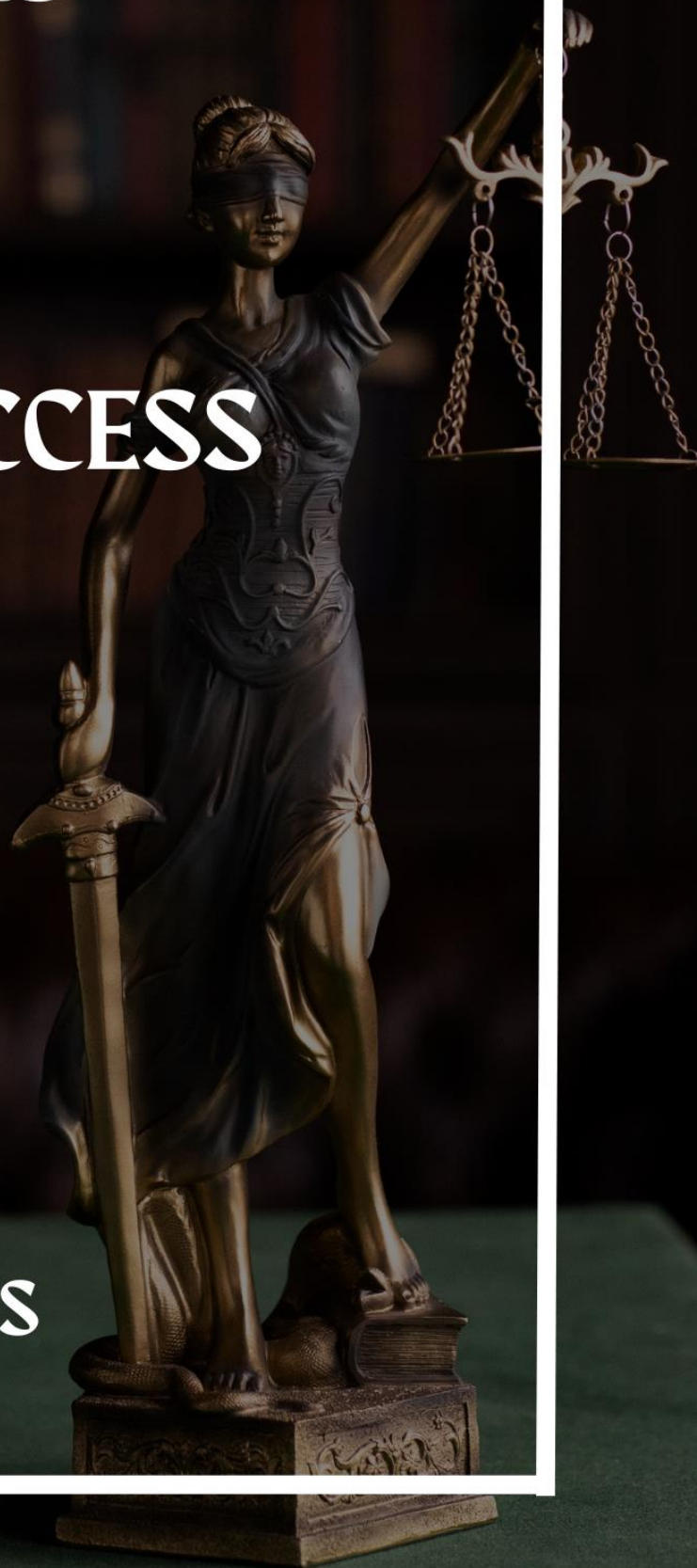


**DIGITAL DOORS  
TO JUSTICE:  
A POLICY FOR  
INCREASED ACCESS**

**WHITE PAPER  
KHARE & ASSOCIATES**



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**STATEMENT OF PROBLEM**

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Despite efforts to increase access to justice for marginalized communities, the presence of a significant digital divide, particularly between urban and rural areas, continues to pose a challenge for individuals seeking justice through the traditional court system. The traditional court system poses several challenges for individuals of marginalized communities, which are seeking justice. A swift, efficient, and affordable access to Justice is a privilege for the underprivileged. The already overburdened criminal justice system is plagued by lengthy procedures and slow delivery of justice, particularly for under-trial prisoners, which further adds to the agony of people who are unaware of their rights. Therefore, there is a need to incorporate technology to make justice more accessible for the marginalized community.

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**POLICY STATEMENT**

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**UNDERLYING PRINCIPLES**

In the context of improving access to justice for marginalized communities and for the swift delivery of justice to under-trial prisoners, the underlying principles include ensuring access to justice for all, regardless of socio-economic status or location, and promoting equal access to legal services and court proceedings. The values that drive the solution include fairness, transparency, and accountability, while the philosophies embrace the use of technology as a means to improve the justice system. These principles, values, and philosophies provide a clear sense of purpose and direction for the solution and serve as a touchstone for decision-making and evaluation. They ensure that the solution remains aligned with the broader goals of improving access to justice for marginalized communities and under-trials, and help to create a common understanding and shared commitment among stakeholders.

**PART-I- POLICY FOR MARGINALIZED PEOPLE**

**1. E-NyayaMitra App**

Access to Justice via a traditional court procedure possesses hindrances in accessing Justice, for people from rural and marginalized communities who do not have many resources. Although the digital revolution had already brought about great changes in society, a significant “digital divide” kept Marginalised people from accessing the information available on the Internet. An App where potential litigants can easily find legal information about their rights, apply for legal aid electronically, talk to a legal aid attorney over their phone, find and complete the forms they need to file in court, access the court’s e-filing system to file their response and check on the progress of their case will eliminate all the major hurdles that underprivileged people from rural areas have to face in order to access justice. This app provides current solutions for providing the most effective online assistance to low-income persons with civil legal problems and recommends effective practices for the design and implementation of Internet-based resources that will make the world described above a reality for low-income people everywhere:

This app will be a one-stop solution for all the challenges that are faced by the people of marginalized people in order to access timely and fair justice. The app will include the following features:

- **Multi-lingual Support:** To accommodate the needs of people in every region of Ragaland, the multilingual feature of the app will help individuals who may speak languages different regional languages, including the ability to access legal information and resources in multiple languages.
- **Virtual Voice Assistant:** This virtual voice assistant will be multilingual and will provide a voice-based interface, making it easier for rural people who may not be literate or familiar with using

touchscreens to access information and services. The assistant will also provide information on various legal matters, helping rural people understand their rights and options. Moreover, it will connect rural people with legal services, such as legal aid organizations or pro bono lawyers, and help facilitate communication between them.

- Access to the hearing of the Virtual Courts: Access to Virtual court hearings via the app will make it easier for people living in remote or rural areas of Ragaland, to participate, as they can attend these hearings from anywhere with an internet connection, which will eliminate the high cost of travel that people from rural areas face in order to attend physical hearings in traditional courts. Virtual court proceedings will also have accessibility features, such as captioning and audio descriptions, to make them more accessible to people with disabilities. Moreover, virtual proceedings can often be scheduled more quickly than in-person hearings, thereby resolving the legal issues in a timely manner.
- Availability of all court forms- Having the forms available in an app allows for easy access from anywhere with an internet connection. Users will be able to easily download, fill out, and submit court forms without having to physically visit a court. The app will also provide all the forms in multiple languages and with an intuitive and user-friendly interface that makes it easier for people to understand and complete the forms, especially if they have limited legal knowledge or experience. Additionally, such court forms available in an app eliminate the need to print and distribute physical forms, reducing costs for the court system and making legal services more affordable for people in rural areas.
- Tracking legal proceedings- The app may allow individuals to track the progress of their legal cases, manage court deadlines, and receive notifications of important updates at their convenience.
- Offline functionality: Given that rural areas may have limited or inconsistent internet connectivity, the app may be designed to work offline or with limited connectivity, allowing individuals to access legal resources and services even when they are unable to connect to the internet.

