

***EVICTIONS IN GOA:
CASE STUDY OF BAINA***

**A FACT- FINDING TEAM'S
REPORT**

**A PUBLICATION OF
BAILANCHO SAAD , GOA : November 1997**

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Note: We have all through our report referred to the victim of trafficking as the prostituted woman and not the prostitute so as to emphasise the fact that she has been forced into the profession. Also, in our understanding, no stigma should be attached to the woman but to the system which allows such a practice.

Although some people prefer to describe her as a commercial sex worker ,we believe that this does not describe her present status in which she has no legal protection against constant police harassment and exploitation by the various agents in the trade, and by the client . If the law recognized the prostituted woman as a commercial sex worker ,she would get legal protection against all three .

Suggested Contribution: Rs. 15/-

A Warning For Our Times

"In Germany, the Nazis came first for the Communists, and I didn't speak up because I was not a Communist.

Then they came for the Jews, and I didn't speak up because I was not a Jew.

Then they came for trade unionists, and I didn't speak up because I was not a trade unionist.

Then they came for the Catholics, and I was a Protestant and so I didn't speak up.

Then they came for me, and by that time there was no-one left to speak for anyone."

MARTIN NIEMOLLER

(1892-1984)

SUMMARY OF OUR FINDINGS

Bailancho Saad, a women's collective of more than ten years' standing, requested us to form a fact-finding team and look into the legality and other dimensions of the recent attempts to evict the people living in the Red Light area of Baina, Vasco. Our team consisted of Ms. Nandita Haksar, Supreme Court advocate and human rights activist, Mr. Prabhakar Timble, former Principal, Kare College of Law and of Government College, Quepem and Mr. Mario Pinto Almeida, Advocate.

The first question that the people living in the Red Light Area asked us was : why is the Government so keen to evict us suddenly after so many years? It is true that the beginning of the trafficking in women can be traced back to the 1960's. Today the population in the Red Light Area is approximately 6,700 including the prostituted women, gharwallis, the bar owners, small time hawkers, port workers, contract labourers and class IV employees of the Municipality. **Why has this area of 0.09 square kilometres become so important?**

There are three reasons cited by the Government, the Baina residents' association and the local MLA for the recent attempts at evictions in the Red Light Area of Baina:

- (i) the need to stop HIV infection from spreading from Baina to other parts;
- (ii) the need to clean the area of criminals, specially prostitution;
- (iii) the need to recover the beach from the Red Light Area and make it accessible to the other residents of Baina, specially their children.

There is no doubt in our mind that each of these are very serious problems which require to be addressed urgently since they touch the lives of the other residents of Baina and are of concern to all of us who live in Goa. However, the so called clean-up operation being carried out in Baina has in fact worsened the problems, as our report will show.

We found that no one, including the Government, the local politicians or the other residents have given serious thought to the real social, economic or political causes of these complex problems, let alone debating on the possible solutions. Instead, the Government has, with the active help of some sections of the media, tried to play with the genuine fears of people by appealing to their insecurities, fears and uncertainties by using spurious moralistic arguments to justify the evictions and thus camouflage their real purpose.

In reality the evictions are being carried out in order that the Government may get back its land and then lease it out for some commercial purpose. One senior Government official told us that leasing out land for commercial purpose would also be included as "public purpose" since the money would go to the Government.

Immediately the question that arises is what will happen to the people who are thus evicted? And it is not only the residents of the Red Light Area in Baina who are being evicted. Already many homes of people living in the near by slums have been demolished. The eviction of the shacks on other beaches is a part of the drive of the Government to get control

of valuable land. If hundreds of families are arbitrarily deprived of their homes and source of livelihood so that the Government can lease out the land to the corporate sector these families have a right to alternative homes and jobs.

Land is one of the most contentious issues in both the economics and politics of Goa in general and in Baina in particular. We were very disturbed to learn that there is a cynical attempt to divide people on the basis of their place of origin, in order not to take responsibility for the people made homeless and jobless. Our investigations revealed that although most of the 3,000 to 4,000 (prostituted) women were from Karnataka, Andhra Pradesh, Tamil Nadu, Kerala, the people who were profiting most from the sex trade were the local businessmen. Our investigation into the operation of the Immoral Traffic Prevention Act during the recent eviction in Baina shows a highly selective use of the law. It has been used to harass and terrorize the victims of trafficking i.e. the prostituted women and not those who are living off them.

The evictions being carried out are in clear violation of the law and national and international human rights standards. That is why the National Human Rights Commission stayed the evictions way back on July 23, 1997. Despite that, the police has continued to use criminal intimidation to stop tourists from going into the area and are trying to starve the women into leaving the place. The harassment has included arrests, raids and even making their access to the toilets difficult. Our team was a witness to this behaviour of the police.

The local residents are watching this in silence in the vain hope that the area will be soon cleaned up of the "bad women" and the children of the "decent, respectable" residents can then go to the Baina beach. They are totally unaware of the fact that the Mormugao Port Trust of India has already got its plan ready to build a compound wall right around the area and make the beach out of bounds for everyone.

The real problem is that in the name of recovering land from encroachers the Government is destroying homes and jobs of the urban poor. Whether it is the slums of Sada, the Red Light Area of Baina, the people affected are the poor. And when they see that the land on which they have lived and worked is given by the Government to five star hotels or tourist resorts they have every reason to be deeply resentful.

If the Government and the law does not protect them, they will find ways to avenge this injustice. If solutions to real problems are not ethical, the problem will become worse. Human rights are not inaffordable luxuries but the most just, human and inexpensive way of maintaining peace and security which alone can assure prosperity for Goans in the future.

Our report substantiates these findings. We have tried to examine the problems from social, economic, political and legal dimensions, by interviewing Government servants, police officers and policemen, the residents of Baina including the prostituted women, gharwallis, bar-owners, the port and dock workers, the local businessmen and also the NGOs working there. We also interviewed the local politicians and professionals like doctors and lawyers working in this area We hope our report will start an informed debate on the above-mentioned issues.

"OPERATION CLEAN-UP"

Operation Clean Up in Baina is aimed at driving out the prostituted women from Goa. The Chief Minister, Mr. Pratapsingh Rane, vowed to send back the women to their states of origin, in the budget session of the legislative assembly in March 1997 and once again in the monsoon session. On September 2, 1997, the residents of Baina led by the local MLA (Independent), Mr. John Manuel Vaz, held a morchha at Vasco and submitted a memorandum to the Deputy Collector, Mr. Gokuldas P. Naik urging him to clean up the Red Light Area. In an interview with our team members, Mr. Vaz made an emotionally charged case for restoring the beach he had enjoyed during his childhood but which his children could now no longer enjoy because it was unsafe.

In our interview with the local Parish priest, Fr. Francis Pereira, he echoed Mr. Vaz's sentiments. He said "we want the beach for our children" and he pointed to the children peeping into the room where we sat. He said the Government was taking this seriously because of the growing threat of AIDS. He said he believed that the evictions would clean up the area and help check the spread of HIV infection.

Let us look at the facts with regard to these problems:

A. THE THREAT OF AIDS

The number of human immune virus (HIV) cases detected in the State is rising. One recent press report states that there are on an average 25 fresh cases which come to light every month. It is estimated that more than 1,090 people have been affected by the virus which is the precursor to the dreaded acquired immuno-deficiency syndrome (AIDS). The report carried in *Navhind Times* states that 30 per cent of the HIV carriers are Goans in the age group of 16 and 35 and 90 per cent are from coastal areas of Bardez, Tiswadi, Mormugao and Salcete.

It is estimated that 25 per cent of the prostituted women in Baina are HIV positive. It must be stated here that the method of arriving at these statistics is questionable considering that it is the prostituted women as a section who are singled out and forcibly subjected to HIV tests. Therefore the statistics may not adequately speak for the actual magnitude incidence of HIV in the rest of society. Notwithstanding this, the problem of the rising incidence of HIV positive cases is a world-wide problem. The Governments of other countries have tried various solutions to stop the spread of the infection. Although there is no cure so far for the disease, the prevention methods are cheap and reliable: the use of condoms and disposable syringes. There have been two kinds of responses:

- (a) policy based on coercion, suppression of civil liberties and discrimination against HIV infected persons. This approach inevitably leads to "alienating people from society, making them feel they have nothing to gain by protecting themselves or others, breeds helplessness, indifference and contempt for self and others; perfect conditions for the spread of HIV."
- (b) a policy based on respect for human rights which aims at "reducing the stigma attaching to HIV infection, and building the self-esteem of people with or at risk of

infection, create the conditions necessary for mutual trust, support collaboration in effecting and sustaining the behaviour changes needed to stem the epidemic." (quoted from *Julie Hamblin, Law Ethics and HIV: strategies for Ethical and Effective Policy, UNDP, 1993*)

In this connection, it would also be pertinent to note that *The Journal of Indian Medical Association: Special Issue on AIDS* has pointed out that the measures for the primary prevention of HIV and STD are the same :

1. Information, Education and Communication (IEC)
2. Case management of STD patients, through provision of clinical services and improvement of health care seeking behaviour."

We shall examine the truth of these assertions in the light of the experience of the prostituted women of Baina.

An illustration of the coercive way is the approach of the Government - run S.T.D Clinic at Baina. The majority of the prostituted women do not like to go there and have been going to the private doctors. According to Ms. Reyna Sequeira and Bharati Kale in their *Report of the High Risk Behaviour Research carried out in Goa* on behalf of National AIDS Control Organisation (NACO), a survey conducted there has revealed that only five percent of the women go to the clinic.

The main reason for this is that the S.T.D clinic has been carrying out blood tests by using force and criminal intimidation. In February 1992, they have taken the help of the police to obtain 201 blood samples without the consent of the women. Of these 28 persons were found to be HIV positive. Two months later, in April 1992, 251 samples were once again taken under similar circumstances and this time 32 were found to be HIV positive and a year later from 104 samples taken 51 were found HIV positive. It was, however, not clear from where the prostituted women got their infection. According to the World Health Organization in *Women and AIDS, Agenda for Action*, baseless rumours were floated incriminating red light area women as carriers of the AIDS virus in spite of medical evidence to the fact that male to female transmission of HIV appears to be two to four times as efficient as female to male transmission. : The Goa Public Health Act provides that no person, including a foreigner shall refuse the collection of blood for investigation of HIV. Section 53 of the Act was amended in 1987 to read

- (vi) *no person, including a foreigner shall refuse collection of blood for investigation of acquired imuno deficiency syndrome or any other Communicable/infectious diseases if the Health Officer has reasonable ground to suspect that such person is suffering from acquired imuno deficiency syndrome or other infectious disease as defined under the Act;*
- (vii) *all persons found to be positive for acquired imuno deficiency syndrome by Serological test shall be immediately isolated in institutions so prescribed for this purpose;*

In 1989, following a petition challenging the forcible isolation of Domnic D'Souza, the first Goan found to be HIV positive, the State Legislature in order to render the petition

redundant amended the law and now the patient "may" still be isolated under S.53 (vii) at the complete discretion of the Government with the patient or his or her dear ones having no rights. The possibility of forced isolation, if the Government so wants to, remains. Under these conditions, there is good reason for the prostituted women not to go to the Government run clinic and risk indignities of forced test and possible isolation.

According to the NACO study cited above, the Government health authorities have been exceptionally complacent. Although the STD clinic had been demanding condoms for distribution in Baina, they were not given any till February 1994. At present, the health authorities are co-ordinating with two NGOs, Positive People and Desterro Eves Mahila Mandal in conducting AIDS awareness programmes and distributing condoms.

Thus we see that the coercive approach has not led to any prevention of the spread of HIV infection which has been growing in Baina.

The ineffectiveness of this coercive approach has been proved in the past. According to an old Portuguese document, the translation of which is quoted by a letter-writer in Herald, "During the colonial rule the Portuguese king passed a royal order to make it compulsory for the Viceroy to furnish the compliance report on the law that bans the entry of "Kalvants" (dancing girls) in the island of Goa in order to keep his subjects free from health hazards.

In 1868, the British passed the Contagious Diseases Act, in which there was provision for compulsory examination of common prostitutes, their detention in hospital and complete segregation till cured. History and the present clearly shows that coercive laws have not stopped either prostitution or spread of diseases associated with it. Such provisions were considered violative of fundamental rights and they were not included in the Suppression of Immoral Traffic Act passed by the Government in 1956 in pursuance of the International Convention signed at New York in 1950.

In sharp contrast is the approach of Positive People and the local doctor, Dr Dilip Prabhu, who have the trust of the women of the Red Light Area. First of all they all believe in non-directive counselling and emphasize AIDS awareness campaigns. In fact, Dr Prabhu told us that today many residents in Baina, living outside the Red Light Area, are HIV positive and that the spreading of the disease can no longer be said to be only through the Red Light Area.

Further, he said on health grounds, it was far more rational to have one well-defined Red Light Area where the prostituted women have access to health facilities.

However the threat of evictions has already resulted in the prostituted women setting up mini-Bainas in Birla, Sada, Mangor, some areas of Dabolim. Also, the prostituted women are being regularly taken to Panjim every night.

Thus, even if one were to go by the assumption that prostituted women are primarily responsible for the transmission of AIDS, then would not this mean that the risk of HIV infection spreading to the rest of Goa is being greatly increased by the eviction ?

In fact, our team was able to enter Baina and interview the prostituted women, the brothel keepers (gharwallis) and the bar- owners because we went with a volunteer of Positive People.

These organizations have managed to persuade the women to insist that the clients use

condoms. They started work in October 1996 and soon ensured that 70% of the women were able to protect themselves by insisting on their clients using condoms. However, there are times when the men insist on having sex without protection.

That winning the trust and persuading bears results is also borne out by the experience of groups in other parts of the country. The Joint Women's Programme, Delhi, for instance, reporting about the response to its Centre wrote: " However, for the past two years, the women have voluntarily come to our centre and asked for condoms. In 1988, we could distribute only five hundred condoms per month, today we distribute 80,000. In Australia, where the Government has supported the organization by sex workers of professional or trade union groups, the sex workers have the "power to deal with their bosses and clients so as to enforce the safe sex ethic... The consequence in Australia is that in a country in the region with the longest history of HIV/AIDS, there has yet to be reported a case of infection contracted from an Australian sex worker." (*David Buchanan, (Barrister in Sydney) Public Health and individual Rights, UNDP, 1993*)

The National Commission for Women, Government of India, has also stood by the collectivisation of women in prostitution, besides specifically recommending that uninformed testings for HIV/AIDS should be prohibited and that no discrimination should be made on the basis of HIV/AIDS test results.

The attitude of the NGO Positive People is a reflection of their own experience and history. The organization was initiated by Dominic D'Souza who, when he was released from quarantine after the Government changed the law to give itself the discretion of whether or not to quarantine, eventually grew to be a person supporting others who had tested HIV positive and creating AIDS awareness in society through the Organization.

In our interview with Ms Mariette Correa of Positive People, we asked whether the evictions could help stop the spread of HIV infection. Ms Correa categorically said "no". She said Positive People had motivated the prostituted women to clean up the beach and since the last few months they had regularly been keeping it clean. The real task was to empower the women instead of stigmatizing them.

Our interviews with the Mormugao Port Trust Officers revealed that their attitude is much less hypocritical than other Government servants, at least off the record.

The Mormugao Port Trust Officers felt that red light areas are an inevitable part of every port in the world, whether it was Amsterdam in Netherlands, Antwerp in Belgium or Hamburg in Germany. The only difference was that, in Europe, prostitution was legalized and so there was greater medical regulation whereas in India, the health of the prostituted women was not looked after by the Government.

Captain Gopinathan of Mormugao Port Trust told us that the sailors were warned of the dangers of AIDS and told not to go to Baina but no one could stop a sailor from visiting a Red Light Area after months at the sea. At one time, several years ago, immigration authorities at Vasco had stopped sailors from going into town but "it is not fair to keep a seaman from land " Captain Gopinath said. We were told that it is the Mercantile and Marine Department which is in charge of looking after the welfare of the sailors. However, so far they had taken

no stand on the protection of sailors from HIV infection.

The chairman of Mormugao Port Trust and other officials felt that the evictions in Baina would neither stop prostitution or the spread of HIV infection. We were informed that already the motorcycle pilots were bringing some of the prostituted women from Baina and installing them in vacant MPT quarters of Sada and the CISF men were visiting them there. "Evictions in Baina would not solve the problem of containing AIDS", the MPT Chairman Jose Paul said.

B: Prostitution : Stigma for Whom?

When the "Concerned Citizens to save Baina Beach" brought out a rally in support of the Government's efforts to clean the Baina area, many of them were giving vent to their genuine concerns. Some "respectable" middle class residents feel ashamed to give Baina as their address. To them the slum is an eye sore and a matter of shame. Some of the women specially feel unsafe walking to and from their homes in the evenings. While these are real problems, the evictions is no solution ; in fact it has only served to divide the people, specially good women versus bad women. The evictions are seen as aimed at driving out "bad women" who are "outsiders" in order to make the beach safe for the good women and their children.

Our investigations revealed that this dichotomy only served certain vested interests who were in fact responsible for both giving political patronage to the Red Light Area and for making money from it. These vested interests include both politicians and businessmen who hide behind their respectability and prosper on the votes and money of the prostituted women. These double standards of morality allow them to get acceptance in society while living off the prostituted women.

In any attempt to understand prostitution, we must separate two problems:

- (a) the need to end the traffic in women which is a modern form of slavery and a grave violation of basic human rights. This is not a personal problem of a victim but a national (and international) problem connected to the economic, social and political structure.
- (b) the need to protect the human rights of the prostituted women and her right to autonomy over her own body, mind and life. She is a trafficked person who is not a criminal but has suffered as a result of criminal activity"

Both national legislation and international human rights law make this distinction between trafficking and the act of prostitution. In 1949 the United Nations General Assembly passed the Convention for the Suppression of Traffic in Persons and of the Exploitation of Prostitution of Others. Since then, the International Labour Organization has also passed a Convention on forced labour which includes prostitution. In addition, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in Article 6 makes it obligatory for all States to "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

The international community has expressed its special concern with the growing incidence of child prostitution in the Convention on the Rights of the Child, 1989. Article 34

of this Convention seeks to protect the child from "all forms of sexual exploitation and sexual abuse including the exploitative use of children in prostitution or other unlawful sexual practices".

