

# TOWARDS THE COORDINATION BETWEEN NGOS AND GOVERNMENT FOR PROTECTION OF HUMAN RIGHTS IN INDIA

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## Abstract

Human rights are basic rights of every human being simply because he is human. These rights are not imbedded by laws, conventions and declarations but protected by these laws. The Universal Declaration of Human Rights has bounded the government of signing states to make sure the protection of human rights in their country. As India has signed the declaration, so the government of India has formulated laws, policies and commission for this purpose. But it is always questionable on the point of implementation. On the other side NGOs, that are working both at national level and grass root level, are playing a significant role in protection of human rights. The separate efforts of government and NGOs are not succeeded to protect human rights. Because government is lacking in feedback and less will - power in government officials. And NGOs suffer lack of resources. So as per the demand of the time to safeguard the human rights, coordination between government and NGOs is an effective approach. This research paper elaborates the need of coordination between government and NGOs, relation in the past and various case studies in which both works together and better results come. No doubt on some issue both works in cooperation but more should be done in this respect. On the basis of these studies; the paper draws the suggestion for furthering the cooperation of government and NGOs without curtailing the independency of NGOs.

**Keywords:** Human rights, NGOs, government, coordination.

## INTRODUCTION

The Human Rights are those rights which are essential for the protection and maintenance of dignity of individuals and create conditions in which every human being can develop his personality to the fullest extent. The violation of these rights is a challenge to whole humanity.<sup>3</sup> So the United Nation Charter and Universal Declaration of Human Rights have bound the member states to do every effort to promote and protect human rights in their states. So the government of India has taken steps like formation of Protection of Human rights Act, National and State Commissions. But government always face obstacles in implementation of laws related to human rights. On the other side, Non-Governmental Organizations (hereinafter referred as NGOs) are working at ground level to protect human rights in India. As per the report of CBI, there are around 31 lakhs registered NGOs in India. This data is of registered NGOs under the Registration Act only, there are number of other NGOs in India.<sup>4</sup>

NGO is a group of likeminded people which works for social good on non-profit basis and independent from government. It works at regional, national and international level. There are number of NGOs that are working for the protection of human rights in India such as People's Union for Civil Liberty, People's Union for Democratic Rights, Bachpan Bachao Andolan, Plan International and so on. So the cooperation of NGOs and government is a matter of concern. The World Conference on Human Rights also recognises the role of NGOs in protection of human rights.<sup>5</sup> Therefore, the step towards coordination between government and NGOs is a major step to protect human rights.

There is always a question on the coordination between NGOs and government in India. There is an apprehension among intellectual about the relationship of state and NGOs. NGOs come because state is failed to fulfil his duties. And NGOs can approach to the people and solve their problems. In countries like India, where welfare of the nation is the duty of the state, state feel more burden and fails to fulfil all his duties. People have demanded welfare but government could not deliver services because elected people could not meet people after election and connection between them and people lost confidence. The system of government is very slow, they are not development oriented but like to maintain status quo. The Government is not sensitize

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<sup>3</sup> P. Shubhalakshmi, "An Analysis on the Role of Non-Governmental Organizations in sensitizing and Protecting Human Rights in India, 4 IJLLJS 164 (2017), available at: [http://ijlljs.in/wp-content/uploads/2017/04/Full\\_paper-Human\\_Rights-NGOs-word\\_97.pdf](http://ijlljs.in/wp-content/uploads/2017/04/Full_paper-Human_Rights-NGOs-word_97.pdf) (Last Modified on September 21, 2019).

<sup>4</sup> The Indian Express, India has 31 lakh NGOs, more than double the number of schools (2015), available at: <http://indianexpress.com/article/india/india-others/india-has-31-lakh-ngos-twice-the-number-of-schools-almost-twice-number-of-policemen/> (Last Modified on September 24, 2019).

