
THE CONTRADICTORY LAWS IN LEGAL EDUCATION BETWEEN PAKISTAN BAR COUNCIL, HIGHER EDUCATION COMMISSION AND UNIVERSITY RULES

Tehreem Farrukh

Assistant Professor,
School of Law, University of Karachi,
Sindh, Pakistan
Email: tehreemfarrukh@uok.edu.pk

Erum Iftikhar

Lecturer,
School of Law, University of Karachi
Sindh, Pakistan
Email: erumahmed626@gmail.com

Raheela Khatam

Lecturer,
SM Law College,
Sindh, Pakistan.
Email: raheelakha574@gmail.com

ABSTRACT

There are two regulatory bodies when it comes to the legal education in Pakistan: the Pakistan Bar Council and the Higher Education Commission. These governing bodies have their own separate set of rules, and their roles are intertwined with each other, this creates dissension about who has the final authority. This conundrum leads to confusion for the universities imparting legal education regarding which rules to comply with, and on top of that they have their own policies and administrative discretion which also at some instances does not comply with the rules laid down by the Higher Education Commission and Pakistan Bar Council. This has left the legal system of Pakistan in shambles, because no sector can progress or develop if the governing authorities are in conflict with each other. There is a need to clearly demarcate the boundaries of both these governing authorities, or at the very least they need to work in unison in order to avoid any confusion or conflict about their authorities.

KEYWORDS

Legal Education, Pakistan bar Council, Higher Education Commission, University Policies, Conflict of Laws

INTRODUCTION

The legal education in Pakistan has multifaceted issues that are slowly aiding in further deterioration of the system. Everything from the inadequacies of our syllabus, the lack of expertise in English language, to the infrastructural issues, and most importantly the lack of skills training, and the standard of teaching, together constitute a failed system that produces subpar lawyers. The question which then arises is: who is to be held responsible for this dilapidation?

Law schools are providing legal education to increase lawyer's availability in all fields of law (Soled et al, 2020). The regulatory and governing bodies of the legal education in Pakistan are the Pakistan Bar Council and Higher Education Commission; both these bodies are responsible for the improvement and monitoring of legal education institutions in Pakistan. The main issue then arises which is the actual point of discord between these two bodies, i.e. Who has the final authority, especially when both the bodies have rules on the same matter and they differ from one another, which rule should the university comply with? Which one would ultimately be the one that prevails over the other? Then there is the university policy, which also on certain occasions tend to be in contradiction with the rules laid down by the Pakistan Bar Council and Higher Education Commission, which creates even more turmoil in the world of administration of legal education.

In light of this malady that our legal education is currently suffering from, which has undoubtedly stunted the growth of our legal education, a detailed discussion about the rules promulgated by both the Pakistan Bar Council and Higher Education Commission is essential to figure out the root of this predicament. Furthermore, the compliance of these rules by the universities and the conflict of these rules with the university policy and the actual practice by the universities will also be discussed in detail.

LITERATURE REVIEW

In the inspiring words of Nelson Mandela, "Education is the most powerful weapon which you can use to change the world", while this is the closest thing to a truth ever spoken, it is also true what Sarmad pointed out that the legal sector is the backbone of any country and the role of lawyers in a society undoubtedly draws special attention (Sarmad, 2019). Universities are major contributory of educating professional lawyers (Sial, 2009). It comes as no surprise that the legal education system of Pakistan is basically on a ventilator right now, gasping for breaths just to stay alive. This not just

affects the legal system, but other disciplines as well; Khan on this matter eloquently pointed out that Law is not an isolated discipline in society. It shows its involvement in every field, every profession and at every level (Khan, 2017). It is also true what the World Declaration on Higher Education for the Twenty-First Century stipulates, 'Higher education is effected by developing worldwide trends and it directly associated with professional development that play very important role in surviving socio-economic, political stability and peace in the society' (World Declaration on Higher Education for the Twenty-First Century: Vision and Action, 1998). Furthermore, the quality assurance in higher and legal education is a global phenomenon (Kanwal, 2007).

Keeping this in mind, we must also divulge the fact that our legal education is suffering from severe inadequacies in every aspect, Students from historically underserved communities face significant barriers to academic achievement in law school (Jeffers, 2019). Words of Justice (R) Anwar Zaheer Jamali are like a mirror for all people concerned with legal education of Pakistan: 'Weak legal education and awareness is a significant contributory factor in a weak rule of law that we are suffering in Pakistan' (Jamali, 2015). It is now a well-established fact that the legal education holds a paramount position in our country's development, because great lawyers mean great legal system, and a well working legal system is equivalent to a developed society. However, it is acknowledged that the objective of legal education is not to make a man a complete lawyer, but only to start him on the way to be a complete lawyer (Dickinson, 1931). Pakistan Bar Council, Higher Education Commission and Universities monitored and improved the quality of the legal education in Pakistan. (Shah et al, 2018), both the council and the commission are responsible for the promotion of legal education, formulate policies, and work for the improvement of legal education in Pakistan. According to Gondal, 'Strengthening of the Legal Education without the Role of the Bar Councils is not possible.' (Shah et al, 2018), he said the same about the Higher Education Commission in the words: 'When we talk of strengthening the legal education, the Role of Higher Education Commission cannot be over-ruled' (Shah et al, 2018). When we have not one but two authorities that are working for the improvement of legal education in Pakistan, then how come the system is still deteriorating every day.

