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**COMPARATIVE ANALYSIS OF THE
ENFORCEMENT OF HUMAN RIGHTS IN INDIA
WITH RESPECT TO INDONESIA**

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ABSTRACT:

As we know, Human Rights are the rights that we possess because we are humans and this makes these rights very important. Human rights are the rights which are with us from our birth till our death. These are the rights which cannot be taken back from us. These rights are with us regardless of sex, gender, religion, place of birth etc. In a covid pandemic, human rights are violated very frequently. This article discusses the comparative analysis of the enforcement of human rights in India with respect to Indonesia. It consists of the comparative analysis of structural and functional aspect of both the countries i.e., Indian and Indonesia. It provides what precautions and preventive measures are taken by both the countries to control the violation of Human Rights of the citizens living there during the pandemic. The article discusses about the condition of both the countries during covid. This article mainly focuses on the violation of Human Rights in the covid pandemic.

Keywords: Human Right, Covid - 19, violation and enforcement of Human Right

INTRODUCTION:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

— *United Nations, Universal Declaration of Human Rights*

Human rights are the rights which are given to us as we are humans and these rights are inalienable in nature. Thus the violation of which cannot be unseen. Human rights are the rights which are with us from our birth till our death. These are the rights which cannot be taken back from us. These rights are with us regardless of sex, gender, religion, place of birth etc. Human rights have their roots back from *Magna Carta of 1215*. In *Magna Carta* for the first time people take about Human Right and there violation. In 1948, *Universal Declaration of Human Right* was adopted which provides and define different types of Human Right. It consists of 30 articles which deal with *basic rights and fundamental freedoms* of individuals. The right such as right to live, right

to food, right to shelter, right which are necessary for one's livelihood are considered as the human right. In India, Article 21 of the Indian Constitution is the best example of Human Right which provides for the *Right to life and personal liberty*. Human Rights are very important for us as a human being.

STRUCTURAL ASPECT:

In India, the authority which protects the Human Right of Indian citizens is NHRC i.e. National Human Right Commission which is formed under Protection of Human Right Act, 1993 and SHRC i.e. State Human Right Commission. There are about 25 SHRC in India.

The laws which govern the protection of Human Right in India are the Constitution of India, the Human Right Protection Act, 1993. Most of the Human Rights which are provided in the UDHR i.e. Universal Declaration of Human Right are enshrined in the constitution of India under Part III and Part IV i.e. Fundamental Rights and Directive Principle Of State Policy. Article 21 of the Constitution of India is the best example of Human Right which talks about the Right to life and personal liberty i.e. all the right which are important for one's livelihood.

In Indonesia, the authority which protects the Human Right of its citizen is National Commission on Human Rights and Human Right Courts.

Article 1(3) of the 1945 constitution of Indonesia affirms that Human Rights should be upheld by the principles of a democratic and law-based state. In 1999, a law is made on Human Right which re-creates the National Commission on Human Right in Indonesia, the authority which protects the Human Right of the citizens of Indonesia.

FUNCTIONAL AND POSITIONAL ASPECT:

INDONESIA:

In Indonesia, the condition is not so good with respect to the enforcement of Human Rights. There people are facing many problems such as violation of freedom of expression etc. but no authority is coming to protect their rights even the military of the country is violating their rights and if they put their opinions or raise their voice they are put in prison for no reason.

During covid-19 the position of Indonesia is very bad with respect to the enforcement and protection of Human Rights in the country. The health workers don't have adequate personal protection equipment like a PPE kit, surgical gloves, and masks. Even no proper facility for the covid test was provided to the health workers. We form this can make the presumption that if the condition of health workers is that brutal then what is the condition of the people living there. Health workers are abused. The freedom of expression is curtailed; people who are expressing their views/opinion are out in prisons.

The government workers are abused online or offline giving them a threat, by defaming them. Abusing WhatsApp messages and calls are received by them and the government is doing nothing for the protection of their Human Rights.

INDIA:

The position of India with respect to the enforcement and protection of Human rights is not that bad but is not sufficient. In India there are many recent cases in which the Human Right of the People is violated one such case is there are gamer name Paras; his channel name is Paras Official. He in his video said that Arunachal Pradesh a state of India is in China and he further said that the Chief Minister of Arunachal Pradesh and the people who reside there did not look like Indians, they look like Chinese. So they are Chinese. He discriminates against the people of Arunachal Pradesh which is a part of India by their looks and is called the Chinese. The action was taken against him and now he is in prison.

During Covid-19 also the health workers of India are brutally beaten by the family members of the patient. Even they are beaten till they die. We lost many health workers and doctors because of these brutal Acts. In India, the scarcity of oxygen also arises due to which many people die and the fun fact is that the black marketing of oxygen is done by some corrupt people in this pandemic.

In Uttar Pradesh, a criminal case was filed against a person who appealed on Twitter to find oxygen cylinder for his dying Grandmother. The Uttar Pradesh authorities also sent complaint notice to the three journalists who reported that the government officials of Uttar Pradesh had diverted some oxygen supplies elsewhere. By seeing all these things the Supreme Court interfere and said the court will treat it as contempt if the police act against any citizen asking for help on social media.

The most affected and helpless community from the Covid pandemic is the migrant workers or laborers. Even they didn't get much time to go back to their homes when the lockdown was imposed. The migrants are brutally beaten by the police officers when they started moving back to their homes barefoot. The companies, factories, industries were closed where they work. Due to which they didn't had food to eat, shelter to live and the owner of the companies are not ready to give them extra money during covid pandemic because of which they had no other option except moving back to their homes. The migrants who were depends on the daily wages for their need faces the problems of food, shelter, health care, fear of wages, fear of getting infected and spreading the infection etc. Due to reverse migration of labors, the government made a rural employment scheme under Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) Scheme, 2005 which guarantees 100 days employment to all.

Article 17 of the ICCPR i.e. International Covenant on Civil and Political Rights as well as article 21 of the Indian constitution talks about the Right to Privacy. The app named Aarogya Setu was launched by the government of India which tells people whether there is any infected person present near them or not. It tracks the location of the people which is related with the infringement of right to privacy of people. But it is used for the safety of the people.

During covid pandemic even the dead bodies of the infected person was not given to his/her family. Even the bodies of the infected person had been not disposed of properly and according to the rituals of the infected person.

In many rural areas or remote areas many fake cases of covid were registered. And proper health facilities were not given to the infected person. In Champawat, a district of Uttarakhand a lady of Delhi who was infected from the corona virus came there due to lack of health facilities. After hospitalizing she died in 2-3 days and the hospital gave the body to her family without using proper precautions and safety.

SUGGESTION:

- Citizens of India should form more civil societies for the enforcement of Human Rights.
- The dispute resolution mechanism should not be complicated. So that poor people also understand the mechanism and file the complaint.

- Awareness programs should be done by the country through the process of voluntary participation of the people so that the people become part of that program and from very close see the mechanism of the awareness program.
- The kids of slums should provide free education by the government.
- Human rights should be taken as a compulsory subject in school. So that from a very young age children starts learning about Human Rights and also aware other people also.
- Strict laws should be made by the legislation to protect the Human Rights of the individual.

CONCLUSION:

Human rights are very important rights for a human being. Thus we have to protect the Human Rights of the individual by making strict provision and punishments for the violation of Human Rights. We should apply the principle of absolute liability in case of the violation of Human Right by any individual regardless of his position, gender, place of birth, race, sex, religion. If one takes a single step to protect the human right of others, it will become a significant step in protecting the violation of Human Right of individual. So, we should take care of human rights of others while doing our work.