

Sati (Prevention) Act, 1987

After the incidence of Sati of Roop Kanwar in Rajasthan, the Government of Rajasthan passes an Ordinance called Sati (Prevention) Act on 1st October 1987. Later on Indian Parliament enacted “The Commission of Sati (Prevention) Act, 1987 in 1988 to protect the widows by forced burning or burying to show the love and dedication towards the deceased husband. Other actions related to this practice like, glorifying the Sati, organizing ceremony, construction of any shrine on funeral site, creation of any fund in the name of Sati or participating in any procession were declared punishable because it is inhuman in nature.

The silent features of this Act are-- -----

- This The Commission of Sati (Prevention) Act, 1987 extends to the whole country except the State of Jammu & Kashmir.
- It came into force after the notification of Official Gazette by the Central Government.
- The Code of Criminal Procedure, 1973 (2 of 1974) will be applied in this Act.
- According to this Act, glorification of the Act of Sati, observing the ceremony and taking out the procession and doing favour of Sati, arranging function for praising this act, collecting fund, constructing temple and offering puja or any function to give honour to the Sati will be punishable in Court of Law under Indian Penal Code (45 of 1860).
- Sati means the burning or burying alive of widow along with the body of her deceased husband or any other relative or with any article, object or thing associated with the husband or such relative voluntarily or by pressure will be considered as crime. Notwithstanding anything contained in the Indian Penal Code (45 of 1860), whoever

attempts to commit sati and does any act towards such commission shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

- Words and expressions used but not defined in this Act and defined in the Indian Penal Code (45 of 1860) or in the Code shall have the same meanings as are respectively assigned to them in the Indian Panel Code or the Code.
- Special Court constituted under Sec 9 shall try such cases and before convicting any person, take into consideration the circumstances leading to the commission of the offence, the act committed, the state of mind of the person charge of the offence at the time of the commission of the act and all other relevant factors.
- If any person attempts to commit sati, whoever abets such attempt, either directly or indirectly, shall be punishable with imprisonment for life and shall also be liable to fine.
- If any person commits sati, whoever abets the commission of such sati, either directly or indirectly, shall be punishable with death or imprisonment for life and shall also be liable to fine under Indian Penal Code (45 of 1860).
- Instigating a woman to commit Sati, convincing a widow or woman to believe that the commission of *sati* would result in some spiritual benefit to her or her deceased husband or relative or the general well being of the family, playing a pivotal role in arranging such ceremony, preventing the widow or woman from saving herself from being burnt or buried alive and taking part in the procession of Sati –these all are liable to get punishment from the court.
- Preventing and interfering with the police to discharge their duties is also punishable.

- Any act for the glorification of sati shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than five thousand rupees but which may extend to thirty thousand rupees.
- Any inducement to a widow or woman to get her burnt or buried alive along with the body of her deceased husband or with any other relative or with any article, object or thing associated with the husband or such relative, irrespective of whether she is in a fit state of mind or is labouring under a state of intoxication or stupefaction or other cause obstruction in the exercise of her free will is punishable under this Act.

Powers of Collector or District Magistrate to prevent offences relating to Sati under Sati Prevention Act

- The District Magistrate may prohibit the person to be Sati if he comes to know that the act is going to be performed by any person in any area or areas specified in the order.
- The DM can prohibit the glorification of Sati in any manner by any person in any area or areas specified in the order.
- The people who contravenes the orders in any Section and Sub-Sections and if such contravention is not punishable under any other provision of this Act, be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than five thousand rupees but which may extend to thirty thousand rupees.
- Any structure or temple, which has been not less than 20 years and any worship activity, is going on with a view to preserve the honour of sati, the State Government can give the order for its removal. The Collector or the District magistrate may also order for the same in sub-section (1)

- Where any order under sub-section (1) or sub-section (2) is not complied with, the State Government or the Collector or the District Magistrate, as the case may be, shall cause the temple or other structure to be removed through a police officer not below the rank of a Sub-Inspector at the cost of the defaulter.
- The District Magistrate has the power to seize certain properties if he believes that any funds or property have been collected or acquired for the purpose of glorification of the commission of any *sati* or which may be found under circumstances which create suspicion of the commission of any offence under this Act, he may seize such funds or property. He shall report the seizure of the fund or property to the Special Court and shall await the orders of such Special Court as to the disposal of the same.

