

Judl. DEPARTMENT.

the Deputy Inspector General's

brought to the notice of Govt. - as any interference with the religious customs of the people should be carefully watched. I should like to have ~~the~~ ^{the} statement "that ... this institution is one of the demoralizing factors of the district" made more explicit. What is referred to here? And in what way does it demoralize the district?

From

Col. H. W. H. Cox

Ag. S. G. of Police

Circulated 2/2/91

25 Jan 30 Jan

It seems hardly necessary to send up copies of this book interesting though they may be to Govt.

No.

Dated 26th Received 27th } Jan 91
Enclosures one

SUBJECT.

Forwarding extract from the weekly Report of Mr. Fawcett, Ag. Supt. of Police, Bellary, relating to the prosecution of persons concerned in the dedication of Basivis.

HH 6/2

I think it is very important that we should know all about this matter & that we should get copies of judgments passed in all such cases. It appears that Mr. Laffan - a very superior person - commenced a crusade against the institution, acting no doubt from excellent motives. But I am inclined to think he would have been wise to let it alone and that Mr. Fawcett is right in the main though his views probably go in the other extreme. I think prosecution should probably be discouraged but I want to know more of what has actually taken place.

Wls 31 Jan 50 do J HH 6/2

Enclt.

Recd 27/1

C 31/1 R 10/2

Papers to be read in Proceedings:-

Again G.O., dated 18 , No.
Again G.O., dated 18 , No.
Current No. of 18 , dated from

Current No. 34 of 1891, dated 26th Jan. from the Ag. Inspr. Genl. of Pol.



Fort St. George,

20 February 1891.

Reference of 28th Febry 1891

My dear Sir,

With reference to your D.O. of the 25th Jan. - any, will you please let me know what is referred to by the Dy. Inspector General in his statement on the margin of Mr. Fawcett's Report (which I enclose) that "the institution was one of the demoralizing factors of Bellary district."

The District Magistrate is requested to forward at an early date for the information of Govt. copies of the judgments passed in all recent cases in which persons concerned in the dedication of Basivis in the district have been prosecuted under section 372 of the Indian Penal Code. It is understood that the first prosecution of the kind was instituted by order of Mr. Laffan after his appointment to the Bellary district.

2. The Dist. Magistrate is also report generally on what has taken place.

(From original) 20/2

To the Dist. Mag. Bellary

for 2/3/91
D.O. to Col. C.
28th Febry 91

Porteous.
Dear Sir,
With reference to
D.O. of the 25th Jan'y, will
please let me know what
referred to by the Dy. Inspector
General in his statement on
margin of Mr. Fawcett's Report
(which I enclose), that "the insti-
tution was one of the demoraliz-
ing factors of the district," and
what way ^{the demoralization has} ~~does it demoralize~~
~~own itself~~ district. The statement
could be made more
explicit.

Kindly return Mr. Faw-
cett's Report with your reply.

Yours sincerely,
H. W. H. Cox.

Basivis

Reference

of the district" and in what
way the demoralization has
shown itself. The statement
should be made more expli-
cit.

Kindly return Mr. Faw-
cett's Report with your reply.

Yours sincerely,
H. W. H. Cox.

L. H. W. H. Cox.

From Robert Lowell Esquire
District Magistrate, Bellary
To
The Chief Secretary to Govt
General Department
Madras

Sir,

I have the honor to report, in
obedience to G.O. reference no
Confidential No 34 of 1891 dated
28 February 1891, on the subject of
Basivis in this District

- As desired I forward herewith copies
of ~~the~~ judgments in cases decided
last year and at the beginning of this
year
- I will first explain what these Basivis
are believed to be, and afterwards inform
you of what has actually taken place
in this District
- It appears to have been a practice,
principally amongst the low caste
people of the Western taluks, for many
years

for parents to dedicate a daughter
as a Basini, by a religious ceremony
at a temple, when, on the tying of a
"Pali", the girl is considered as married
to the deity, and can never marry in
this world. There has been considerable
divergence of opinion amongst the officers
in this district as to the exact meaning,
and intention of this act of dedication.
Col. Chrystie, Superintendent of Police,
and Mr Laffan (District Magistrate) came
to the conclusion that the ceremony was
exactly similar to the ceremony of dedicating
a girl to become a dancing girl in a
temple, where on the tying of the bo-ther
she is sealed to the deity. It has been
held by the Courts that, since the profession
of a dancing girl is notoriously equivalent
to the profession of prostitution, any person
who dedicates a minor under 16 to that
service commits an offence under
Section 372 I. P. C. (Madras High Court
Reports, Vol. I (1869-70) page 415). This
of course would be a rebuttable
presumption, but unless rebutted
the presumption

the presumption on this point.
As to the Basinis there has been no
binding decision by a High Court
and the question has to be considered
on its merits. Col. Chrystie and Mr Laffan
hold that all Basinis are notoriously
common prostitutes and that if any
of them live with only one man, otherwise
living a chaste life, this is only franchise,
and does not alter the fact that prostitution
is their profession and that they were
deliberately dedicated to prostitution by
their parents. Col. Chrystie has had
long experience and he asserts that the
word "^{Basini} Basini" is always considered as
synonymous in this district with a
common prostitute. Mr Fawcett differs.
He thinks that the Police have been in
error and the district Magistrate
^{misled} misled. He believes that for the most
part the making a girl a Basini is
carried out for reasons connected
with family property. It is a fact
that a Basini can not marry, and in
the case of a man who has no son,
but only a daughter, the family property

5-
Hindu Law, to the family of the husband,
and he for ever lost to the father's family.
To save the property he dedicates a
daughter as a Basini. She then,
by immemorial custom, inherits the
family property as if she was a son
and the property remains in the family
because she can not marry. Her duty
is then to get a son who shall inherit
the family property after her and she
selects a man and lives with him as his
wife for that purpose. Basinis are
often looked on with much respect and
held in honor.

5. Mr. Jawssett, for the above reason
considers that it is an error to assume
that every dedication of a minor as a Basini
must necessarily be a dedication to
prostitution, since, if the intention or belief
was that she would live the quiet family
life as above described with one man,
although not in wedlock, such a life
can not be called "prostitution." I concur
with Mr. Jawssett in his opinion that such a
life

5-
life could not reasonably be called
"prostitution," but the words of section
372 of the Penal Code go beyond that, and
say "for any unlawful or immoral purpose."
Such a life is not unlawful. Is it immoral?
"Immorality" is nowhere defined, and
a Court in any Country, interpreting such a
phrase, must be guided to a ~~conclusion~~
decision, as I conceive, by a consideration
of what is generally understood by the
people of the Country as morality.
At present I am not called on to
decide this point, as I have no case
before me in which I have to record a
finding, ~~on the point~~. If the Government
can see their way to express any opinion
it will be of much value.
6. The question of the father's intention
is one for decision in every individual
case. There is no presumption possible,
but the Magistrate who tries the case
must use his judgment. The facts of
the case will often guide him. For
instance the custom has spread from
the low castes of the west of the District

bordering on a harwar, into the other
Sahuk of the district, where it has
become a common practice amongst
the lowest classes, such as madigas.
With these last there is probably
little question of family property,
and the dedication is probably for
prostitution. Again, when a man
who has a son ^{living} ~~living~~ is found to
have dedicated his daughter, there
would arise the presumption that the
dedication was in no way connected
with family property and therefore
was probably for prostitution. I am
told that in the amongst madigas
in the Eastern Sahuk a Basini daughter
often lives a life of common prostitution
in her father's house, having been dedicated
for the purpose, and in order that her
earnings should help to support the
family. I have no doubt that where
a father asserts in defence that he
made his daughter a Basini in fulfilment
of a vow, the proper general inference
to draw would be that his intention was

that she should become a common
prostitute; since there can arise here
no question of family property, and
there can therefore be no reason why
the girl should not marry. I enclose
copy of a Judgment in a case decided
by me on the 16th instant where I have
convicted, on the evidence before me,
being satisfied that the prisoner, a
madiga of a very low type, living by
cooly, and having a son living, had
the intention, when he dedicated his
daughter, that she should live by
common prostitution. His defence
was that he dedicated her in pursuance
of a vow, because he had previously
lost some children and his son was
very ill. He hoped to secure the
favor of the deity, and save his son's
life, by making his daughter (age 7 years)
a Basini. I had no doubt as to his ^{however}
intention or belief. I am of opinion that
Mr Jawssett is right in supposing
that in many cases the object is not
common prostitution, but for
family reasons in the belief that the
girl

girl will lead a quiet family life, though unmarried.

7. As directed in your order I now turn to what took place last year.

8. Early last year, the Police Inspector of Harpanahalli, a young Brahminadan being at the festival at Kulahalli saw some young girls being dedicated as Basinis. He reported the matter, and obtained Col. Chrystie's permission to prosecute. Three charge sheets were accordingly sent in on 28th March 1890. One ^{has been disposed of.} (C.C. 11a of 1890), and two are still pending, though warrants have been issued, the accused being at large. On 4th April the Inspector charged with a similar offence the priest who officiated at the dedication. This case was disposed of (C.C. 22 of 1890).

9. A festival was held ^{3rd March 1890} at Uchangidurgam, where annually a number of Basinis are dedicated, and under the orders of Col. Chrystie, the people were warned that the practice, in the case of minors, was illegal. The people however did not desist, and the Inspector, on 4th April produced ^{eleven}

eleven charge sheets. Ten have been disposed of (C.C. nos 12, 13, 14, 15, 16, 23 and 24 of 1890 and C.C. no 1 of 1891) and one is pending. Against the decision in four cases appeal was laid to Mr Holmes, Sessions Judge, who confirmed the finding but reduced sentences. Mr Holmes assured me personally that the cases ^{were} ~~had~~ never presented to him from Mr Jawett's point of view. It was assumed that the object was Common prostitution.

10. As District Magistrate Mr Dapant thought that a general warning should be issued and he thereupon published a notice in the District Gazette of 4th May 1890 copy of which I enclose.

11. In another case, C.C. 17 of 1890, a man was discharged as the girl was proved to be over 16.

12. An accused person in a case in Adoni was acquitted on the ground that the intention was not proved criminal as the parties declared that the girl was the married.

10
exceeding his powers in my opinion, (200)

Mr Laffan requested the parties to fix
a date for the girl's marriage. I enclose
copies of his Proceedings and of the letters
of the Dy Magistrate Adoni, in answer thereto.

13. A similar case at Bellary was
discharged by the Dy Magistrate as
he was not satisfied on the evidence
that the accused's intention was
Criminal.

14. I have asked the Inspector-
General of Police to send you a copy
of Mr Sawcett's diary for the week
ending 10th January 1891 and the
notes written thereon by Col Chrystie
as Deputy Inspector-General, and I
enclose Col Chrystie's letter to myself
dated 29th January.

I have the honour to be,
Sir,

Your most obedient servant

R. Sewell
District Magistrate

RE

19.3.

Magistrial Department

Judl. Dept. No. 1419
From the District Magistrate

Bellary



To The Chief Secretary to
Govt,
Judicial Department

Madras.
Confidential

No. 196

Dated 19th March 1891.

Despatched 20th "

Received

Enclosures

Abstract

Submitting report
about Basivis



List of Enclosures sent with letter
No. 196 of 19th March 1891 to the
Chief Secretary to Govt. Judl
Department:-

1. Copies of judgments in 12
original cases.
2. Copy of a judgment in 4
appeal cases.
3. Dt Magistrate's standing order
prohibiting the dedication of land
as Basivis.
4. Copy of judgment in case of 1891.
5. Proceedings requiring parties
to fix a date for the marriage of an
alleged Basivis.
6. Col Chrysties' letter dated
29th January 1891.

