**Course overview:** Politics in modern south Asia are shaped, often dramatically, by contests about the nature of rights, the ways that citizens claim their rights, and state responses to those claims. Every state in the region contends with popular movements to assert rights, whether through war and insurgencies, experiments with constitutions and the rule of law, or efforts to secure the rights of excluded groups, minorities and the economically disadvantaged. Each state has also tried variously to promote and protect rights, and to limits them in order to consolidate power.

Using contemporary cases to illuminate these issues, we will explore basic elements of political change in the region by asking how states and societies are meeting the challenges of creating rights-based political orders, and how and why they succeed or fail. The range of potential topics is intriguingly varied and broad; after our introduction to the field and the region, we will focus on topics related to rights and conflict.

Using political writings, government documents, laws and regulations, social science analysis, local journalism and reporting from local and international organizations we will dissect the meanings of rights in the region, and learn to understand the different ways that these complex issues affect citizens, states, observers and advocates. In the process, we will examine the tools that are employed to protect rights or limit them, and how reports on rights conditions are developed and used,

Neither prior experience with the region nor detailed knowledge of human rights is required for this course. We will use our readings and discussions to learn about the region through the lenses of rights and governance, and to refine our understanding of rights through the experiences of the people and states that comprise south Asia today. By the end of the course, each student should have a working understanding of some of the many challenges involving fundamental rights in south Asia, a grasp analyses and reporting related to rights, and the capacity to write about right and politics.

**Prerequisites:** Six hours of lower-division Government courses
**Requirements:** Students are required to attend all classes punctually; complete all assignments (both written and oral); participate actively in class and as designated, lead class discussions on assigned readings and written projects.

Each student will be expected to prepare three concise, 1500 word written assignments; submission dates are indicated in the course outline. Please provide your papers to me in hard copy, and in person. Please take the time to revise, proofread, and follow accepted form for footnotes and references.

Be sure that your written submissions do not plagiarize the intellectual property of others: do not copy, without attribution, a sequence of three or more words from a published text, an internet source, grey literature or another person’s work. Plagiarizing is a form of cheating, and is grounds for a failing grade in this course. Any incident of plagiarism will be reported to Student Judicial Services.

I will post class assignments – including pdfs when urls are not available -- and other notices on Blackboard; should you miss a class session, please contact me (and perhaps a classmate) for further information.

A seminar succeeds only if all of us are fully engaged. Please do not use any electronic devices – including computers, tablets, and telephones -- in the classroom. If you carry a cell phone with you, please silence it before class.

I expect all students to see me during office hours and other pre-arranged appointments to discuss classroom and written assignments. Should office hours be inconvenient, please schedule an appointment with me for another time.

**Course readings:**

We will make use of two books that are available for purchase:


Class reading assignments, selected primarily from the readings list, will be posted on Blackboard; most are available online, and in some instances, I will distribute materials in class. The reading list is far longer than will be assigned for specific classes, and these pieces vary considerably in length and complexity. It should help
guide you as you seek additional sources, consider paper topics and generally, expand your horizons.

**Grading:** Class participation is essential to the success of this seminar, and will count for 25% of the term grade.

The first paper will contribute 20% of the course grade; the second paper, 25%, and the third paper, 30% of the overall grade. Penalties for late paper submission will be ½ grade for each late day, unless you provide timely and appropriate documentation from health services or your personal physician.

Your oral and written products will be graded on the basis of their clarity, organization, structure and quality of argument, including your ability to marshal evidence to support your arguments.

**Accommodations:** The University provides, on request, appropriate academic accommodations for qualified students with disabilities. For information, please contact the Division of Diversity and Community Engagement, Services for Students with Disabilities. (512-471-6259: [http://www.utexas.edu/diversity/ddce/ssd/](http://www.utexas.edu/diversity/ddce/ssd/))

**Religious holidays:** The University requires that students to notify instructors at least fourteen days prior to a pending absence due to religious observance. If you must miss a class, an assignment or a project in order to observe a religious holiday, you will be given an opportunity to complete the missed work within a reasonable time after the absence.

