CHAPTER FIVE

STATUS OF WOMEN IN GOA:
The Empirical Context for Bailancho Saad

In this chapter we try to look at the empirical context for Bailancho Saad's work in Goa. Very often, when I have talked of a women's movement in Goa, or the work of Bailancho Saad, a popular reaction is 'what could be wrong with the position of women in a state like Goa?', 'women in Goa are already empowered'. This small state on the west coast of India has attracted much attention, as it features prominently on the national as well as international holiday seekers' map. Maybe because of its geography, maybe because of its history or its cultural amalgamation, Goa has also earned a reputation of being a unique Indian state. In the 1970s and maybe even 1980s, the media and popular cinema portrayed Goan women as being largely Christian and wearing attire that was western and therefore different from the rest of the country. This association with 'westernisation' was seen as symbolic of 'liberation'.

Furthermore, the human development indicators such as per capita income, life expectancy and literacy rate are often used to highlight the advantageous position of women in Goa, particularly when the same are compared with that of other Indian states. These indicators of human development, though commonly used, are rather blinkered as they fail to present the whole picture. They also tend to neglect women's concerns through the fostering of an attitude of apathy. The women's movement in Goa has been arguing that development policies have been ignoring the needs and realities of the women population in the state.

Then, the unique civil law, popularly referred to as the Portuguese Civil Code or Common Civil Code, which is prevalent in Goa, is held in high regard because of the presumed role it has played in enhancing the status of women through the provisions for equal property rights.

In this chapter several of these myths about Goa and the status of women in Goa are exploded using data from the Census of India, National Sample Survey (NSS),

National Family Health Survey (NFHS) and other government reports together with data from academic papers and reports from NGOs and activist groups including Bailancho Saad. We here attempt at sketching the socio-economic background in Goa that necessitated the formation of an activist group and the need for its sustained intervention. It is pertinent to note that the situation of women in Goa is, in many respects, better than it is in many other states in the country, however there is yet much to be desired.

5.1. Goa: The 'Model' State?

Goa often boasts of being ahead of the country in 'development' using indicators such as (a) high per capita income (Rs 70,112 in 2005–2006 compared to the all India average of Rs 25,716 and Delhi's per capita income of Rs 61,676), (b) high literacy rate (76 per cent female literacy and 89 per cent male literacy, as compared to the all India average of 54 per cent and 76 per cent respectively, according to Census 2001), (c) low fertility rate (1.77 children per woman as opposed to the country average of 3.3 children per woman, according to Census 2001), (d) low infant mortality rate (14.12 IMR in Goa in 2005, according to the office of the Chief Registrar of Births and Deaths and the sixth lowest female infant mortality rate according to Census 2001, that is, after Kerala, Manipur, Chandigarh, Chhatisgarh and Mizoram), and (e) universal knowledge of contraception (99 per cent awareness of contraceptive technology, according to NFHS III).

The other reasons that have contributed to a feeling that Goa is at an advantage compared to other Indian states is that the first hospital of western medicine in the whole of Asia was set up in Goa way back in 1511, soon after the Portuguese colonization in 1510. This hospital was called the Royal Hospital, and is now the Goa Medical College Hospital. Another intervention of the Portuguese that has been seen as particularly advantageous for women is the Common Civil Code or the *Codigo Civil Portugues.* This code, as we will see later in the chapter, talked of equal property rights for women. This meant that women were legally entitled to an equal share of both parental as well as marital property.

Goa, was liberated from the Portuguese rule as late as 1961, after which, it was a Union Territory till 1987, when it was declared the 25th state of the Union of India.

Administratively, Goa is divided into two Districts (North and South Goa District) with a total of 11 Talukas or Blocks (6 in the North and 5 in the South). In all, there are 14 Municipal Towns (7 each in North and South Goa) and 30 Census Towns (20 in the North and 10 in the South). Goa has a total of 347 inhabited villages (209 in North Goa and 138 in South Goa). There are a total of 188 Panchayats (119 in the North and 69 in the South). Prior to the institution of Panchayats in Goa, there existed a system of local self-governance called the *Communidades,* which continues to exist even today parallel to Panchayats, but is a slowly dying institution because of the role Panchayats play. The *Communidade* carried out several functions including the construction of roads, irrigation systems, the upkeep of religious places, schools, and even health care, particularly at the time of epidemics, which are today jobs that have been taken over by the Municipalities and Panchayats. These *Communidades* were run by the *Gaunkars* (or early settlers) who appropriated land collectively and divided its produce amongst themselves. Of course, this was and is a patriarchical system which ignores daughters, wives or mothers, as only male descendents of *Gaunkars* could and can register themselves with the *Communidad*e as *zonekars* (sons of the soil) and can claim their share of *Communidade* land or produce. There were some instances, however, where the surplus of the annual income of the *Communidade* was given to widows and children of members.

The state of Goa stretches over an area of 3,702 sq. km, with the Arabian Sea on the west of its 100 km coastline. It is not surprising, therefore, that it has become one of the prime beach tourist destinations, attracting both domestic and international tourists. According to the 2001 Census, the total population of Goa is 13,43,998 (7,57,407 in North Goa and 5,86,591 in South Goa). This figure, however, does not include the tourist population which in the same year (2001) was 13, 80,313, and in 2005 was 23,02,146 (Economic Survey, Government of Goa: 2006-07), which is way more than the host population. Interestingly, the Government of Goa boasts of this growth in tourist inflow without considering the consequences of this population boom on the host community, as we will briefly discuss below. It may be pertinent to note here that *Bailancho Saad* was one of the organisations that was involved since the 1980s in protest against the Master Plan for Tourism (July 1987) and collaborated with other organisations such as Jagrut Goenkaranchi Fauz (Vigilant Goans Army) to 'combat the adverse impacts of the tourism

industry on women' in its protest against tourism (Equations 1995). Bailancho Saad's report (1988) titled *Tourism: Its effects on women in Goa – A report to the people,* warns of several impacts such as the sexist images of women portrayed in tourism advertisements, prostitution and sexually transmitted diseases among a host of other impacts. Bailancho Saad has been concerned about the 'impacts' of tourism almost since its inception and it has remained to this day one of the organisation's prime concerns as tourism has been vehemently promoted by the state government. We will see in Chapter 7 that in several issues of the *SAAD* Newsletter, tourism has been discussed

5.2. Tourism Promotion in Goa and Impacts on Women

Goa saw many changes post-liberation from Portuguese rule in 1961. Industries were established, banks were started, villages were electrified, roads and bridges were constructed and homes were connected with running water where previously people were dependent on wells. Prior to 1961, there was only one bank (Banco Nacional Ultramarino) and one Directorate of Economic Services (which included industry, agriculture, fishing, mining, land survey, statistics, etc.). Construction of hotels was also a new phenomenon of the 1960s and that was when the tourist potential was discovered. In the 1960s and 1970s, the tourists came into Goa in small numbers and were mostly backpackers (who were popularly referred to as 'hippies'). These tourists demanded simplicity and austerity and largely respected nature (Equations 1995). The tension that the host community faced, however, was over different values and lifestyles of the 'hippies' that came into conflict with local sensibilities. The church was then involved in the protest and the issues were nudity, drugs, permissive values which included free sex and the lyrics of rock music. At this time locals had control over the tourist trade, the environment was not visibly changed and, therefore, the church did not get much support for this protest (Institute of Social Sciences 1987 and 1989).

The period between 1986 and 1987 were stressful years for Goan society. There was the language agitation as well as the demand for statehood, which saw the local people rioting over the issue of Goan socio-political identity. People took to the streets in protest burning tyres, blocking roads, etc. The Language Bill was passed on 14 February 1987 and Goa attained Statehood on 30 May 1987. It was around the same time as the

above two issues of concern for the identity of Goan society that the anti-tourism Movement was born under the banner of Jagrut Goenkaranchi Fauz (Vigilant Goans Army), which was a joint front of several organisations. Tourism was seen as a neo-colonial power, 'chiefly directed to serving the leisure needs if foreigners and persons with financial power' (*SAAD* 1993b: 7). The issues raised by the movement, of which Bailancho Saad was a part, were prostitution, drug abuse, AIDS, violence against women, cultural degradation with the commercialisation of culture, the image of Goan women in advertisements and tourism brochures and also the destruction of beaches through sand extraction for construction (*SAAD* 1988; Equations 1995; ISS 1987,1989).

Then, in 1987, the Master Plan for Tourism was also announced (GoG July 1987). The Master Plan for Tourism talked of 19 five-starred hotels, 7 golf courses and the new 'chartered tourism' or mass tourism with foreign collaborations. At this time the anti-tourism movement was at its peak. Bailancho Saad circulated a 17-page cyclostyled report titled *Tourism: Its effects on Women in Goa – A report to the people* (1988) in which they stated

> With Government investment channelised into the tourism industry which is employment intensive, other sectors suffer. Displaced fisherwomen, farm-women, toddy vendors…what will they all do for their living? If things go on at this pace, it will not be long before our people will have no alternative but to prostitute themselves. The vulgarisation of our culture is also beginning to provide the atmosphere conducive to prostitution, nudism, drug-addiction and AIDS – factors that help reinforce sexual exploitation of women in Goa (ibid.: 1).

