



Legal Aid Society

Access to Justice: Strengthening Legal Awareness and  
the Delivery of Legal Services in Sindh

The background image shows a close-up of a graduation cap (mortarboard) with a tassel, resting on a stack of books. A rolled-up diploma tied with a red ribbon is placed diagonally across the books. The scene is lit with dramatic, low-key lighting, creating strong highlights and deep shadows.

# THE STATE OF LEGAL EDUCATION IN PAKISTAN AND THE CASE FOR REFORM IN LEGAL EDUCATION

Research Paper

*In collaboration with*

**EDACE**

Enhanced Democratic Accountability  
and Civic Engagement

POSITION PAPER ON  
THE STATE OF LEGAL  
EDUCATION AND THE  
CASE FOR REFORMS IN  
LEGAL EDUCATION

BY MAHWUSH MALIK

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# POSITION PAPER ON THE STATE OF LEGAL EDUCATION AND THE CASE FOR REFORMS IN LEGAL EDUCATION

## ABSTRACT:

The state of legal education in Pakistan has been analyzed in this position paper to identify the weaknesses and deficiencies in legal education and propose recommendations on meaningful and effective reforms in legal education. The analysis is based on primary data and information collected from law schools, law students, legal fraternity and the Pakistan Bar Council (PBC), as well as on secondary information available on this subject matter. The ABA Rule of Law Initiative's Legal Education Reform Index (LERI) has been used as an assessment tool on the basis of which the analysis and recommendations have been formulated. Recommendations have also been sought from these stakeholders on improving legal education in Pakistan.

Numerous weaknesses and deficiencies exist in legal education in the country. While measures to improve legal education in Pakistan have been undertaken by the PBC and the Higher Education Commission (HEC), the regulators have not put in supportive resources, structures and corresponding changes for these measures to be truly successful. Furthermore, there remain several loopholes within the

current system which results in the lack of effective monitoring and implementation. Thus, there remains a failure to address the core challenges and weaknesses in legal education.

The onus of ensuring legal education and fulfilling the demands of the legal profession rests on all stakeholders in the sector i.e. the Pakistan Bar Council (PBC), Higher Education Commission (HEC), law colleges, legal professionals, judiciary and the legal fraternity.

The Supreme Court of Pakistan called for a Committee or Task Force on reforms in legal education in Pakistan, charged to examine current deficiencies and conditions in legal education. Any such Task Force must be as independent as possible and with as little vested interest as possible. This may be taken as the first step and initiation of revising the system; present recommendations for potential solutions that are effective, practical; will be acceptable to the primary stakeholders; and supervise implementation and execution of the proposed reforms. In particular, this Task Force must deliberate upon what is required within a law degree and the exact minimum standards that a student must attain in order to qualify for entry into the legal profession.

The purpose of legal education is to prepare a law student for service in the legal profession, which branches into a range of areas including litigation, corporate, transactional, criminal, civil, access to justice, and international law. This research evidences that this purpose is not being achieved currently. In short, sweeping reforms are necessary. However, any such reform must be in cognizance of the entire system, recognizing gaps, requiring ownership and effective leadership. Legal education in Pakistan has to be improved to meet the present and future demands of the profession.

The path to improving the quality of legal education in Pakistan will not be easy and will require strong leadership by members of the Task Force and regulators,

numerous resources and reforms as identified herein. Any reforms will require commitment, vision, financial resources, and the will to implement since resistance is inevitable in such matters. In spite of the resistance from the legal fraternity and law colleges, none of these essential components can be nor should be compromised upon.

## ACRONYMS AND ABBREVIATIONS

Affiliation Rules – Affiliation of Law Colleges Rules.

HEC – Higher Education Commission of Pakistan.

LEC – Legal Education Committee of the Pakistan Bar Council.

LERI – ABA Rule of Law Initiative’s Legal Education Reform Index.

LUMS – Shaikh Ahmad Hassan School of Law, Lahore University of Management Sciences.

PBC – Pakistan Bar Council.

UOL – University of London External LLB Program.

Recognition Rules – PBC (Recognition of Universities) Rules of 2015.

1978 Rules – Pakistan Bar Council Legal Education Rules of 1978

2015 Rules – Pakistan Bar Council Legal Education Rules of 2015

## INTRODUCTION:

The Basic Principles on the Role of Lawyers mandate that "*Governments, professional associations of lawyers and educational institutions shall ensure that lawyers have appropriate education and training and be made aware of the ideals and ethical duties of the lawyer and of human rights and fundamental freedoms recognized by national and international law.*"<sup>1</sup>

The state of legal education in Pakistan has been identified as falling short of this principle. The Pakistan Bar Council, the regulator of lawyers, recognizes and acknowledges that legal education in Pakistan requires reforms and needs to be modernized.<sup>2</sup> In fact, this was stated as one of the core rationales for revising the applicable rules to legal education i.e. to address the deterioration and quality of legal education in Pakistan by placing strict checks and controls over institution imparting legal education in Pakistan.<sup>3</sup> The Supreme Court of Pakistan has also opined on the quality of legal education in Pakistan, specifically stating that the quality of legal education has declined in *Pakistan Bar Council v Federal Government of Pakistan* (PLD 2007 SC 394).<sup>4</sup>

Reasons and factors attributable for this decline need to be identified, documented and examined in order to put into place initiatives specifically targeting these gaps and to improve the quality of legal education in Pakistan. This paper is an effort towards achieving this objective by providing an analysis of the state of legal education in Pakistan, identifying the weaknesses in legal education and making recommendations on meaningful and effective reforms in legal education.

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<sup>1</sup> Basic Principles on the Role of Lawyers; Principle 8

"<http://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>"

<sup>2</sup> S.R.O. 1265(1)/2015 Notification for the Pakistan Bar Council Legal Education Rules 2015

<sup>3</sup> Preamble to S.R.O. 1265(1)/2015 Notification for the Pakistan Bar Council Legal Education Rules 2015

<sup>4</sup> *Pakistan Bar Council v Federal Government of Pakistan* (PLD 007 SC 394); page 400.

The analysis in this paper is based on:

- (i) Interviews conducted with members of the legal fraternity. A questionnaire was circulated to approximately 25 legal professionals in Sindh, in order to get an assessment of the quality of law graduates who are entering the legal profession today and to determine the current and future hiring trends in the legal profession. It is crucial to identify and understand the demands of the legal profession so that the recommendations for reform to legal education in Pakistan are realistic, meaningful and reflect the demands of the profession. The lawyers to whom the questionnaires were circulated comprised litigators, corporate lawyers, in house general counsels, partners in leading law firms and proprietors.
- (ii) Survey of law colleges in Sindh, Pakistan. A questionnaire was circulated to 10 law colleges in Sindh, in order to get an assessment of the quality of education being provided by the respective law colleges. It is important to evaluate the current state of law colleges in order to identify their weakness and thereafter to propose the requisite reforms including resources, facilities and curricula.
- (iii) The legal framework governing legal education in Pakistan promulgated by the Pakistan Bar Council and the Higher Education Commission of Pakistan, has been assessed in comparison with the American Bar Association Rule of Law Initiative's Legal Education Reform Index.<sup>5</sup>

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<sup>5</sup> "LERI" has been used as the standard of comparison due to formation as a result of worldwide analysis, thus having wider universal appeal and formation of standards. In developing the *LERI*, American Bar Association Rule of Law Initiative (ABA ROLI) relied on comparative legal traditions as well as international, regional and national standards and best practices for legal education, accreditation, degree recognition and quality assurance developed by the United Nations Educational, Scientific and Cultural Organization, the International Network for Quality Assurance Agencies in Higher Education, the European Union, the European Association for Quality Assurance in Higher Education, the European Consortium for Accreditation, the European University Association,

- (iv) Secondary resources and information available in this respect have also been examined and relied upon in determination of the proposed reforms in legal education.

## REGULARITY FRAMEWORK OF LEGAL EDUCATION IN PAKISTAN:

As noted above, legal education in Pakistan is regulated by the HEC and the PBC.

The HEC was established in 2002<sup>6</sup> as the central body to the Federal Government to facilitate the quality assurance of higher education in the public and private sector, and to provide funding for public universities.<sup>7</sup>

The PBC, constituted and elected under the Legal Practitioners' and Bar Councils Act of 1973, regulates the legal profession in Pakistan. The PBC's Legal Education Committee is the apex body regulating legal education in Pakistan under the framework set through the PBC Legal Education Rules of 1978, the Affiliation of Law Colleges Rules, and the PBC (Recognition of Universities) Rules of 2015 (the. Until 19 December 2015, legal education in Pakistan was governed by the PBC 1978 Rules, the Affiliation Rules, and the PBC Recognition Rules of 2015.

The PBC on 19 December 2015 vide SRO 1265(1)/2015 repealed the 1978 Rules, the Recognition Rules and the Affiliation Rules by promulgating the Pakistan Bar Council Legal Education Rules of 2015 (the "**2015 Rules**").

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the European Law Faculties Association, the Commonwealth of Independent States, the Council of African States and Madagascar for Higher Education, the American Bar Association and the Clinical Legal Education Association.

<sup>6</sup> The Higher Education Commission Ordinance of 2002

<sup>7</sup> The HEC Report for 2002 -2008, page 23, [http://www.hec.gov.pk/InFocus/Documents/3075\\_hec-report--2002-2008-2---1-genesis.pdf](http://www.hec.gov.pk/InFocus/Documents/3075_hec-report--2002-2008-2---1-genesis.pdf)

The separate jurisdictions of these two bodies, the PBC and the HEC, with respect to regulation of legal education in Pakistan have not been clearly defined, thereby resulting in an overlap of duties and obligations.

This conflict arises because both these bodies were formed and given this jurisdiction at different times without any clarity, thought or suitability of either for the role, nor an attempt to rationalize overlapping jurisdiction.<sup>8</sup> As a result, for example, BOTH the HEC and PBC are mandated to formulate and recommend policies and standards on education and no clarity on whose primary responsibility it is or whose decision has precedence. This overlapping regulatory jurisdiction of the HEC and PBC has been identified as one of the reasons for the decline in legal education since it has led to a failure in effective regulation and supervision of legal education in Pakistan.

The 18<sup>th</sup> Amendment<sup>9</sup> to the Constitution of Pakistan 1973<sup>10</sup> has added further complexity to the regulation of legal education. After passing of the 18<sup>th</sup> Amendment higher education has devolved to the provinces.<sup>11</sup> However, only the Government of Punjab till date has promulgated legislation<sup>12</sup> on the matter, furthering the education framework by establishing the Punjab Higher Education Commission. In the other 3 provinces, the provincial governments have yet to promulgate such legislation and thus, legal education continues to be regulated by the Federal Government and not independently by the provinces. In addition, The Council of Common Interest has been given the authority to formulate and regulate policies in relation to standards in institutions for higher education and research,<sup>13</sup>

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<sup>8</sup> "Legal Education in Pakistan: The Domination of Practitioners and the 'Critically Endangered' Academic", Dr. Osama Siddique, Journal of Legal Education, Volume 63, Number 3 (February 2014), South Western Law School

<sup>9</sup> The 18<sup>th</sup> Amendment Act, 2010 passed in the National Assembly on 18 April 2011.

<sup>10</sup> The 18<sup>th</sup> Amendment had the direct result of devolving a number of issues to the provinces, including legal education.

<sup>11</sup> Inserted in Part II of the Fourth Schedule of the Constitution of Pakistan.

