

CHAPTER I

Introduction

1.1 Statement of the Problem

When the phrase prison or jail is mentioned, we usually imagine a highly secure and contained physical facility that is purposefully built to imprison persons and isolate them from the external environment. Prisons are unique settings that demonstrate the fundamental clash between individual autonomy and external regulation, as well as the contrast between rebellion and compliance. When studying the subject of prisons in India, whether in a general sense or specifically in Assam, the prevailing discussion often revolves around several classifications and concepts. These include an institution of imprisonment that represents the remnants of colonialism, a well-organized prison, an overcrowded prison that reflects the challenges of the period following colonialism, an oppressive prison reminiscent of a totalitarian regime, and a prison that aims to rehabilitate and uphold the principles of a welfare nation (Bandyopadhyay, 2010,p. 444). According to Althusser (1970), the jail is considered a State apparatus that is responsible for punishing offenders by confining them within secure limits. The effectiveness of imprisonment as a punitive measure largely depends on the isolation it enforces from the outside world. Furthermore, the prisoners are designated as "delinquent," a classification that persists in its impact even upon their release (Kamthan, 2018). During the period following their release from jail, prisoners experience certain negative repercussions of the criminal justice system. They are labelled with labels as "criminal" or "former prisoner," which reduce their identity to their previous offence. Individuals who have been imprisoned are often stigmatized by society as failed, possible dangers, thieves, and dishonest individuals (Price, 2015). However, in India, there are a limited number of prisoners who have recorded their experiences in prison. The few which exist are mainly those of political prisoners during the freedom struggle. But there is a great paucity of academic research on the subject of prisoners. The problem becomes far more alarming when women prisoners are chosen as participants for research. Similarly, there is a notable dearth of studies on the post-imprisonment experiences of women. The subject of women prisoners is somewhat underrepresented in Indian academia and research, with slightly more focus being given to their male counterparts. Their usual visibility and consistent disdain are intensified by

the limited number of women convicts. In 2021, the National Crime Records Bureau (NCRB) reported a total of 554,034 individuals who were convicted. Out of the total, a mere 22,918 individuals, which is around 4%, were women, whilst men constituted a substantial 96%, amounting to 531,025. It is important to highlight that among the 1319 prisons in India, only 32 are exclusively designated for women (NCRB, 2021), and there are no prison exclusively for women in Assam. Moreover, it is important to highlight that the Assam Jail Manual does not employ the term 'woman', demonstrating a total contempt for women prisoners (Raimedhi, 2017,p. 29). In addition, the manual does not include any provisions for gender-specific post-prison rehabilitation programs tailored for women. Furthermore, the notion of women's invisibility is often depicted in the public consciousness as enigmatic characters who are hidden from view by male captives, as well as by their companions in both their personal lives and illicit endeavors (Bandyopadhyay and Mehta, 2022).

In light of the above, the study attempts to investigate the phenomenon of imprisonment and the trajectory of women prisoners in Assam based on their narratives. This study aims to shed light on the experiences of the women who are in prison and depict the prison power and the subsequent challenges that develop inside it over time. The study also looks into how women strategically manage the power of the prison operating upon them, minimize challenges, and make the female ward a livable place. This research further moves ahead to explore the experiences of women prisoners after their release focusing on the re-entry process, whether their re-entry is smooth sailing or any challenges are inherent in it, and if in case any, how the women deal with it.

1.2 Conceptual Framework

Foucault's (1978) concept of power and Goffman's (1961) concept of total institution are the key concepts used in this study, which runs in all the chapters. In the process, I have also engaged in the philosophy of panopticon which is a modality of Foucault's disciplinary power and his concept of docile bodies to understand how imprisonment works for women, inside the prison which functions as a total institution. To understand the women's created everyday, I have engaged Lefebvre's (1971) ideas on everyday where he states everyday life goes beyond mere repetition and monotony. He refers to the occurrence of manufacturing that takes place in everyday life, which refers to the power

of everyday. For women prisoners, the daily routine they establish acknowledges the potential of each day to break the cycle of monotony and create their own everyday. However, how do women go about creating their own everyday? De Certeau's (1984) theory of resistance is pertinent here wherein he offers a conceptual structure for comprehending the complex and contradictory relationship between power and resistance. I have brought in the concept of De Certeau's Tactic to understand how women convert prison space and time in their favor to create everyday for themselves. Conceptually I also draw from Goffman (1963) ideas on stigma, to bring forth how prison power still continues in the post-imprisonment period of women. Further, I delve deeper into the notion of the total institution and engage Coser's (1964) concept of the greedy institution to understand the process of reentry of the women.

1.2.1 Power

The examination of Foucault's concept of 'power' has been valuable in this study. Foucault's ideas fundamentally transformed our understanding of power. In contrast to the conventional conception of power, Foucault (1978) perceives 'power' as being dispersed, functioning and exerted in a manner akin to a networked structure.

When I refer to power, I am not referring to the concept of 'Power' as a collection of institutions and procedures that enforce obedience among the people of a particular situation. The concept of power should not be seen only as a means of domination, but rather as the many ways in which different forces interact and support one other. It should also be seen as the methods through which these forces manifest themselves (Foucault, 1978,p. 92-93).

Foucault (1978, p.88-94) conceptualizes power as being not just characterized by negativity or repression, but rather as remarkably generative. 'Power' generates; it generates the existence of things; it generates realms of entities and practices of veracity (Foucault, 1977, p.194). In his work, Foucault explains how ordinary social events are produced by the subtle and pervasive forces of power and discipline that permeate all aspects of our social and personal existence, much like capillaries in our physical bodies (Foucault, 1997, 1978).

When considering how power operates, I am contemplating its pervasive and subtle nature. It infiltrates the core of persons, influencing their physicality, actions, attitudes,

communication, education, and daily experiences. The exercise of power inside the social body, rather than exerted from a higher authority, can be described as a synaptic regime (Foucault, 1980,p. 39)

To elucidate how this commonplace and routine authority is exerted by both the collective society, Foucault (1990, p. 249) introduces the concept of biopower, which refers to a type of power that permeates whole communities and is focused on controlling life rather than just the individual body. Within this framework, he explores the concept of "docile bodies" which refers to humans who are passive, subjective, and productive. The State exercises its control over various elements of life using its institutions, such as prisons, schools, hospitals, and families. Institutional practices of disciplining, monitoring, and penalizing the physical body result in bodies that are accustomed to external control. These practices aim to regulate the body, enhance its abilities, exploit its energies, maximize its usefulness and compliance, and integrate it into systems of efficient and economic controls. Consequently, these practices generate the specific type of bodies that society demands. Foucault conceptualizes power as functioning within two spheres: the collective entity of the human species and the individual physical form of the human body. In this study, my focus is on how power exerts its influence on individual bodies. Foucault discusses disciplinary mechanisms that regulate temporal, spatial, and everyday routines, which are institutionalized in settings such as prisons, schools, hospitals, and workshops. Foucault contends that disciplinary authority is directed towards the "soul" and its productive capillaries (Rose, 1990). In the new punitive system, the prisoner's body acts as a means or mediator for a sentence that involves the denial of a right. The punishment that evolved in the mid-nineteenth century can be accurately classified as a "non-corporal" penalty. Now, the body has vanished from the prison frame. The practice of punishment as a form of excruciating torment may have come to an end. Garland (1990) identifies three interconnected themes that Foucault used to analyze punishment and other systems of control:

power, knowledge, and the body. According to Foucault, the human body is seen as the primary substance that is controlled and molded by various political, economic, and penal establishments. The system of production, dominance, and socialization relies heavily on effectively subduing individuals physical selves (Garland, 1990,p.137)

The ability to administer punishment, a significant expression of what Foucault refers to as a micro-physics of power, is exerted onto this individual's soul. Moreover, the connection between different types of power and the physical or spiritual entities that are entangled inside them includes a third component, namely knowledge, or more precisely, power knowledge. Garland concisely states that Foucault's conceptual framework consists of three interconnected elements: power, knowledge, and the body. According to this framework, the history of punishment is reorganized as a series of evolving relationships among these three components.

The underlying assertion appears to be that the interplay between power, knowledge, and the human body creates the fundamental and indivisible framework of society and historical development. The bodies entangled in power-knowledge dynamics serve as a tangible foundation, upon which social connections and institutions are built. Regarding intellectual advancements in legal theory or the initiatives of criminal reformers, as well as broader societal changes such as the rise of individualism and the increased sensitivity towards human rights, Foucault considers these to be only superficial aspects of history. Instead of being the primary drivers of criminal and political changes, these factors are just the outcomes of deeper transformations in power-knowledge-body dynamics. Foucault's characterization of the history of punishment as 'a chapter of political anatomy' does not just provide one additional interpretation among many others. Rather, he asserts that he is uncovering the fundamental foundations upon which all other interpretations are built (Garland, 1990, p.139).

Essentially, Foucault aims to document the history of punishment as part of a broader "history of bodies." This history focuses on how power relations have influenced and controlled the human body. Feminist scholars, like Bartky, (1988), criticized Foucault for treating the disciplined and docile body as if it were a singular entity, disregarding the distinct physical experiences of men and women. She inquires,

“Where can I get knowledge about the disciplinary methods that create women's ‘docile bodies’, bodies that are more compliant than men's bodies?” She responds, “he lacks awareness of the practices that generate a distinctly feminine mode”. Failure to acknowledge the many ways in which the women's body is subjected to control and domination leads to the continued suppression and influence of individuals who have been subjected to these systems of control” (Bartky, 1988, p. 63-64).

In her work, Bordo (1988) utilizes Foucault's concept of the women's body as a "direct site of social control" to describe the women's body. According to Bordo, the women's body is subjected to both external and internal regulation, subjugation, and change, with its powers and energies becoming habituated towards these processes of "improvement". She states, "the regulation and standardisation of the women body, which is possibly the only type of gender oppression that manifests itself across several factors such as age, ethnicity, class, and sexual orientation, must be seen as an incredibly resilient and adaptable method of social domination." (Bordo 1989, p.14)

Bordo advocates for a feminist use of certain later power notions from Foucault's work. Bordo emphasizes the need to apply Foucault's directive to examine power dynamics "from below" (Bordo, 1979, p.94). Into the domain of femininity, where the acceptance of numerous norms and customs plays a crucial role. Bordo's notion of the women's body as a "locus of practical cultural concern" is what is important. She emphasizes that this control should be located in the "practical lives of bodies". If one were to interpret Bordo's focus on the women's body as a significant aspect of cultural discourse, it may potentially shed light on the topic of punishment, particularly from a gendered perspective. Young (1990) on the other hand explores Foucault's concept of the body as both subject to the influence of power technologies and as a space where techniques of resistance may be developed.

The positioning of the body is situated at the boundary between the impacts of the "political technology" of the body as elucidated by Foucault. This entails the body being subjected to control mechanisms such as dressage, discipline, surveillance, and analysis, while also presenting the possibility for resistance against these oppressive circumstances. (Young,1990, p.15)

This study thus looks from a feminist perspective at Foucault's conceptualization of power operating upon the women to tap the potential of one's understanding of punishment in the specific setting in the jails of Assam.

1.2.2 Total Institution

Erving Goffman, initially introduced the concept of a "total institution" in a comprehensive article titled "On the characteristics of Total Institution" in his book *Asylums* (1961). According to Goffman, Total institution, "A location wherein significant individuals with similar conditions live and work together, isolated from the larger community for a

prolonged duration. Under these circumstances, their lives are meticulously regulated and monitored by authorized organizations" (Goffman, 1961, p.11).

The Crux of the TI is the separation of individuals from the external (home) realm. This separation signifies the comprehensive scope of the institution. Goffman, (1961) posits that impediments to social interaction and movement are frequently inherent in the external surroundings, such as fortified gates, towering barriers, razor wire, precipitous cliffs, dense woodlands, or secluded moors (ibid, p. 16).

Separation is an intrinsic characteristic of TI. On admittance, one undergoes a process of isolation from the outside world and undergoes a series of instances that influence one's self. Goffman uses the term "mortification" to describe the act of the establishment immediately showcasing their authority. To take into concern about 'Prison' which is a TI, and its features it begins with the admission procedure, which then continues throughout the full process. It operates as a comprehensive establishment, exercising control through a sophisticated network of monitoring. An exemplary illustration of such a monitoring system is the architectural blueprint put up by Bentham for penitentiaries. Panopticon jail, conceptualized by him, is an architectural design that allows a single guard to clandestinely monitor all prisoners without their awareness of being subjected to surveillance. According to Foucault, every individual is safely imprisoned inside a cell that has side walls that prevent them from coming into direct touch with others, but which nevertheless permit the supervisor to view them from the front. He is not able to observe, yet he is being observed. Though he never initiates conversation, he is passive when it comes to taking in information (Foucault, 1976, p. 200).

According to John Baltes (2016), the Panopticon's success stems from the continuous visibility of the prisoners and the complete invisibility of the authorities. As per him, people are gradually and unavoidably forced by the Panopticon design to learn how to control themselves and to internalize the supervisor's observation, which eventually makes them become prisoners (ibid,p. 34). Panopticon's potential resides in its capacity to construct a clear power hierarchy, allowing for the successful rehabilitation and transformation of prisoners into self-disciplined individuals. The convicts are actively engaged in this power dynamic. Contrary to prevailing misconceptions, Bentham did not have the intention of providing convicts with preferential treatment through the Panopticon. Concurrently, he safeguarded the interests of the offenders. He passionately advocated for a form of punishment that

focuses on rehabilitating the guilty rather than perpetuating their vices. Nevertheless, Foucault views each beneficial aspect of the panopticon as a harmful quality, as he makes a correlation between the panopticon and the direct origins of a modern system of discipline.

By employing certain strategies, it was possible to achieve meticulous control over biological functions, ensuring that they remained consistently regulated and submissive. Such practices were classified as "disciplines" (Foucault and Sheridan, 2012, p.137).

This study aims to analyze the fundamental principles of the panopticon and determine whether Bentham's idea can be applied to the situation of the women prisoners, or if Foucault's concept is more pertinent in this context. This study examines the operations of the prison as an all-inclusive establishment that exerts control over women, while also analyzing the strategies employed by women to deal with the influence imposed on them. The study delves deeper into the notion of TI and its impact on the lives of women once they are released. The study combines Coser's (1974) concept of Greedy Institutions within this specific framework to examine the life of the former women prisoners. Coser (1974) distinguishes Greedy Institutions and Goffman's total institution based on the following criteria:

Although "total" and "greedy" institutions overlap, these concepts refer to fundamentally different social processes. Goffman analyses the architectural elements that establish a boundary between individuals within institutions and the external environment. On the other hand, I argue that Greedy institutions predominantly utilize non-physical means to differentiate between insiders and outsiders and create symbolic divisions, but they may also occasionally resort to physical separation (ibid, p.6).

1.2.3 Everyday

Everyday encompasses the habitual actions, customs, attitudes, and conduct of individuals within a society, which also mirror the shared culture and values. Highmore (2005), describes "everyday life to be the cumulative effect of numerous small elements that are unable to be reduced to a single significant factor. It also encompasses the habitual actions, customs,

mindsets, and conduct of individuals within a society, which also mirrors the shared culture and values of that society." He describes "ordinary life as the cumulative effect of multiple small elements which cannot be reduced to a single significant one" (ibid, p. 6).

Balta & Sahin (2001), view daily life in any community to be comprised of numerous duties that are interconnected with social activities. These jobs involve fundamental actions essential for living, such as consuming food and water, acquiring shelter, producing items, assuring safety, and perpetuating the family heredity. Their notion of regular life can be summarised as the range of activities performed in all civilizations to support the human population. These activities encompass a diverse array of duties that are allocated among daily responsibilities, accumulated expertise, practices, and the allocation of work throughout society. They are designed to meet essential human needs, such as sustenance, hydration, housing, and security. They defined it "as the notion of 'everyday' pertains to the diverse activities undertaken in all societies to support the human population" (Balt and Sahini, 2001, p.185).

Goffman (2004), explains how humans portray themselves in their everyday lives through the use of concepts such as personal display, dramatic performance, and idealization. In their 1967 publication, Berger and Luckman explore the complexities of daily existence by utilizing the concepts of temporality and spatiality. 'Spatiality' refers to the locations where individuals interact with one another. Moreover, they contend that humans not only produce but also experience the effects of daily life. The connection between an individual and society is marked by an ongoing dialectical interaction that influences daily existence. Lefebvre (1971) argues that everyday life is marked by a multitude of repetitions. It encompasses repetitive actions, both in professional and personal environments, and also automatic physical motions. Time is quantified using temporal units encompassing both sequential and recurring actions.

Lefebvre's (1971) analysis of the mundane components of life extends Marx's investigation of estrangement, broadening its scope from the domain of unproductive recreation to include all facets of daily being. He argues that everyday life goes beyond mere repetition and monotony. He refers to the occurrence of manufacturing that takes place in everyday life. Production encompasses both the actual fabrication of tangible products and the generation of ethereal works that include the utilization of space and time. The act of creation, involving both practical and artistic tasks, takes place within the context of

everyday life. Throughout these manufacturing processes, individuals concurrently develop their own distinct identities and form social bonds. Demography encompasses the biological aspects of reproduction as well as the creation and maintenance of the necessary instruments, equipment, and strategies for establishing and sustaining social ties (Lefebvre, 1991, p. 42). The smooth melding of everyday life is a consequence of the integration of body, location, and time, which arises from social connections (ibid, p. 47). He emphasizes that a location should be seen as a social connection rather than just a physical thing. It is incorrect to think of space as an empty, inert entity. Space can both create and generate. The mechanics of production, the forces of productivity, and reproduction all depend heavily on space. It has a close relationship with ownership. Moreover, the concepts of establishment and trade are closely linked to space (Lefebvre, 1991). Utilizing imprisonment as a means of production, it establishes, a regulated setting within the confines of the jail. Adopting Lefebvre's framework, this study specifically examines the everyday aspects of life within the prison setting.

