

Intersectionality and Resistance: A Sociological Study of Women Inmates in the Central Prisons of Assam

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According to the existing pieces of literature, the women inmates, because of their gender, are very vulnerable inside the Indian prisons. Women inmates are being portrayed as victims because their needs are not paid attention to compared to men inmates inside the prison. This research paper aims to understand the experience of women convicts of backward communities inside prison through “intersectional feminism” in their voices. This paper argues that women convicts of backward communities are subjected to discriminatory and authoritative treatment inside the prisons of an Indian state, Assam, despite India’s legal safeguards. Such treatment is based not just on gender but also on ethnicity, caste, class, religion, and nationality. The paper also argues that women convicts resist and express agency despite being inside a total institution wherein different power structures of gender, caste, ethnicity, religion, and nationality subjugate them by stigmatizing and discriminating against them. The research is conducted using the primary method of data collection. During the fieldwork, forty-one women convicts and five prison staff members inside the Central prisons of Assam were interviewed.

Keywords: Women, Incarceration, Intersectionality, Resistance, Agency

Introduction

According to the latest Prison Statistics India, 2019, the total number of current female inmates in Assam stands at 458 (National Crime Records Bureau 2019). Out of these, 92 women are convicted for various crimes and serving sentences in the Central and District jails of Assam (NCRB 2019). Though convicted women are few, their predicament inside Indian prisons cannot be disregarded. In an online news journal, “Feminism India,” a female named Angela, convicted in Mumbai’s Byculla Prison, narrates how female convicts are forced into covering their heads with “pallu” before they are to appear in front of the prison’s authoritarian figure. Other females in “salwar kameez” are asked to wear “sarees” (Khan, 2017). Such an experience of women convicts emerges from the deeply embedded stereotypes about women convicts in

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the society which gets reflected inside the Indian prison. It reflects the attempt at instilling feminine traits in women convicts inside the jail and depicts the gendered experience of women inmates even in India. Even in the western nations' context, the reformation treatment of women inmates inside the prisons is described as a "very specific form of social control especially tailored for the disciplining of women" (Carlen 1983: 59). Conceptually, prisons are representative of "total institutions" (Goffman 1961). A "total institution" can be understood "as a place of residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life" (Goffman 1961: xiii). Most studies do not focus on the agency of women inmates inside a "total institution" as they are understood as subjugated populations disciplined in feminine ways. These studies do not assign agency to women inmates inside the prison. Howe pointed out that through the postmodern feminist perspective, the suppressed diverse voices of women who commit a crime and their experiences of incarceration could be captured to reflect upon their agency inside prison (Howe 2005). Bosworth's work through postmodern feminism goes beyond the binaries of victim/offender, masculine/ feminine, etc. (Bosworth 1999). The gendered ways of perceiving women prisoners are being challenged in her study. Her feminist theorization illuminates identity assertion by women inmates through aversion to rules inside the prison premises as they negotiate with the authoritarian figures. She demonstrates that women inmates have utilized femininity itself as a tool to negotiate power relations and express agency by asserting their identities. Though backward race, class, and religion are other reference points through which women inmates resist and construct their identities when subjected to discriminatory treatment based on their social backgrounds, they adhere to class identity more than other social identities while resisting discriminatory and authoritative treatment inside the prison (Bosworth 1999: 4).

However, very little is known about women inmates' experience and their negotiations of power relations inside the prisons of India. This necessitates a sociological study of women's imprisonment experiences inside Indian prisons.

Women and incarceration in the Indian context

In the Indian context, Suvarna Cherukuri reflects upon the living conditions of women inmates and their subjection to gendered disciplinary techniques inside Chanchalguda jail, Andhra Pradesh (Cherukuri,2008). According to her, Indian patriarchal culture and family structures are responsible for the high number of dowry-related criminal acts committed by mothers in law (2008,128). In her study, women inmates appear as helpless individuals, and the intersection of their poor economic identity and low caste identity are the contributing factors to their offenses. While incarcerated, domestic skill is instilled in female inmates through religious teachings inside Chanchalguda jail. However, she does not shed light on the experience of women inmates from marginalized communities. Her work instead victimizes women inmates by emphasizing the gendered experience and does not bring any relation between "agency" and "identity" construction by the women inmates. This paper attempts to

bring this to the fore.

Women and incarceration in Assam

In Assam, a psychological study on women prisoners makes an objective conclusion that the lower, the intermediate caste categories (SC/OBC) and tea garden tribes in Assam constitute a significant number of female convicts (31 percent), followed by the Sunni caste (14 percent) (Swargiary, 2000). The crimes committed by females belonging to higher castes such as the Brahmins (7 percent), Sheikh (1 percent), Kalita (5.6 percent), Ahom (3 percent), Vaishyas (2 percent) are found to be lower than the lower castes (257). However, being a psychological study, it does not reflect upon the incarceration experience of underprivileged women inmates inside the prison. Another study demonstrates that some women inmates experience discriminatory practices such as “name-calling”, reflective of an immoral act in bringing down their morale (Northeast Network, 2010, p.17). Female prisoners of different ethnic and linguistic groups face difficulty communicating and asking for help to fulfill their needs inside prison (2010,17). Moreover, the word “she” is nowhere in use in the Assam Jail manual, implying a total disregard for women inmates (Raimedhi, 2017,p.29). The term “he” has been used for both categories that reflect the underlying perception that being a criminal is subsumed only within the male category. These findings reflect not only gender insensitivity but also a prevalence of other power structures of caste and ethnicity inside the central prisons of Assam.

