

REVISITING THE RECENT INCLUSIVENESS OF THE WOMEN'S RIGHTS IN INDIA AND BANGLADESH -A HUMAN RIGHTS PERSPECTIVE

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Abstract

The need to embark on a comparative study of the Women's Rights in India and Bangladesh necessitates out of the socio cultural complexities of South Asian countries which try to apply Human Rights framework to study the position of women in their society cutting across various lines of caste, class, ethnicity gender etc. In this article the position of women, the nature and trend of women rights in the postcolonial society of India and Bangladesh is studied from the perspective of dominant Human Rights discourses. Located at the intersection of community and nation, public law and private personal laws, women are simultaneously included and excluded from the enjoyment of equal rights and dignity due to the continuance of cultural traditions. Drawing instances from both India and Bangladesh this paper seeks to analyze how far the Human Rights framework in South Asia has been able to act as an "emancipatory" potential in redressing the "contextualised" discriminations, and its role in bridging the gap between formal clauses of equality in the Constitution and the continuance of cultural aberrations. The purpose of the study is to find out how far the Universal Declaration of Human Rights (UDHR) can prove to be an effective panacea for resolving socio cultural issues in multi religious, multi ethnic, multi lingual region of South Asia and secondly whether it has any bearing on the role of the State and Civil Society both in terms of policies and activism as major result implications. The methodology followed in this paper is mainly qualitative research and secondary data from books, magazines, newspapers, various publication of Central, State, Local and Foreign document are used.

Keywords: comparative study, human rights discourse, community, nation, public laws, personal laws, cultural traditions, emancipatory

INTRODUCTION

Human Rights which originated in the Universal Declaration of Human Rights in 1948 burgeoned enormously in terms of its content seeking to redress human misery and human suffering. After the 2nd world war, the traditional view of human rights has been repeatedly challenged. Consequently, through various instruments, charters and declarations the basic civil and political rights have been expanded to include crucial social, economic and cultural rights. In spite of considerable debates between Universalism and Cultural relativism it has been agreed that human rights are considered universal as they are said to belong to all human's in every society

and human rights are supposed to be inalienable because they flow from and protect human existence, which cannot be taken away without endangering the value of that existence (Bagchi, 2009, p-4). The fountain head of human rights rests on the concept of 'human dignity' which has been mentioned in article 1 of the Universal declaration of human rights.

Article 1 announces that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience, and should act towards one another in a spirit of brotherhood.

This paper seeks to examine how far the Universal Declaration of Human Rights (UDHR) can prove to be an effective panacea for resolving socio cultural issues in multi-religious, multi ethnic multi lingual

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region of South Asia. Drawing instances from both India and Bangladesh this paper seeks to analyze how far the human rights framework in south Asia has been able to act as an 'emancipatory' potential in redressing the 'contextualised' discriminations, and its role in bridging the gap between formal clauses equality in the Constitution and the continuance of cultural aberrations. It tries to find out whether the quest for dignity is being maintained in the case of inclusiveness of women's rights in both countries India and Bangladesh.

Situating India and Bangladesh in the Historical Context

The rationale for choosing India and Bangladesh rests on the fact that while India is the largest democratic country in the world Bangladesh is largely noted as an Islamic Country. A comparative study of the socio cultural aspects of both the countries will help us to determine how far the emancipatory nature of human rights has enabled in raising consciousness and has been able to usher in major inputs in the women's rights movements.

Role of the State in India and Bangladesh

Post independent India saw remarkable development in granting legal status to women. The constitution incorporated article 14 (which guarantees equalities between sexes), article 15 clause 1 (the state shall not discriminate against any citizen on grounds of religion, race, caste, sex or place of birth), article 16 clause 1 and clause 2 (which prohibits discrimination in general and also discrimination because of sex in offices and those employed under the state), article 15 clause 3 (it provides that the state is permitted to make special prohibitions for the benefit of women), article 39 clause b (gives direction to the State for ensuring equal pay for equal work for men and women). The State also seeks to protect the dignity of women. Article 51A clause c states that the duty of every citizen of India is to renounce practices derogatory to the dignity of women. Apart from the incorporation of Fundamental rights and Directive principles of state policy the State gave special attention to laws which helped in the protection of women from eliminating discriminations based on traditional practices. The Hindu Marriage Act 1956, Hindu Widow Remarriage Act (1866), the Hindu women's Right to Property Act which was repelled

by the Hindu Succession Act(1956) the Dowry Prohibition Act(1961) are some of the landmark decisions which the State undertook to ensure protection for women.

