

Policy presentation on
DIGITAL INCLUSION IN JUSTICE
TECH-ENABLED LEGAL AID FOR MARGINALIZED GROUPS

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POLICY PRESENTATION

DIGITAL INCLUSION IN JUSTICE TECH-ENABLED LEGAL AID FOR MARGINALIZED GROUPS

INTRODUCTION

As we all know Indian courts are overburdened most of the time. Which leads to unnecessary waste of time, money and mental harassment. However, advancements in science and technology has played a vital role in providing justice faster and cheaper in cost. Introduction As the justice system rapidly embraces digitalization, the way legal services are provided is shifting more and more to digital platforms. Innovations like online case submission, virtual court hearings, and e-governance initiatives have made accessing justice easier than ever. However, digital exclusion remains a major hurdle, especially for marginalized groups, rural population, the elderly and people with special needs.

The digital inclusion policy in justice system aims to tackle this issue head-on, ensuring that everyone, regardless of their socio-economic status or digital literacy, can participate fully in legal proceedings. This initiative aligns with India's constitutional promise of "access to justice" as a fundamental right, supported by landmark judgements.

OBJECTIVES

1. Achieving Universal and equitable access to digital legal services.
 - a. Ensure that digital justice platforms are accessible to all, including those who live in rural and remote areas.
 - b. Provide free internet access in public places like legal aid centers, courthouses, and community hubs.
 - c. Provide mobile legal applications to reach out individuals who cannot access digital platforms due to geographic constraints.
 - d. Encourage digital legal services, allowing people in remote areas to consult with legal experts via online platform.
2. Promotion of digital literacy and legal awareness.

- a. Introduce nationwide digital literacy programs designed to help citizens understand how to navigate legal technology.
- b. Educate citizens about their legal rights and digital justice mechanism through online resources, workshops, and social campaigns.
- c. Tie up with NGOs, universities, and legal aid organization to train underprivileged people, how to use digital legal tools.
- d. Develop interactive legal portals that provide step by step guidance on filing suits, accessing court records, and use e-filing systems.

3. Ensuring inclusivity of marginalized and vulnerable groups.

- a. Design disabled-friendly digital legal platforms with features like text to speech, voice recognition, and sign language interpretation.
- b. Translate legal documents in regional languages to accommodate linguistic minorities.
- c. Establish virtual legal clinics to offer free legal aid for economic backward classes.
- d. Provide special support for senior citizens, ensuring they receive guidance on utilising digital legal services.

4. Strengthening the Digital infrastructure of courts and legal institutions.

- a. Implement e-courts and virtual hearings to reduce burden of courts.
- b. Update court IT system to integrate digital case management, automation of scheduling and AI-powered legal research.
- c. Ensure all legal documents, petitions, and evidence submission are digitally accepted and stored securely.

5. Enhancing cybersecurity and data protection in the justice system.

- a. Establish stringent data privacy policies to protect sensitive legal documents and case files.
- b. Implement end-to-end encryption and multi-factor authentication for users accessing online legal services.

c. Regular audits of digital justice platforms to detect and prevent cyber threat, hacking and data leaks.

d. Ensure compliance with the Personal Data Protection Bill and IT Act to safeguard the privacy of litigants and legal practitioners.

6. Expanding the scope of online dispute resolution (ODR)

a. Encourage the use of alternative dispute resolution (ADR) mechanism, such as mediation and arbitration, through digital platforms.

b. Develop government-backed ODR portals to handle civil disputes, consumer grievance, and financial claims online.

c. Recognise AI - assisted dispute resolution systems to streamline case handling and settlement processes.

7. Reducing costs and delays in legal proceedings through digitalisation.

a. Implement AI-driven legal analytics to assist lawyers and judges in case research and take decision.

b. Develop real-time case tracker to keep litigants informed about case procedure.

c. Digitalized court records and legal archives to reduce paper wastage and protect environment.

d. Promotes the use of electronic summons and notification to provide speedy justice.

