**DEVDASI SYSTEM : AN ANCIENT PRACTICE OR CASTEISM AND SEXISM REDEFINED**

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**ABSTRACT**

The Paper makes a deep study into the Devadasi system that exits in India. It mainly deals with the Historical background of devadasi system in India, its present day form and how it violates the basic rights of women and various laws in force. This practice also violates a number of International treaties and conventions for women and child rights like the International Covenant on Civil and Political Rights[[1]](#footnote-2), Convention on the Elimination on all Forms of Discrimination against Women[[2]](#footnote-3), Universal Declaration of Human Rights[[3]](#footnote-4), Convention on the Rights of the Child[[4]](#footnote-5) and Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography[[5]](#footnote-6). Devadasi system was an integral part of the Hindu religion in Ancient India. It is system in which a female before reaching the age of puberty is married or dedicated to a temple, temple priest or some local deity. It was a common feature of all temples in Ancient India but continues to exist even today in some parts of India. It was considered a holy practice. The word ‘Devadasi’ is made up of two Sanskrit words ‘Deva’ which means God and ‘Dasi’ meaning a ‘female servant’. It is a system of female prostitution with religious sanctions. Most of the girls who were forced into this practice belonged to low castes such as dalits. They were married off to temple priests and were sexually exploited by them and the rich and affluent zamindars, traders and other men. They were forced into this practice in the name of religion and God, they were made to believe that it is a form of Service to the almighty.In the present times these women have lost their auspicious and sacred status and are forced to live marginalized lives. Their problems are given negligible recognition and require strict enforcement of their social and political rights. This paper makes an attempt to provide suggestion to control this practice and bring about a change in the social outlook of the society.

**KEYWORDS**

Dalits, Slavery, Sexual exploitation, Religion, Ancient India, Myth

**INTRODUCTION**

The devadasi practice is the one in which low caste girls as young as five or six years are married to a Hindu God and are sexually exploited by temple patrons and higher caste individuals.[[6]](#footnote-7) There is no exact timeline to substantiate when the devadasi system originated in the past. However the first reference relates to the Keshari Dynasty in the 6th century A.D. in South India.[[7]](#footnote-8) The practice originated when one of the queens of the dynasty decided that in order to honour the Gods of the dynasty, some of the classical dancers must be married to the Gods.[[8]](#footnote-9)At the same time some archaeologists argue that this institution dates back to 2500 B.C. in Mohenjodaro, an Indian piece of art depicting a naked dancing woman as Devadasi.[[9]](#footnote-10) During the early times these women were treated with utmost respect since it was believed that they are married to an immortal soul. These women were also given the status of Goddess. Their duties included taking care of the temple, learning classical dances and worshipping the deity.

A huge number of theories exist with regard to origin of the devadasi system. Some of which are the Mother Goddess theory, the Sanskritization theory, Matriarchy to Patriarchy theory, Religious tradition theory, Lineage theory, Racial theory.[[10]](#footnote-11) . Devadasi’s are referred by different names in different parts of the country. In Karnataka they are referred to as Devadasi, Rajadasi, Jogathi, in Tamil Nadu they are known as Chennaveedu, Kannigeyar, Nithyakalyani, Rudra Dasi, Manikattar and Andhra Pradesh - Bhogam Basavi, Sani, Devali, Kalavanthala, Maharashtra - Marali, Bhavin, Kerala - Chakyar, Kudikyar, Orissa - Maharis, Nepal - Dhuki, Madhya Pradesh - Bhavin, Kulavanthin.[[11]](#footnote-12)

The myth behind the dedication of young girls to Goddess in Southern India goes back to over 10 centuries. A lady named Renuka was the companion of a sage Jamadagini. She was a pure woman. Every day she would fetch water from the banks of a river, she would mould one pot a day at bank and fetch water in it. One day she was astound by the handsome looks of a man bathing in the river. On her delay in reaching her home, the husband alleged her of adultery. He found her guilty of breaching her matrimonial vows and as a punishment ordered his 12 year old son Parsuram to behead his own mother. Happy with unquestioned obedience of his son, the sage granted one wish to him. The clever son asked for his mother back. The sage then saw a mangtani passing by, he beheaded her and attached her head on the body of the mother. Renuka had now resurrected with a body of a saint and head of mangtani. With the wish to amend his mistake Jamadagini blessed her and said that all unmarried girls would worship her, dedicate themselves to her and marry her. They would also cater to the sexual demands and needs of all men without expecting any permanent bonding. According to him they would earn their livelihood through alms. This is one theory that describes the origin of devadasi practice but there are many other that exist in the Indian history.[[12]](#footnote-13)

The status and prestige of these women began to decline during the Islamic and British rule.[[13]](#footnote-14)During their invasion they destroyed the Hindu Temples, looted their wealth and raped the women.[[14]](#footnote-15) With the decline of temples, the status of devadasi’s declined miserably.[[15]](#footnote-16) The patrons and rulers who supported them were replaced and destroyed. The girls were left marginalized and had to fend for themselves.[[16]](#footnote-17) Instead of dancing at temples, they had to dance at marriages and private places. As a result dancing and prostitution became an integral part of the Indian society.[[17]](#footnote-18)