The Rationale of the Study

Suvarna Cherukuri says in the context of the “conservative character” of the Indian judiciary and reform system that “colonial legacy persists even today” (Cherukuri, 2008, p.126). This legacy relates to seeing women convicts as violators of moral codes. The above literature review also highlighted how women convicts are perceived in gender-biased ways and are portrayed as victims of the patriarchal system. Thus, the study’s rationale emanates from such a portrayal of women convicts as violators of moral codes and victims with no agency. Moreover, a pilot study conducted in the central jail of Assam also confirmed such a portrayal and treatment of women convicts. While visiting the Guwahati Central jail, Assam, the researcher conversed with the female guards and personnel outside the jail premises for a pilot study. To the researcher’s surprise, when the approximate number of women convicts inside the jail was being asked, the female jail staff addressed them as pagoli (mentally unstable in the Assamese language). Women convicts were addressed as if they were completely robbed of their agency and possessed no rationality. Moreover, women convicts from lower castes and minority religions were also addressed with much disrespect. The female warder said, “our Hindu caste women do not commit much crime, but women from minority communities are convicted more of killing their husbands”. Women convicts are stigmatized based on their gender and community backgrounds inside the prison. Stigma ranges from being a female criminal to being a female criminal from marginalized communities in India. Such stigmatized and discriminatory treatment set the backdrop for studying the first research objective in the paper. When asked

further about the women convicts, the female warder also stated that some of the women convicts are rebellious and resist the regulation inside prison. Thus, the paper also looks at how women convicts resist such regulatory and discriminatory treatment. In the instances of resistance, their subjectivities as an expression of an active agent inside prison will be further explored. The following section discusses the theoretical and conceptual framework based on this research gap.

Theoretical and conceptual framework

Other than gendered power structures, power structures of caste, class, and ethnicity also operate inside prisons. This makes the employment of intersectional feminism theory pertinent in understanding the diverse experiences of women inmates inside the central prisons of the Indian state of Assam. According to Crenshaw, intersectional feminism "...attempts to unveil the processes of subordination and the various ways those processes are experienced by people who are subordinated and privileged by them. It is, then, a project that presumes categories have meaning and consequences. Moreover, this project's most pressing, in many if not most cases, is not the existence of the categories, but rather the particular values attached to them and the way those values foster and create social hierarchies" (Crenshaw 1991: 1297). In this study, through intersectional feminism, the researcher analyzes how different ways of perceiving and behaving with women convicts of different social backgrounds result in "social hierarchies" or inequalities inside the Central jails of Assam.

As per Bilge's intersectional feminist theory, women face hardships because of their multiple marginalized ethnic, racial, religious, economic, and national identities (Bilge 2013). The multiple marginalized situatednesses of women parallel the multiple power structures at play. The dominated subjugate the women from marginalized identities at many levels. The most appropriate form of subjugation in this study is through the differential treatment of marginalized women. As Flora Anthias rightly says, "Difference may be constructed as an ideological weapon and be part of a strategy of domination or contestation. The dominant group often claims by neutralizing its difference, hailing the 'others'" (Anthias 2002: 8). Stigmatizing the subjugated women is also an offshoot of such discriminatory practices against marginalized backgrounds. To Goffman, "stigma" refers to "an attribute that links a person to an undesirable stereotype leading individuals to reduce the bearer from a whole and usual person to a tainted discounted one" (Goffman 2009: 11). There is a stigma model called "tribal stigma" (Goffman 2009: 4). This relates to ethnicity, nationality, religion, etc. (2009: 4). To Goffman, an individual is stigmatized by justifying those who stigmatize based on their differences (2009: 5). This stigmatizing concept is pertinent in analyzing female convicts from multiple marginalized backgrounds.

However, intersectional feminist theory, when looking through the concentration of power at the hands of the dominated that discriminates against marginalized women, fails to focus on the "resistive" tendency as "agency" expression among them. In the present research context, the importance of recognizing such tendencies among marginalized women is also demonstrated. P.H. Collins rightly recognizes such resistance and takes cues from the battles fought by underprivileged African women. She proposes to locate the propensity for the agency in these struggles of African

women to self-define themselves (Collins 2000: 284-285). To her, such an attempt at defining oneself and resisting the dictates of the dominant group reflects the “power of the free mind” (2000: 284). Collins refers to this as “the site of resistance” (2000: 284). About the act of “resistance” among these women, she also pointed out that marginalized communities’ “cultural contexts” determine their “thinking and acting” (2000: 286). This can be construed as their resort to culture resisting dominant tendencies. According to Foucault, resistive tendencies and power politics mutually exist (Foucault 1978: 96). Such domination and power politics can be extended to structures of domination and resistance in the contexts of race, and gender (Scott 1986). “Resistance” as a concept is relevant in the present research context as an act of rebellion at an individual level (Scott, 1986: 290). To Certeau, resistive acts are “creative” with an intention, and such intention can be contradictory and not necessarily consistent (1986, p. 290). In addition to being “creative”, such acts are engaged in pointing out right or wrong and how the dominated individuals interpret their conditions (Certeau 1984: 25). Thus, they can be referred to as “self-help acts” because one attempts to change one’s deplorable conditions and not the whole society (1984: 25). In addition to this, these acts can be considered “everyday resistance”, which are “informal, often covert, and concerned largely with immediate, de facto gains” (Scott 1986: 33). Moreover, they are being carried out through “tactics”, and “calculation” (1986: 33). They help cleverly utilize time and use any “opportune moments” (1986: 39). The cleverly utilizing time tactics can be understood as the tendency of individuals to challenge an authoritarian figure or institution by ignoring, reappropriating, or subverting it and not necessarily confronting it directly (Certeau 1984 as cited in Heredia 2017).

