

**DEVADASI SYSTEM: DIVINE REQUITAL OR WORLDLY ORDEAL**

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**ABSTRACT**

***“When men are oppressed, it is a tragedy, when women are oppressed, it is a tradition.”***

*-Bernadette Mosala*

*India is a country well known for upholding its age old traditions and cultural practices being intricately connected with religious beliefs. Devadasi system too, is an ancient socio-cultural tradition which sees girls dedicated to a perpetual “divine prostitution” which has gradually evolved as a big business on the streets of Southern India. In an annual report of 2015-16, The National Commission of Women observed that the tradition of marrying a woman to deity, initially started as a religious act, and eventually degenerated into a heinous practice wherein the joginis/devadasis are forced into prostitution to serve the higher caste. Thus, the amalgamation of religious compulsion, economic necessity and social fashioning form the very basis of this horrendous institution and eternizes its survival.*

*This paper endeavors to address the glorification of women humiliation due to divine dedication, reasons of dedication, transition of their social status, statistical data, the legislations enacted to suppress this atrocious act, the views of Supreme Court followed by critical analysis and suggestions to curb this barbarous act.*

***“Calling them devadasi we insult God himself in the name of the religion.”***

*-Mahatma Gandhi*

**INTRODUCTION**

Human beings are just a chunk of major institutions like family, marriage, education, religion, etc. When a child is born, he/she is oblivious of his/her ambience. It is the society which inculcates the gender differences and assigns roles to each individual. This inequality results to various kinds of exploitation and harassment of women.

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India, the world's 7<sup>th</sup> largest in terms of size and 2<sup>nd</sup> most populous country witnesses an extremely high rate of exploitation against women. One of the most common crimes against women in India is sexual exploitation and Devadasi system is one of its forms. This institution of Devadasi began as religious and pious practice having venerable antiquity. However, it is excruciating to believe that women are exploited in the name of this centuries old tradition and religious customs even now. The term Devadasi generally means "woman relinquished in the service of God". She is married to deity/ God but, this does not preclude her from the normal pleasures of sex and child bearing. It is true that earlier Devadasis were not governed by the strict rules of sexual morality as applicable to married women. They lived a normal life and enjoyed a fair degree of choice in choosing their sexual partners, who were not their husbands. These devoted artists were the temple's most religious workers who served the temples and its inmates but at present, their status has deteriorated and this practice of dedication of girls has turned into a systematic abuse, serving as prostitutes for dominant caste community members. They have become the victims of economic, social and political turmoil.

Devadasis are neither delinquent figures nor extraordinary beings. They have been formed by socio cultural context, tyrannized by class and caste hierarchy along with divine superstition. This ideology is significant because the marginalisation of Devadasis over a period of time has turned into invidious discrimination. In the contemporary framework, caste hierarchy and poverty along with illiteracy and superstition attack vulnerable communities of women. They all together act as a catalyst to form a web of discrimination and oppression.

Thus, the tradition that once thrived and glorified has completely lost its identity. Already exploited after dedication, Devadasis are degraded further by the stigma of being the "fallen women".

### **MEANING OF DEVADASI**

Devadasi system is an ancient practice, obsolete in pen and paper but, widely prevalent despite the fact that it was made illegal by the government of India way back in 1988.

The term Devadasi originates from two Sanskrit words "Deva" meaning God/Goddess and "Dasi" meaning a female servant. Commemorating the ancient Indian tradition, Devadasis are dedicated to the deity that involves marriage ceremony to the idol which means they do not

marry any mortal man. Post dedication, they perform duties and participate in religious functions of the temple. These girls are also skilled artists in music and dance. Further, they present themselves for the sexual satisfaction of the priests, inmates of the temple and rich and powerful local interests. Thus, it is assumed that while the body of the women pleases them, her soul and spirit satisfies God.

Gradually, these girls came to be abused by the domineering group of society. They are trapped here in the name of divinity. They are chained to this form of prostitution and eulogized by the sadistic religious sanctions. They have been so gravely burdened that there remains no way out, and if one tries to break free from the bondage, they are brutally punished. This system of hypocritical acts, in the name of religion found a societal sanction.

This practice of dedicating girls to temples prevails all over India in different forms and they are known locally by different names like, Maharis in Kerala, Natis in Assam, Aradhinis and Muralis in Maharashtra, Patras and Maharis in Orissa, Basavis and Devalis in Andhra Pradesh and Basavis or Jogatis in Karnataka.<sup>2</sup> In Tamil Nadu they are known as Devadiar or Dasis, which means slave servants of God; in Goa and Western India as bhavins or Bhavanis, meaning beautiful wanton women; in Marwar as Bhagtanis or Bhagtan, wife of a Bhagat or holyman. Also there are some local names for them like Nayakasani, rangasani, gangasani, muttukattikondavlu, Davarasule, kasabi, patradavalu, jogatu and many more.<sup>3</sup>

## **HISTORICAL BACKGROUND**

There have been several views about the genesis and growth of Devadasi system. Factors like religious belief, caste system, male supremacy, economic pressure have acted as a catalyst in the growth of this system.

