

CURRENT GLOBAL REVIEWER

Special Issue 29, Vol. 1
November 2020

Peer Reviewed
SJIF

ISSN : 2319 - 8648
Impact Factor : 7.139

Impact Factor – 7.139

ISSN – 2348-7143

Current Global Reviewer

Peer Reviewed Multidisciplinary International Research Journal
PEER REVIEWED & INDEXED JOURNAL

November 2020 Special Issue- 29 Vol. I

Human Rights

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The Role of Parliament in Human Rights Protection

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Introduction:

It emphasizes the point that parliamentarians are trustees of people's aspirations and as such, they must ensure that law and policy support human rights. It also shows strategies that some parliamentarians have used to focus greater attention on human rights issues, like having a human rights supportive foreign policy and the appointment of human rights advocates to key positions. Entrenchment of a human rights culture in a country requires parliamentarians to actively push for human rights. This research paper explains how member of parliament can support the embedding of international standards at all levels of governance since they are both policy and law-makers, as well as mobilizes of public support for greater allegiance to a human rights agenda. The part explores the multiple roles of parliamentarians as members of the executive, members of the opposition, and as members of political parties protect the Human Rights. In this paper researcher focus on how to Member of Parliament (parliamentarians) protect to Human Rights in World.

The Role of Ministers in Human Rights Protection

In a parliamentary democracy, ministers exercise direct supervision over government departments. The personal inclination of a minister towards a particular cause can shape the attitude of the bureaucracy under his or her, which is responsible at the coal-face for implementing laws and policies. Human rights their rights are therefore better protected when civil servants are made aware that 'their' minister understands human rights standards and is committed to their furtherance and will take a serious view of any breaches.

In their supervisory capacity, ministers can strengthen internal disciplinary mechanisms to deal with failure or negligence to protect human rights. One positive initiative in this area comes from the Australian Capital Territory that requires annual departmental reports to include the ways in which the department has promoted and protected rights during that year. A human rights culture in public sector departments can also be assisted by setting up human rights units, and committees to review complaints of sexual harassment or racial discrimination. Performance reviews at appropriation time are also moments for reviewing the functioning of departments in terms of how well they have progressed in promoting human rights.

The Role of Executive & Cabinet in Human Rights Protection

In the parliamentary democracies, Cabinets play a critical role. Cabinets comprise the most influential ministers who collectively take the lead on the issues that shape the destiny of the nation. As such, Cabinets act like an Executive. Alternatively, in some Commonwealth countries, the President and his/her advisors act in this executive capacity. Regardless of the form the Executive takes, it has a special, crucial human rights role to play.

The "executive" in the majority of Commonwealth countries is specifically empowered to negotiate and enter into treaties. Considering that the development of human rights law over the last 50 years has been heavily influenced by international treaty developments, Cabinet members have a significant role to play on the international stage. For example, by guiding their bureaucracies in the contributions they make in the process of making international human rights principles and laws. More information on national roles and responsibilities in relation to treaties is explored in the next Unit. As the body that sets national priorities and policy directions in most Commonwealth countries, as well as largely dictates the legislative programme, the role of the Cabinet as a human rights guardian is crucial. When Cabinet keeps the human rights frame to the fore, it can ensure that all Bills promote human rights and do not infringe upon committed human rights standards, both when they first give instructions to the bureaucracy to prepare Bills and when they vet these Bills themselves. Therefore, it is important to have a process that scrutinizes all legislation to ensure compliance with national human rights laws and international commitments.

For instance, in Canada when the Charter of Rights and Freedoms was introduced, a process was put in place to ensure that all laws adhere to the principles of the Charter – no minister could bring forward legislation without filing a certificate that the legislation complied with the Charter of Rights and Freedoms. Such a consideration on the rights implications of proposed legislation or executive action can in fact be specifically required when this is included in the Cabinet or other instructions to Cabinet members. Guidelines for legislative drafts can also consciously include a minimum requirement that all Bills are consonant with the country's international human rights obligations. Where there is a Constitutional Bill of Rights in country, laws will nearly always be required to conform to these standards and, if not, will be in danger of being *ultra vires* (or outside the authority allowed by law). More directly, Cabinet members can also be active in making

specific laws and national action plans that further human rights efforts for marginalized groups who need special attention or protection. Affirmative action laws that grant privileges to women and indigenous and tribal populations, for instance, have been passed in many countries.

In New Zealand, for instance preferential access to university courses and scholarships is provided to Maoris. In India, Part XVI of the Constitution included "Special Provisions Relating to Certain Classes" – affirmative action measures for disadvantaged groups, including seat reservations in the Lok Sabha (House of the People) and in state legislative bodies for members of Scheduled Castes and Scheduled Tribes.

