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**'LEGITIMATE AND TRIBUNAL EDUCATION IN PAKISTAN'
A DISSCUSSION REPORT:**

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Discussion:

It is a matter of honour to speak a few words on the topic of legal and judicial education. It is a matter of immense importance because since the creation, human beings, are disciplined and governed by the laws which may be the natural, conventional or customary. It is rightly said that codified laws are the collective wisdom of the society based upon past experiences. Law is also said to be based upon rationality. Before the English Rule, the law was not codified and the people here and the society were disciplined under certain customs and conventions, in terms of personal matters, religious laws were also followed by the most tribes.

2. First of all, the late Sir Syed Ahmad Khan, the great leader of the Muslims felt that unless and until the education is not imparted to the Muslim community in Sub-continent, it would be difficult for them to get liberation from the English rulers, thus, an institution was set up known as Ali Garh Muslim College later-on upgraded to Ali Garh Muslim University. In the institution, a faculty of law was also established and many of our top notables remained students in that faculty.

After the creation of Pakistan, educational conference was held in Karachi in 1947. Quaid-e-Azam Muhammad Ali Jinnah our great leader made emphasis on the importance of education and rule of law.

In 1868 Punjab University Law College was established by Anjuman-e-Punjab and then later-on it was known as Punjab University law College this is how systematically the education of Law commenced pre-partition.

After the partition in the homeland formally, colleges, universities have been established in public as well as private.

3. Ladies and gentlemen, it is an order of the day to enhance the standard of the legal education and to make it compatible with the advanced countries.

Therefore, following steps may be suggested:--

- (i) The curriculums of the legal education should be re-visited for making it more meaningful and objective.
- (ii) The legal institutions must be governed and run under the strict discipline.
- (iii) The teachers should have maximum command over the subjects given to them for the teaching.
- (iv) The books on the subjects should be comprehensive and in the institutions libraries should be of such standard that if the teachers or students require some extra curriculum knowledge, then they may not feel difficulties for the same.
- (v) The teachers should be committed to their duties and the students should also be seen so dedicated, devoted, committed and concentrated to the knowledge so that on the eve of completion of their qualifications by obtaining the degrees of Law, they may not feel difficulties in practicing it in their professions.
- (vi) There must be a cross check over the institutions through the surprise visits by the Higher Education Authorities so that everybody should remain under the constant watch and the Authorities should remain wakeful incessantly at least upto conclusion of a particular Sessions of the Students.
- (vii) Teachers should be provided maximum facilities in order to make them devoted and more professional to the education and in this way their remunerations should be of high scales with logistic support.
- (viii) The atmosphere of the legal institutions should be congenial, educative and should be of such a high standard that nobody should be permitted to disrupt the continuity of the education come-what-may the circumstances including politics.
- (ix) In the legal institutions there must be Research Centers, and law moots, and tutorial groups, there must be of competitive moots on the laws of the land as well as on the foreign laws.
- (x) In order to enhance the mental faculties of the lecturers, they should be provided opportunities by the institutions, Government/ Ministry of Law to visit different countries in order to study the laws there and their implementation to see how the other countries improved their legal system in order to cope with the new situations arising in our country, we should keep continue abreast with the advancement in law made by the advanced nations in the world.

- (xi) The object of the study should be of that nature that law should be inculcated in the minds of students and it is the need of the time that we should leave the cramming and it should be made to get rid from the minds of the students that they had to pass only the examinations and any slipshod method may be used for the same and after the completion of legal education, they had to study, afresh for its practice.
- (xii) The legal education should be based upon scientific as well as modernism as that of Engineering and Medical so that every law scholar should feel honoured and proud that he has a valuable degree which can make him rich to enriched.
- (xiii) There must be a complete prohibition on the use of guides, notes system, cheating and unfair means and also students should not be permitted to read helping books (not upto the mark) just to pass the examinations.
- (xiv) The discipline in the legal institution should be so strict; particularly to be inured the students for studies and to earn at least 80% lecturers for their appearing in the examinations.
- (xv) Mushrooms growth of the legal educational institutions in the private sector, particularly in remote areas may be deprecated.
- (xvi) Dynamic education should enhance the legal faculties of the students to improve their morale and to build their personalities so that with the education, character building of the students should also be developed.
- (xvii) More stress may be laid upon the modern methods in searching law on a given propositions.
- (xviii) It is very essential for a students to know that a remedy provided by a substantive law, where and how it is to be redressed. Thus, there is necessity to inculcate procedural laws in the minds of students. This can only be done by faculties of practicing lawyers as well as Hon'ble judges to make and develope a lawyering skill.