Devadasis were not peculiar to any region in the nomadic period, when there was no organized family system. Devadasi system has no relevance because in those ages women were considered mere chattel and beast of burden. When the nomads wandered from place to place the practice was “Each for all and all for each”. But later, when organized society came

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<sup>2</sup>DEVADASIS, available at: [http://shodhganga.inflibnet.ac.in/bitstream/10603/72215/14/14\\_chapter%208.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/72215/14/14_chapter%208.pdf) (last visited on 06/09/2018)

<sup>3</sup>DEVADASIS – SINNERS OR SINNED AGAINST An attempt to look at the myth and reality of history and present status of Devadasis By Anil Chawla, available at: <http://www.samarthbharat.com/files/Devadasihistory.pdf> (last visited on 06/09/2018)

into existence the notion of possessiveness developed. This led to setting of individual families. The concept of God emerged more out of fear than logic. When they started worshipping God they thought that God also has the same desires as that of man. Thereafter, in temples the rituals offering music and dance as part of service to the God became a feature. This practice of offering women as devotees to God came into existence.

Origin of Devadasi system cannot be found accurately, when young girls, often from affluent backgrounds were dedicated to local temples. The beginning can perhaps be traced in the inscriptions found in temples. In many quarters, the emergence of Devadasi can be connected with the downfall of Buddhist nuns, who were downgraded to the level of prostitutes. The temples were taken over by Brahmans during the time of renaissance and after the fall of Buddhism.

### **ANCIENT AND MEDIEVAL HISTORY**

Diverse opinions exist about the custom of dedicating girls to temples. Several puranas contain reference about Devadasis which were written approximately in 6<sup>th</sup> century. By the end of the 10<sup>th</sup> century, total numbers of Devadasis were in direct proportion to the wealth and property of the temple. They enjoyed great respect and occupied ranks next to priests. Local kings often invited them to dance in their courts, the occurrence of which created new categories of dancers and rajadasis. The rise and fall in the status of Devadasis can be seen to be running parallel to the rise and fall of Hindu temples.

### **YELLAMMA CULT IN SOUTH INDIA**

In the state of Karnataka, Devadasi system was practiced for over 10 centuries. The most imperative among them was Yellamma cult. There are many stories about the origin of the Yellamma cult. The most prevalent one says that Renuka was the daughter of a Brahmin, married to sage Jamadagni and was the mother of five sons. She used to bring water from the river Malaprabha for the Sage's worship and rituals. One day while she was at the river, she saw a group of youths who engaged themselves in water sports and forgot to return home in time, which made Jamadagni to suspect her chastity. He ordered his sons one by one to punish their mother but, four of them refused on one pretext or the other and Jamadagni burnt them to ashes. Parashuram, the fifth son obeyed his father. On this Jamadagni offered a boon to Parushurama, who asked for his mother and brothers to be brought back to life. To

everybody's astonishment, Renuka's spirit multiplied by tens and hundreds and moved to different regions. This miracle made her sons and others to become her followers, and worship her.<sup>4</sup>

### **DEVADASIS DURING CHOLA EMPIRE**

The Chola Empire promoted Devadasi system. In Tamil they are known as Devaradgalar, which means God Servant. As the Chola Empire expanded in wealth and size they constructed more temples throughout their country. Inscriptions reveal that Nattuvanars used to teach the Chola principle Kuntavai 1000 years ago. Soon other emperors developed this system.

### **POST CHOLA EMPIRE**

After the downfall of Chola Empire, the political instability eclipsed the Tamil society. The Devadasi system faced the struggle to survive. Further, the loss of patronage led to many professional communities remaining unemployed and suffering from wants and misery. Subsequently, the emergence of Vijaynagara rule in south India marked reformulation of the system.

Gradually, after the decline of this kingdom, the system again lost its existence. Loss of temple importance, constant relocation of the Devadasis, hierarchical orders of the system, poverty, etc., departed them from their so called sacred principles and degraded this institution.

During 18<sup>th</sup> and 19<sup>th</sup> century, Devadasi system was although prevalent but its growth was impeded in northern India, due to the destruction of temples by Muslim invaders.

### **BRITISH RULE**

British took over the revenue system of temple due to which Devadasis lack financial support and their social and economic status was severely affected. The value of their dance and other skills were also in diminishing state and finally Devadasis ended up in prostitution and begging.

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<sup>4</sup>Yellamma Slaves

Further, during the end of the 19th century, the search for national identity led to the spurt of social movements relating to Devadasis. These movements can be categorised into two: Reformists/Abolitionists and Revivalists.

### **REVIVALISTS**

They were the representatives of the Devadasi culture. The revivalists mostly belonged to Brahmin dominated theosophical circles.

The revivalists urged that the dance of Devadasi was a form of "natya yoga" required to develop individual's spirit. The revivalists focused to preserve the traditional form of dance by purifying it. As a consequence of purification, some modifications were introduced into the content of the dance, and eventually it was formed to remove the Devadasi dance from the immoral domain of the Devadasi culture to bring it in the higher caste milieu.

### **REFORMIST**

The Reformists considered Devadasis as a social evil. All the social reform movements were led by RamMohan Roy, Muthulakshmi Reddy, Krishnan Nair, etc. They urged the eradication of all the practices by which girls were dedicated to the deity as Devadasis. They held and conducted conferences and meetings against the practice of Devadasi.

They portrayed the act of Devadasi as "prostitution"believing it to be vulgar and being a major cause for spreading deadly and venereal diseases.

Around 1899, the anti-Nautch and puritan movement was launched which eventually declined the dedication practice. It also gave way to anti-dedication movement.

