs also differs widely. For instance, some Third World human rights NGOs involve local governmental officials and professional groups or are likely to include elected officials among their members. In contrast, other human rights NGOs (especially First World NGOs) are very careful not to accept members with government links.

In general it appears that international human rights NGOs have formal members and that their membership structures have gradually become more decentralized, allowing more input from individual members and giving their national sections a considerable amount of autonomy. Generally, decision making within these NGOs follows consensus procedures. Many international human rights NGOs rely to some degree on fundraising to sustain their operations. A large percentage of these NGOs also receive foundation grants to support their work. In addition, many NGOs receive grants from governments or IGOs.

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International Legal Status

Most human rights NGOs are to be found at the national level. Their legal status is determined by reference to the law of their national States. Nonetheless, a substantial number of human rights NGOs consider themselves international. This is because they bring together individuals or associations from different countries and because their interests extend beyond the national level (even if their constituent membership or associations are mainly involved in work at the local level). Very few international NGOs are exclusively international in approach (e.g., like Amnesty International).

Despite their international character, the legal status of international NGOs is generally determined either by the State of incorporation or, in the absence of incorporation, by the State where the headquarters or other organized activities are located. The laws of the country of establishment generally govern even NGOs that are established at the national level but have an international mandate. Despite the above, international law does invest NGOs with some degree of legal status. Below is a brief summary of the rights conferred to NGOs in the framework of the UN Charter, human rights treaties, and Human Rights non-treaty based procedures.

United Nations Charter

Article 71 of the UN Charter provides that the Economic and Social Council (ECOSOC) may make consultative arrangements with NGOs. ECOSOC Resolutions 1996/31 and 1296 implementing this article, divide NGOs in three categories: Category I, Category II and
Roster. Category I is for NGOs with interest in most of the activities of ECOSOC; Category II is for those with a special competence in a few of the activities of ECOSOC; and the Roster is for all other NGOs that might be consulted on an ad hoc basis. The number of NGOs having consultative status has grown steadily since the creation of the UN Charter.⁴

The rights conferred by the consultative status include:

**Agenda:** Right to receive the provisional agenda of ECOSOC or its subsidiary bodies and to propose the inclusion of new agenda items (Category I NGOs).

**Attendance:** NGOs are entitled to attend public meetings of ECOSOC and its subsidiary bodies (Roster NGOs only in certain cases).

**Written Statements:** NGOs may submit statements and have them circulated to ECOSOC and its subsidiary bodies. (The permitted length of the statement depends on the NGO category).

**Oral Interventions:** Depending on their category, NGOs have the right to make oral statements before ECOSOC. Many special organs of the UN maintain similar consultative arrangements with NGOs, which are regulated in resolutions of the General Assembly, ECOSOC, or in rules of procedure of the special organs themselves (e.g., the UN High Commissioner for Refugees (UNHCR), the UN Children’s Fund

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(UNICEF), the UN Environment Program (UNEP), etc). Moreover, other specialized organizations of the UN have formalized consultative relationships with NGOs in accordance with their constitutions (e.g., the UN Educational, Scientific, and Cultural Organization (UNESCO)).

NGOs have no formal rights in the General Assembly, its committees and working groups. Even when access is granted informally, neither written nor oral formal participation by NGOs is allowed. It is worth mentioning that it is standard practice to give rights of participation at UN conferences to NGOs with ECOSOC consultative status. It has also been common practice to give the same rights at conferences to a wider range of NGOs that apply to attend an individual conference.

**Human Rights Treaties:** Most of the UN’s human rights treaties provide for schemes to review State compliance with their provisions, normally by means of an established expert body. NGOs play a very important role as part of the reporting procedures before these treaty bodies in submitting reliable information to the body in question regarding State violations. The role of NGOs varies from treaty to treaty. It has been said that the most developed system of NGO input is the NGO Group on the Committee on the Rights of the Child, which has issued a guide for NGOs preparing complementary information and which invites NGOs to present oral information to a pre-sessional working group of the Committee.  

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The Committee on Economic, Social and Cultural Rights also proves to be quite open to NGO involvement. It invites written information from NGOs and even provides an opportunity to present oral information before both the Committee itself and its pre-sessional working group.18 In many other committees the role of NGOs seems influential even if it takes a more informal character.⁶

**Non-Treaty Based Mechanisms:** The UN Commission for Human Rights (the “Commission”) has created a machinery to address serious human rights problems. In 1970 it established a confidential procedure pursuant to ECOSOC 1503(XLVIII) concerning situations that appear to reveal a consistent pattern of gross and reliably attested violations of human rights.⁷ The “1503 procedure” allows the reception of materials emanating from any non-official source, including NGOs. From 1980 onwards, the Commission set up a series of mechanisms to deal with particular types of human rights violations such as the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on Torture, etc. They are mandated to seek and receive information from a broad range of non-official sources, including NGOs. NGOs have succeeded in making their voice heard at a national and international level and have thus become important actors in the protection and promotion of human rights throughout the world.

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Today more than thousand five hundred national and international NGOs are deeply involved in promoting human rights all over the world. In the world conference on human rights in Vienna in 1993, thousands of new NGOs from developing world participated and asserted their role in implementing International Bill of Human rights. They are capable of working on the frontlines of the struggle for human dignity. People’s Watch is one of the Nongovernmental Human Rights Organization based in Tamil Nadu, and its history and its administrative structure are explained in the following pages.

**Foundation of People’s Watch**

People’s Watch – Tamil Nadu is a well known organization that works for the promotion and protection of Human Rights in Tamil Nadu. Its aim is to work for ensuring social justice. For Mr. Henri Tiphagne, the Executive Director of People’s Watch – Tamil Nadu, Human Rights has been a passionate issue since 1977 when he had the opportunity of working at the grassroots level in a program which started as a development project immediately after a natural calamity. In 1979-80 he started civil liberties work as a student activist and later became the secretary of the Madurai unit of the People’s Union for Civil Liberties (PUCL) and then went on to serve on the National Council of the PUCL as its National Organizing Secretary. It was after attending the Second World Conference on Human Rights in Vienna in the year 1993 that he felt that he couldn’t continue with ordinary, voluntary type of

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work and human rights needed a professional response. Likeminded people like Dr. Devasahayam, the present Director of the Institute of Human Rights Education and Fr. Diamond Raj came together and on December 10, 1995 People’s Watch – Tamil Nadu came into being.\textsuperscript{10}

Monitoring was the sole project with which the organization came into existence but then at a point the organization realized that just generating reports would not serve the purpose and the victims needed justice. So the organization stepped into the Legal Intervention Program.

At a later stage in 2001, the organization realized that a victim of human rights violation needs much more than justice and that the main challenge was to reintegrate the victim back into mainstream society and to enable him / her to lead a normal life free of trauma. That is why the need for a Rehabilitation Centre was felt.\textsuperscript{11}

Since 1995, People’s Watch Tamil Nadu has been involved in various human rights campaigns and is a member of various groups in their joint effort campaigns. In the year 2002 campaign for the cause of human rights emerged as an important function of People’s Watch and a separate Campaign Department was created for this purpose.

The realization of the need for campaigning by People’s Watch is noteworthy. The monitoring and legal intervention units were working

\textsuperscript{10} The Hindu, (Madurai Ed.), 11 December, 1995; See also The New Indian Express, (Madurai Ed.), 11 December, 1995.
\textsuperscript{11} Quoted in In Motion (Magazine), 4 April, 2004.
together and providing legal assistance to the victims who were affected by the Special Task Force’s operations to nab the sandalwood smuggler Veerappan. At this juncture the organization realized the importance of Campaign for speedy action and for immediate attention from the Government and the Public. Later the Monitoring unit has been taking up cases of police atrocities; untouchability, caste clashes etc. and these issues were taken forward in the form of campaign which People’s Watch gave importance to the joint effort with other Organizations. When the Campaign became a separate unit of People’s Watch, Amnesty International organized a seminar on “Torture”. People’s Watch –Tamil Nadu did not want the seminar just to be a discussion but wanted to take ‘Torture’ as a Campaign with joint the effort of various democratic forces, state, district and local level at Tamil Nadu. Since 2005 the Campaign against torture has been taking all efforts to make it a national campaign.

