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# ONLINE DISPUTE RESOLUTION (ODR) AND AI-ENABLED LEGAL AID IN INDIA: ADVANCING ACCESS TO JUSTICE OR CREATING NEW CHALLENGES

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## 1. Introduction:

Access to justice is fundamental right, recognized under international organization such as the universal declaration of human rights (UDHR)<sup>1</sup> and international covenant on civil and political rights (ICCPR)<sup>2</sup>, these conventions are the backbone of rule of law and democratic governance. Significant growth in technology integrates it with law. Digital platforms, e-courts and online dispute resolution (ODR)<sup>3</sup> mechanisms have expanded the reach of legal service. Such transformation makes dispute resolution, efficient, cost effective and fast. In India, initiatives like e-court and ODR framework aim to reduce backlogs of cases and improve procedural efficiency.

International organizations like United Nations Development Program (UNDP), emphasize that accessibility to justice is central to achieving sustainable development goal 16<sup>4</sup> (peace, justice, strong institution). Recent reports of UNDP highlight that despite the digital advancement and growth in society, marginalized & poor face barriers like poor legal awareness, inadequate legal aid and technological exclusion.

This digitalization of justice also raises concerns. The United Nations has warned that technology creates a fast and efficient justice delivery system but unequal access to internet and poor digital literacy may deepen existing inequalities and undermine fairness. Also, judicial precedents in India recognize access to justice as fundamental right under article 14 & 21, although not absolute but balances against misuse of legal procedure. In the landmark cases

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<sup>1</sup> Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810, art. 8 (Dec. 10, 1948).

<sup>2</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171, arts. 2(3), 14

<sup>3</sup> ODR: [https://www.oecd.org/content/dam/oecd/en/publications/reports/2024/10/oecd-online-dispute-resolution-framework\\_e88b6c6a/325e6edc-en.pdf?utm](https://www.oecd.org/content/dam/oecd/en/publications/reports/2024/10/oecd-online-dispute-resolution-framework_e88b6c6a/325e6edc-en.pdf?utm)

<sup>4</sup> U.N. Dev. Programme, Justice for All and the Sustainable Development Goals (2022).

of *Maneka Gandhi v. Union of India*<sup>5</sup>, Supreme Court of India protected access to justice under article 21<sup>6</sup>, this expanded the meaning of the right to life and included traits like fair and reasonable procedure in it. Strengthening the accessibility aims at reducing delays, improving transparency and easy access to case information.

Therefore, India requires a rights base AI governance framework for ODR systems because the digital age offers opportunities and ensures that justice remain fair, equal and accessible to everyone but has its own challenges like enormous algorithm and automation leading to inherently biased response. So as a developing economy we need to ensure that development do not lead to injustice.

## **2. Research methodology**

This research paper adopts a doctrinal and analytical research methodology to study the role of online dispute resolution (ODR) and AI enabled legal aid in improving access to justice in India. The study is qualitative in nature and based on secondary source of data.

The primary source includes constitution of India, statutes such as legal service authorities act, 1987, the information and technology act 2000 and important judicial decision including *Maneka Gandhi v. Union of India*, *Anita Kushwaha v. Pushap Sudan*.

Secondary sources include book, government reports and international framework and online legal database.

The main question is what role play by AI enable legal aid in reducing judicial delay and improve accessibility also to show the challenges in actual implementation.

Objective to examine the role of ODR and compare with international framework and at the last show the balance approach for developing an inclusive, transparent and accountable, digital justice system.

The research follows a comparative and analytical approach by examining India's legal framework along with international developments relating to AI and ODR. The study also

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<sup>5</sup> *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248 (India).

<sup>6</sup> INDIA CONST. art. 21.

shows challenges such as digital divide, algorithmic bias, data privacy and accountability.

The objective is critical analyze how technology can strengthen an accessible, fair and transparent justice delivery system in India along-side the challenges.

### 3. Literature Review

#### 3.1 Access to Justice and Legal Aid:

The concept of access to justice has been discussed by Mauro cappelletti, considered as the founding scholar of modern access to justice movement. In his influential work *access to justice: the worldwide movement to make rights effective (A general report 1978)*<sup>7</sup>, discussed three waves of access to justice is legal aid for the poor, representation of collective public interests, Alternative and simplified dispute resolution mechanisms. Similarly, Upendra Baxi, in *access, development and distributive justice: Access Problems of the rural population (1976)*<sup>8</sup>, in this he argued that access of justice is not merely formal right to approach courts but the practical ability of all to obtain effective legal remedies especially poor, rural population and marginalized groups. He also argued that there are several barriers like economic, social and institutional prevent the disadvantage communities from realized their legal rights. Therefore, justice system should be affordable, accessible and helps the vulnerable sections of society also have ensure that achieve substantive justice rather than merely procedural justice. The view of both of the scholar view focus on institutional reform and legal aid mechanism and adopt socio-economic condition of communities affect to access of justice respectively, these view also connected with Article 14, 21 and 39A<sup>9</sup>, highlight the role of legal services affordability and accessibility in justice delivery system also highlight that legal aid is essential but persistent barrier such as legal literacy, financial constraints, geographical limitations continue to restrict its effectiveness.

#### 3.2 Online Dispute Resolution and Justice Delivery

A substantive body of literature examines Online Dispute Resolution as extension of Alternative Dispute Resolution (ADR). *Ethan Katsh and Janet Rifkin in Online Dispute*

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<sup>7</sup> Mauro Cappelletti & Bryant G. Garth, *Access to Justice: The Worldwide Movement to Make Rights Effective* (Sijthoff & Noordhoff 1978).

<sup>8</sup> Upendra Baxi, *Access, Development and Distributive Justice: Access Problems of the Rural Population*, in *Towards a Sociology of Indian Law* 248 (Satish Saberwal ed., 1982).

<sup>9</sup> INDIAN CONST. arts. 14, 21, 39A.

*Resolution: Resolving Conflicts in cyberspace (2001)*<sup>10</sup>, argued that technology can function as a “fourth party” in dispute resolution” argued by scholar that technology functions as a “fourth party” in dispute resolution by assisting communication, information management and settlement processes.