8. Create a Legal and Regulatory framework for Digital justice.

a. Implement new procedural laws Bhartiya Nyay Suraksha Sanhita effectively which includes virtual hearings, e-filing, and electronic signatures.

b. Establish a national regulatory body to supervise the implementation and monitoring of digital legal services.

c. Mandate annual digital justice audits to evaluate the efficiency and accessibility of online legal aid.

9. Ensuring transparency and public trust in digital justice.

- a. Promote live streaming of court proceedings, in compliance with the Supreme Court's ruling in Swapnil Tripathi v. Supreme Court of India.
- b. Create open-access legal database where citizens can view previous judgements.
- c. Encourage community participation through digital platforms where citizens can discuss legal issues and reforms.

THE IMPORTANCE OF TECH-ENABLED LEGAL AID

Technology has truly changed the game in the legal field, making access, efficiency, and transparency in justice delivery so much better. Tech-enabled legal aid is a game-changer for individuals, particularly those who are underprivileged, marginalized, or living in remote areas, allowing them to seek justice without being held back by financial or geographical hurdles. With innovations like e-courts, virtual hearings, AI-driven legal assistance, and online dispute resolution, technology is making legal services more inclusive and effective than ever.

VIABILITY OF TECH-ENABLED LEGAL AID

1. Enhanced Access to Justice

- a. Bridging the Justice Gap: In India, millions face challenges in accessing legal aid due to physical, financial, or social obstacles. Technology helps break down these barriers by offering online legal assistance.
- b. Tele-Law Services: Programs like the Tele-Law Program from the Government of India enable citizens to connect with lawyers through video calls at Common Service Centres (CSCs).
- c. 24/7 Legal Assistance: AI-powered legal chatbots and online legal aid portals provide legal guidance around the clock, which is a huge help for those who can't make it to court during regular hours.

2. Reducing the Cost of Legal Services

- a. No More Travel Expenses: With virtual courts and e-filing systems, litigants can avoid the costs associated with traveling to court, making legal services much more budget-friendly.

- b. Free Online Legal Aid Clinics: NGOs and legal tech startups are stepping up by offering pro bono (free) legal consultations through digital platforms.
- c. Lower Documentation Costs: Submitting legal documents online cuts down on the money spent on paperwork and physical filing.

3. Faster and More Efficient Justice Delivery

- a. AI-Driven Legal Research: Cutting-edge algorithms assist lawyers and judges in quickly analyzing case laws, which speeds up the decision-making process.
- b. Online Dispute Resolution (ODR): Disputes, particularly in areas like consumer protection, property, and financial claims, can be resolved online

4. Eliminating Formal Court Proceedings:

- a. This strategy helps reduce the backlog of cases.
- b. Automated Case Management Systems: By digitizing court records, we can track cases more efficiently, cutting down on unnecessary delays.

5. Inclusion of Underrepresented Communities

- a. Legal Assistance for Rural Areas: Mobile legal services make it easier for people in rural regions to file complaints and get legal advice.
- b. Support for Individuals with Disabilities: Digital platforms now offer features like text-to-speech, sign language interpretation, and voice recognition software to improve access to legal help.
- c. Multilingual Legal Assistance: Many platforms are now providing legal information in various regional languages, fostering linguistic inclusivity.

6. Transparency and Accountability in the Justice System

- a. Live Streaming of Court Proceedings: Thanks to the Supreme Court's ruling (Swapnil Tripathi v. Supreme Court of India, 2018)¹, court hearings can now be live-streamed, which boosts judicial transparency.

¹ AIR 2018 SUPREME COURT 4806

b. Online Case Status Monitoring: Citizens can keep tabs on their cases through e-courts portals, ensuring accountability.

7. Enhanced Cybersecurity and Data Protection

a. Secure Digital Filing Systems: Strong encryption and multi-factor authentication safeguard sensitive legal information.

B Compliance with Privacy Regulations: Legal tech solutions adhere to India's Data Protection Laws to protect the privacy of litigants.

