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R. R. Kale

A CRITIQUE ON THE BOMBAY

LAND REVENUE CODE AMENDMENT

BILL NO 14 OF 1928

by

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**R. R. Kale**

L. L. B., M. L. C.

ADVOCATE, SATARA

79



(As printed from the Bombay Chronicle)

SATARA 1929

Price R. 1

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## PREFACE.

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It was officially announced at the last Budget Meeting of the Bombay Legislative Council that the First Reading of the Bom. Land Revenue Code Amendment Bill will be taken up at the next Meeting of the Council in July. From the speeches made from time to time in the Leg. Council by the Hon. the Revenue Member Mr. Rieu, & also the Settlement Commissioners Messrs Anderson & Mackey, Govt. seem to stick to their original proposals but there are several points in connection with the Bill which require discussion, so that Govt. may see the need of a modification of their views in the light of the criticism offered in these Articles, which being widely appreciated, are reprinted from the Bombay Chronicle in a phamlet form at the request of friends.

2. Though it is stated in the Objects & Reasons that the Bill is intended to give effect to such recommendations of the Land Revenue Assessment Committee as have been accepted by Govt., the Bill does nothing but embody the present practice established by its own executive Officers for some time past in the shape of a legal statute. Such a measure will clearly be a retrograde step—a distinct receding from the more liberal principles of the Land Revenue policy. Though the present system of Land Revenue Assessment is said to have been intended in its origin to build up a strong peasantry, self-reliant & prosperous, to be the backbone of Rural Bombay & to supply a great stimulus to the staple industry of the Presidency, this ill-fated System, far from realising the anticipations of its eminent authors has landed the yeomanry after nearly a century's trial to an *Agrarian Impasse*. Whatever causes there may be for the indebtedness & impoverishment of the Agriculturists, we must attribute his present condition in no small measure to the rigidity of Revenue collections, the excessive pressure of the Land Revenue Assessments & the methods adopted for enhancing them at Revision Settlements, which are far from satisfactory as disclosed in the recent Broomfield-Maxwell Inquiry into the Bardoli revision settlements.

3. Since the publication of these Articles the Report of the Bardoli Inquiry Committee has been made available to the public. The

only point in the Report which calls for any remarks in this *Critique* is that some support might be derived to the retention of the expression 'Rental Value' in the proposed Bill. It is to be hoped that the Report will go a long way towards changing the existing practice built up mostly on the Settlement Commissioner Mr. Anderson's view of using rental statistics by a mechanical application of rental indices which amounts in the words of the authors of the Report almost 'to a denial of the original principles of grouping.' Messrs Broomfield & Maxwell have shown that even when rental data are plentiful, well sifted & of a representative character, utmost scrutiny is necessary to arrive at a real indication of Rental Value. And their remark that in Bardoli cultivation by the owner himself is the normal mode of dealing with land & leasing is more or less exceptional, equally applies to other parts of the presidency as we have shown in our Article. Also their further observation as to what happened in Bardoli viz. that the rental & sale statistics have been carelessly compiled, are demonstrably incorrect in a large number of cases & in general must be regarded as completely unreliable, must have happened & must happen elsewhere. The established method of using the statistics is condemned as unsound in theory. Thus the dominant position assigned to rental values by Mr. Anderson which finds a place in the present Amending Bill as the primary basis of assessment has been considerably weakened. It is true that Messrs. Broomfield & Maxwell have made use of the evidence of rents according to their interpretation of it & there can be & there never has been any objection to such a use. Seeing, however, that the expression rental value & the prominent place assigned to it as the primary basis in the Bill are capable of being & have been misunderstood & misinterpreted by Settlement officers, the criticism made & the objections raised by us to making 'Rental Value' as the primary basis & the amendment proposed by us of replacing the expression by 'Annual value' & defining it as defined by the Taxation Inquiry Committee, will seem to be well justified. The Broomfield-Maxwell Report read as a whole will be found to lend no support to the view put forward in certain quarters that the opponents of rental value basis will be silenced by the so-called authoritative pronouncements in that Report.

The following observations in the Broomfield Committee Report with regard to rental value are apposite in this connection. "There is bound to be considerable difficulty in ascertaining it correctly and, where leasing is the exception rather than the rule as in both the Talukas with which we have to deal, one must be very cautious in applying any rental value, deduced from the actual rents found, to the much larger area which is never leased at all." It is difficult to reconcile this observation with the adoption of rental value as the basis. If, however, it is possible to get at rental values of all lands through the rents of selected typical lands of different groups by taking care to check and scrutinize the figures and draw conclusions, it is equally possible to ascertain general costs of production through the costs of carefully selected typical lands and the difficulty pointed out by the Committee to get at net profits through the extremely variable cost of production, ought not to stand in the way of adopting net profits or annual value as defined by T. E. Committee as the correct basis.

Satara,  
30th June 1929 }

R. R. KALE.

## FOREWORD

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My friend Rao Bahadur R. R. Kale M. L. C. has indeed done a great public service by writing for the *Bombay Chronicle* these articles on the subject of the Land Revenue policy of Government, reprinting them and subsequently issuing them in pamphlet form. There is hardly any subject that attracts, at this moment, such nation-wide attention as the question of the economic condition of the agriculturist and the Land Revenue Policy of Govt. Countries in the west have industrially so far advanced, in other directions, that agriculture as an industry is scarcely ever taken into account. But even then, there is in those countries an out-cry that Government is not doing its duty of giving proper protection to agriculture. No doubt the report of the Committee appointed by the British Parliament in 1925 negatived the idea of protective tariffs for agricultural produce; but it suggested, as a remedy, the stabilisation of the monetary system and conditions in the country, which has been ultimately adopted. In India, a similar attempt was made to stabilize the currency by fixing the ratio of the silver rupee to gold. But in doing so, Government instead of bettering the lot of the agriculturist, penalized him to the extent of about 12%, owing to the artificial appreciation of the rupee. In England, the complaint is that people do not sufficiently make use of the arable land for producing human food crops. In India, there is no question of land, capable of yielding food crops, not being utilised for that purpose. The Indian agriculturist, in every part of the country, utilises the land so much for food crops, that the cattle in India do not get as much pasturage or cattle food as they require. In England,



**APPENDIX L**

Telegram, dated 12th May, 1927, addressed to the Secretary, Government of India, Department of Education, Health and Lands (Overseas), Simla.

