

“Barriers to Legal Aid for Marginalized Groups: Women, Dalits, and Minorities in Purvanchal Region of Uttar Pradesh”

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ABSTRACT

Despite constitutional guarantees under Article 39A and statutory entitlements under the Legal Services Authorities Act, 1987, legal aid in India remains a distant reality for many marginalized groups, particularly in regions like Purvanchal in eastern Uttar Pradesh. This paper examines the structural, social, and institutional barriers faced by women, Dalits, and religious minorities in accessing legal aid. Using both statistical data and qualitative assessments, this study uncovers how caste hierarchies, patriarchal norms, economic deprivation, and procedural inertia converge to deny justice. The paper uses data from government reports, field studies, and academic sources to highlight these barriers and proposes targeted reforms for more inclusive access to justice in the region.

Keywords: Purvanchal, Legal Aid, Dalits, Women, Minorities, Access to Justice, Article 39A, Legal Services Authorities Act, Social Exclusion, Caste-Based Discrimination

INTRODUCTION

Legal aid in India is conceived as a means to bridge the gap between law in books and law in action. Under Article 39A of the Constitution of India, the state is mandated to provide free legal aid to ensure that justice is not denied to any citizen by reason of economic or other disabilities. This vision is operationalized through the Legal Services Authorities Act, 1987, which created a nationwide structure for delivering free legal services. However, this structure remains inaccessible to many communities, especially in underdeveloped and socially stratified regions such as Purvanchal.

Purvanchal, comprising districts such as Ghazipur, Jaunpur, Ballia, and Azamgarh, has some of the lowest human development indicators in the state. It is home to a high percentage of Scheduled Castes, Muslim minorities, and economically marginalized women. These groups often experience multiple layers of disadvantage, caste-based oppression, gender violence, and institutional apathy, that severely limit their ability to seek redress through formal legal channels.

LEGAL AID FRAMEWORK IN INDIA

The Legal Services Authorities Act, 1987, aims to institutionalize access to justice through National, State, and District Legal Services Authorities (NALSA, SLSA, and DLSA respectively). Section 12 of the Act explicitly mentions categories entitled to legal aid, including Scheduled Castes and Scheduled Tribes, women, children, victims of trafficking, and persons with disabilities.

Despite the wide legal framework, delivery of these services remains ineffective in backward regions such as Purvanchal. As per NALSA's annual report (2022–2023), many DLSAs face chronic staff shortages, poor infrastructure, and limited outreach. For example, over 70 Secretary positions at district levels remain vacant nationwide, impairing the ability of the DLSA to handle caseloads or coordinate legal awareness programs. Moreover, many empanelled lawyers lack training or incentives to effectively handle sensitive cases involving caste atrocities or gender-based violence.¹

BARRIERS TO AWARENESS AND LEGAL LITERACY

One of the foundational challenges is the lack of awareness about the availability and scope of legal aid services. In rural and semi-urban districts of Purvanchal, many Dalits, women, and Muslims are unaware that they are legally entitled to free legal aid. A study conducted by the Commonwealth Human Rights Initiative (CHRI) in Uttar Pradesh observed that fewer than 10% of women respondents were aware of the Legal Services Authorities Act or any government-run legal aid scheme.²

Language barriers also play a significant role. While legal proceedings are conducted in English or formal Hindi, the population in Purvanchal largely speaks dialects such as Bhojपुरi and Awadhi. Many legal awareness campaigns are conducted in urban Hindi or English, rendering them ineffective for local populations. Consequently, poor communication of rights and processes excludes potential beneficiaries from even initiating legal proceedings.

INSTITUTIONAL AND PROCEDURAL OBSTACLES

Institutional resistance and procedural failures also prevent marginalized communities from accessing justice. Police stations across Purvanchal are often dominated by members of dominant castes, and reports of caste-based refusal to register First Information Reports (FIRs) are common.

¹ Nat'l Legal Servs. Auth., *Annual Report 2022–23*, <https://nalsa.gov.in/sites/default/files/document/Annual%20Report%202022-23.pdf>.

² Commonwealth Human Rights Initiative (CHRI), *Barriers in Accessing Justice: The Experience of 14 Rape Survivors in Uttar Pradesh*, (2021), <https://ruralindiaonline.org/en/library/resource/barriers-in-accessing-justice-the-experiences-of-14-rape-survivors-in-uttar-pradesh-india/>.

