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Devdasi System: Religion-Sanctioned Prostitution in India?

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This article explores the enduring issue of the Devdasi system in India, tracing its historical roots, current manifestations, and the legislative efforts to eradicate it. Originally initiated as a revered practice, the Devdasi system evolved over time into a form of sexual exploitation, particularly affecting lower-caste girls and women. The practice, once rooted in religious and spiritual beliefs, has now morphed into a dark reality driven by the sex trade, human trafficking, and the exploitation of vulnerable women. Despite legislative interventions in states like Tamil Nadu, Andhra Pradesh, Karnataka, and Maharashtra, the practice persists due to factors such as religious beliefs, economic hardships, and inadequate implementation of laws. The Supreme Court, recognizing the lacunae in enforcement, issued directions to address these issues. The article concludes by emphasizing the urgent need for effective implementation of existing laws, heightened awareness programs, education for girls, and rigorous action against complaints to eradicate the Devdasi system and protect the rights of women in India.

Keywords: *devdasi system, sexual exploitation, religious sanction, deities.*

INTRODUCTION

Women have been subjected to oppression throughout the history of the world whether it is done by following patriarchy, violence, or gender-based discrimination. With respect to India no doubt that over the history of our country, women have been given a position of respect as

we worship goddesses however, still some practices raise a question about this respected status of women in Indian society. One such practice is the system of Devadasi. Under the Devadasi system, there is a practice of marrying young girls of lower castes of five or six years of age, in temples to Hindu deities. Devadasi is a practice or custom that originally started as a respected offering to the god, which over a period of time turned to a system of sexual exploitation of girls with a veil of religious custom. Customs when accepted by the people of a community or society become intrinsically intertwined with the social fabric of that society which makes maintaining such practice or custom a necessity for the existence of that particular community.¹ But with the advent of time, these customs become conflicting with social and legal acceptance. In this article, we will deeply discuss the system of Devadasi, its Historical background, current situation, and why the system is still in practice in India and some directions provided by SC of India.

HISTORICAL BACKGROUND

The exact period in time when the Devadasi practice originated is not clear but the earliest mention of its origin was recorded during the 6th century A.D. in the Keshari Dynasty of Southern India. One of the queens of this dynasty ordered to marry certain women with training in classical dance to the deities in temples to honor them. According to the original concept the women who were married to the deities were treated with the utmost respect because the women were married to God, they were practically goddesses themselves and so were considered as goddess Lakshmi.² Devadasis was also treated as an auspicious existence because they submitted themselves completely to the god and attained control over the five human senses and natural impulses.³

¹ 'DEVADASI: A CUSTOM ABROGATED BY LAW, (*Asai in Global Affairs*, 07 July 2019) <<https://www.asiainglobalaffairs.in/dialogue/devadasi-a-custom-abrogated-by-law/>> accessed 16 November 2023

² 'Hindu Gods & Goddesses' (*Sanatan Society*) <http://www.sanatansociety.org/hindu_gods_and_goddesses.htm#.VKrPnsZ5jPC> accessed 16 November 2023

³ *Ibid*

However, the status of auspiciousness and respect for Devadasi women started to fade from the Islamic and then British rule.⁴ As we know the Devadasi women were completely offered to the temple and they lived there under the patronage of God, priests, and anyone who would economically sponsor their living, the temple was the only roof and source of income they had. But during Islamic rule temples were destroyed throughout the subcontinent⁵ and due to this the devadasis, who were tied to such temples were left homeless, without any support of earning for their lives. From performing classical dance for the deities and rituals of the temples to dancing for the private entertainment of people⁶ (weddings or feasts) to earn a living for themselves, Devadasis lost their respectful status in society. Soon with time dancing at functions became sexual exploitation of devadasi women in exchange for providing them financial support for living. This is how the practice that originated with noble intentions which also resulted in the preservation of classical art forms throughout history, became a dark spot in the religious practices of India.

CURRENT SITUATION

In the current situation though the practice of the Devadasi system is not as prevalent as it was in ancient India in terms of numbers still it continues to be practiced in some sections of society with the sole intention of sexual exploitation of lower caste girls and women. In 2006 the number of devadasis in India was expected to be as high as 25,0000 by the Indian National Commission for Women (NCW). However, according to the 2015 report of a Commission with Justice Raghunath Rao as its chairman, around 80,000⁷ Devadasis are in Telangana and Andhra Pradesh alone. It has been found that more than 90% of these Devadasi women are from lower castes in India. In a recent case of December 2022, a young woman age 22 who was forced into the

⁴ 'The Courtesan Was Also a Scholar' (*The Tribune*, 12 December 1999)

<<https://www.tribuneindia.com/1999/99dec12/sunday/head3.htm>> accessed 16 November 2023

⁵ Hyun Jin Lee, 'Temple Prostitutes: Devadasi Practice and Human Trafficking in India' (2011) 8 *Regent Journal of International Law*

<[https://heinonline.org/HOL/LandingPage?handle=hein.journals/regjil8&div=4&id=&page="](https://heinonline.org/HOL/LandingPage?handle=hein.journals/regjil8&div=4&id=&page=)> accessed 16 November 2023

⁶ National Human Right Commission, *A Report on Trafficking in Women and Children in India 2002- 2003* (2004)

⁷ Anti-Slavery International, *Women in Ritual Slavery: Devadasi, Jogini and Mathamma in Karnataka and Andhra Pradesh, Southern India* (2007)

devadasi system by family members was rescued from the Koppal district of Karnataka. However, it is to be noted that in the current situation, the practice is significantly different from that of ancient times, no noble intention or spiritual and religious aspects are behind the continuance of the Devadasi system today, it is purely related to the sex trade, trafficking, and exploitation of these women.

Although, the system is not identical to typical sex work because, in the devadasi system, the girls are forced at a very young age owing to the religious beliefs and customs of a particular society, it results in the same exploitation of the women just in the case of devadasis the exploitation is believed to be religiously sanctioned and accepted.

WHY THE SYSTEM IS STILL IN PRACTICE?

There are a few major reasons why the Devadasi system is still in practice:

1. Religious Sanction of the System: As mentioned before, the devadasi system originated as an auspicious practice to honor god which was considered to be a respectful custom but even after the drastic changes in the practices within the devadasi system, there are people in some sections of the society who still believe that offering a girl to the deity from their family will be blessing for them.⁸ According to the Joint Women's Programme's survey in Bangalore, 'Due to custom young girls who are forced into the Devadasi system are over 63.6 percent meanwhile 38 percent have been reported to have had family's history of Devadasi.'

The women offered as devadasis are mostly from the lower castes which gives the women of these lower sections of society a way to live their life blessedly under the roof of God and rise in the rigid caste system of India because after becoming devadasi they are considered as 'bhramcharya'.

The system is highly perpetuated by the priests, according to the Human Rights Commission of India's report, the priests of temples have spread a belief that 'offering something to the deity is

⁸ National Human Right Commission, *A Report on Trafficking in Women and Children in India 2002-2003* (2004)

rewarded bountifully⁹ which is why many families when they face any financial hardships, barrenness, health problems they believe it to be the wrath of God and so to make the deities happy they offer one of their daughters to the temple¹⁰.

2. Economic Hardships: The lower caste women are expected to do a certain set of work which includes menial work like cleaning excrement, and such work does not pay enough especially because they are done by women, becoming a devadasi provides financial security to these women which is why either they enter into the devadasi system voluntarily or are forced by their families in greed of money. However, one ugly truth in these situations is that in most cases if the devadasi is unable to provide for the family as she was expected to or she once did, the families refuse to take her back.

LEGISLATIONS

The predominant states with Devadasi practice in India are Tamil Nadu, Andhra Pradesh, Karnataka, and Maharashtra. Each of these states has made legal efforts by enacting specific legislation to eradicate the practice of the Devadasi system. In this section of the article, we will look into the legislation made by each of the aforementioned states.

Tamil Nadu Devadasis (Prevention of Dedication) Act 1947: According to this legislation if a woman is dedicated as a devadasi irrespective of her consent, will be considered unlawful and void. The legislation is not limited to this it even declares dancing by a woman whether with or without the kumbhaharathy practice of dedication, inside a temple, or a religious institution even in any Hindu deity's procession or festival/ ceremony as unlawful or illegal.