The main reason behind our legal education being in shambles is that both these bodies are in conflict with each other and the rules enacted by both are not in concurrence with each other. Siddiqui articulated the main reason behind this by saying: 'There is no clarity as to who is the final authority on such matters in case of conflicting perspectives or overlapping authority' (Siddiqui, 2007), this ameliorates the whole dilemma that we face today in a nutshell, and in this paper we will discuss in detail how the rules made by Pakistan Bar Council and the Higher Education

Commission are in conflict with each other and the university policies.

The legal system is one of the most integral parts of a country's mechanism, being that it is the ultimate source that distinguishes between right and wrong, and it is a conduit to provide peace and order in society, because without law and order society is nothing but chaos. It is an unequivocal fact that if the legal system of a country fails, the whole state would ultimately perish. The foundation of a legal system stands on the standard of legal education in a country. However, the legal education in Pakistan has been struggling and in a state of decline when it comes to the quality of legal professionals that are being produced by our legal institutions, and it can be safely stipulated that the regulatory authorities and quality assurance mechanism that are currently adopted are responsible for this failure (Uzair, 2014).

The introduction of legal education in the sub-continent commenced back in 1800s, way before Pakistan came into existence, as of today, there are more than 150 institutions offering law programs in Pakistan, and these colleges and universities are regulated by the Pakistan Bar Council (PBC) and the Higher Education Commission (HEC) and the universities and law college's administration (Shah et al, 2018). Both the Pakistan Bar Council and the Higher Education Commission are responsible for rule-making and monitoring the institutions imparting legal education in Pakistan. At first, the separate roles of both these governing bodies should be discussed.

Pakistan bar Council (PBC)

The Pakistan Bar Council is the apex elected body of lawyers in Pakistan, which was established under "The Legal Practitioners and Bar Councils Act, 1973" (Pakistan: tertiary education sector assessment report). This Act not only established the Pakistan Bar Council, but also empowered it with myriad of powers and functions. The powers of the Pakistan Bar Council extend from the promotion of legal education, to prescribing the standards by which it is supposed to be carried out, to making rules, to inspect the universities for the purpose of quality control, etc (Siddique, 2007). All these powers while fall under the domain of the Pakistan Bar Council, the most prominent function is the duty of the Pakistan Bar Council to ensure the appropriate standards for the enrollment of fresh graduates for legal licensing, and no other body has a say on who is fit to acquire a license to practice law and who is not. It is the sole prerogative of the Pakistan Bar Council to decide such matters, the Act however stipulates that before doing so the eligibility of the candidate will be surmised by reviewing that the person applying for license has acquired a bachelor's degree from a university in Pakistan or a foreign university, both of which must be recognized by the PBC (Shah et al, 2018). The Pakistan Bar Council also lays down the standard of professional conduct and etiquette for advocates to be followed by them after the granting of license and practicing as a

lawyer, straying from those ethics might lead to the suspension of the law license.

The Supreme Court in its judgment in the case of Pakistan Bar Council vs. The Federal Government & Others (PLD 2007 Supreme Court 394) took notice of all the multifaceted issues that the legal system of Pakistan suffers from. This led to the revision of the rules that were in existence at that time known as the 'Pakistan Bar Council Legal Education Rules, 1978' (Shah and Dhanapal, 2019). Later on, the 'Pakistan Bar Council Legal Education Rules, 2015' were introduced which still prevail. This is considered to be the prime outcome of the judgment of the Supreme Court. 'Pakistan Bar Council Legal Education Rules, 2015', provides the guidelines that are to be complied with by the universities or law colleges (Shah et al, 2018). It is a complete framework that provides the instructions with regard to admissions, the strength in classrooms, duration of the course, syllabus, facility of library, the medium of instruction, how to conduct the classes, passing percentage, examination criteria, faculty and teachers. Furthermore it gives a detailed account of how inspection would be held of the universities by the bar council, the procedure of recognition of universities, and the instances where they will be derecognized, the affiliation of law colleges, and the conduct of foreign programs and universities in Pakistan (Siddiqui, 2007). It is an expedited version of rules that deals with the regulation of legal education in Pakistan. Furthermore, in 2018 the PBC established a special committee in order to monitor the standards of legal education, and this committee further formed four provincial commissions whose function will be to observe and then submit a report about the performance of the institutes (Yousafzai, 2018). However, the rules specified in the Pakistan Bar Council Legal Education Rules, 2015 will be discussed in detail later on in this paper, and how they are in conflict with the rules of Higher Education Commission and the byelaws of the universities.

