

PROSPECTS FOR ONLINE LEGAL EDUCATION IN PAKISTAN

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Abstract: The Higher Education Commission regulates the provision and modality of higher education in Pakistan, with both public and private institutions increasingly imparting higher education. The Pakistan Bar Council is the main regulator of legal education in Pakistan, and often collaborates with the Higher Education Commission in certain areas to foster the provision of higher education in law. The framework for legal education operates according to various legal provisions that are often criticised for failing to keep pace with modern trends. These outdated legal provisions merely provide for physical classroom-based education. Consequently, it is not currently feasible to shift LL.B. and LL.M. programs to either partially or completely online educative models. However, the collateral impacts of the COVID-19 pandemic, subsequent restrictions, and modern trends in legal education towards dynamic online models, collectively provide an impetus for the Pakistan Bar Council to amend the relevant legal provisions to allow online legal education.

Keywords: Advocate, continuing legal education, COVID-19, Higher Education Commission, online legal education, Pakistan Bar Council, pandemic, practical legal education.

1. INTRODUCTION

The Constitution of 1973 ('1973 Constitution') posits that the Islamic Republic of Pakistan ('Pakistan') is a Federal Republic.¹ The country comprises of four Provinces, being Balochistan, Khyber Pakhtunkhwa, Punjab, and Sindh, as well as a Federal Capital.²

In 2010, the 18th Amendment to the 1973 Constitution redefined the legislative powers of the Parliament and the Provincial Assemblies.³ As a result, the Parliament is now empowered to make laws for the whole country or a part of it, whereas the Provincial Assembly is empowered to make laws for the whole Province or a part of it.⁴ Similarly, while the Parliament has exclusive power to legislate regarding matters enumerated in the Federal Legislative List;⁵ the Provincial Assemblies have the exclusive power to legislate on matters not enumerated in the Federal Legislative List.⁶ The Supreme Court reiterates this: 'The Federal Legislature exercises its jurisdiction in respect of matters enumerated in the Federal Legislative List (FLL). All other left-over matters and subjects are secured by the Provincial Legislature in constitutional parlance referred to as residuary subjects.'⁷ The 1973 Constitution provides that a Provincial Assembly may, through a resolution, ask the Parliament to enact a law for that Province.⁸

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¹ *The Constitution of 1973*, Article 1(1).

² *Ibid* Article 1(2).

³ *The Constitution (Eighteenth Amendment) Act* (2010).

⁴ *The Constitution of 1973*, Articles 141 and 142.

⁵ *Ibid* Article 142(a).

⁶ *Ibid* Article 142(c).

⁷ *Federal Government Employees Housing Foundation (FGEHF), Islamabad v Malik Ghulam Mustafa* (2021) SCMR 201.

⁸ *Ibid* Article 144(1).

The Federal Legislative List provided in the 1973 Constitution does not mention ‘education’ or ‘higher education.’⁹ Therefore, only the Provincial Assemblies are competent to legislate on matters concerning and relating to education.¹⁰

2. HIGHER EDUCATION

2.1. OVERVIEW

There are over 220 public and private universities and degree awarding institutions (‘DAIs’) across Pakistan, collectively regulated by the Higher Education Commission (‘HEC’). The funding arrangements for public institutions entail full government funding in contrast to private institutions which generate funds directly through fees. As a result of their dependency on ever-changing and uncertain government funding, public universities and DAIs are incurring increasing losses each year. Critically, unless the government takes immediate remedial measures, these public institutions are expected to be confronted by a severe financial crisis. Between 2017 and 2021, the number of public universities and DAIs increased from 99 to 131 and the number of enrolled students increased from 1.76 million to 2.06 million. The new 32 public institutions, established primarily for political reasons, were not provided with the required funds to enable provision of adequate higher education, establish new programmes, and strengthen existing programs. The HEC’s development budget should be increased to deal with these issues. It is expected that increasing this budget will also equip public institutions with the resources and capabilities to develop a proper system for the provision of online education.¹¹

There is presently no right to higher education in Pakistan. In comparison to standard school education, it is more expensive to provide higher education, evinced through the extensive costs in setting up and maintaining laboratories, hiring staff, and retaining faculties.¹² In 2017-18, the HEC’s recurring budget was Rs 63.1 billion; in 2018-19, it was Rs 65.02 billion; in 2019-20, it was Rs 64.1 billion; and in 2020-21, it was again Rs 64.1 billion. This was insufficient to meet the demands of the public institutions.¹³ In response, the Government allocated Rs.81 billion in 2021-22.¹⁴ The HEC has a total funding of Rs108 billion for the financial year 2021-22.¹⁵

The insufficiency of these funds is compounded by inflation which has had a negative impact on the provision of higher education, with faculty and staff members at public institutions demanding higher salaries. This has created a double-edged sword. Keeping staff satisfied and preventing them leaving public institutions not only requires costly expenditure

⁹ *The Constitution of 1973*, Federal Legislative List.

¹⁰ *The Constitution (Eighteenth Amendment) Act 2010*; *Azfar Laboratories Private Limited v Federation of Pakistan through Secretary of Ministry of National Health Services* (2018) PLD 448.

¹¹ Dr. Laghari, ‘HEC in Dire Straits’ (30.05.2021) *The News*, <https://www.thenews.com.pk/print/841797-hec-in-dire-straits>.

¹² F. Bari, ‘Quest for Quality Education’ (26.11.2021) *DAWN*, <https://www.dawn.com/news/1660345>.

¹³ K. Abbasi, ‘Higher Education Sector Has Remained Under-Funded, Says Stakeholders’ (27.05.2021) *DAWN*, <https://www.dawn.com/news/1625845/higher-education-sector-has-remained-under-funded-say-stakeholders>.

¹⁴ ‘Shafqat Terms Budget 2021-22 “Most Pro Higher Education Budget Ever”’ (12.06.2021) *Pakistan Daily*, <https://thepakistandaily.com/shafqat-terms-budget-2021-22-most-pro-higher-education-budget-ever/>.

