

# Safer Homes without Fuller Jails: Women's Rights, Alcohol Prohibition and Rights-Based Social Work in Bihar

Sachin Kumar Singh

sachinsingh.soc@gmail.com

Gopal Narayan Singh University

Navya Naveli

Rishihood University

---

## Research Article

**Keywords:** carceral feminism, rights-based social work, conflict of rights, alcohol prohibition, caste, Bihar

**Posted Date:** October 22nd, 2026

**DOI:** <https://doi.org/10.21203/rs.3.rs-11241630/v1>

**License:** © ⓘ This work is licensed under a Creative Commons Attribution 4.0 International License.

[Read Full License](#)

**Additional Declarations:** No competing interests reported.

---

# Abstract

In 2016, Bihar's government answered rural women's demand for protection from alcohol-linked violence with statewide prohibition. The policy delivered measurable gains: a quasi-experimental study estimates 2.1 million fewer cases of intimate partner violence than in neighbouring states. Its enforcement also carried heavy costs: by May 2023, official figures recorded more than 860,000 arrests, concentrated among Dalit and backward-caste communities, alongside court congestion and deaths from spurious liquor. This article shows how social work can keep the first outcome without the second. Drawing on rights-conflict theory, carceral and governance feminism, and intersectionality, it makes three contributions. First, it names the mechanism, *carceral protectionism*, in which a protective claim is pursued by punishing an associated population, and its effect, *displaced protection*, in which costs shift to caste-subaltern households, the families of those punished, and health and court systems. Second, using United Nations human rights standards and a four-limb proportionality audit, it shows that women's security and the rights of those punished can be realised together: criminalising consumption meets the aim and suitability tests but fails necessity and balancing. Third, it sets out a *Protection without Punishment* framework of five principles, practice tasks anchored in existing Indian law, paired human rights indicators and routes into United Nations monitoring. It equips social workers to direct women's claims to the state's duties of protection, provision and health care.

## 1. Introduction

On 9 July 2015, at a state-level conference in Patna, women members of rural self-help groups asked Bihar's Chief Minister to ban liquor. He promised to do so if re-elected, and prohibition took effect in April 2016 (Government of Bihar, n.d.). An organised demand by poor rural women became state policy within nine months. Its enforcement has been extensive: official data reported 869,000 arrests by 14 May 2023 (The Wire, 2024), and 2018 jail data showed Scheduled Castes accounting for 27.1 per cent and Other Backward Classes for 34.4 per cent of arrests, both above their population shares (Kumar & Raghavan, 2020).

The case poses a constructive question for rights-based social work. The protective gains are documented: a quasi-experimental study estimates that the ban prevented about 2.1 million cases of intimate partner violence relative to neighbouring states (Chakrabarti et al., 2024). The enforcement costs are also documented, and they fall largely on the caste-subaltern communities from which many of the women demanding prohibition came. A profession that defines itself as a human rights profession (Healy, 2008; Staub-Bernasconi, 2016) needs a way to secure the gains for women while protecting the rights of everyone affected. This article provides one.

### 1.1 Research gap

Three literatures each address part of this puzzle. Empirical studies of Indian prohibition estimate effects on violence, health and crime (Luca et al., 2015; Chakrabarti et al., 2024) or document

incarceration (Kumar & Raghavan, 2020), but they treat benefits and harms in separate ledgers, without a normative framework that relates them as competing rights.

Scholarship on carceral and governance feminism explains how feminist claims become crime-control policy (Bernstein, 2010; Halley et al., 2018; Gruber, 2020; Kim, 2018). It rests mainly on domestic violence, trafficking and sexual violence law in Northern settings, and has rarely examined substance prohibition justified as a women's rights measure, or a carceral demand that originated among subaltern women themselves.

Human rights social work supplies the profession's normative architecture (Staub-Bernasconi, 2016; Ife, 2012; Androff, 2016) and, more recently, a critique of carceral social work (Jacobs et al., 2021; Richie & Martensen, 2020). It offers limited guidance where one vulnerable group's rights are invoked to punish another and social workers are enlisted as the policy's agents, and its anti-carceral strand focuses overwhelmingly on policing in the United States.

This article fills that gap. It explains how a subaltern women's rights claim became a carceral regime, tests whether the resulting conflict of rights is genuine, and sets out what rights-based social work can do from inside it.

## 1.2 Research questions and argument

The article addresses three questions:

1. How is a collective protective claim translated into carceral policy, and why are its costs distributed as they are?
2. Is the conflict between women's right to security and the liberty, due-process and health rights of those punished a genuine conflict of rights?
3. What should rights-based social work do when it is positioned inside such a regime?

The argument is affirmative. Women's demand for protection from alcohol-linked violence was a legitimate human rights claim, and the state was right to act on it. What needs to change is the instrument, not the commitment. Criminalising possession and consumption turned a claim on the state into the punishment of a broad population, creating a conflict of rights that the underlying rights do not require. Directing the same claim to the state's duties of protection, provision and health care allows both sets of rights to be realised together, and rights-based social work is well placed to lead that shift.

## 1.3 Contributions and structure

The article makes three contributions. Conceptually, it formally defines *carceral protectionism* and its mechanism, *displaced protection*, and derives five falsifiable propositions (Sections 4.5 and 8.1). Normatively, it presents a rights-conflict map showing that the Bihar conflict arises at the level of the policy instrument and can therefore be resolved (Section 5.3). Practically, it proposes the *Protection without Punishment* framework for social work practice, education and advocacy, with a proportionality audit, a rights-indicator set and routes into United Nations monitoring (Sections 5.4 and 7).

## 2. Approach

This is a conceptual article. It follows Jaakkola's (2020) guidance that non-empirical papers need an explicit research design in which the role of each theory is stated and justified. Two of Jaakkola's templates are combined. The first is *theory adaptation*: existing theories of carceral feminism and rights conflict are revised to explain a case that their original domains do not cover. The second is *model building*: the adapted concepts are assembled into a framework that predicts relations among constructs and guides practice.

The theories play distinct roles. The *domain theory* is human rights–based social work, especially the triple mandate (Staub-Bernasconi, 2016), which defines the practical problem. The *method theories* are rights-conflict theory (Waldron, 1989; Shue, 1980), carceral and governance feminism (Bernstein, 2010; Halley et al., 2018) and intersectionality (Crenshaw, 1991). These are used to reinterpret the domain problem. The normative standard is international human rights law binding on India, namely the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both acceded to in 1979, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, ratified 1993) and the Convention on the Rights of the Child (CRC, ratified 1992), read with the treaty bodies' authoritative interpretations.

The Bihar case is used as an *illustrative and theory-generating case*, not as a site of new primary data. Evidence is graded in three tiers: (1) peer-reviewed studies and official statistics; (2) statutes, judicial records and National Human Rights Commission proceedings; and (3) investigative reporting, used only for documented facts such as dates, official figures and court observations, and triangulated where possible. Figures are reported as published. Derived metrics, such as rates and ratios, are computed from them, with their inputs stated.

The analysis follows a four-step protocol:

1. *Specification*. Core constructs are defined by necessary conditions and stated as propositions with observable implications and falsifying conditions (Section 4.5).
2. *Duty mapping*. Each right engaged is decomposed into Shue's (1980) duties to avoid, protect and aid, and the effect of the policy instrument on each duty is recorded (Section 5.3).
3. *Proportionality review*. The instrument is tested against the four limbs applied in international human rights law and Indian constitutional law (Section 5.4).
4. *Evaluation*. Each proposition is assessed against the graded evidence (Section 8.1).