Additionally, “NITI Aayog (2021) highlights ODR’s potential in reducing pendency and increasing access to justice in India”<sup>11</sup> also mention how ODR can improve accessibility and reduces litigation costs, procedural delays and geographical boundaries. Studies by the United Nations Commission on International Trade Law (UNCITRAL) particularly the *UNCITRAL technical*

*Notes on Online Dispute Resolution (2016)*<sup>12</sup> and the Organization for Economic Co-operation and Development (OECD)<sup>13</sup> report also recognize ODR as an effective mechanism for solving low value and high value disputes with the help of digital platform.

However, scholar Richard Susskind in *Online Courts and Future of Justice (2019)*<sup>14</sup>, show caution that technological innovation should be viewed as a complete replacement for courts and emphasis issue related to procedural fairness, transparency and enforceability remains significant concerns. Similarly Frank Pasquale in *The Black Box Society: The Secret Algorithmic that Control Money and Information (2015)*<sup>15</sup>, also show caution that algorithmic based decision making may create “black box” system in which the reasoning behind outcomes becomes difficult to identify. Collectively these scholars view on ODR show significant opportunities but also have major challenges, as result they emphasized that ODR should function as a complementary mechanism rather than a substitute of justice delivery system.

### **3.3 AI in Judicial and Dispute Resolution Systems:**

Several studies have explored the integration of Artificial intelligence (AI) in judicial administration and dispute resolution mechanisms. “UNESCO (2025) emphasized human

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<sup>10</sup> Ethan Katsh & Janet Rifkin, *Online Dispute Resolution: Resolving Conflicts in Cyberspace* (Jossey-Bass 2001).

<sup>11</sup> NITI Aayog, *Designing the Future of Dispute Resolution: The ODR Policy Plan for India* (2021).

<sup>12</sup> U.N. Comm’n on Int’l Trade Law (UNCITRAL), *Technical Notes on Online Dispute Resolution*, U.N. Doc. A/CN.9/888 (2016).

<sup>13</sup> Org. for Econ. Co-operation & Dev. (OECD), *Recommendation of the Council on Access to Justice and People-Centred Justice Systems*, OECD/LEGAL/0498 (2023)

<sup>14</sup> Richard Susskind, *Online Courts and the Future of Justice* (Oxford Univ. Press 2019).

<sup>15</sup> Frank Pasquale, *The Black Box Society: The Secret Algorithms That Control Money and Information* (Harvard Univ. Press 2015).

oversight in AI assisted justice system<sup>16</sup>” this study highlights how the human oversight is important in justice delivery system. Justice D.Y. Chandrachud<sup>17</sup>, through various judicial speeches and discussions on technology in courts, has emphasis that technology and AI is an instrument with the help of that can improve accessibility of justice system but it is not substitute of judicial reasoning. Similarly, Arghya Sengupta<sup>18</sup>, through his work at Vidhi Centre for Legal Policy on judicial reforms and technology, argued that digital technologies can strengthen judicial administrative and case management but the adoption of AI accompanied by institutional safeguards to preserve fairness, transparency and public trust in justice system. Existing literature acknowledges the benefits of AI to improve efficiency and accessibility but also highlights concerns of AI regarding algorithmic bias and accountability. Therefore, scholar agree that AI should use under human oversight and function as supportive tool rather than replacement of judicial decision making and reasoning for dispute resolution.

### 3.4 Research Gap:

Existing literature has examined that access to justice, legal aid, online dispute resolution and AI as a separate study. Scholars such as Mauro Cappelletti focus on access to justice and Ethan Katsh, Janet Rifkin and Richard Susskind have examined the role of technology and ODR in dispute resolution. Similarly, the view on AI by D.Y. Chandrachud and Arghya Sengupta focus on judicial administration, efficiency, transparency and accountability. However, only limited research on combined role of AI based legal aid and online dispute resolution in strengthening access to justice in Indian legal system.

Additionally, existing studies often focus either on opportunities comes with technology or risks associate with AI but only limited focus on AI enabled legal tools and ODR mechanisms to evaluate how both of these enhance accessibility and affordability also remains consistent with constitutional principles.

Furthermore, this study also discusses international framework with the suggestion to India system what can adopt from the international framework to Indian justice delivery system.

Therefore, this research is bridges the gap by critically examine role of AI enabled legal aid and

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<sup>16</sup> UNESCO, Recommendation on the Ethics of Artificial Intelligence, SHS/BIO/AHEM/2021/PI/H/1 (2021).

<sup>17</sup> Dhananjaya Y. Chandrachud, Chief Justice of India, Address at the Conference on Technology and the Indian Judiciary (2023).

<sup>18</sup> Arghya Sengupta, Technology and Judicial Reform in India, Vidhi Ctr. for Legal Policy (2023).

ODR in improving access to justice and also show the ethical, legal and socio-economic challenges associated with their implementation.

#### **4. Background and context behind the adoption of the ODR and AI enabled justice**

Indian judicial system is facing a serious concern millions of pending cases, inadequate legal aid, geographical and socioeconomic barriers to access court. Articles 14, 21, and 39A of the Constitution provide the framework for equality before law, fair and speedy justice. This is duty of government to provide free legal aid.

National Legal Services Authority (NALSA) was established under the Legal Services Authorities Act, 1987. It is the apex institute for legal aid and provide free and accessible legal aid. NALSA organize Lok Adalats and support marginalize communities. Despite these reform in legal aid remains inaccessible to many people because of lack of awareness, financial barriers and backlogs of huge cases.

International organizations like World Bank also recognizes ODR and AI enable aid through its Global Program on Justice, Rule of Law and the Global Forum on Law have promoted legal reforms and digital tools to improve access to justice. ODR has emerged globally as an efficient and credible alternative for the traditional court-based dispute resolution system.

#### **5. Constitutional and legal framework is Foundations of access to justice in India**

Access to justice is core principle of the Indian legal system and guarantees equality and life with dignity. Although “access to justice” is explicitly mentioned in constitution and continue interpreted by the judiciary, it is a important component of fundamental right under article 14 & 21.

##### **5.1 Indian Constitution**

**5.1.1. Article 14<sup>19</sup>:** Guarantees equality before law and equal protection of law. It ensures that justice mechanisms shall be nondiscriminatory and accessible to all. The supreme court consistently held that access to justice is one of the most important components of the constitution. In *Hussainara Khatoon v. State of Bihar*, court held that access to legal assistance

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<sup>19</sup> Constitution of India: article 14

and speedy justice is essential for ensuring equal protection of laws. Online dispute resolution and AI enabled legal aid strengthen these by reducing cost barrier, distance and procedural complexity.