Under this Act, if a woman is considered incapable of entering into a valid marriage because she took a part in any melam/ nautch for which she is believed to have adopted prostitution is also considered unlawful.

⁹ *Ibid*

¹⁰ *Ibid*

Under this Act if the woman dedicated as devadasi is 16 years or above of age and she is entering into the system then, she can also be punished with the people permit it, take part or abet in the ceremony. The Act has provided punishment of simple imprisonment which may extend to 6 months or a fine which may extend to Rs. 500 or both. This act was enacted before the independence of our country and to date, it has not been reviewed or amended since.

The Andhra Pradesh Devadasis (Prohibition of Dedication) Act 1988: Under this Act, the practice of dedication which will considered unlawful includes 'any tying of tali with jakini or tying a woman by a garland to a Garnda Khambham, dhaarana and Deeksha'.¹¹

Similar to the Tamil Nadu Devadasis (Prevention of Dedication) Act 1947, in this Act as well if a woman is considered incapable of entering into a valid marriage because she took a part in any melam/nautch for which she is believed to have adopted prostitution, is considered unlawful.

Under this Act, the punishment for performing, promoting, or abetting the crime of dedicating a woman as devadasi is imprisonment not less than 2 years which may extend to 3 years and a fine that may extend to Rs. 3000 and not less than Rs. 2000. However, if the accused is a relative, guardian or a parent then in such case the 'punishment may extend to 5 years and not less than 2 years and fine that may extend to Rs. 5000 and not less than Rs. 3000. Propagation of this practice is also punishable under this Act with an imprisonment of up to 3 years'.¹²

In 2015 Andhra Pradesh also framed rules for the Prohibition of Dedication as devadasi¹³. According to Sec-7 of these rules - all devadasis should be rehabilitated with a house not less than 250 sq. ft., free education to the children of Devadasis should be provided in schools, and inter-caste marriage should be incentivized.

The Karnataka Devadasis (Prohibition of Dedication) Act 1982: Under this Act whoever 'performs, permits, takes part in or abets the performance of any ceremony or act for dedication

¹¹ Andhra Pradesh Devadasi (Prohibition of Dedication) Act 1988

¹² *Ibid*

¹³ Andhra Pradesh Devadasis (Prohibition of Dedication) Rules 2015

may be, punished with imprisonment of three years and a fine up to two thousand rupees'¹⁴ and if the accused is a relative, guardian or a parent then in such case the punishment will be of a 'minimum of two years imprisonment along with two thousand rupees fine, and a maximum of five years imprisonment along with five thousand rupees fine'.¹⁵

The Act under Section 3D provides for the appointment of a Prohibition Officer for Devadasi Dedication who will be empowered to enforce the said Act. Under Section 3B of the Act, the State is required to take, "*all necessary steps to rehabilitate the women rescued from the dedication by providing counseling and awareness and shall be economically empowered by involving the said women in income generating activities, if necessary by providing protection or shelter in a remand home for up to six months and see that the said woman shall become self-sustained by availing subsidy and loans through banks.*"¹⁶

However, up to date, the State has not drafted Rules for the said Act. The government has made some welfare schemes like the 'Devadasi Rehabilitation Programme' under which the government is required to provide loans, subsidies, shelter homes, and activities for income generation to the Devadasi women. Adding to this financial assistance is also announced by the government to those who marry Devadasis, however, such an initiative can result in marriages done for the sole purpose of gaining financial assistance which will lead to further exploitation of Devadasi women.

The Bombay Devadasi Protection Act 1934 and Maharashtra Devadasi System (Abolition) Act 2005: The Bombay Devadasi Protection Act was the first legal initiative that was taken in the country to eradicate the Devadasi system. This Act also declared the act of dedicating a girl/woman as a devadasi with or without her consent as unlawful or illegal. Marriage of a devadasi according to this Act was to be treated as a valid, lawful marriage.

