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CLOSING THE DIGITAL JUSTICE DIVIDE: ACCESSIBILITY, INCLUSIVITY, AND THE PROMISE OF ADR & PRO BONO SERVICES”

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Theme: Reimagining Access to Justice: Role of Alternative Dispute Resolution Mechanisms & Pro Bono Legal Services

The rapid digitalisation of legal processes as a means of advancing access to justice. Online dispute resolution that includes e-courtrooms, virtual hearings among Digital Justice System. However, this technological development has also highlighted existing issues of accessibility and inclusion. This paper aims to critically examine the barriers— structural and technological faced by diverse communities that are unable to access and participate equitably in systems of digital justice, particularly in developing countries like India.

This study investigates the different barriers including digital divide, low technological competence, infrastructure shortage, language difficulties and data privacy and security issue. The digital courts have barriers for disadvantaged segments, such as the rural population, economically weaker sections of society, people who live with disabilities and senior citizens. In this sense, the article investigates whether the actual digital justice model is compliant with constitutional principles as equality and access to justice.

The rapid digitisation of legal processes has been hailed as a major step forward in safeguarding access to justice. Examples of digital justice systems are e-courtrooms, virtual hearings and online dispute resolution (ODR). However, this technological advancement does not shine a new light on existing issues of accessibility and inclusivity. The objective of the paper is to interrogate the structural and technological barriers that inhibit equitable participation of marginalised communities in the realm of digital justice systems, particularly focusing on developing countries like India.

This study investigates different barriers including the digital divide, inadequate skills in technology usage, social isolation technology infrastructure lack of language barriers and data protection security problems. Major access barriers exist for disadvantaged segments inclusive

of rural residents, the economically disadvantaged, people living with disabilities and seniors. The paper then explores whether this current digital justice framework respects the constitutional guarantees of equality and access to justice.

Keywords Digital Justice Systems, Access to Justice, The Digital Divide, ODR (Online Dispute Resolution), Pro Bono Legal Services

1. Subject Matter of the Study

The last years of administration of justice were marked by serious changes influenced primarily by the rapid penetration of digital technologies into judicial processes. A system, that relied on bricks-and-mortar institutions, in-person services delivery and paper processes has increasingly morphed into a tech-enabled architecture. This transformation has been associated with various other phrases such as Digital justice systems from e-courts, virtual hearings to Online Dispute Resolution (ODR) mechanisms. This transition has permeated within India in the of e-Courts Project that aims to improve efficiency, transparency, and accessibility.

This impetus was greatly sped up during the COVID-19 pandemic, which required fast implementation of digital tools in order to keep these judicial functions rolling. In India, courts turned to virtual hearings, e-filing and other digital platforms for case management. These innovations not only enabled the justice delivery system to run, but also exposed pervasive structural inequities present in society, especially during an unprecedented crisis. A reliance on digital interfaces revealed existing inequalities in technology access, internet connectivity and digital literacy highlighting fundamental debates about the systems being created (and how accessible they are).

The very essence of “access to justice” is a constitutionally mentioned within Article 14 and Article 21 of the Constitution which guarantees equality before law and right to life and personal liberty respectively in India. The Supreme Court of India has consistently reiterated that justice must be accessible is a sine qua non the constitutionally mandated rule of law. Yet, digitisation of judicial processes over the past few years which aimed at expediting accessibility to some sections of society instead appears like another barrier for large parts. Existence of the digital divide, which means uneven access to devices, internet services and skills is a source of exclusion for the marginalized groups from full-scale involvement in legal proceeding.

This paper is positioned within the larger discussion on reframing legal access in the context of new technologies, and seeks, through its focused analysis on a developing jurisdiction like

India, to provide inputs that would add value to this ongoing global discourse. India is a unique case study in itself, being the second largest and one of the fastest growing economies, but also having prevalent socio-economic diversity, uneven infrastructure with respect to technology and an evolving judicial system. So, although smart cities may emerge where better digital infrastructure evolves organically, rural and economically challenged parts of the country are still lagging behind in connectivity of technology. These discrepancies compel one to ask if digital justice systems are democratizing access to justice, or whether they are instead entrenching existing inequalities.

Similarly, the problem of access is more than just about infrastructure. Compounding these challenges, linguistic diversity, disability access issues, gender-based digital exclusion and lack of technology literacy make for an even less effective use of digital justice platforms. People who are not used to digital interfaces or people who did not have formal education struggle with the traditional online court systems for example. Just like, people with disabilities face similar barriers when the digital platforms lack accessible design features. This goes to show that such design and implementation should be approached in a more inclusive and human-centred manner.

It is in this context that Alternative Dispute Resolution (ADR) mechanisms and pro bono legal services become vital complementary measures to strengthen access to justice. ADR frameworks like mediation, arbitration, Rajasthan Kachehri (Lok Adalats) are known for their aspects of flexibility and cost-effective cheapness. Digital technologies have merged with the domain of ADR, notably in the form of ODR platforms that could help fill voids found in established judicial systems. But that only works if these mechanisms can combat the same accessibility barriers that apply to digital courts.

Likewise, pro bono legal services hold an important position in securing access of economically weaker sections to the justice delivery system. With endeavours like Tele-Law and the Nyaya Bandhu scheme, the authorities are also seeking to utilize technology for connecting to disadvantaged sections in need of legal support. Although these programs are both positive steps in the right direction toward making justice inclusive, their effectiveness will be determined whether they secondarily bridge the barriers of digital literacy and reach those communities who need services.

On this basis, the current work aims at critically analysing the accessibility and inclusion issues related to digital justice systems. In these terms, it aims to assess whether the voluntary or involuntary digitisation of legal processes is consistent with a constitutional vision of equal access to justice or whether, instead, it threatens a two-tiered system in which digitally

empowered users are elevated above others. This paper adds to the broader theme of re-imagining access to justice through novel but inclusive modalities by focusing on the nexus between technology, law and social injustice.

Hence, the significance of this study is in examining how digital justice systems in India and similarly all other developing jurisdictions can be engineered and operationalised to not just improve their efficiency but also conforming to standards of equitability, inclusion and substantive equality.

2. Literature Review

Current literature on the topic of digital justice systems indicates a fast-changing discipline that lies in the boundaries of law and technology and social justice. Whereas, the initial literature was a hymn to the benefits of digitisation as an efficiency and transparency tool, recent studies have taken a more critical approach, pointing at structural inequalities and the exclusionary effects. To analyse four main areas (a) digital justice and e-Courts, (b) digital divide and accessibility, (c) ADR and ODR mechanisms and (d) pro bono legal services and legal aid, this literature review will be structured thematically. Notably, this review does not limit itself to descriptive summaries, but it goes further to establish the conceptual and empirical gaps in the existing studies.

(a) Digital Justice & E-Courts

The concept of digital justice transformation in India has been a matter of scholarly interest that has been primarily focused on the e-Courts Project and the institutionalisation of virtual hearings at a fast pace. S. Basu and C. Jha (2024)¹ present an empirical evaluation of the Phase II of the e-Courts Project, which is characterized by infrastructural achievements and systemic flaws. Their research indicates that though digitisation has enhanced case management and transparency, there are still great inequalities in technological infrastructure amongst courts, especially in urban and rural jurisdictions.

Equally, Waseem Sharma & A. Kumar (2023)² theorise digital courts as a radical change in access to justice and warn against the notion that the process of technological development automatically results in inclusivity. Their work anticipates the role of the digital divide as a structural divide, and digitisation without adequate support systems puts at risk of exclusion already marginalised litigants.

¹ S. Basu & C. Jha, *Evaluating ICT Adoption in the Indian Judiciary: Challenges, Opportunities, and the Impact of the E-Courts Project*, 15(1) **Indian J. L. & Just.** 1 (2024).

² Waseem Sharma & A. Kumar, *Transforming Access to Justice in the Digital Age: The Role of E-Courts*, 8 **NUJS J. Reg. Stud.** 45 (2023)

D.A. Sharma (2025)³ continues this argument by exploring the issues of technology in courts in terms of ethics and legal matters. The research poses issues of procedural fairness, data privacy, and cybersecurity in digital courts, which are especially relevant to Phase III of the e-Courts Project. It claims that the legitimacy of digital justice systems lies not just in their efficiency, but also the capacity to respect the due process and fairness.

Moreover, R.N. Singh & B. Kumar⁴ critically examine the emergence of the virtual hearings in the pandemic and afterwards, stating that although such systems helped to maintain the judicial activity, they also presented a series of issues associated with technological proficiency and accessibility. Online hearings, specifically, have been condemned as putting a disadvantage on litigants who are unfamiliar with online technology or who have no access to high-speed internet services.

Gap in Literature

Although these studies help to gain a rich understanding of infrastructural and procedural digital court, they pay much attention to the institutional performance but not user experience. Empirical investigation on the lived lives of litigants, particularly those with marginalized backgrounds is limited. Moreover, the literature is more likely to respond to digital transformation as a homogenous process, which does not adequately consider regional differences and intersectional inequalities.

(a) Digital Divide/Accessibility

The digital divide problem is the centre of criticism of digital justice systems in contemporary times. P. Saxena (2025)⁵ offers an in-depth review of technological advances in the Indian legal system and asserts that digital technologies like e-Courts, Tele-Law, and Nyaya Bandhu can be used to improve access to justice. Nevertheless, the research also notes that the advantages of digital infrastructure access are compromised by unequal access, especially in rural and disadvantaged groups.

³ D.A. Sharma, *From Bench to Broadband: The Ethical and Legal Perspectives of Technology in Indian Courts* (2025), SSRN

⁴ R.N. Singh & B. Kumar, *The Impact of Technology on Judicial Process: E-Courts and Virtual Hearings in India*, **Infinite J.**

⁵ P. Saxena, *Technological Innovations in India's Legal Sector for Access to Justice During and Post Pandemic*, 18(1) *L. & Dev. Rev.* 1 (2025).

V. Mummalaneni & C. Challa (2024)⁶ in their empirical research on the topic of Tele-Law services prove that although ICT-based legal services could empower the disadvantaged population groups, the lack of digital literacy and infrastructure impedes their use. Their study highlights that access to technology does not necessarily equate to meaningful access to justice. P. Dutta and A. Das(2025)⁷ discuss the gendered aspect of digital divide through a capability approach whereby they examine the barriers to access to digital resources by women based on structural inequalities. As their work shows, women, especially in rural locations, experience compounded barriers because of the socio-cultural norms, thus limiting their access to digital justice systems.

Another key dimension is disability access. Recent research by D.S. Raja (2016)⁸ and others emphasizes that digital platforms do not always consider the principles of universal design, thus marginalizing persons with disabilities. In the same vein, Kanubhai and Pandya (2024)⁹ contend that lack of availability-oriented reforms in digital justice systems can further marginalize the system.

