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The Commission of Sati (Prevention) Rules, 1988

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The Commission of Sati (Prevention) Rules, 1988¹

In exercise of the powers conferred by Section 21 of the Commission of Sati (Prevention) Act, 1987 (3 of 1988), the Central Government hereby makes the following rules, namely—

1. Short title and commencement.—(1) These rules may be called the Commission of Sati (Prevention) Rules, 1988.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Commission of Sati (Prevention) Act, 1987 (3 of 1988);

(b) “prohibitory order” means an order issued under Section 6;

(c) “section” means section of the Act.

(2) Words and expressions used but not defined in these rules and defined in the Act shall have the same meanings as are respectively assigned to them in the Act.

3. Delegation of power to prohibit certain acts.—(1) The State Government may, by order and subject to such conditions as it may deem fit to impose, direct that the powers of the Collector or the District Magistrate under Section 6 may also be exercised by such other officers not below the rank of village officers.

4. Prohibitory orders under Section 6, how made.—(1) Every prohibitory order under Section 6 shall be made by beat of drum or other customary mode, in the village concerned, or in the case of a town or city, in the locality in which the act prohibited is likely to occur or has taken place.

(2) The prohibitory order shall be displayed at some conspicuous place in the area or areas to which such acts relate and a copy thereof shall also be displayed in the office of the officer issuing the prohibitory order and such display shall be taken as a sufficient notice to all persons concerned in the area or areas to which such order relates.

5. Manner of making order for removal of temples or structures under sub-section (1) of Section 7.—(1) Before making any order under sub-section (1) of Section 7 for removal of any temple or structure, the State Government, or any other officer authorised 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.

(2) The notice under sub-rule (1) shall specify—

(1) the temple/structure proposed to be removed, its location and other particulars,

1. *Vide* Noti. No. GSR 360(E), dated March 21, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 21st March, 1988, pp. 2-3.

- (2) the owners/occupiers of the temple/structure, and
- (3) the specific instance or instances of worship or ceremony contravening the provisions of Section 7.

(3) The State Government or the officer authorised by the State Government in this behalf shall, after giving reasonable opportunity of being heard to the persons specified in the notice, order the removal of the temple or structure through a police officer not below the rank of a Sub-Inspector.

6. Manner of making order for removal of temples or structures under sub-section (2) of Section 7.—(1) After issue of a prohibitory order under Section 6, the Collector or the District Magistrate, or such other officer as directed by the State Government by order under Rule 3, shall, before making any order for removal of any temple or structure under sub-section (2) of Section 7 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.

(2) The Collector or the District Magistrate, or such other officer as directed by the State Government by order under Rule 3, shall follow the provisions of sub-rules (2) and (3) of Rule 4 in the case of orders made under this rule.

7. Inventory and forfeiture of the property of temple or structure.—As soon as the order of removal of the temple or structure is executed, the State Government or the Collector or the District Magistrate, or as the case may be, the officer as directed by the State Government by order under Rule 3, shall prepare an inventory of all the material and other property obtained after removal of such temple or structure specifying in it the place where it is lodged or kept, and shall forward the intimation thereof to the Special Court for declaration of forfeiture of the said material or property to the State under Section 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.

NOTIFICATION

Ministry of Home Affairs, Noti. No. SO 643(E), dated August 14, 1989 published in the Gazette of India, Extra., Part II, Section 3(ii), dated 14th August, 1989, p. 2 [No. U-11030/3/88-UTL]

In exercise of the powers conferred by clause (1) of Article 239 of the Constitution, the President hereby directs that subject to the control of the President and until further orders, the Administrator of all the Union Territories (whether known as Lieutenant-Governor, Chief Commissioner or Administrator) in relation to their respective Union Territories, shall also exercise the powers and discharge the functions of the State Government under the Commission of Sati (Prevention) Act, 1987 (3 of 1987) and rules made thereunder.
