



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

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THE DEVADASIS IN INDIA: LEGISLATIVE PROTECTION AND BEYOND

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ABSTRACT

It is often perceived in our mainstream thought that religion and sexual activities, especially those of an unmarried woman, do not go hand in hand. However, when exploring deep in some sections of the Hindu religion, we find that even religions can promote sexuality in the form of prostitution, to be precise. The Devadasis, Devi being a goddess and Dasi meaning female servant or slave, are such a faction in the Indian society who, at a very young age, were dedicated and “married off” to a deity, goddess Yelamma, and thus Yelamma becomes their husband. Their virginity is then auctioned to the highest bidder. Once dedicated, they are unable to marry, forced to become prostitutes for upper-caste community members, and eventually auctioned into an urban brothel. A ritual which, before being declared illegal, promoted revered classical art forms such as Bharatnatyam, has today turned into a social evil that even the law cannot get rid of. Prevalent mostly in the South India, the Devadasis are now nothing more than prostitutes living in inhuman conditions in shanties, suffering from a number of STIs, living on nothing but the meager money they may make from men paying them for sex. Religion in India is a mass industry. A country so vast that it contains religions and beliefs of all kinds, religion in India is encashed in terms of monetary as well as political gains. However, one industry in India which is carried on in the name

of religion is rarely acknowledged, much less talked about. The Devadasis in India have their existence dangling between the fettered hands of an incompetent legislation and a crippled judiciary. On the other hand, the social sanctions behind the practice have their grasp strong on its stilts.

This research paper tries to throw some light upon the plight of such women's plight, who are forced in to selling their bodies in the name of religion. It also tries to determine the causes of the failure of the legislations to abolish this practice completely, what the rights of the Devadasis in such a situation could be and what can be done about it.

1. HISTORY OF RELIGIOUS PROSTITUTION

The Devadasi system is said to have primarily originated as a part of tantric beliefs and methods of worship in certain temples of India to provide regular female attendants to the deities. Hinduism believes that if a woman engages in prostitution because of her own free will, she will suffer its consequences. Although, if she engages in the same for religious purposes, as a service to God, or as a duty with detachment, she will not be held responsible for her actions. It might not be conclusive to say that Hinduism favors or supports the Devadasi system, but it's existent nonetheless.

Although religious prostitution is not something unique to the Indian subcontinent: ancient Near Eastern societies along the Tigris and Euphrates rivers and Ancient Greece have depicted sacred prostitution in their remains, even the Hebrew Bible has mentioned it. However, India is one of the few societies where sacred prostitution is practiced, albeit illegal.

Hinduism is a religion of individuals and has many layers to it. Prostitution has been a part of India's social milieu since ancient times. Kings, warriors, feudal lords and rich merchants, all indulged in it. Women from poor social background resorted to it to please their masters or gain freedom from the bondage they were subjected to. On the other hand, there were some women who willingly participated in the profession. The faction included girls sold by their families into slavery on account of their inability to get them married, or women who were captured during battles or wars and sold for a profit by their captors.¹¹ Some served in the courts of kings as spies,

¹ Ishita Gupta, *Perceptions of Prostitution: The Devadasi System in India*, 3

<https://www.google.co.in/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwj7Pv>

guards, courtesans and dancer girls. They often accompanied the kings to war either to entertain or protect them.

In the Hindu religion, sexual activity is not earthly, but lust definitely is. The religion approves sexual union only for procreation, not pleasure. It preaches that those who are interested in *Moksha*, or salvation, should be wary of such non-celestial desires or impurities. Men are not to indulge into sexual activity with unmarried women and maidens against their wish. They would also have to repent for the physical pleasures they indulge in. Women in this society were expected to live under the protection of men at all times and were not allowed to move freely, unless accompanied by men.

Even then, prostitution was a recognized profession in the ancient Indian society. This profession at that time cannot be judged by our current standards, as they participated in professions of both entertainment and sensuality. Such women at that time were both despised and admired: despised because they seduced men and emptied their wealth, admired because their professional skills, beauty and artistry kept men engaged. Nonetheless, sexual union between a householder and a prostitute was frowned upon.² A prostitute is considered a fallen woman who has swerved from a normal life and can only be redeemed by turning to religion.

➤ **History Of Prostitution In India**

Prostitution as a profession can be traced back to the Brahmanical period of 1500 B.C., for purposes of studying its evolution, when prostitution was an integral part of Indian society.³In the early 1850s, acuties regarding the morality of prostitution transformed, leading to an augmented proscription of the practice.⁴At the same time, the British perceived prostitution as an evil required to assuage the “natural sexual desire” of their troops and pursued to regulate the practice by ordering that Indian women be accessible in the cantonments for fighters, consequently giving birth to the brothel system and red-light districts that exist in urban India today. By the time the British period arrived in India, most of these women became prostitutes or had taken up

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² Id at 5.

³ K.C. Tarachand, *Devadasi Custom: Rural Social Structure and Flesh Markets*, 197, Reliance Pub. House, New Delhi (1992).

⁴ Id at 202.

prostitution as the temples had lost the royal benefaction and were no longer capable of supporting them.⁵

When the British arrived in India, they were shocked by India's tolerance toward prostitution and the way in which the practice was treated like any other occupation.⁶ In order to safeguard soldiers, the British administration planned the health of prostitutes by way of medical inspections ensuing in arrest and confinement for those who were found to be infested with ailment. Later requirements encompassed registration of all prostitutes with the Superintendent of Police, obligatory weekly health checkups, and the issuance of identity cards to all prostitutes.⁷ These measures, approved under the pretext of public health necessities, were motivated not by a concern for maintaining the health and welfare of prostitutes, but rather were intended to protect clients.⁸ Such pronouncements laid the groundwork for the prostitution system that subsists in India today and shed light on the incongruities that lie beneath present legislation.

➤ **Religious Prostitution in India**

Religious prostitutes in India can be divided in two categories: the Devadasis and the Tawaifs. The Tawaifs were ancient women who were in the profession of prostitution as well as entertainment, both not mutually exclusive. The Tawaifs were, at this time, categorized by graded levels of prostitutes who, at the utmost end, were schooled in classical dance and music. They were assembled into three types: Kumbhadasi, Rupajiva, and Ganika. The Kumbhadasi were the bottommost class, customarily a servant who gave sexual amenities to the head of household. The Rupajivas were usually very aesthetically attractive and trained in dance and the arts.⁹ While some Rupajivas were born into prostitution, many took it up willingly to pursue riches or escape calamitous marital life. The most extremely respected were the Ganikas for whom prostitution was a profession and whose practice was controlled by state law. Ganikas were very gifted and skilled, and were thought to be a source of good luck, at times providing sanctifications over brides at weddings. Their rates were fixed by the government and received government incomes. They

⁵ Rekha Pande, *At the service of the Lord- Temple girls in Medieval Deccan (11th to 17th centuries)*, 32, Deccan Studies, Vol. II. No. 2 (2004).

⁶ Geetanjali Gangoli, *Indian Feminisms: Law, Patriarchies and Violence in India*, 132, Ashgate Publishing Limited (2007).

⁷ Prabha Kotiswaran, *Preparing for Civil Disobedience: Indian Sex Workers and the Law*, 21 *B.C.*, Third World L.J., 178 (2001) <http://lawdigitalcommons.bc.edu/twlj/vol21/iss2/1>

⁸ Id at 208.

⁹ Karuna Sharma, *The Social World of Prostitutes and Devadasis: A Study of the Social Structure and Its Politics in Early Modern India*, 9 *J. of Int'l Women's Studies* 297, 300 (2007).

reserved the right to consolidate and opine concerns and were taken care of when sick. Prostitutes from this hierarchy in the long run formed associations, held meetings, and claimed civic and domestic rights.

Devadasis, simply put, are wives of the goddess Yellamma. Some also call them the servants of God, although this definition can hardly be considered to be apt for the current times. *Devi* means a female goddess and *Dasi* means a slave or a servant. Devadasis in the ancient times were respected highly and were known as patrons of a refined culture of music and dance. The respect they gained was mostly because they had a status in the society which the women did not have at that time. While women were supposed to remain inside their respective homes and observe certain social practices which restrained them from carrying out normal activities or even engage in occupations, the Devadasis had a prestigious status in as dancers and musicians in temples, and had a sense of independence that the other women did not.

2. STRUGGLE FOR LEGISLATIVE PROTECTION TO DEVADASIS

Once a socially honorable position in the sixth century, this system today has devolved to pure prostitution due to crooked temple administration and more androcentric customs of worship that laid down male dominance and supremacy over these women.¹⁰ Furthermore, the privileges placed upon the woman as technique of being essentialized within the pious realm consigned men to acquiring social status through communications with women.

