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A doctrinal study on witchcraft and role of anti-superstition laws in modern India

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Abstract

The concept of witch-hunting has its traces in past, may it be primitive age, medieval age, modern age and now industrial age, the concept of witchcraft and the incidence of witch hunting has been witnessed. Witch-hunting is considered an infectious disease that is slowly spreading to newer areas. Concerning the Indian context, the practice has been able to sustain itself and is rampant in some states. This has primarily been possible due to the highly patriarchal and superstitious beliefs internalized within the societal structure of the rural areas. The dynamics of gender hegemony prevalent at the ground level render it near impossible to provide women with significance similar to that of men. In this research work, the researcher focuses on the different aspects of witch-hunting. All the aspects of the phenomena *viz.* witch-craft, witch-trials, and witch-hunts have been dealt with in the study from a historical perspective and its impact on Indian society.

Keywords: Witchcraft, social, abuse, women, power, rights

Introduction

All human beings are born free and all have equal rights and dignity. The men and women all are equal and they have also equal rights. However, women are always the topic of concern everywhere. Despite her contributions and role in society, she still belongs to a class or group of society that is in a disadvantaged position on accounts of several barriers.

Who is a 'witch'?

It is necessary to define the concept of 'witch'. A person, especially of the female gender, may be considered a witch who acquires supernatural power, is capable of performing black magic or sorcery, and of causing purported harm to human health. Terms such as daayan, tohni, chudail, *et al.* are used to brand a woman as a witch. The term tohna is used for men witches in the forest state of Chattisgarh. The term 'witch' is popularly used for women. It suggests that it is a gender attribution and practices of witchcraft are seen from a gender perspective as in the majority of witch killings, victims are women. Whatever the different practices and understandings of the term 'witch' maybe, it shares a universal commonality, and that is of the attribution of specific supernatural powers to a person by others. The attribution of a person as a witch is nearly always negative, fearful, and destructive. In past, witchcraft has been documented as a social evil widely practiced out of ignorance and aboriginal belief systems. Witchcraft is a practice of black magic or sorcery in which evil souls are invoked by performing rituals sanctioned as forces of the devil or impure souls by religious scriptures. Witchcrafts were rampantly used in ancient and medieval civilizations of Europe and the Americas. The oriental lands were not either unaccustomed to the vicious practice. Although men have been victims of witch-hunting or witch killing, women have been the most ubiquitously targeted witches in every era and society. Historically, it is believed that in Europe until circa 18th century many thousands of women were tortured and killed as witches, often by burning at the altar. Today, despite human civilizations have progressed in scientific temper, still, some societies are steeped in ignorance and superstition. Certain superstitions are so heinous and inhuman that the life of a woman becomes trivial so much so that murdering her is regarded as the panacea or antidote of misery. Life and liberty of a person are the two basic rights of a person living in a civilized society that must be protected. Witch-hunting is one such crime. It is a systematic act of violence against women whereby the entire community sanctions the punishment meted out to the person being

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accused of witchcraft. Men and women practice witchcraft to ward off evil, achieve immortality, wealth, health, and other vicarious desires. Witchcraft or witch-hunting in India is rampantly practiced with modus and motive changing over time and space. Witch-hunting crimes mainly occur in forest areas and hinterlands of states in central and north-eastern India because these areas are densely forested, mineral-rich, but fare abysmally poor in economic development, with little or no access to primary healthcare and education. Most of these places are populated by Naxalite people, forest tribes, who put up struggles for forest resources and basic human rights against police, special task forces, and corporate industries. Witchcraft is known by different names in Indian languages such as banamati, 'evil eye', Dayan, chudail, bhootni. Witch-hunting practices are rampant in such economically backward regions where people incline to strong superstitious beliefs and any tragedy or misery that might befall them like displacement, damaged crop, epidemic, sudden and the unexplained death of children or kin are some causes which tend to be considered the works of evil 'witch'. Its soft targets are mostly middle-aged widows, elderly women, single women, or sometimes lonely women who are left behind due to the death of men. A local Ojha (an unqualified medical practitioner who may be a woman), a Tantrik or sorcerer, and a priest, are the main facilitators of witch-hunting in backward regions where scientific temper is missing due to inefficient or little availability of healthcare and education.

"Witch-hunting" is one of such numerous influences and has persisted through the centuries, establishing itself as one of the most atrocious forms of violence against women. At a time when one would expect a massive downfall in the perpetuation of such practices due to the advancement of society and technology making it possible to communicate and convey grievances more effectively, the outcome is far too underwhelming. "Witch-hunting" continues to be a vicious trend, claiming the lives of vulnerable women and ostracizing those, who are fortunate enough to evade the predatory fangs of the accusers but unfortunate to not have much to live for. Widows, who are generally the victims of the spiteful the practice of "Witch-hunting," are entitled to a share in their late husband's property. The fact that a widow acquires a relative amount of economic prowess under the property that she has inherited, raises the eyebrows of some envious men, whom themselves do not enjoy such resources at their disposal and believe that the handling of property is not the affair of a woman. Even male relatives, who are deprived of a share due to the amended inheritance laws, prove to be a dreadful ingredient in the ghastly tale of horror that typically ensues. Further the land-grabbing mafias, who would profit from the death or the departure of the "witch" as they could now sell off the land, also contribute towards the aggravation of the predicament faced by these hapless women. Therefore, it becomes evident that the dominant causes behind the "Witch-hunting" are embedded in either monetary interests or pertain to the inability of the power-deprived men to accept the higher economic or social status of a woman.

