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Dean's we were

This March we hit the milestone of having spent a year living in pandemic conditions. Human lives, livelihoods and the bonds of community have all suffered. And yet, we've also developed resilience by retaining a willingness to learn and to overcome challenges in this wholly altered landscape. We've put together this brief summation of events and accomplishments to highlight some of the ways in which the SAHSOL community has kept forging ahead in this time

These last few months at SAHSOL have been one's of significant restructuring and we are hopeful that the changes that are being made will allow SAHSOL to grow sustainably for the future. We are moving ahead with plans to revise our curriculum and introduce greater choice for students in the courses they elect to take as seniors and super-seniors in their LL.B studies. This should help to reinvigorate a climate of intellectual engagement, which has long been a hallmark of our programme. We had our inaugural lecture of the Strategic Litigation Series with Ms. Maya Foa, from Reprieve UK, in March of this year and on April 12, many of you were in attendance as Mr. Vincent Warren of the Centre for Constitutional Rights delivered the annual Khalid Ishaque Memorial Lecture. Both lectures provided immense insight into the strategies and commitments informing the work of some of the world's foremost rights advocates.

I take this opportunity to thank all our students, staff members and faculty for working through the challenges of this year. In the SAHSOL offices, Imran Sahib and Khalid Sahib provided consistent support in all operational matters, Ms. Nimra has taken on significant responsibilities under great pressure and Mr. Nabeel has provided the means of keeping all of us in touch, not least through the newly launched SAHSOL Facebook and Instagram pages. Our permanent and adjunct faculty have retained an openness to constant revision and innovation to make the online learning experience the best it could be. I'd also like to thank Professor Uzair Kiyani for taking on the role of Head of Department in these last weeks.

As a final matter, I'd like to congratulate the Law Batch of 2021 on the near completion of their degrees and to wish you all immeasurable success in all that you do.

Dr. Sadaf Aziz

Interim Dean SAHSOL, LUMS

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Faculty publications

Antiterrorism as Neocolonialism: Prophylactic Governance in an Uncertain World in L. Bishai (ed.) "Law, Security and the State of Perpetual Emergency" Palgrave Macmillan, (2020)

Uzair J. Kayani

Unmanned Aerial Vehicles (UAVs; Drones), Elgar Encyclopedia of Human Rights, (June 2020)

Sikander A. Shah & Uzair J. Kayani

"Murabaha Penalty Clause is Riba in Disguise! The Penalty Clause Questions the Deep-rooted Preference for Literal Interpretation Over Substantial Interpretation of Riba" 35 Arab Law Quarterly 1-18, (2020)

Faiza Ismail

"Legal and Regulatory Strategies for the Coordination and Commercial Oversight of Pakistan's Response to COVID-19", (September 2020) Published by the Centre for Chinese Legal Studies in collaboration with the Hanns Seidel Foundation.

Sikander A. Shah & Uzair J. Kayani

"State as a political practice: Postcolonial Pakistani state beyond liberalism and Islam" Third World Quarterly, Vol 41, Issue 10, 1670-1686. (2020)

M. Azeem and Hiba Akbar

"A Strong Judiciary as a Crisis for Democracy: A Law and Development Study from Pakistan" Law and Development Review, (Sep 25, 2020)

M. Azeem

"From Nation to State; Constitutional Foundings in Pakistan" n K.Y. Tan & R. Hoque (Eds.). Constitutional Foundings in South Asia (pp. 63–90). Oxford: Hart Publishing. (2021)

Sadaf Aziz and Moeen Cheema

Faculty research

Dr. Muhamnad Azeem

is an Assistant Professor of Law at Shaikh Ahmad Hassan School of Law. He spoke to us about his research and work at the School.



1. What do you teach at SAHSOL currently and what areas of law does your research focus on?

I teach labor law, international law from the perspective of the South and law of evidence. The three major fields in which I have re-

searched and published are, Pakistani judicial and constitutional history and state theory; labor-based legal and socio-legal research; and international law from a 'Third World' perspective. I place my research work in a broad "law and development" paradigm written from the vantage point of the marginalised. The common thread of my research lies in transcending a merely 'institutionalist' focus and bringing back 'structural' questions of deepening democracy and distribution specific to postcolonial societies into socio-legal studies.