¹⁵ K. Abbasi, ‘HEC’s Proposed Funding Formula in Doldrums in Absence of Chairman’ (15.11.2021) *DAWN*, <https://www.dawn.com/news/1658124/hecs-proposed-funding-formula-in-doldrums-in-absence-of-chairman>.

to increase their salaries, but also entails re-allocating scarce resources away from education towards staff satisfaction, thus undermining the quality of higher education.¹⁶

2.2. REGULATION

The HEC was established under the Higher Education Commission Ordinance (2002) ('HECO').¹⁷ According to the Preamble of the HECO, the HEC is responsible for improving and promoting higher education, research, and development in Pakistan.¹⁸ The HECO further defines a 'university' as: 'A university established or incorporated under any law for the time being in force.'¹⁹ A 'degree awarding institution' ('DAI') is defined as: 'An institution imparting higher education and awarding degrees of its own.'²⁰ Both universities and DAI's impart higher education. An 'institution' is defined as: 'Any university or other degree awarding institution that offers higher education or is involved in the research and development activities.'²¹ Thus, 'institution' refers to a university or DAI.²² A DAI can have a maximum of three departments or faculties while a university can have four or more departments or faculties.²³

The HEC was established in 2002 prior to the 18th Amendment to the 1973 Constitution, occurring in 2010.²⁴ After this Amendment, Punjab was the first Province to set up an education commission, called the Punjab Higher Education Commission ('PHEC').²⁵ Afterwards, the Province of Sindh set up the Sindh Higher Education Commission ('SHEC').²⁶ Unlike these two provinces, the Provinces of Balochistan and Khyber Pakhtunkhwa have not yet established their own provincial higher education commissions. However, a Higher Education Regulatory Authority has been established in Khyber Pakhtunkhwa to regulate *private* universities and DAIs, not *public* universities, and DAIs.²⁷ Despite the changes arising from the 18th Amendment to the 1973 Constitution, the HEC still formulates standards, guidelines, and policies for higher education in Pakistan.²⁸

2.3. ACCESS TO INFORMATION TECHNOLOGY

¹⁶ F. Bari, 'Quest for Quality Education' (26.11.2021) DAWN, <https://www.dawn.com/news/1660345>.

¹⁷ *The Higher Education Commission Ordinance 2002*, section 4.

¹⁸ *Ibid* preamble.

¹⁹ *Ibid* section 2(m).

²⁰ *Ibid* section 2(e).

²¹ *Ibid* section 2(h).

²² *Ibid* section 2(h).

²³ Guidelines for the Establishment of a New University or an Institution of Higher Education, Higher Education Commission, (2007), 7.

²⁴ The Higher Education Commission Ordinance, 2002; and The Constitution (Eighteenth Amendment) Act, 2010.

²⁵ The Punjab Higher Education Commission Act, 2014; The Punjab Higher Education Commission, <https://punjabhec.gov.pk/>.

²⁶ The Sindh Higher Education Commission Act, 2013; The Sindh Higher Education Commission, <https://sindhhec.gov.pk/>.

²⁷ The Khyber Pakhtunkhwa Registration and Functioning of Private Educational Institutions Ordinance, 2001; The Higher Education Regulatory Authority, <http://www.herakp.gov.pk/>.

²⁸ *The Higher Education Commission Ordinance 2002*, section 10(1); M. Sarmad, 'Legal Education in Pakistan: Problems & Prospects in the Context of 21st Century' (2019) 3(1) *Islamabad Law Review* 64, 74.

The COVID-19 pandemic reached Karachi on 26 February 2020,²⁹ with cases recorded in all four provinces of the country by 18 March 2020.³⁰ Since then, being the fifth most populous country the world, Pakistan has experienced three different waves of COVID-19. Although the first wave subsided in July 2020, the country began to experience a second wave in November 2020, followed by a third wave in March 2021. Pakistan experienced its first lockdown from 1 April 2020 to 9 May 2020.³¹ Like other countries, Pakistan enforced lockdowns and ensured strict implementation of standard operating procedures.

The COVID-19 pandemic forced public and private institutions to wrap up in-person classes, with the HEC directing higher education institutions to transition to online educative methods through the provision of online classes. Consequently, institutions stopped on-campus classes during March 2020. While private institutions possessed the resources to easily transition to online classes, many public institutions lacked the requisite infrastructure and technical and financial resources to facilitate this transition. The asymmetries in educative resourcing created accessibility issues to higher education, worsened for millions of Pakistani students who were unable to access the fundamentals of connected life, including smartphones, the Internet, and tablets to facilitate online learning. Therefore, the potential success of online education in Pakistan was greatly undermined by the ‘dual-responsibility model,’ not only requiring public institutions to expend scarce funds in transitioning to costly online education, but making participation by students in online learning contingent on their own economic capacity to afford and access the electronic devices and services required in online models.³²

Access to education before the pandemic presented a huge issue in Pakistan, with pre-pandemic statistics suggesting that of the over 70 million children, 22.8 million were out of school. Critically, the COVID-19 pandemic exposed these huge technological inequalities. According to the Pakistan Telecommunication Authority (‘PTA’), outside the major cities, broadband is expensive, smartphone penetration stands at 51%, and only around million school-age children have regular access to digital devices and bandwidth. It is expected that a determined effort could almost eliminate this problem within two to three years. However, at present, an online system of education cannot be relied upon as the sole method for education delivery due to its fragility in blocking education opportunities for students unable to acquire the requisite learning resources for participation in a digital learning environment.³³

According to the PTA, in 2012, broadband subscriptions were less than 2 million; in 2014, the figure drastically jumped to 16 million; and, in 2021, increased to 100 million. According to the Inclusive Internet Index, commissioned by Facebook and conducted by the Economist Intelligence Unit (‘EIU’), in 2021, Pakistan ranked 90th; in 2020, it ranked 89th; and, in 2019, ranked 77th out of 100 countries. According to the EIU, in 2021, Pakistan ranked in

²⁹ N. Khan, ‘Pakistan Prepares to Fight Back as Two Coronavirus Cases Emerge in Country’ (15.03.2020) Arab News, <https://www.arabnews.pk/node/1633656/pakistan>.

³⁰ ‘Coronavirus Updates, March 18: Latest News on the Coronavirus Outbreak from Pakistan and Around the World’ (18.03.2020) GEO News, <https://www.geo.tv/latest/277853-coronavirus-updates-march-18-latest-news-on-the-coronavirus-outbreak-from-pakistan-and-around-the-world>.

³¹ R. Shehzad, ‘Countrywide Lockdown Stretched Till May 9’ (24.04.2020) The Express Tribune, <https://tribune.com.pk/story/2206167/1-countrywide-lockdown-stretched-till-may-9>.

³² Z. Ranjah, ‘Transforming Legal Education’ (24.04.2020) The Friday Times, <https://www.thefridaytimes.com/transforming-legal-education/>.