<sup>5</sup> *Supra Note 3.*

towards other issue like protection of children, women empowerment, migrant labour, health related issues etc. The other major issue is lack of feedback, the system of government is one-way system like order goes down no feedback from down, people are not involved in policy making. All these become the reason behind emergence of NGOs.<sup>6</sup>

NGOs create awareness among people about their rights, raise voice against violations, provide services to people and also give assistance to government. Because NGOs are flexible, innovative, responsible to people, transparency, easily approach the people, knowledge and experience of locality, credibility with the people and experts in solving the problem. Even though NGOs have these quality to work but they have to face number of different problems such as lack of resources, personality culture and non-cordial relation with government create hindrances in their work. There are certain powers or key strengths which only government can have like control over physical, financial and human resources. The control and implementation of policies through authorities for the welfare of public is a constitutional duty of the government.<sup>7</sup>

Thus, it is clear that both have some shortcomings and strengths. No single (government or NGO) authority can protect and promote the human rights in India. On one side where NGOs create awareness among people about their rights, raise voice against violations and provide services to people, while on the other side government control the resources and have power to make new policies and change them as per the need.<sup>8</sup> Thus, there are functions that only government can do and some other only NGOs are suited. The strengths of government and NGOs is complementary to each other.<sup>9</sup> And if both works in coordination better result will come.

It is important to know the meaning of coordination between NGOs and government with respect to human rights. In general, "coordination is a systematic arrangement of various elements of management so as to ensure smooth functioning". It is a deliberate unity of actions for a common purpose. The relations are formal and for long term.<sup>10</sup> The coordination between NGOs and government means a cooperation that is recognised by law and formally structured. The government involves the human rights NGOs not only for implementation but also at the stage of formulation of policies.

The objectives of this paper are:

- To analysis the cases in which NGOs and Government work together.
- To draw suggestions for improve the coordination.

So before we analysis the present coordination, it is important to know the relation between government and NGOs since post independence era.

## RELATION BETWEEN NGO AND GOVERNMENT

In the earlier years after independence, the relation between government and NGOs was cooperative. The government is true to its policies for the welfare of people and NGOs enjoyed full cooperation from government. NGOs worked on programmes of their own resources and also on government sponsored projects. In First Five Year Plan, government emphasised the role of NGOs and recognised their role in various fields. The first Five Year Plan enunciates:

*"A major responsibility for organising activities in different fields of social welfare like the welfare of women and children, social education, community organisations, etc. falls naturally on NGOs. Any plan for social and economic generation should take into account the services rendered by these organisations and the State should give maximum cooperation in strengthening their efforts. Public cooperation through these NGOs is capable of yielding valuable results in channelizing private efforts for the promotion of social welfare."<sup>11</sup>*

During this Plan, government established a Central Social Welfare Board in 1953 with an objective to provide support to NGOs working for children, women and physically handicapped people. In 1960, a Freedom from Hunger programme was started and latter on took the form of NGO and named as People's Action for Development of India (PADI). This was first beginning when NGOs involved in government projects for development. In that period there was no big difference between government and NGOs because both works in coordination.<sup>12</sup>

<sup>6</sup> J. M. Ovasdi, *Management of NGOs: Towards Developed Civil Society*, 36 (Macmillan India Ltd., New Delhi, 2006).

<sup>7</sup> *Id* at 37

<sup>8</sup> *Ibid*.

<sup>9</sup> *Id* at 38.

<sup>10</sup> Available at: <https://keydifferences.com/difference-between-coordination-and-cooperation.html> (Visited on September 18, 2019).

<sup>11</sup> Planning Commission of India, Report on First Five Year Plan (1951-56), available at: <http://planningcommission.nic.in/plans/planrel/fiveyr/1st/1planch36.html> (Visited on December 18, 2018).

<sup>12</sup> Rajni Malhotra Dhingra, *NGOs and Protection of Human Rights* 25 (Deep & deep publications pvt.ltd, New Delhi, 2011).

The things changed after Naxalite movements and more after emergency period. The difference came with new policies of government. In 1976, government passed the Foreign Contribution (Regulation) Act (hereinafter referred as FCRA) to control the flow of foreign funding to NGOs. It was first time after independence when the relation of government and NGOs downturn. But after 1977, again the relation became cordial. The Government made several programme on the inspiration of NGOs and a National Adult Education Programme (NEPA) was initiated by the government in which special recognition was given to NGOs. There was also certain amendment introduced in Income Tax Act to encourage the working of NGOs by exempting the NGOs from tax.<sup>13</sup>