Interestingly, even in 1988 *Bailancho Saad* noticed a price rise 'due to the heavy tourist influx' and 'a scarcity of water…while starred hotels enjoy a 24-hour-long water supply' (ibid.: 1).

The issues of the movement related to cultural degradation with the commercialisation of traditional 'peoples' festivals remained an intellectual one while the reality was that sponsors were readily being accepted, for example, in the carnival parades. Floats that were produced by communities became floats sponsored by companies such as liquor and cigarette manufacturers and hotels (*SAAD* 1993: 3). Bailancho Saad was very involved in this debate and, in 1993, brought out a 6-page

booklet titled *Culture Vultures: A Critique of the Commercialisation of Carnival in Goa* in which it stated

> We in the Bailancho Saad collective have consistently been objecting to this commercialisation of carnival. Our objections began initially as a reaction to the harassment we ourselves were facing from tourists, who assume that women in Goa are available for the asking, mainly because of the images conveyed through the commercial Carnival parades and the advertisements about them (ibid.: 1).

Prime on the list of objections of Bailancho Saad to the 'commercialisation' of the festival was the derogatory images of women that were being portrayed on the floats. Then they felt that sponsors robbed the festival of its 'natural setting and spontaneity' (*SAAD* 1993: 3).

In the 1980s and early 1990s in particular there was little sensitivity of the political correctness in the captions and in the depiction of images of Goans in tourism advertisements. Some captions used by the Department of Tourism of the Government of India read 'Nine months out of twelve, Goans are busy celebrating some feast or the other, visiting some jatra or being a boisterous part of the Carnival' (*SAAD* 1988: 4) and another brought out by the Taj Group of Hotels read 'Of course, you could also indulge in every Goan's favourite pastime – doing nothing. Magnificently' (ibid.). A German magazine, Praline, carried a write-up on Goa's carnival in which it said 'Carnival in Goa is something very special. The girls are then wild and man-crazy…the wild, man-hungry girls force Micha and Annette to a strip tease on the open road' (ibid.: 15). These advertisements and reports caught the eye of the anti-tourism movement that was already discussing concerns of Goan socio-political identity, as mentioned above, and got carried into the protest against tourism. Issues raised by the movement was the nature of employment that tourism generated for the locals which was felt was merely servile positions of waiters, room service personnel, etc., questioned for whom the tourism infrastructure was really for, and critiqued the government's move to set up special police force for the protection and guidance of tourists from locals (ibid.: 8). The anti-tourism movement saw prostitution and drug abuse as inevitable outcomes of tourism promotion as was experienced in other Third Worlds countries particularly, Thailand and the Phillipines (Equations 1995) and accompanying that was also the fear of AIDS and violence against women.

In 1987, a seminar was held on 'Tourism and Goan Culture' at the Goa University together with the Institute of Social Sciences and the Indian Council of Social Science Research (ICSSR), New Delhi as well as the Goa Research Institute for Development (GRID) which deliberated on the negative impacts of Tourism on the host community. The seminar ended with the following declaration:

> Tourism in Goa should be planned, controlled and become people-oriented. It is necessary that instead of threatening and eroding Goa's cultural and social identity, tourism should strengthen and enrich them. At present publicity by the promoters of tourism distorts and vulgarises the image of Goa and of the Goan people. This is deeply hurtful to Goan sensibilities and may lead to a severe backlash. In coming to Goa, tourists should feel that they are coming to the home and land of a friendly, hospitable people. As honoured guest they enjoy the hospitality of these people and should show corresponding courtesy and respect. If tourism offers opportunity for development it also places social responsibility on the tour organisers, official bodies and other social agencies. Irresponsible commercial tourism is the bane of art and culture of the local people. But an authentic sharing between people enriches both host and guest and it is an enduring contribution to solidarity and integration. Thos we believe is something that domestic tourism in India can foster (Institute of Social Sciences 1987: 35).

While the anti-tourism movement began as an intellectual movement after the declaration of tourism as an 'industry', the 1990s saw many more join the movement with village-level anti-tourism 'Nagrik Samitis' being formed (Equations 1995). One reason for this was that tourism was declared an 'industry' by which it meant that not only were financial concessions available, but also that land could be acquired at the last sale price in the name of 'development'. At this time local people were hit harder, as along the coast large tourism companies including foreign companies were working with government officials to acquire large tracts of land from local communities; this did not give locals a chance to get into the race. Goa at this time saw large-scale land conversions. The loss of agricultural land to large-scale tourism projects or the fear of the loss brought people together with the support from the anti-tourism movement to form village-level protests (Equations 1995). Further, the new chartered tourism or package tourism plan meant that the impacts of tourism would be even greater with the volume of tourists.

Related to the promotion of tourism was the government's plan for golf courses around the state. Bailancho Saad felt that golf was a sport which was an exclusive one which would only be played by the elite few as it was an expensive sport in terms of the gear that was required to play the sport, the fee that was charged, the demand for water to maintain the 'putting greens', and the need for fertilizers to keep the greens free from weeds. Bailancho Saad in the early 1990s (*SAAD* Vol. 1 No.2 1994) saw the development of the sport as being detrimental to Goa, began a campaign 'No to Golf Courses' and sent a memorandum to the then Minister for Tourism and Environment expressing its protest.

5.2.1 Unchecked Tourist Population a Threat to Host Society

Shortly after the liberation of Goa, there was a boom in the population growth but the growth rate has steadily been decreasing (see Table 5.1), while the tourist population has been increasing (see Table 5.2).

Table 5.1

Population of Goa and Decadal Growth Rate 1900 – 2001

Sr. No	Year	North Goa District	South Goa District	Goa	Decadal Growth (%)
1	1900	294074	181439	475513	
2	1910	306323	180429	486752	+2.36
3	1921	288039	181455	469494	- 3.55
4	1931	313614	191667	505281	+7.62
5	1940	336628	204297	540925	+7.05
6	1950	330874	216574	547448	+1.21
7	1960	349667	240330	589997	+7.77
8	1971	458312	336808	795120	+ 34.77
9	1981	568021	439728	1007749	+ 26.74
10	1991	664804	504989	1169793	+ 16.08
11	2001	757407	586591	1343998	+ 14.89

Source: *Economic Survey 2003-04, Directorate of Planning Statistics and Evaluation, Government of Goa*

Table 5.2

Growth of Tourist Population of Goa

Year	Population of Goa	Tourist Population
1900	4,75,513	NA
1960	5,89,997	NA
1991	11,69,793	8,35,067
2001	13,43,998	13,80,313

Computed from Census data and Directorate of Tourism, Government of Goa

Since the 1990s there has been very hard selling the small state of Goa as a tourist destination to the extent that the population now more than doubles during the tourism season, as we have seen in the earlier section of this Chapter. Besides, the tourist season, which was earlier between the months of October to March, has been extended to 'all year round' with the recent advertising of 'Goa 365 days' (since 2008) without any consideration of the carrying capacity of this miniature state. Bailancho Saad has particularly been concerned about the impacts of mass tourism on the local community and women in particular. Some of these have been as follows:

5.2.1a. Strain on Water Resources:

The booming tourist population has resulted in a drain on the limited natural resources. Five-star hotels in particular have a high usage of water for luxurious amenities such as lawns and swimming pools. Of prime concern to women is the shortage of water, as the burden of fetching water falls largely on the shoulders of the women. In many villages surrounding large hotel projects the water levels in the wells had fallen dismally low. Hotels, however, ran showers, pools and watered lawns and irrigated the greens on golf courses throughout the day. 'Come summer and the scarcity of drinking water drives many women to walk long distances to fetch water' (*SAAD* 1988: 1). 'Since traditionally, women have been involved in the work of fetching water, it only goes to show how Governments go in for the kind of development that takes women's work for granted' (1993b: 6). Bailancho Saad was particularly involved in the protest against the planned golf courses, and in November 1993, it brought out a 14-page booklet titled *In the Name of a Game: The Stakes in Golf* as they saw 'golf courses in the continuum of a development trend that objectifies women, the environment, and other marginalised sections of society; a development trend that takes people's particularly women's work for granted and attacks their survival systems often fatally' (1993b: 1).