To conclude, for both Certeau and Scott, “everyday resistance” is associated with self, and hence it is pertinent for the present study. However, since Scott and Certeau’s resistance theory does not focus on the contextuality of the agencies involved, Benhabib’s theory needs to be incorporated to understand the context of positions in the social structure of the one who resists. As Marta Heredia rightly says, “Resistance needs to be contextualized. This goes for who the subjects of resistance are and the context they are embedded in. The everyday framework of resistance... requires... an examination of the positionality of the subject and how that affects agency” (Heredia 2017: 62). Since the study uses a narrative to elicit data, Benhabib’s conceptualization of ‘self’s’ emergence in narration as “both the teller of tales and that about whom tales are told” is pertinent (Benhabib 1992: 198). In addition to this, self-expression or agency is pertinent in the context of the present research paper since, according to her, selfhood is narrated and constructed through one’s socio-cultural contextual background in which one is located (Benhabib, 1997).

Method

Field site

Three central jails of Assam are selected for conducting the fieldwork based on the high number of women convicts. The Guwahati Central Jail, Assam, was instituted in the year 1885. At the time of the visit to the jail, there were around 37 women inmates

out of which around 18 were convicts and the rest were undertrials. The work is recorded in a register with different columns for undertrials and convicts. Dibrugarh Central Jail is in the main area of Dibrugarh town, east of Assam. It is ancient and was set up with the initiatives of the Britishers in around 1856. It was in 2003 that it got converted into a Central Prison. At the time of the researcher's visit, the prison had around 20 female prisoners, out of which around 12 were convicts, and the rest were undertrials. Tezpur Central jail was instituted in the year 1846. At the time of the researcher's visit, the prison had around 40 female prisoners, out of which around 10 were convicts, and the rest were undertrials.

Sample, its size, and sampling technique

For the women convicts in each jail, total population purposive sampling was used since all the women prisoners who were convicted of the crimes had to be included as a sample and constituted a small number too. Around forty-one women convicts were interviewed in total for the research. However, data of only those women convicts have been included, which were relevant as per the research objectives. Around five prison staff (female warders and jailers) were also interviewed alongside the women convicts to reflect upon how the prison staff perceived and treated the women convicts inside the prisons. Convenience sampling was used in selecting the prison staff respondents for the interview.

Techniques of data collection

An in-depth semi-structured interview is employed to generate data from female convicts. In this, "an interview guide" is required to conduct the interview (Bernard 1988: 191). This is useful to elicit information without exercising "control" over the interviewees. Since the study's objective is to unravel how women prisoners express agency in the narratives of women prisoners, narratives are analyzed. Cussins rightly says that narrations of individuals' stories reveal their attempts at "local achievement of identity" (quoted in Reissman 2008: 13).

Field experiences

The reason behind choosing jail as a fieldsite is to understand the experience of female convicts through their perspective as different from the institutional ways of identifying them as convicts. It is a very different field compared to other fields. As Waldram rightly says, "Prison ethnography presents rather unique challenges" (Waldram, 2009, p.5). The researcher's fieldwork started when COVID19 had hit the whole world. Getting permission from the IG of Assam prisons was a colossal hindrance in conducting the research. The researcher had written an application to the Inspector General of Assam prisons in November 2019. It was only around the first week of Feb 2021 that the researcher got permission to conduct fieldwork inside the central jails of Assam for around five months. Another roadblock was the limited access given to the prisons of Assam since COVID was still there. The researcher was not given access to the cells of female prisoners. She was asked to interview the female inmates at the administrative building, wherein respondents were being called one by one. The interviews started informally, and most respondents were reluctant to be a part of the

interview. The researcher started the interview by asking, “how do you spend your time here?”. This question set the tone of the interview. Some respondents needed to be interviewed in two rounds as rapport building was impossible in the first round.

Gender and resistance

How do you spend time inside the prison? What is the experience inside prison being a woman convict? How do the prison staff treat you as a woman convict? After asking the above questions, the researcher became aware of instances wherein gender defined the women convicts' experiences differently from male prisoners.

Discussion and Analysis

On being asked about how the women convicts spend time inside the female ward of the jail, a female convict Manakhi (name changed) in Guwahati central jail said, “The small confined space for female inmates is the biggest problem in jail. We have nothing much to do within such a space. It is like living in a cage. The male inmates have the entire jail to themselves, and hence this is all the more frustrating for all the women prisoners than the male prisoners”.¹ She also added, “It is very frustrating to see the male inmates roaming around as per their convenience without restrictions like us”. The researcher sensed resistive behavior in her narrative against the jail staff's restriction on women prisoners. She narrates how she makes requests for phone calls so she can come out of her female ward on Sundays since it is refreshing to come out once in a while. Such an act reflects her ways of bending the rule of jail to her convenience and is indicative of the “maneuverable” “tactic” adopted by Manakhi. Hence, it can be construed through Certeau's concept of “calculation” since she tried to use the “opportune moments” in achieving her goal. Such an act can also be interpreted as an expression of agency.

The fieldwork result also showed that a female political prisoner gets treated differently by prison staff because of her body. She represented a typical male body and was judged for walking in a manner that conflicted with heterosexual or patriarchal society's definition of how a woman should conduct herself. Such behavior of the prison staff reflects what Bordo has to say, “The body is not only a text of culture. It is also, as anthropologist Pierre Bourdieu and philosopher Michel Foucault have argued, a practical, direct locus of social control. Banally, through table manners and toilet habits, through seemingly trivial routines, rules, and practices, culture is ‘made body’” (Bordo 2020: 94). The female political prisoner said her gestures were being questioned since she did not appear female-like. It reflects the intention of patriarchy, as Bartky rightly remarks on patriarchy's objective being, “Femininity is an artifice, an achievement, a mode of enacting and reenacting received gender norms which surface like so many styles of the flesh” (Bartky, 1988, p.95). The jail discourse controlled women inmates through informal discourse on how a woman should behave. Her not-so “feminine body” was being ridiculed and stigmatized. Such an instance reflects Foucault's disciplining strategy of “hysterization”² for women inside a “total institution”. The female political prisoners also added, “I resort to ignoring them when I get treated differently, that's the way to deal with the prison staff”. Her act reflects Certeau's concept of “everyday resistance” which includes ignoring the authoritarian

figure.

