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# Focusing on ICT based Legal Aid Service: Website Model

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**ABSTRACT:** This paper says about positive impacts of inclusion of digital technology in the legal aid procedure of Bangladesh. More specifically about disseminating legal through a dedicated website in each district. The websites will be established in each district under the District Legal Aid office. It will contain all the relevant information such as eligibility criteria for legal aid, nature of the legal aid to be provided, general information regarding various rights of the poor people who actually seek legal aid, office schedule and contact number, hotline number etc. It will enable the people to access to legal aid and justice from his home or any place of the country of the world. It emphasizes that this digital dissemination of legal aid will increase the faith of the people on the law, legal system and country. However, it also discusses some drawbacks which are actually impediment for the success of this website model.

**KEYWORDS:** Legal Aid, Website, communication, ADR, management

## I. INTRODUCTION

Legal Aid means free legal support to the poor, vulnerable and destitute people. It may be direct and indirect, may be governmental and non-governmental. In most of the modern democratic countries this service is available. Because, access to justice is a prime commitment by the modern sovereign authorities to their subjects. In some countries it exists as a fundamental right and in some other countries remains as a common legal principal. It is one of the common parameters through which the status of the democracy in a country is measured. In Bangladesh access to justice is a fundamental right ensured by the constitution. No direct provision for legal aid is available in the constitution of Bangladesh. For the poor and vulnerable, legal aid can be the key to access to justice. Both the government and non-government organisations follow contemporary systems for providing legal aid in Bangladesh. Under those systems, people are required to physically communicate, apply and receive the aid. The present system of legal aid service is time consuming and costly to the poor aid seekers. People who live in the rural areas or in the long distance from the districts and urban areas cannot access legal aid easily. Like the other common law procedures it's complex too. Due to these barriers, sometime people try to avoid the legal aid service though they badly need it. To make the legal aid service easily accessible for both the rural and urban people ICT (Information and Communication Technology) can be used. Lot of technological tools such as social media, mobile phone, website, blogging can be helpful in this respect. If the government and non-government legal aid organisations open websites in Bangladesh for the poor legal aid seekers including facilities to deal with legal aid issues, it will be very helpful and effective. Those websites should open various options in its face through which application for legal aid, informing various legal problems and queries, informing to the legal aid seekers about the case date and required documents and evidences etc. can be done.

### Why Website in Legal Aid?

In Bangladesh a good number of people stay in the rural areas and most of them live under the poverty line. They don't have enough money for their livelihood. The law and court procedure in Bangladesh is very complex, costly and lengthy. Moreover the Legal Aid Offices are established in the districts and cities. Legal aid service is also available in the Upazilla and Union levels, but they are not so active and well known. If a poor person requires any legal counsel or aid he will go to the district legal aid office and apply. Another problem is, most of the people do not know about the legal aid service of the government and non-government organisations. If website is opened and legal aides provided using those websites, poor and destitute people will be able to access to justice in free of cost from their place of living. It will save their time, money and energy and boost their faith on law and legal system. For small causes like producing any document or tiny evidence, to be informed about case date or name of the advocate who is selected as his pleader, for primary communication with the legal aid providing authorities, to be informed about the primary

informations about legal aid service, a dedicated website can be best sopution for both the seeker and provider of legal aid.

### How Websites can help in Legal Aid?

Legal aid can be divided into two categories, direct and indirect. Direct legal aid includes providing legal counsel in the court procedure, providing TA/DA to the poor legal aid seeker and his witnesses etc. and informing about various rights, providing different training and capacity building to different classes of people is the example of indirect legal aid. Using websites for providing legal aid in Bangladesh is not only a new system but also a way of indirect legal aid indeed. The reason behind the ignorance of law and various legal rights of mass people of Bangladesh is their lack in education. People can be informed about those rights by visiting these legal aid websites from any place of Bangladesh as well as from any part of the world. Using dedicated websites may open the following horizons for providing legal aid service:

#### a) Main Source of Legal Aid:

After opening dedicated websites for every district legal aid office (DLAO), the site should be the virtual DLAO and arranged in such a manner that every person will rely on the site for any type of information and query regarding legal aid. Due to fulfill the requirement and expectation of the people the legal aid website should create all the legal aid facilities virtually. General rules and regulations of legal aid, such as eligibility criteria for legal aid in Bangladesh, cases and grounds for which people can claim for legal aid, procedure and place for applying, details of contacting persons regarding legal aid in the center, Upazillas and unions of a district etc. should be available in the site. A helpless poor person, who lives far away from the district legal aid office will find and access to justice from his home in his need for legal support. Distance, too much cost and time consuming will not force that destitute back from accessing to justice. Though the legal aid office is established in the District Court Building, virtually it will exist in each and every place of that district. It will increase the faith of the people, especially of the poor on the law and legal system.

