

Bridging the Digital Divide in Access to Justice

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Abstract— Courts across the world are increasingly adopting digital technologies such as e-filing, virtual hearings, online dispute resolution, and AI-based legal tools to make justice faster, more efficient, and easier to access. While these reforms have improved the delivery of justice, they have also created new challenges. Many people continue to face barriers because of limited internet access, low digital literacy, language differences, disability, or lack of confidence in using digital platforms. As a result, digitalisation may reduce some traditional barriers while creating new forms of exclusion. This study examines these issues through a comparative analysis of the United States, the United Kingdom, and India. It explores how each jurisdiction has developed its legal and institutional framework for digital justice, identifies the groups most affected by digital exclusion, and considers emerging challenges arising from artificial intelligence, automated decision-making and digital identity systems. The study argues that digital justice should not depend solely on access to technology. Instead, governments must ensure that digital reforms are supported by accessible design, effective legal aid, and offline or assisted alternatives for those unable to use digital services. Only by combining technological innovation with strong legal safeguards can digital justice promote equal and meaningful access to justice for all.

Keywords— Digital divide, access to justice, e-courts, online dispute resolution, legal aid, comparative law, due process

I. INTRODUCTION

Access to justice is a fundamental principle of the rule of law, ensuring that individuals can effectively enforce their legal rights and obtain appropriate remedies through the justice system. Traditionally, barriers to justice have included the high cost of legal representation, geographical distance from courts, and the complexity of legal procedures. In recent years, however, digital technologies such as e-filing, virtual hearings, online dispute resolution, and AI-based legal tools have transformed the delivery of legal services, offering new opportunities to improve efficiency and accessibility.

Despite these developments, digitalisation has also created new forms of exclusion. Effective participation in digital justice depends on reliable internet access, appropriate digital devices, and the skills required navigating online platforms.

Individuals who lack these resources may find themselves unable to access legal services, resulting in a digital divide that reinforces existing social and economic inequalities. Consequently, technology should not be viewed merely as a solution to longstanding barriers but also as a potential source of new challenges to equal access to justice.

This study examines these issues through a comparative analysis of the United States, the United Kingdom, and India. These jurisdictions represent distinct approaches to digital justice, shaped by different constitutional frameworks, institutional structures, and levels of digital development. The study explores three key questions: how each jurisdiction incorporates digital justice within its legal framework, the extent to which digital exclusion affects access to justice in practice, and the emerging challenges posed by technologies such as artificial intelligence. Through this comparative analysis, the study seeks to evaluate whether digital transformation is promoting greater inclusion or creating new barriers for vulnerable users.

II. DEFINING THE DIGITAL DIVIDE

The concept of the digital divide has evolved significantly since it first emerged in the 1990s. Initially, it referred primarily to whether individuals had access to the internet. Today, it is understood as a multidimensional challenge affecting access to justice. The first level concerns **digital access**, including reliable internet connectivity, appropriate devices, and adequate network infrastructure. The second level relates to **digital skills**, requiring individuals to navigate online platforms, complete electronic forms, and participate effectively in virtual proceedings. The third level focuses on **meaningful digital participation**, recognising that even users with internet access and basic digital skills may struggle to understand legal procedures because of language barriers, disability, age, or limited legal literacy. Consequently, high levels of internet penetration alone do not guarantee equal access to justice. A truly inclusive digital justice system must therefore address not only connectivity but also usability, accessibility, and the ability of individuals to participate effectively in legal processes.



III. ACCESS TO JUSTICE AS A LEGAL VALUE

Although the United States, the United Kingdom, and India recognise access to justice through different legal frameworks, they share a common objective: ensuring that every individual has a fair opportunity to seek justice and protect their legal rights.

In the **United States**, access to justice is closely linked to the constitutional guarantee of **due process** under the Fifth and Fourteenth Amendments. The Supreme Court has consistently recognised that fairness requires more than simply informing individuals about legal proceedings. In *Gideon v. Wainwright* (1963), the Court emphasised the importance of legal representation in ensuring a fair hearing. Later, in *Turner v. Rogers* (2011), it acknowledged that individuals representing themselves must receive adequate procedural safeguards, particularly where important rights or personal liberty are at stake.