<sup>12</sup><http://punjablaws.gov.pk/laws/2584.html> The Punjab Higher Education Commission Act of 2014.

<sup>13</sup> Inserted in Part II of the Fourth Schedule of the Constitution of Pakistan.



but has yet to make any concrete discussion or discourse on it as of yet. Consequently, at present three different bodies regulate and have the authority to formulate policies on the standards in legal education, making the matter even more confusing.

## INTRODUCTION TO LAW PROGRAMS IN PAKISTAN:

At present, 28 universities in Pakistan have been granted permission by the PBC to award degrees in law.<sup>14</sup> It is estimated that approximately a further 74 law colleges are affiliated with 16 universities out of the 28 universities who have been granted permissions.<sup>15</sup>

Legal education in Pakistan is imparted under three (3) different types of legal education programs:

1. A three (3) year LLB Program (*Pursuant to the 2015 Rules, the three (3) year LLB Program will be discontinued after December 2018*<sup>16</sup>);
2. A five (5) year LLB Program; and
3. The University of London external LLB degree.

### THREE (3) YEAR LLB PROGRAM:

The three (3) year LLB Program is a post graduate degree, which until the promulgation of the 2015 Rules was governed by the 1978 Rules.

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<sup>14</sup> First Schedule of the PBC Legal Education Rules of 2015.

<sup>15</sup> "Legal Education in Pakistan: The Domination of Practitioners and the "Critically Endangered" Academic; Osama Siddiqui; Journal of Legal Education, Volume 63, Number 3 (February 2014); page 499.

<sup>16</sup> Rule 4(ii) of the PBC Legal Education Rules of 2015.

Under the 2015 Rules, the 3 year LLB Program will be discontinued after three years<sup>17</sup> i.e. by the end of 2018. In its place, the PBC has laid down the framework for the 5 year LLB Program, and also provides for the regulation of legal education in Pakistan by foreign universities imparting international/external/distance learning Programs.<sup>18</sup>

Under the three (3) year program, merit<sup>19</sup> is the prescribed requirement for admission in this program under the 1978 Rules and the 2015 Rules.

However, the Rules do not define "merit" and the PBC has not provided any guidelines or criteria for merit. There is no requirement to pass an entrance exam for admission and only a handful of law colleges offering the 3 year LLB program, like the Indus College of Law, have an entrance exam for admission.

Law students are required to study approximately thirty three (33) different subjects, which have been fixed by the PBC,<sup>20</sup> during the three years of the Program. No study materials or minimum standards have been prescribed under the 1978 Rules.

## **FIVE YEAR LLB PROGRAM:**

One of the major changes in the 2015 Rules is the substitution of the 3 year LLB Program with the 5 year LLB Program, the purpose of which is to steer students into acquiring more comprehensive legal education. This will, in effect, cause a phasing out of the 3 year LLB degree and put in place only the 5 year LLB program, which has been designed and approved with the intent to improve legal education in Pakistan. Moreover, the PBC by virtue of the 2015 Rules will be regulating the LLB program.

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<sup>17</sup> Rule 4(ii) of the PBC Legal Education Rules of 2015.

<sup>18</sup> Rules 36-40 of the PBC Legal Education Rules of 2015.

<sup>19</sup> Rule 3(b) of the PBC Legal Education Rules of 1978.

<sup>20</sup> Rule 6 of the PBC Legal Education Rules of 1978.

The five (5) year LLB Program is an academic and professional<sup>21</sup> undergraduate degree<sup>22</sup> which follows the Curriculum of Law for 5 Year LLB Program (the "**Curriculum**") approved by the HEC at the Federal level and endorsed by the PBC.<sup>23</sup> The Curriculum, which was framed in June 2011, is based on the curriculum drafted for the National Law University project which was adopted by law colleges in Punjab University, LUMS, BZ University, AWKU Mardan, Hamdard University and Bahria University.<sup>24</sup> Though feedback was obtained from legal academics and faculty members from all provinces in Pakistan, the provincial HEC centres do not appear to have proactively contributed to the Curriculum.

The Curriculum stipulates the scheme of studies for the 5 year LLB Program where law student study eight (08) courses (24 credit hours) of general and foundation during their first two years, and for the most part, study the prescribed law courses in the final three years. Law students thereunder are required to take 10 compulsory courses (28 credit hours) and 38 discipline specific major courses (114 credit hours), including research and an internship.<sup>25</sup> Law students of the 5 year LLB Program are required to complete 10-12 weeks of internship after the end of the 4<sup>th</sup> year and submit a research project and write a dissertation during their 9<sup>th</sup> semester in this Program. The Curriculum also provides recommended textbooks and other reading materials, the course contents have been prescribed therein, and suggests the learning outcome of the 5 year LLB Program.<sup>26</sup>

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<sup>21</sup> Curriculum of Law for 5 year LLB Program; page 9

<http://www.hec.gov.pk/insidehec/divisions/aeca/curriculumrevision/documents/law-2010.pdf>

<sup>22</sup> The admission requirement as per Rule 4(i) of the PBC Legal Education Rules 2015, is that a person has passed their higher secondary education exam i.e. intermediate exam.

<sup>23</sup> Curriculum of Law for 5 year LLB Program

<http://www.hec.gov.pk/insidehec/divisions/aeca/curriculumrevision/documents/law-2010.pdf>

<sup>24</sup> Curriculum of Law for 5 year LLB Program; page 9

<http://www.hec.gov.pk/insidehec/divisions/aeca/curriculumrevision/documents/law-2010.pdf>

<sup>25</sup> Curriculum of Law for 5 year LLB Program; page 15

<http://www.hec.gov.pk/insidehec/divisions/aeca/curriculumrevision/documents/law-2010.pdf>

<sup>26</sup> Curriculum of Law for 5 year LLB Program; page 11

<http://www.hec.gov.pk/insidehec/divisions/aeca/curriculumrevision/documents/law-2010.pdf>

The learning objectives finalized for the 5 year LLB Program include inculcation in students of a broad understanding of the social, political and economic contexts within which legal systems operate, imparting onto students' knowledge and understanding of legal principles and developing the intellectual and practical skills necessary for employment in the legal and other professions.<sup>27</sup>

Since promulgation of the 2015 Rules, in addition to the Curriculum, the 5 year LLB Program, is subject to compliance with the requirements laid down in the 2015 Rules. Students who pass the higher secondary education are eligible for admission into the 5 year LLB Program and "merit"<sup>28</sup> is the prescribed requirement for admission in this program under the 2015 Rules.

However, no measure for merit has been laid down by the PBC or the HEC in the 2015 Rules. There continues to be no requirement under the legal education framework to pass an entrance exam for admission into a law college. Hence, there is no means to assess the applicant students' potential to successfully acquire knowledge and lawyering skills, and law colleges will continue to impart legal education to students with different capacities, including those who may lack the requisite intelligence, language skills, IQ, analytical skills or aptitude necessary for law school.

## UNIVERSITY OF LONDON EXTERNAL LLB PROGRAM (THE "UOL"):

The University of London external LLB Program (the "UOL"), which is an undergraduate degree, is offered by independent teaching institutions throughout the country, which are recognized by the University of London. Course material is made available for registered students for self-directed study and the teaching

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<sup>27</sup> Curriculum of Law for 5 year LLB Program; page 11.

<http://www.hec.gov.pk/insidehec/divisions/aeca/curriculumrevision/documents/law-2010.pdf>

<sup>28</sup> Rule 3(b) of the PBC Legal Education Rules of 1978.

institutions support these students by conducting lectures on different subjects of the degree. The study materials are made available to students that are designed to guide them through the syllabus for each module and direct their reading of the prescribed textbooks, study packs and online library resources.

Since the promulgation of the 2015 Rules, the institutions in Pakistan teaching the UOL now have to obtain a no objection certification from the PBC by or before 19 May 2016 and are subject to compliance with the 2015 Rules. In the event of non-compliance with the 2015 Rules, an institution providing the UOL Program shall be recommended by the PBC to be de-affiliated/de-recognised by the concerned foreign university and the PBC shall refrain from issuing license to practice law to graduates of such institutions.

# ASSESSMENT OF LEGAL EDUCATION BY STAKEHOLDERS:

## REGULATORS:

The PBC as the regulator of legal education in recent years has undertaken various initiatives to identify and address the weaknesses in and improve legal education in Pakistan. In light of the decline in legal education, the PBC sought the support and direction of the Supreme Court of Pakistan in the enforcement of the Affiliation Rules in *Pakistan Bar Council v Federal Government of Pakistan* (PLD 2007 SC 394). The reasons identified for this decline by the PBC included the increased number of law colleges, lack of adequate facilities, absence of qualified faculty and absence of regulatory authority to ensure a certain qualitative standard.

The Supreme Court in this case also identified the following reasons for the decline in legal education (i) mushroom growth of substandard law colleges lacking in infrastructural facilities and quality legal education; (ii) absence of eligibility criteria for admission; (iii) poor quality of faculty teaching law who lack the time, commitment and at times requisite qualification to teach law; (iv) inadequate resources, facilities and infrastructure of law colleges; (v) preference given to commercial considerations of legal education by law colleges instead of preference to academics; (vi) lip service given to the courses taught in law colleges and absence of in-depth study and/or analysis of the subjects; (vii) lack of attention given to moral issues and professional ethics; and (viii) sub-standard administration of examinations by law colleges.<sup>29</sup>

Members of the LEC are open to engaging in dialogue with different stakeholders on improving and reforming legal education. Promulgation of the 2015 Rules and

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<sup>29</sup>*Pakistan Bar Council v Federal Government of Pakistan* (PLD 2007 SC 394); page 399.

subsequent efforts to establish inspection committees to monitor law colleges is a welcome and necessary step towards such reform. The LEC currently is deliberating upon proposing additional measures to further improve and support the 2015 Rules, which *inter-alia* include strengthening inspection teams to monitor and evaluate the compliance of 2015 Rules by law colleges, eligibility criteria for enrolment as an advocate by graduates of UOL LLB, increasing the minimum number of enrolled law students in law colleges, and mandating law colleges to submit the attendance record of law students on monthly basis.<sup>30</sup>

Despite the PBC's steps towards reforming legal education, research undertaken for this paper reveals that the efforts and measures undertaken by members of the LEC do not indicate substantial improvement in the skills, knowledge and capacity of law graduates entering the legal profession, and are not effective in curbing mushroom growth of law colleges which continue to impart education without improving their resources, capacity and quality of legal education.

The three regulators, Council of Common Interest, Higher Education Commission and Pakistan Bar Council have neither demonstrated nor developed capacity to effectively address the decline in legal education.<sup>31</sup> Any efforts to introduce measures to improve legal education, such as development of the Curriculum, are usually undertaken as collaboration between the PBC and the HEC.

An examination of the governing framework of legal education shows that regulators, when taking measures to regulate legal education tend to prescribe minimum standards and requirements for legal education (but without actually providing details of what these minimum standards and requirements are). What is not focused upon is on proactively improving the quality of legal education. There is little thought put into the actual education and training that meet the

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<sup>30</sup> Mr. Shoaib Shaheen, President Legal Education Committee of the Pakistan Bar Council 2016.

