

DEVADASI SYSTEM IN INDIA: SACRED PROSTITUTION

by

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ABSTRACT

The devadasi system is a Hindu religious practice that offers young girls marriage to deities. As servants ordained by deities, devadasis are ritually forced to offer sexual services upon attaining puberty. Their virginity is sold and they are paid a pittance for their services, if at all. Devadasis are marginalized as 'fallen women' and kept in poverty. These devadasis were once held respected social status and equal as to goddesses until the advent of the British in India. But now they are nothing more than sex slaves. The Dedication of pre-mature girls to temples as a Devadasi practice is deeply rooted in the socio-cultural issues of certain states in India such as Andhra Pradesh, Karnataka, Maharashtra, Telangana, and Tamil Nadu.

DEVADASI MEANING:

The term 'Devadasi' means 'Slaves of the god' or 'Servant of the god'. Devadasis meaning Deva (deity) and Dasis (devotee) were the temple dancers of south India. Devadasis were once high rank who advocates and performs classical music and dance.

It is a religious practice in parts of southern India, including some states which force their daughters to marry a deity or a temple. The marriage usually occurs before the girl reaches puberty and makes the girl become a prostitute for upper-caste community members. They are not allowed to enter into their marriage. The initial ritual is said to include a 'Deflowering Ceremony', known as Uditambuvadu, where the priest would have sexual intercourse with every girl who becomes devadasis at his temple as one part of religious duty. This practice also gave rise to a saying in the Marathi Culture, which is "Devadasi devachi bayako, Sarva gavachi" (Servant of God, but the wife of the whole town). These men were not liable to the dasis, and their children wouldn't have any part in the inheritance. The devadasis who belong to the upper caste perform rituals, the one who is lower caste performs jobs like washing, cleaning, and fanning the deity and all these services were rendered in the worship of their husband.

CATEGORIES OF DEVADASIS:

The devadasis was divided into seven categories. These categories reveal their status as women. These classes of devadasis received uncountable remunerations and immovable property in their name for their purpose. They are:

- Dutta,
- Hruta,
- Bikrita,
- Bhrutya,
- Alankara,
- Gopika or Rudraganika.

When a holy man gave his daughter to a temple as a devadasi, she is known as "Dutta Devadasis". When a woman was kidnapped without their own will and consequently worked in a temple, she is known as "Hruta Devadasi". When a woman was sold to the priest or administrator of a temple,

she is known as “Bikrita Devadasi”. When a woman voluntarily worked as a devadasi in a temple, she is known as “Bhrutya Devadasi”. When women devotionally sacrifice themselves to serve the temple, she is known as “Bhakta Devadasi”. When a woman after attaining competence, is offered to the temple with the ornaments, she is known as “Alanakara Devadasi”. When a woman got paid for offering dance and music in a temple, such devadasis is known as “Gopika” or “Rudraganika”.

LAWS ABOUT DEVADASI SYSTEM IN INDIA:

States in India such as Karnataka, Maharashtra, Andhra Pradesh, Telangana, and Tamil Nadu have enacted legislation to ban it by declaring it an unlawful and criminal offense. The first regulation was the Bombay Devadasi Protection Act which was passed in 1934. The Bombay Act declared that the devadasi practice was illegal, irrespective of whether the girl was dedicated with or without consent. Similar prohibitions were enacted in other parts of Southern India including the Madras Devadasi (Prevention of Dedication) Act of 1947, the Karnataka Devadasi (Prohibition of Dedication) Act of 1982, the Andhra Pradesh Devadasi (Prohibition of Dedication) Act of 1988, the Maharashtra Devadasi (Abolition of Dedication) Act of 2006.

- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 which recognizes this as an atrocity and penalizes crimes against SC/ST of women as a devadasi.
- The Immoral Traffic Prevention Act, 1956 criminalizes the brothels, engaging in prostitution knowingly by persons above the age of 18, or taking the persons for the sake of prostitution and prescribes 7 years of imprisonment for the first conviction and life imprisonment on the second conviction for persons who are guilty of engaging in trafficking for prostitution.
- The Juvenile Justice Act, of 2015 gives protection to Devadasi women because most of the girls were dedicated to the temple at the age of below 5 years when they are minors and it comes under the category of a “Child in Need of Care and Protection”.
- Protection of Children against Sexual offenses (POCSO) Act penalizes penetrative sexual assault under Section 4 and aggravated penetrative sexual assault under section 6 with punishment that may extend to life imprisonment. It gives protection to Devadasi women or minor girls at the time commitment of the offense.

