



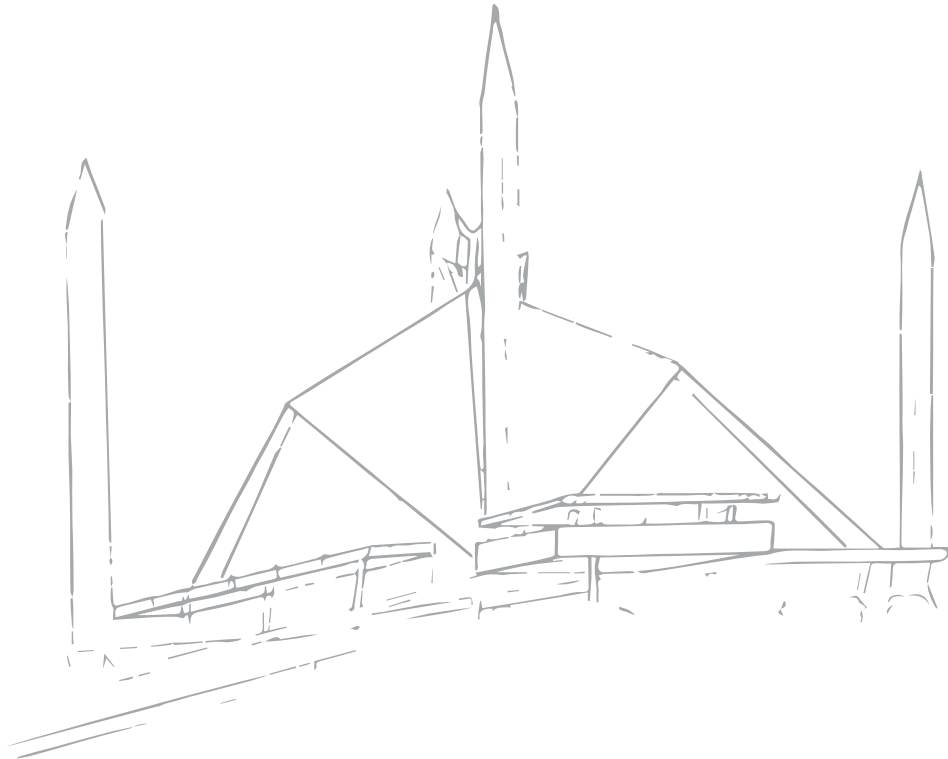
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## Legal Education in Pakistan: Problems & Prospects in the Context of 21<sup>st</sup> Century

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### Abstract:

*Legal sector is the backbone of any country and role of lawyers in a society draws special attention. But, health of legal education in Pakistan appears to be taking its last sighs, due to lack of attention by universities as well as professional bodies. Some other reasons for this deteriorating state of legal education are lack of clear standard policy in respect of law degree curriculum, advanced teaching and examination methodologies and university accreditation. According to an estimate, there are about 100 law colleges affiliated with 20 universities in Pakistan and these numbers are still growing at an exponential rate in the Country. Yet, legal education has remained ignored and underfunded in state owned law institutes; whereas, private law schools have focused more on maximizing profits rather than to provide quality education. Due to lack of advanced teaching methodologies in law institutes and research in legal sector, the legal education standard has neither risen in the country nor has an environment of quality research in legal sector ever developed. In fact, it has depleted the discourse on law, rights and justice nationally. Resultantly, society has never learned the value of legal academics and scholars. Thus, this is a high time to critically evaluate this situation and take measures to modernize legal education system by aligning it with global standards and making it more market driven. As, CPEC initiative also demands to familiarize legal researchers of both countries with each other's legal system as China observes Civil law system, whereas, Pakistan follows English common law. This research paper is an effort to portray the current picture of legal education in Pakistan and the challenges it faces due to above cited reasons, as well as discusses the opportunities and reforms that can be introduced to strengthen the roots of this system.*

**Keywords:** Legal sector, role of lawyers, legal education in Pakistan, challenges, opportunities, reforms,

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## 1. Introduction

Law governs societies, without it the world is nothing but chaos. This is the reason, the words law, legal education and national development have become interrelated in the contemporary world. Law is the basic tool to maintain peace and order in the society and to protect fundamental rights of people while keeping check on executive powers of Governments. It is an instrument with which a country's civilization, access to justice, welfare of its people, as well as potential for modernization and advancement can be measured. It can be said that Law outlines structure of a nation and legal education builds its foundations.

Legal education is defined as: "The education of individuals who intend to become legal professionals or those who simply intend to use their law degree to some end, either related to law (such as politics or academic) or business. It includes: First degrees in law, which may be studied at either undergraduate or graduate level depending on the country; Vocational courses which prospective lawyers are required to pass in some countries before they may enter practice; Applied legal education for specific branches of law such as, Business law, Human resource and Labor laws, Property laws, Family laws, Human rights & Legal awareness, Taxation law, intellectual property laws and many more; and, Higher academic degrees and doctorate."<sup>1</sup>

In this context, legal education can be defined as a branch of social science which imparts legal knowledge in students by enabling them to join legal profession for practicing the principles and provisions of law. It is a multi-discipline and multi-objective education that develops intellectual human capital, required for building the legal system. It provides a platform and methodology that ensures rational and non-violent resolution of disputes and conflicts. The products of legal education contribute to national development by bringing positive change in social, economic and political arenas. Hence, it can be summed up that without an organized legal education system, the objectives of access to justice and its dispensation, and enforcement of rule of law to safeguard the fundamental rights enshrined in the constitution

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<sup>1</sup> See, Babylon Dictionary definition of Legal Education.

cannot be achieved; because an impartial, honest and conscientious judicial department and a competent, independent and dynamic bar can only develop with quality legal education system.<sup>2</sup> Not just bar and bench, legal education is equally essential for other walks of life including legislature, executive, governance, prosecution, bureaucracy, corporate, and commercial sectors, because all human activities whether be social or political or economic revolves around the legal framework. However, law graduates, associated with legal profession hold dual responsibilities, i.e. to apply legal knowledge with the aim to enhance public's access to justice and to promote legal awareness by sensitizing people about their rights and obligations plus regional and national issues. Thus, every nation whether be developed, developing or under-developed needs a high-quality legal education system that abreast students with legal knowledge and prepare them to respond challenging questions of 21<sup>st</sup> century world.

