

# Introduction

**Basil Fernando**

This is a collection of women's views on the policing system in the countries in which they live. These interviews reveal women's views on the use of torture by the police and the ineffectiveness of the police in dealing with laws against domestic violence. This collection of interviews should be an eye-opener to any conscientious person. Here, a number of women from several Asian countries and from different walks of life talk about the policing system of the countries in which they live. The views expressed by these women make apparent the societal perception of the police; the unanimous opinion is one of enormous suspicion, fear and unhappiness. When the women of a nation speak about the serious inadequacies of the major institutions that determine the wellbeing of a country, this is a reflection of the underlying problems that the society faces.

Many women speaking in these interviews frankly state that they fear that making complaints to the police creates problems that are greater than those they are trying to solve in the first place. If the police, one of the primary institutions for problem-solving in a society, further aggravate difficulties then this is a reflection of far deeper problems within that society. There is a saying from folklore in some south Asian countries, that if the fence eats the paddy, then who will protect the paddy? In Kerala, India, there is a saying that goes, if a dog is mad, you can tie him up with a chain, but if the chain itself is mad, then what are you going to do?

The security of women is a direct indication of the social security within a country. When the private citizens of a country who are engaged as homemakers, students or in other professions feel that the primary law enforcement agency in their country is a threat to their security, this is a severe indictment of the level of insecurity that prevails across these societies.

In the modern world, we speak about improving the conditions of women so that they can participate in life on equal footing with men and engage in all aspects of social life with a sense of security. Women should be able to travel without fear; the safe mobility of women in a society should be ensured. Indeed, to get anything done, people need to travel. But if women are afraid to use mass transit because they fear sexual harassment, this is a hindrance to the progress of women in all areas of life. If they are wary of traveling unaccompanied in the evenings, they will be unable to engage in a number of activities which they would be required to engage in should they desire to play an active role in society. Under all these circumstances, the guarantee of security should be fulfilled by law enforcement agencies. If people are afraid of law enforcement agencies, then who will provide the security that is necessary for unaccompanied mobility? Women's insecurity in travel is indicative of a societal failure. But how can a society reverse such

failures if they are not supported by law enforcement agencies?

Patriarchal societies stemming from centuries-old feudal traditions have created various kinds of discrimination against women. Recently, there have been numerous attempts to improve laws and provide for women so as to overcome such limitations and guarantee the equal participation of women in all areas of life. However, laws that are not properly enforced are rendered useless. There have been progressive social movements that have campaigned for legal changes which benefit rather than subjugate women. These movements have achieved landmark legislation, but when law enforcement agencies do not adequately uphold these laws, the laws become meaningless. Therefore, all actors in societies who are dealing with the issue of violence and discrimination against women cannot ignore the problem of the way law enforcement agencies relate to women.

One of the unanimous opinions from these interviews is that it is the economically privileged who receive the benefit of police services; the poor and other marginalized groups are ignored and harassed. When the poor seek help from the police, their complaints are not registered in a timely fashion or they are made to visit the police station many times and are often humiliated by various methods. Overall, the ethos is hostile towards the poor. The poor make up the majority in most of these societies. The incapacity of the police to deal with the fundamental norm on which the legal system rests, that of equality before all, fundamentally threatens the rule of law itself. If the majority of the population who are poor do not benefit from the services of the law, then how can the rule of law exist?

Women constitute a marginalized section of society. If the privileged are the only people who benefit from the services of the police, then those women who are also poor are doubly marginalized and neglected in this aspect. This issue requires the attention of all members of society.

Many women in these interviews have said that in trying to have their complaints registered, they fear being subjected to sexual harassment. If law enforcement agencies are perceived by women to be institutions where sexual harassment prevails, then what possibility is there for women to seek the help of the police for issues such as rape and domestic violence? Indeed, in both these areas, law enforcement is weak in all these countries. If a woman cannot seek the services of the police on a fundamental issue like rape, how can a criminal justice system function? Rape, like murder, is one of the most heinous crimes that can be committed. However, the common experience in many Asian countries is that getting police action on cases of rape is extremely difficult in the majority of circumstances.

The methodology used in this book is interviews. Here, ordinary individuals are asked about their views on a number of different aspects and their views are recorded faithfully. These interviews give the reader the opportunity to understand what the average citizen thinks about various issues. Such a methodology needs to be pursued more often in order to provide an understanding of the issues faced by ordinary people in a society.

Many publications provide the views of educated and often academic communities on various issues. This publication works to provide more direct contact to the views of ordinary people. There has been no attempt to edit or analyze their views in terms of someone else's judgment or way of thinking. Here, the judgment of ordinary people about a major institution in their countries is presented in their own words.

In many interviews, the reader will notice the expression of similar views. This is not because the interviewees were chosen to express similar views. Rather, interviews were conducted randomly and there was no attempt to make any kind of selection on the basis of a particular viewpoint. The repetition of these views speaks to the commonality of understanding spread across societies. When interviews with ordinary people are conducted, we have the opportunity to see the differences and similarities in the views on various aspects of public institutions in a society. The similarity of these views strengthens the understanding that the policing system in a number of Asian countries is in a state of crisis, and that this crisis requires greater attention and study.

It is puzzling that both the academic world and the media have neglected the concentrated study of the problem of policing; indeed, there is a great lacuna about the problems of policing. This lack of attention to this issue by academic communities and the media may be on the major reasons why this problem remains.

For centuries, policy makers have been negligent on the issue of policing. Perhaps it is because they have a personal stake in maintaining this neglected institution which privileges the wealthy and powerful and further subjugates weaker sections of society. A major threat to a country's social progress occurs when issues such as policing do not receive the adequate attention of legislators and policy makers. How can social insecurity be resolved if this problem is not addressed?

This study also indicates the weakness of numerous studies on violence. Violence is often examined and attributed to the political ideologies of groups which are pursuing various interests. However, violence is rarely studied from the point of view of the institutional failures within a society. If a law enforcement agency is a violent institution which provokes fear, then how can violence be alleviated? Studies on violence must

examine whether the law enforcement agencies control violence or further provoke it. If law enforcement agencies provoke and generate violence, then any attempt to counter violence must first involve dealing with this issue. The law enforcer must be brought under the law before the law can be administered anywhere else.

The views expressed by the women in this volume should contribute to new methods of looking at existing problems within a society, namely the larger problem of violence. In order to counter violence, we must begin by diminishing the possibilities of violence generated by law enforcement agencies. The first step in dealing with violence in any society involves disciplining these agencies and getting them under the control of the law. We hope that this publication will contribute to sober discussion on all these aspects.