Jawed and R.¹⁰ continue the discussion by connecting the digital access to the constitutional rights, especially in the view of the changing jurisprudence regarding accessible technology. They propose that the State has a positive duty to make digital public infrastructure (such as justice systems) inclusive.

Gap in Literature

Although the digital divide has been widely discussed, a good portion of the literature is disjointed and addresses single facets of the issue, like gender, disability, or rural accessibility. Integrated, intersectional analysis that reflects the interaction of various types of disadvantage is lacking. Additionally, empirical research tends to consider pilot projects such as Tele-Law without considering long-term results or scalability.

(b) ADR & ODR Mechanisms

⁶ V. Mummalaneni & C. Challa, *ICT and Access to Justice: The Role of Tele-Law*, *Global J. Bus. & Soc. Sci. Rev.* (2024)

⁷ P. Dutta & A. Das, *Gender Digital Divide in India*, in *Handbook of Social Justice in the Global South* 245 (2025).

⁸ D.S. Raja, *Bridging the Disability Divide Through Digital Technologies*, World Bank (2016).

⁹ A.B.Y.P.R. Kanubhai & D.R.M. Pandya, *Accelerating Digitalization for Disability Justice: Addressing Accessibility Challenges in the Modern Era*, 7(1) **GAP Interdisciplinarity** 107 (2024).

¹⁰ M. Jawed & G. R., *From Digital Divide to Digital Dignity: Amar Jain v. Union of India and the Constitutional Right to Accessible Technology in India*, **Int'l J. Discrimination & L.** (forthcoming).

The current literature on Alternative Dispute Resolution (ADR) and Online Dispute Resolution (ODR) indicates the increased awareness of the importance of these methods in increasing access to justice. M. Kharola, S. Goyal and S. Saxena (2025)¹¹ examine how ADR mechanisms have gone digital after the COVID-19, and ask themselves whether the changes are a structural change or a simple adaptation. According to their results, though digital ADR has increased access in some situations, it has also created a similar digital divide observed in formal courts. S.D. Sarkar and S. Bhattacharjee (2023)¹² discuss how ODR can be integrated into Indian trial courts and the possible benefits in the form of decreased case backlog and enhanced efficiency. They however warn that ODR success will require that the technological barriers are addressed and that the interfaces are user friendly.

Gupta and Bajpai (2023)¹³ take a more pessimistic approach and believe that ODR in India is more of an aspiration than a reality because of the constraints of the infrastructures and regulatory vagueness. Their article points out the disconnect between policy frameworks and ground-level action. U. Goyal and A. Goyal (2023)¹⁴ also discuss the efficiency of ODR platforms, stating that they can be used as effective and time-saving options; however, they might be unavailable to those who are not digitally literate.

Traditionally, P.K. Mishra (2018)¹⁵ offer some background analyses of the mechanisms of ADR, including Lok Adalat, which focuses on its accessibility and community-based strategy. These locally based mechanisms are more inclusive in the past than formal courts.

Gap in Literature

There is a big disparity between the traditional ADR and the digital ADR systems in terms of comparative analysis. Although the traditional mechanisms are commended to be more accessible and ODR to be more efficient, little research has critically compared how the models can be combined to form hybrid systems. Moreover, user trust and acceptance of ODRs in various socio-economic settings are not well researched.

(c) Pro Bono Legal Services & Legal Aid

¹¹ M. Kharola, S. Goyal & S. Saxena, *Digitization of ADR in India Post-COVID*, 5(1) **Eur. Econ. Letters** 1 (2025)

¹² S.D. Sarkar & S. Bhattacharjee, *Resolving Disputes Through ODR in India*, 5(2) **Revista Brasileira ADR** 45 (2023).

¹³ A. Gupta & A. Bajpai, *Online Dispute Resolution in India: A Distant Reality or Dream*, O.P. Jindal Global Univ. L. Sch. Working Paper (2023)

¹⁴ U. Goyal & A. Goyal, *Effectiveness of ODR Platforms*, 3(2) **Indian J. Integrated Res. L.** 80 (2023).

¹⁵ P.K. Mishra, *ADRS and Lok Adalat in India*, 9(1) **Indian J. L. & Just.** 28 (2018).

The importance of legal aid and pro bono in providing access to justice has been widely reported. M. Galanter & J.K. Krishnan (2003)¹⁶ present an iconic study of the legal aid system in India, and it highlights the structural issues of accessing the marginalized groups. Their contribution is still fundamental in terms of comprehending the structural constraints of the legal aid systems.

More modern literature, including K. Barman (2024)¹⁷ studies the advent of digitally-facilitated pro bono schemes like the Nyaya Bandhu scheme. It posits in the study that such programs can help close the gaps in justice by linking the beneficiaries to the legal practitioners. It, however, also mentions that they are only effective when there is digital access.

P. Chatterjee (2023)¹⁸ highlights the importance of institutional actors, such as law schools and Bar, in promoting a pro bono culture. Implementing technology in the delivery of legal assistance is considered a way to reach more people, yet the obstacles connected with awareness and access remain.

S.B. Karmakar & K. Lama (2024)¹⁹ concentrate on Tele-Law as a framework of providing legal assistance with the help of digital channels and emphasize that it could be used to access rural communities with the help of Common Service Centres. However, their study reveals that infrastructural limitations and lack of digital literacy hinder its effectiveness.