It can also be seen that the devadasi system flourished more in Southern India than in Northern India. Historians believe that this is due the political instability and Persian and Mughal rule in North India. As it was observed by Jogan Shankar: "Hence in North India the institution dedication to temple dancing is very rare. This may be due to Mohammedan rule which destabilized temple administration and sacred complexes were frequently attacked by alien plunderers. However, dedicated dancers were not attached to any temple as such. Mohammedan puritans like Aurangzeb treated this institution and other Hindu cults with contempt. He wanted to do away with such cults. In fact he succeeded in his endeavours to some extent."[[18]](#footnote-19)

**PRESENT DAY SITUATION OF THE DEVADASI SYSTEM**

The devadasi system may have deteriorated during the later years but the practice still continues in some parts of India. However, it is difficult to ascertain the exact number of devadasi’s that exist today due to the underground existence of the practice and its difficult to differentiate it from prostitution. According to the data of Indian National Commission for Women (“NCW”), there are still at least 44,000 active devadasi in India, with the NCW noting that the number could in fact be as high as 250,000.[[19]](#footnote-20) However, the majority of active devadasis are in Karnataka (22,491 individuals), Andhra Pradesh (16,624 individuals), and Maharashtra (2,479 individuals).[[20]](#footnote-21) In 2007, Anti-Slavery International published a study on the practice of ritual slavery or forced religious marriage. It found that 93% Devadasi were from Scheduled castes (Dalit) and 7% from Scheduled Tribes in India.[[21]](#footnote-22)According to the data of Joint Women’s Programme, Bangalore, over 63.6 percent of “young girls were forced into the Devadasi system due to custom, while 38 per cent reported that their families had a history of Devadasi’s.”[[22]](#footnote-23)

The status and role of devadasi’s is quite different as compared to past. Today it is only related to sex, trade, trafficking and exploitation of the lower caste and has nothing to do with the religious and spiritual aspects of the past system. Unlike the past most of these girls belong to the backward classes. The difference between the past and the present system was articulated by William Dalrymple of The New Yorker: “There is . . . an almost unimaginable gulf separating the devadasis of ancient poems and inscriptions and the lives lived by women [today]. In the Middle Ages, the devadasis were drawn from the grandest families in the realm—among them princesses of the Chola royal family—and possibly from slaves captured in war. Many were literate, and some were highly accomplished poets; indeed, at the time they seem to have been among the few literate women in the region. Today, the devadasis are drawn exclusively from the lowest castes—usually from the Dalit Madar caste—and are almost entirely illiterate. The majority of modern devadasis in Karnataka are straightforward sex workers.”[[23]](#footnote-24)

The major reasons that this practice still exits is the rigid caste system and patriarchy in the Indian society. It exists as an outcome of religious influence, societal framework and economic need.

Many girls still continue to indulge in the devadasi practice because of the societal and religious pressure. There a number of myths and customs that continue to encourage the devadasi practice in India. In many parts of India it is still believed by the landowners and the upper caste that deflowering young girls is prestigious and may serve as an elixir from many diseases.[[24]](#footnote-25) There also exits a believe in these girls that if they have sex with their clients, they are passing the HIV thus curing themselves.[[25]](#footnote-26)

The lower castes and dalits observe this system as a way to rise in the rigid caste system of the Indian society. Furthermore, this is system is supported by the priests, in the ancient time whenever anyone came to them with their problem they described it as a wrath of the deity and suggested that they should offer their daughter to the deity.[[26]](#footnote-27)

Most of the girls from the backward class are pushed into this system because of the economic perks that the patrons provide. Since most of these families are engaged in menial jobs like cleaning gutters, physical contact with blood and excrement and other unclean work, therefore, the economic incentives from this practice forces them to push their daughters into it. It was told by one of the devadasi that even though her job is insecure and dangerous, she has been able to “earn two hundred to three hundred rupees from a single client, which has allowed her to look after and marry off her sister, provide for her mother and son, and own land, the latter of which is a rarity for lower-caste individuals”.[[27]](#footnote-28)

Despite all these factors, the key factor that still allows the existence of the devadasi system is lack of awareness about laws. There exist a number of legislations that prohibit such practices but due to illiteracy, superstition, and lack of awareness this menace still continues.

**LAWS PERTAINING TO DEVADASI SYSTEM IN INDIA**

Many attempts have been made by the Indian government to abolish the devadasi system. First of the attempts were made in 1924 when the Indian Penal Code was amended to declare “the practice of dedicating girls for the ultimate purpose of engaging them in prostitution as illegal.”[[28]](#footnote-29)

The Indian constitution ensures all Indian citizens “Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity; and to promote among them all Fraternity assuring the dignity of the individual and the unity and integrity of the nation.”[[29]](#footnote-30) Despite this there is a failure to ensure all this to the devadasi’s.

