

## LEGAL EDUCATION AS AN INSTRUMENT FOR ECONOMIC DEVELOPMENT IN PAKISTAN: PERSPECTIVES AND CHALLENGES

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### Abstract

*Societies survive on the support of a fundamental pillar called justice and Legal Education is one of the foremost factors which can bring about justice and fair play in the social lives of people. Considering its influence, the significance of legal education can never be denied, especially in this digital age. When the world is transforming its legal education into smarter law schools and digital casebooks, Legal education acts as an instrument for economic development and speedy, expeditious and inexpensive justice. Lawyers play important role in the development of economy along with the reputation of their country. Due to lack of specialized pool of legal experts, Pakistan has lost two important arbitration cases namely Karkey and Rejo Diq. And as a result, Pakistan is asked to pay 900 million dollars as a compensation to local and international firms. It is the urgent need of time to build productive legal institutions along with professional legal experts. The reason of it is that due to lack of legal experts Pakistan has to hire foreign firms at exorbitant costs for international arbitration. 394 for instance in Karkey case Pakistan is estimated to have paid almost 1.5 billion rupees to foreign law firm. Therefore, the legal education system must be updated to cope with the present challenges of globalization. In the recent past Pakistan bar Council imposed restrictions as to admissions in Law Colleges thus restricting people from access to legal education. The purpose behind these rules was to produce quality legal practitioners but no steps in connection with improvement as to quality were taken. Neither any special practice courses nor any skill development programs were introduced at bar. However, restriction of age and modification in duration of the Law degrees was predicted to be a measure towards improving the “quality” of legal education which unfortunately turned out to be a chaos. This paper, inter-alia, covers a critical analysis of “Pakistan Bar Council Rules 2015” as well as the procedural defects in power exercising committed by “Pakistan Bar Council”, also examines the*

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*practical challenges in the domain of legal education with respect to economic development in Pakistan*

**Key words**

“Legal Education”, Development, “Legal Education Rules, 2015”, “Pakistan Bar Council”

**Introduction**

The system of “Legal Education” and research in developing countries based on the pattern, principles and methods of instructions which was almost a verbatim copy of the “western models” of the colonial era, developed in entirely different socio-economic cultural perspectives. These have outdated their application in certain circumstances. The courses in law schools do not cope with the challenges of the modern society and law professionals training, teaching is based on the conventional pattern of legal practice in Pakistan Law schools in the developing countries particular in Pakistan are not ‘indigenous institutions’. They have sought to ‘retroflex foreign models’ persuade by the imported culture of legal education<sup>1</sup>. Consequently, restricted the outlook, content, teaching methods, research techniques and enduring development process, and have not heeded Legal Education and research from the perspectives of developmental policies and needs of the time in the present national context. After the decolonization legal education has received a low priority in terms of allocation of resources, training courses and faculty development programmes in the law schools. Resultantly, law schools are not equipped with new objectives, assessed programmes and innovative projects, and academic programmes to achieve the “sustainable development goals (SDGs)” as initiated by the “United Nations (2015) contained in paragraph 54 United Nations Resolution A/RES/70/1 of 25 September ‘popularly known as “The Future We Want”’.

The landscape of the modern world is changing due to the integrations of the economies as a result of the globalization, and the governance structures of the institutions is evolving and changing in the context of globalization.<sup>2</sup> The legal education discipline cannot be placed in isolation, because “Legal Education” is one of the most important pillars for dispensation of justice and boost the economic activities in a country. According to international legal centre (1975), it has been observed that: “access to justice cannot be improved without substantial improvements in the quality of legal education. When lawyers, judges, legal scholars, governmental legal official and other

law trained personnel are not well-trained in performing their jobs professionally, they become a hindrance rather than supporter to the delivery of justice. Recently, the Supreme Court taking notice of the abysmally low quality of legal education imparted by the public and private law colleges issued directions for proper planning of syllabi and teaching of law subjects to raise the standard of legal education”.<sup>3</sup>

