

## **Rules on Abolition of *Sati* issued on 1944 B.S.\***

### **By Bir Shumsher Junga Bahadur Rana**

[A tradition called *Sati* (immolation of a woman with the dead body of her husband) at the *Chita* (burning pyere) was tried to restrict by Jung Bahadur Rana through *Muluki Ain* of 1910 B.S., those restrictions are published in *Kanoon* Vol-45. Bir Shumsher Rana also tried to restrict this tradition on 14 *Asad Sudi* 1944, which is published by Dr. Deviprasad Sharma Kandel in his book "A Collection of Unpublished Historical Documents (2057), in Nepali language. Chandra Shumsher Rana strictly prohibited *Sati Pratha* on 25<sup>th</sup> *Asad* 1977 B.S. but that document is not available.]

Whereas, in the name of Chief of Office and office bearers of *Chisapanigari*,

Hereinafter do not allow the women to go for *Sati* after the death of her husband even she is ready to go for *Sati* if it is prohibited by the Act to do so;

In a case to whom *Sati* is not prohibited by the Act, the family members who have to cremate (burn) her or *Dware*, *Thari*, *Mukhiya*, *Mijhar*, *Chaudhari*, *Jimdar* and other *Valadmi* (local elites) shall report on it to the nearby court, if any;

If there is not such a court they shall report it to any government office close to their neighbourhood, if any;

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\* This whole document is prepared in a single sentence; for convenience in reading we have fragmented it into different sentences-Nepal Law Commission.

If it takes Two Three days to report such information to the court or any nearby government office you (the concerned) people shall manage the dead body (of the husband) for Four Five days;

It has been mentioned in *Dharmashastra* that the dead body could be managed for *Sati* not exceeding Four to Five days;

There is a tradition that if the husband dies in a foreign territory, the wife use to wait for Four Five days in such a situation to go to *Sati* after the death of her husband;

In 1933 B.S. when His Highness Jung Bahadur Rana died at *Patharghatta* (place), when her queens have had to go *Sati*, it was requested to Nepal (authority in the capital); they went *Sati* only upon central approval. It is known to all that queens of Jung Bahadur Rana went *Sati* later on (waiting for few days);

At the outset you all (concerned people) will try your best to stop from going *Sati*, you will request and convince her not to go for *Sati* telling every possible idea and logic for such a woman and if it becomes impossible to stop her you will go to the government agency to report on the concerned matter;

You will allow to cremate (burn) *Sati* only after it is so permitted by the government agency;

Those who are involved in *Sati* process without fulfilling those requisites, they all shall be liable for a penalty; the person concerned who gives fire for *Sati* and the *Dware*, *Thari*, *Mukhiya*, *Mijhar*, *Chaudhari* and *Jimdar* shall also be liable, they shall be liable upto the penalty of corporal punishment; Inform it as a public message (*Urdu*) also to all the people including *Dware*, *Thari*, *Jimdar*, *Mijhar*, *Chaudhari*, *Jimdar* of the different villages; and printing material (*Chhapa*) shall be send from the centre (capital) to publicize it over there; paste this *Istihar* (Notification) in public places of all the *Thum*, *Praganna*, *Tappa* (local units) and villages;

After publishing this *Istihar* (Notification) while reporting about *Sati* before the government agency, if, you could not convince to stop *Sati*; you have to visit the actual place over there and try your best to collect information if such place (of committing *Sati*) is faraway and takes Two-Three days to reach from your place;

In this regard you will try to find out whether the *Sati* going woman is a minor or major; whether she has competent children or not; whether or not she is provoked by any other person to occupy her wealth and property in a case she does not have children; you will understand all the ground realities and cause to prepare a deed from the *Dware, Thari, Mukhiya, Mijhar, Chaudhari, Jimdar, Bhaladmi* (local elites) and other people of the concerned village;

If it is found that the woman committing *Sati* is not a minor and she does not refrain from committing *Sati* even her major children convince her and if a senior (old age) woman who does not have children is committed to go for *Sati* due to provocation of any other person, she shall be requested not to commit *Sati* by her relatives and *Dware, Thari, Mukhiya, Mijhar, Chaudhari, Jimdar* and *Bhaladmi*; and even then she is ready for committing *Sati*; and if it is so proved from the court, it shall be informed through the court;

If someone cremates (burns) *Sati* without fulfilling those requirements and without communicating it to the office, you shall arrest those *Malami* (people engaged in funeral procession) and *Dware, Thari, Mukhiya, Mijhar, Chaudhari, Jimdar* of the concerned village and put in *Nel* (fetter) and they shall be forwarded to us through the court and follow our command accordingly;

Cause to prepare a *Sanad*, with the details that if the office permits for *Sati* without making any inquiry as mentioned hereinabove, such an office (decision maker of the office) shall also be liable for penalty upto a death penalty based on our discretion, in this regard in the name of all the courts of *Madhes* and *Pahad* as well as *Amini* of the *Naya Muluk*;

As we have issued a Two sealed Notification (*Dui Chhape Purji*) in the name of this office on Wednesday, 10<sup>th</sup> day of *Sudi*, 2044 B.S. to collect Six Thousand printed copies of *Istihar* (Notification); and also to print more copies if so required to distribute them to the courts; and paste those Notifications with the help of the court as soon as possible;

