7. Challenges before Goa for making it as a Model State in Administration of Criminal Justice.

As already been described, Goa is a state blessed by nature. That is why it has attracted large number of persons to come to Goa and enjoy its scenic beauty as well as its culture. The people of Goa are very peaceful, very friendly and by and large very honest. Given these parameters one wonders why there should have been occurrence of crimes within the territory of Goa State. We have seen the earlier chapters that there has been a steady growth of crimes in Goa. In this Chapter we wish to highlight the basic principles which are necessary to ensure that the extent of Crimes decrease and also how it could reach the zero level making Goa State one of the best administered State.

7.1. Revisiting the Causes for Criminal Behaviour

Before we suggest a remedy, we wish to highlight the causes that lead to criminal behaviour. Once we know what exactly is the root cause of criminal behaviour we can then suggest the remedy which will help to eliminate the cause of such behaviour.

Firstly, Criminal tendency must be identified in the early childhood. Experts have reported that there are certain indicators which can be identified and have to be properly remedied to avoid later criminal tendencies and criminal behaviour. These include repeated temper tantrums, days functional family life, poor intra familial relations, tardiness and inability to confirm in the classroom setting, low measured intelligence and academic difficulty in School,
Childhood accident, poor peer relations and early and frequent use of tobacco and alcohol\(^1\).

The author further concludes on the basis of examining different theories that children who are found to have high rates of misbehaviour in early childhood in comparison to other children are likely to have higher rates leading to criminal behaviour in life also. Therefore, what is required is that the State should provide appropriate disciplinary practices. The state has to adopt a positive policy to create appropriate environment for the children to grow. It is said that the children who have strong attachment to parents, to friends, to school and other conventional institutions are much less likely than the others to become delinquent as children or criminal as adult\(^2\).

Second theory that explains criminal behaviour is the co-relation between delinquency and peers. It is reported that a very considerable amount of delinquency is committed in the company of others and also delinquent. Individuals are much more likely than others to report having delinquent friend. This theory is based on the common adage “Birds of same feather flock together”\(^3\). This means individuals select friends and companions in part on the basis of delinquent proclivities and impart on the basis of availability.

Research on these aspects have shown that delinquent gangs suggest that they tend to lose networks with highly unstable membership and the members do not trust and even tend to dislike the other members. This means the groups of

\(^1\) Rajpal Kaur, *Criminal Psychology – New Trends and Innovations*, Pg 58.
\(^2\) *Id* at 59.
\(^3\) A famous English Proverb.
adolescents will tend to be relatively homogenous on the tendency to engage in delinquency\(^4\).

The relationship between age and crime is said to be one of the most significant and well established general correlates in criminology. According to it crime rates rise dramatically in early adolescence, peak sharply in the late teens and early twenties and then decline precipitously and continuously throughout life. Such tendencies are found in assaulted offences like homicide, rape, aggravated assault, in theft offences such as burglary, Auto theft fraud and drug offences which includes hard and soft drugs and alcohol\(^5\).

The next theory connects gender and crime. It is reported that males commit more offences than females\(^6\).

Keeping the above theories in view we shall now take up for discussion the below mentioned pertinent issues to help eliminate the occurrence of crimes keeping in mind the situation in the State of Goa.

**7.2. Toning up the administrative machinery in Goa- Making it responsive to crime prevention**

In any given democratic system the people look upon the administration to provide appropriate leadership so that peace and tranquility prevails. The politicians instead of providing an ideal leadership today, they have turned politics into escape route for criminals. We have seen the behaviour of the

\(^4\) Rajpal Kaur, *supra* note 1 at 62 - 63.
\(^5\) *Ibid*.
\(^6\) *Id* at 64.
members of parliament in parliament and the members of the State legislature in assemblies. How they do not respect the speaker of the house nor follow any rules of procedure. Many of them also become ministers, chief ministers and national leaders thereby defeating the whole sanctity of the democratic process. Looking at this, we cannot expect the political leaders to be the Idols or leaders in prevention of crimes. The only acceptable alternative is the police administration which if properly tuned up can help in preventing crimes as well as in punishing the offenders. Now let us see how criminal administration of the Police Department requires to be toned up.

According to Rajpal Kaur\(^7\) there are three important determinants of delinquency and crime for police practices these are:

1. “Crime control efforts that focus on prevention of the tendency to engage in delinquent and criminal acts should focus early in life they are to be effective and thus may beyond the reach of the police as their activities are normally construed.”

2. “Crime control efforts that focus on the opportunity structure for criminal acts (situational crime prevention) can be highly effective”.

3. “Efforts to expand the concept of preventive policing, from an exclusive focus on intervention and apprehension to the full range of causes and prevention possibilities for the problem behaviour implicated in low self control may be desirable”.

\(^7\) Supra note 1 at 68.
From the above one can conclude that the Police Department in Goa will require a totally new approach and method to prevent the occurrence of crimes. The old method of simply arresting person and giving them limited punishment will not help in today’s condition. What is required is educating the youth in and making them understand the long term consequences of criminal behaviour.

Goa is faced with the problem of large scale consumption of Alcohol and youth have to be properly educated regarding the evils that follow alcoholic consumption. So also with regard to drugs. There must be proper educational programmes in schools, colleges and places of work where youngsters can be taught not to involve in taking drugs or even if they are involved the process by which they can be taken off the drug menace. Thus crime prevention programme must occupy the highest priority with the police rather than punishment after the crime is committed.

This will require a restructuring the police organization in Goa so that there is a closer interaction between law enforcement and the community. They should interact with the department of education, health and social welfare so that all the sectors that deal with the formation of the youth can interact and support. The programmes put forth by the police department to help prevent the occurrence of crimes.

