

**Caste and the Criminal Justice System in India: A Case Study of the Lived
Experiences of Formerly Incarcerated Dalit Men in Odisha**

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Declaration

I, Aruna Mahananda, hereby declare that this thesis entitled “Caste and the Criminal Justice System in India: A Case Study of the Lived Experiences of Formerly Incarcerated Dalit Men in Odisha” is the outcome of my study. It has not previously formed the basis for the award of any degree, diploma, or certificate from the University of Essex or from any other institute or university. I have duly acknowledged all the sources I used in the preparation of this dissertation.

Signature: 

Date: 26/06/2026

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Dedication

This Doctoral Thesis is dedicated to the grassroots Ambedkarite activists who, despite the countless challenges they face in their everyday lives, continue to carry forward the legacy of Dr. Babasaheb Ambedkar with compassion, wisdom, and unwavering commitment. Their tireless struggles for the society founded on the ideals of equality, liberty, fraternity, and justice.

Jai Bhim..

ABSTRACT

The thesis provides a nuanced examination of Caste and the Criminal Justice System in India, through an empirical examination of the everyday perceptions, experiences, navigation, support systems, and coping mechanisms of formerly incarcerated Dalit men as they move through the criminal justice system in the state of Odisha. Building on theories and concepts of critical caste theory, post-colonial theory and structural violence theory, it develops a conceptual framework of 'institutional casteism' to articulate the experience of Dalits within India's criminal justice system (CJS). A qualitative case study and the Interpretative Phenomenological Analysis (IPA) method were adopted to capture participants' subjective experiences while they were in the criminal justice system and during post-release reintegration into society. This is applied to an interpretative phenomenological analysis of in-depth semi-structured interviews with 20 formerly incarcerated Dalit men who have released and completed their sentence and 16 Dalit advocacy members from 23 districts in Odisha state.

The findings reveal that caste-based discrimination permeates routine policing within the criminal justice system. Because of this, the formerly incarcerated Dalit men faced caste bias and criminal stigma, while integration into society was hampered by social exclusion, economic barriers, and often non-acceptance in the family/community. The study also highlights how the formerly incarcerated Dalit men have used their existing community networks and self-assertion techniques to navigate within the criminal justice system while reintegrating into society. Finally, this research contributes to the intersection of caste and the criminal justice system in India, fills the gaps in both criminological and sociological studies and provides new ground for future research and policy interventions that should be aimed at dismantling caste-based discrimination in the Indian criminal justice system and beyond.

Lists of Abbreviations and Terminologies used in research

ANNA: Ambedkar Association of North America

AOSCF: All Odisha Scheduled Caste Federation

ASA: Ambedkarite Students' Association

BAMCEF: The All India Backwards (SC, ST, OBC) & Minorities Employees Federation

BAMS UK: Buddhist Ambedkarite Maitree Sangha United Kingdom

BAPSA: Birsa Ambedkar Phule Students' Organisation

BES: Bahujan Ekta Samitee

BJD: Biju Janata Dal

BJP: Bharatiya Janata Party

BNS: Bharatiya Nyaya Sanhita

CCT: Critical Caste Theory

CJP: Citizens for Justice and Peace

CrPC: Criminal Procedure Code

CRT: Critical Race Theory

CSW: Christian Solidarity Worldwide

CTA: Criminal Tribes Act

DNT: De-notified Tribes

DSP: Deputy superintendent of police

DSS: Dalit Sangharsha Samiti

FIR: First Information Report

HRW: Human Rights Watch

IDSN: International Dalit Solidarity Network

IHL: India Hate Lab

INC: The Indian National Congress

IPA: Interpretative Phenomenological Analysis

KBK: Kalahandi, Balangir, Koraput

KMT: Kalinga Mitra Trust

MES: Mulnivasi Ekta Samitee

MLA: Member of the Legislative Assembly

MoSJE: The Ministry of Social Justice and Empowerment

NCDHR: National Campaign for Dalit Human Rights

NCRB: National Crime Records Bureau

NDTV: New Delhi Television Ltd

NGO: Non-Governmental of India

INC: Indian National Congress

NOS: National Overseas Scholarship

NSA: National Security Act

NT: Nomadic Tribes

OBC: Other Backwards Class

OBCL: Odisha Buddhists Council Limited

PoA: Prevention of Atrocities

RSS: Rashtriya Swayamsevak Sangh

SC: Scheduled Castes

SCAN: Student Care Association, Nagpur

SOAS: School of Oriental and African Studies

SP: Samajwadi Party

SRH: Small Research Grant

ST: Scheduled Tribes

TISS: Tata Institute of Social Sciences

ToI: Times of India

UAPA: Unlawful Activities Prevention Act

UDHR: Universal Declaration of Human Rights

Caste: It is a hierarchical social stratification system in India, created and reinforced by the Brahmins for their own benefit through Hindu religious texts to maintain their hegemony and to oppress others under this social system. In this hierarchy, the Brahmins positioned themselves at the top, and they have been enjoying all the benefits (social, economic, cultural, and political) for generations. Other the other hand, Dalits were placed at the bottom by birth, and they have been deprived of rights and opportunities and subjected to everyday casteism and discrimination.

Dalits: The term Dalits means ‘crushed’, ‘broken’ or ‘oppressed’. These communities are historically marginalised and discriminated under the caste system, and they have been subjected to untouchability and social exclusion due to imposed social status.

Scheduled Castes (SC): The term was introduced in the Government of India Act 1935 and later used as a constitutional term to identify historically marginalised communities who had faced everyday casteism and untouchability.

Criminal Justice System: This term, I have used throughout the research to define the Police, Courts, and Prison.

Untouchability: This is a practice of social ostracism historically imposed on Dalits under the caste system. Article 17 of the Indian Constitution (1950) prohibits the practice of untouchability and makes it punishable under the law.

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CHAPTER 1: INTRODUCTION

1.1 Context of the Research

The intersection of caste and the criminal justice system in India presents a profound challenge to the country's democratic values and constitutional promises for equality to its citizens. For instance, on the occasion of the Sixth International Conference on the *'Unfinished Legacy of Dr B.R. Ambedkar'* on October 20, 2023, the former Chief Justice of India, Dr D.Y. Chandrachud, mentions that the existing legal system and institutions have often been used to maintain the existing power structure and institutionalise discrimination that directly impacts justice for marginalised social groups (Wadekar, 2024). In addition, when India recently celebrated 79 years of independence, the Prime Minister, Narendra Modi, addressed the nation on 15th August 2025 at the Red Fort in Delhi stating that 'the country's demography is being changed' and he was referring especially to what he characterised as a positive demographic shift towards greater social equality in every aspects in the society and marching towards a fully develop nation (The Times of India, 2025). But, despite such optimistic celebration of Independence Day and the implementation of seven decades of constitutional ideals and promises of equality for its citizens, caste-based discrimination and systemic marginalisation persist in the everyday lives of marginalised communities (Yengde, 2025; Thorat, 2009; Bhoi & Gorringe, 2023).

Recent documentation by Human Rights Watch (2025) underscores the impunity of the Indian criminal justice system and highlights that in the first nine months of 2024, they recorded more than 1,500 deaths in judicial custody and 93 alleged extrajudicial killings of Dalits and religious minorities, mostly Muslims. In addition, under the ruling Bharatiya Janata Party (BJP) India has witnessed the introduction of 'bulldozer justice', with the demolition of Muslim homes, the

targeting of Dalits¹, Adivasis², and other religious minorities- all clear violations of human rights (Human Rights Watch, 2025; South Asia Justice Campaign, 2025). Further, the United States Commission on International Religious Freedom (2023) also highlights that the BJP-led government came up with various pieces of legislation, such as conversion bans, restrictions on interfaith marriage, hijab prohibitions, and cow-slaughter laws, that have disproportionately targeted Dalits and Muslims.

Other empirical studies also confirm that the current ruling party, BJP, is not only anti-Dalits but also persistently violating their human rights by using the state machinery (Sudhakar, 2023; Mandal, 2025; Shivaprasad & Jain, 2022). For instance, Sabrang India (2025) reveals 113 instances of atrocities against Dalits in just the period from January to June 2025 (Christian Solidarity Worldwide, 2025). Additionally, Akhilesh Yadav, the chief of the Samajwadi Party (SP), has highlighted the ongoing discrimination against Dalits and asserted that the BJP is a party of authoritarians whose members possess a casteist and deeply feudal mindset, which leads them to humiliate and oppress the poor, marginalised groups, Dalits, backward classes, minorities, women, and tribal people. The BJP are also living in a pre-independence mentality and are often opposed to the Indian Constitution, he added (New Indian Express, 2025). Further, the Congress Member of Parliament (MP), Kumari Selja, stated that “BJP-ruled states are a laboratory for atrocities against Dalits” (Deswal, 2025).

¹ The term Dalits means ‘crushed’, ‘broken’ or ‘oppressed’. These communities are historically marginalised and discriminated under the caste system, and they have been subjected to untouchability and social exclusion due to imposed social status. The Dalits known as Scheduled Caste (SC) after the implementations of Indian Constitution since 1950s and post Dalit Panther movement 1970s in India this category known as politically assertive. To read more about Dalit panther movement in India (see Wankhede, 2024; Waghmore, 2011; Gorringer, 2009; Collins, 2017).

² Adivasis literally meaning ‘indigenous people’ or ‘original inhabitants. After the implementation of Indian Constitution this term became as ‘Scheduled Tribes’ (STs) even though it is not a coterminous with the term ‘Adivasis’. Later this term used as an administrative category to provide constitutional protections and benefits. To read more about Adivasis and their history (see Bijoy, 2003; Bhengra et al., 1999; Damodaran & Dasgupta, 2022).

In India, Muslims also face brutal atrocities and discrimination like that experienced by Dalits in BJP-led states. For example, as per India Hate Lab (2025) reports, there is a 74% surge in anti-minority hate speech, with a count of 1165 incidents in 2024 alone, largely seen in BJP-ruling regions (Reuters, 2025). According to some, the reason for such developments is that the institutions such as Vishwa Hindu Mahasabha (VHM), Vishwa Hindu Parishad (VHP), Bajrang Dal, Rashtriya Swayamsevak Sangh (RSS)³, and BJP, who spreads the Hindutva fuel serves as a motivating force among the people to establish a ‘Hindu Rashtra’ (Hindu Nation) (Shani, 2021; Saleem, 2021). Hindutva is a politico-cultural identity that defines Indian national identity through the lens of Hinduism and seeks to establish the country as a Hindu state, rather than a secular state (Reddy, 2011; Sharma, 2020; Frykenberg, 2008).

Meghwanshi (2020) clearly argues that how Hindutva ideology constructs both Dalits and religious minorities as internal enemies, treats them as “constitutive outside” while spreading propaganda to either exclude or assimilate them to create Hindu cultural nationalism (Sariaslan, 2023; Lyngmo, 2021). These patterns have been continuing under the carpet of “hierarchical nationalism”, which often strategically mobilises Dalits against Muslims through symbolic inclusion within Hindu identity, while still maintaining caste subordination or structural discrimination (Basu, 2015; Jaffrelot, 2006; Teltumbde, 2018). Consequently, constitutional promises to safeguard minorities have failed, as Hindutva nationalism has produced epistemic violence and systemic exclusion against both Muslims and Dalits, especially Dalits through

³ The Vishwa Hindu Mahasabha (VHM) which is founded in 1915, the Vishwa Hindu Parishad (VHP), established in 1964, the Bajrang Dal, formed in 1984, the Rashtriya Swayamsevak Sangh (RSS), founded in 1925, serve as the ideological and organisational backbone of Hindutva and is the parent body which functions as a religious and cultural wing promoting Hindutva ideology. To read more about these organisations, refer to Hindutva, Hindu organizations, and the Hindu diasporas by JD Long (2023), Hinduism in the World: Migrations and Global Presence Knut A. Jacobsen (2023), and Ideology, Organization and Electoral Strategy of Hindu Nationalism: What's Religion Got to Do with It? By Arun R Swamy (2004).

everyday casteisms and Muslims through communal targets (Bhoi & Gorringe, 2023; Puniyani, 2005; Chatterjee, 2013).

Even today, the ruling party, BJP, represents a populist deployment of Hindutva, blending conservative nationalism with religious identity and institutions that lead to establishing a Hindu nation through both legislative and symbolic means (Shani, 2021; Kumar, 2024; Islam, 2024). Further, the ideological synergy between the BJP and its offshoot organisations and the state apparatus ensures that caste-based violence against Dalits and violence against religious minority group are not incidental but structural, operating in the name of vigilantism, legislative discrimination, and institutional neglect (Christian Solidarity Worldwide, 2025; South Asia Justice Campaign, 2025).

This thesis aims to explore the formerly incarcerated Dalit individuals experiences in the regional context of Odisha. The research questions guiding this study are:

Primary research question: What are the perceptions, lived experiences, support systems and coping strategies of formerly incarcerated Dalit men, who have experienced detention, imprisonment, or custody at any stage of the criminal justice process, including police custody, judicial custody as undertrials, or post-conviction imprisonment while they navigate within the criminal justice system?

More specifically, with a focus on the state of Odisha:

- a) How do formerly incarcerated Dalit men experience and perceive the criminal justice system?
- b) What forms of discrimination do they encounter during their arrest, incarceration, and trial?

- c) What support system and coping mechanism do they adopt to navigate these challenges they face within the criminal justice system?
- d) What are the post-release experiences of formerly incarcerated Dalit men?
- e) What strategies and support system do they use to cope during their ‘reintegration phase’?

In addressing these questions, this thesis introduces the ‘institutional casteism’ framework, which drawing on including critical caste theory, post-colonial theory and structural violence theory, helps to capture how caste plays a crucial role within the criminal justice system and becomes a powerful institution sustained by state power and ruling BJP party ideology that often provoke violence against Dalits and other marginalised communities including Muslims, and tribal people in India (Shani, 2021; Lyngmo, 2021; Islam, 2024).

In the following sections of the chapter, I first present an overview of what motivated me to carry out this study. This is followed by an understanding of the concept of caste and Dalit, and then an overview of caste discrimination and the social exclusion of Dalits, the role of Ambedkar in Dalit consciousness in India, and discrimination against Dalits and the criminal justice system of Dalits, the role of Ambedkar in Dalit consciousness in India, and discrimination against Dalits and the criminal justice system and the rationale behind this research in Odisha.

1.2 Personal Motivation

The research idea for this study came from my experiences and observations as a Dalit man, a Dalit scholar, a Dalit activist, and a Dalit social worker; from the schools and the higher education that I have attended; and from my involvement in the various activism that promoted Dalit Justice in the past. Therefore, the ongoing research on formerly incarcerated Dalit men’s lived experiences

within the criminal justice system directly interrogates my previous lived experiences as a Dalit in many incidents and various aspects of life. I come from a historically downtrodden community known as Dalits (formerly untouchables), which has now been constitutionally recognised under the Scheduled Castes (SC)⁴ I am the first-generation learner in my family who dreamt of pursuing higher education abroad, inspired by the Ambedkarite⁵ movement and supported financially and morally by those who helped me reach this level. Even today, I encounter subtle caste bias and discrimination from fellow upper-caste Indians during conversations and various events, no matter where I go. Since my early years, I have observed the treatment of my people by others, as well as the countless sufferings and traumas caused by caste.

The very idea of inequalities that my people often face in the state of Odisha and under the ruling party first occurred to me when I was actively engaged in student politics during my undergraduate studies at Government Autonomous College, Bhawanipatna, in my home district of Kalahandi, Odisha, between 2013 and 2016. During this time, I actively participated in various social movements led by Bahujan communities⁶, asserting our rights through rallies and protests and submitting memorandums to government authorities to seek justice for marginalised communities. However, I often found myself in a hopeless situation, questioning the effectiveness or implementation of the existing laws and legal frameworks that are supposed to protect Dalits. Then

⁴ An Ambedkarite is a person who supports the ideology, principles, and goals of Dr B R Ambedkar, an economist, Jurist, first law Minister of India and an architect of Indian Constitution.

⁵ An Ambedkarite is a person who supports the ideology, principles, and goals of Dr B R Ambedkar, who is an economist, Jurist, first law Minister of India and an architect of Indian Constitution.

⁶ Bahujan communities is a socio-political category that represents the combined population of the Scheduled Castes (SC) and Scheduled Tribes (ST), Other Backward Classes (OBC) and religious minorities founded by Kanshiram Saheb, who was the founder of BAMCEF (All India Backward (SC, ST, OBC) And Minority Communities Employees Federation) in 1971 and BSP (Bahujan Samaj Party) in 1984. To read more about Bahujan politics and identity, refer Dalit–Bahujan Politics: Crisis and Future by Badri Narayan (2023) and New social engineering agenda of the Bahujan Samaj Party: Implications for state and national politics by Sudha Pai (2009).

I observed that although these laws were intended to safeguard marginalised communities, they disproportionately benefited upper castes and non-SC (Scheduled Caste) /ST (Scheduled Tribe) groups because of caste bias and the practices of legal institutions. Nevertheless, many Bahujan-led organisations remained law-abiding and always obeyed the Indian Constitution. Due to systematic bias and procedural difficulties in the legal system, caste atrocities against Dalits, including rape, murder, assault, and harassment, often get delayed and ultimately denied justice due to persistent institutional casteism. These experiences led me to write and raise awareness in the community about the ongoing issues in the criminal justice system.

Therefore, despite facing a vicious cycle of poverty and working as a child labourer, I dreamed of pursuing higher education to make an impact and advocate for my people so that they could be fairly treated and live a life of self-respect and dignity. With this goal in mind, I pursued a master's in social work in criminology and justice at the Tata Institute of Social Sciences (TISS), Mumbai which is one of India's most prestigious institutions for social work.

Before gaining admission to TISS, I faced significant self-doubt and anxiety, as I came from a rural, regional-medium background. The university's admission process demanded high academic merit, fluency in English, and the ability to navigate lengthy selection procedures. Additionally, the upper-caste students often made me uncomfortable during the selection process by attempting to discourage me. They often told me that the entrance exams are extremely difficult, the interview panels consist of senior professors, and the interviews will be conducted in advanced English and trying to create additional pressure on me. To counter these challenges, marginalised students at TISS founded an organisation called the Ambedkarite Students' Association (ASA), which organised orientation programmes to support students like me. These programmes boosted my confidence and prepared me for the selection process. With their support, I successfully gained

admission to TISS. This programme offered me an opportunity to study a combination of criminology and social work, with a focus on how social justice interventions can prioritise marginalised communities.

After completing my master's degree, I became well-versed in legal frameworks, their implementation, and how to intervene, when necessary, in real-world situations. This experience inspired me to work in related fields to gain more exposure and advocate for my marginalised community's rights and entitlements, which it deserves, as enshrined in the Indian Constitution. I subsequently worked for two years as a Social Work Fellow at Prayas—a field action project under TISS in Mumbai. This project provided me with numerous opportunities for hands-on interventions. My primary responsibilities included providing legal and social counselling to underprivileged prisoners who could not afford basic legal aid due to their socioeconomic conditions. I also assisted in the rehabilitation of prisoners following their release from bail by coordinating with local NGOs and other organisations.

Additionally, I helped arrange bail amounts and provided essential support, including food, clothing, and emergency funds, to both prisoners and their families. Through my work, I collaborated with Mumbai's legal aid services team, jail staff, police, lawyers, and court officials. During these experiences, I observed that certain sections of society, particularly marginalised communities, faced severe discrimination and endured prolonged delays in securing justice or even obtaining timely bail in the criminal justice system. Despite our efforts to support marginalised individuals in a professional and organisational capacity, we were often unable to assist them during their most critical moments due to the lengthy and complex procedures of the criminal justice system, as well as the biased attitudes and discrimination practices that exist within law enforcement towards poor and marginalised communities.

After witnessing the suffering and hurdles faced by marginalised people in the criminal justice system during my two years of professional work, I began to feel an immediate need to document these processes in my own way. However, I was not entirely surprised by what I witnessed and observed, as I had already faced and witnessed how people from our community are stigmatised as “polluted” or “untouchable” solely due to their caste identity. Throughout my life, I have personally witnessed various incidents of caste discrimination, including untouchability practices imposed by upper-caste members, everyday casteism, and brutal atrocities such as murder, rape, and other forms of violence within my *bastis* (locality) and nearby areas. These ongoing injustices and lived experiences eventually led me to reflect on how the criminal justice system operates in relation to poor and marginalised communities, which inspired me to research this critical issue.

Since my university days in India, I have actively participated in student activism. As a student leader, I took the initiative to foster debate and dialogue on issues concerning our community and other social causes. I actively participated in and organised various meetings, seminars, rallies, and protest demonstrations, which were not just in academic spaces but also on public streets. I used to participate in protests and other demonstrations that demanded justice for the poor and marginalised. To achieve this, I consistently took a stand to advocate for their rights and entitlements, and I also collaborated with various community organisations and leaders. Beyond my local activism, I am also a part of global anti-caste organisations, popularly known as Ambedkarite Organisations and Dhamma Sangathana, which uphold the principles of equality, liberty, fraternity, and justice. Through my experiences with various organisations, I have learnt the values of truth and the courage to speak out against inequality and the power to resist exploitation in pursuit of a just and egalitarian society.

In my current research, I investigate and explore the experiences and perceptions of formerly incarcerated Dalit men about their lived experiences with the criminal justice system and post-release in Odisha. This is an area that is understudied and needs deeper exploration in the existing Indian literature, as it is more focused on everyday caste bias and discrimination faced by Dalits (Bhoi & Gorringe, 2023; Ambewadikar, 2024; Malik & Mall, 2025; Kumar, 2023; Nag, 2023; Nayak, 2024).

This research stems from my academic journey as a researcher and student activist, along with my lived experiences as a Dalit individual who faced caste bias, understood its underlying reasons, and attempted to draft potential solutions to these problems. For this reason, it is important for me to contextualise the scope of this work from the start, as emerging and deeply linked to my own life and experience. Epistemologically, I align my work with critical scholarship that recognises the significance of how the marginalised communities possess a unique epistemic standpoint that has the potential to uncover or reveal the institutional dynamics invisible to those positioned within dominant groups. Through this research, I aim to address the lack of academic literature on this crucial subject and identify key gaps that could be filled to broaden the scope for future research or policy interventions aimed at ensuring a more just and equitable legal system for everyone, particularly for Dalits.

1.3 Understanding Caste: Its Concept and History

The term 'caste' comes from the Portuguese term called "Casta" that means 'species', 'race', or 'pure breed' (Bayly, 1999). In the sixteenth century, the Portuguese first used this term to distinguish between Muslims and non-Muslims and to indicate the system of communities based on birth groups which the Europeans encountered in India (ibid.). Caste, as both a social institution and an analytical category, is not only limited to South Asian scholarship but has become a global story (Yengde, 2025). In *Homo Hierarchicus*, Louis Dumont (1980) states that caste is a social system based on the purity and pollution concept, where the Brahmins are situated at the top and Dalits at the bottom, and presents it as an immutable feature of Indian civilisation (Bayly, 1999). In the twentieth century, critiques of these views began with contributions from scholars such as Nicholas Dirks (2002) and Cohn and Guha (1987), who stated that caste is an unchanging institution that was reconfigured through colonialism.

The Indian society has been structured based on caste and surviving around 3500 years (Ambedkar, 1979; Ambedkar, 1989; Ambedkar, 1990; Bhoi & Gorringer, 2023; Moon, 2001; Omvedt, 2008, 2011; Zerjal et al., 2006). In a caste-based society like India, caste decides everything on one's behalf and determines whether that person is worthy of self-respect or not, what job a person is worthy of doing, or who a person is worthy of marrying (Jaffrelot, 2006; Zelliott, 2002; Sathi, 2023; Tamalapakula, 2019). As per Ambedkar (1979), the caste system is divided into four categories, also known as the Varna system, each intricately linked to Hinduism, despite its many complexities. The Brahmin (priest) holds the first position in this hierarchy of caste, followed by the Kshatriyas (warriors), then the Vaisyas (merchants) and finally the Shudras (the artisans or servants of the above three categories). Beyond these castes, individuals who existed outside these groups were referred to as outcasts or 'untouchables'; today, these untouchables are known as

Dalits. The Scheduled Castes (SC) comprise 16.6% of the total population in India and account for approximately 17.13% in Odisha, reflecting a modest increase from the national statistics (Census, 2011). However, despite constitutional safeguards and legal protections for SCs, they still constitute 30.6% of undertrial prisoners in Odisha, compared to about 20.9% nationally (NCRB, 2023). This data clearly shows a sharper pattern of overrepresentation in prison statistics compared to their proportional populations. Engaging with five misunderstandings about case study research by Flyvbjerg (2004, pp. 117-142), who clearly challenges the conventional view that case studies lack generalizability and argues that strategically selected 'critical case' can produce analytical generalisation. In this context, Odisha has been strategically selected as a 'critical case' due to a divergence between demographic representation and incarceration rates. As a result, this allowed for a wider scope and helped contextualise Flyvbjerg's (2004) principles, which generate an understanding of structural inequality, power relations, and institutional processes within the criminal justice system.

1.4 The Concept of Dalits: Etymology and Evolution

The term 'Dalit' means 'broken people' and refers to the 'historically oppressed communities' that are placed in the lower strata of caste society (Gurung, 2005). The term has been preferred by the politically active, who were formerly called 'untouchables' in India (Jaffrelot, 2003). The idea of Dalit rejects the ideology of caste and karma and foregrounds the political and oppressive nature of the relational framework with caste. Das (1968, p. 141-164) states that, in Puranas, it can be found that they were also known by various names, like 'Asprusyas', 'Chandals', 'Srapachas', 'Panchamas', 'Jambavans' and so on. Afterwards, they were also called as the 'depressed classes' and 'Harijans' as this name was given by M.K. Gandhi to denote the untouchables as sons of God (ibid.).

Historically, those at the bottom of the caste order have been denied the ability to identify themselves or band together around common causes due to their dispersion, division, and rule by “upper castes”; others have identified, organised, and acted against them (Omvedt, 1991). Kanmony (2010, p. 198) also states that the term 'Dalit' is used to denote the people who historically suffered untouchability, as they represent the lower strata in the caste hierarchy. Further, Dalit as a category gained prominence after the arrival of the ‘Dalit Panther’ in the 1970s in Maharashtra (Murugkar, 1991). In fact, Dalit emerged as a self-chosen identity rooted in Ambedkarite politics, transforming stigma into resistance and enabling collective assertion (Omvedt, 1994; Jaoul, 2007; Guru, 2009). In contemporary India, Dalitness is not merely a sociological marker but a radical political project of world-making and draws a global solidarity that unites caste-oppressed with other oppressed communities worldwide (Yengde, 2019, 2025).

1.5 An Overview of Caste Discrimination and Social Exclusion of Dalits in India

As mentioned, in India, caste-based social exclusion and untouchability have been widely practised (Thorat, 2009). Further, Dalits' deprivation is associated with the historical processes of economic and social exclusion and discrimination based on caste (ibid.). It is often seen that the Dalit community is being segregated or not given access to any rights and opportunities they deserve (Kadun & Gadkar, 2014). The Indian caste system is a closed system of hierarchy where the social position and status are determined by the caste they were born into (Deshpande, 2013). Narula (1999) states that caste-based oppression in India lives today in an environment seemingly hostile to its presence: a nation-state that has long been labelled the world's largest democracy, a progressive and protective constitution, and a system of laws designed to proscribe and punish acts of discrimination based on caste.

In India, historically, the upper caste utilised the caste system as a fundamental mechanism for social stratification and created a social hierarchical structure that continues to shape contemporary social relations (Thorat, 2009). Understanding how the social system operates in Indian society requires recognising the significance of these caste-based practices. Consequently, the Dalits endure the greatest suffering due to their caste identity and the oppressive social structure. In India, caste-based social exclusion and untouchability have been widely practiced, where a particular community is segregated or not given access to any rights and opportunities, they deserve (Narula, 1999). Further, Narula (1999) states that, the Indian caste system operates as a closed hierarchical system where social position and status are predetermined by birth circumstances, functioning within what is paradoxically the world's largest democracy.”

Jodhka and Shah (2010) also mention that caste has survived, and it has thrived in various aspects of social life over the last many decades of democratic governance in India. Kadun and Gadkar (2014) have rightly pointed out that castes at the top of the social order enjoy more rights at the expense of those located at the bottom of the caste hierarchy and have fewer economic and social rights. If we talk about marginalisation, it portrays the location of people, groups, or populations outside of "mainstream society", living at the edges of those within the centres of power, cultural dominance, and economic and social welfare. According to Marshall and Scott (2009), it is defined as a process by which a group or individual is denied access to important positions and symbols of economic, religious, or political power within any society. But it is easy to observe how society is structured around unequal practices stemming from the caste system. As a result, the issues faced by individuals from lower socioeconomic strata have often gone unnoticed and are often seen as deprivation, social imbalance, and economic disparities (Hasan, 2019 p. 865-874).

Dalit and lower-caste communities have faced long-standing marginalisation due to their caste-identity, and their life experiences are articulated as ‘stigmatised’, ‘abused’, ‘ignored’, and ‘discriminated against’ because of their caste identity (Jaspal, 2011; Thorat, 2009; Teltumbde, 2010). Guru (2008) also states that Dalit communities commonly live near drainage, railway tracks, garbage, graveyards, and slaughterhouses or on the pavement. Their stigmatisation parallels that of these locations, which are isolated on the principles of purity and pollution. Because of this, the hidden functioning of caste discrimination is still posing a challenge to their participation in various spheres, particularly in education and employment opportunities.

1.6 Discrimination Against Dalits and the Criminal Justice System

The structural bias and systematic discrimination based on caste against Dalits within the criminal justice system is one of the most entrenched forms of institutional bias and discrimination in contemporary democratic societies. Despite constitutional promises of equality and protections, Dalits in India still face systematic bias and discrimination due to their caste identity, which begins at the police station and continues through the post-release phase during their reintegration into society. Wankhede (2023) underscores the dynamics between discrimination among Dalits, the criminal justice system, and society at large in India from a human rights perspective. The discrimination against Dalits is the longest-standing raw human rights issue as compared to something like colour apartheid, religious apartheid, or racial discrimination (Wankhede, 2023). The notion of purity and impurity looms large in rationalising such discrimination, which in this aspect is very much comparable to racial and religious apartheid (Guru, 2008; Thorat, 2009). Further, it appears that the colonial texts from the late 19th century that were drafted and made provisions to discriminate against specific groups of the population have seen very little modification. As a result, caste-based labour is still unexplored in these guides, which are largely found in Indian prison manuals and state policy documents (Shantha, 2020).

Based on the presentations from the eighth session of the UN Forum on Minority Rights in the CJS in Geneva in 2015, the rights of minority communities in India are often ignored, with the CJS frequently violating their rights: they face torture, discrimination, and mistreatment and are wrongly accused in cases, with the highest court in the country noting that most police arrests were either illegal or unnecessary. Torture within police custody is commonly faced by members of these communities, also including extrajudicial encounters, often referred to in cleaner terms as ‘encounters.

Sedition laws like the Unlawful Activities (Prevention) Act (UAPA), 1967, and the National Security Act (NSA), 1980, are used specifically against academicians and activists belonging to Dalit, Tribal, Muslim and other minority communities. Appalling training given to the police, combined with higher, influential ranks occupied by people from privileged caste and religious backgrounds and the inherent biases held by each policeman, results in horrifying incidents of violence being perpetrated upon individuals from these communities and the communities (Subramanian, 2021). Also, false accusations against marginalised complainants are rapidly increasing in India, despite having laws and safeguards. Because of this, the NCDHR (National Campaign for Dalit Human Rights) and IDSN (International Dalit Solidarity Network) have been organising protest marches, manifestos, and web pages to continually emphasise the magnitude of human rights violations against untouchables both in India and abroad (Bob, 2007). In addition, the NCDHR states that every hour, two Dalits are assaulted, every day three Dalit women are raped, every day two Dalits are murdered, and every day two Dalits' houses are burnt down (ibid.).

Babar (2016) states that caste discrimination and atrocities against Dalit communities have now become a stigma in Indian society, despite the existence of domestic and international human rights laws designed to protect Dalit rights. Therefore, these most vulnerable people are in a 'fragile state' and facing problems because of the structural failure of the government machinery (ibid.). Due to a climate of fear, many of these crimes go undetected, and those that are recorded are frequently overlooked by the police or wind up languishing in the court system (Saikia, 2007). Even members of the fraternity who are not in countries affected by caste issues became aware of these problems due to the legal, administrative, and policy measures implemented in post-independence India (Mendelsohn & Vicziany, 1998). Several studies on this topic have documented the various forms

of discrimination faced by Dalit communities in different aspects of their lives, including within the criminal justice system (Human Rights Watch, 2007; Lal, 2023). For instance, as Human Rights Watch (2007) reports, “Violence against Dalit individuals is frequently done with the knowledge and consent of law enforcement forces, or at their hands.” It reflects the behaviour of the criminal justice system towards the Dalit community. The reports also indicate that caste-based prejudice is embedded in the Indian CJS, undermining its fairness and impartiality and leaving India’s ‘broken people’ (Saikia, 2007).

As mentioned earlier, as per the Census (2011), the nation’s total population of Scheduled Castes is 16.6%, but the percentage of the population in prison averaged around 22.5% and 13.5%. Ahmad and Siddiqui (2017) examine jail statistics related to marginalised communities, including Dalits, Muslims, Adivasis, Sikhs, and Christians. They compared the percentage of community inmates to the total population of the community. According to them, there is an over-representation of Muslims, Dalits, and Adivasis (People who belong to indigenous communities in India) in the prisons, and these populations are unable to access justice because of both institutional bias and their inability to receive the quality of legal representation that is available to individuals who are socially and economically stronger than them (Raghavan & Nair, 2013; NCRB, 2022).

1.7 The role of Dr Ambedkar for Dalit Consciousness

Bhimrao Ramji Ambedkar, also popularly known as Babasaheb, was born on April 14th, 1891, at Mhow, which is in the Madhya Pradesh state of India (Zelliot, 2002). He was born in an ex-untouchable family called the Mahar caste (Keer, 1995; Rathore, 2023). Ambedkar played a crucial role in empowering Dalits and other marginalised communities, who faced historical bias and discrimination based on their caste.

Dr. Ambedkar made every effort during his lifetime to protect and safeguard the rights of marginalised communities and redefined the idea of social justice not only for the Dalits and other marginalised communities but for everyone, irrespective of their caste, class, or gender. His contributions were instrumental in challenging historical discrimination and exclusion and promoted a just society for everyone through establishing the Indian Constitution (Velaskar, 2012). Also, his social, intellectual, economic and political ideas fundamentally transformed Dalit consciousness and continued to influence contemporary social movements and scholarship (Jaffrelot, 2006). Ambedkar's contribution to Dalits is beyond description in words, as his emphasis on constitutional rights, legal protections, and institutional safeguards reflected his understanding that formal equality must be backed by substantive measures to address historical disadvantages (Guru, 2009; Yengde, 2019).

Finally, Dr Ambedkar's conversion to Buddhism at Dikshabhumi in 1956 in Nagpur, India, along with lakhs of his followers, was a symbolic representation of radical rejection of the Hindu religion that perpetuates caste in its core and showed the new path for Dalits for emancipation and a life of dignity with an alternative identity (Kumar, 2019; Zelliott, 1996). Dr Ambedkar believed that this is not merely a demonstration of conversion as a belief but symbolises that Dalit liberation not only required political and economic changes but also needed fundamental transformation of consciousness and identity (Kumar, 2019; Omvedt, 2017; Stroud, 2017). From this, the contemporary Dalit movements always learn and draw inspiration from Ambedkar's writings and speeches, which contain all the core ideas of social, economic, and political life and beyond and address new challenges and opportunities in democratic India (Yengde, 2025; Guru, 2008; Kumar, 2019). This new spirit and passion for establishing an egalitarian society, the message given by Dr Ambedkar to his followers, is often seen in the annual celebration of his birth anniversary on 14th

April and death anniversary on 6th Dec that has become a reflection of taking Dr Ambedkar's legacy forward (Jaoul, 2007; Aloysius, 1999).

1.8 Why a case study of Odisha?

I chose Odisha as my study location to understand and investigate the lived experiences of formerly incarcerated Dalits, especially to explore the intersection of caste discrimination and criminal justice outcomes. Odisha's unique socio-political dimension and demographic composition, along with various documents detailing ongoing caste-based discrimination and violations against Dalits, offer an ideal vantage to examine how caste manifests within the criminal justice system and beyond (Bhuiyan, 2014; Mallick et al., 2016).

Demographically, Odisha presents a significant case study opportunity to conduct current research on the intersection of caste and the criminal justice system, as the scheduled caste consists of 17.13% of the state's total population, which equates to over 7.18 million people and ranks as the 11th largest SC population in India (Census, 2011). In Odisha, around 83.1% of scheduled castes live in the rural belt of areas where the traditional caste hierarchies remain deeply entrenched in the everyday lives of Dalits (Bhoi & Gorringer, 2023; Nayak, 2024; Nayak & Surendran, 2022). This persistent caste bias and discrimination allowed me to conduct current research on how caste manifests within the criminal justice system through the lens of formerly incarcerated Dalit men, where often caste-based violence and discrimination operate as normalised social practices.

There are empirical research studies that confirm that there are significant caste atrocities against Dalits. For instance, Prasad and Bibhar's (2020) ethnographic documentation examines systematic caste bias and violence against Dalits in multiple districts in Odisha. The districts include Lathore village in Balangir district, where 33 Dalit homes were burnt by the upper caste; Kuamunia village

in Bargarh district, where two Dalit women were abused and assaulted by an upper-caste youth; Dhenkanal district, where 19 houses were burnt; Rayagada district, where 150 houses were burnt; and the list goes on. In addition, Barik (2025) highlights that it has become the new normal in Odisha under the present BJP dispensation, where the venomous Hindutva ideology combined with cultivated hatred against the Dalits makes atrocities common in the name of cow protection. This series of incidents reveals not merely isolated occurrences but clear examples of the systematic bias and campaigns of intimidation by the ruling party and the state apparatus (Shani, 2021). Therefore, this research takes the opportunity to understand and explore that these series of atrocities and caste bias against Dalits may likely influence the criminal justice system and share new perspectives on both incarceration and post-release lived experiences for Dalit men.

Singh's (2024) documentation of gender and caste intersectionality in western Odisha provides in-depth analysis, which exposes how rape functions as "a tool to maintain power and the status quo in conflicts." This systematic and ongoing sexual violence against Dalit women in Odisha creates trauma for all family members, which inevitably may affect the male family members during their post-release experiences and community relationships (Suna, 2024; Mandal, 2024; Singh, 2023). Additionally, the criminal justice system in Odisha may reflect the existing institutional landscape, which is based on inequalities.

For instance, Mehentar's (2019) research on persistent untouchability in rural coastal villages in Odisha confirms that Dalits are excluded from drinking water sources, common property access, and access to public spaces, revealing how formal equality remains failed by caste-based discrimination. These exclusionary practices create what Galtung (1990) referred to as 'structural

violence', in which the formerly incarcerated Dalit men in this research encounter various challenges during their socio-economic reintegration.

