

Declaration of Rights of Man and Citizen (1789) influenced a lot the principles of human rights and liberties. The middle age dominated by monarchy, the Roman Catholic System of Church, Government or jurisdiction of the Pope and feudalistic society was not favourable for human rights and their employment as well. Most of the vocabulary of human rights today is inherited from the eighteenth century Europe. Another milestone in the genealogy of human rights is abolition of slavery in the British Empire in 1825. The United States abolished slavery in 1850. In 1945 the Charter of the United Nations in support of human rights set up a Human Rights Commission. It was followed by the Universal Declaration of Human Rights, which was adopted by the General Assembly of the United Nations in 1948. In this sequence, the Decade 1995-2004 has been declared the Human Rights Decade (Malhotra, 2005). The year 1958 was observed as international year of human rights. Every year December 10 is observed as human rights day. (Malholtra et.al., 2005)

Natural Rights Human rights, possessed by all human beings, are generally called Fundamental Rights or Natural Rights or Rights of Man. They are not the gifts of a State or a Government. Hence they cannot be withdrawn by authorities. But human rights, based on considerations of justice, are natural, immutable and inalienable, which no force can take them away. In the past, it was considered natural to have fundamental

differences. Inequality was justified as natural. The varna system was a proof of this.

State Permitted Rights Another group argues that human rights are not above the state. Hence the rights permitted in the constitution or the rule of law should be respected and the rights permitted in the institutions are the real human rights. Hence, certain rights can be easily enjoyed and certain other rights can not be enjoyed easily. They have only relative claim. Thus, human rights are classified into negative rights and positive rights.

Negative Rights or Concrete Rights Some rights are negative in the sense that they are aiming at allowing a person not to have to do something or in prohibiting the state from doing something to someone, such as torturing someone. Civil and Political rights are generally considered negative rights. They are for freedom of people from all social and political suppressions. (Shinde, 2005).

Positive Rights or Abstract Rights Economic and Social Rights are treated as positive rights or abstract rights. Positive rights include provisions for safe drinking water and sanitation facilities, fresh air to breath, good shelter to live and all facilities to maintain a good standard of living. Such rights require huge resources for their fulfilment. Hence, positive rights can not make absolute claims on resources, but only relative claims as resources are only limited in any country. (Kanmony, 2005).

ARTICLE ON DOMESTIC VIOLENCE AGAINST WOMEN : AN OVERVIEW

By

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The Declaration on Elimination of Violence against Women adopted by the UN General Assembly in 1993, defines Violence Against Women as “any act of Domestic

violence against women that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or

arbitrary deprivations of liberty, whether occurring in public or private spaces”.

Domestic violence is a common reality in the lives of women and girls in many parts of the world, developing and industrialised countries alike. It has been recognised as a violation of basic human rights of women and of their exercise of fundamental freedom.

Domestic violence against women has also now been acknowledged as a major public health issue. According to a WHO report, among women aged 15-44 years, gender violence accounts for more deaths and disability than, cancer, malaria, traffic injuries or war put together.

Consequences of violence against women.

Physical and mental health consequences of violence and abuse

Domestic violence against women is a major public health problem, resulting in considerable avoidable morbidity and mortality. The global health burden because of violence among women in the reproductive age group is 9.5 million Disability Adjusted Life Years (DALYs), which is as high as some other major health concerns such as Tuberculosis (10.9 million DALYs), HIV (10.0 million DALYs) and sepsis during childbirth (10 million DALYs).

Physical injury forms a more visible part of the consequences of violence experienced by women. This can range from small cuts, bruises, fractures to chronic disabilities such as partial or total loss of hearing or vision, burns leading to disfigurement and also death in extreme cases. Population based studies show that 40 to 70% of the women who are abused by a partner are exposed to injuries at some point of time in their life . For example, a study by the US state department for justice found that 37% of all women who went to the emergency section in the hospital had gone for violence

related injuries and had been hurt by their spouses . A study in South India also found that 34% of the women reported of abuse from their husbands and needed medical attention. In Canada, 43% of the women injured by their partners had to receive medical care and 50% of those affected had to take time off from work.

Violence can in extreme cases also lead to death as in cases of suicides and homicides. Accidents and injuries, including self inflicted injuries and intentional injuries by others are also found to be associated with violence among women. Two studies from Bangladesh and India shed light on cases of deaths due to abuse of the women. The study from Bangladesh examined 270 cases of deaths due to abuse reported in newspapers in 1982-1985. 29% of the women had been beaten to death, 39% had been subjected to other forms of physical torture and 18% had been attacked with sharp weapons. In an Indian study of 120 dowry deaths, all the women were found to be below 25 years of age. 46% of the women had died because of burns, 34% had died because of drowning. In 86% of the cases homicide, the principal accused were the husbands. Three studies from India that have documented deaths by suicide have found that marital discord has been an important factor leading to suicides among women. For example, in a study in Delhi, there were 56% suicide cases among women, which were attributed to marital discord and ill treatment by the husband and the in-laws. In Madras and Daspur, women between the age groups of 15 to 24 years had committed suicide and the reasons for these were quarrel or maladjustment with their husbands. Abuse can also lead to a number of physical ailments such as irritable bowel syndrome, gastrointestinal disorders, and other chronic pain syndromes.