But in 1980, when Ms. Indira Gandhi again came into power, the government tightened the FCRA and curtail the campaigns of NGOs. During this period, new actors came into existence that explores the area of human rights. They initiated various campaigns and programmes relating to human rights such as family welfare, education, health, welfare of weaker sections, minimum need programme and environment protection. This was the period, when human rights NGOs have started their approach.<sup>14</sup> In the period of 1984, government again gave special role to NGOs to implement the development programme and also provided funds for that purpose. For the first time a National seminar was conducted on 'Role of Voluntary Organizations in Rural Development'. The purpose of this seminar was to evaluate and discuss the role of NGOs in anti-poverty and minimum needs programme during Seventh Five Year Plan. As per the recommendation of this seminar in 1984, Bunker Roy added section of NGOs in 7<sup>th</sup> Five Year Plan. The role of NGOs appreciated and code of conduct for NGOs (government funded) was proposed. Government also recognized NGOs working to mobilize and motivate the people. These were the most historic steps for the relation of government and NGOs. The 7<sup>th</sup> Five Year Plan gave special importance to NGOs and also first time allotted Rs. 150 crores as a financial assistance to NGOs.<sup>15</sup>

In the half of 1990s, the government has established a nodal agency called "the council for Advancement of People's Action and Rural Technology (CAPART). The agency was established to promote the voluntary sector in rural development.<sup>16</sup>

The Government of India also recognised the importance of human rights NGOs and lays down in sec. 12(1) of the Protection of Human Rights Act, 1993 that the National Human Rights Commission shall encourage the efforts of NGOs and institution working in the field of human rights. It is suggested through this section that central and state government encourage the work of human rights NGOs and also seek their cooperation to curb the human rights violations in India. Further in Juvenile Justice (Care and Protection of Children) Act, 2000, state government has been empowered state government under section 8, 9 and 37 that they can establish and maintain Observation Homes, Special Homes and Shelter homes either by an agreement with voluntary organisations or to recognise reputed and capable voluntary organisations and provide them assistance to setup and administer these homes for juveniles or children.<sup>17</sup> Even the High Court directed in case of Sanat Kumar Sinha V. State of Bihar (2012) that shelter homes or observation should provide "A" grade facilities as per Jail Manual and NGOs act as an After Care organizations.<sup>18</sup>

The involvement was also shown in Eighth, ninth, Tenth and eleventh Five Year Plan. NGOs were consulted and entrusted to do work in the areas of women empowerment; empowerment of disadvantaged, minorities and schedule casts and schedule tribes and education. In 2007 (before the eleventh five year plan), the government of India has formulated National Policy on Voluntary Sector. It was the first step in history when planning commission made any policy for voluntary sector. The policy was made to encourage, enable and empower the voluntary sector for their contribution in socio-economic and cultural development. It has also affirmed the need of coordination between government and voluntary sector.<sup>19</sup> Even though the policy encourage the role of

<sup>13</sup> *Id* at 106

<sup>14</sup> *Id.* at 107

<sup>15</sup> *Id.* at 108.

<sup>16</sup> Asian Development Bank, Overview of Civil Society Organizations India, *available at:* <http://www.indiaenvironmentportal.org.in/files/CSB-IND.pdf> (Visited on September 15, 2019).

<sup>17</sup> Available at: [http://shodhganga.inflibnet.ac.in/bitstream/10603/131965/16/16\\_chapter%206.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/131965/16/16_chapter%206.pdf) (Last Modified on September 21, 2019).

<sup>18</sup> Gomes, Lawrence, Lack of Coordination Between NGOs and Panchayats: Hindrances Rural Development Works, 2012, *available at:*

[https://www.researchgate.net/publication/236584002\\_LACK\\_OF\\_COORDINATION\\_BETWEEN\\_NGOs\\_AND\\_PANCHAYATS\\_HINDRANCES\\_RURAL\\_DEVELOPMENT\\_WORKS](https://www.researchgate.net/publication/236584002_LACK_OF_COORDINATION_BETWEEN_NGOs_AND_PANCHAYATS_HINDRANCES_RURAL_DEVELOPMENT_WORKS) (Last Modified on September 21, 2019).

<sup>19</sup> Planning Commission of India, Report on National Policy on Voluntary Sector (May, 2007), *available at:* <http://planningcommission.nic.in/data/ngo/npvol07.pdf> (Visited on September 17, 2019)

voluntary organizations that deals with socio-economic development only but it has also set some objectives that are common.<sup>20</sup> But no step is taken by the government with regard to objectives till date. There are some other schemes which are started by different ministries that involve NGOs on some levels. But most of these schemes are related to social and economic development.

Table: Schemes of Government.

No.	Ministries	Schemes which involves NGOs
1.	Ministry of Women and Child Development <sup>21</sup>	I. Gender Budgeting Scheme II. Grant-in-aid (GIA) scheme for assistance to voluntary organizations III. Grant-in-aid scheme for research, publication and monitoring IV. Assistance for the construction/expansion of Hostel Building for Working Women with a Day Care Centre V. Support to Training and Employment Programme for Women (STEP) VI. SWADHAR - A Scheme for Women in Difficult Circumstances VII. Ujjawala
2.	Ministry of Social Justice and empowerment <sup>22</sup>	I. Free Coaching for SC and OBC students II. Assistance to Disabled Persons for Purchase/Fitting of Aids/Appliances III. Assistance for Skill Development of OBC/DNTs/EBCs IV. Deendayal Disabled Rehabilitation Scheme V. Integrated Programme for Older Persons VI. Grant-in-Aid to Voluntary Organizations working for Scheduled Castes VII. Assistance to Voluntary Organizations for Prevention of Alcoholism and Substances (Drug) abuse and Social Defence Services
3.	Ministry of health and Family Welfare <sup>23</sup>	I. National TB Control Programme (involvement of NGOs) II. National Centre for Control of Blindness III. National Cancer Control Programme
4.	Ministry of Human Resources development <sup>24</sup>	I. Inclusive Education for the Disabled at Secondary Stage II. State Resource Centre III. Support to Voluntary Organizations for Adult Education and Skill Development IV. Assistance to Agencies for Education in Human Values
5.	Ministry of AIDS Control Organization (NACO)	I. Community Care Centres

<sup>20</sup> The specific objectives of the policy was, to create an enabling environment for VOs that stimulates their enterprise and effectiveness, and safeguards their autonomy; to enable VOs to legitimately mobilize necessary financial resources from India and abroad; to identify systems by which the Government may work together with VOs, on the basis of the principles of mutual trust and respect, and with shared responsibility; and, to encourage VOs to adopt transparent and accountable systems of governance and management.

<sup>21</sup> Ministry of Women and Child Development, Government of India schemes for NGOs, available at: <http://vikaspedia.in/social-welfare/ngo-voluntary-sector-1/government-of-india-schemes-for-ngos/ministry-of-women-child-development#section-4> (Visited on September 16, 2019).

<sup>1.</sup> <sup>22</sup> Ministry of Social Justice & Empowerment, Government of India Schemes for NGOs, available at: <http://vikaspedia.in/social-welfare/ngo-voluntary-sector-1/government-of-india-schemes-for-ngos/ministry-of-social-justice-empowerment> (Visited on September 16, 2019).

<sup>23</sup> Ministry of health and Family Welfare, Government of India schemes for NGOs, available at: <http://vikaspedia.in/social-welfare/ngo-voluntary-sector-1/government-of-india-schemes-for-ngos/ministry-of-health-and-family-welfare> (Visited on September 18, 2019).

<sup>24</sup> Ministry of Human Resources development, Government of India schemes for NGOs, available at: <http://vikaspedia.in/social-welfare/ngo-voluntary-sector-1/government-of-india-schemes-for-ngos/department-of-school-education-and-literacy> (Visited on September 18, 2019).

	II. NGO/CBO Guidelines
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Source: Official site of Ministries.

The historical background and various have shown that shows that the government involves the NGOs in some projects but the cooperation is just at the level of implementation. There is no uniform policy, legal framework, project that covers the coordination of NGOs and Government in protection of human rights. The present legislations just provide the guidelines for registration, taxes and just encourage the efforts of NGOs without any policy or structure.

### INTERVENTION OF JUDICIARY

The Supreme and High Courts also time and again directed for coordination between government and NGOs for the protection of human rights. As in **Bandhua Mukti Morcha v. Union of India and others AIR 1984 Supreme Court 802** court held that state government, Vigilance Committees and District Magistrate take the assistance from political social action groups and voluntary organization to implement the laws related to labour. **The Court on its own Motion and with Other Writ Petitions WP 9767/2009** directed the National Commission for Child Right to make a plan for abolition of child labour in Delhi. The National Commission after consultation with other stakeholder evolved a Delhi Action Plan for Abolition of Child Labour in Delhi.<sup>25</sup> The involvement of NGOs is assured in rescue mission and even post rescue programmes.<sup>26</sup> Further in **Bachpan Bachao Andolan v. Union of India, (2010) 12 SCC 180** the court has directed the appointment of National Commission for Protection of Child rights as nodal agency in every state and that agency may take the assistance of other agencies or organizations including NGOs.<sup>27</sup>

The Supreme Court in Re Exploitation of Children in Orphanages in the State of TN (W.P. (Criminal) No. 102 of 2007) has further stated that- "*We must emphasize, at this stage that it is absolutely necessary for all stakeholders having interest in the welfare of children to work together towards a common goal. This teamwork would include not only the government machinery but also the police, civil society and the judiciary - Juvenile Justice Committee.*"<sup>28</sup>

### CASES IN WHICH GOVERNMENT INVOLVE NGOS FOR PROTECTION OF HUMAN RIGHTS

There are also number of SOPs, Manual and Advisory issued by the Ministry of Home Affairs, Ministry of Labour to other government official to take assistance or work in coordination with NGOs. Some of them are as follow:

- **Standard Operating Procedure (SOP) to handle Trafficking of Children for Child Labour-measures to be taken for rescue of trafficked child labourers and action against the traffickers/employers (2013):** The rescue team should be multi-disciplinary and should comprise of Police, SDM, NGO/complaint, lady police/volunteer and member of Child Welfare Committee.<sup>29</sup>

<sup>25</sup> The District Level Task Force on child Labour (in Delhi Action Plan) will oversee and monitor all action for identification, pre-rescue planning, rescue operation, interim care, prosecution of employer/violator under all relevant laws, including Bonded Labour System (Abolition) Act, 1976, repatriation, rehabilitation/social reintegration and follow-ups. The Task Force will Comprise the Following:

Deputy commissioner of District, Deputy Labour Commissioner, Addl. District Magistrate of Police, District Social Welfare Officer, District Urban Resource Centre, District Health Officer, Senior most Officer of MCD in the District, Chairperson of Concerned Child Welfare Committee, Centre Coordinator, Child line and Voluntary Organizations actively involved in the rescue and rehabilitation of child labourers in the area.

<sup>26</sup> National Commission for Protection of Child Rights, Report on Delhi Action Plan for Abolition of Child Labour in Delhi (2010), available at: <http://ncpcr.gov.in/showfile.php?lid=73> (Visited on December 18, 2018).

<sup>27</sup> Available at: <https://nlrd.org/landmark-rulings-of-the-courts-in-india-on-combating-human-trafficking-traffic/> (Visited on September 23, 2019).

<sup>28</sup> Arlene Manoharan, "Key Changes brought in by the JJ Act 2015 and Model Rules 2016 – An Overview", Presentation at National Judicial Academy, Bhopal, available at: [http://www.nja.nic.in/Concluded\\_Programmes/2018-19/P-1112\\_PPTs/5.Changes%20brought%20in%20by%20JJ%20Act%202015,%20Rules%202016.pdf](http://www.nja.nic.in/Concluded_Programmes/2018-19/P-1112_PPTs/5.Changes%20brought%20in%20by%20JJ%20Act%202015,%20Rules%202016.pdf) (Visited on September 22, 2019).

<sup>29</sup> Government of India, Report: *Standard Operating procedure to Handle Trafficking of Children for Child Labour – Measures to be taken for Rescue of Trafficked Child Labourer and Action against the Traffickers/Employers* (ministry of Home Affairs, 2013), available at: <http://khowai.tripurapolice.gov.in/sites/default/files/uploaded-file/SOP%20to%20handle%20Trafficking%20of%20Children%20for%20Child%20Labour.pdf> (Visited on December 18, 2018).

- **SOP on Investigation of Crimes of Trafficking for Forced Labour (2008):** NGOs will be in rescue team and also in rehabilitation programme. NGOs works as partner in this. It is mentioned that proving NGO's network will be provided to police officers by developing partnership with NGOs.<sup>30</sup>
- **SOP on Investigating Crimes of Trafficking for Commercial Sexual Exploitation (2007):** Similarly NGOs has been given a special recognition to work with government officials. As NGOs are good source of information so one of the objectives in this SOP is to develop the partnership with NGOs. The police are taken assistance from NGOs at different level of investigation.<sup>31</sup>
- **Abolition of Bonded Labour System: A Manual on Identification, Release and Rehabilitation of Bonded Labour (2004):** The representatives of NGOs are co-opted as member of the Vigilance Committee. So to do the survey for identification of bonded labour at district level, help may also be taken from NGOs by the state government.<sup>32</sup>
- **Advisory on Crime against Women- Measures needed to curb (2009):** The advisory ensure the role of NGOs in the area of combating crime against women. It is advised to encourage the NGOs to create awareness among society about gender issues and to assist the police in investigation in cases of crime against women. It is also mentioned that coordination between NGOs and police dealing with the interest of women may be ensured.<sup>33</sup>
- **Advisory on Crime Against Children (2010):** It is advised to approach the NGOs to improve the general awareness about laws related to children. It is also advised in this advisory that police must work in collaboration with Childline and other NGOs wherever it is required.<sup>34</sup>
- **Advisory on Prevention, Registration, Investigation and Prosecution of Crime (2010):** The advisory has mentioned about the partnership of police and community/civil society. It is advised to take assistance from NGOs to sustain the Community Counseling Centers at police stations.<sup>35</sup>
- **Advisory on Preventing and Combating Cyber crime against Children (2012):** It is advised to obtain help and support of NGOs in the field of online child protection.<sup>36</sup>
- **Advisory on Missing Children: measures to prevent trafficking and trace the child (2012):** The advisory report of the government has advised to mark competent NGOs as a Nodal NGOs in states. These NGOs assist the law enforcement agencies in tracing of missing children and to prevent trafficking. There are various NGOs that are working in this field with commitment. So law enforcement agencies should support these organizations and establish synergy between NGOs and law enforcement agencies. With this coordination, they both could work in tandem.<sup>37</sup>
- **Advisory on Preventing and Combating human trafficking in India dealing with foreign nationals (2012):** It is advised that during the interim period and before repatriation, the victim may

<sup>30</sup> Government of India, Report: *Standard Operating procedure on Investigation of crimes of Trafficking for Forced Labour* (United Nations Office on Drugs and Crime, 2008), available at:

[https://www.unodc.org/pdf/india/SOP\\_Investigation\\_Forced\\_Labour.pdf](https://www.unodc.org/pdf/india/SOP_Investigation_Forced_Labour.pdf) (Visited on December 18, 2018).

<sup>31</sup> Government of India, Report: *Standard Operating procedure on Investigation crimes of Trafficking for Commercial Sexual Exploitation* (United Nations Office on Drugs and Crime, 2007), available at:

[https://www.unodc.org/documents/human-trafficking/India\\_Training\\_material/SOP\\_on\\_Investigation\\_of\\_Crimes\\_of\\_Trafficking\\_for\\_Commercial.pdf](https://www.unodc.org/documents/human-trafficking/India_Training_material/SOP_on_Investigation_of_Crimes_of_Trafficking_for_Commercial.pdf) (Visited on December 18, 2018).

<sup>32</sup> Government of India, Report: *Abolition of Bonded Labour System: A manual on Identification, Release and Rehabilitation of Bonded Labour* (Ministry of Labour and employment, 2004).

<sup>33</sup> Government of India: Report: *Advisory on Crime against Women- Measures needed to curb-regarding* (Ministry of Home Affairs, 2009), available at: [https://mha.gov.in/sites/default/files/AdCrime-Agnst-Women170909\\_0.pdf](https://mha.gov.in/sites/default/files/AdCrime-Agnst-Women170909_0.pdf) (Visited on December 18, 2018).

<sup>34</sup> Government of India, Report: *Advisory on Crime Against Children* (Ministry of Home Affairs), available at: [https://mha.gov.in/sites/default/files/AdvCrime-children-280710\\_2.pdf](https://mha.gov.in/sites/default/files/AdvCrime-children-280710_2.pdf) (Visited on September 20, 2019)

<sup>35</sup> Government of India, Report: *Advisory on Prevention, Registration, Investigation and Prosecution of Crime* (Ministry of Home Affairs, 2010), available at:

<http://odishapolicecidcb.gov.in/sites/default/files/Advisory%20on%20Prevention%2C%20Registration%2C%20Investigation%20and%20prosecution%20of%20Crime.pdf> (Visited on September 20, 2019).