Since then separate legislations have been passed by the states to curb this practice. The first effort was made by the state of Bombay by enacting the Bombay devadasi Protection Act of 1934, the act declared the practice of dedicating girls whether with or without their consent as illegal.[[30]](#footnote-31) Most of the legislations have been passed in the Southern States because this problem is still persistent due to large number of temples in the South India. Some of the major legislations are Madras Devadasi (Prevention of Dedication) Act, Andhra Pradesh Devadasi (Prevention of Dedication) Act, Karnataka Devadasi (Prevention of Dedication) Act and the Maharashtra Devadasi (Abolition of Dedication) Bill of 2005.[[31]](#footnote-32) These acts identify all alternative forms of devadasi that exists like jogini and declare dedication of girls with or without their consent as illegal. The acts also provide for punishment including imprisonment of atleast two years but not more than five years and a fine of atleast two thousand rupees but not more than five thousand rupees.[[32]](#footnote-33)

However, these laws are not strictly followed because of lack of proper implementation and awareness. Furthermore, the punishment has received criticism for being corrupt and poorly designed with reference to the degree of crime involved.[[33]](#footnote-34) It has also been discussed that it is difficult to assess the accurate number of devadasi’s in India due to underground nature of the practice and low reporting due to fear of punishment.

Efforts have been made by the Supreme Court of India to implement these legislations and protect the women rights. In the case of Vishal Jeet v. Union of India and Others[[34]](#footnote-35), 1990 the Supreme Court held that “in spite of the stringent and rehabilitative provisions of law under various Acts, it cannot be said that the desired results had been achieved and called for evaluation of the existing measures by both the central and state governments.”[[35]](#footnote-36) Further in February 2014, the Supreme Court directed the Karnataka Chief Secretary to “take all steps to prevent women from being forced to become ‘devadasis’ at a temple function” at the Uttarang Mala Durga temple in Karnataka.[[36]](#footnote-37) Since then efforts have been made by the State Governments and the High Courts to control this practice.[[37]](#footnote-38)

**INTERNATIONAL LAWS AND CONVENTIONS**

Devadasi practice in India and around different parts of the world is not only a violation of domestic laws but also international laws. The Devadasi practiced in India violates a number of international conventions to which India is a state party to. There are many reasons for the lack of enforcement of these treaties and conventions. Firstly, many of these conventions lack specific enforcement mechanisms which hinder their power to solve individual matters. The Universal Declaration of human rights to which India is a party to lacks practical application and is not binding.[[38]](#footnote-39)Furthermore, the practice is more of a domestic issue rather than an international one. Thus, more of the burden to curb this menace lies with the domestic courts rather than the international courts for justice.[[39]](#footnote-40) Most of the conventions prohibit forced marriage, trafficking of individuals (especially children and women), forced prostitution and ensure the states assure children a decent life, education and standard of living.[[40]](#footnote-41) There are a number of treaties and conventions like the international Covenant on Civil and Political Rights.[[41]](#footnote-42), Convention on the Elimination on the Forms of Discrimination against Women[[42]](#footnote-43), Universal Declaration of Human Rights[[43]](#footnote-44), Convention on the Rights of the Child[[44]](#footnote-45) and Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography[[45]](#footnote-46). The practice explicitly violates Article 4 of UDHR which states that "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”[[46]](#footnote-47) and also the United Nations Supplementary Convention on the Abolition of Slavery, the Slave trade, and Institutions and Practices Similar to Slavery[[47]](#footnote-48), 1956, which India is a signatory to prohibit any practice where a child is handed over for exploitative purposes.

Despite violation of a number of conventions, the practice still continues to exist because of its underground and invisible nature along with its religious sanctions. There is also a need for enforcement of these conventions both by the International as well as domestic bodies.

**PROBLEMS OF DEVADASI’S IN INDIA**

The devadasi’s in the ancient era enjoy prestigious and sacred status, however, with the changes in time their status has marginalized. In the present times, the practices have taken shape of prostitution. The young girls are forced into the practice at an early stage by their parents in order to earn more. Presently, most of the girls belong to the lower caste and are not given any respect for their work. These girls suffer problems like lack of a legal husband because of all the costs of raising the child fall on the mother and the children are often discriminated because of the lack of a legal father. The Dalit women suffer triple the pressure as a result of gender, caste and class. These women lack education and more often than not the children are also uneducated and are often forced to take over. There is also a lack of proper healthcare facilities to these women as a result they are more susceptible to sexually transmitted diseases due to multiple sexual partners. The consent of these girls more often than not is assumed as it is their religious duty to be available for the men of the village and it is considered to be a sin if they do not provide for the men. Furthermore, since there is a lack of enforcement of laws and policies, the sexual abuse they suffer is not or under reported.