5.2.1b. The Acquisition of Land in the Name of 'Development':

When tourism was notified as an 'industry', the government permitted land to be acquired in the name of 'development' for the purpose of golf courses as well as other large tourism related projects (*Deccan Herald*, Bangalore, 2 May 1992). Beginning with the issue of land acquisition for golf courses and then for large hotel projects, Bailancho Saad has been very concerned with the impact of the acquisition of 'huge tracts of land'

by the Government using 'a draconian Land Acquisition Act to forcibly acquire land for golf course promoters from people despite their resistance' (ibid.: 3). A letter received by Bailancho Saad from the Director of Tourism on 8 June 1993 (No. 3/6(117)/93-DT/2006) in reply to their queries stated that two sites had been selected for golf courses covering a total of 16.40 lakh square metres. Subsequently *Communidade* land was acquired for tourism related projects. Bailancho Saad objected to this as

> such land is freely available to ordinary people that the village folk can manage a subsistence living. When a vast area of land is suddenly acquired, it means taking away a precious resource (land) from the common people and reserving it for the exclusive use of elitist few…This in turn leads to land prices shooting up; the housing problem being aggravated; areas, where people roamed freely, becoming exclusive and out of bounds; urbanization of the villages (ibid.: 3).

Goa followed the Regional Plan 2001 which was notified in 1986 until the notification of the *Revised Regional Plan Goa Perspective 2011* (Final report dated September 2003 and notified on 10 August 2006). The Regional Plan 2001 mandated the Coastal Regulation Zone notification of 1991 which restricted development within 500 metres of the high tide zone along the coastal belt and included rivers, estuaries, bays and creeks (wherever the tidal effects are felt) which is only 2 per cent of Goa's land but which land is the most valued real estate. The Regional Plan 2001 also included the 1990 Supreme Court directions which brought another 60 per cent of Goa's land area under Forest Protection.

The *Revised Regional Plan Goa Perspective 2011* (Regional Plan 2011) changed the area classified as urban settlement zone from 29,297 hectares in the 2001 Plan to 36,994 hectares in the draft plan in 2003 and then to 45,000 hectares by the time the plan was notified in 2006. When the Goa Regional Plan 2011 was announced, there was a state-wide agitation led by the Goa Bachao Abhiyan (GBA) which was a forum of representatives of various NGOs, architects, doctors and others from civil society and included several members of Bailancho Saad, as they felt that the Regional Plan proposed development and land conversions that would be disastrous for the local society. A writ petition filed by the NGO's in the Panaji bench of the Mumbai High Court stated that this plan was 'without any consultation with local communities and without their consent' and that it would result in 'grave and irreparable harm and damage, prejudice and loss to

the people of the State and to the ecology'. Interestingly, the Co-Convenor of GBA was Ms Sabina Martins of Bailancho Saad. A massive rally was held in the state capital, Panaji on the 18 December 2006, the day before Goa Liberation Day anniversary. The agitation against the Goa Regional Plan 2011 was a land mark in Goa's history and saw an even bigger agitation than was seen after the Master Plan of 1987. Bailancho Saad played a key role in planning public programmes and meetings. This state-wide protest met with success in that the Goa Regional Plan 2011 was de-notified on the 26 January 2007.

5.2.1c. Environmental Degradation:

The impact of tourism on the environment was also a concern of Bailancho Saad. Related to their concern about the damage that golf courses would bring was the fact that, in Goa, the plateaus were being targeted as sites for golf courses as land prices on plateaus was cheaper. According to Bailancho Saad, when golf courses are located on plateaus, the toxic chemicals used as insecticides would particularly during the monsoons get washed off into the neighbouring fields and water bodies contaminating the crop, fish and drinking water (1993b: 4). Apart from this, the concern was also that 'the landscaping of golf courses' would involve 'clearing local plants, shrubbery, trees; digging ditches; levelling the ground; changing contours; excavating the existing area and covering it with the quality of soil needed for the kind of grass to be planted' (ibid.: 5). According to Bailancho Saad, 'what affects society obviously affects women' (ibid.: 6).

Other issues related to environmental degradation is the overload of sewage due to the large number of tourists that are largely confined along the coastal villages where beach tourism is promoted. Several coastal villages have complained of traces of endemic bacteria in the wells as the sewage has infiltrated the ground water supply. The excessive non-biodegradable garbage generated by tourists with packaged foods, bottled water etc is yet another concern as traditionally in villages garbage was burnt and plastic burnt generates toxic fumes.

5.2.1d. Impact on Nutritional Status of Women:

It was often difficult for Bailancho Saad to articulate their hunch about the foreboding effects of tourism on women in particular and they often had to justify their involvement in the anti-tourism debate with the slogan 'all issues are women's issues'.

However, as we near two decades since their vehement protests of the early 1990s, what Goa is experiencing today is that tourism has been one of the causes for the inflated cost of living and has put tremendous stress on the demand for food, which has made even the local staple food, fish and fruit in particular, inaccessible to the local population (VHAI 2001: 18).

Traditionally, the Goan diet has consisted of local produce such as fat red boiled rice, red millet (*nachne/raagi*), coconut, native vegetables such as pumpkins, gourds, tubers, green banana, green papaya, white radish (*moolim*), cluster beans, egg plant (*brinjals*), and leafy vegetables like red amaranth (*tambdi bhaji*), root vegetables such as several types of yams and tapioca, and of course, a wide variety of seafood. However, in the last two decades, there have been noticeable changes in food consumption patterns in Goa. A gradual shift has taken place from traditional foods like red millet (*nachne/raagi*), boiled rice, locally grown vegetables, fruits and berries to polished rice, processed foods in cans or ready-to-serve packages, 'junk' foods, and fruits and vegetables imported from other parts of the country (Desouza et al. 2009). Simultaneously, there has been a significant decrease in the availability of traditional foods like boiled rice and other natural produce, along with an increase in availability of foreign foods (broccoli, mushrooms, capsicums, etc.) and food stuff preferred by both Indian and foreign tourists. These trends may have affected the nutritional status of women in Goa. Goa has experienced a rampant increase in land conversions from orchard or agricultural zones to settlement zones, as well as a steep rise in tourist trades (hotels, restaurants, water sports, etc.) and arrivals of both foreign and domestic tourists alike. Therefore, the links between the growth of tourism and the changes in food consumptions patterns in Goa cannot be ruled out and it has had a disastrous impact on the nutritional status of women as evidenced by the high incidence of anaemia among women (see Table 5.3). This is a more serious concern considering Goa is one of the highest per capita income states and has a high literacy rate as well, both factors influencing diet and food intake.

Table 5.3

Anaemia in Goa (2005-2006)

Group Studied	Percentage of Anaemia
Children between 6 to 35 months	49.3 %
Ever married women 15 – 49 years	38.9%
Ever married men 15 – 49 years	12.9%
Pregnant women 15 – 49 years	36.9%

Source*: (NFHS III)*

Malnutrition, however, was found particularly among women with a low standard of living, younger women, illiterate women, ever married women who were not currently married and women belonging to scheduled castes and other backward classes. According to NFHS III (2005–2006), about 28 per cent of women are too thin and only 52 per cent of women had a healthy weight for height.

5.3.   Rise in Urban Poverty

The poverty ratio in the state according to Planning Commission estimates for the year 1999–2000, was 4.4 per cent which was the second lowest in the country next only to Jammu & Kashmir. Poverty in rural Goa was 1.35 per cent and 7.52 per cent in the urban areas. These figures were much lower than the national average of 26.10 per cent (27.09 per cent in rural areas and 23.62 per cent in urban areas and inverse of the national trend where rural poverty is greater than urban poverty). The scenario according to the 2004-05 estimates of the Planning Commission, are however rather bleak. While the percentage of poverty in rural Goa is only 5.4, in the urban areas it has gone up to 21.3 which makes Goa the state with the 13th highest percentage of poverty out of 35 States/Union Territories. According to the same data source, 1.9 per cent of the rural population and 20.9 per cent of the urban population are below the poverty line.

5.4. Declining Sex Ratio

A grave concern in Goa is the declining sex ratio (i.e., the number of females to every 1,000 males), which is an indicator of the status of women in the society. There is now clear evidence that in Goa, like the rest of the country, there is a male child preference among eligible couples (NFHS III). This is despite the high literacy rate and high per capita income in Goa, which probably explains the declining sex ratio during the last 50 years (see Table 5.4). Of greater concern, however, is the fact that the juvenile (0-6 years) sex ratio in 2001 (933) was lower than that of the adult sex ratio (960) implying that in the years to come there will be even less female adults to male adults.