Caste/tribe/ethnicity and resistance

How is the experience of incarceration being from your caste/ tribe/ ethnicity? How does the prison staff treat you? Is there uniformity in how they treat you or does it differ based on your social location such as ethnicity/caste/tribe? After asking the above questions, the researcher became aware of instances wherein the women convicts were subjected to different forms of stigmatizing treatment inside the prisons because of their marginalized social backgrounds such as caste, tribe, and ethnicity.

Discussion and Analysis

Jarimi (name changed), a political prisoner imprisoned in Guwahati Central Jail, has been serving a life sentence. Jarimi narrates the discriminatory treatment that she faced because of her Bodo tribal identity inside the Guwahati Central Jail³. She narrates past instances wherein her self-esteem and confidence are dampened by a female warder who belonged to the high caste Assamese community. She narrates her experience that there is an official rule (as per the Assam Prison Manual) that convicted women political prisoners are given different cells and kept separately from women prisoners convicted of other crimes. She says that the staff (the majority of them belong to the Assamese community) tries to accommodate many women criminals convicted of other petty crimes despite the lack of space in her cell. She further narrates, “the female warder and the jail staff make sure not to trouble the ‘general caste people’ (the way she addressed the Assamese political prisoners) and do not try to accommodate other convicts in their rooms. For instance, the currently serving Assamese political prisoner (anonymous) is being treated considerately and is not bothered much. Moreover, I noticed that political prisoners from the ‘general caste’ are always addressed as apuni (used to address someone with respect in the Assamese language) by the jail staff (female warders and other jail staff). However, women convicts from other minority communities or tribal communities are addressed as toi (used to address someone with disrespect in the Assamese language)”.

Jarimi further says, “I try to raise my voice. For instance, whenever I am asked to accommodate more female prisoners in my cell, I tell them that I do not think it is possible to accommodate more. I also try to display a very disciplined way of living in my room and convey to them the message that Bodo people are clean and particular about discipline”. This act of resisting reflects a non formal way of dealing with her situation. It reflects Certeau’s resistive tactic as she did not confront directly but rather reappropriated her situation informally. Thus, such an act of resistance can be construed through Certeau’s concept of “self-help act” since it involves subtle ways of subversion at an individual level without subverting the whole system. She uses her tribal group’s way of living or culture as a tool to resist such discriminatory treatment in achieving an immediate goal. Her act of resisting also expresses her selfhood or identity. She expressed her identity through the usage of her tribal (Bodo) culture and, hence, can be construed through Benhabib’s theory of selfhood or expression of agency embedded in one’s culture.

In Dibrugarh Central Jail, Agnes Topno, convicted of a murder case, belongs to an Adivasi community of Assam. Agnes Topno narrates her experience inside the jail: “oxomiya (Assamese) baideu bur (female warders in Assamese) do not talk to us (the Adivasi) and do not pay much heed to our demands also”⁴. She is discriminated against based on her Adivasi culture. Though nobody wears a uniform, the female warden often asks her not to wear traditional Adivasi saree (white-bordered or green-bordered saree). She also wears one chain (beads) representing Adivasi Christian culture.

Moreover, she is at the receiving end of such a discriminatory practice by her cellmates from the oxomiya (Assamese) community. She adds, “I hate it when I am verbally abused for using any tailoring machine meant for us; someone from her room often abuses her for being from ‘baganiya Adivasi community’ and is called a ‘bonori’ (a derogatory term used for a forest dweller in the Assamese language)”. She has not received much response to her request to file an appeal from the jail staff. She feels, “I am from the Adivasi community, my Assamese language is also a bit broken, I feel they do not want to take my request”. She seems to resist and not interact with everybody but has befriended one Adivasi woman inmate. This reflects Certeau’s covert resistive tactic through which she has tried to ignore the authoritarian figures inside the jail. She celebrates Christmas with her Christian Adivasi friends by making pithas (rice cake). She also reads the bible as she belongs to the Adivasi community and follows Christianity. This can be construed as adopting one’s community symbols in resisting the discriminatory practice and asserting her community identity.

Thus, even after being subjected to such discriminatory and regulatory treatment inside the prison, women convicts expressed agency by resisting such treatment. Such acts of resistances expressed their community identities as well and hence can be construed through Benhabib’ theory of selfhood as socio-culturally embedded.

Religion and resistance

How is the experience of incarceration being from your religion? Is there uniformity in how the prison staff treats you or does it differ based on your religion? After asking the above questions, the researcher became aware of instances wherein the women convicts from minority religions inside the prisons faced discriminatory treatment.

Discussion and Analysis

Nandini (name changed), convicted under the NDPS Act in Guwahati jail, has converted to Christianity. She was subjected to stereotypical treatment by her cellmates (convicted women prisoners and women undertrials) and the jail staff (female warders). Nandini narrates how one of her cellmates (the oldest serving female convict) misbehaves with her because of her faith⁵. The oldest serving female convict is a devout Hindu who forced her to eat Hindu offerings or prasad. She used to throw many religious conversion questions at Nandini. In addition to this, Nandini is always blamed for anything wrong in the room. This reflects discriminatory treatment against her by her fellow cellmate.