[AI-use disclosure, to be completed by the author: Springer Nature requires any use of large language models beyond copy-editing to be documented in the methods section. State here which tools were used and for which tasks, and confirm human responsibility for the final text.]

## 3. The Bihar prohibition regime

## 3.1 From women's mobilisation to statute

Bihar's prohibition grew out of women's collective action against a liquor economy that the state itself had expanded. A liberalised excise policy introduced in 2007 multiplied retail outlets across the state (NewsClick, 2022). Rural women responded locally. In Konar village, a group of Dalit women smashed a liquor shop in 2013 (NewsClick, 2020). Between 2013 and 2015, the state rewarded JEEViKA self-help groups for making their villages free of alcohol (Government of Bihar, n.d.).

The decisive moment came at the July 2015 conference described above. Prohibition followed in stages: country liquor was banned from 1 April 2016, and all liquor days later. After the Patna High Court quashed the ban notification as unconstitutional on 30 September 2016, the legislature enacted the Bihar Prohibition and Excise Act, 2016, which came into force on 2 October 2016 (Government of Bihar, n.d.; LiveLaw, 2016). The Supreme Court stayed the High Court's judgment on 7 October 2016 (Fig. 1).

The demand had deep roots. Article 47 of the Indian Constitution directs the state to endeavour to prohibit intoxicating drinks injurious to health, and the anti-arrack movement of rural women in Andhra Pradesh in the early 1990s showed how women's protest against liquor could become state policy (Reddy & Patnaik, 1993). Bihar's distinctive feature is the scale of the enforcement architecture attached to that demand.

Sources: Government of Bihar (n.d.); LiveLaw (2016); PARI Library (2018); Madhyamam (2022); NHRC (2022); The Wire (2024)

Within 15 months the women's demand had become a criminal statute. Since then, the courts, the National Human Rights Commission and two rounds of legislative amendment have reshaped how it is enforced.

## 3.2 The legal architecture

The 2016 Act made every offence cognisable and non-bailable. It allowed a presumption of guilt to extend to adults on premises where liquor was found, and it empowered district collectors to impose collective fines on villages or localities deemed habitual violators. Some offences carried terms of ten years to life (PARI Library, 2018). These provisions extended liability from the individual drinker to the household and the community.

The Bihar Prohibition and Excise (Amendment) Act, 2018 deleted the collective-fine power, removed the presumption against all adults on the premises, reduced several penalties and made certain offences bailable (PARI Library, 2018). Changes in 2022 moved toward fines for first-time consumers (The Wire, 2022). The state thus conceded that some punitive features were excessive, while keeping criminalisation as its core instrument.

## 3.3 What the policy achieved

Prohibition delivered measurable gains for women. Using three rounds of the National Family Health Survey in a difference-in-differences design, Chakrabarti et al. (2024) estimate that the ban prevented about 2.4 million cases of frequent male drinking and 2.1 million cases of intimate partner violence relative to neighbouring states, including a 4.6 percentage-point fall in emotional violence and a 3.6 percentage-point fall in sexual violence. Earlier multi-state evidence also associated prohibition with lower violence against women in India (Luca et al., 2015).

Women's assessments of enforcement differ. A national women's organisation reported in 2018 that in some areas entire Dalit settlements had been jailed (Hindustan Times, 2018), and some of the Dalit women of Konar who led the 2013 protest later described the ban's benefits as nominal (NewsClick, 2020). Section 3.4 sets out the enforcement record behind these assessments.

### 3.4 The costs of enforcement

Arrests grew steadily throughout the regime's life (Fig. 2). The Excise Department recorded 12,154 arrests in the first five months (HuffPost India, 2016). Police records showed 401,855 arrests by October 2021 (Madhyamam, 2022), and official figures reached 869,000 by May 2023 (The Wire, 2024).

Sources: HuffPost India (2016); IANS (2017); The Wire (2018); Bihar Police via Madhyamam (2022); PARI (2023); The Wire (2024)

Two derived rates summarise the scale and trend. The 869,000 arrests equal about 665 per 100,000 residents of Bihar's 2023 population of 13.07 crore (Onmanorama, 2023). Average daily arrests rose from about 171 between April 2016 and March 2018 to about 395 between March 2018 and May 2023, a 2.3-fold increase over a period that included the 2018 amendment diluting penalties.

The burden was socially selective. Jail data analysed in 2018 showed Scheduled Castes accounting for 27.1 per cent of prohibition arrests and Other Backward Classes for 34.4 per cent (Kumar & Raghavan, 2020). The Scheduled Caste share is 1.69 times the community's 2011 population share of about 16 per cent and 1.38 times its 2023 share of 19.65 per cent (Onmanorama, 2023), so over-representation holds under either denominator. Legal-aid practitioners report that Musahars, among the poorest Dalit communities, were hit hardest, with raids on Musahar hamlets leading to multiple arrests after a single case (The Wire, 2024).

The justice system absorbed much of the cost. By October 2021, about 20,000 bail pleas in prohibition cases were pending in the High Court and district courts. In December 2021, the Chief Justice of India cited the law as an example of a lack of legislative foresight that clogs the courts (Madhyamam, 2022). The Patna High Court told the Supreme Court that roughly a quarter of regular bail applications before it arose under the Act (Verdictum, 2022).

The illicit market carried a lethal toll. After deaths from spurious liquor in Saran district in December 2022, the National Human Rights Commission took suo motu cognisance and called the incident evidence of the state's failure to implement its own policy (NHRC, 2022). The Commission later put the

toll at no fewer than 77, against an official figure of 42 (Outlook, 2023). The Chief Minister refused compensation to bereaved families (Scroll, 2022). In 2024, the Patna High Court observed that prohibition had fostered unauthorised trade and that the law's burden fell on the poor (The Wire, 2024).

## 4. Theoretical framework

Four bodies of theory are combined and each is adapted to the Bihar case: rights-conflict theory supplies the normative grammar, carceral and governance feminism the mechanism of translation, intersectionality the distribution of costs, and rights-based social work the professional obligation.

### 4.1 Rights in conflict: rights, duties and instruments

A common response to cases like Bihar is to *balance* women's security against drinkers' liberty. Rights theory offers a more exacting alternative. Waldron (1989) shows that a single right generates successive waves of duties, and that apparent conflicts between rights are often conflicts between particular duties, some of which can be discharged without collision. Shue (1980) makes this operational: every basic right correlates with duties to avoid depriving, to protect from deprivation, and to aid the deprived. A right to security can therefore be honoured through many combinations of duties, only some of which require punishment.

This permits a distinction between *genuine* and *spurious* conflicts of rights (Zucca, 2007). A genuine conflict exists when honouring one right necessarily infringes another whatever the means chosen; a spurious conflict is produced by a contingent choice of means. If the Bihar conflict is genuine, social work must balance; if it is spurious, its task is to promote means that realise both rights (Definition 3, Section 4.5).

