

Karnataka Devadasis (Prohibition of Dedication) Act, 1982

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Act 1 of 1984

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Karnataka Devadasis (Prohibition of Dedication) Act, 1982(Karnataka Act No. 1 of 1984)Statement of Objects and Reasons - (Act 1 of 1984). - The Devadasi Abolition Act of Bombay State and a similar Act of Madras Government are in force in the Bombay Karnataka Area and in Bellary District respectively. It was also found that in some parts of Karnataka the Devadasi System is still in force and the women who are inducted to this system are in a pitiable condition and this has led them to take up prostitution for a living. Therefore it is found necessary to bring forward a legislation to minimise this social evil and to rehabilitate the victims. Dedication of a woman as Devadasi is made an offence and in order to make the provisions more effective, higher punishment is provided for a person abetting the offence if he happens to be the parent, guardian or relative of the woman.Hence the Bill.(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 75 dated 3-2-1982 at page 5.)Statement of Objects and Reasons - (Amending Act 1 of 2010). - It is considered necessary to amend the Karnataka Devadasis (Prohibition of Dedication) Act, 1982,-(1) to empower the district magistrate or executive magistrate to issue injunction prohibiting likelihood of taking place of dedication to devadasis.(2) to provide for the rescue, care, protection welfare and rehabilitation of woman from dedication.(3) to provide that the offences under this Act are cognizable and non-bailable.(4) to provide for the appointment of Devadasis dedication prohibition officers with powers to prevent such dedication.Hence, the Bill.(L.A.Bill No. 4 of 2009, File No. Samvyashe o8 Shasana 2008)[Entries 1, 2, 5 and 23 of List III of the Seventh Schedule to the Constitution of India.](First published in the Karnataka Gazette Extraordinary on the Thirty-first day of January, 1984)(Received the assent of the President on the eleventh day of January, 1984)(As amended by Karnataka Act 1 of 2010)An Act to prevent dedication of women as devadasis in the State of Karnataka.Whereas the practice of dedicating women as devadasis to deities, idols, objects of worship, temples and other religious institutions or places of worship exists in certain parts of the State of Karnataka ;And whereas such practice leads women so dedicated to a life of prostitution;And whereas it is expedient to put an end to the practice ;Be it enacted by the Karnataka State Legislature in the Thirty-third Year of the Republic of India as follows :-

1. Short title and extent.

(1) This Act may be called the Karnataka Devadasis (Prohibition of Dedication) Act, 1982. (2) It extends to the whole State of Karnataka.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "dedication" means the performance of any act or ceremony, by whatever name called, by which a woman is dedicated to the service of any deity, idol, object of worship, temple, other religious institutions or places of worship ; (b) "devadasi" means a woman so dedicated ; (c) "temple" means a place by whatever designation known, dedicated to, or used as a place of religious worship ; (d) "woman" means a female of any age.

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.

3A. [Power of district magistrate or executive magistrate to issue injunction prohibiting dedication. [Inserted by Act 1 of 2010 w.e.f. 6.2.2010.]

(1) Notwithstanding anything to the contrary contained in this Act, if on an application of the Devadasi Prohibition Officer or on receipt of information through a complaint or otherwise from any person, a District Magistrate or an Executive Magistrate is satisfied that a dedication in contravention of this Act, has been arranged or is about to be solemnised, such Magistrate shall issue a prohibitory injunction against any person including a member of an organisation or an association of persons prohibiting or restraining from such dedication. (2) An application or a complaint under sub-section (1), may be made by any person having personal knowledge or reason to believe and a non-governmental organisation having reasonable information, relating to the likelihood of taking place of such dedication. (3) The District Magistrate or the Executive Magistrate may also take suo motu cognisance on the basis of any reliable report or information or complaint as the case may be. (4) For the purpose of preventing en-mass dedication as Devadasis on certain days such as full moon day during Jathras, the concerned District Magistrate shall be deemed to be the Devadasi Dedication Prohibition Officer with all powers as are conferred on a Devadasi Dedication Prohibition Officer by or under this Act. (5) The District Magistrate shall also have additional powers to stop or prevent dedication and for this purpose, he may take all appropriate measures including use of the minimum force required. (6) No prohibitory injunction under sub-section (1) shall be issued against any person or member of any organisation or association of persons unless the magistrate concerned has previously given notice to such person, members of the organisation or association of persons, as the case may be, and has offered him or them an opportunity to show cause against the issue of the injunction: Provided that in the case of any urgency, the magistrate

concerned shall have the power to issue an interim injunction without giving any notice under this sub-section.(7)An injunction issued under sub-section (1) may be confirmed or vacated after giving notice and hearing the party against whom the injunction was issued.(8)The District Magistrate or the Executive Magistrate may either on its own motion or on the application of any person aggrieved, rescind or alter an injunction issued under sub-section (1).(9)Where an application received under sub-section (1), the District Magistrate or the Executive Magistrate shall afford the applicant an opportunity of appearing before it either in person or by an advocate. After hearing the applicant, the District Magistrate or the Executive Magistrate rejects the application wholly or in part, he shall record in writing its reasons for so doing.(10)Whoever knowing that an injunction has been issued under sub-section (1) against him disobeys such injunction shall 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 or with a fine which shall not be less than rupees two thousand but which may extend to rupees ten thousand or with both.