Statement of the problem

1. Is witch-hunting a new phenomenon or a curse which is continuing in our society since pre-historic times?
2. Is it just a fall-out of mere superstition only?

3. Why otherwise the calm, quiet, friendly, and hospitable villagers become so cruel and aggressive against a person whom they know closely for a long time?
4. What may be the factors that motivate these people to take drastic action like killing their fellow-men?
5. What can be done to prevent the mindless mobs from taking the law into their own hands?
6. A natural question what comes to mind is that as to why and how things like witch-craft practice, witchcraft accusations, witch-trials, and witch-hunts could happen in this the golden age of science and technology when people have become advanced in their thoughts and lifestyle?
7. It is indeed a matter to be pondered over as to why people still cling to the age-old myths, superstitions, and why some tend to take advantage of these blind beliefs?

Justification/Relevancy of Study

Many societies around the globe face so many social and economic problems that create a fertile ground for the belief in the influence of evil spirits to flourish. These include poverty and deprivation, unemployment, lack of success, immigration problems, housing problems, family breakdown, ill health, barrenness, and many others. In many instances, the sources of these problems are attributed to certain members of the community, who are branded as witches. In many societies, this figure symbolized evil as much as good, who was both feared and respected because he was part of the invisible world and was consequently in contact with genies and spirits. The witch was both someone who could cause harm as well as being someone who possessed special gifts of healing. Such people are subjected to many forms of abuse and harm to punish them for their evil deeds, but also in efforts to exorcise them from the evil spirits possessing them. Due to the seriousness of the abuse and harm, people branded as witches experience, and the long term damage this causes to their overall well-being, the phenomenon has been termed as witchcraft abuse, which can be of two variants viz. witch-trials and witch hunts, the former preceding the latter. In the past, only women were vulnerable to be attacked as witches, but of late the attacks are focused on entire families, even if only one member is accused. Moreover, in many instances, there are mob attacks on the suspected witches, and no one from the community comes forward to testify against anyone. The police, therefore, find it difficult to press charges against any specific accused. Witch-hunting is a gross violation of human rights, which affects the livelihood, properties, personal security, social dignity, and the right to life of the victims and their families. The lack of specific laws to deal with the problem poses another dimension to the whole issue. As of date, the law enforcement agencies in the state are left with no other alternative but to consider witch-hunting as a routine crime case and book the perpetrators under the provisions of the IPC and Cr. PC. Many of the IPC sections areailable sections which make the situation more unfavourable for the victims. On one hand, as the number of incidents seems to be on the rise, the State action is inadequate to handle the situation that seems to be inadequate as a plethora of socioeconomic factors seems to be the driving force of the phenomena.

Objectives of the study

The present study focuses attention on the following broad objectives. The aims and objectives of the present study are

to analyze the issue of violence against Women in the name of a Witch hunt.

1. To examine the witch-craft practice, witchcraft accusations, witch-trials, and witch-hunting phenomena from an international as well as national perspective.
2. To identify the spatial and temporal variability of the various cases within India
3. To examine the various governmental and non-governmental initiatives in tackling the phenomena, and to suggest appropriate measures to curb down the menace.

Scope of the study

Rural due to several epidemics and due to the underdevelopment of the transport and communication sector, anyone seriously ill has to be taken by handcart or bicycle through paddy fields, dirt roads, and forests to the nearest hospital, often located at a great distance. Under such circumstances, the villagers often find it convenient to approach the nearby traditional healers (bez or ojha), which are found in large numbers in the rural areas. The traditional healers are unable to cure many of these patients despite their tall claims and predictions. As a result, emotions run high and the villagers often accuse these healers to be responsible for the death of the patient, which in turn leads to severe punishments including death. In another variant, these traditional healers are engaged by the relatives of some patients to ascertain whether the cause of the illness in their patients is due to the spell of witchcraft practiced by some fellow villagers. Once the bez or Ojha pinpoints some person, the villagers pounce upon those in a manner not befitting the norms of a civilized society.

The irrational mob mentality can be attributed to their cultural beliefs which have been passed to them over generations. The ignorance about the various symptoms and signs of different diseases/illnesses and some ingrained concrete/vague ideas about evil spirits in their minds is responsible for some of these incidents. However, of late, the phenomenon has taken the form of organized crime. There are some cases reported recently where it is claimed by a section of people that the witch killings are acts by the land mafia. In such cases, some miscreants use social superstitions to destroy and uproot families completely from the land they have their eye on, so that this piece of property can later be acquired either at dirt cheap prices or forcefully. But the question that naturally comes to mind is that would a common man, want to own a property where witches lived and practiced black magic at one point in time? Personal feud and envy/jealousy are some of the other apparent reasons for the phenomenon. In some other cases, women are branded witches and punished along with their family members after they resist sexual exploitation attempts by some miscreants within the community. Alcoholism acts as catalysts in these situations. There has to be a different approach to deal with this social stigma. Traditional policing does not help much. A section of the educated still believes that witches do exist and in some instances, the participation of educated people had been observed in witch-hunting cases. In most of the cases, the police find it difficult to arrest the real culprits either because of the involvement of the entire community in such murders or because the information about the murder reaches the police too late. As a result, proper investigation into a majority of the cases remains elusive, and courts often have to acquit those

arrested. The role of media too is insufficient in the battle against this form of social injustice. It has also been rightfully pointed out that it is very difficult to arrive at a clear estimate on the witch-hunt phenomena since the cases are not usually reported officially. Thus, because of the above circumstances, it seemed pertinent to take up the present study which seeks to investigate the primary and secondary causes responsible for this social stigma and suggest appropriate measures to curb this social menace as a matter of public concern.