Table 5.4

Sex Ratio 1900 – 2001

Year	Sex Ratio (No. of Females to 1000 Males)
1900	1091
1910	1108
1921	1120
1931	1088
1940	1084
1950	1128
1960	1066
1971	981
1981	975
1991	967
2001	960

Source*: Economic Survey 2003-04, Directorate of Planning Statistics and Evaluation, Government of Goa*

A low TFR (total fertility rate) is seen as a positive developmental outcome of greater awareness. In Goa, the TFR is as low as 1.79 children per woman (NFHS III), 1.77 in urban areas and 1.81 in rural areas, which is below the replacement rate of population. Another positive statistic worth noting here is that there exists universal knowledge of contraception in the state among women of child-bearing age. However, the use of contraception in the State is as low as 48 per cent, which is the same as the national average of current contraceptive prevalence. This leads to suspicions that the family size is being controlled by means other than contraception. Given the evidence

that there is a male child preference and the low fertility rate is leading to a falling family size, it is not unlikely that the choice of children (both number and sex) is not happening randomly but by means of sex selective techniques and abortions/female foeticide. It may be worth noting here that, although Goa has attained a below replacement population, state health functionaries continue to be engaged primarily in family planning promotion and the only other scheme promoted with equal fervour is the immunization programme.

Government departments in Goa argue that a decline in the sex ratio has resulted from improved medical facilities in the state, which has resulted in a lower mortality rate among men. Others opine that it is a result of out migration of women for work and in migration of male labour. Under-enumeration in the census is another of the arguments. However, there exists no data to support these hunches. The trend is indicative of gender discrimination and the prevalence of female foeticide as the strong son preference in the state has been confirmed by NFHS I, II and III.

We have already discussed the inflated cost of living in Goa which has resulted due to tourism. As people's access to food and housing is limited, restricting ones family size is the most natural consequence. The pressures to curtail family size coupled with the prevailing preference for sons, has no doubt resulted in the use of sex determination tests and selective abortions for tailor-made family compositions.

To put a check on the widespread decline in sex ratios all over the country, the PNDT Act (Pre-Natal Diagnostic Test Regulation and Prevention of Misuse Act of 1994 renamed as the Pre-Conception and Pre-Natal Diagnostic Techniques Prohibition of Sex Selection Act of 2003) has come into force. However, it is still unclear as to what concrete steps have been taken to implement this Act in Goa. There have only been a few advertisements and talks on the girl child.

On 26 March 2003, Bailancho Saad organised a workshop to discuss the declining sex ratio in Goa and to examine the implementation of the PNDT Act together with the Centre for Women's Development Studies (CWDS) New Delhi. It later published a report titled *Locating Missing Girls,* with support from CWDS and the British Council, New Delhi. This 32-page report also documents the work of Bailancho Saad on the issue of declining sex ratio and gender discrimination as well as data, press reports and other articles on the subject. The workshop brought together stake-holders from all walks of

life and included doctors, nurses, government health functionaries, academicians, lawyers, civil society groups, NGOs, political representatives and the media.

The declining sex ratio is one of the indicators that demolishes the myth that all is well for women in the state. In fact, the sex ratio takes Goa off from its premier place as best state as it ranks 22nd in the country in its sex ratio in urban areas (919), being surpassed in this even by states like Bihar, Orissa, Jharkand, Karnataka and Andhra Pradesh, and ranks 20th in its sex ratio in rural areas (948). In Goa, as in other states, there is a lower sex ratio in urban areas as compared to rural areas.

Bailancho Saad felt that gender discrimination was deeply entrenched in the Goan mindset with practices and beliefs such as (a) a male child perpetuates the family name as a girl is expected to take on her husband's family name after marriage, (b) non-attainment of 'moksha' without a male hier, (c) only a male child can perform the death rites of parents, (d) the male is the 'bread-winner' of the family, (e) a girl child is a 'burden' because of the practice of dowry, (f) 'returns' of the 'investment' in education of a girl child are lost to the husband's family after marriage, (g) boys are stronger, the protector etc., and (h) parents fear loneliness after their daughter is married as she will leave the parental home. Bailancho Saad felt that a multi-pronged strategy was required to tackle the issue of sex-selective abortions (*SAAD* Vol.3 No. 4, not dated) which include:

1. Immediate reporting of clinics, etc., that violate the PNDT Act.
2. A critique of unjust social practices through awareness and discussion.
3. Research and surprise inspections of clinics.
4. An integrated approach by Health and Women and Child Departments.
5. Awareness of the PNDT Act involving other field based groups.
6. One month each year to be observed as the 'Month of the Girl Child' just as it is done in the case of the campaign for immunization.
7. A responsible media that does not perpetuate stereotypes.
8. Gender disaggregated data to ascertain the status of the girl child and gender discrimination prevalent in society.

5.5. Women's Literacy and Education

Goa ranks number four in the country, after Kerala, Mizoram and Lakshadweep, with regards to its literacy rate. From Table 5.5 it is clear that over the last three decades there has been an improvement in the gender-wise difference in literacy rates.

The stark differences, however, in the literacy rates taluka-wise pose a serious threat to the seemingly positive literacy rate in the state, as the literacy rates in the talukas of Canacona, Sanguem, Quepem, Satari, Pernem and Salcete fall lower than the state average (see Table 5.6). There are also rural-urban variations.

Table 5.5

Percentage of Literate Population in Goa

Year	Female	Male	Difference between F and M	Total
1971	36	55	19	45
1981	48	66	18	57
1991	67	84	17	76
2001	76	89	13	82

Computed from Census data

Table 5.6

Taluka-wise Literacy Rates (2001 Census) (per cent)

State/ Dist/ Taluka	Rural			Urban			Total		
	P	F	M	P	F	M	P	F	M
Goa	79.7	71.9	87.4	84.4	79.0	89.5	82.0	75.4	88.4
N Goa	82.0	73.8	89.9	85.4	80.3	90.2	83.5	76.7	90.0
Pernem	80.6	71.1	89.5	82.1	74.8	89.0	80.8	71.6	89.5
Bardez	86.6	81.2	92.1	84.8	80.2	89.1	85.5	80.6	90.3
Tiswadi	82.4	75.6	89.4	86.3	81.1	91.1	84.9	79.2	90.5
Bicholim	81.7	72.3	90.6	86.8	80.3	92.9	83.8	75.6	91.5
Satari	74.5	63.9	84.7	88.3	82.1	94.2	76.4	66.3	86.0
Ponda	82.0	73.0	90.6	84.7	79.7	89.2	82.9	75.1	90.1
S Goa	76.0	69.0	83.2	83.3	77.6	88.7	80.1	73.7	86.3
Mormugao	79.0	72.4	86.0	83.7	77.0	89.6	82.9	76.1	89.0
Salcete	79.5	74.0	85.5	83.7	79.1	88.3	81.9	76.8	87.1
Quepem	69.2	61.4	76.9	81.4	75.2	87.6	74.8	67.7	81.8
Sanguem	74.2	64.5	83.5	82.6	75.3	89.9	75.7	66.4	84.6
Canacona	72.8	64.9	80.6	80.1	73.7	85.9	74.8	67.2	82.1

Source: *Economic Survey 2004-2005, Government of Goa*

Note: P = Persons, F = Female, M = Male

Table 5.7 shows that a large percentage of girl children enroll into school between the first and fourth standard. There is, however, a larger number of girl drop outs in the lower classes, that is, between the 5th and 7th Standards. It is also seen that, if girls stay on in school, there are a fewer girls than boys that drop out in the higher classes, that is, between the 8th and 10th standards.

Table 5.7

School Enrolment and Drop Outs (2001–2002)

Education level	Female	Male
Enrolment Std I – IV	45339 (48%)	48689 (52%)
Drop outs Std V – VII	10475 (51%)	9959 (49%)
Drop outs Std VIII-X	4649 (48%)	5124 (52%)

Computed from Census data

A sizeable number of women in Goa enroll for higher education, particularly for Bachelors and Masters degrees in colleges and the Goa University. However, for professional, technical and vocational education, there seems to be a gender gap that is unfavorable to women (see Table 5.8).

Table 5.8

Gender wise enrolment for Higher Education (2001–2002)

Education level	Female	Male	Total
XI and XII	11171 (49%)	11697 (51%)	22868
College	8716 (61%)	5639 (39%)	14355
GU	697 (64%)	394 (36%)	1091
Professional	2408 (49%)	2489 (51%)	4897
Technical	1157 (21%)	4406 (79%)	5563
Vocational	539 (38%)	872 (62%)	1411

Computed from Census data 2001

Despite the overall good performance of the state with regard to women's education, the low work-participation rate, as reported by the Census of India, poses a serious threat to progress in the state. While, 88.42 per cent of the male population is literate, only 54.9 per cent are working. Among the female population, while 75.37 per cent are literate, only 22.4 per cent are working, and the remaining 77.6 per cent are listed

as not working. Of particular concern is this non-working population (which really is the population that is out of the paid labour force), as in every society it is this population that is most vulnerable. No doubt, these statistics are unable to account for 'unpaid' work that women do at home. However, given that the educational profile of men and women in Goa are similar, this gap in workforce profile is difficult to fathom and needs serious policy redressal.

Table 5.9

Participation Rate in Paid Labour

Persons	Main Workers	Marginal Workers	Total Workers	Non Workers
Total Persons 1991	32.8	2.5	35.3	64.7
2001	31.6	7.3	38.8	61.2
Females 1991	16.8	3.8	20.5	79.5
2001	14.9	7.5	**22.4**	**77.6**
Males 1991	48.3	1.3	49.6	50.4
2001	47.6	7.0	54.6	45.4

Source: *Economic Survey 2006-07, Directorate of Planning, Statistics & Evaluation, Government of Goa*

Table 5.10

Applicants on the Employment Exchange Register 1998–2003

Level of Education	Number of Applicants					
	1998	1999	2000	2001	2002	2003(P)
Below Matriculate	28692	26998	25707	24629	19766	20987
Matriculate	33622	31873	30892	31491	33664	34131
HSSC	34314	32513	31149	29237	29199	28832
Graduate	12452	12148	12246	12896	16346	15843
Post-Graduate	1070	1075	1109	1371	1759	1847
Diploma Holders	1638	1844	1915	2346	2870	3019
Total	111788	106451	103018	101970	103604	104659

Source*: Economic Survey 2003-04, Directorate of Planning, Statistics &Evaluation, Government of Goa*

The even more disturbing factor about this low work participation rate is the fact that a large proportion of this population are, in fact, highly educated. The number of

highly qualified persons registered with employment exchange is an indicator of the number of educated unemployed and underemployed in the State.

5.6. Women's Health in Goa

It is on the issue of health services coverage and general health indicators that Goa is often rated one of the better states in India, in close competition with Kerala. However, the women's movement in the state has often criticized the health policy as being focused on population control and, therefore, concerned chiefly with reproductive health and not the general health of women. These claims of the women's movement are not unfounded as statistics prove. In Goa, as we have already discussed, the trend is towards small families which might be a consequence of the high cost of living. According to NFHS III, the average age at marriage of women in Goa is high, that is, 25 years, and there is an almost universal knowledge of contraception. Interestingly, despite low use of contraceptive methods (48 per cent, which is the same as the national average), the average number of children per woman is 1.77 (below replacement level). The purpose of promotion of family planning in the country is to control the size of the population and from these figures presented above Goa does not require this to be an agenda of the health department. However, it is alarming that family planning promotion continues to be the prime agenda of the health functionaries in the state of Goa. The women's movement in Goa, has also been very concerned about the ethics of the aggressive contraception promotion by the state (*SAAD* Vol. 1, No.3). NFHS III has highlighted that, in Goa, the use of sterilization as a contraceptive method decreases as education increases and likewise also with the standard of living (see Table 5.11).

Besides, the use of modern methods of contraception is higher among rural than urban women. In fact, the use of traditional methods of contraception by urban women is three times higher than that of rural women.

Some of the health concerns of women in Goa (Goa presentation at the 10th International Women and Health Meet 2005) are mental health, reproductive tract infections, cervical cancer, infertility, high incidence of abortions, poor sex education, poor nutrition, anaemia and lack of focus on traditional health systems – which remain issues neglected by the State Health Programme.

Table 5.11

Use of Female Sterilization by Educational and Economic Status

Educational Status/ Standard of living of the woman	Percentage of Sterilization use
No education	49.7%
10 or more years of education	12.7%
Lowest wealth index	40.6%
Highest wealth index	17.7%

Computed from NFHS III

The target and incentive driven family planning policy of the state health department poses several other concerns for the women's movement apart from the fact that it detracts from attention on real health needs of the women in the community. The argument is that when there is a monetary incentive for a medical procedure, the consent given cannot be considered as 'voluntary', especially in the Third World countries where large-scale poverty exists. Often incentive money blinds reason. It has also been observed that consent forms may be signed by the patients but they not necessarily are 'informed' consents. Besides, it has been observed that, of the women who chose sterilization as a family planning method, it is after they have an average of 4 children (NFHS III 2009).

Another issue that has aggrieved the women's movement is the issue of 'trials' of contraceptive methods on the local population. Women's activists have pointed out that there is seldom transparency regarding the contraceptive trials that are conducted in the state. The public is neither informed of the trials conducted through the state hospitals nor is literature on the trial drugs or contraceptive methods made available to the general public. When the trials are discontinued there is no follow up commitment to patients registered in the trials and neither is the public informed of the reasons for the discontinuation of the trial. Since public funds are used in these research projects there must be transparency and accountability to the public (*SAAD* Vol. 1, No. 3).

The programme that is meant to oversee women's health concerns has gone through many changes in its nomenclature: from family planning, to family welfare, to safe motherhood and child survival. It is today called the Reproductive and Child Health Programme, which includes as a component a community needs assessment. The

women's movement has argued that this shift is merely 'old wine in a new bottle' (Desouza 2005). For example, when one looks at the implementation of the much acclaimed community needs assessment, one learns that it is done by an update of the *Family Register*. The data, that this register records, are family planning status, vaccination status, a few illness such as TB, leprosy, STD/RTIs, blindness/cataract, vector-borne diseases, drinking water sources and physical handicaps. Women's real health concerns continue to be neglected.

5.7. Women and the Goa Common Civil Code[1]

It is often argued that law positively affects social status, and that gender-just laws in particular can greatly transform and improve women's position in society. However, Goa's experience tells a different story. In this section we will argue that law alone cannot bring about social equality and justice. What is needed is also a society that will ensure the proper implementation of that law for it to effect social control and change. Law has to go hand-in-hand with appropriate dissemination, social movement and social action, as well as programmes to assist people to deal with the consequences of change that is either prescribed by the law, or is mandatory for the law to be assimilated into the lives of the people governed by that law. This is done by highlighting a few features of the civil law in the state of Goa, namely, the Portuguese Civil Code, which has been in force for over a century and which at a distant glance appears to be pro-women. We then juxtapose the existing law with some of the field realities. As little is known about Goa's Common Civil Code, we will elaborate on this in a little more detail.

Article 44 of the Indian Constitution provides a Directive Principle that 'The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.' Over the last five decades, there has been much debate about a Uniform Civil Code (UCC) in the country. While the rest of the country discusses the pros and cons of a Uniform Civil Code, few are even aware that in Goa, which was for 450-odd years under the Portuguese rule (from 1510 till 1961), a Common Civil Code instituted in 1867 exists even today. Those aware of this law have often argued that the unique law in this state is responsible for the seemingly high social status of women in Goa. The credit given to the law for women's status in society is, however, debatable.

Goa was a Portuguese colony for over four and a half centuries. The '*Codigo Civil Portugues*' or the Portuguese Civil Code of 1867, which is often referred to as the Common Civil Code and is based on the French Civil Code (Code Napoleon), has been in effect in Goa since 1870, and continues to exist though with some modifications. The title *Common Civil Code* has been earned because the code applies to all communities in Goa. Here, the religious personal laws are not applicable.

Table 5.12

Religion-wise distribution of Population in Goa (2001 Census)

Religion	Females	Males	Total Population	Sex ratio (F to 1000 M)	Juvenile sex ratio 0 – 6 yrs
Hindus	424365	462186	886551	918	934
Christians	188888	170680	359568	1106	945
Muslims	42819	49391	92210	867	947
Others	1221	1571	2792	777	829
RNS	3127	3420	6547	914	702
All	660420	687248	1347668	960	933

RNS= Religion not stated

5.7.1 Registration of Marriage in Goa

Under the Civil Code, registration is mandatory, registration not only of births and deaths, but of all marriages too. This proof or recognition of marriage is meant to ensure a certain amount of security to a married woman, as the law also assures a married woman of a share in her husband's assets. Although registration is mandatory for all communities in Goa, the implementation differs from community to community. The procedures for registration are as follows: the two parties entering into the contract of marriage have to first declare their intention to marry before the office of the civil registrar by signing the declaration in the presence of two witnesses. A period of two to three weeks is then sought by the civil registrar, who has to post this intent on the door of the office to invite objections, if any, to the marriage. Objections are referred to the civil court for examination before a decision is taken. If there are no objections, the couple must appear before the civil registrar after the stipulated period to confirm their intention

and to sign the Book of Registration, again in the presence of two witnesses. For Catholics wishing to marry in a church, the procedure is different. After declaring their intent to marry at the Civil Registry, a no objection certificate is obtained from the civil registrar, which is handed over to the church. The officiating priest is granted the power of a civil registry. This was given under the treaty signed in 1946 between the Roman Catholic Church at the Vatican and the Portuguese government under Antonio de Oliveira Salazar. At the church, after the marriage rites have been performed, the couple sign a register in front of witnesses, and an extract of the church register is then sent to the office of the civil registrar, who prepares the civil marriage certificate.

5.7.2. Problems with the System of Registration of Marriages in Goa

The flaws in this system are numerous, not least among them being that the procedures are too complicated, cumbersome and do not apply uniformly to all communities. Very often the declaration of intent to marry has been mistaken by women as the civil marriage itself, resulting in several cases where women have believed themselves to be married when they are actually not married in the eyes of the law. If the intent is not confirmed within a year, the declaration ceases to be valid.