1.2.4 Resistance

According to Foucault (1978), resistance is inextricably connected to power and can never exist independently of it. Hartman (2003) explains what he means by resistance in the following manner:

In contrast to popular belief, power does not stem from aggressiveness or compulsion but rather from an imbalanced arrangement of interpersonal dynamics. There are a lot of points or connections in this setup, so resistance is always a possibility (Hartman, 2003, p.3).

While acknowledging the significance of Foucault's emphasis on resistance in his *History of Sexuality*, his opponents took issue with his portrayal of resistance as exclusively responsive. Hartman (2003) contends that Foucault's resistance may be seen as a reactionary reaction to power, instead of an aggressive pursuit of its fundamental principles. Foucault's trajectory towards opposition reached its peak with the release of his 1982 work, "The Subject and Power."

I suggest a different strategy to progress towards a revised power structure in the economy. This method should be based on empirical evidence, closely aligned with our present conditions, and cultivate a more robust correlation between theoretical principles and practical implementation. The strategy entails employing different strategies of resistance in reaction to various forms of power. Instead of analyzing power from the perspective of its worldwide justification, the notion entails analyzing power dynamics through the

investigation of conflicts arising from different approaches or strategies (Foucault, 1990, p. 780).

Foucault argues that resistance within power relations does not require external justification. Thus, his emphasis on resistance does not signify a shift from his "bleak" comprehension of power dynamics to a more transformative viewpoint. Butin (2001,p.3) elucidates Foucault's examination of the origin of practices of resistance as follows:

Foucault posited that the ability to oppose is an inherent attribute of the fluid nature of the interaction between individuals who are actively involved.

According to Foucault, resistance is thus not the intended goal of action. However, understanding action depends on the ability to resist or oppose it. De Certeau's (1984) theory of resistance offers a conceptual structure for comprehending the complex and contradictory relationship between power and resistance. His theory on ordinary life activities offers a complete framework for understanding resistance and exploring a form of resistance that is not immediately obvious or ordinary. He argues that the goal is to uncover the concealed and spontaneous expressions of ingenuity demonstrated by collectives or individuals who are already under the influence of systems of authority and governance. To effectively challenge the existing power structure, it is essential to prioritize precise aspects and employ a diverse range of techniques. He posits that everyday practices cover a wide range of behaviors that involve novelty, trickery, and dishonesty. These practices are distinguished by their varied and complex nature.

De Certeau explores the techniques of defiance and resistance against authority, encompassing both strategic and tactical approaches. They are distinguished from each other based on their "location". Put simply, the main difference lies in the specific area where the practice takes place, which is strongly connected to the idea of belongingness: the issue of "whose territory". He argues that this results in a distinction between the temporal and spatial aspects of the environment. The distinction is crucial when examining the setting of incarceration when the main focus lies on the issue of geographical limitations. To restore the precise meaning and importance of resistance, it is imperative to analyze the remarkable divergence between "challenging the system" and "taking control of it." De Certeau (1984) highlights the essential differences between

these two phenomena based on their varied conditions of existence and the resulting results they generate.

tactics is essential to fully understand this innovative method of grasping resistance. A firm, armed forces, metropolitan center, or professional organization are examples of subjects with the ability and willingness to intentionally manipulate power dynamics, while they are separated from others. They define the limits of their specific areas. Tactics are effective due to their complexity and intricacy, making them more inventive than strategies. A strategy utilizes and depends upon not having a solid foundation on which to build advantages, establish its position, and organize assaults "opportunities," (ibid, p.37). A tactic, in De Certeau's words, is

Clever tricks, knowing how to get away with things, "hunter's cunning, maneuvers, polymorphic simulations, joyful discoveries, poetic as well as warlike. Creating...a space in which (one) can find ways of using the constraining order of the place or of the language. Without leaving the place where (there is) no choice but to live and which lays down its law for (one), establishes within it a degree of plurality and creativity. By an art of being in between, draws unexpected results from one's situation" (ibid, p.30).

According to Ahnert (2013, p.30), "these approaches represent astute procedures utilized by individuals of lower authority inside a hierarchical structure, enabling them to outwit their adversaries on their conditions. These strategies employ flexible and dynamic motions, distinguished by a feeling of delight, artistic expression, and preparedness for combat"

The concept of "tactic" has been engaged to understand the created every day of the women prisoners.

1.2.5 Stigma

The notion of stigma originated in ancient Greece when individuals who were considered societal outcasts such as runaway slaves, criminals, and other deviants were physically marked by the practice of cutting or burning markings onto their bodies, symbolizing their disgraced position (Goffman 1963, Shohan and Raghav, 1982). The term "stigma" typically carries a negative meaning in modern usage, and its use closely aligns with its ancient Greek roots. Nevertheless, in contemporary society, the practice of physically marking individuals as a means of punishing criminal behavior or moral transgressions

has been abandoned. Consequently, the term "stigma" now primarily refers to the state of disgrace itself, rather than a symbolic bodily marking. It is employed in a diverse range of circumstances where individuals possess traits that bring about discredit. A stigma refers to a negative characteristic that is associated with the public perception of an individual or a group (Shohan and Raghav, 1928, p.7). Goffman's seminal work, "Notes on the Management of Spoiled Identity," (1963) offers a concise explanation of stigma as

visible signs designed to expose deviant and unfavorable aspects of an individual's moral character. The existence of these characteristics indicates that the individual in question is either a criminal, a person who is enslaved, or someone who has been considered "ritually impure". Consequently, it is recommended to avoid engaging with them in public environments (ibid, 1963,p.1).

Stigma, as described by Goffman, is not only an attribute but rather a "relationship between attribute and stereotype" in the context of symbolic interactionism (Goffman, 1963, p. 4). In other words, an individual possesses certain characteristics (such as being convicted of criminal activity) that others describe as undesirable or unfavorable based on preconceptions. This characteristic, together with others' unfavorable opinions about it, leads to the avoidance or discriminatory treatment of the stigmatized individual. The discriminatory conduct serves as tangible proof of the presence of stigma. Stigma is not an inherent quality of an individual trait, but rather emerges via interactions with other individuals who are considered "normal". Stigma can manifest not just via explicit discriminatory behaviors, but also through subtle influences that affect interactions and lead to tensions or avoidance. The stigma refers to the negative connotation associated with a "mark" that is deeply ingrained in society's collective awareness. This mark signifies the presence of traits that are considered undesirable by others, similar to how thieves and murderers were branded in the Middle Ages to identify them as criminals and social pariahs. It is important to highlight that the mark itself is not the stigma, as a single characteristic can be perceived differently in different social and cultural settings. The presence of stigma is determined by the context or connection in which the mark is displayed. This is most evident in the conduct of others, and persons might be considered stigmatized within certain unfavorable circumstances. In their study, Jones et al (1984) examine the concept of "concealability" of a mark and its possible negative impacts, such as guilt, humiliation, discomfort, fear of discovery, and severe social consequences that may arise from having a concealed

stigmatic feature. They further contend that the identifiable or possibly stigmatized individual is frequently conscious of possessing a trait that would be disdained by at least some individuals. The discerning individual may be unaware of whether the particular person they are in contact with will exhibit a negative response or not. According to Link and Phelan (2001, p.367), stigma is the coming together of different interrelated elements. The process commences with humans recognizing and classifying human differences. Consequently, the dominant cultural ideas link these identified differences with negative characteristics or pejorative stereotypes. Consequently, those who are categorized according to these stereotypes are categorized as 'others', separate from ourselves. As a result, individuals experience a decline in their social status and are subjected to prejudice, resulting in unfair treatment and disparities in outcomes. The study explores the manifestation of stigma in the lives of women both during and after their release from prison.

1.3 Review of Literature

1.3.1 Prison, Power, and Punishment

Clemmer's 'The Prison Community' (1940), is a noteworthy contribution to the corpus of prison literature. He asserts that prison possesses a distinctive culture that is exclusive to its environment. The jail culture mirrors the social organization of the outside population, but it also creates its unique world defined by its specialized vocabulary (mostly slang), recreational pursuits, and accepted patterns of behavior. This cultural phenomenon gives rise to the process of privatization. Prison can be seen as a process that turns a criminal into a more criminalized individual. Clemmer's work is a pioneering investigation that thoroughly analyses the fundamental aspects and processes of that specific culture, while also clarifying its influence on the convicts.

'The Society of Captives: A Study of a Maximum Security Prison' (1958) is a seminal piece by Sykes, which provides an account of the self-sufficient social structure that has developed within the prison's confines. Sykes elucidates the origins of the system's instability and establishes its hierarchy. The challenges the prison officials encounter in their efforts to maintain authority and control are described in Sykes's work, along with the "pains of imprisonment," the social roles of the prisoners, and the characteristics of prisoner rebellion. His analysis of power dynamics inside the prison system centers around the idea that while the majority of prisoners acknowledge the authority of the institution, they do not feel obligated to obey it. Due to the authority's numerical disadvantage and

dependency on prisoners in several aspects, they were compelled to conform to the prisoners' power and overlook certain rule infractions. Sykes argues that prison guards, instead of only relying on their authoritative position within the institution, consistently evaluate the advantages and disadvantages of strategies aimed at preserving orderliness in the facility, while also considering the potential consequences. These actions have the potential to worsen tensions, disturb the fragile equilibrium of the prisoner social system, or provoke rebellion. Consequently, guards make concessions in enforcing rules with convicts to guarantee their complete adherence. The techniques employed by the guards to elicit obedience eventually weaken the power they have over the prisoners. Using the phrase "Pains of Imprisonment," which he invented, Sykes equated the intricate psychological suffering associated with incarceration to types of physical suffering that were formerly frequently administered as a form of punishment. His main conclusion is that, compared to all other tangible expenses of jail, the inmate's loss of identity is more significant. He posits that prison is not a static or autonomous entity, but rather a system that adapts to and is impacted by the social environment in which it operates (Sykes, 1958, p.8). Thus he conducts a thorough investigation of the particular elements of prison life that jeopardize prisoners' sense of self as they negotiate and adapt to the inevitable, intrinsic, and relative constraints of being incarcerated. As a result, the jail becomes a social structure that governs behavior, limited to the boundaries of the correctional facility and shaped by a set of rules followed by prisoners. Both Clemmer and Sykes's work emphasized the social framework of the prison population while ignoring the evaluation of the larger prison system and the impact of other members of the system. Nevertheless, it offered a valuable understanding of the operations of an informal culture within the organization.

Foucault has had a significant impact on the field of prison literature with his ideas. He contends that the evolution of power structures has altered the character of punishment over time, having an impact on social dynamics inside society. The jail is an institution that gave rise to a somewhat novel form of punishment. According to Foucault's theory in 'Discipline and Punish: The Birth of the Prison', punishment has changed from being a means of inflicting bodily harm to a system that limits people's rights and functions as an economic device (Foucault, 1975, p. 11). One essential and unique aspect of the new power mechanism described in Discipline and Punish that impacts life rather than the body is the transition from the physical

to the mental sphere. Equally, if not more, important is the consequence of a new form of individuality: the emergence of obedient physical things (ibid, p.12).

Garland's (1990) work highlights the reasoning behind punishment and argues that conventional methods of punishment have grown outdated since society views them as archaic and criminal. Inside the boundaries of a prison, the existence of primitive emotions and distress becomes evident. The prison, as an establishment, represents modernity and civilization by its capacity to hide and obscure. These texts helped to understand the punishment system, the authority-prisoner power equation, and the pains associated with imprisonment but all these texts centered around male prisoners as a category. This study examines power and punishment nexus in the women's ward encompassing the everyday intricacies in the life of the women prisoners within the jail. But to understand the punishment system better, it's necessary to review literature in the Indian context as prisons in India and the West differ significantly from one another, even though India's current jail system has its roots in colonial times.

Datir (1978) provided a methodical explanation of the chronological progression of the system of jails in Maharashtra, with a primary emphasis on its significance within the larger framework of India. The author's work explores the rules and regulations of the prison system, along with efforts aimed at improving and reintegrating prisoners. Singh (1998) offers an analysis of the recurring and irregular use of punishment by the State against its adversaries in both imperial and post-imperial India. He establishes a connection between the jail and the authoritative system of discipline and strategies of power, highlighting the utilization of prison rules to establish the supremacy and absolute dominance of imperial rule. In his argument, he highlights the crucial importance of the fact that the repressive measures taken by independent India did not consider constitutionality and constitutional government, which were essential factors in condemning the institutions of colonialism. To substantiate it, he highlighted how State coercion was employed in Telangana during the Nehruvian era, which persisted until the Naxalite movement emerged and there was a rise in dominant institutional structures that implemented power strategies and regulated the population through strict punitive actions. Shankardass (2000) challenges the government's use of punitive punishments, which happen within the confines of the system of law. According to her jail functions as a suitable center for assessing punishment, as it houses individuals who are the victims of

punitive measures. She also states that policymakers have employed the widely accepted liberal-legalistic viewpoint to underscore that incarceration is the most efficacious form of punishment among several alternatives at the disposal of those in authority for addressing prisoners (ibid, 20). Along with understanding the nexus between the State and the punishment system, it is ardently important to conduct research in a field such as the 'Prison', in this respect the ethnographic research conducted in the central jail in Kolkata by Bandyopadhyay (2010) is a noteworthy and important contribution. This work is pioneering in that it portrays the methodological challenges and mentions the concept of 'Quasi Ethnography' regarding the conduct of ethnographical research in prison. She also portrays how prisoners make meaning within their confined lives and compares life in prison to that of a 'para' moving to and for from the prisoners in prison as well as pre-prison lives. She also highlights reform and everyday practices operating upon the prisoners.

1.3.2 Contextualizing Women's Imprisonment

Over time, a significant amount of scholarly work on women appears to have continuously marginalized their participation in the field of criminal justice. Women offenders have experienced various forms of adverse treatment, such as being ignored, condemned, excluded, handled as medical issues, and diagnosed as pathological (Allen 1987; Eaton, 1986). Feeley and Little (1991) provide data suggesting that in the early eighteenth century, a significant proportion of documented criminals with ties to the criminal court system were women. However, with time a discernible decline of women as perpetrators in the system of criminal justice gave rise to the notion of 'vanished women'. The term 'vanished women' describes the deliberate removal of women criminals from records of the past, which also serves to reinforce the stereotype that men commit crimes by nature (ibid, 723). On a similar note, Bandyopadhyay and Mehta (2022) examine the Phoolan Devi case as an illustrative instance of a more extensive concern within the fields of criminology and prison studies in India. They emphasize the concurrent exclusion and recognition of the 'women offender' and 'women prisoner'. One could argue that 'the fading feminine' can be accurately described as the emergence of gender norms and their pervasive impact on society. To completely understand the historical and future significance of gender in connection to the criminal justice system, it is essential to take a more comprehensive perspective (Feeley and Little, 1991,p. 721). The topic of gender becomes significant in

criminology only when considering the gender stereotypes associated with women offenders, which are often rooted in conventional notions of masculinity and femininity. This point of view garnered popularity in the 1960s during the second wave of feminism, which was accompanied by a significant shift in Western society's culture (Heidensohn, 2012, p.123). During the last ten years, there has been a rise in critical feminist viewpoints regarding punishment, particularly focusing imprisonment of women. In her 1983 book "Women's Imprisonment," Pat Carlen examines the nuanced systems of women's social control in addition to the shifting and diverse interpretations of imprisonment. The purpose of the study was to analyze the experience of incarceration, with a focus on the connections among the life stories of women inmates, the narratives that shape their perspectives, and the political forces that maintain their classification as women subjects in the field of penology even though this individuality is frequently denied (Carlen 1983, p.3). She analyses pivotal elements that compel specific women to enter the prison. She also notices that women's incarceration in Scotland is distinguished by a distinct form of punishment that involves elements of family life and social isolation, rather than the standard restrictive measures imposed on male convicts. Consequently, this leads to a remarkably efficient disciplinary system that strips women of their uniqueness and complete rights as adults (Carlen, 1983,p.16). Carlen's methodology is exceptionally important for understanding the specific way that criminal and non-criminal power systems intertwine in the lives of women prisoners. According to her, these women must contend with the dual difficulties of belonging to and being alienated from maturity, femininity, and social circles. She ultimately achieves her main goal, which is to illustrate

“Women's incarceration in Scotland is frequently viewed as a kind of denial. The denial that the women's prison is an actual jail and that the convicts are real women are two examples of this perspective” (Carlen 1983, p. 211)

In response to Carlen's findings, many authors have challenged the limited representation of women convicts by creating literature that specifically addresses this issue. Devlin's (1998) book "Invisible Women" has had a significant impact on the ongoing effort to shift the focus from ignoring the reality of women in prison to acknowledging and addressing their problems. The unfair treatment of women in the context of incarceration has received a lot of attention lately, particularly in comparison to males. Kemshall (2004) argues that there are separate trajectories leading women and men to incarceration. Women

frequently encounter violent relationships, poverty, gender inequality, and other structural obstacles, all of which lead to their imprisonment. As stated by Kemshall (ibid,p. 43), the circumstances surrounding male and women's criminal behavior usually reflect their specific roles in society and their involvement in power dynamics influenced by gender. Medicott (2007) asserts that women face more severe punishment than men, even before being imprisoned, despite their engagement in less serious criminal behavior. Carlen (1983,p. 18) argues that the assessment of women offenders is not determined by the seriousness of their crimes, but rather by their adherence to gender roles and cultural expectations, such as motherhood and marriage. While the aforementioned writing drew attention to women prisoners as a significant subject in prison literature, it depicted women as submissive, uninformed, and lacking strength. Smith (2006), examines how prisons attempt to exert control and subjugate women, promotes traditional notions of femininity and reduces women to a position of being regarded as infants. Phenomenological observations of prison life suggest that rebellion and conflict endure, as inmates confront daily challenges to their power and legitimacy (Bosworth, 1999; Bosworth and Carrabine, 2001; Carrabine, 2005). Bosworth (1999) argues that women do not passively conform to the feminine behavior promoted by the institution. Instead, they actively endeavor to challenge the constraints put upon them regularly. Women convicts have been commonly depicted in literature as either subjugated individuals or proactive individuals capable of exerting influence over their environment. Autobiographical writings by women in India predominantly center around their experiences as political prisoners, offering valuable perspectives into their lives while incarcerated. According to Shastri (2012) stated

“Due to my classification as an 'A' class prisoner, measures have been taken to ensure my isolation from other individuals. A bed made of iron was sent to me from the jail hospital. Additionally, I received a portion of freshly harvested fruit and a 250 millilitre quantity of milk, intended for consumption as breakfast. Shastri discussed the categorization of inmates into 'A', 'B', and 'C' classes. The A and B classes will receive a distinct set of amenities that will not be offered to the other groups. Regulations were enacted to safeguard them with specific privileges and exceptional care that the class C offenders were denied” (ibid, 2012,43)

Discrimination was predicated on the hierarchical social divisions of caste and class. These laws were implemented by the British to divide and conquer, reflecting their nasty yet

efficient tactics. India possesses abundant documentation of women who were incarcerated for political motives before achieving freedom. The phenomenon of invisibilization arose after independence, as there was a notable dearth of prison literature focused on women at this time, which coincided with the rise in women's incarceration for their criminal acts. In this case, it is worth noting the part titled 'Confronting Institutional Spaces' from the edited book by Bandyopadhyay and Mehta (2022) presents the direct testimonies of women prisoners, exploring the personal aspects of their daily lives and the importance they allocate to their own experiences. This collection is a profoundly important literature compilation regarding women prisoners. Indian academia has consistently disregarded the viewpoints of incarcerated women and the gendered dimensions of societal regulation. Nevertheless, this circumstance has undergone alterations in recent times. This book focuses on a long time topic in the field of Indian feminist criminology. Prior academic investigations conducted in India (Ahuja, 1969; Milli and Cherian, 2015; Pattanaik and Mishra, 2001) focused on women and their crimes. An empirical examination of women convicts at four Jails of Assam is presented in Raimedhi's (2017) book. Nevertheless, rather than exploring these women's experiences as prisoners, the study's primary focus is on recording the crimes for which they are in the prison. In bits and parts though the author depicts the lives of the women in the women's wards.

1.3.3 Contextualizing women's post imprisonment.

Tong's (2022) study investigates the process of reintegrating and rehabilitating women undertrial offenders in India following their release from jail. This study primarily examines the function of the criminal justice system in helping to reintegrate women. In addition, it provides a concise examination of the dynamics of their familial ties. To mention the Western context, the primary study in this regard was conducted by Irwin (1970). To quote, "There is scant evidence, both from the literature and interviews with individuals involved in parolee management, that suggests any knowledge of the wider dimensions of the reintegration issue. The prevailing lack of awareness appears to be connected to the societal repercussions, both legal and informal, that former prisoners face" (Irwin, 1970, 109).

In light of Irwin's study, most academics (Langan & Levin, 2002; Tracy & Kempf-Leonard, 1996) focused their research on the occurrence of recidivism. The primary objective of recidivism research is to identify the traits that might effectively forecast the

probability of future criminal behavior (Visher and Travis, 2002,93). The study conducted by Visher and Travis in 2002 represents a significant deviation from previous studies about the experiences of inmates after their release from jail. The longitudinal framework establishes connections between the different facets of an individual's circumstances before, during, and after incarceration. However, none of these studies specifically examined the post-imprisonment experiences of women. The trajectory of their lives after imprisonment differs significantly from that of males. While male re-offending is a major concern, the most challenging issue for women is the process of reintegrating into their families and society. This study focuses on addressing this particular issue. Till date there is no work focussing solely on women's post imprisonment in Assam.

Building on the above literature, and moving further ahead, I want to do a comprehensive study and inquiry into the operations of the punishment system for women in Assam's prisons. Additionally, I seek to gain insights into how women navigate the process of punishment. Furthermore, the research examines the women's experience after being released, from prison, particularly to their family, society, and the criminal justice system.

1.4 Objectives of the Study

The study has been conducted with the following objectives:

- To examine how control and discipline operate upon the women in the prisons
- To understand the ways and means of how the women prisoners create an everyday for themselves
- To explore the nature and process of re-entry of the women in the post-imprisonment period

1.4.1 Research Questions

The aforementioned objectives are derived from the subsequent research questions.

1. How do the women experience the admission process and formal induction as a prisoner?
2. How prison time and space work for the women?
3. Are the daily experiences in jail identical for male and women prisoners?

4. Are the women prisoners subjected to additional measures of control and discipline according to their gender?
5. Do the women serve as passive recipients of the prison power?
6. How do the women strategically navigate jail time and space to their own advantage?
7. What is the power dynamics between the prison officials and the imprisoned women?
8. How the prison habit and routine affect their adjustment after release?
9. How do the spaces of home and society challenge their existence for being a former prisoner?
10. Do they adopt any ways to overcome the stigma and shame for being a former women prisoner?
11. Is the State involved in the re-entry process of the women?