Research Gap

The concept of witch-hunting initially aroused in Europe and to date, it is being continued with tragic consequences. In early Europe, the woman who was against the church was considered as witches, were regarded as one who brings misfortune and thus to protect the society those women were burnt. Later on, women were held responsible for all the calamities let it be famine, flood, and epidemic diseases that caused the death of livestock. And the only solution of coming out from this dismay was by killing them who was responsible for it. Further, it was seen that incidents that could not be answered were thought to be the act of women who were having supernatural power, and gradually this concept was bedded in the society and which still has markable effect in society. This paper is an attempt to build a knowledge base in India around witchcraft studies. There have been very few, and far in between, serious academic researchers in the domain of witchcraft studies in India. The undercurrent of this paper is prepared in useful dimensions for deciphering gender relations as well as issues of power and dominance.

Purpose of the Research

The purpose of this study is to know the evolution of witchcraft in India. An attempt has also been made to compile and synthesize different views regarding the prevention of these unfortunate incidents as well as the role of different governmental as well as non-governmental organizations in handling/tackling this phenomenon.

Review of literature

1. The book entitled "Crimes against Women and Protective Laws" by Shobha Saxena presents a critical analysis of the existing laws on violence against women. This book consists of nine chapters including the introduction and conclusion, which is mainly based on the discussion of certain decided case laws. It has discussed some important legal developments that have been taken place in recent days. It also represents the scenario of the present criminal justice system based on surveys, case laws, and statistics. It shows that the laws which are made for protection and to lead a dignified life turn into a spectacle which ultimately become ineffective. Therefore the book has put forward some suggestions to make the system more vibrant.
2. "New Perspectives on Witchcraft, Magic, and Demonology" is a book edited by Brian p. Levack encompasses the key issues of witchcraft and Gender and forwards a picture of how women are persecuted in the charge of witchcraft practice. Through various articles, it tries in-depth study on the subjects in the perspective of gender studies and the aspect of

anthropology, sociology, literature, history, psychology etcetera.

3. In "The Witch- Hunt in Early Modern Europe" the author Brian Levack emphasizes the period of witch-hunting in Europe, between 1450 and 1750. Surprisingly, during that period mostly women were punished for allegedly practicing witchcraft and worshipping the Devil. The illustrations of the issues portray deep-rooted belief in witchcraft in the early modern days in Europe. The book examines the factors for persecutions of a witch hunt and explores how the literate and illiterate people beliefs witchcraft. Detailed analyses are made to find out the chronological order as well as the geographical location of the Witch trials. Through the discussion of the social-political and economic history of early modern Europe, it shows the position of women during that period. The legal perspectives of witchcraft prosecutions are also discussed in the book.
4. The researcher has also reviewed the book entitled "Phenomenon of Witch-hunting in the North East: A Major Challenge to Women" edited by Dr. Anima Baishya. This book is a collection of selected seminar papers presented in a National seminar on the above-mentioned theme organized by S.B.M.S. College, Sualkuchi, Assam. The papers published in the book include various dimensions of the issue such as trends of practicing witch-hunting in the tribal societies, the legal aspects, and the role of media in curbing witch-hunting etcetera. In the papers, the roles of various agencies and social workers who are constantly working on the issue have been discussed. The papers also suggest various ways to eliminate such evil.
5. The book entitled "Lewd Women and Wicked Witches": A Study in the Dynamics of Male Domination" by Marianne Hester, has been discussed male domination over women from a feminists viewpoint. The author through the book argues that the atrocities against women in the name of witch hunt are the specific example of male violence. The book indicates how witches can be seen as victims of the oppression of a male-dominated society. It discusses male sexuality as social control of women. The book investigates the persecution of witches in England in the sixteenth and seventeenth centuries.
6. The Book "Crimes against Women in India: A Study by Mamta Mehrotra" deals with contemporary issues of rape and the aftermath. The incident of rape is very frequent in India. No girl or woman for that matter is safe, whether at the workplace or on the road. The subject of rape has been extensively dealt with in this book, cited with many instances from the present times. It also discusses different judgments passed on these atrocities.
7. The work entitled "Women in India: A Social and Cultural History" by Sita Anantha Raman is a reflection on the various ways in which women in a non-Western culture have developed and expressed their feminist agenda. It has two volumes that set looks at Indian history from ancient to modern times, revealing precisely why ideas of gender rights were not static across the eras or regions. Raman's work provides a broad sweep and makes a diligent attempt to contextualize Indian women's position in society. In the

first volume, it describes early India and the next volume depicts later India.

Hypothesis

Witch-hunt becomes the usual phenomenon in few states of India due to lack of adequate educational standards, health facilities, scientific temperament, absence of specific legislation in the region, and non-implementation of Constitutional rights of Women which are meant to build women empowerment.

Importance of research

1. Social welfare: social welfare can be achieved through socio-legal research.
2. Comparative study: it helps in research to find out what the law is in other States.
3. Law reform: research is a tool for any project of Law reform.

Research methodology

For a systematic study application of appropriate research methods, tools and the adoption of a scientific bent of mind are sine-qua-non. The study follows the doctrinal research method together with the adoption of comparative approaches, in the compilation, organization, interpretation, and systematization of the primary and secondary source material. Primary sources like Indian statutes, rules, and regulations are the basis of the study. As a secondary tool for study, books of eminent authors, articles in research journals, newspaper reports have been scanned and analyzed. Review and analysis of legal literature available in India and other countries have been made and referred extensively. Several online databases and internet search engines have been used to keep the study updated. The study is non-empirical and is not based on extensive field surveys and much of the findings and conclusions are based on qualitative analysis mainly because being a different phenomenon, hard data is not so readily available or measurable, hence, this topic needs to be researched upon. At last, some conclusions and concrete suggestions will be forwarded to improve the status of women who are not treated equally due to a tag got from society.

