



## ROLE OF NGOs IN THE PROTECTION OF HUMAN RIGHTS

ASTHA PRAKHAR\*

---

### ABSTRACT

*“To deny people their human rights are to challenge their very humanity.”* - Nelson Mandela

Many organisations all around the globe work to defend human rights and put an end to human rights violations. Human rights groups are most successful when their demands for change are supported by strong public advocacy, thus public support and denunciation of violations is critical to their success. Non-Governmental Organizations are an example of such organisations. Non-Governmental Organizations (NGOs) are operating throughout the world at all hours of the day to record the injustices meted out to women, children, and the underclass that make up society's lowest rung. They remind governments, via their active advocacy, to fulfil their promises to put the objectives set out in different national and international human rights treaties into practice. “India is projected to contain between 1 million and 2 million non-governmental organisations (NGOs).” The NGO is an essential corollary to the government's democratic machinery; they are a method of democratic empowerment for people who are less powerful and advantaged since the government's machinery and approved institutions are not always adequate to ensure human rights protection. Human rights are defined as “individual rights to life, liberty, equality, and dignity protected by the constitution or incorporated in international agreements and enforced by Indian courts.” In this article, the author provides a brief analysis of how these organizations are involved in providing justice and access to human rights.

**Keywords:** NGOs, Human Rights, Advocacy, Government.

---

---

\* 2<sup>nd</sup> year, B.B.A. L.L.B. Student at Chanakya National Law University, Patna

## INTRODUCTION

Human Rights are those basic and inviolable rights that are possessed by individuals just for the reason of being humans. These rights are necessary for nurturing and safeguarding one's dignity. These are the rights to be enjoyed by all unwary of any sort of diversity and differences like religion, nationality, and sex. Human rights are universal and they bear a resemblance to natural rights. It is a basic human tendency that they require assurance of their well-being. But it is evident that such demands are thwarted by various forces (can be social as well as natural). This results in various kinds of suffering in the form of exploitation and deprivation. Here, the need for "Human Rights " to all arises. To ensure a better world to live in, the mere imagination of people without any human rights seems scary.

Article 1 of the UN Declaration on Human Rights Defenders states,

*"Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels."*<sup>1</sup> Considering the importance of human rights, there needs someone to be held to account for ensuring its protection. Around the world, many organizations are committed to the objective of protecting and ending violations of human rights. To succeed, public assistance and criticism of such violations are significant. Such organizations are most constructive when they get strong public backing. A Non - Governmental Organization (NGO) is one example of such a groups. An NGO can be defined as a group of people or organizations, generally without any affiliation with any government to provide public services. These organizations have a purpose other than financial gain. In today's chaotic world, NGOs are operating in every corner to record various kinds of injustices done to the underprivileged and deprived sections of society. These organizations work as a reminder to governments to ensure the fulfillment of goals set by various conventions on human rights. NGOs can play a very significant role in safeguarding and promoting human rights. They can involve some healing and reformative measures constructively. They can counsel, educate, emancipate and empower the victims and be aware of the ignorant.

---

<sup>1</sup> 'UN Declaration On Human Rights Defenders RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY' (Omc.org, 2021) [http://www.omct.org/files/2007/03/3995/declaration\\_defenseurs\\_0912\\_1998\\_eng.pdf](http://www.omct.org/files/2007/03/3995/declaration_defenseurs_0912_1998_eng.pdf) accessed 2 August 2021.

## **ROLE OF NGOs IN THE PROTECTION OF HUMAN RIGHTS**

In recent times, a great increase in the number of NGOs has been witnessed. Globally, the citizens have often been the advocates of human rights instead of state officials or administrators. If we talk of particularity, it is the key role played by NGOs in highlighting the issues of human rights at different levels. They keep a check on the state's activities and ensure them to be based on the principles of human rights. The growing participation by NGOs is indicated as an element altering the pattern of exercising political power. The performance of NGOs is considered a major indicator of participation by civil society in the formulation of policies.

Resolution no. 38 of the declaration of the world conference on Human Rights held in Vienna in 1993 stated, "*The world conference on human rights recognizes the important role of Non-Government Organization in the promotion of all human rights and in humanitarian.*"<sup>2</sup> The role of NGOs in assuring the protection of human rights can be evidenced in diverse fields. Be it an issue related to domestic violence, violation of rights of women, or exploitation of the underprivileged, NGOs always have an important role to play. As advocates of human rights, NGOs play different roles to ensure its protection. Some of the major roles played by them are –

### **1. Disseminating Information**

Working at grassroots levels, NGOs have better access and knowledge of the problems of the people than the government. They work as information sources for the public as well as the government. They provide the government with information relating to the problems of the people and about instances of human rights violations. Also, they come up to the government with some humanistic solutions. They inform the general public about human rights and about the actions which can be taken on its violation and thus they can be said to be increasing the mindfulness of the people on human rights issues. NGOs work in the arena of human rights with moral duty and take various measures to investigate such issues.

