PROSTITUTION IN GOA: A STUDY WITH SPECIAL REFERENCE TO TOURISM AND TRAFFICKING OF WOMEN AND CHILDREN

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“We are expletive. You mention us when you want to demean a woman.”

-Sex worker

INTRODUCTION
Prostitution is considered as an evil in the society for time immemorial. The concept of prostitution is not new in India or Goa. Prostitution is said to be one of the oldest profession in the world and some believe that it is as old as the civilisation itself.

With the changing times the form of prostitution is also changed. During the ancient time, prostitutes engaged into sexual activity not for monetary gains but they were considered as an entertainment for the society. Certain groups or tribes were used for sex services in the society. Prostitution was limited only to such groups or tribes and unlike today.

The society always considered prostitutes as not a part of their own. They were always treated as people who spoil the image of their society and that they were against their morals and values. This thought process of the society has not changed even today. Violation of the Human rights of the prostitutes existed from the time the practice started. However with the growing times, this violation seems to be taking more and more brutal form. Today the demand for sex workers is so high and in order to fulfil the demand, the girls are forced into prostitution by use of different ways. The girls are threatened, beaten, raped, kidnapped and many other tortuous activities are used against them with the sole purpose to sell them in sex trade.

Today, Prostitution is said to be a million dollar industry owing to its high demand. This demand for commercial sex exists all over the world. With the coming years the demand for commercial sex have increased in Goa. Prostitution in Goa may not be as high as some other states India, but it is catching its pace in Goa rapidly. The demand is increasing drastically followed with the criminal acts for supplying such demand.

Despite the strict laws, prostitution has increased over the years. At the International and National level many efforts are being taken to protect and upheld the rights of prostitutes, but with increasing sex trade, creates fear that with every passing day more and more rights of the prostitutes are being violated.

Different countries have different rules and regulations for prostitution. In some countries prostitution is completely legal or is legal with certain restrictions and conditions whereas in some countries like China, Afghanistan etc. all the activities relating to prostitution and prostitution itself is illegal. In Canada although prostitution is legal but certain restrictions have been imposed on it. For example, soliciting customers in private and engaging into sexual activities for commercial benefits is legal as long as the sex workers voluntary participates. In Germany, prostitution is legal. They have system of brothel licensing and the same is taxed. They have also passed the Prostitutes Protection
Act, 2016 to regulate prostitution in the country and also to protect the sex workers. Prostitution in India is not illegal per se. The surrounding activities of prostitution such as brothel operation, pimping, soliciting customers in public, living on the earning of prostitution and many more is illegal.

WHAT IS MEANT BY PROSTITUTION?
Prostitution is referred to as the act or the practice of offering sexual services in exchange for payment to another person. The word “Prostitute” is derived from the Latin word *Prostituta*, wherein ‘Pro’ means ‘up front’ and ‘Situere’ means ‘to offer up for sale’. Prostitution is also referred as Commercial sex, hooking or colloquially. According to the Prevention of Immoral Traffic Act, 1956, “Prostitution means sexual abuse or exploitation of persons for commercial benefits”. Oxford Dictionary defines Prostitute “as somebody who gives her/his body for hire for indiscriminate sexual intercourse.” The Prostitute or sex worker can be a female, male or Transgender and Prostitution may include homosexual or heterosexual activity but in most of cases, sex worker is women and the client is a man.

According to International Labour Organisation, commercial sexual exploitation “implies to be a grave breach of Human Rights or Child Rights and is also a form of economic exploitation like slavery or forced labour”.

PROSTITUTION IN GOA.


Prostitution in Goa, like everywhere else is also said to be age-old profession. Travellers, Historians have written about ‘dancing girls’ or ‘Kolvants’. However with the advent of Tourism, prostitution took a new face in Goa. Till date Goa had only one brothel that was at Baina, Vasco and it came to be known in the year 2004. The brothel consisted of more than six thousand sex workers which also included minor sex workers. The sex workers were from different parts of the country but mainly were from Karnataka and Andra Pradesh and some where even from Goa. The sex workers entered prostitution for different reasons, most of them entered the sex trade due to poverty and other financial problems. Some were forced into sex trade by their own parents as part of custom, and many others were forced into prostitution on the belief that they were given to goddess Yellamma. Once the brothel was found, it was ordered to be demolished in 2004 by the Government and after there has been no known brothel again in Goa but other forms of prostitution has increased in Goa. ¹