Received
Dt Magistrate

EMPRESS versus *Madiga Sathuvara of*
Offence charged *disposing of a minor under 16 years*
Finding *of age for purposes of prostitution under*
guilty
Sentence *To undergo 24 hours simple imprisonment*
and pay a fine of 1 Rupee in default to
3 days simple imprisonment.
Judgment.

DATE OF	Explanation of delay.	
	Close of trial.	16.4.90
	Commencement of trial.	16.4.90
	Apprehension.	16.4.90
	Complaint.	7.3.90
	Occurrence.	3.3.90
DESCRIPTION OF ACCUSED.	Age.	35
	Residence.	<i>Madalagunda</i>
	Occupation.	<i>Cooly</i>
	Caste or Race.	<i>Madiga</i>
	Father's Name.	<i>Madalaga</i>
	Name.	<i>Sathuvara</i>
Serial Number.	11	

In this case the accused Sathuvara, a poor Madiga woman, is charged under

CHIEF SECRETARY
26 JAN 91
GOVERNMENT

Madras 25th Jan 1891.

Mr Price.

I don't know whether your case
be troubled with matters like that discussed
in Mr Fawcett's Weekly Report of which an
extract is forwarded herewith.

Anthropology is Fawcett's hobby and he is
a careful observer so I think his facts may
be relied on. No conclusions to be drawn at see
another matter.

I think that the selection of the question may
safely be left to the District Officers but as it may
have some considerable political significance I
send on the copy of F's Weekly Report.

Yours sincerely
J. J. Price

For F. J. Price
Chief Secretary

See 372 IPC with disposing of her daughter
aged 14, with intent that she should be used
or knowing it to be likely that she would be
used for the purpose of prostitution.

The undisputed fact is that on the 3^d
March 1890 she dedicated her daughter, whose
age is admitted to be not more than 14
years as a "Barani" of the Mutt of Gani Barappa
in the village of Koolahali. The girl after
dedication went back with her mother to
her own house but it has been held by the
Madras High Court in Criminal Appeal No.
198 of 1876 that to constitute this offence it
is not necessary that there should have been
a disposal of the girl to a transfer of
possession or control over the minor's person,
and under this ruling the disposal in the
present instance was complete as soon as
the ceremony of dedication was accomplished.

There is ample evidence to show that these
Barani girls never marry and live a life of
prostitution, but as the accused pleads guilty
and admits that being a widowed woman she
made her daughter a Barani "for the purpose
of perpetuating her family", there is no
need to discuss the admitted fact.

I find the accused guilty of the offence
charged, but as I am satisfied that she
acted through ignorance, not being aware

that she was committing a criminal
offence, and as she has signed an
undertaking in the presence of
witnesses that her daughter shall
not be used for the purpose of pros-
titution, I consider that the case
calls only for a nominal sentence.
The accused Patherava is accordingly
sentenced to twenty-four hours'
simple imprisonment and a fine
of one rupee, or in default of pay-
ment simple imprisonment for
a further period of three days.

I cannot conclude ^{without} ~~that~~
recording my opinion that the
Head Constable who attended at
the dedication ceremony under the
orders of the Police Inspector of
Harapankali for the purpose of
noting the names of the guilty
parties ought to have been instructed
to warn the accused before hand
that the act of dedication was an
offence. A copy of this judgment
will be communicated to the District
Superintendent of Police for
information.

/ true copy / Signed / E. S. Laffan
for the Magistrate

Judgment.

In this case the first accused
Sidla, a man of the Madiga caste, is
charged under Section 372 I. P. C., with
disposing of his daughter, aged 7, with
intent that she should be used for
the purpose of prostitution; and the 2nd
and 3rd accused, Kentsappa and Pullappa,
joint pujaris, of the Uchangidrug temple,
are charged under Sections 372, 109 and 114
with abetting the first accused in committing
the said offence.

2. The facts, as established, by the evidence
for the prosecution are that on the morning
of Sunday the 23rd March Sidla presented
his daughter Keneharra aged 7 with the usual
offerings before the 2nd and the 3rd accused
at the Uchangidrug festival; and the 2nd and
third accused having accepted the offerings
and gone through the form of Sanctifying
the bottle (used instead of the marriage
kati in these dedicatory ceremonies) bangle
and other emblems, handed them to a
Madiga temple servant named Rama, who
under the authority so conferred upon him
completed the ceremony by tying the bottle
round the neck of the girl, placing the bangle
on her arm. ~~and~~ That this is what took place is,

I consider, satisfactorily proved by the evidence of the first and second witnesses, police constables, who were present on duty at the time; by the evidence of Rama himself which is entirely in accordance with theirs, and by the confession of the first accused Sella, who pleads guilty and admits the entire truth of what these witnesses allege.

3. Strong corroboration is also afforded by the evidence of the 3rd to 6th witnesses (all men of position and authority) as to the invariable practice on such occasions and especially as to the fact that the intervention of a pujari or guru is absolutely essential to the validity of the ceremony; as also by the evidence of the 7th witness, the police Inspector, as to the conversation which took place between himself and the 2nd and 3rd accused on his arrival at the temple on the 23rd. On the other hand the 2nd and 3rd accused contend that they took no part whatever in the dedication. They do not deny that Sella and others brought girls to be dedicated, but they say that, while the dedications went on in the compound of the temple they were inside the building breaking coconuts for the pilgrims who came to the festival and that the whole thing was managed by Rama without their concurrence.

4. No evidence whatever has been adduced in support of this plea, which is obviously inconsistent with the evidence for the Crown and is not easy to reconcile with that for the defence. Three witnesses were cited by the 2nd and 3rd accused and were duly examined. But these men

profess to know nothing whatever of any dedication of Basiris, although they were present at the festival, and according to their account the third accused Bullappa expressly warned the people assembled on the morning of the first day of the feast (Saturday the 22nd) that no dedications would take place, as orders of Government had been received to the contrary. That some such proclamation was made is possible, but, if so, it was not until after the dedications, and after the police Inspector had paid his visit to the temple on the 23rd. The latter officer, it is admitted, sent a written notice on Friday the 21st to the pujaris, warning them that the dedication of Basiris is a criminal offence, and this notice was duly received and acknowledged on the same day. No attention was paid to it and when on the 23rd the Police Inspector arrived at Dehangidrug, and proceeded to take the pujaris with their disobedience, they appear to have excused themselves on the ground that if people come voluntarily, with offerings and request them to sanctify the bottle and bangle etc. there is no harm in complying with the request. It may well be that after the criminality of such compliance had been pointed out, but certainly not before. Some such proclamation as is alleged may have been made. Beyond this the evidence for the defence does not go, and ~~it~~ ^{it} ~~is~~ ^{is} nothing in it calculated to throw the slightest shade of doubt on the case for the prosecution.

5. As to the age of the girl there is no question.

The first accused says ~~that~~ she is six and the medical officer between 7 and 8. She is certainly not more than 8. On the conclusion of ^{the} ceremony she returned with the first ^{accused} her father to his own house, and there was thus no transfer of possession or control over her person. The Madras High Court have held, however, in criminal appeal No 198 of 1876 that to constitute an offence under Sec. 372, it is not necessary that there should be a disposal tantamount to transfer of possession or control over the minor's person, and under this ruling the disposal in the present instance was complete as soon as the ceremony of dedication was accomplished.

6. There is ample evidence to show that these Basivi girls all live a life of prostitution and can necessarily, but as this is not disputed and as the first accused pleads guilty and admits that, having no male issue, he made his daughter a Basivi "for the purpose of perpetuating his family" there is no need to discuss the admitted fact.

7. The question might have been raised, although it was not, whether granting ^{that} one or other of the two pujaris, 2^d and 3^d accused, conducted the ceremony of dedication, the other took any part therein. As to this it may be observed that it is quite clear from the evidence that they acted jointly throughout and that whatever either did, he did in the name of and as representing both. In the present instance

Kuntappa appears to have taken the more active part, but his uncle Subbappa, the senior pujari was present with him throughout and both superintended the ceremony together and enabled it by their presence and sanction to be performed. I consider therefore that both are equally responsible under Sec. 37. I. P. C.

8. I find that the three accused persons are all guilty of the offences with which they stand charged. Their guilt, moreover, is aggravated by the fact that they had all received due warning from the Police before hand of the criminal nature of the acts in which they were about to engage. The written notice sent to the 2^d and 3^d accused has already been referred to. The same constable who took it, was assisted by the Police Inspector to warn all parties concerned that the dedication of Basivis is an offence, and the first accused admits that he was warned accordingly, but says he was induced by the 2^d and 3^d accused to disregard the warning. In a similar case tried not long ago (Cal. Case No 11 of 1890) I passed a merely nominal sentence on the accused because I was satisfied that she acted in utter ignorance of the fact that she was committing a crime. No such excuse can be pleaded by these prisoners. Guilt in this case has been knowing and wilfully incurred, but the guilt of the 2^d and 3^d accused is so much greater than that of the first accused as their position is higher than and their intelligence and education superior to his. Were this the only charge of the kind on which they have been brought before me I should think it necessary to pass

on them much ~~Severe~~ Sentence, but the fact that they have been tried and found guilty on no fewer than three other similar charges, in connection with which they are now awaiting Sentence must be taken into consideration. Both the 2^d and 3^d accused are men of Substance and means, and no fine that this Court could inflict even if there were no danger of its being paid for them by public subscription would suffice to meet the justice of the case. I therefore Sentence the first accused under Section 258 b. c. to undergo rigorous imprisonment for a period of two months and the 2^d & 3^d accused each to undergo rigorous imprisonment for a period of four months.

(Signed) C. Sidney Laffan
Acting District Magistrate
(Successor)

[Signature]
For District Magistrate

Copies
18/4
1893

EMPRESS versus 1 Zallagadu & two others

Offence charged 1st accused with disposing of a maid under 16 years of age for purposes of prostitution under Section 372 I.P.C. & 2^d & 3^d with abetting it under Sections 372, 109 & 114 I.P.C.
Finding Guilty.

Sentence First accused to undergo two months' rigorous imprisonment
And 2^d & 3^d each to four months' rigorous imprisonment.

Judgment.

DATE OF	Explanation of delay.	cc	Serial Number.
	Close of trial.		
	Commencement of trial.		
	Apprehension.		
	Complaint.		
	Occurrence.		
DESCRIPTION OF ACCUSED.	Age.	cc	Serial Number.
	Residence.		
	Occupation.		
	Caste or Race.		
	Father's Name.		
	Name.		
	18 years	1	13
	24 years	2	14
	24 years	3	15
	24 years	4	16
	24 years	5	17
	24 years	6	18

In the Case the first accused Zallagadu, a man of Madiga Caste, is charged under Section 372 I.P.C. with disposing of his daughter Dargam aged 5, with the intent that she should be used for the purpose of prostitution; and the 2^d and 3^d accused, Kanchappa and Bullappa joint managers of the Dochaugy drug temple, are charged under Sections 372, 109 & 114 with abetting the first accused in committing the said offence.

2. The case is in all respects similar to C.C. No. 12, most of the witnesses being ^{also} the same. It is therefore unnecessary to recapitulate in detail the

grounds therein set forth at length on which the conclusions of the Court as to the guilt of the accused are based. Suffice it to ^{say that the evidence for} the prosecution is amply sufficient to prove that on Saturday the 22nd March the first accused ^{with the usual offerings to the 2nd & 3rd accused} presented his daughter at the Nchangidrog temple and that the 2nd & 3rd accused accepted the offerings, sanctified the bottle, bangle and other emblems and made them over to Madiga Rama, a temple servant, who under the authority so conferred upon him completed the Ceremony of dedication.