After studying the living and working conditions of the prostituted women in Baina, we endorse this distinction between the trafficking of women and prostitution. As such, the Indian law also makes this distinction. The Indian Constitution makes it illegal under Article 23 to traffic in human beings or subject them to forced labour. In accordance with the Constitution and international law, the Government passed the Suppression of Immoral Traffic Act and in 1986, the Act was amended and is called the Immoral Traffic (Prevention) Act, 1956. Under the Indian law, prostitution as such is not illegal. However, selling or buying of minor girls for the purpose of prostitution is a crime under Section 372 and 373 of the Indian Penal Code.

Our investigation into the operation of this Act during the recent eviction in Baina shows a highly selective use of the law. It has been used to harrass and terrorize the victims of trafficking i.e. the prostituted women and not those who are living off them. Given below is a section by section account how the Act has been used :

Section 3 of the Immoral Traffic (Prevention) Act, 1956 makes it a criminal offence to keep a brothel or allow premises to be used as a brothel with provision for 2 to 5 years' imprisonment.

Newspaper reports reported that on July 14, 1997, the Vasco police picked up 15 brothel owners. They failed to report that these were only the 15 of the 200 odd gharwallis who live in the gallis of Baina with the prostituted women, and not the bar and cubicle owners who make much more money by renting out their cubicles to gharwallis for their clients. One bar owner has as many as 200 cubicles which he has been renting out. No notice under Section 3 has been sent to them. In an interview with one of the cubicle-owners, he told us that there was a time when the prostituted women were going to various hotels and the business in Baina was adversely affected. So he manufactured a letter to the Government saying as a respectable tourist who visits Goa with his family, he did not like these women in the 'respectable' hotels. And thus stopped the practice of taking out the women and his business flourished once again.

Section 4 of the Act makes it a criminal offence to live on the earnings of prostitution and the punishment for committing this offence is seven years' imprisonment.

When the team asks for estimates, one estimate was that there are around 4,000 prostituted women in the tourist season and on an average they each earn around Rs 200 a day. By this calculation, on an average they altogether earn 80,000 rupees per day. In contrast, the daily turnover in Baina Red Light Area is approximately Rs 10 lakhs, we were told. In other words, there are men who are living off the work of the prostituted women to the tune of nine lakh rupees a day. These are the men who are living on earnings dependent entirely on prostitution. According to the local councillor Tara Kerkar, "today there are at least 5000-6000 people dependent on them. Who are they?"

- (i) the bar owners- there are now 24 bars, where, according to the bar owners themselves, 500 cartons of beer and 40,000 rupees worth chicken and five to six

goats are consumed every day in peak season.

- (ii) the business men at Vasco who supply the food, alcohol, cold drinks to the bar owners.
- (iii) some Vasco lodge and hotel owners who provide accommodation for the tourists going to the Red Light Area. In 1991-92, according to the Statistical Pocket book of Goa, 89,352 domestic tourists and 7,488 foreign tourists visited Mormugao; in 1992-93, 83,860 domestic and 6,320 foreign tourists. A large numbers of these tourists visit Mormugao because of the "attraction" of Baina.
- (iv) the travel agencies, taxis and pilots who bring these tourists to Baina
- (v) The Government also earns excise revenue from the bars, income tax, house tax, and in other ways from Baina's flourishing economy.
- (vi) small time hawkers, the bangle vendors, the paan and tea shops, vegetable sellers.
- (vii) the local tailors, laundries and other service providers

No one who is living on the earnings of prostitution in Baina has been served a notice under Section 4 of Immoral Traffic Prevention Act, let alone been detained or punished ever.

Section 5 of the Act makes it an offence for anyone to procure, induce or take a person for the sake of prostitution and the punishment is imprisonment for up to fourteen years. If the person procured is a child, the punishment can be life imprisonment. However, no one has been booked under this section.

Our investigations revealed that the majority of the women from Andhra Pradesh were brought on contract for a tourist season and her parents were paid around Rs 4,000 to Rs 5,000. The woman herself did not get any money. Many of the pilots are involved in this.

There are also agents who have been procuring Goan girls for the Red Light Areas in Mumbai. Needless to say that the problem is not even mentioned.

The Government of Goa has not even admitted the existence of child prostitution in the State. In February this year, when the Chairwoman of the National Commission for Women had an interaction with local women's groups and NGOs, they informed her with examples of the tourism-linked child prostitution. To add to this, the Chairwoman also visited Baina and noticed child prostitution there too. She then exposed the existence of child prostitution in Goa. The issue thus came into the limelight. The first reaction of the Government was to deny its existence, then they denied any responsibility for the rehabilitation of these children since they were all "outsiders" and finally the Goa Police, decided to raid the area with the assistance of Directorate of Social Welfare. The Goa Police extended some invitations - and the Directorate of Social Welfare the rest - to the voluntary groups to assist in the raids. A copy of this "invitation" is annexed as Annexure I.

The NGOs and women's groups refused to assist in the raids and pointed out that a better strategy would be a social welfare approach rather than one which relies on police power. In a reply to the invitation, Umed, an organization for children's concerns' Programme Officer wrote: "We are against any sporadic raids conducted without thinking and planning

proper rehabilitative measures for the victimised children. Also for a child, however bad a situation she/he may be in, we need to have a dialogue with the children and prepare them for a separation from their mother and homes with feasible explanations. Such sudden and unplanned measures traumatize children and jeopardize any future positive action which would be necessary for their welfare." Similarly, Bailancho Saad, a women's collective, wrote, " Our organisation believes that to stop child prostitution, first and foremost, a thorough comprehensive plan should be chalked out to bring the culprits to book and also a comprehensive plan to equip the victims psychologically, emotionally, economically and socially. Secondly, the method of rescuing children should be such that it is not traumatic to the child, as far as possible. Thirdly, their re-entry into the prostitution web should also be prevented. Fourthly, how the action will be carried out is equally important."

Despite this timely warning from Umed and Bailancho Saad which have their representatives on the Government -formed advisory committee on child prostitution, the police went ahead and raided the premises and detained first twelve girls and then another thirteen girls and put them into the Juvenile Home (Bal Niketan).

The Juvenile Board did not allow the members of Umed and of Bailancho Saad to attend the inquiry despite having earlier agreed to permit them to do so and released the twenty-five girls on being, according to the Board members "informed" of the age of the girls without even formally receiving the age-test documents from the Goa Medical College. Umed states that "according to our information the girls returned to Baina after spending two weeks at the Juvenile Home. The girls had thus been doubly victimised by the "efforts" made by the police to "rehabilitate" them". On the other hand, no effort was made to obtain information relating to the traffickers of the children and to bring them to book.

On July 2, 1997, the Chief Minister said in reply to a question in the Assembly that "though earlier it was reported that 12 children were found indulging in prostitution, however on reference to the Forensic Department, it is revealed that they are above 18 years of age. Hence they were released by the concerned authorities."

Section 7 of the Immoral Traffic (Prevention) Act makes it illegal to carry out prostitution in or in the vicinity of public place. Under this section, the State Government has the power to issue a notification in the Official Gazette, and "direct that prostitution shall not be carried on in such area or areas as may be specified in the notification."

On this point, the local MLA, Mr. John Manuel Vaz, asked a question in the Assembly on July 2, 1997 "Will the Government issue notification with the direction that the prostitution is banned in Baina Red Light Area and Vasco?" The Chief Minister said the matter is being examined. When the Government admits it is a red light area, then, legally speaking, arresting prostituted women from there for prostituting in a public place has no meaning.

The largest number of arrests were made under Section 8 of the Act which prohibits seducing or soliciting for the purpose of prostitution, in a public place. Under this Act, this is the section where the punishment is least severe and the fine is only five hundred rupees. The subject of the arrest i.e. the trafficked woman has no legal status and no protection from anyone.

The client is not treated as an accomplice in the crime by the law. He is a man from a respectable social background. In Baina, the clients are domestic tourists, sailors, truckers, some foreign tourists, and also Goans, including men from the "respectable" part of Baina. Writing in *Goa Today* (Sept 1997), Mr. E O Mendes, Advocate, stated that he was shocked to note "several Tata Estates Sierras, Sumos, Esteems etc., with registration plates of Goa, parked right in the midst of this lap of carnal desire".

Respectable people in our society can live off her by selling bread to her and become rich; they can live off her earnings and educate their children with that money, often they can even have sexual intercourse with her (and not even pay). One of the gharwallis we spoke to told us that some politicians who were so active in cleaning up Baina had come there as clients. But no one is, however, willing to speak out at the injustice of the arbitrary arrests, harassment, insecurity the individual prostituted woman is facing today. She is the woman who was sold by her own family, often after being raped or, as in the case of the Andhra girls, she is contracted out for Rs 4000-Rs 5000 per season the money of which is given to her family and she gets nothing. If these women are made homeless, the people who suffer most are the children. Almost without exception, the prostituted women do not want their children to join the trade. Some of the children are being educated at Asha Sadan at Baina. Many send them to boarding schools and bear the expenses.