<sup>31</sup> "Legal Education in Pakistan: The Domination of Practitioners and the "Critically Endangered" Academic; Osama Siddiqui; Journal of Legal Education, Volume 63, Number 3 (February 2014); page 500

requirements of the legal profession itself. For example, English is the medium of teaching under the 2015 Rules, as all the laws and legal language in the country is English. However, poor spoken and written English language skills of not only law students, but also of legal professionals and the judiciary<sup>32</sup> demonstrates failure in meaningful regulation of legal education and there is no requirement for support provided for students who are not fluent in English. Absence of any policy or minimum standards for inclusion of legal clinics as a valuable legal teaching tool and mushroom growth of private law colleges are additional examples of failure in effective regulating and supervising legal education.

## LEGAL PROFESSIONALS:

Legal professionals,<sup>33</sup> when pressed to comment on the quality of law graduates that they hired from the three types of law programs, were of the view that the quality of law colleges and law student on the whole is unsatisfactory. They noted that law graduates do not possess basic lawyering skills, and they as employers have to invest substantial resources in developing the lawyering skills of graduates from local law colleges. Generally, graduates of the 3 year LLB and the 5-year program are familiar with Pakistani law but do not have a strong grasp of legal principles. Graduates of the UOL program have a strong grasp over legal principles but are unfamiliar with Pakistani law and Pakistani legal system. On the whole, there is a gap in inculcating logical, rational thought and analysis in the students.

The reasons that legal professionals identified for the decline in legal education included: (i) inadequate regulation, monitoring and evaluation of the subjects taught in law colleges; (ii) insufficient financial resources and inadequate physical infrastructure; (iii) out dated legal curricula; (vi) faculty members who, for the most

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<sup>32</sup> *"Judiciary Lacks Competent Judges: CJP"* Tahir Siddiqui reporting for the Dawn, 09 May 2016; <https://www.dawn.com/news/1257234>

<sup>33</sup> Legal professionals include litigators, corporate lawyers, in house general counsels, partners in leading law firms and proprietors.



part, are neither qualified nor committed nor trained to impart quality education; (v) lack of online resources and legal database; (vi) lack of qualitative assessment strategies and resources to test law students; (vii) dearth of interdisciplinary knowledge; (viii) absence or scarcity of courses that develop essential lawyering skills; and (ix) failure to teach and develop logical, rational thought and analysis, analytical, communication and interpersonal skills of law students.

The core competencies that employers today look at when hiring lawyers include clarity of thought process, appreciation of law in practical terms (i.e. ability to use the law to address real life cases/problems), ability to view commercial arrangements from a legal perspective, strong writing, presentation and comprehension skills, analytical skills, logical reasoning, attention to detail, competency in English, good understanding of common law legal concepts, understanding of core laws in Pakistan, research skills, interpersonal and communication skills, strong work ethic, and sound judgment. In their experience, graduates from local law programs generally lacked these core competencies and indicated that law colleges must develop these core competencies in law students before they graduate.

One of the unexpected findings of the survey conducted with the legal professionals was that in their experience as employers, the most qualified law graduates are those who have graduated from the Shaikh Ahmad Hassan School of Law, Lahore University of Management Sciences - a private, non-profit university established in 1985, which has developed a successful legal curriculum for a five-year B.A.-LL.B. degree and has been producing law graduates who today are favourite hires with employers in Pakistan. Law graduates from LUMS, according to employers, are familiar with Pakistani laws, have a good understanding of legal principles, possess research and writing skills, have acquired analytical skills necessary for a career in law and possess leadership skills.

## GENERAL STAKEHOLDER COMMENTS ON WEAKNESSES IN LEGAL EDUCATION:

Research carried out indicates that a numbers of reasons are identifiable for the poor quality of legal education in Pakistan. These factors/reasons have been succinctly identified and discussed by Dr. Osama Siddiqui and are reiterated in his words:

*"unclear regulatory arrangements and overlapping regulatory jurisdictions and absence of genuine institutional stakeholders; low bars of entry to law schools and the paucity of new and dynamic law schools; outdated legal curricula; inadequate teaching pedagogy; A dearth of full-time, research-focused academics with consequent reliance by law colleges on part-time faculties; lack of financial and other career incentives for the legal academy; inadequate infrastructure and facilities; unsatisfactory law school governance; a near absence of a research culture and legal textbooks and treatises; and less-than-appreciative social and cultural attitudes toward a career in the academy; The central role of the legal bars in the governance of legal education and failure to focus on ensuring continuing legal education, regular and stringent bar examinations and modern exam curricula".*

Siddiqui, in examining Max Weber's typology of professional legal education, also identifies the teaching methodologies and one of the reasons for the poor quality of legal education. He describes the teaching methodology in Pakistani law colleges as being premised on imparting 'craft like specialization'<sup>34</sup> and not the alternative type of legal teaching *"where the emphasis is placed on legal theory and*

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<sup>34</sup> "Legal Education in Pakistan: The Domination of Practitioners and the "Critically Endangered" Academic; Osama Siddiqui; Journal of Legal Education, Volume 63, Number 3 (February 2014); page 509

*'science,' where legal phenomena are given rational and systemic treatment"*<sup>35</sup>. As a result, young lawyers acquire lawyering skills, even basic skills like analysis and critical thinking after they commence their legal career and not in Law College.

In addition, the legal curricula in the three types of legal education in Pakistan do not provide substantial development of professional skills of law students and lags behind in utilization of teaching methodologies that are an essential part of legal education in developed countries. Examples of different types of teaching methodologies include the case study methodology, introduced in the US in the late 19<sup>th</sup> century<sup>36</sup> or clinical education, introduced in the US in mid-20<sup>th</sup> century<sup>37</sup>. Although some law colleges in Pakistan do use case studies and provide certain non-credit courses for development of practical lawyering skills, these are not sufficient to meet the requirements of employers and the profession.

As a result, law graduates do not possess requisite communication, analytical and lawyering skills to draft basic pleadings and opinions. Nor do they have the skills to think and analyse critically, logically and rationally. Employers have to invest substantial resources to develop these skills in new recruits, and their professional and ethical obligations do not allow them to impart the necessary training to young lawyers. Thus, law graduates develop their 'skills' either by learning on the job (and therefore dependent on their employer's standards and not based on any correct teaching or standard) and those with financial resources go abroad for further legal education (thereby learning skills not localized for Pakistan) in order to become 'successful lawyers'.

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<sup>35</sup> "Legal Education in Pakistan: The Domination of Practitioners and the "Critically Endangered" Academic; Osama Siddiqui; Journal of Legal Education, Volume 63, Number 3 (February 2014); page 509.

<sup>36</sup> Russell L. Weaver, Langdell's Legacy: Living with the Case Method, 36 Vill. L. Rev. 517 (1991).

<sup>37</sup> <http://www.legalnews.com/ingham/1001290>

## THE LUMS EXAMPLE:

In light of the unanimous praise for students graduating from LUMS, an assessment of the LUMS law program was carried out to identify the factors that make LUMS graduates favourites amongst employers in the legal profession.

The key reforms implemented by LUMS include entrance exams for law school applicants, development of a full-time research faculty, improved pedagogical and examination approaches, and an institutional structure for legal education in line with international best practices. LUMS has developed a comprehensive curriculum that is continuously updated. There are four eligibility criteria for admission in LUMS - academic excellence, SAT Reasoning Test (SAT I) is mandatory for all applicants, personal achievements of applicants are given due consideration, and performance in admission interviews.

Faculty members teaching at LUMS are required to have a strong grasp and understanding of the subjects being taught and possess strong teaching skills. They are encouraged to employ varied teaching and evaluation methodologies that include lectures, interactive assignments and discussions, case studies, research papers and presentations.

Those aspiring to become law teachers have to undergo extensive training and LUMS encourages them to complete a teaching fellowship at leading global institutions. Senior faculty members are expected to have outstanding research record and teaching credentials. Students are taught how to apply applicable laws and rules to new fact patterns; case analysis i.e. how to dissect a case, breaking it down into discrete components (facts, issue, precedent, rule, application), honing their ability to distinguish between relevant and irrelevant facts; educating students on ethical and professional responsibility issues in cases; teaching students practical tips on how cases are actually litigated in the real world; teaching students litigation-oriented skills training through courtroom and transaction-oriented skills

training through contract drafting exercises and mock negotiations; teaching litigation-oriented drafting exercises (pleadings, motions, jury instructions, etc.), tracing the historical development of the rules in their courses.

Moreover, students are encouraged to engage in extra-curricular activities and LUMS, being a multi-disciplinary university, allows students to participate in a diverse range of activities and to expand their knowledge and horizons beyond the law college.

# ASSESSMENT OF LEGAL FRAMEWORK FOR LEGAL EDUCATION IN PAKISTAN:

## AMERICAN BAR ASSOCIATION (ABA) RULE OF LAW INITIATIVE'S LEGAL EDUCATION REFORM INDEX:<sup>38</sup>

For the purposes of this paper, the ABA Rule of Law Initiative's Legal Education Reform Index (LERI) has been used as an assessment tool for identifying the weaknesses in legal education in Pakistan and will be relied upon to identify meaningful reforms in Pakistan's legal education.<sup>39</sup>

LERI is based on 22 factors drawing upon the criteria and principles outlined in some of the fundamental international instruments related to higher legal education. It has been broken down into six different categories:

- 1) Licensing, Accreditation and Evaluation;
- 2) Admission Policies and Requirements;
- 3) Curriculum and Teaching Methodology;
- 4) Student evaluation, awarding of degrees, and recognition of qualification;

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<sup>38</sup> "LERI" has been used as the standard of comparison due to formation as a result of worldwide analysis, thus having wider universal appeal and formation of standards. In developing the *LERI*, American Bar Association Rule of Law Initiative (ABA ROLI) relied on comparative legal traditions as well as international, regional and national standards and best practices for legal education, accreditation, degree recognition and quality assurance developed by the United Nations Educational, Scientific and Cultural Organization, the International Network for Quality Assurance Agencies in Higher Education, the European Union, the European Association for Quality Assurance in Higher Education, the European Consortium for Accreditation, the European University Association, the European Law Faculties Association, the Commonwealth of Independent States, the Council of African States and Madagascar for Higher Education, the American Bar Association and the Clinical Legal Education Association.

<sup>38</sup> The Higher Education Commission Ordinance of 2002

<sup>39</sup>For a consolidated understanding of the standards, current Pakistan situation and gaps, these have been placed in a table attached at ANNEX A

- 5) Faculty qualification and conditions of employment; and
- 6) Institutional holdings and capacities.

The assessment of Pakistan's legal education as per the complete list of the LERI factors under these categories is as follows below.

## I. LICENSING, ACCREDITATION AND EVALUATION:

*Factor 1: Regulation of legal education by a duly authorized entity: Legal education is provided by institutions duly authorized by the state body, professional association or other entity responsible for regulating legal education.*

Legal education in Pakistan is regulated by the HEC and the PBC. Educational institutes imparting legal education in Pakistan are recognized by the HEC as well as the PBC and monitored by the PBC.

As noted above, the overlapping jurisdiction, lack of clarity and lack of ownership of both institutions has resulted in a number of the gaps identified in this report.

*Factor 2: Standards for licensing and accreditation: The standards for licensing and accrediting institutions providing legal education are clearly defined by the responsible state body, professional association or other entity duly authorized to regulate providers of legal education.*

The recognition of these law colleges until 19 December 2015 was governed by the Affiliation Rules. The Affiliation Rules were promulgated in 1998 to curb the mushroom growth of private law colleges and to put in place strict control and check on colleges imparting legal education so as to improve the standard and quality of legal education. The only requirement for law colleges is to adhere to the standards laid down by the PBC in consultation with the University Grants Commission (now replaced by the HEC), the Universities that each law college is

affiliated with and the Provincial Bar Councils<sup>40</sup>. However, minimum standards have been formally laid down by the regulators, and fall short of adequately measure the quality of legal education.