3. The first accused pleads guilty, but the 2nd and 3rd, as before, deny their guilt and cite three witnesses. The first of these is the village Magistrate of Nchangidrog who has nothing particular to say for the defence, while the second and third merely testify that no dedications took place so far as they are aware, after midday, on Sunday the 23rd. This is noted already in C.C. No: 12 is highly probable, for by that time the Police Inspector had had a personal interview with the 2nd & 3rd accused and had called them to account for disregarding his written warning sent on the 21st as to the criminality of such proceedings. The evidence for the defence may, therefore, be set aside as of no importance.

4. As to the age of the girl there is no doubt. She was too young to be examined as a witness. She returned after the Ceremony to her father's house, but as noted in C.C. No: 12 the performance of the Ceremony itself is a sufficient disposal under the ruling of the Madras High Court in Criminal Appeal No: 198 of 1876.

5. That Basavis are always prostitutes is amply proved and is also admitted. The first accused expressly states that he intended the girl to lead a life of prostitution.

6. The evidence in this case goes to show that it was Bullappa, the 3rd accused who took the more active part in conducting the Ceremony of dedication, but for the reasons given in C.C. No: 12 I consider that both the 2nd & 3rd accused, who attended jointly throughout, are liable each for the acts of the other (vide Section 37 I.C.) and that both together supervised the Ceremony and enabled it by their presence and sanction to be performed.

7. I find, therefore, that the three accused are all guilty of the offences charged against them and that, as in C.C. No: 12 their guilt is aggravated by the fact that they all received due warning from the Police beforehand of the criminality of such proceedings. As in C.C. No: 12, I consider that the guilt of the 2nd & 3rd accused is greater than that of the 1st and for the reasons there set forth I resolve to sentence the 1st accused under Section 288 C.P. to rigorous imprisonment for two months and the second and third to rigorous imprisonment for four months.

(Signed) E. H. Day Laffan
District Magistrate

Copy
Sent to
17/3

(Enclure)

District Magistrate

MAGISTRATE OF BELLARY.

EMPRESS versus 1st Kentsavva 2nd Kentsappa 3rd Bullappa.

Offence charged First with disposing of a minor under 16 years of age for purposes of prostitution & 2nd & 3rd with abetting it under Section 372 & 372 & 109 I. P. C. respectively.

Finding Guilty.

Sentence First is sentenced to two months rigorous imprisonment and 2nd & 3rd each to 4 four months rigorous imprisonment.

Judgment.

DATE OF	Occurrence.	Complaint.	Apprehension.	Commencement of trial.	Close of trial.	Explanation of delay.
	23. 3. 90	8. 4. 90	22 nd March 1890	28. 4. 90	30. 4. 90	
DESCRIPTION OF ACCUSED.	Name.	Father's Name.	Caste or Race.	Occupation.	Residence.	Age.
	1. Kentsavva	1. Benanappa	1. Madiga	1. Cultivation	1. Benanappa	23
	2. Kentsappa	2. Kentsappa	2. Madiga	2. Cultivation	2. Kentsappa	23
	3. Bullappa	3. Kentsappa	3. Madiga	3. Cultivation	3. Kentsappa	23
Serial Number.	1					

In this case the first accused Kentsavva, a woman of the Madiga Caste is charged under Section 372 I. P. C. with disposing of her daughter Gonibasavva, aged 11, with the intent that she should be used for the purpose of prostitution; and the 2nd & 3rd accused Kentsappa & Bullappa, joint pujaris of the Uch angidung Temple, are charged under Sections 372, 109 & 114 with abetting the 1st accused in committing the said offence.

2. This case like Calendar Case No. 13 is in all respects similar to Calendar Case No. 12. Most of the witnesses being again the same. It is unnecessary, therefore, to repeat in detail the grounds set forth at length in the judgment in that case, on which the conclusions of this Court as to the guilt of the accused are based. Suffice it to say that the evidence for the pro-

secution is amply sufficient to prove that on Saturday the 22nd March the first accused presented her daughter with the usual offerings to the 2nd & 3rd accused at the Uch angidung Temple, and that the 2nd & 3rd accused accepted the

the offerings sanctified the bottle, bangle and other emblems, and made them over to Madirakanda a temple servant who under the authority so conferred upon him completed the ceremony of dedication.

3. The 1st accused pleads guilty, but the 2^d and 3^d accused, as before, deny their guilt and cite the same their witnesses as in Calandar Case No. 13. All that these witnesses prove is that, so far as they are aware, no dedication took place after midday on Sunday the 23^d, which as pointed out in Calandar Case No. 13, is possible but not to the point. Their evidence may, therefore, be set aside as of no importance.

4. As to the minority of the girl there is no doubt. Her mother does not know her age, but the Civil Apothecary considers it to be between 10 and 11 and she is certainly under 14. After the ceremony was over, she returned to her mother's house, but as noted in Calandar Case No. 13 the performance of the ceremony itself is a sufficient disposal under the ruling of the Madras High Court in Criminal Appeal No. 198 of 1876.

5. That basavis are always prostitutes is amply proved and is also admitted. The first accused expressly states that she intended her daughter to lead a life of prostitution.

6. The evidence goes to show that in this case both the 2^d and the 3^d accused took an active part in the ceremony, the 3^d accused doing most. But ^{as in} Calandar Case Nos. 12 & 13 so here, I consider that both pujaris, who attended jointly throughout, are liable each for the acts of the other (vide Section 37 I.P.C.) and that both together superintended the ceremony of dedication and enabled it by their presence and sanction to be performed.

7. I find that the three accused ^{are} all guilty of the offences charged against them and that as in Calandar Case Nos. 12 & 13 their guilt is aggravated by the fact that they all received due warning from the Police beforehand of the criminality of such proceedings. The first accused has indeed attempted to deny that she received any such warning, but her statements testify against her, for she

she admits that the second witness the Police Constable who says he warned her "took a note of her name" as she went up to the temple and that when she appeared before the 3^d accused immediately afterwards the latter said; "What need you care for them? I will make your daughter ~~daughter~~ a Basavi." The Constable's story, the truth of which I see no reason to doubt is that on learning from her that she was going to make her daughter a Basavi he said: "It would be a criminal offence to do so" and she replied that she would speak to the pujaris, with the result above noted in her own words.

8. As in Calandar Case Nos. 12 & 13 so here I consider that the guilt of the 2^d and 3^d accused is greater than that of the 1st and for the reasons set forth in the case first mentioned I resolve to sentence the first accused under Section 258 C.C.P. to rigorous imprisonment for two months and the 2^d and the 3^d accused to rigorous imprisonment for four months.

30 April 1890.

/Signed/ E. Sidney Laffan.
By District Magistrate.
/True copy/

C. J. D. G.
Conf. 17/3

J. Parsons
District Magistrate.

District

MAGISTRATE OF BELLARY.

1 Holtiga
2 Hanumappa } of Teligi
3 Kentsappa }
4 Bullappa } of Uchchangidrug.

EMPRESS versus

Offence charged 2nd accused with having disposed of a minor under 16 years of age for purposes of prostitution under sec 372 I.P.C. and 1st & 3rd & 4th with abetment of the above offence under sec 372, 109 & 114 I.P.C.

Finding Guilty -
Sentence 1st & 2nd accused sentenced to 2 months rigorous imprisonment each and 3rd & 4th accused with rigorous imprisonment for 4 months each.

Judgment.

DATE OF	DESCRIPTION OF ACCUSED.	Occurrence.	Complaint.	Apprehension.	Commencement of trial.	Close of trial.	Explanation of delay.
		23rd March 1909	8th April 1909	12th April 1909	20th April 1909	30th April 1909	
		Age.	Residence.	Occupation.	Caste or Race.	Father's Name.	Name.
		4th accused 28 years	1st & 2nd accused 10th & 11th Uchchangidrug	3rd & 4th accused 10th & 11th Uchchangidrug	1st & 2nd accused 10th & 11th Uchchangidrug	1st & 2nd accused 10th & 11th Uchchangidrug	1st & 2nd accused 10th & 11th Uchchangidrug

In this case 1st & 2nd accused Hanumappa, a w. and the Madiga Caste is charged under sec 372 I.P.C. with disposing of her daughter Mariappa, aged 5 with intent that she should be used for the purpose of prostitution, and the 1st accused Holtiga, her brother-in-law and 3rd & 4th accused, Kentsappa and Bullappa, joint Pujari of the Uchchangidrug Temple are charged under sec 372, 109 and 114 with abetting the 1st accused in committing the said offence.

2. The case in all respects similar to C.C. No. 2 of 1909. The witnesses being the same including those for the defence. It is unnecessary therefore to repeat in detail the grounds set forth at length in the judgment in this case, on which the conclusions of the Court as to the guilt of the accused are based. Suffice it to say that the evidence for the prosecution is amply sufficient to prove that on Sunday the 23rd March the first and second accused presented the daughter of the latter with the usual offerings, to the 3rd and 4th accused.

at the Veerangidrug temple; & the 3rd and 4th accused accepted the offerings, sanctified the bottle, bangle and other emblems and made them over to Madiga Rama, a temple servant, who under the authority so conferred upon him completed the ceremony of dedication.

3. The first and second accused plead guilty, but the 3rd & 4th accused, as in the previous cases, deny their guilt, and cite the same three witnesses as in C.C. No 12. For the reasons given in para 4 of the judgment in that case I am of opinion that no reliance is to be placed on the testimony of these witnesses, whose statements however, even if true, would be of little importance and would not affect the strength of the case for the prosecution.

4. As to the minority of the girl there is no question. She is stated by the 1st and 2nd accused to be between 5 and 6 years of age and the estimate of the civil apothecary agrees with this statement. After the ceremony was over she returned to her mother's house, but as noted in C.C. No 12, the performance of the ceremony itself is a sufficient disposal under the ruling of the Madras High Court in Criminal appeal No 198 of 1876.

5. That Basavis are always prostitutes and cannot marry is amply proved and is not disputed. The 1st and 2nd accused, in fact, admit terms that the object of making the girl a Basavi is that she should have children and so perpetuate the family, her mother having no male issue.

6. The evidence goes to show that in this case both the 3rd and 4th accused took an active part in the ceremony, the 4th accused doing most

But as in C.C. No 12 so here, I consider that both pujaries, who attended jointly throughout, are liable each for the acts of the other (see sec 3, I.P.C.) and that both together superintended the ceremony of dedication and enabled it by their presence and sanction to be performed.

7. I find that the four accused are all guilty of the offences charged against them and that, as in C.C. No 12, 13 and 14, their guilt is aggravated by the fact that they all received due warning from the Police before-hand of the criminality of such proceeding. The first and second accused deny, indeed, that they received any such warning, but the second witness, Police Constable No 93, is positive that he gave them the warning personally and gives an account, which I see no reason to distrust, of the circumstances under which it was done. Moreover it is evident from this and other cases already dealt with that the fact was notorious and generally known at the festival that these dedications had been declared illegal by the Police, and it is impossible that the first and second accused, who arrived on the Friday, and dedicated their girl on the Sunday, could have failed to hear of this and of the fact that the Police had taken the names of persons dedicating girls on the Saturday and Sunday morning. I am satisfied, therefore, that they were aware of the

of their action.

8. As in C.C. No 12-13 & 14 so here, I consider that the guilt of the 3rd and 4th accused is greater than that of the first and second accused and for the reasons set forth in the case first mentioned I resolve to sentence the first and second Accused under Sec 258 C.C. to rigorous imprisonment for two months and the third and fourth Accused to rigorous imprisonment for four months.

(Signed) E. Sidney Laffan

30th April 1890.

District Magistrate

(True Copy)

For District Magistrate

Copies
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District

MAGISTRATE OF BELLARY.

Regina EMPRESS ^{of India} versus Adivanna of Thodlakalli

Offence charged Disposing of a minor for the purpose of prostitution punishable under Section 372 I.P.C.

Finding Guilty

Sentence Simple imprisonment for 7 days.