Colonial imposition of Christian ethics fundamentally influenced notions of sexuality and principles within civic and political dissertation in the country. Representations of women through the matrimonial family units as wife and mother gave rise to explorations of sexuality being restricted to the familial and reproductive territory. Any sexual activity not focused towards reproductive purposes was perceived as being divergent and was consequently socially stigmatized. This was echoed in the abolitionist campaigns that pursued to eradicate the Devadasi system. The campaign originated in the 1930s and by 1947 a law outlawing dedication of women

¹⁰ Amrit Srinivasan, *The Devadasi and Her Dance*. Economic and Political Weekly Vol.20, Issue no. 44, 1869, 1876 (1985). http://www.epw.in/journal/1985/44/special-articles/reform-and-revival-devadasi-and-herdance.html?0=ip_login_no_cache%3D0aac50986bd857105987f88019cf78ee (Accessed 1 October 2017).

to temples was approved. Muthulakshmi Reddy, a major advocate of this legislation presented the bill in the Madras Legislative Council in 1930.¹¹¹²The essential argument that was offered in support of the bill was rooted in the immorality of the practice. The practice was condemned and censured for fouling society and was presented as a social evil that required rectification.¹²

Those in contradiction of the abolitionist campaigns in the 1930s and 40s vied that the Devadasi system was a cultural right that required to be preserved. One of the stoutest contenders for the Devadasi system was S. Sathyamurthi, a representative of the Madras Congress who contended that eradication of the system would intimidate the existence of the temple priests. His disagreement was grounded in the conservation of the Hindu temples and traditions that could possibly be endangered due to colonization.

Both sides of the discourse concerning the obliteration of the Devadasi system establish their reasoning in the system but did not openly address the Devadasis themselves. Hence, women served simply as a mode of dialogue without becoming issues of those debates and were therefore denied their own awareness. This is insightful of a huge number of human rights and feminist publicity that either tolerates or censures prostitution whilst absolutely disregarding the benefits of those directly affected by such movements and crusades. Such treatise not only buttresses social structures and gender hierarchies that ostracize those convoluted in the profession,¹³ but moreover form definitions that are caught up in laws creating the individuality of a prostitute or a sex worker as a prey to societal tyranny. It undertakes that a woman's sexuality is browbeaten when brought out in the public sphere and so targets to eliminate the tradition.¹⁴Yet again, these claims are grounded on prevalent moral assumptions that bound female sexual manifestation to the private sphere of a wife for the object of becoming a mother.¹⁵

At that time, even within the community of the Devadasis themselves, there were those who reinforced the bill and others who felt susceptible to it. Women who supported the bill were mostly those who had been ill-treated and were incapable to attain any economic or material remuneration from the practice. Devadasis who were economically subjugated by men and were financially

¹¹ S. Anandhi, *Representing Devadasis: 'Dasigal Mosavalai' as a Radical Text*, Economic and Political Weekly, Vol. 12, Issue No. 11, 739 (1991). ¹²Id at 740.

¹³ Gail Pheterson, *The Prostitution Prism*, 234, Amsterdam University Press (1996).

¹⁴ Id at 10.

¹⁵ Shannon Bell, *Reading, Writing and Rewriting the Prostitute Body*, 103, Indiana University Press (1994).

reliant on them, competed that “the time had come for dasis to uphold their chastity and honor by leading the life of a housewife”.¹⁶ Even though, these were positions taken willingly by the Devadasis, it is particularly hard to dissociate them from widespread notions of morals and honor that were extremely influential in the expansion of such ideas. On the other hand, those who objected to the bill articulated concerns about restrictions on their monetary liberty as a result of the elimination of the system.¹⁷

Altogether, a number of legislations were enacted to prohibit the system. All legislations had different perceptions of the system and prohibited different aspects of the same. Bombay Prevention of the Dedication of Devadasis Bill, 1934 defined a Devadasi as any unmarried woman who may be dedicated to: any Hindu deity, idol, object of worship, temple or other religious institution. It made the act of dedicating punishable with imprisonment of either description for a term which may extend to one year, or with fine or with both. Madras Devadasi (Prevention of Devadasi) Act of 1947 defined “dedication” as the enactment of any ceremony, by whatever name called, by which a woman is dedicated to the facility of a Hindu deity; idol, object of worship, temple or other religious institution, making the act punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