The government also ratified some of the important decisions that were undertaken by the United Nations sponsored women's conferences, which took place in Mexico City in 1975, Copenhagen in 1980, Nairobi in 1985. It also accepted the Vienna declarations and programmes of action from the world conference on Human Rights held in Vienna in 1993 and the United Nation's declarations against violence against women. For decades cultural practices which have been physically and psychologically damaging to women and have been 'Protected' under the rubric of religion, tradition or culture have come under strong criticism. Thus a global campaign for women's human rights became the major focus of this conference.

If we look at the historical background of Bangladesh, we find that it emerged as an independent nation in 1971 committed to a secular liberal democracy. While its secular politics was compatible with ideas of gender equality, the new government was too busy dealing with the ravages of war to pursue this objective creatively. Nor was there a significant women's movement at the time of influence policy. A major concern of the state was to rehabilitate destitute or raped women (Birangana, meaning brave in English) attempted to give them some status but more often marriage was regarded as the only means of social acceptance(Kabeer, 1989). Subsequently government and non-government initiatives were focussed on securing gainful employment for such women. As a result, initiatives such as skill- training and encouragement of cottage industries based on traditional crafts which could be marketed abroad were pursued. It was a time when organisations such as Bangladesh Rural Advancement Committee (BRAC), Ganaosharthya Kendra and Gramin Bank were established, mobilising, educating, organising and conscientising women in an attempt to help them throw off the shackles of subordinations and achieve some degree of financial security that is, control over their own earnings (Kabeer, 1994).

Sheikh Mujibar Rahman's secular government was overthrown in 1975 after a series of military coups Ziaur Rahman emerged as the next head of the state with strong army backing. Hussein Muhammad Ershad, a repatriated military officer, became president after the assassination of Zia in 1981. Zia and Ershad pursued similar policies: Decentralisation through the creation of gram sarkar and Upajila Parishad to gain new support bases in rural areas and increase the influence of the rural rich; winning the support of the Islamic orthodoxy by institutionalising Islam at the state level, while subscribing to women and development(WID) policies.

Both under Zia and Ershad state policy on women pulled in opposite directions. At one level, it supported development initiatives funded by foreign donors which aim to empower women; at another, it capitulated to the forces of religious extremism which sort to reverse this process. Kabeer has argued that both Zia and Ershad played a blatant balancing act between the conflicting gender ideologies implicit in different aid packages to accommodate the conflicting demands of the Saudis and Americans by preaching Islam by practising population control.

With the fall of Ershad and the resumption of the electoral process a civilian government was installed in 1991. But the party in power, The Bangladesh Nationalist Party founded by Ziaur Rahman originated in the army continued to maintain strong links with it. Later crisis of governability faced by the state under Khaleda Zia because of a non-functioning parliament and escalating political violence made it unlikely to deviate from the path of Zia and Ershad in its internal and external policies. They urged people to create a new culture based on Islam. Thus the post colonial state of Bangladesh continued the patriarchal policies which was not fully committed to the female equality.

In the 80's, the women's movement was only partially successful in obtaining a commitment from the state to eliminate inequality in accordance to UN Resolution number 180 of 1976, article 2, 13(A) and 16(D) were left out on the grounds that this were not in accordance to the Shariah . Article 2 stipulated that existing institutional structures such as the legal and judicial systems as well as social norms and practises should be modified in conformity with the provisions

of the document. Article 13 laid down the principal where by women would have equal opportunities to take out loans and mortgages, negotiate contracts and participate in sports and cultural activities. Article 16 provided for equal rights and responsibilities of women in relation to the family which was in striking contrast to the military regimes of Zia and Ershad.

The post colonial state of Bangladesh has thus played a role in reinforcing gender inequality, the reasons being both structural and normative.

Social Practices leading to Gender Discriminations and Human Rights Violation

India

In spite of adoption of Equality, Liberty and Freedom in the constitution about gender 'just' laws the plight of women in India is deplorable. In a country like India where one woman is tortured at her in laws in every 20 minutes, a molestation occurs in every 22 minutes, a women kidnapped and raped in every 40 minutes, forced into prostitution in every 70 minutes and dowry death takes place in every 106 minutes there is very little that loss can do to bring in justice for these unfortunate victims.

Gross disparities between laws and social attitude toward women reveals further abrogation on human rights, A woman has right to be maintained by her husband(if she is not working) in case of a divorce. But there is little she can do if the husband hides his actual income before the court.

