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## The Clinical Legal Education (CLE): A Less Travelled Pathway in Pakistan

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### Abstract

*Clinical legal education in Pakistan has attained formal attention after the significant judgment of the Apex Court in 2018. The judgment laid down various standards for improving legal education and emphasized including professional training in the curriculum. Further, the judgment provided an impetus for law schools to take a step forward from traditional teaching to modern teaching methods by incorporating clinical legal education into their curriculum. Hence the need to evaluate the existing standards of law education in Pakistan in the light of the judgment and to highlight the challenges being faced in this connection. Relying on secondary data available in the context of Pakistan, Qualitative methodology will be used to reveal the current trends and challenges in this research article. The paper will suggest solutions to cope with the challenges and present proposals to materialize the objective/s laid down in the supreme court judgment.*

**Keywords:** Pakistani legal system; Law Clinic; Legal Education; Law Profession; Legal Reforms.

### Introduction

Legal education is very significant for every society. Law education entails the study of history, legal concepts, logical reasoning, legislation development, dispute resolution mechanisms, the legal profession, and judicial procedure. As a result, the law must be recognized from public, economic, civil, and scientific perspectives. Awkwardly, Pakistan has not met its objectives in terms of legal education. Legal education is much more than just learning how to practice law (Packer et al., 1972). The law affects all aspects of life and contributes to the strength of the state in the context of society and globalization. This necessitates a review of the state's legal scheme to have orderly development for the appropriate direction of justice and deliver modifications in the organization, removal of gaps in the current system, repeal of outdated and redundant laws, and making the existing law system feasible and consistent with contemporary requirements (Edwards, 1992).

Legal education produces law-abiding citizens, great academicians, inventive justices, amazing attorneys, and astonishing jurists. Furthermore, perception of privileges and duties, collection and

organization in society, enjoyment of foundational rights guaranteed by the Constitution, and people's legal empowerment are all heavily reliant on the quality of legal education (Constitution of Islamic Republic of Pakistan, 1973). As a result, legal education policy should be congruent with evolving modern-day issues to provide ability education and knowledge and skills in the fundamental philosophies, ideas, critiques, and instruments for establishing and maintaining a just society (Chakraborty & Krishna, 2021).

Legal education was recently one of Pakistan's most overlooked professional studies. Academicians' and professional bodies' failure to pay attention has contributed to the dreadful situation. Curriculum, teaching methods, examination, and evaluation processes differ from one institution to the next. Pakistan had no national policy governing legal education (Munir, 2021). This situation is very tricky for legal education in Pakistan. The regulation of legal education standards is addressed under general higher education standards and the right to practice before courts in Pakistan (Newspaper, 2010).

The HEC of Pakistan, established under the Higher Education Ordinance 2002, regulates higher education (HEC). The directive of Pakistan's legal education is communal by two governing bodies: the Pakistan Bar Council, which provides legal education standards, and the HEC, which is a monitoring body and an umbrella group that contracts with all higher education institutions (Shah & Dhanapal, 2020). As previously stated, the Eighteenth Amendment has made education a provincial subject; however, no province has made any corresponding policy or regulatory process for legal education in consultation with federal institutions and regulatory bodies.

“The Legal Practitioners and Bar Councils Act of 1973” governs the Pakistan Bar Council. Although the “Pakistan Bar Council Legal Education Rules 2015” have been drafted, no rational steps have been taken thus far. Article 209 of the Pakistani Constitution of 1973, on the other hand, requires the Supreme Judicial Council to monitor the capacity and issue guidelines for Superior Court Judges to follow. All of these policies are conflicting and disintegrated, neither assisting the legal system nor eliminating confusion, but somewhat leaving the position in chaos (Tehreem et al., 2021).

As stated in the preceding paragraphs, the quality of legal education is critical in preparing students to perform their duties upon graduation; additionally, it develops law graduates to act as social engineers and contribute to nation-building (Fenwick et al., 2018). On the contrary, difficult legal education would be difficult for the entire nation, as happened in Pakistan; however, this South Asian state has been battling with the improvement of legal education for decades and is putting all efforts into reforming it. Several times, the “Supreme Court of Pakistan” has pursued addressing issues raised about law education in its *Suo Moto* jurisdiction (Jamshad et al., 2021). In 2018, the country's Supreme Court identified a few reasons for the decline in legal education in its judgment. The reasons are poor teaching quality, a lack of awareness of qualified ethics, and a fondness for commercial concern over academic consideration.

