Public Interest Lawyering – the law and political context

Credit Hours: 4

Instructor: Usama Khawar

Schedule: Monday to Friday (2.00 PM – 4.50 PM)

Last two decades have seen an explosion of phenomenon of public interest litigations in Pakistan. This phenomenon has been accompanied by judicial activism and what some scholars have termed “judicialization of politics”. In last decade, almost all the relevant political and praetorian stakeholders in Pakistan have come either rely earnestly or approached the courts judicial means strategically for agitating/addressing core moral predicaments, public policy questions, and political controversies of the day. This course will explore the linkages among discrete but related political and judicial phenomena. In doing this, the course will not only focus on the theory and practice of public interest law but also concomitant politics from local and comparative perspectives. After establishing the theoretical framework in the initial sessions, we’ll be exploring the role that the constitutional courts have played in shaping, (de)stabilizing democratic development in Pakistan. The role of media, bureaucracy, the military, Parliament, the media, etc. in encouraging or stemming the judicialization of politics in recent history of Pakistan will also be examined.

Moreover, the course encourages students from law and political science backgrounds to gain direct experience of Public Interest litigation (PIL), an experience which will enrich their subsequent efforts to critically appraise theoretic writings on law and politics. The students will have an option to design and execute a public interest lawsuit, from framing legal claims to recruiting suitable clients for the eventual PIL, drafting petition(s), and choosing the best venue for litigation.