Shriten (2021)²⁰ places pro bono services in a constitutional context and believes that they are necessary to attain substantive equality. The research highlights the importance of enhanced institutional backing and integration of policies.

Gap in Literature

Although the literature recognizes the significance of pro bono and legal aid, little has been analysed on the interaction of these services with digital justice systems. The majority of the research considers digital platforms and legal aid as two distinct areas and does not consider

the possibility of their integration. Moreover, empirical evidence about the success of digital pro bono programs in accessing the most vulnerable groups is unavailable.

¹⁶ M. Galanter & J.K. Krishnan, *Bread for the Poor*, 55(3) **Hastings L.J.** 789 (2003).

¹⁷ K. Barman, *Access to Justice Through Pro Bono Legal Services*, 12(2) **Russian L.J.** 45 (2024)

¹⁸ P. Chatterjee, *Pro Bono Culture in India*, 11(2) **Indian J. L. & Legal Res.** 282 (2023).

¹⁹ S.B. Karmakar & K. Lama, *Legal Aid Service and Pro Bono Culture Model*, 7(1) **GAP Interdisciplinarity** 87 (2024).

²⁰ H. Shrinet, *Relevance of Pro Bono Services in India's Battle for Justice and Equality*, 2(1) **Jus Corpus L.J.** 663 (2021).

Overall Research Gap

In each of the thematic areas, a common gap is present: there is no comprehensive, intersectional approach that would combine digital justice systems, ADR mechanisms, and pro bono services into a single model of access to justice. The current literature tends to look at these elements separately and thus they are not analysed holistically. There is an urgent requirement of studies that may bridge these areas and assess them in terms of how they may be integrated to address the issues of accessibility and inclusivity that digital justice systems have.

3. Statement of the problem

The high pace of digitisation of judicial procedures in India has been greatly packaged as an enlightened move towards improving access to justice. Nonetheless, the fact that digital justice systems necessarily translate into equal justice is highly debated. Although the efficiency has been enhanced and the time wasted during the procedures has been minimized by initiatives like e-Courts, virtual hearings, and Online Dispute Resolution (ODR) mechanisms, they have also revealed and even increased structural inequalities that were there before. The main issue that is discussed in the study is the fact that digital justice, as it is now, is not always equal in its access, especially to marginalized and vulnerable groups.

The key component of this problem is the continuation of socio-economic inequalities, which determine human beings and their capacity to interact with digital platforms. India has a large population which is characterized by unequal access to technology, education and infrastructure. Consequently, this move towards digital justice may lead to a two-level system, one that is usable and effective by digitally literate and resource endowed users, and another one that is inaccessible to individuals without the required tools or skills. This constitutional imbalance contradicts the constitutional pledge of equality before the law and access to equal

justice.

The initial fundamental issue is the digital divide, which includes the differences in device accessibility, internet availability, and digital literacy. Empirical evidence regarding e-Courts Project and Tele-Law initiatives indicates that rural communities, the economically disadvantaged, and socially disadvantaged demographics are confronted with considerable challenges such as accessing digital platforms of justice. This gap is not only technological but also socio-cultural because education, gender, and geography are some of the aspects that affect the ability of people to use digital tools effectively. Digitisation, therefore, does not have equitable distributions of its benefits, which has brought questions of exclusion and inequity. The second issue is connected with procedural unfairness in digital justice systems. Conventional court proceedings provide a level of face-to-face interaction, instant clarification, and procedural flexibility that might be lacking in virtual environment. Researchers have identified that virtual hearings may work against those litigants who are not conversant with computer interfaces or those who have Internet connectivity challenges that impact on their capacity to put the case forward. Moreover, the issue of privacy of information, cybersecurity, and the integrity of digital evidence also makes the idea of fair trial in the digital setting even harder. These problems raise the question of whether the digital processes can protect the principles of natural justice.

The third urgent problem is the deficiency in inclusivity when designing and implementing digital justice platforms. Numerous online frameworks are created through the one-size-fits-all model, and they overlook linguistic variety, disabled accessibility, and the different degrees of technological literacy. As an example, a lack of multilingual interfaces and accessibility services to individuals with disabilities can seriously restrain involvement. These design constraints represent a wider inability to embrace a user-centred design, thus marginalizing those who are already marginalized.

The fourth issue is the fact that the Alternative Dispute Resolution (ADR) mechanisms and pro bono legal services are poorly integrated in digital justice systems. Even though ADR and legal aid have traditionally been instrumental in improving access to justice, the related online version is poorly developed and implemented unevenly. Despite the promise, ODR platforms tend to repeat the same challenges of accessibility as formal digital courts. On the same note, pro bono projects like Tele-Law and Nyaya Bandhu, though innovative, are limited by infrastructural constraints and lack of awareness among the intended beneficiaries. This disintegration makes the entire digital justice system less effective in managing the needs of the disadvantaged communities.

Following these concerns, the issue is not only a technological one, but it is also a structural one. Digitisation of systems of justice, unless properly considered in the light of socio-economic realities, will only serve to entrench existing inequalities, instead of mitigating them. Thus, the research is aimed at critically assessing the question of whether digital justice systems in India are consistent with the same purpose of inclusive access to justice or whether they unwillingly reproduce the exclusion in a new, technologically mediated way.