8. Government Initiatives Supporting Technology-Enabled Legal Aid in India

a. e-Courts Mission Mode Project – This initiative facilitates e-filing, virtual hearings, and digital case management.

b. Tele-Law Initiative – Offers free legal assistance via video conferencing in rural areas.

c. Online Dispute Resolution (ODR) Platforms – Used by organizations like SAMA and AGAMI to resolve disputes outside the traditional court system.

POLICY PROVISIONS –

1. ONLINE DISPUTE RESOLUTION (ODR) FOR MARGINALISED COMMUNITIES

1. Creation of Digital Legal Aid Services

- a. Establish free legal services offer through government sponsored online legal aid services websites.
- b. Build mobile applications for legal services information, AI-enabled help desk, and call assistance.
- c. Provide multilingual and simple user interfaces for ease of access.
- d. Add assistance of chatbox and VoiceOver assistant to give solutions instantly

2. Additional Online Legal Services, Such as Community Clinics

- a. Offer tele-law services, in which attorneys confer with clients via voice conversations or instant chats.

- b. Work together with bar associations and law schools to offer free online legal assistance.
- c. In the communities, install community based digital legal aid kiosks.
- d. Encourage pro bono legal companies to offer online legal assistance services.

Community Clinics and Remote Legal Services

3. Establishing Online Dispute Resolution (ODR)

- a. Create a government sponsored platform for ODR for handling small disputes.
- b. Order courts to actively implement ODR in civil, family, labor, and consumer disputes.
- c. Invite the private sector to establish tech-based mediation services.
- d. Create ODR protocols for social outreach programs for the under-privileged communities.
- e. Offer ODR services at no charge or a reduced fee to economically disadvantaged groups.

4. Digital Literacy & Legal Education Awareness Programs

- a. Conduct national campaigns to raise awareness of available assistance and legal aid online services
- b. Provide training to lower socio-economic groups on the use of technological justice service.
- c. Conduct free classes on cyber safety measures and protection against scams.
- d. Incorporate legal technology instruction into the curriculum of law faculties.
- e. Set up telephone lines for assistance in legal literacy concerning digital documentation.

5. Improving Services for Non-Tech and Physically Challenged Users

- a. Legal aid services for digitally assisted users should include the visually and hearing-impaired.
- b. Speech aid and braille computers should be integrated into legal digital documents.
- c. Translation aids for regional languages should be developed for access to digital legal aid.
- d. Automated legal services using speech recognition technology should be provided.
- e. Legal aid services should be accessible through toll free phone numbers for people with no internet access.

6. Improving Protection of Users-Data & Cybersecurity Activities

- a. Legal digital aid communication should be covered by encryption with high levels of protection.
- b. All legal tech platforms should have in place the user confidentiality guarantee.
- c. Legal aid services providers should be bound by law to have clear policies on data protection.
- d. Legal tech platforms should be subject to regular cybersecurity reviews.
- e. There should be an option to raise and submit challenges concerning cybersecurity concerns.

7. Stimulating Contributions of The Private Sector And Voluntary Agencies

- a. Encourage legal aid organizations to partner with private IT companies by offering incentives.
- b. Government funding should be available for new emerging companies that deal with legal technology.
- c. Encourage collaboration between law practitioners, charitable organizations, and legal technological entrepreneurs.
- d. Encourage organizations to sponsor the funding of the provision of digitalized legal aid services.
- e. Construct laws that allow for public and private partnerships and set the minimum standards for such collaborations.

8. Financial Aid and Funding for Legal Services with Special Emphasis on Technology Development

- a. Use portions of the government budget for automation of legal assistance services.
- b. Mobilize the support of foreign institutions willing to fund projects aimed at enhancing legal digital accessibility.
- c. Award tax deductions to private companies that sponsor legal technology software.
- d. Facilitate community funded assistance programs for legal services.
- e. Provide subsidized or complimentary legal servicing software to underprivileged users.