Judgment

In this case the accused Adivanna is charged under Sec. 372 I.P.C with disposing of his daughter Mariavva a minor for the purpose of prostitution.

The evidence establishes the facts that the girl Mariavva was dedicated by her father the accused as a Basavi at the

Uchandi temple & that all Basavis lead, as such, a life of prostitution. The accused also admits that the child is a minor since he states that she was born after "the great famine" (1876-78). The accused pleaded guilty but inasmuch as the degree of his guilt would depend largely on his previous knowledge of the criminality of such proceedings the case was adjourned on the 6th

Serial Number.	DESCRIPTION OF ACCUSED.						DATE OF
	Name.	Father's Name.	Caste or Race.	Occupation.	Residence.	Age.	
1	Adivanna	Sidappa	Madiga.	Cultivation & work	Thodlakalli	About 40	
							Occurrence.
							Complaint.
							Apprehension.
							Commencement of trial.
							Close of trial.
							Explanation of delay.

Instant pending the appearance of Durgjee Constable No. 93 of the Harjaili Division, who was one of the witnesses cited for the prosecution & who was alleged to have warned the accused beforehand that the

Dedication of children as Basavis is a ~~long~~ breach of the criminal law. The accused entirely denied that he has received any such warning or had had any previous knowledge of the criminality of his action. Constable Durgaji not having appeared on the day to which the case was adjourned & it being understood that he was absent on detection duty & would be produced as soon as he would be communicated with the accused was remanded from time to time pending his appearance. As, however, he has not yet appeared & nothing has been heard of him up to date & as the accused has already been under remand for twenty five days I resolve to proceed to dispose of the case.

There is no doubt whatever as to the fact that the accused committed as he himself admits, the offence charged but while on the one hand if it appeared that he had done so Deliberately with full knowledge of what he was doing I should feel justified in passing a deterrent sentence, on the other hand in the absence of such proof I consider it desirable to deal leniently with those who appear to have acted in ignorance. The prisoner has already been in confinement for a period of 25 days, most of which was spent under conditions of some personal discomfort in the Police lockup at Ramandurg. I find therefore that the prisoner is guilty of the offence charged and I sentence him under Section 372 of the Indian Penal Code to undergo ~~some~~ days' simple imprisonment.

(Signed) E. Sidney Laffan
District Magistrate.

31. 5. 90

(True Copy)

For Prisoners
For District Magistrate

Copies H.
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EMPRESS versus 1 Hanumanappa, 2 Sanna

Offence charged 1st accused with disposing of her daughter under 16 years of age with intent that she should be used for purposes of prostitution under section 372 I.P.C. and 2nd & 3rd accused with abetting it under sections 372-109 & 114 I.P.C.
Finding Not guilty
Sentence Discharged Judgment.

DATE OF	Explanation of delay.	
	Close of trial.	05-5-90
	Commencement of trial.	05-5-90
	Apprehension.	05-5-90
	Complaint.	05-4-90
	Occurrence.	05-3-90
DESCRIPTION OF ACCUSED.	Age.	1st accused 38 years, 2nd accused 32 years, 3rd accused 25 years
	Residence.	1st accused Hanumanappa, 2nd accused Sanna, 3rd accused Hanumanappa
	Occupation.	1st accused Hanumanappa, 2nd accused Sanna, 3rd accused Hanumanappa
	Caste or Race.	1st accused 3rd caste, 2nd accused 3rd caste, 3rd accused 3rd caste
	Father's Name.	1st accused Hanumanappa, 2nd accused Sanna, 3rd accused Hanumanappa
	Name.	1st accused Hanumanappa, 2nd accused Sanna, 3rd accused Hanumanappa
Serial Number.		

In this case the 1st accused Hanumanappa is charged by the Police under section 372 I.P.C. with disposing of a minor under 16 years of age, namely her daughter Lakkamma, with intent that she should be used for the purpose of prostitution; and 2nd accused the uncle of the 1st accused, and 3rd accused the Bajjani who conducted the ceremony by which the girl Lakkamma was made a Basavi, are charged under sections 372-109 and 114 with abetting the first accused

in the commission of the said offence. There is no doubt whatever that the girl Lakkamma was dedicated

is a Basavi at the time and place alleged, and that Basavis invariably live a life of prostitution. Neither is there any doubt that she was accompanied to the temple where the ceremony took place by her mother the 1st accused and that the ceremony was conducted by the 3rd accused, as Bijari. All this is admitted by the accused persons. It is alleged, however, that the girl is not a minor, being ~~then~~ above the age of 16 years, and on this essential point no evidence whatever has been produced by the Police. Judging by her physical appearance, as well as by her intelligence, and the readiness with which she answered the questions put to her as a witness, she would certainly appear to have attained the age in question. I have caused her to be examined by the local military apothecary, and am informed by him that in appearance she is 16 years of age. Under these circumstances I have no alternative but to discharge the accused, and I order them accordingly to be discharged under section 253 of the Code of Criminal Procedure.

22-5-90. (20) E. S. Laffan.
 Ag. D. Magistrate.
 1 True Copy!
 J. J. J. J.
 for D. Magistrate.

16/12/17/3

Regina EMPRESS versus Mallikarjuna Swami

Offence charged Secs 372 and 109 I.P.C.

Finding Guilty

Sentence To be imprisoned till the rising of the Court and to pay a fine of one hundred rupees (Fine paid).

Judgment.

DATE OF	Explanation of delay.	
	Close of trial.	23.9.90.
	Commencement of trial.	06.6.90.
	Apprehension.	06.8.90.
	Complaint.	06.4.90.
	Occurrence.	3.3.90.
DESCRIPTION OF ACCUSED.	Age.	26
	Residence.	Koolahally
	Occupation.	Gum
	Caste or Race.	Dravid
	Father's Name.	Mallikarjuna Swami
	Name.	Mallikarjuna Swami
Serial Number.		

In this case Mallikarjuna Swami, guru of the Jonibasappa Mutt at Koolahally, is charged with abetting one Sathiaova in dedicating her daughter Jonibasava as a "basavi". Sathiaova was herself convicted in C.C. No 11 of 1890, but the present accused, absconded at the time and thereby rendered it impossible to execute the warrant issued against him. Being better advised subsequently, he surrendered himself to the District Magistrate in person and was at once admitted to bail, the case being posted for trial to the 22nd September.

2 There is no dispute as to the facts and it has therefore only been necessary, so far as they are concerned, to call formal evidence. There is no question that on the 3rd March 1890 at Gonibasappa's Mutt the girl Gonibasappa and two others were solemnly dedicated as Basavies (an admitted by prostitute class) — under the sanction and active Superintendence of the accused. It is further proved by evidence and admitted by the accused's own Counsel that the Cooperation of a gun is essential to the validity of this ceremony. The fact of the offence is thus clearly established and the only question is whether the accused was aware that he was breaking the law.

3. The accused avers that he was altogether ignorant of the fact that his action constituted a breach of the criminal law and there is certainly no evidence to show that he ever received any direct intimation of the fact. It has, however, been proved to the complete satisfaction of this Court that on the day previous to ^{the} dedication and ^{while} the annual drawing of the temple car at Koolakally was taking place a public discussion on the subject took place between the Taluk Police Inspector, the Taluk Sheristadar and Magistrate, the Head Constable of Harpankally, Karmam Jimmappa and others, at which the two officers first named expressed their conviction that the act of dedication was a criminal offence and the Police Inspector intimated his ^{intention}

intention of prosecuting any person who might take part in such a ceremony. Among the persons in immediate attendance on the Sheristadar and Inspector was the village Magistrate, Bailu Basappa, who is the accused's first Cousin and lives with him in the Mutt. This man said nothing himself, but heard all that was said by others and would naturally report the conversation to his Cousin, the accused. The latter in fact admits that he was informed of all that passed by Bailu Basappa and Karmam Jimmappa, but says it was not until two days later, after the dedication had taken place. It is impossible to believe this. I have no doubt whatever that the accused was informed of the views of the Police Inspector and Taluk Sheristadar before he performed the ceremony. At the same time it is certainly the case that he received no direct warning as he ought to have done from the Police and under these circumstances I think it was most unnatural that he ^{should be} in a state of doubt and uncertainty as to the legality or illegality of the action he was about to take. A wise man would have preferred to keep on the safe side of the law but this would have required an amount of moral courage and a capacity for disregarding popular clamour and

discontent

discontent which the accused evidently did not possess. He complied therefore with the desires of those parties who wished to dedicate the young girls to a life of shame, and by so doing took upon himself the risk of any punishment the law might inflict. Subsequently when he found that a summons first and then a warrant had been issued ~~to~~ against him, he absconded from the district and remained in hiding for several months.

4. It results, therefore, that the accused conducted this ceremony, having reason to believe that his action might perhaps turn out to be punishable under the Criminal Law but being by no means certain on that point, I think there is considerable distinction to be drawn between such a case and that of a man who has received a formal warning from the Police or who by any other means or in any other way has been made aware of the criminality of his act. The dedication of the Basavies is a very old custom and this was the first occasion on which it had even, to the knowledge of the accused, been called in question. He has now expressed regret and penitence for the part he took in the ceremony.

ceremony and has executed a solemn undertaking before witnesses in my presence never to repeat the offence and to do all in his power to stamp out this objectionable custom. Under these circumstances I consider that a light sentence will suffice to enforce compliance with the law and find the accused guilty of the offence charged and sentence him to undergo simple imprisonment till the rising of the Court and to pay a fine of one hundred rupees.

23.9.90

(Signed) E. Sidney Laffan

Ag. Dist. Magistrate

(True Copy)

Cd. H. K.
Camp. 7/3

For District Magistrate

District MAGISTRATE OF BELLARY.

EMPRESS versus Karamava

Offence charged *Disposing of a minor for purposes of prostitution Sec 372 I.P.C*

Finding *Guilty*

Sentence *Seven days simple imprisonment.*

Judgment.

The accused is charged with disposing of her daughter aged 12 for the purpose of prostitution.

2 - The first witness
a police Constable
deposes that he was
present at Wechangi
-drug temple on the
22nd March last and
witnessed the dedication
of her daughter as a
Basavi by the accused
- when his evidence
was read over to him
he added to it that
he spoke to the accused,
warning her of the
illegality of her action

This however the accused denies, though she admits the truth of his deposition generally and pleads guilty.

I		DESCRIPTION OF ACCUSED.						DATE OF					
Serial Number.	Name.	Father's Name.	Caste or Race.	Occupation.	Residence.	Age.	2	Occurrence.	Complaint.	Apprehension.	Commencement of trial.	Close of trial.	Explanation of delay.
23	Thasurana	Sidda	Madiga	Cooly	Khyatiki Mysore	40	3	22.3.90	4.4.90	22.10.90	3.11.90	3.11.90	

The 2nd and 3rd witnesses merely prove the fact that Basavies once dedicated live a life of life-long prostitution and can never marry. The accused is an old woman from a village in Mysore, a foreigner therefore in this District. She says she only arrived at Wehangidrug on the morning of the ceremony itself and no one told her that it was illegal to make Basavies. It is extremely doubtful whether she received any such warning from the 1st witness as he alleges. When asked whether she saw any police Constable present at the time, she said she did not, but added that the police may have taken down her name. On the whole I do not think that she was fully aware of the criminality of her procedure.

I find her guilty and sentence her to undergo one week's simple imprisonment.

Ed/ E. S. Laffan
 Dy Dist Magistrate.

True Copy.

J. S. Laffan
 District Magistrate.

Copy 17/3

CALENDAR CASE No. 24 ON THE FILE OF THE
 MAGISTRATE OF BELLARY.

EMPRESS versus Samma Malha

Offence charged Disposing of a minor for purposes of prostitution Sec 372 I.P.C.
 Finding Guilty
 Sentence 3 weeks rigorous imprisonment.