Higher Education Commission (HEC)

The Higher Education Commission was established by the Federal Government under the 'Higher Education Commission Ordinance, 2002'. The function of Higher Education Commission and the reason for its promulgation was to promote higher education by working on its improvement and to regulate the quality and standard of higher education in Pakistan. It also aspires to strengthen the management and governance of the universities of both public and private sectors, and also aims at regulating the funding of public universities. The main role of the Higher Education Commission is to recommend academic policies for public universities and even to propose affiliation criteria for law colleges and universities (Shah et al, 2019). The HEC has been given a broad mandate to develop and improve higher education and research (Arif et al, 2019).

In order to achieve the goals the commission has been encumbered with, every three

years the Higher Education Commission arranges a meeting of the 'National Curriculum Review Committee (NCRC), this meeting encompasses the main members of institutes imparting legal education, along with the legal education committee set up by the Pakistan Bar Council. The NCRC meeting is held to review the curriculum of law education, to keep it up to date in order to save it from being obsolete. After the meeting, the recommendations of the NCRC are communicated to the universities so that they can adopt the new curriculum and adapt to the new guidelines (Siddiqui, 2007).

Higher Education Commission of Pakistan has recently approved the "National Qualifications Framework of Pakistan, 2015", it is considered a mechanism for classification of the qualifications on the basis of the learning outcomes i.e. skill, competence, knowledge. Pakistan Qualification Framework encompasses a comprehensive list of all quality assured qualifications in Pakistan. The Pakistan Qualification Framework provides all the information regarding the accredited higher qualifications and institutions recognized by the Higher Education Commission of Pakistan (HEC, 2016).

RESEARCH OBJECTIVES

1. To compare the roles of the regulatory bodies for the legal education in Pakistan and the compliance of these rules by the universities.
2. To find out the state of the legal education in Pakistan.

RESEARCH METHODOLOGY

This is a qualitative research which is conducted by a critical approach, where all the facts are critically analyzed in an unbiased manner. The quality of the legal education in Pakistan, and the role of the Pakistan Bar Council and Higher Education Commission in the development of legal education is the main focus of this research. The main sources for conducting this research are scholarly articles, the rules and statutes of the PBC and HEC. The main inspiration for this research is the observations based on critically analyzing the existing facts and opinions of respected scholars and authors, and the author's own personal observations.

DISCUSSION

The discussion in this paper is not just a fishing expedition into the shortcomings of the legal education in Pakistan; instead it is a pursuit of answers that can conquer the shortcomings of that system. This research is limited to Pakistan, and all provinces and territories that come within the jurisdiction of Pakistan Bar Council and Higher Education Commission.

The clash of rules between Pakistan Bar Council, Higher Education Commission and University Policy

Pakistan Bar Council and Higher Education Commission are both governing and regulating bodies when it comes to the legal education in Pakistan, then comes the universities and law colleges, who has the right to make their own administrative rules and policies as long as they are not in direct violation of the rules laid down by the PBC and HEC. The questions then arise one after another; who has the final say? Who really makes the laws? In case of conflict in laws which one will prevail? The questions are endless and the answers non-existent. This might just be the biggest dilemma the legal education in Pakistan suffers from, because when authorities are in conflict the system could not possibly flourish. We will discuss some of the laws and rules that the Higher Education Commission, Pakistan Bar Council, and in some instances university rules are in conflict with each other.

Syllabus

When it comes to the matter of prescribing a syllabus for the legal education of Pakistan, both the Pakistan Bar Council and the Higher Education Commission are empowered to do so. According to the Pakistan Bar Council Legal Education Rules, 2015 and more specifically Rule 7 of said rules, it is acknowledged that both the PBC and the HEC has the power to approve the syllabus and to modify it from time to time (PBCLER, 2015). Keeping this fact in mind, if the revised curriculum proposed by the Higher Education Commission in 2015 for B.A/LLB five years program is reviewed, it becomes increasingly apparent that the main difference between the subjects offered in LLB 3 years program and the current B.A/LLB 5 years program is the incorporation of more practical subjects in the latter program as compared to the former (Shah and Dhanapal, 2019), which is in fact the action taken by the HEC to improve the quality of legal education as prescribed by the Supreme Court in its infamous judgment.