³³ M. Z. Malik, ‘The Coronavirus Effect on Pakistan’s Digital Divide’ (14.07.2020) BBC, <https://www.bbc.com/worklife/article/20200713-the-coronavirus-effect-on-pakistans-digital-divide>.

the bottom quartile of the index and second to last in Asia. The EIU also suggests the ‘Gender Gap in Internet Access’ between men and women is 65% and 51% for mobile phone access.³⁴

However, the increasingly competitive internet service provider environment has facilitated a decrease in mobile phone costs. Pakistan, previously ranked 67th in the world, recently recorded the highest score in the ‘Affordability’ category which examined the cost of access relative to income and level of competition in the Internet marketplace. Nonetheless, Pakistan ranked 79th in the ‘Readiness’ category, examining the capacity to access the Internet, including skills, cultural acceptance, and supporting policy; 91st in the ‘Relevance’ category, examining the existence and extent of local language content and relevant content; and 97th in the ‘Availability’ category, examining the quality and breadth of available infrastructure required for access and levels of the Internet usage. Within the ‘Availability’ category, Pakistan ranked 116th in the ‘Usage’ class, which measured the size of the connected population in terms of the Internet and mobile connectivity. Only 34% of households reported access to the Internet and the fixed-line broadband subscription was 1/47 per 100 inhabitants. Pakistan reported low internet quality, ranking 91st. Pakistan was also confronted by infrastructure issues, including non-availability of public Wi-Fi, unlicensed spectrum policy, and frequent electricity shortages, reported as one of the primary hindrances to connectivity to the Internet.³⁵

According to a 2021 Government survey, around 12% of households owned at least one device, i.e., computer, laptop, or tablet, which highlighted both the limited access to, and equipment for, information and communication technologies in Pakistan. The Pakistan Social and Living Standards Measurement Survey 2019-20 (‘PSLMS’), conducted by the Pakistan Bureau of Statistics (‘PBS’), covered 176,790 households across rural and urban communities and collected information on a range of social sector issues including information technology, education, and health. The survey measured households with computers, laptops, tablets, mobile phones, and the Internet for individuals who were 10 years and older. Concerningly, the survey revealed that the percentage of ICT access was merely 19% in the urban areas and an even lower 7% in rural areas. The Province of Punjab ranked highest with 13% of households having at least one device. The Province of Balochistan ranked lowest with only 6% of households having at least one device. Although 93% of households in Pakistan reported having a mobile phone or smartphone, with 96% in the urban areas and 91% in the rural areas, these are not facilitative of online legal education and stand testament to the issues in transitioning to an online learning environment. The Province of Khyber Pakhtunkhwa ranked highest with 95% of households having a mobile phone or smartphone, with the Province of Sindh ranked lowest with 91%. The Province of Punjab reported that 34% of households had access to the Internet, the Province of Khyber Pakhtunkhwa reported 33%, the province of Sindh reported 32%, and the Province of Balochistan reported 21%.³⁶

3. LEGAL PROFESSION

3.1. OVERVIEW

The legal profession in Pakistan comprises of a single national bar council called the Pakistan Bar Council (‘PBC’), four provincial bar councils, and a bar council for the federal

³⁴ K. Ali, ‘Pakistan Drops to 90th Rank on Inclusive Internet Index’ (20.04.2021) DAWN, <https://www.dawn.com/news/1619250>.

³⁵ Ibid.

³⁶ M. Z. Khan, ‘12pc Households in Pakistan Have At Least One Facility of Digital Devices’ (27.07.2021) DAWN, <https://www.dawn.com/news/1637075>.

capital.³⁷ The Punjab Bar Council is the largest provincial bar council in Pakistan, with more than 100,000 registered Advocates.³⁸ The Lahore High Court Bar Association (‘LHCBA’) recorded 32,653 members in 2018, with the current figure yet to be published.³⁹ The Lahore Bar Association (‘LBA’) has more than 25,000 members.⁴⁰ Both the LHCBA and the LBA function under the jurisdiction of the PBC.

There are 40,709 advocates registered with the Sindh Bar Council.⁴¹ The total number of Advocates registered with the Khyber Pakhtunkhwa Bar Council is not provided on its website.⁴² However, a 2015 report indicated there were 6,498 Advocates licensed to practice before the High Court, and 8,692 Advocates licensed to practice before the subordinate courts.⁴³ The total number of Advocates registered with the Balochistan Bar Council is not mentioned on its website.⁴⁴ The same 2015 report stated that there were 1,590 Advocates licensed to practice before the High Court and 904 Advocates licensed to practice before the subordinate courts.⁴⁵ This data suggests Advocates do not comprise a small professional group and, given the high number, suggests it is not difficult to become an Advocate in Pakistan.⁴⁶

Pakistani lawyers have been closely allied with political parties and adopt a very active role in national politics. Because of these strong political alliances, many lawyers have been successful in obtaining prestigious appointments to the superior courts, winning elections to offices in bar councils and bar associations and obtaining appointments in the Attorney General’s office and the Advocate General’s office. Consequently, elections of bar councils and bar associations have become fierce contests between various groups of lawyers, which are supported by different political parties. Additionally, elections to bar councils and bar associations are not only desired for the political power they provide, but to further enhance and entrench the public perception of influence, thus causing a tremendous increase in clientele for those elected.

As bar councils and bar associations have become platforms for personal career advancement, regulation of the legal profession has remained weak due to self-regulation. The number of sub-standard lawyers is increasing. The legal profession primarily comprises family law offices; children follow parents into legal practice and enjoy the benefits of inherited offices, libraries, staff, and clients. A considerable number of lawyers share office spaces and divide expenses, but do not share profits. Thus, proper firms are rare.⁴⁷

3.1. REGULATION

³⁷ The Legal Practitioners and Bar Councils Act 1973, section 3(1), .

³⁸ Punjab Bar Council, <https://pbbarcouncil.com/about-us/>.

³⁹ Lahore High Court Bar Association, <https://lhcbac.com/bar-history/>.

⁴⁰ Lahore Bar Association, <http://lahorebarassociation.org.pk/about.html>.

⁴¹ Sindh Bar Council, <https://sindhbarcouncil.org>.

⁴² Khyber Pakhtunkhwa Bar Council, <https://www.kpbarcouncil.com>.

⁴³ F. Hussain, *The Judicial System of Pakistan*, Intersentia, Federal Judicial Academy, (2015), 27.

⁴⁴ Balochistan Bar Council, <http://www.bbcq.org.pk/>.

⁴⁵ F. Hussain, *The Judicial System of Pakistan*, Intersentia, Federal Judicial Academy (2015), p 27.

⁴⁶ M. Sarmad, ‘Legal Education in Pakistan: Problems & Prospects in the Context of 21st Century’ (2019) 3(1) *Islamabad Law Review* 64, 80.