4. It has been seen that after a period of about 39 years only improvement made in the LL.B studies is that period of two years has been enhanced to three years and more so it has also been introduced LL.B (Honours) classes by Punjab University Law College and it is important to note that now degree of LL.M as well as PH.D is also awarded by the Law College of University of Punjab.

5. In order to promote the legal education, Pakistan Bar Council has also an effective role to play and in this respect Hon'ble Supreme Court of Pakistan has handed down a celebrated judgment reported in PLD 2007 SC 394 with the title of Pakistan Bar Council Vs. Federal Government and others. Guidance can be sought of it.

6. Teaching methods should of scientific nature and it be based upon semester systems so that the students and the teachers should remain comfortable.

It is well saying that "the law makes the sense"

Dear Sir,

So far as the judicial knowledge is concerned, it is in fact the continuity of the legal knowledge, rather both are complementary to each other. Uptill now, we have seen in our

legal system that the bars are playing very vital roles in getting relieves for litigants. The learned members of the bars should remain so committed, dedicated and concentrated to their lis and the learned senior members of the Bars should be wakeful to the activities of the new comers in the profession and the new comers should remain faithful, dedicated and respectful to their seniors and to the profession.

Our judges should know the basic laws and it is well said by his Lordship Mr. Justice Shafi-ur-Rehman that law should be on the sleeves of the robe of a judge, of course, it can be accepted, provided there must be commitment by both the pillars of the Justice i.e. Bench and Bar. It also cannot be ignored that if a better or best assistance is rendered to a judge ad-barram, obviously, standard, appreciation, the quality of decision becomes marvelous and vice versa.

In this way, in the Bar Rooms certain measures/methods are required to be adopted by the Bar Councils particularly, and Bar Associations generally in order to keep abreast the legal fraternity with the latest legal knowledge.

8. Judges should be provided maximum facilities, particularly; no financial constraints should come across to a judge. In absence of legal system, society may not run but can be run by coercion but the same cannot survive because application of law provides facilities to the people, to the society, to the institutions and the proper legal system, ultimately, brings prosperity and advancement.

9. To maintain the rule of law, responsibility basically lies upon the Courts. It has been noticed that since years ago and upto now that executive is a bridleless horse but only the Courts have made them to go on right track.

10. In order to enhance the legal acumen of the judges, it requires that there must be legal discourses, seminars, refresher courses, workshops, judicial conferences of the judges to aware them about the changes/reforms in the existing laws so that while deciding cases they may apply the law by accuracy on the issue. In this connection, legal precedents should be given due weightage and consideration while promulgating new enactments. Law Departments of Federal or Provincial Government is to be activated in this respect.

10-A. The litigants are required to be educated to refrain of falsity. This will definitely foister the cause of justice. In wake of above, now it is high time to make effective and more deterrent, provisions relating to mendacity.

11. For an arbiter, the guidance issued by Hazrat Ali (A.S), the 4th caliph of Muslims to Malik Ashter, the Governor is the fundamental piece that decisions should not be made through anger, haste and both the parties should be given reasonable chances of being heard.

It has been considered appropriate to describe certain suggestions for betterment of judicial system:--

- (i) The learned members of the Bars are required to ensure their appearance in their case in the Courts.
- (ii) In order to control and eradicate the element of terrorism, the existing laws are required to be re-visited and suitable amendments must be made therein, particularly in Qanun-e-Shahadat Order, 1984, Code of Criminal Procedure, 1898, and in the Police Laws.

- (iii) The Prosecution Branch should be made more effective and efficient in implementing the provisions of the Prosecution Act, 2006.
- (iv) For the protection of witnesses and to keep their morale high, a close and safe security may be provided to them.
- (v) The Bar Councils as well as Bar Association should elect most professionals as their representatives so that the grooming of the new comers would commence automatically and they may become professionals.
- (vi) For the purposes of investigation, modern devices should be practiced to trace the wrong doers, to the justice, especially, in the white collar crimes, cyber crimes and the Electronic Crimes.
- (vii) Investigating Officers should be provided maximum knowledge/training to investigate the cases based upon modern devices and should practice minimum conventional method. More so, the Investigating Officers should remain more dynamic and up-date with the law about the matters under investigation.
- (viii) Technical Laboratories may be set up at Divisional Level and the existing laboratories may be upgraded by all latest instruments and the experts for their jobs.
- (ix) For fair, free and impartial investigations, all types of influences should be taken as major sin. Multiple investigations should be curbed. The Investigating Officers should be made responsible for the success of case in Court of law and if on the basis of investigational failure, a case does not succeed, then the Investigating Officer may penalized on the recommendation of the learned trial Court.

At the end, ladies and gentlemen I am thankful to all of you. At the conclusion, I pray to the Almighty Allah that He may guide us to remain on right path.