

DEVADASI SYSTEM: A HIDDEN EVIL IN THE SOCIETY

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ABSTRACT

Devadasi system is considered as a most heinous custom which is practiced by several sect of people in few parts of India. The Devadasi system is known with variety of nomenclature in various regions with the hidden intention of pushing the young girls into sexual trade and making them as sex slaves. From the high respect given to the devadasis in ancient time to the low status given to them as prostitutes in the name of God, it has gone through various evolution. The government from time-to-time enacted various measures to eradicate the system but has not been completely successful as still we can find several instances of young girls being sold by her family in the name of devadasi is still prevalent in India. It is not an impossible task to eradicate the system of devadasi, if the problem is considered even more seriously and if the society join hands with the state, there are high chances of the hidden evil to be exposed and being eradicated from the society. The author explains the concept of devadasi system, its historical evolution, the problems faced by the devadasis and the steps taken by the government to eradicate the evil. The author also gives suggestions to be followed for eradication of the hidden evil from the society.

Keywords: *Devadasi, women empowerment, Fundamental right, prostitution, custom.*

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INTRODUCTION

Devadasi system, an age-old concept prevailed in the 6th century itself during the period of Cholas, Pandyas and Chelas.¹ At the beginning the concept of devadasi was with good intentions which was totally connected to the spirituality and women who became devadasis were given high respect and status in the society. She was given a prominent place in the village as it was, she who was closely attached to the deity. There was a belief that as she is married to an immortal i.e, God, her presence in any occasion was considered as auspicious and due to which she was considered as Nithya sumangali² and occupied high status in the society.³ By the elapse of time, the devadasi concept was given some other denomination and at present it is considered as a threat to the society. It is now treated as a child prostitution as the main aim of the people involved in such a culture is nothing but to fulfill the sexual needs of the so-called respectful people and rich people in the village and in turn get the monetary benefit from such people by exposing their young girls. The sad truth is that the family of the daughter themselves play an important role in selling their girls for the prostitution in the name of devadasi. Steps are being taken by the State as well as non-government organizations to eradicate the ill effects of the devadasi system that is prevalent in India. In spite of several efforts, this social evil is still in existence in the society ruining the life of thousands of women. It is the responsibility of the State as well as the family of a girl child to eradicate the social evil that is prevailing in the society. The author has conducted doctrinal research on the concept of devadasi and has made an effort to highlight the problems faced by the Devadasi and steps taken by the government to eradicate the ill evil from the society.

CONCEPT OF DEVADASI SYSTEM

The term devadasi is derived from the two Sanskrit words, dev meaning God and dasi meaning servant of God.⁴ Hence devadasi refers to servant of God. The devadasi was given high respect in society in the ancient period as they were devoted for the real services of God and deity like singing and dancing in the temple, dressing the deity, cleaning the temple area, assisting in the worship as well as rituals of the temple, etc. She was married to a God and considered as divine. There are several rituals to be followed in order to submit a girl to the God in the name of

¹ Yukti Ganerwal, *Evolution of the Devadasi system in India*, (Jan.3, 2022, 10:15 AM), <https://www.prathaculturalschool.com/post/devadasi-system>.

² A woman eternally free from the adversity of widowhood.

³ SASKIA C KERSENBOOM, NITHYASUMANGALI: DEVADASI TRADITION IN SOUTH INDIA, 6 (Motilal Banarsidass Publishing House 2020).

⁴ PRIYADARSHINI VIJASRI, RECASTING THE DEVADASI: PATTERNS OF SACRED PROSTITUTION IN COLONIAL SOUTH INDIA, 32 (Kanishka Publishers 2004).

devadasi.⁵ The rituals followed in various parts of India differ but the ultimate aim of the concept is submission of a girl to the public in the name of God. These are called by different names in the different parts of India. In Karnataka they are called by the name Basivi and Devadasi in general and the ritual is mostly carried in the famous Saundatti temple and Huligemma Devi temple both situated in north Karnataka. There are other temples in Karnataka where the tradition of devadasi is still followed by keeping alive such inhumane practices. There is a special day on which these girls are given the name of devadasi normally during the days of festivals observed in temples. If the girl is devoted to the god before attaining the age of puberty, she is sent back to her home and it is the duty of her family to immediately send her to the services of the temple once she attains puberty.⁶ The senior devadasis play a prominent role in the ritual followed for the acceptance of the new devadasi. There is a tradition followed where a devadasi mother is supposed to compulsorily sacrifice at least one daughter to the god even though she knows the ill effect of such a tradition. The rituals vary from state to state. Even they are called by different names in every state. They are recognized as Matangi in Maharashtra, Maharis in Odisha, Kalavantin in goa. The Southern part of India follows the rituals of devadasi system rather than the Northern part of India.⁷