The Affiliation Rules have been incorporated into the 2015 Rules with slight modification. Although the 2015 Rules lay down the minimum criteria for the physical infrastructure/facilities of law colleges<sup>41</sup> and administration of law college<sup>42</sup>. These requirements are not meaningful criteria for establishment, running, management, monitoring or evaluation of law colleges. For example, the only requirement for the governing body of the law college is that it must include a sitting or retired judge of any of the High Courts in Pakistan and does not prescribe any duties or obligations upon the governing body of the law college.

Law colleges are required to ensure quality education according to the standards laid down by the PBC. However, no accreditation criteria for law colleges have been prescribed by the PBC. Thus, law colleges abide by and comply with standards established by each individual law college themselves.

Moreover, there are no minimum requirements for the qualification for full time and part time law teachers or their responsibilities as law teachers, even though minimum requirements for faculty members were laid down in the Affiliation Rules. The lack of a basic framework with core competencies and standards to ensure quality and equality of education results in a challenge to create meaningful positive change to law colleges in Pakistan. In the absence of a framework laying down minimum standards and requirements for faculty members, law colleges are under no regulatory obligation to do so and thereby are free to run the colleges with teachers that are unable to perform adequately and remain unmonitored.

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<sup>40</sup> Rules 29 of the Affiliation Rules.

<sup>41</sup> Rule 25 of the PBC Legal Education Rules of 2015.

<sup>42</sup> Rule 26-30 of the PBC Legal Education Rules of 2015.



*Factor 3: Licensing and accreditation procedure: Initial licensing and accreditation of institutes providing legal education includes an external evaluation process based on established rigorous, transparent, uniform and internationally accepted quality assurance standards. To ensure continued compliance with these standards, license and accredited institutions providing legal education are also subject to a periodic, rigorous and transparent external evaluation process.*

With the exception of institutions imparting the UOL, the licensing and accreditation of law colleges, even in the 2015 Rules, is not based on any rigorous, transparent, uniform and internationally accepted quality assurance standards. In fact, one cannot ascertain the quality and impact of the standards that law colleges have in place and whether they adhere to any internationally accepted quality assurance standards.

The registration of law colleges already registered with and authorized by the PBC to impart legal education continues to be in effect after promulgation of the 2015 Rules. They are required to adhere to the requirements laid down in the 2015 Rules but no interim time period or procedure has been laid down in the 2015 Rules or otherwise for these Institutions to ensure their compliance with the 2015 Rules. Institutions imparting the UOL have to meet the standard laid down by the University of London and the PBC.

Rule 26 of the Affiliation Rules and Rules 14 of the 2015 Rules empower the PBC to inspect law colleges; and Rule 31 of the 2015 Rules authorize the University, under which a law college is established to inspect their law college. However, in the absence of any standards for legal education to be measured against, inspection of law colleges, if any is ever conducted, is open to abuse by the inspection committee and does not act as an effective mechanism for law colleges to impart quality education to its students.

*Factor 4: Disciplinary and enforcement actions: When institutions providing legal education fail to comply with established quality assurance standards, disciplinary or enforcement actions are administered fairly, consistently and transparently, with an appeals process.*

Law colleges in order to obtain affiliation as law colleges have to submit an underwriting to the PBC that it will comply with the requirements of the 2015 Rules. In the event law colleges fail to meet the standards laid down for legal education in Pakistan, the PBC has the power to de-affiliate such law college or impose a fine up to Pakistani Rupees five hundred thousand.<sup>43</sup> Institutions teaching the UOL Program may be subject to de-affiliation after a complaint by the PBC and their students will not be eligible to obtain license from the PBC to become advocates.

As mentioned above, the 2015 Rules prescribe the formation of inspection teams to ensure compliance with the rules by law colleges, and provide law colleges with the opportunity to be heard. However, the 2015 Rules are silent on the powers of the inspection team as well as on the procedures and standards that will be adopted by them for carrying out the inspection. This leaves room for abuse by the inspection teams, and any disciplinary or enforcement action that may be taken by the PBC and/or the inspections may be arbitrary and/or ineffective.

Moreover, the leniency by the PBC in carrying out inspections and the monetary penalties prescribed are not sufficient to deter law colleges from providing sub-standard legal education. Furthermore, the power to take away the license of a law college is not exercised frequently and in the absence of any standards, is subject to misuse by the inspection committee.

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<sup>43</sup> Rule 32 of the PBC Legal Education Rules of 2015.

## II. ADMISSION POLICIES AND REQUIREMENTS:

*Factor 5: Admission examination and/or other entrance standards: Admission to institutions providing legal education is based upon passing a fair, rigorous and transparent entrance examination or a comparable set of uniform admission standards that are designed to ensure that the student body has the academic potential to complete the course of study and effectively practice law.*

The 1978 Rules and the 2015 Rules provide minimum standards for admission in a law program. Rule 3(b) of the 1978 Rules. Rule 4(ii) of the 2015 Rules provides that admission will be based on merit, and the only bar for admission, is conviction of an offense involving moral turpitude and dismissal from the service of government for corruption or misconduct.

The regulatory bodies do not provide for any entrance examination or admission standards to ensure that the admitted students have the potential to complete the course.

The regulatory bodies do not provide for any entrance examination or admission standards to ensure that admitted students have the potential to complete the law program. This shortcoming has not been addressed in the 2015 Rules. The only requirement laid down in the 2015 Rules is on the UOL Programs to ensure that they will have an admission requirement; however, such admission requirements are the discretion of the institutions providing the UOL Program.

*Factor 6: Non-discriminatory admission: Admission to institutions providing legal education is not denied for reasons of race, gender, sexual orientation, colour, religion, political or other opinion, ethnic or social origin, membership of a national minority, property, birth, language or physical disability.*

There are no measures in place to ensure that admission is non-discriminatory and thus no response mechanisms if it is indeed discriminatory.

*Factor 7: Special admission measures: Special admission measures to increase representation of disadvantaged members of society or otherwise underrepresented groups are appropriately employed, where applicable, to further a desirable goal of society or an institution providing legal education.*

Rule 4(iv) of the 2015 Rules requires that five (5%) percent of seats in law colleges are reserved for the children of advocates. There are no other quotas or measures laid out by the PBC for law colleges or law programs specifically. However, public universities are required by the Government to ensure overall entry of students into the university on quota and reserve admissions for such students who fall within identified categories requiring admission on the basis of quota.

### III. CURRICULUM AND TEACHING METHODOLOGY:

*Factor 8: Comprehensive curricula: Institutions providing legal education have curricula that are comprehensive and incorporate recent developments in national, comparative and international law in order to provide students with the requisite knowledge and skills too effectively and responsibly practice law.*

Currently, the curricula for the 3 year LLB program is generally set by each faculty member teaching a subject<sup>44</sup> and is for the most part outdated and modern teaching tools<sup>45</sup> are not incorporated. Law teachers in Pakistan usually teach by giving students lectures which usually are not interactive and therefore do not

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<sup>44</sup> Findings from the questionnaires completed by administrators of law colleges and legal professionals.

<sup>45</sup> "Legal Education in Pakistan: The Domination of Practitioners and the "Critically Endangered" Academic; Osama Siddiqui; Journal of Legal Education, Volume 63, Number 3 (February 2014); page 509

incorporate any modern teaching styles or focus on development of practical skills.<sup>46</sup>

The HEC has approved curricula for the 5 year LLB program in the Curriculum; however, it has not been revised since it was approved over five (5) years ago. This curriculum for the 5 year LLB program does include courses for improving practical lawyering skills of law students, such as courses with case studies and research components to them. However, there are no requirements to have in place dedicated tech resources to support and compliment the courses taught, or any criteria for the minimum skills that should be provided to the law students, or a methodology or requirement to ensure their monitoring and evaluation by the PBC. The teaching methodologies and curricula of law colleges have not been addressed in the 2015 Rules, nor have these rules made any reference to the Curriculum.

The 2015 Rules also do not require law colleges to revise and modernize their curricula. Thus, there is no mandatory requirement incentive, nor any deterrent in the 2015 Rules for the law colleges to modernize their curricula and teaching methodologies on a regular basis. The minimum standards for graduation are also not identified.

The curricula of the UOL program are developed as per the requirements of University of London.

*Factor 9: Instruction in ethics and core professional values: Law students receive adequate instruction in the core values and ethics of the profession, including relevant codes of conduct.*

'Elements of Legal Ethics' is a mandatory course requirement for graduating for the 3 year and 5 year LLB programs.

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<sup>46</sup> Findings from the questionnaires completed by administrators of law colleges and legal professionals.

The 2015 Rules are silent on the issue of how, what and to what level to impart knowledge and importance of legal ethics to law students.

*Factor 10: Professional skills instruction: Law students receive adequate instruction in professional skills, including critical thinking, legal research, analysis and writing, advocacy skills and client relations.*

The curriculum for the 3 year LLB program and the UOL external degree program formally do not provide for any instruction in development of professional skills, including critical thinking, legal research, analysis and writing, advocacy skills and client relations.

The Curriculum for the 5 year LLB program includes mandatory subjects on skills development, research methods, legal drafting and moot cases/role playing. Law students of the 5 year LLB Program are required to complete 10-12 weeks of internship after the end of the 4<sup>th</sup> year and submit a research project and write a dissertation during their 9<sup>th</sup> semester in this Program. However, as mentioned in Factor 8, there is no methodology or requirement for any monitoring and evaluation by the PBC.

However, the 2015 Rules are silent on the standards and quality of such subjects and do not provide any minimum requirements that have to be met by law colleges teaching such subjects on practical skills development. There is also no mention of monitoring and evaluation and its links to graduation and their fitness as a lawyer.

*Factor 11: Teaching methodologies: Faculty employ varied teaching methodologies that are appropriately geared at developing professional skills, ethics and respect for the rule of law.*

The rules and regulations governing law colleges do not require that faculty employ any such teaching methodologies. Law teachers predominantly teach by lecturing with limited interaction with students.

The 2015 Rules are also silent on adoption of varied and modern teaching methodologies.

#### IV. STUDENT EVALUATION, AWARDING OF DEGREES AND RECOGNITION OF QUALIFICATIONS:

*Factor 12: Student evaluation and/or examination: Student performance and achievement of stated learning outcomes are assessed by fair, uniform and stringent written examinations or other objective and reliable assessment.*

The 2015 Rules do not provide for comprehensive student evaluation or any methodology for objective and reliable assessment of students. The only requirement provided in the 2015 Rules is that minimum percentage required for passing a course is 40% in individual papers and 50% in aggregate.<sup>47</sup>

*Factor 13: Awarding of degrees: Qualifications and degrees awarded reflect that students have successfully completed all requirements and met all standards for the awarding institution.*

Since exams are relatively easy and students are allowed to take an exam three times, the degrees do not reflect the quality of law graduates entering the legal profession.

*Factor 14: Institutional record-keeping: Institutions providing legal education maintain accurate records that meet national and international quality assurance frameworks and standards in order to facilitate comparability and compatibility of qualifications.*

The 2015 Rules require that colleges maintain an attendance record of students and such record be displayed on the law college's website and notice board every

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<sup>47</sup> Rule 32 of the PBC Legal Education Rules of 2015.

month<sup>48</sup>. The 2015 Rules also require law colleges to maintain college record on their premises, but these rules do not specify what information needs to be recorded and maintained, and is silent on the integrity of college record.