⁴⁷ O. Siddique, ‘Legal Education in Pakistan: The Domination of Practitioners and the “Critically Endangered” Academic’ (2014) 63(3) *Journal of Legal Education* 505.

The PBC regulates the legal profession in Pakistan. In February 1973, the Legal Practitioners and Bar Councils Act 1973 ('LPBCA') was promulgated.⁴⁸ The Preamble of the LPBCA states its purpose as: 'An Act to repeal and, with certain modifications, re-enact the law relating to legal practitioners and bar councils.'⁴⁹ The LPBCA provides for the creation of the PBC, the Provincial Bar Councils, and the Islamabad Bar Council.⁵⁰ The functions of the Provincial Bar Councils and Islamabad Bar Council include, among other things:

1. Admitting persons as Advocates and maintaining a roll of Advocates;
2. Admitting persons as Advocates entitled to practice before the respective High Courts and maintaining a roll of such Advocates;
3. Deciding cases of misconduct against Advocates; and
4. Suggesting law reforms.⁵¹

Thus, the Provincial Bar Councils and the Islamabad Bar Council are responsible for admitting persons as Advocates on their rolls.⁵² The functions of PBC include, among other things:

1. Preparing and maintaining a common roll of Advocates;
2. Admitting persons as Advocates entitled to practice before the Supreme Court and maintaining a roll of such Advocates;
3. Prescribing standards of professional conduct for Advocates;
4. Suggesting law reforms;
5. Exercising general supervision and control over the Provincial Bar Councils and the Islamabad Bar Council;
6. Promoting legal education and prescribing standards for legal education in consultation with universities, the Provincial Bar Councils, and the Islamabad Bar Council;
7. Recognising universities whose degrees are acceptable as qualification for enrolment as Advocate; and
8. Organising conferences, seminars, lectures, etc., for promoting legal knowledge and learning in the legal profession.⁵³

The LPBCA further provides that the PBC is empowered to make rules regarding 'uniform conditions for being eligible to apply to a Bar Council for admission as an advocate.'⁵⁴

While the Provincial Bar Councils and the Islamabad Bar Council are responsible for admitting persons as Advocates,⁵⁵ the PBC, is also responsible for prescribing eligibility criteria for admission as an Advocate; prescribing standards of professional conduct for Advocates; prescribing standards for legal education; and recognising universities whose degrees are acceptable as qualification for enrolment as Advocate.⁵⁶

4. LEGAL EDUCATION

⁴⁸ *The Legal Practitioners and Bar Councils Act 1973*, preamble.

⁴⁹ *Ibid* preamble.

⁵⁰ *Ibid* section 3(1).

⁵¹ *Ibid* section 9(1).

⁵² *Ibid* section 9(1)(a).

⁵³ *Ibid* section 13(1).

⁵⁴ *Ibid* section 55(la).

⁵⁵ *Ibid* section 9(1)(a).

⁵⁶ *Ibid* section 13(1).

4.1. OVERVIEW

Some universities and DAIs offer local law programs and some institutes offer foreign law programs. A total of 53 institutions currently offers local law programs.⁵⁷ In addition to offering law programs, many institutions offer affiliation to private law colleges, requiring fee payments, registration fees, and examination fees, necessary to prepare students for examinations. Thus, these affiliating institutions make additional profits. Unfortunately, statistics are not available nor compiled regarding the number of private affiliated law colleges; the number of students enrolled in them; and the fee charged by them.

As for foreign law programs, some institutes offer the University of London's external LL.B. and LL.M. programs.⁵⁸ Unfortunately, detailed statistics are either not available or they have not been compiled for external programs regarding the number of institutes offering them, the number of students enrolled, the career paths pursued by alumni, and the fees charged by the institutes offering the external programs.

Although Pakistan was once a part of British India, there are many differences between Pakistani law and English law. The University of London's external law programs do not teach Pakistani law and do not prepare students for the Pakistani legal system. Further, the University of London's external programs are far more costly than Pakistani programs, requiring much higher tuition fees. Consequently, only the wealthy can afford to pursue external programs, serving as a status symbol of wealth. The high expenses affiliated with these external programs has meant that an overwhelming majority of Pakistanis pursue local law programs instead.

Whether local programs or foreign, most LL.B. holders or law graduates are not up to the mark. Although the PBC and the HEC are criticised as having ignored their responsibilities, it is important to recognise that universities and DAIs have not properly played their part either.⁵⁹

The above-mentioned challenges are compounded by the following issues--- reiterating that, overall, the system of legal education is in dire need of reform:

1. It is overly easy to be admitted to a law program;
2. Modern teaching methodologies have not yet been introduced;⁶⁰
3. The curriculums for LL.B. program and LL.M. program require improvement;
4. Most universities and DAIs lack proper and sufficient human resources in terms of faculty and staff;
5. Most law faculties and law schools are poorly administered;

⁵⁷ *The Pakistan Bar Council Legal Education Rules 2015*, First Schedule and Second Schedule.

⁵⁸ For instance, Universal College Lahore, <https://www.ucl.edu.pk/>; The Institute of Legal Studies, <https://tils.edu.pk/>; Pakistan College of Law, <https://pcl.edu.pk/>; Blackstone School of Law and Business, <https://www.bsolpk.org/>; Themis School of Law, <https://themis.com.pk/>; Shaheed Zulfikar Ali Bhutto Institute of Science and Technology, <https://www.szabist.edu.pk/>.

⁵⁹ R. Zahoor, 'Clinical Legal Education and its Implication on Legal Education System in Pakistan: Challenges and Prospects' (2021) 3(1) *CSRC* 15; M. Imran, 'Role of the Bar and Bench in the Development of Legal Education' (2019) 3(1) *Islamabad Law Review* 45; M. Sarmad, 'Legal Education in Pakistan: Problems & Prospects in the Context of 21st Century' (2019) 3(1) *Islamabad Law Review* 64, 89; S. Shah, 'Legal Education in Pakistan: An Overview' (2018) 26(2) *IIUM Law Journal* 402, 403-04; A. Sial, 'Designing Legal Education to Support Social Evolution in Pakistan' (2009) 24(2) *South Asian Studies* 283, 293.

⁶⁰ M. Sarmad, 'Legal Education in Pakistan: Problems & Prospects in the Context of 21st Century' (2019) 3(1) *Islamabad Law Review* 64, 78, 86.