Meaning of Witchcraft and Witch-hunting

The word 'witchcraft' is made up of two words 'wicce' and 'craft'. 'Wicce' has originated from 'Wicca' which means 'witch' and 'craft' refers to 'skill or ability'. Witchcraft is the practice and belief in magical abilities and the one who professes witchcraft is called a witch or wizard. In the past, midwives were accused of witchcraft and were made to admit it by subjecting them to torture. As the word is used in a negative sense, the people associated with witchcraft are looked at with suspicion and are socially less acceptable. On the other hand, witch-hunting is the wicked practice where the women alleged of causing detrimental influences are branded as witches by Ojhas (witch doctors/tantriks) or community people and are thereafter hounded, banished, flogged, raped, paraded naked through the village, forced to eat human excreta, balded, thrashed, etc. The women accused of being witches are called by various names like Dayan, tonahi, beta khauki (son eater), adam khauki (man-eater), bhaikhauki (brothereater), maradmuhi, kheldi (characterless), bisahin (poisonous woman), bhootni, Dakan,

etc. Thus, witch hunting involves both physical and verbal abuse.

Daayan, Dain, or Daini often regarded as a rendering for a witch (practitioner of black magic) in Indian folklore, the term has been derived from the Sanskrit word Dakini, which refers to a female paranormal entity from Patala (the netherworld). Dakinis have been described in medieval Hindu texts such as the Bhagavata Purana, Brahma Purana, Markandeya Purana, and Kathasaritsagara female fiendish spirits in the train of Kali who feeds on human flesh. Daayans are comparable to malevolent female spirits such as the succubi of Western folklore, they also resemble vampiresses by their alleged feeding behaviors that require the blood or life-force of their victims. It is also said that powerful and older Daayan is also referred to as Ekayan. The primary source of a daayan's power is her long plaited hair (Choti) that is used as an additional limb, it can be flexed, stretched, and retracted to do whatever the daayan pleases. The daayan is also described as having long and monstrous black nails, and feet that face backward. It is said that once a daayan lays her evil eye on someone, it is a bad omen for the whole household of that person. She is regarded as the most powerful paranormal being. The daayan cult refers to a secret society that emerged during the 15th century in Harangul, a village in the Latur district of Maharashtra. The concept of daayans has permeated Indian culture and may be seen on popular television programs. Belief in daayans has existed in most regions of India, particularly Jharkhand and Bihar. Victims of witch-hunting are usually old or widowed women. These women are victimized for their property, or due to problems in the family, or for sexual exploitation, said Vasvi Kiro, a member of the Jharkhand Women's Commission. It is prevalent in rural and semi-rural areas, with witch-hunts, causing women to be killed or ostracised.

In Harangul it is believed that daayan lives in an area of the village, and an evil spirit resides within them. Villagers believe these women destroy everything good. Daayans are reported in and around cemeteries, abandoned battlefields, crossroads, toilets, and squalid places.

Folklore suggests that a woman treated badly by her family or who died in childbirth as a result of family neglect returns as a daayan, haunting the family and drinking the blood of male family members. Beginning with the youngest male in the family draining his blood changes him into an old man before she progresses to the other men. A daayan is also said to target young families, young women, and other family surrogates. Assuming the form of a young, attractive female, she hunts for young men on roads and seduces lone travelers into accompanying her. Imprisoning a man, she feeds on his age and blood. One legend says that a daayan will hold a young man captive until he is old, using him sexually until he dies and joins the spirit world. Another says that a young man seduced by the daayan who eats her food returns at dawn to the village as an old man.

Difference between Daayan and Churel

Daayan is sometimes used interchangeably with the term churel (Hindi: चुड़ैल curail), although conceptual and cultural differences exist between them. A churel is a vengeful ghost that arises from the death of a woman during pregnancy or childbirth, with preternatural powers similar to a witch. Indian witch stories vary across the country; the north

Indian states believe that the churel (which lives near graveyards or in forests) can change its form and lure young men killing or having physical contact with them while in the western and eastern parts of India, it is believed that a Chudail looks like an old hag who lures small children away from their families to kill and eat them to keep herself younger. In the end, Daayan is way more powerful than Chudail according to old folks of India.

History of Witch-Hunting

Witch-hunting attacks were common in Europe in the 13th century, Germany in 1587, and America in the early modern period from 1450 to 1750.

England: In England, under the reign of Queen Elizabeth, three major acts were enacted to punish witches. A woman named Agnes Waterhouse was the first person to be executed in England for witchcraft in the famous trial of 'The Chelmsford Witches'. King James I of England supported witch hunts which led to the trial of 'The Pendle Witches' in the early 1600s.

Europe: 'Trier Witch Trials' was the largest witch trials in European history. Over 368 people were executed between 1581 and 1593 which included respected citizens, professors, judges, etc.

America: 'The Salem Witch Trials' that took place in the Salem village of Massachusetts in 1690 marked the beginning of this practice in America. Many executions took place during this trial.