The Karnataka Devadasis (Prohibition of Dedication) Act of 1982 made the act 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. Andhra Pradesh Devadasi (Prohibition Dedication) Act, 1988 included tying “tali with jakini” to a female or tying a woman by a garland to a Garuda Khambham, dhaarana and deeksha as a form of dedication. Goa’s Children Act, 2003 included a dedicated child as a “Child in Need” under the Act. It defined dedication as the performance of any act or ceremony by whatever name called, by which a girl child is dedicated to the service of any deity, idol, object of worship, temple, other religious institutions or places of worship and made the act punishable with imprisonment of either description for a term which may extend to 3 years and with fine which may extend to two thousand rupees.

Girls, at a very young age, often near 10-12 years of age, are dedicated to the goddess Yellamma,

¹⁶ S. Anandhi, *Supra* note 12 at 745.

¹⁷ Id at 748

by a ritualistic process which is very similar to the rituals performed in a typical Hindu marriage ceremony. “A string of red and white beads are tied around their neck and they irrevocably become Devadasi: maidservants of the deity.”¹⁸ Predominantly practiced in the states of Karnataka and Andhra Pradesh, a Devadasi dedicates her entire life in service to her husband, the goddess Yellamma, who is said to be a protector of the fertility of lands. The girls so dedicated to the goddess are mostly from a low-income family and are archetypally Dalits, a lower caste of India. These women are, as a result, ostracized not only because of their gender but also because of their caste and class connotations thus instituting the bottommost rung of the societal hierarchy.

The Devadasis too, have arisen at the bull's eye of multiple spheres of reasoning. There has been some struggle that has gone into showing the Devadasi as a “ritual specialist” primarily and only then as an artist or courtesan;¹⁹ as a figure vital to “complicate the historiography of social reform related to women in colonial India”;²⁰ as a fraternity of women who enjoyed substantial social and economic status and attacked colonial authority, till they fell on the incorrect side of colonial legislations.

Today, Devadasis are often traded into urban brothels. This practice was banned in India in 1947, but due to the pecuniary incentive involved, cases still transpire of young girls being forcibly married away to serve as Devadasi.²¹ This system is no longer restricted to the religious tradition even if it still finds its pedigrees in custom. The practice in the present day is simply downgraded to sex work where young girls, upon attaining puberty, ceremonially get their first buyer and continue the practice merely as sex workers. The Devadasi system is heritable in that women either adopt young girls otherwise bestow their own daughters. A historical reason for this ritual is that Devadasis were obligated to perpetuate the system with the intention of maintaining the material and economic doles and privileges they received from the temples.²²

Humanitarian organizations approximate that up to 5000 girls become Devadasi every year with

¹⁸ Megan Rowland, *A Light in the Darkness: Fighting Ritualistic Prostitution in South India*, 1, <http://www.hartuk.org/wp-content/uploads/2013/07/A-Light-in-the-Darkness.pdf>

¹⁹ S.Kersenboom, *Nityasumangali: Devadasi Tradition in South India*, 54, Motilal Banarsidass, New Delhi (2002).

²⁰ K.Parker, *A Corporation of Superior Prostitutes: Anglo-Indian Legal Conceptions of Temple Dancing Girls, 1800–1914*, *Modern Asian Studies*, Vol. 32, Issue. No. 3, 560 (1998).

²¹ *Minor Forced to Become Devadasi*, *Times of India*, (Dec. 18, 2006) http://timesofindia.indiatimes.com/NEWS/Cities/Bangalore/Minor_forced_to_become_Devadasi/articleshow/843185.cms.

²² *S. Anandhi*, *Supra* note 12 at 740.

ritual “weddings” taking place in private homes in the middle of the night to fend off detection.²³

The following table gives an idea of the Devadasis and their mode of entry into prostitution:²⁴

Table 3.5 Comparisons of mode of entry into sex work

	Mode of entry into sex work						Total
	Myself	Forced	Sold	Cheated	Devadasi	No reply	
Women entering directly into sex work (n=1158)	805	83	104	68	31	67	1158
% of total	69.5	7.2	9.0	5.9	2.7		
Women with experience of labour markets before or alongside sex work (n=1488)	1086	132	64	172	45	29	1488
% of total	73.0	8.9	4.3	11.6	3.0		
Women with work identities but sequence of entry unknown (n=326)	259	23	9	30	2	3	326
% of total	79.4%	7.1%	2.8%	9.2%	0.6%		

3. CONSTITUTIONAL PROTECTION TO DEVADASIS

The Indian Constitution is concentrated on achieving a qualified equality for all people by way of the elimination of systematic pyramids, including gender-based hierarchies.²⁵ Article 14 of the Indian Constitution arranges the fundamental right that all women have to equality. In practice, this right is challenging to enforce and merely arranges for a foundation on which prospective legislation may depend on. Numerous other provisions lay out the Indian Constitution’s accessible attitude toward women, together with the Article 15(1) prohibition in contradiction of discrimination based on sex. Article 16 necessitates equality of opportunity for all in cases of public employment and prohibits discrimination based on sex. These fundamental rights are bolstered by Article 15(3), which posits that the State is authorized to take positive action to make “special provision[s] for women.”²⁶

²³ Owen Dean, *Former Religious Prostitutes Help Those Still Trapped*, World Vision eNews http://www.worldvision.org/about_us.nsf1947/child/eNews_india_051606

²⁴ Rohini Sahni & V. Kalyan Shankar, *Sex Work and its Linkages with Informal Labour Markets in India: Findings from the First Pan-India Survey of Female Sex Workers*, 46, IDS Working Paper, Vol. 2013 No. 416 (2013).

²⁵ Pami Vyas, *Reconceptualizing Domestic Violence in India: Economic Abuse and the Need for Broad Statutory Interpretation to Promote Women’s Fundamental Rights*, 13 Mich. J. Gender & L. 177, 180-81 (2006).

²⁶ Article 15, Constitution of India, 1950

Article 23, specifically pertinent to the sex trade, prohibits traffic in human beings and all type of forced labor. Beyond its basic articulation of rights, the Constitution encompasses Directive Principles of State Policy that levy obligations on the State to protect equality and eliminate discrimination.²⁷ These Principles are not enforceable in court but offer direction for state policy.²⁸

Mainly relevant is Article 39, which lays down that the State should secure an suitable means of livelihood for both men and women the same, guarantee equal pay for equal work, encourage health for workers, and check citizens from being forced, through economic compulsion, to take on vocations unsuitable to age and strength. Article 42 requires the State to protect just and humane working situations and to provide maternity aids. Lastly, the Constitution states that every citizen of India has a fundamental obligation to renounce practices deprecating to the dignity of women.²⁹ These provisions promote an emphasis on human rights and gender equality, and should lead future national legislations.

Apart from Constitutional provisions, the practice of Devadasis in any form is in complete infringement of the provisions of Section 370 and 370A, as amended through Criminal Law (Amendment) Act, 2013 as well as Section 372 of Indian Penal Code. It is also against Immoral Traffic (Prevention) Act, 1986.

4. DEVADASIS: A HUMAN RIGHTS PERSPECTIVE

Current human rights treatises on the matter are insightful of the various feminist viewpoints on prostitution. Nonetheless, the practice today presents itself as an undeviating abuse and mistreatment of women's rights and freedoms irrespective of the inherent social pyramids and gender disparities. We cannot rebate the gender, class and caste obstacles in identifying the radical feminist perspective that wish to prohibit prostitution by virtue of its misogynistic worth. It is, nevertheless, vital to recognize and grant the abuse experienced by the Devadasis for purposes of identification of the practice as a violation of human rights before critiquing its gradations to formulate feminist debates about the issue.

²⁷ Articles 36-51, Constitution of India, 1950.

²⁸ Prabha Kotiswaran, *Supra* note 8 at 167.

²⁹ Article 51A, Constitution of India, 1950.

Even though a law passed in Colonial India debarred the practice of bestowing young girls to temples, the tradition still carries on because of not only its ancient and religious implications but also the consequential lack of selection for girls belonging to Devadasi families. Often young girls are involuntarily given into sex work by their families because of monetary need and also because there is no way for their daughters to get wedded and be assimilated back into society. This profession today can be said to be born out of extreme poverty and blossoms on deception, force, and simple cruelty to women.³⁰

Due to persistent economic needs and the overall perception of a girl child as a liability to the parents, young girls belonging to these families are obligated into the practice. This is contemplative of the radical feminist perspective that observes prostitution as the institutionalization of misogyny.³¹ It characterizes not only class and caste supremacy but also an explicit endeavour to control women's bodies and sexuality.