Human Rights Supportive Foreign Policy

Cabinets can help establish a country's credentials as a conscientious member of the international community by taking up human rights concerns in international forums by:

- Actively drafting and signing on to declarations that call for greater protection of human rights;
- Establishing itself as a champion of human rights by being open and transparent in allowing its human rights track record to be scrutinized by international agencies;
- Using human rights diplomacy to encourage countries with a poor human rights record to adhere to international standards such as through bi-lateral talks;
- Publishing annual reports on the status of human rights in other countries, such as those produced by several countries including the UK's Foreign and Commonwealth office; and
- By providing financial and moral support to human rights projects, programmes and initiatives in other countries.

The Role of the Opposition in Human Rights Protection

Members of the Opposition are quick to call the government to account for perceived lapses, and can do this specifically for human rights violations.

They often spearhead calls for greater adherence to human rights standards by the police, army and paramilitary forces and frequently pick up on international criticism as a basis for citing the government for bringing the country into disrepute. Just as valuable as opposing government action that is contrary to rights, is taking a bi-partisan approach to positive human rights proposals. The Opposition can help to promote the concept of universal human rights by not opposing important human rights initiatives for political purposes.

As responsible members of parliament, opposition members sitting on various committees – and frequently as their powerful chairs – also have a considerable responsibility for promoting human rights. Apart from the rich opportunities offered to draw attention to shortfalls in standards at question time through oral and written questions, members who seriously attend to the findings of international scrutiny bodies, the reports of foreign governments and civil society, as well as to the reports of national human rights institutions and commissions of inquiry can keep the government's performance under constant scrutiny. The parliamentary opposition in Guyana, for instance, highlighted this when a Presidential Commission of Inquiry was appointed to look into alleged government sponsorship of death squads made up of serving and former police officers.

The Opposition issued a press statement demanding that the inquiry be conducted by highly-regarded and respected persons of unblemished integrity who were acceptable to major stakeholders in the country; be accompanied by a credible and secure witness protection programme; allow a role for the Caribbean Community (CARICOM) and other international organizations; have the power to take evidence in camera as well as in public; and have the authority and resources to take evidence both inside and outside of Guyana. Research on patterns of violence, violation and impunity can impress upon the government the need to review offending policies from a human rights perspective.

Urgent motions can also call attention to serious human rights violations to ensure that human rights concerns are kept in the forefront. Principled refusal to countenance impunity for rights violation, whether in opposition or in government, also furthers human rights compliance at home. Outside parliament, opposition members can also lead fact-finding delegations to examine and report State violations of human rights.

Promoting Human Rights within Political Parties

Most parliamentarians belong to a political party. No matter their persuasion or ideology there are few except those on the extreme fringes that do not abjure violence, avow equality and appreciate the values of social justice and equity.

However, the lies in how the public gauges its levels of commitment – and actions speak louder than words. While rhetoric makes good press for political grouping's commitment to good governance and human rights. The existence of human rights caucuses and units, women's units, minority and child protection units or

even general complaint units within party structures point towards the commitment of a party to human rights principles.

Internalizing the human rights agenda is evidenced by diversity in membership and can be seen through the participation of women, tribal, ethnic, linguistic and religious minorities, and traditionally unrepresented groups; as well as their pre-selection to safe seats. Some countries have legislated to ensure that this happens, particularly as it relates to women.

For example, in Guyana, political parties must include a quota of 33% female candidates on their electoral lists. In other countries the decision has been made by parties themselves, such as Malta where the Labour Party has a 20% quota for women on party lists, and Mozambique where one party has adopted a quota system of 30% for women on election nomination lists and leadership positions. In some instances, individual support of parliamentarians to causes outside a party's get agenda can be constrained by demands for party discipline.

Nonetheless, in their capacity as influential members of their own political parties, parliamentarians can lobby to ensure that commitment to human rights issues figure prominently on their party's electoral manifestos. The initiative for releasing white papers and setting up special commissions to probe human rights abuses has often come from their inclusion in an election manifesto based on public aspirations.

In addition, human rights can be promoted through specific domestic rights issues. For example, domestic issues might include the reform of colonial legislation, particularly police acts, official secrets acts, and press freedom acts; a human rights friendly approach to refugee issues or anti-terror strategies; or the establishment of National Human Rights Institutions.

Recently in Bangladesh for instance, the election manifestoes of both the Bangladesh Nationalist Party and the Awami League included establishing a national human rights commission. A party manifesto can also include big-ticket foreign policy items like signing up to the International Criminal Court or lobbying reform of the UN Human Rights Commission to ensure that only people with a demonstrated commitment to human rights sit on the Commission.

Conclusion:

The challenge before parliamentarians is to change the rhetoric of human rights theory into practical realities that benefit populations at home. While States have endorsed countless commitments at the international level, many support human rights only in theory-the ground reality shows a distressing failure by many governments to convert the rhetoric into practical pro-human rights outcomes for their constituencies back home. Embedding a human rights culture greatly depends on the willingness of law-makers to weave the human rights agenda into all they do. Through its central function as a law making body, parliament can naturally reaffirm the human rights values and principles for which it stands by incorporating these values into all the laws it passes. While parliamentarians are sometimes constrained by party dictates and real politics, the essential importance of human rights makes it imperative that each member of the house sees his or her role first as protectors and promoters of human rights and second as members of parties.

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