Marriage in fact is considered to be the destiny of all women. Along with marriage goes the dowry burden. The whole paraphernalia of religious and cultural life of a woman centres around marriage as she is takes bows and undergoes fasts for the wellbeing of her husband. The culture of mythological figures like Sita and Savitri exemplifies the role of a woman and wife in the Indian society. However due to social cultural milieu women in India practically undergoes 'civil death' due to constant pressure of the social norms inflicted on her by her family and community (Bagchi 2003).

Violence in the family takes many forms from wife beating to rape and bride burning for want of adequate dowry or a regular feature prevailing in the entire landscape of the country. The dynamics of

beating shows that the age of women can be anything from 16 to 65 and the educational background of the women ranges from illiterates to post graduate. It is important to mention that though India has been a major signatory to the international human rights law (article 51 clause c) yet its power of applicability is greatly limited by the prevalent communitarian practices and cultural rights. In spite of its obligation under CEDAW it is found this state often failed to enact remedial measures as were necessary to promote women's equality rights and save her dignity. Noted amongst this is the controversial case of *Shah Bano* a seventy three year old Muslim woman who was divorced unilaterally by her husband when she sued him for spousal support under the general secular Indian law. He then appealed against the order for spousal support. He claimed that is religious law did not require him to comply with court order for support, that as a Muslim he was not require to pay support for more than 40 days and the religious law absolved him of all support duties beyond this period. The supreme court, however, ruled in *Shah Bano's* favour, causing a strong reaction from religious leaders who eventually prevailed upon the government of that time. The religious leaders also convinced the government to abrogate the Supreme Court decision and to enact a new law regulating Muslim women's access to spousal support absolving husbands of the duty to support and moving Muslim women further away from equal citizenship.¹

Shah Bano raised questions of gender justice, minority rights, and the accommodation of difference. It tested the limits of constitutional rights and the commitment to the fundamental organizing principles of India's multicultural democracy- secularism, religious freedom, and women's equality. The state absolved itself of the responsibility to enforce constitutional principles in the "Private sphere of the family", abandoning Muslim women to greater control by male religious leaders (Narain 2013).

Bangladesh

Some of the worst kind of human rights violation however has been witnessed to emerge from the social and cultural practices which have determined concepts of gender roles which prevent women from becoming self reliant.

PURDAH: A common form of denigrating women through customary practices is the '*Purdah*' or veil a striking symbol of the heightened Islamic consciousness, involving a return to the fundamentals of the Islam, which emerged in the middle east during the 1960's and 1970's. The veil ranges in nature from loose garments covering the hair and body to material hiding the face (Badran, 1995).

In an article on Islam and women's rights; Abdullah Ahmed An Nain has shown how Islam control women's dress mode, movement and life outside the home. Verse 24:31 of the Quran states that women should lower their gaze and guard their modesty; and they should not display their beauty except to their husband, their father, their sons or their brothers.

Alhajib, or the veil thus tense to reinforce women inability to hold public office and restricts their access public life. They were not supposed to mix with men even in public places.

The process of *Pardah* or veiling implies communal control over women.

TALAQ: Another common form of usage of custom that causes Immense suffering for women is the practice of uttering the word '*talaq*' three times by the husbands.

The Quaran clearly lays down that divorce could be pronounced only twice and that a third pronouncement would result in irrevocable divorce after which marriage with a women would not be possible unless she married someone else and happens to be divorced by him. Only then she could marry her former husband again.

As Ashgar Ali Engineer further pointed out that this practice was adopted to prevent the abuse of divorce (Engineer, 1992 page-123).

FATWA: Among the social customs and usages that often results in violence on women is the use of '*fatwa*' inflicted by village shalish. Marrital disputes in the village are often mediated by a conservative and biased local (Shalish council). Many of these shalishes are dominated by orthodox religious leaders or politically influential persons who have little sensitivity to women's concerns. They tend to use

religion or customary practice as sanctioned for illegal and inhuman punishments. This process not only denigrates a women's dignity in the society it also perpetuates violence and force in submitting the women to accept this. This oppressive customary practices have often been too inhuman and have claimed even lives. In a book 'Adhikar o Bastobota' Sultana shows that women have been caned and beaten for their behaviour in having illicit relation with other men resulting in unwanted pregnancies. Women suffer from humiliating treatment such as shaving her head to scar her beauty and make her look ugly. What is particularly important in this cases is to note that this shalish council have not invoked any punishment for those 'men' who also are involved in these very acts.