International human rights law supports this reading. CEDAW General Recommendation No. 35 places a *due diligence* obligation on states to prevent gender-based violence, protect survivors, and address its underlying causes, including through services and women's economic empowerment (CEDAW Committee, 2017). The Human Rights Committee's General Comment No. 35 requires that any deprivation of liberty be reasonable, necessary and proportionate (Human Rights Committee, 2014). The right to health under ICESCR Article 12 extends to prevention and treatment, including for harmful alcohol use (CESCR, 2000; WHO, 2010). None of these instruments requires that protection from violence be delivered by criminalising the consumption of a substance by an entire population.

The United Nations human rights system has reached the same conclusion in a closely analogous field. The Special Rapporteur on the right to health concluded that criminalising personal drug use and possession impedes the right to health, not least by deterring people from seeking care (Special Rapporteur on the Right to Health, 2010). The Working Group on Arbitrary Detention (2021) found people who use drugs particularly exposed to arbitrary detention and recommended decriminalising use and possession for personal use while expanding health and social services. These conclusions apply with

greater force to alcohol, which international health policy treats as a matter for public health regulation rather than criminal prohibition (WHO, 2010).

## 4.2 Carceral and governance feminism

Bernstein (2010) coined *carceral feminism* for feminist reliance on criminal law and incarceration as the instruments of gender justice. Halley et al. (2018) widen this into *governance feminism*, the entry of feminist ideas into state power, and show through India's anti-rape reforms how feminist demands for punitive law converged with wider public punitiveness. Gruber (2020) traces feminist anti-violence advocacy into US mass incarceration, and Kim (2018) maps a continuum from carceral feminism to community-based transformative justice. Kapur (2002) adds that framing women chiefly as victims tends to strengthen protectionist state projects rather than women's agency.

The Bihar case requires three adaptations of this literature. First, the carceral demand did not originate in elite or transnational feminist networks. It came from poor rural women organised in state-sponsored self-help groups, which rules out treating the demand as imposed from above. Second, the target of punishment was not the perpetrator of violence but a substance and anyone who made, sold, carried or consumed it. Protection was pursued by punishing an *associated other*: a broad population linked to the harm by proximity, not by conduct toward women. Third, the state had strong electoral reasons to convert a women's demand into highly visible punitive action. Historical work on temperance shows that prohibition often functions as symbolic politics that affirms a moral order more than it solves a problem (Gusfield, 1963).

These adaptations motivate the article's first concept, *carceral protectionism*. It differs from carceral feminism as usually theorised in the social origin of the claim, the breadth of the punished population, and the gap between the harm complained of (violence) and the conduct punished (drinking and trading). Section 4.5 defines it formally.

## 4.3 Intersectionality and penal selectivity

Crenshaw (1991) showed that interventions designed around one axis of subordination can fail, or harm, women located at the intersection of several. *Structural intersectionality* describes how race, class and gender jointly shape women's experience of violence and of the remedies offered to them. *Political intersectionality* describes how movements organised around one axis marginalise those who stand at the intersection. Both apply in Bihar, with caste in the place of race. The women who demanded protection and the men who were punished frequently belonged to the same caste-class locations. A Dalit woman's claim to safety was thus converted into the incarceration of Dalit men, with consequences for Dalit households. Politically, women's rights and caste justice were then framed as rival causes.

Wacquant's (2009) account of the penal management of poverty explains the selectivity that intersectional analysis predicts. Punitive enforcement concentrates where policing is easiest and resistance weakest. In Bihar, that meant settlements of the poor, not the walled homes of the affluent or the supply networks of organised traders.

## 4.4 Rights-based social work and its mandates

Social work's identity as a human rights profession is long-standing (Healy, 2008) and is codified in the International Federation of Social Workers' (IFSW) Global Definition (2014) and ethical principles (IFSW, 2018). Rights-based practice treats service users as rights-holders, identifies duty-bearers, and applies dignity, non-discrimination, participation, transparency and accountability (Ife, 2012; Androff, 2016).

Staub-Bernasconi's (2016) *triple mandate* clarifies the profession's position. Social workers act under a mandate from society and the employing agency, a mandate from service users, and a third, professional mandate grounded in scientific knowledge, ethics and human rights. The third mandate gives social work relative autonomy: a principled basis for refusing tasks that violate service users' rights even when the state or agency demands them.

Anti-carceral social work applies this logic to policing. Jacobs et al. (2021) define *carceral social work* as collaboration with police and the use of coercive and punitive practices, and Richie and Martensen (2020) call on feminist social work to resist carcerality. Both assume that the carceral state and the social work agency are separate institutions. In Bihar, the state's livelihoods mission and women's collectives were themselves enlisted in prohibition (Section 6).

## 4.5 Definitions and propositions

The theories above are combined into three definitions and five propositions, which the analysis applies and Section 8.1 evaluates.

### Definition 1

**(carceral protectionism).** A policy regime is carceral protectionist when four conditions hold: (a) it is justified by a protective claim on behalf of a group G; (b) its principal instrument is criminal sanction; (c) the sanctioned population A is defined by association with a risk factor, not by harmful conduct toward G; and (d) A is substantially larger than the set of people who harm members of G.

### Definition 2

**(displaced protection).** Displaced protection is the incidence of a protective regime's costs on people other than those who harm the protected group. It has three vectors: *downward*, measured by arrest disproportionality ratios above 1 for subordinated caste or class groups; *inward*, the costs borne by members of the protected group within punished households; and *outward*, the costs borne by third-party systems such as health care and the courts.

### Definition 3

**(spurious conflict of rights).** A conflict between rights R1 and R2 under policy P is spurious when a feasible alternative policy P' discharges the duties correlative to R1 to a comparable degree without infringing R2 (adapting Waldron, 1989; Zucca, 2007).

### Proposition 1

A protective claim is translated into carceral protectionism when the state favours visible, countable action and the sanctioned population has low political capacity.

### Proposition 2

Under carceral protectionism, arrest disproportionality ratios exceed 1 for subordinated caste and class groups.

### Proposition 3

Members of the protected group bear costs within punished households.

### Proposition 4

Third-party systems absorb costs, observable as court congestion and harm from unregulated supply.

### Proposition 5

The resulting conflict of rights is spurious, so the regime's punitive features can be reduced without abandoning its protective aim.

## 5. Analysis: from protective claim to rights-compatible protection

This section explains how the Bihar claim was translated into punishment (5.1), how the costs of enforcement were distributed (5.2), why the resulting conflict of rights can be resolved (5.3), and how the measure fares under proportionality review (5.4).

### 5.1 Translation: from a claim on the state to the punishment of others

The women of 2015 made a claim *on the state*. They asked it to stop a harm that its own excise policy had helped to spread. The state answered by redirecting the claim *against a population*. Four features of the policy environment explain why carceral protectionism was the path of least resistance.

Four features of the policy environment made this path likely, consistent with Proposition 1. *Legibility*: raids, seizures and arrests are countable outputs that can be reported as commitment, whereas services produce slower, diffuse results. *Moralisation*: framing drinking as personal vice locates harm in the drinker rather than in the market or the state, as when the Chief Minister refused compensation to families of the Saran dead (Scroll, 2022). *Mobilisation*: women's collectives had already been enrolled in alcohol-free village campaigns (Government of Bihar, n.d.). *Selectivity*: punishment could be imposed on populations with little capacity to resist (Wacquant, 2009).

## 5.2 Displaced protection

The mechanism through which the paradox operates is *displaced protection*: the systematic transfer of the costs of a protective policy onto the least powerful, including members of the class the policy claims to protect. In Bihar the displacement ran in three directions (Fig. 3).

