



**SPECIAL EDITION: INTERNATIONAL CONFERENCE**

**Lala Hansraj Puthela College of Law Sirsa**

**ROLE OF NGOs IN PROMOTING AND PROTECTING HUMAN RIGHTS Dr.**

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*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood<sup>1</sup>*

**INTRODUCTION**

Human rights as the ‘Rights relating to life, liberty, equality, and dignity of individuals guaranteed by the constitution or embodied in international covenants and enforceable by the courts in India’.<sup>2</sup>

Human rights are necessary to ensure the dignity of every person as a human being irrespective of one’s race, religion, nationality, language, sex or any other factor. The concept of Human Rights are based on the assumption that human beings are born equal in dignity and rights as these are inherent and inalienable rights which are due to an individual by virtue of being a human being. These rights enable individuals to fully use their intelligence, talents and conscience to satisfy their spiritual and other needs. The idea or landmarks of elaboration and protection of rights of human beings have been gradually transformed into written norms, such as Magna Carta England (1215), the American Declaration of Independence (1776), The French Declaration on the Right of Man (1789) and Bolshevik Revolution in Russia (1917). All these landmark declarations have made important contribution in advancing the concept of human rights.

However, the human life and human dignity have been disregarded throughout the history and still continue to be disregarded even today. Discrimination in one way or another still continues to exist either due to ignorance, prejudice and fallacious doctrines which try to justify inequality. Against this discrimination or inequality against human rights Non- governmental organizations (NGOs) play a vital role, which is more accurately non-profit organizations who used to cover the range of organizations which go to make up civil society. These NGOs work for the welfare of human beings and for the protecting of human rights.

**HUMAN RIGHTS**

*Dr. Justice Durga Das Basu defines<sup>3</sup>* “Human rights are those minimal rights, which every individual must have against the State, or other public authority, by virtue of his being a ‘member of human family’ irrespective of any consideration. Durga Das Basu’s definition brings out the essence of human rights.

*The Universal Declaration of Human Rights (UDHR), 1948, defines human rights as “rights derived from the inherent dignity of the human person.”* Human rights when they are guaranteed by a written constitution are known as “Fundamental Rights” because a written constitution is the fundamental law of the state.

*The Protection of Human Rights Act 1993* defines human rights means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India

NGO’s have a vital role to play in the promotion and protection of human right especially in the developing country. United Nations recognized the importance of NGOs and in United Nation Charter under Article 71 states that ‘The Economic and Social Council may make suitable arrangements for consultation with nongovernmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United.’

**NON- GOVERNMENTAL ORGANISATION (NGOs)**

To protect the fundamental interest of someone who cannot raise their voice to defend themselves<sup>4</sup> is both the noble and somewhat complicated work of NGOs. These organizations are committed to the defence the human rights. These organizations give voice to those who cannot raise voice either due to lack of awareness or for any other reason, speak for them and act on behalf of such a parties.

A non-governmental organization is an organization which is independent of the government whose primary mission is not commercial and focuses on the protection of the human rights of human, social, cultural, environmental,

<sup>1</sup> Universal Declaration of Human Rights, art. 1

<sup>2</sup> The Protection of Human Rights Act, 1993, s.2

<sup>3</sup> Usha Ajithkumar, *Human Rights Education* 10 (Himalaya Publishing House, Mumbai, 1<sup>st</sup> edn. 2011)

<sup>4</sup> Adrian GurzaLavalle, ‘NGOs, Human Rights and Representation’, *SUR- International Journal on Human Rights*, 293-302 (2014), available at: <https://www.researchgate.net>



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educational and other issues.<sup>5</sup> Such organizations which go to make a civil society is characterized of having the purpose other than financial profit for their existence. NGOs range from small pressure groups on like specific environmental concerns or specific human rights violations, through educational charities, women's refuges, cultural associations, religious organization, legal foundations, humanitarian assistance programmes and many other all the way to the huge international organizations with hundreds or even thousands of branches or members in different parts of the world.<sup>6</sup>

At nearly every level from national to international level they work to preserve the dignity of the individuals whenever they are threatened by the power of the state and for that they require a good knowledge of the human rights conditions and applicable legal principles. NGOs consistently monitor human rights situations and also monitor whether states comply with their obligations whether the states provide and protect human rights under laws for human rights protection. NGOs act as 'watchdogs' and provide an independent overview and assessment of whether and how human rights are ensured and such a monitoring helps to collect data about human rights situations and highlights the problem if any problem exists.<sup>7</sup> By gathering and disseminating information about human rights issue from the human rights victims, witnesses, newspaper and form other sources NGOs try to draw the attention of the public, government and other actors to the problem that exist in the human rights field and raise the concerns of the usually unheard voices.<sup>8</sup>