**SUGGESTIONS TO CONTROL THE PRACTISE**

Despite the presence of laws there has been no relief to the low castes and the women. In the recent times there has been an upsurge in awareness among the masses in respect to the exploitation of the lower castes and the female gender. This awareness has resulted in protests, strikes, dharnas and PILs to protect their rights. The frequent, unrelenting protests and media scrutiny have forced many within the Indian government to question both the vitality of the laws and their woeful application.[[48]](#footnote-49) The first step toward ending this menace is stringent enforcement of laws. The enforcement of the laws should be seen by the Indian Judiciary along with the local police and administration. However, presently there are very little efforts made for enforcement of these laws. While under-reporting might be the biggest problem with enforcement of the laws, even in cases where the crime is reported, police officers do little or nothing to enforce the laws.[[49]](#footnote-50) Corruption is also one of the reasons that prevent enforcement of these laws. Judiciary is also susceptible to bribes. The duty of the judges is to interpret and apply the formed legislation in an effective manner so that the culprits are punished immediately. The Supreme Court of India has been a light bearer in this aspect. The Court recently required that various officials in India, in particular the Karnataka Chief Secretary, take meaningful steps to protect young girls who are going to be dedicated to the devadasi practice.[[50]](#footnote-51) The court, in telling the Chief Secretary to enforce the law against the practice, sets a proactive standard in which the judiciary requires officials to take “all preventative measures” to ensure that the system is not perpetuated.[[51]](#footnote-52) Apart from this there is a need of awareness and education in the backward areas and villages where this practice still continues. Efforts must be made by the government to set up Adult Schools or Night Schools for the women trapped in this practice and they must be encouraged to attend the same. These women should be enrolled in skill development programs so that they have alternate and better means to earn livelihood. The devadasi’s should be provided job opportunities in the public sector or be given financial assistance to set up their own business. The children of the devadasi’s must be provided free primary and secondary education. The children may also be given up for adoption if the home environment is unhealthy or if the mothers are incapable of taking care. The women should also be provided with houses so that they do not have to continue to live in the temples. Welfare associations and NGO’s must be set up in the villages to help these women. The women should also be granted free health care along with government pensions for ex-devadasi wherever possible. These women should be introduced to the co-operative system so that they can earn their livelihood with self-respect and honor.

Apart from this the society needs a change in its social outlook. We need to do away with the caste system which is still deeply rooted in the Indian Culture. Laws along with their implementation alone cannot do away with this system, the society has to progress in its thinking to stop the practice. A change in the social values can be brought about with the help of judiciary. The judges through their judgments and their remarks can inform the public about the changing ideas and values. The Supreme Court in its order to the Karnataka Chief Secretary, the Supreme Court noted that the devadasi tradition was a “national shame,” and required that the Karnataka government provide guidelines on how it was going to curb the practice.[[52]](#footnote-53) The Supreme Court, by expressing “shock over the proposed dedication of hundreds of Dalit girls as Devadasis” sent a clear message to not only the Karnataka government, but also to individuals in and around the practice that social mores are changing.[[53]](#footnote-54) Besides the judiciary NGO’s continue to work in the rural and backward areas, creating awareness about laws, educating the society and providing help and basic amenities to poor.

**CONCLUSION**

The devadasi system which once flourished as a way to worship the God has today lost all its auspicious and sacred nature. The women in this practice are not treated with any respect and are often sexually abused and harassed. The devadasi tradition, once an institution that bestowed honor on women who were chosen to take part, has devolved into a system of institutionalized sexual exploitation and prostitution of young, lower-caste girls.[[54]](#footnote-55) Even though the practice has lost its significance and status, it still continues to prevail in the Indian society. The poor, low caste young girls are forced into it by their parents and village priests for extra income. This practice has not ceased to exist because of the societal, economic and the religious pressure it poses. Even though this practice is largely abused, it is not considered to be evil by many. “For the very poor, and the very pious, the devadasi system can still be seen as providing a way out of poverty while gaining access to the blessings of the gods, the two things that the most impoverished crave.”[[55]](#footnote-56)

There exist laws to control and abolish the practice, however, the only drawback is that they lack implementation and vigilant enforcement by the authorities. These laws need to be enforced with combined efforts of the judiciary and the police. The courts need to interpret these laws, apply them and punish their violators rapidly. The public also requires awareness about the laws in practice, the social impact of the practice and the plight of the devadasi in the present era. The need of the hour is also social education of the public, they need to realize that there is no rationale behind these superstitious and mythical practices of the past. The suggestions made in this paper can go a long way in helping but these alone cannot be the guiding light. India needs a comprehensive and strict plan of action to move forward and fight the system. There is also a need for enforcement of international treaties and conventions, so that the practice is eradicated not only in India but also other parts of the world.

**REFERENCES**

Hyun Jin Lee, Temple Prostitutes: Devadasi Practice And Human Trafficking In India, 8 Regent J. Int’l L. 1, 2 (2011).

Aparimita Pramanik Sahoo, A Brief History of Devadasi System, OrissaDiary (July 18, 2006), <http://www.orissadiary.com/Showyournews.asp?id=26>.

Aparimita Pramanik Sahoo, A Brief History of Devadasi System, OrissaDiary (July 18, 2006), <http://www.orissadiary.com/Showyournews.asp?id=26>.

William Dalrymple, Serving The Goddess: The Dangerous Life of a Sacred Sex Worker, TheNewYorker(Aug4,2008),http://www.newyorker.com/reporting/2008/08/04/080804fa\_fact\_dalrymple?currentPage=all.

Jeevanandam S. The Sacred Geography of Medieval Tamilakam-A Study of Saiva and Vaishnava Temples. in Birendranath Prasad. Monasteries, Shrines and Society: Buddhist and Brahmanical Religious Institutions in India in Their Socio-Economic Context. New Delhi: Manak Publications, 2011, 242- 252.

