

Narratives of the Invisibilised and Unmitigated Women Prisoners of India

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Centred on the narratives of women prisoners in India, this book is the first of its kind edited volume. The earlier two books with this theme (Shankardass 2012; Singh and Yadav 2019) and a Government of India report on women prisoners (Ministry of Women and Child Development 2018) do document the life and condition of the inmates. But there has seldom been any work presenting narratives and a range of analytical lenses to understand Indian women prisoners. The in-depth approach of the book, relying upon qualitative research methodologies, is a worthy contribution to the study of prisoners and functioning of prisons in India. The study calls researchers, policymakers and practitioners to be aware of the polyvocality of women prisoners' gendered experiences

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as they deal with discrimination, disadvantages and differences in the prison. It argues that women face a continuum of oppression from their home, society and then the institution of prison, and their pre-incarceration experiences give shape to their path of criminality. These crucial insights, I argue, provide a powerful sociological understanding of our system of punishment, which, if adopted, will have greater systemic accountability and perhaps lead to greater societal responsibility.

Besides the often-talked-about data point that women prisoners comprise less than 1% of the total prison population

in India, and therefore lack specialised infrastructure and facilities in prison, this book peels several layers of Indian women prisoners' experiences. The volume comprises 12 chapters categorised under three broad themes of "Narratives of Resistance," "Confronting Institutional Spaces" and "Humane Prisons? Challenges of Governance." The 12 chapters further cover themes ranging from: the nature of confinement and resulting harm; journeys of women to a criminal and a prisoner to stories of women political prisoners; and politics of detention and custodial violence. The volume also contains research and analysis on themes like everyday resistance and survival strategies, tales of love, experience with prison structure and time, and journeys of productive engagement in prison and processes of reintegration into the society. The book draws and develops incisive insights into the prison system, nature of imprisonment experiences and the concept of incarceration. It investigates how homogenised rules and practices exert control and form a totalising prison structure. The larger attempt is to understand the carceral logics behind prison institution's structure, disciplining techniques,

spatio-temporal elements, and control and punishing practices.

Details of Chapters

The first two chapters of the book use narratives, gathered through the medium of interviews and writings of political prisoners, to reveal how a democratic state transforms into a police state under the shadow of sociopolitical resistance in the society. Sharmila Purkayastha (Chapter 2) argues for the importance of testimonies, while thoughtfully delineating the nature of memory reconstruction—language, writing style, sequence of events recalled and so on—by survivors of torture. She shows that torture does not merely stem from the physical acts of violence but also from the deliberate denial of information, filthy space of the confinement, and sly ways of institutional personnel to put pressure and make the victim feel guilty. It also includes usage of certain verbal terms associated with the ecosystem of policy custody like “put her on the table,” “caught,” etc. Her argument emphasising the politics of torture perpetrated by the state is a take on the retributive assessment of punishment for the perpetrators of torture.

Mahuya Bandyopadhyay (Chapter 3) draws a continuum of confinement, control, violence and injustice that women experience in their lives inside and outside the prison—a powerful theory, which emerges in multiple chapters of this book. She does so through very moving accounts of two women. Extending the argument further, Shereen Sadiq (Chapter 4) does a structural analysis of the institutions of marriage and family to deconstruct criminality of women. She argues that criminal acts committed by women cannot be seen in isolation, and their histories of marginalisation and violence need to be investigated to contextualise the criminal acts.

The chapters that follow are contributions to the emerging field of carceral geography. Sadaf Modak (Chapter 6) has attempted to present an analysis of geography and day-to-day administration of prison by conducting quasi-ethnography of two prisons of Maharashtra. She uses her findings to show how women in prisons are discriminated against and face double

incarceration in the process of regaining citizenship to return back to their social lives. Rimple Mehta (Chapter 7) rightly points out that research on prisoners should epistemologically incorporate the element of space and time. The chapter is one of the most analytically enriching texts in the book. The insights and illustrations, on how the nature of time and space—their continuities and disruptions—has the potential to not only affect experiences of the prisoners, but also various elements of the research study.

Kanupriya Sharma’s work on the tales of love (Chapter 5) and Honavar and Raghavan’s study on repeated involvement in the acts of crime (Chapter 8) are two vital contributions in humanising women prisoners. They present those sides of prisoners’ lives that, as per the social perceptions, do not exist. These texts critique the stigmatised views on women prisoners, as well as acknowledge their agency to desire and negotiate strategies in order to bring a shred of normalcy in prison life.

The last section of the book, written by practitioners, highlights the need for policy-level changes. They make a case for altering treatment towards women prisoners and redesigning prison infrastructure to create a “gender-responsive

system” and an “architecture of hope.” However, the current system habitually evades this, citing safety and security reasons. Modak, earlier in her chapter, addressed how work opportunities for women in prison are seen as of no value. B D Sharma (Chapter 11) illustrates the journey of a reformatory and engaging project implemented in one of the prisons in West Bengal. This project not only overcame several bureaucratic hurdles but also went on to be sensitive and inclusive of women with mental health concerns. As a part of this project, a theatre workshop was extended to other art forms and sports engagements.