2. Your book came out a few years ago, could you tell us a bit about it?

My dissertation, published as a book, *Law, State, and Inequality in Pakistan: Explaining the Rise of the Judiciary (Springer 2017),* is a critical evaluation of the role of the judiciary in the political development in Pakistan. Instead of seeing the judiciary as helpless or struggling against an authoritarian state, it argues that the judiciary is a crucial link in post-colonial state formation and generating political inequality in Pakistan. This is a unique argument which is not commonly taught to students or familiar to lawyers, and the findings of the book also challenge the legal and judicial discourse that extols the virtues of Public Interest Litigation and the notion of an independent judiciary.

3. In your opinion, what should we be emphasising more in legal teaching in Pakistan? and what is SAHSOL's contribution to the legal landscape of the country?

I think SAHSOL has an edge in Pakistan with its focus on critical thinking and interdisciplinary research. I often say that the faculty at SAHSOL has been almost exclusively responsible for generating the field of legal scholarship within Pakistan.

4. Tell us about your future research or other projects that you may be involved in?

As my first major post-dissertation book-length project, I am researching 70 years of labour law development in Pakistan. The proposed book is tentatively titled *'Labor law development in Pakistan: a Socio-legal study.'* Towards this, I have, over the past 5 years, been carrying out archival work while also teaching on the topic. I have now reviewed most of the case law, collected archival material from trade unions, and have ethnographically observed, interacted with and interviewed many labor and trade union leaders. A first draft should be ready by September 2021 for submission to a publisher.

Dr. Muhammad Azeem's recent and forthcoming publications:

Azeem, M. (2020). A Strong Judiciary as a Crisis for Democracy: A Law and Development Study from Pakistan, Law and Development Review, Sep 25, 2020. https://www.degruyter.com/view/journals/ldr/ahead-of-print/article-10.1515-ldr-2020-0018/article-10.1515-ldr-2020-0018.xml

Azeem, M. (2020). State as a political practice: postcolonial Pakistani state beyond liberalism and Islam, Third World Quarterly 2020, Vol 41, Issue 10, 1670-1686.

Azeem, M. and Akbar H. (2021, accepted, forthcoming). Labour Conditions and Resistance under Chinese Investment (CPEC) in Pakistan, Comparative Labor Law and Policy Journal.

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Mission of the

LUMS Law Alumni Association

The purpose of the LUMS Law Alumni Association is to further the interests of the SAHSOL law programme and its alumni by establishing closer contact between the programme and its alumni to assist in the recruitment of law students and promote both the law programme and the university interests.

The Association also aims to facilitate personal and professional relationships between former and current students in the law programme, keep the alumni informed of events, changes, and initiatives that affect the alumni and/or the programme. All of this is with a view to continuously facilitate the personal and professional development of all programme graduates.

Board of the LUMS Law Alumni Association



"I am presently a partner at Raja Mohammed Akram & Co. and have been practicing primarily as a dispute resolution lawyer for over ten years. During the last five years, I have worked towards the expansion of geographical reach and practice areas of my law firm. The friendships forged at LUMS and the mentorship of the law school faculty, who have always been there, have been instrumental in my endeavours. LUMS is always a great place to return and a refreshing diversion from the rigors of law practice."

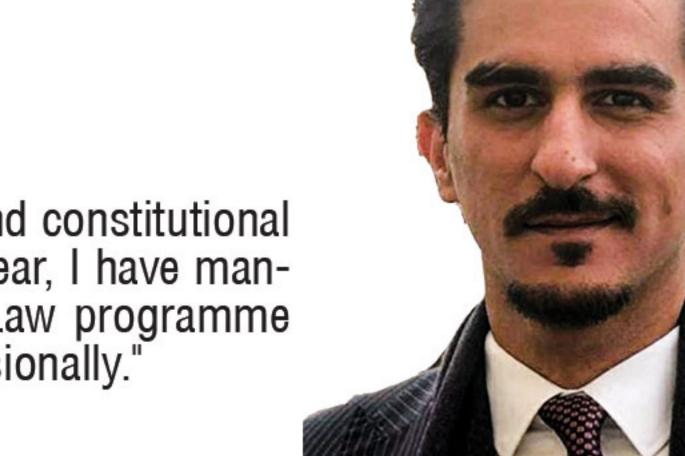
Umer Akram Chaudhry President (Class of 2008)

