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# Witch-Hunting in India: Causes, Justification, and Solution

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## ABSTRACT

*We all have grown up listening to stories that involved within it some form of narrative that did not have a scientific explanation but at that point of time we could never realize that such stories would ever become a reality and that to a very dangerous one where the life and liberty of a fellow human being would be of no consequence. Killing in name of Witchcraft is nothing short of such a horror story becoming a reality where people especially women are declared to be a witch having some supernatural powers to control people, and events, that cause diseases and kill people are being lynched, thrashed, and raped across countries. The article demystifies this particular shocking cultural belief plaguing our country currently, and also it tries to explain how the concept of witch-hunting and gender are conflated and people of specific gender are being targeted. There has also been an attempt to describe the perception of witch-craft among the larger masses and how the cycle of violence from identification to torture to finally killing of a woman accused of being a witch manifests. The article has also tried to evaluate legal instruments meant for witchcraft regulation and found them to be completely wanting. The article ends by giving its two cents on how to improve the situation to some extent.*

*Keywords: Daayan, Dalit, disease, gender, lynched, ojhas, property, supernatural, Witchcraft.*

## I. INTRODUCTION

It's important to understand what it means when a person is called a witch. A person, especially a woman is considered a witch who is assumed to have acquired supernatural power capable of performing black magic or sorcery and causing purported harm to human health and well-being<sup>2</sup>. Terms such as chudail, daayan, tohni are used to brand women as a witch whereas Men witches are referred to as tohna in Chattisgarh. Witchcraft historically has been mostly seen from a gender perspective and if you see the crimes relating to witchcraft it would all be against women. Also, the term "witch" is always used in a negative context. It represents something

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<sup>2</sup> Mohammad Tarique Iqbal, *Witch Hunting: A Case Of Gender Violence In The Garb Of Vigilantism In India*, 4(11), INTERNATIONAL. JOURNAL OF ADVANCED RESEARCH IN MANAGEMENT AND SOCIAL SCIENCES, 2278-6236 (2015).

which is catastrophic, destructive, ghory etc.

Historically witchcraft has been documented as a social evil widely practised out of ignorance and ancient belief systems which basically believes that its is a practice of black magic or sorcery in which evil souls are called upon by performing rituals authorised as forces of the devil or impure souls through religious scriptures. It has been documented in detail that witchcraft were rampantly used in ancient and medieval civilisations of Europe and the Americas. Although men have been victims of witch hunting or witch killing, women have been the mostly targeted as witches. Historically, it is believed that in Europe until eighteenth-century thousands of women were killed and tortured as witches, often by burning.

Today, we see a modern world filled with scientific temper, still, there are many societies which who have an intrinsic need to justify beliefs based on ignorance and superstition and practices which are so heinous and inhuman which can even trivialise human life so much that killing is also sometimes 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 civilised society that must be protected. Witch hunting can be described as 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 accused of witchcraft.

Men and women practise witchcraft to ward off evil, and achieve immortality, wealth, health, and other vicarious desires. Witchcraft or witch hunting in India is rampantly practised with modus and motive changing over time and space. Witch hunting crimes mainly occur in rural/forest areas and hinterlands of states in central and north-eastern India as 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 Naxals, forest tribes, who over the years have continued to struggle 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, et al<sup>3</sup>. Witch hunting practices are rampant in such economically backward regions where people inclined to strong superstitious beliefs and any tragedy or misery that might befall them like displacement, damaged crop, epidemic, sudden and unexplained death of children or kin are some causes which tend to be considered the works of evil 'witch'. More often than not the targets are middle-aged widows, elderly women, single women, or sometimes lonely women who are left behind after the death of their spouse. A local ojha, a tantrik or sorcerer, and a

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<sup>3</sup> Rakesh Singh, *Witch Hunting: Alive and Kicking*, 17(1), *WOMEN'S LINK*, 16 (2011).

priest, are the main facilitators of witch hunting in backward regions where scientific temper is found lacking due to inefficient or little availability of healthcare and education.

### Literature on Witch-hunting

**Mesaki(1995)**<sup>4</sup> investigates origins, beliefs, and definition of witchcraft with regard to the beliefs prevalent in early African society. Mesaki counters the widely held belief and asserts that witchcraft is prevalent in some form or the other in every society in the world and writers across the world have been unable to provide an objective explanation of this phenomenon which involves many shocking and deeply offensive narratives. This failure by people to understand witchcraft is one of the main reasons why this problem still persists. Mesaki also counters a widely held belief that there is a strong connection between religious beliefs and witchcraft. Mesaki suggests that we should focus more on the role of anti-witchcraft specialists who can be important in dealing with the problem of witchcraft. Mesaki feels that anti-witchcraft measures should not be seen as an exercise to civilise the believers but more stress needs to be laid on understanding the practice from an unbiased lens.

**Nathan, Kelkar, Xiaogang(1998)**<sup>5</sup> focus on the evolutionary concept of witch-hunting and conclude that one of the essential reasons for it is patriarchy. The authors discuss various instances of the struggle between men and women with a singular motive of men to change the order in society and witch-hunting is just one of the means to achieve that. The authors focus practices of Santhals and Munda in Jharkhand in India, Pippa, Chao pu Xij in Yunan province of China.