### **Discussion and Literature Review**

In the decade of 1961 and 1971, the fundamental mission of UNO's was to accelerate the process of development in the developing world through the elimination of poverty and launching the assistance programmes in these countries due to complicated factors, inter-alia, political instability, bad governance, ideological, cultural and social issues these programmes failed in order to achieve their right credit. World Bank(1979) concluded that most of the developing countries have very low per capita income, due to the lack of concrete development policies in these countries. It is pertinent to mention here that most of the developing countries have adopted law as an instrument for economic and social development to cope with the challenges of the post colonial era<sup>4</sup>. The Law and development have a colossal relationship and they are inter-connected and fostering the changes in each other. Development acts as a social change from this point of view law and development is exclusive sub topic of law and society. Development has a humanistic approach with the dispensation of justice and equitable distribution of growth of the economy, so that the benefits of economic growth percolate to the grass root level for the equitable advantages of all the segments of the society. According to a report of Harvard International Legal Studies (1961) programme rightly indicated that: “At this date there is a general awareness of the world wide importance of the rapid and orderly economic development of the newly changing societies of Latin America, Africa and Asia.. on the record, there are good reasons to anticipate that the contribution of the legal profession can be of major importance, since a legal framework will be essential to the task, and its execution will involve legal process”.<sup>5</sup> The received law or the common law which the developing countries got as a legacy of colonial rule is ill suited to meet this challenging task as Lord Denning has observed, and as the Indian Supreme Court observed in telling terms in Ratanlal:

“The imperatives of independence and the jural postulates based on the new value system of a developing country must break off from the borrowed law of England received sweetly as justice, equity and good conscience!

We have to part company with the precedents of the . . . period tying our non-statutory area of law to vintage English Law christening it 'justice, equity\* and good conscience'. After all conscience is the finer texture of norms woven from the ethos and life style of a community "The three-fold jural imperatives are: sloughing off the colonial legal forms and values, reforming the legal system, procedural and substantive, to be people oriented and socialistic and engineering a human order with roots in the past but adapted to the rapid changes of the society seeking transformation from the primitive to the technological. Aware law is the competent midwife of the Human tomorrow . . . (it must) discipline power into delivering justice. We must never forget that law is a value—reality not value—neutrality... Living law has to be thus value loaded and goal oriented . . . where law is static and suppressive in a cosmos which is democratic and dynamic legality becomes illegitimate and archaic and the legal system broken and ignored by the community... .Living law has to be thus value loaded and goal oriented . . . where law is static and suppressive in a cosmos which is democratic and dynamic legality becomes illegitimate and archaic and the legal system broken and ignored by the community... The dynamic rule or law (implies that) economic growth without distributive justice is a dehumanized solution".<sup>6</sup>

Another aspect of legal education is the lack of capacity building of the law graduates in understanding the legal problems of international business transactions. The law graduates of developed countries are equipped with the knowledge to resolve complex legal issues in cross border transactions. As such the lawyers in developing countries are expected to do this, "A lawyer needs a broadly based education to enable adaptation to new and different situations as his or her career develops, an adequate knowledge of the more important branches of the law in both its principles and its international dimensions, and the ability to handle facts judiciously". The law students must have developed analytical and synthetic approach towards understanding the application of the law. Therefore, they must adopt a positive attitude towards proper development and change by acquiring a critical approach to existing law and appreciation of its social consequences.

### **Legal Education vis-a-vis Globalization**

The process of globalization is dynamic, emerging and inevitable. According to Smits (2013)<sup>7</sup> modern world globalization is the process of integration of the economies through international trade, investment, transportation and the introduction of the modern communication technology, and due to these development the world has become a global village. In the global regime there are more than 500 top ranking multinational companies which are involved in the process of manufacturing, selling and rendering services and contributing in the process of development across the globe. With all this globalization, commercial and investment disputes become international and inevitable. It has always been recognized that an advocate must be equipped with the skills in order to cope with the challenges of the globalization<sup>8</sup>. As far as the law schools are concerned in the developed world, they have formulated their legal educational policies keeping in view the global trends and challenges and in response, they have introduced international exchange programmes, in which foreign law faculty is invited for the law schools<sup>9</sup>.