Shwetha and Manjula, 2015.

Kalaivani R. Devadasi System in India and Its Legal Initiatives - An Analysis, Journal of Humanities and Social Science. 2015; 20(2):50-55.

Pran Nevile, The Courtesan Was Also a Scholar, TRIB. (India) (Dec. 12, 1999), http://www.tribuneindia. com/1999/99dec12/sunday/head3.htm.

http://nhrc.nic.in/Documents/ ReportonTrafficking.pdf.

Nat’l Human Rights Comm’n of India and United Nations Dev. Fund For Women.

Nash Colundalur, Devadasis Are A Cursed Community, The Guardian (Jan. 20, 2011), http://www.theguardian.com/lifeandstyle/2011/jan/21/ devadasi-india-sex-work-religion.

Pamyla A. Stiehl, Bharata Natyam: A Dialogical Interrogation of Feminist Voices in Search of the Divine Dance, The J. of Religion and Theatre 275, 280 (2004).

Jogan Shankar., Devadasi Cult - A Sociological Analysis (2nd Rev Ed), New Delhi, Ashish Publishing House, 1994.

7 ‘Project Combat’ Launched to Eradicate ‘Devadasi’ System, The Hindu (Jan. 30, 2006), http://www.hindu.com/2006/01/30/stories/2006013020130300. htm.

7 ‘Project Combat’ Launched to Eradicate ‘Devadasi’ System, The Hindu (Jan. 30, 2006), http://www.hindu.com/2006/01/30/stories/2006013020130300. htm.

Anti-Slavery International. Women in Ritual Slavery: Devadasi, Jogini and Mathamma in Karnataka and Andhra Pradesh, Southern India, Maggie Black, London, 2007.

James Varghese, Devadasi’s: Young Indian Temple Prostitutes, ASSIST News Service (Sept.15,2010),http://www.assistnews.net/ansarticle.asp?URL=Stories/2010/s10090083.htm.

William Dalrymple, Serving The Goddess: The Dangerous Life of a Sacred Sex Worker, TheNewYorker http://www.newyorker.com/reporting/2008/08/04/080804fa\_fact\_dalrymple?currentPage=all.

Catherine Rubin Kermorgant, Becoming a Devadasi, Wall St. J. (Feb. 24, 2014), http://blogs.wsj.com/indiarealtime/2014/02/24/becoming-a-devadasi/ (internal quotations omitted).

Mike Earl-Taylor, HIV/AIDS, The States, The Virgin Cure and Infant Rape, Science in Africa (Apr. 2002), <http://scienceinafrica.com/old/index.php?q=2002/april/virgin.htm>.

Nat’l Human Rights Comm’n of India and United Nations Dev. Fund For Women.

William Dalrymple, Serving The Goddess: The Dangerous Life of a Sacred Sex Worker, The New Yorker http://www.newyorker.com/reporting/2008/08/04/080804fa\_fact\_dalrymple?currentPage=all.

Anil Chawla, Devadasis—Sinners or Sinned Against: An Attempt to Look at The Myth And Reality of History And Present Status of Devadasis, Samarthbharat 1, 25 (2002), http://www.samarthbharat.com/files/ devadasihistory.pdf.

http://maharashtracivilservice.org/cms/ downloads/515a978a94745.pdf.

Hyun Jin Lee, Temple Prostitutes: Devadasi Practice And Human Trafficking In India, 8 Regent J. Int’l L. 1, 2 (2011), Pamyla A. Stiehl, Bharata Natyam: A Dialogical Interrogation of Feminist Voices in Search of the Divine Dance, The J. of Religion and Theatre 275, 280 (2004).

<http://www.lawsofindia.org/pdf/andhra_pradesh/1988/1988AP10.pdf>.

Vasanthidevi, 2000.

1990, AIR 1412.

Preamble, the Indian Constitution, <http://legislative.gov.in/sites/default/files/coi-4March2016.pdf>.

Vishal Jeet v. UOI and Ors, 1990, AIR 1412.

Supreme Court Asks Karnataka Chief Secretary to Take Steps to Stop ‘Devadasi’ System, The Times of India (Feb. 13, 2014), <http://timesofindia.indiatimes.com/india/Supreme-Court-asks-Karnataka-Chief-Secretary-to-takesteps-to-stop-devadasi-system/articleshow/30334077.cms>.

Nat’l Human Rights Comm’n of India and United Nations Dev. Fund For Women.

Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948).

S.N. Al Habsy & Kishor Uprety, Cooperation For Nominal Development Or Politics For Actual Survival? South Asia In The Making Of International Law, 12 J. Transnat’l L. &Pol’y 19, 65 n. 342 (2002) (stating that in terms of human trafficking laws, “[e]nforcement of laws is crucial. Indeed, in countries like India, Nepal, and Pakistan, there are impressive sounding laws . . . on the books, but they are rarely enforced.”).

Bina B. Hanchinamani, Human Rights Abuses of Dalits in India, 8 Hum. Rts. Brief 15, 19, 29 (2001). Rather, this paper focuses on why international law’s prohibitions have failed.