The issue that concerns us more is the attitude displayed by a “total institution” like jail and its authority towards religious minority groups. For instance, Nandini has tattooed the symbol of Christianity: a cross on her wrist. She is often targeted by the

female warders (predominantly Hindu Assamese) if drug issues emerge. She narrates, “There is a drug lobby in Guwahati central jail. Male inmates got caught doing drugs inside their cells. The jailer sir has also told about such a lobby in the female ward. So random room checks are a norm here in the female ward nowadays. During such checks, I am often interrogated much more than other female prisoners in my cell. The female warders judge my religion and the tattoo on my hand. They often ask me if I do drugs inside my cell”. Such random checks can be understood as “mortification of self”⁶ (Goffman, 1961). Such degradation of oneself is not experienced uniformly but rather differently by minority communities. As in this case, Nandini found it more humiliating than other female inmates. However, she did not appear submissive to these domineering and discriminatory forces inside the jail. She usually answers back when reprimanded for having such a tattoo on her hand. She says, “this tattoo representing the cross (Jesus) is a mark of who I am, and I love to display them in front of everyone even though everyone in here has judged me”. Such assertions reflect the religious way of constructing her identity against the dictatorial mandates of the jail and the discriminatory practices against women prisoners from minority communities. Her assertive acts can be construed through Certeau’s concept of “tactic” used to reappropriate her situation.

One Muslim woman convict, Jasmine (name changed), is a devout Islamic follower. She narrates how she always covers her head with a dupatta and regrets not having proper traditional Islamic cloth to cover her head⁷. She reads namaz every day and says that even though the female warder discriminates against her for being a Muslim and looks down upon her for her religion, she always does what is good for her religion (like offering namaz and following the five pillars of Islam every day). It reflects the tactic of adhering to her community symbols to defy the authoritarian dictates inside the Tezpur Central Jail. Thus, women convicts did not appear passive inside prison and resisted discriminatory and authoritarian treatment.

Sexuality and resistance

How is the experience of being incarcerated? Is there any variation in how the prison staff treats you than other women inmates? Does it differ based on sexuality? After asking the above questions, the researcher was made aware of such instances by the women convicts inside the prison.

Discussion and analysis

With regard to homosexual relationships inside prison, Nandini (name changed) says, “Punishment for engaging in homosexuality is to lock them up for a few days in separate cells and a few of them were punished”⁸. The researcher corroborated with those convicts who were punished, but they did not openly discuss their relationship. However, she corroborated this with other women convicts in their cell, and most agreed to their relationship. Nandini (name changed) agreed to their relationship and how they have not stopped despite harsh treatment by the jail staff. She says, “in the night, they always sneak into each other’s sleeping area, without anyone’s knowledge, but I see it every night. Once two of them got caught touching each other inside the bathroom and were put in different cells for days. They were being looked down upon

by the prison staff". Such treatment of women reflects a way of controlling the sexuality of women in a patriarchal society. It reflects what Bartky says, "Normative femininity is coming more and more to be centered on women's bodies - not its duties and obligations or even its capacity to bear children, but it is sexuality, more precisely, its presumed heterosexuality and its appearance" (Bartky 1997: 107).

The women convicts can be seen resisting the unwritten or unspoken rule of not engaging in such relationships and continuing to disobey. It can be construed as resisting the "heterosexuality" norm espoused by the prison's patriarchal setup.

Nationality and resistance

How is the experience of incarceration being a foreign national? Does it vary based on your social location such as nationality? Does the prison staff treat you differently than other women inmates? After asking the above questions, the researcher was made aware of the different experiences of the women convicts inside the prison.

Discussion and Analysis

The illegal immigrant women convicts have been serving sentences for the last nine years. Momina Akhtar (name changed), a Rohingya Muslim hailing from Myanmar, faced challenges adapting to the prison environment in the past years of her imprisonment. Momina narrated how her family members serving sentences inside Tezpur jail faced problems due to their foreign nationality and language and culture differences⁹. Before she and her family members moved to Tezpur Jail from Kokrajhar jail, Assam, five years back, their imprisonment experience in Kokrajhar jail was miserable. Momina said she was isolated because of language barriers and cultural differences. She said nobody spoke to her and her family members. She and her family members used to confine themselves to one corner of the cell and never came out of their cell. When they started to pick up the Assamese language, they started bonding with other female inmates.

Earlier, a few female warders (Hindu Assamese) transferred to another jail and now used to abuse them verbally. They used to get taunts from them. Momina also said, "warder Baidu (female warder) used to reprimand us for no reason and said how we foreigners have come to Assam to rob them of their resources. We are asked to follow the rules much more stringently than the other female prisoners from Assam. We feel discriminated against sometimes. However, there are good female warders also. Earlier, a Muslim female warder used to help us a lot. She used to make arrangements to help us get all the essentials. She used to give us clothes and slippers. The sorkar or the state government did not provide these, but just jugar (arrangement) made by her". She also narrated the problems that females faced in Tezpur jail. She said, "Girls have many requirements, and the jail staff does not provide them with anything. Earlier, sanitary napkins were provided to them by the medical staff of Tezpur jail. However, it has been very long since they have stopped providing them with sanitary napkins". According to her, their conditions in Tezpur Central jail are very different and worse than any other women inmates since they have no one in Assam or India. She says other women inmates use pieces of cloth during menstruation, but since they have no family members in Assam or India, it is difficult to arrange for

cloth, unlike other women prisoners who get clothes from their families. She also narrates that she and her family members from Myanmar do not like the food served in jail. She said when they complained about the kind of food and demanded food cooked their way, their issue was not at all addressed. Nobody used to talk to them in the initial days. However, they resorted to hunger strikes and resisted the jail mandates of abiding by the rules in place to get their demands accepted. When their demands got accepted, they were permitted to have a small souka (mud stove) in the vicinity of the female ward. They made their community-specific modu bhat (rice made with honey) using that souka to resist the discrimination and jail mandates inside the jail. Such an act can be construed as their attempt at subverting the ways of life inside the jail who wanted their demands to be accepted immediately. It reflects Scott's concept of an "everyday resistance" wherein individuals resist to get their immediate demands accepted. In this act of resistance, they tried constructing their identities by adhering to their cultural ways of living. Thus, such identity construction of the women convicts can also be understood through Benhabib's concept of selfhood being embedded in one's cultural positioning in the society.