It is after the religious institutions lost their importance, kings lost their hold on the empire, and these devadasis were left alone as they were not in a position to lead with their old chores due to which they were forced to practice prostitution to lead their life.

The family of the girl who was made devadasi played an important role in strengthening the social evil. Mainly the lower castes and tribes were the people who used to devote their girl child in the name of devadasi to God. Due to the poverty and other family problems, they were forced to send their child for prostitution in the name of a devadasi. And later as time passed it became a ritual in their family and any girl child born in that family was by default offered to the God in the name of a devadasi. It is like the family themselves acted as a pimp for the prostitution work of their own child.

HISTORY OF DEVADASI SYSTEM IN INDIA

The devadasi concept has a very long history from the transition of devadasi from high status in a society to a mere sex slave. The devadasi culture was mainly developed in ancient India during

⁵ SHANKARAND JOGAN, DEVADASI CULT: A SOCIOLOGICAL ANALYSIS 17 (Ashish Publishing House 1990).

⁶ A.K. SINGH, DEVADASIS SYSTEM IN ANCIENT INDIA 13 (H.K. Publishers and Distributors 1990).

⁷ Vinitha Govindarajan, *Is the Devadasi System still being followed in Southern India?* (Jan. 2,2022, 5:30 PM), <https://scroll.in/article/852319/is-the-devadasi-system-still-followed-in-southern-india>

the king's reign. According to some literature, it is mentioned that the custom was established in the 6th century during the time of Cholas, Pandyas and Chelas, whereas few believe that it began in 7th century during the period of Gauthama Buddha. The concept was even mentioned during Harappa and Mohenjodaro civilizations where there was a tradition of dancing girls found in temples.⁸ There was a need for a person to be closely associated with the activities of the God because of which the devadasis were appointed to do the activities of the deity in the temples. These were the people who were closely associated with the activities of the deity due to which they acquired very high social status in the society.⁹

But once the kings started losing his significance and power even temples which were in control of the kings started to deteriorate. The devadasis attached to the temple lost their value. The society started to look at them as sex slaves in the name of God.

The devadasi system dates back to 6th century A.D., where these people were given very high respect in the society. They were given prominent place in the society as their presence in any occasion was considered as auspicious. But as the time passed their position deteriorated day by day and now the devadasis are considered as most humiliated people in the society. The practice which is banned in the eyes of public as well as the state is still illegally practiced in many parts of the country till date.

The concept of devadasi is not followed only among the Hindus, there are several evidences to show that the tradition was followed even in the Islamic religion but with different custom and tradition. In Islam there was a special tradition where the Tawaifs were appointed in order to please the king and this was prevalent during the Mughal Empire. These received very good respect as their main aim was dancing, singing, theatre as well as literature. They were famous for the special form of music known as 'mujra'.¹⁰ At the time of Mughals they were given high respect, as time passed their position also started to deteriorate and they also were forced to go for a prostitution like that of devadasis.

PROBLEMS AND CHALLENGES FACED BY DEVADASI

Devadasi is one among the most humiliated sections of the society. There is no end to a problem faced by these women. On many occasions, before birth itself their fate is decided by their mother and other relatives. They are devoted to public in the name of God in their tender age when they

⁸ K.P. GOSWAMI, DEVADASI DANCING DAMSEL, 47 (APH Publishing Corporation 2000).

⁹ Awadh Kishore Prasad, *Origin of the Devadasi System*, 60, PIHC, Diamond Jubilee 129, (1999).

¹⁰ Shivani Bhasin, *Tawaifs of Awadh: The First women of Hindi Cinema*, (Dec. 26, 2021, 4:30 PM), <https://www.thehindu.com/society/history-and-culture/tawaifs-of-awadh-the-first-women-of-hindi-cinema/article29233983.ece>

are not in a position even to think about sexual life due to which they are exposed to society at an early age.