The curriculum introduced by the NCRC committee has provided the list of courses that are mandatory, optional, general and foundational courses. The mandatory courses are evidently to be complied with at all costs, however, when it comes to the optional subjects/electives the list is quite extensive with a total of 30 subjects as provided in the curriculum, and the number of elective subjects required to be completed during the course of 5 years is four, which would amount to twelve credit hours (NCRC, 2015). This gives the universities an option to choose the elective of their own accord in light of the availability of teachers or resources. Although the list of electives is provided by the HEC, it is now within the discretion of the universities to decide which electives to offer in a semester and common practice of the universities indicate that in some instances, the university administration unilaterally decides which elective subject is offered in a semester without conferring with the students at all thereby rendering the course an elective that is elected by the university and not the students.

Criteria for admission

The eligibility criteria for the admission in law programs are again provided by both the PBC and the HEC. The Higher Education Commission vicariously through the NCRC provides that for admission in the B.A/LLB program, FA/FSc or an equivalent qualification is required (NCRC, 2015). Whereas, according to the Pakistan Bar Council Legal Education Rules, the qualification stands the same as that provided by the HEC, i.e. intermediate, a person with this qualification shall be eligible for admission to 1st year of B.A/LL.B. program. the rules further extrapolate that a graduate with law as an optional subject shall be preferred for admission to 1st year of LL.B. program of three years, albeit the fact that the three years LL.B. programme was discontinued after three years of the enforcement of the Rules (Pakistan: Tertiary Education Sector Assessment Report).

The matter of admissions has one sticking point, i.e. whether the admissions are held on merit or not? The situation deteriorates with the realization that there is no explanation whatsoever about the term ‘merit’ and what it entails anywhere in the rules. However, the Supreme Court has recently mandated the HEC to conduct LAT exams biannually in order to assess the necessary skills of the person applying for admission (Siddiqui, 2007). This is a promising venture that has the potential to gauge the skill and general knowledge of the students desirous to obtain admission in B.A/LLB.

Strength of students in classrooms

There are a prescribed number of students that are supposed to be enrolled each year, and exceeding that capacity is in violation of the Pakistan Bar Council Legal Education Rules, 2015. According to the Rule 5(i) of PBCLER the number of students in a section shall not exceed 50 students. Rule 5(ii) states that the total number of admissions in a year shall not exceed 100 students, however some room has been given where in special circumstances if it is prudent to grant admissions to more students than 100 considering the infrastructural facilities of the university, the number of students admitted may increase to 150 (PBCLER, 2015). This provision has given immense leeway to universities to increase the number of students enrolled every year. Some private institutions believe that this affects their financial budgets because they charge obscene amounts of fees from students, and the fewer students there are the more financial cuts they have to face (Shah and Dhanapal, 2019). Ergo, making this exception their saving grace, the universities enroll more students than are allowed, with the excuse that they have the infrastructural facilities to provide all the students equal chance at being a lawyer, because everyone has the constitutional right to acquire education. This does have a negative impact because it seems that the legal education has been contaminated by the spirit of commerce (Rhode, 2000).

Power of Inspection

The power to inspect the universities and law colleges resides both with the PBC and HEC. According to the Section 55 of the Legal Practitioners and Bar Councils Act 1973, the Pakistan Bar Council can set up the standards of legal education that are to be conformed with by the universities and law colleges, and it empowers the PBC to conduct inspections in order to make sure that the standards are being complied with. If, as a result of an impromptu inspection of a law college or university, it comes to light that the institution is in non-compliance of the standards and rules set up by the council, the Pakistan Bar Council has the authority to derecognize the degrees that are conferred by the wayward institution (Shah et al, 2018).

Rule 14 of the PBCLER deals with the complete procedure for inspection, the Rule 14 (1)(i) states that the team for inspection shall be appointed by the Legal Education Committee, which consists of a member of the PBC, nominee of HEC, and nominee of university that is to be inspected. This rule shows that for once the PBC and HEC are in cahoots with each other and are forming a team of inspection that consists of both their participants (PBCLER, 2015). Even though it is the duty of the HEC primarily to regulate the higher education in Pakistan, but when it comes to the legal education, the HEC has to do so in consultation with the PBC. However it seems that most of the tasks are allotted both to the PBC and HEC, which creates a rift between the two authorities and no clear indication on the allocation of their respective tasks. The HEC also has the power to inspect any Higher Education Institution (HEI) at any time in order to make sure that no rules are being violated.

Medium of instruction

The most controversial and somewhat innovative rule that was introduced by the Pakistan Bar Council Legal Education Rules was the Rule 9, which stipulates that the medium of instruction for legal education in Pakistan is English (PBCLER, 2015); this rule unambiguously states that the legal education will be imparted only in English language. There has previously been a sense of vagueness on which language should be used as a medium of instruction in legal education, which has now been settled by this rule.

The reasons behind this rule being contentious are multifaceted, first of all this rule is in strife with the judgment of the Supreme Court passed in 2015, where it was contended that the national language of Pakistan is Urdu, which is consequentially also the official language of our country, and therefore it should be used in courts as well (Jawad et al, 2021). Then there is the matter of the constitution which in its article 251, stipulates that Urdu is the national language, and the constitution also empowers the provincial assemblies to incorporate, if they wish to do so; a provincial language for

teaching in that province. (Constitution of Pakistan 1973, Article 251) In another instance, the apex court stated that English language as a medium should be adopted in order to make the students adequately proficient before they graduate (Shah and Dhanapal, 2019).

