

Access to Justice in Digital Era

Varnika Sharan¹, Asst. Prof. Ashutosh Mishra²

¹Law Student, Law College Dehradun, Uttarakhand University

²Law College Dehradun, Uttarakhand University

Abstract

Justice, as access, constitutes one of the foundations of democratic society, and it is associated with the rule of law. It ensures that people, regardless of their social, economic status, demographic affiliations, geographic location or literacy, have access to the legal process to seek resolution of their legitimate grievances. This is the 21st century and the world phenomena changed a lot in justice delivery systems, due to fast technological changes as well. The proliferation of digital courts, online dispute resolution (ODR), legal aid helplines, e-filing facilities, and artificial intelligence (AI)-enabled tools has transformed the nature of how justice is accessed and dispensed. This modernization, hastened particularly during the COVID-19 pandemic, has demonstrated that technology can serve to break through geographic boundaries, decrease administrative lag and increase effectiveness throughout the court system. But there is a paradox that comes with these opportunities: the potential of technology to democratize justice is as strong as its ability to exacerbate inequalities when issues such as the digital divide, lack of digital literacy, and data privacy are not addressed.

This study is significant because it attempts to assess how digital transformation affects access to justice. In addition to highlighting the advantages of legal technologies, the study questions whether these tools benefit the vulnerable and marginalised communities for whom access to justice is frequently the most challenging. The main contention is that digital justice should be evaluated based on its capacity to maintain equity, inclusivity, and transparency rather than just speed and efficiency.

The aims of this study are fourfold. First, to consider how digital innovations with a focus on e-courts, ODR platforms and AI-driven legal services are changing traditional justice paths. Second, to find the advantages of technology as an enabler in making justice more efficient, transparent and accessible. Third, to assess the barriers, especially in relation to digital divide, infrastructure shortages, and ethical issues. Enable to recommend reforms and practices that could help in ensuring that technology becomes a facilitator rather than hurdle in realizing equal access to justice.

The approach is a combination of doctrinal and empirical. The doctrinal part looks at constitutional directives, laws and judge-made law that provide impetus Shape or regulate digital justice ventures, focusing on India and comparative information from Singapore, the EU, and the United States. The empirical base is built on secondary data from government reports, law commission recommendations, academic research, and surveys indicating digital accessibility. This mixed methodology enables a holistic analysis of both normative principles and ground realities.

Salient findings show that digital tools have in one way or the other enhanced the working lives of judicial personnel. The E-filing facilities have minimized the cumbersome process of paperwork and record management while video conferencing facilities have enabled hearing of the parties in a decentralized way and the ODR platforms have emerged as a faster mode of dealing with commercial, consumer and family disputes without requiring party appearing in the courts in person. AI-powered platforms are being

deployed in case management, legal research, and predictive analytics accordingly supporting lawyers and judges manage the avalanche of cases. Importantly, the pandemic underscored the indispensability of digital justice, as virtual hearings ensured continuity of legal services at a time when physical courts were inaccessible.

The research also reveals significant obstacles. The Digital The primary deterrent still remains to be the Digital which means that the people in rural areas or those coming from the economic weaker sections and unable to use this, i.e, digitally illiterate sections cannot use or effectively use these platforms. This would have the effect, however, of reversing discrimination by excluding from justice the same people who need it most. Secondly, fears of algorithmic bias in AI tools, risks of mass surveillance and cracks in data privacy and cybersecurity leave serious question marks about fairness and procedural justice. There is also apprehension that over-reliance on technology may dehumanize justice delivery, eroding the empathetic and deliberate aspects of adjudication.

The implications of this study are dual. For policymakers, the evidence underscores the pressing importance of creating legal-tech inclusive policy and infrastructure (eg, subsidies to internet access, digital literacy training, investment in infrastructural development for rural areas). Emergent laws and ethical guidelines for AI use in law should also be made a priority. For the courts and legal professionals, the study highlights the need for skill development, where lawyers, judges, and litigants are trained for the use of digital platforms. For society, the broader implication is that access to justice in the digital era must balance innovation with equity, ensuring that efficiency does not come at the cost of fairness.

