

KARNATAKA ACT No. 1 OF 2010

THE KARNATAKA DEVADASIS (PROHIBITION OF DEDICATION) (AMENDMENT) ACT, 2009

Arrangement of Sections

Sections:

1. Short title and commencement
2. Insertion of new sections 3A, 3B, 3C, 3D and 3E

STATEMENT OF OBJECTS AND REASONS

Amending Act 1 of 2010.- It is considered necessary to amend the Karnataka Devadasis (Prohibition of Dedication) Act, 1982,-

- (1) to empower the district magistrate or executive magistrate to issue injunction prohibiting likelihood of taking place of dedication to devadasis.
- (2) to provide for the rescue, care, protection welfare and rehabilitation of woman from dedication.
- (3) to provide that the offences under this Act are cognizable and non-bailable.
- (4) to provide for the appointment of Devadasis dedication prohibition officers with powers to prevent such dedication.

Hence, the Bill.

(L.A.Bill No. 4 of 2009, File No. Samvyashe 08 Shasana 2008)

[Entries 1, 2, 5 and 23 of List III of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT No. 1 OF 2010

(First published in the Karnataka Gazette Extra-ordinary on the sixth day of February, 2010)

THE KARNATAKA DEVADASIS (PROHIBITION OF DEDICATION) (AMENDMENT) ACT, 2009

(Received the assent of the President on the Twenty first day of January, 2010)

An Act further to amend the Karnataka Devadasis (Prohibition of Dedication) Act, 1982.

Whereas it is expedient further to amend the Karnataka Devadasis (Prohibition of Dedication) Act, 1982 (Karnataka Act No. 1 of 1984) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the fifty-ninth year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Devadasis (Prohibition of Dedication) (Amendment) Act, 2009.

(2) It shall come into force at once.

2. Insertion of new sections 3A, 3B, 3C, 3D and 3E.- After section 3 of the Karnataka Devadasis (Prohibition of Dedication) Act, 1982 (Karnataka Act No.1 of 1984), the following shall be inserted, namely:-

"3A. Power of district magistrate or executive magistrate to issue injunction prohibiting dedication.- (1) Notwithstanding anything to the contrary contained in this Act, if on an application of the Devadasi Prohibition Officer or on receipt of information through a complaint or otherwise from any person, a District Magistrate or an Executive Magistrate is satisfied that a dedication in contravention of this Act, has been arranged or is about to be solemnised, such Magistrate shall issue a prohibitory injunction against any person including a member of an organisation or an association of persons prohibiting or restraining from such dedication.

(2) An application or a complaint under sub-section (1), may be made by any person having personal knowledge or reason to believe and a non-governmental organisation having reasonable information, relating to the likelihood of taking place of such dedication.

(3) The District Magistrate or the Executive Magistrate may also take suo motu cognisance on the basis of any reliable report or information or complaint as the case may be.

(4) For the purpose of preventing en-mass dedication as Devadasis on certain days such as full moon day during Jathras, the concerned District Magistrate shall be deemed to be the Devadasi Dedication Prohibition Officer with all powers as are conferred on a Devadasi Dedication Prohibition Officer by or under this Act.

(5) The District Magistrate shall also have additional powers to stop or prevent dedication and for this purpose, he may take all appropriate measures including use of the minimum force required.

(6) No prohibitory injunction under sub-section (1) shall be issued against any person or member of any organisation or association of persons unless the magistrate concerned has previously given notice to such person, members of the organisation or association of persons, as the case may be, and has offered him or them an opportunity to show cause against the issue of the injunction:

Provided that in the case of any urgency, the magistrate concerned shall have the power to issue an interim injunction without giving any notice under this sub-section.

(7) An injunction issued under sub-section (1) may be confirmed or vacated after giving notice and hearing the party against whom the injunction was issued.

(8) The District Magistrate or the Executive Magistrate may either on its own motion or on the application of any person aggrieved, rescind or alter an injunction issued under sub-section (1).