The health of legal education system is determined through assessment of certain factors such as, the institutes that offer law degree, the curriculum, teaching faculty, methodology of teaching adopted and most importantly, the products of such institutes, i.e. law graduates. Legal experts and academics are of unanimous opinion that Pakistan's existing legal education system is severely plagued and is not capable to respond the needs of time. Its standard has significantly declined over the years due to various reasons, including increased number of substandard law colleges, absence of qualified and committed teaching faculty, infrastructure and other facilities, lack of interest of regulatory authorities to maintain prescribed education and quality standards, etc. Thus, it is high time to assess and review the policies to meet the growing challenging needs of society. This paper aims to identify the gaps in the system, analyze their causes, the challenges it faces and their consequences, the prospect opportunities that can be explored to modernize this system and reforms that can be introduced to improve quality and standard of legal education.

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<sup>2</sup> Constitutional Petition No.9 of 2015, Honorable Supreme Court of Pakistan.

## 2. Overview of Existing Legal Education System in Pakistan

In this era of knowledge capitalism, financial liberalization and cross border economic transactions, legal profession needs to be capable to meet the international standards. Today, law professionals play variety of roles such as lawyers, jurists, legislators, policy makers, business consultants, mediators, law reformers, human rights activists and others. This expansion in the role of legal professionals demands production of skilled intellectual legal products, having deep understanding of interdisciplinary courses. Hence, it is essential that legal education not only equip the students with interdisciplinary knowledge and skills but groom them to take the responsibilities lying ahead of them.

This increased demand of law as a profession has escalated the need for law institutes in Pakistan. Resultantly, a swarm of private law institutes have come in the market. Despite establishment of several law institutes, the standard of legal education has significantly declined in the country, because only a few institutes impart quality education; whereas, most operate for commercial gain. As reported, around 137 law institutes are imparting legal education in the country<sup>3</sup> and these numbers are continuously growing at a substantial rate due to lack of supervision from affiliating universities and Bar Councils. The Pakistan Bar Council Education Rules 2015 recognizes 32 law universities which are imparting legal education in the country.<sup>4</sup> Out of which 11 universities are empowered to affiliate law colleges within their defined territorial jurisdictions.<sup>5</sup> Here, both universities and colleges are imparting legal education in the country. Therefore, the word law institute has been used in this research paper to

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<sup>3</sup> See, List of Affiliated Colleges available on page 28 and 29 of The Judicial System of Pakistan, Dr. Faqir Hussain, Director General Federal Judicial Academy, available at: [http://www.supremecourt.gov.pk/web/user\\_files/file/thejudicialsystemofpakistan.pdf](http://www.supremecourt.gov.pk/web/user_files/file/thejudicialsystemofpakistan.pdf).

<sup>4</sup> See, First and Second Schedule of Pakistan bar Council Legal Education Rules, 2015, wherein 28 Universities are listed in first Schedule and 4 in the Second.

<sup>5</sup> See, *Pakistan Bar Council Vs The Federal Government and Others*, reported as PLD 2018 SC 1891.

denote both institutes. Most of the law institutes lack proper buildings, infrastructure, class rooms, libraries and computer labs, whereas, only a few conduct regular classes. As observed, the drop outs from other professional colleges and universities get enrolled in these law institutes and then join Bar. Resultantly, no quality product comes in the market.

Previously, these law institutes used to offer three different law degree programs, i.e. (i) a three years LLB degree program that has been discontinued from December 2018<sup>6</sup> on the orders of Honorable Supreme Court of Pakistan.<sup>7</sup> For admission in LLB three years course, no eligibility criteria was specified except a graduation degree or minimum qualification of 14 years in student's choice of subject, resulting in enrolment of dropouts of other professional institutes to law colleges. The quality of teaching faculty and curriculum of this program also required interference.

(ii) A five years LLB program that has been introduced by PBC in place of three years LLB program with aim to impart more comprehensive legal education. By virtue of PBC Education Rules 2015, PBC will be responsible to regulate this program. Now, students who seek to pursue a law degree may seek admission in five years LLB program with minimum qualification of intermediate and on the basis of merit.<sup>8</sup>

LLB five years program follows the curriculum, learning objectives and learning outcomes which was initially designed by National Law University Project and approved by HEC and PBC after getting feedback from academics and legal faculty members from all over the country.<sup>9</sup> After receiving feedback and suggestion from various universities, in 2015, HEC significantly reviewed this curriculum in order to make it compatible with international educational standards and to address national,

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<sup>6</sup> See, Rule 6 of the Pakistan Bar Council Legal Education Rules, 2015

<sup>7</sup> See, 2018 SCMR 1891

<sup>8</sup> See, Rule 4(II) of the Pakistan Bar Council Legal Education Rules, 2015

<sup>9</sup> See, HEC Report on Curriculum of Law for 5 Years LLB Program, <http://hec.gov.pk/english/services/universities/RevisedCurricula/Documents/2010-2011/Law-2010.pdf#search=llb>.