There has been an increase of demand for sex workers in Goa and this demand is fulfilled by supplying the girls by trafficking. Girls from all over the country are trafficked in Goa. It is a myth believed by the Goans that no goan girls are involved in the sex trade, in reality 12% of the sex workers are from Goa. Commercial sex is high in tourist hotspots, basically those areas which receive high number of tourist but it’s not only limited to tourist areas, it has spread even in the interiors of the State. ²

2 Reported in The Navhind Times, 17th October 2019, available at https://www.navhindtimes.in/goas-prostitutes-include-12-goan-girls-also-from-5-other-countries-arz/
CHILD PROSTITUTION IN GOA

Minor girls found to be working as sex workers is not new in Goa. The majority of the child sex workers in Goa are from Karnataka and come from cities such as Sitapur, Karwar, Bijapur and Belgaum. Many NGO’s have claimed that there are more than 100 foreign Paedophiles operating the state’s coastal areas. Many children are trafficked to Goa on the pretext of jobs but are instead sold in sex trade. Their clients not only include foreign tourist but also domestic tourist who are mostly young or middle aged men. Many children do jobs in restaurant, sell fruits, trinkets, soft drinks to the tourist on the beaches whereas some children also beg or collect scarp and even sometimes offer themselves as tourist guides to the tourist. These children have no adult supervision and are every time approaching strangers, trying to make friends with the tourist and in constant need of money. Such children are often directly been sexually exploited by the tourist in exchange of money or they are taken by the pimps or other agents luring them in this trade.

Typology of children.

1. Migrant Children.
Most of the victim children are migrants from the neighbouring state Karnataka who come to Goa in search of work and are mostly from drought prone areas of Karnataka like Bijapur, Gokarna and Honavar. When the parents of such children go to work, they do not have any supervision of any adults and often spend their day on their own till their parents are back home. Some of the children’s do not even go to school and are often wandering outside on the streets making them vulnerable to sex trade. Some parents also send their children’s with tourist without knowing that they are sexually exploited or some parents do have knowledge of it, but on the tourist giving them money, they keep quiet about as they also suffer from financial crisis and same money helps them in survival.

2. Local Children.
A study done by Equations in Goa, found that not only the migrant children but also the local children are at a risk of being commercially abused or exploited. Among the locals, it was seen that children staying in the hutmens off the beach and the children working near the beach were the most vulnerable as they encounter more number of tourist and are also comfortable with talking with new people as they see new faces every day. The study further found out that the children from the age group of 10 to 18 years were the most vulnerable and most of them belonged to low economic background.

Famous convicted Paedophiles in Goa

<table>
<thead>
<tr>
<th>Name</th>
<th>Nationality</th>
<th>Offence</th>
<th>Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freddy Peats</td>
<td>Indo-German</td>
<td>Prostituted young boys</td>
<td>Convicted for life imprisonment</td>
</tr>
</tbody>
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3 "Every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier” – as defined by the United Nations Convention on the Rights of the Child.
6 Why Goa should never forget Freddy Peats? Notorious child abuser arrested in the 90’s, 18th April
TYPES OF PROSTITUTION PREVALENT IN GOA

- Organised/Formal prostitution – brothel based.
  Goa only brothel was at Baina, Vasco which was demolished in the year 2004. The brothel largely contained of migrants and trafficked victims. Even after there being legal prohibitions on child prostitution, a high percentage of sex workers are below 18. Just like the other brothels, the brothel in Goa consisted a series of narrow streets, divided into various small rooms which are rented by the sex workers. Bars and restaurant are also present in these between these streets. Most of the sex workers are under the control of the pimps or the Garhwali (ex prostitute). Prices paid by the clients depend upon the looks and the age of the sex worker and the clients status. Financial beneficiaries includes the restaurants and bar owners and the renting agents who charge the sex worker for the rent rooms. However after the demolition of the brothel in 2004, brothel based prostitution has come to an end in Goa and there is no other brothels existing in the State.

- Unorganised/Informal Prostitution.
  In the present day, Informal prostitution is flourishing in Goa. The following types of Informal Prostitution exist in Goa.

  1) Sex workers are provided by the pimps but there is no brothel. The sex workers according to the demand in the city are called and are made to serve the client for the specified period. Once the period over, they are sent to some other State. Some rescued sex workers have revealed that they were brought in Goa for period of 8 or 15 days and were offered to pay rupees forty thousand if they served more than 8 clients per day. The pimps arrange the clients and also the place for sexual activity. The sex workers have no direct contact with the customers. The customer is supposed to pay the money to the pimp and a share of that money is given to the sex worker. The place used for sexual activity is mostly lodges, hotels, flats. Massage or beauty parlours are used being used for sexual activity. Commercial sexual activity in Goa, largely takes place in such form.