7.3. Challenges in crime Prevention in State of Goa

7.3.1. Challenges in Tourism Trade In Goa
We have already seen that Goa’s income largely depends upon the tourist trade. Over the years the number of tourists visiting Goa have increased in leaps and bounds. The reason for this is large coastline and lovely beaches with bright white sand supported with large number of hotels located very close to the sea shore. The Goa government observes the tourists season throughout the year though maximum tourists come to Goa between September and February.

There are also tourists coming in April- May and the monsoon season with the difficulties experienced in the North, the advantage has been for Goa to receive north Indians as well as south Indians during all the seasons of the year. Goa is fully supportive of this tourism phenomenon. It has 2501 hotels having room strength of 22,472 and with 42,145 beds. This is more than sufficient to accommodate different types of tourist and meet their demands. The statistics showing a rise in tourism trade during the last six years is indeed phenomenal\(^8\).

It is also expected that by 2012 the number of flights entering Goa with tourist is 4000 and the projected beds capacity is likely to increase to 6000. The different types of tourism in Goa are\(^9\) (a) Beach Tourism (b) Hinterland Tourism (c) Leisure Tourism (d) Cruise Tourism (e) Eco Tourism (f) Discovery and Adventure Tourism and (g) Medical Tourism.

The above indicated increase in tourist trade has directly affected the culture and the wellbeing of Goa. No doubt there is increase of Revenue but along with this there is increase in crimes committed. This we have seen in Chapter V

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\(^9\) \textit{Id} at Point 24.
where there are sufficient indicators to show the increase in criminal behaviour. But we cannot say that increase in tourism and entry of foreign tourists is the sole cause for this increase. But then tourism and specially the foreign tourists have to be properly controlled so that their actions do not cause adverse effects on the youth of Goa.

The Government of Goa should have restricted the movement of the foreign tourists on the beaches into definite secluded areas. Sun bathing, swimming and enjoyment of foreign tourists should be done in closed zones instead of now, being permitted them to do so on open beaches where the youth are likely to be misled and get mentally corrupted. Also it is widely believed that the foreigners bring drugs with them which gets into the hands of youngsters who easily get succumbed to the drug trade and consumption of drugs. There have also been increase in cases of HIV Aids which are also related to the tourism trade.

There have been cases of murder, extortion, rape, robbery, fraud etc, related to tourists. Hence, to a large extent tourism trade has had a negative impact on the culture and wellbeing of the people of Goa.

To prevent the occurrence of criminal behaviour in so far as it is related to tourism, it would be appropriate for the education department to prepare the youth right from the school curriculum, to the dangers that are inherent in the tourism trade like Alcoholism, Drugs, and Aids, Gambling, Prostitution and such other evils. It would be most appropriate if the foreign tourists are kept in
secluded areas where Indians are not allowed to participate in tourism programme.

This will help prevent the Indians from getting involved with foreign tourists and will greatly help in the reduction of trafficking in drugs etc. it may be mentioned that in many countries of the world though Gambling, Alcoholism, etc is forbidden for tourist, there are special centers which are exclusive and local citizens are not allowed entry and to participate. Hence there is nothing wrong in making rules for the conservation of ones culture and tradition and at the same time promoting tourism as important source of revenue for the state.

The recent case of Scarlett Kelling’s, brutal rape and murder is an example of Goa increasingly overrun by sex and drug crimes. Ajit Sahi\textsuperscript{10} writing for Tehelka Magazine has explained the details regarding how tourists are fooled by agents and in the process loose their life. The report published by Ajit Sahi in Tehelka Magazine must be admitted as authentic evidence of what actually happens to the tourists when they innocently come and become victims of operators. Following is the excerpt from the article.

“White Girls are easy to bed. They come to Goa for quick fun with no commitments and men like me give them that, says Rocky, a cashier at a booze-n-food shack on north Goa’s Anjuna Beach, the shore most preferred by foreign tourists for nude sunbathing. Up on a cliff, behind the string of Anjuna’s straw and bamboo shacks, is

\textsuperscript{10} Ajit Sahi, Tehelka Magazine, dated 29\textsuperscript{th} March 2009.
the Nine Bar. This entire area, where Rocky works and hangs around, is Anjuna Village-notorious for its drugs, sex and crime. It is 9pm on Saturday, the fourth since British Teenager Scarlett Eden Keeling was drugged, raped and murdered at a shack named Lui, just half a kilometer from Nine Bar. Tonight, Nine Bar throbs with techno-trance music as 200 bodies move in rhythm on a patch the size of basketball ground, overlooking the beach. Many eyes are glazed in the smoke-filled haze. Hashish is being puffed; hiding behind a jutted tree, cocaine is quickly snorted. Couples and groups pass Ecstasy around quietly. Presently, Rocky charms a lissome, stoned Westerner and walks away with her. These are times of caution though, even within this subculture, which is increasingly all that the world knows of Goa. The music will stop at 10pm and the motley crowd will have to disband. The tenacious fight for justice by Fiona MacKeown, the mother of 15year old Scarlett Keeling who was mercilessly raped and left for dead by at least two Goan men at Lui’s shack in the early hours of February 18, has forced a defensive Goa government to pretend enforcement against the drug trade and turn the loudspeakers off at the scheduled time at Nine Bar and similar haunts”.

7.3.2. Mining Industry, Migrant workers and Social Unrest

For many years down Goa has achieved its economic status by exporting Iron ore, to developed countries. It is commonly said that the iron ore industry is the
backbone of Goa’s economy. The Industry began as a private sector initiative. Whatever little Goa earned by way of foreign exchange before 1961 was from exporting Iron Ore.