economic, political, and social issues.<sup>10</sup> The LLB Curriculum specifies 166 total credit hours, distributed over the duration of five years, where each semester prolongs to 15 to 18 weeks. Accordingly, the number of courses per semester is 5 to 8 and course load per semester is 15 to 18 credit hours. A student takes 10 compulsory courses of 28 credits, 8 general and non-law courses of 24 credits and 34 law specific and major courses (4 elective courses inclusive) of 102 credits as well as research project, dissertation and internship. During initial two years of LLB five years program, foundation/ basic courses are being taught including Introduction to Sociology, Principles of Political Science, Introduction to Logic and Reasoning, and Introduction to Psychology; whereas, prescribed law courses are usually being taught during last three years. This curriculum has been designed with the objective to impart quality legal education in students by enhancing their skills and broadening their vision in respect of political, economic and social environment in which legal system functions.<sup>11</sup> and (iii) In addition of these two, there is three years international/ external/ distance learning LLB program that is being offered by private colleges, affiliated with University of London. These institutes motivate students for self-directed study from prescribed course material that is available to them in the form of text books and online resources. For facilitation of students, they also conduct lectures on different subjects. Any institute that imparts this LLB external/ distance learning program needs to be recognized from a foreign university and seek NOC from PBC before commencement of business. PBC also regulates these law institutes in accordance with the Pakistan Bar Council Legal Education Rules, 2015; and has authority to de-affiliate a law college that does not comply with the rules.<sup>12</sup>

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<sup>10</sup> See, HEC Report on Curriculum of LLB 5 Years, <http://hec.gov.pk/english/services/universities/RevisedCurricula/Documents/2014-15/Final%20Curriculum%20%20LLB.pdf#search=llb>

<sup>11</sup> See, Page 10 of LLB 5 Years Curriculum by HEC, <http://hec.gov.pk/english/services/universities/RevisedCurricula/Documents/2010-2011/Law-2010.pdf#search=llb> and page 11 of Revised LLB 5 Years Curriculum by HEC <http://hec.gov.pk/english/services/universities/RevisedCurricula/Documents/2014-15/Final%20Curriculum%20%20LLB.pdf#search=llb>.

<sup>12</sup> See, Rule 36 to 40 of Legal Education Rules, 2015.

Aside from graduation degree programs, only a few public sector institutes offer postgraduate and doctorate degree programs; and if offered, these do not follow fully structured and uniform curriculum across the country. Resultantly, legal research and writing has never developed; and no recognized law journals exist in the country.

### **3. Problems**

In a civilized nation, the quality of legal profession determines the quality of justice dispensation, because when an advocate counsels his client about the case, he not only focuses on relevant laws but keeps in mind its moral, economic and social impacts. Moreover, it is the bar of same advocates, from which bench is constituted, so the quality of legal education has direct relationship with the quality of dispensation of justice in a country. It is due to this interdependent relationship that stumbling or failure of former affects the entire legal system in a country.

The current status of legal education in country has adversely impacted all walks of life, because most law graduates are products of institutes which do not hold credibility to impart quality education. The mandatory professional apprenticeship of fresh law graduate with a senior advocate, for learning the court room skills and ethics has also been compromise and has become a formality. Resultantly, a batch of products is being launched in the market that neither possess requisite legal knowledge nor have any care for professional ethics. It is due to these reasons that Bar has forgotten its responsibility to strive for supremacy of rule of law and promotion for fundamental rights, rather has engaged itself in non-professional activities, such as strike over non-institutional issues and misconduct inside courts, which has adversely affected the dispensation of justice.

Along with bar and bench, legal education has also taken its toll on academics, researchers, law critics and legislators as current system do not develop analytical and critical abilities, and sound language skills in law graduates to prepare them for assuming these roles. Consequently, research culture in legal



sector has never developed in the country. All these problems call for urgent action to revamp the current legal education system.

#### **4. Challenges Posed to Legal Education System in Contemporary World**

After globalization and economic liberalization, legal education in Pakistan has been posed several challenges, such as:

1. Transforming demands of legal market in national and international arenas,
2. Recent innovations in technology and communication sector,
3. Formation of new governing bodies in evolving areas of the economy,
4. Development of transborder business activities,
5. Inducement of corporate environment in legal system after introduction of intellectual property and other laws,
6. Increased demand of law as a profession by students,
7. Transformed legal education system, after discontinuation of LLB three years program and introduction of five years program,
8. Lack of co-ordination between bar, bench, Pakistan Bar Council, HEC and academics,
9. Lack of foreign qualified academics in law institutes,
10. Unwillingness of authorities to improve condition of law schools by upgrading infrastructure, building, data resources in library and salary structure of faculty,
11. Lack of legal awareness about legal system among masses,
12. Lack of legal publications in the form of law journals and law reports,

#### **5. Deficiencies in Current Legal Education System**

Previously, the objective of law schools was to impart theoretical knowledge of certain statutory laws in students as a subject of arts, rather considering it as a subject of science, learning and analytical discourse. But, after economic liberty, globalization and technological advancements, law has transcended local and national boundaries and the local practice has converted into transborder practice. This necessitates legal education system to

equip students with interdisciplinary legal knowledge so they can answer modern day questions relating to information technology, intellectual property, human rights, corporate governance, international trade, tax, environment, space, medical/ health, civil, criminal, consumer, family, and company laws, etc. but, our legal education system has failed to produce such law graduates. In fact it has remained unstable and is continuously failing due to several reasons, which have been highlighted by different bodies at different forum includes following.

### **5.1. Overlapping Jurisdiction of Regulatory Bodies**

Pakistan Bar Council and Higher Education Commission of Pakistan are two regulatory bodies responsible for regulating the legal education system in the country. The PBC is apex body in legal profession, constituted<sup>13</sup> under the Legal Practitioners and Bar Councils Act, 1973 and elected<sup>14</sup> in accordance with the same regulation. PBC functions to promote legal education and prescribe standards of such education in consultation with the universities in Pakistan and the Provincial Bar Councils.<sup>15</sup> It is empowered to make rules in connection with the standard of legal education to be observed by the Universities in Pakistan and the inspection of universities for that purpose.<sup>16</sup>

PBC's legal education committee is constituted<sup>17</sup> to perform these tasks and exercise the responsibilities in accordance with rules framed by the PBC as Pakistan Bar Council Legal Education Rules, 1978. These rules provide guidelines to the law universities and colleges with regard to admissions in LLB course, the strength of students to be enrolled in law colleges, duration of LLB course, qualification criteria for part time teachers in law colleges, provision of library, criteria of pass percentage in exams, adequate representation of the Pakistan Bar Council on the board of studies, faculty of law, board of Governors, and other law institutes set up

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<sup>13</sup> See, section 13(1)(i) of The Legal Practitioners and Bar council Act, 1973,

<sup>14</sup> *Ibid.*, S. 11.