The Odisha state's economic structure provides an additional analytical value in this research. Odisha is predominantly based on an agricultural economy (Pal et al., 2022; Hoda et al., 2021), but due to caste-based discrimination, it makes the market more acute in rural areas (Mehentar, 2019). This further creates challenges to the formerly incarcerated Dalit men who seek jobs and economic opportunities in rural areas due to caste-based discrimination. Further, Nanda and Jojo (2022) state that in the development, distribution, and use of state resources, the eastern regional upper castes, which held state power, gained the most significant advantage over the western region. On the other hand, the western area has remained under the authority of upper castes, feudal lords, and landlords, who have shared power with their eastern allies for self-interest but have done little to promote resource redistribution.

In Odisha, Bailey (1963) found that village authority remained unchanged even after the state transitioned from a traditional caste structure to a democratic state where the same Oriya ruling castes were appointed to numerous positions. De Haan and Dubey (2007) go even farther, attributing the regional discrepancies in Odisha to "entitlement failure" and "social discrimination and deprivation in access to education, economics, and markets, resulting from exploitative social and economic processes." Due to the continuing dominance of traditional elites, an enormously heterogeneous population, limited growth of decentralisation, and a low degree of political awareness among impoverished people (ibid.). As a result, the intersection of criminal stigma and caste-based occupational restrictions creates complex challenges and leads to systematic social exclusion (Thorat, 2009).

In politics, the Brahmin, Karana and Kshatriya castes from coastal Odisha have dominated politics, and most ministers and senior administrative officers are from these castes (Mahananda, 2023). Conversely, most of the population consists of Scheduled Castes (SC), Scheduled Tribes (ST), and other backward communities (OBC), which together make up 94% of the total state's population; however, the Karana caste, which represents only 1%, has dominated politics in Odisha for more than four decades since independence (Pradhan, 2019). Despite this upper-caste dominance, Dalits are organising their forces under Ambedkarism through various local and state-level organisations and raising their voices against this hegemony (Deep, 2016; Kumar, 2020). Also, there are ongoing civil society interventions and grassroots resistance movements to support marginalised communities in the state (Ambedwadikar, 2024; Kapoor, 2011). This growing assertion and civil society support provide an opportunity to understand whether these social systems or support mechanisms work or fail to reintegrate formerly incarcerated Dalit men successfully.

1.9 Structure of the Thesis

In the following chapter, I review the existing literature on caste and the criminal justice system that covers various experiences of marginalised communities, such as Dalits and Muslims, within Indian legal institutions, beginning from arrest to post-release experiences. I also utilise critical caste theory, postcolonial theory, and structural violence theory, institutional racism and introduce a new framework called 'institutional casteism' to conceptualise institutional caste bias and ongoing discrimination against formerly incarcerated Dalit men. In addition, I identify gaps in the existing literature on caste and the criminal justice system, especially from the released prisoner perspective, and explain how this study adds to this discussion. Finally, I also write about the socio-legal context in which this study has been undertaken, and I explain the existing literature on caste and the social exclusion of Dalits to justify the relevance of this research.

In chapter three, I explain the research methodology used in this study, situate myself within the research context, and clarify my standpoint as a member of the group being studied. This includes a self-reflection on my thoughts and assumptions as someone who shares the same ethnic origin as the participants in this study. Next, I outline my research design and discuss the various methods used for data collection and analysis. For this study, in-depth interviews with 20 formerly incarcerated Dalit men and 16 Dalit advocacy members that included student leaders, politicians, professionals, local leaders, and community activists were conducted between 2023 and 2024. All participants were adults aged between 19 and 58 and belonged to Odisha. Lastly, I reflect upon the data analysis process.

Chapter four draws on the lived experiences of formerly incarcerated Dalit men within the criminal justice system. This chapter then analyses the experiences of formerly incarcerated Dalit men, beginning with their arrest, and incarceration while they were in judicial custody. This chapter adds to the literature in nuanced ways, as it provides an understanding of how caste manifests in everyday processes of criminal justice through their everyday experiences of caste bias and discrimination that they face while navigating within the criminal justice system.

Chapter five analyses the existing mechanisms and support systems that formerly incarcerated Dalit men utilise within the criminal justice system during their various stages of interaction, starting from arrest, through incarceration and trials, to help them navigate legal proceedings. This chapter helps us understand their everyday interactions with the police, court proceedings, prison environment, and their legal representatives or lawyers. Further, this chapter analyses the various internal and external support they receive throughout their legal journey within the criminal justice processes.

Chapter six analyses the post-release experiences of formerly incarcerated Dalit men and their everyday journeys, which consist of caste stigma, criminalisation, social exclusion, access to jobs, and social acceptance during reintegration processes. This chapter also fills the gaps in the existing literature on caste and reintegration during post-release by highlighting the former incarcerated Dalit men lived experiences. Furthermore, this chapter highlights the existing support networks they rely on to navigate and cope with the reintegration processes.

In chapter eight, I synthesise all the findings presented in this thesis, discuss the significant contributions this research makes to the broader academic discourse on caste and the criminal justice system, and highlight how caste manifests in everyday practices within the criminal justice processes in Odisha. This chapter also discusses the theoretical implications and contribution this research makes to a wider academic discourse on the intersection of caste and the criminal justice system. Further, this chapter also explains the relevance of the findings in the different substantive analysis chapters. Finally, I explain the limitations of this research and the scope for future research and policy interventions.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

This chapter provides a comprehensive analysis of both sociological and criminological literature concerning the intersection of caste and the criminal justice system in the Indian context. It begins by introducing the Indian criminal justice system from a historical perspective, with particular attention to the experiences of marginalised communities within legal institutions. It establishes that Indian institutions operate within complex social hierarchies of caste, which intersect with modern legal frameworks, creating numerous challenges for marginalised communities, including Dalits (Teltumbde, 2018; Human Rights Watch, 2007; The Law Institute, 2023; Irudayam et al., 2006; Wadekar, 2024). Following this, it critically examines critical caste theory (CCT), postcolonial theory, and structural violence theory to unpack the position of caste and their relationship with the criminal justice system. Aligning with Bell's (1995) assertion that "Analytical frameworks [are] capable of revealing both the permanence and the multifaceted nature of systemic discrimination," the theoretical synthesis helps articulate how caste-based discrimination operates within the criminal justice system of India and Odisha in particular. More importantly, the study also draws on Rege's (2013) concept of 'differential citizenship' to understand how, despite constitutional guarantees of legal protection of Dalits are unevenly realised due to caste lines. In this context, this perspective is crucial when it comes to the criminal justice system, where Dalits often face systemic exclusion and institutional marginalisation (Lal, 2023; Sonavane, 2023).

My critical review of multi-theoretical frameworks allows me to develop and introduce the concept of "institutional casteism" as an encompassing theoretical framework that explains how traditional hierarchical principles like caste have systematically been embedded in modern legal institutional

procedures and practices, creating persistent patterns of caste bias and discrimination against Dalits. I argue that the framework of “institutional casteism” is as a central analytical tool that bridges international scholarship on discrimination in the criminal justice system, especially from the lens of caste-based discrimination within the Indian criminal justice system. Not only is this a suitable analytical tool to study the lived experiences and perspectives of Odisha’s Dalits as they move through the Indian Criminal Justice System, but it also has the potential to bridge the gaps by providing grounded empirical evidence of how caste manifests within the formal legal institutions in its everyday practices and beyond. This research also contributes to the broader sociological and criminological knowledge by advancing the understanding of how caste is embedded within the criminal justice system and influencing contemporary legal practice.

2.2 Historical Perspectives on Caste and Indian Modern Legal Institutions

2.2.1 Colonial Legacies and the Criminal Justice System

Scholars argue that contemporary criminal justice systems cannot be understood outside their colonial histories, and everyday policing practices, and notions of criminality are shaped by power structures (Aliverti et al., 2021; Moore, 2024; Cunneen, 2014; Brown, 2013). In this context, these perspectives are relevant in the Indian context to understand how colonial legacy intersects with caste-based social stratification. As Kanna (2020) points out, the colonial rulers created the laws, and their administrators imposed them on the colonies. Modern penal practices reflect these laws, often criminalising certain communities (Brown, 2017; Aliverti et al., 2023). Moreover, the colonial legal architectures and the creation of various surveillance methods have strengthened traditional social hierarchies, such as caste, which are often reflected in Indian legal institutions and practices (Singha, 1998; Kolsky, 2010; Jadhav, 2022; Gandee & Gould, 2020).

The introduction of the Colonial Act, called the Criminal Tribes Act (CTA) in 1871, aimed to control certain communities by presuming criminality based on their origins. Because of this, these marginalised communities were labelled as ‘hereditary criminals,’ as the act made police registration mandatory for them (Nigam, 1990; Radhakrishna, 2001; Kamble et al., 2023; Bhat, 2019). Even today, despite constitutional safeguards, many of these marginalised communities, including Dalits, Adivasis, and nomadic groups, are still labelled as ‘hereditarily criminal’ by legal institutions (ibid.).

The CTA is seen by anti-caste intellectual traditions as an extension of Brahmanical dominance through legal codification. These traditions range from Ambedkar’s (1936) early criticism of caste as a type of graded inequality upheld by state complicity, to Ilaiah ‘s (2009) examination of caste as an ingrained political and epistemic order. In addition, Guru (2009) also states that colonial law’s accommodation of caste "custom" established hierarchies that modern legal reform has failed to dismantle, which is why Dalits and Adivasis are disproportionately subject to policing and incarceration. Further, Guru and Sarukkai (2012) argue that the dominant knowledge system often fails to adequately represent Dalits lived experiences, thereby creating an epistemic divide between theory and experience. This gap is widely evident in everyday practices within the criminal justice system, where formal equality coexists with deeply unequal lived realities for Dalits (Bhoi & Gorringer, 2023; Nag, 2023; Nayak, 2024).

The Supreme Court’s decision in *Sukanya Shantha v. Union of India* (2024) is a major doctrinal recognition of these colonials and casteist legacies. Caste-based provisions in several state prison manuals were ruled to be unconstitutional in 2024, ruling. These provisions included regulations designating de-notified and nomadic tribes as inherently vulnerable to reoffending or escape, as well as rules that assigned upper-caste prisoners "clean" labour (Supreme Court of India, 2024).

Citing the history of the criminal tribe act (CTA) and its legacy in habitual offender laws, the Court ruled that such regulations violate constitutional guarantees of equality, dignity, and non-discrimination and perpetuate colonial casteist presumptions.

Even today, casteist colonial legacies persist in modern India, as seen in the disproportionate representation of Dalits. Therefore, the scholars argue that there is Brahmin domination in the judiciary at the apex level, and cases indicate potential in-group biases, where judges may favour defendants who share their social identity (Bhupatiraju et al., 2024; Ash et al., 2022; Tripathy, 2023). This body of literature underscores the structural embedding of caste hierarchies within legal institutions, a phenomenon central to the Institutional Casteism Framework developed in this thesis. Therefore, scholars have advocated for reforms in judicial appointments, including measures to encourage inclusion, provide bias-awareness training, and enhance transparency steps that could contribute to establishing a more equitable legal system in the society (Ash, 2022; Tripathy, 2023).

The persistence of colonial administrative structures within independent India's criminal justice system reflects what Kaviraj (1995) describes as "institutional path dependency," wherein colonial legal procedures, hierarchical organisational cultures, and discriminatory practices became embedded within postcolonial institutions through bureaucratic continuity and elite reproduction. Contemporary criminal justice experiences of Dalit communities must therefore be understood within this historical context of institutional colonisation that transformed traditional forms of social hierarchy into modern bureaucratic discrimination, creating what Baxi (1982) terms "legal alienation" for marginalised populations navigating inherited colonial structures.

2.2.2 Post-Independence Constitutional Rights and Limitations to Dalits

The introduction of the Indian Constitution in 1950, drafted under the leadership of Dr B.R. Ambedkar, the principal architect of the Indian Constitution, marked a transformative moment in the nation's history. It acknowledged the realities of India's legal and social landscape and established a comprehensive framework for equality and justice for all. The Constitution directly challenged the centuries-old hierarchical caste structures embedded in society and articulated a vision for building an egalitarian social order.

In the Indian Constitution, one can see the introduction of Article 14, which is about equality before law and also gives equal protection of laws, and Article 15, which explicitly prohibits discrimination on grounds of religion, race, caste, sex, or place of birth, and was created to dismantle the idea of discrimination that existed before the Constitution was enacted (Austin, 1966; Galanter, 1984). Indeed, these two articles, Article 14 and Article 15, played an important role as they directly confronted and dismantled the traditional Varna system or caste system that had legitimised social stratification and discrimination for millennia (ibid.).

The Constitution's chief architect, Dr. Ambedkar, as discussed in the earlier chapter famously known as "Babasaheb", was also a victim of caste discrimination from childhood and was acutely aware of the deeply entrenched nature of bias and caste prejudice within society and its institutions (Lal, 2023; Rao, 2009). Consequently, he devised solutions intended for all, including Dalits, and extended his vision beyond mere formal equality to encompass substantive justice, as evidenced by the inclusion of affirmative action provisions and special protections for Scheduled Castes (Dalits) and Scheduled Tribes (Adivasis) (Lal, 2023; Rao, 2009).

Despite the constitutional safeguards meant to protect Dalits, due to the lack of implementation of these safeguards or rules, the constitutional promise has remained elusive and is often reflected in the Indian criminal justice system. As Baxi (2017) underscores, there is a significant lack of implementation in providing legal justice to marginalised communities and often gaps exist between constitutional promises and their enforcement. This lack of implementation is not merely a matter of policy or lawmaking alone but is often reflected in everyday structural and institutional practices of bias and discrimination against marginalised communities (ibid.).

For example, one of the most visible areas where constitutional guarantees to Dalits are poorly implemented is the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and 2025, where police officers from dominant caste groups often dilute cases, impose less severe charges under the Bharatiya Nyaya Sanhita (BNS), threaten to file complaints against Dalit complainants, or refuse to register complaints altogether (The Law Institute, 2023; Sarkar, 2025; HRW, 2007). As a result, Dalits often face threats, are forced to surrender, compromise the cases and evidence and withdraw cases against dominant groups (ibid.).

Lastly, there are persistent discriminations and biases within law enforcement and legal institutions, which represent a fundamental challenge to constitutional values and governance in India. Studies have documented those legal institutions, including correctional facilities and police officials, often practice caste bias toward Dalit victims, hesitate to register cases, and support dominant caste groups (Human Rights Watch, 2007; The Law Institute, 2023; Sarkar, 2025). These patterns of systemic bias and differential treatment against Dalits are not only a contemporary institutional phenomenon but also reflected in the colonial legacy in penal governance. As Kumar (2021) mentions, contemporary penal practices in India have been deeply shaped by the colonial

logics of punishment, social control, and surveillance. Further, policing has developed as a mechanism to punish 'suspect populations', especially targeting the marginalised communities like Dalits, rather than protecting their legal rights and equal protection. In this context, surveillance for Dalits is not merely administrative monitoring for policing, but a historically developed framework through which communities like Dalits can be suspect, governable, and punishable within the everyday penal practices.

At the same time, civil society organisations such as the National Campaign on Dalit Human Rights (NCDHR) and other human rights groups advocate for enhanced accountability within the criminal justice system by conducting independent research, reporting, publishing reports, and monitoring atrocity cases against Dalits and other marginalised communities (Irudayam et al., 2006). However, as the body of scholarship that has looked at these issues indicates, both in legal institutions and judicial proceedings, conscious or unconscious bias continues to undermine Dalits' constitutional safeguards and the promise of equality before the law. Therefore, addressing these structural inequalities is crucial to comprehensive cultural and structural reforms within the state apparatus. In practical terms, this would strengthen independent oversight mechanisms over everyday policing and institutional bias against Dalits and develop an accountability framework to ensure mandatory transparency for fairness.

2.3 Empirical Research on Caste Discrimination in Criminal Justice

2.3.1 Police Interactions and Investigation Processes

Globally, the patterns of discrimination resonate with broader criminological analyses called 'institutional racism' where scholars like Phillips and Bowling (2007) clearly demonstrated how inequality is produced through routine practices and discretionary decision-making within criminal justice institutions, especially beginning from the police station. In India, caste hierarchies are deeply ingrained in policing practices, influencing both the initiation and course of criminal

investigations, according to empirical research conducted across South Asia (Bhoi & Gorringe, 2023; HRW, 2007; Lal, 2023). The police often function as a vehicle for the reproduction of structural inequality rather than as an impartial arm of the state (Galanter, 2012; Rawat & Satyanarayana, 2016). The Criminal Justice and Police Accountability Project in Madhya Pradesh in 2021 revealed similar dynamics in the Indian context: individuals from oppressed castes were involved in more than half of petty excise arrests, and statutory provisions were frequently omitted from First Information Reports (FIRs), granting police significant discretion in framing criminal cases (Sonavane, 2023).

By examining police practices from the perspective of officers themselves, Jauregui (2016) notes that discretionary decision-making is mediated by local hierarchies, political pressures, and relational networks, rather than strictly following legal mandates, offering valuable insight into why formal anti-discrimination policies often fail in practice.

However, Jauregui's focus on police perspectives has limitations in understanding the lived experiences of Dalits within the criminal justice system, as they face systematic bias, their complaints are frequently disregarded, and investigative diligence varies according to the social status of the complainant (Guru, 2009; Jodhka, 2017). Caste prejudice is further institutionalised through preventive policing measures. As a result, the historically marginalised communities are often overrepresented as offenders due to colonial rules that criminalise them (Brown, 2017; Singh, 2018).

Further, these police surveillance records and criminal classification system are often based on outdated manuals and rules, but Dalits and other marginalised groups are often subject to disproportionate surveillance and placed under extensive under bureaucratic control (ibid.).

Because of this, the National Crime Records Bureau (NCRB, 2022) also confirms that Dalits are disproportionately represented in prisons, even though having low conviction rates and stuck due to lack of support and procedural delays (HRW, 2007). On the other hand, Human Rights Watch (2021) also provides comprehensive reports that highlight police brutality against Dalits and reveal that 35% custodial deaths occur while Dalits represent 16.6% of the national population. This disparity against Dalits is rapidly increasing despite legal and constitutional safeguards and various Supreme Court guidelines on police misconduct (Bob, 2007).

There is also an extensive documentation of police brutality and discrimination within the legal institutions against Dalits and others marginalised, which is often revealed in some reports and empirical studies (Singh, 2018; Lal, 2023; Wadekar, 2024). For instance, the report '*Criminal Justice in the Shadow of Caste*' (2018), which is the first comprehensive study of caste within the criminal justice system and exposes how caste has been ingrained in every aspect of legal institutions and is often visible in their practices (Singh, 2018; NDMJ-NCDHR, 2018). This report is crucial to understanding the caste bias that often reflects within the criminal justice system, which Teltumbde (2020) called "*criminalisation of caste identity*," where Dalits are often suspects and subject to surveillance and control.

2.3.2 Judicial Processes and Court Dynamics

The existing empirical studies of judicial discrimination have uncovered subtle yet widespread patterns. For example, Singh (2018) points out, how systemic prejudice in the criminal justice system perpetuates Dalits' marginalisation. Also, Supreme Court Observer (2024) confirms that due to a clear absence of adequate representation in the judiciary of marginalised communities, access to justice remains challenged and compromised for Dalit litigants in the judiciary and formal

legal institutions in India (Lal, 2023). Singh (2018) demonstrates how systemic prejudice in the criminal justice system perpetuates Dalits’.

The International Dalit Solidarity Network’s (IDSN) report (2022) also confirms that caste discrimination persists, often with impunity, which indicates systematic failures of existing law enforcement mechanism that disproportionately affect Dalits and other marginalised communities. Further, the quantitative data of the State clearly state that there is systematic judicial discrimination against Dalits in the Indian prison system, where one in three prisoners are members of Dalit or Adivasi communities, a significant overrepresentation considering that they make up only 25% of the country’s population (IndiaSpend, 2020; National Crime Records Bureau, 2022).

In addition, looking at pre-trial detention statistics, this overrepresentation becomes even more visible, as Dalits make up almost 40% of undertrial prisoners. This indicates systematic failures in bail decisions and pre-trial detention procedures, which often reflect deeper structural bias and practices entrenched within the legal system (ibid.). Another significant aspect of judicial discrimination that arises from the confluence of caste prejudice and economic inequality, as outlined by the literature, is the calibre of legal counsel accessible to Dalit defendants.

Menon and Bharadwaj's (2018, p. 46) thorough analysis of legal aid provision in Karnataka, India for example shares that, *“when compared to private retained counsel for dominant caste defendants in comparable cases, often court appointed attorneys for Dalit defendants given less time or given less priority on case preparation, filed fewer pre-trial motions, and were less likely to contest prosecution evidence”*. Teltumbde (2018) calls these caste practices within the courts *“professional casteism,”* where the perpetuation of caste bias and practices continues within the legal diaspora through informal networks, referrals, and professional socialisation that systematically exclude Dalit litigants or practitioners. These differences in legal practices within

the court system and in legal representation are identified as a structural advantage of 'repeat players' within legal institutions or legal systems (Glanter, 1974).

The hegemony of Brahmins within the Indian judiciary represents a form of institutional dominance that shapes Indian legal culture in ways that automatically discriminate against marginalised communities, including Dalits (Desai & Dubey, 2012). Because of this demographic dominance, judicial institutions experience what critical scholars refer to as "*caste privilege*," where Dalit experiences are marginalised while upper-caste viewpoints are accepted as universal legal reasoning (ibid.). According to Shivasundar (2023), "*the judiciary's embedded caste bias has real consequences. For instance, in the Hathras case, courts appeared less driven by the 'collective conscience' of society, a key rationale in criminal sentencing when the victim was Dalit, in sharp contrast to the Nirbhaya case where the victim was upper caste*". Therefore, scholars point out that the brahmins and dominant castes' representation in the judiciary are producing blind spots in adjudicating caste-based oppression, where credibility assessments and evidentiary interpretations may unconsciously support or favour upper caste narratives while invalidating lived experiences of Dalit experiences (Rti_Admin, 2023).

2.3.3 Prison Conditions and Carceral Experiences

Globally, prisons operate through unequal institutional encounters where access to rights and protections varies across social groups and identities (Jefferson & Gaborit, 2015). In this context, this concept is quite relevant to understanding how caste identity shapes the experiences within the carceral setting. Further, scholars like Phillips and Earle (2010) argue that the experiences of imprisonment must be understood through the lens of identity and difference, as social hierarchy

most often shapes how incarceration is lived and interpreted. In this context, caste becomes a crucial axis through which everyday prison experiences of Dalits are structured and understood.

In Indian context, there is no comprehensive studies on the prejudices against Dalit and Adivasi prisoners within the Indian prison system until recent pioneering research efforts (Datta, 2020; Biswas, 2025). The limited research that exists reveals concerning patterns of discrimination within correctional facilities. Chakraborty's (2020) ethnographic study of three prisons in West Bengal documented informal caste-based hierarchies among prisoners that often mirrored outside social relations, with Dalit prisoners experiencing social isolation, limited access to preferred work assignments, and exclusion from prisoner leadership roles. Prison staff attitudes and practices also reflect broader societal caste prejudices. Kumar's (2021) interviews with 45 correctional officers across Madhya Pradesh revealed widespread stereotypical beliefs about Dalit prisoners' character, intelligence, and rehabilitation potential. These attitudes translated into discriminatory practices in classification decisions, program participation opportunities, and parole recommendations.

The impact of caste-based discrimination extends to basic living conditions within prisons. Journalist Sukanya Shantha exposed in her *The Wire* reports that there is caste-based discrimination in Indian prisons, where Dalit and lower-caste prisoners perform menial labour. In the case of *Sukanya Shantha v. Union of India & Ors.* (2024), the Supreme Court of India intervened and declared that such practices are unconstitutional, compelling all states to reform prison manuals that discriminate based on caste nationwide (Shantha, 2024; Supreme Court of India, 2024). In addition, the research by the People's Union for Civil Liberties (2019) documented cases where Dalit prisoners were assigned to the most overcrowded barracks, given the least desirable work assignments, and faced restrictions on family visitation that were not applied to upper-caste prisoners. These conditions create what Rhodes (2004) terms "*total institution*

trauma," compounding the psychological impact of incarceration for already marginalised individuals. Therefore, this reinforces the need to conceptualise these patterns not as isolated instances of discrimination, but as manifestations of institutional casteism within carceral systems.

2.4 Formerly Incarcerated Populations and Reintegration Challenges

2.4.1 The Caste Mark in the Criminal Records

Pager's (2007) seminal study in the United States introduced the concept of the "mark of a criminal record", the enduring negative signal that past incarceration sends to potential employers, landlords, and social networks, often resulting in systemic exclusion long after formal punishment ends. While Pager's findings emerged from the racialised labour markets of the U.S., similar dynamics can be observed in India, where this "mark" interacts with a pre-existing and deeply entrenched system of caste stratification (Thorat, 2009; Lal, 2023). Further, scholars like Ugelvik (2014) and Schinkel (2014) highlight how incarceration is not only a site of punishment but also of identity transformation, adaptation, and resistance.

In the Indian context, the stigma of a criminal record is not merely additive to caste stigma but can be structurally multiplicative. Scholars call this phenomenon "criminal record as caste confirmation", a mechanism by which existing casteist stereotypes about Dalit "criminality" or "untrustworthiness" are seemingly validated by the existence of a formal criminal history, regardless of the circumstances of conviction (Sonavane, 2023; Reddy & Patel, 2019). Such rejections are rarely challenged because the explicit justification, the criminal record, is seen as reasonable, even though it operates as a coded proxy for caste exclusion. In this sense, the criminal record functions as what Goffman (1963) would classify as a "deep stigma", a discrediting attribute that is both visible and seen as legitimate by dominant groups. However, Pai et al. (2023) clearly highlight that this relationship should not be understood as additive, which includes both caste

stigma and criminal records for Dalits, but rather as a mutually constitutive process. The process where each form of stigma reshapes and intensifies the other is widely reflected as systematic marginalisation of Dalits in society. Also, this is broadly reflected in prison statistics, where Dalits in Odisha are disproportionately represented as undertrial prisoners, constituting around 30% compared to their population share of 17.13% (NCRB, 2023; Census, 2011).

Family and community relationships are also deeply affected. Families, concerned about marriage prospects for daughters, access to community credit networks, and their social standing, may limit contact with the formerly incarcerated relative or even relocate to avoid association. Such distancing reflects what Wacquant (2009) terms *territorial stigmatisation*, where individuals and households are socially quarantined to protect collective reputation. Within marginalised communities already battling systemic exclusion, this additional layer of intra-community ostracism can erode vital support networks, making reintegration far more precarious.

The combined effect of caste stigma and the mark of a criminal record thus create a self-reinforcing cycle of exclusion: Dalit men, disproportionately targeted and criminalised within the justice system (Baxi, 2017; Irudayam et al., 2006), exit prison only to face reaffirmation of societal prejudice. Employment rejections reduce economic stability, housing denials fragment community ties, and familial distancing undermines the emotional and social capital needed for rehabilitation. Breaking this cycle requires interventions that address not only post-incarceration stigma but also the caste structures that give that stigma its enduring and legitimising force.

2.4.2 Social Isolation as a Structural Outcome

Social isolation as a consequence of carceral experience has received sustained attention in criminological literature. This is particularly in relation to the weakening of social bonds, the

erosion of familial relationships, and the difficulties of reintegration into community life following release (Cochran and Mears, 2013; Maruna, 2001; Comfort, 2008). However, this body of work has developed largely in Western contexts and has rarely engaged with how pre-existing structures of social hierarchy, particularly caste, reconfigure the experience of isolation for those already positioned at the margins of social belonging.

In the Indian context, and specifically for Dalit men, social isolation produced by incarceration must be understood as operating on at least three distinct registers. The first is *involuntary relational rupture*: the severing of ties with family, kin networks, and community that incarceration forces, and which stigma renders difficult or impossible to repair on release. The second is *voluntary withdrawal*: the active, self-protective decision by formerly incarcerated Dalit men to limit contact with their communities of origin, to conceal their carceral history, and to manage the shame of stigmatisation through social invisibility. The third and perhaps least theorised is what might be termed *stigma-driven mobility*: the adoption of an itinerant existence, including migration to urban centres or other states as informal or seasonal labour, not primarily as an economic strategy but as a means of escaping the surveillance, judgement, and social foreclosure of communities in which one's incarceration is known.

This third form deserves particular attention. Internal migration in India is typically understood through the lens of economic necessity and rural-urban inequality (Srivastava, 2011; Bhagat, 2011; Bhagat and Keshri, 2020). Yet for formerly incarcerated Dalit men, migration can function as a caste-stigma management strategy, a way of becoming socially legible elsewhere, of starting over in a place where one's history cannot follow. This form of mobility is simultaneously a survival mechanism and a form of dispossession: it may allow escape from immediate stigma, but it also

involves abandoning kin/family ties and ancestral community. Just as Chatty (2010) finds in the case of forced migration in the middle east, this form of mobility is simultaneously a survival mechanism and a form of dispossession. Therefore, this social isolation for formerly incarcerated Dalit men is not a personal misfortune but a structural outcome of the intersection of caste and criminal justice.

2.4.3 Employment and Economic Reintegration

Employment constitutes one of the most decisive factors in determining the success or failure of post-incarceration reintegration (Pager, 2003; Western, 2006). For formerly incarcerated Dalit men, however, the work search is complicated by intersecting stigmas, those attached to caste and those attached to criminal records operating within a labour market already marked by systemic exclusion. According to the National Sample Survey (2019–20), Dalit men experience unemployment rates 1.4 times higher than those of upper-caste men, a disparity that persists across rural and urban contexts. When compounded with the disclosure or discovery of a criminal record, employment prospects diminish further, reflecting what sociologists' term "cumulative disadvantage" (Sampson, 1987).

The persistence of occupational segregation suggests that the barriers faced by formerly incarcerated Dalit men are not merely a function of individual stigma but are embedded in broader structures of caste capitalism (Teltumbde, 2010). Caste continues to operate as an economic ordering principle, channelling Dalit labour into work that is physically degrading, socially devalued, and economically insecure (Zelliot, 2008; Thorat & Newman, 2012). Incarceration further entrenches these patterns by eroding employability: prolonged absence from the labour

market results in skill atrophy, while prison work programs, where they exist, often provide training in low-value trades that do little to enhance post-release prospects (Kumar, 2012).

Social capital constraints further exacerbate these challenges. Upper-caste networks, which often function as conduits to formal employment, remain inaccessible due to both caste boundaries and the compounded distrust of criminal records (Salovaara, 2022). Within Dalit communities themselves, employment networks are limited to sectors already characterised by economic precarity, making it difficult for returning prisoners to break into new occupational fields (Atkinson et al., 1998).

Some individuals attempt entrepreneurial strategies such as street vending, small-scale farming, or repair services to bypass formal hiring discrimination. While these efforts reflect agency and resilience, they are typically constrained by a lack of access to credit, market linkages, and regulatory protections (Deshpande, 2013). Even microfinance schemes, often promoted as tools for Dalit economic upliftment, have been criticised for reproducing debt dependency without substantially altering occupational mobility (Rao, 2009).

Addressing employment barriers for formerly incarcerated Dalit men, therefore, requires multi-level interventions. Simultaneously, targeted skill-development programs linked to actual labour market demand, coupled with incentives for employers to hire from marginalised backgrounds, may help disrupt the cycle of exclusion. However, as scholars note (Galanter, 1984; Guru, 2009), employment reform cannot be detached from broader struggles against caste discrimination; without structural change, economic reintegration risks becoming a rhetoric of inclusion without substantive transformation.

Regarding contemporary prison reform efforts, Anuharshitha (2025) highlights, in the context of Article 21, which guarantees the fundamental rights to life and personal liberty for every citizen, the need for comprehensive approaches that address dignity, healthcare, and rehabilitation as fundamental rights for all, rather than privileges for a few. However, a significant gap exists between these constitutional promises and carceral governance in India, particularly in states like Odisha, where inadequate infrastructure, facilities, and programs limit effective support for reintegration during rehabilitation. This research underscores how these deficiencies compromise post-release support for formerly incarcerated Dalits and perpetuate a cycle of social exclusion, undermining their chances of successful community reintegration.

2.5 Social Network and Community Reintegration

Social networks play a crucial role in community reintegration, as these ties often offer emotional support and solidarity, which serve as a mediator to help individuals in broader community social integration processes. Berkman et al., (2012) foundational research on social networks among older adults in India offers an in-depth framework for understanding how different social networks work within the community settings. As per this research, they identify three dimensions of social networks: ties with spouse, ties with close friends, and participation in social activities, and demonstrate how these diverse types of help contribute differentially to individuals in social integration processes. In addition, the empirical research done by Santhosh and Mathew (2021) on released prisoners in India demonstrates how social networks facilitate community acceptance and reduce isolation among formerly incarcerated populations and reveals the critical gaps between existing policy and practical implementation that directly impact social networks. Garland (2001) also argues that contemporary criminal justice systems extend beyond punishment to shape

broader social control and exclusion. In this context, caste plays a crucial role because it further intensifies these criminal justice processes and structures the formerly incarcerated Dalit individuals to build social networks and reintegrate into community life.

As per social capital theory, Putnam (2000) defines social capital as “connections among individuals' social networks and the norms of reciprocity and trustworthiness that arise from them” (p. 19). This theory offers a critical lens to understand and analyse the formerly incarcerated Dalits. In this context, social capital for Dalits refers to their social networks that include family, friends and community members. In mainstream contexts, these resources can translate into employment referrals, housing opportunities, and access to institutional assistance. In the case of Dalits, these are mostly historically excluded communities from so-called ‘dominant caste networks’ and hence often rely on limited ties within their community groups (Thorat & Newman, 2012). As a result, these community ties often help them in providing emotional support and solidarity, even though they lack the financial resources and institutional support that could be necessary for effective reintegration.

Within Dalit communities, themselves, social acceptance is far from guaranteed. Wacquant’s (2009) concept of “territorial stigmatisation” is the tendency for stigmatised neighbourhoods to internalise and reproduce exclusionary practices. Paradoxically, some individuals experience greater acceptance in political or activist circles than in their neighbourhoods. Aligning with Dalit rights movements or Ambedkarite organisations can provide both a moral reframing of one’s criminal past and access to activist networks that function as alternative sources of social capital (Guru, 2009; Omvedt, 2006; Yengde, 2019, 2025). However, such activist integration often demands high levels of political commitment, literacy, and organisational skills, resources not universally available among returning prisoners.

In practice, such support includes assistance with self-employment, such as finding jobs at local shops and as security guards, service assistance at hotels, and connecting networks for migration to other cities. Mahaseth and Shah (2025) studied in both Tamil Nadu and Kerala states of India and has clearly demonstrated that incarceration has a negative impact on reintegration processes for the formerly incarcerated individuals. They clearly highlighted that these individuals faced significant challenges in finding employment and lost social confidence due to criminal stigma. Their study further highlighted that the State has failed to ensure effective reintegration, but on a few occasions, the reintegration of prisoners was successfully undertaken through the Social Justice Department's initiatives (Mahaseth & Shah, 2025).

Scholars have also pointed out these issues that the role of vocational training in India indeed plays a minimal role in the rehabilitation of the formerly incarcerated individuals, as they mostly aim at keeping them occupied (Vineetha & Raghavan, 2018). This is also a clear indication of the ineffectiveness of state mechanisms to facilitate rehabilitation upon prisoners' release, due to the limited role of welfare officers in facilitating a smoother re-entry (Santosh & Mathew, 2021). Furthermore, India lacks a systematic post-incarceration reintegration infrastructure, especially targeting the marginalised communities, where the existing probation services and vocational training schemes remain fragmented and unevenly implemented (Mahaseth & Shah, 2025; Vineetha & Raghavan, 2018).

The interaction between limited intra-community resources, exclusion from dominant-caste networks, and territorial stigmatisation creates a triple bind for reintegration. Without interventions to expand linked social capital, the pathway out of marginality remains narrow. Evidence from reintegration programs in South Asia suggests that structured inter-caste employment initiatives, mentorship programs linking Dalit youth with progressive upper-caste professionals, and

community-based restorative justice forums can incrementally erode these barriers (Kumar & Rao, 2021).

Yet such efforts for successful reintegration for formerly incarcerated Indians demands sustained political will and culturally competent implementation to avoid reproducing dependency or tokenism. More importantly, successful reintegration is both a structural and a social responsibility that requires micro-level policy and community interventions (Mahaseth & Shah, 2025).

2.6 Research Gaps

Odisha presents unique cultural, linguistic, and social contexts that are severely understudied in existing literature on caste and the criminal justice system, except for some studies that captured ongoing caste bias and atrocities against Dalits (Prasad & Bibhar, 2020; Ambewadikar, 2024; Singh, 2024; Malik & Mall, 2025; Bhoi, 2025). While national-level data and available studies confirm the broad pattern of discrimination against Dalits in legal institutions (NCRB, 2022; HRW, 2007; NCDHR, 2022; Yengde, 2025; Bhoi & Gorringer, 2025), they fail to account for regional perspectives, especially in understanding the experiences of formerly incarcerated Dalit men within the criminal justice system.

According to the Census of India (2011), Odisha represents a significant Scheduled Caste population of 17.3% of the total state's population, but it represents 30% in prison (NCRB, 2022) and remains understudied in criminological literature. Hence, the current case study of formerly incarcerated Dalit men's experiences can fill the gaps by offering insights into how caste continues in daily practices within the legal institutions and continues till post-penal life (Desai & Dubey, 2012; Ahmad & Siddiqui, 2017; Tripathy & Behera, 2022). Moreover, the study will shed light on the regional perspectives on how the intersection of caste, and the criminal justice system presents

significant methodological gaps that limit a comprehensive understanding of formerly incarcerated Dalit men's experiences.

Furthermore, as per the recent Supreme Court judgments that declared caste-segregated prison labour unconstitutional and created a new policy landmark (Supreme Court of India, 2024; Shantha, 2024), there are limited studies that assess how these legal reforms are implemented at the ground level, especially in looking at how caste and the criminal justice system intersect from the lens of formerly incarcerated Dalit men. Therefore, this research is a timely and necessary endeavour, primarily aiming to demonstrate the unique lived experiences of formerly incarcerated Dalit men within the criminal justice system in Odisha and to address the regional perspectives of how they perceived, navigated, and coped within the criminal justice system and post-release life.

2.7 Theoretical Frameworks

In this research, I propose 'Institutional Casteism' a theoretical framework that helps to understand the systematic caste-based discrimination embedded within the criminal justice system. This framework further helps in theorising how casteism is structurally ingrained in legal institutions, thereby creating self-perpetuating cycles of marginalisation and exclusion of Dalits. To develop and substantiate this framework, I synthesise three theoretical frameworks to contextualise my current study, especially to understand how caste is perpetuated through historical hierarchy (post-colonial legacy), has now become institutionalised through its various legal processes (critical caste analysis), and results in everyday violence and discrimination (structural violence and institutional racism) against Dalits.

2.7.1 Critical Caste Theory

This Critical Caste Theory (CCT) is inspired by the seminal work of Critical Race Theory (CRT) introduced by Bell (1973), Crenshaw (1988), and Delgado and Stefancic (2001) in the West, which

provides a fundamental framework for understanding how racial discrimination operates systematically within the legal and institutional structures. In my research context, the CCT provides advanced tools for analysing how caste functions within Odisha's criminal justice institutions as an overt and covert mechanism of criminalisation, marginalisation, and social control. CCT offers a lens through which the lived experiences of Dalit men who were formerly incarcerated in Odisha can be interpreted as systematic expressions of deeply ingrained casteist ideologies within the legal institutions.