Lack of basic schooling is the first problem faced by devadasi group. At the age of learning they will be devoted to the religious institutions and as a result they are suppressed by the basic education being imparted to them. As the devadasi culture is mostly of hereditary in nature, even these girls before devoting themselves to the public in the name of God are deprived of the education as they are not admitted to schools as they are not in a position to tell the name of their father. This creates lots of humiliation both to the mother as well as the daughter due to which they are deprived even with the basic education in their early childhood.

Education is considered as a basic requirement to live in this world in the present day. As this basic requirement is missing, they face lot of problem in every step of life. They are not in a position to lead their normal life as they cannot earn for their livelihood in a normal way because of this they are forced to continue with the prostitution which is carried in the name of God. The so-called important and great persons of the villages in spite of their wife being alive or dead, use these young girls for the fulfillment of their sexual desires.

Devadasis are most vulnerable to the various sexually transmitted diseases like AIDS/HIV and other diseases which will be a greatest threat to their life. They will struggle a lot in terms of their health as they are exploited very much sexually especially in their tender age. Most of them will lose their life at their young age as they are not well in terms of wealth to treat themselves and at the same time society will not come to their rescue as the people don't treat them as normal because of the tag of devadasi they get attached with their name.

As devadasis are single parent, the complete burden to take care of her child is imposed on the mother which will become even more difficult for her to lead her life and this is also one of the reasons for the passing of devadasi system from one generation to another. The devadasi nor her children will be entitled to any property from her partner as she is not a legal wife of the man and because of which the right of inheritance is not applicable to devadasis nor her children.

Most of the time the devadasis are treated as Untouchables by the society due to which they will not be entertained in any kind of public life. They are deprived of decent and normal life. Even though if they wish to lead a normal life like that of others, it is not possible for them to mingle with the public like others because the society does not accept them like the others.

Transgenders are also prone to the devadasi system because of their own set up being established and practiced in their community. The transgenders are that category of people who are not recognized with the other normal people in the society and there is a strong belief with this group of people that if they are involved in the devadasi culture, they will be safe due to which many

by their own will and wish enter into the system of devadasi where even these people are exploited to the maximum by the people who take the ill advantage of devadasi culture.¹¹

Lack of education, fear of God, too much of superstitious belief, poverty, family background, etc. is strengthening the evil system of devadasi in the society even today. Empowerment of women is still a mirage in several parts of India especially in the villages where they are prone to several social evils due to which the life of such women is too miserable. In spite of several provisions enacted for the protection of women, still it has not been possible to reach the benefits to the grassroot level.

STEPS TAKEN BY THE GOVERNMENT FOR THE ERADICATION OF DEVADASI SYSTEM

Before independence, the British Empire enacted several laws to eliminate the social evil from the society and devadasi culture was one among them. The reason for this was the Britishers believed that there was no influence of the Christian culture in it due to which they wanted to end such tradition and also there was a custom of donating land to the devadasi in free of cost in the name of temple which was felt by the Britishers as wrong as they would lose certain part of their acquired land due to which they made provisions to eradicate the system which in turn helped India to get rid of this social evil.¹² Several social reformers were in the front run to eradicate the social evil. Dr. Muttalakshmi Reddy¹³ who was a medical practitioner by profession played an important role in the abolition of devadasi system. She was appointed as a vice president in the Madras province where she took a prominent role in introducing the bill in the year 1930 for the abolition of devadasi system in the province. Muvalur Ramamithram Ammal¹⁴ was another activist who strived to eradicate the devadasi system in India who was herself a devadasi. She was very much devoted herself to eradicate the social evil after experiencing the evils of the system herself. It was she who witnessed the passing of the devadasi abolition bill in 1947. It is pertinent to note that those who opposed the system of devadasi were from within the community itself which clearly proves that the system was not encouraged by all the community people but only a part of groups who were forced to resort to such practices due to their own beliefs. But

¹¹ Babasaheb S Ghatage, *Devdasi System: A Superstitious and Devastated Life of Poor Dalit Men and Women in India*, 12 IE E-Journal {Quarterly}, 33 (2012).

¹²K.C. TARACHAND, *DEVADASI CUSTOM: RURAL SOCIAL STRUCTURE AND FLESH MARKETS*, 24 (Reliance Publishing House 1991).