<sup>15</sup> *Ibid.*, S. 13 (1) (j).

<sup>16</sup> *Ibid.*, S. 11. 55 (q).

<sup>17</sup> Constituted in accordance with section 15(2) of The Legal Practitioners and Bar council Act, 1973.

for governing the law colleges and other institutes, and inspection of law colleges through inspection team appointed by the PBC, and authority to de-recognize the degree of a non-compliant law college or university, if found so during inspection. Then, in order to improve the standard and quality of legal education and to keep strong control and check on law colleges by controlling the exponential growth of law colleges through a set of uniform rules to be followed by all universities, affiliating private and government law colleges in the country, the Affiliation of Law College Rules were framed by PBC.<sup>18</sup>

The PBC is also authorized to recognize national and international law universities whose awarded degree in law shall be accepted for enrolment of law graduates as advocates.<sup>19</sup> Schedule 1 of said Rules recognized 11 universities within Pakistan and 135 international universities from 16 different countries across the world, who award law degree. Whereas, its schedule 2 lists down 11 Pakistani and 4 foreign universities whose degrees were recognized under these Rules after 31.12.2005.

However, in the year 2015 all these previously framed rules were reviewed by PBC, being unable to address the issues of deteriorating standard and quality of legal education across country, and one set of uniform consolidated rules 'The Pakistan Bar Council Legal Education Rules 2015' were promulgated. These rules recognize 32 Pakistani Universities and 247 foreign universities.<sup>20</sup>

On the other hand, the Federal Government established the Higher Education Commission in 2002, with intent to promote higher education by improving its quality and standard, research and development in Pakistan.<sup>21</sup> It also aimed to improve quality and standard of higher education, to strengthen management and

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<sup>18</sup> See, Affiliation of Law College Rules, <https://www.ma-law.org.pk/pdflaw/Affiliation%20of%20Law%20Colleges%20Rules.pdf>

<sup>19</sup> Pakistan Bar Council (Recognition of Universities) Rules of 2005

<sup>20</sup> See, S.R.O. 1265(1)/2015 Dated 19 December 2015.

<sup>21</sup> See, Higher Education Commission Ordinance, 2002. [http://www.hec.gov.pk/english/aboutus/Documents/455\\_HECOrdinance.pdf](http://www.hec.gov.pk/english/aboutus/Documents/455_HECOrdinance.pdf).

governance in public and private sector universities across Pakistan and to regulate funding of public universities. However, through 18<sup>th</sup> Amendment in the Constitution of Pakistan 1973, the Higher Education Commission has been decentralized and devolved to provinces.<sup>22</sup> Yet, only Punjab and Sindh provinces have promulgated legislations in the matter.<sup>23</sup> Therefore, legal education in the country is still being regulated by federation rather independently by provinces. However, astonishingly no uniform policies are being followed across the country.

This parity of roles of both PBC and HEC and their overlapping jurisdiction in respect of supervision of legal education sector has resulted in number of ambiguities, such as, who shall be formulating policies and rules, whose decision shall have precedence over the other and who will define the standard of legal education. Besides, despite having proper legislation and functional institutes to regulate legal education in the country, there has been no check upon the growth of substandard law colleges that do not have qualified faculty, infrastructure and other facilities, by any authority.

## **5.2. Inconsistent Model of Legal Education System**

A country's legal education system depends upon the legal system it follows. Previously, Pakistan was unanimously following U.K model of legal education and vocational training; where universities and colleges impart academic legal education followed by provisional six months vocational training or apprenticeship in bar with a senior advocate having ten years of bar standing and then appearance for bar enrolment exam. However, this system failed due to fading mandatory vocational training and bar entrance exam stages.

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<sup>22</sup> See, Constitution (Eighteenth Amendment) Act, 2010. <http://www.pakistani.org/pakistan/constitution/amendments/18amendment.html>.

<sup>23</sup> See, The Sindh Higher Education Commission Act, 2013. <http://sindhlaws.gov.pk/setup/publications/PUB-13-000721.pdf> and The Punjab Higher Education Commission Act, 2014 (I of 2015). <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/99331/118492/F70917348/PAK99331.pdf>.

To combat this eventuality, some law institutes have switched to USA model of legal education, where law institutes provide a blend of academic and vocational training, by introducing subjects like drafting and conveyancing and mock trials in their curriculum. However, its impact on a larger scale has not been witnessed due to non-uniform adoption by all the institutes and absence of clear policy and strategy about its implementation by regulatory bodies.

### **5.3. Increasing Number of Law Colleges, Lack of Qualified Teaching Faculty and Adequate Facilities**

Undoubtedly, private sector assists the State by providing facilities to that segment of society which can afford; but it only works for profit maximization and does not concern itself with need of people. So, country's failing public education system has attracted a swarm of investors into the business of education who work for economic gain. This has resulted in proliferation of law institutes which neither impart quality education barring a few exceptions, nor supervised by regulatory bodies which has further contributed to falling standard of legal education.

Undoubtedly, without qualified faculty, quality legal education cannot be expected. But, here most law institutes lack permanent and committed teaching faculty except a few exceptions. One of the main reasons behind lack of qualified teaching faculty is insufficient compensation packages. Whereas, the available part-time faculty is neither committed to the profession nor strive to offer in-depth study of subjects and inculcate scholastic legal approach in students. Authorities need to devise strategy to attract and retain qualified faculty and promote research culture in law institutes.