Theoretically, CCT is important because it can shed light on what Dhagamwar (2006) refers to as the "*implementation deficit*," or the systematic discrepancy between the constitutional guarantees of equality and the caste-based discrimination Dalit men face daily when interacting with the police, the courts, and correctional facilities. The CCT provides a framework for understanding why constitutional guarantees under Articles 14 and 15 have not resulted in substantive justice for Dalit communities, in contrast to conventional legal analysis that views caste discrimination as aberrant.

This CCT framework is based on various factors and assumptions that directly influence the conduct of the study and help in comprehending the experiences of formerly incarcerated Dalit men in Odisha. Caste functions as a totalizing social organisation system that penetrates all institutions, including legal institutions, in society (Omvedt, 2006; Shah, 2001). This totalising framework of CCT helps explain how caste hierarchy shapes institutional practices, decision-making procedures, and the distribution of legal resources within the criminal justice system in Odisha. It also exposes the reality of how supposedly neutral administrative processes from police

investigation to judicial guidelines become platforms for the reproduction and reinforcement of caste (ibid.).

The CCT theory focuses primarily on experiential knowledge, what Ambedkar (1936) referred to as the “*epistemological privilege of the oppressed*”, which guides the capturing of the stories of formerly incarcerated Dalit men and their criminalisation based on caste. As Guru (2002) points out, upper-caste scholars and various socio-legal practitioners produce most of the dominant discourse while obscuring the vital role caste plays within the criminal justice system. This study also contributes to what Teltumbde (2018) describes as ‘counter-hegemonic knowledge production’ and aids in understanding the realities of the Indian criminal justice system by highlighting the lived experiences of Dalit voices. Hence, this study foregrounds the lived experiences that are equally legitimate, and often more illuminating than official prison statistics, NCRB reports, or other institutional records.

CCT also helps in examining and understanding the lived experiences of formerly incarcerated Dalit men, where caste intersects with regional identity, linguistic marginalisation, and economic deprivation or precarity, which makes them more vulnerable within the criminal justice system. Also, CCT exposes the ongoing bias and discrimination against Dalits that often reflects in broader legal institutions through their everyday practices (Human Rights Watch, 2007; Sarkar, 2025; Irudayam et al., 2006). Therefore, this theory not only helps in explaining the lived experiences but sheds light on possible interventions for the formerly incarcerated Dalit men within the criminal justice system in Odisha.

2.7.2 Post-Colonial Theory

The foundational writings of Edward Said (1978), Homi Bhabha (1994), and Gayatri Spivak (1988) gave rise to postcolonial theory, which offers vital analytical frameworks for

comprehending how colonial legacies still influence modern criminal justice procedures and their varying effects on marginalised communities in India. The adoption of a post-colonial theoretical framework in the current research, offers critical insights into the intersections of caste, colonial legacies, and systemic inequalities (Bhabha, 1994; Chatterjee, 1993). It also facilitates a nuanced understanding of the historical contexts and practices influencing the Indian judicial system and shaping perceptions of Dalits in their everyday interactions with law enforcement.

In the Indian context, colonial criminal justice institutions have been simultaneously adopted and adapted, resulting in what Bhabha (1994) refers to as "not quite/not white" institutional forms that reproduce colonial hierarchies while claiming indigenous legitimacy. The deeper institutional and epistemological legacies of colonial rule were not addressed by formal decolonisation, as demonstrated by Kaviraj's (2005) examination of the colonial state's transition into postcolonial institutions. This shows up in the criminal justice system as what Baxi (2000) refers to as "colonial continuities", the enduring institutional cultures, laws, and practices from the colonial era that systematically disadvantage marginalised communities. This theory facilitates a critical examination of how caste bias is deeply ingrained in laws and continues to influence judicial processes. Numerous studies confirm the persistent caste-based stigma and discrimination against Dalits, particularly by law enforcement agencies (Shantha, 2024; Guru, 2009; Teltumbde, 2019). Fuchs (2025) also notes that the Prevention of Atrocities Act, 1989, which was intended to address caste-based violence, has often failed due to systemic bias entrenched within legal frameworks.

Spivak's (2023) inquiry, "Can the Subaltern Speak?", highlights the epistemic silencing that occurs when criminal justice procedures treat Dalit men as administrative targets rather than as individuals capable of producing valid knowledge about their own experiences. Building on this,

Gopal Guru (2002) critiques Subaltern Studies for overlooking caste hierarchies, showing how even progressive academic discourse can perpetuate exclusions by ignoring the distinctive insights of Dalit epistemologies. This study's emphasis on the lived experiences of Dalit men who have served time in prison exemplifies what Sharmila Rege (2013) refers to as 'testimonial knowledge', forms of knowledge that arise from the intersection of various forms of oppression and subvert prevailing conceptions of justice, criminality, and social order.

Frameworks for understanding how criminal justice institutions continue to reproduce colonial hierarchies, while claiming to operate under contemporary secular principles, are offered by postcolonial theory's analysis of discourse, knowledge, and representation. The internalisation of colonial categories, which Ashis Nandy (1983) terms the "intimate enemy," persists when Dalit officials and other criminal justice professionals enact discriminatory practices learned through training that remains grounded in colonial epistemologies. Institutions that claim scientific rationality often perpetuate subtle hierarchies and categorical assumptions originating from colonial knowledge systems, such as treating certain communities as inherently "criminal" or "deviant," as highlighted by Prakash (1999) in his study of colonial modernity.

There is a long history of caste struggles under both colonial and post-colonial governance, which provides a crucial context for understanding the enduring impact of colonial constructions of caste and their ramifications within the criminal justice system (Eck, 2018; Sung, 2019). Postcolonial theory highlights the State's role in perpetuating violence and caste-based discrimination against marginalised populations, framing such violence as an extension of colonial domination (Mawani, 2014). Further, it also aligns with Spivak's (2023) advocacy for allowing marginalised sections voices to be heard without appropriation.

2.7.3 Structural Violence Theory

Structural violence theory was founded by Johan Galtung (1969) and provides a powerful tool to understand how structural inequalities and injustices are embedded in social, economic and political structures and create different challenges to people's invisibility. Galtung argues that *"[s]tructural violence is silent, it does not show, it is essentially static, it is the tranquil waters', thus it refers to the often unnoticed or taken for granted structures and affected livelihoods, but that need to be acknowledged and tackled to achieve a real peace"* (Galtung, 1969, p.173). The fundamental argument of this is that there is a systemic denial of basic human rights through institutional settings, which causes significant harm. Further, this theory emphasises that there is structural violence in the everyday life of the poor and marginalised by the routine bureaucratic process of the legal structure (ibid.). This framework helps to understand how the Indian social structures harm Dalits and other religious minorities and disadvantage them not only through direct violence but through institutionalised norms, policies, and practices in their everyday life (Bhoi & Gorringer, 2023).

In India, scholars like Guru (2009) and Teltumbde (2014) argue that the caste system is a violent system, created through institutional arrangements that continue to produce systemic denial of self-respect and dignity in every aspect of society to Dalits. In this study, the perspective of structural violence theory helps in understanding the discrimination and caste bias in police stations and prisons, unfair judicial proceedings, and institutional barriers during the community reintegration that often reflect within the criminal justice system. Scholars such as Suraj Yengde (2018), through his work on "generational trauma" in Dalit communities, and Gidla (2017), through her own testimonies, further highlight how criminal justice involvement has a cascading impact not only

on individuals but also on their families, communities, and future generations. These communities face severe restrictions in accessing housing, employment, education, and broader social acceptance (ibid.).

Supposedly progressive laws like the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, often fail to address structural aspects of violence while fostering new forms of administrative violence and bureaucratic exclusion, as demonstrated by Radha Kumar's (2021) study of legal reform procedures and Baxi's (2007) analysis of *"human rights"* discourse. Therefore, Galtung (1990) states that, *"Scholars can examine how attempts to address direct violence through legal reforms may inadvertently perpetuate structural and cultural forms of violence that continue to marginalise Dalit communities because the theory focuses on seeing violence as multidimensional"*. In addition, Arthur Kleinman's (2008) concept of *"social suffering"* and Veena Das's (2006) study of *"everyday violence"* provide ethnographic approaches to understanding how those most affected by structural violence understand, perceive, and resist it. Further, Nancy Scheper-Hughes (2008) calls *"witnessing"*, the scholarly obligation to document and theorise forms of violence that are hidden within the mainstream while also helping to create counter-hegemonic knowledge that opposes normalised forms of oppression is often exemplified. This current study also advances the application of structural theory in Indian criminological scholarship by analysing the relationship between caste and the criminal justice system. Further, it also demonstrates how systematic discrimination operates within legal institutions.

Drawing on critical caste theory, postcolonial theory, and structural violence theory, this section has shown how colonial legacies and caste-based structural discrimination continue to marginalise Dalits in the everyday practices of the criminal justice system. It has further highlighted how

epistemic violence, operating within both legal institutions and academic frameworks, sustains forms of social exclusion and reinforces the systemic silencing of Dalit voices in contemporary India. Building on these insights, the thesis advances the Institutional Casteism Framework as a way of conceptualising how caste hierarchies are embedded within institutional processes and how they might be challenged through critical analysis and reform.

2.7.4 Institutional Racism

Institutional racism is a foundational theoretical framework widely used to analyse racial inequality within broader societal structures as well as within the criminal justice system, foregrounding the role of legal doctrine in sustaining racism (Ahmed, 2024; Crenshaw, 1988; Bell, 1973). Further, Bell's (1995) work advances the concept of interest convergence that argues that racial progress for marginalised groups occurs only when it aligns with the interests of the dominant (white) population. Therefore, this framework is significant for understanding racial discrimination within broader social structures and within the criminal justice system.

In the United Kingdom, the concept of institutional racism was decisively articulated in the Macpherson Report (1999) cited in Lea (2000), which defined institutional racism as the 'collective failure' of an organisation to provide appropriate and professional services to people because of their race. It further elucidates how racism operates through everyday organisational practices and cultures, which are often marked by ignorance, unwitting prejudice, and racist stereotyping.

Within existing criminological scholarship, the framework of institutional racism has been central to elaborating and empirically substantiating this concept. For instance, Bowling and Phillips (2002; 2003), in their work *Racism, Ethnicity and Criminology* and *Racism, Crime and Justice*,

demonstrate how racism permeates the entirety of the criminal justice system, from initial contact with the police through to imprisonment. Their analyses reveal how everyday racism within the criminal justice system produces a dual dynamic in which minority communities are simultaneously criminalised and neglected. This systematic criminalisation and neglect are not incidental but reflect structural patterns embedded in the everyday practices of the criminal justice system.

Phillips et al. (2020) further expose the marginalisation of race within British criminology itself, arguing that the discipline has systematically failed to recognise racism as a core analytical concern. Similarly, Parmar (2017) emphasises the need for more sustained engagement with intersectionality, in which race cannot be analytically disentangled from other axes of inequality. The Lammy Review (2017) also provides contemporary empirical corroboration of ‘everyday racism’.

It demonstrates that Black, Asian, and Minority Ethnic (BAME) individuals are disproportionately represented at every stage of the criminal justice system in England and Wales. However, the persistence of such disparities despite decades of reform underscores Bell’s (1973) contention regarding the durability of racial hierarchy within criminal justice institutions. Further, these claims of institutional racism are powerfully developed by Alexander (2010), who conceptualises mass incarceration in the United States as ostensibly colour-blind while functioning to reproduce racial subordination under the guise of neutrality. This analysis is significant not only for its empirical insight but also for its conceptual contribution: it reframes the criminal justice system as a mechanism of social stratification and control, rather than merely a system of crime management.

In doing so, it provides a critical bridge to caste-based analyses of inequality, suggesting that institutional racism operates through logics analogous to caste hierarchy, including stigmatisation, exclusion, and intergenerational disadvantage (Bhoi & Goringe, 2023; Thorat, 2009; Yengde, 2025). Ahmed (2024), for instance, situates institutional racism within a broader framework of coloniality and epistemic injustice, arguing that contemporary institutional practices cannot be disentangled from their imperial genealogies. This perspective is particularly valuable for highlighting how systems of knowledge production within legal, bureaucratic, and academic institutions contribute to the marginalisation of racialised subjects. Institutional racism, in this sense, is not merely material but also discursive and epistemological, shaping which experiences are recognised, validated, or rendered invisible.

This insight resonates with the anthropological work of Fuchs (2020; 2022; 2025), who examines how inequality is mediated through legal language, evidentiary practices, and everyday interactions within law enforcement in India. Her concept of ‘idiomatic violence’ captures how harm is embedded in communicative practices that obscure or distort Dalit experiences. In the context of institutional racism, Fuchs’s work highlights the relevance of misrecognition and interpretive injustice in hindering the articulation and redress of discrimination.

Furthermore, institutional racism must also be understood as inherently intersectional. Feminist criminological interventions, beginning with Smart (1977) and extending to Masson and Booth (2022) and Bates (2022), reveal how gendered power relations intersect with racial hierarchies to produce differentiated experiences within the criminal justice system. These works challenge the androcentric bias of traditional criminology and underscore the necessity of analysing how institutional racism is experienced unevenly across social locations. The intersection of race and

gender produces specific forms of vulnerability and marginalisation that cannot be adequately captured through single-axis frameworks.

Finally, Johnson and Bristol (2023) emphasise that meaningful engagement with institutional racism requires moving beyond procedural reforms towards structural transformation. Their work highlights the limitations of technocratic approaches to reform and instead advocates for a more radical reconfiguration of institutional power relations. This aligns with the broader theoretical orientation of this thesis, which views institutional racism not as a problem to be managed but as a structural condition to be critically interrogated and dismantled. Therefore, institutional racism is indispensable to this study's broader project of theorising structural inequality within and beyond the criminal justice system.

2.7.5 Institutional Casteism: A Conceptual Framework

'Institutional Casteism' is an original theoretical framework developed in this thesis to analyse the systemic production and reproduction of caste-based inequality within the Indian criminal justice system (CJS) in its everyday practices. It is defined as the collective and systemic failure of criminal justice institutions, including policing, incarceration, and post-release processes, which are often entrenched in casteist norms, practices, and organisational cultures that operate with or without conscious discriminatory intent. The framework is constructed at the intersection of four theoretical foundations: 1) Critical Caste Studies, 2) Postcolonial Theory, 3) Structural Violence, and 4) Institutional Racism.

Before elaborating on Institutional Casteism, it is important to locate its emergence within a significant and largely unremarked gap in both mainstream and critical criminology. Despite decades of sustained scholarly engagement with race, gender, ethnicity, and criminal justice in

Western contexts (Smart, 1997; Phillips et al., 2020; Parmar, 2017; Bates, 2022; Masson & Booth, 2022), the discipline has failed to develop an equivalent analytical framework for understanding caste-based discrimination within the criminal justice system in India, as well as within caste-based societies more broadly.

Phillips et al. (2020) identify the troubling marginalisation of race within British criminology; however, the marginalisation of caste within global criminology remains similarly undertheorised, particularly in terms of how such exclusions create analytical space for other dominant identities and structures to remain unchallenged. In India, caste-based discrimination is an everyday social reality, including within the Indian criminal justice system (CJS). This has been extensively documented by socio-legal scholars and human rights organisations (Teltumbde, 2018; Human Rights Watch, 2007; The Law Institute, 2023; Irudayam et al., 2006; Wadekar, 2024; Sonavane, 2023). Nevertheless, caste discrimination has rarely been theorised within global criminology; hence, the introduction of Institutional Casteism as a framework is crucial to fill this gap and to help conceptualise the subjectivity from its own lens and perspectives.

The Institutional Casteism framework draws on Critical Caste Studies and the intellectual inheritance of Ambedkar (1936), for whom caste was not a cultural relic awaiting dissolution through modernisation, but a dynamic and self-reproducing system of power enforced through social ostracism, ritual degradation, and structural violence. Furthermore, Ayyathurai (2021) advocates recognising caste as a global analytical category, while Jassal (2021) also demonstrates how caste-based segregation is often rationalised in terms of institutional efficiency. Therefore, the introduction of Institutional Casteism as a framework argues that caste hierarchy is structurally

embedded within legal institutions and manifested through everyday practices within the criminal justice system in India, rather than being merely incidental to it.

The concept of Institutional Casteism is particularly inspired and derived from Institutional Racism, which I elaborated extensively in Section 2.7.2, providing the foundational vocabulary for understanding how state institutions reproduce social hierarchies through ostensibly neutral practices and organisational cultures. Furthermore, it demonstrates how inequality within criminal justice systems is structurally patterned and historically constituted, both analytically and within policy frameworks, particularly in Western criminal justice contexts. In this thesis, the concept of Institutional Casteism that I have developed addresses this gap directly by proposing that caste-based discrimination within the criminal justice system (CJS) is neither aberrational nor incidental, but rather structurally patterned and institutionally reproduced, resulting in inequalities against formerly incarcerated Dalit individuals and their communities at large. Therefore, this framework plays a crucial role in analysing caste-based discrimination within the CJS in a manner analogous to Institutional Racism.

To contextualise this within my thesis, 'Institutional Casteism' proposes that an equivalent transformation is both necessary and overdue in relation to caste. Just as Institutional Racism enabled criminologists to move beyond individualised accounts of prejudice towards a structural and processual analysis of racial inequality within the criminal justice system. The 'Institutional Casteism' framework exposes the collective institutional failure that often operates through unwitting casteist prejudice embedded in CJS and enables an analogous analytical shift in the caste context, particularly in India. It demonstrates how caste hierarchy is produced and reproduced through everyday practices within the criminal justice system. Firstly, the 'Institutional Casteism'

framework highlights how everyday caste-based discrimination looks like and is deeply embedded within the criminal justice processes that begin from the everyday interaction with the police and travel till judicial custody or prison, as detailed in Chapter Four. Secondly, this framework helps to highlight the existing mechanisms and support systems that formerly incarcerated Dalit men utilised within the criminal justice system at various stages of interaction, from arrest to incarceration, and navigated the criminal justice processes as detailed in Chapter Five. Finally, this framework exposed the everyday realities of caste-based discrimination during the post-release phase of reintegration into society and also highlights the coping mechanisms they used to navigate, as well as the potential ideas they propose for changing the very casteist criminal justice processes, as detailed in Chapter Six.

2.8 Conclusion

This chapter outlined the existing literature reviews that traced the persistent caste-based discrimination within the criminal justice system in India, revealing structural inequalities within the legal institutions that span from colonial legacies to contemporary carceral experiences. The scholarship presented shows that despite constitutional guarantees of equality and specific protection to Dalits, the criminal justice system continues to function as a site of caste-based violence, marginalisation, and exclusion for Dalits.

Empirical research exposes multifaceted caste discrimination within the criminal justice system in India, and it is often reflected in its procedures and everyday practices. The police interaction with marginalised communities, especially Dalits, is often characterised by violence, caste-based discrimination, heightened surveillance, presumptions of criminality, and denial of registering complaints. In the criminal justice system, especially in judicial processes, which reveals pervasive caste-based discrimination within its everyday procedures and practices. In addition, the carceral

experience amplifies existing vulnerabilities, with marginalised communities, especially Dalit prisoners, facing disproportionate violence, inadequate legal representation, and systemic neglect.

The existing literature on social reintegration outlines how caste intersects with criminal records and creates complex challenges during reintegration processes. The concept of "caste marking" in criminal records, where caste identity becomes permanently embedded in state interactions, represents a significant contribution to understanding how social identities are criminalised through bureaucratic processes within the criminal justice system. Community reintegration reveals how social networks become exclusionary mechanisms, with formerly incarcerated individuals from marginalised castes facing dual stigmatisation as ex-offenders and members of 'polluted' social categories.

Finally, the theoretical frameworks I presented position formerly incarcerated Dalit men as knowledge producers whose insights are crucial for understanding the everyday experiences within the criminal justice system. By doing this, this study challenges the traditional academic approaches that often treat marginalised communities' people as research subjects rather than epistemic authorities on their lived experiences and knowledge.

CHAPTER 3: RESEARCH METHODOLOGY

3.1 Introduction

The present chapter discusses the methodological approach adopted for this study to fill the existing large gap in knowledge about caste and the criminal justice system in India, especially focusing on formerly incarcerated Dalit men in Odisha. This study reflects the rationale behind methodological choices where qualitative approaches are set out. This chapter outlines the research design, the various methods used for data collection, the location of the study, and data analysis. This chapter shares the researcher's fieldwork experiences, including navigation during fieldwork, experiences during data collection processes, and the challenges encountered throughout the research journey. Finally, it highlights the ethical considerations and reflections as an insider researcher.

3.2 Research Design

A research design is a framework or blueprint that provides the overall structure and guides how all major components of a research study or project work together to address the research objectives or questions (Malhotra et al., 2020). It also provides the logical structure of an inquiry by considering its research purpose and research question(s) (Mertens, 2012). Furthermore, Creswell and Creswell (2007) refers to research design as "*procedures for collecting, analysing, interpreting, and reporting data*" (p. 58). The study aims to explore and understand a crucial phenomenon in contemporary India, specifically the systemic discrimination faced by released Dalit prisoners in the criminal justice system in Odisha (Thorat, 2009; Karna & Mahakud, 2014). Because these are very personal and socially connected events, a qualitative research design is best because it helps us understand the situation more deeply and records the lived experiences and

structural problems that freed Dalit prisoners face (Creswell & Creswell, 2007; Tisdell et al., 2015).

According to Bryman (2016), qualitative research is a way of doing research that focuses on words rather than numbers when gathering and analysing data. It allowed me to gather an in-depth and holistic picture of the criminal justice system from an insider's perspective, involving the lenses of caste, class, and criminalisation (Cox & Walklate, 2022; Alexander, 2010). This methodological approach also provides an insight into released Dalit prisoners and the community lens, as well as their meanings from an insider's perspective from the lived experiences from the formerly incarcerated Dalit within the criminal justice system (Creswell & Creswell, 2007).

In qualitative research, two main approaches that help in conducting research are the inductive and deductive approaches (Hyde, 2000; Azungah, 2018). The purpose of adopting an inductive approach is, firstly, to condense observations into a summary format; secondly, to establish links between research objectives and the summary findings; and finally, to develop a framework that captures experiences evident in the raw data (Thomas, 2006). On the other hand, the deductive approach is more suitable for research designs in which raw data can be analysed according to an existing conceptual or theoretical framework (Patton, 2002; Bucher, 2021).

By taking a qualitative approach, I was able to become familiar with the phenomenon under analysis through the lens of the participants, emphasising the meanings they ascribe based on their experiences (Warren, 2002; Thomas, 2006). In this study, I used qualitative research methods and used semi-structured interviews to explore the experiences of released Dalit male individuals and how they interpreted and navigated their journey through the criminal justice system, especially regarding law enforcement, the post-incarceration phase, stigma, and discrimination. The in-depth interviews enabled me to listen to and interpret their narratives, giving important space to the subjective nature of their experiences (Holloway & Fulbrook, 2001).

3.3 Case Study Approach: A Focus on Odisha

To further enhance depth and contextualisation, this research adopts a qualitative case study approach. In this study, the “case” refers to the lived experiences and institutional navigation of formerly incarcerated Dalit men within the criminal justice system in Odisha, India. The focus is on understanding how caste-based marginalisation is produced and reproduced across different stages of the criminal justice process, including policing, judicial proceedings, imprisonment, and post-release reintegration. This approach allows for an in-depth exploration of caste as an embedded institutional phenomenon rather than treating individual experiences as isolated events (Agazu et al., 2022; Viera, 2023; Priya, 2021). However, its aim is not broader generalisation but contextualising one single instance in the larger socio-economic framework. By understanding the nuances of a few cases, one can contribute meaningfully to the scholarly debates surrounding the issue at hand. I employ a case study approach to understand, firstly, the issue of criminalising Dalit men in detail. And secondly, a focus on the lived experiences of formerly incarcerated Dalit men in Odisha allows me to explore the intersection of caste and structural injustice to contribute to scholarly debates on intersection of caste and the criminal justice system.

3.3.1 The Location of the Study

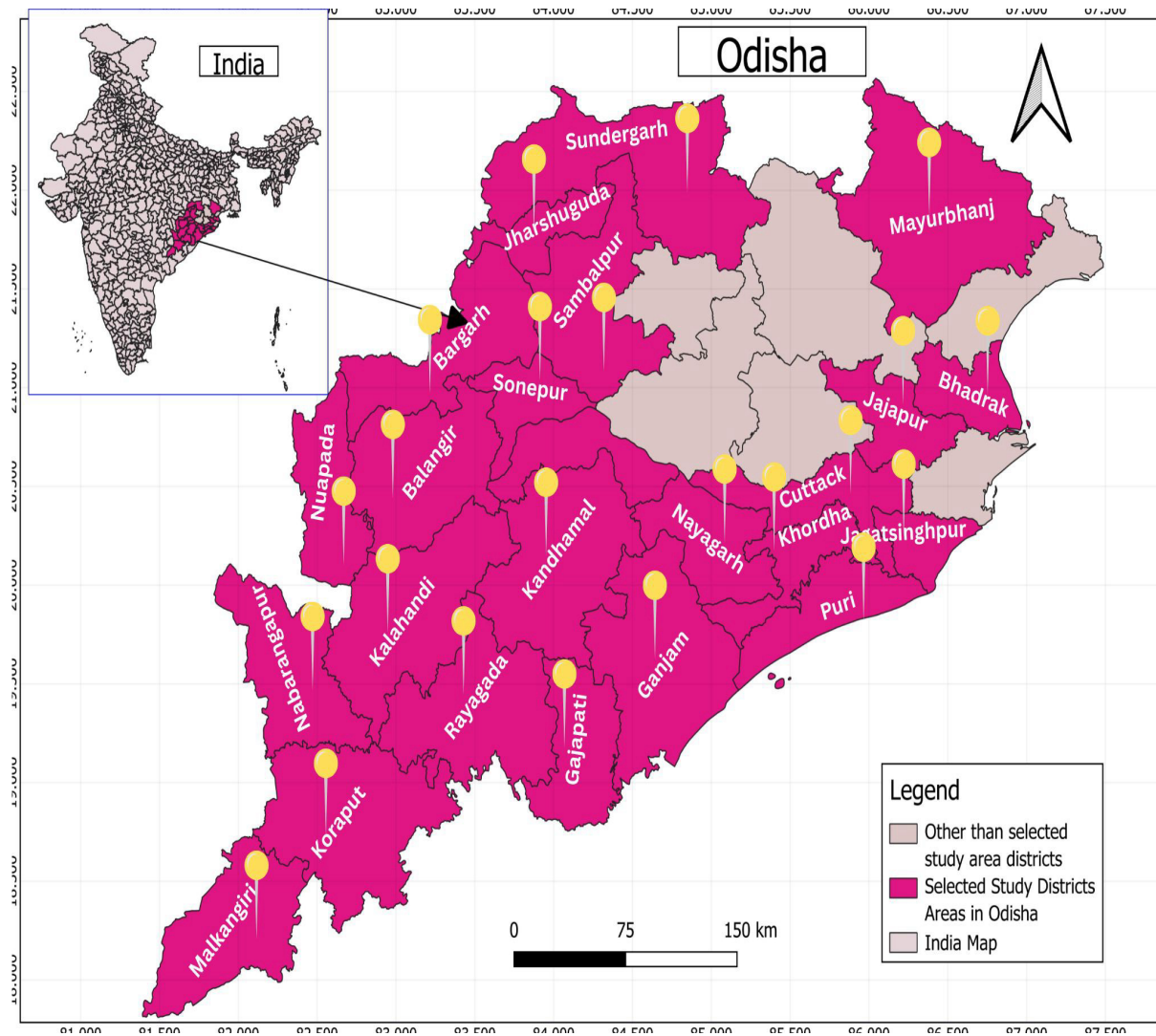
This study was conducted in various districts of the state of Odisha, and it is in the eastern part of India (refer to Figure 1). It consists of 30 districts, which are grouped into three revenue divisions. Each division comprises 10 districts, totalling 30 districts across the state for administrative purposes. Odisha is the eighth largest by area and the eleventh largest by population, comprising over 41 million people (Census of India, 2011). In Odisha, Scheduled Castes (former untouchables or Dalits) constitute 17.13% of the total state’s population and are officially recognised as 93 Scheduled Caste communities. As per the 2011 Census, Odisha’s overall literacy rate is 72.87%, while the literacy rate for the Scheduled Caste (Dalit) population is 69.02%.

However, this rate varies within the Scheduled Caste group, with a rural literacy rate of 62.02% and an urban literacy rate of 76.2% (ibid.). The official language of the state is Odia, which is recognised as one of the classical languages of India (Jha, 2014). In Odisha, the western region is considered the most backward compared to other districts of the state. In the KBK region, which comprises Kalahandi, Nuapada, Balangir, Sonepur, Koraput, Nabarangpur, Malkangiri, and Rayagada, Dalits and other marginalised communities face severe challenges such as poverty, social exclusion, gender inequality, and violence (Mishra et al., 2014; Parida, 2008; Prasad & Bibhar, 2020).

As of 2025, Odisha has 87 prisons, out of which it has 5 central prisons, 9 district prisons, 73 sub-prisons and 2 special prisons. In addition, they also have one women's prison and one open prison to accommodate specific prisoners (Odisha Bytes, 2023). As per the National Crime Records Bureau (NCRB) 2022 report, Odisha recorded a crime rate of 3.8 per capita and registered a total of 214,113 criminal cases, which rose 7.1% from 199,954 cases reported in 2023, making it one of the top ten Indian states with the highest crime rate.

As per the Prison Statistics India 2021 report, the marginalised communities, including Dalits, who constitute about 40% of the state's population, account for 96% of the prison population. This reality is similar at the national level, where Dalits make up 16.6% of the population but represent 21.7% of convictions (ibid.).

Figure 1: Odisha Map



3.4 Sampling, Access and Methods of Data Collection

3.4.1 Sampling Methods and Research Sample

This study employed purposive and snowball sampling methods. Purposeful sampling involves deliberately selecting participants who fulfil the research criteria, especially relevant to the research questions, and the targeted audience (Patton, 2015). In snowball sampling, the existing participants help to recruit additional subjects through their connections or networks, especially valuable when it is hard to locate the potential participants for the study (Bryman, 2016; Noy, 2008; Gill, 2020; Parker et al., 2019; Naderifar et al., 2017).

In this process, I first contacted my personal or close connections who met the research criteria. Then, I decided whether to recruit the participants who were referred to me. But of course, finding other participants who met the research criteria heavily relied on contacting the first person (Arksey & Knight, 1999; Sandler et al., 2010). By using purposive and snowball sampling, the research participants I interviewed were 20 formerly incarcerated Dalit men and 16 Dalit advocacy members that included local leaders, lawyers, academics, student leaders, and politicians.

Two categories of participants were recruited for interviews: first, formerly incarcerated Dalit men, and second, Dalit advocacy members. By visiting seventeen districts out of thirty districts in Odisha, I was able to interview twenty formerly incarcerated Dalit men who had already been convicted and bailed out from the respective prisons (see Table 1). The participants represent age groups ranging from 19 to 58 years old, from various geographical contexts across the state, spanning both rural and urban areas. In fact, the age of these participants captured different generational experiences within the criminal justice system, ranging from young adults to older members from the Dalit community. The participants' occupations include daily wage labourers, migrant workers, former students, small business owners, politicians, and government employees

that broadly reflect the economic condition of the Dalit community in the society where they are located.

The second group I interviewed was sixteen Dalit advocacy members, including lawyers, student leaders, community leaders, and academicians, from sixteen districts out of thirty districts in Odisha, spanning both rural and urban areas in the state (see Table 2). These community advocacy members provided unique perspectives and highlighted how caste manifests within the criminal justice system from their lens in various stages of legal proceedings and the everyday lives of Dalits. These advocacy members from the Dalit community have accomplished different levels of education and work experiences that include higher education, professional experiences, academic and social activism, and advocating for Dalit and other marginalised communities' justice through persistent activism and interventions. By including both formerly incarcerated Dalit men and Dalit advocacy members as participants, that provided comprehensive coverage of both lived experiences and broader community perspectives on caste and how it manifests within the criminal justice system and beyond.

Table 1: Formerly Incarcerated Dalit men

No	Name (Pseudonyms)	Occupation	Age	District	Legal Status
1	Suren	Daily Wage Labour	30	Kalahandi	Release
2	Aakash	Migrant Worker	26	Kalahandi	Release
3	Kanta	Driver	27	Kalahandi	Release
4	Ramesh	Mill Worker	40	Nuapada	Release
5	Bindu	Local Politician	43	Ganjam	Release
6	Raghu	Shop Owner	22	Cuttack	Release
7	Nilu	Sales Executive	20	Jajpur	Release
8	Jadu	Shop Owner	38	Rayagada	Release
9	Ranjan	Data Entry Operator	29	Balangir	Release
10	Jaydev	Migrant Worker	33	Sambalpur	Release
11	Philip	Mobile Technician	21	Sonepur	Release
12	Junus	Student	19	Bargarh	Release
13	Meghanath	Daily Wage Labour	36	Khordha	Release
14	Bulu	Labour	27	Malkangiri	Release
15	Pancha	Daily Wage Labour	52	Malkangiri	Release
16	Nilesh	Agricultural Labour	48	Sundergarh	Release
17	Rishi	Agricultural Labour	49	Mayurbhanj	Release
18	Jaya	Activist	58	Puri	Release
19	Arvind	Migrant Worker	31	Nayagarh	Release
20	Satya	Migrant Worker	29	Nabarangpur	Release

Table 2: Dalit Advocacy Members

Serial No	Name (Pseudonyms)	Occupation	Age	District
1	Ramakant	Lawyer	36	Mayurbhanj
2	Chinmaya	Local Activist	38	Balangir
3	Jitendra	Lawyer	32	Kalahandi
4	Pabitra	Local Activist	38	Kalahandi
5	Swati	Community Leader	36	Puri
6	Priyanka	Research Scholar	28	Khorda
7	Balram	Lawyer	46	Koraput
8	Ajay	Asst. Professor	38	Bhadrak
9	Ashish	Community Leader	39	Gajapati
10	Tapas	Student Leader	31	Kandhamal
11	Anil	Student Leader	32	Jagatsinghpur
12	Banshi	Lawyer	54	Jharsuguda
13	Debashish	Asst. Professor	42	Koraput
14	Jaydeep	Ambedkarite Activist	40	Balangir
15	Rudra	Activist (Singer)	28	Nuapada
16	Thakur	Community Leader	39	Kalahandi

3.4.2 Field Visit and Access to Participants

I began my fieldwork at the end of December 2023 and completed it at the end of June 2024. Before this, I had already started contacting community researchers, academicians, and local activists around August 2023. I briefly introduced my research project and enquired about their tentative availability for scheduled interviews after my ethics approval. Additionally, I reached out via email to various anti-caste organisations, legal professionals, and academics to discuss my research project, enquire about their availability for meetings, and seek their assistance in locating released prisoners in the areas where they reside.

Initially, it was difficult to establish contact with legal professionals through online communication, as they do not frequently check their emails. As a result, I tried to reach them via WhatsApp after obtaining their contact numbers from my known local academicians, researchers, local community leaders, organisations, and student leaders active in student politics. My first connections were with student leaders, as I was a student activist back in my college days. Furthermore, they later helped me get some contact details for the legal professionals and sent them to me via email, and some of them sent me my WhatsApp number.

To reach prospective participants, I contacted key local informants, including organisations such as the All India Scheduled Castes Federation (AISCF), Bhim Army, Bahujan Students Front, Mulnivasi Ekta Manch (MES), Bahujan Ekta Samitee (BES), Dalit Forum, Kaling Mitra Trust (KMT), BAPSA (Birsa Ambedkar Phule Students Association), Odisha Buddhist Council, and Buddhist Society of Odisha. Additionally, I connected with Dalit activists, student activists, local community leaders, politicians, human rights activists, counsellors, and lawyers to build rapport and shared information about my research project and its requirements with them. Through this network, I was able to gain the trust of prospective participants, as they had confidence in these

organisations and the individuals supporting them. Furthermore, the key informants recommended potential participants and shared their contact details, facilitating coordination for my research in their areas and reassuring me that they would provide support if needed throughout the research process.

After gathering the contact details of a few legal professionals, including their email addresses and personal phone numbers shared by student activists, I initially hesitated, but later I decided to email them a brief introduction to my research project, outlining my research proposal, and requesting a meeting at their convenience. I then used this approach to contact more legal professionals, local activists, and organisations advocating for Dalit rights in Odisha via email. I reached out to organisations that were actively advocating for Dalit rights in Odisha via email.

In other ways, I also tried to connect with more legal professionals through local community leaders and student activists across Odisha via their respective social media pages and personal pages online, especially by sending direct messages to them for their appointments to discuss my research project. Due to these prior efforts, I was able to secure some appointments for face-to-face meetings with legal professionals and student activists in various locations from the second week of January 2024 onwards, as most of them were occupied in the first week of January. In these meetings, I had the opportunity to share my research project, including its aims and objectives. Initially, I thought that the interview process would be challenging, particularly in recruiting participants and obtaining their consent; they might decline participation when contacted by phone due to privacy concerns or scheduling conflicts. To address this challenge, I prepared an alternative recruitment strategy that relied on the trust and faith of local leaders, student activists, and community leaders. These individuals have been actively engaged in advocating for Dalit

rights through various interventions aimed at securing justice for marginalised communities, both within the state and beyond.

However, my initial thought for participants' possible rejections or declines to participate in the interview was wrong; they were pleased, supportive, and dedicated to the cause they were already engaged in. Before visiting the field, I had also anticipated that community legal professionals or organisational leaders might initially reject or deny my request for interviews during the first visit. But my second thought was that they might only agree to participate later, once they had a clearer understanding of my research intentions. However, the reality turned out to be entirely different. Contrary to my expectations, many legal professionals and local leaders were open and willing to participate in the research process. This unexpected positive response from the community members significantly boosted my confidence and strengthened my resolve to continue my studies.

Due to their ongoing advocacy work for Dalit rights, student activists, legal professionals, community researchers, and academics were particularly knowledgeable about the Dalit cause, and they were also familiar with research processes. I shared my ethical approval form, participant information sheets, and interview schedule, which I had drafted in both English and Odia for their convenience. I encouraged them to read and understand these documents and asked them to seek clarification on any confusing terminology or concepts. After reviewing these documents, most of them stated that they understood their purpose and encouraged me to proceed with the interview process. In rare cases, I provided clarifications to address their doubts. When deemed useful, I reintroduced my ethical approval form, participant information sheet, and interview schedule to reassure them that the data collection process was legitimate. Furthermore, they emphasised that their narratives would not be misused or compromised but would remain anonymous and protected. After their due consent, I started asking questions about their experiences working as

part of advocacy groups for the Dalit community and their everyday interactions with the criminal justice system.