Witch-Hunting in India

India is a land where the women are treated as a symbol or are considered as a token of their community, family, caste, and all other diverse divisions. Where people, on one hand, worship them in name of Goddesses, on the other hand, kill them considering them witch. This practice of killing is not new for Indian society rather it has its deep roots in history. Initially when the concept of witch was discussed people thought of ugly women with a broom who can fly, who can disappear. Now the concept has changed a bit, which now denotes women who acquire supernatural powers and are indulged in evil practices which are an omen. It is believed that they are associated with negative energy and for their betterment and for enhancing their power they kill innocent members of society. They may be called different names as 'Chudail', 'Dayan', 'Tohni', etc. but the zest is that they possess supernatural powers which they use to hamper others. Therefore Witch Hunting is a process of killing these people to protect society from being harmed by them. In name of witch-hunting people kill innocent women, rape them, to acquire their property, and sometimes it is being used as a tool for vengeance. Witch-hunting is the stigmatization of specific groups of people, which mostly contains widowed women, women who are childless, old couples, women of the lower caste. Other than this many are targeted due to local politics. It has been witnessed in tribal and rural areas that if wild spread diseases occur or famine occurs which causes the death of animals as well as humans the allegation develops on the most vulnerable people of the society for witchcraft and then violence. Witch-hunting is more prevalent in 12 states of India which are situated in Jharkhand, Bihar, Haryana, West Bengal, Madhya

Pradesh, Maharashtra, Gujarat, Orissa, Chhattisgarh, Assam, Rajasthan, and U.P. the governments most recent report indicates that about 119 people were killed in the year 2012 in name of witch-hunting and around 1,700 women were murdered for witchcraft during 1991-2010. These data show the recorded cases, many instances have never been recorded as due to fear.

Countries where witch-hunting is still prevalent

The countries where this the practice is still prevalent involve Saudi Arabia, Tanzania, Gambia, Nepal, India, Papua New Guinea, Uganda, Mexico, South Africa, Chile, West Indies.

Cases of Witch-hunting

1. In India, 2097 murders were committed with the motive of witch-hunting between 2000 -2012.
2. In Jharkhand, the anti-witch hunting law was passed in 2001. But in 2015, 5 women were brutally murdered after being attacked by a mob on an accusation of witchcraft.
3. In Orissa, 99 cases of witch-hunting were reported in 2017, 83 in 2016, and 58 in 2015.
4. In Assam, 114 women and 79 men were branded as witches and thereafter killed and 202 such cases have been registered between 2001-2017.

Some Instances of Witch-Hunting In Past Few Years In India

Areas which are tribal and rural, where literacy rate is low and where people are guided by blind faith and superstition, these blind faiths invokes them to subject the victims accused of witchcraft to inhuman atrocities ranging from gang rape, mob lynching, naked parades, blackening of face, shaving of the head, beheading and burning alive and coercing to consume human excreta. It is ironic on one hand our country is a democratic country that talks about equality, right to life, and liberty but on the other hand it takes away the same rights of others. As per the report of National Crime Record Bureau (NCRB) 2008, in Jharkhand, there were 52 witchcraft-related murders, in Haryana around 26 cases of witch-hunting was reported, whereas in Andhra Pradesh and Orissa 23 cases were reported, in Madhya Pradesh 17, in Chhattisgarh 15, in Maharashtra 11 and West Bengal and Meghalaya 4 and 3 respectively. According to NCRB, the government of India the instances of witch-hunting have increased when compared to previous year's data.

Also as per the Human Rights Committee report in the last 15 years, approximately 2,500 women were killed in name of witch-hunting. Previously it was seen that witch-hunting is only associated with women but in 2013 in Orissa police reported a case where a boy was killed as he was accused of practicing witchcraft. Statistics also display a case in Assam where a girl was raped in name of witch-hunting in 2011.

Trends In Witch Hunting

Witch-hunting is usually seen as a crime of rural or tribal backwardness, but perceptions are far removed from realities. In most of the cases, it is discovered that those women who are killed as witches, are meant to disown their land, house, and livestock, and in some cases, avenged for refusal to a solicitation from upper-classmen. The perpetrators are often neighbors, but sometimes, their family

members are involved in the crimes. Due to poverty, a married son may consider his aging mother as an unnecessary burden and may try to grab her property by eliminating her. Liquor also plays a vice. There are greedy land grabbers who lure such men with liquor and money, to get rid of the woman by declaring her a witch, which in popular parlance legitimizes the crime with no conviction or fear of punishment. Witch-hunters are land grabbers from or outside the family of the target, who with the collusion of others commit the crime. In extremely backward rural areas these ojhās are important public figures who in the absence of efficient government healthcare infrastructure greatly influence public health matters. Police investigations have found, in many cases, that the local ojha accepted a bribe to name a woman as a witch. Identifying Dalit and Adivasi women as witches help preserve caste structures or maintain upper-caste hegemony. Witchcraft for a long has been a part of the tribal customs. The Santhal theory of witchcraft attributes gender tensions as the reason for witch-hunting. The Kharia women were excluded from ritual activities as it was believed that menstrual blood attracted evil spirits. Men folk feared the sexuality of women, which, over time led to the development of this practice.