**HOW DO THEY INFLUENCE**

The information that NGOs 'gather, verify and disseminate is their major weapon in lobbying governments to change the policy.<sup>9</sup> NGOs in the interest of human rights protection act as an advocates to influence the politicians to make decision in favour of human rights of human. Their strategies in the protection of human rights will vary according to the nature of their objectives. They have

1. Campaigning and lobbying

NGOs are the organization within the society which has the ability to influence and strengthen the process of development. They are not important just that they led the society towards development but also they can influence the perception, including that of the state of what constitutes better development.<sup>10</sup> They often indulge in campaigning and advocacy in order to influence the state to make or change the policies and for that they adopt various practices like letter- writing campaigns, street actions or demonstration with the media coverage to enlist the support of the public or to bring something to public eye in order to 'name and shame' a government. Their campaigns include law reform campaigns, campaigns for justice, liability for heinous human rights violations, also campaigns against laws, policies and practices of the government that may have adverse consequences for human rights.

2. Human Rights education and awareness

NGO organizes workshops, training programmes, seminars and conferences to create awareness and educate on human rights. They also use the resources like pamphlets, brochures, posters etc. to the process of awareness raising Non- governmental. Organization (NGOs) often try to bring greater knowledge of human rights issues to the members of society; to the public in large

3. Collecting direct information

Non-governmental organizations (NGOs) collect the information directly from the people at the lower level. They collect such information related to the human rights in the society and using it to promote transparency in the human rights record of governments is essential in holding them to make them accountable. This helps the government to develop the substance of laws regarding to the issues.

4. Advocacy

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<sup>5</sup> Damon P. Coppola, 'Participants: Nongovernmental Organisation, Including the Private Sector and Academia' 4<sup>th</sup>Edn., Chapter-IX, Introduction to International Disaster Management, (2020)

<sup>6</sup> Council of Europe, 'Human Rights Activism and The Role of NGOs', available at: <https://www.coe.int> (last visited on Dec. 15, 2022)

<sup>7</sup> Lina Marcinkute, 'The Role of Human Rights NGO's: Human Rights Defenders or State Sovereignty Destroyers?' 4(2) *Baltic Journal of Law & Politics* (2011) available at: <https://sciendo.com> last visited on Dec. 10, 2022)

<sup>8</sup> *Ibid*

<sup>9</sup> *Ibid*

<sup>10</sup> D. Rajasekhar, 'Non-Governmental Organisations (NGOs) India: Opportunities and Challenges', *Journal of Rural Development* 14 (2000), available at: <https://www.researchgate.net> (last visited on 20 Dec., 2022)



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NGOs do the advocacy to influence policy development in favour of needy, poor and marginalized communities.

These NGOs are most likely to conduct rallies, stage demonstration, participate in policy formulation etc.<sup>11</sup>

**5. Direct Assistance**

NGOs has been working to offer some form of direct assistance to those who have been victims of human rights violations and it include the services like providing humanitarian assistance, advice or protection, legal advocacy and like providing advice on how to present claim.

**ROLE OF NON – GOVERNMENTAL ORGANIZATIONS (NGOs)**

Kofi Annan, Former UN Secretary General stated that “The 21st Century will be an era of NGOs.” The world conference on human right was held in Vienna in Austria in 1993, with objective “to review and assess the progress made in the field of human right” and by the declaration ‘accepted the significant responsibility of Non- Governmental Organization in the enforcement of the entire human rights’.<sup>12</sup> NGO organizations have 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. NGOs play a pivotal role in many fields to teach and train vulnerable groups in cases like domestic disputes, bonded labour, child exploitation and provide counseling in subject relating to rights of women and children and providing knowledge of human rights among the people. Non-governmental organization plays the wide variety of roles in protection and promotion of human rights and some of them are following-

**Facilitating Communication:**

Non-governmental organizations can understand where the problem lies for the lacking of human rights as the can easily access the local people and deeply understands their problems, Non-governmental organizations (NGOs) carry the role of facilitator between the people and the government with innovation and sustainable solutions. They can facilitate communication from people to the government vis versa from government to the people. They can communicate to the government information about the lives, human rights, capabilities and cultural characteristics of the people at the local level.

