

# **Role of Civil Society in Law and Governance in South Asia**

## **Course Objectives:**

The course attempts to promote recognition of civil society laws as an important area of intersectional study. The content of the course is designed to make the young student audience aware of and engage with the legal framework and mechanisms in a method that takes legal knowledge from the traditional silos to a participatory understanding.

## **Course Credits: 2**

## **Course Content:**

1. The components of civil society law – characteristics of a CSO (civil society organization), issues of legal structure and governance, transparency and accountability, the emergence of civil society law as a domain with intersectional methodology - International Law and Civil Society – UDHR, ICCPR, ICESCR, CEDAW, CRC, UN Defenders Declaration, 1999, UNCAC, UNCITRAL Model Law on Public Procurement

2. South Asia – The unique concerns for participatory democracy - law and the institutional structure that allows civil society participation. Focus will be on constitutional and statutory provisions on freedom of Association, Assembly and Speech.

3 Conflict between government and civil societies over legal framework on surveillance and functioning of civil societies.

4. South Asia – immediate concerns for participatory democracy – information access mechanisms and information laws affecting civil society framework in South Asia Jurisdictions. Topics will cover judicial responses to civil society participation Issues of corruption in public procurement and public service – the law and the compliance and role of civil society participation. Discussion will draw upon case studies from south Asian jurisdictions

5 Legal provisions promoting access to information, participation and access to justice that ensures civil society participation in natural resource decision-making. Discussion will cover the enabling legal provisions for participation of civil society organizations in natural resource monitoring and reporting. The use of case studies drawn from national experience will demonstrate the practical benefits of greater public participation.

6 Engaging with the civil society, civil society institutions and their participation in legislative capacity building. (Week 11& 12 - 4 Hours).

## **Basic Readings**

Anheiner Helmut, Glasius Marlies, Kaldor (eds.) (2001) *Global Civil Society*, (Oxford, Oxford University Press).

Arato Andrew, Cphen J, *Civil Society and Political Theory* (Cambridge,1992)

Barbara K Woodward, *Global Civil Society in International Lawmaking and Global Governance: Theory and Practice*, (Martinus Nijhoff, 2010)

Charnovitz Steve ‘Two Centuries of Participation: NOGOs and International Governance’ (1997) 18(2) *Michigan Journal of International Law*, 183–286

Michael Johnston *Civil Society and Corruption: Mobilizing for Reform*,(University Press of America, 2005)

Rumki Basu, M. Shamsur Rahman, (*Governance in South Asia*),(Routledge, 2016)

### **Websites**

International Centre for Non-Profit Law: <http://www.icnl.org/research/resources/>  
Organisation for Economic Co-operation and Development, Civil Society and Parliamentarians:

[http://www.oecd.org/department/0,2688,en\\_2649\\_34495\\_1\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/department/0,2688,en_2649_34495_1_1_1_1_1,00.html)

Public Interest Law: Initiative: [www.pili-law.org](http://www.pili-law.org)

Rights International: <http://www.rightsinternational.org/>

[http://ec.europa.eu/civil\\_society/index\\_en.htm](http://ec.europa.eu/civil_society/index_en.htm)

<http://www.imf.org/external/np/exr/facts/civ.htm>

The United Nations and Civil Society: [www.un.org/issues/civilsociety](http://www.un.org/issues/civilsociety)

Transparency International (2007) Bangladesh Public Service Commission Diagnostic Study 2007[online]: [http://www.ti-bangladesh.org/research/ES\\_PSC.pdf](http://www.ti-bangladesh.org/research/ES_PSC.pdf)

### **Evaluation**

Evaluation will consist of written assignments for both the units