The record of students and their academic achievements do not meet any international quality assurance frameworks. As a result, degrees, except for the UOL external law degree, are seldom accorded recognition by foreign jurisdictions and those that are accorded recognition by foreign institutions are successful only after stringent review by a foreign institute.

*Factor 15: Recognition frameworks and networks: Institutions providing legal education participate in national, regional and international quality assurance and recognition networks, and their participation is facilitated and monitored by the entity in charge of regulating institutions providing legal education.*

Legal institutions in Pakistan do not participate in any such networks.

## V. FACULTY QUALIFICATION AND CONDITIONS OF EMPLOYMENT:

*Factor 16: Faculty qualifications: Law faculty possess requisite knowledge and competence in their subjects to provide a quality education to students, as evidenced by degrees held, scholarly publications, practical experience as well as strong teaching skills.*

The PBC under the Affiliation Rules required that full time faculty members have at least two full time teachers with academic qualifications and experience as prescribed by the Law colleges; and such teachers deliver at least 25% of the total lectures delivered during the academic year. The part – time teachers teaching LLB

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<sup>48</sup> Rule 28 of the PBC Legal Education Rules of 2015.



should be Barristers at law or hold equivalent qualification with minimum 5 years standing at the Bar. However, the rules do not define or explain the equivalent qualification of a Barrister at law. Furthermore, these minimum requirements for teachers are not strictly enforced by law colleges, nor are violations of the same noticed by the regulators, nor are there any mechanism to ensure law teachers teach the course objectively. Absence of such mechanisms do not deter teachers from imparting their biases in their teaching methods thereby perpetuating such biases which results in the students either being discriminated against, and/or bullied by their peers or teachers.

However, no provisions for hiring and qualification of law teachers have been prescribed in the 2015 Rules. As a result, at the moment there are few minimum requirements for faculty members teaching at law colleges.

*Factor 17: Hiring, promotion and tenure: Faculty hiring, promotion and granting of tenure, or its equivalent, are based on rigorous, fair, uniform and transparent criteria and procedures, with a process for seeking appeal or review of adverse decisions.*

The legal framework governing legal education in Pakistan does not provide any criteria or procedures for hiring, promotion and granting of tenure, or its equivalent nor is there a process for seeking appeal or review of adverse decisions.

*Factor 18: Faculty compensation: Compensation for law faculty is set at an appropriate level to provide a reasonable standard of living in order to attract and retain qualified, dedicated and ethical faculty who are able to devote their time to teaching, research and public service.*

There are no set requirements for salary packages for law teachers. As most teachers are part time or contract, there is little focus on minimum payments with any scales with regards to experience etc.

Law colleges offer inadequate salary packages to law teachers, and more or less are devoid of engaged, full-time research-driven academics.

*Factor 19: Academic freedom and freedom of association for law faculty: Institutions providing legal education and individual law faculty members enjoy academic freedom, are encouraged to engage in research, are not punished for holding positions relating to academic debate, research or public service, and have the right to freedom of association.*

As there has been little investment on law faculty as noted above, there has accordingly been little discussion accorded to any academic freedom or encouragement of research etc. Simply put, it has not been a concern, requirement or of interest to most law institutions.

## VI. INSTITUTIONAL HOLDINGS AND CAPACITIES:

*Factor 20: Access to legal materials: Students and faculty have adequate access to the full range of laws and legal materials (national and international) relevant to curriculum subjects and the eventual practice of law, with materials available in all official state languages where appropriate.*

The 2015 Rules provide for book banks and law libraries in all law colleges.<sup>49</sup> The minimum requirement to provide students is not less than 500 standard law books, including statutes and the lending facility should be to at least 20 percent of the total number of law students on the law college's roll of admission.

*Factor 21: Physical facilities and technological capacities: Institutions providing legal education possess adequate physical facilities and*

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<sup>49</sup> Rule 8 of the PBC Legal Education Rules 2015.

*technological capacities to meet the needs of their current program of legal education and anticipated growth.*

The 1978 Rules and the 2015 Rules provide for a minimum standard for physical facilities and amenities in law colleges.<sup>50</sup> Currently, the only technological requirement under the 2015 Rules is access to online journals and internet,<sup>51</sup> and provision of at least 50 computers with internet connection in computer labs and at least one computer for every 5 students in the law library.<sup>52</sup>

*Factor 22: Class size and administrative/support staff: Institutions providing legal education have a reasonable student-to-teacher ratio, appropriate class size and sufficient administrative and support staff to achieve the educational goals of the institution.*

The 2015 Rules as well as the 1978 Rules require that a section of a class in a law college is not more than 100 students. This is however not strictly enforced by law colleges and not monitored by the Rules. Furthermore, there are no repercussions for not abiding to this class size.

## SUMMARY ANALYSIS OF LEGAL EDUCATION IN PAKISTAN:

As noted above, in June 2011, the PBC in collaboration with the HEC and the legal fraternity in June 2011 revised the curriculum for law colleges, which led to formal recognition of and regulation of the 5 year LLB program. The approved curriculum for the 5 year LLB Program updated the curriculum, made recommended readings

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<sup>50</sup> Rule 25 of the PBC Legal Education Rules 2015.

<sup>51</sup> Rule 8(iv) of the PBC Legal Education Rules 2015.

<sup>52</sup> Rule 8(v) of the PBC Legal Education Rules 2015.

for courses and made some efforts to include a small focus on skill development, although without adding in requirements for evaluation to ensure good quality.

However, other structural and fundamental reasons for decline in legal education were not addressed therein. Nor have they been addressed in the 2015 Rules. A review of the 2015 Rules indicates that core deficiencies in legal education and its regulation identified earlier in this paper have not been addressed. While these measures have been adopted to improve the quality of legal education, the PBC and the HEC have not put in place other meaningful reforms and resources necessary to address or support these attempts of amendment and are thereby failing to address the core challenges and weaknesses in legal education.

While specific gaps and critiques are provided in the previous section, general, summarized gaps and deficiencies have been given below.

## GENERAL GAPS, WEAKNESSES AND DEFICIENCIES:

1. No national policy on legal education. With issues of overlapping jurisdictions of regulatory bodies, it is important to have a holistic and overall policy and strategy;
2. Inadequate regulation, monitoring and evaluation of the subjects or courses taught in law colleges, and on quality of teaching;
3. Insufficient financial resources and inadequate physical infrastructure;
4. Out dated legal curricula with no requirements for modernizing and no monitoring;
5. Scarcity of meaningful resources and opportunities that develop essential lawyering skills of law students;
6. Failure to teach and develop analytical, communication and interpersonal skills of law students;

7. Mushroom growth of law colleges with inadequate capacity and limited resources;
8. Failure to curb the preference given to commercial considerations by law colleges;
9. Little attention given to moral and professional ethics; lack of any standards by the regulators for providing qualitative legal education;
10. Insufficient reforms in legal education by the regulators.
11. Poor communication skills; in particular, limited fluency in the English language and no efforts to strengthen language and communication skills; and
12. No policy on hiring, promotion, monitoring, evaluation of law faculty members.

### **SPECIFIC GAPS, WEAKNESSES AND DEFICIENCIES:**

1. The overlapping jurisdiction and lack of clear divide between the work of the HEC, PBC and Council of Common Interest.
2. The HEC, despite having the authority by statute, has failed to regularly exercise its powers to put forth policies and standards that build centers of legal excellence. The only time we have seen HEC exercise such powers is in the development of the Curriculum.
3. Due to devolution of higher education to provinces, regulation of legal education will increasingly take place at the provincial level and not the federal level. This would translate into the LEC, the regulator of legal education at the national level, working with provincial bodies and may result in multiple policies and standards for legal education and different curricula.
4. Lack of policies, standards or resources to measure and assess:

- a. the quality of education and legal curricula being imparted by law colleges: -
  - b. Inadequate resources, facilities and infrastructure of law colleges;
  - c. Sub-standard administration of examinations by law colleges;
  - d. Absence of definition, eligibility and admission criteria by law colleges;
  - e. Minimum standards for qualification and thereafter evaluation of teachers; and
  - f. Law students and thereby the effectiveness of the law programs and the colleges.
  - g. No criteria for accreditation of law colleges
5. Lack of repercussions for any lapses from the Rules and other standards etc.;
  6. Dearth of interdisciplinary knowledge;
  7. Lack of guidelines or recommendations for administrators and governing bodies of law colleges.
  8. The absence of definition of powers of the inspection team under the 2015 Rules and lack of any framework for carrying out any inspection.
  9. No strategy and inadequate resources for incorporating or promotion of technology and innovation in legal education.
  10. Lack of strategy for development and roll out of legal clinics, and of guidelines/rules for continuing legal education,
  11. Preference given to commercial considerations of legal education by law colleges instead of preference to academics.
  12. Lip service given to the courses taught in law colleges and absence of in-depth study and/or analysis of the subjects.

13. Absence of policy/guidance on reaching out to the legal fraternity to provide support to the law colleges in developing professional skills of students.
14. Insufficient or inadequate extra-curricular activities, and lack of monitoring of any such existing activities, that develop professional lawyering skills such as *inter-alia* moot courts, legal aid clinics, case studies, exercises on developing critical legal thinking.
15. No continuing legal education.
16. Lack of incentives and resources to conduct legal and academic research;
17. Failure of law colleges to impart requisite professional skills such as critical legal analysis;
18. Failure of law colleges to develop effective communication skills, in particular English language skills.
19. Resistance from the legal fraternity and law colleges to changes in legal education.

# SUGGESTED REFORMS IN LEGAL EDUCATION:

The findings on the state of legal education show that sweeping reforms are the need of the hour. The views of the PBC, observations made by the Supreme Court of Pakistan in *Pakistan Bar Council v Federal Government of Pakistan* (PLD 2007 SC 394)<sup>53</sup> and the findings of this paper indicate that there is a dire need to improve legal education in Pakistan<sup>54</sup>. As provided for in the Basic Principles on the Role of Lawyers<sup>55</sup>, and the observations made by the Supreme Court of Pakistan<sup>56</sup>, the onus of ensuring that legal education fulfils the demands of the legal profession rests on all stakeholders - PBC, law colleges, legal professionals, judiciary and the legal fraternity.

General education, theoretical knowledge of law through case studies and at least two years of practical skills training have been identified as three necessary components of legal education by the Reed Report by the Carnegie Foundation for the Advancement of Teaching.<sup>57</sup>

It is also pertinent to keep in mind that the purpose of legal education is to prepare (a) a law student for service in the legal profession, which branches into a range of areas including litigation, corporate, transactional, criminal, civil, access to justice, and international law; and (b) to inculcate logical, rational thought and analysis into the students.

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<sup>53</sup>*Pakistan Bar Council v Federal Government of Pakistan* (PLD 007 SC 394); page 400.

<sup>54</sup>*Pakistan Bar Council v Federal Government of Pakistan* (PLD 007 SC 394); page 400.

<sup>55</sup> Basic Principles on the Role of Lawyers; Principle 8

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>

<sup>56</sup>*Pakistan Bar Council v Federal Government of Pakistan* (PLD 007 SC 394); page 400.

