



By ALBERTINA ALMEIDA

## “What is this?”: Challenging Inequality and Injustice

“*What is this?*” Adv. Amrut Kansar’s signature question stays in my mind, nay prods me, never to stop questioning inequality and injustice. Kansar would refer to a situation of inequality and follow it up with the poignant question: what is this?

Being on the Permanent Lok Adalat for North Goa with Kansar for over a decade and a half, I had the opportunity of a long and intense interaction. I distinctly remember his recollections from his two year stint from 1977, as a Member of Parliament from North Goa representing the Maharashtra Gomantak Party (MGP). After bringing the structure of the mining industry to scrutiny in Parliament for its reigning injustice, he was shamefully reminded by his own party members that he belonged to a MG party whose backbone was mining. But Kansar was clear that he had to be true to the basic principles of the Constitution, which, he believed, should be upheld in his practice as a parliamentarian. Despite the admonition, he did not retreat thereby disobeying his own party.

Kansar was appalled by educated lawyers practicing caste, either directly or indirectly. What is this? he would ask. I had not opened my eyes sufficiently to this phenomenon then, as it was not an in-the-face one to me. “Are you talking about corruption of some members of the bar and the judiciary, Sir?” I would ask, perplexed. “Certainly not!” was the pat reply, “I do not want to indulge in cheap random gossip about this judge doing this and that judge doing that – that is the kind of cheap gossip which comes from not winning a case and blaming it all on the judge.”

Adv. Amrut Kansar often noted that lawyers do not rise beyond casteism, instead they form caste coteries and operate in tight-knit caste cliques. Even as he attacked this casteism, he did so obliquely. Probably because given Goa’s small size, any attacks frontally made, would be construed as personal attacks on particular people and not the attacks on casteism *per se*.

There are no good or bad cases, or right or wrong clients, he would often say. But what



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mattered to Kansar was how one approached a case and the point one wished to raise. That is how Kansar practised law. My middle-class and self-righteous senses were always appalled by corruption in any form. Therefore I was once surprised when Kansar took up a case in defence of someone accused of corruption, in the lower echelons of the political ladder. What Kansar avidly emphasised was that even if that person was indeed involved in corruption, you cannot address corruption by catching hold of its tail end. One needs to address the systemic issues of caste, class and gender that make corruption possible, nay mandatory. I understood. You cannot repair a smashed car by replacing its wheel.

Kansar's practice was not routine in the sense of merely quoting sections of the Constitution or the law and then showing how his case fits into those. He would, for instance, draw attention to iterations of caste by digging into the historical archives. Through his legal practice or engagement with the law, he underscored the historic antecedents that need to be accounted for in determining the violations of fundamental rights, of the hitherto suppressed sections of society. This he did with his legal interventions in Sattari's exploitative 'mocasso' (a title given by the Portuguese as a concession, that gave chieftain-like gross power over land and people of an area) system, as also with the Mayem Evacuee Property Case, where the institution of the Government custodian was responsible for blocking the assertion of *mundkar* rights and posing a serious threat to the housing, lives, and livelihoods of the people living on the particular Mayem property. Also, with the Navdurga Temple case of Madkai where, to stop the replacement of the idol, Kansar effectively brought up the issue of rights in a temple, when it is a public property and not a private property. Kansar ensured that there was and continued to be a good synchronization between the point of law that was raised and the people's struggle on the ground.

Digging out relevant documents from the rich treasury of the Historical Archives of Goa, and giving the judges a sense of the past, was his forte. He indicated how it is possible, with historical data, to disrupt the dominant interpretations given to law, and lead one through the tunnel of history to the light of the Constitution. For instance, the presumption, if one looks just at one set of current documents would have been that the Navdurga temple in Madkai was set up by the mahajans and therefore it is their private property. But Kansar extended his search and retrieved documents not only from the Goa Archives but also from the Archives in Portugal, which became the basis to support his case of historic community ownership, as against ownership by a particular set of people from the dominant caste.

Kansar appreciated the value of nuance, unlike the jingoistic politicians and the discourse all around. It was probably for this reason that he was invited by the publisher to release the book *“What is this?”: Challenging Inequality and Injustice*. A *Terceira Corrente*, written by Antonio Bruto da Costa. From his speech at the time of the release, it was clear that he understood and sought to emphasise that delving into history, to search for Goa’s true picture, needs to go beyond the binaries of critiquing colonialism or nationalism. In many ways, Goa’s recent history can be seen only as a substitution of power from Lisbon to Delhi. It was obvious from people’s responses to his speech at the time of release that he had, until then, for them, been boxed into the category of a ‘Hindu’ who, in popular perception is presumed to be anti-Portuguese and pro-India.

Such was the man - clear and nuanced in his thoughts, but an enigma to many, as he challenged inequality and injustice, the elephants in the room that we refuse to see.

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