In the **United Kingdom**, the right of access to justice has developed through the common law and is reinforced by **Article 6 of the European Convention on Human Rights**, which guarantees the right to a fair trial. Although the UK does not have a written constitutional provision on access to justice, the courts have consistently recognised it as a fundamental principle of the rule of law.

In **India**, access to justice has received broader constitutional recognition. The Supreme Court has interpreted **Article 21**, which guarantees the right to life and personal liberty, to include meaningful access to justice. This interpretation is strengthened by **Article 39A**, which directs the State to provide free legal aid and ensure equal justice for all, particularly for economically and socially disadvantaged individuals.

Despite these different legal foundations, all three jurisdictions face a similar challenge. Digital technologies are increasingly being used to improve the efficiency and accessibility of justice systems. However, if these technologies are introduced without adequate safeguards, they may unintentionally exclude vulnerable groups. Therefore, the success of digital justice depends not only on technological innovation but also on ensuring that digital reforms continue to uphold the fundamental principles of fairness, equality, and meaningful access to justice.

IV. LEGAL AND INSTITUTIONAL FRAMEWORK

A. United States Of America

The United States does not provide a general constitutional right to legal representation in civil cases.

Although *Gideon v. Wainwright* (1963) guarantees legal counsel for criminal defendants, individuals involved in civil disputes such as eviction, family law, or debt recovery usually have to represent themselves. This makes accessible and easy-to-use digital legal services especially important.

Civil legal aid is mainly provided through the **Legal Services Corporation (LSC)**, a federally funded independent organisation that supports legal aid providers across the country. Along with funding legal assistance, the LSC has promoted technology to improve access to legal information and online services. However, because court digitisation is managed by individual states rather than through a single national system, the quality and accessibility of digital court services differ significantly. While some states have developed user-friendly online platforms, others continue to rely on complex digital procedures that are difficult for self-represented litigants to navigate. The experience of the United States shows that digital justice is most effective when technological innovation is supported by accessible system design, legal aid, and procedural safeguards that enable all individuals to participate meaningfully in the justice system.

Evidence from the United States suggests that the digitalisation of legal services has, in some instances, created new barriers to meaningful participation in the justice system. The American Bar Association has observed that as courts and legal aid providers increasingly rely on digital platforms for communication, a growing number of individuals fail to respond to legal proceedings because they never receive or access electronic notices. These missed communications are not simply administrative oversights; they may result in serious legal consequences, including default judgments, eviction orders, or adverse child custody decisions. Such outcomes demand significant constitutional concerns under the Due Process Clause of the Fourteenth Amendment, which guarantees individuals adequate notice and a meaningful opportunity to be heard before legal rights are affected.

Digital exclusion is particularly evident in the persistent justice gap experienced by low-income and geographically disadvantaged communities. Rural areas, Tribal Nations, and economically disadvantaged urban neighbourhoods often face inadequate broadband connectivity and limited digital infrastructure. At the same time, these communities frequently have fewer physical legal aid offices and court services. Consequently, individuals living in these areas encounter barriers in both traditional and digital modes of accessing justice.



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This combination of limited physical services and unreliable digital access illustrates that technological innovation, without corresponding investment in infrastructure and inclusive service delivery, may unintentionally deepen existing inequalities in access to justice rather than reduce them.

B. United Kingdom

The United Kingdom has modernised its justice system through the HM Courts & Tribunals Service (HMCTS) Reform Programme, launched in 2016 to expand digital court services across civil, family, and tribunal proceedings. These reforms are now supported by the Online Procedure (Rules and Practice Directions) Rules 2026, which provide the legal framework for conducting online proceedings while promoting efficient, accessible, and fair justice.