## **2. Digital Legal Aid- Centres**

Access to a fast and stable internet connection is a huge hurdle for accessing digital services in rural areas. Digital Legal Aid centres will be well equipped with fast and uninterrupted wired internet connection and the latest technology, which will act as a single window for people of rural areas access to the services of traditional courts in a digital manner, which will save their transportation costs and time. Moreover, these centres will employ staff who will be digitally literate and well versed in the regional language of that area to assist the people who are illiterate. The main features of these centres will include-

- Legal literacy program- The centre will be equipped with televisions, which will be streaming legal awareness videos, aimed at informing people about their rights. These videos will be made interactive and will be played in the regional languages.
- Legal advice and guidance: These centres will provide individuals with access to legal advice and guidance through voice bots in their regional languages.
- Document preparation and filing assistance: The staff of these centres will offer assistance with document preparation and e-filing, including assistance with court forms, pleadings, and motions.
- Case tracking and management: These centres will provide individuals with the ability to track the progress of their legal cases, manage court deadlines, and receive notifications of important updates.
- Referral services: In some cases, virtual legal aid centres may provide referral services to help individuals find qualified advocates or free legal service providers.

- Secure and confidential communication: The centres will use secure and confidential communication channels, such as encrypted email or online chat, to ensure the privacy and confidentiality of individuals' legal information.

## **PART-II- POLICY FOR UNDER-TRIAL PRISONERS**

**1. Use of A.I.-** there are many miscellaneous tasks that a court has to perform, including making several interim decisions, in these stages but there are a few fundamental tasks that can be done using AI-powered machines to expedite the overall decision-making process. These are

**a. Summarizer-**

A court has to go through documents such as pleadings, oral and documentary evidence placed on the court file, the precedents on the issue, and the law as matters of routine before arriving at a conclusion. Therefore, a lot of time the courts is taken in reading the contents of the documents. The judge has to examine each document carefully even to form a prima facie opinion about a case for passing interim orders. It is true that the judge would anyways have to consider the document in detail while arriving at a final decision on merits, but it would be of tremendous use if a machine could tell the summary or abstract of a document to the judge for the purpose of taking interim decisions like temporary injunction orders in a civil litigation and prima-facie case in a criminal case while summoning the accused. Even otherwise, a machine that can effectively summarize the contents of a document would be of immense use to the court as more precedents can be read in the same amount of time and therefore, improving the quality of legal research as well. Tools like Summarizer will be used, which is one of the AI software that is being used for summarizing the contents of the documents.<sup>1</sup> More advanced software on similar lines can be developed especially suited to the needs of the courts for effective summarizing of the content.

**b. Case laws and law code research-**

Like lawyers, judges also spend a lot of time researching precedents or case laws. It is to some extent due to this reason that there are delays in quick decision-making in courts. Putting Artificial Intelligence to use for the purpose of legal research by lawyers and judges will help in reducing the time taken to decide a case. ROSS is one such online legal research assistant, which helps the legal community to delve into numerous case laws in detail and find the most relevant, and appropriate case laws.<sup>2</sup> With the use of Machine Learning (ML) to develop the Natural Language Processing (NLP) of a machine, it is possible to standardize, classify, summarize, and store huge quantities of data, something typically done in legal research.<sup>3</sup>

**c. Assistance on Bail/Parole/Probation matters**

In criminal cases, it is almost in every case that a court has to take a decision like whether to release the accused on bail during his trial or to send him to jail, whether to grant the benefit of probation to the convict by not sending him to jail and instead releasing him on the promise of good conduct, and whether to release a prisoner on parole or not. These are crucial decisions as they have a bearing not

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<sup>1</sup> Algorithmia, "Introduction to Automatic Text Summarization," <https://blog.algorithmia.com/introductionautomatic-text-summarization/>, (last accessed 2 February 2023).

<sup>2</sup> ROSS Intelligence, "ROSS Intelligence," <https://www.forbes.com/profile/ross-intelligence/#2d90593e1e85>, accessed 2 February 2023, (last accessed 2 February 2023).