¹³ An Indian Social Reformer and Padmabhushan Awardee

¹⁴ A Tamil Social Reformer, author, Political activist of the Dravidian movement who worked for the abolition of Devadasi system in Madras Presidency.

these reformers were not completely successful as the family of devadasi were very particular about them devoting their girls to the devadasi system.

Government of India, before as well as after the Independence, from time to time has taken several initiatives for the eradication of the social evil from the society. It has framed several rules, regulations from time to time to remove the social evil. Several legislations are framed by the states in order to eradicate the social evil. Even several statutes have a mention about this social evil and also prescribe punishment for the committers. The Bombay Devadasi Protection Act, 1934 was passed by the Bombay High Court during the British period to protect existing Devadasis and also to prevent the dedication of women into the system of devadasi in future. The act extended to the whole state of Maharashtra. The Madras Devadasis (Prevention of Dedication) Act was enacted on 1947 immediately after India attained independence. The main purpose of the law was to provide legal right to marry and also made it illegal to dedicate girls as devadasis to temple.

The Karnataka Devadasis (Prohibition of Dedication) Act, 1982 was enacted in order to make provisions to eradicate devadasi system in the state of Karnataka. Karnataka is one among several state which is much prone to the evil system of devadasi. It was very much necessary for introducing proper legislation to end devadasi system in the state.¹⁵

Further The Maharashtra Devadasi System (Abolition) Act, 2005 was enacted with a same objective to eradicate the practice of devadasi system in the State of Maharashtra. As the State of Maharashtra witnessed various instances of devadasis in its region, it was a need of an hour for the government to enact laws in order to eradicate the evil of devadasi. As a result, the legislation was enacted with 22 sections dealing with the abolition of the evil system of devadasi by repealing the old statute of The Bombay Devadasis Protection Act, 1934.

The government apart from certain exclusive laws on devadasis from time to time have included the provisions relating to devadasi in various central legislations to ensure the eradication of the social evil.

Section 372 and section 373 IPC clearly mention about the punishment for hiring or selling as well as buying any person below the age of 18 years especially girls for the purpose of prostitution or any other similar act and imposes imprisonment for up to 10 years to the offenders. But these sections do not directly and exclusively deal with the concept of devadasi.

Child marriage restraint Act, 1929 is another piece of legislation which prohibit child marriage to be practiced in India and also prescribes punishment to those resorting to such practice. The prohibition of Child Marriage Act, 2006 penalizes the person who are involved in solemnization

¹⁵ Srujana Bej, Tackling India's Devadasi System – A Matter of Policing and Public Order? (Jan. 3, 2022, 6:15 PM) <https://ohrh.law.ox.ac.uk/tackling-indias-devadasi-system-a-matter-of-policing-and-public-order>.

of child marriage. Devadasi system is observed and followed before the child attains the age of puberty and she is offered to any rich person to have physical relationship in the name of God which is considered as a wrongful act according to section 10 of the above Act which is punishable up to 2 years of imprisonment or fine up to one lakh or both.¹⁶

No doubt the concept of Devadasi is found in the Hindu religion at large. But the Hindu Marriage Act, 1955 which deals with the personal matters of Hindu religion particularly stresses about the minimum age of marriage for a girl which is 18 years under section 5 (iii) of the above Act which confirms that a girl below the age of 18 years is not eligible to enter into a marital tie nor enter into any physical relationship with a man. It is also important to note that recently an amendment Bill is passed under the Prohibition of Child Marriage (Amendment) Bill, 2021 which seeks to increase the age of a girl for a marriage from 18 years to 21 years.¹⁷

The Devadasi system is rampantly observed and practiced by the backward caste people. Hence, there is a clear mention in The Scheduled Castes and scheduled tribes (prevention of Atrocities) Act, 1989 which clearly prohibits a dedication of a SC and ST women to a deity, temple or idol as a devadasi or any other similar practices which will attract punishment of 6 months imprisonment or fine or both under section 3 (1) (xii) of the same Act.¹⁸

The Immoral Traffic (Prevention) Act, 1956 lays down punishment under the code for the activities of prostitution of any kind. Devadasi system is a kind of prostitution which is undergone in the name of God and religion for which punishment is prescribed under section 4 and 5 of the same legislation.¹⁹