1.5 Methodology and Methods

The study employs a qualitative approach and adheres to a feminist methodological framework. Qualitative research aims to get an accurate depiction of how individuals who directly encounter an issue or event, perceive and interpret it. Its goal is to connect researchers and respondents on an equitable basis. Using conventional research techniques was something that the feminist researchers strongly opposed. The participants and the researcher, they said, were put in an inferior position as a result. Everyone involved—from the researcher to the researched—seems to be an expert in their field. In many cases, the researcher's worldview is the one that the study subject is forced to conform to. Research that treats the subject as an object also produces a misleading sort of knowledge due to the practical difficulties of the process. People who are being studied often refrain from disclosing their actual experiences. Feminist research practices seek to dismantle the traditional power dynamic between researchers and those they study. Both Harding (1991) and Smith (1987) stress the importance of putting the researcher in the same position as the people being studied. When doing feminist research on a category such as women prisoners, it is crucial to consider the role of researchers who aim to amplify the voices of their participants about power dynamics and authority, as they are already within a power structure, so the research process should not pull them into power structured relation. Gorelick (1991) argues that only examining women's experiences does not facilitate the

identification of societal factors. Sharing firsthand experiences illuminates the framework of oppression, and collectively examining these experiences becomes crucial. This can only be achieved by adhering to a non-hierarchical approach, which aids in transcending the dichotomy between the two. I deliberately attempted to reduce and explicitly identify the power dynamics between myself and the subjects during the entire research procedure. Feminist research emphasizes investigating the real-life experiences of women and the significance of their daily lives (Bloom, 1998; Collins, 1990; Weiler, 1998). In my work, I have made a sincere effort to portray these experiences, both inside and outside of prison, in the lives of women who are currently and were previously imprisoned.

Gathering narratives proves to be very beneficial for prison researchers, as it grants them and their subjects a distinct and unparalleled sensation of freedom. This methodology enables the acquisition of information and the depiction of existence (Bandyopadhyay, 2022, p. 88). It functions as a valuable instrument for understanding the situation and viewpoint of women (Bloom, 1998; Lawless, 2001; Mwangi, 2002). This study offers comprehensive accounts of women's experiences to explore the effectiveness of narratives in comprehending the nature of jails as institutions, as well as the encounters within the jails of Assam.

As research methods, in-depth- interviews and observation were utilized to gather narratives. Since the research is qualitative and doing in-depth interviews is a tried-and-true method of gathering qualitative data, conducting the same was a logical decision in many respects (Fielding and Thomas,2001; Kitchin and Tate,2000; Mason, 1996). In feminist research, the in-depth interview has gained some traction as the preferred technique for examining women's experiences. Many feminists argue that there are advantages to having women interview other women. These arguments imply that the research relationships and knowledge that come from these types of interviews are most likely to be non-hierarchical, non-exploitative, and rewarding (Berger et.al; 1991; Devault, 1990; Opie, 1992).

In-depth interviews were conducted with 53 women prisoners in two central jails of Assam. Brief interviews of seven women warders, a few male guards, two Superintendents, one jailor and three assistant jailers in each jail were also conducted. However, the interviews were focused on answering specific questions that arose during the duration of fieldwork rather than being in-depth. In Chapter II, specificities about the

fieldwork timeline are covered in detail. Outside the jail, I interviewed 19 former women prisoners and their details were collected from the two central jails. Even though the prison authorities gave a list of 27 women, I was only able to interview 19 of them because three of them refused to participate in the interview process, and four of the women's phone numbers were invalid. Three of them had moved to some other places and their neighbors were unaware of their locations, and one had died a year before the start of the fieldwork. The women were first reached by phone, and in this case, the jail administration assisted me because they handled the initial phone contact with each woman. The Superintendents at both jails were gracious enough to assist me in this, as they told the women warders in charge of both jails to make the calls on my behalf. Of the 19 women, some were interviewed in public settings such as parks and restaurants, and some in their homes. Women's choices and opinions were taken into consideration when selecting these locations. Informal discussions were also conducted in addition to in-depth interviews whenever feasible. Secondary information was collected from Jail Reports, Prison Manuals, Journals, and Books.

1.6 Ethics

“Ethics are principles for guiding moral behavior for distinguishing between what's the right thing to do in a situation or wrong thing during a situation” (Israel & Hay, 2006,p. 15). In this study, interviews were conducted with the women who only volunteered to participate. I tried my best to explain to the women the purpose of my work. Confidentiality is highly maintained throughout the study in that the use of names can't link information to the respondents. All the names of the participants including the names of the prisons are pseudonyms. I took utmost care during the entire research process not to cause psychological and emotional harm to the participants.

1.7 Structure of the thesis

Chapter one, introduces the research problem. The Chapter thereafter examines the conceptual and theoretical framework in which the study is situated. Subsequently, the pertinent literature pertaining to the research problem is presented, which is then succeeded by the study objectives, research questions, methodology, method and research ethics.

Chapter two presents the prison as the designated location for research. The chapter delineates briefly the course of the Prison in India and Assam, elucidating the Prison reforms, the prison structure, and prison management. The chapter thereafter explores the domain of investigation, specifically focusing on the two prisons in which the study is carried out. The chapter explores the practical experiences in the field, the concept of reflexivity, the researcher's subjective perspective, and the difficulties encountered when conducting research in a setting like a prison.

Chapter three addresses the initial objective. This chapter examines the mechanisms by which power is exerted over women within the context of prison as a total Institution. It emphasizes how the implementation of prison procedures specifically designed for women enables the exercise of discipline and control over them. The chapter also examines the complexities of how space and time function within the framework of punishment for women.

Chapter four addresses the second objective. The chapter is all about the things that women do daily or frequently irrespective of the routine assigned by the prison. The chapters focus on the women's techniques and tactics for resisting jail power, as well as their negotiation of prison time and space to build an everyday for themselves.

Chapter five addresses the third objective. The chapter focuses on the re-entry process of the women. This chapter builds upon the preceding chapters' exploration of power dynamics inside the lives of women prisoners in total institution and expands the analysis to include it in the process of re-entry. Undoubtedly, upon their release, women are no longer subjected to the authority of the prison as a comprehensive institution. However, it remains uncertain if this implies absolute freedom for them. Does power, in any manifestation, still exert influence over them? If so, what is its mode of operation, and do women employ any strategies to counteract it, similar to their resistance methods in the prison? The following queries are primarily addressed in this chapter.

Chapter six summarizes the key findings of the study.

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