

## **A comparative analysis of the *Karnataka Devadasi (Prevention, Prohibition, Relief, and Rehabilitation) Bill, 2025* vis-à-vis the earlier legislations**

The attached observation note offers a comparative analysis of the *Karnataka Devadasi (Prevention, Prohibition, Relief, and Rehabilitation) Bill, 2025* vis-à-vis the earlier legislations—*The Karnataka Devadasis (Prohibition of Dedication) Act, 1982* and its *2009 Amendment (Act 1 of 2010)*. The note seeks to highlight the evolution in legal thinking from punitive to rights-based and participatory frameworks, and underscores the transformative potential of the 2025 Bill in addressing structural, intergenerational injustices experienced by Devadasi women and their families. It presents key areas of innovation, points of convergence and divergence, and offers constructive suggestions for strengthening the proposed Bill further. I hope it contributes meaningfully to the ongoing policy review and supports timely and informed decision-making by the Department.

### **1. Karnataka Devadasis (Prohibition of Dedication) Act, 1982 (as amended in 2010)**

#### **Key Features:**

- **Declared Unlawful:** All dedications of women as Devadasis, regardless of consent, are declared void and unlawful.
- **Legal Status:** Women dedicated as Devadasis retain full legal capacity, including the ability to marry.
- **Penalties:** Any person involved in the dedication process is punishable. Stricter punishment applies to family members who abet the act.
- **Amendments of 2010:**
  - **3A:** Empowered magistrates to issue *injunctions* to prevent dedications.
  - **3B:** Mandated **rescue, care, protection, welfare, and rehabilitation** under the Devadasi Rehabilitation Programme.
  - **3C:** Made offences *cognizable and non-bailable*.
  - **3D:** Appointed **Devadasi Dedication Prohibition Officers** with quasi-police powers.
  - **3E:** Recognized officers as **public servants**.

## 2. Karnataka Devadasis (Prohibition of Dedication) (Amendment) Act, 2009 (came into force in 2010)

### Key Additions:

- Reiterated the 1982 law's provisions but **strengthened enforcement mechanisms**:
  - Authorized **magistrates** to intervene and **stop dedications proactively**.
  - Introduced clear roles for **rehabilitation and protection** of affected women.
  - Ensured legal **accountability of officials**, and increased punishments.
  - Supported **counseling and income generation schemes** for Devadasis.

## 3. Karnataka Devadasi (Prevention, Prohibition, Relief, and Rehabilitation) Bill, 2025

### A Comprehensive Human Rights-Based Framework:

- Prepared by NLSIU & community partners, this model bill is more inclusive and transformative.
- **Terminology**:
  - Introduces concepts like “**conscientisation**” (liberatory pedagogy).
  - Recognizes Devadasis by various names (Jogtin, Alankaradasi, Basavi, etc.).
- **Rights-Based Approach**:
  - **Right to identify biological father, seek maintenance, and inherit property.**
  - Devadasi children deemed **legitimate** under Hindu personal law.
  - Protection from **discrimination in education and identity documentation.**
- **Institutional Mechanisms**:
  - **Taluk, District, and State Committees with devadasi representation.**
  - **Role of Devadasi Prohibition and Rehabilitation Officers** expanded to include social awareness and legal enforcement.
- **Expanded Provisions**:
  - Healthcare rights, dignity, education, and housing rights for Devadasi families up to **three generations.**

- o Empowers community voices, prioritizes **informed participation**, and mandates **non-stigmatizing language**.

### Comparison Highlights

Aspect	1982 Act	2010 Amendment	2025 Bill
<b>Scope</b>	Criminalization of dedication	Added enforcement & rehab	Adds dignity, rights, and social justice
<b>Enforcement</b>	Limited	Stronger role for Magistrates & Officers	Multi-tier Committees + Community Role
<b>Rights of Children</b>	Not addressed	Limited	Strong: legitimacy, property, no forced paternal disclosure
<b>Health &amp; Education</b>	Not addressed	Limited under rehabilitation	Explicit guarantees of free healthcare & education
<b>Role of State</b>	Penal approach	Expanded duty to prevent & rehabilitate	Proactive, participatory, developmental state
<b>Community Involvement</b>	Not emphasized	Partial	Core to governance structure (Taluk Committees, etc.)

### Summary

- The **1982 Act** focussed on **criminalising** the Devadasi system.
- The **2010 Amendment** added **administrative teeth** and a **rehabilitative mandate**.
- The **2025 Model Bill** is a **holistic and rights-based draft legislation**, rooted in **constitutional morality, intersectionality, and community participation**, going beyond prohibition to address **intergenerational justice, identity, healthcare, education, and dignity**.