<sup>36</sup> Government of India, Report: *Advisory on Preventing and Combating Cyber crime against Children*, (Ministry of Home Affairs, 2012), available at: <https://mha.gov.in/sites/default/files/CS-Adv-160112.pdf> (Visited on December 18, 2018).

<sup>37</sup> Government of India, Report: *Advisory on Missing Children- measures to prevent trafficking and trace the child-regarding* (Ministry of Home Affairs, 2012), available at:

[http://www.odishapolicecidcb.gov.in/sites/default/files/Advisory%20on%20missing%20children-measures%20needed%20to%20prevent%20trafficking%20and%20trace%20the%20children-regarding\\_.pdf](http://www.odishapolicecidcb.gov.in/sites/default/files/Advisory%20on%20missing%20children-measures%20needed%20to%20prevent%20trafficking%20and%20trace%20the%20children-regarding_.pdf) (Visited on December 18, 2018).

be taken care in an appropriate children's home, or shelter homes or Ujjawala's home either of the State Government concerned or of any NGO aided by the Government of India / State Government.<sup>38</sup>

- **Advisory on Preventing and Combating Human Trafficking in India (2009):** The report advised to build a linkage with other government departments and agencies including NGOs in prosecution, prevention and protection to combat human trafficking. The police should exchange information with NGOs to raise awareness and gender active support of the community.<sup>39</sup>
- **Advisory on Crime against Scheduled Caste/Scheduled Tribes- Measures needed to curb-regarding (2010):** the citizen's groups and NGOs should be encouraged to raise the issue and bring light on the issue of atrocities against schedule casts and schedule tribes. NGOs should be encouraged to assist the police in the investigation of these crimes. It is also advised to explore the possibility of associating NGOs which are working in the area of combating crimes against SCs/STs.<sup>40</sup>
- **Comprehensive Scheme for Establishment of integrated Anti Human Trafficking Units (AHTUs) and Capacity building of responders, including Training of Trainers for strengthening the law enforcement response to human trafficking in India Plan:** 9 AHTUs was set up in Goa involving government officials and NGOs. It is also mentioned that whenever it is necessary must involve the NGOs.<sup>41</sup>
- **State Legal Service Authority has consultative officer on behalf of Bachpan Bachao Andolan:** Bachpan Bachao Andolan has started his programme called access to justice in which it has appointed two consultative officers in 20 state's Legal Services Authority and State Commission for Protection of Child Rights. The purpose of these consultations officers are to strengthen and sensitize the institutes, government officers and legal machinery that deal with protection of child rights.<sup>42</sup>

All the above advisories and SOP gives the example where government and NGOs are working in coordination. All the cases of human rights violation and government advised the state government official and police to take assistance from NGOs working in required field.

#### INTERNATIONAL PRINCIPLE ON NGO-GOVERNMENT COORDINATION WITH RESPECT TO HUMAN RIGHTS

The name of non-governmental organizations was given by United Nations organizations. It has also emphasized on the role of NGOs in protection of human rights. In various international principles and conferences emphasized on the cooperation of NGOs and government to protect human rights. The Paris Principles make specific provision for the coordination between National Human Rights Institutes and NGOs.<sup>43</sup> The World Conference on Human Rights held at Vienna on 1993 had also recognized the importance of NGOs and stated that the cooperation between NGOs and Government is necessary for protection of human rights. It was also stated that these NGOs should be free to carry out the function related to human rights but within the framework of national law and Universal Declaration of Human Rights. Similar views were expressed by the Golden Jubilee Commemorative Session of United Nations (1995) and Paris Declaration (1998). The session of United Nations in 1993 expressed that "we recognized that our common work would be more successful if it is supported by all concerned actors of the international community, including NGOs and all actors of civil society. We will welcome and facilitate such support".<sup>44</sup>

The Committee on the Rights of the child has observed the reports of states on Article 44 of the Convention on the Rights of Children. In his concluding remarks, the committee recommends the states to take cooperation of civil society for formulation of action plan for children.<sup>45</sup> The Committee further emphasized the role of NGOs

<sup>38</sup> Government of India, Report: *Advisory on Preventing and Combating human trafficking in India dealing with foreign nationals*, (Ministry of Home Affairs, 2012), available at:

<https://mha.gov.in/sites/default/files/AmdmntAdvForeign-030512.pdf>. (Visited on December 18, 2018).