### **2. Being a Community Negotiator**

---

<sup>2</sup> 'United Nations: Key Conference Outcomes On Human Rights' (*Un.org*, 2021)  
<https://www.un.org/en/development/devagenda/humanrights.shtml> accessed 2 August 2021.

The act of a social mediator involves the involvement of various societal levels by various mediums to achieve some expected outcomes (change in society). These NGOs spread awareness to the public.

### **3. Persuading the Decision Makers**

A very significant role is played by NGOs in lobbying and influencing the government. They persuade the policymakers to make the policies considering the deprived and underprivileged people centered on human rights.

### **4. A Bridge**

Knowing and understanding the problems of people better than the government, NGOs know the real lacking in the field of human rights. They point out differences in the government's initiatives and also connect to the people left out by the government.

### **5. Providing various aids**

There are a lot of people who are unaware of the human rights available to them and even if they know, they are unable to enjoy those rights due to some compulsions and cannot employ legal services due to some reasons like financial incapability or any social norm. Here, the assistance by NGOs comes into the picture. The NGOs provide legal help to such people and provide some relief to them.

### **6. Eradicating Social issues**

We live in a society where many social evils exist. NGOs play a very important role in eliminating these social problems by involving themselves at the grassroots level and reaching out to a solution. Further, we will be seeing various instances when NGOs have been the champions in abolishing such social issues. NGOs spread awareness, educate the susceptible people, and advance laws related to human rights among the people.

### **7. Mobilizing the Vox Populi**

To muster public opinion, NGOs organize various meetings, conferences, and seminars. People from various domains (like journalists, judicial officers, etc.) are invited and express their views.

### **8. A Pressure Group**

One of the roles played by NGOs is to act as a pressure group. They pressurize the government to control and prevent the incidents of torture and inhuman treatment by police and jail authorities. Also, they ensure that the government submits various reports related to such issues to the international committees in time and execute their national as well as foreign policies based on the standards of human rights.

## **9. Developing and Operating Infrastructures**

Besides the mentioned functions, NGOs also manage to play the role of developing and operating infrastructures. They have been seen at times acquiring, Subdividing, and developing land, constructing housing, and providing other infrastructures. Also, they maintain other infrastructures like public wells, toilets, and solid waste collection services. Everyone by now can see the vital role played by NGOs in performing the noble task of assurance of human rights to all.

## **HUMAN RIGHTS NGOs AT NATIONAL & INTERNATIONAL LEVEL**

In this section, some of the prominent national and international NGOs have been dealt with.

### ***International NGOs***

#### **1. Amnesty International**

It is an NGO at the international level with the main focus on human rights and is headquartered in the United Kingdom. The mission as expressed by the organization is to campaign for "*a world in which every person enjoys all the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments.*"<sup>3</sup> It is determined to report the incidents of violation of human rights (like Freedom of Speech, Religion, etc.). Another area of its concern has been political imprisonment, torment, and execution. The organization got the Nobel Peace Prize in 1977 for its "*defense of human dignity against torture*"<sup>4</sup>.

#### **2. Human Rights Foundation**

The Human Rights Foundation is an NGO fostering human rights at the global level. It was founded in 2005 by Thor Halvorsen Mendoza. Its main objective is to "*Unite people in the common*

---

<sup>3</sup> 'Amnesty International's Statute' (*Amnesty.org*, 2021) <https://www.amnesty.org/en/about-us/how-were-run/amnesty-internationals-statute/> accessed 2 August 2021.

<sup>4</sup> 'The Nobel Peace Prize 1977' (*NobelPrize.org*, 2021) <https://www.nobelprize.org/prizes/peace/1977/ceremony-speech/> accessed 2 August 2021.

*cause of defending human rights and promoting liberal democracy, to ensure that freedom is both preserved and promoted*"<sup>5</sup>.

### **3. Human Rights Watch**

Having its headquarters in New York, Human Rights Watch is an NGO at the global level. It looks into and records the instances of human rights violations and prescribes an approach for the prevention of the same. Some of the issues looked after by the organization are war crimes, children, migrants, and abortion rights.

### **4. Human Rights First**

As the name suggests, Human Rights First is an NGO advocating human rights worldwide. Earlier, its name was Lawyers Committee for International Human Rights.<sup>6</sup> It aids and helps out those who are seeking asylum in Greater Washington D. C., New York City, Los Angeles, and Houston metropolitan areas and are unable to meet the expense of an attorney.<sup>7</sup>

### ***National NGOs***

If we talk of national NGOs, we come to know that many NGOs are operating in India which can be said to be providing various services in ensuring enjoyment of human rights by all. We will now be discussing some of the prominent NGOs helping and rescuing the vulnerable and the victimized groups.