IPC PROVISIONS:**➤ SECTION - 370A**

Whoever knowingly or having reason to believe that a minor has been trafficked, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to seven years, and shall also be liable to fine. It is a Cognizable as well as a Non-bailable offense.

➤ SECTION - 372 Selling minor for purposes of prostitution, etc.

Whoever sells, lets to hire, or otherwise disposes of any person under the age of eighteen years with the intent that such person shall at any age be employed or used for prostitution or illicit intercourse with any person or any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

➤ SECTION - 373 Buying minor for purposes of prostitution, etc.

Whoever buys, hires, or otherwise obtains possession of any person under the age of eighteen years with the intent that such person shall at any age be employed or used for prostitution or illicit intercourse with any person or any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

This practice violates Article 4 of UDHR states, “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”.

In 2015, the Central Government issued an advisory to state governments and Union Territories to implement the devadasi prohibition legislations strictly to initiate special drives to identify Devadasi women and rehabilitate them with counseling, guidance, support, motivation, and

medical treatment. These laws are not strictly followed because of a lack of proper implementation and awareness.

CASE LAWS:

VISHAL JEET V. UNION OF INDIA¹

In this case, the Petitioner challenged the inefficiency of police and directed the CBI to institute an inquiry against those police officers under whose jurisdictions Devadasi traditions are well developing and to take necessary actions against them. It emphasized the necessity for appropriate and drastic action to eradicate this evil.

GAURAV JAIN V. UNION OF INDIA²

This PIL was filed by Gaurav Jain, an advocate. The PIL pertained to the rights of children of Devadasi women and girls. The Court, while investigating, constituted a committee on prostitution, and a plan of action to combat trafficking and commercial sexual exploitation of women and children.

S.L.FOUNDATION V. UNION OF INDIA³

The Supreme Court held that the dedication of Dalit girls in a temple being forced to become devadasis in the Harappanahalli Taluk of Devanagar district of Karnataka was unconstitutional and it violates the Article 23(1), 39 (e) & (f), 14, 21 of the Indian Constitution.

¹ Vishal Jeet V. Union of India, [1990] 3 SCC 318

² Gaurav Jain V. Union of India, AIR 1997 SC 3021

³ S.L.Foundation V. Union of India, [2014] W.P.(Civil) 127/2014

CONCLUSION:

The major reasons that this practice still exists are the rigid caste system and patriarchy in Indian Society. Although there is plenty of legislation prohibiting the practice of the devadasi system as an unlawful practice, there is no one to enforce this law. Even the various directions of the Hon'ble Supreme Court are not being implemented. Despite many national and state campaigns by the Indian government, the devadasi system continues. Today, the devadasi system is abolished in India, but many continue the practice. India needs a comprehensive and strict plan of action to move forward and eradicate the system. There is also a need for enforcement of international treaties and conventions so that the practice is banned not only in India but also in other parts of the world.

REFERENCES:

1. Vishal Jeet V. Union of India, [1990] 3 SCC 318
2. Gaurav Jain V. Union of India, AIR 1997 SC 3021
3. S.L.Foundation V. Union of India, [2014] W.P.(Civil) 127/2014
4. Devadasi System in India, < <https://www.ijalr.in/2020/08/devadasi-system-in-india.html> > dated 27 August 2020.
5. The Indian Penal Code 1860, s 370A.
6. The Indian Penal Code 1860, s 372.
7. The Indian Penal Code 1860, s 373.
8. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, s 3(k).
9. The Immoral Traffic (Prevention) Act 1956, s 5.
10. The Juvenile Justice (Care and Protection of Children) Act 2015, s 2(14).
11. Protection of Children Against Sexual Offences (POCSO) Act.