9. Development of Digital Legal Aid Strategy for the Country

- a. Build a National Legal Aid Automation Strategy for uniform service delivery.
- b. Draft legislation in legal technology to guarantee equality of arms and access.

- c. Provide for court integrated online dispute resolution ODR and digital legal aid.
- d. Ensure compliance with legally mandated inclusivity for all providers of legal services.
- e. Conduct inclusivity audit policy checks on a set schedule.

10. Evaluation Research and Performance Monitoring for Policy Implementation Review

- a. Create a Legal Technology Audit Office responsible for policy execution.
- b. Apply artificial intelligence analytics to evaluate the use of digital legal aid services.
- c. Evaluate the socio-economic impact of access to justice for disadvantaged groups.
- d. Release reports every 12 months regarding use and deployment of online legal assistance services.
- e. Change policies with regard to responses from end users and practitioners of law.

2. LEGAL CHAT BOTS AND AUTOMATIC ASSISTANCE

1. Implementation of AI Legal Chatbots

- a. To Setup legal chatbots funded by government for capable of offering legal assistance without any cost.
- b. To Make sure that the chatbots recognises local legal systems, citizen's rights, and available legal aid services at any time

2. Inclusive & Multilingual

- a. To serve diverse populations, chatbots must be made compatible to support region and tribe languages.
- b. Facilitate those with low literacy to speak by voice.

3. Collaboration with Other Legal Aid Services

- a. Pair the chatbots with government-sponsored legal aid offices and charitable organization's hotlines.
- b. Allow chatbots to pass on the more sophisticated legal problems to qualified legal professionals.

4. Run awareness initiatives to inform underserved groups about the use of chatbots.

- a. Social workers and legal aid professionals should be trained to help people use chatbots.

- b. Collaboration Between the Public and Private Sectors to Develop Chatbots
- 5. Promote collaborations with AI and legal tech entrepreneurs.
 - a. a. Provide government funding for legal chatbot research and development.
 - b. b. Monitoring Performance and Updating Policies
- 6. Cyber-security provisions for Data Protection
 - a. a. To Implement end-to-end encryption to ensure the confidential and protection of legal conversations.
 - b. b. To Develop strict data privacy policies to protect users 'sensitive information

3. ACCESSIBILITY & INCLUSIVE LEGAL TECH DESIGN

- 1. Compatible to Screen Readers
 - a. Make all legal aid websites and apps compatible to screen readers such as tools like NVDA, JAWS, and VoiceOver.
 - b. Implement alt-text for images, accessible headings, and help in keyboard navigation.
- 2. Voice-Based Interfaces & different AI Assistants to assist the citizen
 - a. To Create a voice or command capable AI for legal aid platforms for individuals with mobility impairments and other DISABILITY.
 - b. To Implement AI voice assistants to assist users in navigating and understanding legal aid procedures.
- 3. Customisable User Interfaces
 - a. To Provide users with the ability to change font sizes, contrast, and text-to-speech for readability.
 - b. To Provide dark mode and high-contrast themes for visually impaired users.
- 4. Online & Offline Accessibility
 - a. Make legal aid apps mobile-friendly and accessible on low-cost devices.

- b. Make legal aid content available offline through SMS and IVR (Interactive Voice Response) services.

5. Physical Access in Digital Legal Aid Centers

- a. Fit legal aid kiosks with ramp access, braille signs, and adaptive technology.
- b. Educate legal aid staff to support people with disabilities using digital tools.

6. Measures for Cognitive Accessibility

- a. Utilize simplified language to facilitate understanding on the part of people with intellectual disabilities.
- b. Offer visual aids, infographics, and step-by-step legal aid guides.

7. Inclusive Design Specifications & Compliance with Regulations

- a. Mandate that all government legal aid websites be WCAG (Web Content Accessibility Guidelines) compliant.
- b. Regularly audit online legal aid services to ensure compliance with accessibility standards.

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