

Critical Analysis of Professionalism in Legal Academic	
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Critical Analysis of Professionalism in Legal Academic Institutions of Pakistan

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Abstract

Education plays an key role in development of a society, impact of which has been recognized by Universal Declaration of Human Rights in 1948.⁴In current era of democracy, legal education provides solid base for its strengthening. A strong legal education system, will yield an expert and civilized citizens, who will contribute to the overall welfare of society.

Key words: professionalism, Academic, Institutions, Legal, Education

Introduction

Legal education is the acquiring of professional skills in an institute of law, while professionalism is the dynamic, contingent and contested practice, responsive to a range of ideological, economic and situational factors¹. On other hand, curriculum is the aggregate and/or cumulative of basic courses of education specified in a learning environment. These basic courses are specific arranged in a certain sequence (known to unknown) to make the book and/or subject of learning easier². The 2007 Lawyers Movement in Pakistan with the aim to restore the deposed Chief Justice of Pakistan Mr. Justice

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The Islamic Shariah & Law	Spring 2020 Issue: 02

Iftikhar Muhammad Chaudhry and support the independent judiciary has led to ever increased respect for the legal profession in Pakistan. As a result of which more and more private legal colleges developed to accommodate taught opted for legal education and profession. As the quantity of such institutes increased, quality of education drastically decreased. There are many reasons for such a fall in quality but the most important yet ignored one is the lack of professionalism in the legal academic's institutions. Those who teach in law colleges/departments are not well trained in imparting legal education to the students⁴.

Generally, the education structure in Pakistan is mainly categorised into six basic levels: the primary type of education (with age range of 2.5 to 5 years); the primary level of education (from grades one to five); middle level of education (grades six to eight); high level of education (grades nine to ten); intermediate level of education (grades eleven and twelve) and university level of education that leads to the undergraduate/graduate degree program.³

For those Students who wish to have LLB/ Law degree (professional law degree obtained after 16 years of education), two types of educational systems are in vogue in Pakistan. One is conventional and the other one is integrated system. In conventional system, the LLB academic program (three-year program) starting primarily after the completion of graduation (fourteen years' education). In such type of academic program, all the students were examined by the Institute/universities (annually), before receiving the degree of law, which allowed them to join the legal profession.

In integrated type of education system (the students are examined periodically), while to proceeds their admission in LL.B academic program, the candidate must have completed their twelve years of basic education.⁴ This system is spread over five years and ten semesters. In each semester students are required to appear in Mid-term and Final term examination besides assignments and tests.

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In addition, Erstwhile University Grants Commission was empowered under Section 3 (2) (i) of Act for “Supervision of Curricula and Textbooks and Maintenance of Standard of Education” of higher education in Pakistan. However, when Higher Education Commission (HEC) Ordinance was promulgated, same task was assigned to it under Section 10 (1) (v) of the Ordinance.

In compliance with these provisions, the HEC carry out repairing and renewing of the basic curricula after regular intervals in an independent mode linking the degree awarding university/Institutions and local Chamber of Commerce and Industry. The intellectual contributions towards the basic curricula by expatriate while working in research and development university/institutions of technically sophisticated countries are also called to contribute before finalized by the National Curriculum Revision Committee (NCRC) of HEC in Law and other related local stakeholders. The same type of curricula is further endorsed and forwarded for implementation by the institutions/university as a least possible standard, channelizing through appropriate legal bodies of the institutions/university.

The recommendations of the NCRC are then cautiously examined by joint meeting of the representatives of the universities and the affiliates of the Pakistan Bar Council (PBC, Authorised Education Group). Different constitutional bodies of the institutions/university like Board of faculties/Studies and Academic Council finally revised the approved courses before they are finally forward to the Syndicate of the University for Approval.

The PBC is a constitutional organization accountable for protecting the rights interests as well as privileges of practice lawyers, modifiable their manners and assisting them in the area of administration of justice. Its structure, functions and powers are mainly defined in detail by the Bar Councils Act, 1973 and Legal Practitioners. A key role specified to the Bar Council has

Critical Analysis of Professionalism in Legal Academic	
The Islamic Shariah & Law	Spring 2020 Issue: 02

been the promotion of the legal education and provision of free authorised aid to the creditable citizens.

