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SECRET

1947 : T. N. Act XXXI] Devadasis (Prevention of Dedication) 1009

[TAMIL NADU] ACT No. XXXI OF 1947.<sup>2</sup>

(THE [TAMIL NADU] DEVADASIS (PREVENTION OF DEDICATION) ACT, 1947.)<sup>3</sup>

(Received the assent of the Governor-General on the 17th January 1948 ; first published in the Fort St. George Gazette on the 27th January 1948.)

An Act to prevent the dedication of women as devadasis in the <sup>3</sup>[State or Tamil Nadu].

WHEREAS the practice still prevails in certain parts of the <sup>3</sup>[State of Tamil Nadu] of dedicating women as "devadasis" to Hindu deities, idols, objects of worship, temples and other religious institutions ;

AND WHEREAS such practice, however ancient and pure in its origin, leads many of the women so dedicated to a life of prostitution ;

AND WHEREAS it is necessary to put an end to the practice ; It is hereby enacted as follows :—

1. (1) This Act may be called the <sup>1</sup>[Tamil Nadu] Short title and Devadasis (Prevention of Dedication) Act, 1947. extent.

<sup>1</sup> These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

<sup>2</sup> For Statement of Objects and Reasons, see Fort St. George Gazette, dated the 22nd July 1947, Part IV-A, page 131.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merger States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1957 (Tamil Nadu Act XXII of 1957).

<sup>3</sup> This expression was substituted for the expression "Province of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

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(2) It extends to the whole of the [State of Tamil Nadu].

**Definitions.**

2. In this Act, unless there is anything repugnant in the subject or context—

(a) "dedication" means the performance of any ceremony, by whatever name called, by which a woman is dedicated to the service of a Hindu deity, idol, object of worship, temple or other religious institution, and includes 'pottukattu', 'gajjepuja', 'mudri', and dancing by 'Kumbhaharathy';

(b) "devadasi" means any woman so dedicated;

(c) "woman" means a female of any age.

Dedication as devadasi to be unlawful.

3. (1) The dedication of a woman as a 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.

Nothing contained in this sub-section shall be deemed to affect the operation of <sup>Madras Act XIX of 1951.</sup> [section 34 of the Madras Hindu Religious and Charitable Endowments Act, 1951\*] or the rights to which a devadasi is entitled under that section.

<sup>1</sup> This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

<sup>2</sup> These words and figures were substituted for the words, figures and letter "section 44-A of the Madras Hindu Religious Endowments Act, 1926" by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1967 (Tamil Nadu Act XXV of 1967).

\* See now the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), section 40.

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(2) Any custom or usage prevailing in any Hindu community such as the Bogum, Kalavanthula, Sani, Nagavasulu, Devadasi and Kurmapulu, 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.

(3) Dancing by a woman, with or without *kumbhaharathy*, in the precincts of any temple or other religious institution, or in any procession of a Hindu deity, idol or object of worship installed in any such temple or institution or at any festival or ceremony held in respect of such a deity, idol or object of worship, <sup>1</sup>[ ] is hereby declared unlawful.

1[ \* \* \* \* \* ]

4. (1) Any person having attained the age of <sup>Penalty.</sup> sixteen years who after the commencement of this Act performs, permits, takes part in, or abets the performance of any ceremony or act for dedicating a woman as a devadasi or any ceremony or act of the nature referred to in section 3, sub-section (2), shall

<sup>1</sup>So far as the added territories are concerned the words "or in any marriage procession or other procession taken out in public streets" and the Explanation were omitted by section 4 of, and the Second Schedule to, the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962).

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be 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.

*Explanation.*—The person referred to in this section shall include the woman in respect of whom such ceremony or act is performed.

(2) Any person having attained the age of sixteen years who dances in contravention of the provisions of section 3, sub-section (3), or who abets dancing in contravention of the said provisions, shall be 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.

Cognizance and trial of offences.

5. No Court inferior to that of a Presidency Magistrate\* or a Magistrate of the First Class\* shall inquire into or try any offence punishable under section 4.

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\* According to clauses (a) and (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), which came into force on the 1st April 1974, any reference to a Magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate.