
NON-GOVERNMENTAL ORGANISATION'S OPERATIONS IN PROTECTION OF HUMAN RIGHTS: HOW SUCCESSFUL THEY HAVE BEEN?

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“The evaluation of the Human Rights movement clearly illustrates
humanity’s ongoing struggle towards a better world”

- Robert Alen

ABSTRACT

In order to live the life with dignity and respect, certain rights are exhibited by human. These rights are not conferred to them rather exhibited by them, by virtue of their existence. These are the basis rights enjoyed by everyone, regardless of Gender, Religion, Race etc. However, the scope may vary. Human rights are fundamental to the human existence. But, everyday we see the instances of violence, murder, abuse and various other human rights violations. Despite the adaptation of many laws on the protection of Human Rights, the human rights violations have not reduced. The Government and Non-governmental organizations both have taken the initiative to protect the rights. NGO's are essential to the promotion and protection of human rights, especially in developing nations. These nations have the greatest number of NGOs whose activities are focused on improving the welfare of people, including the promotion and defense of human rights. The judiciary and human rights commissions in India are responsible for defending human rights. Non-governmental organizations (NGOs) also play a significant part in this process. The non-governmental organizations fight to preserve human rights at all levels, from local communities to the international and national levels. In this research paper we will be studying the contribution of NGOs in protection of human rights and how successful they have been in achieving the target? What changes have these NGOs brought to the betterment? What are the loopholes in the working and what could be done to make it more effective? What role has Government of India played in ascertaining the validity or legality of specific NGO? How does the latest amendment in the FCRA has affected the working of several NGOs? All the above-mentioned issues will be discussed in this paper.

INTRODUCTION

Human Rights includes the basic rights embodied in the Indian Constitution and different International Covenants. Many organizations around the world have struggled to stop the abuse of Human Rights. In India also there are various Governmental or Non-Governmental Organization who works in that regards. Human Rights are universally accepted principles. But the weaker section of the society in some cases are not able to enjoy such rights due to the over powering of other beings. In such cases NGOs comes into frame and work for the protection of the rights of such people.

What are non-governmental organizations?

These are the organizations which work independently for a social cause. The aim and objective might differ but most of them work for the humanitarian cause. They are non- profit entities. Funds are drawn from general public or organizations who are willing to donate for the social welfare. The NGOs can be classified on the basis of their nature. For e.g., on the basis of their level of operation, size, functional area, mandates etc. Some of the most popular International NGOs are Amnesty International, Human Right Watch, Oxfam International, the International Federation of Red Cross and Red Crescent Societies etc. Some of the famous Indian NGOs working for protection of Human Rights are Acid Survivors Saahas Foundation (ASSF), Committee for Legal Aid to poor, Human Rights Law Network etc. As per the reports of NGO Advisor's 2021, Bangladesh Rehabilitation Assistance Committee popularly knows as (BRAC), which is having its headquarter in Dhaka, was voted as the best NGO for consecutive 5 years, especially for providing aid to Rohingyas. BRAC is world's largest NGO with the highest no. of staff. This is one example. There are various other NGOs who have set the benchmark. The no. of NGOs are increasing day by day both in India and globally.

FUNCTIONS SERVED BY NGOs IN THE DEFENSE OF HUMAN RIGHTS:

The NGOs active in countering poverty, violence, racism, health problems, homelessness and environmental concerns. Some NGOs may concentrate on a single subject, such nutrition, children's health, or sexual and reproductive health. Some provides medical, social, and psychological services. Many collaborate with regional institutions. They work autonomously of governmental control. One of the important benefits is that NGOs frequently have tight ties to the media. This raises awareness of the crisis, which may inspire donations. The most

influential NGOs should ideally act as a link between grassroots activists and smaller groups that don't have access to the corridors of power. NGOs can aid in addressing the underlying causes of humanitarian and social justice challenges by advocating for changes in policy and law.

When a disaster strikes, government assistance might be slow to arrive and sometimes isn't enough. NGOs are the first who come for the help in times of crises. Which often means they are the first actors on the ground. NGOs can also quickly reach populations and locations that are farther away. Many NGOs concentrate on providing medical care, food, water, sanitation services, and shelter in response to emergencies. NGOs are useful in complicated catastrophes because they present demanding degrees of political and security dangers. NGOs, on the other hand, face fewer obstacles. And have fewer barriers to overcome. They're able to mobilize quickly, which frequently implies they are the first participants on the scene. They have an edge over governments since they are also more adaptable and versatile.

GRIM REALITY:

We all are aware of the fact that NGOs are Non-Governmental Organizations, popularly known as Not for profit Organizations. But, are they for real not for profit? Things are not always what they look like. Just like a coin has 2 sides similarly NGOs also have both positive and negative sides. The pivotal role of NGO in ameliorating the lives of weaker section has been debated since eternity. Most of the NGOs do not understand their social responsibility and are badly involved in money laundering. The Delhi High court gave its remark on this subject matter in **Chatravas Chandra Arya Vidya V. Govt. of Nct of Delhi and Anr¹** case. The bench headed by Justice Pradeep Nandrajog said: - "Most private run philanthropic organizations do not understand their social responsibility. 99% of the existing NGOs are fraud and money-making devices. Only 1 out of 100 serves the purpose they are set up for". The bench further said that there is the need of toughening of licensing norms and legislature has to keep this in mind".

Srijan Scam- The police complaint was filed against some members of an NGO named Srijan Mahila Vikas Samiti. The NGO has allegedly pilfered the fund meant for the governmental welfare schemes from the bank accounts of Bhagalpur District Administration. This is one instance. There are countless such instances.

¹ WP© Nos. 1345,1346,1347 of 2012

In another case, the police arrested the chairperson of the NGO **Malvayi Karunodya Society**, who has allegedly committed the fraud of 8 crore rupees. The fraud came into light when the police complaint was filed by one of the victims. Krishanamma, the chairperson of the NGO has visited the village few years ago and promised the people to build houses for them at a negligible cost, that would be paid back in the form of subsidy. She collected advance money from the buyers but never showed up again. Through the past decade, many NGOs like the Bihar based NGO **Samajik Shaikshanik Vikas Kendra** have used single project in raising the repeated funding 6 times from the state and agencies. Various instances of such corruption have been lodged time and again. Questions were raised on the authenticity of the organizations who have run the campaign “**Ghar wapasi**” (illegal conversion). It is claimed that the foreign funding was received to propagate specific religion and solicit the poor for converting their religion.²

Now a days NGO have become a mainstream way of scamming the people. The NGO fraud has become so common that we started doubting the efficiency or legality of all the NGOs. Definitely not all are fake, but sadly many are. As per the recent column of the times of India, there is more than 31 Lakhs registered NGOs in India, which means the NGOs in India, are much higher in than hospital beds here. The data was collected by CBI based upon the order given by Supreme Court. Not every state has provided the data and hence it can be concluded that the data is bigger than what is looks like.

GOVERNMENT POLICIES AND INTERVENTION

The Government of India has taken a dig at NGO sector. This war of control may do India more harm than Good. Many changes were introduced in the Foreign Contribution Regulation Act (FCRA) by the amendment Act of 2020. The fundamental changes were:

1. It restricted the money transfer from one organization to another.
2. It mandated that every NGO shall have its bank account in the Sate Bank of India, Delhi Branch.
3. It limits the administrative expense to 20%of the funds received.

² Source; indiaforensic

4. It gives more power to the authorities to investigate the matter in case of breach.

Apart from these modifications, the government has also introduced a new bill i.e., The National Council OF Social Work (Education and Practice) Bill 2020, which makes it mandatory for the people engaged in this sector to have a degree in Social Work.

In the year 2015 the government of India issued the guidelines that in order to get the additional governmental funds and to get registered at FCRA, it is mandatory for the NGOs to register on Darpan Portal and get the Unique ID. We can derive from the above changes that the government has inevitably toughened the rules and regulations to be followed by the NGOs. To some extent it might seem beneficial but it could have vast impact on the working. The limit imposed to the administrative expenses may impact the salary of the social workers, which would result in the backing off of the professionals. Various NGOs have also moved to the court against these amendments on the ground that the government is placing arbitrary limits on the functioning of the NGOs but all in vain.

As per the reports of **Centre for social Impact and Philanthropy**, India receive around 16000 crore of foreign funding through NGOs each year. Since the laws are tightened the fundings will be reduced. One NGO can not work in collaboration in another. Some people believe that this rule will kill the voluntary sector.

OPTIMISTIC OUTLOOK

In this research paper we have thoroughly discussed the gloomy side of NGOs but we can not deny the fact that several NGOs have contributed much in bringing about the major changes in social, judicial as well as legal system of the country. **Vishakha Judgment** is enough in support of my statement. In the case of Vishakha and Ors v. State of Rajasthan,³ a Public Interest Litigation (PIL) was filed by a Women Rights Group known as Vishakha . It laid its emphasis on the enforcement of rights of women under article 14, 19 and 21 of the Indian Constitution. The issue of need of the protection of women from sexual harassment at work place was also raised before the court of law.

The Supreme court of India acknowledged the fact that there indeed is the need of such law and hence framed certain guidelines in that regard which were named as “ **Vishakha**

³ AIR 1997 SC 3011

Guidelines". These guidelines laid the foundation of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Referring to another case, a writ petition was filed by the **Citizen for Justice and Peace** NGO challenging the constitutionality of Uttar Pradesh Prohibition of Unlawful conversion of Religion Ordinance 2020, on the ground that the law is a direct attack on the personal liberty and Right to life of a person. It imposes a burden upon the individuals to justify their personal opinion before the authorities. This case is pending before the court.