Another major issue related with the Devadasi tradition that is caught up in current human rights discourse is trafficking of women. There has advanced a „trafficking belt“ nearby the districts adjoining Maharashtra and Karnataka from where Devadasis are obtained for the red-light districts of Mumbai, Delhi or other large cities in the nation.³² Devadasis, because of their pecuniary and social status and lots of children, often turn to pimps who assist as “guardians” making them susceptible to trafficking.³³ Although trafficking tracks are not developed exclusively on the foundation of the Devadasi practice, the tradition plays a colossal role in their sustenance and dissemination into conventional society.

Another issue that is narrowly entangled with trafficking is the health threat that sex work and trafficking pose. With restricted contact to healthcare resources and dearth of awareness, AIDs and other venereal diseases are exceedingly ubiquitous within the Devadasi sex workers. This threat is heightened when women are handled to larger cities, due to lack of accessible space and disclosure to larger populations. Even midst the Devadasi communities, frequent pregnancies and abortions initiating at an early age serve as health dangers for such young women. Besides,

³⁰ Sabin Russell, *The Role of Prostitution in South Asia's Epidemic*, S.F. Chron., 65 (2005), <http://www.sfgate.com/health/article/The-Role-of-Prostitution-in-South-Asia-s-2743953.php#photo-2186429>

³¹ Ishita Gupta, *Supra* note 2.

³² K.C. Tarachand, *Supra* note 4.

³³ Maria-Costanza Torri, *Abuse of Lower Castes in South India: The Institution of Devadasi*, Journal of International Women's Studies Vol.11 Issue No.2, 48 (2009).

abortion practices for undesirable pregnancies are rudimentary and lack of knowledge for the same pose imminent threat to the lives of the mother, too.³⁴ Therefore, deficiency of available resources and schooling also mark the decent of the Devadasi practice as a human rights matter.

The gravest violation of human rights of the Devadasis, according to me, occurs in the name of rehabilitation of the Devadasis as sex workers under the ITP Act. Many women have reported numerous cases of sexual and physical harassment in the centres for rehabilitation. The women are kept in confinement in the centres and are harassed continuously there. They are not even given a choice to stay or walk away from these centres. This harassment renders them psychologically damaged for a long period of time, not to mention being physically hurt and wounded.³⁵

Since its independence, India has made constant commitments to international human rights law. India is a signatory to the International Convention for the Suppression of the Traffic in Persons³⁶; the convention provided the incentive for the introduction of the innovative Immoral Traffic Prevention Act in 1956. India is moreover a signatory to the International Covenant on Civil and Political Rights³⁷ and the Abolition of Forced Labor Convention. Furthermore, the government has ratified the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, which compel member states to guard against discrimination and to subdue all forms of trafficking in women and children.

5. FAILURE OF LEGISLATIONS

India has by way of its legislations tried to put an end to the Devadasi system altogether, but the Indian legislations have failed miserably to obliterate this practice. The problem with these legislations can be found in their adaptations as well as their drafting. First of all, prostitution in India has not been banned completely and explicitly.

This loophole leaves a hole big enough for corruption by the politicians and the police. Also, the

³⁴ P M Nair, *A report on trafficking in women and children in India 2002 - 2003*, New Delhi, NHRC, UNIFEM ISS, 365 (2004) <http://nhrc.nic.in/Documents/ReportonTrafficking.pdf> (Accessed 1 October 2017).

³⁵ Id at 363.

³⁶ Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others, July 25, 1951, 96 U.N.T.S. 271.

³⁷ International Covenant on Civil and Political Rights, Dec. 16 1966, 999 U.N.T.S. 171.

institution of Devadasis and prostitution have been confused with each other so constantly that Devadasis have now become a synonym for prostitutes. This perspective of Devadasis as prostitutes has been professed by none other than the government itself. Failure to recognize the Devadasis as the promoter of arts but as prostitutes instead has rendered the whole institution worthless.

Even after it has been banned, the practice continues still because of the fact that the Devadasis, when they are virgin, are sold for quite a lot of money, but when they reach their 30s or 40s, they do not earn as much as a sustainable livelihood demands.

