

Razing Baina, Goa

In Whose Interest?

The recent demolition of large sections of Baina beach settlement in the port city of Vasco raises several political, social and legal issues of general import.

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A heap of broken walls, flattened tin sheets and other metal, strips of wood, scraps of plastic, asbestos, paper and cloth is what remains after a fleet of bulldozers ploughed through an area of approximately 9,000 sq m on the morning of June 14, 2004 in what was once a densely populated habitation occupied by over 5,000 of Goa's most poor and vulnerable sections. There now exists only reminders of the lives and homes of several people of Baina, Vasco, Goa's port town. The state led demolition under the supervision of armed police resulted in several families fleeing the area, while thousands were left starving and homeless, with most of their belongings buried under the debris. A few lucky ones got shelter in a small sports complex for a few days while others are left to fend for themselves at the peak of the monsoons in Goa. This action of land grab was under the guise of ridding Goa of 'prostitution'.

On the morning of June 14, 2004 beginning at 7.30 am, the collector of south Goa under the direction of the government of Goa, demolished a settlement in Baina beach area in the presence of hundreds of armed policemen bringing back memories of the emergency years. Over 1,500 families and 5,000 persons including mothers with infants were rendered homeless and lost all their belongings in two days of relentless demolitions.¹

NGOs and other relief workers including concerned citizens were terrorised into leaving the demolition site. To quell any kind of protest, several persons were arrested. Prominent among them were advocate Albertina Almeida (Bailancho Saad), Tanya Desouza (ARZ), Datta Naik (respected business person and member of Lok Shakti). Even Pramod Salgaonkar, the former chairperson of the Goa State Commission for Women, was threatened with arrest when she arrived in Baina to assist with relief work. The pleas by the National Commission for Women (NCW) to stop the demolition to the chief minister and chief secretary of Goa had no effect.

The government, however, claimed that this demolition drive was only against the '250'² cubicles of commercial sex workers in 'illegal' structures in the Baina beach area as per directions of the Bombay High Court Order (Goa bench). When the local press and the NGOs pointed out that the demolition drive was conducted on an area where only a small number were involved in commercial sex trade, the state administration responded that all these structures were 'illegal' and in any case the evicted were 'non-Goans', 'Kannadigas' and 'Andhraites'.³

The state action in Baina beach brings to the fore many serious issues involving developmental conflict, state policy and conduct including the high handedness of the state in misinterpreting high court orders, non-compliance of NCW directives, etc. Some of these we aim to raise in the rest of this article.

Till the 1980s, the real estate value of Baina beach was not significant and land pressures were low. However, a boom in the tourism industry in the late 1980s pushed up land prices, particularly beach-front property. Additionally, with an increase in maritime traffic at the port, there were demands for expansion of the port facility. The Baina beach area, which housed the port's unorganised labour was now targeted, as the area was required for port expansion. The leisure industry on the other hand had plans to develop this beach-front property for luxury resorts. It is obvious that demands of the tourism industry and the Port Trust for evacuation of Baina beach of its residents is the real reason for the action of June 14.⁴

Baina and Popular Perceptions

Baina is a large residential area covering several wards of the Mormugao Municipal Corporation (MMC) and is adjacent to the Mormugao Port. Reports indicate that the Baina beach settlement dates back earlier than 1960 and was permitted essentially to facilitate work at the port where many Baina residents worked as daily wage labourers.⁵ Other families who resided at Baina beach were engaged either as garbage collectors, etc, working for the MMC directly or indirectly, or in various manual jobs in the area or in neighbouring Vasco township.

A small proportion of women residents of this area were engaged as commercial sex workers (CSWs) and are reported to have operated out of about '250' cubicles. Sailors, workers in the shipyard, tourists and locals from different parts of the state reportedly frequented this area of the port town, often referred to as the state's 'red-light area'.

The popular perception that women in prostitution are criminals continues to be perpetuated by the state's insensitivity. Courts and policy-makers now well understand that prostitute women and children

Table: Number of Persons Arrested under ITPA in Goa (1996 to 2001)

| Age | 1996 | | | 1997 | | | 1998 | | | 1999 | | | 2000 | | | 2001 | | |
|-------|------|--------|-------|------|--------|-------|------|--------|-------|------|--------|-------|------|--------|-------|------|--------|-------|
| | Male | Female | Total |
| 18-30 | 3 | 62 | 65 | 2 | 105 | 107 | 2 | 47 | 49 | 3 | 76 | 79 | 0 | 86 | 86 | 6 | 51 | 57 |
| 31-40 | 2 | 10 | 12 | 0 | 30 | 30 | 0 | 25 | 25 | 0 | 33 | 33 | 0 | 28 | 28 | 2 | 30 | 32 |
| 41-50 | 0 | 2 | 2 | 0 | 5 | 5 | 0 | 1 | 1 | 0 | 7 | 7 | 0 | 6 | 6 | 1 | 5 | 6 |
| 51-60 | 0 | 1 | 1 | 1 | 1 | 2 | 1 | 1 | 2 | 1 | 0 | 1 | 0 | 0 | 0 | 2 | 2 | 4 |