More importantly, the social isolation of formerly incarcerated Dalit men posed a significant methodological challenge to this research. As the findings themselves would later confirm, many men in this situation have deliberately reduced their social footprint, avoiding former neighbours, severing contact with community networks, or relocating entirely to minimise exposure to stigma. This means that the population this study seeks to understand is, by its very nature, partially rendered invisible. It is therefore possible that the men who participated in this study represent those with relatively more intact social connections, and that those most deeply isolated, including those who have migrated entirely from the state of Odisha or severed all ties with Dalit community organisations, are underrepresented in these accounts. This limitation is noted here and returned to in the discussion of the study's boundaries as detailed in Chapter 7.

3.4.3 Methods of Data Collection

Research interviews are a method in which researchers engage with participants and attempt to understand the world from their perspectives in a critical way (Brinkmann & Kvale, 2017; Seidman, 2013). This process enables researchers to collect rich data and narratives, helping them gain deeper insights from the responses (Rubin & Rubin, 2012; Patton, 2015). These research interviews were conducted in a friendly and conversational manner, which usually empowered participants to express their viewpoints freely. This approach also provided the interviewees with a high degree of control over expressing their views and helped facilitate greater intimacy and depth within the context of the interview (Patton, 2002; Gilgun, 2013). Also, it helped in building rapport and creating a safe and comfortable space for the participants (Fontana & Frey, 2005; Glesne, 2006).

Structured interviews were not considered appropriate for this study as they impose a rigid and standardised format which may limit formerly incarcerated Dalit individuals' ability to narrate their lived experiences in their own ways. As this thesis, focuses on intersection of caste, incarceration, and post-release stigma, such rigidity risks reducing complex and sensitive lived experiences into fixed response categories, thereby limiting depth and contextual meaning (Bryman, 2016; Kvale & Brinkmann, 2009). Therefore, I used a semi-structured in-depth interviewing method, and the interviews were conducted with the help of a pre-designed semi-structured interview guide, which was created before the start of data collection. This semi-structured interview approach helped me in exploring the specific focus areas such as experiences with policing and arrest, judicial processes and access to legal aid, prison conditions and treatment by prison authorities, experiences of caste-based discrimination within the criminal justice system, and post-release reintegration, while maintaining comparability across interviews without limiting the depth or richness of the data and maintaining comparability across interviews without limiting depth or richness of the data (Guest et al., 2012). The interviews focused on the experiences and perceptions of the criminal justice system concerning male prisoners, as well as male advocacy group members who are actively engaged in advocating for Dalit rights, to understand their experiences with the existing criminal justice system. I prepared an interview guide with the aim of capturing experiences with law enforcement and the reintegration phase.

In addition, scheduled interviews were designed to bridge the identified gaps in the existing literature and theoretical frameworks, and the researcher's experience as a social worker advocating for prisoners' rights for two years and lived experiences as being Dalit. I also used informal conversation techniques with my participants before asking the straightforward questions written in the interview schedule and approached them in a calm and motivating manner (Charmaz, 2006).

This was a crucial time for me, as it helped me establish rapport with the prospective participants and, in some cases, also facilitated obtaining their consent for the interviews. Although I had prepared an interview guide to ask questions to the participants, the informal conversations helped most participants feel comfortable and encouraged them to ask me to start the actual interview. As a result, during the interview process, after asking questions, I took on the role of an active listener, allowing participants to take an active role and feel in control of the interview process (Adams, 2015; Rogers & Farson, 2021, p. 84).

As a trained professional and researcher, I did not interrupt the participants while they were answering the research questions and allowed them to speak freely about their experiences. This approach helped build greater trust between me and the participants. Each interview lasted from fifty minutes to two hours. The interviews were conducted bilingually, in both English and Odia, depending on the participants' preferences. Only the Dalit released male prisoners gave their entire interviews in Odia. Some Dalit advocacy members spoke entirely in English, while the rest used a mixture of English and Odia.

When it came to identifying a suitable location for the interview, I always emphasised to the participants to decide on the interview location where they could feel comfortable and allow them to express themselves freely. I assured them that I would come to their chosen location and not worry. After this, often many prospective participants, with curiosity, asked me if I genuinely meant it or was just saying it. I reassured them, saying, '*You heard that right!*' my response not only made them feel more comfortable and happier in choosing a location that suited them best but also built trust in the entire research process. Most participants, particularly the released Dalit prisoners and members of advocacy groups for the Dalit community, expressed a preference for conducting interviews at their homes or respective offices. The rest of the participants chose nearby parks or hillside locations for their interviews.

3.5 Data analysis

I adopted Interpretative Phenomenological Analysis (IPA), a methodology that is designed to study and explore how individuals make sense of their realities or experiences (Smith et al., 2009). This method has been used in many criminological studies, such as those that look at ex-prisoner reform (Aresti et al., 2010), the experiences of crime victims (Ike & Jidong, 2022), the experiences of young offenders (Hughes et al., 2021), the experiences of transgender prisoners (Nulty et al., 2019), and the lived experience of older male prisoners (Kennedy, 2014).

To organise interview data for IPA, I employed thematic methods (Braun & Clarke, 2006; Majumdar, 2022). As Tisdell et al., 2025 note, qualitative data analysis involves making sense of the data and bringing meaning and order to it (Lochmiller & Lester, 2017). It entails systematically examining the data, identifying its various components, and understanding how they relate to each other and to the whole (Patton, 2015). The process of data analysis begins in the field itself and includes planning for analysis, consolidating and reducing the data, and interpreting what participants have shared, as well as what the researcher has observed, heard, and read (Robson, 2020).

Firstly, most of the interviews were transcribed into English from Odia, particularly from various Odia dialects, including western, eastern, and southern Odia, as reflected in the participants' speech. Secondly, some of them, including both formerly incarcerated Dalit men and Dalit advocacy members, used a mix of English and Odia language with the respective dialect during the interviews. Therefore, I transcribed those interviews entirely into English as well.

NVivo has been widely used in criminological and socio-legal qualitative research to manage and analyse interview data in studies of policing, prisons, and justice processes, enabling systematic coding while preserving interpretive depth (Richards et al., 2019; Trebilcock & Griffiths, 2022; Tokarz, 2017).

This helped me in coding the large data to categorise unstructured data into good coding schemes with a storyline that allowed me to arrange codes as per the research questions (Strauss & Corbin, 1998). This way, the use of coding was beneficial for meticulously analysing the collected data from the interviews. Before using coding, I read transcripts multiple times and later summarised the text into smaller categories of information (Patton, 2002, 2015).

Next, I organised the categorised data into specific themes and drew conclusions based on the consistency and recurrence of these themes across all data sources. To ensure the accuracy of the research findings, I re-examined the transcripts, audio recordings, and field notes. Patton (2015) highlights that qualitative analysis is inherently personal and judgmental. Therefore, researchers must closely monitor their thought processes and decision-making criteria while also remaining aware of their predispositions, biases, and constraints (Mezmir, 2020). Throughout the entire research process, I maintained reflexivity and self-awareness to uphold the integrity and reliability of the analysis.

3.6 Consideration on Ethical Issues in My Research

I took careful attention to ethical principles throughout the research process while conducting research with formerly incarcerated Dalit men in Odisha, given the vulnerable positions of the participants who have been historically facing discrimination and social exclusion and often reflect within the criminal justice involvement processes due to their social status (Israel & Hay, 2006; Miller & Bell, 2002). The overall project and all its associated documents adhered to established ethical guidelines, particularly those outlined in the University of Essex's ethical framework. To conduct this research on I had submitted an ethical application form that was approved by the University of Essex Ethics Committee in September 2023.

This ethics practice was a continuous process of reflection and adaptation while collecting data from the field (Guillemin & Gillam, 2004). Throughout the data collection process, I was in regular consultations with my supervisors, local community leaders, local advocacy groups specialising in legal and community rights and access to local regional counselling centres and dealt swiftly with the possible risks.

3.6.1 Informed Consent and Participant Information

For this research, informed consent was paramount, which helped both the formerly incarcerated Dalit men and Dalit advocacy members to understand the nature, purpose, and potential consequences of their participation before taking part in the study (Flick, 2018; Christians, 2011). To inform participants about my research project and ensure their willingness to participate, each participant was given two documents to read namely, consent form and the Participant Information Sheet (PIS) to read and understand before the interview was conducted. In case, formerly incarcerated Dalit men were unable to read, then I along with local leaders were providing verbal details about the documents. In the case of the Dalit advocacy members, I sent three documents before the interview: the Participant Information Sheet (PIS), the University of Essex's Ethical Approval Form, and the interview schedule. These documents such as PIS and consent forms were mostly shared via email, and occasionally through WhatsApp to the local leaders, to allow them to review the materials in advance and consider their participation (Hammersley & Traianou, 2012). These forms provided clear information about the research project, outlined the informed consent process, which they signed before the interview began and included the research questions that would be asked during the interview process.

For the formerly incarcerated Dalit men, I had to explain the research project that required more intensive engagement and explanation with examples. I had to recognise potential barriers that included limited literacy, legal knowledge, possible suspicion or surveillance of the state, and

unfamiliarity with academic research. For this, I explained repeatedly about the informed consent process, the importance of the University of Essex's Ethical Approval Form, and the research questions they would be asked during the interview until they fully understood in advance and also highlighted that they have the right to withdraw at any point in time (Liamputtong, 2006; Dickson-Swift et al., 2009). This process continued until participants demonstrated a clear understanding, with opportunities for questions and clarification throughout. For both the released Dalit prisoners and Dalit advocacy members, I obtained verbal consent along with written consent as per their convenient before beginning each interview.

3.6.2 Anonymity and Confidentiality

All the research participants, especially the released Dalit prisoners and Dalit advocacy members, were assigned pseudonyms while ensuring no resemblance to actual names in their data. Their details, such as locations, dates, and institutional affiliations, were altered to prevent recognition while preserving analytical relevance (Wiles et al., 2008; Saunders et al., 2015). All the interview field notes and transcripts were stored in the University of Essex's box folder using pseudonyms, which were protected by a password and only accessible to the researcher and supervisor.

3.6.3 Vulnerability and Power Dynamic

The research participants in this study include multiple vulnerable positions due to their intersection of caste identity, criminal affiliations, criminal justice process and their lower socio-economic status (Liamputtong, 2007; Sultana, 2007). This vulnerability creates an ethical obligation to the researcher to think beyond the standard consent or confidentiality and to remind the researcher to focus on the power dynamic, potential exploitation, and participants' welfare throughout the research process. The formerly incarcerated Dalit men face various vulnerabilities, especially due to their caste location, criminal stigma, and ongoing surveillance from law enforcement agencies. Their experiences of these ongoing vulnerabilities and the pressure of being

harassed by the law enforcement agencies may create stress or anxiety for them to participate on this study, especially given my position as a researcher who is affiliated with a foreign university.

To mitigate these challenges and power imbalances, I used various techniques. Firstly, I coordinated with the local community leaders to identify the potential participants. Secondly, I conducted interviews as per the participants' choices, especially in their homes or community spaces, with the support of local leaders, where they can feel safe and comfortable. Finally, the interview process was conducted with flexibility and centred on capturing their experiences as knowledge holders rather than treating them as subjects of research. Further, with the help of the local Dalit community advocacy groups, modest compensation in forms of food vouchers worth 400 rupees were provided to participants for their time and participation. This compensation was crucial for the participants, regardless of whether participants completed the full interview process, and was treated as voluntary participation over completion.

3.6.4 Research Safety and Reflexivity

As the researcher conducted fieldwork in the contexts that involved the criminal justice system and potentially became a sensitive topic, this automatically required careful attention to the researcher's safety while maintaining ethical obligations to the research participants (Linkogle & Lee-Treweek, 2000; Dickson-Swift et al., 2009). This research involved the intersection of caste and the criminal justice system and covered the narratives of advocacy work that can create complex social and political tensions that pose potential risks to both the researcher and the participants. In this situation, I used various safety protocols by coordinating with the local advocacy member who had expertise in legal and social advocacy for the Dait people in local areas and managed to mitigate swiftly some possible distressing interviews or uncomfortable situations during my interviews (Campbell, 2002; Hubbard et al., 2001).

I also linked participants who were going through potential mental health or psychological support to professional counselling support, specialising in advocacy and support groups from the community, as well as the services offered by the state government. Further, I decided to meet and take interviews with a limited number of intensive interviews per day for the well-being of my mental health and emotions, as the interviews deal with the questions on violence, and injustice within the criminal justice system (Dickson-Swift et al., 2009). Finally, I used my existing professional networks, support groups and timely consultation with my research supervisors to support me when I was in need.

3.6.5 Reflection as a Dalit Researcher

Coming from a Dalit (formerly ‘untouchable’) background, I have faced various forms of caste discrimination, humiliation, and bias throughout my life due to my identity. As a first-generation learner in my family, where my parents never attended school, I had no one to guide or mentor me about education. Additionally, living in a vicious cycle of poverty, I had to rely on my parents’ daily wages. I still remember, and it often echoes in my mind, that many times we went to bed hungry when my parents were unable to find work.

Despite all these challenges, I dared to dream of higher education and began attending the nearby government primary school. Until I finished high school, I didn’t know what to study next. During that time, some Ambedkarite individuals who believed in the ideas of Dr B. R. Ambedkar, the architect of the Indian Constitution and emancipator of millions, encouraged and financially supported me to continue my studies. Since then, I have progressed from studying in a rural school to attending Global University like University of Essex in United Kingdom.

This research is the outcome of decades of systemic exclusion, intergenerational poverty, and entrenched social hierarchies that I have faced both as an individual and as a professional social worker. During this time, I have witnessed how the rights of people from Dalit and other marginalised communities have been denied or delayed by the criminal justice system due to the lack of adequate support systems. Therefore, this research serves as a payback project to the Dalit community where I grew up. It aims to amplify their voices through academic writing, reaching a broader audience to support future advocacy and policymaking.

By positioning myself within this research as an insider researcher, this study integrates self-reflexivity and recognises my positionality and lived experiences, which have helped in conducting this research with openness and in greater depth (Patton, 2002; Bourdieu, 1991; Ribbens & Edwards, 1998). This approach helped put things in their proper place and gave me a deep look into how released Dalit prisoners had to deal with procedural problems and caste bias by police at different points in their lives, from being arrested to being freed and beyond. My positionality as a Dalit researcher played a crucial role during my fieldwork. Due to my position, I was able to connect with and network with existing gatekeepers across the state. Because of the gatekeepers' timely support, I was able to reach the right potential participants.

My disclosure as a Dalit researcher was both an ethical and methodological decision, as it helped foster trust among participants and created a positive environment for conducting research. In addition, sharing a common social background often facilitated rapport and eased conversations around sensitive issues such as caste discrimination, stigma, and experiences within the criminal justice system. As a result, participants were more willing to speak openly, without hesitation, about their lived experiences through a sense of shared understanding and collective experience.

However, this insider positionality of mine did not automatically guarantee access to participants or unrestricted disclosure. In some instances, participants remained cautious about sharing due to state surveillance and fear of being re-arrested. Moreover, my positionality required continuous reflexivity, as shared identity could also create bias and manipulation. Therefore, being a Dalit researcher functioned both as an enabling and a constraining factor, as it made it easy to access the field and provide a positive environment for research, but in many cases, it also necessitated careful negotiation of boundaries, trust, and representation throughout the research process.

3.7 Challenges During Fieldwork

I got helped from existing gatekeepers that helped me to access the contact details about the prospective participants. But that does not fully translate into the successful interviews as their participation was neither linear nor stable, as most interviews were repeatedly shaped by refusal and end moment cancellations.

Despite the odds, when I began my fieldwork, I started approaching key informants to help me reach the prospective participants (formerly released Dalit male prisoners). The key informants assured me of their support in locating these individuals, and I began attending their local meetings and workshops. These events were held across various districts of Odisha, which required me to travel. Within the same districts, I had to travel minimum 80 km to 100 km range to attend the various community meeting organised by the Dalit community. To attend these meetings and to connect with the potential participants, I stayed in hotels at different locations, especially when travelling to the different districts than my own districts of Kalahandi. The travel was often challenging, as I frequently had to undertake overnight journeys by bus that usually takes 12-14 hours to reach the meetings and to attend workshops on next day. Sometimes, I had to take trains, then Bus then also had to hire local taxi/auto to reach the meeting spots to participate those community events.

Further, I had to travel by bike and also had to walk 2-3 km through dense jungle to lack of public transport facilities with the help of local community members. Especially, walking their route was quite scary for me as local newspapers also the people mentioned that quite often tiger and other wild animals has been spotted in these areas. Despite this challenging time, I am happy that somehow, I managed to visit these locations and successfully conducted interviews with the prospective participants.

During the meetings organised by key informants from the community, I met various local activists from the Dalit community, including students, professionals, researchers, academics, politicians, and volunteers. These meetings provided me with an opportunity to share my research objectives and explain the purpose of my visits. Many attendees assured me of their support in helping to locate prospective participants for my study and assured me that a known contact of theirs, who could be a potential participant for my research, would be happy to assist me. However, when I later reached out to these community leaders for assistance, most of them responded that they needed more time. Because of this, I had to attend more meetings and spend more time with the local leaders from the community.

By attending meetings and workshops, I was able to connect with some prospective participants for my study. However, the most challenging part was obtaining their consent and scheduling interviews. While many of the prospective participants initially spoke with me, and some even responded via WhatsApp, agreeing to meet at a location of their convenience. I often tried to reach them but was unable to contact most of them, as many had either switched off their phones or blocked my number. In response, I reached out again to the local leaders from whom I had obtained the prospective participants' contact details. However, some of them also mentioned that they would try to follow up again and inform me accordingly, but that time never came back during the whole research period.

Some of the prospective participants agreed to meet me at locations of their choice to discuss my research. During these meetings, I provided an overview of my research project and shared the University of Essex-approved ethics report, along with the participant information sheet and consent form. However, many of them declined to participate after hearing more about the project, stating that they would not be able to provide the required information because of the privacy, stigma and surveillance. Some others asked for more time to consider and promised to get back to me, but later, only a very small number eventually followed up and agreed to be interviewed. As a result, I had to travel to multiple locations, and the process of scheduling interviews took significantly more time than expected. Some of the participants who had initially agreed to be interviewed later declined when I reached their location to conduct the interview. I still remember one participant (Suren,30) saying, *“I wasn’t able to refuse the local leader because he helped me in my case, so I said yes to speaking with you. But now I’m under pressure from my family and community not to talk about what happened to me. Please forgive me.”* In this way, some participants who had initially agreed to be interviewed later cancelled due to fear, pressure from their families, societal stigma, and community influence. This was one of the biggest hurdles in identifying other prospective participants, which led to further delays in scheduling interviews.

The roads and transport facilities posed significant challenges. To reach the homes of some prospective participants, I had to walk 2–3 kilometres through dense jungle due to rough, inaccessible roads, often relying on a local leader who assisted me by bike. Walking these routes was quite frightening, especially as locals mentioned a tiger had recently been spotted in the area. Despite these fears, I was able to visit the locations safely with the support of local leader. Another major challenge arose with some participants living in rural areas without electricity. They requested that I visit in the evening, after their daily wage work ended around 6 p.m.

I was compelled to use my mobile phone light to conduct interviews. These interviews were completed successfully, thanks to the kind support of the participants and the local coordinators. Finally, some of the interviews were particularly challenging because the entire family was present and often intervened during the conversation. They were fearful of possible re-arrest and initially suspected that I might be a police agent. However, I was eventually able to conduct the interviews smoothly after clarifying my role and purpose. The local leaders also helped by introducing me and explaining the nature of my research, which reassured the participants and allowed the interviews to proceed more like informal conversations. Overall, the fieldwork was not only challenging but also deeply enriching. It provided a valuable opportunity to understand the lived experiences and perceptions of grassroots communities, making the entire journey both fruitful and memorable.

3.8 Conclusion

This chapter has outlined the comprehensive methodological framework employed to examine the lived experiences of formerly incarcerated Dalit men in Odisha within the criminal justice system. The qualitative research design, along with a case study approach and Interpretative Phenomenological Analysis (IPA), provided the necessary depth and contextual understanding to capture the complex realities faced by participants, navigating multiple forms of marginalisation.

This research it covered a comprehensive ethical framework that addressed multiple vulnerabilities faced by participants while maintaining research integrity. It also covered how I carefully to attention to informed consent, anonymity, confidentiality, and participant welfare, reflecting the recognition of the sensitive nature of the research topic and participants' social location. My position as a Dalit researcher created unique opportunities and challenges that were navigated through reflexive practice and ongoing supervision. The insider status facilitated access and trust while requiring attention to assumptions, emotional boundaries, and analytical distance.

CHAPTER 4: THE EXPERIENCES AND PERCEPTIONS IN THE CRIMINAL JUSTICE SYSTEM

4.1 Introduction

The experiences documented in this chapter constitute empirical evidence of what this thesis theorises as ‘Institutional Casteism’ the collective and systemic failure of criminal justice institutions to deliver equitable treatment on the basis of caste which operates through entrenched casteist norms, everyday practices, and organisational cultures that function without requiring conscious discriminatory intent. The Macpherson Report’s (1999) defines institutional racism as the collective failure of an organisation to provide appropriate and professional service to people because of their colour, culture, or ethnic origin, manifesting through unwitting prejudice, ignorance, and thoughtlessness. This provides the foundational definitional parallel upon which this thesis's framework called ‘institutional casteism’ is derived. The systematic patterning of caste-based discriminatory outcomes documented across Chapters Four, Five, and Six that begins from the point of initial police contact through incarceration to post-release marginalization. As Bowling and Phillips (2002) also demonstrated that such systemic patterning characterises racialised criminal justice in the United Kingdom across every stage of processing; the findings presented in this chapter demonstrate an analogous structural patterning in the caste context within the criminal justice system.

This chapter’s analysis contributes significantly to existing literature on everyday experiences and interactions of formerly incarcerated Dalit men within the Indian CJS, where scholars have documented systemic challenges such as caste bias, disproportionate targeting by law enforcement, delay in investigation, lack of legal support, violation of the human rights, and forceful surrender through threats and physical violence (Mandal, 2012; Lal, 2023; Singh, 2024; HRW, 2007; Prema et al., 2021; Fuchs, 2025; Kochar, 2022; Sabharwal & Sonalkar, 2015).

In addition, this analysis builds on to the critical caste theory that documents everyday caste bias and discrimination against Dalits and extends its scope by examining how caste manifests within the criminal justice system through the lens of the formerly incarcerated Dalit men's experiences (Ayyathurai, 2021; Sarkar, 2025; Irudayam et al., 2006). In this way, it works to develop contribution on the broader theoretical understanding of institutional casteism and how traditional caste hierarchies remain deeply ingrained within modern legal institutions despite constitutional promises of equality and social justice and sustained through the state apparatus.

This chapter is organised in three substantial sections. The first section offers the lived experiences or insider perspectives of formerly incarcerated Dalit men regarding their everyday interactions with the police, prison, judges, and lawyers. The second highlights the viewpoints of advocacy members from the Dalit community, including academicians, researchers, legal professionals, activists, politicians, student leaders, and local leaders, regarding the everyday bias and challenges that Dalits face within the criminal justice system. In the last section, I expose the subjective views and perceptions of formerly incarcerated Dalit men regarding the criminal justice system and its judicial processes.

4.2 Experiences with the Police

This section analyses ex-prisoners' lived experiences and their perceptions of law enforcement, from the initial stages of contact to forwarding their cases to the courts. In India, existing literature on police interactions with poor and marginalised communities has consistently shown patterns of bias, discrimination, and systemic exclusion for these groups (Lee, 2020; MN, 2018; Tellez et al., 2020; Jha & Mudgal, 2022; Murphy et al., 2018). In this study, the findings largely align with existing literature that has broadly documented discriminatory practices and systemic exclusion of Dalits.

However, it provides a new voice of formerly incarcerated Dalit men from the regional context, highlighting how localised institutional practices, cultural norms, and socio-economic shape everyday interactions with CJS and provides a more nuanced understanding of the lived realities of justice system and expands the scope to see beyond the generalised accounts of systemic prejudice and inequality in CJS.

The formerly incarcerated Dalit men's experiences with the police constitute the first and most viscerally immediate site of Institutional Casteism documented in this study. The patterns described of what Bowling and Phillips (2002) identify as the dual dynamic of racialised criminal justice: the simultaneous over-surveillance of Dalit men as presumptive suspects and the under-protection of formerly incarcerated Dalit men as victims of caste-based violence. These are not incidental or episodic features of individual officers' behaviour; they constitute what Phillips and Bowling (2003) describe as the structural patterning of minority experiences within criminal justice institutions. In this context, these patterns that are reproduced through the organisational cultures, discretionary practices, and interpretive habits of policing rather than through individually enacted prejudice alone.

Because of incarceration, many formerly incarcerated Dalit men as highlights in Sections 4.2.1 to 4.2.5 also experiences with 'social isolation' which is not only a physical confinement but the beginning of a process of social unravelling. For this, several participants also described how the process of social isolation has begun from the beginning of their arrest before any conviction, in some cases before any formal charges. Therefore, this social isolation is inseparable from the caste they belong, who already occupy a precarious social-economic position and make them social dispossession which I called the relational rupture and voluntary withdrawal (Thorat, 2010; Jose, 2016; Mandal, 2010; Chatty, 2010), the additional stigma of criminal association can accelerate processes of exclusion that were already structurally primed (Kadun and Gadkar, 2014; Pankaj, 2019; Kumar and Borkar, 2026).

As a result, social isolation experienced during incarceration set in motion patterns of social withdrawal that many participants carried into their post-release lives.

4.2.1 Caste Abuse and Arbitrary Arrests

Article 9 of the Universal Declaration of Human Rights (UDHR) clearly states that everyone is entitled to freedom from arbitrary arrest and detention. This right is constitutionally guaranteed to every Indian citizen (Betts, 2023; Das, 2021). Despite this, number of marginalised communities, and especially Dalits, suffer from police brutality and impunity (Singh, 2021; Doshi, 2021; Devi, 2012; Shah, 2009; HRW, 2007).

In Odisha, Dalits routinely face caste-based structural violence in accessing legal institutions and justice. Police officers are hugely disrespectful of Dalits, regularly using caste slurs against them (Wadekar & Shantha, 2024). Dalits are disregarded by police officers across different caste positions, and find little support or sympathy from officers in filing atrocities cases where the upper caste are perpetrators and Dalits are victims (Mehentar, 2019; Biswal, 2022; Nag, 2023; Kapoor, 2007; Sahu, 2012; Nayak & Surendran, 2022; Nayak, 2024; Prasad & Bibhar, 2020; Ambewadikar, 2024; Singh, 2024). Because of this attitude of police against Dalits, Sonavane (2023), in her article ‘Deconstructing Police Discretion as Brahmanism’, states that the Indian police discretion is often to discriminate against the marginalised groups and to maintain the caste order. I find this to be the case in Odisha, where formerly incarcerated Dalit men are consistently criminalised by the police and other law enforcement officials throughout the legal proceedings. Moreover, their family members also faced severe caste bias and harassment by the existing law enforcement because of their caste identity.

This was made apparent to me through my interactions with Suren, a daily wage labourer, who recounted his traumatic experience with forced arrest and caste-based abuse:

I was playing cards with our community members at School Chowk around 3 pm, after having lunch, just like every day, to relax and have fun. During this time, suddenly, a police van approached us and asked about the recent gang robbery that had happened near our area. They also asked for our names. One policeman then told me to come with them. I was shocked and asked them why they wanted me to come to the police station. The policeman was rude and shouted, '*Magya Dom*' (mother fu**er Dom), don't argue with us, just come and you will know what you have done? and dragged me inside the police van. (Suren, 30).

Suren's experience clearly illustrates how rural policing operates in Odisha and confirms that the persistent, caste-based labelling of communities is still practiced in a country where people are celebrating 75 years of freedom from the British Raj. Ironically, colonial bias and labelling derived from the 'criminal tribe act' (CTA) of 1871 are still being practiced by police authorities, who label poor and marginalised communities as criminals solely based on their caste (Sonavane, 2023; Hinchy, 2020). Furthermore, Suren's experience is clearly visible in the police attitude and behaviour; the way they dragged him and did the forceful arrest and detention was a clear violation of his constitutional rights, as well as the rights enshrined in Article 9 of the Universal Declaration of Human Rights (UDHR). This also aligns with the existing studies confirming that there are significant patterns of bias, discrimination, and systemic exclusion of Dalits, which maintain the dominant caste power structures (Lee, 2020; Tellez et al., 2020; Jha & Mudgal, 2022; Murphy et al., 2018; Sonavane, 2023).

Suren's experience can be related to existing studies (Sengupta, 2013; Sonavane, 2023), which highlight that most police personnel come from dominant caste backgrounds and often perceive Dalits as inherently criminal. This is a function of institutionalised forms of criminalisation, continuing from colonial policing attitudes, practices, and laws (Sonavane, 2023; Ahmad and Siddiqui, 2017).

Existing reports and empirical studies confirm that persistent police bias against Dalits has led to custodial violence, disproportionate surveillance, and the forceful detentions of many Dalits (IDSN, 2020; HRW, 2007; Singh, 2018). As a function of routine humiliation by the state's disciplinary mechanisms, Dalits such as Suren are subjected to routinised symbolic violence. Further, the pattern of arbitrary arrest, and the use of custodial violence against Dalit men are understood here as expressions of differential citizenship where the routine operation of a system in which Dalit men's legal entitlements are formally acknowledged and practically withheld (Rege, 2023).

Suren's experience is not isolated. Humiliation, arbitrary arrest, and police abuse are recurring themes in interviews with Dalit men in Odisha. For example, Kanta, a driver and another respondent, shared how he was arrested by the police while he was trying to file a report about a financial dispute involving a Marwadi (business community – upper caste) shopkeeper:

I went to a local shop and gave 3000 rupees to get car parts, but the shop owner claimed I didn't give him the money. He argued with me and slapped me, even though his sales assistant supported my side of the story. The shop owner kept saying, You Dom, Ghasi are always like this; we know you very well, you are always a liars and cheaters. Then I got shocked and surprised and planned to report this to Police. When I reported this to the police, the police abused and harassed, and arrested me rather than taking actions against shopkeeper, who comes from rich social status. Kanta (27).

Kanta's experience highlights how caste power operates beyond mere social discrimination and is deeply embedded in legal and bureaucratic institutions (Network, 2025; Lal, 2023; Waughray & Dhanda, 2016; Waughray, 2009). It also aligns with existing research, which discusses how Dalits often face institutionalised barriers to accessing justice, particularly when the police deny or refuse to register their complaints and sometimes even turn a case against them (Carswell & De Neve, 2015; Fuchs, 2025). Furthermore, these practices have perpetuated caste hegemony and ensured that Dalits remain excluded from legal protection and economic security (Singh, 2024; Rao, 2009).

In my interactions with Suren, Kanta, and other Dalit respondents, advocates and academics, I found that caste abuse and arbitrary arrests by the police are quite common against Dalit communities in Odisha. On investigation, it was clear that this is largely since most higher-ranking police authorities are dominant caste Hindus. Anthropological studies on policing in India also confirm that the high castes dominate the high-ranking police authority (Jauregui, 2013). In Punjab, there is a hierarchy within the administration that often perpetuates social inequalities, and the dominance of upper-caste individuals influences institutional practices (Singh, 2022). Furthermore, policing practices in India frequently reflect the rise of Hindu nationalism, where caste and religion underpin state legitimacy (Chatterji et al., 2019). Furthermore, it is evident that the police maintain caste privilege and uphold social hierarchy instead of ensuring justice for Dalits and preserving the social order of caste (Sonavane, 2023).

The caste abuse and arbitrary arrests described by participants in this section constitute direct empirical evidence of Institutional Casteism operating at the most immediate level of police-citizen encounter. Macpherson (1999, section 6.6) defines institutional racism as operating through, among other mechanisms, racist stereotyping. The above narratives clearly demonstrated that how casteist stereotyping operating in precisely where the participants were treated as presumptively suspect, presumptively violent, and presumptively guilty not on the basis of evidence of specific conduct but on the basis of their caste identity. Ahmed (2024) situates such institutional practices within a broader colonial genealogy, demonstrating that the interpretive frameworks through which criminal justice actors assess Dalit credibility and Dalit dangerousness carry Brahminical and colonial assumptions that cannot be reduced to individual prejudice. Finally, the caste abuse and arbitrary arrests documented in this section are not aberrations within an otherwise equitable system but structural expressions of Institutional Casteism operating through the ordinary practices of Indian policing.

4.2.2 Police Misconduct and Harassment

In India, police misconduct and harassment are deeply rooted in the misuse of power by the police and other law enforcement. This predominantly targets Dalits and Muslims in the country and manifests in the form of forceful arrests, custodial violence, verbal abuse, and extrajudicial killings (Bhat et al., 2020; Mukherjee, 2021; Mangoli & Tarase, 2010; Kaushal, 2021; Mangoli & Tarase, 2010)). Unfortunately, even after 75 years of independence, there is no fundamental changes in the police attitude and behaviour due to the ongoing act and rules that followed, as this law is governed by the colonial-era legislation of the Indian Police Act of 1861. This act enables state and local politicians to routinely intervene in police operations, harass marginalised communities, and dismiss investigations against individuals who have political connections or are known to police officials; consequently, the expectation of care for human rights has become increasingly distant from the reality faced by individuals in India (Mangoli & Tarase, 2010). When it comes to Odisha, Dalits continue to face harassment and police brutality, with the police using excessive force, physical violence, and intimidation under the pretext of an investigation (Gochhayat, 2013; Karna & Mahakud, 2014; Prasad & Bibhar, 2020). In the case of Raghu, a government officer who works in the block-level food distribution department, who got arrested without any warrants, shared the pervasive issues of police harassment even against those who work for the state system. He shares:

So, regarding my first experience with the police, I was trapped inside the bus stop, and it was quite pre-planned. Then I went to work at the bus stop, and suddenly, a police officer grabbed me. Still, I dared to challenge them and said that whatever they were doing, the allegations against me were fake, and I had a lot of evidence to defend them. This is how I challenged them. In addition, I often challenge them to research before arresting me to determine whether I am wrong or have done something wrong. If I am found guilty in your eyes based on the evidence, then I say to them that I am ready to accept any punishment they want to offer. And this is how I challenge them in front of their face. But after all these clarifications, they refused to listen to me and check the facts about what I was saying; they just harassed and later slapped me in public and dragged me inside the van. (Raghu, 22)

Raghu's experience clearly highlights the intersection of institutional casteism and police harassment within the criminal justice system, demonstrating how even a government employee in India cannot escape from harassment within the legal institutions. As the narrative clearly highlights how the police harassed and arrested a government servant in public place, it demonstrates a clear violation of human rights as well as the constitutional rights that are supposed to protect Dalits. More importantly, the police have clearly violated Section 41 of the Bharatiya Nagarik Suraksha Sanhita (BNSS)⁷, 2023, where police must have followed specific procedures or reasonable grounds for suspicion if the person is involved in cognisable offences. This behaviour of police aligns with what Thorat and Newman (2012) termed as 'atrocious-prone attitudes' within the criminal justice system, where caste bias and discrimination often override professional obligations.

In India, a government service often signals a high status, respect and represents upward mobility in the society (Béteille, 2012). For Dalits, securing government jobs symbolises breaking traditional caste barriers within the Indian society and achieving constitutional rights through reservation policies (Mendelsohn & Vicziany, 1998). However, Raghu's experience clearly demonstrates how institutional casteism persists despite securing employment; he still faced caste bias and harassment by the police due to his caste status. The phrase "*slapped me in public and dragged me inside the van*", highlights the public shame against Dalits that has historically been used to suppress and humiliate Dalits in public places to maintain caste hegemony and power (Guru, 2009). Further, these incidents align with broader scholarly critiques of the legal institutions or law enforcement that often claim to be fair and transparent but practice systematic deniability, particularly when dealing with Dalits and other marginalised communities or those who lack strong

⁷Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 a procedure for administration of substantive criminal law in India that replaced the older Criminal Procedure Code, 1973 (CrPC) and came into effect on July 1, 2024. The main aspects of BNSS include streamlining investigation and trial processes, including the rights of victims.

social and political influence. Another testimony, from Pabitra, a local community leader, shares the political angle of police repression against the Dalit community. He claims that increased education and awareness among Dalits have led to greater resistance against the caste-based inequalities or injustices, but with severe consequences.

As you know, these days our people are getting a good education, securing good jobs, and understanding what right and wrong, and asking questions about anything if they feel something is amiss. However, this often backfires on us, as the powerful do not like this and, therefore, try to suppress us in various ways to retain their power. (Pabitra, 38)

Pabitra's narratives link with critical broader theories of state power and repression, hegemony and the notion of repressive state apparatus (Gramsci, 1971). Further, Gramsci (1971) says, "*The ruling classes do not rely solely on force to maintain dominance but also manipulate ideological and cultural institutions to secure consent.*" Likewise, in India, the dominant caste Hindus, who are in the highest positions, have reinforced caste oppression not just through social and cultural norms but through state institutions, including police. which serve as tools to enforce caste hierarchies. As a result, these systematic police bias against Dalits like Raghu, and many others leads to routine harassment and injustice. Such incidents are not isolated but occur daily and are widely reflected across India, including in Odisha (Ambewadikar, 2024; Prasad & Bibhar, 2020). The police misconduct and harassment described by participants in this section illuminates what this thesis identifies as the over-surveillance dimension of Institutional Casteism, the systematic targeting of Dalit men for coercive policing attention that reflects their caste identity rather than their individual conduct. This dynamic maps directly onto Bowling and Phillips's (2002) analysis of racialised over-policing in the United Kingdom, where Black communities are subjected to disproportionate stop-and-search, arrest, and custodial violence as expressions of a structural racial ordering of policing practice.

In the caste context, this over surveillance is reproduced not only through explicit casteist motivation but through what Macpherson (1999, section 6.45) identifies as unwitting prejudice and thoughtlessness. Further, the very behavior of Police has highlighted in the Human Rights Watch (1999) how violence against Dalit individuals by law enforcement is frequently committed with the knowledge and consent of police superiors establishing that the misconduct documented in this section is institutionally sanctioned rather than individually deviant. The National Campaign on Dalit Human Rights (2006) corroborates this finding, documenting custodial torture, extrajudicial violence, and systematic harassment as recurring features of Dalit encounters with Indian police which is a structural pattern that is 'institutional casteism' a collective institutional failure that often operate through unwitting casteist prejudice embedded in CJS.

4.2.3 Bribery and Corruption

Bribery within most police stations is a common phenomenon, disproportionately affecting lower castes, especially those from Dalit communities. Research clearly illustrates how police demand bribes at various stages, including filing First Information Reports (FIRs), expediting investigations, and, most commonly, providing false assurances for bail (Sukhtankar & Vaishnav, 2015; Shah, 2009; Quah, 2008). Existing research also highlights that marginalised communities in India, particularly Dalits, are often forced to pay bribes to local police officers (Zahid et al., 2020).

My interviews confirm that bribery and corruption were rampant in Odisha, where Dalit people belong to a lower socio-economic status, have limited legal education and lack powerful connections or social networks. Given these characteristics of marginality, the local police authorities and law enforcement officers were prone to exploiting Dalits in various stages of legal proceedings.

In this regard, Meghanath, a daily wage labourer working at a street shop in Bhubaneswar (the capital of Odisha), recounts his experience with police bribery after being accused of stealing 2,000 rupees from the shop where he worked, despite being in the capital city.