6. There is a severe dearth of research, both in terms of quality and quantity;⁶¹
7. There are no law journals considered reliable;⁶²
8. At law faculties and law schools, there are frequent tussles between different faculty members, which is a big hindrance to improving the quality of legal education;⁶³ and
9. Members of the PBC, who are responsible for regulating legal education, are practitioners not academics, and are thus unaware of the requirements and dynamics involved in setting up and managing modern legal education programs.⁶⁴

4.2. REGULATION

The PBC is the main regulator of legal education. In certain matters, the PBC works in collaboration with the HEC. Regarding the role of the PBC, the LPBCA provides:

1. Promoting legal education and prescribing standards for legal education in consultation with universities, the Provincial Bar Councils, and the Islamabad Bar Council;
2. Recognising universities whose degrees are acceptable as qualification for enrolment as Advocate; and
3. Organising conferences, seminars, lectures, etc., for promoting legal knowledge and learning in the legal profession.⁶⁵

Thus, Section 13(1)(j) of the LPBCA provides that the PBC is responsible for promoting legal education as well as prescribing standards for legal education.⁶⁶ Further, the LPBCA provides for the creation of the Legal Education Committee ('LEC'), stating that: 'The Pakistan Bar Council may constitute from amongst its members... a legal education Committee.... and may authorise any such Committee to co-opt as its members any other persons, not exceeding such number as the Council may determine.'⁶⁷

Regarding those who can practice law in Pakistan, the LPBCA provides: 'Save as otherwise provided in this Act, no person shall be entitled to practice the profession of law unless he is an advocate.'⁶⁸ Thus, a person cannot practice law unless that person is enrolled as an Advocate.⁶⁹ Regarding those who can be enrolled as Advocates, the LPBCA provides:

'A person shall be qualified to be admitted as an advocate if he fulfils the following conditions, namely:

(a) He is a citizen of Pakistan or a person deriving his nationality from the State of Jammu and Kashmir:

....

⁶¹ R. Zahoor, 'Clinical Legal Education and its Implication on Legal Education System in Pakistan: Challenges and Prospects' (2021) 3(1) *CSRC* 16, 18; M. Sarmad, 'Legal Education in Pakistan: Problems & Prospects in the Context of 21st Century' (2019) 3(1) *Islamabad Law Review* 64, 70-71, 80.

⁶² M. Sarmad, 'Legal Education in Pakistan: Problems & Prospects in the Context of 21st Century' (2019) 3(1) *Islamabad Law Review*, 64, 70-71.

⁶³ R. Zahoor, 'Clinical Legal Education and its Implication on Legal Education System in Pakistan: Challenges and Prospects' (2021) 3(1) *CSRC* 18.

⁶⁴ S. Shah, 'Legal Education in Pakistan: An Overview' (2018) 26(2) *IIUM Law Journal* 402, 427, 431.

⁶⁵ Section 13(1).

⁶⁶ Section 13(1)(j).

⁶⁷ Section 15(2).

⁶⁸ Section 22(1).

⁶⁹ Section 22(1).

- (c) He is a Barrister... or has obtained:
 - (i) Before the 7th day of February 1966, a degree in law from any university in Pakistan; or
 -
 - (iii) A bachelor’s degree in law from a university or institute recognised by the Higher Education Commission and the Pakistan Bar Council; and
 -
- (d) He has undergone such course of training and passed such examination after the training as may be prescribed by the Pakistan Bar council.’⁷⁰

Therefore, a bachelor’s degree in law, from a university recognized by the PBC and the HEC, is one of the requirements.⁷¹ Under the LPBCA, the PBC can make rules regarding standards of legal education to be observed by Pakistani universities as well as inspection of Pakistani universities to ensure the standards are being observed.⁷² The LPBCA provides:

- The Pakistan Bar Council may... make rules to provide for:
-
 - (f) The constitution and functions of any Committee of the Pakistan Bar Council and the term of office of the members of any such Committee;
 -
 - (la) Uniform conditions for being eligible to apply to a Bar Council for admission as an advocate;
 - (lb) The course of practical training in law and the examination to be passed after such training for admission as an advocate;
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 - (q) The standards of legal education to be observed by universities in Pakistan and the inspection of universities for that purpose;⁷³

In May 1976, the PBC notified the Pakistan Legal Practitioners and Bar Councils Rules, 1976 (‘PLPBCR’).⁷⁴ The PLPBCR also provides for the creation of the LEC.⁷⁵ In December 2015, the PBC notified the Pakistan Bar Council Legal Education Rules, 2015 (‘PBCLER’).⁷⁶ The notification provided: ‘And whereas the existing three sets of Rules on the subject of legal education i.e. the “Pakistan Bar Council Legal Education Rules, 1978”, the “Affiliation of Law Colleges Rules” and the “Pakistan Bar Council (Recognition of Universities) Rules, 2005” are to be reviewed and consolidated in one set of uniformed Rules.’⁷⁷ The notification further provided: ‘And whereas the constant deterioration of standard and quality of legal education because of mushroom growth of law colleges and even the Universities, in private sector, necessitates strict check and control over the Universities and degree awarding Institutions, imparting legal education, and the private law colleges.’⁷⁸

⁷⁰ Section 26.

⁷¹ Section 26(c)(iii).

⁷² Section 55(q).

⁷³ Section 55.

⁷⁴ Pakistan Bar Council, S.R.O. 476(I)/76, (21.05.1976).

⁷⁵ *The Pakistan Legal Practitioners and Bar Councils Rules 1976*, rule 86(a)(4).

⁷⁶ S.R.O. 1265(1)/2015, (19.12.2015).

⁷⁷ S.R.O. 1265(1)/2015, (19.12.2015).

⁷⁸ S.R.O. 1265(1)/2015, (19.12.2015).

In this notification, the PBC admits the quality of legal education in Pakistan has consistently deteriorated. This admission speaks volumes about the PBC's performance, strengthening criticism levelled towards the PBC that it constantly fails to perform its responsibilities in the legal education domain. Had the PBC performed its responsibilities, the state of legal education in Pakistan would have remained satisfactory. In fact, the very bad state of both legal education in Pakistan and the legal profession has been pointed out several times.⁷⁹ The situation has even been criticised by the Supreme Court of Pakistan ('Supreme Court') in many of its judgements.⁸⁰

Further, Rule 3(vi) of the PBCLER provides: "Recognised degree" means and includes a bachelor's degree in law awarded by a university, or a Degree Awarding Institution recognised by the Pakistan Bar Council."⁸¹ The PBCLER has restricted the number of LL.B. students in reference to the physical infrastructure and facilities available at the main campus of a university in the following words:

(i) A Section of a Class in a Faculty of Law/Law Department/Law College shall [exceed] more than 50 students.