“ Council of Imperial Indian Citizenship Association anxious that Indian Colonial interests should be represented in Colonial Conference sitting in London stop. Also hope Government of India is represented.”

**NATARAJAN,**

*Honorary Secretary.*

## APPENDIX II.

The Government of India's reply to the Association's telegram.  
(Appendix I).

No. 399-Os.

GOVERNMENT OF INDIA,  
DEPARTMENT OF EDUCATION, HEALTH AND LANDS,  
*Simla, the 20th May 1927.*

From

G. S. BAJPAI, Esq., C.I.E., C.B.E., I.C.S.,  
*Deputy Secretary to the Government of India.*

To

K. NATARAJAN, Esq.,  
HONORARY SECRETARY,  
IMPERIAL INDIAN CITIZENSHIP ASSOCIATION,  
Bombay.

Sir,

I am directed to acknowledge receipt of your telegram, dated the 12th May. The Government of India are not represented on the Colonial Conference; nor do they consider that it would be proper to claim representation, as the Conference is primarily concerned with matters of internal administration and confined to official representatives of colonies, &c. They will watch the proceedings with interest and, if circumstances require it, will take suitable action to safeguard Indian interests.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) G. S. BAJPAI,

*Deputy Secretary*

## APPENDIX III.

Question No. 112/1927.

## RESIDENTIAL PLOTS, MOMBASA TOWNSHIP.

In the Kenya Legislative Council on Thursday, the 15th September, 1927, the Hon'ble Mr. J. B. Pandya asked :—

“ With reference to Notice No. 738 appearing in the Official Gazette of 23rd instant, regarding tender for certain residential plots in Mombasa Township—Will Government state :

1. If these plots are reserved for Europeans only ?
2. If the reply be in affirmative will the Government remove these restrictions according to 1924 White Paper policy laying down the principle of no segregation in township areas ?
3. If the reply be in the negative will the Government state reasons therefor ?
4. Will the Government state reasons of asking for tender in this case instead of the usual procedure of sale by public auction ?

The Hon'ble Colonial Secretary replied :—

The reply to the first part of the question is in the affirmative. 2 and 3. As regards the second and third parts of the question, the Hon'ble Member is no doubt aware that the declaration of the White Paper of 1923 against residential segregation as between Europeans and Indians cannot in practice be applied without qualification in areas governed by covenants made before 1923 when segregation was, under Imperial sanction, part of the settled policy of the Colony. In such areas the policy of the declaration of 1923 is limited in application by the facts of the situation, since Government can neither unmake covenants entered into before 1923

nor accept the liability involved in ignoring them. The question whether or not a particular area comes under this limitation must depend upon legal opinion as to whether sales without restriction would adversely affect existing interests or render Government liable to claims from holders of existing titles in the area. Government has been advised that in the Mombasa area to which the Hon'ble Member's question refers unrestricted sale would affect existing interests and could expose Government to claims from existing holders. The course taken by the Government is therefore the only course possible, if the plots in question are not to be withheld indefinitely from residential occupation.

5. With regard to the fourth part of the question tenders were called for at the urgent request of the District Committee and Town Planning Authority. The urgency is due to the lack of houses in Mombasa, which is still very serious.

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The following "Indians Abroad" Bulletins were published during the period 1927 and 1928 :—

Bulletin No. 17	..	South Africa	..	The Round Table Conference.
"	18	..	Do.	.. The Rt. Hon'ble V. S. Srinivasa Sastri, P. C.
"	19	..	East Africa	.. Royal Commission on the Union of East Africa.
"	20	..	British Guiana	.. The Parliamentary Commission on the British Guiana Constitution.

List of Magazines and Journals received in the library of the Association :—

1. The "Times of India."
  2. The "Indian Daily Mail."
  3. The "Bombay Chronicle."
  4. The "Jam-e-Jamshed."
  5. The "Hindu."
  6. The "Leader."
  7. The "Indian Social Reformer."
  8. The "Servant of India."
  9. The "Young India."
  10. The "New India."
  11. The "Cape Times"—(South Africa).
  12. The "Indian Opinion"—(South Africa).
  13. The "Kenya Daily Mail"—(East Africa).
  14. The "African Comrade"—(East Africa).
  15. The "Tanganyika Opinion"—(East Africa).
  16. The "Zanzibar Voice"—(East Africa).
  17. The "African Chronicle"—(East Africa).
  18. The "Fiji Samachar."
-



## THE IMPERIAL INDIAN CITIZENSHIP ASSOCIATION.

Balance Sheet for the year ending 31st December 1927.

Liabilities.			ASSETS.			
<i>Capital Fund—</i>	Rs.	a. p.	<i>Balance as under—</i>		Rs.	a. p.
Amount as per last Statement ..	3,63,744	4 10	4% B. P. T. Bonds .. .. .		Face Value.	Book Value.
					1,40,500	0 0
				Face Value. Book Value.		1,44,461 9 8
<i>Liabilities—</i>			<i>3½% Govt. Pro-</i>			
To Expenses .. .. .	1,043	4 6	<i>missory Notes—</i>			
			Balance as per			
			last account 1,70,000/-		1,56,466	5 2
			<i>Less sale pro-</i>			
			<i>ceeds .. 20,000/-</i>		15,216	6 6
					1,50,000	0 0
			<i>Dead Stock—</i>			1,41,249 14 8
			Furniture etc. Book value subject to de-			
			preciation .. .. .			2,551 14 0
			Library, Book value subject to deprecia-			
			tion .. .. .			459 13
			<i>News Agency Deposit—</i>			
			Cash with the Central Telegraph Office			
			as a deposit for the registration of the			
			Association as a News Agency .. .. .			500
			<i>Suspense Account—</i>			
			Cash with the Asst. Secretary for petty			
			disbursements .. .. .			50