Law institutes across the country are inclined to enroll students in a large number but do not provide adequate facilities in respect of building, academic set-up, Libraries, data resources, and computer labs, even the teacher to student ratio is imbalanced. Most of the private law institutes operate in bungalows and pay no attention to overcome these deficiencies as these are merely working for economic gain. Whereas, public sector institutes fail to provide these facilities due to lack of

funding, poor administration and commitment. In most of the cases, students reside and work far away from these institutes, yet their attendance is marked through proxies. Law institutes do not discourage this practice, because it brings them money and help them to arrange classes within limited space and infrastructure. These factors lead to absenteeism in law institutes.

The PBC Rules 2015 entails the criteria for physical infrastructure, facilities and administration in law institutes. But these are insignificant to establish, manage, monitor and assess performance of law colleges. For instance, according to PBC Rules 2015, the governing body of law school must include a sitting or former Judge of High Court, but his responsibilities are nowhere defined in rules.<sup>24</sup> Similarly, law schools are mandated to ensure quality education according to standards laid down by PBC as per its rules.<sup>25</sup> But till date, no standards and accreditation criteria has been laid down by PBC, so each law college abide by their own developed set of standards.

It is only due to these reasons that recently, August Supreme Court of Pakistan has ordered closing down of five law colleges that were affiliated with a university which was not recognized with PBC, and disaffiliation of 96 sub-standard law colleges affiliated with 9 different universities across the country.<sup>26</sup>

#### **5.4. Absence of Eligibility Criteria or No Restriction on Enrolment in Law School**

Most law institutes do not conduct qualitative test such as Law School Admission Test to assess eligibility of applicants for their enrolment. Resultantly, drop outs from other professional colleges join law institutes and profession of law which protects rights of people, falls in the hands of inept and non-motivated people. Situation is so grieved that even the term merit is nowhere defined in PBC Education Rules 2015. Recently, the Honorable Supreme Court of Pakistan has mandated to conduct Law

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<sup>24</sup> See, Rule 33 of Pakistan Bar Council Rules, 2015.

<sup>25</sup> Ibid., Rule 34.

<sup>26</sup> See, the august Judgment of Honorable Supreme Court of Pakistan in the case, *Pakistan Bar Council Vs The Federal Government and Others*, reported as 2018 SCMR 1891.

Admission Test by HECP for enrolment in law institutes and has also provided the outline of such test to determine a student's eligibility for admission in law school through assessment of his reading, writing, language, general knowledge and analytical skills.<sup>27</sup> Accordingly, the Higher Education Commission has been bound to conduct LAT biannually, for determining eligibility of applicants who intend to seek admission in law institutes; and only applicants passing this test with 50% marks are eligible to seek admission in law school. But, still students are being enrolled in law schools without appearing for LAT.<sup>28</sup> LUMS is the only law institute in the country that conducts Scholastic Aptitude Test (SAT) for admission purpose. Additionally, there is no strict check in respect of attendance of students.

Besides, according to rule 5 of PBC Rules 2015, the prescribed number of enrolled students cannot exceed 50 but in reality, there is no bar on enrolment in law schools. Besides, 5 percent of seats in law institutes are reserved for the sons/ daughters of advocates, which creates inequality. As a result, each year more than 100 students get enrolled in law colleges which has deteriorated the standard of legal education.

### **5.5. Unstructured, Inconsistent and Outdated Curriculum and System of Teaching and Examination**

For evaluation, improvement and promotion of higher education, HEC has powers to formulate policies and principles for guidance and set priorities for higher education institutes. It can also prescribe conditions under which private and public institutes may function.<sup>29</sup> For this purpose, every three years HEC organizes a meeting of the National Curriculum Review Committee (NCRC), comprising of members of law institutes and legal

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<sup>27</sup> See, the judgment of Honorable Supreme Court of Pakistan in *Pakistan Bar Council Vs Federal Government & Others*, reported as 2018 SCMR 1891.

<sup>28</sup> See, HEC Notification, LLB Admission without test, <http://hec.gov.pk/english/news/news/Pages/LLB-Admissions.aspx>

<sup>29</sup> See, Section 10 of The Higher Education Commission Ordinance, 2002.

education committee of PBC, to review the curriculum of law education.<sup>30</sup>

The recommendations of NCRC are then communicated to the universities for curriculum adoption and implementation. Curriculum adoption is a critical exercise that includes various aspects, such as designing of syllabus and course material, its printing and distribution among teachers, devising teaching methodologies and training of teachers. If adopted in true spirit, not only it can help in promoting quality and diversity in higher legal education but development of intellectual minds. However, current legal curriculum neither develops professional skills nor enhances intellectual capability of students.

During last years, several conferences, seminars and workshops have held to discuss reforms, wherein all stakeholders have reached to unanimous conclusion to review the legal education system. Yet, this discourse has brought no significant impact in legal education sector, due to absence of proper mechanism to enforce the recommendations of NCRC and curriculum revision in law institutes.

Out-dated teaching methodologies and gap between theory and practice are leading causes behind declining standard of legal education. Here, law institutes impart legal education as a subject of theoretical arts rather practical science where legal prodigies are discussed rationally and systematically. As a result, a law graduate knows the statutory laws to a certain extent but do not know their practical implications. For instance, a graduate might be aware of suit, plaint, written statement, and stages of a case but do not know the manner in which and where the case is to be filed, the manner to address the court and argue the case.

Law institutes do not utilize new teaching methodologies to develop professional skills in students. Some teaching methodologies that are widely used by law schools in developed countries are: case study teaching approach which was first time

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<sup>30</sup> See, Research Paper on Legal Education in Pakistan, by Professor Ahmed Ali Khan, available at: <http://www.supremecourt.gov.pk/ijc/articles/6/1.pdf>.



used by Harvard law scholar Christopher C. Langdell in late 19<sup>th</sup> century, and clinical education approach which was initiated in mid-20<sup>th</sup> century. A few law colleges do offer moot courts course for development of lawyering skills in students, but these are not adequate. Resultantly, law graduates learn analytical, logical and critical lawyering and communication skills when they embark on their profession as advocate rather than from law schools. This hinders career progression of fresh law graduates by keeping their future at stake.