(ii) The total number of students admitted in 1st year LL.B. in any case shall not [exceed] 100.

However, in special circumstances, the Committee in [the] case of [the] main campus of a university, may allow admission of students to 1st year LL.B. not exceeding 150 keeping in view infrastructure and facilities available in [the] main campus of the concerned University.⁸²

Regarding the syllabus for the LL.B. program, the PBCLER provides: 'The syllabus for [the] LL.B. programme shall include the subjects prescribed and duly approved by the Pakistan Bar Council and Higher Education Commission and as modified by them from time to time.'⁸³ Further, Rule 7 of the PBCLER provides that the curriculum for the LL.B. program

⁷⁹ S. Asad, 'Current Trends in Legal Education' (20.12.2009) DAWN, <https://www.dawn.com/news/509810/current-trends-in-legal-education>; A. Cowasjee, 'Looking to the Future' (27.06.2010) DAWN, <https://www.dawn.com/news/543717/looking-to-the-future>; Z. Ranjah, 'Legal Education' (02.10.2015) DAWN, <https://www.dawn.com/news/1210297>; Z. Ranjah, 'Legal Education' (05.03.2018) DAWN, <https://www.dawn.com/news/1393268>; Z. Khan, 'Improving Legal Education In Pakistan with Online Platforms' (22.11.2019) Courting the Law, <https://courtingthelaw.com/2019/11/22/commentary/improving-legal-education-in-pakistan-with-online-platforms/>; Z. Ranjah, 'Transforming Legal Education' (24.04.2020) The Friday Times, <https://www.thefridaytimes.com/transforming-legal-education/>; 'Lawyers Should Evolve with Technology' (27.09.2020) The Express Tribune, <http://tribune.com.pk/story/2261422/lawyers-should-evolve-with-technology>; R. Zahoor, 'Clinical Legal Education and its Implication on Legal Education System in Pakistan: Challenges and Prospects' (2021) 3(1) CSRC, <https://publishing.globalcsrc.org/ojs/index.php/relate/article/view/1757/1166>; A. Wahid, 'Seniority is Toxic' (16.12.2021) DAWN, <https://www.dawn.com/news/1664102>; S. Arif, 'Changing Characteristics of Legal Education in Pakistan: Prospects and Challenges' (December 2019) 3(2) *Pakistan Social Sciences Review* 868.

⁸⁰ *Pakistan Bar Council v Federal Government* (2007) PLD 394; *Pakistan Bar Council through Chairman Legal Education Committee, PBC, Islamabad v Federal Government through Establishment Division* (2013) SCMR 1651; *Pakistan Bar Council v Federal Government through Establishment Division*, (2018) SCMR 1891; *Pakistan Bar Council v Federal Government through Establishment Division* (2019) SCMR 389.

⁸¹ *The Pakistan Bar Council Legal Education Rules 2015*, Rule 3(vi).

⁸² *Ibid* rule 5.

⁸³ *Ibid* rule 7.

must be approved by the PBC and the HEC,⁸⁴ thus placing it within the overlapping scope of matters in which both the PBC and the HEC may collaborate.⁸⁵

The PBCLER provides for morning LL.B. classes but prohibits afternoon and evening classes.⁸⁶ Rule 13 of the PBCLER provides that LL.M. programs must also be approved by the PBC.⁸⁷ Like the LL.B. program, the curriculum for the LL.M. program is also prescribed by the PBC and the HEC.⁸⁸ Rule 13(iv) of the PBCLER provides that the LL.M. program can only be conducted at the main campus of a university.⁸⁹ Rule 17(i) of the PBCLER regulates the recognition of universities by the PBC, providing that a university cannot commence law programs and admit students without its prior recognition by the PBC.⁹⁰ Rule 17(ii) of the PBCLER provides that if a university applies for recognition by the PBC after commencing law programs and admitting students, a monetary penalty will be imposed on it.⁹¹

Rule 19(i) of the PBCLER provides that a university can only conduct the LL.B. classes on its main campus.⁹² Further, in relation to a university application for the recognition of its LL.B. program by the PBC, the PBCLER provides:

The applicant University/Degree Awarding Institution shall have to submit an undertaking... to the effect that it shall:

- (i) Not affiliate any private law college at any place, nor itself conduct law classes anywhere else except of its main campus;
- (ii) Not admit more than 100 law students in an academic year;
- (iii) Abide by and adhere to the minimum standards as laid down in these Rules and instructions/directions issued by the Pakistan Bar Council from time to time in respect of legal education, the violation of which will render the University/Institution to be de-recognised;
- (iv) Ensure imparting of quality education strictly in accordance with the syllabus prescribed by the Pakistan Bar Council and the Higher Education Commission; and
- (v) Ensure conducting and adhering only to 5 years composite programme of LL.B. as per standards and criteria prescribed by the Pakistan Bar Council and Higher Education Commission.⁹³

Regarding infrastructure and facilities, Rule 25 of the PBCLER prescribes the minimum number of classrooms and other facilities for conducting law programs.⁹⁴ The PBCLER provide:

A College shall:

⁸⁴ Ibid.

⁸⁵ The latest curriculum for the LL.B. program was approved in 2015. Curriculum for LLB (5 Years), Higher Education Commission, 2015.

⁸⁶ Rule 10.

⁸⁷ Rule 13.

⁸⁸ The latest curriculum for the LL.M. program was approved in 2006. Curriculum of LL.M., Higher Education Commission, 2006.

⁸⁹ Rule 13(iv).

⁹⁰ Rule 17(i).

⁹¹ Rule 17(ii).

⁹² Rule 19(i).

⁹³ Rule 19.

⁹⁴ Rule 25.

- (i) Be located in a spacious, separate, and independent building with covered area of minimum 12000 sq. ft without any other institution or person sharing the premises;
- (ii) Have at least ten classrooms, a common room, a ladies room, Committee Room, Meeting Hall, and a separate staff room;
- (iii) Have adequate canteen/cafeteria, toilets and first aid facilities;
- (iv) Develop/install its website also displaying status of students and their attendance on regular basis with intimation, through e-mail, to concerned University/ Institution and the Council.⁹⁵

A university which intends to impart legal education must apply to the PBC for its recognition under Rule 16(i) of the PBCLER. The application form prescribed by the PBCLER ('Application Form') is appended to the PBCLER under Schedule Three.⁹⁶ The Application Form requires a university to declare that it will impart legal education only at its main campus, not anywhere else.⁹⁷ Paragraph 3 of the Application Form provides that:

The aforementioned University/Institution do hereby declare that it:

- (i) Is authorised and competent to impart legal education and award [an] LL.B. degree;

....