Momina's aunt Yasmin (name changed) does not want to learn the Assamese language or any Indian language because of the discriminatory treatment meted out to them¹⁰. Nobody used to talk to them properly, and a few female warders laughed at them when they used to speak in their language because of their Myanmar identity in the initial days. Yasmin also did not pick up the language Assamese even after spending eight years in Assam's jails. She was speaking in the Rohingya language while the researcher was interviewing. Momina translated it for the researcher. Yasmin said in her language, "I will not learn Assamese. Why shall I? I am a Rohingya Muslim from Myanmar. Learning Assamese is not used since I will go back to my own country one day. I want to keep speaking my nation's language; otherwise, when we are back in our country, it will be difficult for us, and hence want to be rooted in our language and culture". Her narrative reflects a resistive tendency as they seem to have tried to subvert life dictated by the jail staff and resisted discriminatory treatment by asserting their own national identity.

Rumana Begum (name changed) is their sister-in-law of Yasmin. Rumana narrates that her children (a ten-year-old daughter and a six-year-old) can't speak the Rohingya language properly since they have been raised inside Tezpur jail around Assamese people¹¹. Rumana regrets this a lot, and she tries to teach them their language (Rohingya language) whenever she has an opportunity to do so. Moreover, she says there is a school for children, but the teachers are not good for their future. She says her girl child of ten years old does not know anything and has been taught just the Assamese aakhor (alphabets in the Assamese language) till now. According to her, there is only one teacher who just teaches Assamese alphabets and nothing else. She is very critical of the government (or Bharat sarkar as she puts it). Further, she says that the government has displayed apathy towards their children's education and future who have been locked up for so many years now away from their homeland.

She expresses a resistive agency to the apathy of the Assam government. She said, "I highly disapprove of the little learning that my girl is given. Her future is spoiled.

Moreover, I teach our culture and write in our language to ensure their future is safe. Learning Assamese is of no help". She resists such apathy shown by the jail administration and resorted to teaching her children. Since she has acquired her education from a madrasa in Myanmar, she knows how to read and write Arabic. She wanted her children to acquire some cultural learning of their community, culture, and nation. So, Rumana Begum often teaches them Arabic and discourages them from speaking in Assamese or acquiring the language much. Her act reflects another act of resistance and subversion by the female foreign national convict. This form of resistance reflects Certeau's concept of resistance which involves subverting and not necessarily confronting the authoritarian figure directly. It also uses one's linguistic identity in asserting their right and resisting the authority's way of reforming them (as Rumana resisted the Assam Government's standard of imparting education to their children inside the Tezpur Jail by trying to subvert it and imparting her knowledge of Rohingya culture to her children). Such an act also reflects Benhabib's concept of selfhood being embedded in one's cultural training.

Swapna (name changed), the declared foreign national convict, has shared that she has fallen prey to the former Superintendent of Tezpur Central jail, Mrinmoy Dawka¹². Mrinmoy Dawka has been suspended from his post by the Government of Assam for molesting a woman convict inside Tezpur jail (Zaman,2020). Swapna did not say much but dropped a hint about the superintendent. However, the convicted inmates inside her room did share with the researcher how some of them had fallen prey to such instances. They did not want to make their names public and hence have been kept anonymous. They were of the view that a foreign convict (kept anonymous) was called inside the office of the Superintendent and she was being touched inappropriately. The foreign convicts were of the view that since they were foreigners, they are more in need of money and other daily requirements. This makes them more vulnerable than other inmates who get money and daily requirements from their families who come to visit them in jail. They also stated that the superintendent used to offer them money and other daily requirements in exchange for sexual favors.

Moreover, though all the rules prescribed by the Assam jail manual apply to all the foreign national convicts in Assam, they are deprived of the welfare policies designed for other women convicts. For instance, foreign national women convicts are not allowed to be granted parole. Foreign women convicts are also not entitled to wages for carrying out their daily tasks like other convicts. This has made their incarceration experience very difficult because of their nationality and the crime they are convicted of (illegal immigration). Such a rule has also taken a toll on their physical health. A Rohingya Muslim woman convicts Romana Begum (name changed), and her sister-in-law narrates their poignant stories of suffering from body aches and swelling on their feet and legs as they sit all day long doing nothing. They say they have not chosen this idleness inside the jail. They further narrate that doctors have been prescribing medicines but have not brought any changes in their health. Such instances can be understood as one of the effects of differential treatment of illegal immigrant women convicts.

There is a bit of ambiguity since some laws treat these women prisoners from foreign countries as convicts, and some laws are inapplicable, like their entitlement to

wages renders them non-convicts. Hence, the foreign women convicts have no choice but to do odd jobs to meet their ends and feed their children. For instance, Romina (name changed) said, “My sister-in-law and I wash clothes for the other prisoners and menial and dirty jobs like washing their undergarments to earn something. I buy biscuits and other essentials for my children by performing these tasks for other women convicts who do not want to do it themselves”. Such a narrative reflects a poignant experience because of their foreign nationality and the crime committed.

The punishment term for breaching the territorial law of India (illegal immigration) has ended long back; however, they are still languishing in Tezpur jail for many years now. The foreign women convicts said, “The Assam government and my country Myanmar have not been cooperating properly, which is why we have been languishing here”. This costs the future of their children. Thus, foreign national women convicts’ narratives painted their incarceration experiences as painful due to the differential, discriminatory treatment by prison staff and some inmates. However, despite such poignant conditions inside the prison, they resisted such treatment in their ways and expressed agency. They refused to remain passive inside a total institution.

Class and resistance

What is the experience of being incarcerated? Does the prison staff behave differently with you based on your class? The researcher was made aware of such instances by the women convicts when the above question was being asked.