Today iron ore mining remains as the biggest contributor to Goa’s foreign exchange earnings, even exceeding the revenue’s earned through tourism. The latest data reveals that more than 88% of Indian Iron ore which reached world markets during the last decade of 20th Century was from Goa. The state has earned more than 62% of the total foreign exchange of the National Iron ore sector during this period11.

The entire Iron Ore production of Goa is exported. In the global export trade commodity because of the Goan Exporters, India has been able to keep a steady 5% to 6% share in the world market. This Goa has been able to achieve by adopting the cluster approach. The Goan Iron ore cluster is made up of numerous small, medium and large sized firms simultaneously competing with each other and collaborating to equip the collective with infrastructure. The maintenance of Berth No. VI in Marmugoa Harbour is a fine example of this cooperative approach. The social profit on 16 million tones of iron ore exports from Goa works out to Rs. 300 Crores.

According to International Industry experts, Goa is likely to maintain its lead in the world market as found useful for blending with the Australian and Brazilian

varieties. Many industrialists in Goa have evolved a strategy for long term alliances with International Companies.

Though above figures create hope for the development of Goa the question remains whether the industry has taken measures to offset the problems that may arise out of employment of migrant labourers and imbalance in Environment because of destruction of the forest and pollution due to transport of iron ore.

The second situation also has a bearing on the occurrence of crime and unless the state government has taken measures to maintain the balance, there may be increase in criminal behaviour. Let us then, discuss each of these issues and see how Goa can march ahead with its economic development and at the same time maintain the environmental balance and give justice to the migrant workers.

i. The Environmental Impact of Iron Ore Mining in Goa.

The earlier mentioned Report\textsuperscript{12} of NCAER submitted in 2002 in chapter VI has given a detailed account of the environmental impact of iron ore mining in Goa. According to the report main iron bearing zones is divided into four separate areas they are Bicholim- Pale area, Sancorde area, Shirgao-Kaley area, Sanguem-quepem area. The greatest advantage for Goa is its rivers Mandovi, Zuari Terekhol and Chapora which flow from the hills on the east to the Arabian Sea to the West.

\textsuperscript{12} Ibid
Thus ore exports from Goa are totally safe and unloading done mechanically. The environmental problems arise when ore is extracted from the ground and unwanted material is separated from it. Then there is in-depth exploration which involves drilling, digging of trenches and building access roads. This involves environmental imbalance depending upon the size of the installation and the building technique.

Most of the mines in Goa are open ground water level. As a result 10m of water is to be pumped out for every one tonne of iron mined. This also results in removal of material which is dumped on the slopes, road sides and valleys which is a major source of land and water pollution. However the following legislation has been strictly enforced to ensure that the damage of environment does not exceeds the limit laid down. The application of these acts and laws can be explained in the following mining processes.
Steps in mining process and its potential environment impact

<table>
<thead>
<tr>
<th>Mining Process</th>
<th>Process Waste</th>
<th>Air Emissions</th>
<th>Other Waste</th>
<th>Land/ Habitat/ Wildlife</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Preparation</td>
<td>Erosion due to removal of vegetation.</td>
<td>Exhaust from construction, vehicles, fugitive dust.</td>
<td>Run-off sediment</td>
<td>Deforestation, loss of fertile soil cover and habitat loss from road and site construction.</td>
</tr>
<tr>
<td>Blasting/Excavation</td>
<td>Acid Rock drainage, erosion of sediments, petroleum wastes from trucks.</td>
<td>Dust blown to surrounding area, exhaust from heavy machinery.</td>
<td>Non-refuse over burden, waste rock.</td>
<td>Loss of habitat; increase in erosion; loss of plant population from dust &amp; water pollution; reduction in localized ground water recharge resulting from increased runoff; nearby structural damages from vibration &amp; settling competition for land use.</td>
</tr>
<tr>
<td>Crushing/Concentration</td>
<td>ARD from tailings.</td>
<td>Dust created during transportation.</td>
<td>Additional waste rock tailing.</td>
<td>Increase turbidity of lower pH making it unfit for irrigation and drinking.</td>
</tr>
<tr>
<td>Transportation</td>
<td>Effluents released by vehicles, dust released due to non coverage of the ore.</td>
<td>Oil, other effluents released by barges, ore spillage on the road.</td>
<td>Pollutes air, water.</td>
<td></td>
</tr>
</tbody>
</table>
The statutory regulations dealing with the above are as follows:

1. The Water Pollution Act, 1974

2. The Air Pollution Act, 1981

3. The Forest (Conservation) Act, 1980


Apart from this the Mining Department implements The Mines and Minerals Regulation Act and also the Environment Clearance from Ministry of Environment. In all these activities the mining industry has taken steps to prevent water pollution by discharge of mine pit water, waste water from wet beneficiation plants, Rain water run off from dumps, acids drainage, effluents from Barges and workshops and leaching solution.

About 20 beneficiation plants have been installed for purification of water. Also a proper supervision over the barges is attempted. There are 130 barges currently in Goa, 75 are with private operators while 55 are with exporters. Constantly barges bleed their engines. This process of replacement of engine oil is done in the workshops.

Pollution of land by mining is done by dumping and mine excavation. Dumping kills vegetation resulting in depletion of forest. The mine owners compensate to the damages caused to the agricultural fields by annual payments made to the farmers for removal of silt from their farms and for loss
of production. The mining industry has introduced social forestry in mining areas by planting caju, acacia and eucalyptus trees.