3B. Rescue, care, protection, welfare and rehabilitation of woman.

- The State Government shall take all necessary steps to rehabilitate the woman rescued from dedication, under the "Devadasi Rehabilitation Programme" by providing counselling and awareness and shall be economically empowered by involving the said woman in income generating activities, if necessary by providing protection or shelter in remand home upto six months and see that the said woman shall become self-sustained by availing subsidy and loans through banks.

3C. Offences to be cognizable and nonbailable.

- An offence punishable under this Act shall be cognisable and non-bailable.

3D. Appointment of Devadasi Dedication Prohibition Officer.

(1)The State Government may, by notification, in the official Gazette, appoint for whole state or such part thereof, as may be specified in that notification, an officer or officers to be known as Devadasi Dedication Prohibition Officer having jurisdiction over the area or areas specified in the notification.(2)Without prejudice to sub-section (1), the concerned Deputy Director, Assistant Director, Women and Child Development Department or the Project Officer shall be the Devadasi Dedication Prohibition Officer in their respective jurisdiction.(3)The State Government may also request a respectable member of the locality with a record of social service or an officer of the Gram Panchayath or Municipality or an officer of the Government or any public sector undertaking or an office bearer of any non-governmental organisation to assist the Devadasi Dedication Prohibition Officer and such member, officer or office bearer, as the case may be, shall be bound to act accordingly.(4)It shall be the duty of the Devadasi Dedication Prohibition Officer,-(a)to prevent dedication by making an application under sub-section (1) of section 3A and by taking such actions as he may deem fit;(b)to collect evidences for the effective prosecution of persons contravening the provisions of the Act;(c)to advise either individual cases or counsel the residents of the locality generally not to indulge in promoting, helping, aiding or allowing the dedication of devadasi;(d)to create awareness of the evil which results from dedication;(e)to sensitize the community on the

issue of dedication;(f)to take action to write the Panchanama report at the place of incident itself and obtain the signatures of witnesses;(g)to furnish such periodical returns and statistics as the State Government may direct; and(h)to discharge such other functions and duties as may be assigned to him by the State Government.(5)The State Government may, by notification, in the Official Gazette, subject to such conditions and limitations, invest with the Devadasi Dedication Prohibition Officer with such powers of a police officer as may be specified in the notification and the Devadasi Dedication Prohibition Officer shall exercise such powers subject to such conditions and limitations, as may be specified therein.(6)The Devadasi Dedication Prohibition Officer shall have the power to move the court for an order under section 3B for rehabilitation of rescued woman.(7)The Devadasi Dedication Prohibition Officer shall report the same to the Secretary to Government, Women and Child Development Department, the Managing Director, the Karnataka State Women's Development Corporation and the Deputy Commissioner of respective Districts whenever the incident of dedication occurs or likely to occur in his jurisdiction.

3E. Devadasi Dedication Prohibition Officers to be public servants.

- The Devadasi Dedication Prohibition Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).]

4. Marriage of devadasi.

- Notwithstanding any custom or rule of any law to the contrary, no marriage contracted by a woman shall be invalid and no issue of such marriage shall be considered as illegitimate by reasons only of such woman being a devadasi.

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.

6. Protection of action taken in good faith.

- No suit, prosecution, or other legal proceedings shall lie against the Government or any person for anything which is in good faith done or intended to be done under this Act.

7. Power to make rules.

(1)The State Government may, after previous publication and by notification in the official Gazette, make rules for carrying out the purposes of this Act.(2)Without prejudice to the generality of the power conferred by sub-section (1) such rules may provide,-(a)for the manner of investigation of offences under this Act ;(b)for custody, care, protection, welfare and rehabilitation of devadasis;(c)for any other matter which in the opinion of the State Government has to be prescribed.(3)Every rule made under this section shall be laid as soon as may be after it is made, before each house of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the sessions immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date on which the modification or annulment is notified by the State Government in the official Gazette have effect only in such modified form or be of no effect, as the case may be ; so however, the modification, or annulment shall be without prejudice to the validity of anything previously done under that rule.

8. Repeal.

- The Bombay Devadasis Protection Act, 1934, (Bombay Act 10 of 1934) and the Madras Devadasis (Prevention of Dedication) Act, 1947 (Madras Act 31 of 1947) are hereby repealed :Provided that section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act 3 of 1899) shall be applicable as if the said enactments are repealed and re-enacted by this Act.(The above translation of the PÀ£ÁõlPÀzÉÃªÀzÁ¹AiÀÄgÀ(, ÀªÄÄYÀðuÁ?ÉÃzsÀ) CçüªAiÀÄªÄÄ