

Constitutionalization of Gender in Pakistan (LAW 4513)

Credit Hour: 4

Teaching Mode: In-Person

Schedule: Monday to Friday (10:00 AM – 12:50 PM)

Instructor: Marva Khan

Course Description:

Constitutionalization of Gender in Pakistan-

This course will be open for LLB-II, LLB-III and non-law students.

The aim of this course is to evaluate how the gender boundaries were formed, perpetuated, and have evolved over time in the territory that now forms Pakistan. Most codified laws that exist in Pakistan today are remnants from our colonial past. This course will trace the impact of colonialism on gender binaries in Pakistan, and explore how these binaries were perpetuated post 1947 either directly through, or under the shelter of the Constitutions of Pakistan. One pertinent example here is the perpetual exclusion of the third gender amounting to “civil death” of the trans community in Pakistan, until the Aslam Khaki case. The course will dedicate more time to the Constitution of Islamic Republic of Pakistan, 1973 – the third and current Constitution of the Country. The Constitution uses the terms “females”, “woman”, “women”, “mother”, and “maternity”; and women are referenced in conjunction with children twice. These references collectively talk about equality, creating quotas, protecting women and mothers, and also increasing women’s participation “in all spheres of national life”. Similarly, right to equality and legislative seat allocation include affirmative action measures for women, which are often interpreted in very paternalistic manner by the courts. This course shall view the legal understanding of gender through the lens of state structure and also through the lens of Fundamental Rights enshrined in the Constitution.