U.N. Treaty Collection, List of State Parties to the ICCPR, http:// treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-4&chapter=4&lang=en (last visited Oct. 3, 2008).

U.N. Treaty Collection, List of State Parties to the CEDAW, http:// treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-8&chapter=4&lang=en (last visited Oct. 3, 2008).

Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948).

U.N. Treaty Collection, List of State Parties to the CRC, http:// treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-11&chapter=4&lang=en (last visited Oct. 3, 2008).

U.N. Treaty Collection, List of State Parties to the CRC-OPII, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-11-c&chapter=4&lang=en (last visited Oct. 3, 2008).

The Universal Declaration of Human Rights “www.un.org/en/documents/udhr/”

Yogesh Varhade., International Advocacy and the Role of the United Nations and Civil Society, Ambedkar Centre for Justice and Piece, Presidential Address, Conference-98 June 6,1998.

Delhi Bus Gang Rape: Uproar in Indian Parliament, BBC News India (Dec. 18, 2012), <http://www.bbc.com/news/world-asia-india-20765869>.

Agence France Presse, India Teen Commits Suicide After Police Pressure Her To Drop Gang Rape Case, Marry Attacker, Huff Post (Dec. 27, 2012), http:// www.huffingtonpost.com/2012/12/27/india-gang-rape-suicide\_n\_2370859.html (“A 17-year-old Indian girl who was gang-raped committed suicide after police pressured her to drop the case and marry one of her attackers, police and a relative said on Thursday.”).

Supreme Court Asks Karnataka Chief Secretary to Take Steps to Stop ‘Devadasi’ System,TheTimesofIndia(Feb.13,2014),<http://timesofindia.indiatimes.com/india/Supreme-Court-asks-Karnataka-Chief-Secretary-to-takesteps-to-stop-devadasi-system/articleshow/30334077.cms>.

Devadasi Practice, Supreme Court Tells Govt, The Times of India (Feb. 14, 2014), <http://timesofindia.indiatimes.com/city/bangalore/Check-devadasi-practice-Supreme-Court-tells-govt/articleshow/30364726.cms>.

Devadasi Practice, Supreme Court Tells Govt, The Times of India (Feb. 14, 2014), http://timesofindia.indiatimes.com/city/bangalore/Check-devadasi-practice-Supreme-Court-tells-govt/articleshow/30364726.cms.

Supreme Court Shocked by Ritual Sex Slavery in India, Dalit Freedom Network UK, <http://www.dfn.org.uk/news/archive/415-supreme-court-on-devadasi>

Genesis of the Devadasi System in India: Trafficking of Girls and Women By Religious AndSocialSanction,theNetworkUniv.,http://www.netuni.nl/courses/library/0cb66d9bfeafc5f30f2dddca5/genesis\_of\_the\_ devadasi\_system\_in\_indi1.doc (“According to Chakresh Jain, ‘Present-day devadasis are not the descendants of courtesans, nor are they proficient in any arts. . . . The only art they are conversant in is the art of submitting to any man who desires them and is willing to pay for their favours.’”).

William Dalrymple, Serving The Goddess: The Dangerous Life of a Sacred Sex Worker, The New York,

http://www.newyorker.com/reporting/2008/08/04/080804fa\_fact\_dalrymple?currentPage=all.

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1. U.N. Treaty Collection, List of State Parties to the ICCPR,

   http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-4&chapter=4&lang=en. [↑](#footnote-ref-2)
2. U.N. Treaty Collection, List of State Parties to the CEDAW