**Boost Government Efficiency**

Non- governmental organization work with in the public and do research and collect the information from the people. On the basis of their research and data collection they led the government to make the policies. They ensure the government to respond to the public issues and solve their problems. Non- governmental organizations (NGOs) are also allowed to make recommendations and support improvement and flexibility in government policymaking by contributing their own research and experience.<sup>13</sup>

**The Mediatory Role**

Non-governmental organizations (NGOs) act as catalysts and create awareness among people. They play the mediatory role where communication as a skill is important for development and social action, for giving the voice to those whose voice remain unheard. NGOs in the mediatory role can be seen as participating or taking up external programs and projects. They also act as a social mediator as an intervention of different levels of society by various agents to change social and behavioural attitudes within the prevailing social environment for achieving desired results of change in society.<sup>14</sup>

**Monitoring and evaluation**

Non-Governmental Organizations (NGOs) encourage the active people’s participation in the development process as it monitors and evaluate government policies and activities and act as a mediator in people’s and government. Their act results in keeping a check on the administrative functions of the Government.<sup>15</sup> They make suggestions and support improvement and flexibility in government decisions by contributing their research and experience. Innovative activities need to be carefully documented and shared effective participatory monitoring would permit the sharing of results with the people themselves as well as with the project staff.

**Acting as a Pressure Group**

NGOs help the poor, needy people discriminated section of the society in availing services by making the government accountable. They as a pressure group on the government to amend and make changes in their decisions so that the facilities can reach to the needy people or group of society. They mobilize public opinion against various governmental

<sup>11</sup> Available at: <https://www2.fundformgos.org> (last Visited on Jan. 2, 2023)

<sup>12</sup> Rohini Singh and Dr. Geetika Sood, ‘Environmental Laws and Governance: Issues & Challenges’, 8(4) *International Journal of Science and Research* 1878 (2018), available at: <https://www.ijsr.net> (last visited on Jan. 10, 2023)

<sup>13</sup> ‘Roles and Functions of NGO in India’, available at: <https://www.corpseed.com> (last visited on Jan. 15, 2023)

<sup>14</sup> ‘Role of NGOs’ available at: <https://www.drishtiiias.com> (last visited on Dec. 29, 2022)

<sup>15</sup> Available at: <http://www.geeksforgeeks.org> (last visited on Jan. 15, 2022)



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policies and activities. They are able to educate the public and put pressure on public policy. They also play an important role in protecting Human Right through Judiciary and NHRC. On the behalf of the victim and public at large they filed cases, petitions and Public Interest litigation. It has produced result as in the case of *Vishaka & Ors. v. State of Rajasthan and Ors.*<sup>16</sup>in which the petition has been brought as a class action by certain social activists and NGOs with the aim of focusing attention towards this societal aberration, and assisting in finding suitable methods for realisation of the true concept of 'gender equality'; and to prevent sexual harassment of working women in all work places through judicial process, to fill the vacuum in existing legislation', which resulted in the formulation of the *Vishaka Guidelines*, dealing with issues of sexual harassment at the workplace.

**Technical Assistance and Training**

Non-governmental organizations (NGOs) provide education, training and technical assistance to the needy people, volunteers and also to other non-governmental organizations (NGOs). These trained non-governmental organizations (NGOs) can develop a technical assistance and training capacity and use this to assist both CBOs and governments.

**Policy Implementation**

Non- governmental organizations (NGOs) efforts have contributed to some of the path – breaking laws in the country like Right to Education, The Environmental Protection Act 1986, Forests Rights Act 2006 and Right to Information Act 2005. Like Udaan India Foundation which runs a one- year programme to facilitate school readiness for children from low income communities aged 4-6 years. The idea is to build a strong foundation in language and social skills in a safe, secure and happy learning environment.<sup>17</sup>CRY aims to restore children's rights in India.

**The Social Welfare Role**

Non- governmental organization in this role can be seen as initiating internal programs and projects. These organizations are involved in carrying out a wide range of activities for the benefit of under privileged people and the society at large. They take up and execute projects to promote welfare of the community they work with. Non-governmental organizations facilitate government policies to reach remote areas and enhance the overall effectiveness of social welfare schemes.<sup>18</sup>

**Policy Evaluation**

Non- governmental organizations (NGOs) do the systematic collection and analysis of information to make judgement about context, activities, characteristics or outcomes of one or more domains of the policy process. They take up and execute projects to promote welfare of the community they work with. Non- governmental organizations work to address various concerns and issues prevailing within the society like Bandhua Mukti Morcha (BMM) or Bonded Labour Liberation Front (BLLF) a non- governmental organization working to end bonded labour in India and country has legally banned the bonded labour.