I was working in a vegetable shop for 2 years as a labourer, and for 6 months, I haven't received my wage. I asked my owner about the wage as I needed some money to run my family, but the owner made excuses. He started saying that he will give me money in the coming days. I waited for 6 months, hoping one day I would get my wage, but finally, I decided to quit the job as the shop owner kept on delaying the wage despite me asking him to pay me regularly. The time I decided that I would leave the work from that shop, the owner started threatening me. He asked me to continue working and if I join some work elsewhere, he will file a police complaint against me alleging that I have stolen his money. I was shocked to see that the next day police came to my house and took me into police custody. They demanded in a police van that if I would be able to bribe them 5000 rupees, they would dismiss my case and release me from the police station. Even when I requested them and shared my ordeal, they didn't listen. Rather told me that if I didn't pay, they would send me to jail. That's how I went to jail for 3 months. (Meghanath, 36)

Meghanath's narratives clearly reveals the complex dynamics of police corruption against Dalits, even in urban cities like Bhubaneswar. His narratives demonstrate how marginalised groups like Dalits often get targeted or trapped by the dominant caste employers and corrupt law officials work hand in hand for economic exploitation against Dalits rather than providing justice being law enforcement. The phrase, *"They demanded in a police van that if I would be able to bribe them with 5000 rupees, they would dismiss my case and release me from the police station"*, clearly highlights how police are corrupted and exploitative in nature as they demanded more than double amount that Meghanath was accused of stealing. This behaviour of police is what Jauregui (2014) describes as the 'economy of favours' within Indian policing, where the corruption becomes part and parcel of the everyday practice of police than incidental.

This dynamic is called ‘institutional casteism’, where Dalits like Meghanath face systematic institutional bias and economic exploitation that reveals how police corruption serves to reinforce the existing caste domination within the criminal justice processes (Gupta & Sharma, 2012). The above narrative demonstrates how the dominant caste employers often manipulate existing police or law enforcement to maintain the exploitative labour relations. This partnership behaviour of both police and the dominant caste employers highlights how state institutions become tools for perpetuating caste-based economic subordination against Dalits and other marginalised communities (Jeffrey, 2010). Further, the denial to investigate the theft case while immediately acting on theft allegations clearly demonstrated the institutional caste bias that often gives top priority to upper caste people over Dalit rights. Most of the individuals from the Dalit advocacy group, as well as formerly incarcerated Dalit individuals, confirm that most of the law enforcement officers often forced them to pay bribes. If they fail to do so, the police retaliate by delaying proper legal proceedings or adding harsher charges to their cases, making it more difficult to obtain bail from the courts. The majority claim that this phenomenon primarily affects Dalits and other marginalised communities. In another case, Philip (21), a mobile technician from Sonapur district, shared how law enforcement is corrupt, but that one can escape it if they have enough money and belong to an influential community.

The police corruption is everywhere, especially in my area; they work at peak level. I think everyone knows the same. And if you have money, you can do anything you want. The police will help you to make things right to wrong, wrong to right. On the other hand, if you are from the poor, if you are from the Dalits, if you are from the lower caste, you will be held guilty and get punished. (Philip, 21)

From the above case narratives, one can see how, based on a person’s identity, local law enforcement decides to suppress and exploit people, even if they have not committed any crime, and they are picked up by the police.

As a result, just because Dalits have little social capital, law enforcement easily targets them, delaying and denying them the fundamental rights to which they are entitled under the Constitution of India. Because of this, most of the respondents and their family members have encountered profound psychological impacts, leaving them voiceless in many cases and creating a fearful situation that discouraged them from challenging or resisting the misuse of law enforcement bodies. These contemporary police practices often reflect a continuation of colonial legacy racialisation as well perpetuation of structural inequalities, such as caste against Dalits and other marginalised (Varghese, 2023; Sonavane, 2023).

Further, Nilu (20), a sales executive from Jajpur district, warns that law enforcement is direction and states that this continued corruption can be dangerous for the poor, especially Dalits, while giving more power to the dominant caste Hindus. He sums up:

Suppose this system will continue the way it is continuing, especially the corruption part. In that case, this is obvious that the poor will always be put to sacrifice, the poor will always be targeted, and the vulnerable will always be targeted. The corruption will always continue. Always this way, the police and the upper caste and the political people will become more powerful. (Nilu, 20)

The narrative presented by Nilu raises significant concerns for Dalits to access fair justice as promised in the Indian Constitution. His predication that continued police surveillance and corruption within the criminal justice system, especially targeting Dalits and favouring upper caste and politically affiliated and powerful people, aligns with what Bourdieu and Passeron (1977) termed as ‘reproduction of social inequality’ through ‘institutional casteism’. Further, the phrase, *“the police and the upper caste and the political people will become more powerful”*, clearly highlights how it creates distinctions between Dalits and upper caste people and these categorical distinctions, which Tilly (2003) called ‘durable inequality’ that often become embedded within the organisational everyday processes and routines.

By witnessing these narratives, it becomes clear how law enforcement is primarily working for upper-caste people, while oppressing Dalits and other discriminated groups across the state of Odisha. From the above narratives it is clearly demonstrated that bribery and corruption operates as a caste-structured institutional practice within the CJS in India where Dalit men are specifically targeted for extortionate demands by police officers who recognises their social vulnerability, their limited access to legal redress, and their inability to mobilise the social capital that upper-caste groups deploy in similar situations.

In this context, Fuchs (2022) documents highlight the financial demands by police and judicial actors constitute a structural feature of Dalit encounters with criminal justice rather than isolated incidents of individual misconduct. Therefore, the pattern of bribery and the corruption thus constitutes a dimension of the formal-substantive gap in anti-caste constitutionalism that this thesis identifies: the formal legal protections against both corruption and caste discrimination coexist with institutional practices in CJS that systematically subject Dalits to exploitative financial demands, reflecting the misalignment between formal legal commitments and the institutional cultures through which those commitments are implemented.

4.2.4 Teaming up with Lawyers

The systematic exploitation of formerly incarcerated Dalit men extends beyond police corruption and takes on a more insidious form, as the police have collaborated with local lawyers for their commission. Most of the respondents shared that when they first met the local police, the local police officers passed their personal details to existing local lawyers who were their friends, family members, and relatives practising in the various courts and often assured these lawyers could charge them less money and expedite their cases. This collaboration represents what scholars identify as ‘institutional capture’: multiple layers of the justice system work together to extract

resources from the marginalised or vulnerable populations while maintaining the facade of legal support or help (Chesterley & Roberti, 2018; Lazega & Mounier, 2012).

One former student named Junus (19), a former college dropout, shared how the police insisted that him and his family to hire a particular lawyer:

The police told me that, if you hire Adv. Ranjan Das, you will get bail by tomorrow, and he will also offer you a lower price as compared to other lawyers. We took that lawyer and paid 10,000 by selling mom's only ornaments, but the lawyer was not very helpful and later demanded more money to argue my case. My family suffered a lot, and when they tried to reach that police officer, he was rude and abusive towards my family members. (Junus, 19)

Cases like Junus's are quite common in Odisha, where local police have ties with local lawyers, from whom they receive commissions and earn money. These officers exploit financially former Dalit prisoners and their family members. In most cases, limited legal knowledge and weak social networks compel individuals like Junus to follow the police's recommendations and often get trapped by them and face financial consequences. Also, the existing legal system of India or Odisha in particular, has been designed in a way to extract resources rather than provide protection or justice to Dalits and other marginalised communities (Naik & Madhanagopal, 2022; Sonavane, 2023). The commission-based relationship between police and the existing lawyers represents what criminologist Donald Black (2010) termed 'legal stratification', where the administration of law varies as per the social characteristics of the parties involved.

The collusive relationships between police and lawyers described by participants in this section illuminate a dimension of 'Institutional Casteism' that operates through the inter-institutional connections between policing and legal representation. It highlights the connections that systematically disadvantage Dalits who often lack the social capital to navigate or resist them. This finding resonates with Galanter's (1984) analysis of how India's legal system reproduces social

hierarchies through its professional culture, and with Moog's (1997) demonstration that systemic incentive structures within India's legal profession actively perpetuate delay and disadvantage for those with limited resources. In the caste context, the teaming up of police and lawyers against Dalits constitutes what this thesis identifies as a site of casteist epistemics: the institutional alliances formed between criminal justice actors whose shared class and caste backgrounds produce a solidarity of interpretive assumption that renders Dalit defendants' accounts of their own cases systematically less credible, less actionable, and less protected than those of defendants with access to independent and adequately resourced legal representation. For instance, Fuchs (2025) theorises this layered legal consciousness of Dalit communities as a response to institutional hostility and the development of strategic and creative engagements with legal systems that are recognised as structurally adverse.

4.2.5 Police Bias during Investigation

Police bias during investigations is quite common in Odisha due to the historical presumption of 'Dalits as born criminals' and the often-negative stereotypes against their criminality by law enforcement, stemming from the caste system (Sonavane, 2023; Najdowski, 2023). Such negative portrayals of Dalits can be found in media, popular culture and even academia (Viduthalai et al., 2017; Saha, 2026; Rai, 2022). The number of studies point out such bias against Muslims, to take just an example (Hasan, 2019). Because of this, law enforcement still carries this bias, which is mostly reflected in most interviews. These historical discriminations and criminalisation of Dalits due to their identity not only neglect these communities' experiences but also exemplify and create negative societal attitudes against these marginalised groups (Rawat, 2013). Smith and Merolla (2019) highlight institutional bias in policing practices, while Johnson and Bristol (2023) demonstrate how caste-based hierarchies shape disparities in legal access and judicial outcomes, collectively showing how systemic inequality is reproduced within the criminal justice system.

Ramesh (40), a mill worker from Nuapada district, was arrested for theft, a crime he did not commit, by the local police. He shared his experience of police bias while they were investigating his case.

Some of the caste Hindu mill workers alleged that I was roaming near the account sections on Monday and took 4000 rupees from the cash drawer, and they saw it while I was stealing money. Some of them also alleged that since I am Dalit, it is in my nature to steal money. Without even listening to me, the police arrested me and forwarded my case to the courts. (Ramesh, 40)

The case of Ramesh confirms how law enforcement in Odisha carries bias in their mindset. They presume that just because someone is a Dalit, they will be the ones to commit crimes without proper investigation. In most cases, law enforcement refuses to drop charges against Dalit communities, even in the face of witnesses. In such a situation, one community leader, Rudra (29) from Nuapada, also confirmed about the police bias and how they framed a charge against on Dalit boy and arrested him despite the villagers' witness to the contrary.

There was this case – a boy from the Dalit community got brutally beaten up by some upper caste people in a public space near the Ganesh Temple. After the incident, those upper caste people called the police, and eventually the police, rather than arresting those, arrested that Dalit boy, despite the whole Dalit basti (community) witnessing this case. Sadly, the police didn't listen to the Dalit community but rather harassed and humiliated them. (Rudra, 29)

The cases of Ramesh and Rudra clearly show the bias of local law enforcement in Odisha. These institutions perpetuate this ongoing process due to the lack of legal experts from the Dalit community who can challenge them (Nag, 2023). As a result, the Dalits continue face 'institutional casteism' that includes systematic inequalities, caste prejudice, and alienation from a fair trial in the criminal justice system.

The police bias during investigation documented in this section constitutes one of the most analytically significant expressions of casteist epistemics identified in this study, the stage at which

the institutional determination of what counts as evidence, whose account is credible, and which version of events merits investigation is made, with consequences that cascade through the entire subsequent process of prosecution and adjudication.

Fricker's (2007) concept of testimonial injustice, the credibility deficit assigned to speakers on the basis of prejudice about their social identity group is directly applicable here: the bias documented in this section does not reflect investigators' assessment of the specific evidence available in individual cases but their prior casteist assumptions about Dalit credibility, Dalit character, and Dalit propensity to crime.

Ahmed (2024) situates such investigative bias within a broader colonial and epistemic framework, arguing that the interpretive practices of law enforcement and their frameworks for assessing credibility, determining relevance, and deciding what requires investigation that often carry the colonial and Brahminical genealogies of their institutional formation. The investigative bias documented in this section is thus not individual but institutional: it is the product of an investigative culture whose epistemic assumptions systematically disadvantage Dalit complainants and defendants.

4.3 The Experiences with the Prison Authorities

This section explores the everyday experiences of former Dalit prisoners, from their initial entry into prison until they are granted bail. While in prison, the former Dalit prisoners have shared their unique perspectives on their lived experiences within the prison environment, which includes interactions with prison staff and fellow inmates. In general, Dalit prisoners in India within legal institutions face various forms of discrimination, including physical violence (Fuchs, 2025; Werleman, 2021). Specifically in Odisha, Dalits and Adivasis frequently face everyday casteism, human rights violations, social exclusion, and brutal caste atrocities, which can also be seen in the

criminal justice system (Gochhayat, 2013; Tanabe, 2025; Sahu & Dash, 2018; Bhoi & Goringe, 2023). The shared narratives by former Dalit prisoners reveal a grim reality of prison and highlight how daily discrimination is perpetuated, practiced, and exploited, further marginalising Dalits and creating a space of exclusion rather than rehabilitation or correction.

The experiences documented in this section constitute evidence of Institutional Casteism extending from policing into post release phase that clearly demonstrated that the hierarchical social order called ‘caste system’ of Indian society is not suspended at the prison gate but actively reproduced, often in intensified form, through the formal and informal practices of custodial management. Wacquant (2009) theorises the prison as a site of social quarantine in which the most marginalised members of society are concentrated and subjected to intensified institutional control. In this caste context, this general dynamic of social quarantine is overlaid and structured by caste hierarchy, producing what this thesis identifies as the casteist organisation of carceral space. Jassal’s (2021) analysis of how caste-based segregation is routinely rationalised within institutional settings as administrative efficiency provides the analytical framework for understanding how explicitly casteist practices within prisons are institutionally normalised through apparently neutral administrative discourses, a normalisation that constitutes ‘Institutional Casteism’ operating through the discretionary practices within the CJS rather than through explicitly casteist policy.

4.3.1 Caste Bias, Segregation, and Discrimination

Caste-based segregation and discrimination are quite common in prisons and are still happening in various prisons across India. Existing studies indicate that the Indian prison system is deeply influenced by Manu’s caste laws and colonial laws, which dictate practices ranging from caste-based segregation of prisoners to forced labour (Santha, 2020). As Arvind (31), from Nayagarh district, shared the ill treatment and caste discrimination faced inside the prison.

On the very first day, the officer asked me about my caste while registering my name in the prison. I replied that I come from the Pana⁸ community. After this, he allotted barrack number 4 and said that I must go there. When I entered that barrack, some fellow inmates asked me about my caste. Once they heard I was from the Pana community⁸, they smiled and said go to your gang and pointed me to another community member who was from our community, who was placed near the toilets. Then they told me that based on our caste, we were put here so that we could clean toilets regularly. I was shocked and sad and planned to complain... but they said you cannot do anything (Arvind, 31)

The narratives of Arvind clearly show how the existing prison institutions carry caste bias against Dalit prisoners and other marginalised communities, which also aligns with the existing literature that discusses how caste bias persists within the criminal justice system in India (Wadekar & Santha, 2024; Human Rights Watch, 2007; Kalita, 2023).

From the above narrative, the prison officer's first question to Arvind about his caste during registration clearly demonstrates how caste identity plays an important role within prison walls and aligns with the idea that Ambedkar (1936) termed 'graded inequality', where one's social location or position determines access to resources and treatment within the legal and other institutions.

The phrase, *"Once they heard I was from the Pana community, they smiled and said go to your gang and pointed me to another community member who was from our community"*, clearly demonstrates how the non-Dalits inmates responded once they got to know the caste name of Arvind and started making fun of his caste with harassment. This clearly aligns with what Guru (2009) identifies as 'anticipatory humiliation', where often the non-Dalits immediately identify and internalise caste bias and discrimination against Dalits without any explanation or justification. Further, due to caste status, Dalits often are placed near toilets within the prison, as this is clearly demonstrated in Arvind's case. This geographical marginalisation within the prison environment against former Dalit prisoners recreates traditional village spatial hierarchies where Dalits were

⁸ Pana community also known as Pano or Pan, one of the sub-castes within the Schedule Caste (SC) community mostly located in eastern parts of Odisha.

historically relegated to the outskirts of the mainstream villages or often near waste disposal sites or drainages. These spatial hierarchies or arrangements serve as constant reminders of the caste hierarchy that remain visible and functional even within supposedly neutral institutional spaces like prisons or criminal justice institutions (Ilaiah, 2009).

Further, the phrase, *“I was shocked and sad, and planned to complain... but they said you cannot do anything”*, clearly highlights the helpless situation of Arvind and reveals the naked image of prison environments where Dalits face everyday caste oppression within prison walls, despite legal safeguards. This ‘institutional casteism’ against Dalits represents what post-colonial theorists like Spivak (1988) famously termed ‘the subaltern cannot speak’, where the very institutional structures and mechanisms serve to silence about caste-based abuse.

The caste bias, segregation, and discrimination documented in this section constitute the most direct expression of ‘Institutional Casteism’ within carceral space identified in this study. Jassal’s (2021) foundational analysis of segregation as efficiency, the institutional rationalisation of caste-based separation as a form of administrative organisation rather than as discrimination which provides the precise analytical vocabulary for understanding the labour assignment practices, spatial arrangements, and social hierarchies documented here. Further these patterns have explicitly documented in Human Rights Watch (1999) and the NCDHR (2006) that highlights caste-based segregation within Indian prisons as a structural feature of custodial management, establishing that the practices documented in this section are not idiosyncratic to Odisha State but reflect a nationally patterned institutional phenomenon.

4.3.2 Bribery and Corruption by Prison Staff

The intersection of economic vulnerability and caste-based discrimination within the prison creates that systematically denies basic rights of Dalits and other marginalised communities

in India. Especially, bribery and corruption are very common in Indian prisons, as existing research highlights how prison administrative staff and jail guards often take bribes from prisoners and their family members and target them due to their socio-economic vulnerabilities (Raghavan, 2023; Singh, 2016; Tooley, 2016).

In this context, Bulu (29), a former labourer from Malkangiri district, shared how the prison's administrative staff did not allow him and to meet his family members and demanded money for that.

That day, I was washing my clothes, and one of my friends from my barrack asked me and said that my name had been called by the authority and that I had someone who is waiting for my family to meet me, so I certainly washed my clothes and got ready. Then, on the way, I was stopped by a prison staff. I said that I must meet my family. A prison staff member asked me to confirm with one of their staff, and then I went there. The staff said that if you want to meet your family, you need to give 600 rupees. I had no money, so I could not meet my family, but other people always got the chance as many times as they wanted to see their family. That day, I kept on crying the whole day because for 8 months, I could neither see nor talk to them. (Bulu, 29)

The above narrative of Bulu clearly highlights how the prison staff weaponised fundamental rights or entitlements and constitutional guarantees into commodities available only to those with financial means or social capital. The phrase, “*the staff said that if you want to meet your family, you need to give 600 rupees*”, highlights how prison staff demanded money even though they were already aware of Bulu's financial conditions, yet continued to exploit him due to his caste status. The denial of meeting family by the staff meeting, just because he was unable to pay, clearly violates the fundamental rights of Bulu.

Further, it also reveals the normalisation of ongoing corruption practices by the staff that often involves systematic denial of rights to marginalised populations like Dalits while providing preferential treatment to socially dominant groups or non-Dalits (Kalita, 2023). Further, these experiences of Bulu can align with what Foucault (1977) identified as ‘disciplinary power’ where

the threat to Dalits creates further deprivation, often silencing about systemic caste abuse and broadly the ‘institutional casteism’.

Further, Satya (29) from Nabarangpur district explained how prison officers and staff are involved in various corrupt activities inside the prison, and most of them are aware of it.

Last week I met my mother, and she said that they will send me 2000 rupees by next week. So, the other day I went to the office and asked about my money. Then one of the staff said that he only has 800 rupees. I got shocked because my mother told me that they would send me 2000 rupees, but I only got 800. I asked them that I was supposed to get 2000, then the staff abused me and said take this money or leave it. Later, I discussed this with my colleagues, especially the colleagues from the Dalit community, who said that this is very common, as it happens, and the authority knows that we have fewer contacts and we cannot do anything to them. That's why they not only take our money but also steal our food sometimes. On the other hand, they support in terms of providing Ganja, drugs, tobacco, cigarettes to upper caste people and the people who give them money. (Satya, 29)

Satya’s narrative exposes what Bourdieu (1986) termed ‘symbolic violence’, which clearly demonstrates how corrupt prison staff continue to exploit marginalised prisoners, like Dalits. In addition, the prison staff behaviour can be called ‘institutionalised theft’, where the so-called law enforcement, those who are supposed to care and protect the prisoners’ rights, often do ‘institutional casteism’ and exploit the totality of prisoners' vulnerability. Further, the dual system of exploitation and privilege reveals what Rege (2013) called ‘differential citizenship’, where the same legal institutional space treats different experiences based on caste identity, especially how the prison staff steals from Dalit prisoners and supports upper caste prisoners, clearly revealing ‘institutional casteism’ against Dalits.

Further, the bribery and corruption by prison staff documented in this section extends the analysis of Institutional Casteism beyond policing into the carceral domain, demonstrating that the structural exploitation of Dalit vulnerability by CJS. The findings documented here are consistent with what Alexander (2010) identifies as a defining feature of racialised mass incarceration where

most marginalised prisoners to institutional predation that formal law prohibits but institutional culture sustains.

In the caste context, this predation is structured by the compound vulnerability of Dalit identity and custodial powerlessness: Dalit prisoners are specifically targeted for extortionate demands precisely because their 'caste' renders them least able to resist, complain, or access alternative resources. Fuchs (2020) demonstrates that such practices constitute a form of 'idiomatic violence' where the harm embedded in the institutional routines and communicative practices of custodial management that often operates alongside and is partially occluded by the formal legal framework within which prisons formally operate.

4.3.3 Lack of Information and Legal Aid Support

When it comes to access to legal aid support, especially Dalits, Adivasis and Muslims are more vulnerable than upper caste communities and face various challenges and obstacles within the criminal justice system due to their socio-economic status and lack of information and legal support (Fuchs, 2025; Prasad & Satish, 2017; Tagade et al., 2018). These vulnerabilities faced by marginalised groups clearly reflect in government statistics that demonstrates how due to their socio-economic status face 'institutional casteism' and face comparable barriers in accessing justice within the criminal justice system. For example, the National Crime Records Bureau (2022) confirms that 75.8% of undertrial prisoners in India belong to marginalised groups, with Dalits constituting 22%, Adivasis representing 12.6% and Muslims accounting for 18.7%. This number is disproportionately high, considering that Dalits make up around 16.6%, Adivasis represent 8.6% and Muslims accounts 14.2% of India's total population (Census, 2011).

This overrepresentation reflects what Ahmad and Siddiqui (2017) termed as 'systemic targeting' of marginalised communities where they face 'institutional casteism' within the criminal justice

system. Due to poor social networks, limited recourses and legal support system, and due to lack of legal awareness and support by the prison authority these marginalised groups often stuck for longer time in prison (Raghavan & Nair, 2013).

Nilesh (49) from Sundergarh district shared how he shared the negligence of the prison authorities.

I was inside for eight months. One day, I asked the staff about my bail status. They were not supporting me as I had no one who could support me legally. So, I always relied on staff. But, one day I shared with community members about my case and was unable to share as I was working as a carpenter. But he said that as you committed a small offence and you must have been released. Initially, I was thinking he was joking but later I asked to the superintendent police about my case then he gave an order to one staff. Then they called me to the office and packed my bag for departure, as it has written that I already had got bail before 6 months and as you know due to a lack of information, I was stuck and this prison authority also not helping me to bail. (Nilesh, 49)

The narrative of Nilesh highlights the gap in access to legal aid and information within the prison system. Because of this, prisoners from the marginalised communities who are on trial (like Nilesh) often lack with knowledge and legal information about their legal rights and entitlements and there is need of urgent reforms and awareness about this so that the information of the legal aid can be reach out the common public or the one who are in need (Singai, 2022). The narratives also clearly demonstrate how Nilesh's family members are also not empowered or knowledgeable on laws and regulations relating to prisons and court systems.

Nilesh's experience highlights the rampant inefficiencies in the prison systems in Odisha where the marginalised communities, especially Dalits face 'Institutional casteism' due to lack of accountability and support system that includes the legal information and legal aid by prison authority. As a result, most of the marginalised communities' former prisoners like Nilesh face prolonged incarceration and arbitrary detention (Raghavan & Nair, 2013). Further, people like Nilesh and Satya who engaged in migrant and informal labour work reported greater difficulty in

accessing legal representation and navigating police procedures. They also attributed this to limited financial resources and weaker community support networks.

This finding corresponds to existing criminological and sociological research, which highlights how Dalits often fail to navigate judicial proceedings due to lack of social capital (Thorat, 2009; Teltumbde, 2007). Also, the systematic exclusion from legal aid and information to Dalits by the existing criminal justice system often relatable with what Bourdieu (1986) identifies as ‘cultural capital’ where access to information and legal procedures become a form of advantage that often Dalits and other marginalised groups lack.

Finally, the way Nilesh and his family members unable to navigate the required legal guidance and information due to lack of support system often reflects with what Guru (2009) conceptualises as ‘epistemic injustice’ where the existing knowledge system and information themselves become tool for exclusion, especially denying to provide the necessary information and legal guidance to the marginalised communities to claim their fundamental rights enshrined in Indian Constitution.

The lack of information and legal aid support documented in this section constitutes what this thesis identifies as the hermeneutical dimension of casteist epistemics, the gap in interpretive resources available to Dalit prisoners that renders the formal legal framework effectively unintelligible and therefore inaccessible as a resource for challenging institutional mistreatment. Johnson and Bristol (2023) argue that addressing such structural inaccessibility requires not procedural adjustment but institutional transformation.

In this context, the legal information deprivation experienced by Dalit prisoners is not the product of individual officers’ negligence but of an institutional culture whose taken for granted assumptions about whose legal knowledge matters constitutes a structural expression of ‘Institutional Casteism’.

4.4 The Experiences with the Judiciary and Lawyers

The experiences within the judicial and legal dimensions of criminal justice processing documented in this section highlights a third distinct site of ‘Institutional Casteism’ that characterised by the intersection of class-based and caste-based disadvantage within what Galanter (1984) identifies as a legal system structurally organised around social hierarchy. Ahmed (2024) also demonstrates that such formal-substantive gaps are not incidental but constitutive of institutions shaped by colonial and Brahminical epistemological formations. In the criminal justice system, the roles of the judiciary and lawyers are crucial not only in delivering justice but also in ensuring that justice is perceived as fair and accessible to all, without bias or discrimination. Existing studies emphasise that socio-economic factors and systemic bias against marginalised communities, especially to Dalits often delayed and influenced legal outcomes for these groups (Singh, 2020; Raghavan & Nair, 2013). Further, access to competent legal representation is not evenly distributed across Indian society. The experiences described here of disengaged legal aid lawyers, of proceedings conducted in languages participants did not fully understand, of convictions secured without meaningful defence which reflect the differential terms on which Dalit men enter the formal legal process (Rege, 2013; Jose, 2016).

4.4.1 Access to Legal Aid and Lawyers

In Odisha, accessing legal aid and finding a lawyer at the right time is quite difficult for marginalised communities, like Dalits. It gets especially difficult for those who come from lower socio-economic backgrounds and lack family and social connections to support them. Existing studies highlight how marginalised communities often lack information about their legal rights, and the legal system also fails to provide aid to the neediest individuals (Bhat, 2023; Prasad & Satish, 2017; Mukherjee, 2024; Kumar, 2024).

Ranjan (29), who worked as a data entry operator from Balangir district, shared how he faced challenges to find a lawyer due lack of legal aid support and financial barriers.

Finding a lawyer is of course a very difficult situation as we don't have that much financial stability in our day-to-day life. But by the support of the family or relatives somehow, we arranged some money, and I already mentioned that we sell some parental property to fight or to arrange lawyer. And that's how some of the relatives supported. Finally, within 10 to 15 days we arranged a lawyer who represented my case. (Ranjan, 29)

From Ranjan's experience, one can conclude how financial difficulties become a hurdle in legal proceedings, forcing many individuals to rely on their families or relatives. Sometimes they sell their inherited property to support the legal costs or lawyer fees. In Odisha, this is a common practice where most Dalits are unable to arrange or hire a private lawyer later due to their financial constraints, as lawyers typically it requires hefty amount upfront before getting one who would represent cases. Also, due to a lack of legal awareness and information among Dalits and the inefficiency of government-implemented policies and legal aid programs that supposed to support them in rural areas, never reaches to the poor or marginalised (Raghavan & Nair, 2013).

The access barriers to legal aid and lawyers documented in this section constitute a structural expression of Institutional Casteism that operates through what Rhode (2004) identifies as the practical conditions of legal access where the timely information, financial resources, cultural capital, and institutional knowledge required to exercise formal legal rights in institutional contexts. These practical conditions are systematically organised by caste in the Indian context: the legal profession's overwhelmingly upper-caste composition, the cultural distance between legal professionals and Dalit defendants, the linguistic barriers embedded in court processes, and the financial barriers to private legal representation all constitute institutional features that reproduce caste hierarchy within the formal legal system without requiring explicitly casteist legal rules.

Therefore, the legal aid failures documented in this section are thus not individual service failures but institutional expressions of ‘Institutional Casteism’.

4.4.2 Socio-Economic Status, Caste Relations, and Lawyers’ Behaviour

The intersection of socio-economic background and caste plays a crucial role in shaping the behaviour of lawyers, or legal representatives, and the services provided to Dalits. For Dalits and other marginalised communities, securing legal aid is quite impossible due to a lack of legal knowledge and the failure of the grassroots implementation of legal schemes. Kanta (29), from Kalahandi district, shared the rude and aggressive behaviour of an upper caste lawyer.

You can see many cases where you'll find that the poor and the vulnerable, especially the lower caste people, are more threatened and harassed by the upper caste lawyers. Most of the lawyers in my area are dominated by the upper caste, and they only work to some extent if you provide them a hefty amount; otherwise, they don't entertain. And there are cases, even if you pay money, they didn't work, and they did not file an application for bail on time. And as a result, the poor, as well as their families, face a lot of trouble because of this unethical behaviour by most of the lawyers. (Kanta, 29)

Kanta’s experience reveals the intersection of what Bourdieu (1986) conceptualised as ‘social capital’ and ‘cultural capital’ where only upper caste has the dominance within the Indian legal practices due to their historical caste privileges (Singh, 2003; Sriram, 2006). This caste dominance of upper caste often excludes marginalised lawyers from entering into legal practice, which clearly symbolises the ‘institutional casteism’ against person like Kanta as well as Dalit community lawyers. The phrase “the lower caste people are more threatened and harassed by the upper caste lawyers” clearly highlights how Dalits and other marginalised communities often face threats and harassment by the upper caste lawyers. This experience of Kanta aligns with what Teltumbde (2018) describes as ‘professional brahminism’ where there is systematic dominance of Brahmins over the judiciary and continued reproduction of caste superiority through professional status. Also, the experience of Kanta shows how upper-caste lawyers are often reluctant to provide proper legal assistance to Dalits and other marginalised groups even after taking hefty amounts from them.

This attitude of upper caste lawyers against these marginalised groups is quite common in Odisha and aligns with what Guru (2009) identifies as ‘graded discrimination,’ where the quality of professional services varies as per the caste location of the clients. The personal experiences of Kanta are quite common in most cases in Odisha and align with existing research, which highlights how caste and class bias are deeply ingrained in the legal profession (lawyers) in India (Jodhka, 2017; Narula, 2008; Nidhi, 2024).

4.5 Conclusion

This chapter examined the systematic manifestations of ‘institutional casteism’ within the criminal justice system, which clearly revealed how formerly incarcerated Dalit men faced everyday caste bias and systematic discrimination by the existing legal system that is supposed to deliver justice with fair treatment. Through detailed testimonies, the analysis addresses the research questions of how formerly incarcerated Dalit men’s identity shapes everyday experiences and perceptions of criminalisation, incarceration, and legal proceedings within the criminal justice system.

The findings clearly demonstrate that ‘institutional casteism’ functions across various stages during everyday criminal justice processes. Beginning with the experiences with police, the formerly incarcerated Dalit men faced persistent bias and caste-based abuse. Also, due to rampant police corruption, which often targets Dalits and exploits their limited social capital and supports economic vulnerability. Further, the collaboration with lawyers often creates extraction mechanisms that are often used to target Dalit families. The prison system also practices and institutionalised caste-based hierarchy through its colonial legacies, segregation policies, caste-based forced labor work, and everyday casteism with untouchability. Also, the ongoing demand for bribes, theft of prisoner remittances, and caste bias and humiliation by the prison staff against Dalits aligns with what Teltumbde (2018) termed as ‘bureaucratic brahminism’.

The testimonies reveal how ‘institutional casteism’ creates compound marginalisation against formerly incarcerated Dalit men, where caste identity intersects with economic vulnerability and produces severe forms of exclusion. These experiences highlight the profound gap between Indian constitutional promises that have given commitment to equality and protect their fundamental rights and entitlements. Therefore, these ongoing systematic discrimination needs immediate attention that should aim to dismantle the deeper structural relationships that enable institutional casteism to flourish.

More importantly, this chapter clearly suggested that the experiences of formerly incarcerated Dalits individuals within the criminal not only reflect the everyday caste-bias and discrimination but also initiate a process of social isolation and exclusion. For examples, when it comes to interactions with police station, prisons authorities, and judicial authorities, the Dalits feel complete sense of marginalisation, distrust and detachment from the legal institutions. As a result, these early experiences of Dalit within the criminal justice system shape how they will get treatment by the society during post release phase. Therefore, the early experiences within the criminal justice system often lays foundations for both imposed and self-directed forms of isolation that continue beyond prison walls.

CHAPTER 5: REDRESSAL MECHANISM AND SUPPORT SYSTEM

5.1 Introduction

This chapter highlights the complex mechanisms and support systems that formerly incarcerated Dalit men use to manage multifaceted challenges and obstacles encountered at various stages of case proceedings in the criminal justice system. It outlines the various techniques and strategies formerly incarcerated Dalit men resorted to during everyday interactions with the police, court proceedings, prison environments, and dealings with legal representatives and lawyers, especially in an environment of ‘institutional casteism’. The narratives presented in this chapter stress the significance of ‘counter-institutional networks’ (Scott, 1985; Bayat, 2000) at the individual, friend, familial, community, and institutional levels. These simultaneously work within and against discriminatory systems to enable Dalit men to navigate an oppressive criminal justice system.

The redressal mechanisms and support systems documented in this chapter illuminate the terrain of resistance and coping that formerly incarcerated Dalit men have developed in response to Institutional Casteism what Fuchs (2024) identifies, in the analogous context of PoA mobilisation, as the creative legal labour through which Dalit communities attempt to gradually improve the oppressive conditions that characterise their lives. The findings documented in this chapter demonstrate that such creative engagement with formal and informal support structures is simultaneously a response to Institutional Casteism and a site of its reproduction: the very mechanisms through which Dalit men seek redress are themselves shaped, constrained, and sometimes subverted by the casteist institutional cultures through which criminal justice operates.

The findings presented in this chapter address the research question of how formerly incarcerated Dalit men navigate systemic discrimination within the criminal justice system, while also

addressing the broader question of how marginalised communities develop agency and resistance within oppressive systems.

5.2 Institutional Support

The institutional support available to Dalit men navigating the criminal justice system documented in this section constitutes a direct measure of what Macpherson (1999, section 6.6) identifies as the collective capacity of institutions to provide appropriate and professional service to those who require it. The systematic inadequacy of institutional support documented in this section is thus not merely a service delivery failure but an expression of Institutional Casteism: the collective institutional failure to provide adequate support to Dalit defendants reflects the same taken-for-granted assumptions about whose legal needs merit serious institutional response that characterises the broader pattern of Institutional Casteism documented in Chapter Four. Johnson and Bristol (2023) argue that addressing such structural inadequacies requires institutional transformation rather than procedural adjustment a conclusion directly supported by the findings documented in this section, which demonstrate that the institutional support failures experienced by Dalit men are structural rather than incidental

5.2.1 Legal Aid Assistance

In India, access to legal aid or legal assistance is a legal right for everyone. As per the Indian Constitution, Article 39A provides a mechanism where each state should provide legal aid to the needy and poor so that they will possess an opportunity to access justice and protect their rights (Shreya, 2023). But the marginalised communities in India often lack awareness and information about legal aid. As a result, they are unable to access legal representation for their case (Surendranath, 2022). In this study, most of the respondents shared that they are not aware of the legal aid service provided by the state.

However, according to the Legal Services Authorities Act of 1987, the weaker sections of society deserve free and competent legal services so that they can access legal representation for their cases. As previously explained in Chapter 4, a lack of information and awareness, particularly among Dalits, Adivasis, and other marginalised communities, causes severe problems for these groups when accessing legal representation for their cases. Despite these challenges, some respondents shared how they managed to secure legal representation with the help of community lawyers. However, most could not do so due to financial constraints and systemic bias within the criminal justice system.

Suren, a daily wage labourer, shared how he initially received help free of charge because the lawyer who assisted him was from a nearby area and belonged to the same community. He stated:

When I reached the police station, I saw a lawyer who I knew was from my area and belonged to my caste, called Dom. He came to me, took my signature on some papers, and assured me he would get me bail without asking for any fees. I was shocked because I had only helped him before with decorations and household work for his cousin's wedding. (Suren, 30)

Suren's narrative demonstrates the importance of Dalit community solidarity in securing legal representation for their case. Otherwise, they might be left without legal representation due to their socio-economic status and the lack of support mechanisms (Bhat, 2023; Surendranath & Andrew, 2022). His experience revealed that when institutional mechanisms fail, even though they are supposed to support the needy or marginalised communities, only community networks and solidarity can assist in such situations. In addition, the lawyer's assurance that he would represent them without fees reflects a strong sense of community solidarity, which is often absent in mainstream legal aid programs. This also raises crucial questions about how legal aid services and awareness can be made more accessible through community networks, improving legal information and legal representation for those in need.

In another case, Aakash, a migrant worker, shared a similar experience of receiving help from a community lawyer in court, who assisted him in filing his bail application. He shared:

It was my first court hearing, and I had no lawyer. When the judge asked if I had legal representation, I replied to no. The judge then advised me to get a lawyer to speed up my case. I knew that hiring a lawyer to file a bail application in court required a lot of money, and I was worried because we couldn't afford it. While I was standing near the courtroom, a lawyer approached us and asked, 'Which case are you involved in?' I replied, "A theft case." The lawyer then handed me a paper and asked me to sign it—it was a bail application, but at the time, neither my mother nor I realised it, as we had no legal knowledge. My mother, with tears in her eyes, politely pleaded with the lawyer to help get me out of prison. He reassured her, saying, 'Don't worry, mother. Your son will get bail by next week, and you don't have to pay me anything.' We help our people in need, and he left. (Aakash, 25)

Aakash's narrative highlights how he faced multiple layers of vulnerability due to his lack of legal knowledge and financial support, placing him in a precarious situation where he might have remained in prison for a longer period without the lawyer's intervention. This also raises broader issues where they lack legal representations, as many Dalit communities, as well as poor and marginalised groups, face negative consequences due to a lack of legal literacy (Bhardwaj, 2025; Raza, 2021; Sarker, 2015). These groups are often susceptible to prolonged detention and systemic discrimination within the criminal justice system due to a lack of legal aid support or mechanisms. In addition, the narrative also highlights how community lawyers treat clients and their family members with due respect, both within court premises and during case proceedings. Such behaviour is rare among lawyers, especially those from private practising lawyers and who come from upper caste backgrounds or non-Dalit backgrounds and humiliation from the same lawyers who come from caste-Hindus backgrounds (Bajoria, 2025). Lastly, access to legal aid was also shaped by occupational position, with migrant workers and daily wage labourers often lacking the financial and social resources necessary to secure timely legal assistance. Rhode (2004) demonstrates that meaningful access to justice requires not merely the formal availability of legal assistance but the practical conditions that often translate formal provision into substantive

protection. The findings documented in this section demonstrate the systematic absence of these practical conditions for Dalit constitutes an institutional expression of Institutional Casteism operating through the legal aid system rather than merely through the police and judiciary.