The “Supreme Court of Pakistan” has issued some procedures to improve law education, such as prohibiting all evening classes at law institutions and universities throughout Pakistan, prohibiting admission to three-year undergraduate programs, and instituting a five-year bachelor's degree started in September 2019. These rules are not a complete solution because it requires all stakeholders in the field to collaborate to find the best solutions. The Supreme Court is concerned with the programs or syllabi of law education provided by higher education, and the structure of instruction with examinations (Hanna et al., 2019).

Pakistan must revise and remodel its legal education because enhancing the efficiency of legal education is not a static field. This is necessary to ensure that they meet the same standards as other

developed countries. Furthermore, legal education evolves in response to the needs of the surrounding circumstances, such as the need for economic growth, political necessity, and societal demand (REAYAT et al., 2020). The deal offered by law education only some years ago is not comparable to the offer made in the new millennium. It is a field that must be enhanced and revised regularly.

This article aims to investigate “legal education in Pakistan in terms of curriculum and assessment, highlight current challenges and their impact on Pakistan, and emphasize suggestions made by concerned citizens through Pakistani literature”. Following that, “make recommendations for improving the current curriculum and syllabus, as well as suggesting a program for the pupil to use during the pupillage period, also known as internship”. Furthermore, the paper will investigate the significance of teaching practical aspects of learning handling real-world scenarios and practical aspects during studies to law students, as well as the significance of improving compulsory programs for students in Pakistan (A. Q. Sial, 2009). This paper contends that the approach to instructing law students in Pakistan should include practical aspects of the law, such as both criminal and civil trials, attempting to implement and advocate, opening estate files, managing corporate files, and clinical legal education.

Significantly, this article will discuss and examine the affairs of law education in Pakistan, including the challenges that the Pakistani legal education system faces, such as the need to develop and include systematic and practical legal skills within its legal education system, as well as hiring experienced and skilled faculty to attract young lawyers to a career in this noble profession (Waqar Ali, 2019). Furthermore, in addition to the presentation of field research findings, this article will discuss how Pakistani institutions can overcome challenges to promote greater professionalism in teaching and work-based learning that inspires future lawyers to work toward constructing a rule of law society in Pakistan.

### **The “Supreme Court of Pakistan” Improved the Standard of Legal Education**

On August 31, 2018, “the Supreme Court of Pakistan issued a landmark judgment”, the highlights of which are listed below:

1. The mandatory bar examination and the Law Graduate Assessment Test (LAW-GAT).
2. Admission test for law schools (Law Admission Test) (LAT).
3. Prohibition on the conduct of LL.M. and Ph.D. in law classes by institutions that are not permitted to hold LL.B. classes.
4. Limit admission to LL.M. and Ph.D. programs in law and prohibit mushroom admissions to these programs by the Higher Education Commission of Pakistan's criteria.
5. Annual and semester curriculum design for a five-year LL.B. program. (HEC and PBC) (Shah & Dhanapal, 2020)
6. Qualification of law faculty (both permanent and visiting).
7. Universities and law schools are given a limited number of seats.
8. Student-to-Faculty Ratio: 100 students = 5 permanent faculty and 5 visiting faculty
9. Admission to a three-year LL.B. program is prohibited.
10. Prohibition of evening LL. B classes.
11. HEC Special Equivalency Exam for Law Graduates from Foreign Universities
12. Clinical Legal Education for Law Students and Bar Vocational Training Courses
13. Establishment of a Legal Education Directorate in collaboration with the PBC and HEC.
14. Immediate closure of unlicensed law schools.
15. Non-practicing allowance for permanent law faculty. (Shah & Dhanapal, 2020)

## Challenges to Legal Education in Pakistan

Following the landmark decision of Pakistan's Supreme Court on legal education, a line was drawn between degree-granting institutes and law colleges. They agreed on certain standards for the improvement of law education criteria in which the Supreme Court of Pakistan finds shortcomings in law education in Pakistan. Following the judgment, the "Pakistan Bar Council" (PBC) and the "Higher Education Commission" (HEC) conducted evaluations and measures to improve law education in Pakistan, (Shah et al., 2018) for these measures to be truly successful, regulators must invest in a supportive resource base, structures, and subsequent change (Tehreem et al., 2021).