Women's organisations in Goa have found several such cases, which came to light especially when women wished to take legal recourse for marital problems. A religious marriage alone is not a valid marriage in the eyes of the law, leaving many ignorant women in more vulnerable positions. Then, unlike Sections 405 and 406 of the Indian Penal Code where a denial of *stridhan* (the wife's personal property under Hindu law) is considered a criminal offence, under the Civil Code a woman cannot immediately claim any of her belongings from her husband without going through the court to retrieve them. So, if a woman has been thrown out of her marital home, she cannot even take her clothes and personal effects with her, leave alone her rightful share in the family assets, without applying for the same through the court. There is no distinction between personal property and communion of assets. Then, for Hindus and Muslims, it is taken for granted that the people are aware of the compulsions of registration, so the marriages of persons who are oblivious of this mandate and are married by religious rites are considered invalid.

Another problem with the system is that there are civil registries only in the talukas (administrative headquarters), and not in the village panchayats. Then there is an additional problem, as these offices are not yet computerized. Therefore, it is very difficult for the offices to check if the partners seeking to marry have, in fact, been married before or not. And in cities there is now so much of anonymity that it is not uncommon for a person to register, in the same office, marriages to two different women.

A study conducted by the Centre for Women's Studies, Goa University, showed that although women were not aware of the actual procedures of registration, the awareness of the need to register marriages was fairly high, particularly among the Muslim women. The provisions in the Civil Code are quite contrary to the Muslim personal law, which might be an explanation for the high degree of awareness among people in this community. Another contributing factor to the general awareness of this need to register marriages is the tax benefit that is made available on the registration of marriage. Income from all other sources is considered joint property and taxed likewise, that is, each partner is taxed on only half the total amount of assets owned.

5.7.3. Marriage Contracts under Goa Common Civil Code

Law views marriage as a contract. According to the Civil Code, there are four systems by which a marriage can be contracted. Therefore, before the civil registration, an Ante Nuptial agreement is to be signed by the two partners entering into marriage, stating clearly how the properties of each party are to be held. If no agreement is signed prior to the marriage, the marriage is considered contracted under the first type of marriage system, that is,

1. Communion of Assets: All wealth and properties here, regardless of the source, owned by both partners are considered joint family assets, and both partners own equal shares. It might be interesting to note here that the husband cannot sell or do away with his property without the consent of his wife. Even in the event of non-payment of a loan taken by the husband alone, the half share of the property belonging to the wife cannot be attached. In other cases, however, the division of properties cannot be done during the subsistence of the marriage. The collective property can be partitioned only on the dissolution of the marriage, that is, in the

event of death or divorce. The main drawback of this system is that the administration of common assets rests solely with the husband. If there are children, the family assets are further shared between sons and daughters equally.

2. The second system is that of a total separation of properties or no communion at all, which is a very rare agreement signed before marriage, as it is not in keeping with the sentiment surrounding marriage. Here the partners hold all their properties independently.

3. The third system is where there is total separation of the properties and assets owned prior to the marriage, and a communion of those assets and properties acquired subsequently. This type of agreement was not very common until very recently, when it started becoming increasingly common. This might reflect the nature of marriages today.

4. The fourth system is the one often mistaken for dowry. It is the Dotal Regime. The bride is given a certain share of her father's property and assets, which are handed over to her husband at the time of marriage. The husband is bound to restore to his partner all the property and assets, should the marriage be dissolved. It is not a consideration for marriage, but a 'trust' in the hands of the husband. In the case of his death, his heirs are liable to pay the wife the corpus of the amount. Regardless of the system of marriage, all children have a share in the family property, and sons and daughters are treated alike. It is, therefore, next to impossible for parents to disinherit their children, as only half of their share of the property can be disposed of according to their wishes. In the absence of descendants, ascendants are entitled to the share and in their absence, brothers and sisters and their descendants are entitled to equal shares.

5.7.4. Implementation of the Law

Very often daughters get a certain amount of gold at the time of their marriage and are asked to sign off their rights to the family property. It is not common for daughters to fight for their share of the parental property and if there are such cases, it is invariably because of the informed son-in-law, who wishes to claim his share. It may also be because of the land prices today, and the known wealth that the construction industry

can bring. Regarding awareness in Goa about the inheritance and succession laws, there is awareness of the fact that by law the spouses are equal partners to family assets, but awareness of the other provisions of the Ante Nuptial agreement is not very high. A problem that has been noted by women's organisations in Goa is that, invariably, it is the husband's name that is recorded in the land records unless the wife insists that her name be included too, which is very rare. Therefore, a man wishing to dispose of his property and disinherit his wife can do so by concealing the fact that he is married.

In Article 1204 of the Code, which talks of the separation of persons and properties, adultery committed by the wife is a ground for separation. However, for the husband, only adultery accompanied by public scandal, or a complete abandonment of the wife, or keeping a mistress in the conjugal domicile are grounds for separation (this is apart from ill-treatment and serious injuries, and conviction to life imprisonment, which are applicable to both spouses).

In *SAAD* Vol.2 No.2 (1995), Bailancho Saad discussed some of the injustices that exist in the Goan society despite the Common Civil Code which were:

1. The administration of common properties through the *Communidades* (see item 5.9) which were set up before the Panchayat system came into existence, is clearly gender discriminatory as it continues to be administered only by men and the shareholders have to be 'male' heirs only, or 'sons' of the soil.

2. Despite being a co-owner of property owned by her husband upon marriage according to the Communion of Assets, the woman's name does not feature on the Form 1 & XIV in Panchayat areas and Form B in municipal areas which are records of land rights and ownership. It is only when a woman is widowed that her name is inserted in the documents. Often when a man wants to dispose of the joint property without the consent of his wife he does not even declare that he is married.

3. Women lack legal awareness and even when they are aware of their rights, they are socialized into believing that it is not becoming of a woman to exercise those rights particularly with reference to inheritance rights and title to family property.

4. Adultery of the husband is a ground for divorce, however, the onus of proof of adultery is on woman. This is difficult particularly if she has limited finances.

5. While gambling is a ground for divorce, alcoholism which is more rampant in Goa is not considered a valid ground for divorce.

6. Catholics are governed by the Canon Law which annuls the marriage and then forwards the annulment to the High Court for the Divorce, but the grounds on which annulment may be allowed are ambiguous.

5.8. Some Social Practices in Goa that are Women Unfriendly

5.8.1. Bigamy in Goa

Bigamy is not uncommon in Goa. Women's organisations have been discussing this issue and have noted that bigamy is very high in the state. Some might reason that this is the practice, as there is a provision for polygamy under Articles 3 and 4 of the section on 'Usages and Customs of Gentile Hindus of Goa' in the family laws. However, polygamy is permitted only under certain conditions:

1. Absolute absence of issues by the wife from the previous marriage until she attains the age of 25 years (with the consent of the wife from the previous marriage).

2. Absolute absence of male issue, the wife from the previous marriage having completed 30 years of age; and being of lower age, 10 years having elapsed from the last pregnancy (with consent of wife from the previous marriage).

3. Separation on any legal grounds, when proceeding from the wife, and when there is no male issue.

4. Dissolution of the previous marriage as provided under Article 6 of Usages and Customs, that is, (*a*) impotency of spouses, duly proved; (*b*) adultery by the wife; (*c*) ill-treatment and serious injuries; (*d*) change of religion.

Interestingly, however, bigamy is prevalent among all the communities (Hindu, Catholic and Muslim) in Goa. This is despite the fact that Section 494 of the Indian Penal Code considers bigamy an offence. It may be interesting to note that, prior to 1955, in the eyes of law there was no such thing as a monogamous marriage as there was no mention of polygamy as an offence. Divorce laws also did not exist.

In 1999, Bailancho Saad in collaboration with the Goa State Commission for Women organised a workshop on the issue and *SAAD* Newsletter Vol.2 No.6 dealt

exclusively with bigamy. According to Bailancho Saad, a bigamous relationship is the second marriage or relationship in the nature of marriage, which is entered into when the first marriage is still subsisting. This is regardless of the consent of the first wife to the cohabitation. From the cases handled by Bailancho Saad, the following are some of the points noticed regarding bigamy:

1. When a woman moves out of the violent or oppressive matrimonial home to seek help, her husband marries another woman even before matters can be settled or the first marriage can be officially dissolved.

2. It is often difficult for first wife to complain about her husband's bigamous relationship for fear of the future of her children.

3. Amongst some social circles, having more than one wife or a mistress is used to flaunt ones social or economic status.

4. To hold on to property and other assets, divorce is not considered even if the marriage is not working – a bigamous relationship is preferred.

5. The first wife is seen as a symbol of security and stability while the second relationship is for pleasure.

6. Some men are secretive about the bigamous relationship while others are brazen about it but in most cases he takes care to protect himself financially as well.

7. The bigamous man makes the first wife either (1) live with a sense of guilt (2) leave the matrimonial home due to the uncomfortable situation there (3) forcefully throw her out of the matrimonial home.

8. Both marriages are registered but registered in different places.

9. In the first marriage the wife is duped into believing her marriage was registered when actually she had only signed the 'intent to marry'. This intent has to be confirmed within the stipulated or else it gets cancelled.

10. NRI's have contracted marriages aboard and not informed the local wife about that marriage.

In its inquiry into why women get into a bigamous marriage as second wife, Bailancho Saad learnt that:

1. Many were duped into the marriage and made to believe that either the first wife was (a) divorced, (b) dead, (c) the first wife has already remarried, (d) has

abandoned the home forever, or (e) they were in fact unaware of the previous marriage.

2. She may be aware that the first marriage subsists but this woman is (a) poor, (b) has crossed the ideal age for marriage, (c) has been forced by her family, or (d) for believed security and upward mobility.

3. Some women believe that there is religious sanction for a second marriage under particular circumstances and are unaware that it is not permitted by the Family Laws in Goa regardless of community or religion.

4. Some women are fully aware of the first marriage and do it out of informed choice.

Whatever the reasons behind bigamy, from Bailancho Saad's experience, the first wife was the most vulnerable, the legal redressal system is difficult, court procedure are long drawn out and the burden of providing proof of bigamy by her husband rests on her. Many courts also insist that the case be tried by the court having jurisdiction over the area where the second marriage has been solemnized which makes it more difficult if that marriage has taken place out of town.

Some Recommendations of Bailancho Saad to prevent and check Bigamy include:

1. Family laws must be reviewed through consultative processes involving all stake-holders. The law must be gender just, evolved compositely and comprehensively.

2. Marriages should be religiously solemnized only after obtaining the civil marriage certificate. As a corollary to this, penalty should attend the solemniser of the second marriage for so doing without insisting on the civil marriage certificate.

3. The ambiguous chapter on Code and Customs of Gentile Hindus of Goa in the Family Laws of Goa should be amended to prevent bigamy (see below).

4. Mechanisms should be worked out to check registration of two marriages. In relation to this, it is necessary to revive the old Portuguese system of registration where an endorsement of marriage used to be made on the birth register.

5. Computerization of all marriage records and co-ordination between Registrars of marriages.

6. Marriages that are solemnized other than by registration should be treated as marriages depending on the facts and circumstances of the case.

7. Canonical marriages that are solemnized without being civilly registered because of grave moral danger or imminence of delivery should be subsequently regularized within a fixed time frame with the Church authorities sending the extract of the Church register of marriages to the concerned Registrar of Marriages.

8. Bigamy should be made a cognizable offence.

9. Strict implementation of the Civil Service Conduct Rules providing for action in cases of bigamy by the civil servants. This includes a proper inquiry where the first wife is duly heard.

10. Mass legal awareness on the procedures of marriage and the provisions in the family laws of Goa.

11. Compulsory course at the time of registration of marriage to make the couple aware of the laws under which they are marrying, its implications and responsibilities arising out of it. (Bailancho Saad Women's Day Pamphlet 2003)

The women's movement in Goa at various levels is engaged with the law. The most important aspect of its engagement with the law is in dealing with cases of marital dispute, domestic violence, dowry demands, and so on. In fact, the women's movement has been concerned about the rising incidence of crime against women and as published a 41-page report titled *Cognisance of Non-Cognisance: Report on registered crimes against women in Goa* (Martins 2000). This report was prepared by Sabina Martins of Bailancho Saad when she was also a member of the Goa State Commission for Women (GSCW) with support from the GSCW.

5.8.2 Violence against Women

Goa ranks 12th with regard to the rate of crime against women according to National Crimes Record Bureau report (1995). The average rate of crimes against women for the small state of Goa is 11.3, while the national average is 11.6. Domestic violence is fairly common in Goa, according to the National Family Health Survey-3 (2005-2006). Eighteen percent of ever-married women have experienced beatings or physical mistreatment since the age of 15 and these women have been beaten or physically mistreated by their husbands. Further, there are approximately 1874 cases of crimes against women that have been reported to the Goa State Commission for Women since

1997 (as reported on 21 October 2009). The women's organisations in the state have also handled numerous cases, not all of which reach the formal state redressal agencies.

There is one school that argues that the increase in the reported incidence of crime against women in indicative of the support structures that are now available to address the issues and the same should be viewed as an indicator of the empowerment of women to seek redressal. However, there still are cases which do not enter the violence register and get dismissed as one off incidents like human trafficking through adoption, cyber crimes and bonded labour.

It may be worth mentioning here that the seasonal nature of employment that tourism offers has been observed to result in an increase in the crimes against women. During the off season period, when people are laid off work, there is an increase in the alcohol consumption due to this joblessness. Data on the increased incidence of crime in this period can be viewed as a result of this.

5.8.3. Alcoholism and Violence

Related to tourism promotion in the state of Goa is the government's lax policy about the sale of liquor. There are several tax exemptions for liquor manufacturers. Bailancho Saad since 1990 has been opposing the indiscriminate bars licences given, allowing them to be established even near schools, colleges, in cinema houses etc. Bailancho Saad has been vehemently opposed to the sale of alcohol and correlates alcohol consumption to violence in the home. In 1994 Bailancho Saad published its demands in the local dailies and reported its demands in an article titled 'countdown to Elections' in *SAAD* Vol.1 No.5 (1994). It had demanded the ban on the promotion of alcohol through advertisements and for a moratorium on the issue of new licences for the sale of liquor. *SAAD* Newsletter Vol.2 No.5 was exclusively dealt with the issue of alcoholism in Goa and suggested 15 strategies to combat it:

1. Stop alcohol promotion.
2. Substitute alcohol with other drinks for social functions.
3. Avoid bars for socializing purposes.
4. Generate alternate source of revenue and employment.
5. Stop promoting alcohol for promoting tourism

6. Monitor bar timings.

7. Ensure implementation of Election Commission's direction on ban of alcohol during elections

8. Ensure non-opening of bars near schools.

9. Develop a code of conduct to be adopted by bar owners.

10. Help evolve and set up stress coping mechanisms.

11. Ensure establishment of centres for rehabilitating women and men alcoholics.

12. Conduct awareness campaigns on the alcohol issue.

13. Refuse sponsorship for cultural events from alcohol companies.

14. Ban sale of alcohol for school fetes/in educational institutions.

15. Ensure strict implementation of excise laws.

Bailancho Saad assisted several village-based women's groups in their protest against alcoholism such as the women from Tivrem which will be discussed in detail in Chapter 8 (item 8.2.5).

5.8.4. Trafficking of Women

In 1994 Bailancho Saad helped free 31 women who were engaged as bonded labour in a food processing plant in Goa. Details of this rescue will be discussed in Chapter 7 (item 7.7), however, this incident brought to light the fact that human trafficking did exist in the state. Bailancho Saad argued that if one case could be unearthed there was a high chance that other cases also existed and petitioned the government for the following:

1. Checks to be made on other fish processing units, construction sites and other places that hired labour from out of state.

2. To investigate the large scale migration of women from other states to Goa for employment.

3. To revive the Vigilance Committee constituted in 1976 under the Bonded Labour Abolition Act 1976.

4. To punish all exploiters.

5. To amend the law so that it includes also the provision of retrieval of back wages and travel expenses to enable bonded labourers to return home.

6. To amend the law so that the Act includes aspects of rehabilitation and the onus of rehabilitation.

7. To implement the minimum wages act so that women are not forced to work as bonded labourers or under difficult circumstances.

8. To ensure that women are not displaced from traditional occupations as was the fear with the New Economic Policy as displacement would result in women being vulnerable to trafficking.

5.8.5. Sex Related Trafficking in Goa[2]

Prostitution in Goa, like everywhere else, is an age-old profession. In Goa, historians, travelers and other social scientists have written about the *kolvonts* or 'dancing girls' who were dedicated to the temples etc. However, prostitution has taken on a new face with the advent of tourism in Goa. Goa emerged on the international holiday seekers map in the late 1960s and since then the inflow of tourists into the state has been constantly on the rise. The first tourists were the backpackers, often referred to by the locals as 'hippies'. Sections of the locals then feared the impact on their children by the rather permissive sexual behaviour of the tourists, including their nudism. The big spurt in tourism, however, was seen in the 1980s. Women's organisations like Bailancho Saad, Bailancho Manch and other anti-tourism organisations like Jagrut Goenkaranchi Fauz have voiced their fears at several public meetings of what this scale of tourism might do the local population, particularly the women and today children are included in this vulnerable group too. Prostitution was often voiced as their concern as being one of the possible impacts of tourism. However, hard data on the extent of the problem or the exact incidence of tourism-related prostitution is not easy to procure. Prostitution is not always accompanied by trafficking. Broadly, prostitution in Goa, which has elements of trafficking involved, can be divided for better understanding of the problem into

1. Prostitution in red light areas.
2. Tourism-related prostitution.
3. Exploitation of children for prostitution:
    (a) tourism related and
    (b) religious dedication of children into prostitution.