  2) Sex worker independently enter into sexual relationship with a client, mostly a tourist, in exchange for money. Here there is no involvement of pimps, brothels etc. There is direct contact between the sex worker and the client. In such form of prostitution, most of

the sex workers enter sex trade through their free will for easy access of money and

3) Sometimes the sex workers get their clients through agents. These agents often work in tourist areas and are often on a look for a prospective client. This agents can include restaurants owners, taxi drivers, tourist guides etc. The agent charge commission from the client or sometimes even from the sex worker. They are not the pimps, but are the procurers who look for an prospective client to the sex worker.

**ONLINE PROSTITUTION IN GOA**

Numerous websites sell sex in Goa. Since more tourists are attracted to Goa, Pimps are using the digital technology to offer sex workers to the customers. Online prostitution is more in Goa even compared to Delhi and Mumbai.⁹

This websites offer high profile house wives, college girls, most expensive foreign girls etc. The websites also list different category of escort services. Some of the websites also give hourly rates and full contact details. Most of these websites are tourist oriented. This websites enable tourist to book sex workers for them even before they reach Goa, hence online mode of soliciting customers is flourishing. Such online advertisement has created anonymity for the clients and the pimps.

**TRAFFICKING OF WOMEN AND CHILDREN FOR PROSTITUTION IN GOA**

The demand created for sex workers is fulfilled by trafficking¹⁰ women and children. The victims are trafficked not only through different parts of the country but few are trafficked from outside India.

In last few years there has been a decrease of trafficking of women and children from Nepal but there is a substantial increase from Bangladesh. As regards to trafficking of Indian Girls to Goa, there has been decline in trafficking of North Eastern girls to Goa but states like Maharashtra and West Bengal have become the top two sources for trafficking girls to Goa followed by Delhi.

Goa is not the first place for induction of girls and women for prostitution. Women trafficked from Central Asia are first send to Delhi where they are sexually exploited for commercial benefit and then send to Goa. Similarly Women and girls trafficked from Nepal are first send to Maharashtra and then Goa. The girls are sent to Goa for a duration ranging from one week to one or two months depending upon the demand for sex trade. The Girls are continuously rotated in different states of the country.

There is organised network of traffickers in the country. Girls are sent from different state to local traffickers in Goa whom they have never seen or met before. In case the girls are caught by the police the traffickers switch off deception, of the abuse of power or of a position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation.’

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⁹ https://www.goaprism.com/web-becoming-lucrative-platform-promotion-sex-trade/

¹⁰ According to the UN Protocol to Prevent, Suppress and Punish Trafficking in persons, especially women and children, 2000, trafficking is defined as, ‘The recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, or
their cell phone and change their SIM card. Sometimes the trafficker himself does not know any details of the other trafficker as they have contact only through their cell phones making it difficult for the police to arrest the people involved.

There have been some re-trafficking cases as well in Goa. These is mostly because once they were discharged from the protective home and send back to their village or city, the victims were stigmatised, it became difficult for them to stay back once the villagers or the family came to know that they were involved in prostitution. Sometimes the victims contacted the pimps or the agents for the balance money owed to them or even contacted back the pimps or agents for survival, as nobody would offer them a job once their involvement in sexual activities were known.11

❖ Trafficking of girls from different states of India to Goa for prostitution.

The report12 by ARZ NGO, made taking into consideration 400 rescued girls highlighted that majority of the girls are being trafficked Maharashtra, West Bengal and Delhi.

Maharashtra

The girls were trafficked from Maharashtra to Goa mostly on contract basis for 2 weeks or a month and were offered payment of rupees twenty five thousand to thirty thousand. They travelled to Goa mostly by bus or train and once they reached Goa, they called the respective pimp who made their services for pick up. It was seen that mostly the girls from urban Maharashtra were trafficked to Goa, who were fluent in English and Hindi as there is high demand for prostitutes from foreign and domestic tourists.

West Bengal

The women’s trafficked in Goa were mainly trafficked via Mumbai. Some of them were exploited in Mumbai, Pune or Bangalore and then send to Goa. The report further states that some of the girls trafficked from West Bengal used to work in various event and were lured with by traffickers during the event that they will be send to better events in Goa giving them more money. Once they reached Goa, they were forced to engage into commercial sex.

Delhi

The report states that there is an organised network of trafficking for girls for the purpose of prostitution between Goa and Delhi. Most of the rescued girls from Delhi were working in catering business and were lured to Goa higher income from catering, working in casinos etc. Some of the girls were working as dancers in Delhi for marriage and other big functions. Most of these girls were paid around two thousand to ten thousand depending on their looks. It was further stated by ARZ that all the girls from Delhi travelled by flight to Goa, which was booked by the pimp in Goa, and once they landed, arrangements for them was made by the pimps in Goa. The report further stated that Delhi is a stop in transit of trafficking of girls from foreign countries to India. It is believed that there are 4-5 main traffickers


12 ibid
who traffic the victims and these are the same ones who repeatedly traffic girls to Goa.