Noise pollution is reduced by introducing high capacity, eco-friendly Ripper Dozers, which rips the hardest of the laterite. The use of explosives in Goa has been reduced by 10%. The measures taken by mine owners to reduce pollution are given below

*Abatement measures taken by the mine owners to reduce pollution*

<table>
<thead>
<tr>
<th>Type of pollution</th>
<th>Pollutants</th>
<th>Sources</th>
<th>Measures taken by the mine owners to reduce pollution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air</td>
<td>Fugitive dust</td>
<td>Overburden</td>
<td>Spraying water on roads</td>
</tr>
<tr>
<td></td>
<td>Carbon monoxide</td>
<td>Drilling, moving of machinery, blasting exhaust from diesel engines</td>
<td>building of tar roads</td>
</tr>
<tr>
<td></td>
<td>Nitrogen oxide</td>
<td>blasting agents, vehicles and domestic stoves</td>
<td>proper ventilation of work place</td>
</tr>
<tr>
<td></td>
<td>Silica</td>
<td>Vehicle movement on unpaved roads.</td>
<td>covering trucks with tarpaulin</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Cleaning of ore spillage if any with brooms.</td>
</tr>
<tr>
<td>Type of pollution</td>
<td>Pollutants</td>
<td>Sources</td>
<td>Measures taken by the mine owners to reduce pollution</td>
</tr>
<tr>
<td>-------------------</td>
<td>------------</td>
<td>---------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>Water</td>
<td>Silt</td>
<td>Rain water run off from dumps</td>
<td>Refilling of oil in barges only when parked</td>
</tr>
<tr>
<td></td>
<td>Waste minerals</td>
<td>Pit water</td>
<td>Processing of waste oil/used oil</td>
</tr>
<tr>
<td></td>
<td>Tailings</td>
<td>Wet Beneficiation plants</td>
<td>Proper maintenance of bunds</td>
</tr>
<tr>
<td></td>
<td>Yellow Boy</td>
<td>Effluents from workshops, barge movement</td>
<td>Drying of tailings</td>
</tr>
<tr>
<td></td>
<td>(Hydrated iron Oxide)</td>
<td>Leakage or spillage of leaching solution</td>
<td>Building of series of laterite bunds</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Spills from ruptured pipes</td>
<td>Settling pits</td>
</tr>
<tr>
<td>Land</td>
<td>Silt deposition</td>
<td>Dumping, mining</td>
<td>Aforestation of rejected dumps with Acacia etc</td>
</tr>
<tr>
<td></td>
<td>Degradation</td>
<td>Building of roads, buildings, Beneficiation plants</td>
<td>Up gradation of low grade ore in dumps using magnetic concentration to reduce waste in dumps.</td>
</tr>
<tr>
<td></td>
<td>Loss of forests</td>
<td>Pit water, run off water from dumps.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fertile Soil cover</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noise</td>
<td>Noise</td>
<td>Blasting during drilling Machinery used in mining activities.</td>
<td>Reduced use of explosives</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Introduction of high capacity and eco-friendly ripper dozers.</td>
</tr>
</tbody>
</table>
The annual recurring/ maintenance cost likely to be incurred by the industry estimated at Rs 87,00,000. The details are given below

<table>
<thead>
<tr>
<th>Description</th>
<th>Rs Lakh</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Dust Suppression</td>
<td>25</td>
</tr>
<tr>
<td>2. laterite wall construction</td>
<td>05</td>
</tr>
<tr>
<td>3. Desilting setting pond and construction of bunds</td>
<td>10</td>
</tr>
<tr>
<td>4. tailing treatment</td>
<td>20</td>
</tr>
<tr>
<td>5. Aforestation</td>
<td>05</td>
</tr>
<tr>
<td>6. Erosion control/ Pitching Geotextiles</td>
<td>06</td>
</tr>
<tr>
<td>7. Environment monitoring</td>
<td>08</td>
</tr>
<tr>
<td>8. Socio economic programme</td>
<td>05</td>
</tr>
<tr>
<td>9. Environment regulation compliance</td>
<td>03</td>
</tr>
</tbody>
</table>

The question still remains as to whether the action taken by the mining industry is sufficient to meet the demands of the workers as well as persons affected through pollution. It is time that the govt. play an effective role to supplement the action taken by the industry by providing a matching grant which will help restore the confidence of the people in the steps taken to minimize pollution arising out of the mining industry.
ii. The Problem of Migrant Workers Resulting From Industrial Development.

Compared to the other states in India, the state of Goa is relatively small in population as well as in area. In 1961 when Goa was liberated the population of Goa was only 5,89,997 which included both the natives and settlers. There were hardly any influxes of migrants. But with the dawn of independence, there was rapid increase of persons coming from Maharashtra, Karnataka and Kerala in search of employment in Goa.

A number of industrialists set industries in Goa and native Goans hardly had the training or skills to step into the new jobs. The industrialists had to fill in the jobs to show productivity and hence migration of workers to Goa became a reality and they have been increasing year by year. In the late 1980’s and 1990’s there was huge increase in economic activity in the form of construction boom, expansion of tourism industry etc.

The peculiar thing was many Goans were migrating out of Goa in search of foreign Jobs and Government. Jobs in neighboring states hence there was no reason whatsoever to stop migration of workers into Goa. Their population increased in “Metes and bound”. The 2001 census shows total population of Goa as 13,00,000 of which 4,00,000 are supposed to be migrant workers.

The different types of migrant workers are classed as (i) **Contract Workers**: who work mainly in industry and construction. (ii) **Casual Workers**: these are labourers who are involved in plumbing, gardening, repairs, carpentry, masons
and their woman folk work as housemaids. (iii) **Small Vendors:** they sell vegetables, fruits, cloths, artificial jewellery, toys, books etc. (iv) **Seasonal Workers:** who are employed on fishing trawlers, small fishing boats and agriculture.