HILLA: Another degrading social malady is the practice of 'hilla' (intervening marriage) which is officially illegal in Bangladesh.

'Hilla' is a demeaning treatment for the women where the women who has once left her husband for someone else cannot rejoin her husband again if she wishes to. She has to marry someone else live as married couple for some time before she can join her ex-husband.

DOWRY: Dowry is one of the commonest form of social practice that results in gender discrimination and eventually leads to domestic violence like physical and mental torture unilateral divorce, habitual battering, non-maintenance and deprivation of custody over children, marital rape, enforced pregnancy and abortion.

Human Rights Activism and the Role of Various Non-governmental Organisations (NGO)

In recent years several non-governmental organisations advocating women's rights and human rights have been enabled to play active role in the community in raising consciousness and legal awareness among the women in the society.

INDIA

From seventies and eighties significant changes were perceived in the role of women in the society and their contribution to the economy. The seventies witnessed the emergence of vibrant autonomous women's organisations espousing various trans of

feminist ideology. Students, intellectuals, professionals and grass root activist joined these organisations to crusade against the pervasive power of patriarchal institutions.

By the eighties there was emphasis on women's development and emancipation and India experienced an exponential growth of grass roots women's collective- Mohila Somities, self-help groups, savings, credit groups, women's cooperatives, water and forest usage group and the federal bodies of these grass root initiatives.

Both autonomous women's organisations and grass root initiatives drew their strengths and support from the wider debates and events from international arena. The various United Nation's conventions, in particular the 1st, 2nd and 3rd world conferences on women in Mexico (1975), Copen Hagen (1980), Nairobi (1985), brought in funds for research on women and voluntary commitments by the national government to advance the cause of women's development. Subsequently, the Vienna women's conference (1993) and the fourth world women's conference of women in Beijing (1995) upheld women's rights as human rights gave a bold thrust for the empowerment of women.

The Indian responses to these conferences by allocating quotas to women in the integrated rural development Programme (IRD), Jawahar Rojgar Yojana(JRY), by designing poverty alleviation programmes aimed exclusively at women and children in rural areas. Thus women's development took place in two directions 1) There was a fundamental change in the material conditions of women through income generation, asset-formation and ownership of property, secondly the change goes beyond economics and seeks to alter certain socio-political aspects particularly the patriarchal fabric.

By mid-eighties a few state development programmes in collaboration with NGOs were initiated to give women more access to power. Of these, the women's development programme (Rajasthan) and Mahila Samakhya programme in a few state (Karnataka, Gujrat and Uttarpradesh) were pioneering efforts to increase women's knowledge base and political participation in the development process.

BANGLADESH

Bangladesh *Nari Progati Sangha* has taken active steps in empowering women giving legal awareness and legal aid. Its then executive director Rockeya Kabir (Annual report of Bangladesh *Nari Pragati Sangha*, Dhaka 2000), pointed out that their organisation has undertaken programmes both at micro and macro level with the view to facilitating a social transformation towards empowerment of the marginalised section of people particularly women. At the micro level women are organised to build their institution for making them collectively stronger to establish their rights by themselves.

According to Maleka Begum significant works have been done by NGOs from 1970s to 1980 in liberating women specially living in the villages.

According to poet Sufia Kamal who is one of the foremost champion of human rights in Bangladesh stated that human rights alone can make women rights possible.

However, efforts of women and NGOs trying to expose women atrocities in family and society has not been without resistance from the state. NGOs like BRAC and their workers were attacked by Madrasah students for allegedly spreading Christianity. BRAC's schools for girls were burnt in protest against 'Westernized female education'.

Forces of repression were also witnessed whenever individuals of the civil society had raised their voices against injustices and atrocities done on women in the name of cultural practices. The feminist writer Taslima Nasrin was severely accused of subverting the cultural and religious values of the state for her work 'Lajja' (a Bengali word meaning shame). She was depicted as a traitor to the state and religion, **Rashtradrohi and dharmadrohi**. By challenging existing codes and superstitions, she earned the censure of their upholders. Her provocative description of the 'freedom of womb', *Jarayur Swadhinata* in her book *Nashta Meyer Nashta Gadya* accused her of campaigning free sex. But she continued with her critics that were levelled against *pirs, Mullahs and Razakaars* where she scathingly noted the image of *pir* as evil, worthless and tremendously lustful men. Taslima Nasrin faced dire