### **REASONS OF DEDICATION**

Despite several legislations been passed abolishing the practice of the Devadasi system, the act which dedicate girls to temples, still continues. The vital contributing factor in the dedication of daughters as Devadasis undoubtedly is that they are "daughters". Further, it is also important to understand and analyse the following reasons due to which these girls unknowingly or knowingly formpart of this exploitative institution:

- Religious superstitions coupled with lack of awareness, contribute significantly to parents pushing their daughter into it.
- Poverty acts as the main cause and consequence that facilitates this act of dedication.
- Dedication is also practiced as a religious ritual to please God for the welfare of the family.
- Generally, it becomes a hereditary act handed down to generations. If the mother is a Devadasi, the daughter is also pushed to be the same.
- Boys are considered as assets and girls are seen as a liability. They are considered as a burden on the family. Also, as to evade the cost of dowry and other expenses, the girls are dedicated to the temples.
- Lack of education, knowledge and awareness aids to dedication. There is an absurd belief that whenever there is some problem in the family such as financial issue, any grave disease or infertility, the girl of the family is dedicated to the deity to appease the God for ending the sufferings of the family.
- The Caste System remains a major issue, lower caste is subjected to exploitation by the upper caste and therefore, their daughters are pushed into Devadasi institution.

### **LIFE AFTER DEDICATION**

Girls are dedicated to deity for various reasons and they have to lead a wretched life after dedication.

- Devadasis have to take bath every day in the morning and have to present themselves at temple.
- They are required to perform various religious duties in the name of serving God.
- The dark side of their life reflects their sexual life. Many of them are engaged in prostitution.
- Their lives are apparently opposite to life of married women because they are free from widowhood as they lack legal husband and all the expenses of child bearing are to be borne by the mother.
- They remain enslaved within the patriarchal and ferocious framework.
- They are subjected to prejudice in their homes, work, and in society as well.
- Both Devadasis and their children lack educational facilities as provided to any ordinary person.

- In case Devadasi belongs to a Dalit community; she has to suffer triple misery resulting out from gender, caste, and class.
- Many Devadasis are sold to red light areas by their families in order to snuff-out the sexual thirst of so-called rich and powerful men.
- Many of them earn their livelihood by collecting money and grains from residents of their area.
- The dolorous conditions of life also influence their health. Their life expectancy decreases due to the spread of various incurable diseases like STD/HIV/AIDS etc.
- Many of the Devadasis and prostitutes are often suspected to have an underlying personality disorder. Further, they have to suffer emotional and psychological difficulties, constant trauma and degradation.

Thus, they struggle their entire lives to preserve their honour and self-respect, yet they die early without anyone to care for them.

#### **STATUS OF DEVADASI'S CHILDREN**

The children who are born through the unlawful sexual intercourse of their mother endure a lot in the society. They are treated unfavourably and are tagged as “bastards” by their fellow beings. Some incidents depict that when Devadasis fill the school admission form for their children, they specify “God” in the column of father’s name. Due to all this, it becomes a nightmare for the children of Devadasi to pursue their education into regular stream of schools. Thus, to curb this issue the government of Karnataka had taken a step further and initiated special schools for them.

Apart from this, there are possibilities for these children to evolve a negative attitude towards the society because there is no social interaction and mingling of these children with other children of society. Also children of Devadasis can neither claim legitimacy nor can inherit their father’s property.

Further, these children are deprived of parental care and supervision during momentous period of their development. In addition, they are also denied the opportunity to be a member of mainstream culture.



### **CHANGING SOCIAL STATUS**

The felony that commenced within the four walls of the temples now takes place openly. In the initial days, no blot was attached to Devadasis or to their children and they were considered parallel to the other members of the caste.

Devadasi's life was unique. They were supposed to be pious and their whole way of life was far away from the life of the ordinary women. They were considered to be immune to widowhood since they tied spiritual knot with divine deity. They acquired special status in society and were held as prestigious guests at occasions and were acknowledged as the messengers of luck. The presence of a Devadasi on any spiritual event in the house of a superior caste was regarded as holy and they were treated respectfully. They were also liberated from the bondages of pativrata and the description of Manu that women should always rely upon her father, husband and son.

However at the present, this traditional system has died its own death and the respect accorded to Devadasis has diminished. Gradually, the position shifted from Gods to earthly Gods and Lords. Maria Mies in her study argues that, struggle against the Devadasi system arises out of their traditional prestige thus turning them into ordinary prostitutes.<sup>5</sup>

All that can be inferred is a stark degradation of the position of Devadasis, as cherished ritual women respected by all to the level of ordinary prostitutes and beggars neglected by families and society at large.

### **STATISTICAL DATA**

Study cited in Omvedt, G (1983) stated that more than 90% of Devadasis are Dalits. The NCW's (National Commission for Women) report cited in Colundalur, 2001 substantiate Omvedt, 1983, it shows that there are 2500 Devadasis in the Karnataka-Maharashtra border and all of them are Dalit, particularly its sub caste which follows this tradition. Especially, sub castes such as Holers, Madars, Madiga and Sambars among Schedule Caste dedicate girls as Devadasis.

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<sup>5</sup>Devdasi Custom And The Fight Against It, available at: [http://www.manushi-india.org/pdfs\\_issues/pdf\\_files-19/devdasi\\_custom.pdf](http://www.manushi-india.org/pdfs_issues/pdf_files-19/devdasi_custom.pdf) (last visited on 06/09/2018)

The study provides that 93% of them belonged to Scheduled Caste and 7% from Scheduled Tribes (2007). 38% of the Devadasis reported about the previous history of dedication in the family either because their mother / grandmother or a distant relative was a Devadasi.”<sup>6</sup>

Another survey was carried out in Bangalore by the Joint Women’s Programme for NCW among 375 Devadasis, which reveals that 63.6 % of them were forced to become Devadasis due to the custom, out of which 38 % had a family history of Devadasis and 40 % of them were involved in commercial sex industry and these Devadasis were considered to be “Public Property” in their villages. A majority of Devadasis were single and 65% of them were associated with the patron.

Prodigiously 95.2 % of the Devadasis have children and 95% were not able to register the names of their children’s father during school admission. Average incomes of majority of Devadasis were less than Rs.1000 a month.<sup>7</sup>

In 2006, the National Commission for Women found that most of the Devadasis come from Karnataka (22,941), followed by Andhra Pradesh (16,624) and Maharashtra (2,479). In Andhra Pradesh 20% of Devadasis are dedicated because there is no son in the family and in Karnataka, tradition and social pressure plays a key role, with 31% of Devadasi being dedicated because it is seen as a hereditary duty.

Later in 2010, the international labour organisations committee of experts during an extensive study on labour rights in India noted that the “Devadasi system is linked to the practice of trafficking girls for commercial exploitation”.<sup>8</sup>

As per the latest reports about the state of Telangana, there are 1143 Devadasis in Mahaboobnagar, Karimnagar, Nizamabad, Medak, Adilabad, Rangareddy and Khammam districts.<sup>9</sup>

According to a research 67.8% of Devadasis are subjected to various forms of abuses, in which 45.2% go through verbal abuse and 45.9% from socio-cultural abuse and due to

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<sup>6</sup> Exploitation of Women as Devadasis and its Associated Evils by Dr. V BharathiHarishankar and Dr. M Exploitation Priyamvada, available at: <http://ncw.nic.in/pdfReports/> (last visited on 06/09/2018)

<sup>7</sup>Ibid.

<sup>8</sup>A light in Darkness: Fighting ritual prostitution in South India, available at: <https://www.hart-uk.org/wp-content/uploads/2013/07/A-Light-in-the-Darkness.pdf> (last visited on 06/09/2018)

<sup>9</sup>Devadasi System: Forced Prostitution by Dalit Women on the name of Religion by B. Deepa& D. SuvarnaSuni, available at: <http://oaji.net/articles/2016/488-1458726133.pdf> (last visited on 06/09/2018)

multiple sexual partners, many of them suffer from reproductive tract infections. It has been estimated that 20% of the Devadasis are infected with HIV.<sup>10</sup>

From the above data it is clear that at present the Devadasi practice is social and caste based and still prevalent.

## **INCIDENTS**

**1. A Dalit girl** was forced into Devadasi system by her parents and a local temple priest. She was suffering from a prolonged illness. Sothe parents, on the advice of the priest sent their daughter to the temple. The priest tied mangalsutra and performed various religious rituals. She was rescued after being exploited for 5 long years when the authorities got information through a state child helpline.<sup>11</sup>

### **2. ChandaMaigur**

She was pushed into Devadasi system by her parents so they could make her earn some money which they would use to educate their two sons. She told that customers used to pay more money for young girls. She narrated how the girls were hit and punished when they tried to run away. When they went through health checkup, most of the girls were found to be HIV+ caused due to unprotected sexual intercourse with multiple men. Finally, she found the courage and ran away.<sup>12</sup>

### **3. Parvatamma**

She was pushed into Devadasi system by dedication to goddess Yellamma, when she was 10 year old at the Saundatti Temple, South India. She was daughter of a Devadasi and was sold

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<sup>10</sup>Exploitation of Women as Devadasis and its Associated Evils, op.cit;

<sup>11</sup>10-year-old girl rescued from Devadasi system in Kalaburagi village by Kumar Buradikatti, available at:<https://www.thehindu.com/news/national/karnataka/10-year-old-girl-rescued-from-Devadasi-system-in-kalaburagi-village/article19077723.ece/amp/>(last visited on 06/09/2018)

<sup>12</sup>This Devadasi's life was like a fairy tale, with a wicked witch and price charming too, available at: <https://www.thebetterindia.com/48500/chanda-maigur-Devadasi-milaap-campaign/amp/> (lastvisited on 06/09/2018)

to the highest bidder, when she reached her puberty. She was diagnosed AIDS due to unsafe intercourse with more than one man.<sup>13</sup>

#### **4. Roopa**

She was dedicated to goddess Yellamma when she was 9 years old saying that the Goddess will protect her. She was sold in the auction and since then she has been financially supporting her family. She accepted this life saying that it was her destiny. Remembering her first time she narrates that the first time was brutal, the man she has to sleep with slashed her vagina with razor blade.<sup>14</sup>

#### **5. Chennawa**

She was forced to become Devadasi when she was 12 years old. Her mother was a Devadasi herself. Talking about her mother she says that it was her mother who dedicated her to Yellamma, left her on the street to be kicked, beaten and raped.<sup>15</sup>

#### **6. SitavvaJodatti**

She was dedicated to the Goddess at 7 years of age by her own parents believing that it would ensure that the God would answer their prayers. The priest of the temple used to make regular payment to her family. After few years she was given to a wealthier landlord who had been able to provide more to her family. After the Karnataka Devadasi Prohibition Act 1987, she was set free. Afterwards she volunteered in many rehabilitation programmes. In 2012, she was appointed as CEO of MASS (MahilaAbhivrudhiMattuSamrakshanaSamasthe).<sup>16</sup>

#### **7. Galamma**

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<sup>13</sup>'Devadasis are a cursed community', available at:

<https://www.google.co.in/amp/s/amp.theguardian.com/lifeandstyle/2011/jan/21/Devadasi-india-sex-work-religion>(lastvisited on 06/09/2018)

<sup>14</sup>Ibid.