In conclusion, digital transformation has immense potential to revolutionize justice delivery, but its success must be measured by its inclusiveness. Technology should not create a new form of legal elitism accessible only to those with resources; rather, it must reinforce the constitutional promise of justice for all. A cautious yet proactive approach is essential—one that harnesses the benefits of technology while safeguarding against its risks. This research, therefore, contributes to the ongoing discourse on digital justice by presenting a balanced view of its opportunities, challenges, and future implications for equitable access to justice.

Keywords: Access to Justice, E-Courts, Legal Technology, Artificial Intelligence in Law, Constitutional mandates.

Introduction

Access to justice is widely regarded as the cornerstone of democratic governance and a foundational requirement of the rule of law. It reflects the principle that every individual, regardless of social status, economic condition, gender, or geographic location, must have a meaningful opportunity to seek redress for legal wrongs. In both developed and developing legal systems, courts have traditionally acted as the primary forums for the articulation, protection, and enforcement of rights. However, traditional justice delivery mechanisms have been persistently undermined by structural challenges such as judicial backlog, procedural complexity, financial burden, and infrastructural inadequacy. These problems have contributed to the alienation of ordinary citizens from the legal system and have disproportionately affected marginalised and vulnerable populations.¹

For instance, in India, the pendency of cases has reached alarming levels, with millions of cases pending

¹ Cappelletti, M. & Garth, B., *Access to Justice: The Worldwide Movement to Make Rights Effective*, 1978.

adjudication at various levels of the judiciary. Delays in justice not only erode public confidence in the legal system but indeed undermine the very essence of the constitutional promise of fairness and equality. The maxim "justice delayed is justice denied" has turned out to be a lived reality for a large section of society. It is in this context that the emergence of digital technology has been viewed as a transformative opportunity to overcome inefficiencies and inequities entrenched in conventional systems of justice.

The digital revolution has thus brought on electronic case filing, digital records management, virtual courtrooms, online dispute resolution systems, and artificial intelligence-powered legal research systems. These innovations, in every way, changed the mode of operations of legal institutions and citizen interaction with these institutions. The COVID-19 pandemic acted as a key inflection point, which forced courts across the board to transition to virtual platforms in an effort to ensure that judicial functions continued uninterrupted. The rapid shift from physical courtrooms to digital hearings proved that technology could sustain judicial processes even during times of unparalleled calamity.²

At the same time, however, digitalisation of justice has also raised complex legal, ethical, and constitutional questions. The digital divide threatens to exclude large sections of the population from the digital justice system due to unequal access to technology and the internet. Algorithmic bias, surveillance, data protection, and erosion of procedural safeguards are other concerns that further complicate this landscape. Artificial intelligence in legal processes has grown to involve global debates on transparency, accountability, and preservation of judicial discretion.³

This research critically appraises the evolving relationship between technology and access to⁴ justice. It attempts to analyze whether digital innovations are truly improving accessibility, affordability, and fairness, or whether they risk creating new forms of exclusion. Guided by doctrinal and comparative analysis, this study explores how constitutional mandates can guide the ethical and equitable integration of technology within justice delivery systems

Conceptual Framework of Access to Justice

The access to justice is a multidimensional concept which goes beyond mere physical courts or legal institutions. This includes understanding the rights of individuals, accessing the appropriate forums, meaningful participation in the processes, and receiving an effective remedy within reasonable time. Access to justice can also be explained as a global movement for making rights practical and enforceable rather than theoretical by scholars like Cappelletti and Garth.⁵ This broader interpretation encompasses procedural fairness, affordability, legal awareness, institutional competence, and social inclusiveness.