These migrant workers are found in following places

Salcete: Ambelim, Housing- Board Margao, Chhota Bazaar, Kare college-Margao, Moti Dongor, fatorda, Cuncolim, Panzarconim, Chinchinim, Betalbatim, Betul, Davorlim, Bandar, Dando.

Tiswadi: Altinho-Panaji, Indiranagar- Chimbel, Bambolim, Camara Bhat, Dona Paula.

Bardez: Betim, Baga, Colvale, Porvorim, Anjuna, Britona, Mapusa, Duler, Assagao, Aradi, Giriwaddo

Ponda: Bethora, Ponda

Bicholim: Bicholim, Muslimwaddo, Gaonkarwaddo

Sattari: Honda

Pernem: Arambol, Nagzar

Canacona: Palolem, Dabamoll, Bagvada, Chandrapur\textsuperscript{13}

\textsuperscript{13} Prashanti Talpankar, *Shadows in the Dark: Status of Migrant Working Community in Goa*. 
The local Goans detested the arrival of migrants. They have been labeled as “Ghantis” or “Bhaille”. In North Goa they are called as “bhingtakars”. This has created frustration and resentment among the migrant workers. The native Goans blame the migrants for all the ills, they blame them for rise in crimes, spread of disease especially HIV Aids, unemployment, corruption and everything bad that happens in Goa.

The purpose of discussing this topic here is to determine to what extent migrant workers are responsible to the increase in crimes. According to survey made by Prashanti Talpankar, there is no evidence to show that increase in crimes can be connected to migrant workers. They are very peace loving and carry on their duties since they are in Goa for more than 40 years. They have been studying in Goa and speak Konkani language.

But then there is a danger that if the government does not protect the migrant workers and improve their living conditions, they may in future resort to criminal behaviour. Mr Datta Damodar Naik, who has written a forward to the study by Prashanti Talpankar, suggests that these migrant workers need to be educated regarding consumption of liquor, buying exotics and non nutritious food, smoking, chewing tobacco and gambling.

She also feels that it is necessary for the government to provide houses for migrant workers. Further the children of the migrant workers should be given

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14 Ibid.
15 Mr. Datta Damodar Naik, Forward to Shadows in the Dark – Status of Migrant Working Community in Goa.
free primary education in their mother tongue and should be provided with medical benefits\textsuperscript{16}.

The migrant working community is an essential requirement for Goan economy. The mining industry, tourism industry including hotels, fishing and construction industry requires migrant labours for their progress. It is time the government comes up with plans and projects for the care and development of these persons. Only by this, migrant workers will, build a great confidence within themselves and become responsible citizens and avoid crimes and anti-social behaviour.

Mr Nandakumar Kamat in his article\textsuperscript{17} “Goa’s Inevitable Demographic Engineering”, concludes as follows “However, in the coming years, Goans would have to step aside and be compelled by circumstances to make space for the new settlers”. He calls for Demographic Engineering as a deliberate state policy which the government must follow to avoid discrimination and bias as we have already said that the Government of Goa must recognize the new situation and the matter treated on a scientific and humanitarian platform.

\textbf{7.3.3. The Problem of Alcoholism:}

As has already been narrated, Goa derives large revenue from Tourism Industry. If one goes deep into the subject one finds that Goa has been a popular tourist centre for two reasons:

\textsuperscript{16} Prashanti Talpankar, \textit{supra} note 13.
\textsuperscript{17} Nandakumar Kamat, see Navhind Times dated 10\textsuperscript{th} December 2007.
One is the natural beauty and lovely beaches all over the Goan coast and second, the easy availability of Indian made foreign liquor as well as locally manufactured Caju and Coconut Feni which is accepted as a very popular drink by Goan people. There is a large consumption of liquor in Goa and to match this there is also high production. At the end of the last century 11.31 lakh litres of coconut Feni was produced and a 7.63 lakh litre of Caju liquor was produced. Regarding Indian made Foreign Liquor that is Whisky, Brandy, Rum etc the manufacture was 124.98 Lakh litres and Beer was 242.65 Lakh litres. But liquor was also imported from other states to the extent of 22.55 lakh litres.

The number of coconut trees under tapping is more than 0.95 lakhs. This figure indicates that Goa state is a high consumption zone for liquor of all varieties. It is reported that India is one of the largest producers of alcohol in the world and there has been a steady increase in its production over the last 15 years. Further Alcoholism is the big social problem and needs to be tackled before more homes are destroyed, warns a longtime member of Alcohol Anonymous (AA) in Goa.

He further states that Goa is a small state with a population of 15 lakhs; it has 10,000 plus alcohol shops. It is also reported that 423 deaths (9.14%) were related to alcohol diseases. There are many cases where the parents have resorted to alcoholism due to family problems. In view of this, the burden is

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18 Excise Department Publication, Government of Goa.
19 Dr. R. G. W. Pinto, Prof and Head, Pathology Department, Goa Medical College.
20 Ibid.
on the state government to ensure that high consumption of liquor does not lead to a higher rate of crimes in the State.

To add to the problem, traditionally Goa State has imposed either minimum or no tax on the sale of Liquor thereby making Goa state the most attractive in terms of the lowest rate of liquor sold in India, tourist are surprised that they can buy liquor at throw away prices and that is probably what makes them consume more liquor.