The last chapter, written by Penelope Tong, lays bare several factors essential for an individual to live peacefully in our society, and for a prisoner to achieve the goals of reform, reintegration and rehabilitation. It calls for a change in the prison agenda because our system’s intention and ability is only to look at reform from a very peripheral point of view; crucial factors like personal journeys, psychological and emotional state of mind, ill effects of incarceration, support of families are not understood. It also points out how in India currently we do not have a sentencing policy or guideline. Mere sentencing a guilty individual to imprisonment without

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factoring in the subjective experiences neither reforms the individual nor prevents future crime, which originates through multiple inequities in society.

Limitations of the Book and Scope for Future Research

The book through its 12 chapters addresses various issues, but overall, it could have been conceived and designed in a better sequence and grouping of chapters. Chapters 9 and 10 were highly overlapping in themes, and while policy-level needs are articulated in detail, the narratives of prisoners, empirical research or critical-analytical engagement with various committee reports remained absent. Such literature could have enriched the text further. Similarly, Chapter 6 could have also looked at specific policy documents like advisories and circulars issued by the home ministry, applicable to the state of Maharashtra. This would have further added to the data about everyday functioning of the two jails assessed in the chapter. Chapter 1 had raised a very important issue of political prisoners, but inclusion of a segment commenting upon the situation of today's political prisoners would have updated the text. Further, an academic and legal engagement with the term political prisoner would have contributed to the discourse valuably.

Though many chapters delve into relationships and bonds of women formed in prison and also look at the continuum of their lives before, during and after imprisonment, the element of caste remains absent. How do caste dynamics and differing social locations of women affect their relationships and incarceration journeys? Another suggestion is that the narrative of women prisoners' personal, emotional and psychological growth is also an interesting topic within the larger umbrella of reform. It helps map their attempts to reform, which might not fit into mainstream categorisation of reform activities like participation in a theatre workshop, work at a prison factory, and completion of an educational course.

One should also take stock of future research possibilities on women prisoners. Views and experiences of prison staff, guards, officials and policymakers also

need to be explored. Experiences of women prisoners categorised as high risk or on death row need deeper analyses, and then there is a need to evaluate how the specific treatment towards them affects the larger penal policy governing prisons in India. Additionally, this approach can be critical towards defining the process of determination of punishment and fixing the responsibility of society and state, apart from the individual found guilty of the criminal act.

Feminist Theory: Mitigating Women Prisoners of India

Feminist theory of criminology explores women's experiences of criminalisation and victimisation, and looks at how institutions of criminal justice system and society treat individuals differently based on the intersections of gender, race, class and sexuality (Gibbs and Gilmour 2022). Prison rules, schedule and structure results in control and discipline. It presents ordered and managed prisoners. This projection of governance conceals disharmony and violence ingrained in the institution. Application of feminist theory helps to identify how individual responses and experiences of women prisoners infiltrate prison governance and cause disruptions through their resistance. Further, we are able to arrive at the understanding that even though incarceration tends to erase individual prisoners' life histories before their arrest, the very histories continue to influence their experiences and responses to carceral logics every day. Even their path of productive engagement in prison and rehabilitation into society requires individualised understanding of their pasts.

This book demonstrates that a number of factors, surrounding individual women, originating in their family, society and state's treatment towards them, affect their life histories. These histories, comprising other players and external influences, when unravelled will distribute the individual woman's culpability for the concerned act of crime. These other players and external influences—parts of society—will therefore have to share the burden of culpability and, thereby, the punishment. Research in social sciences and, psychology informs us that various

circumstances of an individual's life history shape their behaviour, personality, world view and decision-making capacity (Parisi et al 2012; Sikand and Reddy 2017). A "mitigation investigation" if conducted can unravel the life histories of individuals to trace pressures and influences affecting behaviour, perspective and personality.¹

In India, we are yet to fully explore and adopt this concept into our jurisprudence and practice. Society, which in the first place shapes life circumstances, inadvertently has a role in an individual's pathway to incarceration and crime. Though complex, this is the reality of our system, which the 12 chapters of the book have taken upon themselves to unravel in an easy yet gripping text for the readers.

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NOTE

- 1 Mitigation investigations are specifically recognised in the context of death penalty jurisprudence (Haney 1995). They have been recognised in death penalty jurisprudence in the United States. In India, while mitigating circumstances have been recognised since Bachan Singh case (1980, 2 SCC 684), there have been recent developments towards recognition of mitigation investigations as well (Jain 2022).

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