Furthermore, Law Schools also offer opportunities to train the students as internees in World Bank, IMF and WTO etc. According to Babb (2017) some Law Schools have developed a liaison with NGOs to create awareness and capacity building of law students to address emerging and cross cutting global issues relating to immigration, commercial and human rights including environmental issues. It is worth-while to note, here that, the Law Schools of developed countries like UK and USA offer the students skill development courses and arrange seminars which are very much fruitful for the law students. In addition to these, law schools allow credit for internships with foreign courts, agencies, international organizations and foreign governments<sup>10</sup>. Unluckily, still Pakistan is not integrating itself with the global educational regime. It is pertinent to mention here that the budget for the higher education in Pakistan is very low as compared to the other countries, because of financial constraints and other political factors.<sup>11</sup> In case of Pakistan, in the last decade there has been an enormous growth in the number of private law colleges, though, not all of these colleges have extremely high enrolment numbers, lack of physical facilities, inadequate and incompetent teaching faculty, extremely poor library facilities, lack of law moots room, lack of proper building infrastructure, with the result that there has been a proliferation of law graduates ill-equipped with the legal learning, professional or academic or socially relevant, and are unrelated to manpower needs. The license issuing authority i.e. Bar Council of Pakistan has failed to perform

basic role while conducting the intimation examination in a transparent manner. Moreover, the legal education committees are acting under a political influence of various pressure groups of the lawyers.

Therefore, the “Pakistan Bar Council” being the apex body of the legal fraternity established under “Legal Practitioners and Bar Councils Act (1973)” should play its effective role to improve the standard of legal education in Pakistan. Legal Education in Pakistan has greatly been into discussions since 2015. This is particularly because of the Pakistan Bar Council Rules (2015) which came up with various major changes in the set up and overall structure of legal education in Pakistan including a permanent ban on the 3-year LLB degree program and imposition of age restriction on aspiring law graduates. The immediate reaction to these Rules was positive and people took it as an initiative towards the betterment of legal education.

However, with the passage of time, its implications and consequences sent the whole system of legal education into chaos and confusion. This confusion was ultimately dealt with when Honorable Lahore High Court revived (temporarily) LLB 3-years program considering the flaws and procedural lacunas in the formation of these rules. In constitution petition No 134/2012, Pakistan Bar Council expressed its concern about the steady decline in the quality of legal education in Pakistan on account of mushroom growth of law colleges, lack of adequate facilities, absence of qualified faculty and absence of regulatory authority to ensure a certain qualitative standard. Admittedly the goal of access to justice and its dispensation cannot be realized without proper and organized legal education system and with a view to ensure a qualitative legal education and to discourage growth of substandard law colleges. In the above said petition the Honorable court issued the directions as:

- “The Pakistan Bar Council is the apex professional elected body of lawyers established under the Legal Practitioners and Bar Councils Act, 1973. One of its primary functions under this Act is to promote legal education in consultation with the universities in Pakistan and the Provincial Bar Councils. (section 13-i) it has been empowered to make rules to carry out its functions which include rules to provide for the standards of legal education to be observed by the universities in Pakistan and the inspection of universities for that purpose”
- “The Affiliation of Law Colleges Rules framed by the Pakistan Bar Council and any rule added or amended

from time to time by it are essential to ensure that the law school/colleges impart uniform quality legal education”

- “The rules framed by the Pakistan Bar Council shall be read into the rules framed by any Pakistani University and in case of conflict former rules shall have primacy”
- “The rules do not envisage any concept of provisional affiliation. However, if any enactment. Rules or regulation made there under provide for provisional affiliation, the same shall not extend beyond the period of one year and thereafter the said college shall stop admitting students for a law degree”
- “With a view to improve and update the syllabus prescribed for a professional degree in law, we are persuaded to appoint a 5 member committee to be headed by Justice (R) Nasir Aslam Zahid, former Judge of the Supreme Court of Pakistan to examine the existing courses of law prescribed by the universities for obtaining the professional degree and to suggest suitable proposals, inter alia, in the light of the observations made by this court, the committee shall submit its report with six months to the Pakistan Law Commission for consideration.”

### **Matrix of Affiliation of Law Colleges Rules introduced by Pakistan Bar Council**

Ownership	The ownership of the College with all its assets shall vest in a body corporate
Security	The applicant prior to enrolling and admitting students shall deposit a sum of Rs. One Million
Building	“The College shall be located in a spacious, separate and independent building on a plot of at least 2000 sq. yards, without any other institution or person sharing the premises”
Class rooms etc	“The college shall have at least three class rooms with one having seating capacity of 150 or more students, a common room, a ladies room and a separate staff room”.
Canteen & first aid facilities	“The college shall have adequate canteen, toilets and first aid facilities.”
Qualifications of Principal of Private Law College	“LLM from a recognized University with at least 10 years teaching experience or a LLB with 15 years teaching experience”.