The judgment identified issues and problems with law education in Pakistan, and it also suggested a standard for improvement. As a result, the researchers in this article are simply attempting to assess how significant the suggested standards are in the advancement of law education in Pakistan (Shah et al., 2018).

**There are certain criteria set for the improvement of legal education in Pakistan and their evaluation till today is enumerated below stepwise; -**

### Affiliation of Law Colleges

Several institutions throughout Pakistan were providing legal education to provide degree courses without even having a criterion of legal education. However, in this landmark decision, the Supreme Court established certain affiliation criteria and territorial jurisdiction for universities to affiliate with colleges. Furthermore, the PBC and the provincial Bar Council have charged the Legal Education Committee with inspecting and evaluating the standards of private law colleges. Following that, some sub-standard law institutions with inadequate infrastructure and legal education were de-affiliated (Hussain, 2013).

However, new affiliated colleges have been established using an old model to enroll large numbers of students without requiring them to pass the LAT test, which students pass after two or three semesters. These institutes were instituted for business reasons rather than academics, and they lack an enduring faculty team to regulate the college's affairs, but they have completed the paperwork by the established standard of law education in Pakistan. HEC and "Pakistan Bar Council" have established criteria and standards for the affiliation of private sector institutions, as well as inspection teams, but they are not operated by the standards established by the Supreme Court (Waqar Ali, 2019).

### National Policy or National Centre for Legal Education

The Supreme Court has suggested that both the HEC and the PBC establish a national policy or a National Centre for Legal Education. With overlapping regulatory body jurisdictions, it was critical to have a comprehensive plan and scheme. For the achievement of the goals of law education, parallel policies and standards must be established to ensure high-quality quality legal education (Hasan, 2010). Policies and standards address: (a) the types of institutions that are appropriate and essential to achieving the goals of law education; (b) the classes and curricula that relate to those goals; and (c) the method of implementing those rubrics and programs.

Legal education policies and standards are determined by the priorities that the government and other related organizations place on this sector. Unfortunately, the priorities of the Pakistani government and regulatory bodies do not include the establishment of a National Policy and a National Center for Legal Education in Pakistan (Hasan, 2010).

## Curriculum Development and Advancement

Traditionally, the law curriculum was designed to teach students substantive and procedural law using case law. As a result, our institutions' most substantial changes, reforms, and modifications are required in this area (A. Q. Sial, 2009). Curriculum development and advancement for professional learning do not imply creating a reading plan for the student body. As a result, SC has proposed that, with a mission to keep the objectives in mind, the profession with a clinical and skillful understanding of laws using modern techniques be included in the curriculum. As a result of that decision, we need to revamp our approach to assisting aspiring lawyers in their characters as arbitrators and analysts or administrators. It is a very nice gesture by all degree-granting institutions to adopt the HEC Curriculum for the LL. B 5 Years program, which includes practical legal education such as internships, law mooting, role-playing, and skill development courses. Furthermore, the curriculum may include topics such as gender issues, alternative dispute resolution, and the role of social justice (A. Q. Sial, 2009).

Clinical education is now taught in almost all prestigious legal institutions around the world. This education is provided by institutions such as “Harvard Law School”, “Yale Law School”, “Berkeley Law School”, and “Stanford Law School”. Clinical law education is becoming an important element of practical exercise that places students in the clinical situation of a law clinic, but this arrangement has not been properly implemented in Pakistan (Zahoor et al., 2021). However, some of the institutions are adopting clinical legal education in Pakistan as their core element; the University of Central Punjab, Lahore. HEC and PBC should make changes in the curriculum to incorporate the clinical legal education methodologies in their course. In the recent judgment paragraph, no.10 and 11 are emphasizing clinical legal education. But this sort of practical legal education should be mandatory for all private law colleges and schools in Pakistan.