The Bar Council can also support the promotion of the knowledge related to the legal matters through proper lectures, conferences and seminars. Under section 13(j) and (k) of The Legal Practitioner And Bar Council Act, 1973, the Pakistan Bar Council has dual functions to perform, these are the promotion and prescription of the quality or standard of the legal education in consultation with the institute and/or universities.

As the Pakistan Bar Council is working under the 1973 Act, its responsibility for regulating the legal profession is mentioned the said Act. The Council Legal Education Committee comprising of elected members of the Council is the highest body for framing policies, regulating legal education, recognize legal academic institutes and perform such like other functions under the Pakistan Bar Council Legal Education Rules 2015. These Rules repealed the Pakistan Bar Council Legal Education Rules 1978, The affiliation of Law Colleges Rules and Recognition of Universities Rules⁵.

Besides the Council and Commission, the Council of Common Interest is also authorised under Fourth Schedule (Part-II) of the Constitution of Pakistan to “formulate and regulate policies in relation to standards in institutions for higher education and research”. This overlapping jurisdiction of three bodies has compromised the development of quality education in Pakistan.

The Supreme Court of Pakistan in *Pakistan Bar Council v. Federal Government and 9 others*⁶ preferred to take the necessary action in order to keep the curriculum of law-degree at par with global standards. A proper attention for the improvement of the legal education of Pakistan was given by the Chief Justice of Pakistan in its meetings held on April 16-18, 2010 and April 22-24, 2011. Additionally, a suo motu action was taken by the Honourable Supreme Court of Pakistan about the legal education in Pakistan which was pronounced in August 2018 followed by a detailed/reasoned judgment.

Critical Analysis of Professionalism in Legal Academic	
The Islamic Shariah & Law	Spring 2020 Issue: 02

Factors Affecting legal education

There are numerous problems, which legal education is facing like no uniform national policy for legal education, lack of proper checks and balances, inadequate infrastructure and resources, poor communication and interpersonal skills, overlapping jurisdiction of regulatory bodies (i.e. Pakistan Bar Council, Higher Education Commission and Council of Common Interest) but above all these problems is the scarcity of professionalism in such Institutes, which undermines the performance of Institutes and also quality is compromised. However, no literature is available on development of professionalism in legal academic institutes in Pakistan, which is the very requirement in such a developing Country. Keeping in view the importance of above mentioned fact, the present paper is written. In this regard, professionalism in academic institutions (legal) in Pakistan is discussed in light of subject task and its impact on the production of highly qualified law graduates in particular and good citizens in general.

Role of legal education in the law-abiding society

Legal education plays a significant starring role in the shaping of law-abiding society. Brilliance in legal education as well as the research is tremendously essential, since it will assistance to shape the excellence of the rule of law. Thus the significance of legal education and its impact on the future generation has not only relevant at present but also in future. Besides, legal professionalism has to be developed to work in a befitting manner. It was detected that no definite organized and legal study has been supported in this area. Occasional an articles related to a specific matter have been issued, however, no definite research activities have been supported out hither to. This study identifies different shortcomings in the present legal education system in Pakistan. It takes into account the role played by different Actors such as the Judiciary, Higher Education Commission, Pakistan Bar Council and University Administration in shaping their system of legal education and the extent of their success and failure. It discusses the relevant

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The Islamic Shariah & Law	Spring 2020 Issue: 02

provisions of laws related to professionalism in academic legal institutes.

Research Methodology

This study is mainly concerned with the status of legal education and development of professionalism. Secondary sources are used for data collection. These include judgments, reports, articles, newspapers, discussion with colleagues and students of our department etc, which paved our way for smoothly writing this paper.