"I've been with Axis Law Chambers' commercial disputes practice for the past four years. As much as I enjoy practical lawyering, I miss LUMS as an intellectual space. The hurried nature of legal practice seldom leaves open spaces for anything more than cursory reflection. And despite my aversion to nostalgia, the corridors of the law building have a tendency to evoke fond memories of lazy afternoons well-spent thinking about paratha rolls rather than the Limitation Act."



Nabeeha Siddiqui

"I have been practicing with a commercial litigation firm, Haider Waheed and Partners in Karachi for the past year and a half. I've had the opportunity to learn about various types of issues ranging from property, taxation disputes and constitutional matters. I've also had the chance to represent survivors of domestic violence, sexual assault and acid attacks on a pro-bono basis. Studying at LUMS not only helped me professionally but instilled in me a passion, need rather, to push myself intellectually - a fact I realised after I began working."



"I have been practicing for nearly seven years as a commercial and constitutional litigator. In 2018 I completed an LL.M from Duke and as of this year, I have managed to open my own law firm with another alum. The LUMS Law programme opened doors I never knew existed, both, intellectually and professionally."



Salman Ijaz

Vice President

(Class of 2016)

Asghar Leghari General Secretary (Class of 2013)

Alumni achievements

Maria Faroog

(Class of 2012) and Adjunct Faculty at SAHSOL

Maria joined Axis Law in 2016, where she has built a reputation as a seasoned international commercial arbitration lawyer. Some recent highlights of her career include representing a Pakistani state-owned enterprise in an LCIA arbitration arising from a power purchase agreement, as well representing the same enterprise in an ICC arbitration arising out of a construction dispute. Though Maria has pivoted to Axis Law's disputes practice, she remains well-regarded for her extensive transactional experience, attested to by her recommendation in the Legal 500 Asia Pacific for her "experience in handling M&A" and for her deep "knowledge of telecom laws".

Find out more about her practice here: https://axislaw.pk/team/5e0dca2b2a29040017c3c734

Shanza Faiq

(Class of 2016) Topped the Central Superior Services (CSS) Exam

Talking about her most recent achievement Ms. Faiq said, "I feel extremely humbled and grateful for this privilege that has been bestowed upon me. It will take a while for this moment to sink in fully."

On her aspirations as she prepares to join the Foreign Service, Ms. Faiq says that she firmly believes it is a platform where she can carve an indelible niche not just for herself, but all women in Pakistan who wish to break the patriarchal glass ceiling.

Sana Naeem

(Class of 2018) Awarded the prestigious Rhodes Scholarship

Ms. Sana Naeem, B.A. LL.B. (Class of 2018) was awarded the prestigious Rhodes Scholarship. Only one Pakistani student is selected by the Rhodes Trust for the Scholarship each year, which enables the recipient to study the subject of their choice at Oxford University. Ms. Naeem is the first student from SAHSOL to have been awarded the Rhodes Scholarship.

(Class of 2008) Appointed Registrar at Competition Commission of Pakistan

Umair has recently been promoted as the Registrar at the Competition Commission of Pakistan, where he assists the Commission in it's adjudicatory functions and heads the legal department.

Prior to this, Umair was on deputation to the Ministry of Federal Education where, as Joint Secretary & Director General Education, he lead on the Federal Government's Ed-tech & STEM initiatives, the national COVID-19 education response, and public education service delivery in Islamabad. He also co-lead on the Teleschool project that received recognition from the Prime Minister of Pakistan.