<sup>39</sup> Government of India, Report: *Advisory on Preventing and Combating human trafficking in India* (Ministry of Home Affairs, 2009), available at: <https://mha.gov.in/sites/default/files/Advisory-on-HTrafficking-150909.pdf> (Last Modified on September 21, 2019).

<sup>40</sup> Government of India, Report: *Advisory on Crime against Scheduled Castes/Scheduled Tribes – Measures needed to curb –regarding* (Ministry of Home Affairs, 2010), available at:

[https://mha.gov.in/sites/default/files/Advisory-SCST\\_010610.pdf](https://mha.gov.in/sites/default/files/Advisory-SCST_010610.pdf). (Accessed on December 18, 2018).

<sup>41</sup> Government of India, Report: *Comprehensive Scheme for Establishment of integrated Anti Human Trafficking Units (AHTUs) and Training of Trainers*, (Ministry of Home Affairs 2010-2011), available at:

<https://mha.gov.in/sites/default/files/Scheme-AHTU-SS-271011.pdf> (Accessed on December 18, 2018).

<sup>42</sup> Interview of Sristi, Consultant, Bachpan Bachao Andolan.

<sup>43</sup> Asia Pacific Forum of National Human Rights Institutions, *A Manual on National Human Rights Institutions*, (Sydney NSW, Australia, 2015).

<sup>44</sup> *Supra Note* 12 at 25.

<sup>45</sup> The Committee recommends that the State party take all necessary measures to adopt, in consultation with all relevant partners, including the civil society, a new Plan of Action for Children that covers all areas of the

in implementation of Convention on the Rights of Child and recommends the states to involve the NGOs in more systematic and coordinated manner in all stages of implementation of the convention including policy formulation. It involves NGO at local, state and national level and also in drafting of future periodic reports.<sup>46</sup>

### CONCLUSION AND SUGGESTIONS

There is no doubt that a lot of contradictions and problems between the relation of government and NGOs. As NGOs states that governments try to suppress their working as they raise voice against the irrelevant policies of government. And government states that NGOs have used their privileges to earn money and some time use foreign funds for anti-nation groups. But the reports of national and international organizations show that the crime rate is increasing in India.<sup>47</sup> There are number of issues such as poverty, education, development induced displacement, violation of rights of adivasis, crime against women, safety issue of children and women, environment pollution rising day by day. So in this condition it is necessary to put some immediate action towards protection of human rights.

However, it is important to mention here that on one side the cooperation between NGOs and government can made positive response to society and on other side the confrontation damage the situation. It is always clear that neither government can replace NGOs nor NGOs can but collaboration between both protects the human rights better. The reason behind emergence of NGOs was just to fill the gap between government and society, so it is high time to realize the importance of their cooperation. And in this cooperation the independency of NGOs should not be curtailed. The government should make legal structure that provide all detail of the coordination and recognize their relation.

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Convention, includes the Millennium Development Goals, and fully reflects “A world fit for children”; to allocate the necessary human and financial resources for its full implementation; and provide for a coordination and monitoring mechanism. In addition, the Committee recommends that the State party expedite the adoption of the National Charter for Children and make sure that the Charter adopts a child-rights-based approach and covers all the rights and principles of the Convention.

<sup>46</sup> United Nations, Report: *Considering of Reports submitted by State Parties under Article 44 of the convention* (Committee on the Rights of the Child, 2004), available at: <https://wcd.nic.in/sites/default/files/childobserv.pdf> (Visited on September 22, 2019).

<sup>47</sup> , Amnesty International, World Report (2018), available at: <https://www.amnesty.org/en/countries/asia-and-the-pacific/india/report-india/> and <https://www.financialexpress.com/india-news/crimes-in-india-rise-in-2018-as-compared-to-last-year-murder-rapes-see-a-spike-says-this-report/1080222/> (Last modified on September 20, 2019).