

**THEMIS**  
School of Law

**NEWSLETTER**  
April 2020

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## MESSAGE FROM BOARD OF DIRECTORS

In the current global health crisis owing to the COVID-19, the world has been shocked at the unprecedented and unpredictable turn of events. The Themis community, like many other organizations across the world has been deeply affected by this rapid spread of the virus, a pandemic that knows no borders and has claimed the lives of many.

However, these past few months have been a powerful reminder of how closely we humans are connected to each other and how our choices significantly determine our options for tomorrow. With the compulsory closure of the educational institutes not only in Pakistan but across the world has forced leading institutes to move to remote teaching to ensure that students, the most important stakeholders for any institute, are not disadvantaged in any way.

The decision to move to remote teaching undertaken by Themis School of Law has involved enormous logistical undertakings for everyone involved.

Our faculty members and staff members have undertaken learning of new technologies, setting up of home offices and to find various mechanisms to cope with the uncertainty and fear that comes with the alarming updates that are issued on the virus frequently.


We understand that in our community, our students are reliant on face to face teaching and like many have had to adapt to these changing circumstances. Yet these measures are absolutely necessary and it is imperative for students across the world to cooperate with state enforced regulations and support their teaching institutions to curtail the spread of this deadly virus for the good of those in our community who are most vulnerable to the threat of the infection.

We are deeply grateful to our community at Themis for their understanding, support and willingness to navigate the disruption caused by this virus. We take this opportunity to acknowledge the support extended by our faculty members, administration and management staff who have worked collectively to ease the burden on our students.

We also acknowledge and appreciate our students who have borne a tremendous disruption of their education with patience and grit.

With the recent updates issued by the University of London in relation to the conduction of the final examination in July 2020, we hope and expect that our students have started extensive revision and will be making maximum use of the opportunity that changed UOL exam formats has provided them with. Your faculty members and the Themis administration is here to lend you as much support as you require and with the collective effort of our students and our faculty members, there is no doubt that our students will perform phenomenally well.

**Sincerely,**  
**Board of Directors**



### UNIVERSITY OF LONDON EXAM UPDATE JULY 2020

The pandemic of COVID-19 has disrupted life across the globe and has placed almost every sector on hold for an indefinite period. However, the University of London instead of cancelling the UOL May/June 2020 exams has decided to postpone the exams to July 2020, a decision we welcome as it would ensure that our students do not lose a year, complete examinations as scheduled and our graduating students can pursue postgraduate Programmes.

The recent changes to the examination structure and format as announced by the University of London on 30th March 2020 have been reproduced below for the convenience of all University of London students.

All University of London exams will take place online via the VLE of the University of London portal. We are unsure, at this time if you will be requiring a stable internet connection to be able to attempt the online UOL examination.

However, till we receive further clarification from the University of London, we strongly urge our students to ensure that they make relevant arrangements to acquire stable internet connection and a device through which they will be able to attempt the UOL exams uninterrupted and with ease.

All University of London exams will last for 2 hours and students are required to complete 2 questions instead of the 4 questions as has been the regular practice of the UOL for majority of the LLB modules. This is a significant advantage for our students as now they have the opportunity to attempt less number of questions with particular focus on less number of topics and excel in those questions.

For the UOL subject modules that are divided into different parts or sections, please note the changes below according to your Year of Study:



University of London  
Senate House

### 1<sup>ST</sup> YEAR AND CERTHE

#### Criminal Law Exam

Students must complete the compulsory question in Part One (OAPA) and one further question from Part Two.

#### LSM Exam

Students must complete one question from Part B and must complete all questions from Part C (Statute question). There will be no Part A in the LSM exam.

#### Public Law Exam

Students must complete 2 questions of their choice out of 8 questions as per the format of the exam.

#### Contract Law Exam

Students must complete 2 questions of their choice out of 8 questions as per the format of the exam.

### 2<sup>ND</sup> YEAR

#### Tort Law

Students must complete two questions overall. Part A question has become optional. Students may either choose to do Part A and 1 further question from Part B or both questions from Part B.

#### EU Law

Students must complete 2 questions of their choice out of total number of questions in the exam.

#### Property Law

Students must complete 2 questions of their choice out of total number of questions in the exam.

#### Commercial Law

Students must complete 2 questions of their choice out of total number of questions in the exam.

### 3<sup>RD</sup> YEAR

#### Jurisprudence & Legal Theory

Students must answer one question from Part A and one question from Part B.

#### Equity & Trusts

Students must complete 2 questions of their choice out of total number of questions in the exam.

#### Company Law

Students must answer one question from Part A and one question from Part B.

#### Islamic Law

Students must answer one question from Part A and one question from Part B.



## INVALUABLE EXAM TECHNIQUES TO SUCCEED ON UOL EXAMS

Please note that the exam guidance below has been compiled using the guidance provided by University of London in their various Q and A Sessions, among other sources including faculty members own techniques:

All students want to succeed on the exams that they sit for and in order to achieve their goals, they put in the required effort; they learn the law; they memorize case names, different principles, and legislative provisions and yet they are unable to get their desired grades. This is because they have been unable to develop the correct exam techniques which is crucial for success in any exam.

There are generally two types of legal questions that are asked by the examiners in the UOL exams:

Essay based Questions

Problem based Questions

### ESSAY BASED QUESTIONS

Essay based questions are not a popular choice for the students and those who do attempt essay questions, do not tend to score well. This is due to the fact that students do not know how to effectively answer essay based questions. Every essay will require critical analysis of the topic being examined. This can take the form of a statement or a quote issued by the examiner and students must discuss the statement or the examiner would target a particular discussion point and expect the students to critically assess the current law. With essay questions, you cannot escape critical analysis. You build your skills of critical analysis by reading the Essential Reading and having intellectually stimulating discussions with your peers or your faculty members.

Every essay question should be structured effectively and must include the following three parts:

Introduction

Body

Conclusion

An introduction should be used by every student to let the lecturer know what their answer is about. Start with a general statement and then become more specific. This is where the 15 Minutes Reading Time becomes extremely useful. Use that reading time to think about what approach you will take and why. An Introduction should clearly say whether you agree with the statement/quote provided in the question or the area of law that you have been asked to assess. If you agree with the statement/law, you should clearly state, “Yes, I agree with the statement because of 3 reasons, A, B and C” or “No, I do not agree with the statement because of 3 reasons, A, B and C.” At this stage you should be mindful that your conclusion should support your introduction therefore it is integral to think your answer through prior to commencing the question.

The body of your essay is where the real marks actually lie. There can be up to 2 – 4 different paragraphs which are descriptive in nature and describing the area of law that you have been asked to assess followed by 2-4 paragraphs of critical analysis. The descriptive paragraphs may include historical background, operation of the law, current legislation and case laws. You can also use case laws to support the points /arguments that you have asserted in your introduction.

You can choose to add the critical analysis within the descriptive paragraphs or if the time allows, you can add evaluative paragraphs after the descriptive paragraphs. In order to successfully attempt an essay question, your evaluative paragraphs need to possess clarity of argument must be outstanding and they can only do so if there is academic debate and views of different judges/academic jurists, Law Commission proposals or professors and authors comments mentioned within the body of the answer. Students are expected to base their discussions on academic authority which is rooted in academic debates. Since majority students do not look into what different authors/professors have commented on an area of law, it is always helpful to use judgments of landmark decisions. Students can use majority decisions to support their view and can even make use of dissenting judgments to back up their arguments, where necessary. Your essential reading includes all landmark judgments including majority and dissenting judgments which you can use in your essays.

Remember, if you answer essay questions as an all-you-know type of answer where you are regurgitating your knowledge of the topic without any analysis, you will not score decent marks; you may even fail for not answering the question asked. Remember, Quality over Quantity.

Another important tip is to keep your answer objective. You can give your opinion on the area of law, the reason why the law is not achieving its true purpose, the gaps in the law but ensure that you back up your opinion with academic debate.

Your conclusion should support your introduction in order to attain a high mark on the essay. A common mistake is a student starting in the introduction in one way and the conclusion is completely opposite because the student has realized material points while doing the essay. Therefore, it is always advisable to plan the essay before starting.

## PROBLEM BASED QUESTIONS

Problem based Questions are a popular choice for students and they do tend to score better as compared to essay based questions. The tip to perform well on problem questions is to answer them logically. Identify how many defendants or victims you have in the question. If there is more than 1 victim and you have been asked to advise ALL parties, it is imperative to deal with each victim separately. If you do not, you will lose marks.

In order to answer problem questions logically, you can use the universal method of IRAC:

Issue

Rule

Application\*

Conclusion

\*The most important part of any problem question for any subject.

Identify what the issue is: this usually will be the starting for any problem question. Unless you identify what the areas of law this problem question covers you may not be able to answer the question effectively. In more times than not, there are more than 1 issues in problem questions. For example:

Is there an agreement between the parties?

Can the Defendant be, liable for murder or manslaughter?

Has causation been satisfied?

Do the facts point towards any particular defence?