The protection of women from Domestic Violence Act, 2005 provides provision under section 2(f) which speaks about violence arising not only due to marital relationship but also includes relationship between persons who live or lived together. Hence, devadasi's exploitation or violence caused on them is also included under provisions of the Act for which the person involved is made liable.²⁰

It is quite important to note that apart from the initiatives taken by the government, even several NGOs are specially working on the eradication of devadasi system from the society. NGOs like Visthar, in Bangalore play an important role in saving the lives of young girls who will be otherwise devoted to the goddess in the name of devadasi system. Visthar is not only saving the young girls but also protecting them by giving them the shelter at their center which is the most

¹⁶ The Child Marriage Restraint Act, 1929, S 10 Act 19 of 1929(India).

¹⁷ The Hindu Marriage Act, 1955, s. 5(iii) Act 25 of 1955(India).

¹⁸ The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, s. 3(1) (xii). Act 33 of 1989(India)

¹⁹ The Immoral Traffic (Prevention) Act, 1956 s. 4,5. Act 104 of 1956(India).

²⁰ The Domestic Violence Act, 2005 S. 2(f). Act 43 of 2005(India).

essential as they are not accepted by other people in the society. They are also provided with basic education which is deprived to them at their young age²¹. MASS NGO Mahila Abhivrudhi Mattu Samrakshana Samsthe a Belgaum based NGO who specially work for the ex-devadasi women and their kids. It's a fact that if a woman is saved from the social evil, she will not be in a position to lead a normal life. This is where this NGO makes a way for the living of such women as well as their children by creating and providing conducive environment to them²² and strived hard by burning their midnight oil in order to eliminate this social evil. Even the Companies under the head of CSR according to section 135 of the Companies Act, 2013, are involving and joining hands with NGOs to eradicate the evil. Infosys foundation recently have saved 3000 devadasis from Raichur district of Karnataka and made provisions for rehabilitating them and giving them a new life.²³ The Vimochana Sangha residential School is established in Malabar in the year 1990 specially for admitting the children of devadasis with a sole intention of providing them with the basic education as well as to break the chain of devadasi system to be continued in their families as it is a adopted principle in the society that the children of Devadasis should also become devadasis after they reaching appropriate age.²⁴

Even the Judiciary has played an important role in the eradication of this social evil by passing appropriate judgments from time to time. In *Vishal v Union of India*²⁵ the Supreme Court directed all State Governments and Union Territories to take appropriate and speedy action in existing laws in eradicating child prostitution in the name of Devadasi system. But in the case of *Rajam and ors v Chidambaravadivu and ors*²⁶ the Madras High Court held that, a devadasi woman nor her children can claim property rights from her male partner since a devadasi is incapable of entering into a valid marriage. This is because the law does not recognize the system of devadasi due to which they are not conferred with any legal rights.

In spite of various initiations by the government and efforts of the NGO's, it has not been able to combat the social evil effectively. The reason for this is many. The sad truth is that their own family members are involved in pushing a child to this evil system. Even after enacting strict rules, it is shocking to know that every year the number of devadasis who are devoted to the public in the name of God is increasing.

²¹ Pushpa Achanta, "Breaking free from Devadasi tradition", Deccan Herald, Apr. 11, 2011.

²² MASS, *Historical Perspective of Devadasi Tradition*, (Jan. 5, 2022, 5:30 PM) <https://massbelgaum.org/>.

²³ Editorial, *3000Devadasis get aid from Infosys Foundation*, <https://newsable.asianetnews.com/karnataka/3000-devadasis-get-aid-from-infosys-foundation> (Dec. 14, 2021, 5:45 PM).

²⁴ Tanya Kumar, *The Devadasi System – The tradition India Regrets*, (Dec. 14, 2021, 10:40 PM) <https://www.indianfolk.com/devadasi-system-tradition-india-regrets/>

²⁵ AIR 1990 SC 1412

²⁶ A.S. No.553 of 1995

ABOLITION OF DEVADASI SYSTEM: CHALLENGES AND A WAY FORWARD

There are several changes to be made in a system in order to eradicate the evil completely from the society. The people involved in the system of devadasi culture should be punished with serious punishment due to which the people should think twice before resorting to such evil practice.