Vigilantism

Vigilantism is the most abused gambit to carry out witch killings with impunity. A vigilante is a person who takes the law into his or her hand and avenges a crime in the state when law and order machinery fails to deliver justice. Vigilantes usually operate in an organized group to protect their life, property, community, etc. from atrocious and corrupt states or gangsters. Vigilantism means taking the law into one's own hands and attempting to effect justice according to one understands of right and wrong. This may be in form of a group or mob which by a voluntary association of persons who organizes themselves to protect socio-economic and political interests. It may be private enforcement of legal norms in the absence of an established, reliable, and effective law enforcement body. However, vigilantism, over the years, has been misused in the pretext of mob justice. On many occasions, vigilante justice has committed extrajudicial killings through mob lynching. The practice of witch-hunting is one such example, committed in the guise of vigilante justice, thereby killers of alleged witches escape legal action or punishment. In nearly every incident of witch-hunting, the killers are a frenzied crowd or mob, inciting a people against women labelled as a witch. The mob targets the alleged witch hunts her out, strips her naked, parades her, beats her inflict bodily and mental injuries on her, lynches her, bury her alive, or kills her, and in rare cases lets her escape from the village or community to a forest or desolate place.

All happens under the disguise of vigilantism of getting rid of the village or community of evil soul who could supposedly bring misery or cause crop loss death of livestock or a human being.

Media Reportages on Witch Hunting

Media has done exceptionally well in reaching out to people in remote and inaccessible areas of rural and tribal India, helping them make them heard by their governments and fellow citizens living in the mainland, urban India. Issues concerning their bread and butter, health, education, and security make news in media, but not headlines. Most of the

rural or tribal news which hit headlines quite often are those farmer suicides, Naxal violence, and subsequent state operations against them. Media do cover issues of gross human rights violations by police, corporate thefts of forest lands and resources, but such news are far and few, reported as news items of inside pages, thus evoking little enthusiasm amongst readers to engage in public debate. Witch-hunting is one such social evil that occurs in far-flung areas of backward regions of Assam, Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Haryana, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, and West Bengal, of which Jharkhand holds the dubious distinction of having the highest numbers of witch killings during the last decade. Thanks to media, news of witch-hunting has brought it to the public domain and the issue has caught the attention of both the state and intelligentsia alike. Here are excerpts of some media reports which narrate the horrors of witch-hunting in different states of India, particularly in Jharkhand.

1. In May 2008, Lata Sahu, a Dalit woman in Raipur, Madhya Pradesh, contested the polls against the wishes of landowning castes. She was condemned as a witch, stripped and beaten.
2. In 2008, a woman was hired by a man to use magic to improve his ill wife's health. When his wife's condition worsened he began beating the woman, and five other locals joined in the abuse. She was tied to a tree, and she was slapped repeatedly and had her hair cut.
3. On August 20, 2010, Kamla Bairwa, a Dalit woman, after being dubbed as a 'witch' by fellow villagers, was brutally thrashed by three men and two women at Jhalara village in Tonk district of Rajasthan. She was tied to a tree and thrashed mercilessly. In her complaint, lodged at the Uniara police station, she complained that the villagers, particularly women, would call her a Dayan, insult and beat her up. She feared that she would be killed by the villagers.
4. A Dalit husband and wife named Saheedi Bhuiyan and Samanti Bhuiyan were murdered in Jorapur village in Palamu, Jharkhand on March 11, 2010. The villagers killed them on the suspicion of witchcraft. Three people who had their faces covered barged into their hut at night and took them away. Their bodies were found about 33 kilometers away from their home.
5. In 2011, a mother and daughter were accused of being witches in Assam, but police later discovered the accusations were used as a pretext for their rape.
6. In July 2012, an elderly man and his wife were forced to ingest human urine and excrement in Jharkhand. The two were accused of practicing witchcraft, which supposedly resulted in the death of local livestock.
7. In August 2012, in another village in Jharkhand, a man was pulled out from his house and buried alive for allegedly practicing witchcraft.
8. In August 2013 in rural Chhattisgarh, two women in their fifties were killed by three boys.
9. According to police, the father of one boy was ill, and the other two boys' fathers were dead. Believing the women were to blame, they "questioned those women about their involvement in witchcraft practices, but they refused to speak. This infuriated the boys who first strangled them and later slit their throats".
10. In November 2013, a mother and daughter in Jharkhand were pulled out of their home by villagers who took them to a nearby forest and slit their throats. After the mother's husband died years before, rumors began that the women were witches, and villagers blamed the women for several children becoming ill.
11. A boy was killed in the same state and police arrested two people accused of the murder for killing him "for human sacrifice."
12. On August 7, 2015, at Mandar village near Ranchi, a mob of villagers dragged out five women from their houses and lynched them to death suspecting them to be involved in witchcraft and causing the death of a sick boy.
13. On the intervening night of August 8-9, 2015, five women were lynched at Mandar village near Ranchi by a mob of nearly 100 men. Police arrested about 27 attackers, many of who were students of Mandar College? Ranchi deputy commissioner Manoj Kumar said though many women, particularly widows, are usually killed over family disputes and land grabs on the pretext of 'witch hunts', this particular the incident was born out of pure superstition as the villagers accused them of using 'black magic' on children, causing illnesses and fatalities among them. The villagers were provoked by the death of an 18-year old boy who had fallen ill. Jharkhand State Women's Commission chairperson Mahua Manjhi opined that an astringent policy was needed to end such incidents. She blamed the lack of education, awareness, and road connectivity to towns and cities, besides unemployment as reasons behind 'Dayan bisahi' (superstition of witchcraft) in the state. According to National Crime Record Bureau, Jharkhand accounts for 54 out of 160 cases of murders where women were killed in the name of witch-hunting in 2013 and a total of 400 women have been murdered with the same motive since the state was formed in 2001.

