

सत्यमेव जयते

The Commission of Sati (Prevention) Act, 1987

(ACT NO. 3 OF 1988)

(*As on the* 21*st May*, 2025)

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AMENDING ACT

The Repealing and Amending Act, 2001 (30 of 2001).

LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE COMMISSION OF SATI (PREVENTION) ACT, 1987

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THE COMMISSION OF SATI (PREVENTION) ACT, 1987

ACT NO. 3 OF 1988

[3*rd January*, 1988.]

An Act to provide for the more effective prevention of the commission of *sati* and its glorification and for matters connected therewith or incidental thereto.

WHEREAS *sati* or the burning or burying alive of widows or women is revolting to the feelings of human nature and is nowhere enjoined by any of the religions of India as an imperative duty;

AND WHEREAS it is necessary to take more effective measures to prevent the commission of *sati* and its glorification;

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Commission of Sati (Prevention) Act, 1987.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force in a State on such date[1] as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States.

2. Definitions.—(*1*) In this Act, unless the context otherwise requires,—

(*a*) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);

(*b*) "glorification", in relation to *sati*, whether such *sati* was committed before or after the commencement of this Act, includes, among other things,—

(*i*) the observance of any ceremony or the taking out of a procession in connection with the commission of *sati*; or

(*ii*) the supporting, justifying or propagating the practice of *sati* in any manner; or

(*iii*) the arranging of any function to eulogise the person who has committed *sati*; or

(*iv*) the creation of a trust, or the collection of funds, or the construction of a temple or other structure or the carrying on of any form of worship or the performance of any ceremony thereat, with a view to perpetuate the honour of, or to preserve the memory of, a person who has committed *sati*;

(*c*) "*sati*" means the act of burning or burying alive of—

(*i*) any 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; or

(*ii*) any woman along with the body of any of her relatives, irrespective of whether such burning or burying is claimed to be voluntary on the part of the widow or the woman 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 person in respect of whom *sati* has been committed or used or intended to be used for the carrying on of any form of worship or for the observance of any ceremony in connection with such commission.

1. 21st March, 1988, *vide* Notifn. No. G.S.R. 359(E), dated 21st March, 1988, *see* Gazette of India, Extraordinary, Part II, sec. 3(*i*).

(*2*) 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 Penal Code or the Code.

PART II

PUNISHMENTS FOR OFFENCES RELATING TO SATI

3. Attempt to commit *sati*.—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 six months or with fine or with both:

Provided that the Special Court trying an offence under this section shall, before convicting any person, take into consideration the circumstances leading to the commission of the offence, the act committed, the state or mind of the person charged of the offence at the time of the commission of the act and all other relevant factors.

4. Abetment of *sati*.—(*1*) Notwithstanding anything contained in the Indian Penal Code (45 of 1860), 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.

(*2*) 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.

Explanation.—For the purposes of this section, any of the following acts or the like shall also be deemed to be an abetment, namely:—

(*a*) 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 impeding the exercise of her free will;

(*b*) making a widow or woman 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;

(*c*) encouraging a widow or woman 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 aiding the widow or woman in her decision to commit *sati* by taking her along with body of her deceased husband or relative to the cremation or burial ground;

(*e*) being present at the place where *sati* is committed as an active participant to such commission or to any ceremony connected with it;

(*f*) preventing or obstructing the widow or woman from saving herself from being burnt or buried alive;

(*g*) obstructing, or interfering with, the police in the discharge of its duties of taking any steps to prevent the commission of *sati*.

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

POWERS OF COLLECTOR OR DISTRICT MAGISTRATE TO PREVENT OFFENCES RELATING TO SATI

6. Power to prohibit certain acts.—(*1*) Where the Collector or the District Magistrate is of the opinion that *sati* or any abetment thereof is being, or is about to be committed, he may, by order, prohibit the doing of any act towards the commission of *sati* by any person in any area or areas specified in the order.

(*2*) The Collector or the District Magistrate may also, by order, prohibit the glorification in any manner 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 five thousand rupees but which may extend to thirty thousand rupees.

7. Power to remove certain temples or other structures.—(*1*) The State Government may, if it is satisfied that in any temple or other structure which has been in existence for not less than twenty years, any form of worship or the performance of any ceremony is carried on with a view to perpetuate the honour of, or to preserve the memory of, any person in respect of whom *sati* has been committed, by order, direct the removal of such temple or other structure.

(*2*) The Collector or the District Magistrate may, if he is satisfied that in any temple or other structure, other than that referred to in sub-section (*1*), any form of worship or the performance of any ceremony is carried on with a view to perpetuate the honour of, or to preserve the memory of, any person is respect of whom *sati* has been committed, by order, direct the removal of such temple or other structure.

(*3*) 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.

8. Power to seize certain properties.—(*1*) Where the Collector or the 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 or District Magistrate acting under sub-section (*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, by notification in the Official Gazette, constitute one or more Special Courts for the trial of 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 Special Court shall be presided over by a Judge to be appointed by the State Government with the concurrence of the Chief Justice of the High Court.

(*4*) A person shall not be qualified for appointment as a Judge of a Special Court unless he is, immediately before such appointment, a Sessions Judge or an Additional Sessions Judge in any 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 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 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.

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 convicted of an offence under this Act, the Special Court trying such offence may, 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*) Notwithstanding anything contained in the Code, an appeal shall lie as a 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 proceeding shall lie against the State Government or any officer or authority of the State Government 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 4, the burden of proving 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 or the District Magistrate in relation to any area and the inhabitants of such area 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. Person convicted of an offence under section 4 to be disqualified from inheriting certain properties.—A person convicted of an offence under sub-section (*1*) of section 4 in relation to the commission of *sati* shall be disqualified from inheriting the property of the person in respect of whom such *sati* has been committed or the property of any other person which he would have been entitled to inherit on the death of the person in respect of whom such *sati* has been committed.

19. [***Amendment of Act* 43 *of* 1951**].—*Rep. by the Repealing and Amending Act,* 2001 (30 *of* 2001) *s.* 2 *and the First Schedule* (*w.e.f.* 3-9-2001*)*.

20. Act to have overriding effect.—The provisions of this Act or any rule or order made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

21. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree 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.

22. Repeal of existing laws.—(*1*) All laws in force in any State immediately before the commencement of this Act in that State which provide for the prevention or the glorification of *sati* shall, on such commencement, stand repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under any law repealed under sub-section (*1*) shall be deemed to have been done or taken under the corresponding provisions of this Act, and, in particular, any case taken cognizance of by a Special Court under the provisions of any law so repealed and pending before it immediately before the commencement of this Act in that State shall continue to be dealt with by that Special Court after such commencement as if such Special Court had been constituted under section 9 of this Act.

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STATEMENT of OBJECTS AND REASONS

The recent incident of the commission of sati in the village of Deorala in Rajasthan, its subsequent glorification and the various attempts made by the protagonists of this practice to justify its 'continuance on religious grounds had aroused apprehension all over the country that this evil social practice, eradicated long back, will be revived. A general feeling had also grown in the country that the efforts put in by social reformers like Raja Ram Mohan Roy and others' in the last century would be nullified by; this single act· in Rajasthan. The commission of sati in Deoraia was also followed by a number of congregations, ceremonies and festivals, and attempts were also made to collect funds for the construction of a temple at the site where sati was committed. The place had also attracted large number of crowds and in spite of the various steps taken by the State Government of Rajasthan and the order of the, High Court of Rajasthan to prohibit any ceremony being conducted, it was feared that a temple would be constructed at the site to perpetuate the memory of the widow who committed sati. These had evoked protests throughout the country and demands are being made by the women's organizations and from persons inside and outside Parliament for the enactment of a strong and deterrent Central law to provide for the more effective prevention of the commission of sati and its glorification so that this practice or its glorification is not continued in States where there is no law for the prevention or glorification of sati. Although the offence of attempt to commit suicide as contained in section 309 of the Indian Penal Code had been held by various High Courts to include the commission of sati punishable under the provision, the sentence provided in that section was not deterrent enough to prevent the commission of such practice. Further, that section also did not provide for the glorification of sati subsequent to the commission of sati. There are at present only three laws in force in the States, including the Rajasthan Sati (Prevention) Act, 1987. The other two enactments are the, Bengal Sati Regulation, 1829 (Bengal Regulation XVII of 1829) and the Tamil Nadu Sati Regulation, 1830 (Tamil Nadu Regulation 1 of 1830).

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2. It is, therefore, considered desirable to enact a Central law which should be applicable to the whole of India other than the State of Jammu and Kashmir. The Bill, among other things, provides for the: following matters, namely:—

(*i*) the definition of 8'a'ti would include not only the. burning or burying alive of any widow along with the body of the deceased husband but would also include such burning or burying of any woman with any other relative or with any article, object or thing associated with the husband or such relative irrespective of whether such burning or burying is claimed to be voluntary or otherwise;

(*ii*) a definition of glorification of Jati has been included which would include the observance of any ceremony, participating in any procession connected with the commission of sati or of any function to eulogise the person who had committed sati. The definition would also include the construction of any temple or the performance of carrying on of any form of worship for the performance of ceremony thereat;

(*iii*) the offence of attempt to commit sati will be punishable with the same punishment as is provided for the offence of attempt to commit suicide under section 309 of the Indiah Penal Code. This is because in most cases the widow or the woman is compelled to commit sati and invariably she will not be in a fit state of mind or will be labouring under a state of intoxication or stupefaction or other cause impeding the exercise of her free will;

(*iv*) the abetment of sati will be punishable with death or imprisonment for life and shall also be liable to fine while the abetment of any attempt to commit sati will be punishable with imprisonment for life and fine;

(*v*) the glorification of sati is punishable with a minimum imprisonment of one year which may extend to seven years and with a minimum fine of five thousand rupees which may extend to thirty thousand rupees;

(*vi*) the Collector or District Magistrate has been given the power to prohibit the doing of any act towards the commission of sati in any area if he is of the opinion that sati is likely to be committed in such area. The State Government or the Collector or District Magistrate has also been empowered to remove temples or other structures constructed for the glorification of sati and to seize properties acquired for such purpose;

(*vii*) the offences under the proposed legislation will be triable only by a Special Court constituted under the provisions of the legislation;

(*viii*) where any person is prosecuted of an offence of abetment of sati or the abetment of an attempt to commit sati, the burden of proving that he had not committed the offence shall be on him. A person who is convicted of an offence of abetment of sati will also be disqualified from inheriting the property of the person who commits sati;

(*ix*) the Representation of the People Act, 1951 is being amended to provide for disqualification for standing for election to Parliament or to any State Legislature during the period of conviction and for a period of five years since his release, The propagation of commission of sati or its glorification by a candidate at such an election will also be deemed to be a corrupt practice under that Act,

3. The Bill seeks to achieve the above objects.

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P. V. NARASIMHA RAO

NEW DELHI;

The 9*th December,* 1987.