

ANDHRA PRADESH DEVADASIS (PROHIBITION OF DEDICATION) ACT, 1988

10 of 1988

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An Act to prohibit the dedication of Women as Devadasi in the State of Andhra Pradesh. Whereas the practice of dedicating Women as Devadasis to Hindu dieties, Idols, objects of worship, temples and other religious institutions or places of worship exists in certain parts of the State of Andhra Pradesh; and Whereas such practice, however ancient and pure in its origin, leads many of the women so dedicated to degradation and to evils like prostitution; and Whereas it is necessary to put an end to the practice. Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirtyninth Year of the Republic of India as follows:

1. Short title, extent and commencement :-

(1) This Act may be called the Andhra Pradesh Devadasis (Prohibition of Dedication) Act, 1988.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette, appoint.

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 a Hindu diety, Idol, object of worship, temple or other religious institution or place of worship and includes tying "tali with jakini" to a woman or tying a woman by a garland to a Garnda Khambham, dhaarana and deeksha ;

(b) "Devadasi" means any woman so dedicated by whatever name called and includes Basavi, Jogini, Parvathi, Mathamma and Thyamma;

(c) "Government" means the State Government;

(d) "notification" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;

(e) "Woman" means female of any age.

3. Dedication as Devadasi to be unlawful :-

(1) The dedication of a woman as Devadasi, whether before or after the commencement of this Act and whether 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.

(2) Any custom or usage, prevailing in any Hindu community such as the Begum, Kalavanthula, Sani, Nagavasulu, Devadasi, Kurmapulu, Basavi, Jogini and Parvathi and the like, that a woman of that community who gives or takes part in any melam (nautch), 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 or 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 Devadasis :-

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.

5. Penalties :-

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 shall on conviction 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 and with fine which may extend to rupees three thousand but which shall not be less than rupees two thousand:

Provided that where the person referred to in this section is a parent or guardian or relative of a woman so dedicated, he shall on conviction be punishable with imprisonment of either description for a term which may extend to five years but which shall not be less than two years and with fine which may extend to rupees five thousand but which shall not be less than rupees three thousand;

Provided further that the woman who is dedicated in such ceremony or act or in respect of whom such ceremony or act is performed shall not be punishable.

6. Punishment for propogation :-

Whoever propogates the practice of dedication of women as Devadasi shall on conviction be punishable with imprisonment of either description for a term which may extend to three years but which shall not be less than one year and with fine which may extend to rupees five thousand but which shall not be less than rupees two thousand.

7. Powers to be conferred on Collector :-

The Government may confer such powers and impose such duties, on the Collector or any other officer of the Revenue Department not below the rank of Mandal Revenue Officer, as may be necessary to ensure that the provisions of this Act, are properly carried out and may specify the local limits within which such powers or duties shall be carried out by such officers.

8. Duties of Collector and other officers :-

It shall be the duty of every Collector and other officers specified under Section 7 to inquire whether after the commencement of this Act, the system of Devadasi is being practised and if as a result of such enquiry, any such practice is found to exist, he shall forthwith take such action as may be necessary to put an end to such practice.

9. Offences to be tried by Executive Magistrates :-

The Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of first class or of the Second Class for the trial of offences under this Act; and on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed for the purposes of the Code of Criminal Procedure, 1973 to be a Judicial Magistrate of the first class, or of the Second Class, as the case may be.

10. Offences under the Act to be cognizable and nonbailable :-

Every offence under this Act shall be cognizable and nonbailable.

11. Power to make rules :-

(1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration in one session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be ; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

12. Repeal and Saving Act XXXI of 1947 :-

(1) The Andhra Pradesh (Andhra Area) Devadasis(Prevention of Dedication) Act, 1947 is hereby repealed.

(2) On such repeal the provisions of Sections 8 and 18 of the

Andhra Pradesh General Clauses Act, 1891, shall apply.