<sup>3</sup> Sahita, Vikas, "How Artificial Intelligence Is Transforming the Legal Services Industry of Asia," <https://www.analyticsindiamag.com/how-artificial-intelligence-is-transforming-the-legal-services-industry-of-asia/>, (last accessed 2 February 2023).

only upon the right of liberty of a person but also on safety of the society and therefore require the extraordinary indulgence of the court. This naturally asks for a lot of time as the court has to go through every aspect of the case and that of the person before releasing him. In this backdrop, Artificial Intelligence machines should be brought to use like it is already being used in some states of the United States to assist judges in not only making a quick decision regarding these important rights but also in ensuring that personal biases and perceptions of the judges do not come in the way of deciding important rights of the accused. Raagaland will also be using an AI program called Public Safety Assessment, or PSA, before deciding whether an accused should be released on bail. This software calculates the risk of recidivism and flight, i.e., the risk of the defendant again committing a crime and the risk of his escape from the clutches of law.<sup>4</sup>

## **2. Digitalizing the traditional processes**

A dedicated team will be established to oversee the implementation of technology-based solutions in the criminal justice system. The team would conduct research to identify bottlenecks in the criminal justice process and design technology-based solutions to address them.

Moreover, the government would invest in electronic monitoring systems, such as GPS tracking and video conferencing, to reduce the length of pre-trial detention and improve the efficiency of the criminal justice system, and would digitize court proceedings, including the submission of evidence and the delivery of verdicts, to reduce the time and resources required for court cases.<sup>5</sup> The accused will be virtually presented before the court, which will save travel time. Further, regularly monitor and evaluate the impact of technology-based solutions in the criminal justice system to ensure that they are making a positive impact on the fast tracking of the criminal justice procedure for under-trial prisoners.

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## **IMPLEMENTATION**

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The implementation of the policy will involve several key steps, including:

- **Assessment of needs:** The first step in implementing a digital legal aid clinic is to assess the legal needs of the rural population, to determine the types of legal services and resources that are most in demand.<sup>6</sup>
- **Partner selection:** To implement a digital legal aid clinic, it is important to identify and work with partners who have expertise in legal aid, technology, and rural development. This may include legal aid organizations, technology companies, and government agencies.
- **Technology development:** The next step is to develop the technology platform for the digital legal aid clinic. This may include developing a website or mobile app that provides access to legal information and resources, as well as online legal advice and guidance.
- **Staff training:** To ensure the success of the digital legal aid clinic, it is important to provide staff with training in legal aid, technology, and rural development. This may include training in the use of the technology platform, as well as training in providing legal services and resources.
- **Community outreach and awareness:** To maximize the impact of the digital legal aid clinic, it is important to engage with the rural community and raise awareness about the services and resources

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<sup>4</sup> Hutson, M. (2017), 'Artificial intelligence can predict which congressional bills will pass', Science, June 2017 doi:10.1126/science.aan7003, (last accessed 2 February 2023).

<sup>5</sup> Walker, T. and P. Verhaert (2019) 'Technology and Legal Empowerment around the World', The Engine Room, <<https://www.theengineroom.org/tech-and-legeempowerment-around-the-world/>>, (last accessed 2 February 2023).

<sup>6</sup> OECD (2019), 'Equal Access to Justice for Inclusive Growth – Putting People at the Centre' <<https://www.oecd.org/governance/equal-access-to-justice-forinclusive-growth-597f5b7f-en.htm>>, (last accessed 2 February 2023).

available. This may involve conducting outreach events, distributing informational materials, and engaging with community leaders.<sup>7</sup>

- Ongoing monitoring and evaluation: The implementation of a digital legal aid clinic is an ongoing process, and it is important to regularly monitor and evaluate the clinic to ensure that it is meeting the needs of the rural population and achieving its goals.
- User feedback: Before launching the app and digital legal aid centre, it is important to conduct user testing to ensure that it is user-friendly and accessible, and to receive feedback from rural populations to improve the app.<sup>8</sup>
- Launch and advertising: The app and centre should be launched and marketed to rural populations, including through targeted outreach and awareness campaigns, and through partnerships with government agencies and other organizations.
- Predictive risk assessment: AI algorithms can be used to predict the risk of reoffending and help determine whether a prisoner is suitable for release on bail.
- Electronic monitoring: AI-powered wearable devices can monitor the movement and behavior of prisoners and alert authorities in case of any violations.
- Improved communication: AI-powered chatbots or virtual assistants can help prisoners communicate with their lawyers and families, improving access to legal support and reducing the risk of isolation.
- Case management: AI algorithms can help streamline the case management process, reducing the time it takes for cases to be heard and helping to ensure that prisoners receive a fair trial.
- Mental health support: AI-powered chatbots or virtual assistants can provide mental health support and resources to prisoners, reducing the risk of depression, anxiety, and suicide.