Judgment.

DATE OF	Explanation of delay.	
	Close of trial.	3-11-90
	Commencement of trial.	3-11-90
	Apprehension.	25-10-90
	Complaint.	1st April 90
	Occurrence.	22.3.90
DESCRIPTION OF ACCUSED.	Age.	30
	Residence.	30/10/10
	Occupation.	Looky
	Caste or Race.	No caste
	Father's Name.	Unknown Malha
	Name.	Samma Malha
Serial Number.		24

The accused is charged with disposing of his daughter aged 9 for the purpose of prostitution. 2. The first witness a police constable deposes that he was present at Wehangidrug temple when the accused dedicated his daughter as Basavi on the 22nd March last; that he spoke to the accused, warning him of the criminality of his action and noting down his name &c; but that the latter persistently went through with the ceremony. The 2nd & 3rd witnesses prove that girls dedicated as Basavis live a life of lifelong prostitution, a fact which the accused fully admits.

The latter pleads guilty and admits the truth of all the evidence except the statement of the first witness.

that he warned him. He admits however that the first witness took his name down, a proceeding to which accused pays no objection, showing thereby that he was conscious of doing something illegal. Furthermore the accused admits that he is a native of the district and that he reached Uchangidroog the day before, when a special warning was sent by the Police Inspector to the temple pujaris warning them that the dedication of Basavis was illegal. Under these circumstances I think the case differs considerably from C. C. N: 23 and that in this instance the accused offended with his eyes open, although misled by the pujaris and his caste fellows into doing so.

I find him guilty and sentence him to three weeks rigorous imprisonment.

(Signed) E. Sidney Laffan
 District Magistrate
 3. 4. 90.
 (True Copy)

J. P. Parson
 For District Magistrate

Copied 13
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 1/13

EMPRESS versus 1 Desary Durgamma.
 Offence charged Disturbance of a 2 Desary Grammah
 Finding mind under 16 years of age for purposes of prohibition, Sec: 372 I.P.C.
 Sentence Discharged under Section 253 C.P.C.

DATE OF		Judgment.	
		Explanation of delay.	Close of trial.
DESCRIPTION OF ACCUSED.	Serial Number.	16-1-6	12-12-90
	Name.	28-4-90.	12-12-90
	Father's Name.	28-4-90.	12-12-90
	Caste or Race.	28-4-90.	12-12-90
	Occupation.	28-4-90.	12-12-90
	Residence.	28-4-90.	12-12-90
		Age.	12-12-90
		Occurrence.	12-12-90
		Complaint.	12-12-90
		Apprehension.	12-12-90
		Commencement of trial.	12-12-90
		Close of trial.	12-12-90
		Explanation of delay.	12-12-90

Judgment.

In this case the three accused Durgamma, Grammah and Seshacharya were charged by the Police with an offence under Section 372 - I.P.C.

2. On the 28th November 1890, the District Magistrate received a pseudonymous petition which he referred to the Police with the result that the three accused were charged before him. On the 12th December the District Magistrate transferred the case to file.

3. The prosecution is based on the following facts

Durgamma and Grammah (1 and 2nd accused) took their daughters Yekamma and Venkamma to their guru.

6. As to the customs in respect of

34
Sesha charla (g^d. accused) about nine months ago and had the girls branded on each shoulder and on the bosom with a mark which is made of a shell and wheel (shankoo and cheekrum). Afterward the mothers invested their daughters who are named above with a "thali bottu" consisting of a gold jewel impressed with the image of the deity Venkatesamy. The girls Yenkammah and Venkatamma are about 12 or 13 years of age. These facts are proved and there is no doubt about them.

4. The point to be determined is the significance of the act of branding and of tying a "thali bottu" like the one described. The prosecution say that such act is tantamount to a dedication of these girls Yenkammah, and Venkatamma to a life of prostitution. It is alleged that the tying of the "thali bottu" described is an act by which the girls are so invested are debarred from lawful marriage with any one man. If this allegation is true then I apprehend there is no doubt an offence under Section 392

J.P.C.

has been committed. For the girls who are minors under 16 years of age have been so disposed of as to prevent them leading a respectable married life even if they are so disposed in other words they are devoted to a life of prostitution.

5. Eleven witnesses were examined including three specially called at my suggestion to speak to the meaning of the custom. Of these witnesses the 3^d is the jeweller who made the "thali bottu" and the 6th and 7th are the girls themselves. Their evidence is of no value as to the custom. The 4th witness speaks to the branding. The 11th witness does not know anything about the facts or the custom.

6. As to the custom witnesses 2nd & 8th

Thammia Dasari and Karasamma
say that in their opinion the girls
cannot marry after the branding
and tying of the "bottu" while
the 1st, 5th, 9th and 10th are of a contrary
opinion.

7. The 9th witness is a respectable
2nd grade pleader a Vaishnavite Brahmin
and a firm for certain Dasaris. I
attach great weight to his evidence.
He distinctly says that the girls
branded and invested with the
"bottu" as above described are not
necessarily devoted to prostitution.

8. There is then very considerable
doubt as to what is the real
meaning of this custom. I do not
think the best evidence procurable
on the point has been put before
me. But I am personally unable
to say who ought to be examined
to explain the custom and so I

have to dispose of this case on
such evidence as is tendered.

9. The impression left on my
mind is that in all probability
these girls Yen Kammah and
Ven Katamma will grow up as
prostitutes but that such a result
is the necessary and inevitable
outcome of the ceremonies that
have taken place has not been
established.

10. I am of opinion that the
charge under section 372 I.P.C.
has not in this particular instance
been clearly established. I
therefore discharge the accused
and direct that they be set at
liberty.

Hallary (Signed). B. B. Chatterjee
9.7.91. Dy. Magistrate
True copy. J. V. Arson
For District Judge

16/3. Comd 24

The Comptroller of the Revenue

Calendar Case no. 24 of 1890 on
the file of the Deputy Magistrate
Adoni Division.

Judgment

The four defendants are charged with
having about the end of September
last made a Basiri of one Ramakka
aged about 11 or 12 years, daughter of the
first and 2nd defendants, dedicating
her to the Goddess Kollapuramma and
having a Talipotthu tied to her in the
temple in the name of the Goddess.
Knowing that the girl so dedicated
and invested with the Tali cannot
marry thereafter but should live
a life of prostitution only, an offence
punishable under section 372 of the
Indian Penal Code.

2. A number of witnesses have from
time to time been put before the Court
on behalf of the prosecution aggregating
sixteen in all who have been examined.

3. The 6th and 9th witnesses are police
Constables who under instructions from
the Inspector proceeded on Tuesday the 30th
of September to the house of the 1st
and 2nd defendants and there observed

Certain preparations for a festival going on, the 3rd and 4th defendants and a lot of others being also present. An Enquiry witnesses were told by the defendants themselves and others that girl Ramakka had been made a Basivi on the Friday previous at the Kollapuramman temple and that the closing ceremony was to be performed that day. Witnesses then took the whole party composed of the defendants girl Ramakka some of the witnesses and others to the police station and produced them before the Inspector.

Two Talibottu are said to have been taken from Ramakka's neck, the Kankam from her wrist and ^{two} from the third defendant and these were all produced in Court.

The witnesses do not profess to have witnessed any Basivi Ceremonies since they had entered the police service 15 or 20 years ago, nor are they aware of the ceremonial of Basivi making beyond what a superficial outside observer might know viz: making certain offerings to the deity and having a tali tied to the neck. They did not attend the present ceremony on the Friday in question. Being themselves Mohomedans, witnesses did

not know the exact ceremonial of the defendants.

3. Nine of the remaining witnesses testify to all that is alleged to have happened, but urge that it was noka Basivi making ceremony but a Devaramaking ceremony meaning thereby an expression of thanks to the deity for having protected the girl from certain serious illnesses sometime previous, when a vow to this effect had been entered into. That the tying of the talibottu did not mean making a Basivi. That there was only one tali tied on the occasion which bears the image of the Goddess Kollapuramman and it is known as Arikki tali. The other tali produced as also found on the neck of the girl was tied during her infancy as is very commonly done in their caste and is known as Muthaidu tali. Marriage talis are different and are known as Marriage talis. Basivi talis are different from all these. As a fact the girl had already been settled for marriage with her maternal uncle's son.

4. The 4th witness speaks to having passed by the temple at the time of the ceremony on Friday and was

told by some persons near whose names he can not mention, that a Basivi Ceremony was going on, and he saw the gr^d defendant with a Thalibattu in hand announcing his intention to tie it to the girl, whom however the witness had never before seen - but he never saw the Tali actually being tied.

5. The 8th witness Mr. Dennis's deposition is merely a mass of Contradictions and Confusion dwindling into a knowledge of nothing of a Basivi or Basivi making Ceremony.

6. The 7th, 11th, and 12th witnesses are the Karmam and the village Dnyasiff, present and former of the town. They know nothing of the Custom of the defendant's Caste in making Basavis and tying talis on that or other occasions.

7. The Defendant admits the Ceremonies with the Tali tying ver^y to Ramakka but pleads that it was only Arkkhi tali that the girl was ~~then~~ united with - not Basivi thali - that such a tali is merely an emblem of thanks giving to the goddess and not Basivi making which would imply that the girl is not to marry at all but should live as a prostitute only and that as a fact the girl's

marriage had already been settled, and is soon to be performed.

8. They examined five witnesses who all depose to having been present on the occasion in question and assert that the Ceremony was Arkkhi denar and not Basivi making. That Arkkhi thalis are of a different kind altogether - from Basivi thalis, the former containing the image of the goddess and the latter the feet of the goddess - and that as a fact Ramakka's marriage had been settled months previous to the discharge of the vow in question.

9. By desire of the Police Inspector two Basavis suddenly produced by him, have been examined as Court witnesses. According to them Basavis are dedicated to male deities only as both of them (the witnesses) are and the Bothus contain a Namam () which represents the feet of Vishnu) with Shanku and shakram on either side as their own Bothus do contain. That married women living with husbands are dedicated to goddess only in pursuance of certain vows and in such cases the Thalibattus contain the image of the goddess and do not signify that the women have been married Basavis at all but they continue in married life only.

To. I have inspected the battus of these two witnesses and found them as described by the witnesses. While Ramakha's battu seized by the police and produced in Court contains the image of the goddess in full.

11. From ^{all} this accumulated evidence I must conclude that tying Salibottus do not always mean marriage in the Caste to which the defendants belong that the battus are tied on a variety of occasions the sort of thali varying with each - and that the battu with which the girl Ramakha has recently been invested is not Basivi battu i.e. a battu declaring her a prostitute. The prisoners are accordingly acquitted under sec. 258 Cr.P. and the property seized from them will be made over to them.

(Signed) G. Kathanda Ramayya
Deputy Magistrate
25-10-90.

(True copy)

T. Carson
For District Magistrate.

ap
on 13/9/91
21/3

Enclosure 2. To letter for Mr. Bellary 14/9/91
19.3.91.

In the Court of the Sessions Magistrate of Bellary Division
Dated 24th day of June 1890.
Present - W. C. Holmes Esquire Ag. Sessions Judge.

