

By JASON KEITH FERNANDES



On Vandalizations and the Rule of Law

Through the month of July, Catholics in Goa were under considerable distress following a spate of vandalizations, both of crosses as well as grave stones. For a while the state seemed unable to address the situation until the police identified one Francis Pereira as the perpetrator of these acts. However, if the state authorities were under the impression that this arrest would satisfy civil society in Goa, then they were sadly mistaken. Incredulous that a fifty-year-old man could single-handedly engage in so much destruction, the arrest has become the butt of jokes and caustic comment from Goan citizens.

While the state may continue to protest its bona fides and swear that they have gotten the right man, it would do well for the authorities to take stock of the situation they find themselves in where the citizenry is deeply suspicious of them. This is at least the second instance where the citizenry have refused to accept the police's version of events. The other incident that I refer to is that of the nature of Fr. Bismarque Dias's mysterious death. The state authorities should realise that if this popular disregard of their findings becomes a systematic pattern, then not only will they lose the confidence of the people but it will seriously impact the law and order situation in the state. Indeed, if there is one single fear that we can take away from the grave vandalization case it is of the manner in which law and order has declined in Goa. Last month, this column reflected on the instance in the village of Mercês where rather than complain to the police, locals had taken it on themselves to avenge their abuse by rowdy tourists.



The Government on the other hand seems to not take this situation where the authorities are being increasingly disregarded seriously enough. As with most things the authorities seem to have grasped the wrong end of the stick with what law and order means. While the state should be concerned with preventing crimes like the vandalization of graves, they are instead busy building up a police, or surveillance state. Thus, rather than work to ensure that the peace of society is not disturbed, they sit back and allow for provocative rhetoric to fill the air - as in the case of the recently-concluded All India Hindu Convention. Once violence erupts, the authorities delightedly step in to augment the existence of a state with greater police surveillance. Civil society should take note that a greater police presence in the state is not a panacea. Rather, the biased way in which police can function, especially when the state is under the control of problematic forces should give one pause when considering, or demanding, greater police presence on the streets. Take, for example, the actions of police forces where they have stood by silently, or joined in the violence when Muslims are attacked by Hindu mobs. This was the case not just in Gujarat in 2002, but in various cases across India. Indeed, one was witness to such a scenario in Goa itself when in 2002 police stood by while property in Fontainhas was vandalised by Hindu right wing groups.

There is another question that emerges when civil society considers the question of the vandalizations. In addition to demanding that the state ensure better security, another response has been to blame Hindu nationalist groups, in particular the forces behind the All India Hindu Convention. While there is no doubt that greater state scrutiny is required of the Hindu Janajagruti Samiti, one should be careful to not blame the group for the violence without investigation. There are a plethora of Hindu nationalist groups, and not all of them

are necessarily working with each other, even though they may all be working towards a common goal of a Hindu state. These groups are also working to undermine the strength of groups they see as being too soft, some groups demand deference because they have been around for longer are more established, and led by upper caste leaders. Thus, what is required is that, rather than wild allegations, we demand that a serious investigation be carried out by the state authorities and appropriate actions be taken. In this context, it falls on political parties that do not have representation in the legislature, but have ambitions of getting there, to take leadership. Political parties like the AAP or the Communists have funds and personnel and they ideally ought to direct these funds and personnel towards ensuring that the procedures and rule of law are followed. They should hire lawyers, and other professionals as needed, and ensure that there is a systematic follow-up. What I am arguing for, is that especially at a time when the rule of law, and the institutions that secure it, are collapsing we need to work harder to ensure that procedures are followed, and there is a firm focus on institution building.

What would be the appropriate response to these vandalizations? Catholics, and others concerned, should also be aware that these acts are possibly being carried out to gauge the responses of the public. If such is the case, responding with vigilante action would be devastating. Concerned groups need to do all they can to avoid emotional responses and insist that the state do its job. What we need at this point in time, where the state is actively abandoning its role as the upholder of law is to commit ourselves to a greater investment in institution building. What needs to be understood is that the Hindu right thrives precisely on the collapse of the secular state. We need to stem this collapse by a commitment to institution building and a respect for the due process of law.

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