		<i>Sundries Receivable—</i>		
		Members' fees for previous years received		
		in 1928 .. .. .	..	155 0 0
		Balance at the Imperial Bank of India ..	..	7,626 7 2
		<i>Income and Expenditure Ac-</i>		
		<i>count—</i>		
		Rs. a. p.		
		Deficit as per last account. 53,103 5 8		
		<i>Add this year's deficit as</i>		
		<i>per Income and Expendi-</i>		
		<i>diture account .. ..</i>	14,629 9 2	
				67,732 14 10
Rs. ..	3,64,787 9 4		Rs. ..	3,64,787 9 4

We have examined the above Balance Sheet with Books, Vouchers, etc., and beg to report that to the best of our belief and according to the information and explanations given to us and as shown by the books of the Association we find the same correct.

BOMBAY, 12th September 1928.

RUSTOMJI MODI & DAMANIA,

*Honorary Auditors.*



**THE IMPERIAL INDIAN CITIZENSHIP ASSOCIATION.**  
Income and Expenditure A-C. for the year ending 31st December, 1928.

INCOME.			EXPENDITURE.		
	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.
Interest .. .. .	10,842 12 0		Allowance to Mr. C. F. Andrews	1,300 0 0	
Members' Fees .. .. .	140 0 0		Travelling Expenses to Mr. C. F. Andrews .. .. .	100 0 0	
		10,982 12 0	Travelling Expenses to our representative Mr. S. A. Waiz to Simla and back .. .. .	66 0 0	
Deficit .. .. .		8,209 0 0	News Agency .. .. .	1,030 7 0	
			Newspapers .. .. .	212 5 0	
			Bulletin .. .. .	1,911 1 8	
			Salary .. .. .	4,875 0 0	
			Rent .. .. .	4,950 0 0	
			Sundry Expenses .. .. .	163 3 0	
			Stamps .. .. .	72 9 0	
			Stationery and Printing .. .. .	50 4 0	
			Cable and Telegram Charges .. .. .	108 12 0	
			Insurance .. .. .	12 8 0	
			Advertisement .. .. .	1 1 0	
		14,251 2 6			14,251 2 6
Rs. ..	..		Rs. ..	..	

Examined and found correct.  
BOMBAY, 18th April 1929.

RUSTOMJI MODI & DAMANIA,  
Honorary Auditors.

## THE IMPERIAL INDIAN CITIZENSHIP ASSOCIATION.

Balance Sheet for the year ending 31st December, 1928.

LIABILITIES.					ASSETS.				
	Rs.	a. p.	Rs.	a. p.		Rs.	a. p.	Rs.	a. p.
<i>Capital Fund—</i>					<i>Balance as under—</i>	Rs. a. p.	Rs. a. p.	Face Value.	Book Value.
Amount as per last statement .. .. .	3,63,744	4 10			4% B. P. T. Bonds .. ..	1,40,500	0 0	1,44,461	9 8
					3½% Govt. Promissory Notes ..	..	..		
					Balance as per last account ..	1,50,000	0 0	1,41,249	14 8
<i>Liabilities—</i>						Rs. ..	2,90,500	0 0	
To expenses for December 1928.. .. .	670	3 0			<i>Dead Stock—</i>				
			3,64,414	7 10	Furniture, etc. .. ..		2,551	14 0	
					Library .. .. .		465	15 0	3,017
									13 0
					<i>Mr. S. A. Waiz, Asst. Secretary. Loan Account—</i> ..				500
					<i>Suspense Account—</i>				0 0
					Cash with the Asst. Secretary for petty disbursements ..				50
					<i>Balance at the Imperial Bank of India .. .. .</i>				0 0
					<i>Income &amp; Expenditure Account—</i>				4,133
					Balance as per last account..	67,732	14 10		13 2
					Add this year's deficiency ..	3,268	6 8		
								71,001	5 4
Rs. .. ..			3,64,414	7 10		Rs. .. ..		3,64,414	7 10

We have examined the above Balance Sheet with Books, Vouchers, etc., and beg to report that to the best of our belief and according to the information and explanations given to us and as shown by the books of the Association we find the same correct.

BOMBAY, 18th April 1929.

RUSTOMJI MODI & DAMANIA,  
Honorary Auditors.

# DEDICATION OF GIRLS TO GODS

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PLEA FOR PROHIBITION BY LAW

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BY

NAIK-MARATHA MANDAL.

# Dedication Of Girls To Gods.

Y125 : 447506Q 2 . 2

## PLEA FOR PROHIBITION BY LAW.

This extremely immoral custom has been, of late, receiving serious attention of some of the social reformers ; and a few members of the British Legislative Councils have the credit of bringing it to the notice of their bodies; and it is hoped that they will soon succeed in securing a legislative measure to put a stop to this custom. Those who may still have some misgivings about seeking help of law in stopping the custom may do well to read the following pages and form their own independent opinion in respect of this question and support whole-heartedly some effective legislative measure intended to put a stop to it.

### I. WHAT IS DEDICATION.

In some parts of Bombay and Madras Presidencies and in a few native states in the southern part of the country there prevail a very crude notion in the uncultured minds of some ignorant and superstitious persons that their objects of worship require services of women in the shape of singing, dancing and other sundry duties, which are supposed to propitiate them ; and so they employ them to do such services. As married women are either not prepared or cannot conveniently be employed to do such services, unmarried girls are dedicated for this purpose. There are certain castes which alone dedicate their girls to temple services. Once such girls are dedicated to these services they must remain unmarried throughout their lives. In order to ensure this, such girls are made to undergo a kind of fictitious marriage ceremony after which none will marry them, as the notion is that girls who undergo this ceremony are dedicated to their objects of worship and are to be regarded their wives or maid-servants. Now the castes which dedicate their girls to gods invariably carry on the most nefarious trade of prostitution ; and this custom of dedication of girls to gods has been responsible for bringing into existence and perpetuating these castes of hereditary prostitutes. So naturally young, unmarried girls who are dedicated to gods carry on the most immoral

trade of prostitution. These castes have now been crystallised like other castes which have been differentiated on account of different kinds of trades and avocations they have been following. All other castes, either high or low, look down upon the castes in which this custom of dedicating girls to gods prevails, and even the so called lowest castes will never be induced to dedicate their girls to gods and allow them to carry on the most infamous trade of prostitution. For the sham ceremony of dedication does not at all deter either the elders or their girls from beginning their ancestral trade of prostitution as soon as such girls attain puberty. In their hearts there does not lurk even the faintest idea of the sacredness of their position as dedicated women, and they never harbour for a moment any fear of the wrath of their gods for their most immoral pursuit. In short such dedication has come to mean initiation into prostitution. None, therefore, need associate even the slightest idea of sacredness with such dedication.

## II. CAUSES OF THE PERPETUATION OF THE CUSTOM.

The question can naturally be asked that if this custom of dedication leads to immoral life, and if all other castes detest it and would never follow it, how has it still survived? The reply to this question is as follows:—

(1) Those poor, ignorant and superstitious families which have fallen victims to this custom depend almost entirely on the gains they make. Certain lands and other allowances have been granted to such families as a recompense for setting apart their girls for the services of gods. If they cease to dedicate their girls to gods for temple services their inams are forfeited. When the Inam Commission was appointed by our British Government in the sixties of the last century *sanads* which were issued by preceding rulers in the names of dedicated prostitutes, were allowed to be enjoyed by them and their descendants, in consideration of the temple services they were called upon to render. Thus Government is indirectly responsible for continuing the custom. If the British Authorities had then realized the enormity of the custom they were sure to discontinue the inams, as the contract they implied was extremely immoral.

(2) The trade of prostitution brings them some lucre, which enables them to eke out their existence, and as such prostitutes are associated with worship in the temples, they are supposed to have a right to pursue their trade without incurring much obloquy or shame.

and they get better facilities to carry it on, and hence they secure better patronage than other ordinary prostitutes who take to this trade by sheer accident. Moreover many of such prostitutes make large gains by amusing people with the display of their attractive skill in singing and dancing, which they are required to cultivate, so that they might perform well their duties in this connection.

(3) These castes of hereditary prostitutes generally believe that it is their religious duty to dedicate their girls to gods, the neglect or non-performance of which, they think, would incur wrath of their gods, and interested men impress upon their minds the sacredness of this duty. Even though many of these prostitutes come to realize the evil consequences of their trade they superstitiously believe that they have been destined to this kind of life, and do not hesitate to put their girls in their own trade by dedicating them. Moreover their neighbours do not discourage or blame them for doing so.

(4) As these dedicated prostitutes depend chiefly upon their trade they cannot help keeping it up in their families by initiating their young girls in it, so that their trade may continue in their families when they grow too old for it, and the temple services for which they receive allowances may be performed after them and thus the allowances may be continued in their families. If they have no girls of their own they purchase them from poor persons who are in need of money, and they succeed in passing such girls for their own and in evading criminal law which is against such course.

### III. EVIL CONSEQUENCES FROM THE CUSTOM.

(1) This evil and unnatural custom of dedication is responsible for creating a number of castes which subsist on the gains from prostitution. Thus it has become a source of perennial supply of prostitutes who pest their own villages and almost every town, to which they resort for the purpose of carrying on their nefarious trade.

(2) It leads young, innocent and ignorant girls to the most immoral life before they reach the age of discretion. They thus fall victims to the lust of voluptuous men and self-interest of their elders. Moreover it is in sheer violation of the universally acknowledged birth-right of persons, which requires that all individuals should be allowed full liberty to choose their own course of life, and none is justified in forcing them to a life which demoralizes and degenerates them and ruins their physical and mental health.

(3) It leads certain families to take to this evil course of life which is against all the wholesome and approved principles of family life. In all the families which have not fallen victims to this custom, girls are married and their parents are anxious to see them live in a respectable manner; while in the families of these dedicated prostitutes girls are kept without marriage and are initiated in their ancestral trade as soon as they attain puberty, and are dedicated even after they have in many cases pretty far advanced in their trade. This state of things is quite perverse and against all the rest of the world, inasmuch as innocent and helpless girls are forced into this immoral life, without their consent and before they are able to foresee the evil consequences of their mode of life.

(4) As dedication entitles these prostitutes to do all sorts of services in temples, they vitiate the whole religious atmosphere and serve as object-lessons to the worshippers, who frequent such temples, in immoral and voluptuous life, and they come to think very lightly of unchaste life. Thus their moral standard becomes very low which degenerates and demoralizes them to a large extent. Thus association of religion with prostitution has become inevitable: and who can say that this state of things is desirable? All persons who ever entertain any idea of sacredness in respect of religious worship must detest such state of things and welcome all efforts to eradicate it.

#### IV PLEA FOR A LEGISLATIVE MEASURE.

Looking to the evil consequences delineated above, it is quite necessary to stop the custom by means of a legislative measure, and thus free the parts of the country where it prevails from this evil for the following reasons:—

(1). It is impossible to expect the custom to disappear of its own accord, for it will take a long time for education and enlightenment to reach the lowest strata of our society; and even though these humanising forces reach there, people, who seek pleasures and gains through this custom, will not be prepared to get rid of it notwithstanding the fact that they come to realize the evil consequences accruing from it. Moreover the millennium of universal spread of education and enlightenment is almost an impossibility, and to wait till this state of things comes off is no wisdom. In short spontaneous dis-

appearance of this custom is extremely impossible. On the other hand the general experience is that customs once firmly rooted successfully defy all humanizing influences and outlive all individual efforts and exhortations to dissuade people from following them. The custom in question is no exception to this general rule. Hence the need of a legal measure which will be a powerful weapon to uproot it.