It is because of this reality that many of the women's organizations and NGOs have been demanding that the prostituted women be recognised as commercial sex workers and be given protection of the labour laws. In India, as elsewhere the prostituted women are invariably migrants since the practice of this trade is to sell the girls away from their home states which ensures their anonymity and also makes them much more vulnerable.

The issue of prostitution really cannot be simplified. Are women forced into prostitution due to violence at home in the form of rape, etc.? Is it because of poverty and gender discrimination? Is it because of prostitution and sex becoming commodities with profits accruing to controllers of the industry? There is no one answer.

Needless to say, eviction of victims from a specified red light area cannot solve the problem of prostitution in a state or country

Any strategy to end the institution of prostitution has to be two-fold: (a) ending the trade in trafficking - the management of the trade is in the hands of powerful people with both political and economic power and is getting more complex as it is acquiring international dimensions and (b) the protection of the prostituted women from harassment at the hands of the police and exploitation by the procurers, pimps and brothel owners or clients. This can be ensured only through decriminalisation and a process of destigmatization which alone can ensure the basic human rights to the prostituted women.

If the Government really wants to end prostitution, it has to end the trade. Studies on the trade show that the trade is controlled at two levels by two different sets of persons. One study reported that the control is in the hands of a "close knit inner circle immediately connected with the management of the trade and comprises of the procurers, brothel-keepers, pimps, intermediaries, toughs, touts, etc. The other circle functions from the peripheral level to provide protection to the trade. The latter includes police and Government officers, politicians and other influential persons."

The Study concludes with the observation: " It is the combined effort at all levels that ensures smooth running of business and good returns. The design of the whole process of trade management is such that it thrusts the victims into the forefront exposing them to both the world of clients and the protectors of law, while the actual beneficiaries of the trade manage to keep themselves in the background and reap their harvest."(*Flesh Trade: A Report, Gram Niyojan Kendra*)

This study was done at the instance of the Department of Women and Child Development, Ministry of Human Resource Development, Government of India. If the Government of Goa is really serious about stopping prostitution in Goa, it needs to begin with a study of the trade and exposing the politicians and businessmen who are involved in the trafficking and management of the trade in Baina.

C. RECOVERING BAINA BEACH

Our fact-finding team is sympathetic to the demands of the Vasco residents who want to recover the beach for the other residents of Baina. It is truly a beautiful beach.

Advocate E O Mendes, himself a resident of Baina, has written eloquently about this demand in the September 1997 issue of Goa Today: The people of Vasco da Gama, however, have no decent place for relaxation and recreation. There is hardly any major sports activity, negligible cultural activity and no place for social outings presently available. Previously, they used to enjoy the bountiful pleasures of the beautiful beach, which exists right in the middle of the city. This wondrous beach used to be the venue for many a musical event in yesteryear. This beach is today the scourge of Vasco- the very name itself casts a stigma on its user.

Mr. John Manuel Vaz, the local MLA and resident of Baina said his one point programme in his election manifesto was to "clear the Baina beach area." In an interview with us, Mr. Vaz said he would clear up the area come what may. When we asked why he had decided to take up this programme at this point of time, he said now that he was an MLA he had more powers.

However, a cross section of people we talked to said he had taken up this programme now because he wanted to build a hotel on that land. One bar owner told us that two years ago at a meeting near the temple on December 30th, 1995, Mr. Vaz had announced that he would build a hotel and vowed to clear up the area. Another said an emissary of Mr. Vaz wanted to buy the land on which his bar stood. Mr. Vaz in his interview with us categorically denied any interest in building a hotel.

Another allegation against the local MLA is that "eradicating Baina is his only guarantee for re-election. With his campaign, Vaz is killing two birds with one stone. First, he earns the undying gratitude of the people of Vasco by getting rid of the Baina eyesore. In the same breath, he cuts the biggest vote bank of his main opponent Haji Shaikh Hassan Haroon."

The slogan of recovering the beach appeals to the people of Vasco and it is being used to manipulate them into supporting the evictions. Even if the evictions are carried out, the beach will not be open to anyone. It is to be made out of bounds by a compound wall soon

by the Mormogao Port Trust. This was made clear by Dr Jose Paul, Chairman of the MPT, in an interview with our team. He said the Red Light Area would definitely be affected by the port development in the future although immediately only the beach would be taken over. He said the expansion of the port would mean that there would be a need for a hotel. He said he did not personally know of any plans to build a hotel but it was possible once the Red Light Area is cleared.

We are annexing the Map indicating broadly the Plan for expansion of the Port which clearly shows that the beach will be cut off by a compound wall.

We cannot believe that Mr. Mendes or Mr. Vaz who are residents of Baina and enjoy a degree of political influence do not know these facts. Can it be they raise the issue of recovering the beach only to hide some other vested interest?

The local councillor, Ms Tara Kerkar told us that she has definite knowledge that Mr. Vaz was interested in building a hotel in that area. She has been taking up cudgels on behalf of the residents of the Red Light Area. She said that if the Red Light Area is not there, then "our children will be made targets by all the drivers that come into Vasco. Only those who can afford to roam in cars will be saved ; what about the poor man's daughter? They will grab any woman they can."

She also attacked Mr. Vaz for alleging that she was against the evictions because she was an outsider who knew nothing about Vasco. Ms Kerkar said her mother was Goan, her children were Goans and she herself was born in Goa. Just because "my father is a Maharashtrian" does it mean I am not a Goan? She has been in Vasco for the last 12 years.

Our team was extremely disturbed by this trend to communalise the whole issue by trying to make it an issue of Goans versus outsiders. In our interview with Mr. Vaz, he asserted that there was no prostitution in Goa and it had come in all because of these outsiders who should be all thrown out. He also told Goa Today in an interview that the local councillor, Tara Kerkar (who has been exposing the wrongs done in the name of evictions) was an outsider. He proved to be no different from other politicians who stoop to character assassination of political rivals in the manner in which he launched a personal attack on Ms. Tara Kerkar while discussing the Baina issue and also derogatorily saying she was a non-Goan. Unfortunately, it is not only Mr. Vaz who has reacted in this way.

The Government's first reaction to the problem of prostitution in Baina and child prostitution in particular was to dismiss it all by saying that neither the women nor the girls were Goans. The Deputy Chief Minister, Dr Wilfred de Souza, speaking at the valedictory function of a national workshop on "Management of Child Labour Project" on April 18 said that Goa is a small state with compulsory education upto fourteen years of age and the problem was with migrant labourers. Later, speaking at a two-day Consultation on sexual exploitation of children in July 1997 the Deputy CM was reported as saying "The problem of prostitutes in Baina was imposed on the state as they were from outside Goa and tourism only provided a fillip to the activity".

When the Chairwoman of the National Commission for women, Ms Mohini Giri, raised the problem of child prostitution in Goa with the Chief Minister, Mr. Pratapsingh Rane, he said

he did not need Delhi women telling him what to do. The Report in the *Herald* of July 7, 1997 quoted him as saying "These ladies can't give us lectures about how to end this trade" and he asserted that "by raking this issue the state was unnecessarily getting a bad name".

Making outsiders the scapegoats for all ills is an old tool of politicians. At one time, the Government tried to blame the migrant workers for spreading malaria, because they lived in unhygienic conditions, instead of blaming the builders who violate labour laws and do not provide basic amenities to the migrant workers. It has an appeal to middle class people, specially in times of economic insecurity and political stability. But such populist politics leads to violence and even greater instability as we witnessed in 1982. Workers from other states of India working on menial jobs like construction work, scavenging, garbage disposal services, etc. that Goans are not prepared to do, were sought to be hounded out of Goa in the name of the "Goa for Goans" campaign.

The Indian Constitution makers were aware of these dangers and specifically guaranteed to every Indian citizen the fundamental right to "move freely throughout the territory of India, under Article 19(1) (d) and to reside and settle in any part of the territory of India under Article 19 (1) (e) of the Constitution.

In fact, section 153-A of the Indian Penal Code makes it an offence to promote enmity between different groups on grounds of religion, place of birth, residence, languages and doing acts prejudicial to maintenance of harmony. The punishment is imprisonment upto three years.

And section 153-B makes it an offence to deprive any citizens of India their rights on the ground of their belonging to some regional group.

The State Government's attempt to divert attention from the real issue is not lost on the residents of the Red Light Area. In our interviews with them, they stressed to us that they were proud of their tradition of living in harmony. There are 6,700 people living in the the Red Light Area. There are the women from Karnataka, Tamil Nadu, Andhra Pradesh, Nepal and some Goans and a community of Faquirs who are engaged in scrap business. They have a religious school. There are the Hindu and Catholic bar owners, shopkeepers and hawkers.

In contrast, we found responsible Government servants and other residents in Baina blindly communal. Their minds are already poisoned by the politicians' rhetoric in the vain hope of getting the beach.

With the privatisation of the port, the beach will soon be under the control of some big businessmen and foreign companies interested in the expansion of the port. They are the outsiders invited by the Government to enjoy the beach just as they have invited other corporations to build hotels and tourist resorts and thus make Goa the preserve of the rich outsiders and some privileged Goans.