<sup>57</sup> <http://www.legalnews.com/ingham/1001290>



Legal education in Pakistan falls short on the aforementioned objectives of legal education and fails to meet the present and future demands of the profession. Based on these findings, the PBC, in collaboration with all stakeholders should put forth policies, strategies, and recommendations on the following proposed reforms:

1. The Supreme Court of Pakistan<sup>58</sup> has directed that measures adopted for improving legal education in Pakistan should be carried out by a committee which is to be headed by a judge of Supreme Court to examine and improve the syllabus prescribed for professional degree in law and suggest suitable proposals in the light of the observations of the Court. Since a number of deficiencies and gaps have been identified in legal education, such a committee should include all stakeholders and should have the mandate to address all issues and challenges pertaining to legal education.

The Council of Common Interest, HEC and the PBC, in particular the LEC, can lead this initiative, in collaboration with the Legal Aid Society, law colleges, legal fraternity and the judiciary so as to pave the path to quality legal education in Pakistan and modernize legal education to ensure law graduates satisfy demands of the legal profession. In this respect, as a starting point, a task force on reforms in legal education in Pakistan should be constituted, as recommended by the Supreme Court of Pakistan (the "**Taskforce**").

Such a committee should comprise representatives of all stakeholders i.e. judiciary, legal fraternity, representative of the PBC as well as the HEC, law colleges, leading teachers, legal education specialists and administrators of law colleges. Efforts must be made to ensure the independence and neutrality of the Task Force. Moreover, the Task Force should ensure financial

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<sup>58</sup>*Pakistan Bar Council v Federal Government of Pakistan* (PLD 007 SC 394); page 403-404.

burden of such reforms should be borne by the state and not be shifted to law students or to litigants.

The Task Force should be charged to examine the current deficiencies and conditions in legal education, present recommendations for potential solutions that are effective, practical and have a reasonable chance of broad acceptance, and supervise implementation and execution of the proposed reforms.

The terms of reference of the Task Force are crucial and should include deliberation upon and identification of reforms that are required in legal education including developing a national strategy for rolling out, implementing and maintaining reforms in legal education, and thereafter oversee the finalization and execution of the reforms in legal education. In particular, the Task Force should deliberate upon what is required within a law degree and the minimum standard that a student needs to satisfy in order to qualify for entry into the legal profession. Such reform should be comprehensive.

The Task Force may go beyond education in a law college and also set out to improve the quality of learning and education of members of judiciary, as well as continuing legal education.

2. A national policy on legal education in Pakistan should be developed to provide guidance and direction on legal education. Such a policy should be comprehensive and encompass legal education not only for law students, but should also provide direction for continuing legal education, judicial training and vocational training. Moreover, the national policy should address the challenges posed by the overlapping jurisdictions of the three regulators and attempt to define clear jurisdictions for each regulator and

encourage collaboration between them on matters that require uniform standards at the national level.

3. A revised curriculum that is comprehensive, current, and effective in achieving contemporary demands of the legal professions and requirements set forth by the different stakeholders. The curriculum must be considered the bare minimum education that must be provided to the students. The law colleges may have freedom in the exact manner and design of their courses, as long as this minimum standard is covered.
4. The curriculum should be such that it develops core legal principals and knowledge, skills, competencies and ethics which as identified in this position paper, graduates need for the workplace.

The curriculum should also aim to develop the law students' soft skills such as written, communication and business skills, project management, technology, data analytics, critical thinking and leadership development, and where necessary, language skills<sup>59</sup>.

Moreover, the curricula should allow students to take courses in different disciplines, based on their interest and career goals. A crucial measure to achieve these reforms in the legal curricula would be introductions of flexibility in the syllabus, including decreasing the number of mandatory courses that law graduates have to complete to qualify for graduation.

5. Introduction of curricula which includes professional development courses and activities that develop professional skills. Given the contemporary demands of the legal profession and employers, it is important for law colleges to focus on courses and extra-curricular activities that also develop

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<sup>59</sup>The American Bar Association's Task Force on Future of Legal Education, [http://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/report\\_and\\_recommendations\\_of\\_aba\\_task\\_force.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf)

and strengthen analytical and problem solving skills. These should include legal clinics, trial advocacy, moot court and mock trial programs<sup>60</sup>.

6. Development and incorporation of technology in legal education. Use of technology in any profession today no longer is a luxury but a necessity. Computers and technology should be used as teaching aids.

Moreover, law colleges should teach students how to use online resources and how to conduct legal research online. The ability to efficaciously access online resources and online legal databases is essential to extract applicable laws and information in the legal profession. Conducting online case law research can provide requisite information within minutes whereas manual case law research may take hours.

7. Introducing entrance/admission tests and other eligibility criteria for admission in law colleges should be made mandatory by regulation. This will ensure that the applicants possess the requisite competencies to excel in the LLB program. It is important that law college administrators retain their authority and independence in the admission of students. Since the 2015 Rules require that legal education be taught in the English language, students fluency in spoken and written English may be assessed and special language classes for those who are not fluent be made mandatory.
8. Evaluation of law students should be modernized. Students should also be evaluated on their ability to think critically, analyze and solve problems. The Task Force should also provide criteria relating to evaluation and the requirements for graduation, linking it with the evaluation of law students

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<sup>60</sup>The American Bar Association's Task Force on Future of Legal Education, [http://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/report\\_and\\_recommendations\\_of\\_aba\\_task\\_force.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf)

with both substantive knowledge, as well as on skills based education provided.

9. Development and introduction of standards for accreditation of law colleges that are at par with best international standards for accreditation of law colleges. The proposed accreditation should include services, outcomes, access to justice initiatives, and value delivered to law students.
10. Introduction of teaching methodologies that develop analytical as well as problem solving skills of law students such as the Socratic method of teaching<sup>61</sup> and legal clinics. In adoption of the Socratic method of education, law faculty questions students in a manner that requires them to consider how they rationalize and respond about topics.

The goal of the Socratic Method is to help law student process information and engage in deeper understanding of topics, engage students in dialogue and discussion that is collaborative and open-minded as opposed to debate, which is often competitive and individualized.<sup>62</sup>

11. Introduction of a mandatory vocational degree on development of professional lawyering skills, which may be taught either during the final year of the LLB program or after successful completion of a degree in law.

The British Professional Teaching Course (the "**BPTC**") model in the UK can be looked at for guidance and assistance. Successful completion of such some mandatory requirements of such a course should be one of the criteria for enrollment in the roll of advocates and for obtaining a license to appear as an advocate in the courts of Pakistan.

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<sup>61</sup>The law professor poses a sequence of questions, leading students to think through legal concepts and problems. The purpose of the Socratic method is to teach students to analyse cases, reason by analogy, think critically about legal arguments, understand the effects of the law and perceive underlying policy.

<sup>62</sup><http://www.learnnc.org/lp/pages/4994>

In order to do so, the eligibility criteria for enrollment as an advocate will have to be revised. A law graduate may complete such a course either before or during their pupillage. The Karachi Bar Association recently conducted courses on civil cases and criminal cases, which can serve as a building block for the vocational degree. In addition, actively participating in a legal clinic can also be incorporated in such a degree.

12. The Task Force may also consider recommending amendments of the minimum standards required for future licensing of the lawyers. These recommendations may include minimum hours of pro bono work, a written and oral re-test of knowledge and skills etc. and a course of continuing education before being granted an advocate license.

13. Setting minimum standards for the quality and building capacity of the faculty in all law colleges. Law colleges should hire and train qualified, committed and competent teachers with expertise in the courses they teach. Law colleges should create opportunities for their faculty to carry out legal academic research, with collaborations between faculty and law students being encouraged.

In addition, faculty members need to be given competitive salaries. Pay packages for teachers should be made attractive so as to ensure the best are recruited for the job. Teachers should undergo comprehensive annual reviews and requisite ongoing training should be provided to them.

14. Capacity building of administrators and governing bodies of law colleges, to enable them to efficaciously and effectively manage and run centers of excellences for legal education.

15. Moreover, resources, financial and otherwise, are needed in order to put in place reforms and their purpose/target achieved. Numerous resources are required to bring about meaningful reform in legal education in Pakistan

and will have to be identified once actual reforms have been finalized. In the interim, it is imperative that law colleges identify the resources that are required for rolling out reforms in the education sector.

16. Provide substantive career counseling to law students through workshops and programs that encourage networking and provide exceptional professionalism training for students in areas of ethics and leadership. Lawyers and judges have a vested interest in partnering with law schools, as has been opined by Justice Tassaduq Hussain Jilani in the PBC case, since it is their chance to shape the legal talent pipeline for decades to come.
17. The PBC needs to guide law colleges on the establishment and effective management of multi-disciplinary curriculum.

As noted earlier, LUMS provides law students opportunities to interact with students from other disciplines and provides them access to non-law courses with quality, which adds to the overall learning experience of the students. It is pertinent to note that the overall quality of the institution and its resources contribute towards the excellence of education. Thus, simply offering the 5 year LLB Program courses will not suffice. The PBC needs to take proactive measures and provide guidelines and standards for adherence.

18. The Take Force must work with the PBC, as the regulator of legal profession, to prepare and enforce policies and standards for governance of law colleges; evaluation of students, faculty and law colleges; criteria for admission in law colleges; teaching methodologies; innovation in legal education; promotion of legal research; development of professional skills of students as well as practitioners in different disciplines of law; and continuing legal education.

19. The overlap of jurisdiction between HEC and PBC must be addressed to ensure the effective working of both and quality input and proper implementation within clear spheres of work.
20. The HEC, federal and provincial (once established by statute), need to play a proactive role in collaboration with the PBC, legal fraternity and judiciary, in improving legal education. In particular, provincial HEC centers in Sindh, KPK and Balochistan need to be established by statute, as has been done in Punjab; and such provincial HEC centers should be empowered and capacities therein developed to ensure that they have the resources, knowledge and skills required to regulate legal education. Reliance and guidance may be sought from the Punjab HEC.<sup>63</sup>

## CONCLUSION: REQUIREMENTS FOR MEANINGFUL REFORMS IN LEGAL EDUCATION:

The findings of this paper show numerous reasons for the frail state of legal education in Pakistan. The stakeholders unanimously agree that the state of legal education is in decline and have demonstrated the intention to change the status quo. The gaps and deficiencies in legal education in Pakistan have been identified, examined and recommendations suggested hereinabove. Although various efforts and measures have been adopted to improve legal education, such measures have not been successful in changing the overall quality of legal education.

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<sup>63</sup> <http://punjabhec.gov.pk/functions>



Findings of this research paper evidence that the challenge of reforming legal education in Pakistan has to be undertaken by a collective effort of all stakeholders. The path to improving the quality of legal education in Pakistan will not be easy and will require strong leadership by members of the Task Force, PBC, HEC and other regulators, numerous resources and reforms as identified herein. Any reforms will require commitment, vision, financial resources, and the will to implement since resistance is inevitable in such matters. In spite of the resistance from the legal fraternity and law colleges, none of these essential components can be nor should be compromised upon.

