

# Witchcraft and Witch hunting in India

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## ABSTRACT

Witchcraft accusations against women, girls, elderly people or disadvantaged ethnic groups have long been part of rural India's past culminating in abuse, murder, etc. Witch hunts are something that UNHCR continues to expose as a major breach of human rights. In India witch hunting tradition involves brutality and practices which have contributed to the killing and torture of suspected witches. Such victims are sometimes considered a threat to the society and as a result are sometimes starved to death, forced out, or brutally executed, in the process of social cleansing, often by their own relatives. The origins of witch hunts include epidemics, deprivation, employment deficits and social problems. The witch hunt chief, often an well-known figure in the church or otherwise known as the "witch doctor," may also achieve economic profit by paying for an exorcism or selling parts of the murderer's body. Human rights and women's rights campaigners have been calling for more successful, more practical efforts. While they have adopted more strict legislation to prosecute abuse that derives from claims of witchcraft, some organisations seek to shift attitudes of women and orthodox beliefs. This essay reflects on the problems of witchcraft and witch hunting in rural India and on recognizing the different acts of violence committed in the name of witch hunting, lawful approaches to safeguarding and the role of the bench.

## Keywords

Witchcraft, Witch Hunting, Violation Of Human Rights, Human Right Activist, Women's Rights Activists

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## Introduction

India signifies a mystery in contemporary times. In the one hand, it has a quickly rising economy and the largest democracy that believes in prosperity and fair treatment for everyone and, on the other hand, the bulk of the population is small, and people in the world of modern technology very frequently resort to superstition to pursue happiness, protect bad events and cure disease. This current superstitious custom has last year culminated in the death of hundreds of women and children in India. A person is often convicted in India of being a "Dayan" or "Witch," who is raped, tortured, burnt alive, or hacked to death. In India, there are very serious and dangerous witch hunts which have produced great violence, fear and destruction in people's minds. Such unwholesome mind-sets are mostly victims of widows, single older ladies, but they may also be males or babies. This exercise is extensive in varying degrees in different parts of the world and the main targets of this practice are mainly widows and single mothers. The suspected females are subjected to severe emotional and physical abuse. The women stay quiet in most situations as most are unable to speak out due to lack of income or employment. The consequence is that they must either leave the village leaving behind their land and home, or be exposed to torture, abuse, and death at the villagers' hands.

## DISCUSSION

### 1. The extent of Indian enormousness:

The witch hunts in rustic areas have risen in recent years and, sadly, are little reason to expect in the near future that they will end. Some people, particularly in the villages, claim that superstitions such as black magic and witchcraft operate. People can, on the one hand, seek advice from

finance experts on financing related issues, health doctors, or marital related issues. On the other side, people, especially women, are accused of bruising and are assaulted, raped, tortured and even killed. It has been recorded that divorcees or widows are often pursued to steal their properties and land. It is claimed that revered villages are often paying to brand-specific individuals as witches, such that they can be slaughtered for their grudges without repercussions. Modern law is found unsuccessful at curbing such heinous offences.

Haryana, Chhattisgarh, Orissa, West Bengal, Madhya Pradesh, Jharkhand, Rajasthan, Andhra Pradesh, Gujarat, Maharashtra, Assam and Bihar etc. are just some states whereas, there are more than 11 states where witch hunts are rife even today.

### 2. Factors responsible for Indian witch-hunting:

There are many reasons behind the labelling of women or men as witches which fuel witch hunting cases such as land disputes, sickness, death, bad harvest or gender discrimination. Women are also prosecuted in many cases for questioning the authority of group members or refusing sexual harassment to several individuals in the community. Even in some instances only people who have no occult background are accused of witchcraft and in the process of witch hunting are executed and ill-treated. Now it is seen as a justification for abuse, ill-treatment or land dispossession.

#### 2.1. Illnesses, Deaths and tragedies:

Witchcraft also gets activated by a scenario that in a way spurs the instigator. There are even human or even group tragedies that contribute to grief, and sometimes to look for resolution. This segment would discuss the various causes in

case studies that cause a witch's suspicion and victimisation. In all cases, the victims were held responsible for the real or suspected disease, beginning with fever, wounds and infections, mental illness, stomach aches, jaundice, diarrhoea, malaria, tuberculosis, incapacity to bear a child, still-born infants, mortality due to sickness or even mortality of the victims' own children. The allegations are even more likely as the accused has a familial or physical connection to the instigator that we know is a typical element of cases of Witch hunting.