<sup>15</sup>Ibid.

<sup>16</sup> TBI BLOGS: This Woman was Dedicated as a Devadasi at Age 7. Today she is a CEO, available at:

<https://www.thebetterindia.com/54126/Devadasi-sitavva-jodatti-mass/amp/> (last visited on 06/09/2018)

She was 5 years old, when dedicated to the diety by her mother after an astrologer told her that it would bring good luck. Galamma now has 5 daughters and a son. Spending a troublesome life herself she vows to never let her daughters indulge in this system.<sup>17</sup>

### **8. Anjana**

Her mother died when she was an infant, her brother got paralysed when she was 7. Her father on the advice of the landlord to whom he owed money sent her to be dedicated to the Goddess to earn more money.<sup>18</sup>

### **VIOLATION OF HUMAN RIGHTS**

Devadasis are being subjected to various forms of atrocities and exploitation owing to discrimination on three counts-viz- a woman, a Dalit and as a child resulting in violation of human rights. It has time and again by various conventions and legislations been tried to eliminate these kinds of discrimination. These include conventions such as- **Universal Declaration of Human Rights (UDHR)**, **International Convention for Human Rights (ICCPR)** and **Convention on Elimination of all forms of Discrimination against Women (CEDAW)**.

Furthermore, **Indian Constitution** ensures;

**JUSTICE:** Social, economic and political.

**LIBERTY:** of thought, expression, belief, faith and worship.

**EQUALITY:** of status and of opportunity

**FRATERNITY:** assuring dignity of the individual and the unity and integration of the nation.

Indian constitution also contains following provisions relating to women and children;

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<sup>17</sup>The Goddess of Small Things by AkshathaShetty and PiyushGoswami, available at: <https://www.google.co.in/amp/s/www.thehindu.com/society/history-and-culture/the-goddess-of-small-things/article17361789.ece/amp/> (last visited on 06/09/2018)

<sup>18</sup>Devadasi: Drought to Desperation, available at: <http://www.germmagazine.com/Devadasi-drought-to-desperation/> (last visited on 06/09/2018)

**Article 14** which, guarantees equality before law for all citizens and without discrimination.

**Article 15-** prevents discrimination on grounds of religion, race, caste, etc.

**Article 15(3)** - It provides for protective discrimination to women and children.

**Article 21-** Provides for protection of life and liberty.

It also ensures protection against trafficking in humans and forced labour.

Apart from this, **Article 1 of UDHR** states that all human beings are born free and equal in dignity and rights.

**Article 2 of UDHR** bestows rights upon individuals without distinction of any kind race, colour, creed, status etc.

Though the Indian system is quite effective in providing women's rights, it served limited purposes despite several legislations as equality and freedom have been neglected in the name of custom, honour and social prestige.

## LEGISLATIONS

Both pre and post independence, various legislations have been enacted by the Central and State Government to tackle the menace of Devadasi System.

In 1924, amendment was made in *Indian Penal Code (IPC)* where *Sections 372 and 373* emphasized that the practice of dedicating girls for the purpose of engaging them in prostitution is illegal. However, this amendment was not a direct intervention in the Devadasi practice.

Later in 1934, the first legal initiative was taken by the British Government and *The Bombay Devadasi Protection Act, 1934* came into existence. The aim of this Act was to protect the Devadasis and to prevent the dedication of women to Hindu deities, idols, objects of worship, temples and religious institutions in the State of Bombay.

With the then existing Bombay Devadasi Protection Act, *Madras Devadasi (Prevention of Dedication) Act, 1947* also came into existence. But both these Acts were replaced by the *Karnataka Devadasis (Prohibition of Dedication) Act, 1982*. This Act aims to prevent dedication of women as Devadasis in the State of Karnataka.

**[Section 3: Dedication as Devadasi to be unlawful]**- Notwithstanding any custom or law to the contrary, the dedication of a woman as a Devadasi, whether before or after the commencement of this Act and whether she has consented to such dedication or not, is hereby declared unlawful, void and to be of no effect and any woman so dedicated shall not thereby be deemed to have become incapable of entering into a valid marriage.

**Section 5: Penalty**- Any person who, after the commencement of this Act, performs, permits, takes part in, or abets the performance of, any ceremony or act for dedicating a woman as a Devadasi or any ceremony or act connected therewith shall on conviction be punishable with imprisonment of either description for a term which may extend to three years and with fine which may extend to two thousand rupees:

Provided that where the person referred to in this section is the parent or guardian or a relative of the woman so dedicated, he shall be punishable with imprisonment of either description which may extend to five years but which shall not be less than two years and with fine which may extend to five thousand rupees but which shall not be less than two thousand rupees.