- Trafficking of girls from foreign countries to Goa for prostitution.

Girls or women are trafficked in Goa not only from India, but from foreign countries as well. They are sometimes directly send to Goa or are exploited in other parts of the country and then send to Goa. The study by ARZ NGO\(^\text{13}\) found out that the girls were trafficked from different foreign countries to Goa such as Bangladesh, Uzbekistan, Nepal, Russia, Thailand, Turkmenistan, Kyrgyzstan and Turkey. Most of the victims were trafficked from Bangladesh.

Bangladesh

The study found that girls trafficked from Bangladesh to Goa mainly belonged to two categories. One category was of those girls who were brought in India when they were minors mostly by their relatives and worked as domestic help. Once they became adolescence they were put into flesh trade. Other category of girls were those who were lured in India or Goa on the pretext of job and once they reached India, there were forced in sex trade. If they refuse they were blackmailed that they would be arrested by the police as they had entered the country illegally. The girls were given fake Aadhar card in Delhi and were then trafficked to Goa directly or were first trafficked to other parts of the country and then to Goa.

A vast number of girls are being trafficked to Goa for prostitution. Trafficking seems to have been organised throughout the country. Girls are not permanently trafficked to Goa, they are trafficked only for a week or a month’s time and then are trafficked in different parts of the country and are again send to Goa according to demand.\(^\text{14}\)

SEX TOURISM IN GOA

Goa is one of the popular tourist destination for domestic as well as International tourists. Tourism has been a major source of income for the State. However, with the benefits comes the drawbacks.

In the early seventies, small number of tourists came to Goa who were mostly the backpackers, often referred as hippies. The Hippies had a very different lifestyle. Locals feared that their influence would have bad effect on their children due to their rather permissive sexual behaviour, including their nudism. But during that time the citizens had control over the tourism trade and the environment was not visibility changed. But as the years went by, Goa witnessed more tourists coming in the state slowly leading to rise in prostitution activities across the state. The arrival of Tourists has drastically increased in Goa over the years. In the year 2012 a total of 2788029 tourists arrived in Goa. However the same has increased, accounting for a total of 8064400 tourists in the year 2019, out of which 7127287 are domestic tourist.\(^\text{15}\) This shows that major chunk of tourist in Goa are domestic which is why the demand for sex trade in Goa is created more by domestic tourists.\(^\text{16}\) It is also seen that over the years the arrival of tourist in North Goa is more than as compared to South Goa. In the year 2018-2019, the total arrival of Tourist in North Goa was 6197781 whereas in South Goa it was low accounting

\(^{13}\) Ibid.

\(^{14}\) Ibid

\(^{15}\) https://www.goatourism.gov.in/tourist-arrival-statistics/

\(^{16}\) Reported in The Times of India, 5th August 2017
for a total of 1910899 tourists. It is also further seen that arrival of tourist is highest in the Bardez Taluka of North Goa, i.e. a total of 2928805 tourist arrival was reported in the year 2018-19. This explain the reason why there is a rise in the cases and rescue operations of prostitution victims in North Goa especially Calangute, a city in Bardez. The demand for sex workers is mainly created by Indian tourist which include young boys or middle aged men coming without their families from the neighbouring countries for seeking sexual gratification in Goa. The main form of commercial sexual activity is in hotel or lodge, followed by spa or massage parlours. The Agents or the pimps make fake Aadhar card, driving license, Nikah Nama of the tourist, mostly foreign tourist. The same is then used by the tourist for the purpose of booking hotels, travelling, buying SIM cards etc. The commercial sexual activities are now not only limited to coastal belts but are also spread across Margao, Ponda, Bicholim, Verna, Vasco which are not tourist hubs. There also fears a risk of increase in sexually transmitted diseases with the spread of Prostitution across the State.

It is said that Goa also witnesses arrival of many hardened tourist. Hardened sex tourists are those who often travel different parts of the world only to fulfil their sexual gratification. Many such hardened tourists come to Goa due to easy and cheap availability of girls. It is also seen that certain homosexual tourist also visit Goa for gratification of their sexual needs.

The Foreign tourist are from different parts of the globe but most of them are from Australia, Western Europe and North America. These tourists often travel in Goa and are also successful in making long term relationships between the pimps or the sex workers in Goa. Studies over the years suggest that some tourist eventually take up residence in Goa and often become a part in operation sex trade in the State, Freddy Peats being one such example.