**Emergency evacuation policy:** The Office of Campus Safety and Security (512-471-5767: [http://www.utexas.edu/safety](http://www.utexas.edu/safety)) recommends the following safety practices: When a fire alarm is activated, please evacuate the building, assemble outside and follow instructions from the faculty; do not re-enter the building until instructed by the Austin Fire Department, the UT /Austin Police Department or the Fire Prevention Services office. Please familiarize yourself with the closest exit doors in the building. Should you need assistance for possible evacuation, please inform me during the first week of class.
RIGHTS AND THE STATE: MODERN SOUTH ASIA
Professor Paula Newberg
Spring 2013
Course outline and readings

I. Background to the field

14 January 2013: Introduction to rights and the state in south Asia

• What is this region, how do we identify it, and how do neighboring states relate to one another in rights terms?
• How do we identify rights in the region?
• What is the difference between viewing rights affirmatively (as part of the state-building process), and negatively (by the state’s violation of rights)?
• How as the broad sweep of modern south Asia’s history been influenced by differing concepts of rights?
• Which contemporary events have highlighted the problems of rights in the region?

21 January 2013: no class session – an opportunity to read ahead to the assignments for both 28 January and 4 February.

28 January 2013: Framework discussions: rights in south Asia

• Required background assignment: review that map and the region’s states for basic familiarity: population and boundaries, forms of government and current leaders (names and political parties), current internal conflicts (if any), cross-border conflicts (if any), rights problems.
   o This assignment requires library and/or online research: please come to class with this information, including a map that you have chosen online. (Wikipedia is not an appropriate source for this assignment.) General information, not comprehensive knowledge, is the key here.
   o For rights problems, you are welcome to consult The Hindu (online Indian newspaper), Dawn (online Pakistani newspaper), HIMAL (online Nepali news magazine) or others that you might find interesting, and bring relevant articles to class. Look on one or two days, and see what makes the news.

• Required reading: Andrew Clapham: Human Rights: chapters 1-5. Please outline the basic issues that Clapham raises, and bring to class questions that arise as you read his presentation. The details of British policy (which he uses as examples) are not important for our purposes.
o Should you already be familiar with Clapham’s book and material, you are welcome to read chapters 1 and 3 in Jack Donnelly, *Universal Human Rights*.

- **Reference material for Clapham** (for consultation): Clapham provides a copy of the Universal Declaration of Human Rights in his appendix. Other useful documents include: the United Nations Charter; International Convention on Civil and Political Rights; International Covenant and Economic, Social and Cultural Rights; Declaration on the Rights of the Child (all to be found online).

II. **Building the state in south Asia: rights and governance**

4 February 2013: Rights and constitutions in south Asia

* Required reading: each student will examine the constitution of one state in the region (online versions are on the reading list). Please come to class prepared with an outline of rights discussions in the constitution, and prepared to examine the ways that rights are incorporated into that constitution, where they are (perhaps unexpectedly) is absent, and how constitutions seem to differ from the language of international rights. The sections on fundamental rights, citizenship, political participation (if included), and economic-social rights are likely to be most interesting. The preamble to each constitution sometimes helps to frame the meaning of rights.

* Required reading: these two articles provide background to reading these constitutions:
  o S.A. Warraich: Reading the Constitution
  o J.S. Verma: Human Rights Redefined

- **Optional reading:** should you be interested in constitutions as instruments of transitions in rights, the following report(s) provide interesting examples:
  o International Crisis Group: Nepal’s Constitution (I) or Nepal’s Constitution (II)

- **Optional reading:** an analysis of the incompatibility of laws and constitutional rights standards (for background, for those interested):
  o Human Rights Commission of Pakistan: FCR

11 February 2013: Background to individual and group rights in south Asia: Partition and its legacy (1)
• Required reading:
  o Saadat Hasan Manto: Toba Tek Singh.
  o Yasmin Khan: The Great Partition, chapters 6 and 7
  o Ritu Menon and Kamla Bhasin: Recovery, Rupture, Resistance (handout)
  o Mushirul Hasan: Partition Narratives, in The Partition Omnibus, ix – xxxii
  o Phillips Talbot: Kashmir and Hyderabad

