
How Vulnerable are Women in Goa?

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The recent media hype over the gruesome murder of the 16-year old Scarlet Keeling brought into focus, questions about women's status in Goa apart from all the other ugly issues that emerged following this case. Does one have to wait for such tragic events before we ask ourselves this crucial question, 'how vulnerable are women in Goa?'. When then, is it the right time to turn our attention to taking some preventative steps to make Goa more women friendly?

The general lethargy we see on all fronts when it comes to working to enhance the status of women in this state is probably due to the popular notion that all is well for women in Goa. It is often opined that women in Goa hold a high status particularly when seen in comparison with the position of women in other Indian states. The high per capita income, life expectancy and literacy are often used as indicators of well-being. Further, the unique law that is prevalent exclusively in Goa is held in high regard because of the presumed role it has played in enhancing the status of women. But all if not hunky dory in this small state and we have many warning signs that things may get worse if we do not take some preventative measures. We will look at some of the issues concerning women in Goa with a view to highlight problematic areas that need urgently to be addressed.

The Story about Women in Goa as told by Numbers

The State of Goa today stretches over an area of 3,702 sq. km. with the Arabian Sea on the West of its 106 km coastline. It is not surprising, therefore, that it has become one of the prime beach tourism destinations, attracting both domestic as well as international tourists. According to the 2001 Census, the total population of Goa was 13,43,998 (757407 in North Goa and 586591 in South Goa). The tourist population however is nearly double the host population (See Table 1).

Table 1: Tourist Arrivals to Goa 1985– 2003

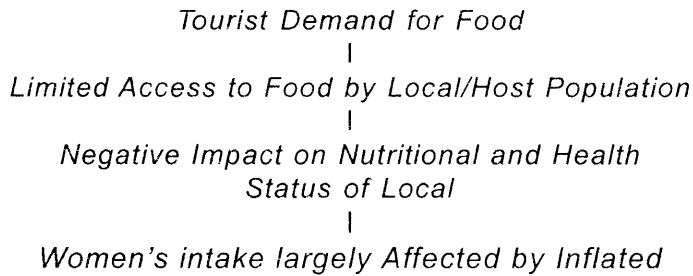
Year	Number of Tourists			Annual Growth (%)
	Domestic	Foreign	Total	
1985	682545	92667	775212	-
1986	736548	97533	834081	7.6
1987	766846	94602	861448	3.3
1988	761859	93076	854935	- 0.7
1989	771013	91430	862443	0.9
1990	776913	104330	881243	2.2
1991	756786	78281	835067	-5.2
1992	774568	121442	896010	7.3
1993	798576	170658	969234	8.2
1994	849404	210191	1059595	9.3
1995	878487	229218	1107705	4.5
1996	888914	237216	1126130	1.7
1997	928925	261673	1190598	5.7
1998	953212	275047	1228259	3.2
1999	960114	284298	1244412	1.3
2000	976804	291709	1268513	1.9
2001	1120242	260071	1380313	8.8
2002	1325296	271645	1596941	15.7
2003	1738330	291408	2029738	27.1

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

Unchecked Tourist Population a Threat to Host Society

It is the hard selling of Goa as a tourist destination that has resulted in this doubling of the population during the tourism season. This season earlier was between the months of October to March but with the recent advertising of '**Go Goa 365 days**' we can expect a larger population than the state can handle all year round. Tourism has been one of the causes for the inflated cost of living in Goa, which has made even the local staple food, fish and fruit, in particular, inaccessible to the local population.

With the growing tourist population there is a greater demand and therefore drain on limited natural resources. In such circumstances when the cost of living goes up, restricting ones family size is the most natural of consequences. According sources such as the National Family Health Survey (NFHS), there is a clear son preference existing in the State of Goa despite the high level of literacy and educational attainment. Therefore when there is a desire to curtail family size in a society, where there is a prevailing preference for sons, sex determination tests would most definitely be used for tailor-made family compositions and selective abortions inevitable.



cost of Food
|
Inflation results in pressure to curtail Family Size
|
*NFHS reports a clear 'Son Preference' in the
State of Goa*
|
Declining sex ratio in the State not surprising

Declining Sex Ratio

In Goa, there is a lower sex ratio in urban areas as compared to rural areas. Goa ranks 22nd in the country in its sex ratio in urban areas (919 females to 1000 males) being surpassed in this by even states like Bihar, Orissa, Jharkand, Karnataka, Andhra Pradesh etc. and ranks 20th in its sex ratio in rural areas (948 females to 1000 males).

