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Disability and Punishment: Envisioning Disability within the Carceral Space

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ABSTRACT

It was in the early 80s that a landmark case in the Supreme Court of India shed light on the abuse of prisoners with mental disabilities within the Indian prison system. This case popularly referred to as *Veena Sethi vs State of Bihar* resulted in the release of 16 prisoners detained in Hazaribagh jail (Jharkhand) for over 25 years because they were of unsound mind. As of 2000 it became clear that prisoners with mental disabilities constituted 0.1 per cent of the total prison population in India. The proposed paper will proceed from this specific historical event and then go on to discuss literary references of prisoners with disabilities which dot the pages of Indian prison narratives. Initially, the paper will take up Chetan Mahajan's *Bad Boys of Bokaro Jail* and focus on certain characters in order to understand the plight of prisoners with mental disabilities within the Jharkhand jail system. The argument will revolve around situations experienced by them within an already oppressive institution like prison. The emphasis will be laid on contextualizing these experiences within the wider framework of incarceration as a means of eliminating non-conforming individuals from society. This attempt will shed light on other types of disabilities associated with old age and illness. At this point the paper will extend its scope to include prisoners with other forms of disabilities. It will then take up M. Chandrakumar's *The Prison Diary of An Ordinary Man* for analysis to show how prisoners with disabilities are able to cope with the trials of prison life. An attempt will further be made to highlight how depictions of prisoners with disabilities in these narratives reveal them either as victims or as heroes but only as individuals with their own merits and demerits.

Keywords: Prison, Disability, Prison literature



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It is necessary to acquaint oneself with the historical context behind the establishment of prisons and asylums within the Indian sub-continent before proceeding to engage with the narratives. This is necessary since the present paper attempts to explore disability within the Indian carceral space starting with mental disability. Historically, the idea to segregate and confine individuals with mental disabilities to institutionalized spaces of confinement was of British origin. There are records of places that treated lunacy during the pre-colonial phase but an organized institutional set up was established by the British (Sharma 295). These institutions influenced by European ideas treated only Europeans and were structured as places of confinement that protected society from the insane (Sharma 295). The rise of the asylum in the Indian sub-continent parallels the intense turmoil that the region faced during the latter half of the 18th century. The mental hospitals were established in the British presidencies of Bombay, Calcutta and Madras with the first one established at Bombay in 1745 followed by Calcutta (1784) and Kilpauk (1794) (Kumar and Kumar 308, Sharma 296, Mishra 21-7). Another interesting development was the introduction of the Indian Lunacy Act of 1858 which led to the building and overloading of new asylums in places like Patna, Dacca, Poona and Agra (Mishra 21-7). It is essential to understand that this law enabled the detention and confinement of mentally ill people within the spaces of asylums, hospitals and jails. The timing of this law means that it might have been used by the British to confine deviant and defiant elements within the native population who would have risen up due to the freedom struggle in 1857. The overloading of these institutions naturally meant that confinement during the mid-nineteenth century in India paralleled global developments and became an end in itself (Chapman and Carey 8). A good example of the kind of people who were forced into these spaces can be observed from the details of the Agra asylum where the first patient was a female beggar named Aniga who was found loitering in the cantonment area. This example is important since it shows how Indian systems were following international methods of criminalizing and confining social deviants like the poor, the disabled and the mentally insane (Chapman and Carey 3-6). The



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overloading of these spaces resulted in the deterioration of hygiene which naturally led to further problems for the colonial government.

The integration of scientific and medical professionals into the administration of the spaces of confinement was something that had begun in the West during the second half of the nineteenth century (Chapman and Carey 8). In India such a situation came to the forefront as a response to the deteriorating conditions mentioned above during the first quarter of the 20th century when the administration of the mental institutions was transferred from the Inspector General of Prisons to the civil surgeons (Sharma 298, Kumar and Kumar 308, Mishra 21-7). It is at this point that the prison and the asylum were separated and became two different institutions in the Indian sub-continent. This separation and the formation of various committees and laws in the 19th century (related to prison reform) led to the envisioning of these spaces of containment as one of rehabilitation. Naturally, the asylums were renamed 'mental hospitals' and occupational therapy and rehabilitation were stressed as core issues in a bid to reduce stigma (Mishra 21-7). It must be noted that even in this age of reform the insane were still housed in both the mental hospital and the jail. While the mental hospital followed the illness model and worked towards curing and reintegration of its inmates into society the insane who were housed within the jail experienced things differently. The insane who were housed within the prison system were initially classified as undertrials and had to undergo treatment to first cure themselves of this illness after which they were to undergo trial for their crime (Pinglay and Narrain frontline.thehindu.com). This scenario meant that if not cured they could never be tried and punished for their crimes. The gravity of the situation came to light in 1999 in a case titled *Ajay Ghose vs State of West Bengal* where the accused Ajay Ghose arrested in 1962 on charge of murdering his brother was certified as insane. Since he was not cured of his illness he could not be tried for his crime. While he remained an insane undertrial prisoner the trial judge and all the witnesses had died. Finally on November 1999 after 37 years of being incarcerated the Supreme



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Court ordered his transfer to a home run by the Missionaries of Charity (Pinglay and Narrain frontline.thehindu.com).

A landmark case in the Supreme Court regarding the situation of insane prisoners occurred in the 1980s. Titled *Veena Sethi vs State of Bihar* this case addressed the plight of 16 prisoners of unsound mind who were languishing within the confines of the Hazaribagh jail (Bihar) for over 25 years (Pinglay and Narrain frontline.thehindu.com, Desai and Bhagwati indiankanoon.org). The court further highlighted the inadequacies of the mental hospitals in the region and termed their overall state as revolting. It was also mentioned that jail was not an appropriate place for the housing and treatment of people with mental disabilities and proceeded to drop all charges against 16 prisoners. The court further highlighted the presence of other mentally ill prisoners who continue to languish within the Jharkhand jail system and directed the state government to provide them with proper medical facilities. As of 2000 mentally ill prisoners constituted 0.1 percent of the total prison population within the country (Pinglay and Narrain frontline.thehindu.com). Another important historical event which occurred during this time is the birth of the state of Jharkhand (which now houses Hazaribagh jail) carved from the state of Bihar

Flash forward 32 years after the events of *Veena Sethi vs State of Bihar* it is within this jail system of Jharkhand that the paper attempts to contextualize Chetan Mahajan's *The Bad Boys of Bokaro Jail*. Before diving into the text it is necessary to acquaint oneself with the generic classification of prison narratives. The term prison literature denotes a literary genre which consists of texts written by prisoners that spans the age of written text and takes a multiplicity of forms and styles which includes biography, fiction, poetry, drama, sociopolitical commentary and analysis (Bosworth 781-5). The prisoner who is or had been incarcerated might choose to talk about his/her experiences within the prison and also about things external to it. A more Indianized definition is given by C.D. Narasimhaiah: "Prison writing, that is, writing done not by prisoners but on imprisonment by creative writers on others' prison life" (Narasimhaiah 7). At this point it becomes clear that prison literature can be considered as a sub-genre of life writing.



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Historically contextualizing this genre opens up the discussion to a tradition in world literature that combines imprisonment and writing: the autobiographical representation of the figure of the writer in prison (Summers 2). Since an analysis of prison also involves the analysis of the legal, cultural, historical and textual narratives of society this paper will now proceed to consider how disability is narrated and constructed within the prison system based on textual analysis of Chetan Mahajan's *The Bad Boys of Bokaro Jail*.

Jailed in Bokaro

The Bad Boys of Bokaro Jail is a jail diary written by Chetan Mahajan during the time of his incarceration for the crime of financial fraud (section 420, 406 and 34). The case was initially registered against his employer a company called Everonn. The summary of the situation is that Toppers an IIT entrance coaching chain run by Everonn in the city of Bokaro (Jharkhand) had failed to deliver on its promise of providing quality coaching to the students. Naturally the students and parents were angry with the whole situation and were demanding a refund. The Gems business group from Dubai having purchased Everonn the year before from the previous founder and CEO (who had been arrested and imprisoned for tax evasion) and were now responsible for cleaning up this mess. They had sent the author who had joined the company only on 3rd October 2012 to handle the situation. The situation deteriorated because a couple of similar coaching centers had shut down a few years earlier and the families lost all the money they had invested in the companies. The parents demanded an instant refund of the money they had paid and proceeded to file a complaint at the local police station. Unable to refund the money demanded by 600 parents the author (who was innocent) was taken into police custody and later imprisoned because he was the senior most representative of the company in the city. The book narrates his experiences in prison from 24-12-2012 to his release on 23-01-2013. The author also narrates about other prisoners with whom he shares these experiences of prison. This paper now proceeds to focus on some of these other prisoners in order to understand disability within the Indian prison.