ROLE PLAYED BY PROCURERS AND PIMPS

These are the agents who try to constantly supply the sex workers in the state by unscrupulous means according to the demand in the city. These are the people who try to keep the brothels full of beautiful girls, of different ages which helps in catering needs of different clients. Procurers often have control of 5 to 6 girls under them, whereas brothel owners have a dozen or more under their control. Women who loose their earning capacity are soon replaced by fresh women or girls.

One should understand that there is a difference between Procurer and Pimp. A procurer is a person who studies the demand in the area, finds a steady supply of girls, are in a constant search of girls mainly from distressed areas and towns, often lure girls by making fake promises in the name of marriage or employment. He is often responsible for replacing the prostitute who have lost their charm or have been diseased by fresh prostitutes. A Pimp, on the other hand is a person who brings appropriate

19 Reported in The Times of India, 5th August 2017
client to the brothels or to the sex worker. He is the one who has detailed knowledge of the girls or the sex worker and knows which client is to be referred to which brothel or sex worker. A pimp is always in search of a client, and advertises the prostitute, either by directly making a contact with the client or through online means. Often Procurers are the ex-prostitutes and the traffickers whereas the pimps are the taxi drivers, massage or spa owners, restaurant or hotel owners etc.

The pimps or the agents advertise the Girls number online. Once they get a call on that number, first they verify that it is not any police official or any other suspicious person by asking their Aadhar card details and other identity proof. Once they are satisfied that the caller is a genuine client, they forward the client’s number to the women and ask to contact the client. Once the contact is done, the women goes at the address provided and then the money is directly collected by the women and the share is taken by the pimp or the agent from the women or sometimes the money is to be directly transferred to the pimp or the agent.

**INTERNATIONAL LEGAL FRAMEWORK**

International Human Rights law recognise Prostitution and its other related activities as violation of Human Rights. The Universal Declaration of Human Rights states that Human dignity is the most important fundamental Right and also guarantees Right to life and liberty of a person. UDHR puts obligations on the States to enforce and uphold the “worth and dignity of a person” and also enforce equality among both the genders. Since prostitution is recognised as violation of human dignity, the states are bound to enforce appropriate measures for the prevention and elimination of Prostitution and other related activities and protect the victims of such abuse and ensure their effective social reintegration. Hence in order to enforce the effective implementation of the obligations of the State and to eliminate prostitution, the following Universal Human Right instrument was adopted.

**Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949.**

The UN General Assembly approved the Convention on 2nd December 1949 and it came into effect on 25th July 1951. India signed the convention on 9th May 1950.

The convention proclaims that an act of trafficking of persons for the purpose of prostitution is against the human dignity and worth of a person. It makes various provisions and puts obligations of the member states to prevent trafficking of persons for the purpose of prostitution and also highlights importance of adequate measures for the social integration of such victims. Even a mere attempt to procure, allure or lead any person for prostitution activities is a punishable offence.

Article 18 provides that in case of prostitutes who are alien, the member state shall in accordance with the domestic law, make arrangements to establish their identity and civil status and also to discover who has made

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21 The Preamble states, “Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”.  
22 Article 3  
23 Article 2
or caused them to leave their country. Once the informed is obtained, it shall be communicated to the appropriate authorities of the origin country of such person with a view of their eventual repatriation.

**Convention on the Elimination of Discrimination against Women, 1979 (CEDAW)**
CEDAW is a universal Human Rights convention which puts an obligation on the member states to implement appropriate measures or steps to eliminate discrimination of women in all spheres and to treat both, men and women equally.

The Convention was adopted by the United Nations General Assembly in the year 1979. It characterizes what establishes as discrimination of women and casts duty on the members to put an end to such discrimination. India signed the Convention on 30th September 1980 and ratified it on 9 July 1993.

The convention addresses the different issues of women. It also takes into consideration the prostitution and trafficking of women for the purpose of Prostitution. Article 6 of the convention states that the members shall take all the necessary and appropriate steps including legislative enactments to prevent trafficking of women and abuse or exploitation of women through prostitution and other related activities.

Article 6 of the convention cannot be achieved in isolation. It should be done through reviewing and emphasizing not only the other provisions of this convention but also other Human Rights treaties such as the Universal Declaration of Human Rights, the Palermo Protocol, the UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others and the other human rights instruments or treaties which pledge for implementing and upholding Human Rights.