Whole time Teachers	“There shall be at least two whole time teachers with academic qualifications and experience as prescribed by the University: Provided that the whole time teachers shall deliver at least 25% of the total lectures delivered during the academic year”.
Qualifications of Part - time teachers	“The part - time teacher should have the qualifications and experience prescribed by the Rules.”
Number of Lectures	“The college shall ensure that each class receives at least as many lectures per week as are prescribed by the University. In the absence of such regulation of the University each class shall receive at least 18 regular lectures per week including one tutorial session”
Days of Classes	“Classes shall be held six days a week and the academic year shall not be less than that of the University.”
Library	“The College Library should provide facilities for at least 20 percent of the total number of students on the rolls.”
<i>Number of Books in Library</i>	“Initially books worth not less than Rs. 5,00,000/- will be acquired for the College Library. Thereafter at least Rs. 60,000/- shall be allocated annually for acquisition of books for the Library”
Subscription of Law Journals	“The Library will subscribe to at least two reputable foreign Law Journals or access to inter-net and acquire at least one set of all Law Reports published in Pakistan.”
Book Bank.	“The College shall establish a Book Bank to provide for the prescribed text books”
Qualification of Librarian	“The Librarian of the College Library should be qualified and paid according to the University Regulations”
Seating in class room	“Seating in classes will be provided for 100 percent of the students allocated to the class”
Number of Students in a class room	“There shall not be more than 100 students in a class”
Timing of Classes	“The College shall have morning classes only”
Admission percentage of students to evening classes	“The total number of students in LL.B. parts I, II and III in evening classes shall not exceed 50 percent of the students admitted in the morning classes. Provided that the Colleges shall ensure



	that the evening classes shall be dispensed with in a period of 6 years”
Attendance record	“An authenticated Attendance Record of all students shall be displayed on the Notice Board in the first week of every succeeding month”
College record	“College record shall not be removed from the College premises and shall remain available for inspection at all reasonable times by the University.”
Fee Concession	“The College shall make available full fee concession to at least five percent and half fee concession to at least ten percent of the enrolled students.”
Period of affiliation	“The affiliation shall initially be for a period of three years. The affiliation of the college complying with the regulations of affiliation shall be extendable for further successive period of three years.”
Inspection	“There shall be at least one inspection every academic year, of the Law College by Inspection Committee”
De-affiliation and forfeiture of security	“The University on receipt of an adverse report from the Inspection Committee may de-affiliate the College or impose fine not exceeding one hundred thousand after due notice and opportunity of hearing.”
Nominee on Governing Body	“The Governing Body of the College shall also have a sitting or former Judge of the High Court nominated by the University syndicate.”
Standard of legal education	“The standard of legal education shall be laid down by the Pakistan Bar Council in consultation with University Grants Commission, the Universities and Provincial Bar Councils.”
Accounts	“Every college shall maintain a Bank Account with a scheduled Bank”

### **Pakistan Bar Council Legal Education Rules 2015- Recent Development**

“Whereas the rules of different Universities in the country imparting legal education regarding affiliation of private and Government law colleges, presently in vogue, are not uniform and instead vary from each other; And whereas the mushroom growth of

private law colleges is causing deterioration of the standard of legal education; And whereas it is imperative to have strict control and check on the law colleges for improving the standard and quality of the legal education; And whereas it is expedient to create uniformity in Rules of affiliation of all the Universities imparting legal education. Therefore, the Pakistan Bar Council hereby proposes the Rules for adoption by all the Universities of Pakistan imparting legal education. And these Rules have been challenged in the Lahore High Court in 2017, and the matter is sub-judice before the Honorable Lahore High Court". According to the "Pakistan Bar Council (PBC)" the purpose of these rules and changes was to improve the standards of legal education. However, a critical reading of these rules suggests their making in haste. These rules were not only full of vagueness and lacunas but also depicted the usurpation of powers by the PBC. The importance of law and legal education cannot be denied in any way. And, there is no doubt that effective measures should be taken in order to enhance the quality standards of legal education. But, at the same time it is equally important that the proper procedure to introduce such changes should be followed and the reforms should be deliberate and properly planned instead of merely being premature ideas. It is quite evident that when, in law, due process is not followed, the results are full of loopholes and ambiguities, which is the exact case with Bar Council Rules 2015.<sup>12</sup>