**5.1.2. Article 21<sup>20</sup>:** This article guarantees that no person shall be deprived of life or personal liberty. When we interpreted this article broadly also include the right to a fair trial, speedy justice and legal aid, making access of justice a fundamental right. These right form the foundation for the ODR and AI enabled justice. In *Khatri v. State of Bihar*, court held that access to legal representation is important for ensuring fair and just legal process specially for marginalized section of society. This principle is closely connected with AI and ODR based justice system because it helps access of justice, reduce cost barrier, give primary level of legal assistance, procedural guidance also gives fast and efficient resolution of dispute

**5.1.3. Article 39A:** It is added by the 42<sup>nd</sup> constitutional amendment act 1976. Directive principle of state policy mandates the state to provide free legal aid and ensure that justice should not denied due to socio economic condition or other disabilities. In *M.H. Hoskot v. State of Maharashtra*, court held that access to legal assistance is an essential element of a fair justice system and linked the principle of free legal aid also guarantees of fairness and access to justice. The justice cannot be meaningful unless individual do not have sufficient opportunities to understand and exercise their rights. This case becomes foundation for adoption of ODR and AI enabled legal aid in India, through the adoption of modern mechanism for making legal service affordable and accessible with the help of technological contribution to achieve justice for the wider population and bridge the gap between the citizen and justice system.

## 5.2 National Legal Framework / Acts

The legal framework for access to justice in India has evolved to include and adapt to digital transformation:

**5.2.1. The legal service authority act, 1987<sup>21</sup>:** Focus on providing free legal aid and promotion of justice through institutional mechanism E-Lok Adalats, e-courts, legal aid clinic. Section 4f, encourage the settlement of dispute outside of court through arbitration, negotiation, conciliation. Section 19 deals with organization of Lok Adalat also includes e-Lok Adalats

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<sup>20</sup> Constitution of India: article 21

<sup>21</sup> Legal Services Authorities Act, No. 39 of 1987, §§ 4, 12, India Code (1987).

where parties can resolve dispute virtually. Section 7 and 10 gives the outline to the district and state legal service authorities to promote, encourage and fund amicable settlement.

**5.2.2. The information technology act, 2000<sup>22</sup>:** IT act does not explicitly mention about ODR but section 4, support enabling electronic records, it allow disputing parties to submit their pleading, claim and documents digitally, section 5 give legal recognition of electronic signature, it help parties to sign arbitration agreements or conciliation settlements online using digital signature, making contracts fully enforceable without physical presence, section 10A gives validity of contacts formed online means if a contract is formed through email, web chats and clicking on website are fully enforceable in law also if a contract breach online agreement to arbitrate and mediate remains valid and legally binding.

**5.2.3. The Arbitration and conciliation Act, 1996<sup>23</sup>:** It supports Online Dispute Resolution (ODR) by providing a legal framework where digital proceedings are deemed valid, binding, and enforceable as court decrees under Section 36, Key support mechanisms include validating electronic communication (Sections 4 & 7), facilitating virtual hearings, and enforcing digital, reasoned awards, ensuring ODR is legally compliant, efficient, and cost-effective.

**5.2.4. Bharatiya Shakshya Adhinyam 2023<sup>24</sup>:** It support and validate the digital records. Section 61 give legal validity, enforceability and admissibility of digital and electronic records cannot denied only bases of exist online. Section 63 deals with ODR in an indirectly way by governing the admissibility, evidentiary value and certificate requirements for electronic evidence used in online and virtual proceeding.

**5.2.5. Civil Procedure Code, 1908<sup>25</sup>:** While the CPC is a procedural law for traditional court litigation, it was amended to include specific provisions that encourage settling disputes outside the courtroom to reduce court backlog and ensure speedy justice. Section 89 read with Order 10, Rules 1A, 1B and 1C of CPC, It gives procedural framework to the court to direct the parties to choose alternative dispute resolution methods like mediation or conciliation.

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<sup>22</sup> Information technology Act, No. 21 of 2000, §§4,5,10A, Indian code (2000)

<sup>23</sup> Arbitration and Conciliation Act, No. 26 of 1996, §§ 7, 35, 36, India Code (1996).

<sup>24</sup> Bharatiya Sakshya Adhinyam, No. 47 of 2023, § 61, 63, India Code (2023).

<sup>25</sup> *Civil procedure code, 1908*

### 5.3. International legal framework

**5.3.1. United Nations commission on International Trade Law<sup>26</sup>:** Adopted Technical notes on ODR (2016), Emphasize on fairness, transparency, due process and accountability in digital dispute resolution

**5.3.2. United nations under sustainable goal 16 (SDG 16)<sup>27</sup>:**

Promotes access to justice for all and encourage use of digital tools strengthen justice systems. ODR aligns with this SDG 16 to improve accessibility and efficiency.

**5.3.3. World Bank<sup>28</sup>:** This work on improving justice systems through its programs Like GPJROL (Global program on justice and rule of law) and GFLJD (Global forum on law, justice and development) these initiatives make courts and legal system more efficient, fair and accessible. These types of initiative help countries by supporting legal reforms with the help of introducing digital tools in courts and improving access to justice for people.

## 6. Case studies

**6.1. Swapnil Tripathi v. supreme court of India 2018<sup>29</sup>:** it was held that live streaming of court proceedings enhances transparency and accessibility of justice and help citizen to understand proceeding remotely also promote legal education and transform judiciary through virtual court, e-filing, hybrid hearing and technology driven justice reform.

**6.2. Anita Kushwaha v. Pushpa Sudan 2016<sup>30</sup>:** Honorable court held that access to justice is essential part of right to life and personal liberty under article 21 and also gave four important components of justice:

1. Effective adjudicatory mechanism
2. Reasonable accessibility
3. Speedy dispensation of justice

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<sup>26</sup> *United Nations commission on International Trade Law*

<sup>27</sup> *United nations under sustainable goal 16 (SDG 16)*

<sup>28</sup> *World Bank*

<sup>29</sup> *Swapnil Tripathi vs Supreme Court Of India on 26 September, 2018*

Equivalent citations: AIR 2018 SUPREME COURT 4806, 2018

<sup>30</sup> *Anita Kushwaha v. Pushap Sudan, (2016) 8 SCC 509 (India)*

#### 4. Fair and impartial adjudication

**6.3. *Suk Das v. Union Territory of Arunachal Pradesh 1986***<sup>31</sup>: Chief Justice P. N. Bhagwati held that free legal aid at state cost is an essential component of a fair, just, and reasonable procedure guaranteed by article 21. Expecting an indigent or illiterate person to apply for aid would “make a mockery of legal aid”. Courts must therefore proactively inform every unrepresented accused of the right to counsel at state’s expense and offer such representation unless refused. The trial’s failure to meet this obligation constitutes a “fatal constitutional infirmity.”