Such conditions are handled in local parlance by local healers called as Ojhas / deodhanis. These ojhas affirm that a witch is a human. The ojhas do not introduce the idea of a sorceress. The ojhas in this area hold such a strong position as the first response to any healthcare needs for the villagers is not the Medical Officer but rather the Ojhas. It is important to note here that if an individual (or a man) is established as being responsible for some single adverse case, there can be a number of other allegations that confirm and further create arguments.

## **2.2. Historical relation with an age-old superstitious tradition:**

Belief in witch craft practice has a stronger connection to cultural past of Assam. Since 3000 BC, both diseases and mental conditions have been viewed as caused by strange alien beings, some of whom are expected to live in every surrounding human environment in the countryside. Even Mayong is situated in Assam, regarded as the land of witchery and natural paradise. It is often suspected the earth conferred the practice of black magic and witchcraft upon its devotees. Various mythology explains its link to occult astrology and science. Similarly the ojha, a traditional man of medicine, is respected for his expertise in fighting black magic after centuries in rural Assam.

## **2.3. Lack of education:**

Illiteracy is one of the most powerful systemic forces that can have multiple root causes and often unhealthy conditions. These unhealthy conditions combined with some external threats mainly superstitions that cause specific problems for the rural community, particularly tea tribes and tribal communities where witch hunting practice is prevalent. Illiteracy also hinders the Community's general growth. Therefore, realistic education for all disadvantaged community members including women is important for the overall community growth.

## **2.4. Health care deficits:**

Several people die each year from malaria, diarrhoea, and jaundice, etc., in Assam's tribal people-dominated regions. Because of the administration's utter racism, these people lack adequate schooling, and are still far from media glare today. Because the inhabitants of this belt are ignorant of the modern forms of health and hygiene, numerous diseases that quickly break out among them without their knowledge and which are later connected in an illogical form of treatment and eventually lead to witchcraft and killing.

## **2.5. Conspiracy:**

It has been witnessed in most cases in Assam that there is a third party intervention in branding witches, which prompted the hunts to confiscate properties, mostly of the accused. In such cases too there is envy and family competition. India is a land where women are seen as a representation or a representation of their community, their communities, their caste and all other divisions. Where, on the one hand, people worship them in the name of Goddesses, on the other, they kill them by thinking of them as sorcerers. This killing practice is not unique to Indian society but has its strong historical roots. At first when the witch theory was discussed, people thought of hideous ladies with a broom that might float, that would disappear. Now the meaning has changed, which now means women who gain mystical abilities and engage in omen-like, bad activities. They are believed to be synonymous with destructive energies, and they destroy innocent members of society or trigger chaos in the world for their benefit and increase their strength. They can in various words be called "Chudail," "Dayan," "Tohni," "daini," etc., but the zest is that they possess the mystical abilities they use to hamper us. Witch Hunting is just a way of destroying such people so as not to affect the environment.

## **3. Witch practice and hunting: impacts on economic issues:**

However, the belief in the religion of witchcraft influences other people's economic matters. The house has been one of the key motives for witch hunts. Any worried citizens are arrested and violently murdered at midnight in order to take the house. So, the poor like orphan, a couple of old man and woman with no issues, no kith and kin in the village, etc. Have no economic stability. In addition, relatives of the same family members that conspire to murder in the name of a witch in order to get property that leads to a violation of victims' socio-economic protection.

## **4. Witch practice and hunting: impacts on religion:**

Political motive too has been a major force behind witch slaying. In certain villages converting to another faith is not accepted. Under the act of witch hunts the converting men was mercilessly slaughtered. This sort of killing has split the same group into several divisions or strata in the case of witch hunts. And, in the face of witch trials, the divine assassination was happening illegally in Bodo society.

Those kinds of practices damage the moral values or qualifications. In addition, in certain parts of the greater world, the converted religious community is not secured of life. In certain parts of our country, the rights to religion under Article 25-28 of the Indian Constitution are not being put into effect.

## **5. Lawful outline to forbid witch hunting in India:**

### **5.1. Legitimate Provisions:**

The Constitution of India guarantees the security of life and personal freedoms (Article 21) which states that "no citizen

shall be deprived of his or her life or personal freedom except in compliance with the procedure laid down by statute" and also guarantees equality before the law (Article 14) that "the State shall not grant any citizen equality before the law or equal treatment of the laws in the territory "of India. Therefore, it is not only mandatory to defend women but also mandatory to affirm different acts intended to guarantee the enjoyment of rights in a constructive manner".