From what Court the appeal is preferred.		District Magistrate's Court, Bellary.	
No. of the cases in that Court.		12, 13, 14 & 15 of 1890	
No. of the Appeals		17, 18, 19, 20, 21 & 22 of 1890	
Names and descriptions of the Appellants		In Criminal appeal no. 17 of 1890 Shadiga Kanchavva of Sasivallu of Hampanahalli Taluk. In Criminal appeal no. 18 of 1890 Kanchavva of Sasivallu of Hampanahalli Taluk. In Criminal appeals nos. 19, 20, 21 & 22 of 1890 1 Kanchavva, 3 of Vichangidrug Hampanahalli Taluk.	
The Sentence and Law under which it was imposed in the Lower Court.		In Criminal appeal no. 17 of 1890 2 months rigorous imprisonment under Section 372 I.P. Code. In Criminal appeal no. 18 of 1890 2 months rig. imp. under Section 372 I.P. Code. In Criminal appeals nos. 19, 20, 21 & 22 of 1890 Each sentenced to 4 months rig. imp. under Sec. 372 I.P. Code.	
Whether confirmed, modified or reversed.		Modified.	
If modified, the modification.		In Cr. appeal no. 17 of 1890 Sentence reduced to one month simple imprisonment, and to pay a fine of Rs. 5 each or in default further simple imprisonment for a fortnight in each case - do do no. 18 do do do do do do do do no. 19, 20, 21 & 22 do do do do do do or in default further simple imprisonment for a fortnight in each case -	
Judgment. These appeals coming on for hearing: - Upon perusing the petitions of appeals, copies of Judgments appealed against and the records of evidence upon hearing the arguments of Mr. P. C. Anantachari Public Prosecutor in support of conviction and of Mr. Kolar Vinoba Ram Vakil for the appellants in Criminal Appeals nos. 19, 20, 21 and 22 of 1890 and no Vakil appearing on behalf of the Appellants in Criminal appeals nos. 17, 20, 21 and 22 of 1890 and Vakil appearing on behalf of the Appellants in Criminal appeals nos. 17 and 18 of 1890 the Court delivered the following Judgment. - The District Magistrate in Calcutta Cases 12, 13, 14 and 15 on his file convicted the pujaris of Vichangidrug Temple of an abetment of offences under Section 372. In all four cases the pujaris appeal. In two of the cases 14 and 15 the principal offenders also appeal.			

Date of.	On which appellant ordered to appear.	Hearing.	Order.
22.5.90	11.6.90	19.6.90 23.6.90	24.6.90

offenders also appeal.
It was clearly proved in each case that a girl
The temple was from near

under 16 years was dedicated at the Utsangidung temple as a Basivi, and that the probable consequence of the dedication was that the girls would lead lives of prostitution. The persons who actually dedicated the minors were convicted but of these only two have appealed. The pujaris of the temple were convicted in all cases. The pujaris alleged that the dedications were made without their concurrence. But this plea is quite inconsistent with what has been proved by the prosecution. Certain offerings were proved in each case to have been presented to the pujaris and by one of them presented to the Goddess. The botta corresponding to the tali of an ordinary marriage and a bangle were then given by the pujari to a temple servant who completed the ceremony by putting the bangle and botta on the girl, after which the girl was taken in procession with music round the temple.

3. There seems to be no doubt about the correctness of the conviction in the case of all the appellants. The convictions are upheld.

4. It appears that the custom of making girls Basivis is practised among the Madiga and Boi Castes of the Bellary District. Girls are dedicated as Basivis apparently ^{generally by the parents for various reasons} ~~always~~ under the impression ^{but appa- rently always} that they are performing a meritorious religious duty. For example, when a man among these castes has daughters but no son, he makes one of his daughters a Basivi and she then becomes as it were a son to the man. When she grows up it seems she performs some services in the temple and leads almost invariably a life of prostitution, continuing it is said, to live in her father's house.

5. In the present case it appears that on the day before the first two of the dedications were performed the Police Inspector sent a notice to the pujaris. The notice has not been produced, but it is said to have informed the pujaris that the dedication

of girls as Basivis was illegal. It appears the Inspector acted under the orders of ^{the} Superintendent of Police in sending this notice. I find in one of the cases under appeal (No. 12) that when the father of the girl asked the pujaris about the Police objection to the dedication the pujaris told him according to the father's statement to follow the custom. The Police Inspector was examined as a witness ~~as a witness~~, and says that when he asked the pujaris why notwithstanding the notice they received as to the illegality of making girls Basivis they performed the ceremony one of the pujaris answered "we do not compel the parties to dedicate their girls but if they come voluntarily to us and pay us a fee we sanctify the botta by touching it and make it over to Kama (a temple servant) who completes the ceremony". There seems to me to be little doubt that all the parties concerned were acting under the impression that notwithstanding the Police notice they were justified in following the custom of the caste.

6. I find in the Lane Reports three cases under Sections 372 & 373 I.P.C. In one case (Ex parte Padmavati 5 Madras 415) the Madras High Court (Holloway and James J.J.) reduced from two years to 18 months rigorous imprisonment the sentences on two women one of whom sold her two daughters aged 7 & 2 for a rich ornament and Rs 35 to the other woman a dancing girl with a view to their becoming dancing girls. In this case there was no question of the offence being committed in pursuance of a custom. In the second case (Regina v. Arunachellam and others 1 Madras 164) the High Court upheld of the Sessions Judge of Madura in a case in which a man, the servant of a dancing girl, dedicated his daughter to the temple as a dancing girl. The sentences were for

the contemplation of it from her own

for exceptional reasons nominal 6 hours imprisonment and fine. In this case too no question of ~~the~~ custom arose. In the third case (Regina v. Jaiji Bhavin 6 Bombay 60) a woman who had adopted a child dedicated ^{the child} to the service of a temple as a Bhavin. It seems that these Bhavins received some remuneration from the state in the shape of allocation of Revenue and for this reason and as the offenders were following a long established usage the Sessions Judge awarded a nominal imprisonment and a moderate fine "which" he thought might suffice to teach these people the wisdom and necessity "of abandoning a demoralizing custom".

7. In the cases at present before me as I have already said I think there can be little doubt that all the parties notwithstanding the notice they had received acted under the impression that the long standing custom of the caste might be followed. I think therefore that the sentences may be reduced. I reduce the sentence in each case to simple imprisonment for one month & in the case of the Pujaris to a fine of Rs 25 in each case or in default to further simple imprisonment for a fortnight in each case.

(Signed) W.C. Holmes.
Sg. Sessions Judge.

(True copy)

(Signed) W.C. Holmes
Sg. Sessions Judge.
(True copy)

W.C. Holmes

For District Magistrate

April 26
1866
Conf. 1866

she contemplates it from her own

*From
The District Magistrate,
Bellary*

*To
The Secy of Secutary
to Govt, Bellary*

*Enclosure
No 2 letter
No 196
19-3-91.*



THE BELLARY DISTRICT.

ಬೆಳ್ಳಾರಿ ದಿ ಸ್ಟ್ರಿಕ್ಟ್.

Magistrate's Standing Order Sheet.

ಮೆಜಿಸ್ಟ್ರೇಟು ಗಾರಿ ಸ್ಟಾಂಡಿಂಗ್ ಆರ್ಡರು ಶೀಟ್.

SATURDAY, 24th MAY 1890.

1890ರ ಮ್ಹಾ ಸಂವತ್ಸರ ಮು ಸುನಲ 24ನೇ ತೇದಿ ಶನಿವಾರಮು.

No. 5.

Making Bassavis is illegal.

has recently been brought to the notice of the Acting District Magistrate that a practice prevails among certain classes and castes in this District of dedicating young girls, thenceforward known generally as Basavis, to the service of some deity or holy personage, and that the girls so dedicated cannot marry and after attaining maturity subsist principally by prostitution, the object and intention of their dedication being that they should subsist in the manner indicated. This practice has been more than once declared to be illegal by the High Courts of Bombay and Madras and all persons concerned are therefore warned that whoever disposes of any minor in the manner described may be prosecuted and convicted of an offence under section 372 of the Indian Penal Code and that any Guru, Pujari, temple servant or other person abetting the commission of such an offence may also be prosecuted and committed under the same code.

ಸಂಖ್ಯೆ 5.

ಬಸವಿಲನು ನಿರ್ಧಾರಮು ಕೇಯಲು ಬಟ್ಟುವಿರ್ತಮನು.

ಬಟ್ಟಾರಿ ಜಿಲ್ಲಾಲ್ ಕೌನ್ಸಿಲೆಗೆಲ ಮರಿಕೊನ್ನಿ ಜಾತುಲಲ್ ಚಿನ್ನಪದುಮುನು ದೇವತುಲ ಲೆಕ ದೊಗಿಳುರುಪುಲ ಸೇವಕಾರ್ಥಮು ಸಮನ್ವಿತ ಅಪ್ಪಣಿಸುಂಚಿ ಬಸವಿಲನು ನಾಮದೇಯುತೊ ಬರುಗುಮಂಡುನಲುಕೇಯು ಪದ್ಧತಿಯುಕೆಟಿಕ್ಕನ್ನಿ ಆದಿ|| ಮೆಜಿಸ್ಟ್ರೇಟುಗಾರಿ ದೊರುಕು ಯಿಟಿವಲ ತೇಬಡಿಯನ್ನದಿ. ಯಿಟುಲ ಅದ್ವಿತಮಾನ ಕರುಮುಲು ಪಂಡಿತ್ತೇಸುಕೊ ಕೂಡದು ಮರಿಯುಲ ಅರಬ್ಬಣ ಫಾವತಾತ್ಪರ್ಯಾನುಸಾರಮುಗಾ ವಯಸ್ಸು ವಚ್ಚಿನಪದವ ಲಂಜರಿಕಮುತೊನೆ ಮುಖ್ಯಮುಗಾ ಜೀವಿಂಪದರು. ಯಾವಾಡುಕ ಬಟ್ಟುವಿರ್ತಮನು ಅನೇಕಮಾರ್ಗು ಬಾಂಬಾಯಿ ಮದ್ರಾಸು ಹೈ ಕೋರ್ಟುಗಳಿಲ್ಲ ವೃಥಮುಗಾ ಕೆಪ್ಪಬಡಿಯನ್ನದಿ ಗುರುಕ ಯಿಡು ಕು ಸಂಬಂಧಿಂಚಿನ ಸರ್ವತುಲನು ಪಾವ್ಚರಿಂಪಡಮನಗಾ ವ ಯಸ್ಸುರಾನಿ ಒಕ ಚಿನ್ನದಾನಿ ಕೇಪ್ಪಿನ ಮೆರಕು ಬಿಡಿಡಾ ಗವರಚಿನ ನಾತರು ಕ್ರಮಿನಲುಲಾಗಿ ಲಿಸುಕೊಬಡಿ ಯಿ. ಪಿ. ಕೊ|| 372 ಸೆಕ್ಷನುಕಿಂಪ ಕ್ರಿಶ್ಚಿಯನುಗಾ ದೊರವಬದುನು, ಮರಿನ್ನಿ ಕುಸೇರಮುನು ಜರುಳುಟುಯಂದು ಸಮಾಯಘಾತುಡುಗಾಯುಂ ದೆ ದೊಗುರುಳು ಘಾಜಾರಿ ಲೆಕ ಗುಡಿಪಾಕರು ಲೆಕ ಯಿತರುಡು ಅನೇಕುಡುಕಿಂಪನೆ ಸೇರಾರ್ತಮು ಕೇಯಬಡಿ ಕೊಂಪಬದುನು.

2. All heads of villages are now called upon to proclaim the criminality of the practice by beat of tom-tom in their villages and to bring at once to the notice of the Police and Magistrate any cases of the kind which may occur within their knowledge in order that prompt measures may be taken to bring the offenders to justice. Taluk Magistrates are requested to see that these orders are every where carefully carried out.

E. S. LAFFAN,
Ag. District Magistrate.

2. యివ్వడు అందరు గ్రామాధికారులను కోరడమే మనగా యివ్వడమే నేరముగలదని తమ గ్రామములలో దండోరా వేయించడమే కాక యిట్టి నేరములకు శిక్ష యిచ్చిచేకొరకు తగిన చర్యలు తీసుకొనే ఉద్దేశముతో ప్రభుత్వము యిట్టి సంగతుల జరిగినతరువాత పోలీసువారి యొక్క మరి మేజిస్ట్రేట్లయొక్కయు యెరుకకు తక్షణమే తేవలెను, యీపు తరుపులు అన్నిచోట్ల బాగూడతలో జారీలో చేపడుచున్నవా అని తాలూకు మేజిస్ట్రేట్లు కనుక్కొనుచురని కోరడమయినది.