(2) As the custom has a halo of rank superstition about it and as it has been long associated with religious worship in its crudest and most immoral form which people, who have a very low moral standard, do not realize. It is extremely hard to dissuade them from such an exceedingly demoralizing custom. The wonder is that even some of the highly cultured persons unfortunately hesitate to pronounce their honest verdict against the custom, because of the fact that it is associated with a phase of religious worship. Unfortunately this pseudo-religious idea over-powers them. Hence it is futile to expect any better counsels from such doubting persons. If it is argued that religious reform of a right sort will set right people's minds as regards their religious worship, and all immoral and unjust elements in it will disappear in due course of time, this expectation is simply chimerical. In the first place majority of our people will always set their face against all kinds of religious reform, for, generality of them labour under the false idea that theirs is the ideal religion and it needs no reform; and think that all those who propose any reform in it are atavists and deserve to be despised and hated; and in the next place all who have any inclination to adopt any religious reform are persecuted and excommunicated, which our people for want of moral courage dread most. Hence only strong hand of law is pre-emptorily needed to free society from such a social canker.

(3) Since the main aim of all political law and order is to secure for every individual in the body politic full liberty and justice and to prohibit those who may, through self-interest, come in the way of the liberty of others, and perpetrate any injustice against them, political power which is the custodian of law and order should ever watch and guard the interests of all and keep the strong from molesting the weak by violating their liberties and perpetrating injustice against them. It is, therefore, quite preposterous to allow parents or elderly persons to sacrifice the liberty of young and ignorant girls belonging to their families and act unjustly against them from question-



able motives. Government is perfectly justified to prevent such superstitious and self-interested persons from sacrificing the wellbeing of their innocent girls and from vitiating the morals of society in general.

(4) The castes, which follow this custom notwithstanding the baneful effects which accrue from it, are led to do so because of the fact that they enjoy some grants of inam lands and other allowances which have been conferred upon them in consideration of the services their dedicated young women are called upon to perform at their village temples. Hence they stand the chance of forfeiting these emoluments in case they cease to devote their girls by dedicating them to temple services, and their poverty deters them from foregoing these gains. It is, therefore, necessary that law should ensure their enjoyment of such grants when they cease to dedicate their girls to the temple services, in consideration of which those grants were originally made. The enlightened Ruler of Mysore State has already set a very good example in this connection. More than twenty years ago he has disallowed all such services in all temples in his state and the families of Dewadasees who enjoyed grants for performing temple services have been allowed to do so without requiring them to devote their girls to such services. Some such wholesome legal measure ought to be adopted in the British territory, so that there would remain no fear for future enjoyment of their inams and other allowances in case they stop this custom of their own accord or law prohibits them to do so.

(5) It is law alone which will free our society from this most immoral, highly injurious and greatly unjust custom. We have had numerous religious and social reforms to which many a sect testifies. But they all have hitherto proved ineffective in the case of this harmful custom; and many of them never took any cognizance of it. In face of such discouraging experience it will be preposterous to wait any longer to see its disappearance. The law of survival of the fittest has hitherto failed in the case of this custom. Consequently those who see that this custom is extremely harmful are perfectly justified in demanding its entire eradication from society by means of a legislative measure. No person should be allowed to let loose on society such dedicated prostitutes who tempt raw and thoughtless persons into highly immoral life which is worse than any contagious disease; and Government will be failing in their duty if they do not take cognizance of this custom and stop it with a strong hand.

## V. THE CUSTOM HAS NO RELIGIOUS SANCTION.

(1) The first and foremost objection, that is likely to be taken against any legislative measure for stopping the custom is on the score of religion. As it is unfortunately associated with some kind of religious worship, many persons harbour the gratuitous notion that the custom has a religious sanction, and hence, they think, it is undesirable and unsafe to interfere with it. But this notion has been proved quite groundless by the Ruler of the Mysore State. When that enlightened Prince was called upon to put a stop to this custom he appointed a committee of pandits (savants) to find whether the immoral custom had any sanction of religion. These experts in religious *shastras* as laid down in Sanskrit pronounced with one voice that there was not a single shastraic text to show that the custom had any religious sanction. On the strength of this fiat that Ruler issued an order twenty years ago to prohibit Dewadasees from performing any temple services. This is testimony enough to show that the custom is not at all sanctioned by our Hindu religion which has been based on Vedas.

(2) This custom of requiring prostitutes to do services at temples is not at all found in connection with any temples of gods recognized by or included in the Hindu pantheon in regard to which so many legends in Sanskrit called *Puranas* have been recorded and come down from generation to generation. While no such recorded Sanskrit or Prakrit legends exist regarding the idols which are supposed to require services of such dedicated prostitutes. If it were a fact that such services were a *sine qua non* of Hindu religious services the custom would have been observed in all Hindu temples. But the fact is that it is limited to only some parts of Bombay and Madras Presidencies, and that too in connection with some idols which have not been included in the Hindu pantheon.

(3) This custom is entirely against the genius of all religious cults which have their root in Vedic teachings. According to all these different cults the attainment of salvation of the soul or emancipation from the worldly misery requires man to be pure in word, thought and deed. Holiness of life is the prime condition of all; and unchastity and voluptuousness are reckoned as extremely sinful, and those who indulge in them are threatened with all sorts of terrible punishment in future existence. Moreover all our sages and saints teach us emphatically that no salvation is possible in the case of persons who lead an immoral life; and they exhort persons to lead a

strictly pure life if they care for divine favour and celestial bliss. Our *Puranas* or religious legends also teach and inculcate the importance and sublimity of pure life. They extol chastity and deprecate and denounce all acts in violation of it. They are recognized to be the most faithful exponents of our religion. It is quite impossible, therefore, to conceive that any of our sages or saints would approve of such an extremely immoral and detrimental custom. Much more, therefore, is it preposterous to conceive that any god would approve of such a custom and would be displeased if no services from a dedicated prostitute were provided to propitiate him. But on the contrary no god who claims any sanctity will brook such highly insulting and utterly unholy services from prostitutes, and own them as their maid-servants or wives as they are usually made out to be by means of the ceremony of dedication. In case it is said that there are such gods who take delight in such services, the reply is that such gods created by human fancy do not deserve to be worshipped or taken any notice of.