The first character is a 62 year old man named Virendra Singh who is called Reiki Chacha by everyone in prison. The author gets acquainted with this man during his time in the hospital ward. The hospital ward is where inmates are housed and treated for various types of illnesses. The author through the influence of the jail superintendent is transferred to the hospital ward where he stays till his release. Reiki Chacha says that he is also imprisoned for financial fraud like the author and claims to be innocent. He is described as having a head of thick white hair, medium height and a frail body. He calls himself a 'Reiki Doctor' and is very friendly and popular with everyone inside prison. He is opportunistic and is always on the lookout to bum a cigarette off someone. He sometimes sits and talks to himself or meditates during the middle of the night. He acts like a fortune teller and claims to use the power of reiki to make predictions and collects his payment in the form of cigarettes (an important commodity inside prison). He comes and goes throughout the narrative and does leave a strong impression on the author. He can be described as a social lunatic who is able to thrive inside prison mainly due to his interactions with others. Reiki Chacha is presented not as the lunatic who is isolated and victimized within the prison but as a character who is accepted by everyone.

The second character is Akhilesh a school teacher (Biology) imprisoned for the crime of auto theft who gets classified by the author as a victim. The reason the author gives us is that Akhilesh claims he was framed and is actually innocent. He was placed in the hospital ward to treat injuries he had sustained during police custody. He is described as being deeply religious and constantly prays and meditates inside the hospital ward. He is described as Reiki Chacha's disciple owing to their dependence on spirituality but in character is the opposite of Reiki Chacha. He is very antisocial, solitary and says that the praying helps him from going mad. He has further bribed the jail staff to continue to stay in the hospital ward even after being cured of his injuries. He is harassed by the jail officials for his eccentric behavior and lives in constant fear of being removed from the hospital ward. His selfish nature and solitariness actually leads to his alienation within the ward which naturally makes the author pity him. This image of the victim is completely shattered later on when Pappu Ansari another convict whom the author



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befriends reveals that Akhilesh is actually a career criminal (Mahajan 198). It is now clear that Akhilesh is a compulsive liar who continues his charade inside prison and his religious eccentricities are merely an act. The fact that other prisoners know his real face is reason enough to understand his isolation within prison. Akhilesh is the best example of an ideal prisoner in a modern penal system since he is self-centered, solitary, penitent and can be easily manipulated by the jail authorities. He is the perfect populist example of a career criminal playing the lunacy/victim card in order to get special privileges within prison. It is important to remember that individuals like Akhilesh are the reason why prisoners with actual disabilities are doubted by the general public.

The third character is Anup who comes to the hospital ward after his trip to the mental hospital in Ranchi (Mahajan 148). He is familiar with the ward and enquires about other inmates who were there earlier. He is suddenly enraged at the sight of other inmates hogging the soft red blankets used by inmates in the hospital ward. He becomes eccentric and reprimands people who are using the red blanket like Chaudhary (an amputee) and Reiki Chacha (Mahajan 149-151). The sequence of events that follow is a perfect example of how other inmates are able to handle and coexist with eccentric prisoners within confinement. Aseem and Nageshwar two inmates whom the author befriends diffuse the situation 'by not confronting or questioning Anup but give him a sense of power only to slowly divert his attention and successfully calm him down' (Mahajan 151). It is pertinent to point out that before the situation flares up there is a small exchange of words between Aseem, Nageshwar and the author where the former two refer to Anup as a mental patient when they say "*uska tower chod diya hai*" (Mahajan 148). One must now realize that the other inmates accept Anup for what he is and actually work towards integrating him with the system by working around his disability. This is the opposite of how he would have been treated in society where individuals would only be sympathetic of his plight and would have isolated and confined him which is noted early on by the author (Mahajan 148). The author is surprised later on that Anup has become completely normal and does not even get angry when Aseem incites him about the blankets (Mahajan 163). He interacts with Anup and realizes