The *Konkan Mail* on August 15th 1997 has made the same prediction: "The residents of Vasco hope they will get to use the beach once it is cleaned up. They hope they would be able to take their children to the beach on the evenings, much like the Panjimites do at Miramar. But little do they realize this is just a pipe dream."

THE POLITICS OF LAND

The residents of the Red Light Area have no doubt in their minds that the reason the Government is so determined to evict them from the area is because they want the land.

Perhaps what they are confused about is why after so many years of their living there-some have been there since the late 1960's - the Government has suddenly woken up to the fact that this is their land.

Our investigations revealed that the Government is not willing to clearly state what it intends to do with the land. There was a total lack of transparency in the procedures being used to evict people all over Goa who are called encroachers and the Government has gone to the extent of using illegal and unethical means to recover the land which in theory belongs to it.

A. ENCROACHMENTS

The difference between encroachments on Government land and encroachment on private land is this : while an encroacher on private land can be treated as a trespasser and the private owner owes no obligation for rehabilitation in most cases , the Government is bound to respect the fundamental rights of the citizen and its policy must ensure (a) that the citizens, men and women equally, have the right to an adequate means of livelihood ; (b) that the ownership and control of the material resources (and that includes land) of the community are so distributed as best to subserve the common good; and (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment. These are the obligations set out in Article 39 of the Directive Principles of the State Policy of the Indian Constitution.

However, Mr G. P. Naik, the Deputy Collector Mormugao who has been sending the eviction notices under Section 40 read with Section 41 and 184 of the Goa, Daman and Diu Land Revenue Act, 1968 told us that the Government had every right to recover its land. He could not enlighten us on why the Government wanted to do so at this stage and why it was willing to use any means to do so. He felt it was the logical end of the work of his sub-division. Earlier, Vasco along with Mormugao, Quepem and Salcete were all under Margao Sub-division. Mr. Naik said that obviously this was too large an area for one sub-divisional officer to monitor. The Government was aware of encroachments on its land and decided to deal with the problem in a systematic way in 1987. It created the new Mormugao Sub-division. He said the new sub-division started identifying the Government land which had been earmarked for various agencies such as Mormugao Port Trust, Indian Oil Company, Hindustan Petroleum and the NIO. This work was completed by mid-1996.

In the meanwhile, the Government wanted to prevent new encroachments on its lands. In order to do this it passed the Goa Land (Prohibition of Construction) Act in 1995. Under Section 4 of this new Act, anyone constructing even a hut on Government land (or land belonging to the Comunidade or local authority) must do so with written permission of that Authority. And section 6 of the Act permits the Government to demolish any construction without giving any notice. Mr Naik said he had already demolished the constructions in Sada and other slums since these had come up after 1995.

Mr. Naik seemed quite confident about effecting the evictions in Baina. He felt the law was entirely on the Government's side. However, when we went into the question of land rights in Baina the matter did not seem quite so simple.

First of the questions in our minds is for what is the Government taking this land - is it a public purpose or a commercial purpose? The law allows the Government to take the land for a public purpose. But Mr Naik said that the land could be leased to the department of tourism which in turn could lease it to a hotel. This would be for commercial purpose but since the money would go to the Government it would be "public purpose". In our opinion this interpretation is against Article 39 of the Directive Principles of State Policy.

Mr. Naik said that the Survey Plan showed that there were no structures on Government land till 1978. This assertion is not borne out by our investigations.

From various accounts the beginnings of the Red Light Area was in the mid 1960s. One version is that the prostituted women were brought by the Congress trade union leader, Mohan Nair who later became a councillor. He was brought at the instance of the local mineowners to break the communist trade union of the port and dock workers.

Ms Urminda Lima Leitao, Vasco's first elected member of the Goa Legislative assembly is quoted in *Goa Today* as saying: "In 1964 when I was an MLA, I had noticed that a small group of people had shifted there. It was then that I had told Mr. Y D Chowgule, the then chairman of the municipality, that Baina is being turned into a red light area, and since the problem is a small one, he should remove it. Chowgule however declined, saying that these things are a must since there is a port nearby."

The Chowgules have a huge C-shaped building overlooking the Baina Red Light Area which was built during this time. Nearby is another multi-storeyed building owned by the Salgaonkars. According to Mr Vaz, his father began his bakery in the Red Light Area of Baina about a hundred years ago. All these people with considerable influence and power allowed the red light to come up and to flourish.

By the late 1960s, there were four bars operating in the area. Till 1982, the Government did not take interest in the area. In 1982, the Commissioner of Excise cancelled the licences of the four bars without notice, on two grounds, (a) that the premises where the licences were issued were constructed without approval of the Municipality and (b) that there was a report from the Mamlatdar of Mormugao and also the Inspector General of Police of Goa that the said premises created law and order problems and were dens for various anti-social activities.

There were four bar owners, Augusto V V Fernandes, Martha G. Correia, Francisco Lobo and Prabhakar A Naik who challenged these allegations in the High Court. The High Court in its order of 22nd December, 1982 held that the allegation that the premises were illegal constructions had no substance since the "Municipal Council had issued a no objection certificate and had also given them Municipal numbers."

On the other allegation, the Court said the bar owners had not been giving an opportunity to show cause (allowed to offer an explanation) and that by itself "Without anything more was sufficient to vitiate the said orders" under section 16 (2) (d). The High Court did not stop the Excise Department or the police from continuing their efforts to clean up the dens of anti-social activities. We can legitimately surmise that these anti-social activities were going on with political protection and the authorities were in the know of things for at least three decades i.e. from the time the MLA tried to raise the issue in the Assembly in the 1960s.

Somewhere in the 1970s the Government acquired the land from private owners for the purpose of making a road connecting the main highway to the port. Mr Naik said the compensation had already been paid but for seventeen years, the road construction has been lying in abeyance. Now, according, to the Deputy Collector there are 900 encroachers in the area. He did not clarify whether it meant there were 900 individuals or 900 families.

Thus by talking about the problem as one of "encroachments", the Government can objectify it and hide the human dimension of it. The problem is not of encroachments but of housing. There is a growing pressure on land in the urban areas, specially in Mormugao Taluka which is the most urbanized taluka in the whole state with only 19.73 percent of the population living in the rural areas. The density of the population is also the highest with 1,104 people living per square metre. It is even higher in the slums of Mangor, headland Sada and New Vaddem. While the slum of Baina has an approximate population of 6700 people in an area of 0.09 sq km, Mangor has a population of about 6500 in an area of about 0.03 sq km and Khariwada has a population of 5500 and an area of about 0.12 sq km. As against this, the 1961 Census had enumerated the population of the entire Vasco city as 6,483 people.

The pressure on land is from two different sources, both which are really two sides of the same coin, development. On the one hand Vasco is a major port and industrial centre of the State. It has provided huge chunks of land for the Mormugao Port Trust, Goa Shipyard Ltd, the Zuari Agro Chemicals factory, Shipping and the industrial estate. In addition there is the National Institute for Oceanography, Indian Oil Corporation, Hindustan Petroleum. All these Corporations require land and more land for their expansion programmes. On the other hand, none of these works are possible without labour for construction, for both the skilled and unskilled work workers are employed by each of them. These big corporations almost as a rule do not provide even the basic amenities for the workers in violation of the labour laws, specially the contract labour laws and Inter- State Migrant Workers Act.

The poverty and unemployment in the rural areas of Goa and other States forces people, often with their families to migrate to the cities and they are forced to live in slums. The dictionary describes a slum as "a house unfit for human habitation or an overcrowded and squalid district in a city". Builders, contractors, corporations do not provide homes for their workers and thus force them to make small constructions on any vacant land. If they live for a number of years the migrant worker is able to sometimes replace the construction with bricks, but that is at a great cost. Demolition of encroachers' illegal constructions is in reality the cruel destruction of the homes of the urban poor. It means imposing great economic hardship and may lead to irreparable loss. Women suffer due to lack of privacy and become vulnerable to violence.

The Centre has various schemes for the urban poor living in the Slums. In 1988, the Goa Government declared Baina, Mangor, Sada, Khariwada all slums. Despite repeated efforts, we were unable to get a copy of the notification declaring these areas slums.

We were told by Mr Shanbag of the Statistics Department that four crores has been earmarked for the development of slums in the Ninth Plan. He said one crore had been given to the Municipality earlier on. Government officials, speaking on condition of anonymity, stated that the Government could well undertake economically lower group housing and also opined that the whole thing should not turn into a political crisis where one politician will take credit to become a leader.

B. EXPANSION OF MORMUGAO PORT

Mormugao port was declared a major port in 1963 along with ten others under the Major Ports Act, 1963. The primary responsibility for the development and management of these ports rests with the Central Government's Ministry of Surface Transport. In December 1996, the Minister announced that he had cleared the Rs 600 crore project for off-shore berth proposed by Mormugao Maritima in collaboration with Japanese Marubini. The MPT's proposal for an outer harbour was still under consideration.

The MPT is the smallest port in the country going by its size since it occupies only 400 acres of which 100 acres are reclaimed from the sea. With the new expansion projects, the port requires a large amount of land of which 200 acres is needed immediately.