Legislative Approach to Witch-Hunting in India

No specific and particular national-level legislation penalizes Witch-hunting hence the provisions under the Indian Penal Code 1860 can be used as an alternative for the victim. The different sections invoked in such cases are Sec.302 which charges for murder, Sec.307 attempt for murder, Sec 323 hurt, Sec 376 which penalizes for rape, and Sec. 354 which deals with outraging a woman's modesty. Other than the above-mentioned acts for different states, there also some sections to prevent witch-hunting on the national level are:

1. Constitution of India- Article 14, 15(3), 15(4), 21, 51, 51A (h).
2. Drugs and Magic Remedies (objectionable advertisements) Act, 1954.
3. Protection of Human Rights Act, 1993.
4. Scheduled castes and Scheduled Tribes (Prevention of atrocities) Act 1989.
5. Indian to woman Penal Code- Section 302 (Murder), Sec 299 (Culpable homicide), Sec 354 (Assault or the criminal force with intent to outrage her modesty), Sec 375 (Rape).
6. Apart from the provisions under the Indian Penal Code different states have come up with different legislation to tackle the problem of witch-hunting.

State-level Instruments

1. The Prevention of Witch (Daain) Practices Act, 1999-Bihar.
2. The Prevention of Witch (Daain) Practices Act, 2001-Jharkhand.
3. Chhattisgarh Tonahi Pratadna Nivaran Act, 2005.
4. The Odisha Prevention of Witch Hunting Act, 2013.
5. Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori practices and black magic Act, 2013.
6. The Karnataka Prevention and Eradication of Inhuman Evil practices and black magic Act, 2017.
7. The Rajasthan Prevention of Witch Hunting Act, 2015.
8. The Assam Witch Hunting (Prohibition, Prevention and Protection Act) 2015.

Bihar though being most backward was the first state in India to pass a law against witch-hunting in the year 1999, which was named "Prevention of Witch (Dayan) Practices Act." Jharkhand followed it and established the "Anti Witchcraft Act" in 2001 to protect women from inhuman treatment as well as to provide victims legal recourse to abuse. Section 3, 4, 5, and 6 of the concerned Act talks about the punishment which will be granted if anyone identifies someone as a witch, tries to cure the witch, and any damages caused to them whereas Section 7 states the procedure for trial. Chhattisgarh government passed a bill in 2005 named "Chhattisgarh Tonhi Pratama Bill", which was established to prevent atrocities on women in name of Tonhi. Rajasthan government has also passed a bill "Rajasthan Women (Prevention and Protection from Atrocities)" 2006, which makes it illegal as well punishable for calling any woman as "Dayan" or to accuse a woman of practicing witchcraft, which extends to three years of imprisonment and Rs 5000 fine.

Till now there are no specific laws enacted in Maharashtra against witch-hunting and the sole reason behind it is opposition from some religious groups who believe that the enacted the law might take away their ancient rites. Now after the incidents of witch-hunting have increased the state government has planned to pass a bill to eradicate social ills and human sacrifice. Among the states where witch-hunting is prevalent, some areas of West Bengal like Purulia, Bankura, and Birbhum comes under the ambit of those states. Still, the state government has failed to establish separate legislation to tackle it. Hence, there is a need for national legislation that will have a binding effect over all the states in prohibiting it. All these acts not only prohibit one from directly hampering a woman but also punish the one who instigates others to harm them, to displace her from the house place and property. At the same time, it is punishable if due to torture a woman commits suicide.

Apart from this state legislation, there are other bodies established to prevent witch-hunting and promote protection to women, and to ensure those rights necessary for them to live a peaceful life with dignity. Partner for Law in Development (PLD) 1998, which is a group of legal resources working for social justice and women's rights in India. It considers women's rights as an integral part of society and hence protects women's rights from getting violated through families, on basis of sexuality, culture, caste, etc.

Other than this many NGOs are working for preventing and protecting women from the social evil of witch-hunting. One among those is Rural Litigation and Entitlement

Kendra, which had also filed a PIL in the Supreme Court relating to the abuse of women in name of witch-hunting on behalf of 1000 rural women in Jharkhand who were victimized of witch-hunting. Apart from these NGO's and some local bodies working against witch-hunting, a bill "Prevention and Prohibition of Witch-Hunting" has been drafted by members of Human Rights Defence International, which is still pending. It aims at establishing national legislation relating to witch-hunting. The Indian government should protect women from discrimination based on gender and also provide basic rights and security granted by different international treaties, covenants, and laws.

The Universal Declaration of Human Rights (UDHR) 1948, which being international law protects against any discrimination and promotes equality before the law. It also confirms the right to life and liberty to every human being. International Covenant on Civil and Political Rights (ICCPR), India associated with it in 1979, which is an international body that promotes equality between men and women by ensuring equal rights to men and women in civil as well as a political sphere and prohibits others from subsuming anyone's basic rights. Article 7 explicitly mentions the prohibition of cruelty, inhuman, or degrading treatment and by associating with the covenant the Indian government must implement these rules.

In addition to UDHR and ICCPR, India has signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1993 and had agreed to eliminate discrimination and social cruelty against women. In addition to it, Sec.5 (a) of the concerned convention explicitly provides that the states should take appropriate measures to modify the social and cultural patterns of conduct of men and women. Hence not only protection of women is obligatory but also it is obligatory to affirm different actions that have been designed for positively ensuring the enjoyment of rights.

Why Witch Hunting Is Still Being Continued?

1. The question of evidence – To punish one for practicing witch hunting, the court needs proof. In the case of witch-hunting, it is a crime that is socially manifested hence out of either fear or acceptance of the practice people remain silent, which becomes a huddle in collecting shreds of evidence. Hence due to lack of evidence proper justice is not achieved. Apart from it generally it is seen that the person who commits witch-hunting are influential people and due to the fear and threat of those people no one speaks against them. As in the case of Tula Devi & Ors. v. State of Jharkhand(2006 (3) JCR 156 Jhr) a case brought in Jharkhand High Court where the court dismissed the case on the basis that the victim has failed to prove that the accused her of being a witch and harmed her and there was a lack of eyewitness.