# ANNEXURE A

S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
1	<b>Licensing, Accreditation and Evaluation</b>		
1.1	Regulation of legal education by a duly authorized entity: Legal education is provided by institutions duly authorized by the state body, professional association or other entity responsible for regulating legal education.	<ul style="list-style-type: none"> <li>• Council of Common Interests is meant to oversee education in provinces;</li> <li>• Legal education in Pakistan is regulated by the HEC and the PBC;</li> <li>• Educational institutes imparting legal education in Pakistan are recognized by the HEC as well as the PBC; and</li> <li>• Monitored by the PBC.</li> </ul>	Jurisdiction of each regulator is not defined resulting in overlapping jurisdiction, unclear mandate and lack of ownership
1.2	Standards for licensing and accreditation: The standards for licensing and accrediting institutions providing legal education are clearly defined by the responsible state body, professional association or other entity duly authorized to regulate	<ul style="list-style-type: none"> <li>• The 2015 Rules lay down the minimum criteria for the physical infrastructure/facilities of law colleges and administration of law colleges.</li> <li>• Law colleges are required to ensure quality education according to the standards laid down by the PBC.</li> </ul>	<ul style="list-style-type: none"> <li>• No basic framework with core competencies and qualities by the PBC to ensure quality and equality of education.</li> <li>• No standards for measuring the quality of legal education are present in the Affiliation Rules, nor have been formally laid down by the PBC in the 2015 Rules.</li> </ul>

S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
	providers of legal education.		<ul style="list-style-type: none"> <li>• Individual law colleges identify and implement their own standards</li> <li>• No tools to curb mushroom growth of private law colleges</li> <li>• Absence of the requirement of strict control and checks on law colleges provide no means to measure and assess the quality of legal education.</li> <li>• No disciplinary/regulatory measures for law colleges linking with upholding of certain standards.</li> <li>• No criteria for establishment, running, management, monitoring or evaluation of law colleges in 2015 Rules</li> <li>• No minimum requirements for the qualification for full time and part time law teachers or their responsibilities as law teachers;</li> </ul>

S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
			<ul style="list-style-type: none"> <li>No minimum requirements for any faculty members.</li> </ul>
1.3	<p>Licensing and accreditation procedure: Initial licensing and accreditation of institutes providing legal education includes an external evaluation process based on established rigorous, transparent, uniform and internationally accepted quality assurance standards. To ensure continued compliance with these standards, license and accredited institutions providing legal education are also subject to a periodic, rigorous and transparent external evaluation process.</p> <p>Factor 4: Disciplinary and enforcement actions: When institutions providing legal education fail to comply with established</p>	<ul style="list-style-type: none"> <li>Law colleges registered with the PBC post the 2015 Rules are required to adhere to the requirements laid down in these rules.</li> <li>Institutions imparting the UOL have to meet the standard laid down by the University of London and the PBC.</li> <li>Rule 26 of the Affiliation Rules and Rules 14 of the 2015 Rules empower the PBC to inspect law colleges; and</li> <li>Rule 31 of the 2015 Rules authorize the University, under which a law college is established to inspect their law college.</li> </ul>	<ul style="list-style-type: none"> <li>The licensing and accreditation of law colleges is not based on any rigorous, transparent, uniform and internationally accepted quality assurance standards (with the exception of UOL imparting institutions)</li> <li>Unable to ascertain the quality and impact of the standards of law colleges.</li> <li>No interim time period nor procedure has been laid down in the 2015 Rules or otherwise for these Institutions to ensure their compliance with the 2015 Rules.</li> <li>In the absence of standards, inspection of law colleges is left in a void i.e. what is it inspecting and is thus open to abuse.</li> </ul>

S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
	<p>quality assurance standards, disciplinary or enforcement actions are administered fairly, consistently and transparently, with an appeals process.</p>		<ul style="list-style-type: none"> <li>• Without clear inspection modalities, it is an ineffective mechanism for monitoring quality education</li> <li>• The 2015 Rules are silent on: The powers of the inspection team; <ul style="list-style-type: none"> <li>• The procedures and standards that will for carrying out the inspection.</li> <li>• This silence leaves room for abuse by the inspection teams, and arbitrary and ineffective disciplinary or enforcement action.</li> <li>• Leniency by the PBC in carrying out inspections, monetary penalties and retracting licenses of sub-standards law colleges results in lack of deterrence to law colleges from providing substandard legal education.</li> </ul> </li> </ul>

S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
2	<b>Admission Policies and Requirements</b>		
2.1	<p>Admission examination and/or other entrance standards: Admission to institutions providing legal education is based upon passing a fair, rigorous and transparent entrance examination or a comparable set of uniform admission standards that are designed to ensure that the student body has the academic potential to complete the course of study and effectively practice law.</p>	<ul style="list-style-type: none"> <li>• Minimum standards have been mentioned for admission into a law program.</li> <li>• Admission is to be based on merit.</li> <li>• Conviction of an offence involving moral turpitude and dismissal from the service of government for corruption or misconduct bars admission into a law college.</li> </ul>	<ul style="list-style-type: none"> <li>• Regulatory bodies do not require entrance examination or identify the actual admission standards in order to assess students have potential to complete the course.</li> <li>• The admission requirement for the UOL programs are at the discretion of the institutions providing the UOL Program</li> </ul>
2.2	<p>Non-discriminatory admission: Admission to institutions providing legal education is not denied for reasons of race, gender, sexual orientation, color, religion, political or other opinion, ethnic or social origin, membership of a national minority,</p>	<ul style="list-style-type: none"> <li>• The 2015 Rules are silent on this matter.</li> <li>• Children of lawyers are given a preference for admission (see below * under quotas)</li> <li>• If a UOL providing institution is found to be discriminatory, the PBC has the power to recommend dereognition/deaffiliation of such college to the</li> </ul>	<ul style="list-style-type: none"> <li>• There are no measures in place to ensure that admission is non-discriminatory,</li> <li>• No response measures in place if an admission (apart from the UOL providing institution) is found to be discriminatory.</li> </ul>

S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
	property, birth, language or physical disability.	foreign university/degree awarding entity.	
2.3	Special admission measures: Special admission measures to increase representation of disadvantaged members of society or otherwise underrepresented groups are appropriately employed, where applicable, to further a desirable goal of society or an institution providing legal education.	<ul style="list-style-type: none"> <li>Five (5%) of seats in law colleges are reserved for the children of advocates (Rule 4(iv) of the 2015 Rules)</li> </ul>	<ul style="list-style-type: none"> <li>There are no other quotas or measures set aside by the PBC for law colleges or law programs specifically.</li> </ul>
<b>3</b>	<b>Curriculum and Teaching Methodology</b>		
3.1	Comprehensive curricula: Institutions providing legal education have curricula that are comprehensive and incorporate recent developments in national, comparative and international law in order to provide students with the requisite knowledge and	<ul style="list-style-type: none"> <li>The curriculum for the on-going 3 year LLB program is set by each faculty member teaching a subject.</li> <li>Method of teaching is usually through lectures and is not interactive and focuses solely on providing substantive information.</li> </ul>	<ul style="list-style-type: none"> <li>The curricula for the 3 year LLB program set by each faculty member is not monitored and not checked to ensure it is not outdated etc.</li> <li>Modern teaching tools are not incorporated.</li> <li>The current 3 year LLB program does not focus on development of practical skills.</li> </ul>

S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
	<p>skills to effectively and responsibly practice law.</p>	<ul style="list-style-type: none"> <li>• The curriculum for the 5 year LLB program approved by the HEC remains has not been revised.</li> <li>• The curriculum for the 5 year LLB program does include courses for improving practical lawyering skills of law students, such as courses with case studies and research components to them, these do not appear to be monitored or evaluated by the PBC.</li> <li>• The curricula of the UOL program is developed as per the requirements of University of London.</li> </ul>	<ul style="list-style-type: none"> <li>• The curriculum for the 5 year LLB program which includes practical, research courses etc does not require monitoring or evaluation by the PBC and therefore raises concerns about ensuring good quality and standards.</li> <li>• The teaching methodologies and curricula of law colleges have not been addressed in the 2015 Rules,</li> <li>• The 2015 rules also do not refer to the Curriculum, including no requirement to regularly revise or modernize their curricula.</li> <li>• Thus, there is no mandatory requirement incentive, nor any deterrent in the 2015 Rules for the law colleges to modernize their curricula and teaching methodologies on a regular basis.</li> </ul>



S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
3.2	Instruction in ethics and core professional values: Law students receive adequate instruction in the core values and ethics of the profession, including relevant codes of conduct.	<ul style="list-style-type: none"> <li>• Elements of Legal Ethics is a mandatory course requirement for graduating for the 3 year and 5 year LLB programs.</li> </ul>	<ul style="list-style-type: none"> <li>• The 2015 Rules are silent on the issue of how and to what level to impart knowledge and importance of legal ethics to law students.</li> </ul>
3.3	Professional skills instruction: Law students receive adequate instruction in professional skills, including critical thinking, legal research, analysis and writing, advocacy skills and client relations.	<ul style="list-style-type: none"> <li>• The curriculum for the 3 year LLB program and the UOL external degree program do not provide for any instruction in development of professional skills, including critical thinking, legal research, analysis and writing, advocacy skills and client relations.</li> <li>• Law colleges encourage and carry out court case studies and, the quality of such moot courts is poor.</li> <li>• The Curriculum for the 5 year LLB program includes mandatory subjects on skills development, research methods, legal</li> </ul>	<ul style="list-style-type: none"> <li>• The 2015 Rules are silent on the standards and quality of such subjects and have not provided any minimum requirements that have to be met by law colleges teaching such subjects on practical skills development.</li> </ul>

S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
		<p>drafting and moot cases/role playing.</p> <ul style="list-style-type: none"> <li>• Law students of the 5 year LLB Program are required to:               <ol style="list-style-type: none"> <li>1. complete 10-12 weeks of internship after the end of the 4<sup>th</sup> year;</li> <li>2. submit a research project; and</li> <li>3. Write a dissertation during their 9<sup>th</sup> semester in this Program.</li> </ol> </li> </ul>	
3.4	Teaching methodologies: Faculty employ varied teaching methodologies that are appropriately geared at developing professional skills, ethics and respect for the rule of law.	<ul style="list-style-type: none"> <li>• Law teachers predominantly teach by lecturing with limited interaction with students.</li> </ul>	<ul style="list-style-type: none"> <li>• The rules and regulations governing law colleges do not require that faculty employ different teaching methodologies.</li> <li>• The 2015 Rules are also silent on adoption of varied and modern teaching methodologies.</li> </ul>
4	<b>Student Evaluation, Awarding of Degrees and Recognition of Qualifications</b>		
4.1	Student evaluation and/or examination: Student performance and achievement of stated learning	<ul style="list-style-type: none"> <li>• The only requirement provided in the 2015 Rules is that minimum percentage required for passing a course is 40% in</li> </ul>	<ul style="list-style-type: none"> <li>• The 2015 Rules do not provide for comprehensive student evaluation or any methodology for</li> </ul>

S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
	outcomes are assessed by fair, uniform and stringent written examinations or other objective and reliable assessment	individual papers and 50% in aggregate <sup>64</sup> .	objective and reliable assessment of students.
4.2	Awarding of degrees: Qualifications and degrees awarded reflect that students have successfully completed all requirements and met all standards for the awarding institution.	<ul style="list-style-type: none"> <li>Students are allowed to take an exam up to a maximum of three times if they fail to pass the exam in such subject.</li> </ul>	<ul style="list-style-type: none"> <li>The degrees awarded do not reflect the quality of law graduates entering the legal profession.</li> </ul>
4.3	Institutional record-keeping: Institutions providing legal education maintain accurate records that meet national and international quality assurance frameworks and standards in order to facilitate comparability and compatibility of qualifications.	<ul style="list-style-type: none"> <li>Colleges are mandated to maintain an attendance record of students and such record be displayed on the law college's website and notice board every month.</li> </ul>	<ul style="list-style-type: none"> <li>Despite the requirement on law colleges to maintain college records on their premises, the 2015 Rules are silent on exactly what information needs to be recorded and maintained, and is silent on the integrity of college record.</li> <li>Thus, the record of students and their academic achievements are not recognizing as having value by foreign</li> </ul>

<sup>64</sup> Rule 32 of the PBC Legal Education Rules of 2015.