**Downward, to caste-subaltern households.** Enforcement concentrated on Scheduled Castes, Other Backward Classes and, within them, the poorest Musahar settlements (Section 3.4). Until 2018, collective fines and household presumptions extended liability to whole localities and families. Accused persons who could not afford lawyers spent months in custody (PARI, 2023).

**Inward, to the families of those punished.** The incarceration of a male earner removes income and adds the costs of bail and litigation. The family of one man arrested under the law reported spending Rs 50,000 on a case and carrying a further Rs 20,000 loan (The Wire, 2018). Children lose a parent's presence and income, engaging their rights under CRC Articles 9 and 27. These households are concentrated in the communities from which the demand for protection came.

**Outward, to public health and the justice system.** Prohibition did not end drinking. It moved supply into an unregulated market where spurious liquor killed and blinded consumers (NHRC, 2022). Criminalisation also deters people from seeking treatment for harmful drinking, which is a health need under ICESCR Article 12. At the same time, bail litigation under the Act congested the courts. By the Chief Justice's account, it took about a year to get a matter listed in the Patna High Court (Madhyamam, 2022). Congestion of this kind is not confined to prohibition cases. It delays every litigant, including women seeking remedies for violence. Through this channel, the carceral route to women's protection consumes the justice infrastructure that women's protection requires.

The three directions reinforce one another: enforcement concentrated on poor settlements produces the arrests that congest the courts, and court congestion lengthens undertrial detention, which deepens household debt.

Author's conceptual model

The dashed loop marks the paradox: impoverishment of punished households feeds back into the economic vulnerability that the original claim sought to reduce.

## 5.3 Is the conflict genuine? A rights-conflict map

Table 1 maps the rights engaged by the regime, using the duty-based approach set out in Section 4.1. For each rights-holder it identifies the right and its source, the duty most directly engaged, the effect of the carceral design, and a means of honouring the right that does not require criminalisation.

Table 1  
Rights-conflict map of the Bihar prohibition regime

| <b>Rights-holder</b>                           | <b>Right engaged (source)</b>                                                         | <b>Duty most engaged</b>               | <b>Effect of carceral design</b>                                                         | <b>Non-carceral means that honours the right</b>                                                                                                                                    |
|------------------------------------------------|---------------------------------------------------------------------------------------|----------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Women at risk of alcohol-linked violence       | Freedom from gender-based violence; security of person (CEDAW; GR 35; ICCPR Art. 9)   | Protect; prevent through due diligence | Partly honoured: violence fell, but via punishment of a broad population                 | Protection Officers and orders under the Protection of Women from Domestic Violence Act, 2005; shelters; women's economic autonomy; regulation of alcohol supply and outlet density |
| Persons arrested for possession or consumption | Liberty; fair trial (ICCPR Arts. 9, 14; Constitution Art. 21)                         | Avoid arbitrary deprivation            | Infringed: mass arrest; non-bailable offences until 2018; prolonged undertrial detention | Decriminalised consumption; proportionate administrative regulation                                                                                                                 |
| Women and children in punished households      | Adequate standard of living; parental care (ICESCR Art. 11; CRC Arts. 9, 27)          | Avoid deprivation; aid                 | Infringed: loss of earners; litigation debt                                              | Non-custodial measures (Tokyo Rules); legal aid; social protection for affected households                                                                                          |
| Consumers of illicit liquor                    | Life; health (ICCPR Art. 6; ICESCR Art. 12)                                           | Protect; aid                           | Infringed: deaths and blinding from spurious liquor; compensation refused                | Voluntary treatment; harm reduction; quality-regulated supply; compensation and rehabilitation                                                                                      |
| Caste-subaltern communities                    | Equality and non-discrimination (ICCPR Art. 26; ICERD; Constitution Arts. 14, 15, 17) | Avoid discriminatory enforcement       | Infringed: disproportionate arrests; collective fines until 2018                         | Caste-disaggregated monitoring; end of collective penalties; enforcement focused on organised supply                                                                                |
| All litigants, including survivors of violence | Hearing without undue delay (ICCPR Art. 14(3)(c))                                     | Provide a functioning justice system   | Infringed: court congestion from bail litigation                                         | Legislative impact assessment; diversion of low-level cases from criminal courts                                                                                                    |

The map supports a clear conclusion. In every row where a right is infringed, the infringement follows from the choice of a criminal instrument, not from women's right to security. Women's right generates state duties of protection, prevention and aid; it does not generate a duty to arrest people for drinking.

The conflict is therefore *spurious* in Zucca's (2007) sense, which means it can be resolved by changing the instrument while keeping the protective aim.

Two objections deserve an answer. The first holds that alcohol availability itself drives violence, so restricting supply restricts others' freedom. That is correct, but supply regulation is an established public health measure (WHO, 2018; WHO, 2010) that curtails only a liberty to buy without limit, not freedom from detention, health or life. The second holds that only the threat of punishment changes behaviour at scale. Bihar's own trajectory weakens this claim: the 2018 and 2022 amendments reduced punishment without abandoning the protective aim.

## 5.4 A proportionality audit

The conclusion can be tested against the proportionality standard that both international human rights law and Indian constitutional law apply to measures that limit rights. Under the ICCPR, any deprivation of liberty must be reasonable, necessary and proportionate (Human Rights Committee, 2014). The Supreme Court of India adopted a four-limb proportionality test in *Modern Dental College v. State of Madhya Pradesh* (2016) and applied it to Article 21 in *K.S. Puttaswamy v. Union of India* (2017). The Patna High Court's 2016 judgment had already found the ban inconsistent with the right to privacy under Article 21 (IndiaSpend, 2017). Table 2 applies the four limbs to the criminalisation of possession and consumption.

Table 2  
A proportionality audit of criminalising alcohol possession and consumption in Bihar

| Limb           | Test                                                        | Assessment                                                                                                                                                                                                                                                                                                | Result                        |
|----------------|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Legitimate aim | Does the measure pursue a legitimate aim?                   | Protecting women from alcohol-linked violence is a pressing aim recognised in CEDAW General Recommendation No. 35                                                                                                                                                                                         | Met                           |
| Suitability    | Is the measure rationally connected to the aim?             | Intimate partner violence fell by an estimated 2.1 million cases relative to neighbouring states (Chakrabarti et al., 2024), although illicit supply persisted                                                                                                                                            | Met, with qualification       |
| Necessity      | Is a less restrictive means of comparable effect available? | WHO's SAFER package prioritises restricting availability, raising prices, and screening and treatment, none of which criminalises consumers (WHO, 2018); protection orders and women's economic autonomy address violence directly; the 2018 and 2022 amendments reduced punishment while keeping the aim | Not met on available evidence |
| Balancing      | Do the gains outweigh the burden on rights?                 | About 665 arrests per 100,000 residents; a Scheduled Caste arrest disproportionality ratio of 1.38–1.69; a quarter of the Patna High Court's regular bail docket; deaths from spurious liquor                                                                                                             | Not met                       |

The measure passes the first two limbs and fails the last two. This is the doctrinal form of the article's central claim: the state was entitled to act, and its action was connected to a real harm, but it chose a means more restrictive than necessary and imposed burdens out of proportion to its gains. Rights-based social work can therefore press for reform in the state's own constitutional vocabulary, without denying the protective aim that women's collectives fought for.