The impact of these digital reforms must be considered alongside changes to the legal aid system. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) reduced publicly funded legal aid in areas such as family law, housing, welfare benefits, and immigration, leaving many people to represent themselves in court. As more litigants use digital court services without legal assistance, it becomes essential that these systems are simple, accessible, and easy to understand. The United Kingdom's experience shows that digital technology can improve the justice system, but it must be supported by adequate legal aid and inclusive digital services to ensure equal access to justice.

To address digital exclusion, HM Courts & Tribunals Service (HMCTS) provides **assisted digital support**, offering telephone and face-to-face assistance for individuals who are unable to use online court services independently. In addition, the organisation **JUSTICE** has recommended that digital justice systems should use plain language, adopt user-friendly designs, and provide effective support for vulnerable users. However, concerns remain about whether assisted digital services receive sufficient funding to meet increasing demand. These concerns have become more significant as the closure of local courts has reduced opportunities for in-person assistance while the use of digital court services continues to expand.

C. India

India's digital justice initiatives are primarily driven by the **e-Courts Mission Mode Project** under the National e-Governance Plan, which has modernised court services through e-filing, digital case records, online payments, and the National Judicial Data Grid.

The constitutional basis for these reforms was strengthened in *Faheema Shirin R.K. v. State of Kerala* (2019), where the Kerala High Court recognised internet access as integral to the rights to privacy and education under Article 21, building on the Supreme Court's expansive interpretation of Article 21 in *Maneka Gandhi v. Union of India*. Read alongside Article 39A, these developments underscore the State's obligation to ensure that digitalisation promotes, rather than restricts, equal access to justice.

Despite notable progress in digital justice, India continues to face significant challenges due to uneven internet connectivity, particularly in rural areas, as well as barriers related to language, digital literacy, and disability. The COVID-19 pandemic highlighted these existing gaps, demonstrating that many people were unable to fully benefit from virtual court services. Recognising these issues, the judiciary and institutions such as the National Legal Services Authority (NALSA) have promoted inclusive measures, including virtual Lok Adalats, legal aid clinics, paralegal volunteers, and legal literacy programmes. These efforts underline the importance of a hybrid justice system that combines digital services with accessible offline support to ensure equal access to justice.

V. COMPARATIVE ANALYSIS

A comparison of the United States, the United Kingdom, and India demonstrates that while all three jurisdictions have embraced digital justice, they have adopted different legal and institutional approaches to its implementation. In the United States, digital justice is shaped by the constitutional guarantee of due process under the Fifth and Fourteenth Amendments. However, the absence of a general constitutional right to legal representation in civil matters means that many individuals rely on digital platforms and legal aid services to navigate the justice system. In contrast, the United Kingdom has pursued a more centralised model through the HM Courts & Tribunals Service (HMCTS) Reform Programme and the Online Procedure Rules 2026. Although these reforms have improved the efficiency of court administration, concerns remain regarding reduced legal aid under LASPO and the ability of vulnerable users to effectively engage with digital services. India's approach is constitutionally grounded in Articles 21 and 39A, supported by initiatives such as the e-Courts Mission Mode Project. Nevertheless, challenges relating to internet connectivity, language diversity, digital literacy, and disability continue to limit equal access to justice.



The comparative analysis also reveals that the nature of digital exclusion differs across jurisdictions. In India, the principal challenge is limited digital infrastructure, particularly in rural areas. The United Kingdom, despite high internet penetration, continues to face difficulties associated with digital skills and accessibility among vulnerable groups. The United States experiences a combination of both challenges, with disparities shaped by geography and socioeconomic conditions.

A common concern across all three jurisdictions is that digital justice reforms have not been matched by equally strong legal safeguards. Assisted digital services and legal aid programmes remain largely dependent on government policy and funding rather than enforceable legal rights. This suggests that digital technologies, while capable of improving efficiency, cannot by themselves guarantee access to justice. Sustainable reform therefore requires continued investment in legal aid, inclusive digital design, and institutional safeguards that ensure technology strengthens, rather than limits, equal access to justice.

VI. EMERGING AND FUTURE CONCERNS

The rapid growth of digital justice is entering a new phase, with technologies such as artificial intelligence (AI), digital identity systems, and automated decision-making becoming increasingly integrated into legal services. While these developments have the potential to improve the efficiency and accessibility of justice systems, they also raise important legal and ethical concerns that require effective regulation.