People’s Watch – Tamil Nadu held one training programme in 1996, where some of the participants were teachers and headmistresses who expressed their desire to contribute to the growth and development of Human Rights Education (HRE).

Immediately after the program, four teachers and a few representatives of People’s Watch got together for a preliminary discussion, which led to planning to identify schools willing to participate. The introduction of Human Rights Education in the schools of Tamil Nadu is the result of a deep reflection that the value of rights can

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12 File. No: 4 Institute of Human Rights Education Unit, People’s Watch, (Madurai, 1997).
be firmly established only when it is inculcated into the tender minds of children - this value as a social virtue; as a value to be safeguarded and protected; as something stable and indestructible.

People’s Watch started a Documentation Center in 1995. Its main objective is to build a collection of Human Rights documents for the use of all Human Rights activists. The Publications is another area aimed at popularizing human rights and working for its promotion.

Location of People’s Watch – Tamil Nadu

People’s Watch has been located at No.6, Vallabai Road, Chokkikulam, Madurai – 625 002. Tamil Nadu.

Aims and Objectives of People’s Watch

Vision

- To create a society free from human rights violations and discrimination.
- To cultivate human rights culture through the participation of a pluralistic society.

Mission

This vision translates into a two-fold mission. 1. To hold the state accountable to its citizens for chronic abuses of their rights by its instrumentalities 2. To advance a human rights culture disposed to safeguard both the welfare and the freedom of all. Programmatically, this

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requires: (a) Ensuring the transparency and accountability of the state, its institutions, and its representatives, (b) Promoting Human Rights Campaigns, (c) Enabling civil society interventions, (d) Advocacy and lobbying in the field of Human Rights, (e) Documenting human rights related information, (f) Gender sensitization toward gender equality, (g) Protecting the rights of the marginalized peoples, (h) Empowering the people by imparting knowledge and skills on human rights education, (I) Advancing the livelihood rights of people.

Administrative structure of People’s Watch

Programme Advisory Board

People’s Watch is a wide-ranging organization; Human Rights Activists are occupying the central position in People’s Watch. Its activists come from various fields such as civil, political, economic, cultural and social verve.¹⁴

As core group they have the power to take decisions, plan and execute the programmes and activities of this organization. The Programme Advisory Board is the top level policy making and executive body of this organization.¹⁵

The Programme Advisory Board consists of the Head of the Organization like Mr. Henri Tiphagne – Executive Director, Member of the National Core Group on NGOs of National Human Rights

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¹⁵ File No: 1 of 1996, People’s Watch, Madurai.
Commission and the members are Ms. Maja Daruwala, Chairperson, Executive Director of Commonwealth Human Rights initiative, New Delhi, Mohini Giri, Former Chairperson of National Commission for Women, Mr. R.V.Pillai, Former Secretary – General of NHRC and Consultant – Asia Pacific Forum for National Human Rights Institutions, Sydney, Mr. D.Gnanaprakasam, Amnesty International, Hong Kong, Fr. Aloysis Irudayam, Program Director of IDEAS, Madurai, Fr. Manual Alphonse, Co-Convenor, Tamil Nadu People’s Forum for Social Development, Chennai. The Board of Trustees is: Safra Begum, Chairperson, Xavier Arockiasamy is the Executive Trustee, and Trustees include I. Devasahayam, Christudas Gandhi, I.A.S., and John Peter, Financial Trustee. Most of the programmes and activities of this body are aimed at imparting skills, values, ideas and perspectives to Human Rights Actions.
Chart 1
Organogram of people’s Watch

CPSC Board of Trustees

Program Advisory Board

People's Watch – Tamil Nadu

Finance Advisory Committee

Executive Director

Director (Programs)

Director, RCTR

Mettur

Madurai

HoD
HR Monitoring

HoD
Communication

Director, IHRE

Director - Training

Associate Director (HRE in Schools)

Consultant (Curriculum & Research)