The biggest predicament that the legal education faces while transitioning into adopting English as a medium is the ample amount of students who come from rural areas and have a background of government schooling, and it is a common practice in the rural areas to teach in the local language, this makes these students highly unequipped to understand English language, much less study in it (Shah and Dhanapal, 2019)

Keeping in view this quandary, the current practice in the universities in Pakistan, is incompatible with the rules of the PBC. The teachings are mostly held in Urdu, and the students have the option of attempting their examination in Urdu, which is clearly in violation of Rule 9, however university rules allow that the examination be held in the national language. This conflict between rules is a real dilemma, since the universities are autonomous in making their own administrative policies, and yet they are also bound by the rules laid down by the PBC and HEC. Can the universities adopting this practice be sanctioned by disaffiliation or is it acceptable, being that the university rules allow the use of Urdu language. It also must be kept in mind that law books, judgments and documentation used in court are all in English language, and in order to equip the students to better thrive in the profession, assimilation of English language is an integral tool, the reason being that the Pakistan's legal system is adopted by English Common Law, and it may nearly peculiar to get it the immaculate English concepts within the Urdu dialect (Jamshed et al, 2021).

Examination and passing percentage

Rule 11 and 12 of the Pakistan Bar Council Legal Education Rules, 2015 deals with the passing percentage and examination criteria, according to Rule 12 the examination shall be conducted twice a year as a semester system (PBCLER, 2015), and the HEC in the NCRC curriculum revision endorses the same. On the matter of examination, the PBC, HEC and the universities are all in harmony.

The Supreme Court in reference to examination, stated that: The Higher Education Commission shall, in collaboration with universities imparting legal education and the Pakistan Bar Council, shall consider the matter of assessment/evaluation of the examinations for LL.B classes exhaustively and make recommendations for updating and improving the current system of such examination to make it more relevant, practicable and reflective of the real talent and potential of candidates.

Rule 11 tackles the matter of passing percentage, which according to it is 40 percent, and that there shall be only two divisions and percentage above 60 would constitute 1st division. Nevertheless, some of the universities have the policy for passing percentages that are higher than 40. In the case of university of Karachi, which is a renowned university of Pakistan, the passing percentage is 45 according to their rules. Similarly, other universities also exercise their discretion in setting the threshold of passing percentage, which is not in compliance of the PBC rules.

LLM and PHD; Jurisdiction of Higher Education Commission or Pakistan Bar Council

Under the rule 13 of PBCLER, 2015 it is mandatory for any university offering PhD and LLM degrees to obtain prior permission from the Pakistan Bar Council, along with the list of faculty members that will be involved in the process. The question then emerges; that since LLM and PhD are both research based and academic degrees, and has no conspicuously direct link to the legal practice (Khan, 2017), the Pakistan Bar Council might be breaching the jurisdiction of the powers conferred to the universities and HEC.

The matter of higher education in Pakistan including the Masters and PhD programs fall within the realm of the Higher Education Commission. The HEC has recently introduced their policy on PhD degree programs which became effective on 21st January 2021. This has all the rules and information about PhD degrees and programs, it also prescribes the universities offering PhD programs to obtain prior approval from HEC and to comply with all the rules laid down by the commission in this regard. It is also stated that only the HEI i.e. the Higher Education Institution can offer PhD as it is a highly research based and specialized degree. It is also mandatory for any university desirous of launching a PhD program to obtain a no objection certificate (NOC) from the HEC (HEC, 2021). However, it appears that licenses are currently being issued on the basis of the LL.B. programs but not the LL.M. or Ph.D. programs (Mohla, 2016).

This constitutes a clash between the powers of both regulatory authorities, PBC and HEC, which authority has the actual right to approve these higher specialized degrees, or do the universities have to answer to the both of them. There should be a clear indication of which authority has jurisdiction over certain matters. However, this must be added at this stage that PhD and LLM scholar should be given access to national and international digital libraries. For which Universities should be given research funds by Provincial and higher education Commission of Pakistan (Reayat, 2020).

Conflicting rules

The conflicting rules that are laid down by the Pakistan Bar Council, Higher Education Commission and universities have been discussed in detail above. However, the reason

behind these rules being in conflict with each other must be discussed, because there should never even be a conflict in the first place, and the real reason is the blurry lines between the separate roles and powers of both the authorities, and the role of the universities in it.