Explanation- A person referred to in this section shall include the woman in respect of whom such ceremony or act is performed.]<sup>19</sup>

**Andhra Pradesh Devadasis (Prohibition of Dedication) Act, 1988:** This Act aims at prohibiting the dedication of women as Devadasi in the State of Andhra Pradesh.

**[Section 3(1)]**- The dedication of a woman as Devadasi, whether before or after the commencement; of this Act and whether she has consented to such dedication or not, is hereby declared unlawful and void; and any woman so dedicated shall not thereby be deemed to have become incapable of entering into a valid marriage.

**Section 5**- Any person who performs, promotes, takes part in, or abets the performance of any ceremony or act for dedicating a woman as Devadasi or any ceremony or act connected therewith shall on conviction be punishable with imprisonment of either description for a term which may extend to three years but which shall not be less than two years and with fine

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<sup>19</sup> The Karnataka Devadasis (Prohibition Of Dedication) Act, 1982, S. 3 & 5 (1 OF 1984)

which may extend to rupees three thousand but which shall not be less than rupees two thousand;

Provided that- which the person referred to in this section is a parent or guardian or relative of a woman so dedicated, he shall on conviction be punishable with imprisonment of either description for a term which may extend to five years but which shall not be less than two years and fine which may extend to rupees five thousand but which shall not be less than rupees three thousand;

Provided further that the woman who is dedicated in such ceremony or act or in respect of whom such ceremony or act is performed shall not be punishable.

**Section 6-** Whoever propagates the practice of dedication of a woman as Devadasi shall on conviction be punishable with imprisonment of either description for a term which may extend to three years but which shall not be less than one year and with fine which may extend to rupees five thousand but which shall not be less than rupees two thousand.]<sup>20</sup>

In 2006, **Maharashtra Devadasi System (Abolition) Act, 2005** was enforced. The objective of this Act is to provide a comprehensive law to abolish the practice of dedication of women as Devadasis to Hindu deities, idols, objects of worship, temples or religious institutions, and to protect the women so dedicated against exploitation, and for matters connected.

**[Section 3- Dedication as Devadasi unlawful-** (1) Notwithstanding any custom, usage or law to the contrary whether before or after the commencement of this Act, dedication of a woman as *Devadasi* is prohibited and is hereby declared unlawful and to be of no effect.

(2) Taking part in or abetting the performance of any such act or ceremony of dedication or any attempt or preparation for dedication of a woman as *Devadasi* or propagation of the practice of *Devadasi* is also hereby prohibited and declared unlawful.

**Section 11- Offences and penalties-** (1) Any person who, after the commencement of this Act-

- (a) performs, permits takes part in or abets, or who, allows in the premises under his control, the performance of any ceremony or act of dedication of woman as a *Devadasi* shall, on conviction of, be punishable with imprisonment which may

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<sup>20</sup>The Andhra Pradesh Devadasis (Prohibition Of Dedication) Act, 1988, S, 3, 5 & 6 (Act NO. 10 OF 1988)



extend to three years but which shall not be less than two years and with a fine, which may extend to fifty thousand rupees but which shall not be less than ten thousand rupees:

Provided that, when the offence under clause (a) is committed by the parents or relatives of the women such as brother, sister, uncle or aunt, the offender or offenders shall, on conviction be punishable with imprisonment which may extend to five years but which shall not be less than two years and with a fine which may extend to fifty thousand rupees but which shall not be less than ten thousand rupees; and

(b) propagates the practice of *Devadasi* shall, on conviction, be punishable with imprisonment which may extend to three years but which shall not be less than one year and with a fine which may extend to fifty thousand rupees but which shall not be less than ten thousand rupees.

(2) Any other contravention or violation of the provisions of this Act or rules made thereunder or orders, if any issued by the Control Boards or District Committee under the provisions of this Act shall, constitute an offence under this Act and the person guilty of such contravention or violation shall be liable to be prosecuted, and on conviction, punishable with imprisonment which may extend to six months and fine which may extend to ten thousand rupees].<sup>21</sup>

Further, these statutes are followed by many other central legislations and conventions. One of them is “*Immoral Traffic (Prevention) Act, 1956*” to which radical amendments are introduced by the Amendment Acts of 46 of 1978 and 44 of 1986. The act aims at suppressing the evils of prostitution in women and girls and achieving a public purpose viz. to rescue the fallen women and girls and to stamp out the evils of prostitution and also to provide all opportunity to these fallen victims so that they could become decent members of the society.<sup>22</sup>

Despite the fact that the Southern States of India have enacted several legislations against this heinous practice, Devadasi system is still blooming in India. According to National Human Rights Commission, in 2013, there were as many as 450,000 Devadasis in India.<sup>23</sup>

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<sup>21</sup> The Maharashtra Devdasi System (Abolition) Act, 2005, S. 3 & 11 (33 of 2006)

<sup>22</sup> VihalJeet v. Union of India (1990 AIR 1412)

<sup>23</sup> How Devadasis went from having high social status to being sex slaves and child prostitutes by KrithihaRajam, available at: <https://yourstory.com/2017/04/Devadasis-india/> (last visited on 06/09/2018)

## **REHABILITATION OF DEVADASIS**

Apart from enforcement of numerous legislations, government has taken some measures for the rehabilitation of Devadasis. These measures for rehabilitation started during the late 20<sup>th</sup> century. At present, the number of NGOs, government agencies and Devadasis themselves are working for their rehabilitation. However, these measures are not so pervasive in addressing the issue.