These are not exclusive categories and they might overlap in reality.

5.8.6. Prostitution in Red light areas in Goa

ARZ, a social work organisation situated in Baina, Vasco, Goa's largest red light area, has in a report presented at the South Asian Conference to Combat Sexual Exploitation and Trafficking among Children, organized by Save the Children in India on the $14^{th} – 17^{th}$ October 2001, detailed the sex trafficking in this red light area. The report states that the population of the red light area is about 6,000 and is inhabited mostly by migrants from Andhra Pradesh, Karnataka and Uttar Pradesh. Most of the girls who are trafficked in this area are from Goa's neighbouring states, Andhra Pradesh and Karnataka and minor girls from the Baina beach area itself. Several girls are also dedicated into prostitution by parents to the goddess Yellamma. ARZ sees the population living in the red light area as being:

1. Victims of Prostitution,
2. Perpetrators of Prostitution, and
3. Persons Vulnerable to Prostitution.

The report dispels the belief that the girls come to Baina on their own and emphatically states that the presence of a trafficker is a necessity. It says that the traffickers are the brothel keepers, suppliers from the places from where the girls have come, agents transporting the girls, pimps, motorbike pilots, etc. Most NGOs and activist groups in Goa have been lobbying for the better implementation of the Immoral Traffic Prevention Act (ITPA) 1956. They opine that the implementing agencies particularly the police have been viewing the women in prostitution as criminals and the only section of the Act that has been acting on is the section that prohibits soliciting in a public place. Rarely are persons living of prostituted women as well as the traffickers – such as the touts, pimps, brothel keepers and customers – penalized, although they are in reality the perpetrators of crime. Sections 3, 4, 5, and 6 of the ITPA are seldom implemented.

5.9. Political Participation of Women in Goa

Table 5.13

Women's Participation in Goa's Legislative Assembly

Years/ Terms of Assembly	Total Seats	Men	Women	% of Women to Men
1963 - 1967	30	29	1	3.33
1967 - 1972	30	28	2	6.66
1972 - 1977	30	29	1	3.33
1977 - 1980	30	29	1	3.33
1980 - 1984	30	30	Nil	Nil
1984 - 1989	30	27	3 nominated	10
1989 - 1994	40	38	2	5
1994 - 1999	40	36	4	10
1999 - 2002	40	38	2	5
2002 - 2004	40	39	1	2.5
2004 - 2007	40	39	1	2.5
2007 - present	40	39	1	2.5

Source: *Goa Legislative Assembly Records*

As mentioned earlier in this chapter, even before the institution of Panchayats in Goa, there existed a system of local self-governance called the *Communidades*. To be a member of the *Communidade* one had either to be a male descendent, or a male share holder. Women were excluded from this system of local self-governance and the gender biased nature of this system of common property resource management exists even today.

Given the clear gender discrimination inherent in the *Communidade* system, the 73rd and 74th Amendment to the Constitution guaranteeing at least 33 per cent reservation of seats for women in local government comes as a welcome change to the state of Goa. It might be pertinent to note that the Goa Village Panchayat Act of 1994, ensured the reservation of some of the Sarpanch positions for women. However, women in Goa, like elsewhere in the country, have for generations been left out of decision-making. Reservation alone does not ensure women's participation. Whether or not women avail of

the opportunity provided to them through the reservation of seats depends to a large extent on other enabling structures in the society. Tradition and patriarchy have to give way to economic independence, knowledge, self-confidence and autonomy to women. The extent to which women control their own lives effects the role they play and how effectively they play it in both the political as well as economic arenas. One of the major indicators of development of any society is the degree empowerment of women, the economic and political freedoms that they enjoy.

It is too soon since the 73rd Amendment to evaluate women's participation in politics. It is only a decade since the introduction of the reservation for women in local governance, whereas the policy of discrimination of women and exclusion from participation in political arenas goes back centuries. Therefore, we need only to encourage and support women's participation than evaluate its success so prematurely.

Political participation includes women's involvement as political representatives at different levels of governance, their participation in the electoral process and also their participation in decision making on matters that concern them and their community. There remains a paucity of information on the political role of women's organisations. No doubt women have been under represented in formal politics, but their involvement, for example, in NGOs, activist groups, community organisations and other movements have been noticeable. However, this involvement remains to be explored and recorded. This piece of research therefore is an attempt to fill up some of these gaps in our knowledge of women's political role through even participation in the movement.

An important aspect of women's empowerment is their political participation. This includes women's involvement as political representatives at different levels of governance, their participation in election of political leaders and also their participation in decision making on matters that concern them and their community. Political participation of women is no longer a debated issue in the country with the enactment of the 73rd and 74th Amendment to the Constitution whereby 33 per cent of the total seats are reserved for women in the local government. Whether or not women avail of this opportunity will depend to a large extent on other enabling structures in the society. The extent to which, women have control over their own lives will effect the role they play and how effectively they play it in both the political and economic arenas. Data on

women's political participation since the 73rd Amendment is, therefore, no indicator of the real potential of women in the government of the State. The Goa Village Panchayat Act of 1994 ensured the reservation of some of the Sarpanch positions for women. In fact, villages were placed in alphabetical order and for example, villages beginning with the letter A, B or C were in the 1997 to have women Sarpanchs. Thus out of 185 villages in Goa, we have 64 women Sarpanchs. The total representation of women in the 1997 Panchayat elections was 34 per cent.

This chapter has made evident the fact that although the position of women in the state of Goa may rank higher than that of women in other parts of the country, with respect to commonly used human development indicators like per capita income, life expectancy and literacy rates, these indicators alone are not sufficient to gauge the development, advancement, progress or in other words, empowerment of women in this state. We have seen through this chapter that although we may have advanced in certain areas such as women's education, for example, there still remains much to be desired and many lacunae to be filled before we can talk of gender equality in Goa. For women's empowerment, other issues such as, economic independence, political participation, social and health status, public infrastructure for women, participation in decision making for the development of the state, the creation of an environment free of violence against women etc are also to be addressed. This chapter has highlighted the chinks that exist, stalling therefore, the achievement of women's empowerment in Goa and making evident the need for interventions such as Bailancho Saad.

The progress in the field of women's education, including higher education has not resulted in the economic empowerment of women as the participation of women in the paid workforce is abysmally low. The high level of literacy in the state has not changed the gender discriminatory mindset and the unfair social practices that exist. It has also not resulted in political participation of women. Despite women's educational attainment, there is not even 2 per cent representation of women in the Assembly in Goa. Further, Goa's tourism development has not really proved to be beneficial to women and to the society at large given the long term damage to the environment, health, economy, culture and social status too.

Indeed Goa has a law like nowhere else in the country – the Common Civil Code that is seemingly beneficial to women. However law alone cannot bring about a change in the status of women, without a community that has assimilated that law and will ensure its implementation. Here again the need for interventions of women's groups is further established.

The general health status in Goa is comparatively better that in most other Indian states but, there are several health concerns that are neglected. For example, despite having reached a below replacement population, despite the fact that there exists a universal knowledge of contraception and despite the high age at marriage, the major thrust of the work of the state health department continues to be promotion of family planning. Malnutrition, mental health, cervical cancer, infertility, tuberculosis, dysentery diarrhea, HIV and AIDS are not adequately addressed.

The increasing number of reported cases of violence against women including the reports of missing girls and women has compelled women's groups to question the direction development has taken in the State as Goa has become increasing less safe for women.

Finally the declining sex ratio is a warning of the state of things to come. The sex ratio of 961 women to a 1000 men is used often to highlight the advantaged status of women in Goa when compared to 933 in the rest of the country. But we have seen in Goa since 1960, a gradual decline in the sex ratio. The most alarming however is that of the sex ratio of our future generation, that is, the sex ratio of children between 0 and 6 years, which is 933. This is the true indicator of the status of women in this state and a reminder to women's groups that women's empowerment should be a priority.

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[1] Although we critique the Civil Code in Goa, we are not suggesting that the Civil Code be replaced by the personal laws that govern the rest of the country. The researcher also does not claim that the section is exhaustive, as only a few aspects of the law have been discussed.

[2] The following note on Sex Related Trafficking in Goa was prepared for a study commissioned by the National Human Rights Commission (NHRC), UNIFEM and the Institute of Social Sciences by Shaila Desouza, Centre for Women's Studies in 2003.