**6.4. *Narendra Shridhar Mirajkar v. State of Maharashtra 1966***<sup>32</sup>: The court discussed the principle of open courts and transparency in judicial proceeding is essential for public confidence in judiciary. However, the court also ruled that proceedings may be restricted in exceptional cases to ensure fairness and protect privacy.

### 7. Role of online dispute resolution (ODR) in justice delivery

Online dispute resolution (ODR) refers to the use of digital technology and internet platforms to resolve dispute outside of courts with the help of negotiation, mediation, conciliation and arbitration. It is broadly observed as digital evolution of Alternative dispute resolution (ADR), combining legal process with technology to provide accessible and costs effective justice. ODR has emerged as a significant component for strengthening justice delivery. The COVID-19 pandemic accelerated the rapid adoption of digital justice platforms for dispute resolution. International organizations including the United Nations Commission on International Trade Law and organization for economic co-operation recognize the importance of ODR for enhancing access to justice in the digital age.

**7.1.1. *Enhancing access to justice***: The most significant contribution of ODR is its ability to remove geographical boundary and financial cost, this allows everyone to participate in proceeding remotely. Traditional dispute resolution requires repeated court appearances and travel cost which affect rural populations, women and economic weaker section of society. According to *NITI Aayog Designing the Future of Dispute Resolution*, ODR can significantly

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<sup>31</sup> Suk Das & Anr vs Union Territory of Arunachal Pradesh on 10 March, 1986 AIR 991, 1986 SCR (1) 590, AIR 1986

<sup>32</sup> Narendra Shridhar Mirajkar v. State of Maharashtra, AIR 1967 SC 1, (1966) 3 SCR 744

improve access to justice by allowing parties to participate remotely through digital platform. This aligns with article 14, 21, 39A of the constitution of India which collectively ensure the equal access to justice. ODR strengthen this constitutional mandate by making dispute resolution more inclusive and citizen centric

**7.1.2. Reducing Judicial Backlog and Delay:** The India judiciary has continued struggle of pending cases, currently 55 million cases are pending across all tiers of the Indian judiciary<sup>33</sup>. Many disputes are related to consumer, commercial, e-commerce, banking, insurance and small value claims, these types of case do not require lengthy court proceedings. ODR provides an effective mechanism for reducing institutional pressure and resolving such type of dispute outside the court with the help of digital case management, online document submission and virtual hearing. By diverting suitable disputes cases from court, ODR functions as a complementary mechanism and help courts to focus on more complex constitutional and criminal cases that require judicial determination.

**7.1.3. Speedy and Costs effective justice delivery:** One of the most significant advantages of ODR is its ability to provide a faster and cost effective alternative to traditional court proceeding. Organization for Economic Co-operation and development (OECD) has recognized that ODR enhances procedural efficiency by technology driven mechanisms. Similarly, United Nations Commission on International Trade Law (UNCITRAL), in its Technical Notes on Online Dispute Resolution, highlights that ODR is effective for low value and high-volume disputes resolution as it facilitates resolution of dispute on time while minimizing administrative and operational cost of dispute resolution.

**7.1.4. Promoting digital legal aid and inclusion:** ODR can be integrate with AI based legal assistance tool such as legal chatbot and virtual assistance. These technological mechanisms help citizen to understand complex legal proceeding and obtain preliminary legal guidance. According to the World justice project's Measuring the Justice Gap Report<sup>34</sup> has emphasized that approximately 5.1 billion people worldwide experience at least one unsatisfied justice need highlight the importance of technology base justice system to bridge the gap between citizen and justice institutions. Digital justice tools can enhance legal empowerment by increasing

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<sup>33</sup> National Judicial Data Grid, Case Pendency Statistics, <https://njdg.ecourts.gov.in> (last visited June 18, 2026).

<sup>34</sup> World Justice Project, Measuring the Justice Gap: A People-Centered Assessment of Unmet Justice Needs Around the World (2019), <https://worldjusticeproject.org>.

access to justice system. In India such integration can strengthen the objectives of article 39A by making legal assistance more accessible to the women and marginalized section of society.

### **8. AI Enabled Legal Aid: Tools and their Applications.**

Artificial intelligence is rapidly transforming legal aid system worldwide by improving the accessibility, efficiency and affordability of legal services. In India, despite constitution guarantees access of justice under article 14, 21, 39A, several population continue to face barriers in access legal assistance due to financial, lack of awareness and geographical limitations. AI enabled legal tools assist individual for understanding legal procedure, conducting legal research and help in dispute resolution.

The significance of AI based legal assistance is not replacing lawyer or judges but strengthening the justice delivery system by expanding access of justice. The United Nation Development Program (UNDP), People-Centre Justice for Sustainable

Development Goals: A Global Vision for Closing the Justice Gap (2019)<sup>35</sup> has emphasized that digital justice technologies can enhance legal system by improving access to legal information, legal assistance and dispute resolution mechanism for vulnerable and marginalized section of society.

#### ***AI Tools and their application***

##### **8.1. Legal chatbots and virtual assistants:**

AI based legal chatbots and virtual assistants provide primary level of legal information and procedural guidance. Platform such as DoNotPay and LegalRobot enable users to access basic legal assistance at primary level without involvement of legal professionals. This reduces informational asymmetry between legally trained professional and ordinary citizen. Their significance also linked with Article 39A of constitution of India, which mandates state to ensure that justice is not denied due to socio economic condition or other disabilities.

According to National Legal Services Authority (NALSA), eLok Adalats has resolve over 1 crore cases in a single nationwide sitting, this shows the growing capacity of digital platform

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<sup>35</sup> U.N. Dev. Programme, People-Centred Justice for Sustainable Development Goals: A Global Vision for Closing the Justice Gap (2019), <https://www.undp.org>.

to supports as supplement to traditional legal aid services. Courts may rely on AI based tools for administrative and research base function. However, excessive reliance on chatbots generated advice may raise concern regarding accuracy and accountability.