### ***KARNATAKA***

The State Government of Karnataka is running Devadasi Rehabilitation Centre to implement the schemes provided by the government which are financed and controlled by State Women's Development Corporation.

### ***MAHARASHTRA***

Rs 10,000 are given annually to the NGOs working for the eradication programmes for Devadasis. There are other schemes also, which provide loan facilities to the Devadasis for starting their own business, pension schemes, etc. However, many schemes were put to an end in 2012.

### ***ANDHRA PRADESH***

Andhra Pradesh Devadasis (Prohibition of Dedication) Act, 1988 has banned the practice of dedication by penalizing it. Than in 2015, Andhra Pradesh Devadasis (Prohibition of Dedication) Rules, 2015 is enacted which provides for the rehabilitation of Devadasis by encouraging education and house facilities to them. However, these provisions are only on paper and no proper step has been taken to implement them.

### ***REHABILITATION WORK BY NGOs***

NGOs are playing a very significant role in rehabilitating the Devadasis. There are various self- help groups and schools for children of Devadasis, founded and managed by them.

### ***MASS***

MASS is a society managed and governed by the former Devadasis in Belgaum district, Karnataka. This society has been functioning since 1987 for the eradication of Devadasi

system. MASS organises awareness campaigns, provides educational and financial support, operates self-employment programmes, etc.

It is not only working in Belgaum but is also operative in other nearby districts.

### **JUDICIAL INTERPRETATION**

In **Vishal Jeet V. Union of India**<sup>24</sup> court observed that many females are being sold across the country for meager amounts by their families living in miserable conditions. Once these unfortunate victims are taken into dens of prostitutes, they are brutally treated and are kept in complete isolation without food until they succumb to the cruel desires of their keepers. Court also stated: not denying the fact that prostitution runs as a sour in the body of civilization and destroys all moral values. Therefore, the necessity of appropriate and drastic action to eradicate this evil has become apparent but its successful consummation ultimately rests with the public at large.

Further, court held that this devastating malady can be eradicated only if the law enforcing authorities take speedy and severe actions against all the erring persons such as pimps, brokers and brothel keepers. Apart from legal action, both the Central and State Governments have got an obligation to safeguard the interest and welfare of the children and girls of the country.

Court laid down the following directions:

- All the State Governments and the Government of Union Territories should take action to eradicate child prostitution.
- State Governments and the Government of Union Territories should set up their own advisory committees within their zones.
- This advisory committee can also go deep into the Devadasi system and can give valuable suggestions.
- Lastly, the court held that these directions would go a long way in eradicating the malady of prostitution, Devadasi system and also safeguard the interest of children.

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<sup>24</sup>1990 AIR 1412, 1990 SCR (2) 861

*On a PIL filed by NGO, SL Foundation, the Bench asked the Karnataka Government to frame guidelines to stop the tradition of ‘Devadasis’ calling it a national shame.*<sup>25</sup>

Later, condemning the prevalence of the illegal practice of “dedicating young girls” as Devadasis, the Supreme Court described this practice as evil done to women who are later even subjected to sexual exploitation and pushed into prostitution. Further, a bench of Justices FMI Kalifullah and SA Bobde directed all the states and union territories, especially Karnataka, Maharashtra and Andhra Pradesh to strictly enforce the centres to check “undesired and unhealthy” practice of forcing young girls to serve as Devadasis. Court also allowed the incidents regarding the system of Devadasi prevailing in “Beiya” and “Nat” communities to be brought to the notice of the state authorities concerned.<sup>26</sup>

In addition to this, The Supreme Court has slapped a fine of Rs 25,000 on the Centre for failing to file on time an affidavit on women being forced to become ‘Devadasis’.<sup>27</sup>

#### **In *Independent Thought v. Union of India***<sup>28</sup>

It was recommended that the state should take necessary measures to combat dowry, child marriage and Devadasi system by conducting awareness- raising programs and campaigns with a view to changing attitude, as well as counselling and reproductive education to prevent and combat child marriages and dedication of girls as Devadasis which are harmful to health of young girls.

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<sup>25</sup>Supreme Court asks Karnataka Chief Secretary to take steps to stop 'Devadasi' system by PTI, available at: <https://www.dnaindia.com/india/report-supreme-court-asks-karnataka-chief-secretary-to-take-steps-to-stop-Devadasi-system-1961718> (last visited on 05/09/2018).

<sup>26</sup>Supreme Court directs States to act against Devadasi System, available at: <https://www.latestlaws.com/uncategorized/supreme-court-directs-states-to-act-against-Devadasi-system/>(last visited on 05/09/2018).

<sup>27</sup>End to Devadasi System: SC slaps fine on govt. for no reply by PTI, available at: <https://www.thehindu.com/news/national/end-to-Devadasi-system-sc-slaps-fine-on-govt-for-no-reply/article7929688.ece> (last visited on 05/09/2018).

<sup>28</sup> (2018) 1 Supreme Court Cases (Cri) 13: 2017 SCC Online SC 1222

### **CRITICAL ANALYSIS**

Traditions and culture are terms that we come across very frequently in India. They have been used and over- used until they sound like empty clichés. As far as art forms are concerned, in India there are few diametrically diverse approaches – one, where tradition becomes more of an imposition and talent becomes an obstruction. Second, where the quest for something new in the name of convenience, leads one to flout tradition completely and aesthetics norms are more honored than ignored. As there are several facets to this issue of Devadasi institution, complicating it and making it way more problematic. It becomes just not a simple problem as to which a solution can or cannot be found, it remains far more complex than that.

