

## Journal of Peace, Development and Communication



Volume 06, Issue 04, October-December 2022  
 pISSN: 2663-7898, eISSN: 2663-7901  
 Article DOI: <https://doi.org/10.36968/JPDC-V06-I04-32>  
 Homepage: <https://pdfpk.net/pdf/>  
 Email: [se.jpdc@pdfpk.net](mailto:se.jpdc@pdfpk.net)

<b>Article:</b>	<b>Innovative Approaches to Legal Aid: Exploring the Prospects of Online University Legal Clinics in Pakistan</b>
<b>Author(s):</b>	Arshad Nawaz Khan Assistant Professor, School of Law, Quaid-i-Azam University, Islamabad.
	Dr. Bahadar Ali Lecturer Department of Law, University of Malakand, Chakdara Dir Lower.
	Farwa Nawaz Student of B.A.LL.B, School of Law, Quaid-i-Azam University, Islamabad.
<b>Published:</b>	30 <sup>th</sup> December 2022
<b>Publisher Information:</b>	Journal of Peace, Development and Communication (JPDC)
<b>To Cite this Article:</b>	Khan, A. N., Ali, B., & Nawaz, F. (2022). Innovative Approaches to Legal Aid: Exploring the Prospects of Online University Legal Clinics in Pakistan. <i>Journal of Peace, Development and Communication</i> , 06(04), 477–491. <a href="https://doi.org/10.36968/JPDC-V06-I04-32">https://doi.org/10.36968/JPDC-V06-I04-32</a>
<b>Author(s) Note:</b>	Arshad Nawaz Khan is serving as an Assistant Professor at School of Law, Quaid-i-Azam University, Islamabad. Email: <a href="mailto:ankhan@qau.edu.pk">ankhan@qau.edu.pk</a>
	Dr. Bahadar Ali is serving as an Lecturer at Department of Law, University of Malakand, Chakdara Dir Lower. Email: <a href="mailto:babakhail@uom.edu.pk">babakhail@uom.edu.pk</a>
	Farwa Nawaz is a Student of B.A.LL.B at School of Law, Quaid-i-Azam University, Islamabad. Email: <a href="mailto:farwanawazqau@gmail.com">farwanawazqau@gmail.com</a>

### **ABSTRACT**

Access to justice is a basic human right and legal aid is an important component in ensuring that everyone has access to the legal system. Legal aid is equally important for the marginalized segment of the society as other supports provided by the state. Unfortunately, Pakistan like many other countries faces significant challenges in providing legal aid to its citizens. The lack of resources and inadequate access to legal aid presents significant barriers to justice, particularly for underprivileged class. In the response, this research paper focuses on exploring innovative approaches to legal aid, specifically through online university legal clinics in Pakistan. Currently, there is no efficient legal aid mechanism in the legal system and university legal aid clinics are handicapped due the suspension of professional licenses the law faculty. This situation creates a significant gap between the legal system and the general public. To address this issue, this study adopts a qualitative research design, using in-depth interviews with stakeholders and litigants, to investigate the prospects of online university clinics for legal aid. The research philosophy of interpretivism and the inductive research approach are employed, along with the case study research strategy, time horizon cross-sectional design, and primary data collection through in-depth interviews. The study also tried to theorize the theory of collaborative governance. The findings suggest that online university clinics have the potential to provide a viable solution to the lack of legal aid in Pakistan. By utilizing the internet, these clinics can provide legal assistance to individuals who are unable to access traditional legal aid mechanisms. However, there are several challenges that must be addressed for online university clinics to be successful in providing legal aid.

**Key words:** Access to Justice, Legal aid, online university legal clinics and Collaborative governance.

**Introduction:**

Access to justice is a fundamental human right which has been guaranteed by the constitution of Islamic Republic of Pakistan through its preamble and different article. Access to justice is essential for the proper functioning of the state of Pakistan which is a democratic state by virtue of its legal system. Legal aid is a crucial component in ensuring that everyone has access to the legal system, regardless of their financial means or background. (Chemin 2009) Unfortunately Pakistan like many other developing countries is facing challenges to provide legal its citizens. There are many reasons which contribute towards the inefficiency of legal aid regime in Pakistan which includes the scarcity of resources, vague legal framework and lack of coordination among the stakeholders. Despite having a robust legal framework and a vibrant legal profession, the country faces challenges in providing adequate legal aid to its citizens. (Mughal and Ahmad 2012). The absence of an active legal aid mechanism in the country has resulted in significant gaps in access to justice for the most vulnerable and marginalized individuals.