Therefore, AI based chatbots can complement legal aid mechanisms to provide appropriate legal reform and simplify complex legal procedure rather than a substitute for professional legal representation.

**8.2. Automatic Document drafting and research:** In India, legal practitioners are not required to engage only with constitutional provision and parliamentary legislation but also have vast area to cover judicial decisions, delegated legislation, regulatory guidelines and tribunal rulings. The volume of legal material is increasing and the present significant challenges is to identify relevant authorities and ensuring accurate legal analysis within specific timeframe.

The Supreme Court introduced the Supreme Court Vidhik Anuvaad Software (SUVAS), AI based translation initiative designed to make judicial decisions accessible in multiple languages. AI based legal research tools is buildes upon same objective with the use of natural language and processing techniques to identify relevant precedents and statutory provisions more effectively than conventional search methods. These tools are helpful in preparing contract, pleading, affidavits, legal notices with standard legal formats and statutory requirements with less drafting error and improving the consistency of legal documents. These tools are not merely administrative innovations but important mechanisms for improving accuracy and accessibility. However, over reliance on algorithm generated outputs, particularly where legal analysis requires context base interpretation and multifaceted application of precedent. Basically, human verification remains essential to ensure that technological efficiency does not compromise legal accuracy and final judgment.

**8.3. Predictive Analytics Tools:** The predictive analytical tools such as Lex Machina use to specifically analysis large number of judicial data to identify litigation trends and possible outcomes of cases. These systems assist lawyer and legal aid institution to identify legal risks and new strategies of litigation but their role only advisory not determine the final outcome.

International organizations such as UNESCO have emphasized AI should operate under human oversight but also ensure not use as the replacement of core judicial reasoning. Human oversight is necessary for three reasons. First, judges remain constitutionally accountable for

legal decision. Second, human oversight remove the error and biasness present in algorithm. Third, judicial reasoning requires ethical and contextual assessments.

If not have adequate regulatory mechanism for AI may reflect historical and institutional inequalities because AI system trained on historical data. Additionally, judicial decision also based on ethical and factual evaluation that cannot fully covered by statistical prediction.

Therefore, these tools can strengthen access to justice by supporting legal system but the final decision should continue to remain under human control.

**8.4. Legal awareness and access to the justice:** One of the most significant contributions of AI based legal aid is its ability to improve legal awareness and access to justice. AI based platform can explain government schemes, complex legal procedure and dispute resolution mechanisms in simple and multiple language.

The importance of legal awareness is reflected in the Consumer Protection Act, 2019, section (9)<sup>36</sup> expressly recognizes consumer awareness as a fundamental consumer right and ensure that individuals are informed about the remedies available to them under the law. In the financial sector, both the Reserve Bank of India's integrated Ombudsman Scheme<sup>37</sup> and SEBI's Investor Protection and Education initiatives<sup>38</sup> emphasize awareness of grievance redressal mechanisms as a necessary condition for enforcement of consumer and investor rights.

The use of AI in justice delivery must operate within the constitutional frameworks under article 14, 21, 39A of constitution of India. But, also have to ensure AI system must not produce discriminatory outcomes or restrict the accessibility of justice.

Collectively, these AI based tools show that technology can enhance, legal awareness, research, legal assistance and dispute resolution. However, their effectiveness still depends on digital literacy, internet connectivity, information quality provides to the AI tools and human oversight. Therefore, AI should be mechanism for strengthening legal system rather than replacing existing justice delivery mechanisms.

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<sup>36</sup> Consumer Protection Act, No. 35 of 2019, § 2(9), India Code (2019).

<sup>37</sup> Reserve Bank of India, Integrated Ombudsman Scheme, 2021, <https://www.rbi.org.in>.

<sup>38</sup> Sec. & Exch. Bd. of India (SEBI), Investor Protection and Education Initiatives, <https://www.sebi.gov.in>.

## 9. Comparative Analysis between different countries and organization's framework with India

**9.1. AI-enabled systems used by countries:** Several countries have adopted artificial intelligence to improve efficiency and accessibility of their justice system. Brazil's VICTOR AI<sup>39</sup>, developed by the Federal Supreme Court, is primarily used for reducing the massive backlog of cases, identifying "general repercussion" issues and assisting in managing the country's backlog of cases. By automatic classification of primary level of cases, the system help judges to focus on complex legal question.

Similarly, Argentina's PROMETEA<sup>40</sup> is a pioneering AI, used in judicial and administrative processes. The platform assists in drafting legal documents and administrative decision as a result reduce the time require for repetitive legal tasks. Spain & Croatia use similar type of tool for summarization, classification and anonymization of legal documents, enhancing both transparency and protection of data. In the USA based AI<sup>41</sup> is widely used through legal aid chatbots, document automation, technology base initiative supported by Legal service corporation. These technological programs assist low income individuals by providing basic legal guidance and facilitating access to legal service at low cost.

**9.2. International organization's Framework adopt AI enable framework:** the development of AI in justice systems has also inspired the new international regulatory frameworks designed to ensure that technological innovation remains continue with the fundamental rights. Most notably the council of Europe AI Convention (2024)<sup>42</sup>, the OECD AI Principles (revised 2024)<sup>43</sup> and UNESCO Guideline on use of AI in courts and tribunals (2025), are the framework which emphasize that AI must operate within human rights base approach, ensuring transparency, accountability and fairness. However, these frameworks does not support though that AI can totally replace human judges or independently decide outcome of the cases. AI is viewed as a supportive tool to assist judicial process but maintain human oversight on decision

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<sup>39</sup> Supremo Tribunal Federal (Braz.), Projeto Victor: Artificial Intelligence Applied to the Brazilian Supreme Court, <https://portal.stf.jus.br> (last visited June 18, 2026).

<sup>40</sup> Ministerio Público Fiscal de la Ciudad Autónoma de Buenos Aires, Prometea: Artificial Intelligence System for Judicial and Administrative Decision-Making, <https://mpfciudad.gob.ar> (last visited June 18, 2026).

<sup>41</sup> Legal Servs. Corp., Technology Initiative Grant Program, <https://www.lsc.gov>.

