

No. 24013/16/2015-SC/ST-W
GOVERNMENT OF INDIA
(Ministry of Home Affairs)
(Centre – State Division)

New Delhi, the 22nd December, 2015

To

- 1) Chief Secretaries of all State Governments including GNCTD
- 2) Administrators of DD, DNH, A&N, Lakshadweep.

Subject: Abolition of Devadasi System.

Sir/Madam,

The 'Devadasi System' is one of the most heinous practices against women degrading them to the lowest level. It has come to the notice through various PILs & Media news that 'Devadasi System' still exists in the certain parts of the country especially in "beriya" and "nat" communities in the name of religious practices. Even though it was abolished long back by passing various enactments by different State Governments, but reports reveal that 'Devadasi System' still persists. Such practice is absolutely inhuman and against the dignity of women and therefore 'Devadasi System' needs to be completely abolished both in letter and in spirit.

2. State level legislations like the Karnataka Devadasis "Prohibition of Dedication" Act, 1982, Maharashtra Devadasis "Abolition" Act, 2006, have completely prohibited such practices. The practice of Devadasi System in any form is in total contravention of the provisions under Section 370 and 370A of the IPC as amended through the Criminal Law (Amendment) Act, 2013, Section 372 of IPC and the Immoral Traffic (Prevention) Act, 1956 which are enumerated below:

(i) Section 370 and 370 A of the IPC of Criminal Law (Amendment) Act, 2013:

As per Section 370(1), whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbors, (d) transfers, or (e) receives, a person or persons, by using threats or using force, or any other form of coercion, or by abduction, or by practicing fraud, or deception, or by abuse of power or by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harbored, transferred or received, commits the offence of trafficking. The expression exploitation includes any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs. The quantum of punishment has been enhanced through the amendment and it has been further enhanced in offences related to trafficking of minor and exploitation of a trafficked person.

(ii) Section 372 of IPC:

This Section prohibits selling minors for purposes of prostitution - "Whoever sells, lets to hire or otherwise disposes of any person (person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for 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 be liable to fine".

(iii) Immoral Traffic (Prevention) Act, 1956:

As per Section 5 of this Act procuring, inducing or taking [person] for the sake of prostitution is an offence. Detaining a person in premises where prostitution is carried on is a punishable offence under Section 6 of

this Act. Prostitution in or in the vicinity of public places is also an offence under Section 7 of Immoral Trafficking (Prevention) Act, 1956.

3. In furtherance of continuing efforts taken by State/UTs, they are expected to ensure the implementation of existing law strictly to prevent such practices under any guise. Any and all such instances/cases should to be dealt with strictly and without exception as per extant law.

4. State/UTs should initiate special drive to identify all such victims and suitably rehabilitate them by providing proper counseling, medical treatment, guidance, support and motivation to lead a dignified life. For this purpose, help and support of NGOs working in this field may be taken. Special sensitization and skill development programs should be organized for such victims so that they can take up income generation activities to lead a dignified life.

5. It is requested that the action taken in this regard may be intimated to this Ministry at the earliest.

Yours faithfully,



(Kumar Alok)

Joint Secretary (Centre -State)

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Copy also for information and necessary action to:

- 1) ACS/Principal Secretary/Secretary (Home) of all States and UTs
- 2) The Director Generals of Police of all State and IGS of all UTs.