5.2.2 Institutional Staff From the Community

Receiving help from existing law enforcement staff involves interactions at the police station, in prison, and during court proceedings. This section highlights how respondents working within law enforcement received assistance from their community networks or connections at various stages of their legal processes.

Junus, a former college dropout, shared how he got help from a community police man. He said:

The police were not at all helpful in the police custody in the beginning, as I requested a phone call to let my parents know that the police had caught me. But one lower rank police man called home guard was also present there and asked me for my name and what case the police caught me for. Then I said just the cricket match fight where I got beaten of by the four people and I also dare to beat them some even if they are from others (dominant) caste. Then the policeman helped by providing his phone to call my mother and told me to make a fast call. He said that this always only happens to us and went off (Junus, 19).

Junus's narrative highlights how most police officers are not helpful and engage in biased and discriminatory behaviour towards Dalits. For instance, the quote "*this only happens to us*" reflects a broader issue in the criminal justice system about systemic bias that directly impacts Dalits. These experiences reflect a sophisticated understanding of how systematic bias and discrimination manifest within the criminal justice system while maintaining professional position within the legal system. This interaction with existing community staff and formerly incarcerated Dalit men link with what Guru (2009) called as 'humiliation' as a systematic oppression that often Dalits face due to their caste identity and provides theoretical frameworks for understanding how community members, who works within the existing system also navigate community solidarity and professional obligations.

The assistance received by Junus is the clear reflections of community solidarity by the police personnel and what Guru (2009) termed as ‘dignity-preserving practices’ that often counter existing legal institutions that attempt to perpetuate caste bias and dehumanise practices against Dalits. This act also relates to the broader ideas of social justice advocated by Dr. Babasaheb Ambedkar, the architect of the Indian Constitution. As Dr. Ambedkar stated, every individual who has benefited from the community and reached a higher level should give back to uplift the rest of the people (Ambedkar, 1936; Thepa, 2024; Hantal, 2022). Further, the Police personnel statement also reveals deep awareness of systematic bias and discrimination that extends beyond individuals bias and encompass within the criminal justice system that persistently target Dalit and other marginalised communities (Teltumbde, 2008).

However, Junus's narrative also reveals how Dalits face constant bias and discrimination within the criminal justice system. Even though the police officer assisted to Junus and provided a phone to call his mother, but the officer help has remained limited and covert because he can help personally as someone belong to community members but unable to resist or challenges the broader patterns of ongoing discrimination against Dalits that have embedded in everyday practices within the criminal justice system. This phenomenon reflects broader dynamic and what the organisational scholars termed as ‘token representation’, where Dalits and other marginalised communities often face pressure to raise voice against the dominant organisational cultures while representing limited numbers and capacity to transform the existing institutional practices (Thomas & Ely, 1996; Adhikari, 2024; Hasan, 2022; Singh & Fathima, 2025)

The broader implications of Junus’s experience link to the questions about the implementation of affirmative action policies that meant to give adequate representation to the Dalits and other marginalised communities in criminal justice system. This representation of the marginalised

communities is crucial within the legal institutions and can create an inclusive environment with more sympathetic treatment, eliminate structural caste bias and discrimination and promote fair justice (Saxena, 2020; Jaffrelot, 2006).

The experiences of Aakash and Junus highlight both the importance of informal and community-based support system. While Aakash received support from a community-based lawyer during his court proceedings. On the other hands, Junus's got support from a lower-ranking police staff member while he was trying to reach out to his family members and that police staff helped him to facilitated communication with his family by proving his mobile.

These contrasting instances suggest that access to support is not institutionalised but contingent, depending on chance encounters, individual discretion, and the presence of community-linked actors within different points of the system. At the same time, both cases reveal the significance of shared social identity in enabling such assistance, as help was extended through a sense of collective belonging and recognition of marginalisation. However, this reliance on informal networks also underscores the absence of consistent and accessible formal legal aid structures which often force individuals to depend on sporadic and personalised forms of support rather than guaranteed institutional mechanisms.

5.3 Family and Community Support

This section highlights how the respondents received various forms of support from family, friends, relatives, and the community, helping them navigate difficult times while dealing with the criminal justice system. In fact, the family and community support play as fundamental and enduring support systems for formerly incarcerated Dalit men and act as a safety net that offers them emotional, financial, and community social network support when the existing formal institutional mechanisms fail to provide adequate support during their time and situation. In India,

the family structures extend far beyond nuclear units to encompass complex networks of relationships, kinships, and mutual connections that often served as a support mechanism (Medora, 2014; Berkman et al., 2012; Morrow & Vennam, 2015; George et al., 2023). In addition, the family support often reflects as a broader social organisation where all the relatives, cousins and extended family members work as an informal welfare institution and offers financial security, social protection and cultural continuity across generations (Dahl et al., 2014; Neyer, 2021; Hemerijck, 2013; Grover, 2017).

For formerly incarcerated Dalit men, these networks have played a crucial role as an alternative support system throughout their criminal justice processes and acted as a support system where dominant social and legal institutions have failed and systematically denied extending support and access to resources (Chalwadi, 2024; Pankaj, 2020; Prasant & Kapoor, 2010; Rawat, 2013; Gaztambide-Fernández et al., 2022). In Odisha, formerly incarcerated Dalit men have found family as an essential support system in navigating challenges that they faced during the criminal justice processes. For example, Ranjan (29), a data entry operator, shared how he only received help from his family members. He stated:

I have tried to approach many people, but nobody came forward to help me when I was in that situation. My family also tried to get help from others, but they couldn't get any. Therefore, as per my own experiences, nobody helped me except my family members. Ranjan (29)

Ranjan's narratives exemplify the profound social isolation and helpless situation that he encounters during his case proceedings and make survival dispossession (Chatty, 2010). He comes from a rural area where the social structure is dominated by the non-Dalit communities. In this situation, this is an obvious situation where Dalits face everyday casteism and social exclusion in rural areas of Odisha due to their social identity (Bhoi & Gorringer, 2023; Prasad & Bibhar, 2020; Mehentar, 2019). Despite this everyday casteism, he and his mother tried to secure some support to

get help in this crucial situation, but they couldn't find any support. Despite the stress and anxiety, the family members always stood with the formerly incarcerated Dalit men and provided moral boosts, arranged financial support, and motivated them to stay positive during the legal case proceedings (Dahl et al., 2014; Neyer, 2021; Grover, 2017). This narrative aligns with what Guru (2009) termed as 'ghettoised solidarity' where Dalits often face systematic oppression due to their caste and limit social capital beyond their social networks or caste groups.

In another case of Bindu (43), a local politician, shared how his family members used their savings, sold the land, mortgaged the jewellery and managed to arrange a private lawyer. He stated:

The system is quite biased against us. Think about my situation: even though I was a former minister of the state, I still got trapped by a system controlled by the dominant caste Hindus and had to go to jail. Somehow, because I had some savings, lands and gold from my family members, I was able to get bail after paying a substantial amount to hire a private famous lawyer from upper caste brahmin background. But think about our people who are from poor family backgrounds and do not have the support like me. It is quite pathetic to see how they are stuck inside, even if they haven't committed any crime. Bindu (43)

Bindu's narrative exposes the profound contradictions and inequality that are embedded within the criminal justice system, where a ruling party former member of the legislative assembly (MLA) and a state minister of Odisha faces caste bias and discrimination despite his significant political achievements. Despite his role as a local representative of the state, his imprisonment on false charges illustrates how individual advancement remains precarious in the face of entrenched structural discrimination operating within and beyond the criminal justice system (Jaffrelot, 2006). Further, his narrative, *'think about my situation: even though I was a former minister of the state, I still got trapped by a system controlled by the dominant caste Hindus and had to go to jail'*, clearly highlights how a member from a Dalit community face everyday casteism, regardless of power and position in the society and difficult to escape from caste bias that have embedded within criminal justice system and beyond (Bhoi & Gorringer, 2023; Adhikari, 2024). The irony of Bindu hiring a private lawyer from an 'upper-caste Brahmin' background reveals the complex dynamic

and domination of upper castes in the Indian judiciary, where caste is deciding professional competence.

The dominance of Brahmins over the Indian judiciary, where there is a lack of adequate representation of SC, ST, and OBC communities, but the Brahmins, who consist of 5% of the total population, have control of 78% of judicial posts (Nariman, 2017, p. 121). In this regard, journalist Tejas Harad said that ‘Brahmins like Justice V Chitambaresh, who says upper-caste Brahmins should always be at the helm, and persons like him can be found across the judiciary, media, academia, civil society, and politics’ (Withnall, 2019). As a result, Dalits like Bindu have no choice but to hire a Brahmin lawyer or an upper-caste lawyer, as they have influence in legal outcomes due to their caste capital but need to charge a hefty amount for the cases. This is a clear example of how caste-based social capital has an influence on institutional credibility and judicial decisions (Singh, 1997, p. 29; Dinovitzer, 2006).

Bindu shared that, *‘I had some savings, lands and gold from my family members’* and this is obvious that he might sell some of his land, mortgaging jewellery or used his savings to hire lawyer. This patterns clearly demonstrates of how Dalits sell their belongings and mortgage jewellery to secure bail within the criminal justice system. As per the Thorat (2009), this is how discrimination functions as an ‘economic tax’ and what Teltumbde (2018) conceptualises as ‘compound marginalization’ on Dalits where caste-based discrimination intersects with economic disadvantage to oppress them. Also, the phrase like, *“our people who are from poor family backgrounds and do not have the support like me. It is quite pathetic to see how they are stuck inside, even if they haven’t committed any crime”*, highlights his clear understanding of class consciousness which reflect of economic stratification within Dalit communities while maintaining collective identity and solidarity and can be termed as ‘representative consciousness’

that recognises his personal success along with broader community solidarity against the systematic caste based discrimination (Guru, 2009).

Further, the shared narratives that highlight how poor people those come from Dalits and other marginalised are stuck inside the prison identifies as the fundamental asymmetry in the Indian legal systems where outcomes depend on resource mobilisation rather than legal merit (Galanter, 1974). Finally, the process of getting bail of Bindu demonstrates how the family savings and collective economic strategies played a role in the whole process for his bail else there are many people from the Dalit and marginalised communities who have stuck inside the prisons due to lack of financial support (Raghavan & Nair, 2013; Ahmad & Siddiqui, 2017). When it comes to community support, it plays a crucial role by enabling collective works, support, and facilitated access to rights and entitlement, particularly where state structures are exclusionary to Dalit and formerly incarcerated Dalit men in various ways during their criminal justice processes.

For instance, Jaydev (33), a migrant worker, shared how he received help in finding a community lawyer from the local Ambedkarite organisation called Bhim Army. He stated:

As I have only my mother and no one to support me financially, when the police caught me, my local Bhim Army organisation stepped forward and assured me that I would get bail at the earliest. They also provided me with a community lawyer. Honestly, it wouldn't have been possible for me to hire a private lawyer here in Sambalpur, as they charge a lot of money from people like me. Just because I am part of a social movement, they helped me with a lawyer and got me bail. Otherwise, many people like me remain stuck in jail due to a lack of legal representation. Jaydev (33)

Jaydev's experience demonstrates the intersection of social movement participation and legal access within the criminal justice system and reveals how collective action, or the community approach can circumvent structural bias and barriers that often exclude Dalits and other marginalised communities from the legal representation. In this case, Jaydev's experience demonstrates how community networks and/or local social movements play a significant role in

providing legal representation to Dalit community members and helping them to secure bail immediately, without charging any fees.

The phrase of Jaydev, *“I have only my mother and no one to support me financially,”* highlights the socioeconomic vulnerabilities where he comes from, which aligns with what Wacquant (2009) termed as ‘punitive containment’ where poverty intersects with criminalisation and produces systematically unequal outcomes. However, Jaydev’s direct contact or affiliations with the local Bhim Army, a contemporary rising Ambedkarite organisation that disrupted this trajectory and can relate to what McCann (1994) identifies as ‘legal mobilisation’, the process whereby the Bhim Army translated into the collective movement that translates collective organising into individual legal empowerment. Indeed, the Bhim Army’s intervention represents more than NGOs or any charitable assistance, as it can be theorised as what Bourdieu (1986) calls ‘social capital conversion’, where a social movement provides access to resources otherwise unavailable within the formal institutional frameworks. Especially the phrase, *“Just because I am part of a social movement, they helped me with a lawyer and got me bail,”* clearly highlights how Bhim Army facilitates material support and challenges dominant narratives about lack of legal aid through alternative solidarity methods.

Finally, Jaydev’s narratives also can align with what Baxi (2017) identifies as the ‘constitutional apartheid’ that can relate to contemporary Indian criminal justice practices where one can see the how principles of equality coexist with systematic bias and discrimination. However, the intervention of Bhim Army provides an alternative institutional space where people like Jaydev can develop and claim for the rights and entitlement that Fraser (2024) also conceptualises as ‘counter public’. Jaydev’s narratives also highlight the limitation to limitations of individualised solutions to structural problems where the person who is not part of or affiliated with the Bhim Army may not be able to access the resources. While Bhim Army provides crucial support, but

their capacity remains limited by resource limitations and locations specificity and hence raise a question for systematic reform of the existing legal aid system rather than dependability on community support or organisations support/solidarity alone.

In a similar way to support the Dalit community, Tapas (31), a student leader, shared how he contributed through advocacy and assisted community members in times of need. He stated:

I can help so that I can be a resource to someone else. I can provide resources, I can provide a platform, I can organise people. That is how I can fight against discrimination in the legal system. I can file public interest litigation. If there are some problems with legal aid, I can get the help of NGOs and other organisations, I can get the help of the Dalit community, and I can mobilise the Dalit advocates. We can also seek an amendment to the law. We can conduct awareness and sensitisations. We can conduct a monitoring and reporting system and advocate for policy reports. That is what we can initiate at present. That is what I, as a person belonging to the Dalit community, can help expedite the legal process (Tapas, 31).

Tapas's experience reflects how a student leader from the Dalit community sees himself or thinks about addressing systemic bias and discrimination faced by Dalits at various stages within the criminal justice system. People like Tapas believe such problems can be addressed by utilising community resources, legal mechanisms, and advocacy to create a system that promptly helps their community receive justice. Tapas's phrase like, "*I can provide resources, I can provide a platform, I can organise people, that is how I can fight against discrimination in the legal system*", aligns with what Tarrow (2022) termed as 'contentious politics,' where the community resources and their collective strength challenge the existing power structures through sustained advocacy. In addition, Tapas being an educated youth taking initiative for the community also resonates with Ambedkar's (1936, p. 33) assertion that, 'The intellectual class is the class which can foresee; it is the class which can advise and give the lead,' positioning educated Dalits like Tapas to take the leadership of the community and lead them for systematic transformation.

Unlike Jaydev's experience of receiving social movement support during crisis, Tapas articulates a comprehensive vision for systematic legal reform that positions educated Dalit youth as catalysts for community-wide empowerment and institutional change. Tapas's self-positioning as a 'resource' for the community reflects his analytical capacity to understand the issues that the Dalit community faces and shows the potential to challenge these oppressive structures rather than merely navigating them; this stance of Tapas can be termed 'critical consciousness,' theorised by Freire (2020). Because of the leadership qualities of Tapas who emerge from the Dalit community and now taking the initiative for the community interest, demonstrate what Gramsci (1971) identified as 'organic intellectuals', who stands for the community and develop counter-hegemonic strategies for the community upliftment and become the agents of systemic transformation.

The phrase, "*we can conduct a monitoring and reporting system and advocate for policy reports*", which reflects what Ewick and Silbey (1998) conceptualise as 'legal consciousness', where law sustains its institutional power despite a persistent gap between the law on the books and the law in action. Further, Guru's (2009) critique of Dalit intellectual discourse becomes relevant here as he argues that authentic Dalit scholarship must combine 'experiential knowledge with analytical rigor' to challenge the dominant epistemic frameworks. In this case, Tapas being a student leader he is challenging the discriminatory practices not in reactive way but in way that reflects in his reporting and advocacy documentation which can be used as systematic evidence for structural reform. This approach aligns with what De Sousa Santos (2020) theorises as 'counter-hegemonic globalisation', where marginalised communities develop their own alternatives or institutional mechanisms to challenge the bias institutional structure or dominant legal paradigms.

Finally, there is a difference between Tapas's proactive leadership vision for the community support and the reactive support Jaydev received. These highlights different stages of social movement development that begin from immediate crisis intervention to long-term institutional

transformation. Both models are essential for the marginalised community empowerment, but Tapas's comprehensive approach for the community upliftment suggests how educated Dalit student leader's vision can bridge individual legal needs through collective community resource mobilisation and legal consciousness from a survival strategy to systematic reform advocacy.

5.4 Self-Assertion and Agitation

The deployment of self-assertion and agitation as individual tactics that the marginalised communities use as a 'everyday forms of resistance' without directly confronting institutional authority and develop sophisticated behaviours which they use to navigate structural bias and violence while preserving their dignity and agency (Ong, 2010; Scott, 1985).

This assertion and agitation of the formerly incarnated Dalit men and Dalit as a community aligns with what Ilaiah (2009) conceptualises as 'productive assertion', where the agitation of the Dalits and lower caste functions not merely as a reaction but as a constitutive socio-political practice that challenges Brahminical social order. In these sections, most respondents shared how they used assertion and agitation as a form of self-defence or can be called as a support mechanism to cope with the bias and discrimination they encountered in everyday life within the criminal justice practices.

Jaya (58), a Dalit rights activist, was arrested due to his activism for land rights for Dalits and other marginalised groups. He shared how he challenged the police officers when they came to arrest him.

When the police came to my home and said you have to come to the police station. Then I asked them why I should go, and why they are arresting me. I asked them to show me the police warrant for arrest. Then the police officer said, you have to come; we will use force to take you to the police station. After this, I challenged them and said, they cannot force someone and take them to custody without any warrant, and if they do so, I will go to court and file a case against them. Then the police officer paused momentarily and said, "No problem, we will come back" and left the home.
Jaya (58)

Jaya's narrative reflects a strong sense of assertion as being Dalit rights activist, as he has been fighting for community rights for over three decades and is deeply aware of the existing laws and regulations. It also reflected his self-awareness of the rights and entitlements meant for the Dalit community and sent a strong message to the authorities by refusing their order. This also shows an important defence action against bias and dominant power structures. After this, the police officer threatens Jaya with the use of force. Then Jaya responded, "*you cannot force someone and take them to custody without any warrant, and if you do so, I will go to court and file a case against you.*" This statement made by Jaya is a strong demonstration of agitation for self-respect and dignity against the dominant authority and aligns with what Guru (2009) conceptualises as 'dignity assertion', where maintaining self-respect becomes both individual psychological necessity and collective political statement. Also, his legal knowledge becomes a form of symbolic power that can deter immediate abuse while building broader capacity for institutional challenge (Teltumbde, 2018).

This statement can relate to the anti-caste leaders and their strong stand against the caste system and Brahminism that maintain social and political control over the lower caste and exploit them through religious doctrines (Ambedkar, 1936). Jaya's agitation is not simply an agitation against authority or being confrontational; it is a complete resistance against the so-called authority and the ongoing oppression faced by Dalits within the criminal justice system. It also sends a firm warning to the police officer who often threatens and practices bias and discriminatory behaviours against these communities. However, this approach also carries significant risks to the Dalit rights activists, where they had to face false criminal charges, violence, and social ostracism by the law enforcement to suppress their community leadership, voices and assertion for rights (HRW, 2007). The confrontation ultimately demonstrates both possibilities and limitations of individual

resistance within systematically discriminatory institutional contexts. While Jaya's legal knowledge and political experience provide crucial resources for challenging immediate harassment, broader transformation requires collective organising and institutional reform that addresses structural factors enabling such discrimination.

Like Jaya, Jadu (38), a shop owner, also shared similar experiences while in prison about how he asserted himself against fellow inmates who were bullying him and engaging in casteist slurs. He stated:

On the very first day, I entered barrack number 5 as shown by the jail guard. I went inside and sat in the corner. After a while, three other inmates came up to me and asked my name. I told them my name and where I was from. After that, they started mocking my caste and place of birth and began bullying me. I tried to stay calm for 10 minutes, but then I started challenging them. I told them, 'If you do this again, I will complain to the higher authorities.' After that, they just looked at each other and calmed down.
Jadu (38)

Jadu's narrative demonstrates how formerly incarcerated Dalit men faced everyday casteism in highly constrained institutional environments due to their identity (Bhoi & Gorringer, 2023). His stand against caste-based mocking and bullying against the upper-caste fellow inmates sends a clear message and aligns with what Guru (2009) termed as 'dignity assertion,' where everyday casteism and systematic humiliation work as a mechanism for social control. Jadu's action demonstrates great courage in taking a stand against this caste bias and humiliation and highlights how those who face everyday casteism due to their caste identity often find ways to assert their voices through everyday resistance against 'institutional casteism'. Jadu's experience is not just a personal story of how he managed to overcome caste-based abuse and bullying, but also an example of how people who face caste bias, abuse, and discrimination can reclaim their self-respect and dignity, even in circumstances designed to strip people of their power.

The phrase of Jadu, “*I will complain to the higher authorities*”, clearly shows his understanding that legal literacy becomes a form of power and helps to question any bias and discrimination within the criminal justice system. His understanding of legal knowledge and the power of assertion against the bias aligns with what Merry (1990) termed as ‘legal consciousness’, where a person coming from marginalised communities like Jadu will raise a voice against the ‘institutional casteism’ within the criminal justice system.

The self-assertion and agitation documented in this section constitutes the most politically significant dimension of the redressal mechanisms described in this chapter, and it resonates directly with the broader tradition of Dalit democratic mobilisation that scholars including Pai (2002), Omvedt (1994), and Rao (2009) have documented as the primary mechanism through which Dalit communities have historically sought to challenge and transform the institutional conditions of their subordination. Further, the self-assertion documented in this section constitutes an expression of precisely this political tradition; its analytical significance for the framework of Institutional Casteism developed in this thesis lies in what it reveals about the structural conditions that make self-assertion both necessary and precarious: it is necessary precisely because Institutional Casteism systematically forecloses the formal institutional channels through which grievances should be redressed, and precarious precisely because the casteist power structures that produce Institutional Casteism are capable of responding to Dalit self-assertion with counter-assertion, counter-complaint, and institutional retaliation.

5.5 Conclusion

This chapter examined the complex ecosystem of redressal mechanisms and support systems that formerly incarcerated Dalit men eventually developed during legal proceedings to navigate ‘institutional casteism’ within the criminal justice system in Odisha. It directly addresses the research questions on the available support system for formerly incarcerated Dalit men within the

CJS. The chapter presented various mechanisms, including psychological coping strategies that they used to control their emotion, manage their mental well-being, and develop resilience ideas, which often help them to think positively in those dehumanising environments. Existing social networks or can be called like Dalit community network or support system, emerge as another important mechanism wherein they are constantly in contact with their family member, peers or friends, community leaders or professionals and secure practical guidance and assistance in times of need. Finally, the situational behavioural attitudes also acted as a mechanism where they used selective disclosure of information to minimise, especially using techniques like when to speak and how to speak, to minimise further discrimination or victimisation during the criminal justice processes.

This chapter also demonstrated how various mechanisms worked in interconnected ways, as the formerly incarcerated Dalit men often used these mechanisms or support systems simultaneously or sequentially as per the changing circumstances during their everyday criminal justice experiences and expands the understanding of ‘institutional casteism’. Further, this chapter highlighted both the effectiveness and limitations of these mechanisms of support systems for formerly incarcerated Dalit men and reveals how structural inequalities are embedded within the criminal justice system and often create constraints for them. Also highlights how the participants’ creative ideas and mechanisms challenged those structural inequalities and have displayed their resilience and survival techniques.

Findings revealed the significance of social support systems across various stages of formerly incarcerated Dalit men’s interaction with the criminal justice system. At the outset, access to legal aid is contingent on support from community members. Respondents who do not have knowledge of ongoing Dalit movements often fall behind in accessing legal representation due to a lack of

legal awareness and information. Consequently, they were unable to access fair legal representation under existing laws and provisions, given their inability to afford the services of expensive lawyers for their bail. Without community interventions, where the existing Dalit advocacy groups or community members mobilise to identify a community lawyer to provide free legal guidance and assistance, many Dalits remained for longer periods in prison due to both financial hardship and limited legal information or knowledge. At the same time, the intimate family and community networks that helped formerly incarcerated Dalit men not only develop survival strategies but also gain strength to assert themselves against the ‘institutional casteism’ deeply embedded within the legal institutions.

This chapter’s findings also provide empirical evidence for the thesis's central argument that formerly incarcerated Dalit men face compounded challenges due to their caste status. It reveals how these multiple systems of oppression lead former Dalit prisoners to develop alternative voices through everyday assertion or forms of resistance against ‘institutional casteism’.

Finally, it argues that formerly incarcerated Dalit men should not be treated as simple victims of ‘institutional casteism’. The formerly incarcerated Dalit men played a significant role in developing alternative strategies to navigate discriminatory institutions, while contributing to broader community solidarity and empowerment for structural change or transformation.

CHAPTER 6: POST-RELEASE EXPERIENCE AND COPING MECHANISM

6.1 Introduction

The post-release experiences documented in this chapter constitute empirical evidence of what this thesis theorises as the caste afterlife of incarceration, the process through which imprisonment, for Dalit men, does not simply compound pre-existing caste stigma but qualitatively transforms it, producing a doubly marked subject for whom the symbolic and material pathways to reintegration are foreclosed through the convergence of ritual pollution and penal marking. Alexander (2010) reconceptualises mass incarceration in the United States as a mechanism of permanent social exclusion operating through ostensibly neutral criminal justice processes demonstrating that for Black Americans, the criminal record functions not merely as a marker of past conduct but as a permanent credential of social stigma that shapes every subsequent life domain. The findings documented in this chapter demonstrate an analogous dynamic in the caste context, while also revealing the distinctive mechanisms through which the caste afterlife operates: the ritual pollution that Ambedkar (1936) identified as the ‘social logic of untouchability’, the occupational heredity that confines Dalit economic life to polluting and precarious labour, and the endogamous social organisation of caste communities that makes the repair of social belonging particularly fragile for those marked by criminal record.

For Dalits, the transition from incarceration to the post-release phase is quite a challenging journey towards the reintegration processes, as they not only face caste-based discrimination and social exclusion within the criminal justice system but also face it within the broader society (Human Rights Watch, 2007; Singh, 2018; Thorat & Newman, 2012).

But mainstream criminology often frames prisoner reintegration as a universal process of overcoming individual stigma (Maruna, 2001; Chui & Cheng, 2014; Terry, 2000). This chapter explores how lived experiences of formerly incarcerated Dalit men share far more complex challenges and insights that expose deeper realities of everyday practices of the criminal justice system and beyond.

The existing studies on prisoners' rehabilitation and reintegration in India have largely focused on the difficulties of securing employment, social acceptance, family support, and inadequacy of aftercare programmes (Santhosh & Mathew, 2021; Sanyal, 2010; Ahmed, 2012; Adusumilli, 2024; Santhosh, 2019) but failed to capture the stigma and caste bias faced by the formerly released prisoners during post-release while going through rehabilitation and reintegration processes. As some of the existing studies have documented the everyday caste bias and discrimination faced by Dalits (Guru, 2009; Teltumbde, 2018; Yengde, 2019, 2025), these studies also have paid less attention to the post-release experiences of Dalit prisoners while reintegrating into society. Therefore, this chapter highlights the challenges and strategies that formerly incarcerated Dalit men used to navigate penal stigma and caste bias while going through rehabilitation and reintegration processes in the society and beyond.

Furthermore, the chapter sheds light on the broader social structures that continue to marginalise this population during their reintegration in society. Finally, it discusses how Dalit prisoners navigate the dual burden of criminal and caste stigma, employ coping mechanisms to overcome 'institutional casteism' and strive to become part of a broader society that continues to punish them for their identity.

6.2 Emotional and Psychological Journey

This section deals with the emotional and psychological journey of released prisoners, including their initial feelings after being granted bail, anxiety and fear of social acceptance and rejection, rebuilding trust to regain self-respect and dignity, mental health struggles related to stress, and finally, their hope to restart life amidst uncertainties.

6.2.1 Initial Feelings After Bail

Indeed, the moment of getting bail or release from prison itself is deeply emotional for Dalits, as they have not only faced criminal charges but also faced caste-based discrimination due to their caste identity. Upon release, most respondents shared their unique experiences after being granted bail, particularly when they first saw the sky near the prison gate. Philip (21), a mobile technician accused of stealing money from his workplace, shared his experience after being released from prison.

When I got the bail and came out of the prison gate, I felt like I had a new life and could now fly like a bird wherever I wanted to. Now, I thought I would never return to this place again in my entire life. (Philip, 20)

In the above narratives, the metaphor "fly like a bird" symbolises intense emotional release from prison and conveys a sense of complete liberation. For people like Philip and many others, life beyond the prison walls is still possible and can offer a new beginning filled with freedom and possibilities. This experience of Philip aligns with what Turner et al., (1996) conceptualise as 'liminal transformation', a threshold moment between confinement and freedom that carries potential for fundamental identity reconstruction for Dalits in the society. Further, Ahmed (2024) theorises cumulative institutional trauma as a distinctive form of harm produced by sustained exposure to institutional racism a concept directly applicable to the caste context, where the cumulative experience of 'Institutional Casteism' across police encounter, prosecution, adjudication, incarceration, and post-release exclusion produces a form of psychological harm that

is qualitatively distinct from the trauma of individual incidents. Therefore, people like Philip reflect and introspect on their past mistakes and some use this time to make promises not to repeat the mistakes that had led them to prison and chose instead to pursue a better life.

6.2.2 Feeling of Fear and Anxiety

The feeling of fear and anxiety after getting bail is a common issue for most respondents, largely due to their criminal affiliation and its negative impact on broader society. They often experience a deep fear of social rejection, both because of their past incarceration and their caste identity. Nilu (20), a sales executive who was accused of stealing money from the D-mart shop, shared his unique experiences of fear with intense stress while thinking of reintegration into society after post-release.

No doubt, I got bail now, but I don't know how I will face society, as they will not accept me for who I am now. As you know, they will not understand that I haven't committed anything; rather, I got caught up in this by the supervisor in the shop. The non-Dalits will especially mock my family and me for this. (Nilu, 20)

Nilu's narrative reveals that the intersection of criminal stigma and caste-based discrimination is a common phenomenon for Dalits during the post-release phase. The phrase "I don't know how I will face society" clearly demonstrates how the criminal stigma has impacted beyond legal boundaries and led to emotional distress and stress for Nilu. This experience of anticipatory anxiety for Nilu demonstrates what Goffman (1963) conceptualises as 'courtesy stigma,' where the affiliation of criminal stigma often extends beyond individuals to contaminate entire families and communities. In this case, for the person coming from a Dalit social background like Nilu, this contamination operates in two ways: first, the universal stigma of incarceration, and second, coming from the Dalit community, the presumption of criminality due to caste. Because of this, even after release or getting bail, Dalits like Nilu often live in fear with anxiety due to the judgmental attitude of the casteist forces in the society, especially by the non-Dalit community.

As a result, this fear significantly affects former Dalit prisoners mentally and psychologically and impacts reintegration processes. These experiences can directly link with Goffman's (1963) concept of stigma, the spoiled identity produced by the social attribution of a deeply discrediting characteristic that provides a further analytical resource, but one that requires caste-specific elaboration in the context of this thesis: the stigma experienced by formerly incarcerated Dalit men is not the singular stigma of criminal record that Goffman analyses but the compound stigma of caste identity and criminal record that constitutes the experiential core of the caste afterlife of incarceration.

6.2.3 Concerns for Rebuilding Self-Respect

Indeed, the process of rebuilding trust and self-respect after incarceration and the burden of criminal stigma is quite challenging, especially for Dalits. Moreover, the transition process after release is a deeply emotional journey for them and often leads to psychological distress for Dalits. Most of the respondents shared that whenever they contemplate their self-respect during the post-release phase, they feel that their self-image has been permanently damaged due to the stigma of having a criminal record. They believe that society will never accept them as it did before. As a result, most respondents expressed emotional stress in their efforts to regain self-respect within their communities and society, often justifying themselves by saying they haven't done anything wrong and wanted to reform. Meghanath (36), a daily wage labourer accused of stealing money from the local market, shared how he wants to reform himself as society wants, as he desperately needs self-respect to live in society.

I am so sad about what just happened to me, even if I did not do anything, but I must face society. They will say I am a thief and stole money from the local market without knowing the realities. Leave it for now; my main concern is to regain the respect I once had it before this incident, and I am ready to do anything for that.
Meghanath (36)

The above narrative shows how Meghanath shared his pain of being labelled a thief, despite his innocence. Meghanath expressed how the mistrust shown by others deeply hurt him, and now he is ready to face the society to prove his innocence. Meghanath's experience of pain and emotion reflects a broader sentiment shared by many other respondents in similar situations. The phrase "I am ready to do anything for that" clearly highlights the desperation to get the self-respect back that was lost due to incarceration affiliation, reflecting what Bourgois (2003) describes as the "search for respect" among the marginalised communities where self-respect and dignity become scarce commodities that often require constant negotiation with the mainstream society. These whole processes after release create various challenges and obstacles for Dalits, especially the social stigma, labelling, and personal shame or guilt and often result in a lack of acceptance from their immediate community and society. Further, this lack of acceptance becomes a significant barrier to not only reintegrating into society but also achieving emotional and psychological recovery for former Dalits prisoners.

The concerns for rebuilding self-respect documented in this section illuminate a dimension of the caste afterlife of incarceration that connects directly to Ambedkar's (1936) foundational analysis of untouchability as the systematic denial of dignity and self-respect what he identified as the most fundamental and most enduring harm of the caste system. Further, Yengde (2019) demonstrates how the struggle for self-respect constitutes a defining dimension of Dalit political and social life the assertion of human dignity against a social order that systematically denies it.

Finally, it resonates with Fuchs (2024) identifies the pursuit of dignity as a central motivation for Dalit legal mobilisation in Rajasthan that demonstrating that the self-respect concerns documented in this section are not merely psychological but political, connected to the broader Dalit democratic

project of asserting equal human dignity within and against the structural conditions of caste hierarchy.

6.2.4 Concerns for Mental Health

During the post-release period, most respondents reported that their minds were not functioning properly due to intense caste-based discrimination and societal pressure. For Dalits, this period was not only an emotionally challenging time but also created a mental health condition among Dalits. As a result, most of them were uncertain and mentally broken, unable to decide on their next step regarding their future, where they would be accepted, or how they could live a peaceful and dignified life in society. But the broader society always stigmatise and judge them not only because of their criminal records but also due to their caste identity. As a result, many of them reported experiencing mental instability, as the constant judgement and stigmatisation against them became unbearable. As a result, this ongoing social rejection and stigmatisation have led to chronic mental stress and anxiety for many Dalits. Jaya (58), a senior activist who consistently fights for land rights for Dalits, was arrested for a false case of sharing a unique experience in this line.

For us, the so-called justice system is a ‘guda’ (hub) for creating mental health patients like me and others and a machine for creating ‘*stress*’, ‘*anxiety*’ and *whatnot*. As you know, these people have always tried to kill us, even if you are always right. Because of them, I am into depression, anxiety, sleeping disorders and many more.
Jaya (58)

Jaya’s experience highlights the profound suffering caused by the justice system and reflects similar experiences shared by fellow Dalits. As Jaya described, the criminal justice system, which he referred to as “guda” (a hub or breeding ground), has been contributing to various mental health problems for Dalits in multiple ways. The existing criminal justice system acts as a traumatic

system for Dalits as they face every day mental health challenges, depression, anxiety, and sleep disorders during criminal justice processes.

The study on criminalisation's psychological impacts also demonstrates how arrest, incarceration, and criminal stigma produce elevated rates of depression, anxiety, post-traumatic stress disorder, and suicidal ideation (Peršak, 2020; Segrave & Carlton, 2010; Hughes et al., 2020; Massoglia, 2008). This statement underscores that the so-called criminal justice system is not only failing to protect Dalits but is also actively exacerbating mental health issues. Jay's narratives clearly demonstrate how justice system, instead of serving as a source of healing or resolution for those in need, often perpetuates 'institutional casteism' and contributes to mental breakdowns among marginalised former prisoners like Jay. More importantly, these experiences directly resonates with Farmer's (2003) analysis of how structural violence produces distinctive forms of psychological suffering among the most marginalised populations provides a complementary framework: the mental health concerns documented in this section are not individual pathologies but structural consequences of the conditions of Dalit life in India, intensified by incarceration and the compound stigma of the caste afterlife.

6.3 Rebuilding Trust and Relationships

For Dalits, rebuilding trust and creating a positive relationship with family & community members is not easy. Most respondents struggled to rebuild trust and relationships with their family members after release. This process takes time, as many family members live in fear of the local non-Dalit communities and the surrounding neighbourhood. These families face pressure from social ostracism and subjugation if they accept the released individuals immediately after bail. As a result, under societal pressure, most family members initially do not accept them and ask them to move

elsewhere temporarily. Ranjan (29), who was working as a data entry operator at a local photocopy centre and was accused of stealing money from the shop, shared his unique experiences.

When I got bail and reached home, my parents said, “You need to find somewhere else temporarily, the local communities will harass us and boycott us from socialisation,” and “If you obey these words, then we will be good at this place and we will come and visit you”. I was shocked as my parents didn't accept me due to social pressure, and I tried many times, but I failed and moved to another place, where no one knew that I was in jail, except some of my friends. Ranjan (29)

From Rajan's narratives, even if the home belongs to him, he had dreamt of staying in comfort and healing after spending time in prison. Unfortunately, his own home became a hostile place for his family members because of the casteist nature of non-Dalit communities and the dominant caste around them. As a result, Ranjan's own home became a space of avoidance and fear. Ranjan's story speaks volumes about how caste and incarceration carve into Dalit families. Like him, rebuilding trust or relationships for many Dalits means finding new places far from the eyes of caste society. Ranjan's case is like that of most respondents, as they have faced a similar situation, except for a few whose family members directly accepted. In this regard, Bulu (27), a daily labourer falsely accused of theft by one of the local grocery shops, shared his experience.