consequences from the state and as she faced criticism from all quarters of the state and society. Ultimately she had to take refuge to a foreign country. Not only Taslima Nasrin, Humayun Azad (1947-2004) a prolific writer and scholar with over 70 titles to his name was severely criticised for his critic of what he perceived to be the degeneration of Bangladesh civil society under the extreme influence of communally minded Islamists and their dictator patrons. However, even in face of repression women's overall development largely flourished with the active intervention of the nongovernmental organisations of which many are funded by foreign donors. Perhaps the most prominent Bangladeshi activist for the poor Muhammad Yunus (b-1940) who was honoured with the noble peace price in 2006 for his initiative in founding the Grameen Bank also helped in empowering women in their overall development of their lives specially in regaining her trust in herself that she too is of equal birth as that of men and can take decisions on her own.

Relevance of Human Rights Framework

A strange paradox surrounds the universal discourse of human rights. It is for women that it sounds most promising but at the same time it is in the area of women's rights that it faces the maximum resistance from different countries. Almost all the contractual parties to the Convention for the Elimination of Discrimination against Women have entered reservations for the 16. The Convention for the Elimination of Discrimination against Women (CEDAW) is the most highly acceded to convention of the United Nations.

However notwithstanding the limitation or contestability of the human rights discourse one cannot overlook the fact that it has served an important purpose of drawing global attention towards the worth of women as human beings (Fraser 1999). It has enabled women to reveal underlined structures of domination hidden behind the apparently natural reality. It has helped to uncover the hypocritical claims made in the name of cultural protection; it has provided women with the platform to voice their concerns and the possibility to create space for themselves. It is this visible, though for the moment limited potential of rights discourse, which makes the embracing of rights discourse an attractive

option for women's movement in all parts of the world (Reddy 2010).

The human rights discourse in general and specifically for women can be said to be universal in its objective of creating and maintaining the conditions for the exercise of freedom to decide on one's own hierarchy of needs. As far as human rights of women are concerned, every woman needs to be ensured the right to life. Thus, traditional practices like female foeticide, female infanticide and bride burning cannot be justified in any situation. In the area concerning family law constraint on the requirement of free consent for marriage, discriminatory and derogatory grounds of divorce, denial of the right to maintenance, or to custard guardianship of children or to inheritance need to be done away with. In the domain of criminal law no kind of violence in the form of witchcraft, female circumcision, dowry deaths, honour killings, domestic violence or sexual abuse can be excused (Reddy 2010).

It is therefore crucial to examine the socio cultural practices that are embedded within the threshold of power. As Foucault has rightly argued the power in modern society (by which he meant the west since the end of the eighteenth century) inheres in a variety of practices and institutions through which the human subject is constituted (Referred to Susan Kingsly Kent 2012). He suggested that the human subject was made through a proliferation of practices and institution and techniques that together constitution what he calls 'discourse'.

Foucault conceived of power not simply as decentralised he also saw it as diffuse. Foucault argued that power in pre-modern western regimes derived from the king's authority- that is, the authority of the State- to punish by taking human life. Power in the modern world operates at the furthest reaches of society and it does not rely on such a threat as death. Using the metaphor of the human heart and circulatory system, Foucault described this new power as 'Capillary' Power, working of power at the furthest remove from the heart and the centre. Capillary power affects people in the living of their everyday life, in the practices they participate in as they go about the businesses of living. It is everywhere in what he refer to as 'micro-practises';

that is, the social practices that make up peoples' everyday lives. And it is this kind of power- micro, capillary, every day, working through discourse- that produces you and me as subjects.

Postmodern critics of universal discourses of human rights worry that the re-emergence of the idea of universality will result in a totalizing essentialism regarding human nature. Not surprisingly, the dangers of globalisation and the impact on human rights give rise to anxieties about reinforcing homogenising Meta narratives.

Upendra Baxi however is of the opinion that human suffering is a concrete reality to which the theorising of multiple identities and the fluidity of identities may have little relevance. For him despite charges of essentialism and universalism Baxi argues that human rights discourse contains an emancipator possibility and the potential for struggle that postmodern discourses of identity do not have as yet. For Baxi human rights matter only they can ameliorate suffering and give voice to human suffering. The larger concern for Baxi is that human rights should be used to forward the rights of the worst off (Narayan 2013).

Though human rights law has certain serious limitations as it primarily places to much emphasis on legal strategies and thus encourages the idea that human rights instruments are themselves a sign of women's improved status and secondly a related difficulty is that legal strategies emphasize the homogeneity of women as an undifferentiated group (Kapur 2006). Thus resulting in reinforcing of cultural essentialism than focusing on law as a means to ameliorate women's status.

