
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

**FROM SACRED DUTY TO SOCIAL INJUSTICE: A LEGAL AUTOPSY OF THE
DEVADASI SYSTEM'S ABOLITION IN INDIA**- Kumari Sudha¹ & Thammadi Shashank²**ABSTRACT**

The paper makes study the devadasi system which is a socio-cultural practice which exists in India. It mainly deals with the violation of human rights and laws conferred for devadasis, The devadasi system is an integral part of the Hindu religion in the Ancient Era, it is a blatant system curtailing the rights of women and children in the means of attaining puberty dedicating woman or child to the god or marrying the local deity or temple priest. They were married off by temple priests and were sexually exploited by powerful men of money or zamindars.

Even in the modern era of India it still exists in some parts of India, it is a system of so-called *sacred prostitution* which is violating the socio-political and human rights of women and children in Society. here in this 'Deva' which means God and 'Dasi' system of the "female slave of the god" Women and children forced into the profession with or without a will or acceptance is a crystal-clear violation of human rights.

This paper makes an attempt to bring out the social injustices and violations of the rights of women and children and the rights conferred to the protection of women under the constitution.

Keywords

Devadasi, Sexual violence, Derogatory, Deplorable, Rehabilitation.

INTRODUCTION

In its introduction, according to many studies on the devadasis system, most women and girls who served in these temples did not choose it; rather, they were coerced into it. It is evident from this account that in

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most circumstances, the practice of devadasi is not immoral. It is, first and foremost, a psychological conundrum as well as a lack of social consciousness. Also, the current Indian society and any civilization, for that matter reflects a sick Hindu society that is fixated on male chauvinism and perversion, which has exacerbated prostitution.³

The paper mainly focuses on the status of devadasi in contemporary India and the infringement of human rights on the social evils of the system associated with it. The Devadasi system has been widely criticized for violating the human rights of women and girls who are forced into it.

Devadasi has the oldest history and there was a widespread sociocultural practice followed in India. According to ancient Indian culture, Devadasi refers to the female servant of God (Dev) (Dasi). Young pre-pubescent girls are "married off" and "given away" in wedlock to God or the local deity of the temple. Girl children were once thought to be married to the temple and were not permitted to get married. Instead, they were required to work in the village for the temple's priests, inmates, so-called Zamindars (landlords), and other powerful men.⁴

However, over time, the Devadasi system became corrupted, and it has been used as a pathway to exploit, and traffic women and girls, denial of education, denial of health care and denial of choice.

The system violates their right to freedom and autonomy, as they are forced into sexual servitude and denied the right to choose their partners. The devadasi system perpetuates gender discrimination and reinforces patriarchal norms, as it primarily targets girls from lower-caste or economically disadvantaged backgrounds. It also violates international human rights standard.

Historical Perspective: Devadasi system

The word "Devadasi" is a Sanskrit term that refers to a female servant of a deity or handmaiden of God. It is followed as the pathway of devotion in India.⁵

The system of dedicating young girls to temples was present in some parts of India as early as 300 A.D. Traditionally, this has become an established institution in 700 AD. (Basham 1959:185- 86), The origin of the Devadasi system can be traced to the 5th century AD. There are some references in Skanda Purana.

In the "Purushottam KsetraMahamtya" in *Skanda Purana* and *Bamadeva Samhita*, it is manifest that In the Medieval period, devadasis exist, and they urged to serve god by ritual dancing in festivals and

³Dr. V. BHARATHI HARISHANKAR DR. M. PRIYAMVADHA, *Exploitation of Women as Devadasis and its Associated Evils*, 313.

⁴Dr.P.Anilkumar, *ERADICATION OF DEVADASI SYSTEM IN SOUTH INDIA*, INT. J. ADV. RES. IJAR.

⁵Dr. Samrat Datta Megha Middha et al., *International journal for legal research and analysis*, 2 INT. J. LEG. RES. ANAL. 14.

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services in temples.⁶ In addition to referring to the origin, there are several theories which are concerning the devadasi system they are the Mother goddess theory, Religious tradition theory, Lineage theory, Racial theory, and Sanskritization theory.