Source: Goa Police and Children's Rights Goa.

are merely the victims of that violence and not criminals and even the NCW now refers to these women as Commercially Sexually Exploited (CSEs). The state is also aware that prostitution is a crime only in that it is a form of violence on the prostituted women, therefore these women deserve compassion and access to proper rehabilitation.

Unfortunately, commercial sex workers are most often the targets of further abuse by the state as is evident from the statistics on arrests under the ITPA. Instead of arresting the perpetrators of crime, that is, touts, pimps, brothel keepers and customers (under Sections 3, 4 and 5 of the ITPA),⁶ the target of state arrests have been women, namely, commercial sex workers who have been booked under Section 8 of ITPA which prohibits seducing or soliciting for the purpose of prostitution in a public place (see the table).⁷

While all popular references to Baina lead one to visualise a clearly demarcated 'red-light' area in Baina, the geography of the settlement was such that cubicles of

the sex workers were hardly distinguishable from family rooms, NGO offices, shops, restaurants, bars and other business establishments, most of which were not involved in the sex trade. Since one could not segregate the 'red-light' area from residential units, the high court did not order the demolition of the entire Baina beach settlement but only the identification of the cubicles used by CSWs and ordered their closure.

The issue of eviction in Baina had first came up in 1997 when notices were issued to some of the residents in the area. The NGOs and affected persons approached the National Human Rights Commission (NHRC) to intervene and on July 24, 1997, the NHRC directed a stay on the evictions. At about the same time, the NGO Savera along with some others filed a writ petition. However, intermittent police intimidation and harassment including arrests and raids continued. In September 1997, the local MLA John Manuel Vaz, led a protest group which demanded the

'cleaning' up of Baina supposedly to stop HIV infection from spreading to other parts of Goa, to clean the area of criminal activity, 'specially prostitution' and to recover the beach from the 'red-light' area. The issue of eviction was always projected in the context of removal of CSWs from the area. The popular stigma attached to commercial sex work provided the social sanction for state action. "We want the beach for our children" the MLA was quoted as having said (Bailancho Saad 1997). One wonders which children he is referring to because the demolition of June 14, 2004 evicted over 600 children from their homes in Baina.

When the first eviction moves were made in 1997, Bailancho Saad commissioned an independent team comprising prominent citizens including advocate Nandita Haksar, Supreme Court advocate and human rights activist, Prabakar Timble, former principal of Kare College of Law and Government College, Quepem and advocate Mario Pinto Almeida to look into the issue. Their report

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Professor Gyan Prakash
Director

titled 'Evictions in Goa: Case Study of Baina, A Fact-Finding Team's Report', was published in November 1997.

Rehabilitation Plans

In response to Savera's petition the high court set up a committee under a retired judge (Justice Kamat) to examine among other things the matter of rehabilitation of the CSWs. The committee submitted its report to the court in September 1998 recommending that the cubicles used for sex trade be identified by a socio-economic survey, eviction notices be issued and then these be closed following the due process of law. The report talked of 'appropriate rehabilitation' to include shelter, livelihood, health and vocational assistance. It mentions that for those who desire to continue in the trade, an area would be notified as a 'red-light' area.

The high court judgment in July 2003, in line with the recommendations of the committee was with respect only to the '250' cubicles used for commercial sex work and the NCW was entrusted with the task of formulating a rehabilitation programme for the CSWs to be evicted from their trade in coordination with government and non-government agencies. Neither the committee report nor the court order gives directions for demolition of the entire area not related with the sex trade.⁸

It was evident on June 14, 2004, when the demolition took place that the state had no rehabilitation plan, either short term or long term. There were no relief supplies of food, water or shelter that had been arranged. Some of the evicted who took shelter in a sports complex, which had two functional toilets for a thousand people staying there. The government has announced that they should have a rehabilitation plan by October. What are people to do from June to October, the entire duration of the monsoons?