The Rule refers to the law regarding the issue highlighted. This would mean case laws and legislation governing the area of law. You are required to mention the existing law as this is where you are marked for your knowledge. For example:

Adam v Lindsell is the main authority for the creation of postal rule which states that the acceptance letter, upon correctly posting will take effect.

The case of Ivey states that the test of dishonesty will be an objective test

Legal causation comes from the case of Smith in which the prosecution must prove that D's act/omission was the substantial cause of the harm.

The Application section carries the most marks in Problem based questions. This is where you apply the law stated above to the existing case study/scenario that has been provided to you. So, if the question revolves around X killing Y, you will have to use the law on murder provided in the case law/legislation above and apply to X and Y.

Conclusion is the final part of any answer, where based on your application of the law above, you provide a conclusion. According to the law and the application, is X guilty of murder or manslaughter. You will write your conclusion in every answer.

You have to repeat the same IRAC process for each issue. Each issue has to be identified, the law relating to the issue has to be mentioned and then applied to the given scenario with a conclusion. In an average question for Criminal Law on homicide, you may have the following issues:

- 1- Is it Murder or Manslaughter?
- 2- Do the facts indicate any possibility of partial defences?
- 3- Has causation been satisfied?
- 4- Are there any full defences that may be applicable?
- 5- Are all the requirements of the chosen defence satisfied?

Each issue has to be considered in detail, the law in relation to it should be mentioned and then applied to the facts with a logical conclusion to follow.

## COMMON QUESTIONS REGARDING UOL EXAMINATION

+ Is the study guide enough or do I need to do the essential reading too?

Essential Reading is very important if you wish to perform well on the UOL exam. Your text book exposes you to academic debates and in depth analysis of the relevant areas of law which is crucial for attempting good essay questions.

+ How many cases should I add to one answer?

There is no specific number of cases that you can mention in on essay or problem question. Every legal point or authority you rely on, there should be a case that goes with it.

+ Do I need to mention the year of the case?

You do not gain or lose marks for mentioning or not mentioning the year. What matters is the name and the ratio/principle of the case.

+ If I forget the case name, what do I do?

If you cannot remember a name of the case, you can refer to it from its ratio or facts of the case. It is not an ideal situation but if the case is an important one, its best to refer to it, than not to mention it at all.

+ How do I learn all cases?

There is no one way to memorize all cases. However, practice and repetition is the key. The more you practice exam questions, the more you use and write cases, the better chance you hold of remembering cases.

+ Do I need to write facts of the cases I am mentioning?

No, there is no requirement of mentioning facts of the cases, unless you are distinguishing the case from another. This usually applies in essay questions especially in the analysis of the law. For problem questions, generally the ratio is the most crucial part of the case and must be mentioned and then applied to the scenario.

+ Is it okay to bullet-point my answer if I don't have time?

It is not ideal to bullet point your answers, but in a situation where you are running out of time, it is better to bullet point your answer, then going over the allotted time and not being able to complete the question or the exam paper.

+ Do I need to highlight cases?

You are not required to highlight/underline case names but it becomes very helpful to not only the examiner but also to you when you are reviewing your paper prior to submitting.

+ I don't prefer using IRAC. Will I lose marks if I do not apply it in the problem question?

IRAC is not a hard and fast rule that you are required to use for problem questions. What is expected from students is a logical structure which makes sense. If you can identify the problem within the question, mention the relevant laws and ensure that you have applied them to the scenario with a reasoned conclusion, you won't lose marks for not applying IRAC to the tee.

## + How do I manage my time in the exam?

All UOL questions are set with the time frame of 45 minutes allocated per question. The questions are designed to ensure that you complete your answer within 45 minutes. If you have gone overboard, there is a chance that you have mentioned irrelevant information. Avoid doing that. After 45 minutes, you should be able to move to the next question, otherwise you will not be able to complete the exam.

**LEGAL UPDATES****REFORMING ACCOUNTABILITY – BARRISTER ALI TAHIR**

The National Accountability Bureau (NAB) has been a controversial institution, drawing the ire of both who claim it has not done enough and those who claim it has done more than its mandate. Whether NAB has stifled good governance or not and whether the economy can excel with NAB doing its usual cannot have clear-cut answers. However, objectively speaking, there was and is lots of room for improving the system of accountability in this country. In fact, the chairman of NAB faced criticism when he said that NAB was working according to its law, and if the powers that be wish it to work in any other way they should amend the law. The government firmly adopted the advice of the chairman of NAB.

It is an open secret that bureaucrats in Pakistan have not only slowed down the system of decision making but have essentially halted taking decisions wary of NAB taking them into custody for long periods of time, and their reputations being tarnished for what, at times, were mistakes made in good faith that did not materialise as expected. One may not have to look back too far away; the suicide of Asad Munir, in fear of his reputation being stained, elucidates NAB's high-handedness. In a previous column I had highlighted how NAB detains first and investigates later, and sometimes, these investigations take years.

The cases of Ahad Cheema, Shehbaz Sharif, Saad Rafiq, Sharjeel Memon, Kamran Michael, Agha Siraj Durrani, Babar Awan, Mehmood Khan and Fawad Hassan Fawad have proved that these were cases that only generated headlines without much being proved at the trials.

While reservations about introducing reforms in the law in a dictatorial manner, one that this government is used to, without any consultation with the public and experts, and even a debate in parliament through an unconstitutional and politically incorrect use of ordinances can be squarely criticised, it cannot be stressed that the amendments in the law should be applauded.

One of the major aims of the amendment is to address the issue of cases where misuse of authority is concerned but there is no allegation of accumulation of illegal assets. This is a welcome reform in the accountability laws where a civil servant or a public representative should not be put in jeopardy for only making a wrong decision, which can, at times, be a matter of subjective reasoning. The new amendment states that where there is an allegation of misuse of authority, it would have to be shown that there was illegal gratification attached to such a decision before a person could be prosecuted. There is no anomaly in that; courts in Pakistan have been interpreting the NAB ordinance along such lines.

In the Qamar-ul-Islam case (reported as 2019 PGrLJ 582), the Lahore High Court granted bail to persons accused of approving the bid for installing water filtration plants allegedly in violation of the Punjab Procurement Rules, 2014. The court noted that no allegation of receiving any kickback, commission or illegal gratification against petitioners, their relatives or friends was on record, and the only allegation against petitioners was that they misused their authority in violation of laws and rules.

The second positive amendment made to the law is on the issue of taxation, levies and imposts. Here there were overriding jurisdictions of many different institutions. I had in a previous column commented on this precariousness in the law; when the government had introduced a new Benami law, I had noted that the Economic Crime Wing of the FIA was already established to investigate black money in addition to the notorious NAB that could arrest any person at will when according to NAB a case is made for a person owning assets beyond his known means of income or abuse of public office at the expense of the national exchequer. The inquiries and investigations have been so minute so as to include within their ambit helicopter rides. It will be a great reform in the law where NAB deals with cases of assets beyond means and misuse of authority where illegal gratification is involved rather than be entangled in matters that they are not experts at and do not understand.

A clear demarcation between the jurisdictions of the regulators will definitely help the economy. Where there is no case of commonly understood financial corruption involved, NAB should stay away rather than complicate matters. However, it remains within the government's responsibility to kick start and activate regulators such as the FBR and SECP so that violations of the law do not go unchecked. Until now, the government has not revealed any agenda on how it plans on doing that, and it seems that the ordinance was passed in haste without properly deciding where the cases taken out of NAB's jurisdiction would fall and how they would be efficiently managed.

The ordinance also does not clearly answer the question of prospective overruling. What of those cases that have been decided or are about to be decided by the NAB courts, how are they to be transferred and or proceeded, the ordinance does not provide any structure and the government has not reserved to itself any rule-making power. This will cause the same mischief and uncertainty that the amendment was bought to resolve.

Another important amendment is that the NAB law will not be applicable to any person who is not a public officer holder or has a relation with a public office holder. The Pakistani courts have tried to maintain a distinction between corruption offences and civil disputes, and this amendment will ultimately provide clarity on this area of the law.

The amendment in relation to procedural lapses is desirable because if a rule has been violated but there is no illegal gratification involved then NAB shall not have jurisdiction. The job of the NAB is to go after corruption not after inefficiency. Action, therefore, shall not be taken against any public office holder over the rendition of any advice, opinion or report by them unless proof of corruption is present. Had this been the law back in the day, Asad Munir would not have been compelled to take his own life. In the Qamar-ul-Islam case (reported as 2019 PCrLJ 34), the Lahore High Court held that appointments without following procedure -through advertisements-is not enough to probe allegations of misuse of authority since such appointments may only be a procedural irregularity.

In the recent case of Hashmatullah (reported as 2019 SCMR 1730), the Supreme Court held that the allegation against the accused was that numerous investors had invested in the accused's business, and he kept paying profits to investors for some time, but later on stopped paying profits and refused to return the invested amount. The case appeared to be a classic case of a civil dispute based upon the alleged breach of agreements for which remedies are laid somewhere other than in a criminal court. The Supreme Court, therefore, allowed the appeal and quashed the conviction of the accused.