The research paper tries to explore the potential role of the law schools in access to justice specially the schools which have the legal clinics. The proposed model is to conduct an assessment for the suitability of law schools initiatives to provide legal aid to marginalized segment of the society through Online Legal Aid Clinics. Pakistan has population of 24 Million approximately which is spread over an area of 7,96,096 Square Kilometers and in current circumstances it is difficult to provide the legal aid in all over Pakistan. The citizens travel from far flung to get even basic legal information and legal assistance from the District and Tehsil headquarters. Online University Legal Clinics are the viable solution of these challenges. These online clinics shall be accessible through internet and can serve as an institution to support the marginalized class by providing the basic legal aid and assist them to access the justice. The paper uses a qualitative research design by using method of indepth interviews of the stake holders from supply side and litigants from supply side. By using [Saunders' Research Onion](#) method the research paper has been analyzed layer by layer. The layer of research philosophy is based on interpretivism based on the meanings of subjective expert opinions and, experiences of the stake holders and opinions of the litigants. In next layer of approach the inductive research which is employed with the case study research strategy. Since the data is being collected at the same time therefore, time origin is cross-sectional design. Data collection has been performed through primary data collection i.e. in-depth interviews of the stake holders and litigants. The study research paper tried to theorize the theory of Collaborative Governance to provide a comprehensive analysis of themes identified and in the light of the theory the prospects of online university clinics for legal aid in Pakistan have been analyzed.

This paper contributes to the literature on access to justice and legal aid in developing countries by examining innovative approaches to these challenges. The findings have practical implications for policymakers and legal professionals in Pakistan and other countries facing similar issues. By addressing these challenges, online university legal aid clinics have the potential to enhance access to justice and legal aid, providing marginalized individuals with the resources they need to effectively participate in the justice system.

**Role of University Legal Clinics in Access to justice**

The concept of clinical legal education (CLE) is relatively new in Pakistan but has the potential to enhance access to justice for marginalized populations. Traditionally Pakistani law schools adopt the statutory interpretation as model of teaching along with case laws and case studies. Recently it has been realized by the law schools to partially adopt Clinical Legal Education as a model of legal education. University legal clinics can play a significant role in achieving this goal.(Drummond and McKeever 2015)

There are three types of university legal clinics that can be established in Pakistan:

1. **Street Law Clinic:** This type of clinic focuses on providing legal education to individuals in marginalized communities who may not have access to traditional legal services. Law students can work with community organizations to deliver workshops on various legal topics, such as fundamental rights, consumer protection, and employment law.(McQuoid-Mason 2008)
2. **Externship Clinic:** In this type of clinic, law students work with practicing lawyer in a law firm or legal services organization.(Eyster 1998) They can gain practical experience by assisting senior lawyer with legal research, drafting legal documents, and attending court hearings.
3. **Legal Aid Clinic:** This type of clinic provides free legal services to the individuals who cannot afford the services of private advocates.(Bloch and Ishar 1990). The senior law students work under the supervision of an internal or external supervisor to provide legal. This model enhances the practical skills of the law students and also provides social services in the shape of free legal aid.

University legal clinics can be a vital resource for individuals who are unable to access traditional legal aid mechanisms due to financial, geographic, or other barriers.(Bradway 1929). The legal clinics established b law schools can support the society in promoting social justice, legal aid to marginalized class oif the society and valueable practical experience to the law students.

### **Online University legal clinic as innovative approach**

In the context of clinical legal education, online legal clinics can offer law students valuable practical experience in working with clients and providing legal advice through digital channels. The use of technology can be useful to create the system more accessible for the general public. Students can develop important skills such as effective communication, legal research, and drafting legal documents, which are becoming increasingly important in today's digital world.(Zisser and van Stone 2015) online legal clinics can also provide law students with an opportunity to engage in pro bono work, Para legal services and community service. This will help the students to realize their social responsibility towards the unprivileged segment of the society. This will also encourage the students to pursue their career in public interest law and public interest litigation. However, incorporating online legal clinics into clinical legal education programs may also require adjustments to traditional teaching methods and curriculum.(Shala and Leka 2022) Law schools will have to train their faculty and students on the Legal Aid Services, professionalism, legal ethics, use of technology, confidentiality and privacy. Despite these challenges online legal clinics have the potential to revolutionize clinical legal education in Pakistan and other developing countries by providing first hand practical experience to the law students, and access to the justice to unprivileged class of the society.

### **Problem Statement**

Pakistan is facing major challenges in providing legal aid to the marginalized class of the citizens, which presents significant barriers to justice. There is currently no active legal aid mechanism in the country, and university law faculty are not permitted to provide legal aid due to the suspension of their professional licenses under the Pakistan Bar Council Rules, which creates a significant gap between the legal system and the general public. The research paper tries to explore innovative approach of online university aid clinics in Pakistan, and investigate their prospects through qualitative research design and in-depth interviews with stakeholders and litigants. The findings suggest that online university legal clinics can provide a viable solution to the lack of legal aid in Pakistan, but several challenges need to be addressed for them to be successful in providing legal aid. The study contributes to the literature on access to justice and legal aid in developing countries and has practical implications for policymakers and legal professionals in Pakistan and other countries facing similar issues.

### **Research Questions**

1. How do online university legal clinics in Pakistan differ from traditional legal aid mechanisms, and what are the advantages and disadvantages of this approach?
2. What are the potential benefits of collaborative governance in the context of online university legal clinics for legal aid in Pakistan?
3. What are the key factors that contribute to the success or failure of online university legal clinics in providing legal aid in Pakistan?
4. How can online university legal clinics in Pakistan be scaled up to provide legal aid services to a larger segment of the population?

### **Research Methodology**

The research methodology used in this study is qualitative, with a focus on in-depth interviews with various stakeholders involved in the legal system in Pakistan. The research philosophy of interpretivism is employed, which seeks to understand the social reality of the participants and their subjective experiences, rather than seeking to quantify objective reality.

The primary data collection method used in this study is in-depth interviews with University law professors, lawyers, judges, Legal aid NGOs and prosecution from the supply side, and litigants from the demand side. The selection of participants is based on their direct involvement with the legal system in Pakistan and their perspectives on the prospects of online university clinics in providing legal aid. In total, three interviews are conducted with each stakeholder group from the supply side i.e. law professors, lawyers, judges, Legal aid NGOs and prosecution, while in case of litigants in-depth interviews have been conducted until the point of saturation which was 13 in this case, where no new insights could be gained from the litigants. The researchers ensured the equitable representation of the interviewees in terms of demographics, gender, race and religion.

The interpretivism has been as research philosophy and case study as approach of the study, which is appropriate for studying complex phenomena of access to justice in the legal system of Pakistan. The study employs a time origin cross-sectional design, which examines the situation at a specific point in time i.e January 2023, rather than over a longitudinal period. The research has tried to theorize the theory of collaborative governance to provide a comprehensive analysis of the prospects of online university clinics for legal aid in Pakistan. Collaborative governance emphasizes that the solution of a problem can only be reached when all relevant institutions cooperate with each other. In the context of this study, collaborative

governance refers to the cooperation between various actors involved in the legal system in Pakistan, including the government, NGOs, lawyers, and universities, in establishing and supporting online legal clinics. The study employs thematic analysis of the data collected through the in-depth interviews. The researchers conducted thematic analysis of the themes by identifying patterns and themes within the data to develop insights into the research questions. The analysis of the data has been done manually, using a coding scheme based on the research questions and objectives. The data is organized into themes and sub-themes, which are analyzed to draw conclusions and insights about the prospects of online university clinics for legal aid in Pakistan.

The study is based on data collected in 2023, and as such, provides a snapshot of the situation regarding access to justice and the potential role of online university clinics in Pakistan at that time.

### **Literature review**

R. Rubinson in his academic research paper “A Theory of Access to Justice” writes that since the 12<sup>th</sup> century, the Judges and Lawyer community are playing their part for providing justice to every aggrieved person. One of the reasons is for the want of ideal justice and its incompatibility with the unbalanced division of wealth, opportunity and power. (Rubinson 2004) He further adds that in every un-equal society there are crises; he provides a detail picture of a legal system leaving a gap for the discussion on the legal system of Pakistan. Justice (R) Munir Ahmad Mughal in his paper “Concept of Access to Justice in Pakistan” very beautifully explained that the adversary legal system prevailing in the state and adds the very reason for the perpetrators who take advantages of its loopholes. (Mughal and Ahmad 2012) Access to justice through legal aid is a fundamental right of every citizen. In Pakistan, this right has been enshrined in Article 10-A of the Constitution, which states that every citizen shall have the right to a fair trial and due process. The provision of legal aid to those who cannot afford it is an integral part of ensuring access to justice for all. Article 37-D of the Constitution also provides for the state to ensure inexpensive and expeditious justice to all its citizens. In 2020 Legal Aid and Justice Authority act has been passed by the parliament under which the an executive authority has been constituted to devise mechanism for providing legal aid and other support to the poor and marginalized population of Pakistan. Amman Ullah in his paper “Public Interest Litigation: A Constitutional Regime to Access to Justice in Pakistan” tries to cover the constitutional aspect for access to justice in Pakistan and provides a detailed analysis for the constitutional remedies. (Ullah 2018).

Keeping in view the current situation of the legal aid in Pakistan, it has been observed that although we have some constitutional and legal provision on the subject but the ground situation of legal aid is not satisfactory. Previous research has shown that the provision of legal aid in Pakistan is inadequate, with a lack of effective frameworks and government support. Although some individual lawyers, law firms and Legal aid NGOs provide Pro bono legal assistance to some litigants which employs that the legal aid is not being supported and sanctioned by the state. In current scenario the traditional legal aid mechanisms are not effective in providing comprehensive legal aid services to the marginalized communities in Pakistan.

Muhamad Makhdoom Ali khan in his academic research paper “The state of legal education in Pakistan” argues on legal system of Pakistan and covers the brief history with a

special focus on the lack of professional training in the concerned area of law. (Alikhan 1990) One potential solution to improve access to legal aid is through online university legal aid clinics. These clinics can provide legal aid services to marginalized communities in far-flung areas of Pakistan. They can also provide students with the opportunity to gain practical experience in providing legal aid services, thus enhancing their legal education. The role of law schools in providing legal aid services to marginalized communities cannot be underestimated as they can play a vital role in developing countries, however the Pakistan Bar Council being the regulatory body of the legal education and law profession, never tried to enhance the role of legal education providers in access to justice. Naeem Ullah Khan tries to cover the role of Pakistan bar council in providing legal aid to the people of Pakistan in his paper “Legal Education as an Instrument for Economic Development in Pakistan: Perspectives and Challenges”. (Khan 2017). Due to the legal, administrative and infrastructural barriers, there are many challenges in successful implementation of online university legal aid clinics Programme, including the need to align with the rules of the Pakistan Bar Council, the training of law teachers and students, ethical considerations of confidentiality and privacy, poor digital literacy, weak infrastructure and crediting challenges. Richard Moorhead in his paper “Contesting Professionalism: Legal Aid and Non-lawyers in England and Wales” explains how the online legal aid has been put into practice in England and Wales. (Moorhead, Sherr et al. 2003) In many parts of the world, online legal aid clinics have been successfully implemented. The University of Sussex in the United Kingdom has a Legal Advice Centre that provides free legal advice to individuals who cannot afford it. Likewise, Los Angeles School of Law has a law clinic that provides legal aid services to low-income individuals. These examples exhibit that online legal aid clinics is an implementable programme which can serve as an effective solution to improve access to justice and legal aid service. The provision of legal aid services is an integral part of ensuring access to justice for all citizens of Pakistan. The Legal aid clinics have the potential to provide legal aid services to marginalized communities and enhance the legal understanding and exposure of students. The success of online legal aid clinics in other parts of the world reveals that this approach can be effective in improving access to justice and legal aid services in Pakistan and other developing countries.

### **Thematic analysis**

Legal aid is a fundamental right incorporated in International and National Legal frame but unfortunately it remains inaccessible for a majority of citizens of Pakistan. Lack of an effective legal aid framework i.e. the explicit legal provisions along with limited pro bono legal services, leaves a large portion of the population vulnerable to injustice. (Barton and Rhode 2018). The potential benefits of online university legal clinics are vast, including reaching far-flung areas, training law students, and supporting the community. However, there are several challenges that must be addressed to ensure the successful implementation of this innovative approach. The researchers conducted In-depth interviews of the stake holders and litigants. It has been commonly expressed that current state of legal aid in Pakistan is bleak. Stakeholders, including academicians, lawyers, the judiciary, legal aid NGOs, prosecutors, and litigants agreed that the framework for legal aid is ineffective, lack of government support and non-availability of the funds. Legal aid is limited to pro bono services provided by individual lawyers, legal aid NGOs, and few law firms. Most of the junior lawyers who provide legal aid are new entrants in the bar with no or very limited professional experience. The traditional

legal aid mechanisms are not accessible to all citizens and not recognized as a fundamental right. (Mughal and Ahmad 2012)

Academicians and lawyers both acknowledged the non-effectiveness of traditional legal aid mechanisms which is mostly supported by NGOs and individual lawyers. According to the constitution of Pakistan, legal aid has not been expressly provided as fundamental right in the constitution of Pakistan and it needs to be integrated into the legal system. Since the constitution does not explicitly provide legal aid as a fundamental right, there is no state-supported mechanism for legal aid. (Shafiq, Sarwar et al. 2022) However, the Pakistan Bar Council and Law and Justice Commission of Pakistan partially support legal aid. Some NGOs and individual pro bono lawyers offer legal aid services in mostly criminal cases. The judiciary recognizes the importance of legal aid, but it is not effective at all. (Ghai and Cottrell 2009). In criminal cases, only the prosecution department provides legal aid to victims and the accused. In civil and family cases, no legal aid is available. (Anderson 1999) The absence of a proper legal aid mechanism compels judges to refer legal aid case to inexperienced junior lawyers who lack in-depth knowledge, leading to injustice.

Prosecutors recognize the need for legal aid in the criminal justice system, but it is only available to victims through the prosecution department and for accused persons charged with offenses for which the death penalty has been prescribed by the code. (KHALIL, USMAN et al. 2021) during the interviews the judiciary and lawyers observed that although prosecutors provide free legal aid to the victims but in many cases even the victims prefer to have their private lawyers because of lack of confidence in the capability credibility of the public prosecutors. The lawyers observed that free legal aid is limited to a few inexperienced lawyers, leading to a lack of justice. In their opinion, the Litigants face the challenges of expensive legal services, corruption, lengthy proceedings, hidden costs, and limited access to free legal aid.

Online university legal clinics are an innovative approach to legal aid that can overcome traditional legal aid mechanisms' limitations. (Ramzan Kasuri 2019) Academicians recognize the potential benefits of online university legal clinics which they considered as the capacity building institution of the law teachers. They opined that the universities online legal clinics have great learning option for the students, by giving the first-hand experience of dealing with the cases and join the actual proceedings of the courts. These clinics will have great benefit for the community especially marginalized class, poor, women, transgender, persons with disabilities and minorities. Online university legal clinics are easy to run and already have the infrastructure in place to access far-flung areas of Pakistan. The poor will benefit from easy access to justice, efficient legal aid services, and students gaining first-hand knowledge of practical aspects. Law schools can play a crucial role in providing legal aid services to marginalized communities. Public sector universities should take the initiative to provide legal aid services, and law schools should serve as nurseries of legal aid. (Sarmad 2019) Lawyers and the judiciary recognize the potential benefits of law schools in providing legal aid services to marginalized communities. (Alikhan 1990) However, the lawyers objected that the legal aid services are prerogative of the lawyers therefore the universities should engage lawyers to work in their legal clinics. The faculty opined that under the Pakistan Bar Council rules the law professors deactivate their professional licenses while joining fulltime jobs at the universities which creates hindrance in providing legal aid. The law professors should be allowed to practice for the purpose of legal clinics. The judiciary observed that the lack of a proper legal



aid mechanism, weak technological know-how, and inadequate infrastructure can cause significant challenges in functioning of legal clinics.

The potential benefits the Online Legal Clinics of includes providing legal aid services to marginalized communities, stakeholders emphasized the importance of universities taking an active role in providing legal aid.(Zahoor, Akhtar et al. 2021) Law schools were identified as having a critical role to play in developing and supporting legal aid clinics.(Wahla 2022) This could include providing funding, infrastructure, and faculty support for these clinics. Law schools were also seen as having a responsibility to enhance the capacity of law professors and provide skill development opportunities for students. The stakeholders identified several advantages. Firstly, these clinics could support the community by providing legal aid to the indigent client, particularly imarginalized communities living in rural or remote areas of Pakistan. Secondly, the clinics can build the capacity of law teachers and students through practical real life training and experience. This will enhance the quality of legal education and could help address the shortage of competent legal professionals in the country. Thirdly the clinics could serve as a means of reaching a wider audience including those who may not be able to afford traditional legal services like women and persons with disabilities. Fourthly this can be a cheaper solution for the access to justice. Fifthly University legal clinics can also serve as platform to provide an opportunity for the students to learn real skills of lawyering like client interview and legal research.

During the analysis of the data several challenges have been identified for the successful implementation of online university legal clinics. Firstly there were concerns about the suspension of advocate licenses of law teachers which hinders their ability to provide legal aid through online legal clinic. Secondly there were concerns around the training of teachers and students in legal aid. In Pakistan law teachers mostly focus on academic legal research rather on practical aspect of law. Thirdly, due to absence of legal framework there may be critical legal, ethical and confidentiality issues may be involved. Fourthly there were concerns from the stake holders about the quality of service provided by these clinics, as well as the weak infrastructure of the universities. Fi9fthly there were concerns around legal and institutional barriers that may impede the success of these clinics. Finally the stakeholders noted that there may be barriers to access for certain communities, such as those who have no access to the internet or who lack them financial resources necessary education to use technology.

The stakeholders' insights into the prospects of online university legal clinics in Pakistan demonstrate the potential for these clinics to play an important role in expansion of access to legal aid in the country like Pakistan. However in order to successfully implement these clinics, several challenges must be addressed. Despite the challenges Law schools must take an active role in developing and supporting these clinics, and the government must support such initiatives by providing infrastructure and funding. Online university legal aid clinics could have a significant impact on the provision of legal aid in Pakistan, particularly for marginalized class which may otherwise have access to justice.

### **Theorizing**

The theory of collaborative governance has been applied to the coordination between bar councils, law schools, legal aid NGOs and community elders to improve access to legal aid for marginalized communities in Pakistan through ODR University Legal Aid Clinics.

Collaborative governance is a model of public administration that emphasizes the importance of collaboration between different stakeholders in decision-making processes. This approach requires the active involvement of both public and private actors in addressing public problems and providing public services. Collaborative Governance has three ingredients to fix an issue in a public domain i.e. support, leadership and a forum. The support identifies the policy problem to be fixed. The leadership gathers the sectors into a forum; thereafter the members of the forum collaborate to develop policies, solutions and answers. In the case of legal aid, collaboration between bar councils, law schools, legal aid NGOs, and community e can lead to more effective and efficient provision of legal aid services to marginalized communities in Pakistan. Each of these stakeholders brings unique resources and perspectives to the table that can be leveraged to create a more comprehensive and coordinated system of legal aid provision. (Hameed, Shafiq et al. 2022) Bar councils can provide support to the University Legal Clinics by giving regulatory oversight and professional support in the shape of allowing law professors to allow legal practice for providing legal aid services through legal aid clinics. Bar can also support university legal aid clinics through providing trainings to law faculty and senior law students. They can also help to coordinate the efforts of pro bono lawyers and legal aid NGOs to ensure that legal aid is being provided in a strategic and effective manner. Legal aid NGOs can refer the deserving cases to the law schools for free legal aid. The government needs to bring a legal framework for the functioning of the Online University Legal Aid Clinics. The judiciary can encourage the law professors along with their students when they appear before the court for University Legal Clinics.

Law schools can play an important role in providing legal aid services by leveraging the knowledge and skills of law professors and the energy and enthusiasm of law students. By incorporating legal aid clinics into their curriculum law schools can provide students with valuable practical experience. Thus law schools can provide increasing access to legal aid for marginalized communities. (Ullah 2018) Legal aid NGOs can bring their on-the-ground experience and expertise to the table, as well as their connections to community organizations and leaders. They can also help to identify the most pressing legal needs of marginalized communities and can bridge the gap between law schools and community. The community elders can provide valuable insight into the cultural and social dynamics of the communities they represent. By working with community elders, legal aid providers can gain a deeper understanding of the specific challenges facing marginalized communities and can design their services accordingly.

The collaborative governance approach to legal aid provision can help to address the shortcomings of the current legal aid system in Pakistan. This model can bring together different stakeholders and leveraging their unique resources and perspectives, it is possible to create a more synchronized, effective and sustainable system of legal aid through ODR University Legal Aid Clinics.

### **Recommendations**

In the light of a comprehensive literature review and data analysis through qualitative analysis of themes identified during the in-depth interviews of the stake holders and litigants, the researchers have identified the effective role of proposed Online University Legal Aid Clinics in Pakistan. Keeping in view the opportunities and challenges following recommendations are tabled for further discussions;

1. The current state of legal aid in Pakistan is inadequate, and there is a dire need for a comprehensive legal aid framework supported by the state in both criminal and civil justice systems. This framework should ensure the role of legal clinics in access to justice by providing legal sanction for Online University Legal Aid Clinics
2. The Collaborative governance model has been proposed for the effective and proper functioning of the University legal aid clinics. Coordination between bar councils, law schools, legal aid NGOs, and community elders can facilitate the provision of legal aid services to the underprivileged segment of the society. In the current situation it is not possible for universities to run legal clinics due to many challenges including the suspension of professional licenses of law teachers, lack of capacity and training. In these circumstances only collaborative model can resolve the challenges of the law schools in establishing and proper functioning of the law school's law clinics. The government should promote collaborative governance and partnerships among these stakeholders to enhance access to justice for all.
3. The university law schools should start the Online Legal Aid Clinics which have the potential to reach far-flung areas of Pakistan and provide legal aid services to marginalized communities. Initially these clinics can be limited to provide legal information and subsequently can provide legal aid to selected individuals through collaboration of local bar councils. Such legal aid can also be provided through engaging adjunct/visiting law faculty who has active professional licenses. The government should encourage law schools to establish online legal clinics and provide training to law students in this regard. This initiative will not only support the community but also enhance the capacity of law professors and the skill development of the law students.
4. Pakistan Bar Council should devise the rules of Clinical Legal Education. It should consider allowing the law professors to allow Pro-bono legal aid practice for the university legal clinics only. The bar should activate the licenses of the law faculty to enable them appear before the courts for legal clinics.
5. The capacity building of legal aid stakeholders, including law teachers, lawyers and law students engaged in proposed online legal clinics Therefore, the bar councils and universities should provide training and capacity-building programs to these stakeholders to improve their knowledge and skills in legal aid provision through online legal aid clinics.
6. Ethical guidelines and standards should be established to ensure the quality of legal aid services through online legal aid clinics and protect the privacy and confidentiality of clients. The government should take measures to ensure that these guidelines and standards are followed by all legal clinic stakeholders.
7. It is essential to identify the target groups for the clinic, such as low-income groups, women, and minorities, who often lack access to legal services. It depends on the policy of the university, geographic location and other factors which can be considered while identifying the target groups.
8. The universities shall have to establish website or a dedicated page on their websites to promote its services and allow people to request legal assistance online.

9. The technological infrastructure in Pakistan needs to be improved to facilitate the establishment of online university legal clinics. The government should take measures to ensure that marginalized communities have access to technology and the internet. The government should invest in developing the technological know-how of legal aid stakeholders. The university law schools should also be equipped with the required infrastructure, hardware and software tools to run online legal aid clinic.
10. The government should increase its support for legal aid provision in Pakistan. It should allocate sufficient funds for legal aid programs including University Legal Clinics and there is need for establishing a sustainable funding mechanism for university run legal aid clinics.
11. Currently no weightage given to law students for their participation in university clinics in their marks, which limits student engagement and participation. Higher Education Commission and universities need to consider the potential benefits of giving weightage to law students for their participation in university clinics.
12. Through using the collaborative governance model the government should work with legal aid NGOs and other civil society organizations to provide legal aid services to marginalized communities. This collaboration should also extend to law schools and bar councils for the development and implementation of comprehensive legal.
13. The government, legal aid NGOs and law colleges through their street law initiatives should launch awareness campaigns to educate citizens about their legal rights and the availability of legal aid services.
14. The involvement of community elders in legal aid programs should be promoted, as they can play a vital role in identifying legal issues in their communities and connecting people with legal aid services. The community elders can serve as point of reference for target groups to access legal aid clinics and organizing awareness sessions.
15. Law schools and legal aid NGOs should prioritize capacity-building initiatives to train future lawyers and legal aid providers in providing quality legal aid services.
16. The effectiveness the Online University Legal Aid Clinics should be regularly monitored and evaluated by the stakeholders to identify gaps and challenges and develop strategies to address them.

The above recommendations are crucial for improving the prospects of online university legal clinics in Pakistan and enhancing access to justice for marginalized communities. These recommendations require collective efforts and collaborations among all legal aid stakeholders, including the government, bar councils, law schools, and legal aid NGOs, and community elders.

### **Conclusion**

The innovative approach of online university legal aid clinics has the potential to revolutionize the legal aid system in Pakistan. Through comprehensive literature review, in-depth interviews and thematic analysis, it has been established that the current state of legal aid in Pakistan is inadequate, with limited availability of legal aid opportunities for marginalized communities. Traditional legal aid mechanisms have not been effective and there is an urgent need for a comprehensive legal framework supported by the state. The potential benefits of online university legal clinics are immense. They can provide support to the community, enhance the capacity of law professors, and provide practical training to law students. They

can also reach far-flung areas of the country and provide free legal aid to the marginalized class. In the successful implementation process, several challenges need to be addressed including aligning with the rules of the Pakistan Bar Council, providing training to teachers and students, ensuring ethics, confidentiality, and privacy, improving the quality of service, and addressing weak infrastructure and technological know-how. The research study recommended the model Collaborative governance as a theoretical framework, which can provide a solution to these challenges. Coordination between bar councils, law schools, legal aid NGOs, and community elders can lead to effective implementation and sustainability of online university legal clinics. By working together, these stakeholders can create a comprehensive legal aid system that is accessible to all.

**Bibliography/References**

- Ali khan, M. M. (1990). "The state of legal education in Pakistan." National Law School Journal **2**(1): 20.
- Anderson, M. (1999). Access to justice and legal process: making legal institutions responsive to poor people in LDCs. WDR 2000 Conference, Citeseer.
- Anderson, M. R. (2003). "Access to justice and legal process: making legal institutions responsive to poor people in LDCs."
- Barton, B. H. and D. L. Rhode (2018). "Access to Justice and Routine Legal Services: New Technologies Meet Bar Regulators." Hastings LJ **70**: 955.
- Bloch, F. S. and I. S. Ishar (1990). "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United States." Mich. J. Int'l L. **12**: 92.
- Bradway, J. S. (1929). "The Nature of a Legal Aid Clinic." S. cal. L. rev. **3**: 173.
- Chemin, M. (2009). "The impact of the judiciary on entrepreneurship: Evaluation of Pakistan's "Access to Justice Programme"." Journal of Public Economics **93**(1-2): 114-125.
- Drummond, O. and G. McKeever (2015). "Access to justice through university law clinics."
- Eyster, M. J. (1998). "Designing and Teaching the Large Externship Clinic." Clinical L. Rev. **5**: 347.
- Ghai, Y. and J. Cottrell (2009). The rule of law and access to justice. Marginalized communities and access to justice, Routledge-Cavendish: 11-32.
- Hameed, U., et al. (2022). "Role of Media to Overcome Delay in Justice: Pakistani Prospective." Journal of Development and Social Sciences **3**(2): 1007-1014.
- Kaya, S. and M. D. Khan (2022). "ONLINE DISPUTE RESOLUTION IN PAKISTAN: CHALLENGES AND OPPORTUNITIES." Journal of Nusantara Studies (JONUS) **7**(2): 103-119.
- KHALIL, I., et al. (2021). "CHALLENGES FACED BY PROSECUTORS IN THE ADMINISTRATION OF JUSTICE IN PAKISTAN." PalArch's Journal of Archaeology of Egypt/Egyptology **18**(10): 2641-2651.
- Khan, N. U. (2017). "LEGAL EDUCATION AS AN INSTRUMENT FOR ECONOMIC DEVELOPMENT IN PAKISTAN: PERSPECTIVES AND CHALLENGES." Pakistan Journal **53**(1).
- McQuoid-Mason, D. (2008). "Street Law as a Clinical Program: The South African Experience with Particular Reference to the University of KwaZulu-Natal." Griffith Law Review **17**(1): 27-51.
- Moorhead, R., et al. (2003). "Contesting professionalism: legal aid and nonlawyers in England and Wales." Law & Society Review **37**(4): 765-808.
- Mughal, J. R. D. and M. Ahmad (2012). "Concept of Access to Justice in Pakistan." Available at SSRN 2136599.
- Ramzan Kasuri, D. (2019). "Role of Law Clinic in Improving Legal Education and Access to Justice." Islamabad Raw Review.
- Raymond, A. H. and S. J. Shackelford (2013). "Technology, ethics, and access to justice: should an algorithm be deciding your case." Mich. J. Int'l L. **35**: 485.
- Rubinson, R. (2004). "A Theory of Access to Justice." J. Legal Prof. **29**: 89.
- Sarmad, M. (2019). "Legal Education in Pakistan: Problems & Prospects in the Context of 21st Century." Islamabad Law Review **3**(1/2): 64-60\_66.

- Shafiq, H. M. S., et al. (2022). "Justice Delayed is Justice Denied: Reflections of Lawyers and Media Persons to Improve the Legal System." Pakistan Languages and Humanities Review **6**(2): 1103-1114.
- Shala, S. and D. Leka (2022). "The right to an effective education: live legal clinics as an innovative teaching method." International Journal of Innovation and Learning **31**(1): 1-22.
- Ullah, A. (2018). "Public Interest Litigation: A Constitutional Regime to Access to Justice in Pakistan." Pakistan Vision **19**(2): 1-15.
- Wahla, M. N. (2022). "Lusterless Legal Education and its Challenges: A Case of Pakistan." NUST Journal of Social Sciences and Humanities **8**(2): 139-149.
- Zahoor, R., et al. (2021). "Clinical Legal Education and its Implication on Legal Education System in Pakistan: Challenges and Prospects." Responsible Education, Learning and Teaching in Emerging Economies **3**(1): 15-26.
- Zisser, A. R. and M. van Stone (2015). "Health, Education, Advocacy, and Law: An Innovative Approach to Improving Outcomes for Low-Income Children With Intellectual and Developmental Disabilities." Journal of Policy and Practice in Intellectual Disabilities **12**(2): 132-137.