There were several newspapers that reported the announcement of Manohar Parrikar, the chief minister of Goa, in the assembly that an allocation of Rs 1 crore had been made in the budget for rehabilitation of the persons to be displaced in Baina.⁹ But since December 2003, the only relief that has been provided is 25 kg of rice, one and half kg of pulse and Rs 500 in cash.¹⁰ Not all the women got the relief material being provided by the state. Those who did receive the provisions find it inadequate for basic nutritional requirements.

While the state government argues that the 'cleaning up' of Baina will do away with problems of prostitution, most social activists believe that this is a blinkered view. The reality is that it has led to a dispersion of prostitution in the state. Just prior to demolition, the government had announced that the CSWs would be placed in a closed institution (like a jail for offenders of the law) and be given basic meals till further plans were announced. Those women who were in organised prostitution immediately relocated themselves since no one boarded the buses provided by the state on June 13, 2004 to be shifted to the rehabilitation location in Ribandar.

Many NGOs and activist groups had been involved with developmental issues and concerns in Baina largely because of growing awareness on HIV and AIDS and the risk of transmission through contact with CSWs which has wide social implications. Some of these interventions focused on social awareness and health like that by the Bailancho Saad (women's collective), Positive People, Population Services International, etc, while others like Anyay Rahit Zindagi (ARZ), focused on community issues like trafficking, the rights of women and children, especially minor girls. The current dispersion of CSWs has made any kind of targeted intervention, like education and HIV/AIDS programmes, a near impossibility.

What the demolitions have achieved is to render homeless, thousands of women who will now be more vulnerable to abuse by touts and pimps. How can women protect themselves from HIV and can children's education be a priority when access to basic needs of food, shelter and clothing have been taken away? Children of displaced persons may even be forced by circumstance to get into prostitution. It is naïve to believe that if Baina ceases to exist so will prostitution in Goa. The trade will only increase with this displacement and so will the human rights violations.

Interestingly, the entire Baina area has not yet been razed. What has been cleared and is feared to be further demolished is only the beach-front property. There are several unofficial versions of what development is being proposed in the area. According to some sources, a four-lane link road and expansion of the Mormugao Port is proposed.¹¹ Some residents in the area believe that a luxury hotel is likely to come up. Whatever, the actual land use that will follow, access to the beach will

be restricted for the common citizen. What happened in Baina is a forewarning of what could happen in Goa especially since the Goa Land (Prohibition of Construction) Act 1995, (section 6) allows the government to demolish any construction without giving any notice provided that it is government land and it is being used for 'public purpose'.¹² In such a scenario the intervention of human rights organisations and activists is essential so that emergency is not repeated under a democratic garb. **EPW**

Notes

- 1 According to the Forum for Justice in Baina.
- 2 This number was first mentioned in the Justice Kamat Committee Report.
- 3 This immediately led to a political fallout in Karnataka and the state dispatched a high powered team to Goa to investigate the matter. There were instances of stoning and arson against trains and Goa state transport buses plying inter-state with Karnataka. See *Navhind Times*, *Gomantak Times*, *Goan Observer* and *The Herald* (June 15 to June 27, 2004) for related news articles.
- 4 Evictions in Goa: Case Study of Baina, A Fact-Finding Team's Report, Bailancho Saad, Goa, November 1997.
- 5 Ibid
- 6 Section 3 of ITPA makes it a criminal offence to keep a brothel or allow premises to be used as a brothel with the provision of imprisonment for two to five years. Section 4 of ITPA makes it a criminal offence to live on the earnings of prostitution with the provision of seven years imprisonment. Section 5 of ITPA makes it an offence to procure, induce or take a person for the sake of prostitution with the provision of 14 years imprisonment. If the person procured is a child the imprisonment can be for life.
- 7 Prior to the intervention of ARZ, the only arrests made in the Baina area were of commercial sex workers for soliciting in public places. ARZ was instrumental in encouraging the arrests of traffickers especially of minor girls even though there was initial resistance from even the police to use the Immoral Traffic (Prevention) Act (ITPA).
- 8 Unfortunately, a majority of the families whose tenements have been destroyed in the area had no involvement in the sex trade. They were legal residents who regularly paid house tax, rent, electricity bills and had ration cards as proof of residence, were listed on the electoral rolls.
- 9 Report of the Independent Fact-Finding Committee on the Baina Issue, June 26, 2004, Forum for Justice in Baina also reported that a provision of Rs 1 crore had been made in the Budget 2004-05 for rehabilitation and related issues of Baina as per the affidavit dated April 20, 2004 of the Director of Women and Child Development filed in the high court.
- 10 As reported by the NGO's working in the area.
- 11 Evictions in Goa: Case Study of Baina, A Fact-Finding Team's Report, Bailancho Saad, Goa, November 1997.
- 12 Ibid (pp 16-17).