<sup>42</sup> Council of Europe, Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (2024), <https://www.coe.int>

<sup>43</sup> Org. for Econ. Co-operation & Dev. (OECD), OECD Principles on Artificial Intelligence (rev. 2024), <https://oecd.ai>.

making.

### **9.3. India Legal framework in the direction of AI enabling in justice system**

The Supreme court of India has adopted AI based tools such as SUPACE (Supreme court portal for assistance in court efficiency), this assists judges in legal research, case analysis and identifying relevant precedent. Another tool is SUVAS<sup>44</sup> (Supreme Court Vidhik Anuvaad Software), helps in translating judicial documents into regional languages. Thereby, improve accessibility for litigation across India. The committee of Supreme Court has also promoted digital transformation<sup>45</sup> which includes case management, e-filing and virtual hearings supported by AI based features, however the justice system also believed that AI cannot replace judicial reasoning. the decision must be made by the judges not by the algorithm because of concerns about biasness, transparency and accountability

### **9.4. Now the main question is why India still behind in AI enable framework**

India's approach towards AI in judicial system remain fragmented, infrastructure driven and mostly based on experimental rather than rights based and regulatory in nature.

One of the major reasons behind the success of the countries such as Brazil lies in their institutional integration of AI into judicial administration. Brazil's VICTOR AI is developed by supreme federal court and specially designed to identify repetitive constitutional issues and filter thousands of appeals efficiently. This system technological interconnect the courts, database and procedural system. However, in India continue to struggle with inconsistent digital access across the state, lack of technological infrastructure, several types of procedural delay even in e-filing system. The result of this AI system in India largely remains assistive rather than any concrete transformative.

Additionally, In India not have any dedicated ethical and regulatory safeguard as like foreign countries. EU's AI governance model adopts human rights base approach emphasis on transparency, accountability, judicial oversight and protection against algorithm base discrimination.

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<sup>44</sup> Supreme Court of India, Supreme Court Vidhik Anuvaad Software (SUVAS), <https://main.sci.gov.in> (last visited June 18, 2026).

<sup>45</sup> E-Committee, Supreme Court of India, Vision Document for Phase III of the e-Courts Project (2023), <https://ecommitteesci.gov.in>.

Additionally, the success of AI enabled justice system is interconnected to digital literacy and internet accessibility but India continues to face digital divide, especially rural populations, women, economic weaker section and marginalized communities.

The comparative analysis demonstrated that countries that have successfully integrated AI into justice systems have adopted not only technological innovations but also institutions and regulatory framework to safeguards. India's progress in AI based justice is significant but requires significant but require stronger regulatory framework and high level of digital inclusion within judicial administration to achieve similar outcome as like other country.

### **10. The current state of legal aid in India**

The effectiveness of legal aid in India highly depends functioning of National legal services authority (NALSA) and State legal service authority in India (SLSAs). NALSA is apex statutory body of legal aid created under the legal service authorities act, 1987 aiming to provide support and legal aid to the poor and marginalized group. they also play a significant role in organizing Lok Adalats, which provide an alternative disputes resolution by facilitate quickly and efficiently settlement of dispute without long courtroom procedures. SLSAs is body at the state level and under the NALSA. SALSs helps in legal aid programs also ensures that legal aid service reaches grassroot levels of state.

Despite this institutional framework like Lok Adalats, legal awareness program and free legal aid for access to justice, still have major challenges in these institutions. The existence of legal aid institution does not automatically guarantee effective access to legal remedies. One of the principal reasons is that a considerable section of population remains unaware of their legal rights and availability of legal aid services. These challenges become more critical in rural communities, women, economic weaker section and marginalized communities. Additionally, the legal aid provides free of cost to citizen but there are several indirect costs such as transportation expenses, loss of daily wages and complexities of procedure often lead to discourage from approaching the justice institution. Furthermore, the backlog cases of judiciary make this highly inconsistent, according to National Judicial Grid (NJDG) more than 55 million cases are pending across various court of India. These delays undermine the objective behind these institutions and also undermine believe of citizen in justice delivery system.

The initiatives such as Lok Adalats and legal awareness program have contributed very much

in expanding access to justice, determine challenges related to legal literacy and procedural delay continue to limit their effectiveness. Persistence of these challenges suggested that only expansion of institution alone is not sufficient unless accompanied by effective outreach and legal literacy. To overcome those challenges, several steps have to take by the authorities like increasing awareness about legal rights, increasing funds for legal aid services, encouraging lawyers to work pro bono for the people and creates some reform to reduce delay in justice delivery system. Additionally, also have to add some innovative approach such as AI enabled legal aid tools for adequate solution to improving access to legal awareness, reduce. procedural complexities and strengthening the overall efficiency of justice delivery system.

## **11. Opportunities of AI enabled ODR framework**

The opportunities of AI based ODR lies not in replacing traditional justice system mechanism but to support them by reducing barriers of cost, distance, language and delay in procedure. Along side also have to ensure preservation of fundamental rights and principles to access, fairness and accountability of justice system.

### **11.1. Inclusivity**

The benefits of using AI in judicial system can be estimated by its successful implementation across various jurisdiction for the purposes ranging from case management to risk assessment. However, the risks associated with the use of AI such as overreliance on unverified AI outputs, biases, confidentiality concerns among others still pose certain challenges.

*India's e-Courts project<sup>46</sup>: It has been developed in three phases: Phase I (2007–2015):* created basic digital infrastructure like, LAN, servers, and trained court staff, introducing tools for cause lists and case tracking.

Phase II (2015–2023): advanced to system-wise digitization through CIS 3.0, the National Judicial Data Grid for real-time case data, and services like e-Filing, e-Payments, and mobile access.

Phase III (2023–present): focuses on full digitization, AI integration, and “maximum ease of

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<sup>46</sup> E-Committee, Supreme Court of India, Vision Document for Phase III of the e-Courts Project (2023), <https://ecommitteesci.gov.in>

justice” including ICJS integration and technologies like AI-ML, OCR, and NLP.

Additionally, the Supreme Court of India uses AI tools such as SUPACE (case analysis), SUVAS (translation), TERES (transcription), and AI-based e-Filing. Also other initiatives like Adalat AI, AI Saransh, NyayKaushal, and LESA chatbot, along with High Kerala Court guidelines<sup>47</sup>, emphasize transparency, accountability, and human oversight.