   http:// treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-8&chapter=4&lang=en. [↑](#footnote-ref-3)
3. Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948). [↑](#footnote-ref-4)
4. U.N. Treaty Collection, List of State Parties to the CRC, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-11&chapter=4&lang=en. [↑](#footnote-ref-5)
5. U.N. Treaty Collection, List of State Parties to the CRC-OPII, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-11-c&chapter=4&lang=en. [↑](#footnote-ref-6)
6. Hyun Jin Lee, Temple Prostitutes: Devadasi Practice And Human Trafficking In India, 8 Regent J. Int’l L. 1, 2 (2011). [↑](#footnote-ref-7)
7. Aparimita Pramanik Sahoo, A Brief History of Devadasi System, OrissaDiary (July 18, 2006), http://www.orissadiary.com/Showyournews.asp?id=26. [↑](#footnote-ref-8)
8. Aparimita Pramanik Sahoo, A Brief History of Devadasi System, OrissaDiary (July 18, 2006), http://www.orissadiary.com/Showyournews.asp?id=26. [↑](#footnote-ref-9)
9. William Dalrymple, Serving The Goddess: The Dangerous Life of a Sacred Sex Worker, The New Yorker (Aug. 4, 2008), http://www. newyorker.com/reporting/2008/08/04/080804fa\_fact\_dalrymple?currentPage=all. [↑](#footnote-ref-10)
10. Jeevanandam S. The Sacred Geography of Medieval Tamilakam-A Study of Saiva and Vaishnava Temples. in Birendranath Prasad. Monasteries, Shrines and Society: Buddhist and Brahmanical Religious Institutions in India in Their Socio-Economic Context. New Delhi: Manak Publications, 2011, 242- 252. [↑](#footnote-ref-11)
11. Shwetha and Manjula, 2015. [↑](#footnote-ref-12)
12. Kalaivani R. Devadasi System in India and Its Legal Initiatives - An Analysis, Journal of Humanities and Social Science. 2015; 20(2):50-55. [↑](#footnote-ref-13)
13. Pran Nevile, The Courtesan Was Also a Scholar, TRIB. (India) (Dec. 12, 1999), http://www.tribuneindia. com/1999/99dec12/sunday/head3.htm. [↑](#footnote-ref-14)
14. http://nhrc.nic.in/Documents/ ReportonTrafficking.pdf. [↑](#footnote-ref-15)
15. Nat’l Human Rights Comm’n of India and United Nations Dev. Fund For Women. [↑](#footnote-ref-16)
16. Nash Colundalur, Devadasis Are A Cursed Community, The Guardian (Jan. 20, 2011), http://www.theguardian.com/lifeandstyle/2011/jan/21/ devadasi-india-sex-work-religion. [↑](#footnote-ref-17)
17. Pamyla A. Stiehl, Bharata Natyam: A Dialogical Interrogation of Feminist Voices in Search of the Divine Dance, The J. of Religion and Theatre 275, 280 (2004). [↑](#footnote-ref-18)
18. Jogan Shankar., Devadasi Cult - A Sociological Analysis (2nd Rev Ed), New Delhi, Ashish Publishing House, 1994. [↑](#footnote-ref-19)
19. 7 ‘Project Combat’ Launched to Eradicate ‘Devadasi’ System, The Hindu (Jan. 30, 2006), http://www.hindu.com/2006/01/30/stories/2006013020130300. htm. [↑](#footnote-ref-20)
20. 7 ‘Project Combat’ Launched to Eradicate ‘Devadasi’ System, The Hindu (Jan. 30, 2006), http://www.hindu.com/2006/01/30/stories/2006013020130300. htm. [↑](#footnote-ref-21)
21. Anti-Slavery International. Women in Ritual Slavery: Devadasi, Jogini and Mathamma in Karnataka and Andhra Pradesh, Southern India, Maggie Black, London, 2007. [↑](#footnote-ref-22)
22. James Varghese, Devadasi’s: Young Indian Temple Prostitutes, ASSIST News Service (Sept. 15, 2010), http://www.assistnews.net/ansarticle.asp?URL=Stories/2010/s10090083.htm. [↑](#footnote-ref-23)
23. William Dalrymple, Serving The Goddess: The Dangerous Life of a Sacred Sex Worker, The New Yorker (Aug. 4, 2008), http://www. newyorker.com/reporting/2008/08/04/080804fa\_fact\_dalrymple?currentPage=all. [↑](#footnote-ref-24)
24. Catherine Rubin Kermorgant, Becoming a Devadasi, Wall St. J. (Feb. 24, 2014), http://blogs.wsj.com/indiarealtime/2014/02/24/becoming-a-devadasi/ (internal quotations omitted). [↑](#footnote-ref-25)
25. Mike Earl-Taylor, HIV/AIDS, The States, The Virgin Cure and Infant Rape, Science in Africa (Apr. 2002), http://scienceinafrica.com/old/index.php?q=2002/april/virgin.htm. [↑](#footnote-ref-26)
26. Nat’l Human Rights Comm’n of India and United Nations Dev. Fund For Women. [↑](#footnote-ref-27)
27. William Dalrymple, Serving The Goddess: The Dangerous Life of a Sacred Sex Worker, The New Yorker (Aug. 4, 2008), http://www. newyorker.com/reporting/2008/08/04/080804fa\_fact\_dalrymple?currentPage=all. [↑](#footnote-ref-28)
28. Anil Chawla, Devadasis—Sinners or Sinned Against: An Attempt to Look at The Myth And Reality of History And Present Status of Devadasis, Samarthbharat 1, 25 (2002), http://www.samarthbharat.com/files/ devadasihistory.pdf. [↑](#footnote-ref-29)
29. Preamble, the Indian Constitution, <http://legislative.gov.in/sites/default/files/coi-4March2016.pdf> [↑](#footnote-ref-30)
30. http://maharashtracivilservice.org/cms/ downloads/515a978a94745.pdf. [↑](#footnote-ref-31)
31. Hyun Jin Lee, Temple Prostitutes: Devadasi Practice And Human Trafficking In India, 8 Regent J. Int’l L. 1, 2 (2011), Pamyla A. Stiehl, Bharata Natyam: A Dialogical Interrogation of Feminist Voices in Search of the Divine Dance, The J. of Religion and Theatre 275, 280 (2004). [↑](#footnote-ref-32)
32. <http://www.lawsofindia.org/pdf/andhra_pradesh/1988/1988AP10.pdf> [↑](#footnote-ref-33)
33. Vasanthidevi, 2000. [↑](#footnote-ref-34)
34. 1990, AIR 1412 [↑](#footnote-ref-35)
35. Vishal Jeet v. UOI and Ors, 1990, AIR 1412. [↑](#footnote-ref-36)
36. Supreme Court Asks Karnataka Chief Secretary to Take Steps to Stop ‘Devadasi’ System, The Times of India (Feb. 13, 2014), http://timesofindia.indiatimes.com/india/Supreme-Court-asks-Karnataka-Chief-Secretary-to-takesteps-to-stop-devadasi-system/articleshow/30334077.cms. [↑](#footnote-ref-37)
37. U.N. Treaty Collection, List of State Parties to the CEDAW,