Treasurer

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Two Finger Test

Sadaf Aziz (and others) vs. Federation of Pakistan

Early 2021 yielded some good news for the rights of women in Pakistan. In the case reported as Sadaf Aziz (and others) vs. Federation of Pakistan, the Lahore High Court ordered an end to the 'Two Finger Test' (TFT) and virginity testing in the conduct of rape investigations in Punjab and thereby established a precedence that will hopefully be adopted throughout the federation. This historic judgment was in response to two petitions initiated by advocates either trained at or having a continuing relationship with SAHSOL as visiting members of faculty. This includes Ms. Maria Farooq and Mr. Sameer Khosa from AxisLaw, and Ms. Sahar Bandial and Mr. Hammad Saeed.

The petitions drew attention to the fact that the TFT and virginity testing have no medical or forensic value and their conduct impaired rather than advance the process of seeking justice for female survivors of sexual violence. The tests violate the dignity, privacy and right to life of the women who are subject to this invasive examination, often without their consent. By drawing unreasonable inferences about the 'character' of the woman involved, the tests and their deployment in a trial setting allowed perpetrators of violent crimes to evade punishment by reinforcing the practice of disbelieving women. Reliance on TFT and virginity testing thereby also provided a means of evading the use forensic probes that would give a more accurate picture of the reported crime.

The judgment delivered by Justice Ayesha A. Malik held that the TFT added no value to the investigation, as the virginity of the victim was irrelevant to the case and the credibility of her statement.

"If the victim, is found to not be a virgin, it cannot and does not suggest that she was not raped or sexually abused. What it does is place the victim on trial in place of the accused and shifts the focus on her virginity status. In this regard, the victim's sexual behavior is totally irrelevant as even the most promiscuous victim does not deserve to be raped, nor should the incident of sexual violence be decided on the basis of a virginity test."

The advocates had the following to say about the significance of their case and the judgement:

"By declaring the two finger test to be unconstitutional and against human dignity, the Honourable Lahore High Court has paved the way for victims of sexual violence to seek medical support in a dignified manner free from the fear of their personal medical history and character being used against them. It is now up to the Punjab Government to introduce guidelines and medical evaluation forms that are in line with the spirit of this judgment." Hammad Saeed (SAHSOL Alumni 2010)

"We fought the petition to ban the archaic, inhuman and unconstitutional practice of virginity testing to protect the rights of victims of sexual assault and to improve the investigative and judicial process for such cases."

Maria Farooq (SAHSOL Alumni 2012)

Pakistani Feminist Judgments





Orubah Sattar Founder

Marva Khan Co-Founder

Feminist Judgments Project (PFJP) with the aim to write alternative judgments for Supreme Court cases, from a feminist legal perspective. The idea behind PFJP is to envisage the different outcome of various important Supreme Court cases, had a feminist judge written the judgments. Apart from the authors who will take on the task of rewriting the judgments, the project includes commentators who will highlight the practical difference in jurisprudence when a judgment is re-written from a feminist perspective. These re-written judgments and commentaries shall be published in the form of a book. This exercise of developing feminist jurisprudence through re-writing Supreme Court Judgments is especially necessary in Pakistan - a country where not even a female judge has ever been raised to the Supreme Court, let alone any gender diverse or non-binary person.

Marva Khan and Orubah Sattar (SAHSOL alumni and faculty) founded the Pakistani



Now that all authors and commentators are selected, the PFJP will be holding a two-day workshop on March 27-28. This will entail a session on feminist legal theory and the art of judgment writing. This will be followed by five thematic sessions on environmental law, mobility and economics, family law, discrimination, and criminal law.

LUMS Law Journal Articles appearing in Volume 07

The Impact of Covid-19 on Contractual Rights and Obligations in Pakistan Author: Muhammad Yar Lak

The Politics of Judicial Restraint: A Jurisprudential Analysis of the Fourteenth Amendment of the United States' Constitution's Due Process Clause

Non-Repugnancy Decisions of the Federal Shariat Court of Pakistan: An Analysis of Politico-legal Ramifications

'Honour' Killings in Pakistan: Judicial and Legal Treatment of the Crime: A Feminist Perspective

Maintenance of the Child in Pakistan: A Much-Needed Legislation

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