యి. ఎస్. లాఫాన్,
ఆగ. డిస్ట్రిక్టు మేజిస్ట్రేట్.

Enclosure 3
2c St. Inapitalis of
Bellary's letter no.
196 to the Chief
19-3-91.
Secretary to Govt
of department

EMPRESS versus Chaudappa

Offence charged Disposing of a minor under 16 years of age for purposes of prostitution under section 372 I.P.C.

Finding Guilty
Sentence One month's simple imprisonment.

Judgment.

The facts of the Case are undisputed.

1st witness asserts and Defendant does not deny that the latter dedicated his young child aged 7 years as a Basivi

2. The only question before me as a Magistrate is whether the intention of the accused in so doing was that she should be employed or used for purposes of prostitution or whether he knew that it was likely that she should be so employed or used.

DATE OF	Explanation of delay.	DESCRIPTION OF ACCUSED.
	Close of trial.	
	Commencement of trial.	
	Apprehension.	
	Complaint.	
	Occurrence.	
1	2	Name.
		Father's Name.
		Caste or Race.
		Occupation.
		Residence.
		Age.
1	1	Chaudappa
		Not known
		Kadaga
		Cooly
		Kanpur
		30
		23-3-90
		06-4-4
		16-1-41
		16-3-41
		16-3-91

3. The question of "disposal" has been settled by the Madras High Court in the contemplation of it from her own

Regina Versus Annachellam quoted
in Indian Law Reports, Madras
1-164. Transfer of possession is
not necessary to constitute a "dis-
posal" of a minor for immoral pur-
poses and therefore I assume that
where a man performs a ceremony
with regard to his daughter which
is intended to enable another man
to obtain possession of her for im-
moral purposes after the lapse
of some years by preventing her
from marrying and deliberately
devoting her to a life of prosti-
tution he has committed an offence
under section 372.

If therefore it is proved that
the accused in this case had such
intention he is guilty.

In deciding this point I
must be guided by the evidence
offered in this Court.

The first prosecution witness

Inspector. He is only 24, and is
the Police Inspector states that he
had learnt from his superior offi-
-cer, the Superintendent of Police, that
in some cases Basivis were believed
to be dedicated as such not with
a view that they should become
prostitutes, but that they should in-
-herit family property as sons do
and hand it down unimpaired to
their descendants; that for the pur-
-pose of begetting a son to inherit the
property, Basivis often lived with
one man as their husband but
otherwise lived a perfectly chaste
life consorting with only this one
man all their lives. If such be the
intention of a father when he dedi-
-cates his daughter I cannot hold
that this is a dedication to "prostitu-
-tion". I interpret "prostitution" to mean
a giving of the body for gain, promis-
-cuously. If a woman lives all her
life with one man, the object not
being gain any more than Compani-
-onship or the good of the family as
she contemplates it from her own

Standard, I cannot consider her in the light of a "prostitute" for purposes of this section. The family arrangement remarked on by the Superintendent of Police, I shall call hereafter the life of a "family Basivi" as opposed to a life of "Common prostitution". The Inspector of Police says that personally he never met with an instance where a woman was a family Basivi. All the Basivis ^{that} he knew of were Common prostitutes, but he heard that family Basivis existed in Kudalipi and Hadagalli Taluqs (the place of this alleged crime is in the Harpanahalli Taluq). The Inspector however denies that these family Basivis lived their lives with any view connected with family property; according to him it was simply that having at first given themselves to a man they preferred not to change because they had conceived an affection for that man. This is perhaps the view of a young

Inspector. It is only 24, and is contradicted by his own witnesses.

The accused declared that his intention in dedicating his child was to make her a family Basivi. He however admits ^{that} he has a son alive though very young and sickly. He states that he had lost some other children, that his young son was ill and he made a vow that his daughter should become a Basivi in hopes that the deity would spare the life of his son.

This admission weakens his plea considerably because it would seem that where a son is alive, a Basivi, though she may perhaps inherit the family property along with the son, is an unnecessary element in the family life. The son survives to inherit and therefore there is no necessity to protect the property from going out of the family by making the daughter a Basivi. This, there is a doubt the

Coupled with the fact that accused is only a cooly and therefore possesses little or no property at all, goes strongly to show that his object was to cause his daughter to lead eventually a life of prostitution.

The 2nd Prosecution witness a Reddi swears that every Basivi is a common prostitute.

3rd Prosecution witness a ^{curiam} swears that though he knows one or two instances where a father with the intention of making his child a family Basivi for reasons connected with property dedicated her as a Basivi, still the actual result in all these cases was the girl became a common prostitute. All other Basivis to his knowledge were made so with the intention that they should become common prostitutes.

He adds that without exception all Basivis in the accused's Caste are common prostitutes.

4th witness a Karnam differs generally. In his opinion no dedication takes place with the idea that the girl should become a common prostitute - all are made so for family reasons and are intended to be chaste - in the sense recorded above. As a practical result he says he knows 8 or 10 instances out of 100 at least where Basivis did actually lead chaste lives. The rest degenerated into common prostitutes.

5th witness, a Reddi has only known 8 or 10 Basivis and amongst them only one lived the ^{life of a} family Basivi.

6th Witness says that all Basivis are dedicated as family Basivis for protection.

Thus the prosecution evidence though contradictory goes somewhat in favor of accused since the case must be decided solely on the question of prisoner's intention.

I have given it my careful attention and have not forgotten that where there is a doubt the

benefit of it should be given to the
prisoner. But I am satisfied that
since prisoner was a man of no
property and as his son was alive
he devoted his child, a minor
under a vow to a life of common
prostitution with a view to saving
the life and health of his son by
securing the favor of the deity.

Monstrous as such an idea
of the deity may appear to European
eyes, it is a common view amongst
the poorer classes of these tracts.

I find prisoner guilty under
section 372 and sentence him to
one month's simple imprisonment.

as. (Signed) R. Swell

District Magistrate

(True Copy)

T. S. Swell
For District Magistrate

Copied 8/2
19/3
Cant 11/1
20/3/91

From the
District Magistrate
Bellary

To
The Chief Secy
to Govt
Judicial Dep
Magas.

Enclosure No 4.

to letter no B196
19.3.91.

Ref. on Magl. Encl. 2053 of 1890
Despatched 25-11-90 411
Proceedings of the District Magistrate of

Bellary dated 21 November 1891.

Read Adoni Deputy Magistrate's

No. 425 & No. 451
1-11-90 18-11-90

ORDER THEREON.

The records will be returned with the following remarks-

2. More careful enquiry should have been made as to the alleged betrothal of the girl Ramakka to the son of her maternal uncle Ellappa. Ellappa himself states that his son has a wife already who is only 9 years old and the only reason he gives for marrying him again is that his wife is feeble and has not yet attained puberty. A second marriage under such circumstances is not probable nor is Ellappa a person of sufficient means to indulge in the luxury of the second marriage for his son.

Copied by

Compared by

3 The evidence as regards the difference between Ariki Talis and Basiri Talis seems

Seems very doubtful.
 It is not a fact that
 Basivis are dedicated
 only to male deities.
 On the contrary it is no-
 torious that many Basivis
 are dedicated to Hosuram
 -ma and Huligamma at
 Hosur and Huligi in the
 neighbourhood of Hospet.
 The probable fact seems
 to be that Basivis dedicated
 to male deities have the
 namam on their Talis
 and those dedicated to
 female deities the image
 of goddess.

4 The Statement of the reddis
 past & present that they
 know nothing regarding
 the Basivi-making cas-
 -es of the accused is sus-
 -picious. If true it reflects
 on their fitness for office.

5 The Deputy Magistrate
 should make enquiry as to
 whether the marriage of
 Ramakka which was
 alleged to be immediately
 impending has really
 taken place.

/Signed/ E. S. Laffan
 Dy. District Magtr
 /True Copy/

J. Parson
 Jy District Magistrate

PRO: OF THE DISTRICT MAGISTRATE
 OF BELLARY.

No. 189
 Dated }
 Despatched }

ABSTRACT.

Magisterial Department

N. 483 dated 9-12-90

From, In. R. R.
 G. Kothanda Ramayya Gann
 Sub Divisional Magistrate
 To, The District Magistrate
 Bellary Adoni

Dated 7th December 1890.

Sir,
 With reference to the concluding paragraph
 of your Proceedings Reference on Magisterial English
 N. 2053 dated 25th Oct 1890, I have the honor to inform you
 that according to the report recently obtained from the
 Inspector of Police Adoni the marriage of Ramakka
 has not taken place.

I have the honor to be, Sir,
 (Signed) G. Kothanda Ramayya
 Deputy Magistrate
 /True Copy/

J. Parson
 Jy District Magistrate

Correct
 14/3

Ref No 458 of 12-12-90.
Proceedings of the District Magistrate of

Bellary dated

Read letter from the Deputy Magistrate Adoni
Division N.483 of 9th instant reporting that the
marriage of Ramakka referred to in District Magistrate's
proceedings Ref. N.411 of 25-11-90 has not taken place.

ORDER THEREON.

The Deputy Magistrate is requested to send for the
parties and require them to fix an early date for the
marriage, otherwise the District Magistrate will
consider the advisability of reopening the case.

(Signed) E. S. Laffan

Dist. Magistrate

/True Copy/

for D^y Magistrate.

Copied by

Compared by *[Signature]*
1873

PRO: OF THE DISTRICT MAGISTRATE
OF BELLARY.

Dated
Despatched

189

ABSTRACT.

No. 500

24-12-90

Deputy
Proceedings of the District Magistrate of

Bellary dated Adoni Division

Read Dated 18th December 1890

Read Proceedings of the District Magistrate reference
N. 458 dated 12th Instant requesting to send for the parties
in C. C. N. 24 of 1890 on the file of this Court and to require
them to fix a date for the marriage of Ramaktha.

ORDER THEREON.

The parents of the girl Ramaktha. Viz. Kollapur
and Rayaktha. Poojan Ramakamma and Jogi Karasappa,
having appeared to day, informed the undersigned that
the marriage is to take place two months hence. They
are warned that if the marriage be not performed
and proved to have not been performed within one month
from this date, the question of recontumement of the case
against them will be considered. The parents agree to this
and promise to have the marriage performed accordingly.

(Signed) G. Kothanda Ramayya
Deputy Magistrate

(True Copy)

Submitted to the District Magistrate of Bellary for
information with reference to his Proceedings read above.

(Signed) G. Kothanda Ramayya
Deputy Magistrate

(True Copy)

For D^y Magistrate.

Copied by

Compared by
19/3.

To the letter of the
District Magistrate of Bellary
B176

19.3.91.

Dated }
Despatched } 189

Mangalore 29/1/91

My dear Sewell.

I am sending Lawrence's Report back
through you as I wish you see Cox's & my
ideas on the subject of Basois. I am sure
that however right Lawrence may be as to the
theory of the institution he is quite mistaken as to
its actual working.

Sewell the Dept.
Pauze here served 2 years in Bellary (as Asst.). I
asked him without any previous discussion or
intimation of my own ideas whether he remembered
Basois. He replied at once. "They were a class
of prostitutes." I think any succession from
the position taken by Laffan in this matter (see
his Circular in the Dist. Gazette) would be a
matter for great regret.

I shall be back in Bellary about the

Middle of Box.
Best Saloons.

Yours sincerely

W. Chrysler

Please send the Report to Mr. Lawrence.

To the
of the

B196

19.3.91

Enclosure no 6

To letter of St
Knapdale of Bellary

B196 To the
19.3.91.

