CHAPTER-X

GLORIFICATION OF SATI

INTRODUCTION

Despite Lord William Bentinck's legal ban on sati in 1829 and Lord Dalhousie's stringent measures for its abolition, the practice has not totally ceased in India. A section of the Hindus still glorify sati and look back nostalgically to the times when it was widely prevalent.

A gruesome sati was committed in the recent past on 4th September 1987 in Deorala (Rajasthan) when an eighteen year old girl Roop Kanwar was burnt alive along with her husband's corpse. The incident, with the massive social acceptance it received, would probably not have had attracted much national attention, were it not for the sustained opposition from women-groups in Rajasthan. Hundreds of women had marched in protest in Jaipur demanding that the chunri Mahotsava should not be allowed to take place. They even obtained a High Court order directing the State Government to ensure that no public function or ceremony would be held at the place where sati had been committed. Yet nothing was done and more than five lakh people participated in the chunri mahotsava
and donated about 30 lakh rupees to a newly-formed sati committee which was planning to erect a monument there. And among the teeming millions who visited the spot and sought the sati mata's blessings were some well-known politicians.  

THE COMMISSION OF SATI (PREVENTION) ACT, 1987

The Roop Kanwar incident sent shock waves country­wide and feminist organisations demanded that Section 306 of the Indian Penal Code, 1860 which punishes the abettor of sati was not sufficient and a more precise and deterrent law was needed. Ultimately the Act of 1987 came into existence. This legislation is a compact piece of twenty-two sections and is designed to meet the challenge of reviralist obscurantism in the form of sati. The very preamble says that the "Act is to provide for the more effective prevention of the commission of sati and its glorification and for matters connected herewith or incidental thereto". The preamble is noticeable for three reasons: first, it clearly makes a declaration that sati is nowhere enjoined by any of the religions of India as an imperative duty. Secondly, it condemns sati on the basis of its incongruence with human dignity. Thirdly, it clearly recognises that the
practice of sati has been on the rise and emphasises that little has been done to eradicate this evil.

The Act creates three new offences: (A) attempt to commit sati; (B) abetment of sati or the attempt to abet it; (C) glorification of sati.

(A) Attempt to Commit sati

An attempt to commit sati is already a penal offence under Section 309 of the Indian Penal Code. Now the inclusion of the offence in the Sati Act does not seem to be a very sound proposition.

(B) Abetment of sati

Section 4 of the Act lays down that -

(I) Notwithstanding anything contained in the Indian Penal Code ... 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 also be liable to fine.

(II) 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.
For the purposes of Section 4, the Explanation provides that 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 the 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.

Now, an important feature of the offence is that liability is imposed not only for direct abetment but also for indirect abetment. However what would amount to an indirect abetment would really be a difficult question to decide. For, will a person who says that he must cherish the ancient traditions of Rajput tribes be guilty of indirect abetment?
(C) **Glorification of sati**

The Act defines a new offence called 'glorification of sati'. Section 2 Clause(b) holds that "glorification" 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.

Section 5 lays down punishment for glorification of sati. Thus 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. The mandatory provision for a minimum punishment of one year and a fine of five thousand rupees is in keeping with the standard practice in respect of socio-economic offences.

GLORIFICATION AS A CORRUPT ELECTORAL PRACTICE

Along with the Sati (Prevention) Act, 1987 for the more effective prevention of the commission of sati and its glorification, the Parliament also took serious note of politicians' participation in the chunri mahotsava. It deprecated the tendency of illiterate and ignorant masses and made a significant amendment in the electoral law also.

Therefore, Section 123(3B) was added to the R.P. Act, 1951 which prohibits the "propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate".
The Explanation to Section 123(3B) makes it clear that for the purposes of the above clause "sati" and "glorification" in relation to sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987.

Similarly, sub-clause(2) of Section 8 of the R.P. Act, 1951 lays down that a person convicted of any provisions of the Commission of Sati (Prevention) Act, 1987 and sentenced to imprisonment for not less than six months shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years from the time of his release.

CONCLUSION

Needless to say the sati (1987) Act has had a salutary effect and was a right step in the right direction. The fact that the glorification itself is made an offence hits at the root of the problem. Why should a crime against human life and dignity be at all glorified and whoever mistakenly did so, was liable to correction? Also, the abetment to commit sati has been pronounced an offence, which should take care of enthusiasm, if any, to cajole a lady into committing the inhuman deed on
herself. Further, the R.P. Act has also been amended so that politicians itching for vote bank advantage may feel the designation of their acts as a 'corrupt practice', a dampner on their political activities.
NOTES AND REFERENCES

3. Id at 81-82.
4. Id at 85.
5. Id at 87.
6. Kalyan Singh Kalvi (Janata Party); D.S. Shekhawat (Congress); Hari Ram Khara (B.J.P.); R.P. Yadav (Lok Dal). See Supra note 1.
7. Inserted by Act 3 of 1988, Section 19 (w.e.f. 21-3-88).