ROLE OF NGO'S IN PROTECTION AND PROMOTION OF HUMAN RIGHTS

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Many organizations around the world dedicate their efforts to protecting human rights and ending human rights abuses. Globally, the champions of human rights have most often been citizens, not government officials. In particular, nongovernmental organizations (NGOs) have played a primary role in bringing the focus of the international community on human rights issues. NGOs monitor the actions of governments and pressure them to act according to human rights principles.

Human Rights and NGOs

Human Rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other status. We are all equally entitled to our Human Rights.

The Protection of Human Rights Act, 1993 has defined the term “Human Rights” under section 2(d) as follows:

“Human rights mean the rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in international covenants and enforced by courts in India.”

Fundamental Human Rights

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Human rights are the most fundamental and important of rights. They are the rights that the United Nations aims to protect for all people. These rights would exist even without government protection or intervention.

**Some examples of human rights include:**

- The right to life
- The right to liberty and freedom
- The right to the pursuit of happiness
- The right to live your life free of discrimination
- The right to control what happens to your own body and to make medical decisions for yourself
- The right to freely exercise your religion and practice your religious beliefs without fear of being prosecuted for your beliefs
- The right to be free from prejudice on the basis of race, gender, national origin, color, age or sex
- The right to grow old
- The right to a fair trial and due process of the law
- The right to be free from cruel and unusual punishment
- The right to be free from torture
- The right to be free from slavery
- The right to freedom of speech
- The right to freely associate with whomever you like and to join groups of which you’d like to be a part
- The right to freedom of thought
- The right not to be prosecuted from your thoughts

A non-governmental organization (NGO) is a “not-for-profit organization” that is independent from states’ and international governmental organisations. They are usually funded by donations but some avoid formal funding altogether and are run primarily by volunteers. NGOs are highly diverse groups of organizations engaged in a wide range of activities, and take different forms in different parts of the world. Some may have
charitable status, while others may be registered for tax exemption based on recognition of social purposes. Others may be fronts for political, religious, or other interests.

The term 'NGO' is not always used consistently, in some countries the term NGO is applied to an organization whereas in another country it may be called an NPO (non-profit organization). There are many different classifications of NGO in use. The most common focus is on "orientation" and "level of operation". An NGO's orientation refers to the type of activities it takes on. These activities might include human rights, environmental, improving health, or development work. An NGO's level of operation indicates the scale at which an organization works, such as local, regional, national, or international.¹

The term "non-governmental organization" was first coined in 1945, when the United Nations (UN) was created.² The UN, itself an inter-governmental organization made it possible for certain approved specialized international non-state agencies — i.e., non-governmental organizations — to be awarded observer status at its assemblies and some of its meetings. Later the term became used more widely. Today, according to the UN, any kind of private organization that is independent from government control can be termed an "NGO", provided it is not-for-profit, non prevention, and not simply an opposition political party.

The Economic aid social council of the United Nations by adopting a resolution [288 (X)] on February 27, 1950 defined the non-governmental organizations as private associations and they denote significant resources to the promotion and protection of human rights. They are independent of government and all political groups which seek direct political power. Human Right NGO'S are different from NGO'S involved in other fields in the sense that the former seek to protect the right of all members of the society and not a particular group or constituents.

NGOs works in different fields such as :-

-Civil and Political rights

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¹ Vakil, Anna (1997). "Confronting the classification problem: Toward a taxonomy of NGOs". World Development

– Women’s Rights
– Children’s Rights
– Minority Rights
– Labour Rights
– Health Rights
– Right to Education
– Right to Liberty and Security
– Right to due process and fair trial
– Freedom of Religion
– Freedom of Expression
– Right to Food
– Peace
– Environment
– Humanitarian Issues.

Human rights violations occur when actions by state (or non-state) actors abuse, ignore, or deny basic human rights (including civil, political, cultural, social, and economic rights). Furthermore, violations of human rights can occur when any state or non-state actor breaches any part of the UDHR treaty or other international human rights or humanitarian law. In regard to human rights violations of United Nations laws, Article 39 of the United Nations Charter designates the UN Security Council (or an appointed authority) as the only tribunal that may determine UN human rights violations.

There are various types of Human Right abuses such as Police torture, Sexual Violence, Forced Labour which includes Debt Bondage, Child Labour, Human Trafficking, Religious Violence, Freedom of Expression, LGBT Rights and so on. N.G.O’s, whether their activities are spread worldwide or confined to one country, contribute substantially in different ways in the promotion and protection of human rights. They perform different functions depending upon the purpose for which they are established. NGO's may work directly with victims and assist in solving their problems or have a dialogue with government to respect international standards for human rights. NGO’s may work in bringing those cases before the courts of law where a right has been violated but action has not been taken by the victims to secure the redress which may be because of lack of
resources or because of the ignorance; hence they file various cases, writs and public interest litigations for the purpose of providing access to Justice; NGO's also perform the task of processing of information, i.e. educating people about the extent of their rights and disseminating information about rights violation.

According to the Protection of Human Rights Act, 1993; the National human Rights Commission shall inquire, suo motu or on a petition presented to it by a victim or any person on his behalf into complaint of violation of human rights or abetment; or negligence in the prevention of such violation, by a public servant.\(^3\)

Here any other person may be NGO also. Non Governmental human rights groups have contributed to the cause of human rights through independent and non-biased investigation into the allegations of violence and injustices. These groups have exposed the involvement of the State and its institutional enforcement agencies in the abuse of people's rights and freedom. NGOs.

Further according to Regulations of The National Human Rights Commission (procedure), the Commission can, in any given case have in its team an appropriate number of outsiders to be associated with the investigation.\(^4\) Thus NGOs are also associated with the investigation team.

The Supreme Court and various High Courts have also in various landmark judgements lauded the role of NGOs a few of them are P.U.C.L v Union of India, Vishaka & Ors v State of Bihar & Ors, Peoples' Union for Democratic Rights V Union of India, Bandhua Mukti Morcha V Union of India & Ors, Saheli v Commissioner of Police, Peoples Union for Democratic rights v Police Commissioner Delhi Headquarters, PUDR v State of Bihar etc.

There are various independent groups operating throughout India in investigating abuses and publishing their findings which are often the basis for reports by international human right groups.

**Human Rights Group Active in India**

**Amnesty International**

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\(^3\) Sec 12(a) The Protection of Human Rights Act, 1993.

Amnesty International is a worldwide movement of people campaigning to protect human rights. It was started in 1961. Peter Benson an advocate wrote an article in the observer newspaper and started a campaign appeal for amnesty because two students who raised voice for independence were arrested; this was the reason for writing the article. It has a vision of a world in which every person enjoys all of the rights stated in the Universal Declaration of Human Rights and other international human rights standards.

The basic objective of the Amnesty International is to oppose by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman and degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence.

The Indian Section of the Amnesty International was founded in Delhi in September, 1968 at the initiative of Shri Jai Prakash Narain and Mrifula Sarabhai, Mrs. Matti Singh, was the founder president of the Indian Section of the Amnesty International.

**CRY**

It was formerly known as Child Relief and You till 2005 but is now known as Child Rights and You. It was founded in 1979.

It is a voluntary organisation committed to the upliftment of millions of children who have been deprived of their childhood due to various reasons.

**Campaign against Child Labour**

CACL is a joint venture of Youth for Voluntary Action, Pune and Tere des Homes, Germany; India Programme. It is working for the progressive eradication of child labour through provision of education, organisation of awareness programmes, promotion of legislative changes and rescuing children in bondage or victims of abuse.

**Bandhua Mukti Morcha**

It is also known as Bonded Labour Liberation Front. It is a NGO working to end bonded labour. It was founded in 1981 by Swami Agnivesh. Bonded labour was legally abolished in 1976 but it remains prevalent due to weak implementation of laws.

**South Asian Forum For Human Rights (SAFHR)**
It is a regional HRs Organization - a Conglomerate of 36 NGO's from SAARC Countries - which was established at Kathmandu in 1993. The aims and objects of the organization are:

a) To work for the realization, promotion and promotion of HR's in the SAARC region;

b) To work for the implementation of all national, regional and international human rights instruments, standard, norms and declarations and of international humanitarian law;

c) to engage in studies and research in the field of human rights and to educate the public to support the cause of human rights through talks, seminars, training, publications, uses of mass media and similar activities;

d) to hold a people's SAARC at the time of the annual SAARC summit meeting in order to project the view point of the general public on selected human rights issues;

e) to seek affiliation with ECOSOC for making representations to various UN committees;

f) to investigate violation of human rights especially those of a class nature, and;

g) to receive donation in cash or kind, operate bank account and invest money and pursue the other activity which is necessary, incidental or conducive to fulfilling the aims and object of the society;

People’s Union for Civil Liberties (PUCL)

It came into existence in 1976 as People’s Union for Civil Liberties and Democratic Rights. Its founder was Jai Prakash Narain. It aimed at bringing those concerned with defending civil liberties and human rights to a common platform. Ever since 1980, the organisation has been expanding its membership and has established branches in all most all the states of India. Some of them have been good at mobilising public opinion through public demonstrations, while others have more successfully pursued public interest litigation in the courts. Their area of interest varies according to the interests and capacities of the elected office bearers and active members.

These cases are prepared and argued by the lawyer members of the PUCL in the local courts, High Courts, or the Supreme Court. They meet all the expenses of fighting these cases, from their own pocket.

It organises seminars, Lectures, etc., for focusing attention on the problems concerning its area of work. It has raised its voice against various oppression laws and retrograde amendments to the Constitution. It has tried to find the causes of communal riots and tried to create amity amongst various sections of society. It also organises observer teams at the time of Elections from sensitive constituencies. It has, from time to time, taken up issues to courts at various levels. The PUCL has, more than once, taken up the cause of pavement dwellers.

Since the establishment of the National Human Rights Commission the PUCL has made a lot of effort in utilising this forum for redressal of grievances against violation of the rights of the people. Besides the NHRC, the PUCL also keeps in touch with the National Commission for Women, the National Commission for Minorities, National Commission for Scheduled Castes and Scheduled Tribes, and the National Commission for Safai Karmacharis. Some States have established State Human Rights Commissions, as provided in the Protection of Human Rights Act, 1993. The PUCL is campaigning for its establishment in the remaining States also. The PUCL also takes care to see that the establishment of such Constitutional fora does not slow down its work, as there is no substitute of voluntary and dedicated work.7

Commonwealth Human Rights Initiative (CHRI)

Commonwealth Human Rights Initiative is a non-government organisation and was formed in 1987 by a group of Commonwealth NGO's, viz. the Commonwealth Journalists, Medical, Law and Legal Education Association and the Commonwealth Trade Union Council, under a Board of Trustees in London. The initiative is registered as a charity under the laws of England and has the potential to establish itself as a charitable institution in other Commonwealth countries, under their laws. The institution H.O. will rotate around Commonwealth countries at 5 yearly intervals.

People’s Union for Democratic Rights

7 Available at www.pucl.net, accessed on 16/07/2017.
It came into existence in 1976-77 as the Delhi unit of a large national forum and became PUDR on 1st February 1981. It has taken up cases of violations of democratic rights of many sections of society. It conducts investigations, distributes leaflets, organizes public meetings, demonstrations and dharnas and fights legal cases to highlight the violation of people’s rights and seek redressal. It also takes issues of general importance that affect the rights of people through general campaigns, publication and legal interventions. These include gender equality, rights of forest dwellers and forest policy, working class rights, caste oppressions, torture in police custody, undemocratic legislation etc.

Thus NGOs act by:

- Identifying and Exposing various issues which need attention.
- Pressurising the Government to act.
- Approaching the Judiciary for seeking redresses of the grievances.
- Asking for submission of reports.
- Organise conferences, and Awareness programmes; and
- Publish their own reports and journals that address human rights issues.
- Studying and making recommendation on specific issues.

In this way they have aroused awareness for human rights.

Because of their gross-root contacts, NGOs can most effectively identify human rights violations, articulate them and seek redress. The high level of expertise of individual NGOs in specific areas of human rights work is of great benefit as it studies and makes recommendations on specific issues and problems. The Supreme Court and various High Courts have also in various land mark judgements lauded the role of NGOs a few of them are P.U.C.L v Union of India, Vishaka & Ors v State of Bihar & Ors, Peoples’ Union for Democratic Rights V Union of India, Bandhua Mukti Morcha V Union of India & Ors, Saheli v Commissioner of Police, Peoples Union for Democratic rights v Police Commissioner Delhi Headquarters, PUDR v State of Bihar etc.

Thus, Non Governmental human rights groups have contributed their might to the cause of human rights through independent and non-biased investigation into the allegations of
violence and injustices. These groups have exposed the involvement of the State and its institutional enforcement agencies in the abuse of people's rights and freedom. They have also organized conferences and published reports that address human rights issues and their widespread successive infringement. In this way they have aroused awareness for human rights.