

# Telangana Devadasis (Prohibition of Dedication) Rules, 2016

TELENGANA

India

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### Rule

### TELANGANA-DEVADASIS-PROHIBITION-OF-DEDICATION-RULES-2016 of 2016

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Telangana Devadasis (Prohibition of Dedication) Rules, 2016Published vide Notification No. G.O. Ms. No. 18, Scheduled Caste Development (POA.A1) Department, dated 31.5.2016Notification No. G.O. Ms. No. 18, Scheduled Caste Development (POA.A1) Department, dated 31.5.2016. - In exercise of the powers conferred by sub-sections (1) and (2) of Section 11 of Telangana Devadasis (Prohibition of Dedication) Act, 1988 (Telangana Adaptation) Order, 2016 and of all other powers enabling it in that behalf, the Government of Telangana hereby makes the following Rules, namely:

### 1. Short Title and Commencement.

(1)These rules may be called the Telangana Devadasis (Prohibition of Dedication) Rules, 2016.(2)They shall come into force on the date of their publication in the Official Gazette.

### 2. Definitions.

(1)In these rules, unless the context otherwise requires:-(a)"Act" means the Telangana Devadasis (Prohibition of Dedication) Act, 1988 (Telangana adaptation) Order, 2016.(b)"Dedication" means the performance of any act or ceremony by whatever name called by which a woman is dedicated to the service of a Hindu deity, Idol, object of worship, temple or other religious institution or place of worship and includes tying "Tali with Jakini" to a woman or tying by a garland to a Garuda Khambaham, Dhaarana and Deeksha;(c)"Devadasi" means any woman so dedicated by whatever name called and includes Basavi, Jogini, Parvathi and Mathamma and Thayamma;(d)"Government" means the State Government of Telangana;(e)"Notification" means a notification published in the Telangana Gazetted and the word "notified" shall be construed accordingly;(f)"Temple" means a place by whatever designation known, dedicated to, or used as a place of worship;(g)"Woman"

means a female human being of any age;(h)"Commissioner/Director" means the Commissioner/Director of Scheduled Castes Development Department, Telangana State;(i)"Section" means the section of the Act;(2)Words and expressions used in these rules and not defined herein shall have their respective meanings as assigned to them in the Act.

### **3. Dedication as Devadasi is Unlawful.**

- 3.1. Notwithstanding any custom or law to the contrary, the dedication of a woman as Devadasi whether before or after the commencement of this Act 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.3.2Any custom or usage, prevailing in any Hindu, such as the Bogum, Kalavanthulu, Sani, Nagavasulu, Devadasi, Kurmapulu, Basavi, Jogini, Mathamma and Parvathi and the like, that a woman of that community who gives or takes part in any melam (notch) dancing or music performance in the course of any procession or otherwise is thereby regarded as having adopted a life of prostitution and becomes incapable of entering into a valid marriage, and the performance of any ceremony of act in accordance with any such custom or usage, whether before or after the commencement of this Act and whether the woman concerned has consented to such performance or not are hereby declared unlawful and void.

### **4. Marriage of Devadasi.**

- No marriage contracted by a woman in accordance with any law, custom or usage shall be invalid and no child of such marriage shall be considered as illegitimate by reason only of such woman being a "Devadasi". Such woman can enter into valid marriage. A child born is legitimate to inherit all legal rights.

### **5. Activities considered as offence and eligible to impose punishment.**

- 5.1. As per the provisions of the Act, 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 is punishable. The woman, who is dedicated, however, shall not be punishable.5.2Punishment:For other persons: Upto 3 years (not less than 2 years) imprisonment with fine of Rs.2000/- to Rs.3,000/-For Parent/Guardian/Relative of Woman: upto 5 years (not less than 2 years) imprisonment with fine of Rs.3,000/- to Rs.5,000/-5.3"performer" is the person, who actually performs the act of dedication.5.4"Promoter" is the person, who through exhortations, inducements or coercion contributes to the persistence of the practice of dedication.5.5"Abettor" is the person who through culpable negligence or covertly or openly permit the dedication, prevent the contracting of lawful marriage, and fail to act under the law to prevent and/or to initiate legal action on wrong doers, and any person who coerces or induces a woman or her parents, guardians or her relatives to dedicate.5.6"Propagator" is the person, who propagates highly about the practice of dedication of Women as Devadasi.

## 6. Officers responsible for the implementation of the Act.

- 6.1. The Government shall to confer the powers of Judicial First Class Magistrate on the Executive Magistrate/Tahsildar/MRO for conducting the trail of the offences under the Act. The District Collector, Revenue Divisional Officer and Tahsildar exercise their duties within their respective Revenue Division. 6.2 The Sub-Divisional Magistrate and a Police Officer not below the rank of DSP shall immediately visit the place of dedication within 24 hours of occurrence of such an incident and assess the situation and submit a report to the District Collector. 6.3 The Government shall confer the powers of Judicial First Class Magistrate on the Executive Magistrate/Tahsildar/MRO for conducting the trail of the offences under the Act. 6.4 Investigating officer: A police Officer not below the rank of Inspector of Police shall investigate the offences under the Act. He shall investigate and complete investigation within a period of 30 days from the day of the FIR. He is also empowered to investigate against any person who prevents lawful marriage of such woman. If the woman belongs to SC or ST, the relevant provisions of POA & PCR Acts shall be made applicable while registering the case. 6.5 Setting up of protection Cell and Protection Officer: The State Government shall designate a protection cell and a Woman Protection Officer in every district for such women. Such cell shall take the assistance of NGOs for gaining information on the incidences/likely potential areas and individuals including both victims and perpetrators of such cases. The cell shall facilitate the conduct of awareness camps by NGOs.

## 7. Preventive Measures.

- 7.1. Setting up of Vigilance & Monitoring Committee to Review implementation of Act: (a) District Level Vigilance & Monitoring Committee: A District Level Vigilance & Monitoring Committee shall be constituted with the following members:

1 Additional Joint Collector	: Chairman
2 Additional Superintendent of Police	: Member
3 Revenue Divisional Officers (all Divisions)	: Members
4 Retired Dist. Judge/Addl. Dist. Judicial Magistrate Magistrate/	: Member
5 Non-Government Organization (who are engaged in the welfare activities of such women)	: Two Members
6 Joint Director/Deputy Director, Scheduled Caste Development Dept.	: Member Convener

The Committee shall meet once in every quarter. (b) Duties of District Level Vigilance & Monitoring Committee:

**1. The Committee shall identify temples and religious institutions with a history of dedications and issue instructions to the Trusty or people concerned to give an undertaking that no such dedications are performed.**

- 2. The local Police and Village Revenue Officials have to closely supervise and take all necessary steps to prevent such dedication. Arrange awareness camps particularly in Devadasi prone villages.**
- 3. Take cognizance of offence and initiate criminal action against the offenders of the Act.**
- 4. The Committee shall ensure that if the girl is a minor, she must be either kept in the custody of her mother or her family or placed in a rescue home and she must be provided with medical aid.**
- 5. The committee shall ensure the Tracking of the rehabilitation of such woman.**
- 6. Conduct surveys periodically to indentify such women.**
- 7. Ensure the rehabilitation of such women as per rehabilitation measures provided/ extended by the Government from time to time.**

**(c)Sensitization and Training:**

- 1. A module on Devadasis Act may be included in the curriculum of the Police training colleges and Police Academy to Sensitize and Train Police Officers and personnel.**
- 2. Orientation Training on the Act shall be given to the officers concerned, the members at the District Vigilance and Monitoring Committee, public representatives and Panchayat Raj Institutions.**
- 3. Sensitization programmes for General Public and teachers on the Act to be conducted.**

**(d)State level Vigilance & Monitoring Committee:**A State Level Vigilance & Monitoring Committee shall be constituted with the following Members:

Minister for Scheduled Caste Development Department	: Chairman
Principal Secretary to Government, Home Department	: Member
Principal Secretary to Government, TribalWelfare Department	: Member
Principal Secretary to Government, Departmentfor Women,Children, Disabled	: Member

& Senior Citizens.

Principal Secretary to Government, B.C. Welfare Department	: Member
Director General of Police.	: Member
Secretary to Government, Law Department	: Member
Commissioner/Director, Scheduled Caste Development Department	: Member
Managing Director, TSCCDC Ltd.	: Member
Two Non-Government Organizations (who are engaged in the welfare activities of Devadasi)	: Member
Principal Secretary/Secretary to Government Scheduled Caste Development Department	: Member : Convener.

The State Level Vigilance and Monitoring Committee shall review the status of implementation of the Act, every six months.

## 8. Relief & Rehabilitation.

(1) The Government shall from time to time fix reasonable and suitable relief, rehabilitation to the victims under the Telangana Devadasis (Prohibition of Dedication) Act, 1988 (Telangana Adaptation) Order, 2016 and lay down the procedure for providing the relief and rehabilitation. (2) The relief and rehabilitation shall include but not limited to, (i) Providing a house (as per the norms of the Housing Department) (ii) Economic assistance for gainful employment. (iii) Free education of children in Government Social Welfare & Tribal Welfare Residential Schools upto XII Standard. (iv) Declare the debt (bonded) if any or part of any debt (bonded) shall be deemed to have been extinguished as per the Bonded Labour System (Abolition) Act, 1976. (v) Incentives as applicable in case of inter-caste marriage/Kalyana lakshmi.