    http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-8&chapter=4&lang=en. [↑](#footnote-ref-38)
38. Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948). [↑](#footnote-ref-39)
39. S.N. Al Habsy & Kishor Uprety, Cooperation For Nominal Development Or Politics For Actual Survival? South Asia In The Making Of International Law, 12 J. Transnat’l L. & Pol’y 19, 65 n. 342 (2002) (stating that in terms of human trafficking laws, “[e]nforcement of laws is crucial. Indeed, in countries like India, Nepal, and Pakistan, there are impressive sounding laws . . . on the books, but they are rarely enforced.”). [↑](#footnote-ref-40)
40. Bina B. Hanchinamani, Human Rights Abuses of Dalits in India, 8 Hum. Rts. Brief 15, 19, 29 (2001). Rather, this paper focuses on why international law’s prohibitions have failed. [↑](#footnote-ref-41)
41. U.N. Treaty Collection, List of State Parties to the ICCPR, http:// treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-4&chapter=4&lang=en (last visited Oct. 3, 2008). [↑](#footnote-ref-42)
42. U.N. Treaty Collection, List of State Parties to the CEDAW, http:// treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-8&chapter=4&lang=en (last visited Oct. 3, 2008). [↑](#footnote-ref-43)
43. Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948) [↑](#footnote-ref-44)
44. U.N. Treaty Collection, List of State Parties to the CRC,

    http:// treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-11&chapter=4&lang=en (last visited Oct. 3, 2008). [↑](#footnote-ref-45)
45. U.N. Treaty Collection, List of State Parties to the CRC-OPII, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-11-c&chapter=4&lang=en (last visited Oct. 3, 2008). [↑](#footnote-ref-46)
46. The Universal Declaration of Human Rights “www.un.org/en/documents/udhr/” [↑](#footnote-ref-47)
47. Yogesh Varhade., International Advocacy and the Role of the United Nations and Civil Society, Ambedkar Centre for Justice and Piece, Presidential Address, Conference-98 June 6,1998. [↑](#footnote-ref-48)
48. Delhi Bus Gang Rape: Uproar in Indian Parliament, BBC News India (Dec. 18, 2012), http://www.bbc.com/news/world-asia-india-20765869. [↑](#footnote-ref-49)
49. Agence France Presse, India Teen Commits Suicide After Police Pressure Her To Drop Gang Rape Case, Marry Attacker, Huff Post (Dec. 27, 2012), http:// www.huffingtonpost.com/2012/12/27/india-gang-rape-suicide\_n\_2370859.html (“A 17-year-old Indian girl who was gang-raped committed suicide after police pressured her to drop the case and marry one of her attackers, police and a relative said on Thursday.”). [↑](#footnote-ref-50)
50. Supreme Court Asks Karnataka Chief Secretary to Take Steps to Stop ‘Devadasi’ System, The Times of India (Feb. 13, 2014), http://timesofindia.indiatimes.com/india/Supreme-Court-asks-Karnataka-Chief-Secretary-to-takesteps-to-stop-devadasi-system/articleshow/30334077.cms. [↑](#footnote-ref-51)
51. Devadasi Practice, Supreme Court Tells Govt, The Times of India (Feb. 14, 2014), http://timesofindia.indiatimes.com/city/bangalore/Check-devadasi-practice-Supreme-Court-tells-govt/articleshow/30364726.cms. [↑](#footnote-ref-52)
52. Devadasi Practice, Supreme Court Tells Govt, The Times of India (Feb. 14, 2014), http://timesofindia.indiatimes.com/city/bangalore/Check-devadasi-practice-Supreme-Court-tells-govt/articleshow/30364726.cms. [↑](#footnote-ref-53)
53. Supreme Court Shocked by Ritual Sex Slavery in India, Dalit Freedom Network UK, http://www.dfn.org.uk/news/archive/415-supreme-court-on-devadasi. [↑](#footnote-ref-54)
54. Genesis of the Devadasi System in India: Trafficking of Girls and Women By Religious And Social Sanction, the Network Univ., http://www. netuni.nl/courses/library/0cb66d9bfeafc5f30f2dddca5/genesis\_of\_the\_ devadasi\_system\_in\_indi1.doc (“According to Chakresh Jain, ‘Present-day devadasis are not the descendants of courtesans, nor are they proficient in any arts. . . . The only art they are conversant in is the art of submitting to any man who desires them and is willing to pay for their favours.’”). [↑](#footnote-ref-55)
55. William Dalrymple, Serving The Goddess: The Dangerous Life of a Sacred Sex Worker, The New Yorker (Aug. 4, 2008), http://www. newyorker.com/reporting/2008/08/04/080804fa\_fact\_dalrymple?currentPage=all. [↑](#footnote-ref-56)