According to the "Legal Practitioners and Bar Councils Act (1973)", it is part of the functions of Pakistan Bar Council to take such steps which are necessary for the improvement of legal education within Pakistan and to upgrade its standards. However, the important thing to note is that Pakistan Bar Council is not given absolute power to bring such reforms without the consultation of other provincial Bar Councils and Universities. It is also pertinent to mention here that consultation should be substantial and must not be done to meet a procedural formality only. The importance of consultation and its due meanings can be gathered from cases like the *Al-Jehad Trust case (1996)*.<sup>13</sup>

In the process of introducing these rules, neither the universities nor the provincial bar councils were taken on board and no consultation, which the statute mandates, was actually done. Not even the Punjab University Law College, which is the mother institution in legal education and a pioneer of the 5-year LLB (Honors) program, was consulted before making such drastic changes in legal education. The outcomes of this abrupt legislation could be no different from what we are facing these days. The admission process is still at pause. University sessions are being delayed until the final verdict of the court

and the suffering parties are none other than the ordinary citizens of Pakistan. Since the Rules were mainly addressing the academic part of LLB, it would have been essential to take views from the academicians and educational institutions. By doing so, many of the issues which are being raised in court about the subject matter could have been addressed at departmental level and the chaos could have easily and efficiently been avoided. By not involving educational institutions, Pakistan Bar Council has not only put the whole system of legal education into confusion but has also exceeded its powers under section 13 of “Legal Practitioners and Bar Councils Act (1973)”. This is evident from the section as follows:

“(1) Subject to the provisions of this Act and the rules made there under, the functions of the Pakistan Bar Council shall be-

(j) To promote legal education and prescribe standards of such education in consultation with the universities in Pakistan and the Provincial Bar Councils”.<sup>14</sup>

The dilemma is that according to Pakistan legal rules (2015), Pakistan Bar Council has also mandated upon universities offering LLM and PhD degrees to obtain prior permission from the Pakistan Bar Council itself, again without consultation with the universities, even though the LLM and PhD are purely research-based and academic degrees and do not relate to legal practice. Another important aspect to consider is that the standards cannot be improved by increasing or decreasing the years of a degree. What matters is the substance of the degree and the quality of education which can be done by introducing bar training courses, seminars, conferences and workshops in collaboration with the Pakistan Bar Council to engage law students into practical work. All bar councils can also collaborate with universities and law schools to organize various helpful internship programs and practicing opportunities for the upcoming lawyers, which would practically enhance capacity building and inculcate critical thinking and legal acumen among them. Ultimately, these rules were challenged and Honorable “Chief Justice Lahore High Court, Justice Syed Mansoor Ali Shah” after thorough deliberation, allowed inductions in 3 years LLB program for the time being. Dealing with the purely academic dimension of legal studies without even consulting the relevant bodies cannot achieve the requisite ends. Moreover, there is no harm in pursuing the 3-year LLB degree for those who want to gain the knowledge of law.

The Honorable Court also dilated upon the fact that Law is not an isolated discipline in society. It shows its involvement in every field,

every profession and at every level. From business to academics, from civil services to private jobs, from finance to medicine, law is involved in every field. People from every profession, every background and every age should be exposed to legal education. This would help in the overall betterment of the society by inculcating a sense of 'law abidingness'. Moreover, many of the departmental disputes and lower level issues would be justly tackled at departmental levels if the people dealing with such matters were well versed with the law as well. This would in turn reduce the burden upon courts. However, the bar can impose checks on licensing law graduates as full time practitioners. Unfortunately, the bar has not focused on its own criteria and standards which are the real factors in enrollment of eligible and competent lawyers.

### **Challenges in Legal Education**

- 1) **Non-Compliance of the Affiliation Rules**-In the opinion of the Author, most of the affiliated "law colleges" with universities do not meet the above criteria as provided in the matrix and it is a major cause of deterioration of legal education and research in Pakistan. The "Supreme Court of Pakistan in case of Pakistan Bar Council **versus** Federation (2007)" held that  
"Federal Government, the Higher Education Commission, all the Provincial Governments and the Universities be directed to adopt and implement the "Affiliation of Law Colleges Rules" framed by the Pakistan Bar Council and further that no Charter or 'No Objection Certificate' be issued to any institution, college or individual to establish law college without compliance of the said Rules".<sup>15</sup>
- 2) **Standard of Teaching materials and Case books**- prescribed by the law schools in developing countries are text books and case books by foreign authors reflecting "existence of different legal culture and different conditions in society". There is almost a conspicuous absence of: (i) "indigenous body of legal literature which examines law in a developmental socioeconomic context"; and (ii) "localized teaching materials, which in turn require research into the local environment of the law". Text books and teaching materials produced in developing countries follow largely the traditional British pattern of doctrinal treatises imparting straight law learning—