In cases of sexual violence against Dalit women, CHRI found that FIRs were often delayed, distorted, or refused outright. In one particular case in Jaunpur, a Dalit woman survivor had to wait over 100 days and approach the district magistrate before the police registered her complaint under the SC/ST (Prevention of Atrocities) Act, 1989.

Further compounding the issue is the low conviction rate in such cases. According to NCRB's Crime in India Report, conviction rates under the SC/ST Act in Uttar Pradesh hover around 27%, while pendency rates exceed 60%. Trials are delayed due to procedural bottlenecks, absence of witnesses, lack of prosecutorial vigor, and social pressure on complainants to withdraw.³

Even where the legal aid mechanism is activated, the quality of legal representation is often subpar. Lawyers empaneled under DLSAs are paid a meager honorarium, resulting in disincentivization. Many are reluctant to take up complex or politically sensitive cases, particularly involving caste or communal violence. Monitoring mechanisms within legal services authorities are either nonexistent or poorly implemented, allowing impunity and incompetence to thrive.

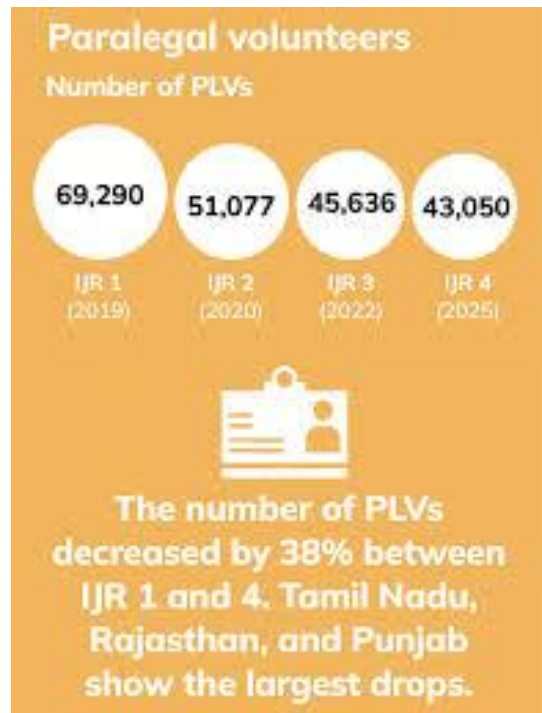
GENDERED DIMENSIONS OF EXCLUSION

The intersection of caste and gender significantly compounds legal exclusion. Women from Dalit and minority communities face distinct challenges, ranging from physical inaccessibility of courts to societal stigma and patriarchal constraints. Victims of domestic violence or sexual assault are often discouraged by family or community leaders from seeking legal remedies.

There is also a serious gender gap within the legal aid delivery workforce. Only 36% of paralegals in India are women, and most of them are concentrated in urban areas.⁴ In rural Purvanchal, the presence of female legal aid workers is minimal, discouraging many women from opening up about sensitive cases such as rape or domestic abuse. The absence of female police officers and female-friendly court infrastructure only exacerbates these challenges.

³ Nat'l Crime Recs. Bureau, *Crime in India 2022*, MINISTRY OF HOME AFFAIRS, <https://ncrb.gov.in/en/crime-india-2022>.

⁴ CHRI, *Legal Aid in India: Unequal Access and Uneven Implementation*, (2022), <https://www.humanrightsinitiative.org>.



Source⁵

RELIGIOUS MINORITIES AND STRUCTURAL ALIENATION

Religious minorities, especially Muslims in Purvanchal, often find themselves institutionally alienated from formal legal systems. Their vulnerability arises not only from poverty but also from communal polarization and discriminatory policing practices. The criminal justice system's engagement with minority groups has historically been fraught with mistrust. In regions like Azamgarh, Jaunpur, and Mau, where Muslim populations are concentrated, the perception of biased investigation and over-policing has deterred individuals from approaching the justice system altogether.⁶

The consequence of this mistrust is two-fold. First, victims within minority communities frequently resort to informal channels, such as local religious leaders or community mediators, instead of reporting crimes or rights violations. Second, those falsely accused find it difficult to access competent legal aid, especially when local legal aid lawyers are themselves embedded within dominant communal or caste hierarchies. This creates a chilling effect and fosters a culture of silence and disillusionment with legal institutions. Legal aid frameworks, though formally

⁵ *Id.*

⁶ Supriya Sharma, *Only 36% of Paralegals in India Are Women, and That Prevents Sexual Assault Victims from Speaking Up*, Scroll.in (Feb. 16, 2020), <https://scroll.in/article/953154>.

inclusive, fail to address the context-specific fears and dependencies experienced by minority groups.