Baxi however contends that human rights have emerged as 'the only universal ideology in the making, enabling both the legitimation of power and the praxis of emancipatory politics'. Although human rights laws has not traditional ameliorate the situation of women, this norms and standards have served to empower social justice movement and also to question political practices, and this according to him is a remarkable contribution to the human rights. Thus the possible answer of how best to use human rights discourse lies not in engaging itself into a Universalist / culturalist debate but need to adjoin an

understanding individual narratives of disadvantage and contextualise them within the larger frame of global discourse. Human rights activism that works with the raw material of human suffering arising from the denial of dignity, equal birth, and concern for all human beings (Baxi 2008). Thus the impact of the NGOs on the making and working of human rights is so considerable that Baxi contends that NGO-isation of human rights is a pervasive reality.

Baxi draws a distinction between the catastrophic imposition of suffering and the 'everydayness' of human and human rights violation. Baxi points out that there is a need to unfold the lived experiences of human suffering caused by human rights violation, which often do not quite live in public memory.

When suffering people take their human right seriously enough to rebel, whether by everyday micro and at times larger patterns of macro resistance, we witness some radical assertions of human rights protection and implementation from below. As Michel Burawoy evocatively described this: State politics does not hang from clouds; it rises from the ground; and when the ground trembles so does it. In short, by production politics may not have a direct effect on politics, it never the less sets limits on and precipitates interventions by the state (Burawoy 1985). Indeed the role of human rights activists at the grass root level is of great importance. At the very least such grass root activist pose a challenge to the received binary categories such as local verses global and western verses traditional. Human rights activism actually tries to pursue the task of bringing 'voices', of suffering to the reality of human rights and seek to locate the areas of 'transformation'. Though the task of relating human rights suffering and human rights theory is complex, yet it is inescapable to understand the 'realities', 'small voice of history' conveying the tones of harassment and pain endured by the right less people some as their politically ordained fate which the larger theories failed to capture.

CONCLUSION

A comparison of the women's rights as part of broader human rights movement in both India and Bangladesh reveals that both the countries, in spite of being democratic or Islamic have a limited practicability in the enforcement and protection of

human rights of the women vis-a-vis the position of the community and culture. Cultural tradition and practices have played a major role in the violation of human rights. In case of women's rights a peculiar trend is witnessed in South Asian countries. In both countries, India and Bangladesh (to a limited extent), the states tried to adopt a liberal framework at the time of incorporation of women's rights in the constitution, and were largely influenced by GLOBAL HUMAN RIGHTS AND WOMENS RIGHTS DECLARATIONS. In fact Bangladesh owing to global pressures was bound to set up Human Rights commission in 2009. However owing to pressures from communities based on personal law the Indian state have been seen to revoke its decisions in the case of shah BANO.. In case of Bangladesh some of the laws in favour of the women were absent from the very beginning as it contravened with the laws of *Sharia*. The state in Bangladesh is also seen to curb and repress strong voices advocating women's human right. Though the role of the state in both countries seems ambiguous, yet human rights activism outside the purview of the state, ie in the civil society has largely enhanced the thrust of the movement in raising consciousness at the level of individual state and global concerns and invoked the legal means to alter their radical positions by ushering in movements of social justice.

Sammuel P.Huntington in his famous book *The Clash of Civilisations and the remaking of world order* (Huntington 1996) reminded us that cultures are relative; morality is absolute. Quoting from the words of Michel Walzer he has pointed out that cultures "thick"; they prescribe institution and behaviour patterns to guide human in paths which are right in a particular society. Above, beyond, and growing out of this maximalist morality, however, is a "thin" minimalist morality that embodies "reiterated features of particular thick or maximal moralities". Minimal moral concept of truth and justice as noted by Walzer are found in all thick moralities and cannot be divorced from them. Human society is "Universal because it is human, particular because it is a society". At times we march with others; mostly we march alone. Yet a "thin" minimal morality does derived from the common human condition, and "Universal disposition" which are found in all

cultures.- and it is in this spirit lies the relevance of human rights.

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¹Refer to Shah Bano,² s.c.c 556 (India) as discussed by Narain in Human Right Quarterly volume 35 no. 1 February 2013 page 95-96. For a full discussion of the Shah Bano case see Narain, Gender and Community, supra note 5, 27-35.