18 February 2013: Early conflicts over rights and nationalism: the legacy of Partition (2)

• Required reading:
  o Philip Oldenburg: The Breakup of Pakistan
  o R.B. Rais, Identity Politics and Minorities in Pakistan
  o Jugdep S. Chima: Ethnic Subnationalist Movements in Contemporary South Asia
  o Jack Donnelly, Universal Human Rights, chapter 12.
  o Asghar Ali Engineer: Ethnic Conflict in South Asia
  o Agha Shahid Ali: The Country Without a Post Office

25 February 2013: First essay due

III. Rights and governance in south Asia’s transitional states

25 February 2013: Rights, democracy and authoritarianism

* Required reading:
  o Vali Raza Nasr: Military rule, Islamism and Democracy
  o Ayesha Jalal: Central power and regional dissonance, chapter 5 in Democracy and Authoritarianism in South Asia
  o PUCLDR/Delhi: Six Parliaments and Democratic Rights (handout)
  o Jack Donnelly: Human Rights, Democracy and Development


4 March 2013: Rights under military and emergency rule

* Required reading:
  o P. R. Newberg: Missing the Point
  o S. Akbar Zaidi: Pakistan: Legitimising Military Rule
  o
  * Selections (to be assigned):
- Citizens for Democracy: Report to the Nation, pps 1-12 and skim 46-72.

- Optional reading on emergencies and the rule of law:
  - E.J. Criddle and E. Fox-Decent: Human Rights, Emergencies, and the Rule of Law

18 March 2013: Individual and group meetings with Instructor to be scheduled in lieu of class

25 March 2013: Second essay due

IV. Rights and conflict, rights in conflict

25 March 2013: Challenging the state: insurgencies as rights claims

- Required reading: Balochistan case study
  - Human Rights Commission of Pakistan: Human Rights Violations in Balochistan OR
  - Imdad Baloch: Conflict in Balochstan

- International Crisis Group: Pakistan: The Forgotten Conflict in Balochistan
- Pamphlets (handouts)

- Alok Bansal: Factors leading to insurgency OR
- Adeel Khan: Renewed Ethnonationalist Insurgency OR
- Haris Gazdar: Counter-insurgencies in Pakistan

- Optional reading: other insurgencies (background for paper preparation)
  - Alexander Evans: The Kashmir Insurgency
  - Mahdav Joshi and T.D. Mason: Between Democracy and Revolution
International Crisis Group: publications on Nepal and Kashmir

1 April 2013: Conscription, detention and disappearance

* Required reading (selections):
  - Human Rights Watch: Children in the Ranks (selections)
  - UN: Optional Protocol: children in armed conflict

  - International Crisis Group: Reforming Pakistan’s Prison System
  - Mohammad Masud: Co-producing Citizen Security

  - Afghanistan Independent Human Rights Commission: Torture, Transfers, Denial of Due Process (selections)

8 April 2013: Justice and freedom of expression

- Required reading: transitional justice
  - Patricia Gossman: Transitional justice and DDR

- Required reading: freedom of expression
  - Anand Mitra: Voices of the marginalized on the Internet
  - Nandini Sundar: The people need to breathe
  - Nawaz B. Mody: The Press in India
  - Ramanujan D. Nadadur: Self Censorship

15 April 2013 and 22 April 2013: Conflicted rights, conflicting rights

* Required reading: the environment of/and rights
  - Khawar Mumtaz: Advocacy for an end to poverty, inequality, and insecurity

  - Miloon Kothari, Sabrina Karmali, Shivani Chaudhry: The Human Right to Adequate Housing and Land, 9-30, 51-70

  - Vandana Shiva: The great land grab OR
  - Vandana Shiva: The daily violence of globalization
• Judith Whitehead: Submerged and submerging voices OR
• Uday Turaga: Damming waters and wisdom OR
• Matthew John: Interpreting Narmada judgment

29 April 2013: looking forward

• Required reading:
  o Upendra Baxi: Voice of the suffering and the future of human rights
  o Amartya Sen: Elements of a Theory of Human Rights

1 May 2013: third essay due