#### b) Communication Media: (Video Conference Facility among the seekers and providers)

In establishing websites for legal aid service, way of communication among the legal authorities and seekers should be given the highest priority. Because, it is one of the causes for which website is designed. In this case, all the probable systems such as video conferencing, messaging, hotline number, email can be the medium of communication. These communication tabs or windows must be placed and marked in the face of site in such a manner that anyone can easily find it and realise its use. The motto is, communication system will be arranged in such a format that all types of people can afford, access and use it to get the legal aid. Due to lack in technological knowledge and education, most of the rural people will not be able to communicate using email or video conference. But it's possible for them to make direct connection through short messaging and hotline call. In this case call recording facility can be added in the site. The call recording option has two positive sites. Firstly, when no person is available to attend any call, it will be recorded automatically and examined later. Secondly, if the call is recorded, it can be used as the statement of the seeker. People who live in the urban area can use email and video conference as most of them are technologically advance and educated. Fact is, video conference is an alternative of face to face interaction. Email is potential because a sent mail is like a written statement and can be preserved well. The virtual opportunity of communication does not exclude the material communication.

#### c) ADR through Websites:

Alternative Dispute Resolution (ADR) is a mechanism for resolving disputes among the parties through easy conciliation outside the court. It is practiced in most of the countries of the world. The beauty of this process is both the parties stay in a win-win situation because if any of the parties disagree with the decision of the mediation, ADR will not be successful. In Bangladesh, ADR is allowed and practiced in legal aid service. The legal aid website can be used as the virtual platform for ADR under legal aid process. In a situation where both the parties of the case stay far away from the district legal aid office and anyhow one or both parties are not capable to come and sit together for ADR in the legal aid office, ADR can be held through website. Moreover, provision can be included in the legal aid rules that parties can mutually apply for virtual ADR though there is no reasonable cause for it. It is nothing but taking the advantage of the modern technology. It will be time and cost friendly. As people are too busy now with their profession and other businesses, a mutual convenient time can be settled for ADR. It may be after the office hour or at night. It's very effective when one party stays outside of the country and in another time format. It would be too hard for that

party to be present in the ADR date in the legal aid office in Bangladesh. A virtual platform can be a blessing in this matter. The party in other country can easily take part in ADR and the problem can be solved. Fact is, justice can be ensured worldwide through a dedicated website for legal aid purpose.

**d) Evidence Management:**

Management of evidence in a digital platform requires highly sophisticated software and it is a tough and costly issue. Management of evidence through the legal aid website is comparatively a lighter and smaller issue. It's actually related and based on every individual case. As mentioned earlier, detail information of each and every case under the District Legal Aid Office will be available in the site. Parties and others will be able to access it. Evidence may be sought from the parties at any time of the case. Normally they are required at the beginning of the trial. If a party stays far away and any evidence is required from him, if possible he can produce it through the site. Yes, it's not possible to provide all type's evidence using website, but documents and deeds, images, audio and video clips, maps etc. can be produced and preserved in a site. Not only the concerned aid seeking parties, other stakeholders such as the police, journalists, researchers, NGO Activists and others can access the site and be benefited for their concerns as well.

**e) Case Management:**

Case management under the legal aid website means availability of all the relevant information of every specific case in the site which will be accessible for the relevant parties. The ultimate object of case management is to inform all the concerned stakeholders and interested persons about the dealing of cases under every District Legal Aid Office. In the site, name of the concerned parties of each individual case, number of the case and name of the court, nature of the case whether civil or criminal, name and contact number of the advocate of that case, next date of that case, the judgment of a case if it is declared, list of the witnesses etc. should be available in the site. As said earlier, rural people are ignorant of legal issues and fear to deal these matters. If the next date is available in the site they will be conscious about it and follow it to deal the case in due date. Case details will also be a source of information for the interested researchers in legal aid and access to justice. Donors of the NGOs can find the utilization of their funds accessing these case details. Even they can directly contact to the parties and advocates whether the shared information are true or not or how far they are benefitted with it.