- (iii) Shall introduce the syllabus of 5 years LL.B. courses which will essentially include the syllabus/courses prescribed by the Pakistan Bar Council and the Higher Education Commission and comply with their decisions/instructions regarding changes/amendments therein brought about by them from time to time;

- (iv) Shall restrict imparting of legal education to its Law Faculty/Department at its main campus only and will not impart such education anywhere else nor will affiliate any law college;

....

- (viii) Shall impart legal education only in morning classes.⁹⁸

In relation to foreign law programs in Pakistan, Rule 36 of the PBCLER provides that no institution shall offer the programs of any foreign university without first obtaining a no-objection certificate from the PBC.⁹⁹ This requirement also applies to the external law programs of the University of London. Rule 40 of the PBCLER provides the PBC can request that the Provincial Bar Councils and Islamabad Bar Councils refrain from issuing practicing licences to the students and alumni of an institute offering a foreign law program if it fails to comply with the PBCLER requirements.¹⁰⁰ Thus, the PBC has extended its domain and regulatory scope to foreign law programs offered in Pakistan.

4.3. SUPREME COURT AND LEGAL EDUCATION

⁹⁵ Rule 25.

⁹⁶ Rule 16(i).

⁹⁷ Application for Recognition of a University or Degree Awarding Institution Imparting Legal Education, Third Schedule, The Pakistan Bar Council Legal Education Rules, 2015.

⁹⁸ Application for Recognition of a University or Degree Awarding Institution Imparting Legal Education, Third Schedule, The Pakistan Bar Council Legal Education Rules, 2015.

⁹⁹ Rule 36.

¹⁰⁰ Rule 40.

In *Pakistan Bar Council v. The Federal Government and Others* ('2007 Judgment') the Supreme Court considered the matter of declining standards of legal education in the context of growing number of private affiliated law colleges. The Supreme Court severely criticized private affiliated law colleges for focusing on making money at the expense of quality legal education. The Supreme Court observed: 'Colleges mostly have become business centers and in the name of legal education, it is a profit-making industry that they are running.' The Supreme Court further observed: 'It is these centers which produce law graduates, who are called to the Bar, some practice, some join judiciary at the district level, some adorn the constitutional Courts, and some become law makers.' In short, the Supreme Court blamed private affiliated law colleges for the very bad state of the legal system, in general, and the legal profession. Interestingly, the Supreme Court did not discuss if lawyers and the PBC also contributed to this sorry situation. The Supreme Court directed all law schools and colleges to comply with the rules framed by the PBC to ensure uniform quality of legal education.¹⁰¹

However, the 2007 Judgment was not implemented and, in 2010, this came to the notice of the Supreme Court. The implementation proceedings were immediately initiated, which proceeded slowly. Ultimately, in 2019, the Supreme Court reiterated that 'there has been a major decline in the standard of legal education owing to various reasons.' The Supreme Court kept its focus on private affiliated law colleges only. The Supreme Court directed some private affiliated law colleges to be shut down; directed some to be disaffiliated; and allowed some to fulfil the prescribed requirements and standards within a period of six months. In the same 2019 Judgment, the Supreme Court gave directions regarding legal education, prescribing that:¹⁰²

1. A Law Graduate Assessment Test ('Law-GAT') of law graduates seeking enrolment as Advocates to be conducted, on quarterly basis, by the HEC;
2. A law admission test ('LAT') of individuals seeking admission to the LL.B. program to be conducted, biannually, by the HEC;
3. Eligibility criteria for full-time and visiting faculty members;
4. Minimum number of full-time and visiting faculty members; and
5. A ban on conducting LL.B. classes in the evening.

While prescribing eligibility criteria for the position of dean, the Supreme Court held:¹⁰³

The Dean Law Faculty/Head of Law Department/Principal of law college shall be Ph.D. in law with 8 years law teaching experience/practice experience in High Court or Master's Degree in Law with 15 years law teaching experience/practice experience in High Court or a retired Judge of the Supreme Court or a High Court or a retired District and Sessions Judge having 5 years of judicial service to his credit.

According to the Supreme Court, being a retired judge of a High Court or the Supreme Court, or being a retired District and Sessions Judge, having five years of judicial service, is sufficient to be appointed to the position of dean. In the case of retired judges, no doctoral degree, teaching experience, or research is required. However, this academic criteria for former judges have been perceived as a judicial attempt by the Supreme Court to create employment opportunities for retired judges.

¹⁰¹ *Pakistan Bar Council v The Federal Government and Others* (2007) PLD Supreme Court 394.

¹⁰² *Pakistan Bar Council v The Federal Government and Others* (2019) SCMR 389.

¹⁰³ *Ibid.*

The 2007 and 2019 Judgements, the Supreme Court's reasoning lacks both width and depth. The Supreme Court failed to notice trends in legal education in developed countries including the U.S.A., the United Kingdom, Australia, and Germany. Additionally, the Supreme Court failed to notice the role of the bar councils and bar associations in these countries in regulating legal education. The Supreme Court's neglected questions of inquiry include: whether bar councils and bar associations in these countries exercise the same powers and functions regarding legal education as does the PBC; whether these countries have regulators like the HEC; and how much freedom is afforded to universities, in these countries, regarding designing and conducting legal education. Thus, the Supreme Court took up the issue of legal education but failed to address it properly.

In April 2022, a three-member bench of the Supreme Court, headed by the Chief Justice, reiterated the above-mentioned concerns while hearing a petition regarding sub-standard lawyers contesting in the elections of bar councils and bar associations. The Supreme Court 'ordered the constitution of an independent committee to make suggestions for regulating and improving the quality of legal education in the country and directed the law ministry to aid in the formation of the body.'¹⁰⁴ Overall, and unfortunately, the Supreme Court maintained its previous approach towards addressing the issue of legal education.

5. ONLINE, PRACTICAL AND CONTINUING LEGAL EDUCATION

5.1. ONLINE LEGAL EDUCATION

To ascertain the prospects of online legal education in Pakistan, the following must be considered:

1. Rule 5(ii) of the PBCLER refers to the infrastructure and the facilities available at the main campus of a university.¹⁰⁵
2. Rule 10(i) of the PBCLER provides that LL.B. classes can only be conducted in the morning.¹⁰⁶
3. Rule 13(iv) of the PBCLER provides that the LL.M. program can only be conducted at the main campus of a university.¹⁰⁷
4. Rule 19(i) of the PBCLER provides that a university can only conduct the LL.B. classes on its main campus.¹⁰⁸
5. Rule 25 of the PBCLER prescribes the minimum number of classrooms and other facilities for conducting law programs.¹⁰⁹
6. The Application Form prescribed by the PBCLER requires a university to declare that it will impart legal education only at its main campus and not anywhere else.¹¹⁰

As highlighted by these provisions, the PBCLER fails to accommodate for the possibility of conducting LL.B. and LL.M. programs online, as the PBCLER provides strictly

¹⁰⁴ N. Iqbal, 'SC Calls For Body to Improve Quality of Law Education' (28.04.2022) Dawn, <https://www.dawn.com/news/1687202>.