The Mormugao Port Trust has already appointed M/s Frederic and Harris, an internationally reputed port consultant to work out a master plan for development of Mormugao port and to meet the needs of growing traffic. The Chairman of Mormugao Port Trust, Dr. Jose Paul, had said that after "the development of the Vasco bay berths, the future scope for the port's growth is on the Baina Bay, which is on the river side of the headland".

The proposal to convert Goa into a free port is pending before the Central Cabinet. According to the *Report of the Advisory Committee on Feasibility of setting up Free Port in India*, popularly known as the Raunaq Singh Committee Report, "The State Government has suggested that the entire State of Goa should be declared as Free Port, in which case suitable pockets of land would be available in sufficient measure for this purpose". The Cabinet has on November 4, 1997, already approved of plan to liberalise ports.

The main problem is of getting the land with the State Government's help. This is a major "problem for all port expansion projects all over the country. The Central Ministry has in 1992, 1993 and 1995 issued guidelines on land management at ports and privatization. These guidelines relate mainly to leasing of land.

The Central Government has given thought to various aspects of port expansion. The India Infrastructure Report on commercialization of infrastructure projects has also made detailed recommendations. They have said "Indian ports now need to plan with a 15-20 year perspective. It also recommends greater private sector participation. The major impediment to the privatization envisaged is labour resistance. The Report recommends that "the Government must deal with this as a poverty issue as this is a critical barrier to overcome in any privatization process."

Already the Government has introduced the Dock Workers(Regulation of Employment) Inapplicability to Major Ports Bill, 1995 to take away the protection of the Dock Workers (Regulation of Employment) Act, 1948 so that workers in major ports like Mormugao are deprived of rights won by decades of struggles in one stroke. The position of the unorganized labour involved in port expansion is far worse. While the Central Government is making elaborate projects for port expansion, it has given no thought to people who are displaced from their homes.

Our fact-finding team felt that the State Government along with the Central Government must give thought to the housing of those who are being evicted as a result of port expansion. If millions of rupees can be spent for the expansion for purely commercial purpose, a few lakhs can surely be spent for housing for those who are adversely affected. We also feel that till the time there is a political will, the Mormugao Port Trust or the Marine and Mercantile Department must take initiative in getting prostitution legalized and provide basic amenities in Red Light Areas near the ports, for the welfare of the seamen if not for the sake of the prostituted women.

It is however to avoid any responsibility to people that the State Government has chosen to use criminal intimidation and terror tactics to get back the little piece of land.

They have perhaps calculated that this is a cheaper and most effective way. Our prediction is that it is a way in which the problems related to slums, prostitution and to spread of HIV infection will become worse. Their only concern is how to get rid of the people and get the land urgently.

THE EVICTIONS: VIOLATIONS OF HUMAN RIGHTS

Of the 6,700 residents in Baina Red Light Area, eviction notices have been served on 324 persons so far. It is clear that the eviction notices are not only to the prostituted women and those connected with the trade but on everyone. Notices have been served on the port/dock workers who migrated from UP (the Bhaiyas) living in Baina since the 1960's, ten notices have been served to the Faquir community including one to the local Rafiya Arabi Madarsa (a school for religious teaching). Shopkeepers and bar owners have also been served notices. These notices have been served under sections 40,41 and 184 of the Goa Daman and Diu Land Revenue Code 1968 for illegal encroachment on Government Land.

The notice directs the person to vacate the land to the Deputy Collector may summarily evict under section 40. Also, the notice directs "remove your structure belongings from the above land" at your own cost.

The Bar owners have strongly protested at the illegality of these notices on the ground that "all the houses have been assessed for the purpose of payment of house tax and we are paying its house tax to the Municipality". Several of them whom we interviewed produced the following documents as a proof of their right to residence in Baina:

1. Licence to sell alcohol issued by the Excise Department
2. Restaurant licence
3. House Tax Bills
4. Electricity Bills.
5. Water Bills*
6. Challans paid to the Excise Department
7. Licence issued by Weights and Measures Department
8. Licence issued by Food and Drugs Department
9. Sign Board licence
10. Income tax receipts
11. Retail Sale Licence
12. Sale tax receipts.

The truth of their claims was confirmed by the Chief Minister himself on 14th March 1997 when he replied to Mr. Vaz's question.

We reproduce the question and answer:

**SUBJECT: ILLEGAL BARS AND RESTAURANT IN BAINA
RED LIGHT AREA.**

Starred L.A.Q. No. 825 tabled by Shri John Manuel Vaz, MLA (Mormugao) to be answered on 14/7/97 refereed to the started L.A.Q. No. 82 answered on 14/3/97.

QUESTION

ANSWER

Will the Chief Minister be pleased to state;

By Shri Pratapsingh R. Rane, Chief Minister.

1. Which authority has obtained the N.O.C.S from the Owner of the building/land before granting permission to granting permission to run Bar and restaurant in Baina -Vasco, Since the land in question on which structures have come up belongs to Government/Municipality.

Sir, Department of Excise grants bar licence after obtaining the N.O.C. from concerned Municipal Council.

2. Why Excise Department not verified the relevant record before giving permission to run Bar and Restaurant at Baina.

The relevant records are verified by the Department of Excise and licences are granted after obtaining N.O.C. from concerned Municipal Council that structures are legal.

The same arguments are put forward by the shop keepers. For instance, Mr T. Raghavan, a beedi seller showed us his licence under the Shops and Establishments Rules, 1975. The Certificate states that his address is s/No 111 Baina Beach, Baina, Vasco da Gama registered on July 23, 1975. He also showed us his licence for general store under the Mormugao Municipal Council Trade and Occupation Bye Laws, 1989.

Similarly, the members of the Faquir community were angry about the eviction notices. They said they were a part of the Sufi tradition and mendicants by profession hence they were called Faquir. Originally, they had migrated to Goa at the time of liberation and in 1968 they settled in Baina area. In an interview with members of this community they told us how they had managed to set up their scrap business and almost all of them had given up begging. They proudly showed the small Madarsa where they taught their children their religious values.

The community is proud of their traditions. They settle every dispute within the community, holding a Panchayat. Sometimes, they have invited members of other communities to help them. However, if anyone goes to the police instead of to the community, he must face social boycott of the community. About 10 of the Faquirs have so far got eviction notices. When we met them, they had not even answered them. They had not even thought of an alternative. They have none. For the younger generation, Baina is the only home they have known.

The gharwallis who have received these notices also felt the same indignation. They too

had been paying electricity bills, house tax, and they had ration cards and were on the voters' list. Some of them had lived in Baina for 25 to 30 years and was the only home they had.

Nearly everyone we spoke to, whether it was the bar owners, shopkeepers, Faquirs or the gharwallis voiced the same anger at John Manul Vaz. One of them told us "he made his money selling bread to us and now because we did not vote for him he wants his revenge". The gharwallis and the Faquirs said that Mr Vaz had tried every means to stop them from voting.

When we told Mr. Vaz this, he said there were all bogus voters on the electoral rolls. But why does he expose this - he answered he did not want to hurt a genuine voter by mistake. He seems to have taken the evictions as a matter of personal vendetta. He said the Red Light Area was the source of AIDS and no men would have sex with a prostitute without first getting drunk and after getting drunk there was no question of condoms.

At another point in the interview he said "They are not from Goa and I won't allow them to be stigma to Goan society" He said the evictions could be done within an hour if there was a will. "I can burn that area. It is a disgrace to the whole of Baina".

Mr Vaz had tried to evict the prostituted women in 1995. He said he brought 3000 to 4000 people from Vasco every day and demolished the homes built on the beach itself. He showed us photographs. He organized a beach bonanza that year. But he did not succeed in evicting the women who took out their anger on him by beating him and stoning his car.

This time the Government conducted the first raids in March after Ms. Mohini Giri, Chairwoman of the National Commission for Women, visited Baina and took up the issue of child prostitution. The police picked up several girls and deposited them in the home at Ribandar. The entire proceedings were against the provisions of the Juvenile Justice Act, 1986, specially the violation of section 14 which prescribes a special procedure for juveniles with parents and thus caused suffering to the girls and to no avail. Harassment and intimidation by the police began around March 1997. When our fact-finding team went to Baina we saw for ourselves how the police has cordoned off the area and has been not allowing tourists to enter. They pushed around the men coming in and even beat some.

Even other visitors to the Red Light Area are prevented from going in. One waiter who works in Anupurna Lodge in Vasco and had come to visit a bar owner was asked for Rs. 50/- by the police to allow him to enter. This was right before our eyes.

One gharwalli said previously also the local police got its "Hafta" or weekly bribes from each gharwalli. But now the Panjim Police which is guarding accepts bribes to enter into our own homes.

The worst victims of police raj are predictably the prostituted women. They have been subjected to the following kinds of violations of their rights.

- (a) From July to the present time, the prostituted women are being arrested in small groups under section 8 of the Immoral Traffic Prevention Act, 1956. These women

are arrested while having tea in the shop, or from inside their home and on at least one occasion from the sulabh toilets. They are dragged by their hair by male policemen and taken to the lock up and they get released after paying a fine of Rs 500. However, in the process. they have to suffer indignity and humiliation and also a night or too in Jail Besides they have to spend money for lawyers fee and to bribe the police.