## 6. Social work's position and options

In Bihar, social work sits inside the prohibition regime. Professional social workers staff NGOs, de-addiction services and legal-aid organisations, and a far larger para-professional workforce of self-help group leaders and livelihood-mission cadres performs social work functions in villages. Both were drawn in: the 2015 conference was organised by the state's Women Development Corporation, women's collectives were rewarded for alcohol-free villages (Government of Bihar, n.d.), and enforcement relied on public reporting through a complaint call centre (HuffPost India, 2016).

### 6.1 The triple mandate under strain

The triple mandate (Staub-Bernasconi, 2016) shows why this position is so difficult. The *societal mandate* from the state and employing agency is to promote and implement prohibition, which may include reporting violations. The *service-user mandate* is divided against itself. Women seek protection from violence, families of the arrested seek release and survival, and drinkers seek treatment without arrest. These are often the same households at different moments. The *professional mandate* grounded in human rights and ethics forbids participation in arbitrary detention and discrimination, and it requires attention to the most vulnerable.

When the societal mandate is carceral and the service-user mandate is split, the professional mandate becomes decisive. It is the only one of the three that can arbitrate between the others on principled grounds.

### 6.2 Three possible postures

Three postures are available to social workers in this position.

**Enforcement alignment.** Social workers and community cadres act as the regime's eyes and ears, identifying drinkers, reporting sellers and mobilising vigilance. This is carceral social work in Jacobs et al.'s (2021) sense. In villages it risks turning women's collectives into reporting networks aimed at neighbours and kin, and it undermines the confidentiality on which help-seeking depends.

**Critical abstention.** Social workers denounce prohibition as anti-poor and withdraw. This correctly identifies displaced protection but abandons the women whose claim began the process, implying that their demand was mistaken. It reproduces what Crenshaw (1991) called political intersectionality: caste justice and women's safety are set against each other, and women at the intersection are lost.

**Rights reconciliation.** Social workers affirm the legitimacy of women's claim, refuse enforcement functions, and work to re-specify the claim so that it is directed at the state's duties of protection, provision and health care. The professional mandate supports this posture because it rests on the analysis in Section 5: the conflict between the two groups of rights-holders is spurious and can be dissolved by changing the instrument. This posture sits toward the community-based end of Kim's (2018) continuum without requiring social workers to reject every engagement with the state. Section 7 develops it into a framework.

## 7. Protection without Punishment: a framework for rights-based social work

The *Protection without Punishment* (PwP) framework turns the posture of rights reconciliation into practice. It rests on five principles, operates at four levels, and is evaluated through paired indicators (Fig. 4). Its premise is the conclusion of Section 5: women's right to security and the rights of those punished can be realised together once protection is pursued through the state's non-carceral duties.

### Author's framework

The principles rest on the professional mandate and serve a single goal: realising both sets of rights together rather than trading one for the other.

## 7.1 Five principles

**P1. Affirm the claim; decouple the remedy.** Social workers treat women's demand for protection from alcohol-linked violence as a legitimate human rights claim and say so publicly. They separate the claim from the instrument chosen to answer it. Opposing criminalisation is not opposing women.

**P2. Re-specify the duty-bearer.** The duty-bearer for women's security is the state, under the due diligence standard of CEDAW General Recommendation No. 35. Its duties include survivor services, prevention, regulation of alcohol supply, women's economic autonomy and health care for harmful drinking. Social workers redirect claims from "men who drink" to the institutions responsible for these duties.

**P3. Count the household.** Every protective measure is assessed for its effects on the women and children of those it punishes. The household, not the individual offender or victim, is the unit of rights analysis. This principle makes inward displacement visible and prevents a measure's beneficiaries from being counted only once.

**P4. Refuse enforcement; exercise the professional mandate.** Social workers and community cadres decline informant, surveillance and vigilance roles, protect confidentiality, and accompany people through the legal system. They document rights violations arising from enforcement and bring them to

oversight bodies. This principle follows from the third mandate's relative autonomy (Staub-Bernasconi, 2016).

**P5. Measure co-realisation.** A protective policy is judged rights-compliant only if its gains on women's safety are not purchased with losses in liberty, health or equality. Social workers advocate for, and help collect, paired indicators that make both sides of the ledger visible (Section 7.3).

## 7.2 Practice across levels

Table 3 translates the principles into practice at four levels. The examples use existing Indian legal and institutional provisions, so that the framework can be implemented without new legislation.

Table 3  
Protection without Punishment: practice by level

| Level                               | What social workers do                                                                                                                                                                                                                                                                                  | Principles applied | Existing legal or institutional anchor                                                                                                                                                                                                                             |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Micro: individuals and families     | Survivor-centred safety planning; help women obtain protection, residence and monetary relief orders; refer drinkers to voluntary treatment without police involvement; link arrested persons and their families to legal aid                                                                           | P1, P2, P3, P4     | Protection Officers under the Protection of Women from Domestic Violence Act, 2005; free legal aid under the Legal Services Authorities Act, 1987                                                                                                                  |
| Meso: communities and organisations | Reorient women's collectives from vigilance to mutual aid, savings, credit and collective bargaining; develop community accountability processes for violence; establish confidentiality protocols that bar informant roles                                                                             | P1, P3, P4         | Self-help group federations under the state livelihoods mission; NGO codes of practice                                                                                                                                                                             |
| Macro: policy and advocacy          | Advocate decriminalisation of consumption alongside strict regulation of supply; support compensation and rehabilitation for victims of spurious liquor; press for caste- and gender-disaggregated enforcement data and legislative impact assessment; use undertrial-release provisions systematically | P2, P3, P5         | Constitution Arts. 21 and 47 read together; arrest guidelines in Armesh Kumar v. State of Bihar (2014); undertrial release under s. 479 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly s. 436A CrPC); NHRC and State Human Rights Commission complaints |
| Education and training              | Teach rights-conflict analysis, the triple mandate and carceral critique using South Asian cases; train community cadres in confidentiality and rights-based referral                                                                                                                                   | P1–P5              | Social work curricula; livelihood-mission cadre training                                                                                                                                                                                                           |

## 7.3 Paired indicators of co-realisation

Principle P5 requires measurement. Table 4 adapts the structural–process–outcome typology of the human rights indicators framework of the Office of the United Nations High Commissioner for Human Rights (OHCHR, 2012), pairing each protection indicator with the displacement indicator most likely to accompany it under a carceral design. Reporting both columns together prevents a policy from claiming success on one ledger while concealing losses on the other.