A declining sex ratio is clearly indicative of gender discrimination and possibly also that the practice of female foeticide exists. However it is often argued that this decline in sex ratio has resulted from improved medical facilities in the state that has lowered the mortality rate among men. Another theory is that women have migrated out for work and that male labour have migrated into the state. Under enumeration in the Census is another theory proposed to explain the declining sex ratio. However there exists no proper data to support these hunches.

There is available data, however, that show that women have a lower nutritional status and lower access to health care due to the inflated cost of living (*National Commission for Women Report 2005: Situational Analysis of Women and Children in Goa, authored by Shaila*

Desouza). From the Table-2 below, we see that this decline is a rather recent phenomenon, post independence and post tourism in Goa.

Table 2 : Sex Ratio For Goa 1900 – 2001

Year	Sex Ratio (No. of F for 1000 M)
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

Although the Pre-Natal Diagnostic Test (PNDT) Act exists prohibiting sex selective abortions, it is still unclear as to what concrete steps have been taken to implement the PNDT Act in the State of Goa. There have only been a few advertisements and talks on the girl child.

Women's Literacy and Education

Table 3: Literacy Rate in Goa 2001

Female	Male	Total
75.37%	88.42%	82.01%

Source: Economic Survey 2004-2005, Government of Goa

Goa ranks number four in the country, after Kerala, Mizoram and Lakshadweep, with regards to its literacy rate.

From the Table-4 below we see that over the last three decades there has been an improvement in the gender wise difference in literacy rates. However, there is still a difference that exists.

Table 4: Percentage of Literate Population in Goa

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

Computed from Census data

Table 5: School Enrolment and Drop Outs (2001-2002)

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

Computed from Census data

The above Table-5 shows that a large percentage of girl children enroll into school between the first and fourth standard. However, a large number of children both girls and boys drop out of school by the seventh standard. In comparison, there are a fewer number of dropouts between the eighth and tenth standard.

**Table 6: Gender-wise Enrolment for
Higher Education (2001 – 2002)**

Education level	Male	Female
XI and XII	11697	11171
College	5639	8716
GU	394	697
Professional	2489	2408
Technical	4406	1157
Vocational	872	539

Computed from Census data

The Table-6 above, shows that a sizeable number of women in Goa enroll for higher education, particularly for Bachelors and Masters Degrees in Colleges and University. However, for professional, technical vocational and education there seems to be a gender gap that is unfavorable to women.

Literacy Under Threat

The stark differences in the literacy rates taluka-wise pose a serious threat to the seemingly positive literacy rate in the state. There are also rural-urban variations noticed (See Table-7, p 10). The literacy rates in the talukas of Canacona, Sanguem, Quepem, Satari, Pernem and Salcete fall lower than the state average.

Has Literacy Resulted in Women's Economic Empowerment?

The answer to that is in the negative. The low work participation rate as reported by the Census of India poses a serious threat to progress in the state. While 75.37% of the female population are literate, only 22.3% are working and the remaining 77.7% 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 and also likely to become social threats.

Table 7: Talukawise Literacy Rates
in 2001 Census (per cent)

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

Source: Economic Survey 2004-2005, 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.

Crimes 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 NFHS. 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.

Table 8: Work Participation Rate

Persons	Main Workers	Marginal Workers	Total Workers	Non Workers
Total				
Persons	32.8	2.5	35.3	64.7
1991	31.7	7.2	38.9	61.1
2001				
Males				
1991	48.3	1.3	49.6	50.4
2001	47.9	7.0	54.9	45.1
Females				
1991	16.8	3.8	20.5	79.5
2001	14.8	7.5	22.3	77.7

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

There are thousands of cases of crimes against women that have been reported to the Goa State Commission for Women, Family Counseling Centre and other Women's Organizations in the state. Then we know that reported cases are only representative of the actual number that go unreported. Additionally, there are cases, which do not enter the violence register and get dismissed as one off incidents or drowning. We know that human trafficking, including through adoption, cyber crimes and bonded labour all exist in this small state.

Sex Related Trafficking in Goa

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. Data on the extent of the problem or the exact incidence of tourism related prostitution is not easy to procure but recent reports following the Scarlet murder of even other nationalities running prostitution rackets in the state are warning signs. Prostitution could be in red light areas, tourism related, or it could involve the exploitation of children or even could be related to religious dedication into the profession. These are not exclusive categories as they might overlap but in all cases it involves the most vulnerable sections of society.