**f) Witness Management:**

Generally concerned party of a case submits the list of their witnesses. Parties also bring and present them through their counsel to the court. The witnesses are informed about the case date from the parties and be present as per the information. Parties are informed by the advocates. Sometime the list of the witnesses may be changed. New witnesses are included and some old may be excluded as per the requirement of case. It is the responsibility of the concerned advocate to finalize this matter with the help of the parties. All these procedural issues can be managed by a dedicated website. If the parties are noticed about any requirement regarding witness, they can be informed and solve it by themselves without coming to court or advocate at the beginning. If any new witness is required, it may be noticed through website or short messaging and that party can fulfill the demand as per the requirement. If it is necessary, his advocate can talk to him and his witness in video conference and complete the primary discussion in it. Provisions can be set up like that, if it is necessary, the disclosure of a witness can be taken and recorded through video conference by the court in some special situation. Such as, witness may be too old or deeply sick; he may live outside of the country or in such a place from where it's not so easy or possible to be present in the court. In some specific grounds, expert's opinion is required in a case. The experts are too busy with their jobs. So, experts can provide their opinions from their office through video conference and it can be recorded and the procedure can be done under the legal aid website.

**g) Capacity Building and Training:**

Legal aid is basically two types, direct and indirect. Direct legal aid includes assigning counsel in the court trial, providing TA/DA to the legal aid seeker and his witnesses. Indirect legal aid includes those initiatives which make people aware about their various rights and opportunities to be represented before the court in free of cost if they are in lack of money. All these can be done by using a dedicated website for legal aid purpose and these can be executed more easily and comfortably than manual arrangement. A good number of people in Bangladesh still do not know about legal aid service provided by the government and non-government organisations. People can easily be informed about the legal aid facilities from that website because all relevant information will be available in its face. Anyone can access it from any place of Bangladesh as well as of the world. NGOs and government provide training on various issues like child marriage, sexual harassment, acid throwing, conjugal rights etc. to different types of people such as the students,

uneducated house wives and men, parents, local government officials, governmental officials etc. These trainings can be very easily conducted through video conference under the said dedicated website. It may help the trainees to attend the training from their home and in their convenient time and system. It will increase people's enthusiasm to these types of issues and programs and bring faith on law and legal systems. If the training materials are recorded and uploaded to the site, anyone interested can access it and be informed of it.

#### **h) Drawbacks of Website Model:**

As said earlier, in executing of the website model lack of minimum technical and general education of the rural people will be a great barrier. To access a website or any other page a minimum knowledge in English is required. Because all most all the software's and systems are made to run in English. But sorry to say, more than ninety percent of rural people do not have that type of knowledge in Bangladesh. Another problem will be using digital devices. From open button to close a device, it requires a good technological knowledge. But fact is, people are really lack of this minimum technological knowledge. For overcoming these problems, a digital support center can be established in each Union Parishad and one or more people can be appointed to support the rural people. The appointed staffs will help and also train the mass people in accessing websites, preparing and sending short messages and video calls and conferences. Other barriers will be unavailability of internet and digital devices. Till today it could not be possible to reach internet in all the villages or corners of Bangladesh. There is no possibility that it will be available in all those areas within a short time. Moreover, digital devices are costly so not all will be able to avail such devices to access websites or other reasonable platforms. The barriers for opening a dedicated legal aid website in each district under the district legal aid office are well known but to overcome these problems are not so easy. It requires state initiatives which are really very complex and lengthy.

## **II. CONCLUSION**

The present era is time for transforming into digital from manual activities. Machine and technology have been invented to make life easier for mass people. Legal aid is not a charity rather it's a right of the people. Providing legal aid to the poor and destitute is the sign of a wellbeing state. For making this legal aid activity more effective, a dedicated website is now a crying need no doubt. The legal aid activities are multi formed in nature and disseminated in various ways from various corner. If the whole activity is available in a website and disseminated from it, it will be more effective, time and cost friendly and appreciated by the people. It will increase the possibility to include more people as the beneficiaries of legal aid service. A dedicated website for legal aid will create the privilege for mass people to access to justice from their home.

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