I got the bail after one month and came to my basti (neighbourhood). My parents were happy and asked me how I was? I said that I am okay, as they already knew the attitude of local police, how they used to trap our people for money with the support of the local rich people. Bulu (27)

From Bulu's narratives, his family straightforwardly accepted him as a son, and the community had no hesitation in accepting him, as they were already aware that the local police station used to trap Dalits and send them into custody to serve the local rich people. Bulu's family welcomed him with warmth and care, which was not the case for Rajan, whose family was intimidated by the upper-caste surroundings and felt pressured about how they cared for their son. In Bulu's case, the family and the community were supportive and welcoming, making it easier for him to rebuild

trust and relationships with his family after release. For many families like Bulu's, the support systems are not accidental. These are rooted in a history of shared struggles against systemic bias and oppression in a caste society, and continued assertion of self-respect and the right to a dignified life against the casteist society.

These narratives of Bulu and Ranjan directly resonates with Bowling and Phillips's (2002) dual dynamic of over-surveillance and under-protection extends into the post-release domain documented in this section: participants rebuilding trust and relationships do so within a social environment in which their movements, associations, and economic activities remain subject to police surveillance and community monitoring, while their experiences of violation and harm remain institutionally unacknowledged and unaddressed. The trust deficit that participants describe towards institutions such as the police, the courts, the prison system is not a psychological failing but a rational response to the systematic institutional betrayals documented in Chapter Four: it reflects the accumulated experience of Institutional Casteism that has consistently demonstrated the criminal justice system's collective failure to provide equitable treatment, protection, and justice.

6.4 Societal Response Towards Reintegration

Reintegration into society after bail or incarceration is a complex process influenced by various socio-economic factors. For Dalits, the journey towards reintegration into society is often fraught with various challenges. This section will examine the various factors, beginning from community reactions towards reintegration, social stigma and social exclusion and finally the comparative treatment of Dalit vs non-Dalit released prisoners during reintegration processes.

6.4.1 Community Reactions

The community response or reactions towards the ex-Dalit prisoners can significantly impact their reintegration process. In some cases, the Dalit community has offered support and more or less accepted those Dalit individuals who returned from prison openly. However, such instances are relatively rare in the community.

For instance, Bulu (27), who was falsely accused of theft, shared his experience of returning to his *basti* (neighbourhood) after being granted bail. He was warmly welcomed by his parents and later received support from the community. This was only possible because both the community and the family knew the local police often practice bias and discrimination against the poor and marginalised population, including Dalits. In addition, this community could offer open support because of their solidarity and assertive stance against dominant caste groups, which helped create a strong foundation of resilience in their pursuit of self-respect and dignity. As a result, this community support challenges the institutional biases typically faced by Dalits and fosters an environment conducive to reintegration.

Conversely, many formerly incarcerated Dalits face rejection and a lack of acceptance not only from their families but also from the wider community and beyond. For instance, Ranjan (29) was released from prison on bail and returned home. His parents said, *“You need to find somewhere else temporarily; the local communities will harass us and boycott us from socialisation.”* This statement reveals how his parents feared social ostracism and boycott by the local non-Dalit communities, prompting them to ask Ranjan to relocate temporarily. This reflects the pervasive influence of traditional societal norms rooted in the caste system, and how these continue to persist despite laws and provisions intended to safeguard Dalits (Rawat, 2012; Bajrange & Schwarz, 2021).

As a result, most respondents remain distant from their family members during the reintegration process due to fear of being boycotted and subjugated by mainstream society. The community reactions documented in this section constitute evidence of the social mechanism through which the caste afterlife of incarceration is produced at the level of everyday interaction demonstrating how the compound stigma of Dalit identity and criminal record is reproduced through the taken-for-granted social practices of community members who would not necessarily articulate their exclusionary responses in explicitly casteist terms. Further, it resonates with what Jassal's (2021) analysis of how caste-based segregation is naturalised through institutional discourse finds its social parallel here: the community exclusion documented in this section is naturalised through social norms of pollution, propriety, and social distance that render explicitly casteist exclusion unnecessary, the structural logic of untouchability operates through social practice in ways that appear natural rather than discriminatory.

6.4.2 Social Stigma and Social Exclusion

The social stigma associated with incarceration creates a significant barrier to reintegration. For Dalits in particular, this stigma is a common practice in society and is continuously reinforced by upper-caste and non-Dalit individuals in everyday life. As a result, Dalits have been excluded from various aspects of social life. A study by Erving Goffman (1963) on stigma suggests that individuals with 'spoiled identity', such as Dalit ex-prisoners, are often subjected to societal rejection. In India, Dalit ex-prisoners face a dual burden, first for their caste identity and second due to their status as ex-prisoners. Both of which results in various forms of systemic discrimination and bias against former Dalit prisoners. This makes the reintegration process more arduous for former Dalit prisoners. In this regard, Arvind (31), who usually migrates to other cities for work and has been accused of theft, shared a unique experience about the behaviour and attitude towards him by his family and the community in his village after his release.

It was so shocking for me as when I reached my village, some of the upper caste people who were playing cards under the Pipal tree shouted at me and said, '*chor dom sala, au kete din rahi thile bhal heithita*' (batstard dom, it would be good if you could have spent more time in prison). This feeling is something I can't explain in just words, as to how they treat us without understanding whether I've committed a crime or not. On the other hand, my family was also afraid of shame and police surveillance; they wanted me to transfer to my sister's home, which is 40 km away from my home, where I work as a salesman in a local shop. Arvind (31)

From the above narratives from Arvind, it is visible how Dalits faced entrenched social stigma and everyday discrimination by the non-Dalits and upper-caste people in the villages in their everyday lives. Also, Dalits face the caste stigma and discrimination more often when they meet the criminal justice system or are accused of any crime against them by the upper-caste people in the villages or nearby areas. For example, in Arvind's case, the upper caste of his village said, 'bastard dom', it would be good if you could have spent more time in prison. This phrase demonstrated a casteist notions against Dalits by the upper-caste people of the village without understanding the reality of whether Arvind committed crime or not. Like Arvind, most of the respondents shared similar stories where they have faced caste abuse, humiliation and harassment due to their criminal accusations, irrespective of guilt.

In most of the villages, there are some spaces also called 'Tin Chak' in Odia, meaning 'resting place'. Here dominant caste men sit and talk and play various games as their daily entertainment. In this case, the upper-caste men were playing cards under a pipal tree. This space is supposed to be a space for the village's community life but often become a space for public shaming and humiliation for Dalits. For instance, the upper-caste men used the caste slur in Odia 'Dom Shala' against Arvind, which means 'bastard Dom', 'Dom' refers to formerly untouchable community, and it is now strictly prohibited to be used and punishable under Article 17 of the Indian Constitution. Despite these rules and regulations under the Indian Constitution that safeguard Dalits from discrimination and humiliation, the upper caste Hindus use those abusive caste slurs

as a weapon to continue dehumanising and insulting Dalits. These attitudes of the upper-caste men in Odisha against the Dalits are rapidly increasing day by day, and that is often reflected in the other respondents' narratives as well.

Indeed, the upper-caste men's reactions towards Dalits revealed their caste bias and historical notions of Dalit communities as potential criminals. As a result, people like Arvind frequently get stigmatised as thieves or criminals in the eyes of upper-caste people just because they belong to the Dalit communities. In the case of Arvind or many more cases like this, the upper-caste people always have the mindset of 'Dalits as criminals' if they are accused of something by the police and fail to understand that the Dalits also often get targeted by the police based on their caste, as observed during the study. As a result, Dalits were once labelled as criminals by the upper-caste people from their areas and villages, and their social status or position become irreparably damaged and becomes 'a spoiled identity' (Goffman, 1963).

When it comes to shaming Dalits, the Dalit community itself often acts out of fear of upper-caste society. As a result, parents are often compelled to reject their sons, who may hope to find comfort at home after enduring harsh experiences in prison. Like Arvind, many others face similar situations where they are not only rejected by their families but also boycotted by their entire villages. This often occurs due to the continued influence of upper-caste dominance and the persistent bias and surveillance of the police against Dalit communities.

For many Dalit families and communities, whenever they do fight against this caste structure, it has often resulted in caste atrocities against Dalit communities, where they have witnessed and suffered a lot in the recent past in Odisha (Thorat, 2009; Prasad & Bibhar, 2020). As a result, out of fear of atrocity and community shame, they were compelled to send their sons like Arvind to a distant place or, in some cases, to their relatives' houses. Due to criminal stigma and allegations

against the Dalit individuals, the Dalits not only faced social rejection but also sacrificed years of their relationship with their family members and community members. As a result, most of the Dalit individuals like Arvind get socially excluded and forced into displacement instead of rehabilitation and reintegration into society after their release.

In some cases, Dalit individuals gain acceptance not only from their community members but also from upper-caste individuals in the area or nearby villages after certain rituals are performed upon the accused person's release from prison. In this regard, Suren (30), who was employed as daily wage worker, shared his expenses upon his release.

When I got bail and came to my village, my family asked me not to enter the home before doing some rituals advised by the upper caste villagers. Then they took me under one tree near my house and cut my hair till I became bald, changed my clothes, and sprinkled milk all over my body. After this, the upper caste old men asked me that now he was pure and ready to go home. I felt so humiliated and sad, as I know many other castes don't do as such, but I was happy at the end due to my family.
Suren (30)

The experience of Suren highlights the continued influence of caste-based social norms against Dalits during their reintegration into society after release. People like Suren had to go through the ritualistic purification ceremonies just to get acceptance from both the community and the upper caste society in his village. Despite legal protections and constitutional provisions for Dalits, this Hindu ritual reflects a deep-rooted notion of 'purity and pollution' that has been continuing to shape the everyday lives of Dalits.

For Dalits, if they get any accusations or allegations for any crimes, they not only have to serve the legal sentence, but also need to complete the upper- castes imposed Hindu rituals so that they can be accepted by their family members, like the way Suren did in this case. These rituals for the purification of Dalit individuals suggest that their incarceration did not merely pollute them as individuals but also potentially their entire family and community status.

Suren's quote, "*I felt so humiliated and sad, as I know many other castes don't do as such, but I was happy at the end due to my family,*" highlights the complex interplay between humiliation and relief. On one hand, he felt deeply humiliated when he was shaved bald upon release from prison due to ritual practices. At the same time, he questioned why members of other castes are welcomed with celebration rather than subjected to such practices. On the other hand, Dalits like Suren often accept these rituals to regain their place within the family and society, seeking a sense of normalcy and belonging. It is therefore evident that Dalits are often compelled to perform these rituals during reintegration out of fear of social exclusion by the upper-caste community. However, these rituals continue to perpetuate a system of inequality that oppresses, marginalises, and maintains control over Dalit lives. The narratives of both Arvind and Suren are not isolated cases, but rather systemic oppression and caste based inequality that Dalits have been facing for a long time due to their caste status (Rawat, 2013). It is also often reflected in the criminal justice system, where they are considered 'impure' and 'criminal' without proven guilt due to their caste identity (Ahmad & Siddiqui 2017).

Further, it resonates with Pager's (2003) foundational analysis of the criminal record as a stigmatising credential demonstrates that former incarceration functions as a permanent mark of social disqualification that shapes every subsequent life domain; in the caste context, this analysis must be extended and radicalised to account for the doubling of untouchability that this thesis identifies: the criminal record does not create a new stigma for Dalit men but activates, intensifies, and transforms the pre-existing stigma of caste identity, producing a compound social marking that is qualitatively more exclusionary than either stigma alone.

The experiences of Arvind and Suren as documented above are not only social and relational but also deeply spatial. Hayward (2016, pp. 169-180) argues that public spaces are not neutral arenas of civic life but active sites through which power relations are reproduced and enforced, and

through which marginalised groups are systematically excluded from the geography of belonging. The 'Tin Chak', the pipal tree gathering space in Arvind's village, exemplifies this dynamic precisely. Nominally a communal space open to all members of the village, it functions in practice as a space of upper-caste authority, one in which the presence of a formerly incarcerated Dalit man is met not with civic indifference but with caste-inflected shaming and verbal violence. Far from offering Arvind the anonymous freedom of public space, the Tin Chak becomes an instrument of his public humiliation, a space where caste hierarchy is reasserted and his exclusion from the community is performed before an audience.

Similarly, the displacement of men like Arvind to distant relatives' homes, which is 40 km from their own village, represents not merely a domestic arrangement but a spatial expulsion: a removal from the shared geography of community life that reintegration requires. Bosworth et al., (2018) argue that criminal justice contact draws durable 'boundaries of belonging' that determine who is recognised as a legitimate member of the community, and who is not. For Dalit men returning from incarceration, those boundaries are enforced not only socially but spatially, through their exclusion from the very spaces of communal gathering points, the village threshold, the family home, where belonging is ordinarily enacted and affirmed.

Suren's experience of being made to undergo ritual purification outside his home before re-entry makes this spatial logic viscerally clear: even the domestic threshold becomes a boundary that caste and criminal stigma together render temporarily impassable. In this sense, the post-release exclusion that participants describe is not an abstract social judgement but a lived geography where one that compounds the already substantial barriers to reintegration and belonging, they face.

Other the other hand, Banshi (54), a senior lawyer from the Dalit community, shared how Dalits face stigma within the criminal justice system.

So it is assumed by the upper caste Hindus and most officers at the police station that Dalit people are the criminals, and there is a high possibility that these people might not have committed certain crimes. If you look at the district gazette of the Nabarangpur district gazette. In that case, it is mentioned that the scheduled caste people are professional criminals and socially excluded from any legal matters. (Banshi,54)

From Banshi's narrative, this is clear that Dalits face systemic bias and caste-based discrimination not only from the caste Hindu society but also from police personnel. This also highlights how caste-based stigma continues to influence not only the Hindu society but also the legal institutions in rural areas. Banshi shared that upper caste Hindus police personnel often assume that Dalits are "inherently criminal." As a result of these biases, Dalits not only face brutal violence but also face caste stigma and humiliation by law enforcement and often face delays or denial of justice throughout the judicial process.

Banshi also noted that the perception towards Dalits as criminals or "professional criminals" is not just an upper-caste Hindu attitude but also has been institutionalised in office documents like the "Government of Odisha, Gazette". He cited the Nabarangpur district gazette, describing 'Scheduled Caste' individuals as 'professional criminals' (Government of Odisha, 2018). Examining such a document reveals that the descriptions provided by these government officials not only spread offensive comments, which are punishable under Article 17 of the Indian Constitution that prohibits untouchability, but also contribute to the spread of caste stigma and reinforce stereotypes against Dalits throughout society. As a result, Dalits are facing caste-based discrimination, caste stigma and exclusion even from legal processes which are intended to fight discrimination (Sonavane, 2023; Shanta, 2024). Further, the social and institutional exclusion experienced following release is not separable from the carceral experience that preceded it.

Both are expressions of the same structural condition: a citizenship that is formally universal but substantively conditional, and that conditions its protections on caste in ways the law does not acknowledge and the state does not address (Rege, 2023; Kumar and Borkar, 2026; Mandal, 2010).

6.4.3 Comparison Between Us and Them

The released Dalit prisoners shared a unique experience compared to the non-Dalit prisoners when they got bail. They have highlighted how society treats others and them after bail, while reintegrating into society. It has been observed that Dalit prisoners are often criminalised, stigmatised and marginalised due to the crime they have been accused of, and due to their caste identity. The distinction between “Us” defines ‘Dalits’ and “Them” defines ‘upper caste individuals or non-Dalits’. This concept can be related to labelling theory in criminology, which suggests that societal reaction or perception plays a crucial role in constructing deviance. As per Becker (1963), individuals may become ‘deviants’ not because of their actions but because society labels them as such. In this case, Dalits, due to the entrenched caste bias, are more easily labelled as criminals regardless of actual acts. On the other side, the non-Dalit prisoners, upon release after getting bail, their reintegration processes are quite easy and widely accepted by the broader society as they come from upper caste backgrounds. In this regard, Jaya (58), a senior activist who was falsely arrested by the police for his activism, shared his unique experience of how society responds when it comes to Dalit prisoners' release vs non-Dalit prisoners' release.

Even if they commit serious crimes in broad daylight, whether it's rape, murder, theft, or gang robbery, they easily get bail, and their community members welcome them with flower garlands, loud DJ music, and celebrations. They go on to live a normal life. But for us, even if we haven't committed a crime, just because we're easy to target, the police come and put us in jail. Once you're released, society turns against you (with an angry tone). For us, no society exists except our community. They always label us as thieves, robbers, and murderers, just because their people are in power, in politics, and hold higher positions. Jaya (58)

The above narratives of Jaya show that the criminal justice system is embedded within Hindu social order, particularly towards the Dalits and unfolds caste-based discrimination and bias during reintegration as well. His narrative also gives a powerful contrast between the societal reception of Dalit and non-Dalit prisoners after bail. In this regard, Jaya shared that people from the upper castes, even when accused of heinous and grave offences like rape, murder, theft, or robbery, not only get bail, but their community welcomes and celebrate upon their release with flower garlands and DJ music. They are also living a usual life without any hesitations or facing any problems. As a result, in Odisha, these upper caste Hindus continue to dominate politics, local governance, and the criminal justice system, which favours them during criminal proceedings and reintegration processes without any hurdles or burdens (Nanda & Jojo, 2023; Mahananda, 2023).

Conversely, for Dalits, Jaya's phrase, "*for us, no society exists except our community*", reflects the frustration against the structural bias and discrimination they have been facing due to their caste as Dalits are often stigmatised and subjected to continuous surveillance due to the state's dominant norms, which deny them reintegration (Teltumbde, 2018; Human Rights Watch, 2007). As a result, Dalits in Odisha are forced into social isolation as they are often facing social boycott from villages, denied access to various workplaces, and living a life of shame and guilt, even if they are not committing a crime in some cases.

6.4 Coping Mechanisms and Survival Techniques

The coping mechanisms and survival techniques of the former prisoners form a deeply emotional and tragic story. They mostly rely on these strategies out of fear, as the mainstream upper-caste Hindu society often stigmatises and labels this population as born criminals due to their caste status and past criminal acts. Despite all the problems, this population developed their strategies, which include living in self-isolation in distant places, staying with distant relatives, or migrating to

nearby cities or, in most cases, to other states for work. For formerly incarcerated Dalits, migration and mobility, while often framed as economic strategies but also function as mechanisms for managing social isolation and avoiding caste-based stigma.

Satya (29) is currently engaged as a peon in one of the city schools but previously migrated to Mumbai City for work after an alleged theft case near his house in his village. He shared his unique experience of staying isolated and facing various difficulties alone.

When I got caught by the police, I was sent to Jail and spent 5 months. After that, I went home to see my mother, who had no family. However, due to caste-based stigma from non-Dalit communities, I was repeatedly labelled a “chor” (thief) and subjected to casteist slurs such as “Dom Magya chor shale” (Dom bastard thief), among others. Hence, my mom told me to go somewhere and hide for a while. As a result, look! I am living in isolation and unable to see my mother, who has recently fallen sick, but I am hiding here. Seriously, sometimes I feel like I should die (with tears). Satya (29)

From the above narrative of Satya (29), it is clear how Dalit individuals face multiple layers of discrimination and social injustice, particularly regarding the rehabilitation of ex-prisoners. Satya experienced severe ostracism and caste-based abuse by non-Dalit communities in his village, reflecting the continued relevance of caste in India and the persistent violence and abuse faced by Dalits (Yengde, 2019; Guru, 2009). Terms like ‘*Dom Magya chor shale*’, meaning “bastard Dom thief,” highlight the intense caste slurs used by non-Dalit communities against Dalits, and reveal how caste-based language is deeply embedded in the vocabulary of the Indian criminal justice system. One can also observe Satya’s mother’s concern for her son’s safety. Consequently, she advised him to leave the village and hide elsewhere, an indication of how Dalit families are often compelled to conform to oppressive caste norms either to avoid violence or simply to survive within society.

As a coping mechanism, Satya adopted survival strategies such as migrating to Mumbai and later relocating to Odisha, where he is now employed as a peon in a school far from his native village. Living in this unfamiliar place is quite difficult, as Satya explained; his coping includes long-distance migration, self-isolation, emotional withdrawal, and separation from his remaining family. In addition, for those who have engaged in migrant workers or casual workers like Satya, for them migration functioned both as an economic necessity and as a strategy to manage stigma even though it often resulted in prolonged instability and face involuntary relational rupture as detailed in section 2.4.2 and acted as a survival dispossession (Chatty, 2010). These strategies reflect both a profound emotional struggle and a resilient effort to escape the dual pressures of police surveillance and the hatred and ostracism from the non-Dalit community. With regards to this, the Human Rights Watch report (2007) titled, "*Hidden Apartheid: Caste Discrimination against India's Untouchables*", also highlights how Dalits are often vulnerable to arrest under draconian laws and biased attitudes by the law enforcement officers and adopt physical and emotional distancing from their communities as a coping mechanism.

In many cases, like Satya, the anonymity helps many individuals to get some relief from brutal caste abuse, hatred and ostracism from the Caste-Hindus if they move to urban spaces from rural areas in search of work. The existing research also confirms that due to caste violence and discrimination in rural areas, Dalits are compelled to migrate to urban spaces. Still, the emotional and psychological toll remains the same. This clearly shows when Satya said, "*Seriously, sometimes I feel like I should die.*" This happens due to prolonged self-isolation, staying away from family members, and a lack of social support. Some of these experiences also align with the existing studies, which show that inmates develop mental health issues after prolonged imprisonment. As one of the reports cited, in Odisha, among first-time offenders aged between 30

and 40, the number of mentally ill prisoners rose from 699 in 2021 to 820 in 2022 (Banerjee & Banerjee, 2025).

Like Satya, many individuals face severe mental health crises and emotional tolls due to a lack of social support as well as support from the state. As a result, one can see the absence of post-release support that is supposed to be provided to released prisoners as per the Probation of Offenders Act (1958), which aims to rehabilitate offenders and prevent recidivism by providing alternatives to imprisonment, whether it is counselling, community sensitisation or economic rehabilitation. Therefore, the absence of structural aftercare programmes or rehabilitation programmes contributes to the various challenges that released prisoners face.

In rare cases, Dalit individuals receive support during their reintegration into society from community members who are mostly involved in local social movements or activism focused on the rights and entitlements of marginalised people.

Aakash (26), who currently works as a seasonal migrant labourer and was accused of theft, shared his experience of how he received support from local people involved in such a movement.

I am unaware of any 'Santha' (organisation) or anything that helped me or people like me in my area. However, I got help from our community members who work in the Ambedkarite movement. They provided me with some monetary help and advised me on legal information. Aakash (26)

From the above narratives of Aakash, it may be a rare occurrence but a significant example of how Dalits like Aakash are getting help from the local Ambedkarite community members during reintegration into society. Aakash denied that he had received any assistance from any government schemes or any private organisation. Most of the respondents, including Aakash, do not even understand any legal schemes or have the legal information that could help them in the reintegration process. In this situation, people like Aakash not only got monetary help but also

legal information that gave them hope to survive in this cruel and biased social system, where many like Aakash are facing 'institutional casteism'. The support Akash received reflects the power of a community-led movement, which is working from outside the formal structure for the community's benefit. Especially the western Odisha, the Ambedkarite movement is growing rapidly, something which can be observed in many other parts of India too (Husain, 2023). Hence, Dalits from these areas are quite active and aware about their rights and entitlements (Deep, 2016). In these areas, due to the ongoing social movement, people like Aakash who were directly or indirectly connected with the social movement and hence got easy assistance from the local Ambedkarite organisations.

However, many Dalit individuals who lacked connections to any community activists or leaders are excluded from receiving such assistance and forced to live away from families and friends. In addition, Aakash's story defined how informal organisations like the ongoing Ambedkarite movement in Odisha can fill the gaps left by the absence of government schemes that are meant for reintegration and rehabilitation facilities for the release of prisoners. It also illustrates the strength of community solidarity and social movement in helping to cope with the personal trauma of Dalit prisoners in the reintegration process through community resilience.

6.5 Ideas About Change

The idea of change from released Dalit prisoners is both powerful and essential. Their lived experiences revealed much about the criminal justice system, where they mostly had negative experiences and faced various kinds of discrimination at every stage of their case proceedings. In this juncture, their voices are paramount to bring change and to challenge the existing frameworks within the criminal justice system to create a fair and equitable justice system for all without any

discrimination. Junus (19), who is currently a student was falsely accused of stealing money, shared how and what he wants to see change in the criminal justice system for the benefit of all.

After we get bail, we just want self-respect like other caste prisoners, who are often welcomed with celebration upon their release, not like staying worse than animals like me. (Junus, 19)

Junus's experience raises the critical question of 'self-respect', where he said Dalits want self-respect from everyone after their release, and they deserve equal treatment like the upper caste prisoners get after their release. As most upper caste prisoners are often welcomed home with respect, community support and even with celebration with DJ music (Kumar & Pal, 2023; Dixit, 2022). In contrast, Junus says, "*not like staying worse than animals like me*"; this quote reveals the realities that Dalits faced: caste stigma, shame, discrimination, social rejection and living an isolated life.

Junus's demand for self-respect for Dalits is quite simple and not a demand for any special treatment, but rather for asking for basic human rights that everyone deserves from the criminal justice system. Junus's ideas are unique and essential, as his ideas envision creating a system where everyone deserves fair treatment from arrest to integration without any bias within the criminal justice system. It also raises an important question for society to rethink how they should treat Dalits, as they are historically marginalised communities and should work towards their rehabilitation and support them with respect (Pai & Thorat, 2022).

During post-release, some of the respondents shared that they want some facilities, training, opportunities and compensation from the government, as most of them find it difficult to find work due to their caste and criminal stigma. In this regard, Jaydev (33), who has recently been granted bail and engaged in migrant work, shared his ideas for reforming the criminal justice system.

After being released on bail, we don't get jobs or daily wages in our nearby areas due to our criminal status, and we are bound to distant cities and other states to find jobs. We face various challenges in this process that includes, including language issues, financial burden, and staying away from family and are often deceived by the contractors and agents. Hence, the government should provide some special jobs or opportunities for us and should sensitise people to give us equal treatment like others. (Jaydev,33)

Jaydev's narratives revealed how many Dalit individuals don't get jobs after release from prison due to caste stigma imposed by the caste society. It reveals that caste and untouchability are not only social but also economic institution (Thorat, 2009). As people like Jaydev, due to a lack of job opportunities and caste-based discrimination and violence, are forced to migrate to other states or big cities to work. Jaydev's journey is quite challenging and has encountered various problems, including a language barrier, where they were unable to communicate and build rapport with the local people. In addition, they had to go through a financial burden due to the costs of travelling, expensive food and accommodation. Moreover, people like Jaydev often fall victim to deception by the local agents or contractors who usually take them to work. Indeed, people like Jaydev faced various challenges and difficulties during their reintegration time in society in rural Odisha.

From the above narratives, Jaydev raised an important question that the State should create special jobs and training programs for formerly incarcerated individuals, so that people like him can be financially stable. More importantly, Jaydev also highlighted that the State should organise various sensitisation programs that should aim to change the societal attitudes and can reduce the caste-based discrimination against the Dalits. As a result, these efforts of the State can lead to create an inclusive and fair society. Finally, Jaydev's narratives concluded that Dalits deserved social acceptance and post-release employment, highlighting the urgent need for reform within the criminal justice system in states like Odisha in India.

Ajay (38), an Assistant Professor and Head of the Department (HoD) of the Political Science department at Buxi Jagabandhu Bidyadhar Autonomous College in Bhubaneswar, highlighted a vital perspective on systemic reform within criminal justice through the lens of Dalits' advocacy.

The first thing is that there should be proper representation in the criminal justice system for Dalits, and this can drastically lower atrocities and discrimination against them. Moreover, they can formulate anti-discrimination laws and policies for themselves. If we do not have any proper representation for Dalits, be it in our social, economic, political and even in our legal system, then they will continue to face discrimination. (Ajay, 38)

From the above narratives, Ajay highlighted the urgent need for structural reforms within the criminal justice system and highlighted the role of Dalits' representation in the legal system to prevent deep-rooted caste-based discrimination within the criminal justice system and everyday injustices against Dalits. He also highlighted that without adequate Dalit representation in the criminal justice system, Dalits will continue to face caste-based discrimination, and injustices will remain the same. Further, he states that Dalit representation is not merely a representation of diversity but a process of empowerment for Dalits (Pai & Thorat, 2022). In this process, Dalits will be in a better position to understand their lived experiences and may formulate policies for them against the ongoing caste-based discrimination and social exclusion in legal matters against Dalits.

Ajay also exposed the realities of the anti-discrimination law like the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, which was meant to protect against atrocities and hate crimes against SCs and STs (Thorat, 2009). It was created without the input from those most affected and hence tends to be ineffective as seen States such as Odisha. Hence, Dalits' participation in drafting such laws and policies would make meaningful changes, as this law would ensure that legal frameworks are grounded in real-life issues and drafted as per their

community needs. Finally, Ajay highlights that for Dalits, adequate representation with police and judiciary will work as both a preventative and corrective measure, which will prevent future injustices and discrimination for Dalits by fostering accountability and correcting the historical bias in the criminal justice system. This can be seen in some instances in other parts of India as well.

6.6 Conclusion

This chapter has explicitly unpacked the nuanced and layered experiences of released Dalit prisoners, who were navigating life after release from prison and exposed the journey of psychological, emotional, and social complexities which were involved during their reintegration processes. Drawing on rich individuals' qualitative narratives, the chapter demonstrated that the transition from arrest to post-release life or social life is neither linear nor liberating. Rather, it can be marked by persistent caste stigma, caste-based discrimination, humiliation, social boycott, family rejection and institutional neglect. For Dalits, the emotional and psychological trajectory reflects a deep sense of trauma and enduring uncertainty. Somehow, the Dalits got some relief upon bail, but were often eclipsed by fear, stress, anxiety and social rejection, largely due to their criminal affiliation and its negative impact on broader society. This chapter also illuminated the significant emotional burden carried by Dalits who were striving to reclaim their self-respect and dignity. For Dalits, the mental health issues and stress do not count in the upper caste society, as they are always treated as polluted and are forced to perform ritualistic ceremonies for purification imposed upon release. This is evidenced by Suren's case, where in the name of rituals, the upper caste people shaved him bald and sprinkled milk on his whole body. This is a clear example of persistence caste-based violence, and the notion of pollution and acting as a mechanism of social exclusion and humiliation against Dalits.

Moreover, this chapter exposed how Dalits often faced the fear of social rejection or social boycott by the upper caste people. The societal (upper caste) suspicion and continuous caste-based abuse and discrimination criminalised Dalit identity itself. In this regard I used the text *Stigma* (1963) by Goffman most relevant. This is also evidenced by Banshi (54), who worked as a senior lawyer from the Dalit community, shared that caste-based stigma continues to influence not only the legal institutions, but also creates caste stigma against Dalits in rural areas. Moreover, this is also documented in the government official district gazette of Nabarangpur depicts Scheduled Caste people as ‘professional criminals. Such institutionalised bias and discrimination are not merely a discriminatory practice but corrode any foundation of justice or fair treatment within the criminal justice system. Various secondary materials also point to this fact in colonial and independent India. This chapter also demonstrates that occupational status significantly shapes post-incarceration experiences, with migrant and informal workers facing heightened vulnerability due to economic precarity, mobility, and limited access to support networks.

Furthermore, this chapter covered the societal reception of released Dalit individuals reflects the broader caste structure and social control by the upper caste against the Dalit community. But when an individual is released from their communities, they are always supportive and accepting without any problems or even feeling guilty about it. Due to upper caste bias and attitude towards Dalits, the social stigma remains deeply entrenched and draws a sharp line between “Them” and “Us”. Dalits as ‘other’ is a historical fact shown by historians and observed by anthropologists.

Finally, this chapter highlighted how the released Dalit prisoners are living in self-isolation, with limited community resources and facing various difficulties and coping with society. It also demonstrates that social isolation is not a peripheral outcome but a structuring condition of post-incarceration life, which is produced through the intersection of caste, stigma, and institutional experiences, while also being actively negotiated through strategies such as migration and social

withdrawal. Further, it put forward some ideas for changes in existing laws or the implementation of policies and suggests that they should be given opportunities and adequate representation to ensure improvement and fair justice for Dalits and envision inclusive justice for all other historically disadvantaged groups.

CHAPTER 7: CONCLUSION

7.1 Introduction

The thesis began with the fundamental question of how caste manifests within the criminal justice system. To achieve this, I employed case study methods that included in-depth interviews with formerly incarcerated Dalit men and community advocacy members. As a result, this study has documented systematic patterns of discrimination that operate from initial police contact through post-release reintegration, revealing how ostensibly modern, secular criminal justice institutions function as contemporary mechanisms for reproducing traditional caste hierarchies despite formal constitutional commitments to equality and justice. The empirical documentation presented in preceding chapters has demonstrated how institutional casteism operates through seemingly neutral professional procedures, revealing systematic bias and constitutional rights violations, biased investigative practices, discriminatory treatment within correctional facilities, and persistent post-release exclusion from employment, housing, and community acceptance.

The following research questions guided this research:

- a) How do formerly incarcerated Dalit men experience and perceive the criminal justice system?
- b) What forms of discrimination do they encounter during their arrest, incarceration, and trial?
- c) What support system and coping mechanism do they adopt to navigate these challenges within the criminal justice system?
- d) What are the post-release experiences of formerly incarcerated Dalit men?
- e) What strategies and support system do they use to cope during the reintegration phase?

Based on the above research questions, this chapter is divided into three substantive sections. The first section briefly outlines the formerly incarcerated Dalit men's experiences and perceptions within the criminal justice system, and it highlights their everyday interactions with police, courts, and prisons. The second section summarises existing support systems and mechanisms for them. The third section summarises post-release experiences and concludes with coping strategies that assist individuals during the reintegration process. Finally, I discuss the key contributions of my research to the wider academic discourse on the role of caste within the criminal justice system and its broader impact on Dalits. I then conclude by discussing the limitations of my research and providing suggestions for future research.

7.2 Summary of Key Findings

The research highlights the persistent caste bias and discrimination against the Dalits within the criminal justice in its various processes and systemic exclusion operates from the point of arrest through arrest, incarceration, and post-release reintegration (Teltumbde, 2018; Human Rights Watch, 2007; Sarkar, 2025; Irudayam et al., 2006; Wadekar, 2024; Singh, 2018). In addition, this study exposed the ongoing biases that are embedded within the legal institutions in their everyday practices towards Dalits. Furthermore, this research's contribution is contextualised within the broader discussion on caste and the criminal justice system by contextualising the lived experiences of formerly incarcerated Dalit men.

This research has confirmed that formerly incarcerated Dalit men in Odisha face persistent and multidimensional discrimination across all stages of the criminal justice process, from arrest to post-release. This discrimination transcends individual prejudice to constitute what this thesis conceptualises as '*Institutional Casteism*'. This systematic bias often reinforced by bureaucratic

structures, professional hierarchies, limited legal awareness, caste stratification within legal and police institutions, and inadequate redressal mechanisms. In addition, the empirical findings reveal that caste operates as a silent yet decisive determinant of police responsiveness, judicial treatment, and custodial experiences.

Moreover, throughout the thesis findings reflect a persistent theme of social isolation which in multiple forms and at every stage of participants' experiences who encounters within the everyday processes in the criminal justice system and followed till post-release. For instance, during incarceration, the social isolation was experienced as involuntary rupture: the withdrawal of family, the severing of community connection, and the experience of abandonment by the very social networks that might have provided support through the legal process and help them in navigate the criminal justice processes. Following release, isolation took on additional burden: the voluntary withdrawal from community life as a strategy of shame management; and, most distinctively, the adoption of an itinerant existence migration to construction sites, factories, and cities in other regions of escaping the social surveillance and stigma of communities in which one's incarceration was known.

Lastly, the findings of this study, taken together, constitute an empirical account of differential citizenship in operation. They document what it means, in practice, for formerly incarcerated Dalit men in Odisha to encounter the criminal justice system as citizens whose formal entitlements are systematically undermined by the caste order within which those entitlements must be exercised (Rege, 2013; Thorat, 2010; Pankaj, 2019).

7.3 Experiences and Perceptions in the Criminal Justice System

The study provides compelling empirical evidence about the systematic bias and discrimination against the formerly incarcerated Dalit men within the criminal justice system. These effects

include bias and discrimination, beginning at the police station and continuing through post-incarceration reintegration. The first section of this chapter briefly outlines the formerly incarcerated Dalit men's experiences and perceptions within the criminal justice system, and it highlights their everyday interactions with police, courts, and prisons. The second section summarises existing support systems and mechanisms for them. The third section summarises post-release experiences and concludes with coping strategies that assist individuals during the reintegration process. Finally, I discuss the key contributions of my research to the wider academic discourse, the role of caste within the criminal justice system and its broader impact on Dalits. I then conclude by discussing the strengths and limitations of my research and providing suggestions for future research.

7.3.1 Interactions with the Police

The discrimination against Dalits and their family members begins at the police station. These pervasive biases and discrimination faced by Dalits are what Wacquant (2009) termed 'territorial stigmatisation', where the person coming from Dalits is often suspected and targeted due to their caste and often inherently called a 'born criminal' due to colonial legacy (Sonavane, 2023). Furthermore, the caste stigma manifests in everyday practices within police stations. As a result, many innocent individuals are imprisoned without having committed any crime, often due to false allegations and fabricated evidence created by the police targeting Dalits. Further, it also impacts registering the case, fair investigations, and often accepting the complaint made by Dalits.

Most of the participants shared that the police from upper castes often used caste slurs against Dalits during the registration of cases at the police station. In addition, they confirmed that they often misbehave and assault their family members and relatives (see chapter four). Further, Dalits often get arrested without a warrant or are sent to prison without committing any crime out of suspicion. On the other hand, if the accused are from upper castes and the victims are Dalits, then

the police often threaten Dalits with compromising the case or filing a reverse case against them and sending them to prison. The caste bias and discrimination faced by police is a common phenomenon in most of the areas of Odisha, as confirmed by the participants due to their socio-economic vulnerability.

Finally, the police often justify their biases and discrimination against Dalits by proving false accusations, creating artificial witnesses, and often citing crime data or statistics. This bias and violence are justified by the police as what Bourdieu (1991) called 'symbolic violence,' which often legitimises domination while practicing day-to-day violence against innocence.

7.3.2 Carceral Experiences

The prison experiences of formerly incarcerated Dalit men are quite challenging each day they spend inside, as most participants reported facing everyday casteism from both the staff and fellow inmates who belong to non-Dalit communities. The existing studies confirm that caste-based occupations and biases against Dalits exist within the prison system, and the prison manuals also indicate that many states continue to practice these biases (Santha, 2024). The prison functions as a reproducing caste through its institutional practices and peer interactions, despite rules and regulations that strictly prohibit it.

Inside the prison, the allocation of work assignments also follows the caste bias, where Dalits are often forced to do the menial work, sanitation, and cleaning by the prison staff along with fellow inmates who all belong to non-Dalits. Participants noted that for Dalits, even if they are educated and financially stable, the caste bias in prison becomes evident when they end up incarcerated due to their caste identity. Furthermore, the participants confirmed that the prison staff is fully aware of the everyday casteism occurring inside, yet they consistently ignore these issues and favour upper-caste inmates, even if they are wrong in many cases.