EU

National Director

National Program Officer

PRO

Gen.Administration

Accounts

Computer

Publication Unit

Media Unit

Documentation Centre

HR Monitoring Unit

HR Intervention Unit

HR Campaign Unit

Director (Finance & Administration)

Prog. in 10 States
Legal Compliance

People’s Watch is a program unit of CPSC (Centre for Promotion of Social Concerns), has got legal registration at all government levels as follows:\(^\text{16}\)

<table>
<thead>
<tr>
<th>Date</th>
<th>Act</th>
<th>Nature</th>
<th>Registration Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>17(^{th}) Nov 1981</td>
<td>Indian Trust Act 1882</td>
<td>Registered as a Trust</td>
<td>506 / 1981</td>
</tr>
<tr>
<td>7(^{th}) May 1983</td>
<td>Income Tax Act 1961</td>
<td>TAN(Tax deduction Account Number) Registration</td>
<td>MRIC00244G</td>
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<tr>
<td>29(^{th}) Aug 1985</td>
<td>Foreign Contribution Regulation Act 1976</td>
<td>FCRA Registration</td>
<td>075940138</td>
</tr>
<tr>
<td>22(^{nd}) Aug 2000</td>
<td>u/s139A(5) and u/s272A(d) of Income Tax Act 1961</td>
<td>PAN – Permanent Account Number Registration</td>
<td>AAATC 2346P</td>
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<tr>
<td>25(^{th}) Feb 2002</td>
<td>Foreign Contribution Regulation Act 1976</td>
<td>FCRA Registration (change of Address)</td>
<td>075940138</td>
</tr>
<tr>
<td>23(^{rd}) Jan 2006</td>
<td>Employers provident fund and miscellaneous provisions Act 1952</td>
<td>Registration with PF Department</td>
<td>TN/MD/ M-4/ 57589</td>
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<tr>
<td>29(^{th}) March 2006</td>
<td>u/s 80G(5)(vi) of Income Tax Act 1961</td>
<td>Registration for 80G Exemption</td>
<td>C.NO 1612/71/ 82-83</td>
</tr>
</tbody>
</table>

Units of People’s Watch

The Human Rights Monitoring Unit of People’s Watch monitors the issues of Human Rights Violations in Tamil Nadu from the beginning to till date.

Human Rights Intervention Unit is another wing of People’s Watch. The intervention work of the People’s Watch made many victims to recognize its credibility and reliability and muster courage, strength to speak and face the consequences.17

The main aim of Rehabilitation Centre for Torture Victim Unit is to provide medical, educational and economic assistance to the victims and to integrate the victim in to the mainstream of the society.18

The United Nations Organization declared 1994 – 2005 as the Decade for Human Rights Education. People’s Watch also took a decision to introduce Human Rights Education directly in schools through its Institute of Human Rights Education (IHRE) Unit.

The objective of promoting human rights culture is achieved mainly through human rights education activities and awareness programs of People’s Watch. The Institute of Human Rights Education has introduced “National program for Human Rights Education in Schools” in the following 10 states namely, Gujarat, West Bengal, Orissa,

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17 Interview with John Vincent, State Law Officer, Intervention Unit of People’s Watch, Madurai, dated 2 April, 2007
Chattisgarh, Kerala, Bihar, Rajasthan, Karnataka, Andhra Pradesh and Tripura apart from Tamil Nadu.\textsuperscript{19}

The National Program on Preventing Torture in India (NPPTI Unit) is a unique project intended to demonstrate and combat the widespread use of torture in India, with a deliberate focus on torture practices routinely employed by police. This project covers the following 10 States in India: Tamil Nadu, Kerala, Karnataka, Andhra Pradesh, Rajasthan, Madhya Pradesh, Orissa, Uttar Pradesh, West Bengal, and Bihar.\textsuperscript{20}

The documentation is the nerve center of activities of the program of People’s Watch.\textsuperscript{21} The Documentation Unit of People’s Watch is a resource platform catering to the needs of a number of likeminded organizations, individuals, scholars and researchers working on human rights and related issues.

