

Digital Inclusion In Justice

Section 1 : Digital Inclusion Statement

The inclusion of even the lowest strata of the society, should come forward and get included in the decision making regarding the Justice. Law must reach to the poorest of the poor, and thus should not be just accessible to just the rich and big businesses. As given under the Article 14, "The State shall ensure the people Equality before law or the Equal protection of laws within the territory of India".

Hence, it should not be the case where the developments like technological advancements, robotics and Artificial Intelligence are happening and the access of these advancements are just restricted to the upper strata of the society.

Hence, the idea of Digital Inclusion must be surfaced in the country, in order to make the efficient, best and ,maximum use of the technology. That's why it is very important to have effective technological use in the functioning of the Judiciary. The idea like Online hearing, the live streaming of Court cases, and many things like that should not be just restricted to the Metropolitan cities or to the places where internet is accessible or available, as it will be discriminatory in nature.

Section 2 : Reasons for this

The idea behind the digital inclusion in the Justice, comes from the principles laid down for the constitution like DPSPs(Directive Principles of State Policies), Preamble and their ideas, Fundamental Rights and whatnot. The whole idea of the Constitution of our country is based on providing Justice and Equality to all the people of the country.

This idea of Digital Inclusion in the process of Justice must be achieved in order to not let any person behind and grow together as the country. This method of Digital Inclusion is mostly needed so that everybody can access the legal information, can effectively engage with the Courts and in this way, the trust of people in the judiciary and the Judicial system might go up. The law and the legal system of the country needs to upgrade themselves so that they can match up with the ongoing developments of the technology. The technological interference in the Judiciary might help in solving the bulk of pending cases, which are there before the Court.

That's why the digital inclusion in the Justice can be achieved by letting the isolated places to also get the access of the Judicial system of India.

Section 3: Scope and Application

The scope of this policy must be till it reaches every nook and corner of the country. The world is growing with the fast speed of the development of technology and thus, the reach of technology also must reach every person without having any bias or discrimination.

Thus, the scope of Digital Inclusion in Justice, must be to everyone and every place, without the State doing any discrimination against the people based on race, sex, class, caste, religion, gender, place of birth or place of residence or any of them, at any cost.

Section 4 : Procedures

The idea of Digital Inclusion can be achieved by having a strong base for technological penetration. This can be done through the following ways:

- **First of all, there should be the intervention of private companies to provide the network to all the people of the world, even to the most extreme corner of the country. The governments, with the help of the service provider, should be available to all the local providers , in order to create the best infrastructure and uniformity for digital inclusion.**
- **Then there should be the availability of the panel, consisting of the judges, academicians, lawyers, advocates, regarding what to provide them and how to provide them.**
- **The subjects of what to provide to the people, like the matter of Court proceedings, the final judgements, verdict, the witnesses' statements, evidence, regarding the general proceedings of the Court must be provided.**
- **This policy structure is to provide the basic education to all the people. The law must reach every person of the country.**

Notwithstanding anything mentioned above, there should be no publishment of anything without the permission of the Court, the publication can be subjected to

the 'reasonable restriction' as appropriated by the Appropriate Government(State or Central Government).

- The other aspect of Digital inclusion is to provide the easy accessibility of the court to every person of the Country, this also helps in achieving the ideal feature of Directive Principles Of State Policy(DPSPs), which is Article 39A –Free legal aid to poor.
- Thus, this digital inclusion must be given to people by providing them the online infrastructure, to file for the case, to provide the details regarding the witnesses, to submit the electronic record or document as the evidence, to also have the LIVE Court proceedings.
- This will strengthen the trust of people in the Judiciary, and to provide them the infrastructure which also helps the Court of Judiciary, to finish the pending cases. Thus, this digital inclusion will not just help the public but also help the Judiciary.
- The other important thing to have smooth functioning of the digital inclusion in Judiciary, is to have coordination between the Executive(the administrators) Legislators(law makers) and the Judiciary(Judges or the academicians).

Their role will be as follows:

1. Executive will provide the essential details regarding the service providers and the customer details to the legislators.
2. Legislators will make laws and the provisions regarding the same.
3. Judicial Officers or judges or academicians have to share the essential details to the Executive regarding the subject matter and the legal aspect of this provision.

Section 5: Definitions:

1. **Appropriate Government:** the appropriate government can be the authority or the executive under whom the jurisdictional control comes. This should not be below the rank of the 'SP' AND ' District Officer'.
2. **Digital:** this means the online technological use or medium for the same.
3. **Judicial matters:** anything related to the Court of law or any matters regarding the administrative aspect of the Judiciary, this can also be the judicial functions.