4. Research Hypothesis

The focal hypothesis of the current study is that, although digital justice systems are intended to make the system more efficient and accessible to more people, in reality they may lead to the overrepresentation of marginalized groups unless the system is reinforced by other inclusionary measures like Alternative Dispute Resolution (ADR) and pro bono legal services. This hypothesis is a challenge to the current assumption that technological integration automatically results in democratization of justice delivery.

This hypothesis is based on the fact that the digital justice systems are applied to pre-existing socio-economic systems. Therefore, disparities in access to technology, digital literacy, and infrastructure have a direct impact on the capacity of an individual to interact with such systems. The empirical and doctrinal literature points to the suggestion that digitisation, unless a special effort is made, will reproduce or even increase conventional barriers to justice, especially those affecting rural populations, economically disadvantaged groups and other vulnerable groups.

To further narrow down this question, the research proceeds with the following sub-hypotheses:

1. Digital Divide Hypothesis

Digital justice systems heavily rely on inequalities in access to digital infrastructure and technological literacy causing unequal access among socio-economic groups and therefore constraining the effectiveness of the system.

2. Procedural Fairness Hypothesis

Online hearings and online processes can undermine the concept of natural justice because they are disadvantageous to litigants who are not technologically competent or have poor connectivity.

3. Inclusivity Design Hypothesis

The lack of user-focused and convenient design solutions to the digital justice platform disproportionately impacts marginalized communities, such as individuals with disabilities and linguistic minorities.

4. Institutional Integration Hypothesis

The fact that ADR mechanisms and pro bono legal services are to a small extent integrated into digital systems decreases the overall ability of the justice system to deal with the problem of accessibility efficiently.

5. Discussion of the Hypothesis

In this part, the main hypothesis will be critically analyzed as follows: despite their supposed benefit to increasing access to justice, digital justice systems can in practice marginalize the disadvantaged groups unless they contain some inclusive element like ADR and pro bono legal services. They are analysed thematically, with the theoretical pledges of digital justice compared against the actualities of the implementation.

5. Examination of the Hypothesis

- Digital Divide/Inequality

(a) Access vs Usability

Digital justice reforms are based on the assumption that the greater technological accessibility, the greater justice accessibility. Nonetheless, this assumption confuses the notion of access with that of usability, which is essential in interpreting the constraints of digital justice systems. The term access is used to refer to the presence of devices and access to the internet, whereas the term usability is used to refer to the means of navigating, comprehending, and exploiting digital platforms.

The author, P. Saxena (2025)²¹ points out that the various legal digitisation efforts in India, including e-Courts, Tele-Law, and Nyaya Bandhu, have increased the scope of access to legal services. However, such systems frequently do not take into consideration differences in digital literacy, which restricts their feasibility. The availability of digital infrastructure does not guarantee any meaningful engagement especially to those who are not acquainted with the technological interfaces.

Heuristic research on Tele-Law by V. Mummalaneni and C. Challa (2024)²² also shows that in rural areas, although there may be nominal access to digital services via Common Service

²¹ P. Saxena, *Technological Innovations in India's Legal Sector for Access to Justice During and Post Pandemic*, 18(1) **L. & Dev. Rev.** 1 (2025).

²² V. Mummalaneni & C. Challa, *ICT and Access to Justice: The Role of Tele-Law*, **Global J. Bus. & Soc. Sci. Rev.** (2024)

Centres, there is low actual access because people are not aware of them, language barriers exist, and intermediaries are involved. This is a paradox that digital justice systems seem to be available on paper, but they cannot be practically available.

Of special importance is the gendered aspect of this divide. According to P. Dutta and A. Das (2025)²³, the access of women to digital technologies is influenced by the socio-cultural norms, economic dependency, and educational disparities. This also means that women, particularly in the rural regions, have a lower chance of enjoying the fruits of digital justice efforts, thus perpetuating inequalities.

Critical Evaluation

There was an ongoing discrepancy between formal inclusion and substantive inclusion as indicated in the literature. As the policy frameworks focus on digital expansion, they do not always take into consideration the socio-cultural aspects of deciding usability. This shows that the digital justice systems as they are today are modelled with an implicit belief of technological competence thus favouring some groups more than others.

- Technological/Infrastructure Barriers: Gaps in Court Digitisation.

Technological infrastructure is crucial to the success of digital justice systems. Nonetheless, research on the e-Courts Project has shown that there are major differences in the implementation of the project in various regions and levels of courts.

The empirical data presented by S. Basu & C. Jha (2024)²⁴ confirms that, although the Phase II of the e-Courts Project contributed to better digitisation of cases and management of records, the lack of infrastructural facilities, including insufficient hardware and internet connectivity, as well as the absence of technical support, remains a major problem in the areas of functional operation of the majority of courts. These are especially in lower courts and in rural jurisdictions.

D.A. Sharma (2025)²⁵ also criticizes unequal distribution of resources on Phase III, saying that technological modernization is usually focused in urban centres, which increases the disparity

²³ P. Dutta & A. Das, *Gender Digital Divide in India*, in **Handbook of Social Justice in the Global South** 245 (2025)

²⁴ S. Basu & C. Jha, *Evaluating ICT Adoption in the Indian Judiciary: Challenges, Opportunities, and the Impact of the E-Courts Project*, 15(1) **Indian J. L. & Just.** 1 (2024).

²⁵ D.A. Sharma, *From Bench to Broadband: The Ethical and Legal Perspectives of Technology in Indian Courts* (2025), SSRN.

between the well-equipped and the under-resourced courts. Such unequal growth brings into question the equality and equality in the delivery of digital justice.

R.N. Singh and B. Kumar ²⁶also analyse the transition to virtual hearings, which reveals infrastructural limitations. Intermittent inconveniences caused by poor connectivity, absence of unified platforms, and no technical training of judicial officers and lawyers weaken the effectiveness and dependability of the virtual proceedings.

Critical Evaluation

Although digital justice has been conceptualized as a more economical substitute to the conventional framework, the literature proposes that poor infrastructure makes it an exclusionary process. The imbalanced allocation of the technological resources not only introduces differences among litigants but also between courts and hence the issue of consistency in the delivery of justice.

- Marginalized Groups Impact Inclusion: Disability, Rural Litigants, and Vulnerable Populations:

The effects of digital justice systems will be felt most strongly by marginalized groups as their participation will be influenced by a combination of several, overlapping types of disadvantage.

Research in implementation of Tele-Law has shown that rural litigants encounter intense obstacles in tapping into digital access to legal services, such as poor connectivity, lack of awareness, and reliance on middlemen. The Common Service Centres are meant to fill this gap but their performance varies according to regions.

Individuals who are disabled face even greater difficulties because of the unavailable design features of online platforms. D.S. Raja (2016) ²⁷points out that digital technologies may be used to alleviate or exacerbate exclusion, depending on how they are designed and applied. In digital justice, users with visual, auditory, or cognitive disabilities can only participate by not using features like screen readers, captioning, and adaptive interfaces.

²⁶ R.N. Singh & B. Kumar, *The Impact of Technology on Judicial Process: E-Courts and Virtual Hearings in India*, **Infinite J**

²⁷ D.S. Raja, *Bridging the Disability Divide Through Digital Technologies*, World Bank (2016).

On the same note, studies on the topic of legal assistance to mentally ill people point to the overlap between health and digital exclusion. According to Malathesh et al. (2021)²⁸, people

with mental health problems have multiple barriers to accessing legal services, which are even more severe in digital settings.

Critical Evaluation

The literature has shown that digital justice systems tend to take a universalist design approach, which does not consider different user requirements. This leads to systematic marginalization of the vulnerable populations thus contravening the substantive equality principle. These issues are further intensified by the absence of intersectional analysis of policy design.

- ADR as a Corrective Mechanism: Promise and Limitations of ODR.

Alternative Dispute Resolution (ADR) mechanisms are often put forward as a way of countering the shortcomings of the formal judicial systems. ODR has been heralded as a revolutionary move in the integration of digital technologies in ADR processes.

According to M. Kharola, S. Goyal and S. Saxena (2025),²⁹ digital ADR mechanisms can promote accessibility by making them cheaper and simpler to follow. Nevertheless, they warn that these advantages depend on the capacity of the users to use digital platforms.

S.D. Sarkar, S. Bhattacharjee (2023³⁰) emphasize the opportunities of ODR, which is associated with the decrease in the number of cases in the backlog and the enhancement of trial court efficiency. However, they also recognize that technological barriers and ignorance are factors that restrain its effectiveness especially among the marginalized population.

U. Goyal and A. Goyal (2023)³¹ also note that despite the convenience of ODR platforms, it is possible that they reproduce the same exclusionary dynamics as digital courts. Trust and perceived fairness might also be impacted by the lack of human interaction in some ODR processes.

²⁸B.C. Malathesh et al., *Free Legal Aid for Persons with Mental Illness and Other Marginalized Group of Population*, 58 **Asian J. Psychiatry** 102110 (2021).

²⁹ M. Kharola, S. Goyal & S. Saxena, *Digitization of ADR in India Post-COVID: Temporary Fix or Paradigm Shift?*, 5(1) **Eur. Econ. Letters** 1 (2025).

³⁰ S.D. Sarkar & S. Bhattacharjee, *Resolving Disputes Through ODR in India*, 5(2) **Revista Brasileira ADR** 45 (2023).

³¹ U. Goyal & A. Goyal, *Effectiveness of ODR Platforms*, 3(2) **Indian J. Integrated Res. L.** 80 (2023).

Critical Evaluation

According to the literature, ODR is not necessarily inclusive: it is a reflection of the

shortcomings of digital systems in general. Although the ADR has generally been less formal and more community-based and has therefore been more accessible, its digital transformation has threatened to compromise these benefits, unless it is complemented by the inclusion of design and support systems.

- Legal Aid and Pro Bono: Closing or Strengthening the Gap?

Legal aid programs and pro bono legal services are very important in dealing with the problems of access-to-justice. Online, initiatives like Nyaya Bandhu and Tele-Law seek to use technology to reach underserved groups with legal services.

According to K. Barman (2024),³² the Nyaya Bandhu scheme can help provide associations between beneficiaries and legal professionals, which leads to a better access to legal services. Nevertheless, its use of online platforms makes it questionable whether it is accessible to people without technological means.

P. Chatterjee (2023)³³ notes that institutional involvement can play a key role in enhancing the culture of pro bono, especially through law schools and bar associations. The technological integration is regarded as an opportunity to broaden the outreach, but issues of awareness and infrastructure remain.

S.B. Karmakar and K. Lama (2024)³⁴ examine the Tele-Law initiative that has the potential to reduce the justice gap in rural communities via Common Service Centres. Nevertheless, they report that the digital literacy and infrastructural limitations restrict the effectiveness of such programs.