The Publication Unit aimed at popularizing Human Rights and its promotion, the publications of People’s Watch promoting Human Rights awareness among students and civil societies.\textsuperscript{22}

To stimulate public interest, awareness and outrage around human rights issues, People’s Watch launched an intensive, targeted media

\textsuperscript{19} Annual Report, People’s Watch, 2005 – 2006

\textsuperscript{20} File. No: 15, Preventing Torture Project Unit., People’s Watch, (Madurai, 2007).

\textsuperscript{21} Pamphlet, Activities of Documentation Centre, People’s Watch, Madurai.

\textsuperscript{22} People’s Watch, Review and Planning Meeting (Reap) Material, op.cit., p.20.
campaign under Media Unit. The Tsunami Legal Action Committee of People’s Watch conducted Workshops for the benefit of the tsunami affected people in many areas of Tamil Nadu.23

The Helpline Unit of People’s Watch available at any time, day and night. People are encouraged to call or to come in person to the office and convey their grievances to the dedicated team. The aim of the Helpline is to give immediate assistance to affected persons, regardless of what they have suffered.

The Campaign and Networking Unit of People’s Watch plays a major role in mobilizing people, arrange programmes, seminars, camps and conduct Yatras rallies etc. interacts with other NGOs, Human Rights based groups and professionals, victims, general public and media.24

**Donors**

Originally working solely in Tamil Nadu, People’s Watch has recently moved into working at the national level with funding provided by the European Union (EU) and other international donor agencies for the National Project on the Prevention of Torture in India and National Programme of Human Rights Education for Organization’s relief and legal action of Tsunami work and monitoring, intervention, rehabilitation works etc in the field of human rights.25

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24 Pamphlet, Human Rights Campaign and Networking, People’s Watch, Madurai.
25 Interview with Henri Tiphagne, Executive Director, People’s Watch, Madurai, dated 14 September, 2010.
<table>
<thead>
<tr>
<th>Name of the Donor</th>
<th>Program</th>
</tr>
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<tbody>
<tr>
<td>2. Banyan Tree Foundation, USA</td>
<td>National Program of Human Rights Education in schools.</td>
</tr>
<tr>
<td>CCFD(^{26}), France</td>
<td></td>
</tr>
<tr>
<td>DCA(^{27}), Denmark</td>
<td></td>
</tr>
<tr>
<td>3. Association Pere Cyrac, France</td>
<td>Education for Victims Children and summer camp</td>
</tr>
<tr>
<td>EDM(^{28}), Belgium</td>
<td></td>
</tr>
<tr>
<td>4. FGHR(^{29}), USA</td>
<td>State level campaign on combating Torture in Tamil Nadu.</td>
</tr>
<tr>
<td>5. European Union</td>
<td>National Program on Prevention of Torture.</td>
</tr>
<tr>
<td>7. FNST(^{30}), Germany</td>
<td>Human Rights Training program For medical professionals, media Persons, politicians etc.</td>
</tr>
</tbody>
</table>

\(^{26}\) CCFD - Comite Catholique contre la Faim et pour le Development. 
\(^{27}\) DCA - Dan church Aid 
\(^{28}\) EDM - Enfants Du Monde 
\(^{29}\) FGHR - Fund for Global Human Rights 
\(^{30}\) FNST - Friedrich Naumann Stiftung
8. Cordaid, DCA, Denmark
AJWS\textsuperscript{31} – USA, FFIA\textsuperscript{32} – Sweden
EDM – Belgium, Global fund
For women – USA.

- Tsunami Relief.

Tsunami Legal Action Committee for Nagapattinam Zone.

10. Action Aid, New Delhi
Tsunami Legal Action Committee or Kanyakumari Zone.

11. Christian Aid, UK
Tsunami Legal Action Committee for Cuddalore Zone.

12. Cordaid
State Level Intervention Tsunami Legal Action Committee.

Building on a mandate to monitor Human Rights violations, the
growth and development of a broad range of individuals, People's Watch
initiated and is, committed to, spreading the knowledge and skills in
Human Rights work.

\textsuperscript{31} AJWS - American Jewish World Service
\textsuperscript{32} FFIA – Familie Foreingen for International Adoption