the lawyer's law—of a strictly legalistic nature with almost little or no reference to social objectives, needs and perspectives or to highly relevant and basically important references to allied non-legal materials. It is pertinent to mention here that less qualified or less motivated teachers entering the universities, the qualified and competent teachers are reluctant to join the law schools because of limited and fixed salaries and facilities. It may be argued that the legal education could not meet the fundamental needs of the society.

- 3) **Curriculum and Practical Component-** it has been observed that the curricular design or format reflects the perspective about law and objectives of legal education. In Pakistan the curricular design and field work component is not up to the mark and it has, therefore, been rightly said that “most intractable problems of improving legal education relate more to implementation than planning curriculum”. Moreover latest techniques and subjects such as intellectual property rights, environment, human rights, ADR, etc. are not the essentials part of LLB Programmes in the Law Schools of Pakistan. It is worthwhile note that, the social and legal landscape in the developing world reveals large valleys of massive poverty, colossal illiteracy, centuries of neglect deprivation and serfdom inflicted on a vast majority of the meek millions in the countryside, a slow moving machinery of law and justice involving costs much beyond the means of the overwhelming millions. Justice like a five star hotel is open to everyone but one must have the means to approach it. Legal professionals, academicians, judges, and administrators cannot be oblivious to all this. Curricular format must be responsive to meet all these challenges. Therefore, courses like Law and Development, Law and Poverty, Law and Justice Delivery System, Law and Policy, Law and Trade, Law and Human Rights, Law and Environment, Law and Agriculture including regulatory laws etc have to be introduced in the curricular design.
- 4) **Examination and Evaluation Mechanism-** an Least Developing Countries (LDCs) specifically in “Pakistan”, every year thousands of students appeared in the examination with a set mind of stereo type paper pattern. Their preparation of the examination is based on old previous papers where in most of the cases the paper setters do not include the statement oriented

questions rather they rely only on the previous pattern of examination. This attitude leads towards the detritions. Moreover, Evaluation Mechanism of scripts is not well organized and up to the standards, senior advocates, and judges are reluctant to evaluate these scripts due to their professional and official engagements. It is worthy to note that, the script evaluation remuneration is very low and does not attract the competent examiners.

- 5) **Gaps between Practice and Theory**-Technological advancements also bring important changes in the pattern of legal education in theory and practice. The object of Legal education was limited in the past as legal education was only about preparing professionals for the practice of law in the courts. No dynamic approaches were introduced in order to meet the legal issues of the globalization in holistic manner<sup>16</sup>. Resultantly, the law graduates were focused on one dimension of the legal education, and they neglected the existing demands of the world in the latest concepts and practice of law, such as Trade, Investment, environment and human rights etc. Moreover, non practical and non standardized courses were adopted in the landscape of the legal education. The eminent scholar ‘Peter Martin’ (2010) has drawn sketch on the status of legal education in developing countries specifically in African law schools in these words:

“The pace and contours of change vary from place to place, but nearly everywhere the impact of digital information and communication on law-related functions seems both breathtakingly rapid and inexorable’. This is particularly important for African law schools, which do not possess the financial, logistic or linguistic resources to collect materials from all over the world. Collecting official gazettes, laws and case reports from many jurisdictions puts enormous demands on space and financial resources. The problem in most Africa states outside South Africa is not only the absence of foreign materials but an absence of legal materials in general”.

Another major challenge for developing world including Pakistan is the initiation of the concrete training programs for the law practitioners in order to update them in developments

in the practice of law. “In the absence of such programs, lawyers are left with self-study — reading books, articles, and current decisions — to keep abreast of new developments in legal thought. It is widely acknowledged that this kind of self-education is not sufficient to keep a person up-to-date and competent as the interactive elements so crucial to training”.

6. **Role of HEC-** the Higher Education Commission of Pakistan is no doubt working for the betterment of higher education in sciences and life sciences but in some circumstances is least bothered about social sciences including the standard of legal education and there is no concrete and effective accreditation committee to supervise the standard of legal education in Pakistan. And there is no concrete policy to create harmony and uniformity in the sphere of legal education. Moreover, after the incorporation of 18<sup>th</sup> Constitutional Amendment the Higher Education has become a controversy between the Federation and Federating Units, and the case is still sub-judice in the courts of law. HEC should introduce faculty development programs and faculty exchange programs in the Universities.