In addition to immediate physical injury, violence can make women vulnerable to a number of immediate and long term effects

such as infectious diseases, mental health problems, injuries, chronic pain syndromes, gastrointestinal problems, hypertension, diabetes and asthma.

Domestic violence also affects women's mental health. It erodes women's self confidence and leads to problems such as depression, post traumatic stress disorders, suicides and alcohol and drug abuse, sleeping as well as eating disorders, anxieties and phobias.

Impact on women's reproductive health

A growing number of studies show that violence by partners and sexual abuse affects the sexual and reproductive health of women in numerous ways.

Forced sex is associated with trauma

In many parts of the world, marriage is taken as granting men the right to have sexual relations with their wife and to use force and power to demand sex from the wife even if she does not want sex. Sexual coercion ranges from rape to different forms of pressure, force and fear that compel girls to have sex against their will. Studies such as those from India and Philippines found that women agree to have sex even if they do not want it because of fear of violence from their husbands. In a Philippines survey, it was found that 43% of married women from the reproductive age group said that they could not refuse sex with their husband because of fear of beatings from them.

Violence can lead to unwanted pregnancies

Lack of autonomy and powerlessness can lead to unwanted pregnancies among the women as the women do not have the right to deny sex with their husbands nor can they use any form of contraception. For example, a study in Nicaragua found that abused women were twice as likely to have four or more children than those who were not abused. Another large-scale survey among married men in Uttar Pradesh, India found

that forced sex could lead to unintended pregnancies. Men who admitted to having forced sex with their wives were found to be 2.6 times likely than other men to cause an unplanned pregnancy.

Violence prevents the use of contraceptives and increases the risk of sexually transmitted infections

Many studies have shown that women are afraid to bring up the issues of contraception with their husbands because of the fear of being beaten up. Husbands do not like their wives to use contraception in some cultures because of the fear that this might encourage their wives to be unfaithful. Having many children can be considered as a sign of virility by the husbands and the desire from the wife to use contraception as a challenge to his masculinity. Unprotected sex can also increase the risk of women who are unable to negotiate condom use with their partners to a number of sexually transmitted diseases such as STIs and HIV, and to unwanted pregnancies.

Violence may also lead to maternal deaths

In the Indian subcontinent, it has been found that violence leads to a considerable amount of maternal deaths. A recent study of over 400 villages and seven hospitals in India in the three districts of Maharashtra found that 16% of all deaths during pregnancy were due to domestic violence. Another study in rural Bangladesh related to homicides and suicides found that forms of violence such as dowry related harassment, stigma because of rape or pregnancy outside marriage led to 6% of the maternal deaths between 1976 and 1986 and 31% of maternal deaths among women in the age group of 15-19.

Domestic violence and abuse hinders development

Besides its direct impact on women's health, Domestic violence against women has

other human costs. It also hinders development by undermining women's participation in development related activities, reduces their labour participation and earnings.

One of the most affected groups are children who witness violence. Such children have an increased risk for emotional and behavioural problems such as anxiety,

depression, poor self-esteem, poor school performance, disobedience, nightmares, and physical health complaints. For example, in a study in rural Karnataka, it was found that children of mothers who were beaten received less food than other children did, which implies that these women probably could not bargain with their husbands on their children's behalf.

FACTIONALISM IN RAYALASEEM REGION OF ANDHRA PRADESH: A JUDICIAL PERSPECTIVE

By

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In Rayalaseema region of Andhra Pradesh, Palegars vanished after the independence, but the culture survived in the form of factionists. Factionists fought among themselves for supremacy over villages. The common man led a miserable life in faction villages where human rights were seriously violated. Bomb culture came into existence in the early eighties when bomb manufacturing emerged a cottage industry. During the time, the factionists made an entry to politics and political parties, too, vied for their support.

Now, leaders with faction background are everything for political parties without whose help the parties cannot fight elections. The murder of elected representatives is nothing new to the area. *Mahabaleswar Gupta*, *Madduri Subba Reddy*, *Seshi Reddy* from Kurnool and *Siva Reddy* from Cuddapah are among those who were murdered while in power. The over three-decade-old rivalry between the families of Telugu Desam MLA

Paritala Ravindra and *Gangula Suryanarayana Reddy* that held faction-ridden Anantapur¹.

In this paper an attempt is made to observe the decisions of the higher judiciary i.e., High Courts and Supreme Court in the protection of human rights of the victims of the faction in Andhra Pradesh and also analysis the judicial opinion on faction related cases.

No protection for a Factionist

Though Article 21 of the Constitution of India ordains that no person shall be deprived of his life or personal liberty except

1. D. Sreenivasulu, Palegars or factionists, they call the shots in Rayalaseema <http://www.hindu.com/2005/01/26/stories/2005012605390400.htm>, W. Chandrakanth, Faction violence has its roots in medieval history, <http://www.hindu.com/2010/01/01/stories/2010010154380300.htm> Faction feuds down in Rayalseema, <http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/article1031114.ece>