The Legal Practitioners and Bar Councils Act, 1973 clearly states that it is the function of Pakistan Bar Council to take such steps that are necessary for the betterment of legal education in Pakistan and to strive to improve its standards. (Legal Practitioners and Bar Councils Act, 1973) but even at this point it is absolutely pertinent to note, that these powers are not unbridled and the PBC while taking such actions must consult with the Provincial Bar Councils and universities (Khan, 2017). This rule evidently settles that the PBC does not have unfettered powers to make whatever rules and policies it deems fit, and that there are some restrictions, some formalities to partake before any rules may be made and implemented. What this did is further complicated an already complex situation. Because PBC and HEC are already in clash over who has the final authority or the final say in all matters related to legal education in Pakistan, and this rule just added the universities into the mix as well.

The Higher Education Commission deals with all higher education institutions in Pakistan, and since law is a part of higher education it falls within the domain of the HEC as well. Since the HEC also has the power to make rules and policies and conduct inspections, a framework under Section 10 of Higher Education Commission Ordinance, 2002, has been provided for the institutes that determine the powers the HEC yields. The issue is, that the powers specified in the Higher Education Commission Ordinance, 2002 are eerily similar to those that the Pakistan Legal Practitioners and Bar Councils Act, 1973 empowers the bar council with. While that is not generally a concern because the main power of the PBC is to regulate the legal profession and licensing of people wanting to enter the profession, and the HEC generally regulates all higher education institutes in Pakistan, when it comes to the legal education their conflict takes residence, since both of them share the same kind of powers and both authorities believe that they have the final decision making power in all matters concerning legal education (Arif et al, 2019). These parallel of roles of both PBC and HEC and their overlapping jurisdiction in respect of supervision of legal education sector has resulted in ambivalence, like who shall be formulating policies and rules, whose decision shall have precedence over the other and who will define the standard of legal education (Siddiqui, 2007).

When the authorities that are supposed to oversee the function of the universities are not seeing eye to eye with each other, this has a glaring effect on the university standards, because the universities then sometimes go rogue and make their own

policies and start implementing the same. This ultimately affects the uniformity and standard of legal education all over the country.

While concluding this research it must be reiterated that the sole issue that further amplifies into a multitude of issues is the unclear distribution of power and functions between the Pakistan Bar Council and the Higher Education Commission. The clash of powers between the bodies that are empowered to regulate the whole legal education sector in Pakistan, but apparently cannot regulate their own differences and work in harmony with each other has left our legal education in disarray. This conflict is one of the main reasons for abysmal standards of our legal education institutions, and if we are to conquer this inadequacy and thrive as a nation who produces excellent lawyers, we must clearly disseminate the powers of both these governing bodies in a way that will leave no ambiguity as to who has the authority over what. This would compel the universities to follow the rules prescribed by the body responsible for its regulation, and with some changes in the near future, and perseverance, we might actually be able to clear the conflict between Pakistan Bar Council and Higher Education Commission unequivocally.

RECOMMENDATIONS

In order to completely decontaminate our legal education system from all the issues it is suffering from at present, the steps recommended later on in the research must be followed. It must be noted for future reference, that the Pakistan Bar Council or the Higher Education Commission may formulate new policies, or revise the curriculum, or introduce new sets of rules which may or may not result in repeal of the current rules.

In order to eradicate any future conflict between these two regulatory and governing authorities of legal education of Pakistan, PBC and HEC, that could result in cataclysmic effects on the legal education of Pakistan, action must be taken as soon as possible. It comes as no surprise that what is today a mere confusion between the roles of these two bodies and their respective functions could detonate at any moment and the results of that could be apocalyptic.

The Higher Education Commission already has various committees set up for the purpose of accreditation, affiliation, inquiry, equivalence and the NCRC for ensuring quality assurance (Arif et al, 2019), and some major developments by the HEC include the introduction of Pakistan Qualification Framework, the new curriculum by the NCRC for legal education in 2015, and the Higher Education Commission's Vision 2025 (Shah et al, 2018). There is however, no special policy that would aid in creating harmony and homogeny in the legal education sector (Khan, 2017). The Higher Education Commission has also come up with eleven performance appraisal standards

which are called institutional performance evaluation standards, which will be applicable on the higher education institutions, and the aim is to aid them in improving the quality of their services, and in case of absconding from these standards the institutes risk the loss of their position as a certified institute (HEC, 2019).

Similarly the Pakistan Bar Council has also constituted a committee that deals solely with the matter of legal education, everything from the supervision, inspection and improvement of the legal education is dealt with by this committee (Arif et al, 2019). It was directed in 2012 to the Pakistan Bar Council, to establish a separate directorate for legal education (Imran, 2019). Nevertheless, further committees can also be constituted in the future to better administer all the matters separately, example may be that in order to monitor any progress made by the law schools, and to ensure that the system does not deteriorate, setting up a 'legal education reform commission' might be a great idea (khan, n.d). Moreover, the Bar Council should have a quality assurance framework to highlight the level of quality and the level of development that is required to be conformed to by the universities (Qureshi, 2015). Despite the fact that many reforms are introduced from time to time to find solutions for Pakistan's overall problems but the results are not very encouraging (Tauqir et al, 2014).