In spite of knowing the ill effect of the devadasi system it's very sad to know that there is no any exclusive law in a country at the national level to combat the system of devadasi. If the strict rules and legislations are enacted along with the necessary amendments to the existing laws, there are chances of combating the evil in a better way. There are few states which have enacted state legislation in order to overcome the ill effect of the devadasi system. But the result is not effective as every year the number of girls entering in this evil system is increasing. In spite of several measures taken by the government, the number of devadasis increased in the recent years. It's a shocking fact that the State government of Karnataka has made a survey on the number of devadasis in the year 2008 which is considered as the last survey by the concerned department. But recently in 2018 it is noted that the Karnataka State Women's university reported around 80000 devadasis in the state of Karnataka itself which is the evil truth that the number of devadasis is increasing every year.²⁷ It is so disheartening that even after several private organizations as well as NGOs made a survey from time to time, the government survey is minimal in this respect.

People who are involved in using the minor girls and exploiting them in any kind must be severely punished so that there must not be any chance for them to resort to such heinous crime in the future and spoil the lives of young girls. The concept of devadasi must be brought under the purview of Indian Penal Code.

Education is a best medicine to solve every problem of the society. The girls as well as their families must be educated that not to make their girls suffer their whole life because of the evil practice.

It is very necessary for the landlords as well as rich people who indulge in using a minor girl in the name of devadasi to bear the responsibility of them in future for their whole life.

Special schemes to be implemented for the children born to devadasi and efforts to be made to break the chain so that the daughter of devadasi will not end up being a devadasi again. Special

²⁷ Chetana Belagere, "Over 80k devadasis in Karnataka, say NGO's", The New Indian Express, Feb. 28, 2020.

scholarships and schemes are to be introduced by the government for supporting the ex-devadasis for leading their normal life in public.

It is very much necessary to establish rehabilitation centers where the girls and women are brought back to their normal life like others. A conducive environment must be created by such centers so as to aid the victims of devadasi to lead their normal life which is considered as a serious challenge to bring them back and to make them to lead a normal life.

The department of women and child development must undertake exclusive surveys from time to time in respect of devadasis and also to take necessary steps to stop the evil. Awareness programmes must be undertaken by the concerned departments not only for the victims but also to the society at large. It is also important for the police and other concerned officers to take a Suo moto action on such evil as most of the time victims do not themselves approach the concerned authorities. No doubt in the present day, the devadasis themselves are coming forward to complain against the evil practice but are very minimal in number.

Empowerment of women is the most important step to be taken in order to avoid this evil. In most of the cases, the young girls themselves are interested in getting into the evil not because they love it but because they believe that is only the reality of their life. It is the most important step to empower these victims who become prey in the name of devadasi to get out of this evil due to which it is possible to abolish the evil to the maximum extent. If these girls are empowered there are chances of, they themselves opposing the system as well as they coming forward to complain to the concerned authorities the problem faced by them which will be of great help to the concerned authorities to check and eradicate the social evil from the society.

The tradition of devadasi is most of the time carried in secret way due to which it is a greatest challenge to the State to get rid of this evil. So steps must be carried in order to change their mind set and make sure they will not resort to such evil practices. If the State is successful in changing the mindset of the devadasis, it will be a great step in order to eradicate the devadasi tradition from the society.

CONCLUSION

The devadasi system is the most cruel and evil system that is followed from ancient times in the society. No doubt the system was considered good and devadasis were given high respect in the society. As time passed the system got deteriorated and now it is considered and given the position of prostitution in the name of God. The purpose of devadasi is not less than that of prostitution. There are several initiatives taken by the government as well as non-government associations to eradicate the evil of devadasi system. The government has abolished the concept

of devadasi by enacting several State legislations as well as including necessary provisions in the Central legislations for the eradication of the evil. But, in spite of taking several efforts, it is still followed in many parts of India and the devadasi culture is still practiced in a secret path in its own way ruining the lives of thousands of young girls. It is a need of an hour to take the issue very seriously and take necessary initiatives by the state as well as the society to eradicate the evil from the society. Empowerment as well as providing conducive environment to the victims of devadasi and their family is very important in order to stop the devadasi system. If everyone join hands together it will be an easy task for the state to eradicate the hidden evil from the society and help the ex-devadasis to empower and come out of this system in the future.