Discussion and Analysis

Pallavi (name changed), a political prisoner in Guwahati jail, says, “most of the women prisoners are not literate, and hence I do not talk to everyone here, and I abide by the Assamese phrase *Khomane khomane koriba Kaaz harile jikile nai laaj*, (women inmates are from low class here and hence no point talking to anyone here)”¹³. The narration by Pallavi reflects her upper-class consciousness. However, for women who were from low class, such as Sanchitra (name changed) convicted in Guwahati central jail says, “if someone has money, her stay inside Guwahati jail will be easier, and someone from a low class (bereft of money) has a difficult time inside jail. Money talks here”. The class did not seem to play an essential role in the narratives of most women convicts inside the Central jails of Assam.

Prison staff’s perception of women convicts

To supplement the research study findings, a few jail staff (female warders) were also interviewed. Their responses helped check the validity and authenticity of women convicts’ narratives of their experiences inside the prisons of Assam.

About the diversity of women convicts inside the Tezpur jail, the female head warder of Tezpur Central jail says, “Women from the Assamese Hindu community never land up in jail. It is the culture of Adivasi and Muslim communities that they commit crimes. The Adivasis community’s culture of drinking alcohol is one of the reasons for them to murder their husbands. Our *oxomiya mohila* (women in Assamese) will never commit such a crime or create a ruckus inside the jail as the Muslim or Adivasi women do”.

Her narrative reflects stigmatizing discourse on religious minority women convicts. About the experience inside the jail, the warder is of the view that minority women convicts find no problem here as they treat them equally. About homosexuality, Brindabala Nath, the head female warder of Guwahati Central Jail, says, “Once I caught two female convicts inside the bathroom, and they were kissing each other. I slapped them right and left. Since then, I have been trying to keep them under vigilance. They are to be given harsh treatment. Otherwise, they spoil the environment inside the female ward”¹⁴. The narrative reflects a discourse that stigmatizes homosexual women convicts and treat them with contempt inside prison.

About foreign women convicts’ experience inside the Tezpur Central Jail, the female head warder of Tezpur Central jail said, “I have been a prime witness to this case and have made it to the headlines of all the news channels of Assam. I have seen how foreign women convicts from Myanmar were exploited sexually by him. He used to ask her to bring the women prisoners (Myanmar) to his office room late at night, around 8 pm. He used to lock his office room, and through the windows, she could see how he asked the women prisoners to massage him”. The female warder was also of the view that the women from Myanmar were more vulnerable as he made specific rules relaxed for them and gave them money in exchange for sexual favors. According to her, not all foreign women convicts openly confided in her; only one (kept anonymous) of them confided in her about the character of the Superintendent of Tezpur Central Jail. The female warder did express sympathy for the foreign women convicts as their condition is deplorable inside prison. She did admit to their sufferings inside prison and how their experience is very different from other women inmates.

The researcher asked the jailer of the Tezpur Central Jail, about the ambiguity of rules inside prison, as foreign women convicts are treated as convicts on one hand and on the other hand, they are not entitled to wages inside the prison unlike other women convicts who receive wages. The jail staff is also of the view that such laws are not written in the manual but are to be applied as per the direction of the Assam Government. The researcher also enquired about those women convicts and the reasons behind languishing in jail even after completion of their term. The Assistant Jailer of Tezpur jail said that the legal process of sending them back to their country could not happen in a day. He also added that it takes time to process the documentation and receive responses from Myanmar’s end.

The prison staff’s discourse does reflect their prejudices toward women convicts from marginalized backgrounds. Besides such prejudices, a few jail staff did reflect upon the poignant conditions of foreign women convicts inside the Tezpur Central jail.

Conclusion

This research study reflects the ground reality of Indian prisons to an extent. One journalistic study that won the award also corroborates the researcher’s findings. Sukanya Shantha’s journalistic paper was on the determining role caste plays in assigning tasks to prisoners. In the context of female prisoners, her findings reflected the intersectional experience of women from marginalized communities in the jails of Bombay. One of her respondents says, “You will not see any poor Brahmin woman

ever being pushed to such a desperate situation in jail. Both the Indian state and the society is built in a way to support her. This ecosystem is missing for others” (Shantha,2020, para.44). According to her findings, most menial tasks were carried out by minority Muslim women from Bangladesh. Such ground reality reflects society’s perpetuation of discrimination based on caste, ethnicity, and religion, even inside Indian prisons. Such a journalistic report and the findings of this research work showcase the stark reality of Indian prisons. Hence, it is pertinent to explore such exploitation, and discriminatory practices, and whether women convicts are in a position to resist or not against such power structures in Indian jails.

The narratives of the study exhibit the “tribal stigma” (as conceptualized by E. Goffman) of the prison staff towards the women convicts from tribal, Muslim, Adivasi, and foreign illegal immigrant minority communities in the Central prisons of Assam. They faced stigmatization because of their multiple marginalized social backgrounds, verbal abuse, and were treated disrespectfully by the jail staff. This experience can be construed as “double jeopardy” (Beal, 2008). These women convicts are also from the lower class; however, ethnicity, tribal, or caste identity determine their experiences inside the jail. Some from numerous marginalized positions such as minority religion and foreign nationality faced discrimination not just because of one’s ethnicity but also because of one’s nationality at the hands of the jail staff. It was true in the case of Rohingya Muslim Women convicts in Tezpur jail of Assam. This reflects “multiple jeopardies” since they faced subjugation and discrimination at multiple levels due to their “multiple subjugated status such as class, gender, ethnicity” (King 1988: 51).