After this Maharashtra Devadasi System (Abolition) Act 2005 was introduced which also prohibits the practice of dedicating a woman as a devadasi. Under this act, this crime shall be

¹⁴ Karnataka Devadasis (Prohibition of Dedication) Act 1982, s 5

¹⁵ Karnataka Devadasis (Prohibition of Dedication) Act 1982, s 5

¹⁶ Karnataka Devadasis (Prohibition of Dedication) Act 1982, s 3B

punishable by imprisonment between two to three years and a fine. However, if the crime is committed by a relative, guardian, or parent then the punishment may extend up to 5 years.¹⁷

SUPREME COURT DIRECTIONS

States have made specific legislation for the protection of girls and women from the exploitative system of Devadasis irrespective of that the practice is prevalent in many areas of our country. Making laws is not enough for the abolition of any practice if the effective implementation of the made laws is not there. In the current situation of our country, there is a huge lack of implementation and awareness of the laws treating Dedicating Devadasis as a crime. Experiencing this lack of implementation Supreme Court of India provided certain directions through several cases. In this section, we will discuss such cases.

Vishal Jeet v Union of India: In this case, the inefficiency of the authorities in implementing Devadasi legislation was challenged by the Petitioner¹⁸. Recognizing this shortcoming on the part of implementing authorities the Supreme Court of India issued the following directions:

- The law enforcing agencies should be directed to take proper actions according to the existing laws, by the governments of all State and Union Territories.
- Rehabilitative homes should be provided for the Devadasi women along with doctors and qualified social workers to help them overcome the horrors suffered by them when they were a part of the Devadasi system.
- A committee for ensuring the implementation of welfare schemes for devadasi women should be established by the Union Government.
- A Separate Advisory Committee consisting of the Secretary of the Social Welfare Department or Board, criminologists, members of the women's organizations Department, sociologists, and the Secretary of the Law should be established for the abolishment of child prostitution and proper implementation of welfare and health care programs.

¹⁷ Maharashtra Devdasi System (Abolition) Act 2005

¹⁸ *Vishal jeet v Union of India* 1990 SCR (2) 861

S L Foundation v Union of India: A more recent case from 2014, in *S L Foundation v Union of India*,¹⁹ it was held by the Supreme Court of India that the dedication of Dalit girls in the Harappanahalli Taluk temple of Ballari District of Karnataka was in violation of Articles 23(1), 39 (e) &(f), 14, 21 of the Constitution and was therefore unconstitutional. In 2016 the matter was disposed of by some directions of the Supreme Court:

- If the petitioners want they can move to the concerned state government to extend the rehabilitation measures to devadasi victims in the event of any instances being brought to the notice of the respective state governments/Union Territories with specific details and State Governments need to take appropriate steps for their rehabilitation by providing all supportive rehabilitation measures.
- If the Supreme Court Advisory dated 22nd December 2015 to stop the devadasi practice is not implemented in all the States and Union Territories then the Union of India can approach the court for the same.
- The petitioners are at liberty to file complaints before the respective police authorities to bring them to the notice of the concerned in charge of Women's Development who is the Secretary of the State then it will be their duty to invoke the statutory provisions of the respective State and start proceeding against the culprits according to the law.

CONCLUSION

Devadasi system is one of the most heinous crimes against women in India, where sexual exploitation is practiced hiding behind the name of God. Religious practices and customs are one of the major factors for the continuance of this practice however, it does not sanction the sexual exploitation of women it is actually perpetuated by some so-called mages of the religion who have corrupted the sacred practice from the inside and still continue to portray it is the sacred practice it once was. Hence, there is a need to make people in the lower sections of society who believe in this practice, see that though the customs originated the system of Devadasis as an auspicious and sacred practice, over a period of time it has become corrupt to an extent where

¹⁹ *S L Foundation v Union of India* (2014) Civ WP 127/2014

the original purpose of the practice is long lost thus, blindly practicing the devadasi system for the sake of religious customs is adversely resulting in the exploitation of their daughters and sisters. As established through the article the lack of implementation of existing laws for the abolition of the devadasi system is contributing to the continuance of this practice. Therefore, there is a need for effective implementation of the present laws with *Suo motu* initiatives for taking action against complaints in this matter by the police. People in the regions where this system is still in practice should be provided with awareness programs. Girl children should be trained and educated to fight against this practice. The agencies handling such cases should also be given training to be made familiar with how to tackle such cases properly. At this point, India needs to take a firm stand with a much stricter approach toward the implementation of the existing laws for the prohibition of the Devadasi system along with better enforcement of international conventions and treaties.