There are many studies made on consumption of liquor and occurrence of crimes. Mr Kai Pernanen\textsuperscript{21} gives the theoretical aspect of the relationship between alcohol use and crime. The author comes to the conclusion that use of Alcohol increases the probability of criminal behaviour. The chronic excessive use of alcohol leads to Temporal Lobe Dysfunction which leads to violent crimes. Hence what is advised is either non consumption or less consumption of alcohol. ("Theoretical Aspects of the Relationship between Alcohol Use and Crime") as published in Drinking and Crime by James J. Collins, Jr.

Mr. Paul M. Roman of Department of Sociology, Tulane University, New Orleans, Louisiana, USA, in his Article\textsuperscript{22} in the same book describes State of Art linking situational factors to drinking and criminal behaviour. He says “that ethanol consumption is disinhibiting and usually occurs in normative circumstances in which controls are relaxed in an anticipation of the

\textsuperscript{21} Mr. Kai Pernanen, in “Theoretical Aspects of the relationship between Alcohol use and Crime” as published in Drinking and Crime by James J. Collins Jr.

\textsuperscript{22} Paul M. Roman of Department of Sociology, Tulane University, New Orleans, Louisiana, USA Published in Drinking and Crime by James J. Collins Jr. under Article “situational factors in the Relationship between Alcohol and Crime”.
disinhibition, that range of forms of aggression is likely to accompany drinking events and increase in frequency with the blood, alcohol concentration obtained; and that through a series of systematic social reaction, some proportion of these deviant subsequently come to be defined as criminal behaviour”.

The above authoritative opinions must alert the Government of Goa about the possible increase in crimes that could be connected to alcohol consumption. This specific question could be taken up as a Post Doctoral Research work which this scholar could take up as a socio-legal project.

In the mean time Government of Goa, through its social welfare department should document incidents of criminal behaviour that lead beatings of wife and children in the house after consumption of Alcohol; Rash and Negligent Driving which may lead to death and causing other injuries on the highways and roads and also cause disturbance in the neighborhood which may ultimately lead to crime.

In all these, Role of Law will be very effective. Offences coming within these areas should be treated on Par with other offences with the Indian Penal Code and the Police Department should be made responsible for the legal enforcement of the law. There should be mobile squads and every effort should be made to educate adults and children’s on the ill effects of alcohol.
To add to the above problems we have news published in the Navhind Times about large scale illegal trade in liquor. The dense forest bordering Goa and Karnataka are used as a cover to smuggle liquor from Goa, both country made as well as Indian made foreign liquor since there is a great demand for Goan liquor in the other states because of its good quality and uniqueness.

The price is much lower as already mentioned earlier the tax on the liquor manufactured in Goa is minimum. According to Mr. Mahadev Gaonkar, former Sarpanch of Cotigao village Panchayat, “besides using the sea route, the liquor from Goa is also smuggled via Partal-shishegal and the dense forest route of Marlem-Tivral through Cotigao Wildlife Sanctuary”. He has also charged the authorities for indirectly helping the smugglers in this trade.

7.3.4. Protecting the Ramponkars:

For the last three decades, there has been a major problem arising in Goa and which is yet to find a solution. It has created a potential for criminal behaviour and violence. The matter was rather very simple but has reached complicated proportions due to the indifference of the government. Goa has a population of about 70,000 fishermen. Due to modernization of fishing trawlers, fishing has become very popular and many of the fishermen were given loans, grants and subsidies to go in for modernize fishing. However out of this number about 18,000 continued to carry out the traditional method of fishing, they have been called as “Ramponkars”.

23 The Navhind Times, Panaji, Tuesday 7th April 2009.
They work in clusters or groups and use manual labour to pull fish on to the shores. They use large nets. The process is very slow and the result, the fish catch is not very satisfactory. On the other hand, mechanical trawlers can fish in deep and shallow waters and after nights outing come with good catch. The Ramponkars began agitation against the trawler fishing boat owners as they were depriving them of their catch because they were fishing in shallow waters as a result the government laid down a set of values under which the trawlers fishers could fish in waters only beyond 1,200 nautical miles along the shore.

The waters from the coast to 5kms limit were the area in which the Ramponkars could fish. However the supervision and enforcement of the rule has not been very effective. The trawler fishermen are found fishing in the area meant for Ramponkars. This is a question of the livelihood of thousands of families of poor fisherman who depend on their labour for collecting fish.

The trawler fishers are much better off with a greater income and the better financial stability. This conflict of Economic Interest may explode into violence and create criminal tendencies. In order to attain a zero – crime level, the Government of Goa, must discipline the trawler fisherman and the coast guard supported by Goa Police should ensure that the trawler fisher do not interfere with the Ramponkars fishing zone. The Ramponkars have the Right to Survive and all others must ensure that no body interferes in their rights.

We have already seen areas of conflict in similar situations ‘Vandana Shiva’ in this Article “the violence of blue revolution” has explained how in Andhra
Pradesh, the villages of Kurru attacked the agricultural forms uprooting pumps used for drawing sea water, the author explains how, in order to promote shrimp farm, a large area of land and forest was destroyed thus upsetting the ecological balance and giving rise to criminal behaviour and desperation among the fishermen. To support the above we wish to cite the famous case, *S Jaganath v. Union of India*\(^24\).

In this case the problem was conversion of 80,000 hectares of land to shrimp farming cultivation. The petitioner filed the petition under Art 32 of the Constitution of India in public interest. The petitioner S Jaganath was the chairman of Gram Swaraj movement and he requested the court to direct the Government to enforce the coastal zone regulation notification date 19/2/1991, issued by the Government of India for stoppage of intensive and semi intensive types of prawn farming in the ecologically fragile coastal areas.

The famous public interest litigation lawyer M.C Mehta argued the case for the petitioners. He vehemently argued that the shrimp culture industry is prohibited activity under para 20(i) of the CRZ notification. On the other hand the counsel for the respondent argued that the shrimp farm is an industry which is directly related to water front and cannot exist without foreshore facilities. The Supreme Court decided that the purpose of CRZ notification to protect the ecologically fragile coastal areas and to safeguard the aesthetic qualities and the uses of sea coast.

\(^{24}\) AIR 1997 SC 811.
The setting up of Modern Shrimp Aqua Culture Farm right on the sea coast and construction of ponds and other infrastructure there on is per se hazardous and is bound to degrade the marine ecology, Coastal environment and the aesthetic use of the sea coast. It further laid down that before any shrimp industry or shrimp pond is permitted to be installed, in the fragile coastal area, it must pass through a strict environmental test.

In this direction the government must conduct an environmental Impact Assessment before the permission is granted to install commercial shrimp farm. Hence the petition was allowed and this was a great victory for the environmentalists and for the protection of the sea coast from being misused to create dollar economy.

One cannot forget the helpful intervention the Supreme Court of India in 1994 which after hearing from the State Government report passed an order banning mechanized fishing within 5 kms from the shore.

According to Pascal Dias, President GRE, the 5 kms zone has been violated again and again and there is no support from the government\textsuperscript{25}. The question here is how long the Government of Goa will test the patience of the “Ramponkars”. Goa must be recognized as a model state. This will only help in increasing its revenue when people from all the cultures of the world will come to Goa as a state where total peace prevails and without any crimes.

7.3.5. Protecting Goa’s Forests:

Apart from having beautiful beaches and lovely rivers, Goa has vast areas of forest land rich in timber and wildlife. It is indeed fortunate that the small state like Goa has so many benefits. The total geographical area is 1424sq.kms. Out of this the state owns 1224.38sq.kms and private parties own 200sq.kms. The State government had earned in the year 2000 from cane 23, 04,000, from Bamboo Rs 1, 00, 00, from timber 13, 00,000. The basic question is to preserve the forest to maintain the ecological balance.

Irresponsible persons should not be allowed to cut or burn the forest land at the same time to maintain, enhance the beauty of forest area to promote tourism and the wildlife sanctuary. If strict vigil is not maintained in the forest area there is likely to be mini wars between gangs trying to deprive the State of the forest wealth by the sheer use of muscle power.

The case of Veerappan in Karnataka is an excellent example inspite of a huge Forest Department employing thousands of officers and other personnel for nearly 30years Veerappan was unquestioned king of the jungle. He cut sandalwood trees, for which the jungles of Karnataka are famous, he killed elephants and exported their ivory and many a forest produce was sent out of Karnataka earning him Crores of Rupees while the State suffered heavy losses. He killed forest Guards as well as policemen on duty including Sub- Inspectors of Police.
The whole forest was a crime zone and it was a challenge to capture Veerappan. It was only when he was killed by an officer of the Special Task Force, peace came back to the forest zone. There must be strict supervision and any wrong doer must be immediately booked and punished. No politician must be allowed to interfere in the issue of the protection of the forest wealth which includes preservation of the wildlife and timber. Forest helps us to maintain the ecology and also helps us to get rainfall on which the whole flora and fauna are dependent upon, for the development of the state.

The recent news appearing in the Times of India\textsuperscript{26} is highly disturbing. In the dense forest of Collem, four dead bodies were found in 14 months in the forest. According to the Ponda Dy. SP Serafin Dias, “the murderers have taken advantage”\textsuperscript{27}.

From the above issues discussed, in order to ensure zero-crime rate for the State of Goa, we wish to state that a concerted effort made by the government to achieve the goal will definitely help in achieving the results. For centuries, Goa has been a very peaceful State. The Whole State is dotted with the ancient temples and more important among them are Mallikarjun of Canacona, Bhagwati of Pernem, Damodar of Zambaulim, Betal of Amona, Shantadurga of Fatorpa.

The occupation of Goa as a colony of Portugal did not much disturb the religious worship. There are important Churches like Bom Jesus Basilica and

\textsuperscript{26} The Times of India, Goa Edition, Tuesday, 7\textsuperscript{th} April, 2009.
\textsuperscript{27} Ibid.
Se Cathedral at Old Goa, Milagres Church at Mapusa and to every town and village there has been Christian worship which has added to the peaceful culture of Goa. As statistics have shown, there was very less criminal activity during the Portuguese rule. No doubt, the level of development was very low during this period, there was a great deal of respect for Law and Order. May be because of the fear of severe punishment and also the strict enforcement of rules and regulations.

But after the Liberation of Goa in 1961 we have seen a rapid development in the State of Goa and also a dangerous increase in the crime rate. Law alone cannot help the prevention of crime. What is required is an all round effort by all the stakeholders in the democratic process to ensure the crime rate is kept at the minimum level; the above discussed indicators, if properly understood and are dealt with, the increase in crimes can be drastically reduced. The approach must be socio-legal and not legal alone.

Goa being a tourist destination faces numerous problems such as preservation of the environment, shortage of natural resources, disposal of solid waste and sewage, and the depletion and deterioration of groundwater. The tourist inflow resulted in the growth of rapid and uncontrolled coastal tourism. Further, the environmental diversity and sensitivity of Goa with its complex mixture of customary rights, and land ownership further complicates the situation.

In spite of such threat looming large on the Goan society, the legislative response to such a problem is appalling. The Goa, Daman and Diu Registration
of Tourist Trade Act, 1982 and Rules made there under 1985 only focuses on registration of people who intended to involve in trade in Goa. There is no comprehensive legislation dealing with the problems relating to tourism particularly on the increase of tourism related crime. The tourism in Goa being seasonal in nature the unemployed during the non seasonal days results in anti social activities.

