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## Research Article

# Digital Justice and Persons with Disabilities: Opportunities and Risks in India's Path to 2047

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### Abstract

India's justice delivery system is going through a major digital transformation through initiatives such as the e-Courts Mission Mode Project, virtual hearings, online legal services, and technology-enabled dispute resolution mechanisms. These reforms are often projected as instruments for efficiency, transparency, and expanded access. However, for persons with disabilities (PwDs), digital justice offers a complicated paradox simultaneously offering new opportunities for inclusion while generating fresh forms of exclusion. Against the backdrop of India's vision of becoming a developed nation by 2047, this paper thoroughly evaluates whether digital transformation genuinely enhances access to justice for PwDs or merely reconfigures existing structural barriers into digital spaces.

Using a doctrinal and policy-oriented research methodology, the study analyses constitutional guarantees, the Rights of Persons with Disabilities Act, 2016, judicial pronouncements, and technology-driven justice initiatives in India. It explores how digital platforms can reduce physical and geographical barriers for PwDs, particularly through virtual courts, e-filing systems, and assistive technologies. At the same time, the paper identifies systemic risks arising from inaccessible digital interfaces, the digital divide, lack of disability-sensitive design, and limited institutional capacity within the legal system.

The study further draws comparative insights from international jurisdictions to highlight best practices in disability-inclusive digital justice. It argues that without embedding accessibility, reasonable accommodation, and human dignity into the design and governance of digital justice systems, technological reforms may undermine the very goal of equal access to justice. The paper concludes by proposing a rights-based and inclusion-centric digital justice framework aligned with constitutional values, sustainable development goals, and India's long-term socio-economic transformation agenda. In doing so, it situates disability-inclusive digital justice as a foundational pillar of India's journey toward an equitable and developed society by 2047.

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**KEYWORDS:** Digital Justice, Persons with Disabilities, Access to Justice, E-Courts, India@2047.

## INTRODUCTION

This paper sets the context for the study by examining the intersection of digital transformation, access to justice, and disability rights in India. It outlines the significance of digital justice reforms within the broader constitutional commitment to equality and situates the discussion within India's vision of inclusive development under the "India @2047" framework.

Access to justice is widely recognized as a foundational pillar of constitutional governance and democratic legitimacy. In India, where structural inequalities intersect with socio-economic diversity, ensuring equitable access to justice has long posed a major difficulty. For persons with disabilities (PwDs), this challenge is particularly acute. Physical barriers, procedural rigidity, institutional insensitivity, and social stigma have historically limited the ability of PwDs to meaningfully engage with legal institutions. Courts and administrative bodies, often designed without consideration of diverse functional needs, have inadvertently perpetuated exclusion despite formal legal protections.

In recent years, India has embarked upon an ambitious digital transformation of its justice delivery system. Initiatives such as the e-Courts Mission Mode Project, virtual court hearings, online filing mechanisms, digitized records, and technology-enabled legal aid platforms have been introduced with the stated objectives of efficiency, transparency, and accessibility. These reforms gained unprecedented momentum during the COVID-19 pandemic, which normalized remote adjudication and accelerated judicial reliance on digital tools. Within policy discourse, digital justice is increasingly portrayed as a democratizing force capable of bridging geographical, logistical, and institutional gaps.

However, digital justice is not inherently inclusive. For PwDs, digitalization presents a paradox: while it reduces certain physical and spatial barriers, it simultaneously introduces new forms of exclusion rooted in inaccessible design, digital illiteracy, and uneven access to technology. Interfaces that are incompatible with assistive technologies, procedural complexity embedded in online platforms, and limited institutional capacity to provide accommodations can effectively displace barriers from physical courtrooms into virtual environments.

Against this backdrop, and in alignment with the vision of "Developed India @2047," this paper critically examines whether digital justice initiatives in India genuinely enhance access to justice for PwDs or merely reconfigure existing inequalities in digital form. The paper addresses three core research questions:

- i) Does the digital transformation of the justice system improve access to justice for persons with disabilities in India?
- ii) What legal, institutional, and technological barriers prevent PwDs from fully benefiting from digital justice initiatives?
- iii) How can India draw upon global best practices to build a disability-inclusive digital justice ecosystem by 2047?

## RESEARCH METHODOLOGY

This paper adopts a qualitative, doctrinal, and analytical research methodology to examine the implications of digital justice for persons with disabilities (PwDs) in India. The primary method employed is doctrinal legal research, involving a systematic analysis of constitutional provisions, statutory frameworks particularly the Rights of Persons with Disabilities Act, 2016 and relevant judicial decisions addressing access to justice, reasonable accommodation, and accessibility in both physical and digital environments.

In addition to doctrinal analysis, the study incorporates a policy-oriented and conceptual approach to evaluate ongoing digital justice initiatives such as the e-Courts Project, virtual hearings, and online legal service platforms. Government reports, policy documents, Law Commission materials, and official judicial publications are examined to assess the objectives, scope, and implementation of these reforms from a disability rights perspective.

The paper also draws upon comparative insights from select international jurisdictions, including the United Kingdom, Canada, and Australia, to identify global best practices in disability-inclusive digital justice. These comparative references are used not for empirical generalization but to highlight normative standards and governance models that may inform India's long-term digital justice strategy.

Further, the analysis is informed by secondary sources, including academic literature, reports by international organizations, and civil society documentation on digital accessibility and disability rights. While the paper does not rely on primary empirical data, it is conceptually informed by existing socio-legal studies and survey-based research on barriers faced by PwDs in accessing justice.

### Conceptual Framework: Digital Justice and Disability

This paper develops the conceptual foundation of the paper by exploring the meaning of digital justice through a disability rights lens. It situates digital justice within human rights theory, the social model of disability, and the principle of substantive equality, emphasizing the role of reasonable accommodation and accessibility in digital governance.

### Digital Justice as a Governance Paradigm

Digital justice extends beyond the mere use of technology in courts. It represents a broader governance paradigm that reshapes how legal processes are accessed, experienced, and administered. Digital justice includes electronic filing, virtual hearings, online dispute resolution, digital legal aid, and emerging applications of artificial intelligence in judicial administration. While often justified on grounds of efficiency and cost reduction, digital justice fundamentally alters power relations between the state and litigants by redefining procedural participation.

From a normative standpoint, access to justice must be assessed not solely in terms of availability but also in terms of usability,

fairness, and dignity. A justice system that is digitally efficient but substantively inaccessible risks violating constitutional commitments to equality before law and equal protection of laws.

### **The Legal Evolution: From Welfare to Rights**

The conceptual understanding of disability has evolved from a welfare-oriented or medical model to a social and rights-based model. The medical model views disability as an individual impairment requiring treatment or charity, whereas the social model locates disability within structural barriers that restrict participation. The rights-based model, endorsed by the UN Convention on the Rights of Persons with Disabilities (CRPD), emphasizes autonomy, dignity, and equality.

Access to justice under this framework is not limited to physical entry into legal institutions but encompasses the ability to understand legal processes, communicate effectively, receive reasonable accommodations, and obtain enforceable remedies. Any justice system digital or otherwise that fails to account for these dimensions risks systemic discrimination.

### **Digital Justice through a Disability Rights Lens**

Applying a disability rights lens to digital justice reveals critical tensions. Technologies designed without universal accessibility standards may inadvertently exclude persons with visual, hearing, cognitive, or psychosocial disabilities. Procedural neutrality in digital systems often masks substantive inequality, as identical interfaces do not yield equal outcomes for users with diverse abilities. Consequently, digital justice must be evaluated through the principle of substantive equality, which requires differential treatment to achieve equitable outcomes.

### **Legal Framework Governing Digital Justice for PWDS In India**

This paper examines the constitutional, statutory, and judicial foundations governing digital justice for persons with disabilities in India. It analyzes how existing legal frameworks respond to technological changes in the justice system and evaluates their adequacy in addressing digital accessibility and inclusion.

### **Constitutional Foundations**

The Indian Constitution provides a robust normative framework for disability-inclusive justice. Article 14 guarantees equality before law, while Article 21 has been expansively interpreted to include the right to dignity, autonomy, and access to justice. There is a burning need to interpret Article 21 to include digital access as well. Judicial interpretation has consistently emphasized that procedural fairness is intrinsic to the right to life and personal liberty.

Articles 15 and 16 prohibit discrimination and permit affirmative action, reinforcing the constitutional commitment to substantive equality. These provisions collectively impose

positive obligations on the state to dismantle barriers that prevent PwDs from accessing justice on equal terms.

### **Statutory Pillar: Rights of Persons with Disabilities Act, 2016**

The Rights of Persons with Disabilities Act, 2016 (RPWD Act) operationalizes India's commitments under the CRPD. The Act mandates accessibility across physical infrastructure, information and communication technologies, and public services. Importantly, it recognizes reasonable accommodation as a legal right rather than a discretionary benefit.

Provisions requiring accessibility of digital content and services directly implicate digital justice initiatives. Courts, tribunals, and administrative bodies are obligated to ensure that digital platforms do not exclude PwDs. However, enforcement mechanisms remain weak, and compliance is often treated as aspirational rather than mandatory.