#### **1. People's Union for Civil Liberties (PUCL)**

It is an important non - profit organization advocating human rights. It was formed in 1976 by Jayaprakash Narayan. Originally, it was called the People's Union for Civil Liberties and Democratic Rights (PUCLDR). The organization has worked in the field of protection of human rights of children in prison, women, and Undertrials. It has also brought the issues of detention of people by the government of India and Pakistan to light.

#### **2. Child Rights and You**

---

<sup>5</sup> 'Our Mission - Human Rights Foundation' (*Human Rights Foundation*, 2021) <https://hrf.org/about/mission/> accessed 2 August 2021.

<sup>6</sup>(*Irs.gov*, 2021) <https://www.irs.gov/pub/irs-pdf/i1023.pdf> accessed 2 August 2021.

<sup>7</sup> Aditi Mittal, 'The Fight To Reform The U.S. Asylum System: A Conversation With Human Rights First'S Becky Gendelman | *Latina Republic*' (*Latina Republic*, 2021) <https://latinarepublic.com/2020/09/07/the-fight-to-reform-the-u-s-asylum-system-a-conversation-with-human-rights-firsts-becky-gendelman/> accessed 2 August 2021.

Child Rights and You abbreviated as CRY is a non-profit organization and was formed in 1979. Earlier, it was called Child Relief and You (till 2005). Its basic objective is to address the issues of the human rights of children. It emphasizes the need of working at the local level.

### **3. Bandhua Mukti Morcha**

It is an NGO having its base in Delhi. It was established by Swami Agnivesh in 1981 and is also known as Bonded Labor Liberation Front (BLLF). It aims at and is often attributed to the progress of regulations related to the abolition of child labor in the country. One of the examples is the coming up of the Child Labor (Protection and Regulation) Act, 1986<sup>8</sup>.

Other examples of such organizations in India are Saheli, Chetna, Sulabh International, Butterflies, etc. They are dedicated to protecting the rights of a particular group. For instance, the main aim of Saheli and Chetna is to protect the rights of women. They help them in various ways like by providing free legal services for any violation of their rights and any sort of gender discrimination. Similarly, Butterflies is committed to back the vulnerable, street, and working children. Several other such organizations are advocating human rights and if we start discussing them all, the list is in no way going to end.

### **INSTANCES WHEN NGOs HAVE TAKEN THE INITIATIVE**

It was during the period of emergency that an era of NGOs advocating human rights began. It was the beginning of the movement by NGOs in the arena of human rights. It was a period of chaos, repression of human rights, and suppression by the government. A dire need for such activism was felt. Consequently, several people forming such organizations came forward as proponents of human rights. To succeed in their cause, NGOs need support from the judiciary. These NGOs provide the victims with legal aids and advice. They file cases, writ petitions, and Public Interest Litigations on their behalf to achieve the goal of protecting their human rights. Even before, NGOs have campaigned for the prevention of human rights violations. They have taken up the issues like protection of women from domestic violence, rights of children, torture in jails, fake encounters, and custodial deaths. The judiciary has always been seen to be helping these organizations with appropriate orders to ensure justice. Also, the National Human Rights Commission (NHRC) cheers

---

<sup>8</sup> Child Labour (Prohibition and Regulation) Act, 1986 (Act 61 of 1986).

up these organizations to bring the cases of human rights into the light. Besides the NHRC, these NGOs also bring cases of violation of human rights to the State Human Rights Commission.

Following are the examples of cases taken up by such NGOs in court to protect human rights -

In the case of *Neelabati Bahera v State of Odisha*<sup>9</sup>, the honorable Supreme Court held that prisoners, arrestees, or under trials cannot be deprived of their rights under Article 21<sup>10</sup> and only the curtailments as prescribed by law can be levied. Mr. Kuldeep Nayar, a renowned journalist and president of NGO 'Citizen for Democracy' filed a petition on the issue of justification in forcing a prisoner to handcuffs. The court held that handcuffing and in addition tying with ropes of the patient-prisoners who are lodged in the hospital is inhuman and in violation of human rights guaranteed to an individual under international law and the law of the land.<sup>11</sup> The court demonstrated genuine apprehensions over breach of the law enacted in the case of *Prem Shankar Shukla v Delhi Administration*<sup>12</sup> averse to the cases of handcuffing of prisoners or under trials by the police officials. The court held that handcuffing can be used as a measure only in the cases of apparent and prompt danger of breakout of police restraint and should not merely be based on supposition.

In the case of *Hussainara Khatoon v Home Secretary State of Bihar*<sup>13</sup>, inmates who were under trial and were in jails for many years in Bihar looking for their trials filed a petition under A. 32 of the Constitution<sup>14</sup>. The Supreme Court admitted that A. 21 of the Constitution,<sup>15</sup> i.e. Right to Life and Personal Liberty is intrinsic to the right to have a speedy trial.