## Admission Criteria

SC mandated the mandatory LAT (law admission test) administered by HEC and PBC. Following that, a significant method was used to assess the aspirant students' interest and capabilities in the law degree program. However, there are some issues with making it mandatory before admission, but it is a good step that will take time to fully implement. The problem is that only private law colleges admit students without having taken the LAT because they prepare students for the LAT on their own before sending them admission to universities/degree-awarding institutions (Jamshad, J. et al., 2021).

## Regulatory Bodies (HEC and PBC)

The Pakistan Bar Council is required by law to “promote legal education and lay down benchmarks of such education in consultation with Pakistani universities”. The Bar Council is officially emboldened to “frame rules to provide for the guidelines of law degree to be observed by Universities in Pakistan, as well as the inspection of Universities for that purpose” (Iqbal, 2015). Despite having statutory authority, the Higher Education Commission (HEC) has “failed to regularly exercise its powers to establish policies and standards that foster centers of legal excellence”. At that moment, HEC's powers were limited to developing curriculum and administering LAT and Law GAT tests. HEC plays virtually no role in the academic oversight of public or private legal education institutions in Pakistan. It has only recently begun to exert academic control over universities in terms of curriculum implementation and development (Shah & Dhanapal, 2020).



## Law Faculty

There was previously no policy governing the hiring, promotion, monitoring, and evaluation of law faculty members. The law faculty is primarily made up of lawyers and academics. The subject scheme's nature necessitates close collaboration between the Bar Council and the law faculty. Senior advocates with academic aptitude joining law faculty to teach practical classes is a positive sign for an institution (REAYAT et al., 2020). However, due to professional obligations and low pay in private law schools, experienced advocates lack the motivation to continue teaching law students. Furthermore, without professional experience, regular law faculty cannot produce a very well lawyer with a pragmatic understanding of the law of laws and their interpretation (Siddiqui, 2013).

## Development and Progression of Legal Education in Pakistan

In 2015, Pakistan tried to improve legal education by creating the qualifications structure, the "Higher Education Commission's" (HEC) Vision 2025, new curricula for Law degrees, and the "Pakistan Bar Council Legal Education Rules 2015".(Tehreem Farrukh et al., 2021)

The "Pakistan Bar Council" (PBC) is working to enhance law education by establishing "criteria for law college affiliation and degree awarding institution recognition." In 2018, the Pakistan Bar Council established a distinct committee, which subsequently established "four provincial commissions to study the benchmarks of legal educational institutions and training services in each area and submit a report to the Pakistan Bar Council and the Ministry of Education and Professional Trainings"(ShuHong et al., 2018).

The HEC's responsibility is to advise higher learning institutions on curriculum design. "The HEC has issued 10 performance appraisal standards known as Institutional Performance Evaluation Standards to be applied to Higher Education Institutions (HEI) to improve service quality". The HEI has no choice but to adhere to all specifications to maintain its position on the list of certified institutions of higher education. The requirements are as follows: 1. Objectives & Mission Statement 2. Evaluation & Planning 3. Governance & Organization 4. Integrity 5. Faculty & Students 6. Institutional Assets 7. Transparency & public disclosure 8. Academic Programs & Courses 9. Evaluation & Quality Services 10. Student Assistance Services(HEC, 2017).

These standards require HEIs to ensure that their programs and curricula are up to date with national and international standards. As a result, any proposal for new law-related subjects, courses, or curricula must be approved by the PCB and the HEC. Now, the appropriate agencies are collaborating to refurbish the entire law education structure. In 2011, the HEC Course Division issued a report on revising and improving legal education through the National Curriculum Revision Committee (NCRC) (Waqar Ali, 2019). The NCRC, comprised of firstborn intellectuals and experts "from various related authorities, recommended in their draught for the proposed 5-year law degree program that the higher learning institution adopt all core courses or mandatory subjects as prescribed by PBC for the degree to be recognized by PBC later on for enrolment as an advocate" (HEC, 2019).

The NCRC concentrated on the following learning objectives:

- a. Provide students with a broad sympathetic of "the social, political, and economic contexts in which the Pakistani and global legal systems operate";
- b. Provide law pupils with an understanding and awareness of the organization's values and legal principles, and
- c. Provide students with the academic and clinical skills required for engagement in the law profession and further careers(HEC, 2017a).