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that he was charged for dowry-death case and has spent five years inside jail and that no one from his family comes to visit him (Mahajan 164). A very important part of their interaction is when the author asks Anup which is better jail or mental hospital to which Anup replies: 'jail is actually better than a mental hospital' (Mahajan 163). This specific dialogue needs to be understood within the context of *Veena Sethi vs State of Bihar* where it was observed that mental hospitals in the region were overcrowded and revolting. Anup later on is revealed to be very good at chess when he plays and defeats the author multiple times. The author further notes that the chess board helps keep Anup's mind busy and later gives the board to Anup when he is released from prison.

The doctor's visit to the jail is something that must be pointed out here. There is no specific timetable for the doctor's visit and the author notes that he does not even touch his patients. He merely listens to their problems and tells Nageshwar to give them a specific medicine. He cross examines people in the hospital ward and discharges certain prisoners while overlooking the fact that a completely healthy Chetan Mahajan is occupying a bed meant for a patient. This is because he is informed that the superintendent had ordered that the author be housed in the hospital ward. The entire situation seems to play out like an institutional formality. The author proceeds to note the space of jail as extremely unhygienic which will potentially lead to an epidemic (Mahajan 123-5). At this point the discussion now proceeds to consider the experience of a prisoner who experiences disability at multiple levels resulting from illness and old age within prison.

The fourth character is a 50 year old man called Mahto-Da whom the author describes as a 'deserving' resident of the hospital ward (Mahajan 96). Mahto-Da was affected by polio a few years earlier and is unable to move without someone physically carrying him around. He is described as being loud, authoritative and very affectionate. It needs to be pointed out that there are always inmates ready to assist him in times of need. He is neither alienated nor victimized by the other inmates but is accepted and respected as any other common prisoner. He is also rumored to be connected with a gang that is part of the coal mafia in Bokaro. He is very friendly



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with the author and interacts with him regularly. The interaction between the author and Mahto-Da actually draws attention to the poor state of private engineering and polytechnic institutions in India. The author elaborates on the impossibility of attaining an engineering job for a student hailing from a very small city like Bokaro. The interaction revolves around Mahto-Da's son who wishes to pursue the dream of becoming a successful engineer. The interaction further highlights how Mahto-Da is depicted neither as a paraplegic or a rumored member of a mafia but as a father who longs to see his son succeed in life. The author sympathizes with him since Mahto-Da's situation is similar to his own father who at that time is waiting outside the prison worried about him. At this point it is important to understand that the text neither depicts these inmates as victims suffering within the carceral space nor as heroes who overcome all odds to defy the structures of prison but as ordinary people who are trying to survive prison life by being a part of the collective prison population. It is also necessary to understand that the collective criminal population within prison is not completely hostile to these individuals but accepts them and manages to work around their disability which is something the general population outside prison usually fails to do. To understand the dynamics behind their incarceration enables one to move beyond the perspective of 'sympathy'. Sympathy is a very dominant way of envisioning and constraining disability and incarceration that had given rise to notions of rehabilitation that revolve around what is referred to in the parlance of disability studies as 'charity model' (Chapman and Carey 9). Naturally to understand the state of their incarceration naturally enables one to reevaluate and reconceptualize systems of rehabilitation that will deviate from the 'charity model' and revolve around ideas of social integration.

Jailed in Guntur

The paper now proceeds to take up M. Chandrakumar's *The Prison Diary of an Ordinary Man* where the discussion will mainly revolve around one character Siva. This book follows the narrative of M. Chandrakumar's first book *Lock Up* which was made into a film titled *Visaranai*. This book translated into English by Raya Chellappa talks about the author's experiences in prison after he is removed from police custody (*Lock Up*) and incarcerated at a sub-jail in



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Guntur, Andhra Pradesh. In the preface Yamuna Rajendran classifies this book as a jail memoir and proceeds to position it within a tradition of prison writing observed in Tamil along with Comrade Thyagu's *Suvarukkul Chiththirangal*, C.A. Balan's *Thookkumarathin Nizhalil* and K. Baladandayudham's *Sirai Anubavangal* (X). The book revolves around the author's jail experiences up until his release.

Siva is an inmate the author meets inside prison who has curly hair, a strong body with a lame foot. The author is surprised that one of his friends Ravi who does not respect anyone holds this man in high regard. Siva reveals that he too was booked and sent to jail by Inspector Shyam Sundar the same man who had brutally harassed the hero and his friends. The only difference is that since Siva was physically strong and aggressive the Inspector had not even touched Siva. It soon becomes clear that Siva is respected by both the inmates and the jail authorities. It is under his wing that the author and his comrades seek shelter and stability. This soon changes and the entire jail system is altered when Siva leads a strike demanding for better food within prison. The strike is a success and the author along with Siva becomes part of the new jail kitchen. Later Siva narrates the life he led before being incarcerated to the author. Siva was a rickshaw-puller who lived along with his family in poverty. It naturally drove him to collect rice and grains that is scattered on the ground when the goods trains unload their cargo. He also mentions how people would chase him and his son away and would come to steal the sacks directly. Eventually he gets booked for the crime of stealing grain sacks from the government warehouse and is sent to jail. He is enraged that even here the meager quantity allotted for the inmates is also stolen by the prison staff. It is to be noted that Siva was offered special privileges for himself in order to break the strike but he selflessly fights for the right of other inmate and proceeds with the strike (Chandrakumar 115). The jail officials soon start restricting the illegal supply of ganja and cigarettes which deeply affects Siva since he is addicted to these drugs thereby breaking his resolve. At one point he says to Ravi:

"I can't pull on, Ravi! Having been in the jail for four months now, my body is almost damaged. It has become unfit for any new work. The sun, the heat of the stove and the



lack of ventilation at night. Bastards! No beedi for the past two days. No sleep, too. If this continues, I might go mad and even bite someone's throat!" (122).

The kitchen soon goes back to the way things were and the jail officials regain their power. Later when the author is on the verge of death after swallowing a Phillips bulb and no medical assistance is provided Siva becomes very upset and soon starts to rally the other prisoners to stop eating and force the officials to take action (Chandrakumar 250-5). The author is taken to the hospital and is saved due to the actions of the other inmates. Finally on his release it is Siva who accompanies the author and his friends till the gates of the jail and bids them farewell. Throughout the narrative one needs to be reminded about Siva's disability since his actions are not attempted even by regular prisoners. What is important to remember is that when he narrates his story to the author he mentions that despite his power and aggressive nature he was harassed in the outside world for being lame (Chandrakumar 116). Therefore it becomes clear that these prison narratives enable one to refute the various constructions imposed on these disabled inmates by both society and prison. A commonality that can be observed from the various depictions is that all these disabled inmates are represented as individuals whose socialization and environment have naturally contributed to their personhood. Personhood when envisioned in the light of critical posthumanism may be defined as an individual who is a moral agent (Nayar 152). A moral agent is a being who is able to make moral judgements about moral matters and is able to act on those judgements (Nayar 152). It is relevant to note here that critical posthumanism does not consider this moral agent as a solitary, self-centered, rational being but as a social, ethical and emotive entity which emerges from the ongoing process of co-evolution within an integrative setup (Nayar 19-22). Naturally it is possible to consider the emerging personhood that arises from these spaces as critiquing the dominant and institutionalized profiling of these individuals into various categories of the non-human (criminal, disabled, poor). To envision them in such a light manages to open up spaces where it is possible to include this group of 'missing people' in the mainstream historical continuum (Braidotti 19-22).



Conclusion:

The present paper has opened up the space where the politics involved disability and incarceration can be seen in a common light. The characters that were considered for discussion illustrate the varying dynamics behind disability and incarceration. The paper has also made it clear how prison narratives present an alternative view point about disability and incarceration. This view point further reveals the emergence of a posthuman subjectivity by reimagining these individuals as moral agents who have co-evolved within an integrative setup. Finally to consider the emerging subjectivity of these individuals within the framework of critical posthumanism provides scope to reevaluate ideas behind punishment, reformation and rehabilitation that have hitherto remained within the confines of charity.

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