The institution of Devadasi is an amalgamation of all the three aspects – tradition, culture and religion. As we tread the path of traditions, not only do we resist change, we slowly become averse to it. Devadasi too, was practised because it was intricately connected with culture, region, religion, language, traditions, caste, and economic status. Thus, it was thought to have a spatial and temporal existence, but it maintained a baseless authenticity of the art forms and was followed down through generations.

Purity, sacredness and authenticity are the controversial terms which are intimately connected with traditions. Gradually, the piousness of this traditional practice of Devadasi institution was diluted as the elite class started exploiting them for their own pleasure and women started being used merely as tools for the satisfaction of men.

Tradition has a timeless quality, which is thought to be due to the fact that it encompasses the past and the present. Novelty is possible only through fencing into the core of tradition and understanding, studying and rearranging it in keeping with the general traditional principles. But the practice of Devadasi took an evil turn developing into an illegal practice of trafficking and exploiting women. The women have been trapped into the vicious cycle of pain and misery.

New form of art can spoil the working of ageold traditions. Hence, it should be seen that they successfully conform to the framework and principles of tradition. As Indira Gandhi, quoted- That when you take a step forward, you are bound to disturb something. Similarly, a step taken forward as a devotion to God has disturbed and poisoned the entire era. Therefore, it

becomes imperative to examine those qualities that make a timeless when attempting to modify tradition.

Devadasi, adorned in gold ornament, are apparently considered to be consorts of God, a heavily sacred term. Gradually, they came to be exploited as sex slaves. They lead a miserable life, quenching the lustful and sexual thirst of elites. These powerless and vulnerable women are subjected to societal wrath, extreme poverty, assaulted by anonymous men and suffer from oppression and exploitation. Since, this has not affected the oblivious masses that are lost in materialistic matters; this issue is sadly not a matter of concern yet.

Devadasis undergo horrifying pain. Thus, they truly endure horrible worldly ordeal in the name of tradition.

### **SUGGESTIONS FOR GOLDEN PROSPECT**

Devadasi system is not only the exploitation of women, but it has become a giant business in which Devadasis are enlisted in the cities and are sent to red light areas/ brothels to practice full-blown prostitution.

Such practices need to be expelled from the core and castigated publicly. The perpetrators must know that common masses are very much conscious of what is going on because nothing seems more alluring when people co-operate for a better tomorrow. Thus, the following measures must be taken into consideration for eradicating this evil:

- While framing the policies, people working at grass root level must be involved.
- Corruption should be reduced.
- Awareness programmes should be organized, in order to make people aware about the legislations and rigorous punishments awarded to those who dedicatee girls to temples.
- Periodical amendments should be made in existing legislations.
- Measures should be taken for effective implementation of the legislations.
- Speedy trial through fast track court should be encouraged in order to avoid superfluous delay in the proceedings.
- Effective poverty eradication programmes should be organised to restrain and expunge the practice of dedication.
- Anti-dedication campaign and rallies should be organized mainly in the areas where the practice of dedicating the girls to the temple is popular. In such tasks, religious

heads like swami, priest, etc. should enter into and affirm that Devadasi system has no religious sanctions.

- The police, temple priests and village level government officials should be made more accountable so that the dedication ceremonies may be reported promptly.
- Government should establish, inspect and financially support the rehabilitation and correctional centers in the areas where such practice exist at high rate. These institutions must be managed by trained and skilled social employees.
- Small scale industrial units should be constructed to provide financial aid and economic viability to the Devadasis, this will help them to earn livelihood through respectable and advantageous employment.
- Young generation should be given education so that they can demarcate between good and bad deeds.
- Children of Devadasis should be kept away from such environment and should be provided education and residential schools.
- Parents must be made conscious of the fact that child's life is more valuable than money. They should not coerce them to walk the steps of evil rather they should instigate them to lead a prosperous and peaceful life.
- Medical test of all Devadasis should be conducted with assistant of medical experts in order to diagnose and avoid the spread of deadly diseases like AIDS/HIV, etc.
- Male members who are responsible for continuation of ferocious customs related with women should be acquainted with morals and ethics.
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Thus, without execution, suggestions are futile therefore, they should be efficaciously accomplished.

**“Sometimes the smallest step in the right direction ends-up being the biggest step of your life. Tip toe if you must, but take the step.”-Naeem Callaway**

### CONCLUSION

It can be concluded that Devadasi system is so called divine belief and ritual practice that sustains even in modern India. This practice has hindered individual and social development, and has emerged into a powerful issue of the time. Patriarchal tyranny, religious habits, prevailing caste system, poverty, etc. are the vital factors behind the continuation of this system which has demonstrated and succumbed to preying on the bodies of agonizing

women, where their families are bound to trade their daughters in order to earn their livelihood and the tradition is no longer for God but, it's an offence of human trafficking. Thus, to curb this custom and rehabilitate Devadasis, India has taken various initiatives. However, all the attempts seem fruitless, because legislative enactments are poorly being enforced.

Furthermore, Indian constitution assures justice, liberty, equality, and fraternity but social transformation cannot be achieved by law alone, mutual participation of the society is essential.

**“Truth does not pay homage to any society, ancient or modern, society has to pay homage to truth or die.”**

-Swami Vivekananda