Role of Special Courts

- * A Special Court shall be presided over by a judge to be appointed by the State Govt with the concurrence of the Chief Justice of the High Court.
- * For the trial of Sati cases, the Special Court shall exercise in that area for which they are notified in the Official Gazette.
- * All the proceedings and trials of the Sati will be held in Special Courts constituted under this section.
- * Only a Session Judge or Additional Session Judge shall be appointed as a judge in the Special Courts. For every Special Court, the State Government shall appoint a person to be a Special Public Prosecutor. The person having at least seven years practices as an advocate or has held any post for a period of not less than seven years under the State requiring special knowledge of law.
- * Every person appointed, as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of Cl. (u) of Sec. 2 of the Code and the Provisions of the Code shall have effect accordingly.

Procedure and Powers of Special Courts

- * A Special Court can take cognisance upon receiving the complaint against the accused for trial by anyone or police without the Sati is committed.

* When trying any offence under this Act, a Special Court may also try any other offence with which the accused may, under the Code, be charged at the same trial if the offence is connected with such other offence. If, in the course of any trial of any offence under this Act it is found that the accused person has committed any other offence under this Act or any other law, a Special Court may convict such person also of such other offence and pass any sentence authorised by this Act or such other law for the punishment thereof.

* While inquiry, speedy trial and examination of the witnesses of the incidence shall be held on daily basis and if Special Court finds that adjournment is necessary, it shall record its reason to doing so.

* Subject to the other provisions of this Act, a Special Court shall for the purpose of the trial of any offence, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, so far as may be, in accordance with the procedure prescribed in the Code for trial before a Court of Session.

* If Special Court trials for a person in the charge of making property in the name of Sati, under Section 8, shall forfeited to the State.

* Notwithstanding anything contained in the Code, an appeal shall lie as a matter of right from any judgement, sentence or order, not being an interlocutory order, of a Special Court to the High Court both of facts and on law.

*Every appeal under this section shall be preferred within a period of thirty days from the date of judgment, sentence or order appealed from. Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.

Commission of Sati (Prevention) Rules, 1988

In exercise of the powers conferred by Sec. 21 of the Commission of Sati (Prevention) Act, 1987 (3 of 1988), the Central Government makes the following rules for eradicating the inhuman practice as Sati-----

* These rules may be called Commission of Sati (Prevention) Rules, 1988 and it shall come into force from the date of its notification in Official Gazette.

*Definitions.- (1) In these rules, unless the context otherwise requires,-

"Act" means the Commission of Sati (Prevention) Act, 1987 (3 of 1988);

"prohibitory order" means an order issued under Sec. 6;

"Section" means section of the Act.

* Words and expressions used in this rule are as the same as the Act, 1987.

*The powers vested in the hands of Collector or the District Magistrate under Sec. 6 may also be exercised by such other officers not below the rank of the village officers by the order of State Government in the case of Sati incidences.

* Every prohibitory order under Sec. 6 shall be made by beat of drum or other customary mode, in the concerned village, or in case of town or city, in the locality in which the act prohibited is likely to occur or has taken place. The order should be placed on the place, which is visible to all persons in the effected area and in the office of the person concerned who has issued the notice.

*For the order for removal of temples or structures under sub-section (1) of Sec. 7- the State Government or any other officer authorized by the State Government in this behalf, shall give at least ninety days' notice to the person or persons involved in the acts complained of, and also to the owners and occupiers of the temple or structure proposed to be removed.

*The notice under sub-rule (1) shall specify the temple/structure proposed to be removed, its location and other particulars, its owner, the specific instance or instances or worship or ceremony contravening the provisions of Sec.7. The Collector or the District Magistrate, or such other officer as directed by the State Government by order under

rule3, shall follow the provisions of sub-rules (2) and (3) of rule 4 in the case of orders made under this rule.

* The reasonable opportunity of being heard shall be given to the persons specified in the notice regarding the order of the removal of the temple or structure by the Government or a person authorized by the government through a police not below the rank of the Sub-Inspector.

* According to Rule 3, the State Government or the Collector or the District Magistrate, or as the case may be, the officer as directed by the State Government shall prepare the Inventory and forfeiture of the property of temple or structure and forwarded to the Special Court for declaration of forfeiture of the said material or property to the State under Sec. 13, if the Special Court considers it necessary so to do, and shall also give a copy of the inventory to the owners/occupiers of the temple/structure removed.