**Convention on the Rights of the Child, 1989**
The convention is a legally binding International Agreement, applicable to every child. The convention was adopted in the year 1989 and has ratified by every country, hence making it the most widely ratified convention. India ratified the convention in the November 1992.

The convention identifies or recognises several rights of children like the right to health, right to education, right to have a standard of living, right to life, survival and development etc. The convention also casts an obligation on the member states to take appropriate steps or measures for enforcing such rights. The convention also contains provisions to prevent or ban prostitution of children or engaging children into sexual activities. The state parties shall take appropriate steps to protect the children from all forms of sexual abuse and exploitation.

In order to achieve the above rights of children and for better implementation of the provisions of the convention on Rights of Children, in particular the ones relating to sale of children, child pornography and child prostitution, the Optional Protocol was adopted. The optional Protocol was adopted by the United Nations General Assembly in
the year 2000 and was entered into force on 18th January 2002. India ratified the Protocol on 16th September 2005.

Article 1 provides that all the member states shall ban or prohibit the sale of children and child prostitution. In reference to the present protocol, sale of children means an act or transaction of transferring the child from a person to another person or a group of persons for purpose of remuneration or any other consideration. Child prostitution means engaging the child for sexual activities for remuneration or any other consideration.

Worst Forms of Child Labour Convention, 1999 (No. 182)
The convention was adopted by the International Labour Organisation on 17th June 1999 and was enforced on 19th November 2000. India ratified this Convention recently on 13th June 2017. The main essence of this Convention when it comes to Prostitution is that it identifies use of children or procuring or selling of children for the purpose of prostitution as the worst kind of Child labour. It enforces obligation on the state members to implement an effective mechanism to supervise the proper enforcement of the provisions of the Convention in consultation with the appropriate groups. Further states shall also come up with action plans to completely eliminate the child labour.

The South Asian Association for Regional Cooperation (SAARC) was established on 8th December 1985, when its charter was approved by Bangladesh, India, Maldives, Bhutan, Sri Lanka and Pakistan. The Convention was signed by all the member countries in 2002.

The Convention identifies that trafficking of women and children is a evil in the society which needs to be prohibited as it is incompatible with the dignity of a persona and also violation of basic human rights. The Convention has lead down several provisions for preventing and prohibiting trafficking of women and children. The convention states that the member states shall cooperate and make efforts towards prevention and suppression of trafficking of women and children and also for proper rehabilitation and repatriation of the trafficked victims. It also provides for prevention of prostitution at International networks particularly when the place of origin, transit and destination are region of SAARC countries.

All the above International Conventions highlight that commercial exploitation of women is a global problem and such an act is punishable as it is grave violation to the human rights of the victim. The above Convention provides for provisions of all the situations and also put obligations of the member states to come up with ways of prevent commercial exploitation of women and children. India is a member to all the above mentioned Conventions and has implemented the provisions of the various Conventions in its National laws.

NATIONAL LEGISLATIONS.
The Constitution of India prohibits trafficking of human beings in any form and gives power to the Government to make special provision in respect of women and Children. Besides the Constitution, the Indian Parliament has passed specific laws which deal with the prostitution and Trafficking of persons.

Immoral Traffic (Prevention) Act-1956
In 1956, the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA) was passed in accordance with the Convention for the Suppression of Immoral Traffic in Persons and the Exploitation of the Prostitution of others, which was ratified by India in 1950. Later on in 1986, SITA was changed amended resulting into the Immoral Traffic (Prevention) Act (ITPA) also known as Prevention of Immoral Trafficking Act (PITA).

It is a very important statue in India which regulates or deals with sex work. The Act does not criminalise Prostitutes or Prostitution per se, but it does criminalise the acts surrounding it especially the acts committed by third parties. The Act has provided various punishments for activities related to prostitution. The Act provides Keeping or permitting a place for use as brothel, Living on the earnings of prostitution, Inducing or procuring any person for Prostitution, detaining a person in a brothel or a place used for Prostitution, seducing or soliciting customers in Public place, prostitution in public places as punishable offence.

Indian Penal Code, 1860
IPC is the official criminal code which covers all the criminal acts and provides for punishment. IPC contains specific provisions which deal with prostitution such as Procuration of minor girl, importing Girl from another country for illicit sex, selling of minor into prostitution, buying minor for Prostitution. IPC deals with various other offences surrounding or connected to Prostitution such as kidnaping, causing hurt or grievous hurt, wrongful restraint, wrongful confinement, rape, sexual abuse etc.