## 5.2. Central Legislation:

In India there is no clear law at the national level penalizing witch hunting. The Indian Penal Code (IPC) is also used in such cases and the offence must be 'established beyond reasonable doubt,' which is also a hindrance in obtaining justice. The Indian Penal Code imposes a sentence of up to "one year's incarceration and/or a fine of up to 1,000 rupees for voluntary reason". The punishment is on the same magnitude for assaulting another human as it is most commonly for torturing and beating an alleged witch. Section 323 is used to punish witch-hunts suspects. Aside from this, the Indian Penal Code criminalizes murder and imposes a sentence of life imprisonment or death, as well as a fine, Section 354 imposes "a punishment of up to two years ' imprisonment on anybody who assaults or employs it, criminal force on any woman who wishes to outrage or realize it is likely to outrage her dignity" in the case of an accused of witchcraft so that he may obtain her property. Section 382 "Provides a term of ten years in jail for someone who has committed fraud, prepared for arrest, disability or restriction to commit robbery or maintenance of property seized by fraud". Many provisions of the Penal Code applicable to offences committed against suspected witches apply to arbitrary restriction and Act imprisonment causing grievous harm, kidnapping and theft, slander and rape. When the witch-hunts end in the victim's death, the perpetrator is also prosecuted with murder under section 302 of the Penal Code. It is also very normal to file cases under the provisions of the Penal Code under Sections 324, 325 and 326 of the Penal Code relating to the voluntary cause of hurt and grievous harm and Section 448 relating to house-infringement.

## 5.3. State Legislations:

In addition to the provisions of the Indian Penal Code as mentioned above, various states have come up with specific laws to resolve the problem of witch hunting. Because Bihar became India's first State to pass a law against witch hunting in 1999, which was called the Prohibition of Witch (Daain) Ritual Act, Jharkhand followed it by enacting the Anti-Witchcraft Act in 2001 To defend women from inhumane treatment, and to provide victims with legal redress against violence. Sections 3, 4, 5 and 6 of the Act address the penalty that would be given if any person recognizes someone as a witch. In 2005, the Chhattisgarh government passed the Witchcraft Violence Act which was established in the form of "Tonhi" to deter violence against women. Rajasthan enacted Rajasthan Prohibition of Witch-hunting Act, 2015 to resolve witch hunting problems in the state. The Witch-Hunting Act, 2013 on Odisha Protection was implemented for the state of Orissa.

## 5.4Poverty:

Poverty and crime coincide. Several times it has been observed that intense rainfall (dry or flood), outbreak contributes to a significant rise in the killing of witches-usually elderly people murdered by families-but not other murders. The findings offer ground-breaking data on the role that income shocks play in triggering violent crime, and especially religious abuse. From the aforementioned reasons it is clear that the practice of witch hunting is not necessarily inflamed by superstitious beliefs or irrationality. There is a number above that. Witch hunting is now a scapegoat for many crimes that exist in the communities where the practice is widespread. The need of the hour is to usher in strict legislation that will operate in the country against these criminal activities.

## 6. Judicial approach to the problem of witch hunting in India:

The Constitution imposes upon every state agency, including the courts, the obligation to reconcile civil order with justice. Yet Indian courts have a fairly narrow definition of witch hunts, which has resulted in mixed results. Several trials have demonstrated the ability of the courts to prosecute those who have executed or wounded convicted witches but, on the other hand, the courts have abolished and decreased the penalty of those guilty of causing injury by witch hunting.

In Ashok Laxman Sohoni and Anr. v. State Of Maharashtra, The Supreme Court dismissed the defendant's claim that "his death sentence would be reversed on the grounds of his assumption that the accused was a witch and practiced witchcraft. In Budhu Munda & Others v. State of Bihar, The Jharkhand High Court rejected an appeal against defendants charged with raping a alleged witch and her relatives. Similarly in Konde Munda & Others v. State of Bihar, The Court has upheld a verdict allowing the convicted on appeal without justification as the prosecutor was able to make the point beyond reasonable doubt that the accused had murdered a husband and raped his wife because they were suspected to be witches".

## CONCLUSION

Superstition is no doubt the only driving force allowing this societal injustice to continue. Yet considerations such as the strength of raping a woman without being caught, the theft of people's properties, personal grudges etc. But whatever the justification may be, one thing that is crystal clear is that witch-hunting is a breach of India's fundamental human rights, such as the Right to Life and Liberty, the Right to Freedom, the Right to Health, the Right to Protect against All Kinds of Gender Abuse, the Right to Food, the Right to Protection, the Right to Proper Accommodation, etc. Legislation against these bad actions has seriously failed to offer justice for men. Stricter legislation and the courts are required to protect the interests of people who have been the victims of such bad practices.

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