Women's Health Concerns in Goa

Right up to the 1990s', the prime agenda of India's family health and welfare programme was focused chiefly on population control. The programme aimed at increasing the number of women who were sterilized, motivating 'eligible' women, women in the reproductive age group of 15 – 45 years, to use family planning methods. Impelled by demands from the women's movement for a more holistic approach to health, in 1994 the International Conference on Population and Development (ICPD) held in Cairo, demanded a shift in the 'stated' focus of health policy from population control to reproductive health and rights. India is one of the 179 countries that ratified this resolution.

The State of Goa has always been considered way ahead of most in the country as far as some health indicators are concerned. Yet there is cause for worry. The health concerns of women in Goa are mental health, reproductive tract infections, cervical cancer, infertility, high incidence of abortions, poor sex education, poor

nutrition, anaemia, lack of focus on traditional health systems etc. which remain issues neglected by the State Health Programme. Attention is still on family planning usage and immunization.

The flaws in the new Reproductive and Child Health Programme is that it lacks a clear design for proper implementation and an assured budgetary provision to make the dream of meeting community needs possible.

Do we need to continue Family Planning promotion?

Despite the aggressive marketing strategies like media promotion, targets, financial incentives and disincentives that were being used to promote contraceptive use, the present response of the Goan community to modern contraceptive technology is very poor (NFHS). The current contraceptive usage by currently married women is 48%, which is the same as the national average. Despite poor contraception usage, Goa has attained a below replacement TFR (1.7) which is less than the two child per family norm. Reasons for this could be attributed to several things, including education. Goa has the second highest literacy rate in the country, knowledge of family planning is universal (99%), the age at marriage is high (25 years). However despite having a below replacement population, health functionaries at the primary health centre and sub centre level continue to be engaged primarily in family planning promotion.

NFHS data revealed that the use of sterilization decreases as the level of education increases. The rate of sterilization among illiterate women was 48% while the rate of sterilization among literate women was only 12%. Sterilization use has also shown to decline as the

standard of living increases. The sterilization use among women from households with a low standard of living was 42% and that among women from households with a high standard of living was 19%. Interestingly, the use of traditional methods by urban women is three times as high as that of the rural women. The use of traditional methods also increases sharply with household standard of living.

Table 9: Education level and Use of Contraceptive method

Education level of woman user	Method used	1991-92	1998-99
Illiterate	Modern methods	43%	53%
	Traditional methods	4%	3%
With at least high school education	Modern methods	29%	40 %
	Traditional methods	21%	17%

Computed from NFHS 1 and 2

Lets take our attention away then from Population Control

Some Worrying Figures from NFHS are:-

<i>Adolescent fertility has increased by...</i>	31%
<i>Women involved in decisions about...</i>	
<i> their own health care</i>	62%
<i>Anaemia (including moderate... +severe) among women is..</i>	36.4%
<i>Anaemia (moderate +severe) among women...</i>	9%

Anaemia is a serious problem among women in every population group, with prevalence rates ranging from

26 to 52 percent. Nutritional deficiency is particularly serious for women living in households with a low standard of living, younger women, illiterate women, ever-married women who are not currently married and women belonging to scheduled castes or other backward classes.

<i>Anaemia among children 6 monthsto 3 years) is...</i>	53.4%
<i>Children chronically undernourished (stunted)...</i>	18.1%
<i>Children acutely undernourished (wasted)...</i>	13.1%
<i>Children underweight...</i>	28.6%
<i>Total children undernourished and at risk...</i>	59.8%
<i>Women undernourished...</i>	27%

The NFHS reported also that there is a son preference in Goa

The NFHS also revealed that 27.1% of the pregnant women have low body mass index and this is during the period when women are comparatively better fed.

With regards to other NFHS data, which could be indicators of health status, only 63.6% households are within 15 minutes walking distance from safe water supply and this includes pipes, hand-pumps, covered wells etc. Only 62 % households have piped drinking water. Only 38% households have flush toilets and 41% households have no toilet at all. These are just some indicators of issues that might be revealed from the existing data sources.

The Mining Industry and Women's Status

The mining belt extends over an area, which is approximately 14-18% of Goa's land area. Mining activity, is often referred to as the 'backbone of the Goan economy' as it provides employment, generates income and contributes to foreign exchange earnings. While all this might be true, it has also affected the environment by contamination of air, water, land, etc, which has impacted on the health of the local community apart from the mine-workers.