Critical Evaluation

Although pro bono and legal aid programs are incredibly promising, their digital execution frequently does not extend to reach the poorest groups of people. This points to an important paradox: the mechanisms that are supposed to increase inclusivity can be turned into exclusionary mechanisms when digitalized and without sufficient protective measures.

The

³² K. Barman, *Access to Justice Through Pro Bono Legal Services*, 12(2) **Russian L.J.** 45 (2024).

³³ P. Chatterjee, *Pro Bono Culture in India*, 11(2) **Indian J. L. & Legal Res.** 282 (2023).

³⁴ S.B. Karmakar & K. Lama, *Legal Aid Service and Pro Bono Culture Model*, 7(1) **GAP Interdisciplinarity** 87 (2024).

lack of integration between legal aid services and digital justice platforms further reduces their effectiveness.

Analytical Conclusion

The analysis of the hypothesis indicates a regularity: the hypothetical potential of digital justice as an access-enhancing tool is compromised by the practicalities of inequality, structural constraints and design flaws. In all themes, the difference in policy intent and implementation at the ground level is noticeable.

In their existing state, digital justice systems are more likely to focus on efficiency, rather than inclusivity, thus strengthening the existing socio-economic inequalities. ADR and pro bono services can be used as the potential solutions, but their influence is still minimal since they are not sufficiently integrated and digital barriers are still present.

In this way, the hypothesis can be declared as substantially confirmed: without inclusive and supportive structures, digital justice systems should be under the threat of contributing to the continuation of exclusion instead of fulfilling the constitutional objective of equality in receiving justice.

6. Conclusion

Digitization of the justice delivery system has been largely seen as a progressive and needed change, especially in a nation such as India where delays in the judicial system and infrastructure issues have been long impediments to meaningful access to justice. The advent of e-Courts, virtual hearings, and Online Dispute Resolution (ODR) systems is a major move towards effectiveness, openness, and modernization. Nonetheless, the results of this research prove that digitisation of justice does not necessarily result in the equitable access to justice. Rather, it shows that there is a complicated interaction between technological progress and entrenched socio-economic disparities. The discussion that has been conducted in the paper proves that the main hypothesis is mostly confirmed. Although digital justice systems are intended to increase access, in reality they are more likely to marginalize marginalized populations, unless they are complemented with an inclusive system, including ADR mechanisms and pro bono legal services. According to the evidence provided by the current literature, the digital divide, which can be observed in terms of inequality in access to technology, insufficient digital literacy, and disparities in infrastructures, continues to be a serious obstacle to being an effective part of digital justice systems.

Moreover, the paper emphasizes that the issues are not only technological but structural. Technical injustice in online hearings, unfriendly and inclusive design, and insufficient support of language and disability issues, are all working to the detriment of the principles of natural justice. In its current manifestation, digital platforms can be seen as presupposing a certain degree of technological ability that is not universally distributed, thus favouring some groups

and discriminating against others.

This poses a danger of having a two-level justice system where the digitally empowered will have access to and other vulnerable groups will be excluded. Analysis of ADR and ODR mechanisms shows that although they have potential in improving the complexities of the procedure and increasing its efficiency, its digital transformation is not necessarily inclusive. Similar to digital courts, ODR platforms also have a tendency to be subject to the same constraints due to the digital divide. On the same note, the conventional ADR systems like Lok Adalat's and community-based mediation, which have been more accessible in the past, may cease to be inclusive when shifted online without proper protection. Compared to pro bono legal services and legal aid, the research study identifies that proposals like Tele-Law and Nyaya Bandhu are some significant steps in the right direction to reduce the justice gap. Nevertheless, they are limited in their efficiency due to awareness and digital literacy challenges and the infrastructural constraints. The unavailability of an easy connection between these services and digital justice platforms further diminishes their potential effects. Consequently, the mechanisms that are aimed at facilitating inclusivity can be counterproductive when they are not well designed and implemented. Among the lessons that can be learnt in this research is the necessity to reevaluate the fact that technological innovation can be perceived as equal to progress in the context of delivering justice. Justice is not the result of efficiency or speed, but a matter of fairness, accessibility, and equality.

These fundamental tenets should be aligned with digitisation, though a significant instrument. Digital justice systems will simply reflect (and possibly increase) the inequalities they aim to reduce without a conscious emphasis on inclusiveness. Thus, the way ahead does not consist in abandoning digital transformation but in redefining it in a human and rights-based fashion. This will necessitate a combination of technological innovation and social justice, designing digital platforms to support a wide range of user needs, and reinforcing institutionalized approaches to ADR and pro bono services, as an adjunct to formalized judicial action. Finally, the paper highlights the fact that justice cannot be digitised. To make digital justice systems really deliver on the promise, inclusivity should be central to the design and implementation of the policies. It is only at this point that the development of the justice system can add value to the constitutional vision of providing equal access to justice to everyone.

7. Policy Recommendations

The results of this paper show that even though digital justice systems have a promising transformative potential, they are not as effective in providing inclusive and equitable access to justice as they currently are. To overcome these deficits, a multi-dimensional strategy,

involving technological innovation, legal, institutional, and social reforms, is necessary. The policy suggestions below are organized into four main areas: technological changes, legal and policy changes, ADR incorporation and the growth of pro bono legal services.

(a) Technological Reforms: Inclusive Digital Design.

Inclusive and user-centred technological design is one of the basic steps in enhancing digital justice systems. Present tools usually presuppose a standard degree of digital literacy and language proficiency, which is not characteristic of the socio-economic diversity in India.