**Development and Operation of Infrastructure**

Non- governmental organizations also help in development and operation of infrastructure as they purchase the land for the purpose of construction of schools, hospital, wells, public toilets etc. for the welfare of community at large. They are in the front line in providing assistance in the acquisition of basic needs and amenities, in identifying issues, raising awareness and providing information.

**Advocacy for and with the Poor**

In some cases, NGOs become spokespersons or ombudsmen for the poor and attempt to influence government policies and programs on their behalf. This may be done through a variety of means ranging from demonstration and pilot projects to participation in public forums and the formulation of government policy and plans, to publicizing research results and case studies of the poor. Thus NGOs play roles from advocates for the poor to implementers of government programs; from agitators and critics to partners and advisors; from sponsors of pilot projects to mediators.

Non- governmental organizations both at the national and international level work for or contributed towards the development of society; for the protection upliftment and protection of the rights of the members of the society. These bodies set an example that humanity is still alive. Non-governmental organizations play a vital role specially in the developing countries in creating awareness and protection for the human rights. *Anti- Slavery International* is the world's oldest human rights organization, roots stretch back to 1787 when the first abolitionist society was formed to crusade against slavery and the slave trade throughout the world,<sup>19</sup> Still now the organization continues the fight against

<sup>16</sup> (1997) 6 SCC 241

<sup>17</sup> '10 NGOs Rejuvenating Education in India', available at: <https://give.do/blog> (last visited on Jan. 15,2023)

<sup>18</sup> Available at: <https://www2.fundsfornogs.org> (last visited on Jan. 10, 2023)

<sup>19</sup> 'Oldest International Human rights Organisation' available at: <https://www.guinnessworldrecords.com> (last visited on Dec. 30, 2022)



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human trafficking, traditional slavery, child prostitution and all forms of forces and bonded labour.<sup>20</sup> Some of the Non-governmental organizations working in the field of human rights at the national and international level are-

**AT INTERNATIONAL LEVEL**

*Amnesty International*

This is an international non-governmental organizations (NGOs) that focused on championing human rights. In London 1961 Amnesty International was founded that “Takes injustice personally’ the objective of the organization is to conduct research and generate action to prevent and end grave abuses of human rights and to demand justice for those whose rights have been violated.<sup>21</sup> This Organization is dedicated to publicizing violation of human rights, especially freedom of speech and religion and right of political dissent. It also works for the release of political prisoners and, when necessary, for the relief of their families. For its commendable services in the field of human rights, Amnesty International was awarded the Nobel Prize for peace in 1977

*Human Rights Watch*

This is the international non- governmental organization that investigates and documents human rights violation and advocates for policies to prevent such abuses. This is the international non- governmental organization that investigates and documents human rights violation and advocates for policies to prevent such abuses. Human Rights Watch advocates freedoms in connection with fundamental human rights. They produces research reports on violations of international human rights norms as set out by the Universal Declaration of Human Rights and what it perceives to be other internationally accepted human rights norms.<sup>22</sup>

*The International Federation for Human Rights*

The International Federation for Human Rights (FIDH) mandate is to act effectively to ensure all the rights laid down in the Universal Declaration of Human Rights are to be respected.<sup>23</sup> These include civil, political, economic, social and cultural rights, FIDH works by documenting actions that violate basic human rights and by publicizing such abuses through reports and press releases. They conduct research advocacy and litigation services.<sup>24</sup> They gives daily support to victims of torture , war, crimes against humanity and genocide by accompanying them during the whole legal process.<sup>25</sup>

*Human Rights First*

Human Rights First (HRF) non- governmental organization formerly known as *Lawyers Committee for International Human Rights* founded in New York City in 1978 to defend human rights worldwide.<sup>26</sup> Human Rights First aims to preserve human values in the community and contributing to improve them, supporting the most vulnerable segments of the community and empowering them through building necessary skills for the development of both individual and community scales.<sup>27</sup> They work to promote laws and policies that protect the universal freedoms of all individuals regardless pf political, economic or religious affiliation.