¹⁰⁵ Rule 5(ii).

¹⁰⁶ Rule 10(i).

¹⁰⁷ Rule 13(iv).

¹⁰⁸ Rule 19(i).

¹⁰⁹ Rule 25.

¹¹⁰ Application for Recognition of a University or Degree Awarding Institution Imparting Legal Education, Third Schedule, The Pakistan Bar Council Legal Education Rules, 2015.

for physical classrooms only. This inflexibility and hesitancy to adopt online learning methods created an ‘educative nightmare’ during the ongoing COVID-19 pandemic. When higher education institutions stopped on-campus classes, some law schools tried to conduct online courses. However, these were not very effective.¹¹¹ Unfortunately, the PBC remained silent regarding online legal education, forcing legal education to an almost standstill.

The COVID-19 pandemic has provided an opportunity for the PBC to review its priorities and create mechanisms for the provision of modern learning technologies and platforms. The PBC should survey developed countries to assess how legal education coped with the crisis. There are many examples of innovation in legal education in certain developed countries. Law schools across the world are rapidly transitioning towards online learning programs due to the numerous advantages such as reduced costs, flexibility, and customisation of learning modules. Law schools in Pakistan should therefore be allowed to harness this opportunity to undertake legal education with the integration of technology. This opportunity is not only a necessity in a modern digital environment but could be offered beneficially as a selling point to attract increased enrolments.¹¹²

The PBC must acknowledge and realise the present-day needs of our technological society and update the existing provisions regarding legal education to cater to the demands of the time. The HEC should provide technical support to the PBC as well as universities to foster the provision of efficient online legal education.

5.2. PRACTICAL LEGAL EDUCATION

Practical legal education is another domain which requires significant improvement and modern transformation in Pakistan. The latest curriculum permits the LL.B. program to be spread over 5 years and 10 semesters.¹¹³ The curriculum provides that each LL.B. candidate must pursue an internship, which is seldom paid, after the conclusion of the 8th semester and before the commencement of the ninth semester. The internship must be spread over a period of 10 to 12 weeks, with students awarded three credits upon completion of the internship. It is pertinent to mention the PBCLER do not currently provide for practical, experiential, or clinical legal education. Consequently, the scope of the internships only encompasses legal research, maintenance of office files, and performance of small tasks.¹¹⁴ Once the internship ends, the supervising lawyer provides a certificate of internship to enable the university or DAI to award the student with prescribed credit points. Problematically, however, most law students approach various lawyers through a network of family and friends and obtain the certificates of internship without doing any actual work. By contrast, in the U.S.A., the summer internships pursued by J.D. candidates are much more meaningful, coupled with plentiful clinical and experiential learning opportunities.

The American Bar Association and the state bars facilitate practical legal education. These issues in Pakistani legal education could be rectified by the PBC through necessary changes to the PBCLER to introduce and promote practical legal education in a meaningful

¹¹¹ Z. Ranjha, ‘Transforming Legal Education’ (24.04.2020) The Friday Times, <https://www.thefridaytimes.com/transforming-legal-education/>.

¹¹² Ibid.

¹¹³ As mentioned above, the latest curriculum for the LL.B. program was approved in 2015. Curriculum for LLB (5 Years), Higher Education Commission, 2015.

¹¹⁴ Curriculum for LLB (5 Years), Higher Education Commission, 2015.

way. For instance, the PBC could adopt the system of practical legal education prevalent in the U.S.A and modify existing frameworks keeping in view the ground realities.

5.3. CONTINUING LEGAL EDUCATION

Continuing legal education ('CLE') is not mentioned or provided for in any regulatory framework including the LPBCA, PLPBCR, and PBCLER. Contrarily, CLE is mandatory in the U.S.A, with every lawyer required to undergo a certain number of CLE hours. Similarly, in the United Kingdom, the four Inns of Court require practicing Barristers to undergo continuous training. The Law Society of England conducts such training for practicing Solicitors to fulfil these requirements. In Pakistan, the importance of CLE cannot be emphasised enough. As mentioned above, the country has an overall poor system of legal education. The implementation of mandatory CLE would likely compel lawyers to overcome the deficiencies caused by the sub-standard LL.B. programs and LL.M. programs. Thus, CLE should serve as a catalyst to improve the legal profession in Pakistan.¹¹⁵

In addition, CLE could be offered online. For many lawyers, it is easier to attend online CLE courses from the comfort of their homes and offices instead of attending physical classes. Online CLE courses are already being offered in many developed countries, albeit typically with fewer internet connectivity and other infrastructural challenges than those outlined above for Pakistan generally.

6. CONCLUSION

The system of legal education in Pakistan is in dire need of reform. This reform can only occur if the PBC and lawyers alike: (1) acknowledge that reforms are needed; (2) are open to learning from the positive experiences of other countries; and (3) make a sincere and determined effort to introduce and implement the reforms. These amendments will not only improve the state of legal education and the legal profession but will also open the doors for online legal education, practical legal education, and continuing legal education.

The PBC is the most important player when it comes to legal education. Over the years, the PBC has assumed this significant position by giving itself numerous powers achieved by amending the legal education rules. However, assumption of power is one thing; the capability of wielding it is another. Members of the PBC, who are practitioners, are unaware of the requirements and dynamics of legal academia. Being an influential lawyer does not mean that one is well acquainted with modern trends in legal education. Similarly, being a retired judge of a High Court or Supreme Court, or being a retired District and Sessions Judge, having five years of judicial service, does not mean one is competent or equipped to lead a law faculty. Teaching on a part-time basis or visiting basis does not bring a lawyer or judge at par with legal academics who have devoted themselves to legal academia, extensively designed courses and programs, taught, conducted researched, and published work, and are abreast of the developments in legal education across the globe.

The PBC should restrict itself to regulating the legal profession, as it is ill-suited to regulate legal education. The regulation of legal education must be transferred to the hands of legal academics and the HEC.

¹¹⁵ Z. Ranjah, 'Legal Education' (02.10.2015) DAWN, <http://www.dawn.com/news/1210297>.