CASTE PANCHAYATS AND INFORMAL DISPUTE RESOLUTION

In many villages in Purvanchal, informal justice systems like caste panchayats and biradari sabhas continue to wield enormous influence. These parallel systems often discourage marginalized persons, especially Dalits and women, from seeking formal legal intervention. The panchayats typically favor dominant castes and patriarchal norms and may threaten or shame individuals who defy their authority by approaching the police or courts.⁷

In cases involving domestic violence, inter-caste relationships, land disputes, or communal tensions, such forums frequently issue extrajudicial rulings that directly contravene legal norms. Dalit women, in particular, are expected to accept informal “settlements” even in cases of assault or rape, under social and economic pressure. Legal aid authorities, while mandated to counteract these extra-legal systems, have been ineffective in doing so due to a lack of outreach, presence, and trust in these communities.

This reinforces the notion that the justice system is not an empowering mechanism but a remote and intimidating institution. The coexistence of caste-based informal mechanisms with a sluggish and distant formal legal aid structure severely limits marginalized communities’ access to justice.

STRUCTURAL INEFFICIENCIES IN LEGAL SERVICES DELIVERY

District Legal Services Authorities (DLSAs) are often the first point of contact for individuals seeking free legal services. However, their presence in backward districts is largely symbolic due to persistent structural inefficiencies. Inadequate staff strength, bureaucratic delays, insufficient monitoring, and poor-quality control make the DLSAs inaccessible or ineffective for those most in need.

Many DLSA offices are located in district headquarters, requiring hours of travel for rural inhabitants, most of whom cannot afford the associated cost or time. The lack of mobile legal services, particularly for women and disabled individuals, further compounds these barriers. Where DLSA presence exists, service delivery is often marked by delays in appointment of lawyers, poor follow-up in cases, and an absence of empathy or sensitivity to caste and gender dynamics.⁸

⁷ Indian Law Society, *A Roadblock to Justice: Socio-Economic Barriers to Legal Aid Access under Article 39A*, ILS Public Law Blog (Oct. 2024), <https://ilspubliclawblog.wordpress.com/2024/10/24/> (last visited August 6, 2025).

⁸ Ali Khan Mahmudabad, *Muslim Marginality in UP’s Legal System*, Caravan (July 2019), <https://caravanmagazine.in/religion/muslim-marginality-legal-system-uttar-pradesh>.

The situation is worse in legal aid clinics and Lok Adalats, which are supposed to provide decentralized legal aid but often lack proper infrastructure, legal materials, and trained personnel. Marginalized applicants often find themselves at the mercy of indifferent staff or are turned away for want of proper documentation or legal merit assessments that ignore social context.

TELE-LAW IN PURVANCHAL - PROMISE AND PITFALLS

Tele-Law, a technology-enabled platform launched by the Ministry of Law and Justice, is meant to bridge the gap between rural citizens and legal advisors by connecting them through video conferencing. While the scheme has shown promise in digitally literate areas, its impact in Purvanchal has been limited by low digital penetration, power shortages, lack of awareness, and absence of trained para-legal volunteers (PLVs) in remote blocks.

Language barriers also pose significant challenges. Legal consultations are often conducted in Hindi or English, even though Bhojpuri, Awadhi, and Urdu are more commonly spoken in Purvanchal. Many PLVs lack the cultural sensitivity and local language skills needed to make such interactions meaningful for illiterate or semi-literate clients.⁹

Moreover, the Tele-Law interface is designed for efficiency and speed, which can be antithetical to the kind of patient listening and trust-building required in cases of sexual assault, caste violence, or communal disputes. While the program is touted as a modern solution, it inadvertently reinforces existing exclusions by treating justice delivery as transactional rather than transformative process.

BUREAUCRATIC CULTURE AND DISCRIMINATORY ATTITUDES

Legal aid does not exist in a vacuum. Its effectiveness is shaped by the prevailing bureaucratic and judicial culture, which is often hostile or apathetic to the concerns of marginalized communities. In Purvanchal, caste and communal hierarchies are often mirrored within the police, judiciary, and legal profession itself.