In the Christian period, the Shaping of public temple worship has begun and there is evidence that many of the temples have different inscriptions of ritual dancing in India. The Vaishnavites referred to devadasis as "Eperumandiyar" prior to 966 AD. The phrase was discovered in inscriptions from the 1230–1240 AD Vishnu temple.

Early India perspective: Devadasi system

In the Devadasi system, Hindus sacrificed their female children to dance in the temples and glorify God. The system has become the customary practice in society and a kind of stigma created in the people's mindset that scarifies the girl child, and the lack of a son in the family.

In the means of socio-cultural practice position of women has drastically changed after becoming a devadasi, in Indian Hindu society some specifications were made for the devadasi women vary from other women in five key respects. The first is by gesture, followed by outward manifestations like the Thali they wear during their commitment ceremony and they are the name of the God or Goddess that they are committed to would be more closely tied with their names.

They occasionally have the same name. There aren't many Devadasis who have body piercings. Finally, we can recognise them based on where they are staying.⁷

Devadasis are often either from a caste or group that practises and has become a way of life or from a family that practises commitment as an inherited tradition.

A large section of women was exploited as devadasis across the different regions of India and The Devadasis are called by various names in different parts of India, such as 'Maharis' in Kerala, 'Natis' in Assam, 'Basavis' in Karnataka, 'Bhavani's' in Goa 'Kudikar' in the West-Cost 'Bhogam- Vandhi' or 'Jogin' in Andhra Pradesh and Telangana; 'Thevardiyar' in Tamil Nadu; 'Murali', 'Jogateen' and 'Aradhini' in Maharashtra. In Karnataka, old devadasis are called as 'Jogati' and young devadasis as 'Basavi' (Pradeep, Manjula).⁸

⁶DR. M. PRIYAMVADHA, *supra* note 1.

⁷*Id.*

⁸Middha et al., *supra* note 3.

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It is mentioned that there were 400 devadasis In Tanjore temple inscriptions of 1499 A.D. 450 devadasis and 500 devadasis in Dorti Somnath temple and Brahideswara temple were present.

In the states of Karnataka or Maharashtra border districts like Belgaum, Bijapur, Kolhapur, and Solapur, where women dedicated themselves to the service of the Goddess Yellamma and are called Devadasi. Every year on the full moon day of Chitra month (March-April) or Magha month (December-January) count of 1000 to 5000 young girls are brought to the Devadasi profession by dedicating to the Yellamma goddess.

According to the National Commission for Women (NCW), at least 44,000 devadasis are active in India today; the number could, however, be as high as a quarter million. The NCW also states that the majority are concentrated in certain parts of the country: Andhra Pradesh, Karnataka, and Maharashtra.⁹

As per the data cited in the notice served by the NHRC to the central and state governments over the devadasi system over 70,000 women have been leading their lives as devadasi in Karnataka alone, and 80,000 devadasis in the states of Telangana and Andhra Pradesh added.¹⁰

As per the data of the National Commission for Women (NCW), in the Report year 2021, there are 18 complaints registered on the traditional practices derogatory to women's rights as a devadasi.¹¹

Legal Regime of India on Devadasi system

The devadasi system blatantly violation of several human rights, including the right to dignity, equality and freedom from exploitation. It also exposes girls to various forms of abuse such as physical and sexual violence.

The constitution of India also contains several provisions that protect the rights of individuals and prohibit practices that violate these rights including devadasis.

In the states of Andhra Pradesh and Telangana. the girls from the lower castes are married to a god before puberty and enter prostitution when they reach puberty. and they dedicated themselves to this profession in a wish to improve their financial position. In this system, a person from a higher caste is a wealthy person who will choose a young girl from the lower caste and implores her family to wed the village god. The person will be taking care of all finances and expenditures for the ceremony will occur before attaining puberty. But when the girl attains puberty, her family arrange another ceremony for the girl and

⁹exodusadmin, *The Devadasi: Female Slaves in Modern India*, THE EXODUS ROAD (2019), <https://theexodusroad.com/the-devadasi-female-slaves-in-modern-india/> (last visited Feb 23, 2023).

¹⁰millenium post, *NHRC seeks report on devadasi sytem*, Oct. 15, 2022.

¹¹NCW :: Report, <https://ncwapps.nic.in/frmReportNature.aspx?Year=2021> (last visited Feb 23, 2023).

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after that, the right to the first sex with the girl belongs to the person who financed the wedding. The girl will then have to work as a prostitute and live in the temple to support her family.¹²

The devadasi system is crystal clear from caste-based discrimination on the basis where girls and women are exploited and forced into prostitution because of their caste. Moreover, The practice also perpetuates gender inequality and discrimination, as it targets girls from low-caste families, which fosters rural child prostitution. Females are nowadays in the most humiliating circumstances of these historically marginalized groups and reinforce patriarchal norms are still exploited.¹³ Here it devadasi system violates articles 14 and 15 under the Indian constitution.

INTERNATIONAL REGIME

UDHR Provisions

The violation of the rights of women through Devadasi system in India has been against several articles or provisions of the Universal Declaration of Human Rights, as well as other international human rights instruments. Here are some of the particularly relevant articles:

Article 1 of the Universal Declaration of Human Rights (UDHR) states that "all human beings are born free and equal in dignity and rights."¹⁴ The Devadasi system violates this principle by treating girls and women as objects and denying them their right to dignity.

Article 3 of the UDHR states that "everyone has the right to life, liberty and security of person."¹⁵ Devadasis are often subjected to physical and sexual abuse, putting their right to life and security at risk.

Article 4 of the UDHR prohibits slavery and forced labor.¹⁶ The Devadasi system is a form of forced labor, where girls and women are forced to perform sexual services against their will.

Article 5 of the UDHR prohibits torture and cruel, inhuman or degrading treatment or punishment. Devadasis are often subjected to physical and sexual abuse, which constitutes torture and cruel treatment.

¹²ARUN KUMAR ACHARYA, *Impact of Cultural and Religious Practices of Prostitution on the Trafficking of Women in India*, SEMANTIC SCH. 20 (2022).

¹³Divyendu Jha & Tanya Sharma, *Caste And Prostitution In India: Politics Of Shame And Of Exclusion*, 4 in *SOCIOLOGY AND CRIMINOLOGY-OPEN ACCESS* (2016), <http://www.esciencecentral.org/journals/caste-and-prostitution-in-india-politics-of-shame-and-of-exclusion-2375-4435-1000130.php?aid=68467> (last visited Feb 23, 2023).

¹⁴United Nations, *Universal Declaration of Human Rights*, UNITED NATIONS, <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last visited Feb 23, 2023).

¹⁵*Id.*

¹⁶*Id.*

Article 16 of the UDHR states that "men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family." The Devadasi system denies girls and women their right to marry and forces them into a life of sexual exploitation.

Article 23 of the UDHR guarantees the right to work, just and favorable conditions of work, and protection against unemployment. The Devadasi system violates this right by forcing girls and women to perform sexual services without any compensation or protection.

Article 26 of the UDHR guarantees the right to education. Girls who are dedicated to Devadasis are often taken out of school and denied their right to education.¹⁷

In addition to the UDHR, other international human rights instruments such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women also contain provisions that are relevant to the violation of the rights of Devadasis in India.

Indian Constitution: A voice on Devadasi system

Article 14 of the Indian constitution guarantees the right to equality before the law and Article 15 of the Indian constitution prohibits discrimination based on Religion, race, caste, sex or place of birth.¹⁸ In matters of access to public places and facilities, the devadasi system denies girls and women their right to access to education, healthcare and other facilities.

Articles 21 and 21A of the Indian constitution Protection of life and personal liberty and the Right to education. The devadasi system as it deprives young girls and women of their liberty and subjects them to forced labor and sexual exploitation. by dedicating girls to the temple and its priests and it denies girls and women the right to life, as they are often subjected to physical abuse, and denied access to healthcare and education. here they are effectively stripped of their autonomy and forced to serve the interests of others. The Indian constitution recognizes the rights of all citizens to live with dignity and equality and prohibits the practice of dedicating girls as Devadasis.

The violation of article 21 and other human rights standards remains a serious issue that requires sustained action from the government, civil society organizations, and the wider public to end this harmful and exploitative practice. Girls who are dedicated to devadasis are often pulled out of school, denying them their right to education. This perpetuates the cycle of poverty and illiteracy in their communities.

¹⁷*Id.*

¹⁸MAHABIR PRASHAD JAIN, JASTI CHELAMESWAR& DAMA SESHADRI NAIDU, INDIAN CONSTITUTIONAL LAW (Eighth edition ed. 2018).

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Devadasis are often treated as mere objects and are subjected to physical and sexual abuse. They are denied their right to dignity and are forced to live in deplorable conditions. The Devadasi system violates this right by forcing girls and women into a life of sexual exploitation and denying them their liberty.

Article 23 of the Indian Constitution prohibits trafficking in human beings and forced labor. The Devadasi system is a religious practice where young girls are dedicated to a temple deity and become temple prostitutes form of forced labor and trafficking, where girls and women are forced into the system by their parents or sold by traffickers to perform sexual services.

Article 24 of the Indian constitution Prohibition of employment of children in factories, etc.—No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment. The devadasi system is a practice that was prevalent in some parts of India and it is considered a form of forced labor. It is important to continue efforts to eliminate this harmful practice and provide support to those who have been affected by it. The Devadasi system often involves the exploitation of young girls, who are forced into prostitution at a young age.

Article 39 of the Indian Constitution directs the State to ensure that the health and strength of workers, men, and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter occupations unsuited to their age or strength. The Devadasi system violates this provision by forcing girls and women into a life of sexual exploitation and denying them their right to work in safe and healthy conditions.

Article 39 of the Constitution of India calls for the state to take measures to prevent exploitation and ensure social justice for all citizens.¹⁹

Article 39 (e) of the Constitution of India states that the state shall direct its policy towards securing that the health and strength of workers, men, and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

The devadasi system violates this principle as it involves the exploitation of young girls who are forced into a life of prostitution. That violates their fundamental human rights to life, liberty, and dignity. The state bears responsibility for eradicating such practices and rehabilitating females who have been consecrated to temples so that they might have a dignified life. Various states have drafted specific legislations against this evil system of the Indian society which some states to be prevalent in it are the Madras Devadasi (Prevention of Dedication) Act, the Andhra Pradesh Devadasi (Prevention of

¹⁹*Id.*

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Dedication) Act, the Karnataka Devadasi (Prevention of Dedication) Act and the Maharashtra Devadasi (Abolition of Dedication) Bill of 2005.

The alternative form of devadasis that exists in south India like the jogini dedication of girls with or without their consent is illegal. These acts also provide for punishment including imprisonment of at least two years but not more than five years and a fine of at least two thousand rupees but not more than five thousand rupees.

In addition to these constitutional provisions, there are also various laws in India, such as the Immoral Traffic (Prevention) Act, of 1956, which are aimed at preventing and punishing the practice of forced prostitution and trafficking of human beings.

SPECIAL LEGISLATIONS:

In India, legislation has been enacted to address the violation of human rights caused by the Devadasi system. The following are some of the key legislative measures that have been framed by the legislature:

The Devadasi (Prohibition of Dedication) Act, 1982

This act prohibits the dedication of women as Devadasis and makes it a criminal offence to dedicate, sell or purchase any person for the Devadasi system. The act also provides for the punishment of those who abet or promote the dedication of women as Devadasis.

This law was a significant step towards ending the Devadasi system, as it reduced the economic dependence of women on the temples and their patrons.

The Immoral Traffic (Prevention) Act, 1956

This act prohibits the trafficking of human beings for prostitution and other forms of sexual exploitation, including the trafficking of girls and women for the Devadasi system. The act provides for the punishment of those involved in trafficking, including those who facilitate, promote or finance the trafficking of persons.

The Protection of Children from Sexual Offences Act, 2012

This act provides for the protection of children from sexual abuse and exploitation, including the sexual exploitation of children who are dedicated to the Devadasi system. The act defines various forms of sexual abuse and exploitation of children and provides for the punishment of offenders.

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The Juvenile Justice (Care and Protection of Children) Act, 2015

This act provides for the care, protection, and rehabilitation of children who are victims of abuse, exploitation, and trafficking, including those who are dedicated to the Devadasi system. The act provides for the establishment of special courts for the trial of offences against children and for the appointment of guardians for children who need care and protection.

JUDICIAL PRONOUNCEMENTS

Judiciary and the Indian courts have played an active role in curbing this system from the Indian society and led down various important decisions to eradicate this problem or system from India once and for all. The decisions of these courts give an implicating effect to the legislations formed by the legislature. So, below mentioned are some of the landmark pronouncements of the judiciary against criminalizing and eradicating the society's evil system of Devadasi.

1. Prajwala v. Union of India (2016) ²⁰

This case was filed by an NGO called Prajwala, which works to combat the trafficking and sexual exploitation of women and girls. The Supreme Court of India issued several directives in this case to address the issue of trafficking of women and children, including Devadasis.

The court directed the government to implement a comprehensive rehabilitation program for victims of trafficking, including Devadasis.

The court also directed the government to take steps to prevent the practice of dedicating girls as Devadasis and to prosecute those involved in the practice.

2. Budhadev Karmaskar v. State of West Bengal (2011)²¹

In this case, the Supreme Court of India ruled that the practice of Devadasi is illegal and violates various provisions of the Indian Constitution, including the right to life and personal liberty and the prohibition of forced labor.

The court directed the government to take steps to prevent the practice and to rehabilitate women who have been subjected to it.

3. National Legal Services Authority v. Union of India (2014)²²

²⁰Prajwala vs Union Of India . on 9 December, 2015, <https://indiankanoon.org/doc/90702391/> (last visited Feb 23, 2023).

²¹Budhadev Karmaskar vs State Of West Bengal on 2 August, 2011, <https://indiankanoon.org/doc/1440465/> (last visited Feb 23, 2023).

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In this landmark case, the Supreme Court of India recognized the rights of transgender persons and directed the government to provide them with equal protection under the law. This case is relevant to the issue of Devadasis because many Devadasis are transgender persons who are subjected to discrimination and exploitation.

4. State of Maharashtra v. Madhukar Narayan Mardikar (1991)²³

In this case, the Bombay High Court ruled that the practice of dedicating girls as Devadasis is illegal and violates various provisions of the Indian Penal Code, including those related to prostitution and the trafficking of human beings.

CONCLUSION:

The Devadasi system is a clear violation of human rights and should be abolished immediately. This requires a multi-dimensional approach, including legal and policy reforms, awareness-raising campaigns, and support for the affected girls and women to enable them to live a life of dignity and freedom. The Devadasi system must be undertaken in consultation with the communities and in a culturally sensitive and respectful manner for the process of eradicating it.

It is important to work with community leaders, civil society organizations, and other stakeholders to build awareness and understanding of the negative impact of the Devadasi system on the human rights of girls and women. Devadasi system should be accompanied by legal and policy reforms that prohibit the practice and ensure that those who engage in it are held accountable. This will help to create a culture of zero tolerance for sexual exploitation and trafficking and give a strong message that the human rights of girls and women must be protected. The Devadasi system without infringing upon the human rights of the affected communities. It requires a concerted effort to build awareness and understanding, provide alternative livelihoods and educational opportunities, and create a culture of zero tolerance for sexual exploitation and trafficking. The human rights of girls and women must be protected and upheld throughout this process.

²²National Legal Ser.Auth vs Union Of India & Ors on 15 April, 2014, <https://indiankanoon.org/doc/193543132/> (last visited Feb 23, 2023).

²³State Of Maharashtra And Another vs Madhukar Narayan Mardikar on 23 October, 1990, <https://indiankanoon.org/doc/524900/> (last visited Feb 23, 2023).

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