### **Judicial Directions and Digital Courts**

Indian courts have played an increasingly proactive role in advancing disability rights. Judicial directions on accessibility audits of court premises and recognition of reasonable accommodation reflect evolving jurisprudence. Nonetheless, digital reforms in the judiciary have largely progressed without comprehensive accessibility frameworks, revealing a gap between doctrinal recognition and institutional practice.

In the 2024 case of *Rajive Raturi v. Union of India*<sup>1</sup>, the Supreme Court emphasized that accessibility is a "mandatory" and "peremptory" requirement. The court noted that timelines for making public documents and websites accessible are not extendable indefinitely.

Similarly, *Amar Jain v. Union of India*<sup>2</sup> case is a more recent landmark judgement focused on the financial sector, specifically challenging non-accessible mobile banking apps and KYC processes that relied solely on "eye-blinking" or "fingerprint" biometrics, which exclude many PwDs. The Court mandated that the Reserve Bank of India (RBI) enforce IS 17802 standards across all banking interfaces.

The *Pragya Prasun v. Union of India*<sup>3</sup> case addressed the accessibility of the e-Courts portal, ensuring that Captchas and PDF formats are readable by screen-reading software used by visually impaired advocates.

### **Opportunities Created by Digital Justice for PWDS**

This paper highlights the transformative potential of digital justice initiatives in reducing traditional barriers faced by persons with disabilities. It focuses on how technology-enabled judicial processes can enhance autonomy, participation, and procedural fairness when designed and implemented

<sup>1</sup> Rajive Raturi v. Union of India. W.P. (C) No. 243

<sup>2</sup> Amar Jain v. Union of India. W.P.(C) No. 49/2025

<sup>3</sup> Pragya Prasun v. Union of India. W.P.(C) No. 289/2024

inclusively. Digital justice offers significant opportunities to enhance access to justice for PwDs.

First, virtual hearings reduce dependence on physical mobility, benefiting individuals with locomotor disabilities or chronic health conditions. Remote participation minimizes travel costs, logistical challenges, and fatigue associated with navigating inaccessible court infrastructure.

Second, e-filing systems and digitized records improve procedural autonomy by allowing litigants and advocates to engage with legal processes without physical presence. For PwDs residing in rural or remote areas, digital platforms can mitigate geographical exclusion.

Third, assistive technologies such as screen readers, speech recognition software, real-time captioning, and text-to-speech tools can facilitate participation for persons with sensory disabilities. Digital documentation also enhances transparency and accountability by enabling access to judgments and case information. Artificial Intelligence (AI) technology has opened doors for fast pacing several of these advancements and can significantly help in digitization of Indian courts.

Fourth, technology-enabled legal aid platforms and helplines can expand outreach to marginalized PwDs who previously lacked awareness or access to legal remedies. When integrated with community-based support systems, digital justice can function as a powerful equalizing force.

### **Risks and Exclusionary Challenges**

Despite its transformative potential, digital justice poses serious risks for PwDs. A primary concern is digital inaccessibility. Many court websites, e-filing portals, and virtual hearing platforms are incompatible with assistive technologies or fail to meet universal accessibility standards. Many digital justice platforms rely on Aadhaar-based biometrics. For individuals with leprosy, certain physical disabilities, or aging-related impairments, biometric failure leads to “civil death,” where they cannot verify their identity to access legal aid. Inaccessible interfaces effectively exclude PwDs from participation, undermining procedural fairness.

The digital divide further exacerbates exclusion. Unequal access to devices, internet connectivity, and digital literacy disproportionately affects PwDs, particularly women, older persons, and those in rural areas. For individuals with intellectual or psychosocial disabilities, complex digital procedures can create additional cognitive barriers. Biometric failures (e.g., OTPs, eye-blinking requirements) in e-KYC and digital portals further creates digital exclusion of PwDs.

Institutional limitations also persist. Judges, court staff, and legal practitioners often lack training on disability rights and digital accessibility. The absence of standardized protocols for accommodations in virtual proceedings results in inconsistent and discretionary practices. There is a lack of granular data on how many PwDs are successfully navigating the e-Courts system thus creating a “Data Vacuum”. Without data, policy remains speculative.

Emerging reliance on AI in judicial administration raises additional concerns. Algorithmic opacity, bias, and lack of accountability may further marginalize PwDs unless explicitly regulated through inclusive design and oversight mechanisms.

### **Road to 2047: Building an Inclusive Digital Justice Ecosystem**

India’s aspiration to become a developed nation by 2047 places digital transformation at the center of governance, service delivery, and justice administration. However, the success of this transformation must be evaluated not merely by technological advancement but by its inclusiveness. For PwDs, digital justice presents both an unprecedented opportunity and a constitutional test. To ensure that digital systems do not replicate or intensify existing exclusions, India must move from fragmented accessibility efforts to a coherent, enforceable, and rights-based digital justice framework.