The draught presented by the NCRC addressed all the issues raised by legal education in this article. The proposed draught for students strikes a balance between doctrinal and vocational education. The draught suggests some practical subjects/courses, which are listed in the table below. They have also recommended several beneficial elective courses, including “Alternate Dispute Resolution”, “Conflict of Laws”, “Consumer Protection”, Banking Laws, “Environmental Laws”, Labour laws, “Gender and Law”, Medical and Forensic Laws, Land Laws, Mergers and Acquisitions, and so on (HEC, 2017).

For instance, the intent of this article is to provide the effort by proposing the existing core curriculum that relates to the technique of teaching and the advantageous courses for law students and the pupil underneath the internship (HEC, 2010). However, there is an immense need to incorporate clinical legal education into the curriculum of the law graduate. The codification of legal ethics is one of the “essential canons of professional conduct to instill ethical standards and social responsibilities in legal practitioners”. This is heavily “emphasized in other jurisdictions, such as the United Kingdom”, where Professional Morals is a required module in the “Bar Professional Training Course. Incorporating legal ethics into law curricula is critical for instilling in students the ethics”, professional responsibilities, fiduciary obligations, and discipline that will be expected of them as future legal practitioners. As specified in the Rules, proficiency in the English language is another important skill for the practice of law. Law schools must work to ensure that English is used as the “medium of instruction for legal subjects so that students are adequately proficient before graduating” (SCMR 1891, 2018).

### Discussion and Analysis

To overcome the challenges that legal education faces in Pakistan, research must be conducted in collaboration with different stakeholders to identify educational needs and the method to be used to develop a comprehensive system of legal education. As stated in this article, the “Supreme Court of Pakistan issued a landmark decision” to improve and standardize legal education because this is a lordly profession. PBC and HEC, as well as government officials, are advised to take steps to advance legal education and students' career development through advocacy (Ahmad et al., 2019). Certain institutions are playing their roles and evaluating the benchmarks in institutions that provide legal education, but certain gaps remain due to favoritism or political influence, which can also be filled in a couple of years.

Interestingly, during the study of the narrative, the researcher discovered that many authors agreed that clinical education is an important way of teaching and that it should be part of the law education curriculum in Pakistan. Clinical legal education is a teaching method that helps students develop and hone their advocacy skills. According to the great scholar, John Dickinson, it is essential to recognize the importance of providing training at law schools that can assist students in discharging their responsibilities and duties in the line of work upon graduation. Law schools must offer students courses that will benefit them irrespective of their future fields or specialties (Zahoor et al., 2021).

Surprisingly, the teaching method used by Pakistani institutions is the same and centered on the concept of the HEC. The curriculum for the LL. B (5 Years) is excellent, but there is still room for improvement in pragmatic and clinical legal education. The traditional method of teaching law without practical knowledge does not meet international legal education standards (REAYAT et al., 2020). If students are not exposed to practical courses or training during their studies, they will only begin to experience the positive aspects of lawyering skills during their apprenticeship, which is not a suitable stage of learning. However, if law schools or colleges can start preparing them for the same, they will be able to practice all over the world more easily (REAYAT et al., 2020). Clinical legal education related to career, pleading, file coordinating, arguments, and institutional and

document management in addition to advocacy skills. Another expert believes that legal students should be outfitted with writing skills by requiring them to draught some solicitors' documents and contracts during their graduation (Zahoor et al., 2021). Furthermore, many other eminent scholars stress the significance of clinical education in law. According to researchers, law pupils should write legal ideas and arguments. How to express "facts, principles, issues, analysis, arguments, and conclusions" (Fenwick et al., 2018).

Legal education challenges can also be overcome by updating HEC's current curriculum with the most recent international amendments. Although HEC has introduced new courses like Law Mooting and an Internship program for the training of students with clinical legal education this is not enough to achieve the objectives of the subject. Sometimes the curriculum of law schools needs to be revised to ensure compatibility with societal needs. The curriculum overview is a rubric that contains the formulation of course material and curriculum (content & definition, educational resources, & course material production & printing), their propagation, and teacher/tutor instruction to educate them. It is a vigorous exercise that discourses issues concerning how to sustain a higher legal education system pigeonholed by quality, diversification & access. "It helps in the development of intellectual scholarship appropriate to meet the country's social, cultural, and economic needs" (Munir, 2021). As far as the law schools of Pakistan has concerned, most of them have established law clinics in their institution just to capture the audience for admission and there is nothing else going on the ground. Further, most law schools are conducting and participating in law moot competitions, which is also part of clinical education, but it is also not enough as per the learning objective and outcomes of clinical legal education.

