

The Rajasthan Sati (Prevention) Act, 1987

RAJASTHAN

India

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Act 40 of 1987

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The Rajasthan Sati (Prevention) Act, 1987(Act No. 40 of 1987)[Received the assent of the President on the 26th day of November, 1987]An Act to provide for the more effective prevention of Sati and its glorification and for matters connected therewith or incidental thereto.Be it enacted by the Rajasthan State Legislature in the Thirty-eight Year of the Republic of India as follows: -

Part I – Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Rajasthan Sati (Prevention) Act, 1987.(2)It extends to the whole of the State of Rajasthan.(3)It shall be deemed to have come into force on the 1st October, 1987.

2. Definitions.

(1)In this Act, unless the context otherwise requires,-(a)"Code" means the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);(b)"glorification" in relation to Sati, includes among other things, the observance of any ceremony or the taking out of a procession in connection with Sati or the creation of a trust or the collection of funds or the construction of a temple or the performance of any ceremony thereat with a view to perpetuating the honour of, or to preserve the memory of, a widow committing Sati;(c)"Sati" means the burying or buying alive of any widow alongwith the body of her deceased husband or with any article, object or thing associated with the husband, irrespection of whether such burning or burying is voluntary on the part of the widow or otherwise;(d)"Special Court" means a Special Court constituted under Section 9;(e)"Temple" includes any building or other structure, whether roofed or not constructed or made to preserve the memory of a widow committing Sati and used or intended to be used for the purpose of worship or offering prayers.(2)Words and expressions used but not defined in this Act and defined in the Indian Penal Code (Central Act 45 of 1860) or in the Code shall have the same meanings as are respectively assigned to them in the Indian Penal Code or the Code.

Part II – Punishment for offences relating to Sati

3. Attempts to commit Sati.

- Notwithstanding anything contained in the Indian Penal Code (Central Act 45 of 1860), whoever attempts to commit Sati and does any act towards such commission shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to five years and shall also be liable to fine which shall not be less than five thousand rupees but which may extend to twenty thousand rupees.

4. Abetment of Sati.

(1)Notwithstanding anything contained in the Indian Penal Code (Central Act 45 of 1860), if any widow 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.(2)If any widow attempts to commit Sati, whoever abets such attempt shall be punishable with imprisonment for life and shall also be liable to fine.Explanation. - For the purposes of this Section, any of the following acts shall also be deemed to be an abetment, namely: -(a)any inducement to a widow to get her burnt or buried alive alongwith the body of her deceased husband or with any article, object or thing associated with him, irrespective of whether she is in a fit state of mind or is labouring under a state of intoxication or stupefaction or other cause impeding the exercise of her free will;(b)making a widow believe that the performance of Sati would result in some spiritual benefit to her or her deceased husband or the general well being of the family;(c)encouraging her to remain fixed in her resolve to commit Sati and thus instigating her to commit Sati;(d)participating in any procession in connection with the commission of Sati or intentionally aiding the widow in her decision to commit Sati by taking her alongwith the body of her deceased husband to the cremation or burial ground;(e)obstructing, or interfering with, the police in the discharge of its duties of taking effective steps to prevent the commission of Sati;(f)preventing or obstructing the widow from saving herself from being burnt or buried alive; and(g)being present at the place where the Sati is committed as an active participant to such commission or to any ceremony connected with it.

5. Punishment for glorification of Sati.

- Whoever does 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.

Part III – Power to Collector and District Magistrate to prevent offences relating to Sati

6. Power to prohibit certain acts.

(1)Where the Collector and District Magistrate is of the opinion that Sati is being or is about to be committed in any area, he may, by order, prohibit the doing of any act towards the commission of Sati in such area or areas and for such period as may be specified in the order.(2)The Collector and District Magistrate may also, by order, prohibit the glorification in any manner of the commission of Sati by any person in any area or areas specified in the order.(3)Whoever contravenes any order made under sub-section (1) or sub-section (2) shall, 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 live thousand rupees but which may extend to thirty thousand rupees.

7. Power to remove certain temples or other structures.

(1)The Collector and District Magistrate may, if he is satisfied on that any temple or other structure has been, or is being, constructed for the glorification of the Sati, by order, direct the removal of any such temple or other structure.(2)Where any order under sub-section (1) is not complied with, the Collector and District Magistrate 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.