In the case of *Vishaka and Ors. v State of Rajasthan and Ors*<sup>16</sup>, an NGO called Vishaka pleaded on behalf of a victim of sexual harassment. Vishaka Guidelines were devised both for public and private sectors to set up an apparatus to look into the complaints of sexual abuse. This landmark judgement is considered a milestone in the field of women's empowerment.

---

<sup>9</sup> *Neelabati Babera v. State of Orissa*, (1993) 2SCC 746.

<sup>10</sup>The Constitution Of India, 1949 (Article 21).

<sup>11</sup> *Citizen for Democracy v. State of Assam*, (1995) 3SCC 743.

<sup>12</sup> *Prem Shankar Shukla v. Delhi Administration*, (1980) AIR 1980 SC 1535.

<sup>13</sup> *Hussainara Khatoon v Home Secretary State of Bihar*, (1979)AIR 1979 SC 1360.

<sup>14</sup> The Constitution Of India, 1949 (Article 32).

<sup>15</sup> The Constitution Of India, 1949 (Article 21).

<sup>16</sup> *Vishaka and Ors. v State of Rajasthan and Ors.* (1997) AIR 1997 SC 3011.

In the case of *Bandhua Mukti Morcha v Union of India and Ors*,<sup>17</sup> a PIL was filed before the Supreme Court. The Supreme Court ordered the state of Uttar Pradesh to stop employing child laborers in carpet industries and also gave directions to draft policies for their welfare and to provide them with education and health facilities.

## **RECENT VIOLATIONS OF HUMAN RIGHTS IN INDIA**

In recent times, various instances of human rights violations have been witnessed. After the advancement of the discriminatory Citizenship (Amendment) Act (CAA)<sup>18</sup> in 2019, the country witnessed peaceful protests all over the country, upon which the government responded with unreasonable detentions and disparaged such protests. The advocates of human rights, students, journalists, and others protesting were put in prison often barring trials. Stringent and archaic laws like the Unlawful Activities (Prevention) Act<sup>19</sup> and National Security Act<sup>20</sup> were used. The UN High Commissioner for Human Rights asked the government for instant release of those advocates of human rights who were arrested for the protest. Also, many human rights patrons like Father Stan Swamy were taken into custody by the country's leading anti-terrorism agency, i.e., National Investigation Agency (NIA). They were alleged to have their involvement in the Bhima Koregaon case. They were blamed for disobeying the penal code by "*waging war against the country*". Among the arrested many were old having poor health, still they were kept in jam-packed prisons. Many of the activists were tested positive and died of COVID-19 and poor health services. A national lockdown was introduced on 24th March 2020 by Prime Minister Modi with regards to the increasing cases of COVID-19. This was a sort of curtailment of Freedom of Expression and Assembly. Disobeying the lockdown led to several arrests. Out of the arrested people, the maximum was from marginalized sections of society like the STs, minority communities like Muslims, and poor workers. The impoverished workers were left without sufficient food and shelter. Also, the limitations caused a menace to the privacy of individuals.

Another instance of violation of human rights has been the revocation of the exceptional status of Jammu and Kashmir. Communication services were restricted by the government and political leaders like Mehbuba Mufti were detained. As a consequence of the passing of the Farm Bill, many farmers died due to various reasons like road accidents and suicides in the course of protests against

---

<sup>17</sup> *Bandhua Mukti Morcha v Union of India and Ors*, (1984) AIR 802.

<sup>18</sup> The Citizenship (Amendment) Act, 2019 (Act 47 of 2019).

<sup>19</sup> (*Mha.gov.in*, 2021) <https://www.mha.gov.in/sites/default/files/A1967-37.pdf> accessed 2 August 2021.

<sup>20</sup> The National Security Act, 1980 (Act 65 of 1980).

the same. Human rights are the most basic rights provided to humans. Still, one can experience and witness various cases of human rights violations. Active participation of people and various NGOs can be very helpful in the protection of such rights.

## **CONCLUSION**

In India, institutions like the judiciary and human rights Commissions are said to be the saviors of human rights. But, along with these, a very crucial advocator of human rights are the NGOs. NGOs play a very significant role in the protection of the human rights of people. They raise voice against human rights violations on behalf of those who are unable to speak for themselves. They assist the poor, marginalized, downtrodden, and the victimized sections of society. They assist such groups in various ways like by the way of providing legal and financial help. These NGOs influence the government in policy-making to have them in line with human rights and also pressure the government in cases of violations of human rights to take action. Besides these, they are also involved in reformative measures and it is only because of their initiatives that several laws have been passed to reform the society and help the underprivileged.