Another reason behind the lack of evidence is a delay in reporting the incident. Due to geographical reasons and societal pressure, very few incidents are reported, and that too after a long gap, hence it makes the witness testimony unreliable, which was a ground for not convicting the accused in Madhu Munda v. State of Bihar (2003 (3) JCR 222 jhr). In January 2019 (Orissa) Mangri Munda, a tribal woman along with her two sons and two daughters were murdered and their bodies were dumped in a well close to their house. People believed

her to be a witch capable of doing black magic. The main accused in the case was Budhram Munda who was the witch doctor. People thought that she was responsible for a long-running sickness in the accused family.

The case of Mangri Munda is only one example among the many where innocent women are accused of being witches and are held responsible for the deaths of children, illness spreading in the village, and other mishappenings.

2. **Absence of National Legislation**— As it has been mentioned earlier India does not have any specific national legislation or laws for preventing witch-hunting. It is being covered under the sections of the Indian Penal Code and according to it, punishment is being granted. Therefore there is a need for proper legislation to eradicate this heinous practice from society.

This failure to establish a specific law relating to witch-hunting violates several core rights provided by different international treaties and conventions, which includes the right to non-discrimination, the right to security, the right to life, the right to access national tribunals, and the most important right to live a decent life free from cruel and inhuman treatment.

3. **Poor implementation of prevalent laws**— as mentioned above few states still do not have a separate law to tackle the societal wrong of witch-hunting, though the rate of witch-hunting is high there. And the states which have enacted laws and not effective as it lacks legal backing due to lack of national legislation. The ineffectiveness of state legislation is witnessed through the increasing incidents of witch-hunting after its implementation over states.

Also due to the quantum of punishment which is granted to the accused is lesser than the gravity of the crime they have committed, as the punishment merely extends up to 1 year with a fine of Rs.1000, which lack to set deterrence in society. Hence, this adds to the poor implementation of the existing laws.

Need for Central legislation

1. Before the enactment of the state-level legislation on the prevention of witch-hunting, there were no strict laws on the subject, and the accused were tried under Indian Penal Code Section 323, 354, 509, and the brutal acts of stoning, tonsuring were treated as simple hurt.
2. In 2015, a movie 'Kala Sacch' was released based on a real incident in Jharkhand wherein one Seeta Devi was accused of being a witch and as a punishment, her body was pierced with needles, her husband was made handicapped but the accused were not convicted. The movie was an initiative to request the Central Government to enact central legislation on the subject.
3. Besides, the laws already in force are insufficient as they focus on punishment mechanisms but don't respond to the need of eradicating irrational and evil superstitious beliefs. The ways of reporting cases are also limited and the emergent needs of the victims and survivors are not tended to. In many cases, the accused (usually powerful males of the village) are left unpunished because the attacks are portrayed as being a result of mob fury.

4. The victims or other people usually don't come forward to report it due to fear or their acceptance of the practice. Lack of evidence leads to a release of the perpetrators. The practice of witch-hunting violates civil rights provided by International treaties and the Constitution including the right to security, right to life right against discrimination and the right to live a decent life, and other fundamental rights.
5. The Prevention of Witch Hunting Bill was introduced in Lok Sabha in 2016 by Shri Raghav Laxhanpal but was never passed. Present laws do not provide an effective mechanism to help the victims to recover from the consequences of witch-hunting including forced displacement, expulsion from the village, social and economic boycott, etc. Hence there is a dire need for national-level legislation to eradicate this evil.

Suggestions

There exists an immediate need to have laws not only focussing on the problem of witch hunts but covering all of its aspects as well. Whereas various laws and acts have mainly focussed on the crimes and providing protection to the victims, they have ignored that the problem is most prevalent in socio-culturally backward societies. Due to a lack of education and awareness, such superstitious beliefs continue to prevail. Women in these areas are usually targeting only at the occurrence of an unfortunate event like widespread hunger, deaths due to diseases, poor agriculture, etc. which are problems that can be solved with the right resources provided to the people of such communities. But because of lack of education, primary health, and medical facilities, etc. are these people still resorting to such superstitious methods. Thus, the adequate focus must be given to these problems as well.

Conclusion

A person branded as a witch is as ridiculous as a person being judged because of their looks. The question still arises that in this era of scientific, economic, and educational development, who is anyone to label or judge the other person. In this era, where we talk about women's development, women empowerment, and equality of gender i.e. feminism, how it is justified to label someone as socially less or unacceptable. Thousands of women, men, and children have been tortured to death every year and the increase in cases proves that implementation of laws and efforts of related NGOs are not enough, until people change their mindset. The more such cases increase every year, the more backward the society goes. To date, the practice of witch-hunting is still prevalent in India. The reasons behind it are lack of national legislation, lack of evidence, and issuing of reports, ineffective implementation of established rules. Hence the problem can be solved by strict enforcement as well as the implementation of Anti-witchcraft law which will also prevent witch-hunting practices, also by sensitizing of police and welfare department and establishment of NGO's who will work for sensitization purpose. As witch-hunting is more prevalent in backward areas to raise awareness witchcraft can be added as a subject in school as it is necessary to change the the perspective of society and belief over superstition. However, it is very difficult to eliminate believes prevalent from centuries in society but we can try to eliminate by taking above mentioned steps.

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