(9) Where an application received under sub-section (1), the District Magistrate or the Executive Magistrate shall afford the applicant an opportunity of appearing before it either in person or by an advocate. After hearing the applicant, the District Magistrate or the Executive Magistrate rejects the application wholly or in part, he shall record in writing its reasons for so doing.

(10) Whoever knowing that an injunction has been issued under sub-section (1) against him disobeys such injunction shall be punishable with imprisonment of either description for a term which may extend to three years but which shall not be less than two years or with a fine which shall not be less than rupees two thousand but which may extend to rupees ten thousand or with both.

3B. Rescue, care, protection, welfare and rehabilitation of woman.- The State Government shall take all necessary steps to rehabilitate the woman rescued from dedication, under the "Devadasi Rehabilitation Programme" by providing counselling and awareness and shall be economically empowered by involving the said woman in income generating activities, if necessary by providing protection or shelter in remand home upto six months and see that the said woman shall become self-sustained by availing subsidy and loans through banks.

3C. Offences to be cognizable and nonbailable.- An offence punishable under this Act shall be cognisable and non-bailable.

3D. Appointment of Devadasi Dedication Prohibition Officer.- (1) The State Government may, by notification, in the official Gazette, appoint for whole state or such part thereof, as may be

specified in that notification, an officer or officers to be known as Devadasi Dedication Prohibition Officer having jurisdiction over the area or areas specified in the notification.

(2) Without prejudice to sub-section (1), the concerned Deputy Director, Assistant Director, Women and Child Development Department or the Project Officer shall be the Devadasi Dedication Prohibition Officer in their respective jurisdiction.

(3) The State Government may also request a respectable member of the locality with a record of social service or an officer of the Gram Panchayath or Municipality or an officer of the Government or any public sector undertaking or an office bearer of any non-governmental organisation to assist the Devadasi Dedication Prohibition Officer and such member, officer or office bearer, as the case may be, shall be bound to act accordingly.

(4) It shall be the duty of the Devadasi Dedication Prohibition Officer,-

- (a) to prevent dedication by making an application under sub-section (1) of section 3A and by taking such actions as he may deem fit;
- (b) to collect evidences for the effective prosecution of persons contravening the provisions of the Act;
- (c) to advise either individual cases or counsel the residents of the locality generally not to indulge in promoting, helping, aiding or allowing the dedication of devadasi;
- (d) to create awareness of the evil which results from dedication;
- (e) to sensitize the community on the issue of dedication;
- (f) to take action to write the Panchanama report at the place of incident itself and obtain the signatures of witnesses;
- (g) to furnish such periodical returns and statistics as the State Government may direct; and
- (h) to discharge such other functions and duties as may be assigned to him by the State Government.

(5) The State Government may, by notification, in the Official Gazette, subject to such conditions and limitations, invest with the Devadasi Dedication Prohibition Officer with such powers of a police officer as may be specified in the notification and the Devadasi Dedication Prohibition Officer shall exercise such powers subject to such conditions and limitations, as may be specified therein.

(6) The Devadasi Dedication Prohibition Officer shall have the power to move the court for an order under section 3B for rehabilitation of rescued woman.

(7) The Devadasi Dedication Prohibition Officer shall report the same to the Secretary to Government, Women and Child Development Department, the Managing Director, the Karnataka

State Women's Development Corporation and the Deputy Commissioner of respective Districts whenever the incident of dedication occurs or likely to occur in his jurisdiction.

3E. Devadasi Dedication Prohibition Officers to be public servants.- The Devadasi Dedication Prohibition Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860)."

The above translation of the ಕರ್ನಾಟಕ ದೇವದಾಸಿಯರ (ಸಮರ್ಪಣಾ ನಿಷೇಧ) (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2009 (2010ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 1) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

H.R.BHARDWAJ
GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of Karnataka,

G.K. BOREGOWDA
Secretary to Government
Department of Parliamentary Affairs
and Legislation