Legal aid lawyers, police personnel, and even judges may carry unconscious bias or explicit discriminatory attitudes that affect how complaints are received, cases are processed, and relief is delivered. Many survivors of violence report that their statements were dismissed, delayed, or diluted, or that they were advised to reconcile rather than litigate, even in grave matters.¹⁰

The absence of institutional accountability further entrenches these attitudes. Grievance redressal mechanisms within DLSAs or Bar Councils are practically nonexistent for poor litigants. There is

⁹ *Id.*

¹⁰ Human Rights Law Network, *Status of Access to Justice Among Minorities in Eastern Uttar Pradesh*, Internal Report (2020).

no routine auditing of lawyer performance, no client feedback system, and no disciplinary framework that is accessible to the poor.

SUMMARY OF FINDINGS

The promise of legal aid as a constitutional right under Article 39A remains largely unrealized for vast sections of marginalized populations in Purvanchal. While statutory frameworks such as the Legal Services Authorities Act, 1987 exist, their implementation falters under institutional inefficiency, systemic discrimination, and lack of contextual sensitivity.¹¹

Women, Dalits, and religious minorities face distinct and intersecting barriers in accessing justice. These include lack of awareness and legal literacy, caste-based refusal to register complaints, gender-based discouragement from pursuing litigation, geographic inaccessibility to DLSAs, and the deep penetration of informal justice systems that override legal norms. The situation is further aggravated by the apathy or complicity of legal aid lawyers, poor grievance redress mechanisms, and language or cultural alienation from digital schemes such as Tele-Law.¹²

The analysis across all three groups reveals that access to legal aid in Purvanchal is not merely a logistical problem but a reflection of deeply entrenched social hierarchies and the state's failure to dismantle them.

CONCLUSION

Legal aid, if meaningfully implemented, holds the potential to transform access to justice for the most marginalized. But in regions like Purvanchal, it continues to reflect and reinforce existing social hierarchies. Women, Dalits, and religious minorities do not merely face logistical hurdles, they are systematically excluded by caste, gender, and communal structures embedded in the justice delivery system itself.

A rights-based approach to legal aid cannot be effective unless it actively dismantles these barriers. The state must move beyond formal compliance with Article 39A and operationalize justice as a lived and inclusive experience. Legal aid should be envisioned not as a remedial measure but as a transformative instrument of social justice, capable of undoing historical wrongs and institutional exclusions.

By embedding accountability, representation, and community participation in legal aid delivery, the gap between constitutional ideals and ground realities in Purvanchal can be bridged. Until then, legal aid for women, Dalits, and minorities will remain a paper promise.

¹¹ The Legal Services Authorities Act, No. 39 of 1987, Acts of Parliament (1987).

¹² *Supra* note 7.

RECOMMENDATIONS

Decentralize Legal Aid Infrastructure

District Legal Services Authorities (DLSAs) must establish permanent and mobile legal aid clinics in rural blocks and panchayat clusters. These centers should operate in local languages, ensure physical access for women and persons with disabilities, and maintain continuity of service with trained staff.

Strengthen Female Representation in Legal Aid Delivery

The presence of women lawyers, paralegal volunteers, and support staff is essential for sensitive engagement with female litigants. Recruitment drives must specifically target women from Scheduled Castes, Scheduled Tribes, and religious minorities, enabling a representational and empathetic delivery model.

Introduce Community-Based Legal Literacy Programs

Legal literacy must go beyond pamphlets and camps. Long-term programs anchored in schools, self-help groups, madrassas, and caste-based organizations should be institutionalized. Legal awareness should be framed not just as information but as empowerment, connecting rights with lived experience.

Reconfigure Tele-Law and Digital Legal Aid

Tele-Law platforms should be re-engineered to allow for multilingual consultations and voice-based access in low-literacy zones. Instead of a centralized, time-bound format, asynchronous systems (voice notes, call-backs) can allow for deeper engagement. PLVs must be trained not only in law but also in cultural mediation and trauma-informed communication.

Enhance Accountability and Quality Monitoring

NALSA and SLSAs should build robust performance tracking systems. Feedback from clients, third-party audits, and community validation should inform evaluations. Bar Councils must integrate legal ethics modules with specific focus on caste, gender, and minority rights during Continuing Legal Education (CLE).

Recognize and Address Discriminatory Culture

Reform must begin with acknowledgment of the discriminatory culture embedded within institutions. Sensitization programs for police officers, judges, lawyers, and DLSA staff must be mandated and periodically evaluated. Social justice education and accountability must be integral to the legal aid ecosystem, not peripheral.¹³

¹³ *Supra* note 9.