Similarly, almost all law institutes conduct annual exams through outdated methods wherein same questions are repeated every year and rather using rational and analytical skills, students memorize answers from guides. This practice of rote-learning does not let students to go through legal statutes and research which can enable them for assuming their future roles.

#### **5.6. Lack of Multi-dimensional and Inter-disciplinary Knowledge and Insufficient Language Skills**

Law embraces all dimensions of social life, so a student joining legal profession is expected to have multi-disciplinary educational knowledge along with comprehensive English language and communication skills. English language skills are essential for law students because it is the medium of instruction of legal education in Pakistan<sup>31</sup> and language of courts and statutes. However, mostly students lack good oratory and writing skills of English language. Country's declining primary and secondary education system is the basic reason for scarcity of these skills in students. To strengthen the knowledge base and skills of students, it is essentially important to improve quality of education at basic levels.

Most courses prescribed in law degree curriculum are just a paid humbug. These neither offer in-depth study that could develop analytical, critical, logical, rational, communication and interpersonal skills nor instill professional ethics and code of conduct that are essential lawyering skills. Consequently, students

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<sup>31</sup> See, Rule 9 of The Pakistan Bar Council Legal Education Rules, 2015.

neither develop any commitment towards research nor lawyering skills. They only focus to study from perspective of passing the exam which is only a memory test and they ace it by cramming. After graduating, these students join bar, district judiciary, constitutional courts, or become legislators but lack multi-dimensional approach to comprehend law and resolve the issues of contemporary age. They lack knowledge about modern developments such as intellectual property and cyber technologies, and dispute resolution techniques including ADR, arbitration, and mediation.

Another prime reason behind deteriorating health of legal education is lack of research culture and absence of libraries and online legal database in law institutes. Whereas, public libraries do not have collection of law journals such as PLD, MLD, SCMR and other law books to facilitate law students to quench their thirst for knowledge and research.

### **5.7. Role of Bar Councils in Monitoring Advocates Enrolment and Lax Bar Exams**

Role of Bar Councils in current declining standard of legal education system cannot be over looked. After years of granting license to everyone without any check and scrutiny, bar councils started conducting a multiple-choice question paper for bar entrance exams. However, it appears to be a mere formality to increase the political strength of bar council groups; because rather evaluating the knowledge and skills of law graduates in this entrance exam, members of bar council assist them in examination Hall to pass it which relegate the esteem of legal profession. The trend of passing ratio of this exam suggests that still anyone with a law degree in hand can get enrolled as a lawyer.

On the other hand, law graduates of foreign affiliated law colleges do not go through any bar entrance exam to appear before the courts; although, they do not study and have any exposure of basic laws of the country and procedures. This disparity among law graduates from different set of institutes is not only the violation of article 25 of the Constitution of Pakistan but also an impediment for these law graduates because they do

not learn basic lawyering skills of drafting and opinion writing in their degree program. In U.K, a law graduate has to complete a Bar Professional Training Courts (BPTC) or Legal Practice Course (LPC) accompanied with one year pupillage to appear before the Courts and practice law, which is different in Pakistani Courts where a graduate with LLB qualification and six months pupillage can practice the law.

Lawyers' education is a continuous process, the need of which cannot be under-looked. However, there is no mechanism to even consider this aspect. An untrained lawyer while appear in the court, engages himself in on-job training at the expense of his client's interest and public.<sup>32</sup>

The state-owned law institutes have remained ignored by authorities due to lack of commitment, unavailability of financial resources, infrastructure, and unskilled administration. This has compromised the quality of entire legal education system in Pakistan.

## **6. Prospect for Strengthening Roots of Legal Education System**

Modern world has witnessed immense advancement in the fields of technology and science, impacting lives of millions of people at a global level. Globalization has shrunk distance, enhanced transborder trade opportunities and impinged influence of international community on national sovereignty. This has not only impacted development of institutions and law of the land but has intensified the necessity to comprehend law in right perspective at academic as well as professional stages while specifically considering the economic, political, and social dynamics. Because in a society, law reflects the trend of conflicts, expectations of people, culture and economic dimensions. These changing economic and social trends demand revolution in existing legal education system of Pakistan.

Moreover, current state of affairs is so grief that the world Justice Project Survey 2017-18 has ranked Pakistan at 105<sup>th</sup> number among 113 participating countries. This shows the need and

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<sup>32</sup> Address of Chief Justice of USA to the American College of Trial Lawyers, District Columbia.

urgency to upgrade legal education system and promote rule of law in the country. Following reforms can be introduced to meet the current and prospect challenges, discussed hereinabove, which the legal education system of Pakistan is facing currently:

### **6.1. Defining Clear Work Jurisdiction of Regulatory Bodies:**

To find the solution of challenges faced by legal education system, the Honorable Supreme Court of Pakistan vide its order dated 21.01.2018 constituted (i) a special Committee comprising members of PBC, LEC, HEC, Honorable Justice (R) Supreme Court and heads of public and private law institutes across the country, (ii) Four provincial commissions comprising members of PBC and concerned provincial bar councils, HEC and provincial higher education institutes and Advocate Generals of respective provinces and (iii) a commission for Islamabad Capital Territory comprising a member from each PBC, HEC, and Islamabad Bar Council.<sup>33</sup> These five commissions were assigned the task to deliberate on five major issues, i.e. eligibility for entry into law college, preparation of uniform LLB curriculum and its duration, permanent and visiting faculty of law colleges, assessment of examination and eligibility for entry into the Bar, posed to legal education system. Recommendations of these commissions were then reviewed by August Supreme Court of Pakistan and directions have been issued for bringing structural reforms in the legal education system of the country.