The amendment that assets will be assessed on the basis of fixed criteria will ease trial of corruption offences, wherein evidence can now not be led to only prove the worth of real estate when rates set by the government have already been provided.

Overall, the amendment has done more good than bad, even though most of the amendments were mellow so that the government may escape political backlash. Someday, maybe, braver reforms will be made, such as granting trial courts the power to grant bail in NAB cases or empowering NAB to conduct corruption investigations against members of the armed forces.





**MESSAGE AND EXAM TIPS FROM THEMIS FACULTY MEMBERS TO ITS STUDENTS****1<sup>ST</sup> YEAR AND CERTHE****MESSAGE FROM BARRISTER AYESHA IQBAL – CRIMINAL LAW**

To one of the most interesting batch of students I have ever taught,

We are nearing the end of the Academic Year and I hope throughout the year, you were not only able to increase your knowledge in Criminal Law classes, but have also developed critical analysis skills. I hope you have learnt not to accept any statement, may it be a law or an opinion on face value but decide independently, what your opinion on this law is. If you have been able to do that, then I truly believe that you are on the right path, up the ladder of success not just on the LLB Programme, but in the profession as well.

Following are a few tips that you need to be mindful of for the exams:

**1**

**Time Management:** This year as you have 2 questions to complete in 2 hours, the UOL has been generous with the time duration. However, this does not mean that you have added time per question. For each question, the target time is 45 minutes. The extra 15 minutes should be used in case you have slow typing speed.

**2**

**Past paper practice:** This cannot be overstated. The more you practice, the better your understanding and application skills and you will be able to score better. You will have to perfect two topics for this year: OAPA and one more topic of your choice. However, you have to keep in mind, that OAPA does not just include the relevant sections, it also includes defences. So, you cannot ignore defences, Affirmative and Failure of Proof.

**3**

Read the exam question at least twice. The first reading may identify the broader issues but the second reading without fail helps you identify narrower issues which you may have missed. Underline the key word, or issues and then proceed to attempt the question.

**4**

If you are attempting an essay question, make sure you have enough material on academic debate revolving around the area of law, or you can critically evaluate the law with discussing both aspects of the law. If you do not, I would strongly advise against attempting essay questions.

**GOOD LUCK!**  
**AND I AM SURE IF YOU TRULY  
PUT IN THE EFFORT, YOU WILL DO WELL.**

## MESSAGE FROM BARRISTER SHAY AAN ESSA – PUBLIC LAW

Dear students,

Pick an easy to read book of about of about 300 pages. I would recommend reading Parpworth. Once you complete the book, you should highlight the following:

Principles

Academics

Cases

Ask yourself your opinion at the end of each chapter.

## 2<sup>ND</sup> YEAR

### MESSAGE FROM BARRISTER MUNEEB IQBAL TO EU LAW STUDENTS

#### READ READ & then READ again.

From a bare reading, it may look like you have identified the topic of the question but that is exactly what the examiner wants you to do. Read the question at least three times whilst underlining the buzz words and then only attempt the answer.

#### PAST PAPERS ARE THERE FOR A REASON

I cannot stress this enough, by just reading and understanding the course work, you may be able get over the line but that too is also very unlikely. Attempt the question, time yourself, put yourself in exam conditions, get it checked by your teacher.

#### TELL YOURSELF YOU ARE CONFIDENT, EVEN IF YOU DON'T FEEL LIKE IT.

Derived from Dr. Shad Helmstetter's institute of self-talk, I used this for myself and it works wonders. Before the exam, tell yourself that you are well prepped for the exam with conviction. Do it in any manner you want but believe it, it will give you a confidence boost which in turn will relax your brain for the exam and sharpen your focus.

## 3<sup>RD</sup> YEAR

### MESSAGE FROM BARRISTER ALI TAHIR – JURISPRUDENCE & LEGAL THEORY

Dear Students,

I am grateful to you for being really great students. I teach because I have a passion for it, to leave a legacy behind in the form of capable students, and I have no doubt in my mind at all that you will be some of the most capable lawyers that this country has seen. Focus on your studies now as exams are near, and make sure you answer the question asked rather than produce an “all you know” answer.

Best of luck for your examinations and may you serve this country to the best of your abilities.

Too bad I could not take this year's batch out for dinner, but rest assured we will go for dinner once this lockdown is over.

## MESSAGE FROM BARRISTER SHAYAAN ESSA – ISLAMIC LAW

Supplement each class lecture with reading the corresponding chapter from the guide. Add to this Coulson and Schact for the theoretical chapters and Fyzee for the application chapters. The University of London has asked you to look at Triple Talaq in India for Islamic Law. Make sure you have conducted the research on this topic.



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