Analysis

Keeping in view the importance of legal education, the august Supreme Court of Pakistan announced detail judgment based on concrete reasons in pursuance of its short order of 31st August 2018. The said judgment is based primarily on the recommendations of the Special Committee, which was constituted on the directives of the Supreme Court, headed by a learned counsel Mr. Hamid Khan to recommend structural reforms in legal education of Pakistan. This Committee was assisted and supported by four commissions, one in each province and a committee for Islamabad.⁷This judgment (Constitutional Petition 134/2012) has highlighted the subsequent aims for failure in the legal education:

- Abrupt development of inferior law colleges.
- Lack of proper standards for admission.
- *Poor quality of teaching by faculty*
- Too little resources, facilities and infrastructure at law colleges.
- Inclination towards commercial instead of academic considerations.
- Be deficient in proper attention for professional ethics; and
- An obsolete/out-dated exam system.
- However, the court could not provide a comprehensive solution.

Critical Analysis of Professionalism in Legal Academic	
The Islamic Shariah & Law	Spring 2020 Issue: 02

With these reasons, it is pertinent to refer here to the American Bar Association's Rule of Law Initiative (ABA ROLI) which developed the *Legal Education Reform Index (LERI)*, a novel mean of assessing the status of legal education in developing countries in light of internationally established principles. LERI aims at reforming legal education with quality recognized all over.⁸ The (*LERI*) is based on 22 factors derived from some of International Instruments related to legal education explaining certain criteria and principles. Of these factors the one which is related to the aims and objectives of this paper is reproduced below:

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

Reason 3 mentioned in the judgment of the honourable Supreme Court of Pakistan regarding deteriorating standard of legal education in Pakistan read with factor 16 of LERI will highlight the importance of professionalism in legal education. It is the law teacher who shapes the future of legal fraternity in a society. If a law teacher is not well trained and expert in the subject, he will not be able to give best to the society.

Recommendations

- It is suggested to establish a Legal Training Academy (LTA) at provincial level.
- LTA will perform two types of functions; one to train the newly inductee in law departments/colleges, secondly to concentrate on professional training of the faculty.
- First type of training may be extended over a period of six months (at least) comprising of module like nourishing teaching skills, learn new techniques emerged in the field, develop strong interpersonal skills, groom research capacities and methods, practical knowledge of the judicial system etc.

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- Whereas second type of training will be for mid-career and senior level professional, this will be provided periodically. This course will be more specific to the interest and specialization of the faculty members.

Conclusion

From above discussion it is clear that legal education in Pakistan is faced with numerous challenges due to which quality is compromised. Various reasons can be mentioned for such a pathetic condition but lack of professionalism in the field is the major problem. This problem can be overcome by establishing Legal Training Academy.

References

¹ Article 26 of the UDHR 1948.

¹Webb, J. (2008). The dynamics of professionalism: The moral economy of English legal practice – and some lessons for New Zealand? Waikato Law Review, 16, 21-45 at 22. 2

²Retrieved from <http://www.slideshare.net/abilove1/the-concept-of-curriculum-33604363> on 07/02/2017.

³“Education in Pakistan” Retrieved from http://en.wikipedia.org/wiki/Education_in_Pakistan on 07/02/2017

⁴Iqbal, A., Ghawas, I. U. (2013). “Handling Legal Education As Professional Training,” Journal Of Law And Society, Volume 44, No. 63 , p. 195.

⁵Zafar Iqbal Kalanauri. Background Paper on the Review of Legal Education in Pakistan, p. 4. Retrieved from <http://www.zklawassociates.com/wp-content/uploads/2012/03/Background-Paper-on-the-Review-of-Legal-Education-in-Pakistan-.pdf> on 01.06.2019

⁶PLD 2007 SC 394

⁷Arshad Yousafzai. Major overhaul expected in legal education in 2019. Retrieved from <https://www.thenews.com.pk/print/411069-major-overhaul-expected-in-legal-education-in-2019> on 01.06.2019.

⁸Retrieved from https://www.americanbar.org/advocacy/rule_of_law/publications/assessments/leri/leri_factors/ on 01.06.2019.