A well-structured curriculum also promotes quality education with long-term outcomes. The curriculum for a law degree should effectively impart academic knowledge while also honing skills in argumentation, legal analysis, and linguistic communication. Leading law institutes around the globe provide a comprehensive curriculum that includes CLE; law mooting, mock legal trials, client dealing, & negotiations to provide students with an understanding of the practical requirements of law practice (SCMR 1891, 2018). The PBC decision expresses the need for multidisciplinary law education in the following words: "14. "Legal education should not only cater to those students who study to pursue law as a career but should also provide instructional and research facilities to those who aim at becoming researchers, academicians, or criticism the domain of law. The discipline of law encompasses almost every dimension of social life. Before students join a professional law course, they need to have a multidisciplinary academic base..."(atp.400)" (SCMR 1891, 2018)

Pakistan has been struggling to improve its legal education for many years, as the effect has influenced all law-related activities. The Supreme Court's landmark decision in 2018 shed some light and provided an outline of the improvements that needed to be made. As a result, the NCRC suggestion discussed above becomes applicable beginning in September 2019, and all institutions providing legal education have incorporated it into their LL. B (5 Years) program. By the verdict, there will be no new admissions for LL. B (3 Years) after 2020. LAT and Law GAT are also held regularly, and compliance is proceeding in the true spirit (Waqar Ali, 2019).

It is critical right now to provide clinical legal education modules or courses to law students to improve their practical legal knowledge. However, within the current course outline, the institution can choose the best clinical legal education teaching method and assessment mode (Zahoor et al., 2021). On the other hand, because it is in a different domain, bringing in new courses without HEC and NCRC would be extremely difficult to incorporate into the curriculum. As a result, the University of Central Punjab, Lahore is implementing this strategy to achieve the goal of CLE in Pakistan. As a result, good courses and a great teaching method, and the best mode of assessment promise capable, dependable, and self-sufficient legal students. Students who have completed this type of program will not let anyone down in the legal field.



## Conclusion

It is significantly concluded that the efforts made by the appropriate agencies in Pakistan are a good step forward in modifying law education and its structural reforms. However, as we know that always there is room for improvement. So, it would be beneficial if Pakistan could implement curriculum changes as suggested in the landmark decision 2018 SCMR 1891 regarding clinical legal education methodologies in teaching and assessment of law students. As discussed, the previous literature has also suggested certain changes in different areas of legal education to develop the quality of law education in Pakistan. But in this manuscript, the researchers have focused only on clinical legal education in Pakistan and find that it is not incorporated into the curriculum yet.

## Suggestions and Recommendation

As the article concludes with the preceding paragraph following the discussion and analysis. Therefore, there are certain suggestions and recommendations highlighted below for academic institutions.

1. Most of the academic education that imparts legal education is using law mootings for clinical legal education. It is not enough; therefore, it is suggested, that academic institutions may incorporate clinical legal education by introducing new courses in their curriculum. As the UCP has introduced 5 Advocacy Skill courses for their law students in the syllabus. The result of introducing these courses is very significant in problem-solving and understanding practical legal applications and other institutions may also be the footprints.
2. HEC and PBC can also incorporate advocacy skills to equip the students with practical learning. HEC curriculum has Moot & Role playing and Internship in the last semester of LL. B but these two courses are not enough to meet the standard of clinical legal education as desired in the landmark judgment of the Supreme Court in Pakistan. To make up for the insufficiency advocacy skill courses may be incorporated into all the years of the LL. B curriculum.
3. At last, it is suggested that law schools and institutions can prepare their program objectives keeping in view the needs of clinical legal education. Then the course rubrics should be developed in line with the program objective so designed. Furthermore, the rubric of each course should be based on clinical activities. A few examples may include in-class moot activity, in-class mock trials, simulation legal opinion writings, etc.

Although, all the institutions are following the guidelines of NCRC, and the curriculum developed by HEC and PBC. Therefore, all other institutions can also use clinical legal education for the benefit of their students as UCP is using it for skill development.

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