#### VI POSSIBLE ORIGIN OF THE CUSTOM.

(1) Now it may be asked here if this custom cannot be traced to any religious texts of Hinduism or *shastras* which profess to teach religious duties and worship, how does it come to be associated with religious worship among Hindus who are worshippers of deities included in the Hindu pantheon, and who revere saints and sages who denounce all impiety and immorality? The reply to this question from a sociological point of view is very simple and obvious. Our religious and social customs have been an admixture of different phases of evolution and testify to intermingling of races at different stages of civilization. Some of these customs are extremely tenacious and do not cease to be observed even they may appear quite inconsistent and incoherent with the later phases of thought to which people are converted. So we have in our Hindu society remnants of all phases of religious and social evolution. This can be easily detected by scrutinizing different customs, habits and beliefs which exist side by side; and though they are distinctly contradictory and inconsistent they are observed by the same persons. Now the Hindu pantheon wants social and moral purity, and those who follow or advocate this most immoral custom of dedication recognize and respect these teachings; but they either do not see the enormity of the custom in comparison with the sublime

teachings of genuine Hinduism, or though they come to see this inconsistency in their belief and action, they are not prepared to desist from this evil custom through force of habit.

(2) In prehistoric times the aborigines of this land belonged to different savage tribes among whom ghost-worship and fetish-worship were prevalent. Now it is a wellknown fact that these savage races were under the control of their chiefs who tyrannized over them and exacted from them all kinds of services. Hence their followers literally worshipped and propitiated them by offering them all kinds of presents which were calculated to please them. Among other presents those of young unmarried damsels were about the best things to charm them; and as their followers cared more for the good will of their chiefs than anything else, they were prepared to sacrifice the wellbeing of their innocent and helpless girls for the purpose of securing their self-interest. Thus almost every barbarous and semi-barbarous chief was surrounded by beautiful and youthful damsels who did whatever they could to please their lords, who generally made some grants to them, so that they might be above want. Now when these powerful but voluptuous chiefs, who bore tyrannical sway over their followers, breathed their last, it was fancied that their ghosts hovered over their habitats and were powerful enough to do harm or good to their survivors; and some fetish or totem was set up in their memory and their ghosts or spirits were supposed to frequent their fetishes. So all sorts of things were offered at these fetishes to propitiate them for the purpose of evading their wrath and securing their favour. Among other offerings young girls were offered to them and they were thought to serve a very effective means of securing their good will as it was done while they were alive. These offered girls stayed at the temples of these fetishes of chiefs to serve them as they did when they were alive. This hero-worship subsisted even during the historic period and with it this custom remained as a *sinus que non* of the worship of them. Some of our Indian aboriginal races must have gone through this phase of religious worship and to-day there remain numerous remnants of such fetishes set up by those savage aborigines in memory of their powerful chiefs. From many parts of India this fetishworship or ghost-worship has long since disappeared and with it the fetishes and temples built for them also disappeared, owing to the spread of the Aryan cult, and later the Mahomedan cult. These fetishes are at present found in some of several southern parts of India; and the ancient tradition

that they should be propitiated by supplying them with dedicated women. This, then, appears to be the real origin of the custom in question. Ignorant and superstitious persons, who inhabit the villages in which these fetishes still remain, worship them as well as the gods from the Hindu pantheon. In one breath they believe that purity of conduct and heart will only please gods and secure heavenly bliss, and in the next breath they resort to the most immoral custom of dedication which they suppose to be pleasing to their fetishes. We cannot say that all of them do not perceive their gross inconsistency, but the ancient tradition which comes down from the savage life persists in their hearts and asserts its weight owing to its continuance for centuries, notwithstanding the fact that they have adopted the Aryan cult. And as the Aryan and Mahomedan cults were late in spreading over the southern parts of the country, these ancient fetishes did not disappear as in the northern parts. Besides, all races of savages did not worship their fetishes in the same manner and hence the custom of dedication was never universal.

(3) Now the persistence in observing this custom notwithstanding its enormity is due again to the legends about Indra and Krishna who is considered to be one of the ten incarnations of god Vishnu. The legend says that the former engaged the services of prostitutes called *apsaras* (*parees* of the Mahomedan legends); and the latter in his youth committed adultery with numerous milk-maids in Gokul where he was taken by his father for fear of his murder at the hands of his enemy Kaunsa. This Krishna had married more than 16000 women. Moreover, there are numerous allusions in the *puranas* to the kings who patronized prostitutes for the purpose of dancing and singing in their *darbars*. And in imitation of these legendary monarchs, kings and potentates both in ancient and modern times engaged singing girls, and even enlightened princes of the present day indulge in this form of amusement in deference to the tradition. All these facts lead superstitious and ignorant people to think that there is nothing wrong in providing their fetishes, which they worship side by side with the gods from the Aryan pantheon, with the services of prostitutes who can sing and dance and do other menial services in their temples. Hence this custom of dedication was reckoned essential in order to ensure the permanent services of such women; and their dedication served as a bond or contract on the part of the young women to remain unmarried throughout life and call themselves Devadases, Bhawinees, Murlees etc.