S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
			<p>jurisdictions and those that are accorded recognition by foreign institutions are successful only after stringent review by a foreign institute.</p> <ul style="list-style-type: none"> <li>• Thus with little or no value on the larger scale for students in their future studies abroad or seeking employment abroad.</li> </ul>
4.4	<p>Recognition frameworks and networks: Institutions providing legal education participate in national, regional and international quality assurance and recognition networks, and their participation is facilitated and monitored by the entity in charge of regulating institutions providing legal education.</p>	<ul style="list-style-type: none"> <li>• The legal framework does not require that law college administrators participate in national, regional and international quality assurance and recognition networks.</li> </ul>	<ul style="list-style-type: none"> <li>• Legal institutions in Pakistan do not participate in any such networks nor is it a requirement.</li> </ul>
<b>5</b>	<b>Faculty Qualifications and Conditions of Employment</b>		
5.1	<p>Faculty qualifications: Law faculty possess</p>	<ul style="list-style-type: none"> <li>• The PBC under the Affiliation Rules has the</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum requirements for teachers are not</li> </ul>

S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
	<p>requisite knowledge and competence in their subjects to provide a quality education to students, as evidenced by degrees held, scholarly publications, practical experience as well as strong teaching skills.</p>	<p>following requirements regarding faculty members and teachers:</p> <ul style="list-style-type: none"> <li>- full time faculty members have at least two full time teachers with academic qualifications and experience as prescribed by the Law college;</li> <li>• Full time faculty members deliver at least 25% of the total lectures delivered during the academic year.</li> <li>• The part – time teachers teaching LLB should be Barristers at law or hold equivalent qualification with minimum 5 years standing at the Bar.</li> </ul>	<p>strictly enforced by law colleges nor are violations of the same noticed by the regulators.</p> <ul style="list-style-type: none"> <li>• No provisions for hiring and qualification of law teachers have been prescribed in the 2015 Rules, thus there are no minimum requirements for faculty members teaching at law colleges.</li> <li>• For part time teachers, the rules do not define or explain the equivalent qualification of a Barrister at law.</li> </ul>
5.2	<p>Hiring, promotion and tenure: Faculty hiring, promotion and granting of tenure, or its equivalent, are based on rigorous, fair, uniform and transparent criteria and procedures, with a process for seeking</p>	<ul style="list-style-type: none"> <li>• No fair, uniform and transparent criteria and procedures for hiring, promoting and granting tenure to law faculty.</li> </ul>	<ul style="list-style-type: none"> <li>• No requirement or criteria or procedures for hiring, promotion and granting of tenure, or its equivalent nor is there a process for seeking appeal or review of adverse decisions.</li> </ul>

S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
	appeal or review of adverse decisions.		
5.3	Faculty compensation: Compensation for law faculty is set at an appropriate level to provide a reasonable standard of living in order to attract and retain qualified, dedicated and ethical faculty who are able to devote their time to teaching, research and public service.	<ul style="list-style-type: none"> <li>There are no set requirements for salary packages to law teachers. As most teachers are part time or contract, there is little focus on minimum payments with any scales with regards to experience etc.</li> </ul>	<ul style="list-style-type: none"> <li>Law colleges offer inadequate salary packages to law teachers, and more or less are devoid of engaged, full-time research-driven academics.</li> </ul>
5.4	Academic freedom and freedom of association for law faculty: Institutions providing legal education and individual law faculty members enjoy academic freedom, are encouraged to engage in research, are not punished for holding positions relating to academic debate, research or public service, and have the	<ul style="list-style-type: none"> <li>There is little focus on research, academic debate etc. Thus, there has been little debate or discussion on academic freedom or freedom of association apart from a few individual incidents.</li> </ul>	<ul style="list-style-type: none"> <li>There has been little investment on law faculty, thus little discussion accorded to any academic freedom or encouragement of research etc.</li> <li>Supreme Court of Pakistan (<i>Pakistan Bar Council v Federal Government of Pakistan (PLD 007 SC 394)</i>) noted that commercial considerations triumph over pursuit of knowledge and academic</li> </ul>

S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
	right to freedom of association.		excellence, thus law colleges, in absence of any regulatory requirement, do not allocate resources or inculcate a culture of academic freedom and academic research.
<b>6</b>	<b>Institutional Holdings and Capacities</b>		
6.1	Access to legal materials: Students and faculty have adequate access to the full range of laws and legal materials (national and international) relevant to curriculum subjects and the eventual practice of law, with materials available in all official state languages where appropriate.	<ul style="list-style-type: none"> <li>• The 2015 Rules provide for not less than 500 standard law books, including statutes and</li> <li>• The lending facility should be to at least 20 percent of the total number of law students on the law college's roll of admission.</li> </ul>	<ul style="list-style-type: none"> <li>• The legal framework does not require that the books and other legal materials are maintained in any language or must be updated versions of law books and statutes.</li> </ul>
6.2	Physical facilities and technological capacities: Institutions providing legal education possess adequate physical facilities and technological capacities to meet the needs of their current program of	<ul style="list-style-type: none"> <li>• A minimum standard for physical facilities and amenities in law colleges as per the Rules.</li> <li>• The only technological requirement under the 2015 Rules is:</li> </ul>	<ul style="list-style-type: none"> <li>• There are no courses prescribed to enable students to develop strong research skills by using technology as a research aid.</li> <li>• No requirement to maintain in-house,</li> </ul>

S. No.	LERI FACTOR	LERI ANALYSIS OF THE LEGAL EDUCATION IN PAKISTAN	GAP ANALYSIS
	legal education and anticipated growth.	<ul style="list-style-type: none"> <li>• access to national and international online journals and internet;</li> <li>• provision of at least 50 computers with internet connection in computer labs; and</li> <li>• at least one computer for every 5 students in the law library<sup>65</sup>.</li> </ul>	national, international legal databases.
6.3	Class size and administrative/support staff: Institutions providing legal education have a reasonable student-to-teacher ratio, appropriate class size and sufficient administrative and support staff to achieve the educational goals of the institution.	<ul style="list-style-type: none"> <li>• A section of a class in a law college is mandated not to be more than 100 students.</li> </ul>	<ul style="list-style-type: none"> <li>• The size of classroom is not strictly enforced by law colleges, not monitored by the Rules and has no repercussion.</li> <li>• Certain subjects ought to be taught in smaller groups of students so the faculty member can give greater attention to each student.</li> <li>• There is no mention in the legal framework of administrative and support staff.</li> </ul>

<sup>65</sup> Rule 8(v) of the PBC Legal Education Rules 2015.



# ANNEXURE B

## Survey for Employers hiring Law Graduates

The purpose of this research is to collect data on the state of legal education in Pakistan, identify the weaknesses in legal education and make recommendations on meaningful and effective reforms in legal education.

1. Name of Law Firm:
2. Name of Advocate:
3. Position:
4. Do you teach or have taught law in a law college? If yes, please list subject(s)
5. a. Number of lawyers currently employed at your firm:  
b. What law programs have they graduated from?
6. Do you offer internship opportunities to law students? If yes, what types of assignments are given to them?
7. What core competencies do you look for when you recruit fresh law graduates?
8. In your experience, which LLB program provides quality education to law students and prepares students for a career in law (please rank 1-3 with 1 indicating the best program)?

3 year LLB

5 year LLB

UOL LLB

Comments (if any):

9. What are the strengths and weaknesses of graduates based on the law program that they have graduated from?

3 year LLB Strengths:

3 year LLB weaknesses:

5 year LLB strengths:

5 year LLB weaknesses:

UOL LLB strengths:

UOL LLB weaknesses:

10.a. What changes should be made to the curriculum taught in law colleges?

b. What kinds of courses should be taught in law colleges in Pakistan?

c. What kinds of extra-curricular activities should be conducted in law colleges in Pakistan and resources should be made available to the students?

11. What additional recommendations do you have for improving legal education in Pakistan, including changes in legislation/rules/regulation? Please also specify how these recommendations can be institutionalized.

12. What measures should law colleges in Pakistan adopt to develop professional lawyering and advocacy skills of law students?

13. What resources and legislative changes are necessary for introduction of problem solving & clinical resources in legal education?

14. Thoughts on reasons that previous efforts to improve legal education in Pakistan have failed in the past.

15. Do the eligibility criteria for enrollment as an advocate need to be revised? If yes, please describe what changes are necessary and how can such changes be implemented?

# ANNEXURE C

## Survey for Law Colleges on Legal Education

The purpose of this research is to collect primary data to analyze the state of legal education in Pakistan, identify the weaknesses in legal education and make recommendations on meaningful and effective reforms in legal education.

1. Name of Law College
2. Date the law college was established:
3. Name of person completing the questionnaire:
4. Position
5. a. What are the admission criteria for law students at your institute?  
b. Is there an entrance exam? If yes, what is the minimum requirement for admission?
6. How many students are currently enrolled in your law college?
  - a. Part time
  - b. Full time
7. Does your institute provide any need based or merit based financial assistance/scholarships? Kindly provide details if your institute provides such financial assistance.
8. Does your institute have special admission measures to increase representation of disadvantaged members of society?

9. How many teachers teach at your institute?

Full time

Part time

10. What criteria/ procedures does your institute follow for faculty hiring, promotion and granting of tenure?

11. a. What types of teaching methodologies do the faculty at your institute employ?

b. How are these methodologies geared at developing professional skills, ethics and respect for the rule of law?

12. What is the compensation for law part time and full time faculty teaching at your institute?

13. How do you attract and retain qualified, dedicated and ethical faculty who are able to devote their time to teaching, research and public service?

14. What area of law do your students pursue after graduation?

15. What are the strengths of the curriculum taught at your institute?

16. a. What are the weaknesses in the curriculum taught at your institute?

b. Has your institute overcome any of these weaknesses? If yes, how have you achieved this?

17. What courses, resources and/or activities does your institute have for development of practical professional skills of law students?

18. How do law students receive instruction in professional skills, including critical thinking, legal research, analysis and writing, advocacy skills and client relations?
19. a. What legal materials do your students have access to?
- b. Approximate number of text books, reference books, and periodical in the law college's library
- c. Please share the size, approximate annual budget, personnel, system of lending and other details about the law college's law library.
- d. Does your law college provide students with free access to databases in other jurisdictions, kindly name these jurisdictions?
20. What extra courses/ activities does your institute provide for law students? How do they prepare students for the legal profession?
21. What resources does your institute provide on career counseling and placement of law students with legal professionals for internships and work opportunities?
22. What recommendations do you have for improving legal education in Pakistan?
23. What recommendations do you have for achieving meaningful reform in legal education including changes in legislation/rules/regulations?
24. What should the role of the Pakistan Bar Council be in regulation of legal education?
25. Does your institute maintain records of students, faculty and materials that meet national and international quality assurance frameworks and standards

in order to facilitate comparability and compatibility of qualifications? If yes, please provide details.

26. What are the sources of funding of your law college?



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