Below we reproduce a typical complaint of the police:

Vasco Police station.

Dated -19.08.1997.

STATEMENT

Statement of Shri Prohad Mirashi, Police Constable B. No. 3206, attached to Vasco Police Station, hereby state as under.

To-day on 19.08. 1997 at 19.45 hrs I left for patrolling along with Police Inspector Shri. A. Agha and staff consisting PC B. No. 1864 P.P. Desai, & LPG B.No. 3657 Noorunion Agha all attached to vasco Police station. Who we were performing patrolling at red light area Baina beach vasco at about 20.00hrs I notice five ladies were making absce gesture, behaving in an indecent manner, collecting the customers for the purpose of prostitution in,immediately they were caught with the help of LPC B.No 3657 Nooruniro Agha. On questioning, they disclosed their names as under.

- 1. Miss Laximi d/o Subharao Chapamkota, age 35 yrs. native from Saibabagudgabag near Papermill, Rejmanti A. P. at present Red Light Area Baina beach Vasco behind Mellappe Bar.*
- 2. Miss Lalita d/o Annappa Reddy, age 20 yrs. native from Saibabagudgabag near papermill, Rejnandi, A.P at present red light area Baina beach Vasco behind Mallappe Bar.*
- 3. Merdam Laximi w/o Seribabu age 30 yrs. native from sibonagar vijaywado, A. P. at present near Bar D'Souza, Baina beach, Vasco.*
- 4. Kumari w/o Nagarjun Howaru, age 25 yrs native from shankore nalli, Shriawas Vankatesh Road. Hyderabad at present Baina Beach Vasco.*
- 5. Laximi w/o late kariappa Nalankappa age 25 yrs. native from Mader Mandi Ashelapur, Dhoriad, Karnataka at present Baina Beach Vasco.*

All the above ladies were placed under arrest by P. I. Vasco Shri A. Agha and brought to the Police station for further action.

Read over, explained to me in konkani and found to be correct as per my say.

Before me,

(A. Agha)

Police Inspector, Vasco.

- (b) In July, some 200 women were picked up by the police and taken to the police station. A gharwalli who is now working with Positive People told us that each of them was made to hang slates around their necks with their names on them and the police photographed them. Each of them had to pay Rs 50 for the photos for which they were given no receipt.
- (c) Our fact-finding team was a witness to how the police is preventing anyone from entering into the Red Light Area. This is a deliberate policy to starve and terrorize the women into leaving. If they leave, everyone else's business will collapse and the land will revert to the Government. The police told us they were doing this on orders from Panjim.

This is in violation of the Order of National Human Rights Commission of July 24th 1997. Justice V. S. Malimath had given clear cut directions:

"As an interim measure I direct all the authorities concerned to desist from taking any action to evict the persons in the locality and to afford police protection to the residents from the criminal elements who are threatening and trying to evict the persons from the locality. The Director General of Investigation (N.H.R.C.) is requested to arrange for is requested to arrange for service of the Order immediately". A full copy of the Order is annexed as Annexure.

The Government is not even willing to listen to any complaints. Ms Tara Kerkar, the local councillor, told us that the Chief Minister refused to even give her an interview when she tried to organize a dharna. The police refused to allow the women to leave Baina.

Unofficially, a senior Government official said he had been told that the Government was willing to give the residents of Baina Red Light Area an alternative land at Sanguem. But the women said it was too far from the port.

The Government's desperation to get this 0.09 square kms of land is obvious. It is using the Immoral Traffic Act to help in the eviction process. It has no concern with the problem of prostitution. The land has to be cleared for people for commercial projects, whether it is a hotel or the port or both. The truth is that they do not care where the 6700 people go as long as they get their bit of land. They want to take no responsibility for anyone.

In this case they say they will not take responsibility for outsiders. But when they evict Goans from shacks on the beaches they are taking the land for outsiders. The truth is that the poor, Goan and outsiders are dispensable to be treated like garbage and the rich both Goans and outsiders (corporations, builders, contractors) are to be welcomed. Till their power depends on votes, the politician cannot openly declare that he does not care for the poor. After all, all these years the politicians have thrived on the votes of Baina. That is why there is a total lack of transparency in the eviction process in the Red Light Area of Baina.

OUR CONCLUSIONS AND RECOMMENDATIONS

The attempt to evict the residents of the Baina slum which is a red light area is not linked to any social welfare concerns but to the pressure on the Government from the Mormugao Port Trust Authorities who wish to get on with the construction of the link road and expansion of the port, now that their various projects are being approved by the Government of India. The pressure is also from some vested interests who want to put the land to some commercial purpose, either a hotel and shopping complex or a resort.

It is a reflection of the growing commercialization of the economy in which the Government (both the State and Central) is more and more willing to sacrifice the interests of the politically powerless, be they some Goans or the poor or the 'outsider' or the shack-owner or the red light area residents for profits.

We stress this to make it clear that our investigations clearly show that the removal of one red light area would only lead to many more red light areas, the demolition of one slum will lead to the emergence of more and more slums (and with greater commercialization of the economy, all the beaches will be privatized).

We believe the only real solution is for people to organize themselves and fight for their right. Already, the All Goa Shack Owners' Association has forced the Government into framing new guidelines. Port and Dock workers have through their organized strength slowed down the pace of privatization of ports. If people cut across all barriers, we do believe the Government can be forced into at least modifying if not changing then anti-people policies. At the same time, it is important for all of us not to be taken in by populist slogans and to try and understand the real causes of the problems.

Having said this, we would like to place a few specific recommendations in the context of evictions in Baina:

- 1) The intimidation and arrests of prostituted women and the use of police patrolling by the state to break the lifeline of the local residents be stopped forthwith and the police force be withdrawn immediately.
- 2) Since the Mormugao Port Trust will be taking the land for port expansion, it MUST take responsibility for housing the people made homeless because of port expansion.
- 3) Initiation of a democratic consultation process with the residents of Baina, concerned NGOs and Government officials and officials from the MPT on a just and humane solution to the problems in Baina.
- 4) The Mercantile and Marine Department be involved in dealing with the Red Light Area since it is of concern to sailors' welfare.
- 5) The Government of Goa should conduct a study of the trade to find out the politicians businessmen and others who are involved in the trafficking and management of the trade in Baina and take stringent action against them.
- 6) The Government should be transparent about the use of land. A detailed policy statement on the Government's plans for land in the next 15-20 years with provision for (a) housing for urban poor and (b) a law to protect slum dwellers.
- 7) Immediate repeal of the Goa Land (Prohibition on Construction) Act 1995 which gives the Government powers to demolish homes and other constructions without notice in violation of Articles 14 and 21 of the Indian Constitution.

INVITATION TO RAID

No.86-11-87/SD/(Vol.III)/8261
Government of Goa,
Directorate of Social Welfare,
Panaji Goa.

Dated:-27-2-1997.

To,

M/S Fiona Dias Saxrna,

Programme Co-Ordinator - UMED

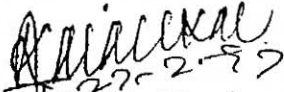
Mahalaxmi Gsg. Soc., Opp. Palaciode Goa, St. Inez, Panaji.

Madam,

This is to inform you that the Sub Divisional Police Officer is organising a raid at Bains Red light area to detect child prostitutes and take reformatory measures.

The raid is fixed for 28th Feb. 1997 at 10.00 hours.
You are requested to assist the raiding party.

Yours faithfully,


(A. V. KAJAREWAR)
DY. DIRECTOR(SOCIAL WELFARE)

Copy for information to:

- 1) The Inspector General of Police, Goa
- 2) The Sub Divisional Police Officer, Vasco-da-Gama Goa
with reference to his letter No.SDPO/VSC/386/1997 dt.25-2-97.
- 3) The Child Development Project Officer, ICDS Mormugao Goa.

STAY ORDER OF NATIONAL HUMAN RIGHTS COMMISSION

Justice V.S. Malimath

Member

National Human Rights Commission



राष्ट्रीय मानव अधिकार आयोग

सार्दार पटेल भवन, संसद मार्ग, नई दिल्ली-110003 भारत

Sardar Patel Bhavan, Sansad Marg, New Delhi-110013 INDIA

*Complaint of Mala Kamble and Others
C/o Positive People
Falcon Apartments
A/7 III floor
Near Cine El-Dorado
Panaji - Goa.*

Camp Panaji

24.07.97

O R D E R

Five ladies met me on 23.07.97 at about 1:30 p.m. and presented the complaint addressed to the National Human Rights Commission annexing copy of the Complaint given to Ms. Mohini Giri, Chairman of the National Commission For Women, who accompanied them. Ms. Girl also requested me to look into the grievances immediately and to take urgent remedial measures to relieve the suffering of the ladies.

It was explained that this is a representative complaint on behalf of all the ladies residing in the Baina beach area, who are also victims of similar atrocities committed by the police and the criminals. They are being threatened to leave the place, by the police and by groups of criminals. When they refuse to oblige they are beaten and their houses are ransacked and their articles are thrown out. This started sometime on the 6th of July, 1997. When the ladies took out a Protest March they were again subjected to similar atrocities. They urged me to visit their place and verify the facts. Having regard to the nature of the grievance and the urgency of the matter, I agreed to visit.