First, the multilingual digital platforms have to be created urgently. Since India is a linguistically diverse country, having only English or a small number of dominant languages as digital justice interfaces is an important constraint on access. ODR platforms and court portals as well as legal aid services should include regional languages to guarantee wider inclusion.

Second, the digital justice systems should comply with the universal accessibility parameters especially to individuals with disabilities. This covers aspects like compatibility with screen-readers, virtual hearing captions, voice-assisted navigation, and easy user interfaces. Technology can be used to bring inclusion or increase exclusion based on its design as emphasized in digital accessibility scholarship.

Third, the issue of the disparity between access and usability needs to be closed through an investment in legal process-specific digital literacy programs. Such programs are to be community based and should be focused on rural communities, women and other marginalized communities. In the absence of such interventions, the growth of digital infrastructure will remain useful to a small part of the society.

Lastly, low bandwidth and mobile-friendly platforms should be developed, considering the disparity in the internet connectivity in India. The digital justice systems should be able to operate in a resource-constrained environment, and so, the technological constraints should not be converted to denial of justice.

(b) Legal/Policy Reforms: Institutional Frameworks.

The reforms should be supported by the strong legal and policy frameworks that support inclusiveness and accountability.

Among the recommendations is enhancing the role of the National Legal Services Authority (NALSA) in the digital justice ecosystem. NALSA ought to be actively involved in the design and implementation of digital platforms to make sure that the needs of marginalized populations will be sufficiently met. This encompasses the liaison with e-Courts programs, Tele-Law services, and ADR mechanisms.

Further, there is a pressing need for formal recognition of digital access to justice as a legal right. With new jurisprudence emerging, access to digital infrastructure is more and more associated with the constitutional rights to equality and dignity. Recognising the right to access to digital access as a part and parcel of the right to access to justice would create a positive obligation on the State to make digital justice systems inclusive.

Also, the regulatory frameworks should deal with issues such as data privacy, cybersecurity, and procedural fairness during the digital proceedings. It is imperative to have clear guidelines so that virtual hearings and digital evidence are based on the principles of natural justice and due process.

Lastly, policy programs should be intersectional, considering the interconnected effect of socio-economic, gender, and disability-related determinants on access to justice. This involves the need to go beyond the one-size-fits-all approach and come up with specific interventions targeting certain vulnerable groups.

(c) Integration of ADRs: Developing Hybrid and Community-Based Models.

Mechanisms of Alternative Dispute Resolution (ADR) have much potential to supplement formal digital justice systems, especially when structured to tackle accessibility issues.

Among the potential solutions is the creation of hybrid dispute resolution models, which integrate digital and physical processes. In line with recent research, entirely digital ODR systems can also exclude people who are not technologically adept, but hybrid systems can be more flexible, as they can give users the option between the online and offline uses.

Moreover, mediation mechanisms that are community-based should be strengthened especially in rural settings. Panchayat level mediation and Lok Adalat's have traditionally been more easily available as they are closer as well as informal. By incorporating these mechanisms in digital platforms, preserving their community-focused nature, can make them more efficient and inclusive.

It is also important to develop user-friendly ODR platforms. These platforms should focus on simplicity, transparency and directed support so that users can use the platforms without expertise. Besides, there is need to create awareness to establish trust and adoption of ADR mechanisms.

It is, however, worth noting that ADR is not a cross-cutting solution. Similar to the case of formal courts, ODR systems can precipitate the same processes of exclusion provided there are underlying digital disparities that are handled. Consequently, integration of ADR needs to be coupled with wider measures to close the digital divide.

(d) Pro Bono Expansion: Strengthening Digital Legal Aid Networks

Pro bono legal services and legal aid systems are important to make sure that the marginalized populations are not left out of the justice delivery system. In the online environment, there is the necessity to develop and reinforce these services by new methods.

Among the recommendations, the creation of a single digital networks of legal assistance that incorporate Tele-Law, Nyaya Bandhu, and e-Courts services should be mentioned. This would facilitate a smooth liaison between legal aid providers, courts and ADR mechanisms thus enhancing efficiency and accessibility.

Moreover, legal clinics at law schools ought to actively participate in delivering legal assistance in digital form. Introducing pro bono culture in legal education can help provide a wide range of legal services and develop capacity in the future workforce of lawyers, as is emphasized in the recent scholarship.

Another potential way out is the idea of community justice workers, which is suggested in recent policy debates. These people can serve as the bridges between the digital systems and the marginalized groups, offering help with the documentation, navigation through the platform and legal education. This strategy can facilitate the disconnect between digital space and on-ground realities.

Also, awareness and outreach should be enhanced so that beneficiaries can be made aware of the legal aid services. Even the best programs will not be effective without proper awareness. Lastly, pro bono programs should be well-funded, trained, and institutionally equipped in order to be sustainable. Voluntary participation is not enough to deal with systemic inequalities in justice access.

8. Policy Perspective

Collectively, these suggestions highlight the necessity of an integrated and holistic approach to digital justice reform. Innovation in technology need to come with legal protection, institutional reinforcement and community-based interventions. Digitising existing processes is not the only aim but to rethink the justice system in a way that can be inclusive, accessible, and responsive to the needs of different users.

Finally, digital justice systems will need to be efficient and equitable in the end. Policymakers can make digital transformation an empowering, but not a disempowering, change by placing inclusiveness at the centre and employing a human-focused strategy.

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