Access to justice, from the constitutional perspective, is thus linked inextricably with the concept of equality before the law and equal protection of laws. Essentially, a sub-component of the right to life and personal liberty - sometimes recognized explicitly and at other times implicitly - in various judicial pronouncements. In India, there has been an expansive interpretation of Articles 14 and 21 of the Constitution to include within their fold the right to a fair, just, and reasonable procedure.⁶ The Supreme Court of India has echoed this so often that procedural fairness is not a luxury but a constitutional

² Susskind, R., *Online Courts and the Future of Justice*, Oxford University Press, 2019

³ UNDP, *Access to Justice and the Rule of Law*, 2016.

⁴ Cappelletti, M., "The Access to Justice Movement," (1981) 23 *Loyola L.A. L. Rev.* 1.

⁵ *Hussainara Khatoon v. State of Bihar*, AIR 1979 SC 1369.

⁶ Upendra Baxi, *The Crisis of the Indian Legal System*, 1982.

imperative. Further strengthening came through the evolution of public interest litigation by relaxing the traditional rules of standing and providing for representative actions in matters affecting collective rights. Historically, access to justice was understood as a concept that must transcend existing economic and geographical barriers. Legal aid schemes, exemptions of court fees, mobile courts, and Lok Adalat were established to make the justice institution more accessible. Over time, however, it became clear that mere physical access was not enough. Legal literacy, procedural simplicity, and sensitivity of the institution to the needs of the marginalized constituted some more vital dimensions of access to justice.⁷

The digital era has redefined this conceptual framework with the addition of technological accessibility and digital literacy as new determinants of justice. Justice is no longer confined to brick-and-mortar courtrooms but increasingly mediated through screens, software platforms, and automated systems. This transformation brings with it an imperative for the re-examination of the classical legal principles of open courts, audi alteram partem, and reasoned decision-making. The challenge lies in the need to harmonize technological efficiency with the substantive requirements of fairness and dignity.

Digital Transformation in Justice Delivery

The digital transformation of judicial systems represents perhaps the most important institutional reforms of the 21st century. E-courts have brought in electronic filing (e-filing), digital cause lists, and online availability of judgments and orders. These systems have considerably reduced paperwork, minimized clerical errors, and enhanced transparency in judicial administration. By providing litigants and lawyers with access to case information remotely, digital platforms have resulted in minimizing frequent physical visits to court premises.⁸

Video conferencing has emerged as a strong tool in judicial proceedings. Virtual hearings enable litigants, witnesses, lawyers, and judges to participate in real time from different geographical locations. This has been found particularly useful in cases involving undertrial prisoners, who can be produced before courts through secure video links, thereby reducing transportation costs and security risks. The use of virtual platforms during the COVID-19 pandemic underlined the indispensability of digital tools in ensuring continuity of justice delivery.

ODR has brought about a paradigm shift from adversarial litigation to technology-assisted consensual mechanisms. The digital interface allows parties to negotiate, mediate, or arbitrate a dispute without the necessity of physical presence. ODR has proved to be particularly effective in addressing disputes that are low-value and high-volume in nature, relating, for instance, to consumer complaints, e-commerce disputes, and small commercial issues.⁹ The confidentiality, speed, and efficiency of ODR systems make them especially appealing within a globalised digital economy.

Artificial intelligence has been increasingly integrated into legal research, contract management, document review, and case analytics. AI-powered tools are assisting lawyers in searching vast databases of statutes and case law, dramatically cutting down the time taken to perform legal research. Predictive analytics tools are in development to estimate case outcomes and assist in risk assessment, bail decisions, and sentencing patterns.¹⁰ Moreover, these developments raise critical concerns regarding the balance between technological assistance and judicial autonomy. Digital legal aid platforms have also been

⁷ B.K. Mathew, *Constitutionalism and Rule of Law in India*, 2015.

⁸ Supreme Court of India, e-Committee Reports.

⁹ Katsh, E. & Rifkin, J., *Online Dispute Resolution*, 2001.