The significance of these AI based initiative lies not merely in technological modernization but in ability to reduce geographical, linguistic and procedural barriers have limit the access of justice prior. By enabling remote participation and multiple language access with the support of AI system can make justice delivery more inclusive for individuals who traditionally faced difficulties in engaging with formal legal institutions.

However, the benefits of inclusivity may remain unsolved unless the issues related to the digital literacy, internet accessibility and technological infrastructure are need to be addressed in rural and underserved region.

## 11.2. Affordable and accessible justice

Access to justice for all is fundamental underpinning of democracy and base of a strong social contract. It is important component for inclusive development, economic participation and well-being. These development are also consistent with article 14, 21, 39A of constitution of India, which specifically ensure equality before law, fair procedure and equal access to justice. Furthermore, the Sustainable development goal (SDG) 16.3<sup>48</sup> is to promote the rule of law at national and international levels and ensure equal access to justice for all. It ensures people and businesses can obtain fair, timely resolution of legal needs. Modern justice system adopts the people centric approach and tries to deliver legal and justice service within and beyond courts.

Development of online dispute resolution (ODR) is part of an ongoing transformation to make justice system more accessible. ODR offers a straightforward efficient and alternative to traditional court base dispute resolution process which also helps to reduces the workload, pressure and improve quality of courts service.

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<sup>47</sup> High Court of Kerala, Guidelines on the Use of Artificial Intelligence in Judicial Functions (2025)

<sup>48</sup> G.A. Res. 70/1, Transforming Our World: The 2030 Agenda for Sustainable Development, U.N. Doc. A/RES/70/1, Goal 16.3 (Sept. 25, 2015).

However, this is significant only for low level disputes where the cost of pursuing litigation is equal or exceed the claim itself. By reducing administrative cost, travel expenses, procedural delays, ODR can improve the access of justice in practical. Additionally, also have to ensure that affordability should never be achieved at the expense of procedural fairness, also have to ensure that parties must get adequate opportunities to present their claim and participate effectively in the dispute resolution process.

### **11.3. Fast, automated and efficient justice system**

Generative AI system is enhancing efficiency in justice systems by improve the access of court proceedings as being done by in Slovenia and Spain. This technology rapidly converts spoken words into written text, ensure transparency and allowing more people for understand legal proceedings.

Spain ministry of justice developed AI and NLP tools <sup>49</sup>to manage judicial documents efficiently. The broader significance of these technologies is their capacity to reduce administrative burdens on courts and legal professionals as a result of this they can focus on substantive legal issues and complex judicial reasoning. However, India's AI based initiatives remain supportive at this stage and oriented to infrastructure base Additionally, these tools assist legal professionals in classifying, analysis, summarizing and anonymizing courts related text, while ensuring protection of data. They automate data extraction form filling, reducing processing time and enhancing overall efficiency of justice. This types initiative makes the justice delivery system faster and the generative AI creates the things automated to increase understanding of legal system proceeding and make the justice system more efficient.

However, excessive reliance on automated systems may create concerns regarding algorithmic bias, transparency and context base accuracy specially when legal outcomes depend upon the fact base obligation and judicial discretion.

## **12. Critical Challenges and Regulatory Gaps**

**12.1. Ethical concern:** Rapid rise in artificial intelligence (AI) has created many opportunities globally, from facilitating healthcare diagnosis to enabling human connections through social

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<sup>49</sup> European Commission for the Efficiency of Justice (CEPEJ), European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems (2018), <https://www.coe.int>

media and creating labor efficiencies through automated task. A major ethical concern arises from the ambiguity of AI system is to decide the reasoning behind algorithm generated recommendation may not be transparent or unclear for the user and decision maker.

These arise because AI system trained on historical datasets may unintentionally show the social inequality and give discriminatory outcome. Such risks associated with AI have already begun to compound on top of exiting inequalities, resulting in further harm marginalized groups.

Furthermore, contextual and cultural sensitivity, the survey was first tested in two districts and improved to make questions clear and avoid emotional distress, especially on personal legal issues. *enumerator training and capacity building*: field staff were trained on survey goals, legal concepts, trauma-sensitive methods, ethics, safety, and respectful behaviour, with gender-matched enumerators used where possible.

*Respect for autonomy and informed consent*, participants were given information sheets in local languages, their consent was taken, and they were told they could skip questions or leave anytime without any problem.

*Privacy, confidentiality, and data security*, only necessary data was collected, no personal or location details were recorded, and data was stored securely with limited access.

## 12.2. Digital Divide and Digital Literacy

India's digital divide continues to stand as one of the most significant structural obstacles to achieving digital justice. As India advances towards Vikasit Bharat 2047 under the National Education Policy 2020, digital literacy is very important to ensure equal access for 24.69 crore students in 24.69 crore students in 14.71 lakhs schools and over 1 crore teachers. However, evidence from UDISE+ 2024-2025<sup>50</sup> and National Sample Survey Office<sup>51</sup> reveals persistent structural gaps. While basic infrastructure is strong (93.6% schools have electricity, 99.3% have drinking water), but gaps in digital infrastructure only 64.5% of schools have functional computers and large number of schools reports that their system are not working, 63.5% internet

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<sup>50</sup> Ministry of Educ., Gov't of India, UDISE+ 2024–25 Report on School Education, <https://udiseplus.gov.in>

<sup>51</sup> Ministry of Statistics & Programme Implementation, Gov't of India, National Sample Survey on Household Social Consumption: Education and Digital Access (latest available ed.), <https://mospi.gov.in>

connectivity but rural schools lag urban by 29% points. States such as West Bengal (18.6%) and Meghalaya (19.7%) are critically behind.

52.2% household own smartphones (53% rural, 70% urban) and internet use is 53.6% rural vs. 74% urban, showing the gaps. Only 25% rural women use internet. Among youth (15-24), 82% use devices, but girls lag boys by 13%, reflecting the gender inequality. The gaps also include SC/ST GER stands at 82%/81.3%, while Muslim students (14.2% enrolment) face 11.5% dropout, driven by digital exclusion.

These figure show that technological access remains uneven across socio-economic groups. As a results AI based ODR may risk reinforcing existing inequalities if digital infrastructure and digital literacy do not address effectively.