## VII COMPARISON OF THE CUSTOM WITH THE INSTITUTIONS OF BUDDHISTIC BHIKSHUNES AND CHRISTIAN NUNS.

One more delusion has to be dispelled in order to bring home to the minds of those, who seriously think about this custom, the peremptory necessity of its eradication. Some are deluded into the belief that in its original form this custom of dedication was introduced with the best and solemn motive of propitiating gods; and the virgins who were dedicated for performing the services at the temples, were required to remain celibate and chaste till they died. But in course of time such young women fell victims to the lust of voluptuous men who frequented temples, and they were induced to break their sacred vow; and ultimately they turned out prostitutes. Those who argue thus compare these unlucky girls to Bhikshunes of the Buddhistic cult. They even go to the length of saying that this Buddhistic institution of Bhikshunes is responsible for the origin of this custom of dedication. This is an utterly false and groundless comparison, and shows gross ignorance of the great institution of Bhikshunes. The fact is that in the Buddhistic religion a wise and far-seeing provision was made to teach and spread the great ethical religion by setting apart Bhikshus and Bhikshunes, whose solemn duty it was to go about teaching and preaching the Buddhistic tenets to people. The Bhikshunes, of course, were needed to convert women to whom Bhikshus could not reach. Now these preachers and teachers were required to lead a celibate life and not to enter worldly life on any account and indulge in any sensual enjoyments. Bhikshunes were no exception to this rigid rule. They were required to study religion assiduously, and spend their whole life in meditation and in preaching and teaching their religion to worldly women. They were never required to serve any stupa or monument erected in honour of Lord Buddha. Celibacy was to be strictly observed by them, and if they ever lapsed from it they were turned out from their religious fold. Moreover they were not to undergo any ceremony of sham marriage. When they felt called upon to do the proselytizing or evangelistic work, they had only to take a solemn vow of celibacy and devote their life to their sacred duty of spreading their religion. Similar was the nature of the institution of the Nuns of the Christian religion. In both the cases, unchaste life, adultery and fornication were abhorred and considered to be one of the greatest sins. Moreover these Bhikshunes and Nuns came from all classes of people, and they were held in very high

No man dared to look upon them as objects of their unclean thoughts or voluptuous desire. While Dāvādasees or Bhawinees come from the castes of hereditary prostitutes. Persons from other castes never for a moment entertain the idea of dedicating their young girls to gods. Thus it can plainly be seen that there is not the least comparison between this custom and the great and sacred institutions of Bhikshu-nees and Nuns; and, therefore, there is no redeeming feature whatsoever in case of this custom.

### VIII ASSOCIATION WITH THE SAVAGE FORM OF WORSHIP.

Now it will be argued that though the custom has no sanction of the Hindu religion based on Veda it has been associated with certain objects of worship, and so it has the sanction of traditional religion, however savage its origin might have been; it is, therefore, undesirable that legislation should interfere with it. The reply to this argument is two-fold. In the first place those, who follow this most immoral custom, have been completely converted to the Aryan cult and all their actions are regulated by the religious duties prescribed by that cult. Moreover there is hardly any binding force of this so called traditional religion; and if they are required to stop from following this pseudo-religious custom they will never complain or revolt against it; and even supposing that they do, they have to be put down with a strong hand in the interest of society in general, as they should have no right to let loose on society prostitutes who corrupt the morals of people. In the second place our British Government have stopped a number of cruel and horrible customs which owed their origin to such traditional religion and were associated with fetishes which are still worshipped through ignorance and superstition and without any consciousness of their inconsistency in this connection. The customs or usages that have been already stopped were not so very fraught with mischief or so very demoralizing and harmful to society as this custom of dedication is. Government had even taken a bold measure in prohibiting Sati (immolation of a widowed woman on the pyre of her dead husband). This fearless step is still extolled by all sane people who care for reform. Now this custom of Sati was enjoined by our ancient Hindu religious texts. But none revolted against the measure which distinctly interfered with the solemn religious injunction, for it aroused the consciousness of its horribleness.

But to speak the truth it was originally enjoined with the sublime object that a helpless widow might be saved from impending misery and her probable lapse into sinful life. Looking to these facts it is only strange, nay even preposterous, to hesitate to enact a measure which will put a stop to the custom of dedication which has been permitted to go on notwithstanding the fact that it is extremely immoral and has already no redeeming feature about it on the score of religion or social utility and which is more harmful than those customs which have already been prohibited by law. Moreover the custom under consideration is neither general nor looked upon as commendable or worth imitating by generality of people among whom it is in vogue, as compared with other customs which have been already prohibited by law. Much more, therefore, is it necessary that law should help our society in freeing it from the immoral custom.

#### *IX THE PRESCRIBED AGE LIMIT IS INSUFFICIENT.*

Now there remains one more point which may be raised against the demand of legislation to prohibit dedication. It may be argued that in pursuance of the general principle of liberty any person who has attained majority has a right to enter into any contract and follow any trade he or she chooses : and law should not interfere with this liberty, but on the contrary should safeguard it. Accordingly when a girl of eighteen does not object to her being dedicated, she is supposed to have voluntarily undergone the ceremony and devoted herself to the life of prostitution, and law cannot interfere with this act of hers (vide sections 372 and 373 of the Indian Penal Code). This age limit of 18 years has been laid down for general purposes, and as such it equally applies to girls from the castes of Dewadasees, Kalawantinees, Bhawinees, Muralees etc., all of whom carry on the trade of prostitution which has become hereditary in their castes and which they have interest in keeping up in their families. They set apart their girls for dedication and never think of getting them married when they reach marriagable age. But in anticipation of their being dedicated they even initiate them in their abominable trade as soon as they attain puberty and never for a moment entertain even the faintest idea that the gods, to whom they intend to dedicate such youthful prostitutes, whose virginity is violated, would be enraged at this gross insult and dishonour. Girls in such families are told even from their childhood that they are going to be kept unmarried for the purpose of dedication; and these girls as well as their parents anxiously wait till



they reach the limit of age when law cannot prohibit them from the ceremony of dedication. The legislators were not able to take cognizance of this special case of girls to be dedicated from the families of hereditary prostitutes who are limited only to some localities which were far away from the legislators who originally framed the Penal Code which has been substantially in imitation of the English law, which again has the tradition of Roman law behind it. All these foreign law-givers never dreamt of this monstrous custom of dedication which hurls innocent and helpless girls into the hellish condition of prostitution, one of the most intractable diseases of society, the eradication of which has been an extremely knotty problem before social reformers and purity leagues. Even our ancient law-givers like Manu had not the least conception of this most baneful and irreligious custom. They had laid down laws which strictly prohibited all kinds of immoral conduct and enjoined purity of thought, speech and conduct.