Above mentioned actions are just some examples of how these two regulatory authorities are working on improving their functions and efficiency, even though there is still a long way to go before they achieve the optimum standard that is expected of any authoritative body if the system is striving to succeed. These actions or initiatives work for the betterment of the workings of the bodies, albeit they do not in any way solve the current reverie that is being faced by the legal education of Pakistan currently. To conquer the issue at hand about which authority has the power to do what, there should be a clear directive that indicates the roles of both PBC and HEC separately, as well as conjointly. A clear set of rules that eradicate any duplicity, confusion, or conflict about who actually is in charge must be set up in the first instance.

The best way to achieve that is to limit the Pakistan Bar Council to deal with the matters post-graduation, i.e. granting of license and regulating the legal professionals and their conduct. Whereas, the Higher Education Commission can continue to do its job as the regulatory authority for all Higher Education Institutions and with a little more attention on the legal education than it is bestowing currently, because in that case, it would be the sole authority regulating the legal education of Pakistan (Siddiqui, 2007). Furthermore, the PBC and HEC may share some of the functions, albeit with clear boundaries that unambiguously states the powers and functions of both the authorities so that there is no room for confusion or debate about who is actually in charge of the legal education in Pakistan.

Then comes the matter of the compliance of these rules by the universities and law colleges, the Higher Education Institutions imparting legal education must be compelled to follow the rules and policies of the PBC and HEC, and a stricter action must be taken against them, as opposed to what is currently being implemented. The universities should be given clear prerogatives to make their own rules and policies in matters directed and allowed by the HEC and not to make policies that are in contradiction of the rules already laid down by the Higher Education commission and Pakistan Bar Council.

REFERENCES

- Arif, S. (2019). Changing Characteristics of Legal Education in Pakistan: Prospects and Challenges. *Pakistan Social Sciences Review*, Vol. 3, No. 2 868-880.
- Curriculum of LLB (5 years) (Revised 2015). Retrieved from: [https://hec.gov.pk/english/services/universities/RevisedCurricula/Documents/2014-15/Final%20Curriculum %20%20LLB.pdf](https://hec.gov.pk/english/services/universities/RevisedCurricula/Documents/2014-15/Final%20Curriculum%20%20LLB.pdf)
- cDickinson, J. (1931). Legal education and the Law School Curriculum. *University of Pennsylvania Law Review*. 426
- Higher Education Commission. Retrieved from: <https://hec.gov.pk/english/pages/home.aspx>
- Imran, M. (2019). Role of the Bar and Bench in the Development of Legal Education. *Islamic law review*, volume 3: 1 & 2. 58.
- Jamali, A. (2015). Address Improving the Quality of Legal Education. Retrieved from: <http://ljcp.gov.pk/nljcp/assets/dist/Publication/32f71-legal education.pdf>
- Jawad, S. (2021). Urdu as Official Language: A Constitutional Mandate, Compliance, Challenges Perspective. *Review of Applied, Management and Social Sciences*, Volume 4, No. 1. 261-270. Retrieved from: <https://poseidon01.ssrn.com/delivery.php?ID>
- Jeffers, T. (2019). Leading in the Face of Hierarchy, ALWD Biennial Conference: A Time for Transformative Leadership: Teaching and Learning. *Penn State Dickinson Law Professor*.
- Jamshed, J. (2021). Evaluation of Fresh Graduates: An Empirical Study About the Legal Education System of Pakistan. *JRSP*, Vol. 58, No 1. 245. Retrieved from: https://www.researchgate.net/profile/Jibran-Jamshed/publication/351098936_Evaluation_of_Fresh_Law_Graduates_An_empirical_study_about_the_Legal_Education_System_of_Pakistan/links/60919921458515d315f7499f/Evaluation-of-Fresh-Law-Graduates-An-empirical-study-about-the-Legal-Education-System-of-Pakistan.pdf
- Khan, N. (2017). Legal Education as an Instrument for Economic Development in Pakistan: Perspective and Challenges. *PAKISTAN- Annual Research Journal Volume: 53*. Retrieved from: https://mail.pscpesh.org/PDFs/PJ/Volume_53/4_Naeem.pdf
- Khan, H. (2019). Reforming Legal Education in Pakistan by Introducing Clinical and

-
- Practical Aspects in the Existing Syllabus: A Key to Enhance Professionalism within Law Graduates. Retrieved from:
https://www.researchgate.net/publication/334162447_reforming_legal_education_in_pakistan_by_introducing_clinical_and_practical_aspect_in_the_existing_syllabus_a_key_to_enhance_professionalism_within_law_graduates
- Khan, A. (n.d). LEGAL EDUCATION IN PAKISTAN-A REVIEW. Retrieved from:
<https://docplayer.net/17964828-Legal-education-in-pakistan-a-review-professor-ahmed-ali-khan.html>
- Kanwal, A. (2007). Issues of quality assurance (QA) in LIS higher education in Pakistan International federation of library associations and institutions. (IFLA).
- Mohla, K. (2016). IIUI Terms PBC Legal Education Rules Discriminatory, Business Recorder Pakistan.
- Pakistan Bar Council v Federal Government of Pakistan (PLD 2007 SC 394)
- Pakistan Bar Council Legal Education Rules, 2015
- Pakistan Legal Practitioners and Bar Councils Act, 1973
- Pakistan: Tertiary Education Sector Assessment Study (6). Private Higher Education Institutions Report. Retrieved from:
<https://hec.gov.pk/english/universities/projects/TESP/Documents/TESA%20Report%20-%20Private%20Higher%20Education%20Institutions%20in%20Pakistan.pdf>
- Qureshi, T. (2015). Are We Assured about the Quality of Legal Profession and legal Education in Pakistan. *Conference on legal education Pakistan*.
- Reayat, N. (2020). The Problems of Legal Education in Pakistan: Teaching and Learning, Curriculum, and Assessment Methods. *International Review of Management and Business Research*, volume 9 issue 4. 367. Retrieved from:
https://www.researchgate.net/profile/Syed-Arshad3/publication/348401628_The_Problems_of_Legal_Education_in_Pakistan_Teaching_and_Learning_Curriculum_and_Assessment_Methods/links/6020c76592851c4ed55797f8/The-Problems-of-Legal-Education-in-Pakistan-Teaching-and-Learning-Curriculum-andAssessment-Methods.pdf
- Rhode, D. (2000). *In The Interests of Justice: Reforming The Legal Profession*. Oxford University Press.
- Revised Curriculum by Pakistan Bar Council and Higher Education Commission. Higher Education Commission (2014-15). Retrieved from:
<http://hec.gov.pk/english/services/universities/RevisedCurricula/Documents/201415/Final%20Curriculum%20%20LLB.pdf>
- Soled, A. (2020). Building Bridges: How Law Schools Can Better Prepare Students from Historically Underserved Communities to Excel in Law School. *Journal of Legal Education*, Volume 69 No 2. 270. Retrieved from:
<https://jle.aals.org/home/vol69/iss2/3/>
- Sarmad, M. (2019). Legal Education in Pakistan: Problems and Prospects in the Context of 21st Century. *Islamic Law Review*, Volume 3: 1 & 2, Spring/Summer. Retrieved from:
<file:///C:/Users/Tips/Downloads/legal%20education%20doc..pdf>
- Shah, S. (2019). The Pakistan Bar Council Legal Education Rules 2015: A Commentary. *Journal of Humanities and Social Sciences Research*. Retrieved from:
-

-
- <https://horizon-jhssr.com/articles/authors/pdf/11JHSSR-1001.pdf>
- Shah, S. (2018). LEGAL EDUCATION IN PAKISTAN: AN OVERVIEW. *IIUM Law Journal*, Volume 26 No. 2. Retrieved from: https://www.researchgate.net/profile/Sardar-Shah-2/publication/330011410_Legal_Education_in_Pakistan_An_Overview/links/5c5bb71645851582c3d3e538/Legal-Education-in-Pakistan-An-Overview.pdf
- Siddique, O. (2007). Martial Law and Lawyers: The Crisis of Legal Education in Pakistan and Key Areas of Reform. *Regent Journal of International Law*, Vol. 5. Retrieved from: <https://heinonline.org/HOL/LandingPage?handle=hein.journals/regjil5&div=6&id=&page=>
- Sial, A. (2009). Designing Legal Education to Support Social Evolution in Pakistan. *A Research Journal of South Asian Studies* Vol. 24, No. 2. Retrieved from: <http://pu.edu.pk/images/journal/csas/PDF/8-A.Q.%20Sial.pdf>
- Tauqir, S. (2014). The Role of Vice Chancellors to Promote Higher Education in Pakistan: A Critical Review of Higher Education Commission (HEC) Pakistan's Reforms, 2002. *South Asian Journal of Management Sciences* Vol. 8, No. 1. 46–59.
- The Constitution of the Islamic Republic of Pakistan 1973
- Uzair, A. (2014). Quality Assurance Mechanism: Role of the Bar Councils. *Paper presented at Second National Conference on CPD in Law*.
- United Nations Documents. (1971). Resolution Adopted by the General Assembly. *Twenty-Sixth session*. Retrieved from: <http://www.un-documents.net/wdhe21c.html>
- Yousafzai, A. (2018). Major Overhaul Expected in Legal Education in 2019. *The News*. Retrieved from: <https://www.thenews.com.pk/print/411069-major-overhaulexpected-in-legal-education-in-2019>