Because of this fact, the Devadasis are often forced to sell their own daughters to urban brothels and earn some money or they indulge in trafficking young girls from these villages to the urban brothels for the same reason. This constitutes a vicious cycle of poverty and a life of indignity for such women.

The biggest issue is that even though the Devadasis think of themselves as higher as and holier than the non-religious prostitutes, their clients see no difference in the two and treat them just the same. They face violence by the hands of their clients and are susceptible to undesired pregnancies and venereal diseases such as HIV/AIDS.

There is no scope for a proper rehabilitation by the government and even the NGOs cannot work as much without the help of the executive and the police. The improper rehabilitation and the harassment on these women in the rehabilitation centers in itself is an ironic proof of the legislations being maladaptive. The police themselves treat the Devadasis as simply sex workers and harass them sexually and physically. The following table gives an account of all the sex workers, including Devadasis, who have faced violence by hands of the police:³⁸

EXPERIENCE OF POLICE VIOLENCE		
Pan India Survey of 3000 sex workers		
Abusive Language	1431	50%
Beaten, Hair pulled, Beaten with belts	1011	35%
Threatened	1052	37%
Forced to bribe	569	20%

³⁸ R Sahani & Shankar Kalyan, *Pan India Survey of Sex Workers*, 2011 <http://www.sangram.org/resources/Pan India Survey of Sex workers.pdf>.

CONCLUSION

Even after hundreds of years of their existence and the numerous contributions the Devadasis have made to the culture of India³⁹, the Devadasis' existence continues to be denied. Many people in India may not even have knowledge of such a custom existing in India. Due to these reasons, many Devadasis have converted to other religions to liberate themselves from the system and their curse. Perceptions of Devadasis are extremely vigorous and entrenched in their religious status in society. Although they are marginalized and socially convicted for their work based on popular morals, their social status is not liberated of their religious status. Even today, Devadasis are thought to be propitious for marriage ceremonies within upper caste Hindus and so their presence is vital on certain occasions. Not only that, Devadasis, as followers of Yellamma, revel in a semiholy status for the duration of five days of a festival in festivity of the goddess.⁸ They are worshipped and esteemed by the locals thus construing very different insinuations of the Devadasi system.

The Indian government has been trying to eliminate this system completely and do justice to the women who have suffered such grave human rights violation. The Andhra Pradesh government has finally begun to frame rules for the Devadasi Prohibition Act that was implemented 28 years ago. The act was first articulated by the state in 1988, but the government had not outlined any rules for the officials to follow if in any case a violation of the Act was found.⁴⁰ The Centre, in December 2015, had requested states to invoke rigorous penal provisions and bear special drives to prevent such practices under any semblance, labelling the system as one of the most monstrous practices against women.⁴¹

The 800-year old tradition came to an end formally, with the country's last practicing Devadasi, in the Jagannath Temple, Orissa, dying at the age of 92.⁴² However, the practice still continues by way of indulging in sex work. The tradition may eventually come to an end if the legislation is made sturdier and rigorous provisions are given for violating the provisions. The center

³⁹ The Devadasis were said to have developed various forms of dances and arts such as Bharatnatyam. Such form of classical dance has now become the identity of India on a global pedestal. ⁴⁰Supra note 2.

⁴⁰ The News Minute, *Andhra to Frame Rules to Rehabilitate Devadasis*, December 10, 2015 <http://www.thequint.com/india/2015/12/10/andhra-to-frame-rules-to-rehabilitate-devadasis> (Accessed on 1 October 1, 2017).

⁴¹ Deccan Herald, *Centre asks states to stop Devadasi system*, December 28, 2015 <http://www.deccanherald.com/content/519925/centre-asks-states-stop-devadasi.html>. 43

⁴² Mohapatra Debabrata, *Puri's Last Practising Devadasi Dies at 92*, Times of India, Mar 20, 2015, <http://timesofindia.indiatimes.com/india/Puris-last-practising-devadasi-dies-at-92/articleshow/46629322.cms>

government also needs to bring the Devadasis to justice by breaking the vicious cycle of poverty and trafficking and provide the Devadasis with adequate means to live and an easier entry in the labor market. Only after such sturdy steps can the Devadasis be finally liberated from the curse of being exploited in the hands of the public or the police.