In the evening I visited the place along with Shri Shankar Sen, Director General (Investigation) of the N.H.R.C. and Ms. Sayeda Hameed, member of the N.C.W. At the Baina Beach area hundreds of ladies were waiting. Most of them are prostitutes. Their grievances in brief is as follows:

They have come from different parts of India, some from Karnataka, some from Andhra Pradesh, some from Maharashtra and a few from other States. They are living there peacefully since several years between 5 to 30 years without causing any inconvenience to anybody. There are in the locality people of different religions, the Hindus, the Christians and the Muslims none of who have any complaint against them. There is complete harmony in the locality. They really don't know the reason for this sudden animosity and

Justice V.S. Malimath

Member
National Human Rights Commission



राष्ट्रीय मानव अधिकार आयोग

सार्दार परेत भवन, संसद मार्ग, नई दिल्ली-110003 भारत

Sardar Patel Bhavan, Sansad Marg, New Delhi-110003 INDIA

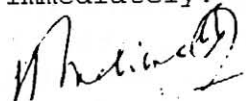
attack against them. They have a belief that there are some vested interests and politicians behind this move, who are interested in getting this land for their own advantage such as putting up shops, Hotels or Complexes in the area occupied by them. They also felt that, as they are not local people there is none to support them. They said that they either own the houses or taken them on rent. They have been given water connection, electricity connection, etc. They are regularly paying taxes and are law abiding citizens. They can't be suddenly treated as trespassers. They are scared of the beating and atrocities and the constant threats of eviction from the police and the Criminals. It appears that the ladies are very much scared of the vitiated atmosphere. It has affected their main livelihood which may result in their starvation.

They pray for being treated humanely. If they have to leave the place the State should provide reasonable alternate accommodation. They can't be just thrown on the streets as is being threatened. Some of them have children who are going to school. What should happen to them is the question asked.

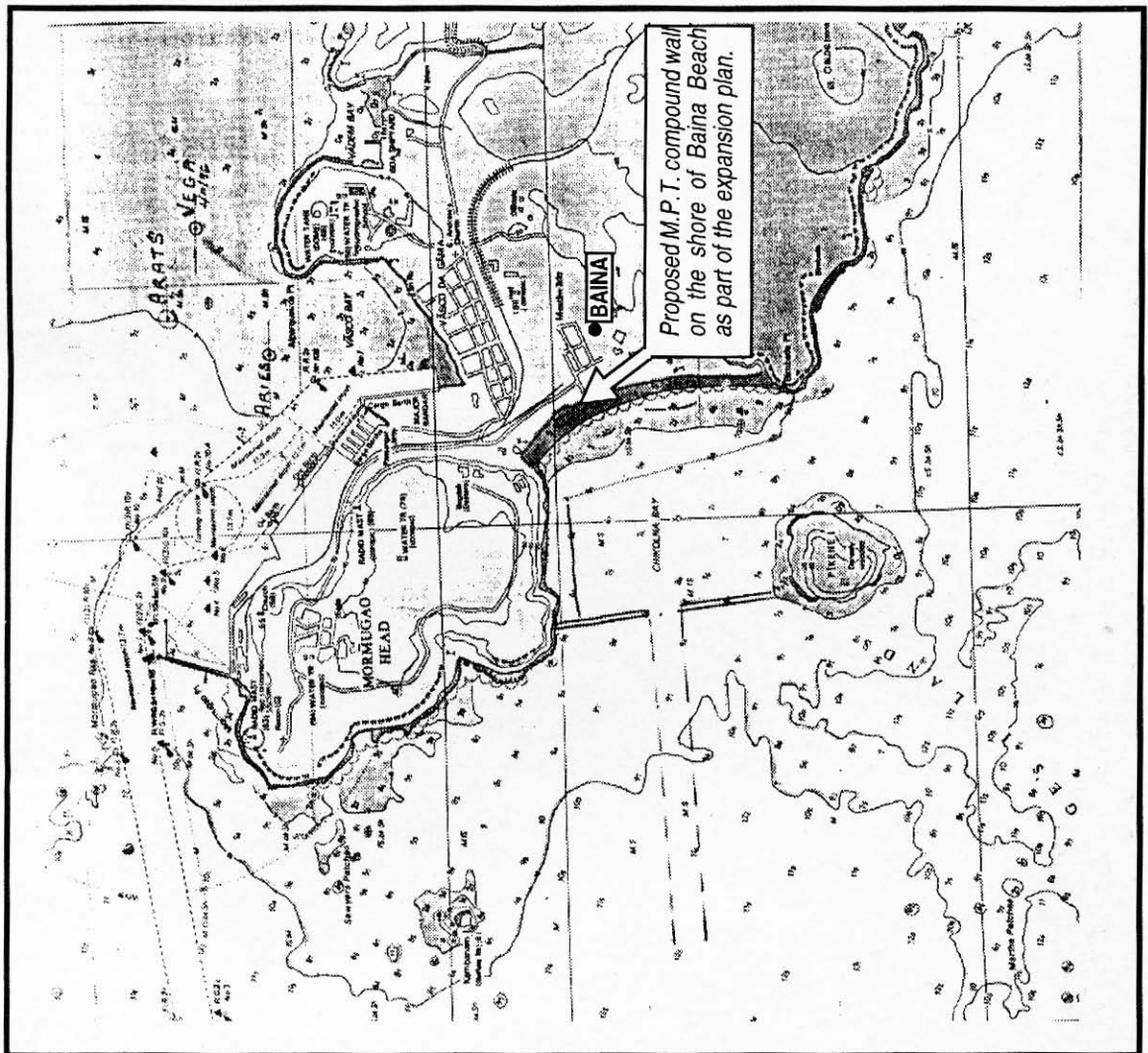
Prima-facie it appears that the ladies in the locality, most of whom are prostitutes are subject to threats of eviction and are being beaten and harassed by the police as well as some groups of criminals. Atmosphere of fear and anxiety is prevalent in the locality. This indeed is a human problem. I feel that a Prima-facie case has been made out justifying an enquiry into the matter by the N.H.R.C.

I therefore, issue notice to the Chief Secretary to Govt. of Goa, Panaji, the Inspector General of Police for Goa, Panaji and the Collector of South Goa, Margao. Response in 6 weeks.

As an interim measure I direct all the authorities concerned to desist from taking any action to evict the persons in the locality and to afford police protection to the residents from the Criminal elements, who are threatening and trying to evict the persons from the locality. The Director General of Investigation (N.H.R.C.) is requested to arrange for service of the Order immediately.


Justice V.S. Malimath

PORT EXPANSION PLAN INDICATED ON THE MAP



Acknowledgements

We would like to thank the members of Bailancho Saad for giving us an opportunity to do this investigation. We feel we have, each of us, learnt a lot from the experience. Our heartfelt thanks to Ms Mariette Correa of Positive People who took us to Baina. Without her introduction we would not have got the trust of the people of the Red Light Area. We also thank the officials, politicians, residents and members of the public for their time and open discussion.

We would like to specially thank Ms. Reyna Sequeira who is a sociologist by training and a resident of Mangor Hill, near Baina, Vasco. She has herself done a study along with another researcher on High Risk Behaviour in Baina and was very generous in sharing her knowledge of the area. We have drawn upon her work and experience.

WHY THIS FACT-FINDING?

We in Bailancho Saad have time and again had to address ourselves to the issue of prostitution, specially in the context of tourism and with reference to its impact on women. We believe that the prostitution trade and the trafficking must end. However, any steps to do this should not end up victimising the prostituted women who are themselves victims of the trade. But each time we have noticed that whenever the State talks about tackling prostitution and takes some action, the prostitution traders or traffickers are never dealt with. On the contrary, it is the prostituted women who are further victimised.

Whenever raids have been conducted, there has never been any effort to track down the traffickers. We had occasion to keep track of the manner in which the police conducted the raids in the name of tackling child prostitution in the first week of March this year. The police van full of police went to the red light area along with a motorcade of Government officials and police officers, stomped the area with lathis in their hands, terrorized the inhabitants of the place, selectively banged certain doors, selectively apprehended some girls, thus making the whole situation very traumatic for the prostituted women. And the traffickers? Well, looking into that was just not on their agenda. And the outcome? The girls who were arrested got into further bondage.

We also had occasion to note that when the National Security Act was last invoked in Goa, the police embrazened by the invoking of the said Act and the formation of the anti-goonda squad then had acted in the same manner. Incidentally, the National Security Act has been recently invoked in Goa again.

Therefore, this time around, when we found raids once again being conducted at Baina, we had good reason to be suspicious about what really the Government was upto when it was conducting these raids. We also found that the raids this time were being conducted with an added vengeance and the trauma of the prostituted women was immense.

Also, while the Government is talking of cleaning up the area of prostituion because it gives Goa a bad name, the Government is on its own taking steps which are in the direction of encouraging prostitution in Goa. If not, what would sanctioning offshore casinos in Goa lead up to? What steps has the Government taken to check paedophilia?

Could it be that the erasing of prostitution from the face of Goa is just an alibi to cover up some sinister designs? We felt it was time this was seriously probed into. This is why we constituted the Fact-finding Team.