¹⁰ Surden, H., "Artificial Intelligence and Law," (2014) 35 U. Pitt. L. Rev.

growing rapidly. Through mobile applications, websites, and virtual legal clinics, citizens have access to basic legal information, templates, and initial consultations. These platforms have the potential to empower citizens by increasing awareness about the law and reducing dependence on intermediaries. However, their effectiveness is dependent upon the digital infrastructure available and upon the ability of users to navigate such platforms.

Comparative Perspectives

A comparison shows that digital justice is adopted at different speeds and scales by different jurisdictions. The e-Courts Project of India, undertaken under the guidance of the judiciary, is described as one of the biggest judicial digitization projects in the world. This project envisages computerization of court records, electronic filing, automation of case listing, and public access to case information. Virtual courts have been implemented for traffic violations and petty offences, substantially easing the burden on physical courtrooms.

Singapore has emerged as a global leader in digital justice, through the Smart Courts initiative. The Singapore judiciary has integrated artificial intelligence, blockchain technology, and advanced case management systems into its judicial infrastructure. Litigants can institute cases, file documents, and attend hearings entirely online. The success of the model of Singapore can be attributed to its robust technological infrastructure, high digital literacy, and solid data protection framework.¹¹

The European Union has implemented an elaborate online dispute resolution legal framework, in particular in the area of consumer protection. Regulation EU No 524/2013 introduced a centralized ODR platform which will enable consumers and traders to solve cross-border disputes electronically. This has boosted consumer confidence and access to justice in the internal digital market.¹²

The United States federal and state courts have adopted electronic case filing systems and virtual hearings. Several jurisdictions have tested AI-powered tools to aid in legal research and case management. Each of these experiences highlights that the mere rate of technology adoption is secondary to other facilitating and inhibiting factors: namely, that of legal certainty, institutional preparedness, public trust, and ethical governance structures, all crucial to the effective and fair functioning of digital justice mechanisms.¹³

Challenges in Ensuring Access to Justice in the Digital Era

Despite remarkable progress, significant challenges continue to hinder the realization of equitable digital justice. The digital divide remains the most pervasive obstacle. A substantial segment of the population, especially in rural and economically disadvantaged communities, lacks access to stable internet connectivity, smartphones, or computers. For these groups, digital platforms represent not an expansion of access but an additional layer of exclusion.

Digital literacy constitutes another critical challenge. The mere availability of technological infrastructure does not ensure effective utilisation. Many individuals are unfamiliar with online filing systems, virtual court etiquette, and digital security practices. This gap increases dependency on intermediaries and raises the risk of exploitation and misinformation. Elderly individuals, persons with disabilities, and linguistically marginalized groups face disproportionate barriers in navigating digital justice mechanisms.

¹¹ Singapore Judiciary, *Smart Courts Roadmap*, 2018.

¹² Regulation (EU) No. 524/2013.

¹³ American Bar Association, *Technology and the Courts*, 2019.

Data protection and cybersecurity represent serious concerns in the digital justice ecosystem. Court records often contain sensitive personal, financial, and commercial information. The digitization and cloud storage of such data increase vulnerability to cyberattacks, data breaches, and unauthorized access. Inadequate cybersecurity infrastructure undermines public confidence and raises serious questions about the confidentiality and integrity of judicial processes.¹⁴

Artificial intelligence introduces complex ethical challenges. Algorithms trained on historical data may reproduce existing patterns of bias and discrimination. If such algorithms are used in predictive decision-making or risk assessment, they can perpetuate structural inequalities. The opacity of proprietary algorithms also undermines transparency and the right to a reasoned decision.