### **12.3. Algorithmic Bias and accountability**

AI system trained on historical data, may reflect ingrained social and institutional biases, creating discriminatory outcomes under a form of objectivity. This raise concerns under equality norms, as Article 14 of the ECHR<sup>52</sup> and article 26 of the ICCPR<sup>53</sup> prohibit discrimination in law's application. Even unintentionally, biased algorithms can result in indirect discrimination, potentially violating the provision. Traditional legal system relied on identifiable decision makers accountable through appeals, discipline and public scrutiny. When AI system influences judicial outcome accountability also diffuses. Courts cannot sift responsibility to technology. Judicial independence requires human accountability. Delegating decision to AI risk undermining transparency, appeals and human accountability in adjudication.

Additionally, India lacks a dedicated regulatory framework for governing AI in judicial and dispute resolution process. The legislature at present addresses privacy, cyber security but do not provide any clear standard for explainability, transparency, accountability and human oversight in AI assisted adjudication.

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<sup>52</sup> Convention for the Protection of Human Rights and Fundamental Freedoms art. 14, Nov. 4, 1950, 213 U.N.T.S. 221.

<sup>53</sup> International Covenant on Civil and Political Rights art. 26, Dec. 16, 1966, 999 U.N.T.S. 171.

## 12.4. Data Privacy and confidentiality in ODR

Mediation and arbitration proceedings involve sharing of the sensitive personal, financial and legal information, so maintaining strict confidentiality is essential. This recognise under the section 22 of the mediation act<sup>54</sup>, 2023 and reinforced in arbitration through section 42A of the arbitration and conciliation act 1996<sup>55</sup>. Therefore, strong data governance systems are essential to protect such information. The digital personal data protection act 2023, under section 4&5<sup>56</sup> establishes the consent base regime for lawful data processing but remaining sector neutral lacking ODR specific provision. So, dispute related data is managed using general rules. Further the information technology Act, 2000 particularly section 43A<sup>57</sup>, mandates reasonable security practices for sensitive data handling. However, cloud based ODR platforms handling cross border disputes raise particularly uncertain issues of localization of data and transfer, especially under section16 of the DPDP Act. Because of the poor coordination between these framework and emerging proposal like the digital India act creates uncertainty for ODR platform.

## 12.5. Enforcement of digital awards

A key challenge to the efficiency of ODR lies in enforceability of digital rendered awards and settlement agreement. The arbitration and conciliation act, 1996 (section 35&36)<sup>58</sup> and mediation act, 2023 (section 27)<sup>59</sup> ensure enforceability. But, the purely online arbitral awards and AI assisted awards raise proof related issues and procedural concerns. These challenges are further raises in cross border disputes due to absence of a uniform enforcement mechanism, as India has not ratified the Singapore convention on mediation, which aims to facilitate the enforcement of international settlement agreements. This gap creates significantly legal uncertainty in the enforcement of the ODR based outcomes especially for digital generated or AI driven processes across jurisdiction.

**12.6. Socio economic inequality and access barriers** India's e-commerce sector is expected to reach nearly \$120 billion by 2025, and consumer complaints have also increased, as noted

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<sup>54</sup> Mediation Act, No. 32 of 2023, § 22, India Code (2023).

<sup>55</sup> Arbitration and Conciliation Act, No. 26 of 1996, § 42A, India Code (1996).

<sup>56</sup> Digital Personal Data Protection Act, No. 22 of 2023, §§ 4–5, 16, India Code (2023).

<sup>57</sup> Information Technology Act, No. 21 of 2000, § 43A, India Code (2000).

<sup>58</sup> Arbitration and Conciliation Act, No. 26 of 1996, §§ 35–36, India Code (1996).

<sup>59</sup> Mediation Act, No. 32 of 2023, § 27, India Code (2023).

by the Department of Consumer Affairs<sup>60</sup>. However, many of the people involved in these disputes still lack digital literacy, proper resources, or awareness of legal remedies, making it difficult for them to use ODR platforms effectively. This creates a gap between access and usability. As a result, relying too heavily on technology in dispute resolution may unintentionally widen inequalities, creating a situation where digital systems exist but remain out of reach for those who need them most.

### **13. What have to do for filling the gap and ensure effective implementation of ODR and AI enable legal aid**

To ensure inclusive and effective digital justice system in India, we have to strengthen digital infrastructure in rural areas through affordable internet access, multilingual ODR platforms and community digital centers. Also have to create dedicated framework for transparency obligation for ODR platforms, independent AI ethics authority of board to oversight, and judicial AI accountability framework. Additionally, NALSA and SLSAs should promote legal and digital literacy especially among women and marginalized communities. Also need of a dedicated AI regulatory framework with mandatory human oversight and mandatory algorithmic audits is necessary to prevent algorithmic bias in judicial procedural. India should also enact ODR rules and laws for the specific data protection laws also have to ratifying the Singapore Convention for cross-border enforceability of digital awards. Additionally, AI-powered legal aid tools with the help of public-private partnerships can make online dispute resolution more accessible, efficient, affordable and citizen-friendly.

### **14. Conclusion**

This study has critically examined the India's stand at a critical point in advancing access to transformative justice system through Online Dispute resolution (ODR) and enable legal aid. The existing constitutional framework under Articles 14, 21 & 39A, also supported by the legislature and judicial frameworks, provides strong but evolving foundation of digital justice.

On the one hand, technological integration offers a significant potential to reduce delay lower costs and enhance legal awareness particularly for the marginalized section of society and on the other hand brings challenges that's lies beyond technological adoption such as the digital

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<sup>60</sup> Dep't of Consumer Affs., Ministry of Consumer Affs., Food & Pub. Distribution, Gov't of India, Annual Report 2024-25, <https://consumeraffairs.nic.in>.

divide, limits the digital literacy algorithmic bias, data privacy risks and less accountability framework threaten to undermine the core objective of equitable justice. Without careful regulation, digital transformation may reinforce existing socio-economic inequalities instead of reducing them. If they will not regulate properly the accountability and enforcement of digital outcomes creates further complication.

Therefore, balance and inclusive approach is imperative. Strengthening digital infrastructure, promoting legal awareness, ensure data protection frameworks and maintaining human oversight over AI system is very crucial to preserve fairness and accountability. Ultimately, technology should serve as an enabler of justice, not a replacement of justice, reinforcing the core principle.

India must align technology with constitutional values to ensure a fair, inclusive, accountable, transparent and accessible justice system for all in this digital age.