8. Power to seize certain properties.

(1)Where the Collector and District Magistrate has reason to believe 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.(2)Every Collector and District Magistrate acting under subsection (1) shall report the seizure to the Special Court, if any, constituted to try any offence in relation to which such funds or property were collected or acquired and shall await the orders of such Special Court as to the disposal of the same.

Part IV – Special Courts

9. Trial of offences under this Act.

(1)Notwithstanding anything contained in the Code, all offences under this Act shall be triable only by a Special Court constituted under this Section.(2)The State Government shall, as soon as it receives information about the commission of Sati in any place within the State, by notification in the Official Gazette, constitute a Special Court consisting of a person to be appointed by the State Government after consultation with the Chief Justice of the High Court for the trial of all offences under this Act and every Special Court shall exercise jurisdiction in respect of the whole or such part of the State as may be specified in the notification.(3)A person shall not be qualified for appointment as a Judge of a Special Court unless he is in the cadre of a District and Session Judge in the State.

10. Special Public Prosecutors.

(1) For every Special Court, the State Government shall appoint a person to be a Special Public Prosecutor. (2) A person shall be eligible to be appointed as a Special Public Prosecutor under this Section only if he had been in practice as an advocate for not less than seven years or has held any post for a period of not less than seven years under the State of Rajasthan requiring special knowledge of law. (3) Every person appointed as a Special Public Prosecutor under this Section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of Section 2 of the Code and the provisions of the Code shall have effect accordingly.

11. Procedure and powers of Special Courts.

(1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts. (2) 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 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.

12. Power of Special Court with respect to other offences.

(1) 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. (2) 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 under 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. (3) In every inquiry or trial, the proceedings shall be held as expeditiously as possible and, in particular, where the examination of witnesses has begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, and if any Special Court finds the adjournment of the same beyond the following date to be necessary, it shall record its reasons for doing so.

13. Forfeiture of funds or property.

- Where a person has been prosecuted for an offence under this Act, a Special Court trying such offence may, irrespective of whether any punishment has been awarded or not, if it is considered necessary so to do, declare that any funds or property seized under Section 8 shall stand forfeited to the State.

14. Appeal.

(1) An appeal shall lie as matter of right from any judgment, sentence or order, not being an interlocutory order, of a Special Court to the High Court both on facts and on law. (2) Every appeal

under this Section shall be preferred within a period of thirty days from the date of the 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.

Part V – Miscellaneous

15. Protection of action taken under this Act.

- No suit, prosecution or other legal proceedings shall lie against the State Government or any officer or authority of the State Government or any authority to whom powers have been delegated under this Act for anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made under this Act.

16. Burden of proof.

- Where any person is prosecuted of an offence under Section 3 or Section 4, the burden of proof that he had not committed the offence under the said Section shall be on him.

17. Obligation of certain persons to report about the commission of offence under this Act.

(1) All officers of Government are hereby required and empowered to assist the police in the execution of the provisions of this act or any rule or order made thereunder. (2) All village officers and such other officers as may be specified by the Collector and District Magistrate in relation to any area and the inhabitants of such are shall, if they have reason to believe or have the knowledge that Sati is about to be, or has been, committed in the area shall forthwith report such fact to the nearest police station. (3) Whoever contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

18. Act to have over-riding effect.

- The provisions of this act or any rule or order made thereunder shall have effect notwithstanding anything in consent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

19. Removal of doubts.

- For the removal of doubts, it is hereby declared that nothing in this Act shall affect any temple constructed for the glorification of Sati and in existence immediately before the commencement of this act or the continuance of any ceremonies in such temple in connection with such Sati.

20. Power to make rules.

(1)The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.(2)Every rule made under sub-section (1) shall be laid as soon as may be after it is so made before the House of State Legislature while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid the House agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

21. Repeal and Saving.

(1)The Rajasthan Sati (Prevention) Ordinance, 1987 (Ordinance No. 21 of 1987) is hereby repealed.(2)Notwithstanding such repeal, all things done, actions taken or orders made under the said Ordinance shall be deemed to have been done, taken or made under this Act.