**AT NATIONAL LEVEL**

*Udaan India Foundation*

Udaan India Foundation is the Mumbai based foundation works with the motive of enabling a brighter future for children from low- income communities and also to facilitate school readiness for children from these communities.<sup>28</sup> Their primary aim is to ensure that every child of school going age is gaining a strong and holistic educational foundation to become a responsible, compassionate and confident citizen of tomorrow.<sup>29</sup> They provide holistice learning to the underprivileged in order to maximize their potential.

*Acid Survivors Saahas Foundation (ASSF)*

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<sup>20</sup> *Ibid*

<sup>21</sup> ‘The World’s Top Ten Human Rights Organisations”, *available at:* <https://www.fundsforngos.org> (last visited on Jan. 11, 2023)

<sup>22</sup> *Available at:* <https://www.fundsforngos.org> (last visited on Dec. 16, 2022)

<sup>23</sup> France World Coalition Steering Committee Member,’ International Federation for Human Rights (FIDH), *available at:* <https://worldcoalition.org> (last Visited on Jan. 15, 2022)

<sup>24</sup> International Federation of Human Rights, *available at:* <https://www.britannica.com> (last visited on Jan. 20, 2023)

<sup>25</sup> *Supra* note 23

<sup>26</sup> ‘Human Rights First’ *available at:* <https://www.britannica.com> (last visited on Dec. 29, 2022)

<sup>27</sup> *Available at:* <https://masrart.org> (last visited on Jan. 15, 2023)

<sup>28</sup> ‘10 NGOs rejuvenating Education in India’, *available at:* <https://give.do> (last visited on Dec. 28, 2022)

<sup>29</sup> Udaan India Foundaation ‘Empowering Through Education’ *available at:* <https://www.udaanindiafoundation.org> (last visited on Dec. 28, 2022)



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Acid Survivors Saahas Foundation founded by Mrs. Daulat Bi Khan to support acid-attack victims in getting treatments, medicines, ration and household needs met. Mrs. Daulat Bi Khan herself was the victim of acid attack by bringing together the survivors and activists for the cause.<sup>30</sup> They also provide educational and employment assistance, rental aid and monthly distribution of funds. This is the humble initiative begun with the goal of 'Empowering Acid Victims' who courageously braved this horrendous crime.

*CARE India*

CARE India non-governmental organization that build capacity of communities to ensure empowerment for marginalized women and girls leading to improvement in their lives and livelihoods; focusing on ending poverty and social injustice. CARE India is a member of the CARE International confederation that supports humanitarian and development programs inside India through technical support, advocacy, fundraising and communications.<sup>31</sup> They work through well-planned and comprehensive programs in health, education, livelihoods and disaster preparedness and response

*Child Rights and You (CRY)*

CRY is the non-governmental organization with the vision of a happy, healthy and creative child whose rights are protected and honoured in a society that is built on respect for dignity, justice and equity for all.<sup>32</sup> Organization works towards restoring basic rights to underprivileged Indian children. Cry focuses basically on the four rights of children i.e. the right to survival, the right to development, the right to protection and the right to participation.<sup>33</sup>

*Milaan Foundation*

Milaan foundation is a non-governmental organization working for an inclusive and equal world for girls, where every girl has the knowledge, skills and social environment to pursue her dreams and explore her full potential. Their continued efforts are empowering young girls from marginalized communities with knowledge and skills and these girls become influencers within their communities and enable more girls to break free illiteracy and poverty.

**CONCLUSION**

Non-governmental organizations perform a commendable job in the promotion and protection of human rights. NGO an organization in which the government has no role but they play a major role and is the biggest reason for the deprived people's development in the society. A Non-governmental organization (NGOs) is to set an example for serving humanity. For the betterment and progress of society NGOs play a significant role in bringing a change. They are dedicated in serving mankind, for protecting of their human rights and ending human rights abuses. These NGOs have been successful in bringing the attention of the government to the various issues related to human rights. Government should appreciate the non-governmental organizations (NGOs) for their role and functioning in the development of society in the promotion and protection of human rights. They fight for the individual violation of human rights and also helping the state to develop the substance of laws. They have the potential to touch millions of more lives through their work.

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<sup>30</sup> Available at: <https://helplocal.in> (last visited on Dec. 4, 2022)

<sup>31</sup> Available at: <https://carefoundation.org> (last visited on Jan 10, 2023)

<sup>32</sup> Available at: <https://www.cry.org> (last visited on Jan 10, 2023)

<sup>33</sup> 'CRY- Child Rights and You', available at: <https://www.cry.org> (last visited on Jan 10, 2023)