Those, who may think that the provision already laid down in the Penal Code is quite sufficient and to enact any special measure to prohibit dedication would be unnecessary and would interfere with the religious liberty of people, may do well to bring to their minds the following points.

(1) Legislators should feel themselves called upon to prohibit any act or custom under whatever pretext or garb it might be, which is calculated to do harm to society. In such cases no consideration of liberty of action should deter them from any measures which they should employ to safeguard the interests of the people at large. It has already been shown that the custom of dedication is highly detrimental to the interests of people.

(2) The principle of liberty cannot be said to be in place in the case of innocent and ignorant girls to be dedicated, as their minds are prepared from their infancy for the act, and as they see or hear nothing better than the life their elders have been leading. Besides, they are as a rule already initiated in the nefarious trade several years before they are formally brought forward for dedication. So when they are eighteen they are naturally not expected to go against their elders' wishes and refuse to undergo the immoral ceremony in defiance of them. Moreover, by the time they reach 18 they happen to have already pretty far advanced in their trade; so it is quite

impossible to expect any revolt against such ceremony on the part of girls of such prostitutes even when they reach 18 which the law vainly expects. It is, therefore, preposterous to suppose that unlucky girls brought up in such environments can have their own initiative and choice in following the life of prostitution by submitting to the formal ceremony of dedication, on reaching the age limit fixed by law.

(3) The irony of fate is that the age limit fixed in the Penal Code (Vide Sec. 373) serves to legalize dedication which is identical with prostitution, in that in some parts the girls destined for dedication have to appear before a magistrate and declare that they have reached eighteen and that they are willing to undergo the ceremony of dedication; and the magistrate in his turn does not care to verify whether the girls have actually reached the prescribed age limit and grants them the necessary permission, which they reckon as simply formal. But as this act of securing permission is not enjoined by law, many parents of such girls successfully evade the said provision of the Penal Code with impunity and get their girls dedicated even before they reach eighteen. The only thing which need be in their favour is that none, who knows this illegal act of theirs, reports it to the Police Authorities. Before 1924 this age limit was only 16 in the Penal Code, which was ridiculous, and in 1924 this limit has been raised to 18 by Act No. XVIII. The amendment has hardly been widely known, and it is scarcely followed.

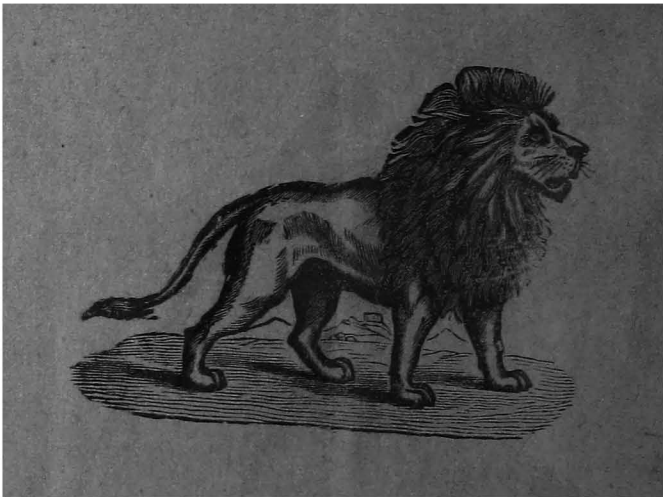
(4) It is the bounden duty of legislators to protect such unlucky girls born in the families of hereditary prostitutes from being victimized in this manner. If Government feels it its duty to prohibit infanticide, it should come forward to prohibit persons who set apart their girls for prostitution which makes them sometimes utterly miserable and wretched throughout their lives. It is true that this most cruel victimization cannot be detected in all cases, and besides it would be unpleasant to pry into the private life of persons. But in the case of dedication this clandestine and sinful aim of the elders is quite apparent; and legislators have an opportunity to punish those who get their girls dedicated. This will save society from ignomy, disease and misery, and free our ancient religion from contempt and slander and the most unclean and gross association of it with the ignominious mode of life.

In short the legislators will do well to disillusion their minds as regards the religious association of this custom. On the contrary it is extremely irreligious; and as it has an origin in savage form of pseudo-religious worship it should have no hold on those who have adopted the Aryan religion. And the supposed assertion of liberty and voluntariness on the part of girls who have completed eighteen years need not deter legislators from enacting a measure to prohibit this custom, for it is harmful to the society at large and to the innocent and ignorant girls who are only forced and tutored to go through the ceremony.

Just as these pages were going through the press the very encouraging news reached the writer to the effect that an amendment to the Hindu Religious Endowment Act has been passed by the Madras Legislative Council at the instance of Dr. Muthulaxmi Reddi. This amendment frees the lands, held by Dewadasees for temple service, from the condition of such service and makes them the owners of such lands. This will to a certain extent discourage dedication of girls by removing the inducement for the perpetuation of the custom. But this measure will not serve to wipe off entirely the ignominious blot from the enlightened Christian Government of the country, unless the Central Legislative Assembly comes forward to enact a measure to uproot the whole evil by prohibiting dedication. We devoutly hope and pray that Almighty God will inspire some souls in the Legislative Assembly to use the legal weapon to root out this evil from society and free our religion from ignominy.

NAIK-MARATHA MANDAL.

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