Bachpan Bachao Andolan, a movement which shall always be looked up, was initiated by Kailash Satyarthi. The movement has taken the form of an NGO and is currently working against Human trafficking, Child Labor and bonded labor. A PIL was filed by Bachpan Bachao Andolan before the court against the trafficking of children from different part of Nepal and India. The children were forced to work at circuses where they were subject to abuse both mentally and physically. The court held that the raid shall be conducted on all the circuses and children shall be prohibited from working there.

Apart from these developments the NGOs have played major role in providing the underprivileged with the financial aid also.

Smile Foundation, one of the most popular NGO in India has benefitted more than 15 lakh children so far. It is working on the ground level to provide quality education, healthcare, women empowerment etc.

Another NGO **Child rights and You** (CRY) is working to prevent children from malnutrition, to protect children from child marriage and child labor and the impact has been spectacular. There are countless such NGOs.

Pahwa plastics pvt v dastak NGO 2022⁴: In this recent case law Supreme Court said, "To protect future generations and to ensure sustainable development, it is imperative that pollution laws be strictly enforced. Under no circumstances." The reason behind quoting this case is to establish the fact that environmental right is the basic human right and hence everyone has the right to live a healthy and dignified life.

⁴ Civil Appeal SC 4795 of 2021

Chaany Foundation, An NGO is another example which is successfully working for the rehabilitation of acid attack victims. It was founded by lakshmi Aggarwal. She herself is an acid attack survivor.

At the same time many NGOs are working at international level the do their sincere job in the field of human rights protection

The significant systemic issues with the entire NGO community that must be resolved

NGOs experience trial and error because they are not flawless. A major concern is good governance, particularly in non-profit organizations. They must exhibit a high level of accountability for their community and the general public. It is essential for them to maintain their credibility and integrity as well as having efficient decision-making processes if they are to develop into a successful and effective non-profit organization and fulfill their objective. Additionally, since reputation, integrity, and trust are among non-governmental organizations (NGOs) most valuable assets, openness is fundamental.

There should be transparency in NGOs:

No doubt NGOs have good effects that are obvious when they successfully carry out their duties. There's been concern regarding NGOs, transparency, especially when it comes to sexual abuse. The IDC (International Development Committee) published a follow-up report in 2021. 73% of respondents to an IDC survey said they still saw abuse by aid workers as a concern. According to 26% of respondents, they may have seen instances of aid recipients being sexually abused or exploited. Another alarming finding was that 57% of respondents thought whistleblowing procedures and practices were insufficient. If there are no repercussions for abuse, offenders can keep abusing people and switch employers frequently.

NGOs should be accountable:

Many NGOs, particularly those that advocate for causes, concentrate on identifying and punishing those who violate human rights and holding abusers accountable but NGOs themselves are accountable to whom? Accountability calls for an NGO to give another stakeholder group or individual a professional or financial account (or justification) of its activities. It assumes that the non-profit organization has a clear policy regarding who is responsible for what and for whom. It involves the expectation that the NGO will be willing to

accept advice or criticism and to modify its practices in the light of that advice and criticism. The NGO will be prepared to take criticism or advice and adjust its procedures in response to it.

Abuse of power or position for private or financial gain:

NGOs do not work for financial gain but rather for the improvement of society. The organization's need for finance, however, quickly becomes apparent. NGOs are non-profit organizations; hence they have no financial stake in the economy. NGOs rely on donations from people, companies, and organizations to run. They take part in fundraising activities to get paid for the service they accomplish. But sometimes it is well known that charitable organizations are reluctant to report crimes like fraud and corruption. When a dishonest employee is apprehended, the situation is kept private. It is thought that making corruption public hurts the NGO's reputation. It includes such crimes as bribery, money laundering, and embezzlement of funds and so forth.

The administrative procedures of NGOs should be strengthened, all financial choices made by NGO staff should be governed by an ethics code and corruption should be investigated and those found guilty prosecuted.

FINAL THOUGHTS:

Human rights must be protected by NGOs, yet organizational issues, some structural in nature, might jeopardize the very rights that NGOs work so hard to uphold. NGOs shouldn't be abandoned because of this, though. There are significant systemic issues with the entire NGO community that must be resolved. NGOs commonly advocate for change and call for the abolition of detrimental policies.

Researchers stated that their main takeaway from this paper on how "well-meaning NGOs" can hurt the public by duplicating government services was not to stop supporting NGOs but to improve coordination between NGOs and governments. The researchers noted that despite evidence of NGOs' drawbacks, there was also evidence of "sustainable, positive impact on people's lives" that needed to be repeated by every NGO in existence. When NGOs successfully carry out their duties, their beneficial effects are evident. They discover evidence in a recent

research that NGOs can indeed displace services offered by the government and, in doing so, may intentionally or unintentionally hurt the people they are trying to assist.

The most effective NGOs ought to act as a link between grassroots activists and smaller groups that are shut out of the halls of power. NGOs can aid in tackling the underlying causes of issues relating to social justice and humanitarianism by advocating for reforms in policy and law.