### **From Voluntary Guidelines to Enforceable Standards**

A critical limitation of India’s current digital accessibility regime lies in its reliance on largely voluntary compliance mechanisms. The Guidelines for Indian Government Websites (GIGW) 3.0 represent an important policy step by aligning government digital platforms with international accessibility benchmarks such as WCAG 2.1. However, their advisory nature has resulted in uneven implementation across ministries, courts, and state agencies. Accessibility is often treated as an optional enhancement rather than a mandatory legal requirement.

To address this gap, India must transition from guideline-based compliance to enforceable technical standards. The introduction of IS 17802, which provides Indian standards for digital accessibility, offers a promising pathway. Unlike GIGW, IS 17802 has the potential to function as a binding benchmark for public procurement, platform certification, and compliance audits. Making adherence to such standards mandatory especially for judicial portals, e-courts, legal aid platforms, and grievance redressal systems would align digital justice initiatives with the Rights of Persons with Disabilities Act, 2016 and constitutional guarantees under Articles 14, 19, and 21.

Embedding enforceable standards would also enhance accountability by allowing courts and regulatory bodies to assess accessibility failures as legal violations rather than administrative oversights. This shift is essential if accessibility is to be recognized as a matter of rights rather than discretion.

### **Universal Design as the Cornerstone of Digital Justice**

Beyond compliance, India’s digital justice ecosystem must be grounded in the principle of universal design the idea that systems should be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. Too often, accessibility is retrofitted after platforms are

deployed, resulting in partial solutions that remain exclusionary for many users with disabilities.

As India rapidly expands digital justice infrastructure including e-courts, virtual hearing platforms, online dispute resolution systems, self-service kiosks, and AI-enabled legal services accessibility must be integrated at the design stage. This includes Software-as-a-Service (SaaS) platforms used by courts and tribunals, public kiosks in court complexes, ATMs used for compensation disbursement, and mobile applications for legal awareness and aid.

Universal design ensures that accessibility benefits not only persons with disabilities but also elderly users, individuals with low digital literacy, and those operating in low-bandwidth environments. By mainstreaming accessibility across all new digital infrastructure, India can avoid the creation of parallel or segregated systems and instead foster inclusive participation in justice processes.

#### **Institutional Accountability: Digital Nodal Officers and Accessibility Audits**

Sustainable digital inclusion requires institutional ownership. One of the most effective mechanisms for this is the formal institutionalization of Digital Accessibility Nodal Officers within judicial and administrative bodies. These officers would be responsible for overseeing compliance with accessibility standards, coordinating with technology vendors, and ensuring that accessibility concerns are addressed during platform development and upgrades.

In addition, regular and independent accessibility audits must be made mandatory for all justice-related digital platforms. Such audits should assess compliance with national and international standards, user experience for different categories of disabilities, and responsiveness to assistive technologies. Audit findings should be made publicly available to promote transparency and trust.

Embedding accessibility audits within procurement rules, court administration protocols, and performance evaluations would ensure that accessibility is treated as a continuous obligation rather than a one-time certification exercise. Importantly, involving persons with disabilities and disability rights organizations in audit processes would ground assessments in lived experiences rather than purely technical metrics.

#### **Toward a Rights-Based Digital Justice Future**

As India moves toward 2047, the legitimacy of its digital justice systems will depend on whether they empower the most marginalized users. Mandatory standards, universal design, and institutional accountability together form the structural foundation of an inclusive digital justice ecosystem. These measures reflect a broader constitutional commitment to dignity, equality, and meaningful access to justice.

By embedding accessibility into law, design, and governance structures, India can ensure that digital justice becomes a tool of

empowerment rather than exclusion positioning itself as a global model for disability-inclusive digital transformation.

#### **CONCLUSION**

Digital justice represents both a transformative opportunity and a profound challenge for access to justice for persons with disabilities in India. While technological reforms can dismantle long-standing physical and geographical barriers, they risk reproducing exclusion if accessibility and reasonable accommodation are treated as peripheral concerns.

This paper argues that digital justice must be grounded in constitutional values of equality, dignity, and substantive justice. Disability-inclusive digital justice is not merely a policy aspiration but a constitutional imperative that defines the ethical and democratic character of India's development trajectory.

As India advances toward its 2047 vision, the true measure of progress will lie not in technological sophistication alone but in the capacity of digital systems to serve the most marginalized. Ensuring meaningful access to justice for persons with disabilities is central to realizing an inclusive, equitable, and developed India.

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