You may take the help of the Militia office in the case of Militia area to paste the Notification as quickly as possible;

If you could distribute this job to different offices it will be easy to perform it;

Only the help supplied by other offices and *Gauda* to the court may not be sufficient to publicize this Notification in different *Thum*, *Mauja* and *Kot*; and such offices, *Gauda* and *Sadar Daftarkhana* for being a central office it has a record of the *Jilla*, *Thum*, *Mauja*, *Kot*, *Amal* and *Gaun*, and it may have the capacity of preparing the required number of copies of the Notification to those geographical units, and such an arrangement may help to immediately perform the given job in this regard as per the spirit of the *Sanad*,

In the case of territories other than the Militia, cause to prepare a different *Sanad* in the name of offices and *Gauda* located in the east or west as mentioned hereinabove; and collect One Thousand Eight Hundred copies of the Notification from the same office; and cause to paste those notice in the public places of the *Jilla*, *Thum*, *Mauja*, *Kot* and *Amal* within the jurisdiction of the office or *Gauda*;

And if it is not so pasted or publicized accordingly the concerned person shall be penalized as per the Act,

It was so requested before us by Lieutenant General Mr. Dammar Shumser Jung Bahadur Rana and *Shree* Judge Nandaraj Gurugharana Pandit to immediately act upon on controlling *Sati Pratha*;

We have reveled all the facts;

Now, therefore, it has been clear that the act of publicizing the Notification as per the spirit of the *Sand* shall not be effective only with the help of the court;

With the help of other office or *Gauda*, except within the jurisdiction of the militia, all the *Gauda* or office of the east or west located in *Thum*, *Kot* or village of the area,

Take One Thousand Eight Hundred copies of *Istihar* from the press to paste publicise) them by causing to issue a *Sanad* in the name of office or *Gauda* all in those *Thum*, *Kot*, or village of that area, if the Notification is not pasted (publicized) the person concerned shall be punished pursuant to the Two sealed *Sanad* of Monday, 1<sup>st</sup> *Ashad Badi* 1944 B.S. which was received in the office;

Now, hereinafter, if the husband of a woman of any caste or class dies and the widow of such person is ready to commit a *Sati* who is restricted to go *Sati* pursuant to the Act never allow her to commit a *Sati* at all;

If a woman, who may be permitted to go to *Sati* is ready to go to *Sati*, all the family members who are supposed to cremate (burn) and *Dware*, *Thari*, *Mukhiya*, *Mijhar*, *Chaudhari*, *Jimdar* including other gentlepersons of the concerned village shall try their best to stop *Sati*, if they could not stop from going *sati* even putting all the efforts on it, they shall inform to the nearby court and if there is not a court in nearby they shall inform it to any other government office accordingly; and

If it may take Two or Three days to reach to the court or office and you general people may tell (manage) about the preservation of the dead body for Four/Five days; and

In this regard the religious books (*Dharmashastra*) also have mentioned that *Sati* is possible even after Five to Seven days after the death of the husband, and

It is known to all that there is also a tradition that in a case where the husband dies in abroad, the dead body used to be put for Four or Five days if the wife of such husband has to go for *Sati*;

In 1993 B.S. when His Highness Jung Bahadur Rana died at *Pattharghatta*, and at the time of *Sati* of his queens also, it took Four-Five days to get response from the government, the queens went *Sati* when response from the government was received and this fact also is known to you all; and

You all will try to stop from committing *Sati* with all your efforts, even than the lady do not agree to stop from committing *Sati*, the mater shall be reported to the government office as mentioned hereinabove, the office concerned shall also inquire on it and *Sati* shall only be executed after it is so ordered by the government office; and

If anyone who gives fire to the *Sati* without fulfilling these requisites such a person and the *Dware*, *Thari*, *Mukhiya*, *Mijhar*, *Chaudhar* and *Jimdar* shall be liable for even to death penalty on our discretion; and

This information shall be given to all *Dware*, *Thari*, *Mukhiya*, *Mijhar*, *Chaudhari*, *Jimdar* and other gentle persons of various villages and copies of *Istihar* has been send to paste (publicize) in different *Jilla*, *Thum* or *Mouja* of the *Ilaka*, you will paste (publicize) them in your places and follow the command (*Urdu*) accordingly;

If someone does not abide by it or delays (*Aaltal*) or shows any reluctance thereby he/she shall be punished in accordance with the law; and

We were requested to issue a *Sanad* in the name of *Chisapanigadhi* through *Sadar Daftarkhana* by the commanding General of the South Mr. Fatte Samser Jung Bahadur Rana, *Subba* Mr. Shiva Prasad Upadhaya and *Kharidar* Mr. Jeet Bahadur; and

Such a request was submitted to us,

Now, therefore, we also have confirmed (*Sadar*) the same as it is submitted to us; abide by it accordingly. In a case someone is found reluctant as mentioned hereinabove; such a person shall be punished in accordance with the Act,

For this purpose we have issued this *Rukka Daskhat*.

Done

Monday, *Ashad Sudi* 14, 1944 B.S.

**Nepali version courtesy**

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