Along with above plausible and magnanimous initiative, authorities must address the issue of dual control exercised by regulatory bodies, i.e. HEC and PBC specifically Legal education Committee (LEC) so that ambiguities in respect of functions of both bodies can be clarified and clear work sphere is outlined. Conversely, the authorized regulatory institution should first define the objectives of legal education in country and devise policies to implement them; as without objectives, there could be no real strategy and without real stratagem, long-term success could never be achieved. Defining objectives is being hugely emphasized because it defines the national goals that can be achieved with law education. Besides, expansion in the role of law

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<sup>33</sup> See, *Pakistan Bar Council Vs. Federal Government and Others*, Supreme Court of Pakistan reported as PLD 2019 SCMR 389.

graduates today, also necessitates to have definite and clear vision and objectives. If jurisdiction of both regulating authorities will be defined, the concerned authority will be able to formulate concrete policies and devise strategies to materialize the vision and achieve objectives of legal education. Only a concrete national policy pertaining to legal education system can define specific jurisdiction of regulatory institutes.

Regulatory authorities must also keep discoursing with academics, legal aid society and judiciary about the existing lacunas in legal education system and present proposals for prospective solutions that are effective, acceptable and implementable, on continuous basis and perform active role in materializing these proposed reforms with the goal to bring structured reforms in Legal Education System of the country. Similarly, Provincial Higher Education institutes need to be established in all provinces, as per 18<sup>th</sup> Amendment of the Constitution of Pakistan, and must be capacitated to have available knowledge and skills, required to regulate and improve the legal education system.

## **6.2. Re-designing the Modality of Legal Education**

Currently, legal education in country is being imparted following two different models of U.K and USA. As discussed above, failure of previously implemented U.K based model of legal education system has urged law colleges to switch to USA's model of legal education system. The regulatory authority, holding jurisdiction to determine the modality of legal education in country, must identify and acknowledge the elements which are responsible for declining standard of legal education and quality of functioning of young advocates. Then, it must develop the relevant quantifiable indicators and benchmarks for long-term solution to the problems. Thereafter, it must design a model of legal education that is strategically and unanimously implemented across the country.

In my opinion, by introducing a uniform law curriculum that is mix of both academic and practical subjects, thesis, and a mandatory three months duration internship during final semester of law degree program will not only hone academic and practical skills of law graduates but will inculcate professional

values and ethics in them. A model that is uniformly implemented across all private and public sector law institutes is vital to improve quality of legal education system in Pakistan. Such model must be reviewed and updated after consecutive time intervals to keep abreast with changing world.

Legal education system cannot reform without improving the law institutes. To improve the quality of legal education, the regulatory body must define and set the standard for affiliation of law institutes which should be at par with international standard. Then, issue accreditation to only those institutes that meet the set standards and deliver value to students. If universities refrain from awarding affiliation to substandard law institutes, positive impacts will be observed in legal education system. Moreover, this accreditation must be reviewed on regular basis to avoid proliferation of substandard law colleges.

### **6.3. Development of a Full-time Research Faculty at Law Institutes**

A law teacher should know how to teach students to apply relevant laws and rules to the new fact patterns and must possess strong case analytical skills. He must hone litigation-oriented skills of students by educating them about ethical issues, and their professional responsibilities. A law teacher must be appointed after reviewing his academic and research record, and other credentials. After appointment, a law teacher must send for undertaking rigorous training from a well-recognized institute. To encourage research and analytical discourse in legal sector and to keep the faculty motivated, the regulatory body must create opportunities of ongoing training and continuing education for law faculty. As only a dedicated and committed teaching faculty that has expertise in the teaching subject, is willing to explore new teaching and evaluation methodologies and possess excellent teaching skills can successfully reform the existing legal education system in the country. To attract best resource persons for job in law institutes, they must be offered attractive remuneration package and congenial environment.

An institute that has adequate facilities in respect of building, infrastructure, data resources, skilled administration staff,

committed teaching faculty, and appropriate teacher to student ratio can uplift the standard of legal education in the country. Authorities must ensure to provide these facilities to law institutes and discontinue the ones devoid of these facilities.

Previously, it was very easy to get enrolled in a law school because no admission test was being conducted by most law institutes. Although, currently passing the Law admission Test (LAT) has been mandated for aspirants who wish to get enrolled in law institutes, but it is not an effective criterion to assess their eligibility to pursue law degree course. In my opinion, applicants should be assessed on the basis of their previous curricular and extra-curricular performance, LAT score, and mandatory interview performance. This admission criterion will not only assess the knowledge but soft skills, attitude, language and competencies of a student which are essentially required to outshine in law profession. This admission criterion must be uniformly implemented by regulatory body across the country.

Moreover, to ensure that quality legal education is imparted in law institutes, only a certain number of students must be enrolled each year in law institutes. This number of seats must be decided by regulatory body, keeping in view certain factors such as student teacher ratio, availability of infrastructure and other facilities. No seats should be reserved for any group and all students must be enrolled solely on the merit determined through above defined criteria. Regulatory body must supervise admission process at law institutes and ensure all law institutes follow and apply these rules uniformly.

#### **6.4. Structured and Updated Curriculum and Teaching Methodologies**

In 2015, HEC revised its curriculum in order to make it compatible with international standards; however, it is still neither in conformity with the international standards nor capable to respond the demands of transforming world. Legal curriculum should aim to not only impart statutory knowledge, but develops skills, competencies, and value for ethics in law students. It must include professional development subjects that develop and enhance analytical, critical thinking, problem solving, language, I.T and soft-skills of students. It must be updated so it can

maintain pace with changing social, political and economic dynamics at national and global level.

Current law curriculum demands to be upgraded and modernized, so it can address the challenging demands of contemporary world. Therefore, the regulatory body, specifically assigned with this jurisdiction, must design and implement the curriculum that is comprehensive and effective and should not only focus the local laws of country, but provides an insight of other legal systems and their trends and developments. Comparative study of legal education systems will broaden students' horizon by enabling them to address the challenges in a better way. Such revised legal curriculum must only be considered as a minimum standard requirement which a law institute should cover; and they must be encouraged by regulators to further improve the design of course. To keep the reforms process continued in legal education system, regulatory body must review and update the curriculum on annual basis.