Table 4  
Paired human rights indicators for monitoring a protective policy, by OHCHR indicator type

| <b>Indicator type</b> | <b>Protection indicator</b>                                                                            | <b>Paired displacement indicator</b>                                                                     | <b>Displacement direction</b> |
|-----------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-------------------------------|
| Structural            | Funded Protection Officers and services under the Protection of Women from Domestic Violence Act, 2005 | Criminal penalties for personal consumption; collective or household liability                           | Downward                      |
| Process               | Protection orders granted; voluntary treatment uptake for harmful drinking                             | Arrests per 100,000 population by caste and gender; median undertrial detention for prohibition offences | Downward                      |
| Process               | Disposal time for domestic violence cases                                                              | Share of the court bail docket arising from prohibition offences                                         | Outward                       |
| Outcome               | Prevalence of intimate partner violence (National Family Health Survey)                                | Deaths and injuries from spurious liquor; compensation paid                                              | Outward                       |
| Outcome               | Women's control over income and savings                                                                | Household debt incurred for bail and litigation                                                          | Inward                        |

## 7.4 Using international human rights mechanisms

The framework also links village-level practice to international monitoring, which rights-based approaches treat as part of social work's advocacy role (Androff, 2016). Evidence gathered under P4 and the indicators in Table 4 can inform civil society shadow reports to the CEDAW Committee, which reviews India's periodic reports (CEDAW Committee, 2014), and submissions to the Universal Periodic Review, whose fourth cycle for India took place in 2022. Individual violations, including custodial abuse, deaths from spurious liquor and refused compensation, can be taken to the National and State Human Rights Commissions; the NHRC's suo motu action after Saran shows that this route is open (NHRC, 2022). These mechanisms turn the household-level knowledge social workers already hold into evidence that the state must answer.

The framework gives social workers a practical route to securing women's safety and the rights of the poor together, by holding the state to the full range of duties that women's right to security entails.

## 8. Discussion

## 8.1 Theoretical implications

The article extends carceral feminism in two ways. It shows that the carceral turn need not originate with elite or transnational actors: a demand rooted among subaltern women can be carceralised by a state that selects punishment from the available responses, so critique should target the translation, not the claimants. It also identifies a form of carceral protectionism that punishes an *associated other* defined by proximity to a risk factor, which widens the punished population and explains the regime's unusually large carceral footprint.

For human rights and social work theory, the article shows the practical value of separating genuine from spurious conflicts of rights and of testing them through proportionality (Section 5.4). It also shows that the triple mandate (Staub-Bernasconi, 2016) does more than describe competing loyalties: where the service-user mandate is divided, the professional mandate, informed by rights-conflict analysis, supplies the criterion for arbitration.

Table 5 evaluates the five propositions against the evidence assembled in Sections 3 and 5. Propositions 2, 4 and 5 are supported by official, judicial or doctrinal evidence. Propositions 1 and 3 are partially supported and mark the priorities for empirical work.

Table 5  
Propositions, observable implications, falsifying conditions and evidence status

| Proposition              | Observable implication                                                                      | Falsifying condition                                                          | Evidence from Bihar                                                                                                                                                                           | Status                |
|--------------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 1. Translation           | Enforcement reported through countable outputs; punishment preferred over service expansion | Comparable expansion of survivor and treatment services alongside enforcement | Published arrest totals and a public complaint call centre (HuffPost India, 2016; The Wire, 2024); no service-expansion data located                                                          | Partially supported   |
| 2. Downward displacement | Arrest share divided by population share exceeds 1 for subordinated groups                  | Ratio of 1 or below                                                           | Scheduled Caste ratio 1.38–1.69; Other Backward Classes 34.4 per cent of arrests (Kumar & Raghavan, 2020)                                                                                     | Supported             |
| 3. Inward displacement   | Income loss and litigation debt in punished households                                      | No measurable household cost                                                  | Case reports of litigation debt (The Wire, 2018); no household survey                                                                                                                         | Partially supported   |
| 4. Outward displacement  | Court congestion; harm from unregulated supply                                              | No rise in bail litigation; no spurious-liquor deaths                         | About 20,000 pending bail pleas by October 2021; about a quarter of the High Court's regular bail docket; at least 77 Saran deaths per NHRC (Madhyamam, 2022; Verdictum, 2022; Outlook, 2023) | Supported             |
| 5. Spurious conflict     | Punitive features reduced without abandoning the protective aim                             | Evidence that only criminalising consumption reduces alcohol-linked violence  | 2018 and 2022 amendments retained the aim; WHO SAFER measures do not criminalise consumers (WHO, 2018)                                                                                        | Supported (doctrinal) |

## 8.2 Implications for practice, education and policy

For practice, social workers and community cadres in Bihar should not occupy enforcement roles, and their employers should adopt explicit confidentiality protocols. For education, Indian social work curricula should teach rights-conflict reasoning, proportionality and carceral critique through South Asian cases, treating caste as a central axis of analysis.

For policy, the analysis supports strict regulation of alcohol supply with decriminalised consumption, investment in the services required by CEDAW General Recommendation No. 35, and compensation and rehabilitation for victims of spurious liquor. Official arrest data were reportedly not updated after 2023 (The Wire, 2024); the paired indicators in Table 4 offer a template for public reporting.

The concepts travel beyond Bihar. Carceral protectionism and displaced protection can be tested wherever a protective claim on behalf of women or children is pursued through mass punishment of an associated population. Relevant cases include other prohibition states in India, rescue-and-raid approaches to trafficking, and the criminalisation of families in campaigns against child marriage.

## 8.3 Limitations

Four limitations apply. The article relies on documentary sources rather than new primary data, and reported enforcement figures may be incomplete. Evidence of protective effects rests mainly on one quasi-experimental study. The three directions of displacement are theoretical propositions whose magnitudes, particularly for inward displacement, remain unmeasured. And the state is treated as a single actor for clarity, although departments, courts and parties pursued divergent aims.

## 8.4 Future research

Four lines of research follow: a mixed-methods study of the households of those arrested, measuring income loss, debt, women's workload and children's outcomes; an ethnography of social workers and livelihood-mission cadres and their involvement in enforcement; a district-level test of the indicators in Table 4 using National Family Health Survey, prison and court data; and comparison across prohibition states and other carceral protective laws to establish the concepts' boundary conditions.

## 9. Conclusion

The women who asked for prohibition in 2015 made a human rights claim, and the evidence shows that it produced real gains, including an estimated 2.1 million fewer cases of intimate partner violence. The enforcement model attached to that claim, criminalising possession and consumption, generated more than 860,000 arrests and costs that fell on caste-subaltern households, on the families of those punished, and on health and court systems. This article has shown that these costs are not required by women's rights: under United Nations standards and Indian proportionality doctrine, the protective aim can be pursued through less restrictive means.

Rights-based social work can lead that shift. The *Protection without Punishment* framework gives it five principles, practice tasks anchored in the Protection of Women from Domestic Violence Act, 2005 and the Legal Services Authorities Act, 1987, a set of OHCHR-based indicators, and routes into CEDAW reporting, the Universal Periodic Review and national human rights institutions. With these tools, social workers can keep faith both with the women who demanded protection and with every other rights-holder the policy affects.

## Declarations

## Competing interests:

The author declares no competing interests.

# Author Contribution

A.B: Concept, Analysis, Writing, Editing, Proofreading

## Data availability:

No new data were generated. All sources are cited and publicly accessible.

## Statutes and cases

*Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273.

Bharatiya Nagarik Suraksha Sanhita, 2023.

Bihar Prohibition and Excise Act, 2016 (Bihar Act 20 of 2016).

Bihar Prohibition and Excise (Amendment) Act, 2018 (Bihar Act 8 of 2018).

*Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

Legal Services Authorities Act, 1987.

*Modern Dental College & Research Centre v. State of Madhya Pradesh*, (2016) 7 SCC 353.

Protection of Women from Domestic Violence Act, 2005.