The Act was passed on 30th April 2003 by the legislative Assembly of Goa, with a motive to protect and upheld the interest of the child and to provide care and protection to children, especially those who are vulnerable or at high risk of exploitation and to further provide comfortable and friendly environment for the growth of children. The Act does contain various provisions for upholding the rights of children. It contains certain provisions who aim to provide care and protection to children engaged in prostitution as well children’s of sex workers. Commercial sexual exploitation of children is strictly prohibited. The Act further identifies or recognises that a child of sex worker or a child subjected to sexual abuse or any other vulnerable children are “Children in need”. It further states that when child is subjected to sexual intercourse, it maybe vaginal, anal or oral or with use of any object.

31 Article 23 of the Indian Constitution.
32 Article 15(3) of the Indian Constitution.
33 section 366 A of IPC
34 section 366 B of IPC
35 section 372 of IPC
36 Section 373
37 Section 9(1)
38 Section 2(1)
such abuse shall be considered as “Grave Sexual Assault”.  

The Act has implemented provisions keeping in consideration the safety of the children. The Children’s Court is established for speedy disposal of all cases against children offenders. It also has provisions for street children who are at a high risk of being exploited or lured into Prostitution.

**JUDICIAL DECISIONS.**

- **Prostitutes are not criminals but victims.**
  
  In the case of *Gaurav Jain v. Union of India*, Justice Ramaswamy opined that Prostitutes are not criminals; in fact they are the victims of the society surrounded by pimps, brothel owners, drug peddlers, traffickers, kidnappers etc. The Justice further stated that prostitution or commercial sexual exploitation is an offence but the innocent victims who have been forced or trafficked or lured into this trade cannot be said to be offenders of such offence.

- **No specific penal provision for customer of prostitute under the ITPA**
  
  In the case of *Chandru S v. State of Karnataka*, a customer present at the brothel was arrested during police raid and charges under section 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act were charged against him. Justice K N Phaneendra stated that as far as the above sections are concerned, a customer cannot be held liable for the same. He further agreed that a customer does encourage prostitution, but in the absence of any specific penal provisions, a customer cannot be punished under the Immoral Traffic (Prevention) Act.

- **Directions issued by the High Court for Baina, Vasco red light area.**
  1. The State Government to effectively implement the judgment of the Supreme Court in the case of Gaurav Jain v. Union of India.
  2. The 250 cubicles used for sexual activity shall be shut down by the Deputy Collector and the concerned authorities under the ITPA, following the due process of law.
  3. If the 250 cubicles are on the land belonging to the Government or local authorities and are constructed illegally than the said cubicles are to be demolished following the due procedure established by law.
  4. Since the sex workers were brought to Goa from the outside state, it is not the responsibility of the Goa Government to rehabilitate them. However it shall be the duty of the government to deport them to their respective native place and further shall be the responsibility of the Goa State Commission for Women with the National Commission for Women to ensure that the women in their respective native state are rehabilitated.
  5. From nine months of the order, the National Commission for Women shall submit a report of the various steps taken for the rehabilitation of the sex workers.

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39 Section 2(y)(i)  
40 AIR 1990 SC 292  
41 Judgment delivered by Karnataka High Court on 7th December 2017, available at https://indiankanoon.org/doc/190112568/

42 http://ncwapps.nic.in/pdfReports/Gender_Profile_Goa.pdf
SUGGESTIONS
It is believed that prostitution can never be abolished from the society, so the best way is to come up with practices which shall help in curbing prostitution. The Researcher has suggested certain measures:

1. **Job opportunities for vulnerable sections**

   Economic Plans for the vulnerable sections of the society should be made by the Government. Many prostitutes enter prostitution as a way to make a living or many of them are trafficked by way of luring them into better earning opportunities and then are forced into sex trade. The traffickers are always in search of vulnerable girls who are poor and are looking ways to make up a living. So the Government should recognise such vulnerable groups and create job opportunities for them. The rehabilitation programme should not only focus on social reintegration but also income generating.

2. **Tourism Authorities**

   It is seen that most of the hotels and lodges have been used for prostitution. It is the duty of the Tourism department to keep a check on activities of the various hotels and Lodges operating in the State to see that no hotel or lodge engages into prostitution and that no licensed hotel or lodges operate in the State. If any hotel or lodge is found to be engaging into such activities than deterrent punishment should be taken against them. The tourism department should also promote heritage and culture of Goa on a large scale and create more awareness about it so that many tourist come to Goa to enjoy its heritage and culture.

3. **NGO’s**

   The Ngo’s should pressurise the law implementing Agencies in the State to take up matters such as trafficking and prostitution with grave seriousness. They should help the Government agencies in implementing effective ways for preventing prostitution and trafficking of women and children for prostitution in Goa. All the NGO’s working in the State should combine their resources together to check and regulate prostitution happening in the State. More resources will help in better prevention of prostitution in the State. They should also promote awareness among the sex workers about their rights and provide them with confidence that they won’t be treated as criminals. However it will be right to say that NGO’s in Goa especially ARZ is doing a great job in the rescue and rehabilitation of the Prostitutes.

