

ITEM NO.48

COURT NO.6

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No. 127/2014

S.L.FOUNDATION TH. ITS PRESIDENT & ANR.

Petitioner(s)

VERSUS

U.O.I & ORS

Respondent(s)

(With application for directions and exemption from filing Official Translation)

Date : 12/02/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

For Petr No. 1 Mr. V. K. Biju, A.O.R.

For Petr. No. 2 Ms. Aparna Bhat, A.O.R.

For Respondent(s)

For Union of India Ms. Pinky Ananad, A.S.G.
Mr. Rishabh Jain, Adv.
Mr. Avinash Sharma, Adv.
Ms. Sadhana Sandhu, Adv.
Ms. Sunita Sharma, Adv.
Mr. Gautam Narayan, Adv.
Ms. Kaanan Gupta, Adv.
Ms. Sushma Suri, Adv.

For States of
Karnataka

Mr. V. N. Raghupathy, A.O.R.

Telangana

Mr. S. Udaya Kumar Sagar, A.O.R.
Mr. Krishna Kumar Singh, Adv.

Andhra Pradesh

Mr. Guntur Prabhakar, A.O.R.
Ms. Prerna Singh, Adv.

Maharashtra

Mr. Rajesh Kumar Singh, Adv.
Mr. Aniruddha P. Mayee, A.O.R.

National Commission

For Women

Ms. Jyotika Kalra, A.O.R.

UPON hearing counsel the Court made the following
O R D E R

By this Writ Petition, after making a detailed reference to the age old undesired practice of Devadasi system, the petitioner came forward with a specific prayer to deal with the said unhealthy practice of Devadasis dedication which was planned to be held on the midnight of 13th February, 2014 at Uttangi Mala Durga Temple at Harappannahalli Taluk of Devanagar District, Karnataka.

Initially, notice was issued in this writ petition and various interim orders were also passed directing the Central Government to come forward with a specific stand as to how and in what manner such unhealthy practice prevailing in various States are being controlled or monitored. On behalf of the Central Government, an affidavit has now been filed before this Court wherein reference has been made to the various States where specific enactment has been passed which have been brought into effect in the States of Karnataka, Tamil Nadu and Andhra Pradesh apart from National Commission for Women Act, 1990 which takes care of

the interest of the women who were being subjected to cruel treatment in the form of dedication of Devadasis.

In fact, our notice was drawn to some of the provisions of such Statutes, wherein apart from defining who is a 'Devadasi' and what is meant by 'dedication' such act has also been described as unlawful and specific penal provisions have also been prescribed. When we perused the present writ petition, we found that apart from the above specific instance, which was sought to be interdicted at Uttangi Mala Durga Temple at Harappanahalli Taluk of Devanagar District, Karnataka on 13th February, 2014, the petitioner No. 1 has come forward with various other prayers which are directions to the Union of India to curb the practice of dedication of girls as devadasis in the above States. Specific direction has also been sought as against the National Commission for Women to take immediate steps to stop the practice of dedication of Devadasis. Petitioner No. 1 also seeks for necessary prayer for taking urgent steps to rehabilitate girl children who fell a prey to such practices by providing education apart from

other basic facilities.

Having heard Mr. V.K. Biju, learned counsel for the petitioner No. 1 and Ms. Aparna Bhat, learned counsel for petitioner No. 2, Ms. Pinky Anand, learned Additional Solicitor General for the Union of India, Ms. Jyotika Kalra, learned counsel for the National Commission for Women and learned counsel for the respective States who have entered appearance, we are of the view that instead of keeping this writ petition pending, it would be appropriate to give the following directions:-

(a) We permit the petitioners to take appropriate measures such as preferring a complaint or representation depending upon the situation or occurrence, wherever it is able to notice or come across of specific instances of violation of the provisions of the Acts which have been brought into force in the States of Karnataka, Tamil Nadu, Andhra Pradesh, Telangana, Maharashtra as well as in any other States by preferring necessary complaints before the police authorities or by bringing it to the notice of the concerned Secretary of the State who is in charge of Women Development and it will be incumbent upon them to

invoke the statutory provisions prevailing in the respective States and proceed against the culprits in accordance with law.

(b) The Union of India in its affidavit has pointed out that it has issued advisory dated 22nd December, 2015 to all the States as well as Union Territories to stop such illegal practice apart from carrying out the following:-

(i) ensure the implementation of existing law strictly.

(ii) any instances/cases of Devadasi should be dealt with strictly and without exception as per extant law.

(iii) initiate special drive to identify all such victims and suitably rehabilitate them by providing proper counselling, medical treatment, guidance, support and motivation to lead a dignified life.

Having regard to the laudable object with which Union of India has issued such advisory, it is imperative that all the States as well as Union Territories to whom such advisories have been communicated to strictly implement the directions

in order to ensure that such unethical and unhealthy practice prevailing, if any, is brought to an end forthwith. In the event of any violation of such advisory and any such directions issued by the Union of India dated 22nd December, 2015, is brought to the notice of the Union Government, the Union of India will be at liberty to approach this Court for issuing necessary direction to the concerned States. The petitioners are also at liberty to bring it to the notice of the Union of India for taking necessary action in the event of such violation being brought to their notice.

It is needless to state that if the petitioners are able to bring to the notice of the State Government or the Union of India about the details of any victims who have already been subjected to such unhealthy practice and suffer or suffered as a devadasi, having regard to the specific funds created for their rehabilitation, the petitioners will be at liberty to move the concerned State Government for extending the rehabilitation measures to such victims in the event of any such instances being brought to the notice of the respective States Governments/Union Territories

with specific details. The State Government shall take appropriate steps for their rehabilitation by providing all supportive rehabilitation measures.

By way of an application for impleadment, the body called Gudiya Swamsevak Sansthan wanted to support the cause espounded by the petitioner in this writ petition, the impleadment was allowed by this Court and made a party to the writ petition and the same is represented by Ms. Aparna Bhat, learned counsel.

The grievance of the said Sansthan related to the identical hardship faced by devadasis in Northern Karnataka, Andhra Pradesh and some parts of Maharashtra. The grievances have been stated in paragraph 2 of their affidavit filed in IA NO. 4 of 2014. In the light of our directions issued in this writ petition, we are of the view that similar such direction as mentioned above should be extended to those victims for whom the Sansthan wants to espouse before the appropriate authorities. We, therefore, permit the Sansthan also to work out their remedies as has been permitted in the writ petition apart from the general direction issued to the Union of India and

the respective State Governments/Union Territories.
In fact, the Union of India in their advisory
stated to have acknowledged the statement referred
to by the Sansthan.

Copy of this order be sent to all the Chief
Secretaries of all the States and Union Territories
along with a copy of the writ petition for
compliance immediately.

The Writ Petition stands disposed of on the
above terms.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER