



By ALBERTINA ALMEIDA

What can Goa understand from the Kathua and Unnao cases?

The rape-murder of the eight year old from Kathua, Jammu and the rape of the Unnao victim are two cases that have drawn concern from the entire country and the world.

In the first case, the Kathua victim was abducted when she was taking the horses to graze. She was confined, sedated, raped, and strangled to death; her body dumped in a field. She hailed from a Muslim nomadic community called Bakerwal. It has been alleged that the rape was committed to drive away the Bakerwal community from the area, and that this relates to a land issue. She had to be buried in the neighbouring village as burial was denied in her own village. The right wing Hindu Ekta Manch is said to have rallied in support of the perpetrators of the rape-murder. The Kathua Bar Association was also found physically obstructing the filing of charge sheet by the Crime Branch officials against the Accused, and had brazenly issued a press note to that effect, so much so that the Supreme Court had to step in to seek a report. As this article goes to the press, the Supreme Court has said in connection with the petition from the victim's father that the case be heard outside Jammu, that its real concern is fair trial and it would act if there was the slightest hint of fair trial not happening. The lawyer activist who brought the case to public notice and the lawyer who was pursuing the case after that, were being humiliated and threatened. An Union Minister went on record to dismiss the outrage as 'much brouhaha'. While this outrage is certainly in place, we cannot forget that this is only a continuum of the violence against the people of Jammu and Kashmir ranging from using Kashmiris as human shields to rapes and murders by none other than those in the establishment.

In the second case, a young woman at Unnao, Uttar Pradesh, complained of rape by a four time elected BJP MLA. Here again, some residents of Unnao took out a rally supporting the rape accused stating that the BJP MLA is innocent. The victim stated that she was raped and has been running pillar to post for the last one year but that her complaint is not being heeded. On the contrary, she and her family had been threatened after she lodged a complaint. The victim was reported to have threatened to immolate herself if no action was taken. The victim's father who was stated to have been arrested under the Arms Act died in custody a day later, after being assaulted in custody allegedly by the brother of the accused BJP MLA among others. The investigations into his death were belatedly handed over to the

Special Investigation team. There were reports of lapses on the part of the hospital in treating and discharging the victim's father. An amicus curiae has been appointed by the Allahabad High Court.

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After a prolonged silence, and a day of widespread protests all over the country, the PM made a statement that "India's daughters" would definitely get justice, as is typical with the Prime Minister in matters such as these when the outrage overflows and spills over.

But what would justice look like for women and children in India? Women and children are being exploited as they are being considered the property of men, to start with. It bears repetition to state that rape is an act of power. And each case of rape indicates the intersection of gender with a specific marginality of the woman or child concerned. It also must be noted that at another level, the rapes are a continuum of a violence that is unleashed against certain communities in each location, to almost push them out of existence there. The accused are invariably powerful people, enjoying political patronage, and part and parcel of the ruling establishment.

But as is apparent also, these cases are not an aberration. These crimes are in fact a part of what is fast developing as an everyday culture – of inflicting violence on marginalized sections of society including women, children, depressed castes, tribals; and drive home to them that they are lesser citizens, to in fact create a culture where rape is justified and normalised, to create a culture where it is made out that some communities are dispensable. This is not to suggest that this culture has been absent earlier, but to state that it is currently being entrenched to the point where if we do not name this problem, we will be in a situation where people will be absolutely denied citizenship and driven out of existence. We need to be careful about the slippery slope that is developed from this normalization of rapes, murders and other crimes.

Entire communities are demonized as the ground work for normalization of rapes. We need to be careful about the framing of people or entire communities or political dissidents as terrorists. It gets repeatedly said with a Goebelsian frequency that certain communities are terrorists, to the point that we actually begin to think that they are terrorists; and again any

crimes against them are then sought to be justified and normalized.



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If we take a quick glance at what has been happening in Goa, we find that crimes against women and children do not even reach the portals of the police station because of the kind of reception they get there if the accused is powerful. When outrage is expressed due to a crime against a woman or a child, the State/ police respond with holding a meeting, expressing platitudes about addressing crimes against women. There is never an action taken report about what has been done about the decisions that were taken at the previous meeting. Some of the suggestions made are cleverly twisted, to avoid police accountability which is at the heart of the matter if the criminal justice system has to be set into motion.

The outcome of the demonization of the minority Muslim community in Goa, for instance, was seen in full display during the Sanvordem-Curchorem riots. The State completely bypassed the one man inquiry report of the Sanvordem-Curchorem riots and did not even begin to address the issue of rumour mongering against the Muslims raised prominently in the said Report. Hardly any voices were raised because a kind of justification was created that the Muslim community deserves to be persecuted. It is precisely this kind of justification building that paves the way for crimes against communities that are seen as not 'us' and rallies in support of the perpetrators of such crimes.

It is this demonization that creates an atmosphere to overlook the denial of citizenship rights and human rights. For instance, when the Muslim community seeks to have an expanded burial ground or a new burial ground so that they do not have to unearth their dead before time for want of space, we are indoctrinated to say resist because if 'they' have a burial ground, 'they' will take roots in Goa. That is the start of the slippery slope to denial of human rights – with justifications built for the denial.

Lastly talking of disrespect for the rule of law, we have witnessed that also in Goa, but it has gone unnoticed. At the time of the Sanvordem-Curchorem riots, after section 144 Cr. P.C. was imposed, in flagrant violation of the same, the then MLA and present Chief Minister was present with a group of people that went to the police station and pressurized the police to release the accused who were arrested. In one case related to communal violence, there was

an acquittal because necessary sanction was not taken before prosecuting those cases.

These are the situations that pave the way for the bigger crimes over which we get outraged, What can Goa understand from the Kathua and Unnao cases? Unless we heed these early warning signals, the fire of hatred, demonization, normalization of crime, will engulf all of us and the State will continue to take advantage of the divides among people on the grounds of gender, caste, ethnic origin, different sexual orientation, among other differentials, to ride rough shod over the rights of the people.

This is what Goa can learn from the Kathua and Unnao cases. We cannot wait for the fires to engulf us, we have to have the sensitivities to be outraged over the day to day normalization of crimes against women and children and marginalized sections of society. We have to expose this normalization. We have to ensure accountability of the justice systems to maintain the rule of law.

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