### **Recommendations and Conclusion**

- a) Control the Mushroom Growth of private law colleges in Pakistan through a national action plan in collaboration with Universities, Provincial Bar Councils, Legal Education Committees and Pakistan Bar Council. Moreover, the relevant Bar councils which issue practicing license to the lawyers, conduct the intimation examination in fair, open and transparent manner like the Bar Councils of USA, Canada and UK.
- b) To improve quality, consideration may be given to strategies to improve student capacities in problem analysis, in counseling, litigating and the like. “New educational methods may include clinical approaches, intensive individualized research and writing, workshop programs and problem centered methods of teaching which entail more active student participation in the learning processes. Moreover, to introduce new courses into the national curriculum, including multi-disciplinary projects. Which will focus more attention on development problems, and law schools should participate more actively in the programs of other professional institutions, such as school of administration,

- agriculture and public health and in the work of multi-disciplinary institution for development research”.
- c) The Permanent teachers of Law may need to better equipped as a professional in three respects as a lawyer, as a researcher and as an educator, for this purpose refreshing courses and training programs should be launched by Law Schools in collaboration with Higher Education Commission, and the appointment and promotion procedure should be on merit and in accordance with law in the universities
  - d) “A focused approach should be given to ways of developing and financing forms of legal literature which promote rather than frustrate worthwhile objectives and strategies in legal education. Legal literature is an important investment which governments and universities should be prepared to make as a part of the costs of legal education and legal development”
  - e) There should be a national body like PM&DC with objectives to safeguard public interest, to establish uniform minimum standard of basic & higher legal education throughout Pakistan. The allocation of seats in law schools should be fixed in the same pattern like admission of medical colleges and an entry test should be mandatory before admission in any university of the Pakistan.



## References

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- <sup>1</sup> Shiv Dayal, *Dynamics of Development: Legal Education And Developing Countries* (Nairobi: East African Publishing House, 1984).
- <sup>2</sup> Simon Chesterman, "The Evolution of Legal Education: Internationalization, Transnationalization, Globalization". *SSRN Electronic Journal* (2009).
- <sup>3</sup> Legal Education in a Changing World Report of the Committee on Legal Education in the Developing Countries International Legal Center, New York." *Published in Sweden 1975 by the International Legal Center, New York and the Scandinavian Institute of African Studies, Uppsala, 1975.*
- <sup>4</sup> Joni Hersch and W. Kip Viscusi. "Law and Economics as a Pillar of Legal Education". *Review of Law & Economics* 8, no. 2 (2012).
- <sup>5</sup> A. A. Pepelasis, "The Legal System and Economic Development of Greece". *The Journal of Economic History* 19, no. 02 (1959): 173-198.
- <sup>6</sup> International Legal Studies, (Harvard Law School, 1954-61), 3
- <sup>7</sup> Jan M Smits, "Three Models of Legal Education and A Plea for Differentiation". *SSRN Electronic Journal* (2013).
- <sup>8</sup> Lawrence M Friedman, "Legal Culture and Social Development". *Verfassung in Recht und Übersee* 2, no. 3 (1969): 261-274.
- <sup>9</sup> A. Kenneth Pye, "Legal Education in An Era of Change: The Challenge". *Duke Law Journal* 1987, no. 2 (1987): 191
- <sup>10</sup> Henry J Steiner, "Legal Education and Socio-Economic Change: Brazilian Perspectives". *The American Journal of Comparative Law* 19, no. 1 (1971): 39.
- <sup>11</sup> Barbara A Babb, "Another Look at The Need for Family Law Education Reform: One Law School's Innovations". *Family Court Review* 55, no. 1 (2017): 59-69.
- <sup>12</sup> Pakistan Legal Education Rules, (2015)
- <sup>13</sup> Al-Jehad Trust case PLD 1996 SC 324
- <sup>14</sup> Pakistan Bar Council and Practitioner Act, (1973)
- <sup>15</sup> Pakistan Bar Council v Federation PLD 2007 SC 394
- <sup>16</sup> Thorsten Beck, "Legal Institutions and Economic Development". *SSRN Electronic Journal* (2010).