To establish support mechanisms, Dalit prisoners often rely on their fellow community members to build strong solidarity and assert themselves against ongoing casteism and some Dalit prisoners conceal their caste identity to avoid discriminatory treatment. Occasionally, Dalit prisoners also get support from the prison staff, who come from lower-caste backgrounds. The findings of the carceral experiences of formerly incarcerated Dalit men may conclude that carceral spaces are not socially neutral but rather reproduce existing hierarchies of power, including caste, in the Indian context (Foucault, 1977).

7.3.3 Experiences with the Courts and Lawyers

The analysis of experiences with courts and lawyers is quite negative and brutal for formerly incarcerated Dalit men and their families. Despite the constitutional promises given over more than seven decades, Dalits have struggled to acquire a legal representative, which is mandated by the law for fair justice. The principle of equality before the law, enshrined in Article 14 of the Indian Constitution, is often denied to Dalit prisoners, as evidenced by everyday biases in legal representation, judicial attitudes, and procedural practices.

Access to competent legal representation has often emerged as a crucial challenge because Dalits frequently lack information and support systems regarding free legal aid and how to access it (Anand, 2021; Kumar, 2017). However, some participants claimed that even when individuals manage to obtain this assistance, government lawyers are often not effective in handling cases but rather delay them. On the other hand, private lawyers charge a significant fee to handle the case. Due to financial constraints, most participants shared that they had hired the private by taking loans or mortgaging their existing gold and lands in some cases, but they often found the lawyers were not supportive but rather assaulted and harassed their family members and demanded more money to continue their case due to caste issues. Some private lawyers often refuse to take cases of Dalits because of the caste dynamics and demand money first to represent them.

The Dalit lawyers, in some cases, try to represent the Dalits' cases, but they are also often targeted by the fellow lawyers as mostly working under the dominant caste circle, who are the senior lawyers and have favourable relations with the existing judges. Furthermore, the court appoints certain lawyers to represent Dalit cases; however, most of these lawyers dedicate minimal time to their clients, fail to adequately defend the cases, delay proceedings, and ultimately deny further involvement. Most Dalit defendants receive harsher punishment by the courts and face various difficulties in securing bail due to socio-economic vulnerabilities. This ongoing disparity reflects what Garland (2006) termed the 'cultural life of punishment', in which it is evident how penal practices reflect and reinforce caste discrimination against Dalits instead of merely responding to criminal behaviour.

7.4 Redressal Mechanism and Support Systems

This section highlights the available support mechanism or system that the formerly incarcerated Dalit men used during their incarceration. This research also reveals complex challenges to formal and informal support mechanisms that participants used to navigate within the criminal justice processes while they were in incarceration. Further, the findings of the research highlight how Dalits have navigated complex institutional challenges despite facing systematic discrimination.

7.4.1 Institutional Support

Most respondents revealed that they had received very little support from the criminal justice system. As most of them are even unaware of the legal aid where one gets free legal aid services from the state or the services provided under government schemes for needy and marginalised communities, as mandated by the Legal Services Authorities Act, 1987, which supposed to provide free and competent legal services to the needy people like Dalits and others weaker sections in the society.

Further, the existing laws and policies that are supposed to protect and safeguard Dalits, especially the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the establishment of a human rights commission in India, have been significantly weak or non-functional due to caste bias and bureaucratic procedures. Therefore, as per the findings, staff from the Dalit community in the legal system often help their fellow Dalit prisoners. The formerly incarcerated Dalit men's experiences with these limited support systems reveal how bureaucratic procedures often serve to deflect rather than address the various claims against bias and discrimination.

7.4.2 Family and Community Support

Family has often played an important role for most respondents by providing emotional, financial, and other assistance during legal proceedings. The family is the most permanent and pervasive of all social institutions. Furthermore, the participants' shares reveal how family members and community members support individuals who may have faced social boycotts, economic hardships, or caste abuse from the broader society because of their relationships with formerly incarcerated individuals. The research also reveals that community support groups must have gone through the complex challenges posed by the dominant caste groups, legal institutions, or often political parties to offer solidarity to fellow individuals. Most of the Dalit advocacy groups often negotiate with the existing government in constitutional ways and use the accommodative techniques to avail rights and entitlements. While these accommodation strategies may provide short-term protection, they may also inadvertently legitimise ongoing discrimination by suggesting Dalit acceptance of subordinate treatment.

7.4.3 Self-Assertion and Agitation

Current research reveals that formerly incarcerated Dalit males used various self-assertion and agitation strategies to minimise the discrimination and caste bias they faced in the criminal justice system. Some participants demonstrated self-assertion; those who were knowledgeable about the laws immediately questioned the existing law enforcement authority regarding their behaviour and actions instead of passively accepting victimisation. Other participants were believed to be assertive in groups while complaining against the authority and then telling community members to organise peaceful protests the authority to claim justice. As some of the participants were part of various social movements, they often use their support not only to claim individual rights but also to assert broader social transformation. However, these assertions and agitations against the social system often face challenges due to a lack of resources and counter-repression from dominant groups. Finally, the formerly incarcerated Dalit men demonstrate what James C. Scott (2019) characterises as 'political consciousness', where Dalits often clearly understand existing power relations and the systematic nature of discrimination.

7.5 Post-Release Experiences and Coping Mechanisms

For formerly incarcerated Dalit men, reintegrating into society after incarceration is a complex process in which they encounter various challenges and obstacles as they work to rebuild their lives and establish a safe environment to restart their lives after prison. For the Dalit men, this whole process is the intersection of caste discrimination and criminal stigma that creates complex problems for a successful reintegration. That leads to various challenges, such as securing jobs, housing, and mostly social acceptance while navigating within the caste-based society.

7.5.1 Emotional and Psychological Journey

The emotional and psychological journey reveals how formerly incarcerated Dalit men have encountered caste bias and discrimination during arrest, incarceration, and post release phase. These caste biases faced at various stages in criminal justice processes by Dalits create a complex trauma, both emotionally and psychologically, that continues even after formal punishment has ended. However, the research also reveals remarkable psychological resilience and adaptive capacity among research participants. Many describe how their experiences while going through trauma also help them to think about spiritual growth, family and community and commitment to social justice that provide meaning and purpose to their suffering. This resilience reflects not individual strength alone but also cultural traditions of resistance within Dalit communities that provide frameworks for understanding and responding to oppression.

7.5.2 Rebuilding Trust and Relationships

This process involves rebuilding trust and relationships and is a complex phenomenon that requires more time for the family and community members to accept, as they live in a society where accepting criminal stigma is a crime due to caste structure. Most respondents revealed that they often struggle to rebuild trust and relationships with their family members after their release from incarceration. This process took time, as many family members live in fear of the local non-Dalit communities and their surrounding neighbourhoods. These families face pressure from social ostracism and subjugation if they accept the released individuals immediately after bail. As a result, under societal pressure, most family members initially do not accept them and ask them to move elsewhere temporarily. Therefore, it takes time to rebuild relations in a caste society where Dalits get double the stigma after incarceration.

Hence some community members may view their experiences as confirmation of negative stereotypes about Dalit criminality, while others may see them as victims of systematic injustice deserving support and solidarity. These varied community responses reflect broader divisions within Dalit communities about appropriate strategies for navigating discrimination.

7.5.3 Societal Response Towards Reintegration

The societal response towards reintegration of formerly incarcerated Dalits often reflects on social narratives about crime and punishment that usually threaten the existing social order of caste in India. For Dalits, the intersection of caste and criminal stigma creates a new identity, what Goffman (1963) called as ‘spoiled identity’ and due to this, it affects all aspects of social life and creates constraints for social mobility for Dalits. The research also reveals that, with the help of some community members and solidarity, those who understand the caste bias and discrimination within the criminal justice system often provide opportunity and necessary support to the needy, formerly incarcerated Dalits to rebuild their lives. Also, some participants revealed how the existing Ambedkarite movements supported them and helped them reintegrate into society.

7.5.4 Coping Mechanisms and Survival Techniques

The coping mechanisms and survival techniques of formerly incarcerated Dalit men include both individual strategies and community support as they navigate the systematic discrimination stemming from their caste and criminal stigma. Individual coping strategies include isolating oneself and finding a different location where no one can identify them by either caste or criminal stigma. They relied on psychological coping strategies, which is derived from the existing community support and the religious beliefs of its members. Economic coping strategies involve creative approaches to generating income and supporting families despite employment discrimination and limited opportunities, and hence they were migrating to other cities for work and earning and supporting their community members. Social coping strategies involved

participants engaging in various activities and locations while concealing their identities and creating alternative social identities that aided in rebuilding their lives.

7.5.5 Idea About the Change

The participants' ideas about change are quite visionary, as most of them discussed the social and systemic transformations necessary to address the caste-based discrimination they face daily within the criminal justice system and beyond prison walls due to their caste identity. For these individuals, immediate ideas for change include implementing strict laws against discrimination and providing compensation, support, and training to enhance their economic opportunities in the state. To achieve long-term change, the participants emphasised the need for adequate representation of Dalits in all aspects of society, proper implementation of laws, training on caste sensitivity, awareness sessions to promote a caste-less society, and the upholding of constitutional values and principles. Further, the participants demonstrate that the success of Dalits in electoral politics and bureaucratic and administrative services could change the institutional caste hierarchy and transform the system and build a just society.

7.6 The Absence of Collective Organisation

One of the more striking silences in the narratives gathered for this study is the absence of an ongoing connection between Dalit men who had shared carceral space. Many participants had spent months or years alongside others from similar caste and class backgrounds and had navigated the same discriminatory conditions. Yet on release, these relationships almost universally dissolved. None of the participants described maintaining contact with other formerly incarcerated Dalit men, and none had sought or found their way into any collective or mutual aid structure rooted in shared carceral experience. It is not simply a matter of individual preference or social drift. The conditions of post-release life include social stigma, the urgency of economic survival,

geographic dispersal, the pressure to conceal one's incarceration history, and the deep shame that many participants described, as detailed in Chapter Six.

There are a few jurisdictions where peer support networks or reintegration programmes provide institutional scaffolding for post-release connections. Especially, the broader Ambedkarite social movement and the ongoing various Dalit movements have produced significant political and legal advocacy organisations, but these have rarely centred the specific experiences of those who have moved through the criminal justice system as accused and incarcerated persons.

As the formerly incarcerated Dalit men occupy a doubly stigmatised position, they face marginalisation within the wider Dalit community as well as within mainstream society, which further limits their access to the collective structures that do exist. The implications of this isolation are significant. Collective organisation among people with shared experience of the criminal justice system has, in other contexts, proved a powerful mechanism for both individual recovery and structural advocacy. In fact, due to Peer-led networks within the state, they could have easy access to emotional support and practical knowledge. The absence of such networks in the Odisha context represents not only a gap in support provision but a missed opportunity for the Dalit rights movement to extend its reach into one of the most vulnerable and least visible sections of the community it claims to represent. Therefore, the future efforts by the civil society organisations, Dalit rights bodies, and supportive researchers might usefully explore whether and how peer support structures for formerly incarcerated Dalit men could be established: not as a bureaucratic reintegration service, but as a space of genuine solidarity, shared knowledge, and in times of collective advocacy.

7.7 Theoretical Contributions

This thesis makes four significant and interconnected theoretical contributions that advance understanding of institutional discrimination, social stratification, and the reproduction of caste inequality through state institutions.

These contributions bridge abstract theoretical frameworks with empirically grounded analysis while extending existing scholarship to previously under-theorised domains of the criminal justice system and caste studies.

First, the research operationalises critical caste theory within contemporary criminological analysis, bridging foundational Ambedkarite epistemology and critical race theory frameworks developed primarily in Western contexts (Delgado & Stefancic, 2001). This theoretical synthesis extends critical caste theory beyond its traditional focus, which mostly focuses on evaluating the education and economic domains, but now encompasses the criminal justice system as a site of caste discrimination and resistance. Furthermore, the research shows that Dr Ambedkar's analysis of state power, which fundamentally maintains the caste status quo, is relevant for understanding contemporary caste bias and prejudiced practices within legal institutions (Ambedkar, 1916; Ambedkar, 1936).

Second, this thesis demonstrates how intersectionality theory can help people understand and analyse the fact that caste is not a single-axis category but is fundamentally intertwined with other identities. This intersectional analysis shows how distinct experiences of discrimination interact with various forms of marginalisation in ways that a single-axis category cannot explain (Crenshaw, 1989; Arya & Rathore, 2019; Collins, 2015). This research shows how formerly incarcerated Dalit men's experiences within the criminal justice system in Odisha differ from those

of non-Dalit individuals and Dalit women due to intersecting with other social identities, such as class position, educational background, political affiliation, and regional context.

Third, this thesis expands postcolonial theory by linking the colonial genealogy of legal rules and institutions with contemporary patterns of caste bias and prejudices, demonstrating how colonial administrative practices continue to shape Indian legal institutions, cultures, and procedures in ways that perpetuate pre-colonial caste bias and discrimination (Sonavane, 2023, Wadekar, 2024). This research builds upon Spivak's (1988) critique of epistemic violence and extends postcolonial analysis to the current criminal justice system, which perpetuates colonial-era patterns by labelling certain communities as 'inherently criminal' and continuing caste bias while excluding marginalised communities from access to justice.

Fourth, the research applies the Structural Violence Theory of Galtung (1969) to understand the everyday interactions of formerly incarcerated Dalit men within the legal institutions. This study unequivocally demonstrates that the legal institution's everyday practices and procedures caused persistent harm to formerly incarcerated Dalit men. This current research expands the analysis of structural violence beyond its traditional focus on economic inequality and physical deprivation to include a concept called 'dignitary harm', which refers to the systematic denial of human recognition that an individual experiences due to their identity or social belonging.

To conclude, the above theoretical frameworks reveal how caste operates, not merely in hidden ways but as an active force that directly influences the legal institutions' everyday practices and causes systematic failures of the criminal justice system. This research highlights that caste-based discrimination within the criminal justice system cannot be fully understood through individual bias or prejudice models, but needs structural analysis that examines how legal institutions, professional practices, and bureaucratic procedures systematically practise caste bias and

discrimination, irrespective of whether the intentions of individual actors are conscious or unconscious.

7.8 Contribution to the Wider Academic Discourse

The research contributes substantially to Dalit studies by offering an overview of the lived experiences of formerly incarcerated Dalits within the criminal justice system that moved beyond the historical analysis of everyday caste experiences and resistance. This study makes significant contributions to the burgeoning field of Southern criminology by centering Dalits' experiences and knowledge systems that challenge Western-centric criminological frameworks. Especially responding to Carrington et al.'s (2018) call for theoretical developments grounded in Global South realities, this study clearly demonstrated how the 'institutional casteism' framework provides a distinctly Southern analysis for understanding criminal justice inequalities. Also, the concept of 'institutional casteism' provides theoretical contributions that privilege Southern epistemologies rather than merely applying Northern models to Southern contexts and aligns with what Connell (2020) identifies as persistent 'Northern theory' hegemony within social sciences. Also, by foregrounding 'institutional casteism' as an analytical framework, it offers a distinctly Southern framework for understanding how caste identity intersects with modern criminal justice systems and provides a theoretical tool that extends beyond the Indian context to other caste-affected societies across South Asia and diaspora communities globally.

This research draws parallels to scholarship examining how racialised minorities experience differential treatment in policing and sentencing that is often marked by segregation and violence (Alexander, 2010; Wacquant, 2009). The introduced concept of 'institutional casteism' provides an analytical framework that could illuminate similar processes in contexts where race, ethnicity, religion, or indigeneity structure criminal justice encounters.

Hence, this comparative potential demonstrates Southern criminology's capacity to generate theories with global applicability while remaining grounded in specific local realities.

7.9 Significance of the Study

My research explores the lived experiences and perceptions of formerly incarcerated Dalit men within the criminal justice system in Odisha, from their initial contact with police to post-release reintegration processes. As far as the significance of this research is concerned, this study has a profound significance in various fields and practices, which includes the advancement of both theoretical and empirical contributions in both sociology and criminology, policy formulation for equality and advocacy for social justice for all without any bias based on their caste, class and gender.

For its theoretical significance, this research challenges hegemonic culture and Western-centric paradigms that have significantly dominated in both sociological and criminological scholarship for decades (Jaishankar, 2016; Natarajan, 2019). This study contributed to the existing decolonisation of criminological theory by integrating caste as a fundamental analytical category, highlighting how universal frameworks often obscure rather than illuminate issues of crime and justice in various social locations (Tuhiwai Smith, 1999; Agozino, 2023).

This study also builds upon the seminal work by Agozino (2003) on 'counter-colonial criminology' by extending its application to the Indian context, where caste-based social hierarchy and stratification are everyday lives of the people (Bhoi & Gorringer, 2023). Additionally, this study advances theoretical understanding by highlighting how caste manifests in every aspect of practices within the criminal justice system, starting from initial contact with police to post-release reintegration processes (HRW, 2007; Kannabiran, 2012).

Further, this research contributes to existing intersectionality theory by examining how caste intersects with other identities, such as class, gender, and regional identities, and shapes distinct forms of marginalisation and criminalisation for Dalits (Arya & Rathore, 2019; Collins, 2015).

Empirically, this research fills substantial lacunae in the existing criminological and sociological research that broadly focus on legal doctrinal analysis and policy evaluation that practice inequalities with the legal institution but pay less attention to the experiential accounts (Menezes & Raghavan, 2020; Krishna Iyer, 2001). My methodological approach significantly contributes to criminological research in India by exploring the lived experiences of formerly incarcerated Dalit men within the criminal justice system. This study's research method aligns with the existing decolonising methods that often recognise the importance of lived experience knowledge to understand complex social phenomena like caste in the Indian context (Wilson, 2001; Tuhiwai Smith, 1999; Thambinathan & Kinsella, 2021). More importantly, this research will act as foundational documentation for the upcoming researchers and academics from regional states like Odisha and beyond.

Finally, this research covers the post-release experiences of formerly incarcerated Dalit men, a significant empirical contribution to sociological and criminological research, as the existing studies have given limited attention to the reintegration processes in the Indian context. By examining how caste manifests to formerly incarcerated individuals during their reintegration phase and how that leads to exclusion in access to employment, housing, family relationships, and community acceptance, this research highlights the crucial insights of criminalisation that continues even after the formal punishment because of their caste identity (Amrit et al., 2022; Awasthi & Goyal, 2021; Sharma & Asthana, 2023; Vij, 2022).

When it comes to policy implications, this research plays a crucial role, particularly when India is grappling with prison reforms, police modernisation, and judicial accountability (Amrit et al., 2022; Awasthi & Goyal, 2021; Sharma & Asthana, 2023; Vij, 2022; Krishna Iyer, 2001). The current study's findings have the potential to inform the formation of evidence-based policy aimed at annihilating caste-based discrimination and practices that are embedded within the everyday practices of criminal justice processes (Ambedkar, 1936; Singh, 2024; Lal, 2023; HRW, 2007). In addition, this study also highlights the caste stigma and various challenges that formerly incarcerated Dalit men faced while reintegrating into society. By looking at the documentation of post-release experiences, the study gives directions to formulate policies on rehabilitation and reintegration by adding caste-sensitive support programmes that will recognise the everyday challenges faced by Dalits due to caste (Bhoi & Gorringer, 2023).

From a social justice perspective, this research plays a crucial role in documenting and analysing the lived experiences of formerly incarcerated Dalit men, who have received less attention in mainstream academic and policy discussions. Through this research, formerly incarcerated Dalit men have articulated their subjective experiences and efforts to challenge the dominant narratives that often blame individuals while obscuring structural caste bias and discrimination. Therefore, this research's documentation is significant given the historical marginalisation of Dalit voices in both academic scholarship and policy formulation processes. Finally, this research also contributes to international criminological scholarship by offering an Indian perspective, which is a non-Western perspective on how ascriptive social identities interact with state institutions (Wacquant, 2009). In conclude, the significance of this research ultimately rests in its refusal to treat caste-based injustice within the criminal justice system as an abstract or merely structural phenomenon.

By grounding its analysis in the particular that embodied experiences of formerly incarcerated Dalit men in Odisha, it makes visible what aggregate data obscures and what policy discourse too often overlooks: that the operation of caste within the law is not only a matter of formal discrimination but of daily humiliation, procedural abandonment, and the systematic withdrawal of the legal protections that these men were theoretically entitled to. To name this clearly, and to do so from within the community most affected, is itself a contribution both to scholarship and to the possibility of justice.

7.10 Strengths and Limitations of the Study

This study's primary strength lies in its focus on a critically underexplored intersection: caste and the Indian criminal justice system. By centring the lived experiences of formerly incarcerated Dalit men in Odisha, it engages with a domain that mainstream sociological and criminological scholarship within India has consistently neglected. Where existing studies do acknowledge caste, they rarely examine how caste hierarchies actively shape processes of marginalisation, criminalisation, policing, and judicial decision-making from the perspective of those most affected.

My positionality as an insider researcher constitutes a further significant strength. Sharing the region, language, and cultural context of participants enabled the development of trust and facilitated deeper, more candid narratives than might have been accessible to an external researcher. This insider perspective also carries an ethical dimension: it reorients the research away from academic extraction and towards serving the interests of a community whose voices are routinely excluded from scholarly and policy discourse. A third strength is the study's focus on post-release experiences, an area that remains largely underexplored in Indian criminological research.

By examining the social stigma, institutional marginalisation, and structural neglect encountered by formerly incarcerated Dalit men following release, the research addresses a significant gap in understanding the full arc of caste-based disadvantage within and beyond the criminal justice system.

Finally, the sample's diversity, spanning age, educational background, and regional locations within Odisha, enhances the study's analytical depth. This range allows the research to draw meaningful connections between caste, structural bias, and discrimination without reducing participants' experiences to a single, monolithic narrative.

Alongside these strengths, several limitations must be acknowledged transparently. Firstly, the Methodological limitations which includes the qualitative, interview-based approach, while well-suited to capturing subjective experience, carries inherent constraints. Participants were asked to recall events sometimes many years in the past, raising the possibility of memory reconstruction or retrospective reinterpretation of experiences. The interview setting itself, despite efforts to build trust, may have introduced elements of social desirability bias, particularly given the sensitivity of disclosing experiences with law enforcement and the justice system. Additionally, as a researcher with insider status, my own positionality may have shaped the questions I asked and the themes I emphasised during analysis, even where reflexivity was practised. These factors do not invalidate the findings but mean they should be understood as co-constructed accounts rather than transparent windows onto experience.

Secondly the lack of range of experiences, as the study exclusively captures the experiences of formerly incarcerated Dalit men. But the experiences of Women, transgender and non-binary individuals, and members of other marginalised caste or tribal communities whose encounters with the criminal justice system may differ substantially are absent from this account.

Relatedly, participants were recruited through networks accessible to the researcher, which may have skewed the sample towards individuals willing and able to discuss their experiences, potentially excluding those who are most deeply traumatised, socially isolated, or distrustful of researchers. The range of experiences captured, while rich, should therefore be understood as illustrative rather than exhaustive.

Thirdly, the geographical limits as this research is grounded entirely in Odisha, a state with its own distinct with unique socio-cultural practices that limits the transferability of findings to other Indian states, where caste dynamics, policing cultures, and judicial practices may differ. Findings should not be generalised to the national level without caution.

Fourthly, in this research I was unable to include the criminal justice stakeholders' perspectives. The decision was not to include the perspectives of law enforcement officials, judicial actors, or prison staff was made on ethical grounds, given the participant group's vulnerabilities. This means that the structural and institutional dimensions of caste-based discrimination are understood solely through the accounts of their everyday experiences within the CJS. While this is both a legitimate and intentional methodological choice, it limits the ability to triangulate findings against institutional narratives or to identify the precise mechanisms through which bias operates within the system.

With regards to future research, a longitudinal studies or mixed-methods approaches can be incorporated survey data could quantify the scale of caste-based discrimination across the criminal justice system and test whether patterns identified here hold at a larger scale. Also, comparative research across Indian states would also be studied and highlighted how different regional caste configurations produce different forms of criminalisation and post-release disadvantage.

Further, the research can include the experiences of Dalit women, transgender individuals, and Adivasi communities, and minorities populations who's intersecting marginalisations have yet to receive sustained criminological attention. Finally, studies that incorporate the perspectives of institutional actors such as police, prosecutors, magistrates, prison officials would enable a more complete account of how caste bias is reproduced, rationalised, and potentially resisted within the formal justice system.

7.11 Policy Implications and Recommendations

As far as the policy implications and recommendations are concerned; this thesis confirms what Dalit rights organisations have long documented: that police interactions are frequently the point at which caste bias first crystallises into injustice, through arbitrary arrest, custodial abuse, and the failure to register complaints under the SC/ST (Prevention of Atrocities) Act. Therefore, there is need of concrete reform in this area would require mandatory. Further, there should be independent bodies who should evaluate caste-sensitivity training for all police personnel not the performative one-day workshops that currently pass for reform, but sustained, community-accountable training developed in partnership with Dalit civil society organisations. Moreover, there is urgent need for strengthening of independent oversight mechanisms, including civilian complaint boards with Dalit representation, that can receive and act upon complaints of discriminatory policing without routing them back through the very institutions being complained about.

One of the findings of this research is to which the formerly incarcerated Dalit men were failed by the formal legal aid system. Many were unaware that legal aid was available to them; many who did access a legal aid lawyer found them disengaged, overworked, or dismissive. The gap between the legal entitlement to representation and the lived reality of that representation is not incidental it is structural, and it falls disproportionately on those least equipped to navigate it.

In this research, the community-based legal aid networks that are genuinely accessible to formerly incarcerated Dalit men at some point of arrest and during the judicial process. Therefore, the establishment of Dalit-specific legal aid cells within district courts, staffed by lawyers with knowledge is important. Further, the creation of paralegal networks trained to explain rights, complete paperwork, and accompany individuals through bail and remand hearings and the systematic involvement of organisations such as the National Dalit Movement for Justice, National Campaign on Dalit Human Rights (NCDHR) and state-level Dalit legal aid bodies in the formal justice delivery processes.

This research also points towards an underutilised resource, especially the Dalit men and women who already work within the criminal justice system as constables, court clerks, prison officers, and administrative staff and who may be uniquely positioned to serve as informal points of contact and information for Dalit men in custody. Where Dalit personnel exist within these institutions, there is potential to train and support them as community liaisons, able to signpost individuals towards legal aid organisations, explain rights in familiar language, and reduce the profound isolation that many participants described feeling during their incarceration.

Finally, this research underscores the well-documented chasm between the statutory protections offered by the SC/ST (Prevention of Atrocities) Act and their implementation on the ground. Participants in this study rarely experienced the Act as a living protection. The possible recommendation here may include the mandatory appointment of Exclusive Special Courts for atrocity cases in every district, with dedicated prosecutors trained in caste discrimination law; regular public reporting on prosecution and conviction rates under the Act at the district level; and the inclusion of Dalit community representatives in the monitoring bodies that are supposed to oversee implementation.

LIST OF APPENDICES
Ethics Approval

19/09/2023

Mr Aruna Mahananda

Sociology

University of Essex

Dear Aruna,

Ethics Committee Decision

Application: ETH2223-1348

I am pleased to inform you that the research proposal entitled "Caste and the Criminal Justice system in India: A case study of the lived experiences of formerly incarcerated Dalit men in Odisha." has been reviewed on behalf of the Ethics Sub Committee 1, and, based on the information provided, it has been awarded a favourable opinion.

The application was awarded a favourable opinion subject to the following conditions:

Extensions and Amendments:

If you propose to introduce an amendment to the research after approval or extend the duration of the study, an amendment should be submitted in ERAMS for further approval in advance of the expiry date listed in the ethics application form. Please note that it is not possible to make any amendments, including extending the duration of the study, once the expiry date has passed.

Covid-19:

Please note that the current Government guidelines in relation to Covid-19 must be adhered to and are subject to change and it is your responsibility to keep yourself informed and bear in mind the possibility of change when planning your research. You will be kept informed if there are any changes in the University guidelines.

Yours sincerely,

Beverley Pascoe

Participant Information Sheet

Title of the Project: Caste and the Criminal Justice system in India: A case study of the lived experiences of formerly incarcerated Dalit men in Odisha.

Invitation paragraph

My name is Aruna Mahananda, and I am a Postgraduate Research Student at the Department of Sociology at the University of Essex. I would like to invite you to take part in my research study. Before you decide whether or not to take part, it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully.

What is this research about?

The aim of the study research is to understand the experiences of formerly incarcerated Dalit men who were formerly detained inside Odisha's criminal justice system, with a specific focus on the challenges that they encountered during all stages of the criminal justice system being Dalits and their experiences of post release reintegration.

Why have I been asked to take part?

You have been asked to take part because you have first-hand experience as a released prisoner. Your unique perspective and insights can provide valuable information about the challenges, successes, and struggles in the criminal justice system.

What will participants be asked to do?

Participants will be encouraged to discuss any personal experiences or observations they may have had on their everyday interactions with the criminal justice system. This will cover law enforcement procedures, court proceedings, and imprisonment. Additionally, questions on their perspectives, recommendations, and coping strategies related to the criminal justice system will

be put forward. Finally, inquire as to their understanding of the rights they are aware of and the effects such rights have on their life.

Are there any risks to taking part?

All research contains some risks. The researcher is committed to ensuring the safety, well-being, and rights of all participants and has procedures in place to anticipate, identify, and mitigate such risks. The main possible risks include the potential to influence anxiety and depression, trigger traumatic memories or events, stigmatisation, potential concerns over confidentiality of the data, and potential legal or social implications. Mitigation strategies have been established to address any of these possible risks and the researcher will deal with them swiftly. For any potential mental health or psychological support, the researcher will link participants to professional counselling support specialising in advocacy and support for disadvantaged Dalit communities. The researcher also longstanding professional links with these organisations. In addition, and if necessary, participants will be signposted to regional counselling provision, accessible free of charge and via toll-free numbers on 14416 or 1800891441, from 10 am to 6 pm on all days of the week. Data confidentiality is assured through a comprehensive project Data Management Strategy. The details of this will be explained to participants and made available on request. To address any legal implications, a multi-pronged strategy will be adopted: First, the researcher will follow longstanding social science principles for interviewing participants in criminal justice settings, including the establishment of clear boundaries over discussions covering criminal conduct. This approach has been refined through the researcher's longstanding experience and cultural acquaintance developed through years of working as a volunteer criminal justice social worker in these settings. The research will also focus on those accused of minor offences, and only those with spend convictions, to further reduce any risk of legal exposure. Furthermore, participants will

linked into the network of local advocacy groups specialising in legal and community rights advocacy, with whom the researcher has longstanding professional relationships. In addition, the researcher will guide and support the participants as per their requirement to mitigate the potential risks or harms.

Will there be any benefits of taking part?

Yes, your insights and experiences can provide a valuable information that can help researchers, policymakers, and society as a whole gain a more accurate perspective on the challenges faced in the Criminal Justice System and provide a hope and guidance to others.

Where will my information be kept?

Your contributions will be audio recorded to ensure accuracy. The audio recordings will be transcribed, and the transcripts will be kept on University of Essex Box site and will only be accessed by the researcher and research supervisor. These recordings and transcripts will not have your name on them. The consent forms that will have your name on them will be kept in a separate Box folder. All recordings will be stored for five years before being destroyed. The findings from this project will be shared without using your name or personal details. The Data Controller will normally be the University of Essex, and the contact will be, University Information Assurance Manager (dpo@essex.ac.uk).

Where will the research findings be shared?

Upon completion of the project, Aruna Mahananda will write a PhD thesis for the fulfilment of Doctoral Degree in Criminology and share with the Department of Criminology and Sociology. The findings will also be presented at various conferences, seminars and through publications.

Do I have to take part?

This is volunteer in nature. You have a right to choose to take part or not to. You also have a right to withdraw from the project at any point without stating the reason and there is no penalty for this.

To withdraw from the study, please email me at am21784@essex.ac.uk or contact me at +447867069226.

What if I have a problem with the research?

‘If you have any concerns about any aspect of the study or you have a complaint, in the first instance please contact the principal investigator of the project, Aruna Mahananda (e-mail am21784@essex.ac.uk) If are still concerned, you think your complaint has not been addressed to your satisfaction or you feel that you cannot approach the principal investigator, please contact the departmental Director of Research in the department responsible for this project, Prof. Pete Fussey (e-mail pfussey@essex.ac.uk). If you are still not satisfied, please contact the University's Integrity Manager, Dr Mantalena Sotiriadou (email ms21994@essex.ac.uk).

Oral Consent Form

Title of the Project: Caste and the Criminal Justice system in India: A case study of the lived experiences of formerly incarcerated Dalit men in Odisha.

Researcher: Aruna Mahananda

Please initial box

1. I confirm that I have read and understand the Information Sheet dated _ for the above study. I have had an opportunity to consider the information, ask questions and have had these questions answered satisfactorily.

2. I understand that my participation is voluntary and that I am free to withdraw from the project at any time without giving any reason and without penalty. I understand that any data collected up to the point of my withdrawal e.g. will be destroyed; cannot be withdrawn because it cannot be identified.

3. I understand that the identifiable data provided will be securely stored and accessible only to Aruna Mahananda as the researcher directly involved in the project, and that confidentiality will be maintained.

4. I understand that my data will be used for the PhD thesis of the researcher, and for other research conferences/presentations and research publications in a public domain. I understand that only my non-identifiable data will be published.

5. I understand that the data collected about me will be used to support other research in the future and may be shared anonymously with other researchers.

6. I give permission for the fully anonymised data gathered from the audio/video recordings that I provide to be made available for future research and learning activities by other individuals.



7. I agree to take part in the above study.



Participant Signature (Initials)

Date

Researcher Name

Date

Researcher Signature

Interview Schedule

Formerly Incarcerated Dalit Men

Section A

Could you please answer the following demographic questions about yourself?

1. Can you please, indicate your age?

15 –20

21 –30

31 –40

41 –50

51-Over

2. What is your educational background?

Primary (1-7)

Secondary (8-10)

Higher Secondary (+2)

College (+3)

University and More

3. Can you provide some details about your employment history before and after incarceration?

4. Where were you born and raised?

5. What was your marital status before your incarceration, and has it changed since your release?

6. Can you describe your socioeconomic status before and after your release?

7. How long were you incarcerated, and when were you released?

Section B

I. Initial contact with the Police

1. Can you please describe your first encounter with the police? How did you feel during that situation?
2. Did you encounter any challenges or difficulties when dealing with the police?
3. During your interaction with the police, did you have access to a lawyer or any support system to assist you?
4. Do you believe that your socio-economic background had an impact on how the police treated you during that interaction?
5. Could you share a positive experience where the police were helpful and understanding in your case?
6. Have you ever witnessed or heard about instances of police corruption in your community? How do you think such instances affect people's trust in law enforcement?
7. Are there any existing rules or organizations aimed at addressing police corruption in your area?
8. What ideas do you have for making the police more accountable in your community?

II. Courts/Lawyers

1. Did you manage to secure a lawyer to represent you in your case?
2. Are you familiar with the concept of legal aid lawyers?
3. What are your thoughts on the differences between private lawyers and legal aid lawyers?
4. Did you encounter any challenges or difficulties when trying to find legal assistance for your case?

5. Have you ever suspected or come across instances of corruption or unethical behaviour by lawyers while handling your case or others?
6. Do you believe that your socio-economic background influenced how lawyers treated you while working on your case?
7. Did you receive any external support or assistance from individuals or organizations to help with your release from prison or with your legal matters?
8. Were there any measures or safeguards within the court system to prevent or address corruption among lawyers during your case?
9. Did you notice any partiality behaviour and conduct of judges during court proceedings?
10. In your opinion, what roles should civil society organizations, legal associations, and government agencies play in addressing corruption within the legal profession?

III. prison/incarceration/formal punishment

1. Did you have access to legal counsel during your time in prison, and were you aware of your legal rights?
2. Can you discuss any moments of personal resilience or strength that helped you cope with the challenges of prison life?
3. Can you describe your overall experience, particularly in your interactions with prison administration and staff?
4. Have you encountered any differential treatment or biases from prison administration and staff based on your Dalit identity, and if so, how did you navigate these situations?
5. Did you face any challenges while interacting with fellow inmates?

6. Could you share instances where you observed positive interactions or support from either prison staff or fellow inmates during your incarceration, and how did these experiences influence your time in prison?
7. What coping mechanisms or strategies did you employ to navigate the challenges faced within the prison environment?
8. How did your Dalit identity affect your access to various facilities while in prison, and what barriers, if any, did you encounter?
9. Have you ever suspected or come across instances of corruption by Prison authorities?
10. Have you witnessed any positive changes or reforms within the prison system aimed at addressing discrimination and ensuring fair treatment among inmates?
11. What recommendations or insights do you have for improving the treatment and experiences of Dalit prisoners within the prison system, both in terms of interactions with the administration and fellow inmates?

IV. release/preparing for release/post-release

1. Can you describe the support network you had in place before your release from prison?
2. What were your initial feelings and concerns about re-entering society after your release?
3. Can you share your experiences in rebuilding trust with family members or friends after your release?
4. Could you share your experiences and challenges after being released from prison and how did society respond to your reintegration?
5. Did you encounter stigma or discrimination from the larger society because of your prior incarceration, and if so, how did you cope with these challenges?

6. Were there any specific instances where you experienced acceptance or support from your community during the reintegration process?
7. Have you noticed any differences in the way mainstream society treats ex-prisoners from other communities compared to Dalit ex-prisoners in terms of their level of acceptance?
8. What role, if any, did local organizations, NGOs, or government agencies play in assisting Dalit ex-prisoners with their reintegration efforts?
9. How do you think the stigma associated with being an ex-prisoner affects the overall well-being and opportunities for Dalit individuals post-release?
10. Are there any recommendations or policy changes that you believe could improve the acceptance and integration of Dalit ex-prisoners into society?

Dalit Activists/ Academicians/Advocacy Groups**Section: A**

Could you please answer the following demographic questions about yourself?

1. Can you Please, indicate your age?

15 –20

21 –30

31 –40

41 –50

51 -Over

2. What is your Gender?

Male

Female

Others

3. What is your educational background?

Primary (1-7)

Secondary (8-10)

Higher Secondary (+2)

College (+3)

University and More

4. What is your Profession?

Academician

Activist

Advocacy Member

Others

Section: B

1. As someone representing the community, where do you think Dalits face the most discrimination in the criminal justice system (CJS)?
2. Can you give specific examples or stories that show how Dalits are treated unfairly in the CJS?
3. In your work to help Dalits, what have you done to fight against discrimination in the legal system?
4. In what manner does one's Dalit identity result in disparities in treatment by the Police, Courts, and within the prison system?
5. Have you seen any improvements for Dalits in the legal system because of your work?
6. What difficulties have you encountered when trying to ensure Dalits are treated fairly in the legal system?
7. What changes to the rules or laws do you believe are necessary to stop discrimination against Dalits in the legal system?
8. Can you explain if there are any long-standing problems or issues that make it challenging to stop discrimination against Dalits in the legal system, and how do you plan to overcome them?
9. What specific initiatives or campaigns has your advocacy group, or you launched to combat discrimination within the criminal justice system?
10. How do you collaborate with other organizations and people to advocate for fair treatment and equal rights for Dalits within the criminal justice system?

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