4. **Law Enforcement agencies**

   The law enforcement agencies should implement the law effectively. They should treat trafficking, pimping and other prostitution related with grave seriousness and these offences are of grave nature. The Police should implement more networks mainly in the tourist hotspots areas to inform them about the prostitution activities happening in the area. The cyber-crime branch should also continuously keep a check on the various websites which can offer prostitution in Goa. The Judiciary should also implement strict and deterrent punishment to the convicted offenders. The Police officials should further make sure that the rescued victims are not re-trafficked back into sex trade.

5. **Department of Women and Child Development.**
It is the responsibility of the Women and Child Development Department to identify the section of women and children who become vulnerable to sex trade. It should come up with effective ways for preventing it along with the help of the NGO’s in the State. The department should also promote various welfare schemes to the sex workers and the vulnerable sections of the society.

6. Economic Rehabilitation
Providing economic rehabilitation should be the most important process of rehabilitation. Prostitutes should be encouraged during the rehabilitation to process to take up alternative livelihood. Most of the prostitutes find it difficult to choose a profession has their alternate source of livelihood. It is the responsibility of the shelter care to see that the confidence of working in another profession is encouraged in them. The state Government should provide such infrastructure; provide them facilities for having an alternative source of income.

Encouraging Prostitutes to run business - The prostitutes can also be thought about business so that they can collectively set up business and make a living. The Government departments and the NGO’s should hire business experts who can give them deep understanding of how to run a business. This will not only help them to make a living but it will also be difficult for the traffickers to re-traffic them as they will be working in groups and cannot be easily lured by the traffickers. When they will work in groups it will develop a sense of loyalty and group participation among them.

7. Deterrent punishment to the pimps and the brothel owners.
The study conducted by the researcher proved that lack of deterrent punishment has led to increase of prostitution in the state. Due to lack of deterrent punishment, the pimps and the brothel owners do not fear the law. Even if they are arrested, they get out and engage into sex trade again, i.e. they become habitual pimps or brothel owners. The study also revealed that pimps arrested belonged to different parts of the country, this shows that they have got no fear of the law and they come to Goa to earn money through the sex worker. More deterrent punishment needs to be imposed so that they fear the law and do not engage into such activities.

CONCLUSION
All the above suggestions can be successful only when the society welcomes prostitutes and consider them a part of their own. The Society has always out casted them which makes it very difficult for their social reintegration and they start accepting life the way it is. It is high time that society speaks out for the rights of the prostitutes. The offenders always take benefit of the above situation. They feel that once the girl is being exploited, there is no way she can complain about it to anybody and even if she complains it to anybody, nobody will entertain and she will come back in sex trade for survival. This confidence among the offenders encourages them to lure and force more and more girls into sex trade.

With the changing times, the outlook of people has also changed. Many consider engaging into sexual activity as a source of fun or enjoyment. This has increased the demand for commercial sex. The same is for Goa. Goa always has been considered as a tourist destination and which has led to demand for commercial sex in Goa and this supply for the demand is made mainly by sex trafficking as very few women want to
become a sex worker by their free will. Once the woman is trafficked many crimes are committed against them such as rape, kidnapping, torture etc.

Various efforts have been made at the International as well National level to curb trafficking and exploitation of women and children through prostitution. The Immoral Trafficking Act provides that operating a brothel is illegal but irrespective of this provision, Asia’s biggest brothel is in India, which makes us think the effectiveness of the laws enacted.

The Goa Government has also taken up various measures to prevent exploitation of women and children through prostitution. The Goa Children’s Act makes provision to protect children against commercial sexual exploitation. The Goa Government has also implemented the Prahabt Scheme which provides for Rupees 2500/- for the sex workers monthly and also helps in their rehabilitation process. Irrespective of the efforts made controlling increase of exploitation of women through prostitution seems to be futile.

Prostitution is not a problem as long as the prostitute engages into by free will. It becomes a evil in the society only when the sex workers are forced into sex trade. Once the girls are forced, after some time they accept life the way it is. Some try to escape and often fail in doing so. Some are lucky to rescued, but they are rejected by society and some are even re-trafficked after being rescued. Some get infected with sexually transmitted diseases and die young. Some become brothel owners or pimps once their services are no longer needed in the sex trade.

Their future is dark and brutal without the assistance of the Government and the society.

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