Section 6: Penalties for Non - Compliance:

This section deals with the idea of not letting the middleman or any executive authority to make use of the misuse of funds allocated for digital technology. The funds needs to be accounted and the account details for the same must be submitted to the IT Council which will be established specially for the penetration of the Information and technology to each corner of the world.

The people belonging to the government office, must not delay the accounting of the funds and the funds must be used for the purpose of creating the infrastructure.

The people of the Executive system , if found guilty, in anyway regarding the misuse of the funds or misallocation of the funds in any parts then will be subjected to the penalty clause which is given as follows:

- a. Imprisonment for 2 years if fund misuse is below 50,000**
- b. Imprisonment for 5 years if fund misuse is below 1,00,000**
- c. Imprisonment for 10 years if fund misuse is above 1,00,000**

Another aspect of this penalty clause is for the private companies and the service provider, who will be involved in any kind of malpractices related to the use of funds for the technological penetration to the nook and corner of the country.

The punishment for the same can be elaborated in the following ways:

- a. If the private company has been involved in corrupt practices, then the punishment for the same will be 10 years for the stakeholders and the heads of the company (majorly, 2 positions of the company, which is CEO and CTO) and fine as decided by the Court.**
- b. If the private company is involved in the divergence of the funds to the other misuse of it, then the private company will be sanctioned and they will be shut for the minimum period of 10 years and will be subjected to the fine too.**

The punishment clause in this regard, will be given under the directions or judgment of the Court. However, the punishment clause can be altered by the Parliament through making the laws for the same.

These clauses can be operational in the way until and unless the laws made by the parliament come into existence.

Hence, all these punishment clauses are subjected to the scrutiny as posed by the Parliament through the legislators.

Section 7: Responsible Official and Additional Contacts:

The responsible official for the implementation of the given clauses can be executed through the establishment of the Executive Council Board.

- **The implementation can be also made, through the online portal ,which will consist of all the names of the government officials, private network providers and many more as such.**
- **The panel consisting of the judges, jurists, academicians; must also be created to give the effects to this. This panel will decide the decisions regarding which and what Court decisions to publish, and what are the important details to get from the public regarding filing the certain case in the Court of law.**

The cases which are to be filed by the public prosecutor, or the advocates, on the behalf of their clients, must be not having any fake details for the same. Default in the case, will make the person liable and his liability will be decided by the Court of law.

Any Complaints for the Civil matters and the Criminal matters must be submitted in the different designated portals. These portals must be designed by the Government Information Technology authority in partnership with the Private vendor company.

The penalties clause may be subjected to Judicial scrutiny ,in case it seems arbitrary to them.

1. **Hence, the State Government will appoint the Judicial Officers, consisting of the members from both Executive and the Judiciary. The executive members include the government officials , who will have the responsibility of the implementation of the given provision.**
2. **The state government will appoint the person from all the 3 big municipality regions, and there is no maximum number of the Executive Council.**

3. **Judicial officers must have the High court judges, this is the mandatory provision in the implementation.**
4. **Judicial officers and executives must have the voting rights for the same.**

There should be again the establishment of the Central Executive Council, which will coordinate with all the State Executive Councils. This should be needed for the implementation of Judicial penetration in all the corners of the society.

People belonging to the vulnerable groups like women, children, poor, transgenders ,can be given the opportunity to have the details confidential in the given digital infrastructure.

Section 8: Policy History:

This policy will be able to get the place in the earlier Information Technology Act of 2000. This policy should be added in this Act to enhance the feature of the Act.

The policy given here, must also be able to protect the interests of the people through the protection of their data. This should not let the data get out in public, especially here the personal cases related to the crime and civil cases will be enlisted and thus, securing the privacy of the people becomes a lot important.

Thus, the Digital Personal Data Protection Act, 2023– comes into the picture. The data of the people must be secured enough, and should be subjected to all the authentication processes required from the individual.

Digital India Act, this Act requires to spread the use of the digital technology and its advancements to all the societies of the country. This policy will also have the same objective in its implementation. This policy must be implemented effectively to enable the use of digital technology to all sections of the society.

Section 9: Related Policies and Guidance Documents:

The other documents related to the given policy, and its implementation must be through the guidance documents , as provided by the Committee established to make the same.

The guidance documents must consist of all the following provisions:

- a. Precedents related to the Supreme Court like, given in**

Puttaswamy Case of 2017

- b. Statutes like The Designs Act 2000**
-