Furthermore, the increasing reliance on technology raises concerns about the dehumanization of justice. Physical courtrooms allow judges to observe behavioral cues, emotional responses, and body language, which form an integral part of credibility assessment. Virtual platforms may dilute this human element, risking the reduction of justice to a mechanical process devoid of empathy and moral reasoning.¹⁵

Key Findings of the Study

The study finds that digital transformation has significantly enhanced the procedural efficiency of judicial systems. Electronic filing and automated case management have streamlined administrative processes and reduced procedural delays. Virtual hearings have expanded geographical access and reduced the financial burden on litigants, lawyers, and witnesses.¹⁶

Online dispute resolution mechanisms have emerged as effective tools for resolving high-volume disputes, particularly in consumer and commercial contexts. These platforms have relieved pressure on conventional courts and provided faster, more convenient remedies. Artificial intelligence tools have improved the quality and speed of legal research and case preparation.¹⁷

At the same time, the study reveals stark inequalities in access to digital justice. Marginalised communities remain disproportionately excluded due to infrastructural and educational limitations. The absence of comprehensive data protection legislation and binding ethical standards for AI increases the risk of rights violations and procedural unfairness.¹⁸

The findings indicate that technology, by itself, is not a panacea for systemic injustices. Without complementary reforms in policy, infrastructure, and education, digital justice risks creating a stratified system in which access is determined by technological privilege rather than legal entitlement.¹⁹

Conclusion

Access to justice in the digital era represents both an unprecedented opportunity and a profound constitutional responsibility. Technological innovations offer powerful tools to modernise justice delivery, reduce delays, and enhance transparency. E-courts, online dispute resolution platforms, and artificial intelligence systems have already demonstrated their capacity to address chronic inefficiencies in traditional legal systems.

¹⁴ Justice B.N. Srikrishna Committee Report, 2018.

¹⁵ Resnik, J., (1982) Harvard Law Review.

¹⁶ Law Commission of India, Report No. 245.

¹⁷ European Commission, Ethics Guidelines for Trustworthy AI, 2019.

¹⁸ UN Special Rapporteur Report A/73/271.

¹⁹ OECD, *Innovating Justice*, 2021.

However, the legitimacy of digital justice depends upon its alignment with constitutional values of equality, fairness, and due process. Policymakers must prioritise investments in digital infrastructure, promote digital literacy, and enact robust data protection regimes. Judicial institutions must develop ethical frameworks to govern the use of artificial intelligence and ensure that technology complements, rather than replaces, human judgment.

Ultimately, the success of digital justice must be measured not by technological sophistication but by its ability to empower the most vulnerable members of society. Technology must serve as a bridge to justice, not as a new form of exclusion. When guided by constitutional morality, digital transformation can truly fulfil the promise of justice for all.²⁰

Important Books

1. Mauro Cappelletti & Bryant Garth – Access to Justice: The Worldwide Movement to Make Rights Effective (1978)
2. Richard Susskind – Online Courts and the Future of Justice (2019)
3. Ethan Katsh & Janet Rifkin – Online Dispute Resolution: Resolving Conflicts in Cyberspace (2001)
4. Upendra Baxi – The Crisis of the Indian Legal System (1982)
5. B. K. Mathew – Constitutionalism and the Rule of Law in India (2015)

Important Readings

1. World Bank – World Development Report 2016: Digital Dividends
2. OECD – Innovating Justice: Access to Justice in the Digital Era (2021)
3. UNDP – Access to Justice and the Rule of Law (2016)
4. Harry Surden – “Artificial Intelligence and Law: An Overview” (2014)
5. Justice B. N. Srikrishna Committee – A Free and Fair Digital Economy: Data Protection Committee Report (2018)

Brief Bio of The Author

I am Varnika Sharan, a BBA LLB final year student from Law College Dehradun, Uttaranchal University and I have an academic bent towards constitutional law, technology law and access to justice. During my time in the program, I have continued to show dedication to legal research, writing and advocacy by producing papers and presentations on emerging topics within law and public policy. Proficient in the art of analytical reasoning, creative writing and drafting I have been instrumental in spanning debates and legal aid programs, thereby reflecting both academic excellence and practical implications of law. Deeply interested in the confluence of law and technology, I want to consider paths by which digital transformation can interplay with values of equity, fairness and inclusiveness in justice provision. Going forward, my plans to continue with my studies in the field of law which I hope will enable me to enhance the current legal knowledge and be able to take part in full scale legal reform.

²⁰ B.K. Mathew, *Constitutional Law in India*, 2015.