Similarly, mining industry causes migration and results in concentration of labour forces. This concentration creates several problems such as development of slums, outbreak of epidemics and health related issues. However, massive loss of employment due to closing the mining industry results in social unrest and increase in the crime rate. Passive social protection measures by the employers and flouting the regulations of social security norms further results in difficult living conditions to redundant workers and create more hurdles in finding new jobs. Absence of coherent development strategies aimed to generate new economic alternatives and to mitigate the social impact of loss of jobs would further deteriorate the crime situation.

Therefore, the state should aim at reducing exacerbate social and economic implications of mining such as training the retrenched workers in developing multi-professional specialization and increasing educational level of labor force. The lack of jobs and lack of involvement of authorities in the economic

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28 Registration of Dealer in tourist trade is provided under Sec. 3 of The Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act No 10 of 1982) (14.11.1982) published in Official Gazette, series 1 No. 36 dated 2.12.1982
Sec 7 deals with registration of hotels.
Sec 14 deals with registration of travel agents.
revitalization programs are labeled as main problems of mining related crimes. Hence, there is a need to relook at the legislations dealing with mining activities to incorporate the provisions for economic revitalization.

Likewise, alcohol abuse results in crimes such as domestic violence, prostitution, marital violence, theft, rioting, nuisance and motor vehicle accidents. There are three types of crimes associated with alcohol abuse.

1. Use-Related crime: They result from the effect of the alcohol consumption particularly in their behavior part. Examples of such crimes are nuisance, domestic violence and violence against family members.
2. Economic-Related crime: Addiction to alcohol often results in economic crimes such as theft, prostitution and sale of girl child to fund their habit.
3. System-Related crime: Alcohol addiction may also result in system related crimes such as illegal manufacturing, transportation, and sale of liquor. Often they result in gang wars and rioting.

Tackling alcohol related crimes requires multi pronged approach. These include:
1. Minimum age requirement for sale of liquor needs to be strictly observed\textsuperscript{29}.

2. Restrictions on sale of liquor near the educational institutions and religious places need to be followed.

3. De-licensing liquor outlets in case of violation of above requirements should be strictly enforced\textsuperscript{30}.

4. Police patrolling particularly in Goa being a tourist destination need to be round the clock to stop driving by a drunken person or by a person under the influence of drugs issues\textsuperscript{31}.

\textsuperscript{29} Sec 19 of The Goa Excise Duty Act, 1964 (No. 5 of 1964) [27th October, 1964] published in the Government Gazette, Series I No. 46 (Supplemento) dated 13-11-1964 and came into force w.e.f. 01-12-1964, deals with Prohibition of sale etc., to certain persons. Under the section, no licensed vendor or a manufacturer and no person in the employ of a vendor or a manufacturer and acting on his behalf shall sell or deliver any excisable article or foreign liquor to any person apparently under the age of 21 years, or to any person of unsound mind.

Sec. 98 deals with the Prohibition of employment by the licensee.— No licensed vendor shall employ on his licensed premises person 
(a) Under the age of 18 years, or 
(b) Suffering an infectious disease.

\textsuperscript{30} Ibid See sec. 16. Power to cancel license.— license under this Act may be cancelled by the Commissioner for good and sufficient reasons to be recorded in writing, after giving an opportunity to the person concerned for making any representation on the following grounds 
(a) non-payment of fee or duty; or 
(b) if there is any breach by the holder of such license or permit of any of the terms or conditions of such license 
(c) if the holder thereof is punished for any offence against this Act, or of any cognizable or non-bailable offence; or 
(d) if the conditions of the license or permit provide for such cancellation or suspension.

\textsuperscript{31} Sec 185 deals with Driving by a drunken person or by a person under the influence of drugs. If a person is found guilty he shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both.
5. Amend the Motor vehicles Act and Indian Penal Code to incorporate stringent punishments such as canceling the driving licenses and increasing the punishment for accidents where the driver found under intoxication. Therefore, traditional criminal laws such as Indian Penal Code would be ineffective in dealing such issues. Further the absence of any clear and firm policy relating to the tourism and mining, ineffective institutional and political structures necessitates a comprehensive legislation. Though environmental legislation and regulatory mechanisms are in place in Goa the special geographical and cultural setup in state of Goa requires a special treatment. Therefore, the active participation of all stakeholders in the planning and drafting of a comprehensive legislation is the need of the hour to strike a balance between tourism development and protecting the natural and social environments. Such legislation however, must also address the issues of

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32 Presently the law provides for following punishments for the rash and negligent driving

1. Sec 304A of Indian Penal Code (45 of 1860) deals with punishment for causing death due to rash and negligent driving. The punishment prescribed is imprisonment for a term which may extend to two years or fine or both.

2. Sec 184 of Motor Vehicles Act (Act No 59 of 1988) (14th October, 1988) deals with the driving dangerously, shall be punishable for the first offence with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, and for any second or subsequent offence with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

3. Sec 140 of Motor Vehicles Act, deals with death or permanent disablement of any person due to a motor vehicle accident, the owner of the vehicles shall, be liable to pay compensation in respect of such death or disablement in accordance with the provisions of this section

4. Sec 183 of Motor Vehicles Act, deals with Driving at excessive speed, etc. Under the section over speeding driver violating the speed limits referred in section 112 of the same Act, shall be punishable with fine which may extend to four hundred rupees, or if the driver is previously convicted under the same section, for second offence, shall be punished with fine which may extend to one thousand rupees.
land use, shortages of resources, such as land water, and damage to coastal aquifers.

Based on the above observations the next chapter focuses on Conclusions and Suggestions.