One major concern is the growing use of AI in legal aid administration. Automated systems can help assess eligibility, prioritise cases, and allocate resources more efficiently. However, if these systems rely on biased or incomplete data, they may produce unfair outcomes that are difficult for individuals to understand or challenge. Similarly, AI-powered legal chat bots are becoming common sources of legal information for self-represented litigants. Although these tools can improve access to basic legal guidance, inaccurate or misleading responses may adversely affect individuals who lack legal knowledge or digital skills. This highlights the need for human oversight, transparency, and clear accountability in the use of AI within the justice system.

Digital identity systems also present new challenges. While secure digital identification can simplify access to online legal services, individuals without recognised digital identities may be excluded from justice.

In addition, concerns relating to language barriers, disability, digital literacy, privacy, and data protection continue to affect meaningful participation in digital justice, particularly in diverse societies such as India.

Comparative experience further suggests that digital justice cannot function effectively without adequate offline support. Legal aid clinics, assisted digital services, and community-based legal assistance remain essential for individuals who are unable to navigate digital platforms independently. Therefore, the future of digital justice will depend not only on technological innovation but also on strong legal safeguards, inclusive system design, and sustained investment in legal aid. Only by balancing efficiency with fairness, transparency, and accessibility can digital transformation strengthen access to justice for all.

VII. RECOMMENDATIONS

The findings of this study indicate that the effectiveness of digital justice depends not only on technological innovation but also on strong legal and institutional safeguards. Although digital reforms have improved the efficiency of justice systems, they continue to exclude many individuals who lack reliable internet access, digital skills, or adequate legal support. To ensure that digitalisation promotes equal access to justice, several measures should be considered.

First, governments should provide a legally recognised offline or assisted alternative for individuals who are unable to use digital court services. Such support should be protected by law rather than relying solely on policy decisions or government funding. Second, every new digital justice initiative should undergo an **Access-to-Justice Impact Assessment** to evaluate its potential impact on vulnerable groups, including rural communities, persons with disabilities, older adults, and individuals with limited digital literacy or language proficiency.

Third, the growing use of AI in legal services requires a clear regulatory framework. AI tools should operate with transparency, remain subject to human oversight, and include clear accountability where automated advice causes harm. Fourth, digital justice should complement, not replace, investment in legal aid. The experiences of the United Kingdom and the United States demonstrate that technology alone cannot substitute for professional legal assistance, particularly for vulnerable litigants.

Finally, accessibility should be treated as a fundamental design principle. Digital justice platforms should use plain language, multilingual interfaces, and accessible design to ensure that all users can participate effectively.



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In countries such as India, continued investment in broadband connectivity and judicial infrastructure is equally important to reduce the digital divide, particularly in rural areas. Overall, digital justice reforms should be guided by the principles of equality, accessibility, and fairness. Technological innovation can strengthen access to justice only when supported by inclusive legal frameworks, adequate infrastructure, and sustained institutional commitment.

VIII. CONCLUSION

Digitalising the justice system is not a step in the wrong direction. In fact, the United States, the United Kingdom, and India have introduced digital reforms to make courts more accessible, reduce delays, lower costs, and improve the delivery of justice. These reforms have brought many benefits, but they have also shown that technology alone cannot guarantee equal access to justice. The findings of this study suggest that if digital reforms are introduced without considering the needs of vulnerable groups, they may create new barriers instead of removing existing ones. People who once struggled to reach a courthouse may now face different challenges, such as limited internet access, lack of digital skills, language barriers, or difficulty using online platforms. As a result, the nature of exclusion changes, even though the underlying problem remains the same. The principles of due process, fairness, and equal access to justice continue to apply in the digital age.

Therefore, as courts increasingly adopt technologies such as artificial intelligence and online legal services, governments must ensure that these systems remain transparent, inclusive, and supported by effective human assistance. Digital justice should improve access for everyone, not only for those who are able to use technology with ease.

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