However, as the analysis explained, “agency” could be located in almost all the women convicts attempting to “self-define” themselves despite such discriminatory and authoritarian treatment inside the Central prisons of Assam (P.H Collins, 2000). Collins rightly argued that such “self-defining acts” could be construed as a “site of resistance”. The study of women convicts in the context of the Indian state of Assam reflects the stark reality of social hierarchies experienced by women convicts inside the prisons of Assam. Women convicts express agency by resisting such discriminatory and domineering treatment. They employ “tactics” in individual-level resistances. Such agency expression also constituted identity assertion based on their social background. This can be understood through Benhabib’s theorization that, “to become a self and to become a member of some human community they are not mutually exclusive but rather interdependent processes” (Benhabib,1997,p.51). This implies agency expression through their community identities. Such experiences and recognition of their agency are significant in pressing for a reformatory treatment free of prejudices and stigma for their mental well-being and better rehabilitation. Article 10 of the Mandela rules says, “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person” (Office of the United Nations High Commissioner for Human Rights, 1948). This rule stands in violation inside the central jails of Assam. Moreover, to ensure such an environment as required by the “Model Prison Manual, 2016” (Bureau of Police Research and Development, 2016), it is essential to sensitize the prison staff about issues of gender and how not to stigmatize based on gender, ethnicity, caste, religion, class, religion, and nationality. Along with

the staff, even female convicts need to be included in some group activities or therapy to do away with community-related differences. Workshops could be conducted to examine these dynamics, so that equal treatment is meted out for better integration into society.

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Notes

¹ Interview was conducted by the researcher at Guwahati Central Jail, Assam, on March 3, 2021. The actual name of the respondent has been withheld and pseudonym is used to protect her identity. She is convicted under the NDPS Act. She is 26 years old and has done her post graduation in hotel management. She follows Christian faith

² Michel Foucault conceptualizes “hysterization” as a technique of controlling women’s bodies inside a total institution (prison). “Hysterization” refers to the prevalence of “discourses” on the “female body” inside such an institution. The discourse on the bodies of women inside “total institution” was such that women’s bodies were understood as innately and biologically flawed. Such discursive constructions resulted in monitoring women’s bodies and bodily sexual impulses stringently under the pretext of controlling demographic numbers. For more information see at Lois McNay, Foucault and feminism: Power, Gender and the Self, 1992, Polity Press in association with Blackwell Publishers Ltd.

³ Interview was taken by the researcher at Guwahati Central Jail, Assam on March 8, 2021. The actual name of the respondent has been withheld and pseudonym is used to protect her identity. She is convicted under the Unlawful Activities (Prevention) Act, 1967. She is 36 years old and has studied till 10th standard. She follows Bathou (Bodo indigenous religion).

⁴ Agnes Topno was interviewed by the researcher in Dibrugarh Central Jail, Assam on 27th March, 2021. She is convicted under the Section 302 of the IPC (Accused of committing murder). She is 43 years old and has studied till 5th standard. She is from the Adivasi community of Assam and follows Christian faith.

⁵ Interview was taken by the researcher in Guwahati Central Jail, Assam on 3rd April, 2021. The actual name of the respondent has been withheld and pseudonym is used to protect her identity. She is convicted under the NDPS Act. She is 27 years old and has graduated. She follows Christian faith.

⁶ “Mortification of self” has been conceptualized by Erving Goffman. By “Mortification of self”, he refers to disgracing one’s self . For more information see at Erving Goffman, Asylums: Essays on the social situation of mental patients and other inmates, 1961, Anchor Books. Doubleday & Company, Inc. Garden City, New York.

⁷ Interview was conducted by the researcher in Tezpur Central jail, on 6th April,

2021. The actual name of the respondent has been withheld and pseudonym is used to protect her identity. She is convicted under the Illegal Immigration Act. She is 27 years old and has studied till 5th standard. She follows Islam religion.

⁸ Interview was taken by the researcher in Guwahati Central Jail, Assam on 3rd April, 2021. The actual name of the respondent has been withheld and pseudonym is used to protect her identity. She is convicted under the NDPS Act. She is 27 years old and has graduated. She follows Christian faith.

⁹ Interview was conducted by the researcher in Tezpur Central Jail, on 16th April, 2021. The name of the respondent has been withheld and a pseudonym is used to protect her identity. She is convicted under the Illegal Migrants Act. She is 37 years old. She has not done formal schooling. She is trained in Madrassa of Myanmar. She follows Islam faith.

¹⁰ Interview was conducted by the researcher in Tezpur Central Jail, on 17th April, 2021. The name of the respondent has been withheld and a pseudonym is used to protect her identity. She is convicted under the Illegal Migrants Act. She is 42 years old. She has also not done formal schooling. She is trained in Madrassa of Myanmar. She follows Islam faith.

¹¹ Interview was conducted by the researcher in Tezpur Central Jail, on 17th April, 2021. The name of the respondent has been withheld and a pseudonym is used to protect her identity. She is convicted under the Illegal Migrants Act. She is 38 years old. She has done formal schooling till 4th standard. She follows Islam faith.

¹² Interview was conducted by the researcher in Tezpur Central Jail, on 17th April, 2021. The name of the respondent has been withheld and a pseudonym is used to protect her identity. She is convicted under the Illegal Migrants Act. She is 29 years old. She has not done formal schooling. She is trained in Madrassa of Myanmar. She follows Islam faith.

¹³ Interview was conducted by the researcher in Guwahati Central Jail, on 7th March, 2021. The name of the respondent has been withheld and a pseudonym is used to protect her identity. She is convicted under the Unlawful Activities (Prevention) Act, 1967. She is 46 years old. She has done her M.A in Sociology from Dibrugarh University, Assam. She belongs to the Assamese community and follows Hindu faith.

¹⁴ The interview was taken in Guwahati Central Jail, on 26th March, 2021 by Brindabala Nath. She is the head of the female ward of Guwahati Central Jail. She is 47 years old. She has been working in Guwahati jail for around 10 years now. She follows Hindu religion and belongs to the Assamese community.

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