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<sup>7</sup> Zent, M. (2018), 'Why Every Lawyer Should Adopt An Innovation Mindset', Evolve the Law (blog), <<https://abovethelaw.com/legal-innovation-center/2018/04/12/why-every-lawyer-should-adopt-an-innovation-mindset/>>, (last accessed 2 February 2023).

<sup>8</sup> Gramatikov, M., M. Barendrecht, and J. H. Verdonschot (2011), 'Measuring the Costs and Quality of Paths to Justice: Contours of a Methodology', Hague Journal on the Rule of Law 3 (2): 349–79.

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CONCLUSION

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Access to justice is a major challenge for rural populations, particularly due to the limitations of the traditional court system. This system is often characterized by limited resources, lengthy and complex legal procedures, and barriers to access, such as geographical distance, lack of transportation, and limited access to legal information and resources. However, technology has the potential to play a significant role in overcoming these challenges and increasing access to justice for rural populations. By leveraging technology, rural populations can be provided with access to legal information and resources, online legal advice and guidance, and digital legal aid clinics, reducing the need for in-person visits to court and increasing access to legal services and resources.<sup>9</sup> Additionally, technology can be used to streamline legal procedures and reduce the time and costs associated with accessing justice, making it more accessible and affordable for rural populations. It is important to note, however, that technology alone is not a solution to the challenges faced by rural populations in accessing justice. A comprehensive approach that incorporates technology and leverages partnerships between government agencies, legal aid organizations, and technology companies is needed to effectively increase access to justice in rural areas. Therefore, while the traditional court system poses significant challenges for rural populations in accessing justice, technology has the potential to play a critical role in overcoming these challenges and ensuring equal access to justice for all.

Moreover, the traditional court system poses significant challenges for under-trial prisoners, particularly concerning lengthy pre-trial detention, limited access to legal resources, and poor conditions in detention facilities. These challenges can lead to a variety of negative outcomes, including increased pressure on the prison system, increased risk of human rights abuses, and reduced access to justice.<sup>10</sup> However, technology has the potential to play a significant role in overcoming these challenges and improving the situation for under-trial prisoners. By leveraging technology, under-trial prisoners can be provided with access to legal information and resources, online legal advice and guidance, and virtual legal aid clinics, reducing the need for in-person visits to court and increasing access to legal services and resources. Additionally, technology can be used to streamline legal procedures and reduce the time and costs associated with accessing justice, making it more accessible and affordable for under trial prisoners. It is important to note, however, that technology alone is not a solution to the challenges faced by under-trial prisoners in accessing justice. A comprehensive approach that incorporates technology and leverages partnerships between government agencies, legal aid organizations, and technology companies is needed to effectively increase access to justice for under-trial prisoners. Therefore, while the traditional court system poses significant challenges for under-trial prisoners in accessing justice, technology has the potential to play a critical role in overcoming these challenges and improving access to justice for this vulnerable population.

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<sup>9</sup> Cappelletti, M., and B. Garth (1981), 'Access to Justice as a Focus of Research Foreword', Windsor Yearbook of Access to Justice 1, (accessed on 2 February 2023).

<sup>10</sup> Golub, S. (2003), 'Beyond Rule of Law Orthodoxy: The Legal Empowerment Alternative', 41, Rule of Law Series, <<https://carnegieendowment.org/2003/10/14/beyond-rule-of-law-orthodoxy-legal-empowerment-alternative-pub-1367>>, (last accessed 2 February 2023).