Chief Secretary of Govt.
Judicial Dept.

To the
of the
B196

19.3.91

Handwritten notes on the left margin of the left page, including "To the", "of the", "B196", and "19.3.91".

Handwritten notes at the bottom of the left page, including "To the", "of the", "B196", and "19.3.91".

Handwritten notes at the bottom of the left page, including "To the", "of the", "B196", and "19.3.91".

F

with regard to Mr. Laffan's standing
order, I think that before commencing
a course - however well - intentioned - against
a custom carried on from time immemorial
by the people in the Bellary district - it would
have been better if Mr. Laffan had consulted
the Govt.

I agree with all this is said by my hon.
colleagues.

W
11/4/91

Mr Laffan Standing order No 5
7.29 4 May 1901 had also
written be ordered to be
withdrawn
JLJ
87 4/91

I think that the action taken by Mr.
Laffan & Col. Chyotie in this matter was
injurious, and that in the case tried by
Mr. Laffan in which it was assumed that
the consequence of dedication as a Basini
is necessarily a life of prostitution for two
injuries was done. In two of these cases the
plea was advanced that the intention was to
perpetuate the family. When a man marries
a child of tender years a Basini it seems an
if true assumption that it is done with inten-
tion to profit by the gains of her prostitution
being that their gains cannot accrue for
years, if ever. It may be true that in many
even the majority of cases dedication as a
Basini results in the woman living an
unchaste life and in prostitution, but
long as it is admitted as I think it must
be that this is not necessarily so, and that
the custom does not, ^{necessarily} ~~it~~ is certainly
wrong to take the mere fact of dedica-
tion as sufficient to constitute an offence under
sec 392. Even when a man has made
issue, and takes the precaution of making
a daughter a Basini, I don't think the
act is necessarily criminal. Nor is it so when
the man is poor. Perpetuation of the family
may be desired apart from devolution of
property. The life of what Mr. Sewdell calls
a family Basini cannot I think be called
immoral, any more than the arrangements of
families under Hindu customs which ~~are~~
the Basini custom seems to resemble. Mr.
Sewdell's views so far as before seem sound
but I think he does not go far enough and
that there should be direct proof of intention
beyond the fact of dedication in every case.

In the present instance I think it is
enough to say that we disapprove the
action taken by Mr. Laffan & Col. Chyotie
& consider that prosecution should be
discouraged, and that when they are insti-
tuted each case should be very carefully
dealt with, proof of the ^{intention} ~~intention~~ being
over and above the mere fact of dedication being
required for conviction.

11/4/91

Judl. DEPARTMENT.

From

District Magistrate
Bellary

At the Hire.

For orders

The D. Mag. sentenced the two
prisoners who conducted
4 of the cases to terms
aggregating 16 months' rigorous
imprisonment. This was reduced
on appeal to 4 months & a
fine of Rs 100 each.

No. 196

Dated 19th

Received 2nd

Enclosures 6

March 1891

SUBJECT.

Submitting report regarding
Basiris.

To await reply of the
D. Mag. to D.O. dated
20th Feby. 91

C. 2/4

See in

but one Mullukeruppan was an

1-2 - 1 Vainthau

CP. 1587

No. 1878

Office of the Inspector-General
of Police

Camp. Potalacamund, 27th March 1891.

From

Colonel C. A. Porteous

Ag. Inspector-General of Police.

To

The District Magistrate
of Bellary.

Sir,

In reply to your letter No.
A dated 19th March 1891, I have
the honor to inform you that
my locum tenens Colonel Cox
sent to Government a copy of the
Diary alluded to by you im-
mediately after receiving the original.

I have &c

(Signed) C. A. Porteous, Colonel
Ag. Inspector-General of Police.

(True Copy)

Communicated to the Chief Secretary
to Government, Judicial Department
with reference to my letter No. 196
of 20th March 1891 Ref:-

District Magistrate's Office
Bellary

31st March 1891

Copied 2nd

CP. 150

As per original

For District Magistrate.

CONFIDENTIAL No.

Judicial Dept
General Department

From
The District Magistrate
Bellary

To
The Chief Secretary
to Government
Judicial Department
Madras

Ref on Insp. Enq. No. 476
223

Dated 31 March 1891

Despatched
4 APR 91

Recd 4 April 1891

Communicating copy of letter
No. 1878 from the Inspector
General of Police with ref.
to District Magistrate's letter
No. Ref. 196 about Basiris
20.3.91

but on 11. 11. 1890 was an 1. 1. 1. Vaintham

DEPARTMENT.

Extract Papers to be read in Proceedings:-
ending 2

188, No.

188, No.

ed 34 of 1881, dated 26 Jan. from Col. H.W. & Co. of.
1419 of 1881 - 19 March - D. May. Bellary

Current No. 157 of 1881, dated 19 March from D. May. Bellary
C. 2. 15-57 of 1881 31 March from D. May. Bellary

Order 18th April 91 No. 741
The action taken by Mr. Laffan in the matter of
Hol. Chrystie in the matter of
the dedication of Basiris
should have been consulted
in the first instance by the D.
May. Mr. Laffan's standing
order no. 5 of the 24th May
1890 should now be withdrawn
& prosecutions discouraged.
When prosecutions are actually
instituted each case should
be very carefully dealt with in
& proof of the necessary intent
over & above the mere fact
of dedication being required
for conviction

(From order)
13th April 11 Ap.
To D. May. Bellary
S. S. Laffan Esq. C.S. 20.4.91
Note for order of C.S.
I presume the minute
to call D. May.

Dated 26 - 1. 190

to Campbell,

Return with Banks

The original of Jo. 741. Musc. Fn

Dated 18.4.91 (conf. No. 69)
1892

Received with your do. no.

593 - 9/6th November last.

James and

W. Francis

but one Muttukaruppan was an

вн ^{БД} универс. Библиот.

Extract from Hq. Superintendent's Report for year
ending 28th March 1891.

F
ham S.
ham V.
c. 302
C 26

Ref: 6 Stn. 23.3.91

ER. recd. 24.3.91

4 p.m.

Two dead bodies were found near Kuttan-
putty a hamlet of Kuttam. The bodies were
examined ^{by} the Village Magistrate and Station House
officers of Minsiri. One was that of Kappu Mutu
Pillay and the other that of Chinna-samy Asany
both travelling quacks.

Pamlya Pillay identified the first as the body of his sister's son who had left Kuttuputtu to go to Kentampatty on 22nd.

Angamma identified the other body as that of her husband's brother, who had also gone to Ventamputty to practise medicine.

The cloths on the 1st body were much stained with blood.

(True Extract)

Chas. S. Foster Colonel
ag. Insurgents. of Police

but one Muttukruppan was ar 1-1 Vaintham

Part I
Trichinopoly District

Extract from Report from the Superintendent of Police
for week ending 28th March 1891.

Fourth class Govindasamy Pillay reports
to the Taluk Magistrate reached scene close to
Vainthampatty hamlet of Mutham about 5 am.
on 24th and after inquest sent bodies to Musiri
Dispensary. Pambia Pillay stated that in consequence
of a rumour he went to scene about 2 or 3
after sunset on 22nd along with Muttusamy and Rama-
samy Pillay. found his uncle Kuppumuttu
Pillay still alive and before he expired was
told him the Koolgars of Koonamungumpatty
and Vainthampatty, thinking he had come to
tattoo the cross had beaten him. Poolinga
Asary stated a marriage was celebrated in
his house at Vainthampatty and (on Sunday
22nd / about 2 nalgays before sunset, the 2 deccan
visiting it were seated with rice &c; as they de-
parted some child exclaimed they were the men
who tattooed a mark like a cross on the forehead
and some villagers (who is specified) pursued
them. Muthu Karuppan Asary father of Poolinga

stated

stated Aravandi, son of Papaf
nappi followed by others, whose names are given
to tell, pursued deceased. Semban Asary spoke to
having seen a crowd and heard uproar near scene.
he was told by one Veeramalay tattoo markers
being threatened and further saw Aravandi son of
Muthyan & Sangan each carrying a stick, pro-
ceed from the crowd to the village. Pitcha Muthu
Asary saw one Parannoon running about in
the above crowd, stick in hand. Muthusawmy
and Ramasawmy Pillay corroborated Pombia's
statement. Papan's son Aravandi, Veeramalay
and Chinnappi were arrested about 6 pm.
In diary of 25th, Inspector attaches copies of
certificates of Hospital Assistant, who puts age of
Kuppanmulla Pillay at about 56 and attributes his
death to injuries to brain and genital organs. Age
of Chinnasamy Asary is put at about 48 and
death attributed to rupture of spleen and injury
to genital organs. Pullens Karuppan and Katan
of Kutham spoke to witnessing the beating of
deceased by the 3 prisoners and the son of
Pookhamarathan of Vanithampully and also
by S. Sanyogan, T. Sathan V. Palanyandy and
Beyan (chief of S. Sanyogan of Koonagampully amongst others.
No males could be found in Koonagampully

but one Muttukeruppan was arrested at Vanitham-
pully. I have asked on what grounds Muttukerup-
pan was arrested, also how Inspector now
shews case under Section 304 and what
was origin of the cross tattooing business. Since
writing above I learn by Supplemental Crime
report Muttukeruppan is the son of Pooliama-
ruthan.

In diary of 26th Inspector Goindasawmy reports
regarding above case the evidence of one Vythi of
Kutham who stated he saw the 2 deceased being
beaten by a crowd and recognized in the crowd
the 4 prisoners, the 4 Koonagampully men
already named and one Ganapathy of Koon-
agampully.

(True Extract)

M. S. Sanyogan
Colonel,
Ag. Insp. Genl. of Police

Extract from Weekly Report of the Superintendent
Salem District ending 28th March 1901

New Case

Assaulting and
Robbing (M. Vaccina)

A curious case is reported in my Sunday

On the 19th instant, Vaccinator Kullasawmi

Remarks by D. J. G.

Extract might be
sent to Special
Branch. I am
travelling and
cannot send copy.

The D. J. G. will
observe that a
similar superstition
prompted the double
murder reported
from Trichinopoly

The scene of these
crimes is on the
Salem frontier not
far from Namkul.

Pillai went to Vallipuram Village in Namkul
Taluk to vaccinate. Pottis Viapuri and Mothan
and several others stopped him saying he was a
cross marker, beat him and took away his box
containing his instruments etc and his cloth
and the coat he was wearing.

The Pottis took him before their Village
Magistrate with his case of instruments,
phia of Lymph, note book etc and represented
that he was a cross ^{marker}. The Vaccinator complained
of having been beaten and deprived of his
property. The Village Magistrate sent a
report with the property to Namkul P.O.
Station along with witnesses Kali. Sounden
and Sellipounden who witnessed the assault.

Remarks by Dist. Mag

The mark is not in
the form of a cross as
it turns out. I too
thought it was.

The Pottis decamped but have been since
arrested and charge. It appears that inst
of making two or three punctures as formerly

This idea is confined to a portion of the Naumbul Taluk.

47

30/3/

(True Extract)

Wm. R. Fortwell Colonel

ag. ~~insufficient~~ aff? the

CHIEF OF POLICE
6 APR 91
GOVERNMENT OF

Charles H. Bennett

J. G. Price

5th April 91

Submitted for perusal.

The case of the vaccinator is an
unperilled outcome of the introduction
of Dr. King's system of scarification.
It seems probable that this was
at the bottom of the Friday case
too.

6 April

yes 11/4

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Confidential No. 71
1891

Just DEPARTMENT.
G.O., DATED 18. 4. 91
No. 743
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Confidential.

First copy sent to Press

Returned for signature

Despatched 20. 4. 91

[Despatch Abstract.]

Place Recording with remarks
reports of his murders in Tuckers
and Salem Districts