## References

1. Androff, D. (2016). *Practicing rights: Human rights-based approaches to social work practice*. Routledge.
2. Bernstein, E. (2010). Militarized humanitarianism meets carceral feminism: The politics of sex, rights, and freedom in contemporary antitrafficking campaigns. *Signs: Journal of Women in Culture and Society*, 36(1), 45–71. <https://doi.org/10.1086/652918>
3. CEDAW Committee. (2014). *Concluding observations on the combined fourth and fifth periodic reports of India* (CEDAW/C/IND/CO/4-5). United Nations.
4. CEDAW Committee. (2017). *General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19* (CEDAW/C/GC/35). United Nations.
5. Chakrabarti, S., Christopher, A., Scott, S. P., Kishore, A., & Nguyen, P. H. (2024). Effects of a large-scale alcohol ban on population-level alcohol intake, weight, blood pressure, blood glucose, and domestic violence in India: A quasi-experimental population-based study. *The Lancet Regional Health – Southeast Asia*, 26, 100427. <https://doi.org/10.1016/j.lansea.2024.100427>

6. Committee on Economic, Social and Cultural Rights. (2000). *General Comment No. 14: The right to the highest attainable standard of health (Art. 12) (E/C.12/2000/4)*. United Nations.
7. Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, 43(6), 1241–1299.
8. Government of Bihar. (n.d.). *Prohibition – Say no to liquor*.  
<https://betastate.bihar.gov.in/Liquorban.aspx>
9. Gruber, A. (2020). *The feminist war on crime: The unexpected role of women's liberation in mass incarceration*. University of California Press.
10. Gusfield, J. R. (1963). *Symbolic crusade: Status politics and the American temperance movement*. University of Illinois Press.
11. Halley, J., Kotiswaran, P., Rebouché, R., & Shamir, H. (2018). *Governance feminism: An introduction*. University of Minnesota Press.
12. Healy, L. M. (2008). Exploring the history of social work as a human rights profession. *International Social Work*, 51(6), 735–748.
13. Hindustan Times. (2018, April 5). [Report on two years of prohibition in Bihar], Lucknow edition. Link
14. HuffPost India. (2016, August 25). [Report on more than 12,000 arrests under Bihar's prohibition law]. Link
15. Human Rights Committee. (2014). *General Comment No. 35: Article 9 (Liberty and security of person) (CCPR/C/GC/35)*. United Nations.
16. IANS. (2017, April 5). Over 45,000 held for violating Bihar liquor ban. *India.com*. Link
17. Ife, J. (2012). *Human rights and social work: Towards rights-based practice* (3rd ed.). Cambridge University Press.
18. IndiaSpend. (2017). 270 days after Bihar liquor ban, major crimes up 13%. Link
19. International Federation of Social Workers & International Association of Schools of Social Work. (2014). *Global definition of social work*. IFSW.
20. International Federation of Social Workers & International Association of Schools of Social Work. (2018). *Global social work statement of ethical principles*. IFSW.
21. Jaakkola, E. (2020). Designing conceptual articles: Four approaches. *AMS Review*, 10(1–2), 18–26.  
<https://doi.org/10.1007/s13162-020-00161-0>
22. Jacobs, L. A., Kim, M. E., Whitfield, D. L., Gartner, R. E., Panichelli, M., Kattari, S. K., Downey, M. M., McQueen, S. S., & Mountz, S. E. (2021). Defund the police: Moving towards an anti-carceral social work. *Journal of Progressive Human Services*, 32(1), 37–62.  
<https://doi.org/10.1080/10428232.2020.1852865>
23. Kapur, R. (2002). The tragedy of victimization rhetoric: Resurrecting the "native" subject in international/post-colonial feminist legal politics. *Harvard Human Rights Journal*, 15, 1–37.
24. Kim, M. E. (2018). From carceral feminism to transformative justice: Women-of-color feminism and alternatives to incarceration. *Journal of Ethnic & Cultural Diversity in Social Work*, 27(3), 219–233.

<https://doi.org/10.1080/15313204.2018.1474827>

25. Kumar, P., & Raghavan, V. (2020). Undertrial prisoners in Bihar: A study of liquor ban arrests. *Economic and Political Weekly*, 55(7), 38–[end page]. Link
26. LiveLaw. (2016, October 7). SC stays Patna HC order which quashed Bihar liquor ban. Link
27. Luca, D. L., Owens, E., & Sharma, G. (2015). Can alcohol prohibition reduce violence against women? *American Economic Review*, 105(5), 625–629.
28. Madhyamam. (2022). SC criticises Bihar's liquor ban as bail applications crowd lower courts. Link
29. National Human Rights Commission. (2022, December 16). *NHRC notices to the Government of Bihar over reported hooch tragedy resulting in several deaths* [Press release]. Link
30. NewsClick. (2020). Konar: The first village to spur liquor ban protests demystifies dry Bihar's reality. Link
31. NewsClick. (2022). What is the problem with Bihar's alcohol ban. Link
32. Office of the United Nations High Commissioner for Human Rights. (2012). *Human rights indicators: A guide to measurement and implementation* (HR/PUB/12/5). United Nations.
33. Onmanorama. (2023, October 2). Bihar caste census reveals OBC, EBC comprise 63% of state's population [PTI report]. Link
34. Outlook. (2023). Bihar: 20 dead after consuming spurious liquor in Motihari district. Link
35. PARI. (2023). God has given us a sky full of sorrow. *People's Archive of Rural India*. Link
36. PARI Library. (2018). *Bihar Prohibition and Excise (Amendment) Act, 2018* [Summary]. People's Archive of Rural India. Link
37. Reddy, D. N., & Patnaik, A. (1993). Anti-arrack agitation of women in Andhra Pradesh. *Economic and Political Weekly*, 28(21), 1059–1066.
38. Richie, B. E., & Martensen, K. M. (2020). Resisting carcerality, embracing abolition: Implications for feminist social work practice. *Affilia*, 35(1), 12–16. <https://doi.org/10.1177/0886109919897576>
39. Scroll. (2022, December 16). Bihar hooch tragedy: No compensation will be given to relatives of those who died, says Nitish Kumar. Link
40. Shue, H. (1980). *Basic rights: Subsistence, affluence, and U.S. foreign policy*. Princeton University Press.
41. Special Rapporteur on the Right to Health. (2010). *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health* (A/65/255). United Nations General Assembly.
42. Staub-Bernasconi, S. (2016). Social work and human rights—Linking two traditions of human rights in social work. *Journal of Human Rights and Social Work*, 1(1), 40–49. <https://doi.org/10.1007/s41134-016-0005-0>
43. The Wire. (2018, April 13). For the poor, prohibition leaves a trail of destruction in Bihar. Link
44. The Wire. (2022). Bihar's draft liquor law amendments unlikely to benefit those who need it most. Link

45. The Wire. (2024, November 16). 'Police in tandem with smugglers, daily wagers facing wrath': HC slams Bihar's liquor prohibition Act. Link

46. United Nations General Assembly. (1990). *United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)* (A/RES/45/110).

47. Verdictum. (2022). Phenomenal rise in bail pleas due to Bihar liquor law, causing delay in disposal: Patna HC before Supreme Court. Link

48. Wacquant, L. (2009). *Punishing the poor: The neoliberal government of social insecurity*. Duke University Press.

49. Waldron, J. (1989). Rights in conflict. *Ethics*, 99(3), 503–519.

50. Working Group on Arbitrary Detention. (2021). *Arbitrary detention relating to drug policies* (A/HRC/47/40). United Nations Human Rights Council. <https://digitallibrary.un.org/record/3929059>

51. World Health Organization. (2010). *Global strategy to reduce the harmful use of alcohol*. WHO.

52. World Health Organization. (2018, September 28). *WHO launches SAFER alcohol control initiative to prevent and reduce alcohol-related death and disability* [News release]. Link

53. Zucca, L. (2007). *Constitutional dilemmas: Conflicts of fundamental legal rights in Europe and the USA*. Oxford University Press.