Modern teaching methodologies including case studies, research papers, presentations, legal clinics, mock trials, and moot courts must be used for teaching in law institutes as these will develop analytical and problem-solving skills and value for ethics and professional commitment in them. Law students will start thinking out of the box by rationally analyzing every situation and solving the problems.

### **6.5. Inculcating interdisciplinary Knowledge at Basic Educational Stage**

To improve the standard of legal education in country, interdisciplinary education must be imparted at primary and secondary level of studies. Moreover, law as a subject must be introduced in the curriculum of secondary level education, so a person could know his own legal rights and obligations from the initial age. English language and communication skills must also be developed at this stage of education through assignments, group presentation, group activities and extra-curricular activities.

To improve the standard of legal education, it is essential to design and promote multidimensional education culture in law degree programs. This could be achieved by introducing subjects like creative writing, logics, psychology, sociology, neuroscience,



business, economics, political science, ethics, medicine, engineering, environmental studies, investment banking, intellectual property, cyber technology, forensic science, etc., modern techniques like arbitration, mediation, ADR and co-curricular and extra-curricular activities in the legal curriculum. This multidimensional study culture will produce law graduates of versatile intellectual capacity, and ability to meet market needs.

Information technology has transformed the world, but our legal education system has remained far away from incorporating technological advancements. It needs to be used as an aiding tool to impart legal education. Law institutes must train the students how to access the online legal resources and extract information for conducting online legal research. It is a handy tool that saves time by providing requisite information to huge number of students and researchers at the same time and in a matter of seconds. This will also resolve the issue of unavailable legal resources at public libraries because a law student will possess required skills to extract information online and conduct research while saving time.

#### **6.6. Effective Role of Bar Councils in Monitoring the Enrolment of Advocates**

There is dire need to revise eligibility criteria for enrolment in Bar. The regulatory body must recommend modifications in the minimum standard, required for getting advocacy license. In my opinion, the professional lawyering skills and ethics must be inculcated in law students during their five years law degree program in law institutes. However, after graduating, law students must go for one-year pupillage through a vocational training or refresher course that also includes legal clinics and specified working hours. Prospect lawyers then must go through a written and oral test and pass it with specified marks to get enrolled in bar and appear as advocate in courts.

Similarly, students graduating from foreign affiliated law university must undergo for one year pupillage where court training and basic laws of the country should be taught to them. After completion of this training period of pupillage, they must pass exams to get license and appear before courts. In this regard,

the aim of bar should be to discourage fake enrollments in bar councils.

### **6.7. Increased Focus and Supervision of Bar to Ensure Continuous Legal Education**

Law keeps evolving with time, so to stay abreast with these transformations, a lawyer must learn continuously. In Pakistan, constant learning for lawyers should be made compulsory following the model implemented in developed countries. For instance, in USA, as a rule of thumb, every lawyer undergoes a certain duration of education to remain enrolled as a bar member. Similarly, in U.K, the Four Inns provide continuous training to barristers, and practicing solicitors are being trained by Law Society of England. Whereas, in Pakistan, despite having a fragile legal education system, no concept of legal education and skills development of lawyers exist. Thus, requiring bar to perform its role of imparting continuous legal education to lawyers and paralegal staff through substantial training courses and workshops.

CLE will provide opportunities of exploration, learning and networking to law graduates. Resultantly, fresh lawyers will get opportunity to learn from the experiences of senior bar members. Whereas, existing lawyers, who lag behind in certain areas will learn and hone their skills through CLE. Bar must made CLE compulsory for renewal of license of every advocate on annual basis and award appreciation certificates, awards, medals and law books to motivate them. Bar should also arrange international conferences on annual basis. Bar councils must design these training programs to hone professional and soft skills of lawyers, with the objective to strengthen the legal fraternity for future to come.

To improve the standard of public sector law institutes, authorities must ensure availability of financial resources, impart training to administrators and develop a mechanism to monitor them. Public sector law institutes should be ones from where reforms can be initiated because their impact would trickle down to the entire legal education system and society.

## 7. Conclusion

This paper identifies the deficiencies in Pakistan's legal education system and after their critical examination; it has been observed that this system is fatally plagued at all levels. During past years, several studies have been conducted, conferences and seminars have held to discuss this topic, and several initiatives have been taken by concerned authorities to reform the system, but nothing has proved successful and legal education system in the country is continuously declining. As a last resort, the Honorable Supreme Court of Pakistan took notice of this deteriorating situation and issued directions to raise the standard of legal education through certain magnanimous reforms, but their impacts are still in shadows due to certain factors; specifically, lack of supervision and attention by regulatory bodies. To make the legal education system more market driven, it needs to be viewed in a broader context rather to be only confined to the extent of cramming statutes at academic stage or learning professional skills for standing in Bar.

To improve the legal education system, its foundation needs to be made stronger by defining clear objective, formulating and implementing the national policies, and allotting the clear work sphere to authorities. This system can only prosper if all the stakeholder co-ordinate with each other and collectively address the challenges through prudent management of allocated resources at law institutes by developing more skill oriented and practice driven curriculum that is delivered by faculty members having strong grasp and understanding of the subject and who employ different teaching and evaluation methodologies to broaden the scope of learning among law students. In addition, introduction of innovative teaching methodologies such as Clinical Legal Education will develop professional values, ethics and commitment for profession, in law graduates. Similarly, fresh law graduates who join law profession must be provided mentoring as well as sustainable welfare package during pupillage. This will motivate young lawyers to engage more zealously with profession of advocacy. The role of authorities will be of utmost importance compared to others because these reforms require ample financial resources, as well as

determination to challenge the status quo and ability to sustain the resistance from different corners.

The reforms discussed hereinabove aim to produce law graduates that make out good researchers, academicians, legislators, judges, lawyers, and public servants that exhibit professional values and ethics and serve the entire society. Lastly, to introduce sustainable reforms in legal education, all stakeholders must leave behind the blame shifting approach and treat each other respectfully. This is essential for national development and in the best interest of present and future generations.

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