In a recent study on the '*Economic Status of Women in Mining Areas*' by Shaila Desouza, [*Centre for Women's Studies, Goa University for the Goa State Commission for Women (2003)*] it was found that women who worked as paid labour in the mines had a lower economic status than those who had supportive domestic roles in unpaid activities in and around the mining area. In order to investigate the work that women do both for the mining industry as paid workers and also their invisible work in the family, the study looked at both women who are directly engaged in paid labour for the mining industry (for example: loading and unloading, etc) as well as the unpaid mothers, wives, daughters and sisters of persons living in the vicinity of the mines. In Goa, most of the mining workers are migrants from outside the state but the residents in the mining areas include old inhabitants who are of Goan origin. Most traditional residents not engaged in mining work have moved out of the area due to dust pollution and water contamination.

Mining work is least enviable due to poor working conditions and the health hazards, which the mining activity poses. Women workers in the mines continue to

face barriers to economic empowerment and entrepreneurship. Gender inequalities such as differences with respect to pay for equal work, working conditions, access to education, training, access to credit, right to own and inherit property, denial of promotion and the burden of the greater domestic responsibilities for women are just some of the barriers that exist. Women are, therefore, often forced by circumstances to offer their labour for low wages and poverty is the main driver that compels the majority of them to join the paid work force in this industry. It must be mentioned here, that in this region, only curative programmes exist no preventative action for the health in the community surrounding the mining areas.

A General note on Women and Political Participation in Goa

Women in Goa were for generations left out of decision-making. However 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% of the total seats are reserved for women in the local government. Reservation alone, however, does not ensure women's participation.

Whether or not women avail of the opportunity that reservation provides, will depend 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 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.

Table 10: 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*	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

* Nominated

Source: Goa Legislative Assembly Records

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.

A brief note on the Common Civil Code, marriage and inheritance in Goa'

While the rest of the country discusses the *pros* and *cons* of a Uniform Civil Code, in Goa, a Common Civil

Code instituted in 1867 exists even today. The Common Civil Code (CCC) applies to all communities in Goa and personal laws are not applicable. 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. While this may be true with respect to certain aspects of women's lives, such as health status, education, etc. However, there remains much to be desired before we can talk of equality of sexes in Goa. The credit given to the law for women's status in society is debatable. We will discuss this by looking at a few provisions of the CCC regarding 'marriage', and some of the laws regarding succession and inheritance.

Registration of Marriage

Under the CCC, registration is mandatory, registration not only of births and deaths, but of all marriages too. With this proof of marriage, the law assures a married woman a certain share of 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.

Problems with this System of Registration

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 organizations 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.

People Aware of Mandatory Registration of Marriage

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 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.

Marriage in Goa

Law views marriage as a contract, and 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, 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.

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.

The third 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.

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.

The Reality is Something Different

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 organizations 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, 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).

Bigamy in Goa

Bigamy is not uncommon in Goa. Women's organizations 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 in all Hindu, Catholic and Muslim communities. 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.

Outlining the Link Between Law, Society and Women's Status

An important aspect of the relationship between law and society is the process of assimilation of the law into the lifestyle of the people, as only then will the law be consciously used as a vehicle of social transformation. With the entry of modern influences on education, political ideology and socio-cultural values, such as ideas of democracy and equality which have led to a serious questioning and rethinking of traditional values, the desired position or status of women in society has

undergone a fair change. The law, likewise, also has to be updated *vis-à-vis* the needs of the society.

According to the Civil Code (Chapter V, Article 39), 'The conjugal union is based on liberty and equality, the husband being duty bound, especially, to defend the person and the properties of the wife and of the children, and the wife having the duty mainly of domestic management and moral assistance to the strengthening and improvement of the family unit'. This is a law that has been in force for over four centuries in Goa but how far away from that are we even today!

The question of women's status and the creation of an environment that will enhance her social functioning are the need of the hour. Law is just one way by which societies provide protection to individuals, maximize civil liberties and promote equality. The well-being and development of any society is dependant on the recognition of the dignity and equality of the women in that society. One cannot talk of social progress unless the society makes gender equality a priority. Law such as the Common Civil Code does have features that are advantageous to women and surely law does play an important role in assuring women their rights. However law alone cannot bring about social change.

In Conclusion

Acknowledging that there is a problem is completing half the journey to remedying the situation. The paper is aimed at creating an awareness of some of the concerns of women in Goa with the hope that something may be done to improve the vulnerable situation that women are in.