Figures

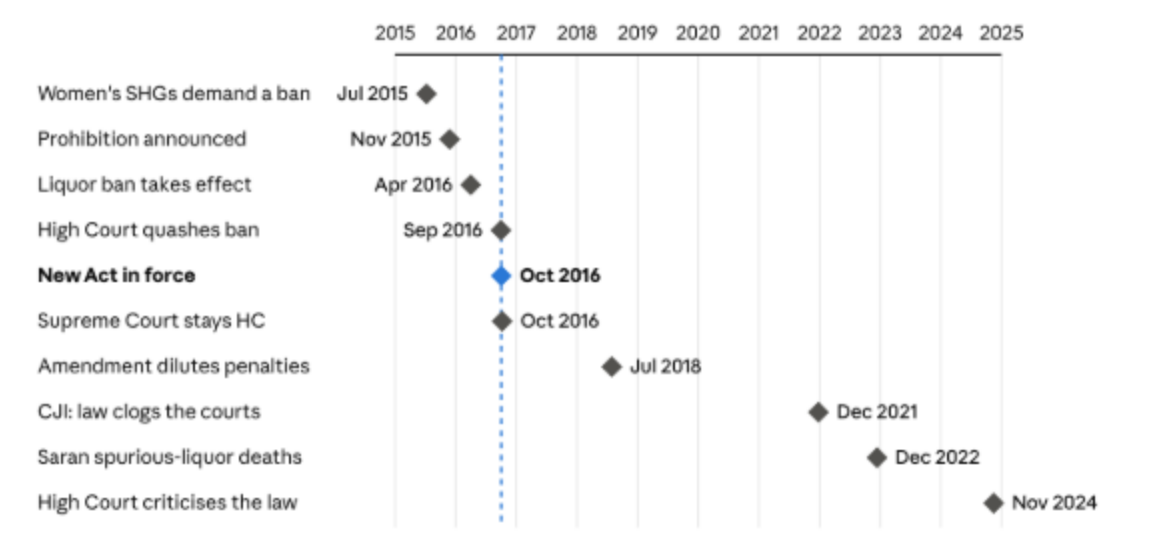


Figure 1

Milestones of the Bihar prohibition regime, 2015–2024

Sources: Government of Bihar (n.d.); LiveLaw (2016); PARI Library (2018); Madhyamam (2022); NHRC (2022); The Wire (2024)

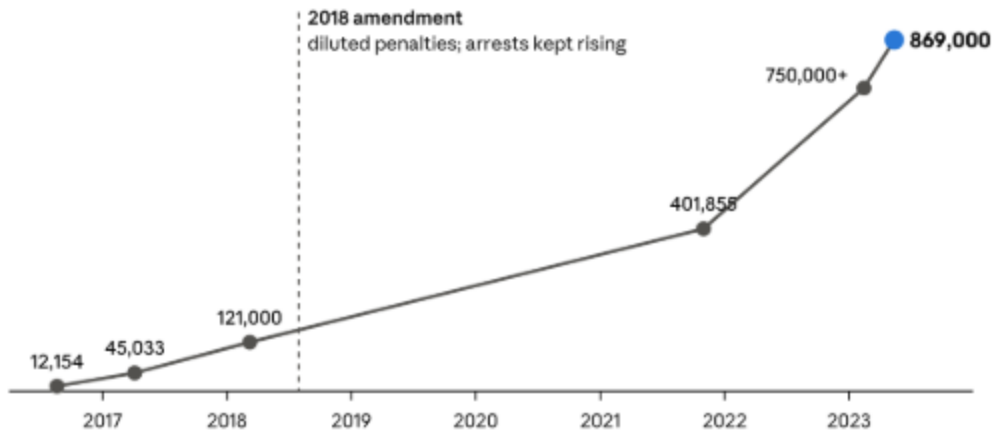


**Figure 2**

Cumulative arrests under the Bihar prohibition law, 2016–2023

Sources: HuffPost India (2016); IANS (2017); The Wire (2018); Bihar Police via Madhyamam (2022); PARI (2023); The Wire (2024)

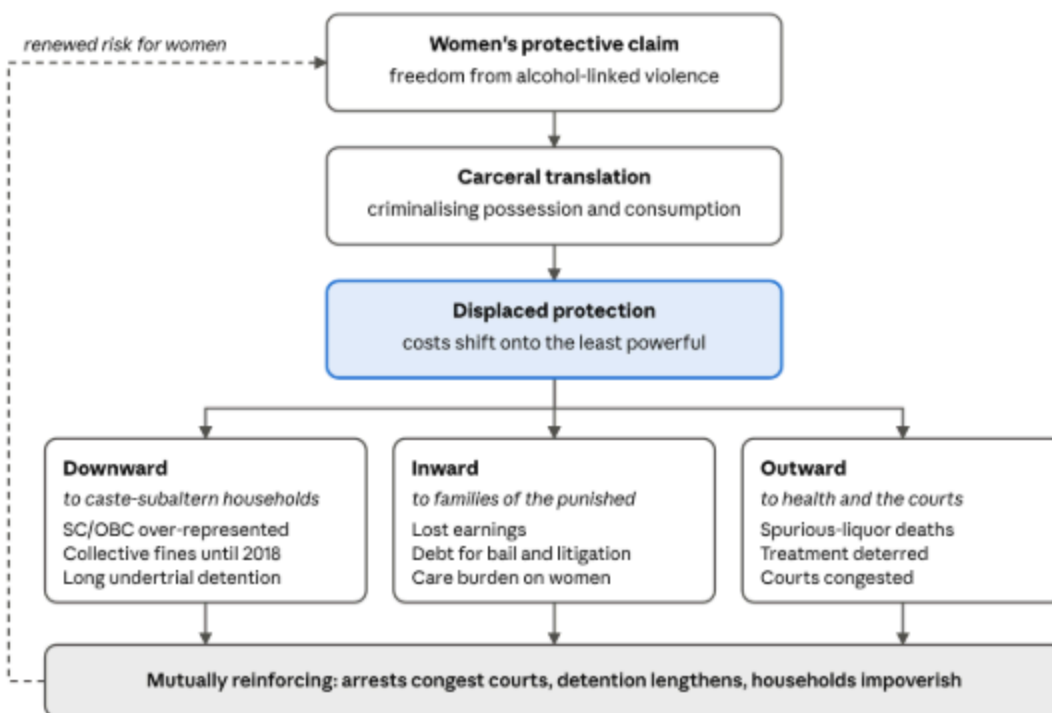


**Figure 3**

Displaced protection: how a carceral response to a protective claim redistributes its costs

Author's conceptual model

The dashed loop marks the paradox: impoverishment of punished households feeds back into the economic vulnerability that the original claim sought to reduce.



Figure 4

The Protection without Punishment framework

Author's framework

The principles rest on the professional mandate and serve a single goal: realising both sets of rights together rather than trading one for the other.