**Alam ans Raj**<sup>6</sup> introduce the topic of witchcraft both through its origin and etymologically explaining the theoretical explanations behind the practice. The writers analyse the NCRB data which points to a grim picture, especially for the states of Jharkhand and Odisha which have the largest number of caseload. The data analysis suggests that the witchcraft phenomenon is largely concentrated in areas lacking socio-economic condition. Alam and Raj enlist in detail the international, national, and state instruments available to deal with the phenomena of witch-hunting. According to them, the way forward to this problem is through reformative measures

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<sup>4</sup> Simeon Mesaki, *The evolution and essence of witchcraft in pre-colonial African societies*, 24, *TRANSFRICAN JOURNAL OF HISTORY*, 162-177(1995).

<sup>5</sup> Dev, Nathan, kelkar, Govind, Xiaogang, Yu, *Women as Wiches and keepers of Demons: Cross-Cultural analysis of Struggles to Change in Gender relations*, 33(44), *ECONOMIC AND POLITICAL WEEKLY*, WS58-WS69 (1998).

<sup>6</sup>Shamsher Alam, Aditya Raj, *Witchcraft and witch-Hunting in India: An Assessment*, Accessed on 29<sup>th</sup> August 2022, 9.29 PM.

[[https://www.researchgate.net/profile/Shamsher-Alam/publication/323416012\\_Witchcraft\\_and\\_Witch\\_Hunting\\_in\\_India\\_An\\_Assessment/links/5a9525d00f7e9ba429712738/Witchcraft-and-Witch-Hunting-in-India-An-Assessment.pdf](https://www.researchgate.net/profile/Shamsher-Alam/publication/323416012_Witchcraft_and_Witch_Hunting_in_India_An_Assessment/links/5a9525d00f7e9ba429712738/Witchcraft-and-Witch-Hunting-in-India-An-Assessment.pdf) 2018]

with deep-rooted structural changes to solve the witch hunting crisis.

**Mirrlees(1975)**<sup>7</sup> stressed in his article on the economic motivations as a cause of witch-killing. Mirrlees saw that where families were unable to find the minimum calorific level to feed the members some members specially old women members were zeroed down to be declared as person who would not get anything to eat.

**Haule(1969)**<sup>8</sup> defines witch-craft as a pre-scientific way of explaining the Universe. According to Haule witchcraft is reasoning used by people who do not understand scientific methodology.

**Schapera(1952)**<sup>9</sup> in his article discussed the time-frame of evolution of the various notions of witchcraft and in this particular regard he gives the example of Tswana of Bostwana already had the notions of Witchcraft as early as 1825.

**Handloff(1982)**<sup>10</sup> talks about the origin of witch-craft and according to Handloff witch-craft began when individuals started to define conflict in terms of jealousy or envy in regard to the people around their social structure.

## II. WITCH HUNTING IN INDIA AND THE ROLE OF GENDER

As compared to studying witch-hunting in Europe and Africa there are only a limited number of studies on the practice of witch-craft in India. The studies focussing on witch hunt in India identifies property disputes, unknown diseases, village and gender conflicts and economic conditions as the major reasons behind the cases of witch-hunting. If you look at the cases of witch-hunting in states like Jharkhand and Bihar it's primarily due to agricultural land struggles between the tribal widows and their family. If we talk about cases in West Bengal Barman(2002)<sup>11</sup> believes that witch-craft is a form of gender persecution against women to mould them into a particular traditional way of living as perceived by the society as large as anyone that does not obey that perception is straightaway branded as a witch. This branding of witch towards women also fulfils another task for these predatory men who are mostly near relatives of these women to inherit their property, establish a patriarchal order in the family and society at large. This is agreed upon by Kelkar (1991)<sup>12</sup> who says the same is seen in tribal

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<sup>7</sup> J. A. MIRRLEES, A PURE THEORY OF UNDERDEVELOPED ECONOMIES, New Haven, CT, [Yale University Press 1975].

<sup>8</sup> C. Haule, *Bntu Uchawi and Cristian Morality*, Noevelle Revue de science Missionaries Schoeck Beckenvied Suisse[1969].

<sup>9</sup> I. Schapera, *Sorcery and witchcraft in Bechuanaland*, 5(202), *AFRICAN AFFAIRS*, 41-57[1952].

<sup>10</sup> R. Handloff, *Prayers, Amulets and charms: Health and social control*, 25(2 and 3), *AFRICAN STUDIES REVIEW*, 185-194(1982).

<sup>11</sup> M. Barman, *Persecution of Women: Widows and Witches. Calcutta, India*. INDIAN ANTHROPOLOGICAL SOCIETY(2002).

<sup>12</sup> GOVIND KELKAR, DEV NATHAN, GENDER AND TRIBE: WOMEN, LAND AND FOREST IN JHARKHAND (Kali for Women New Delhi 1991).

Bihar now Jharkhand where any women that reaches any amount of economic independence is seen as not acceptable and specially if she is a widow who has inherited property from her husband. The same is for women who are suffering from any serious ailments are also termed as witches.

According to Mishra (2003)<sup>13</sup> primary reason behind the accusation of witch-craft is lack of medical facility and illiteracy especially in the backward areas of Andhra, Bihar, Jharkhand and West Bengal. The dangerous combination of illiteracy and lack of medical facilities forced people to approach religious priests who are almost always men who are treated next to god and who play an active role in identifying who is a witch and who is not and instigating people against these women. Many studies have also claimed that not all witch-craft cases are based on economics or land rights but rather are cultural in nature.

According to Soma Chaturvedi (2008)<sup>14</sup> culture plays a very important role in identifying the prevalence of witch-hunting in society. A culture that does not believe in Witches will have no case of witch-hunting. She also believes that disease and gender are also prime reasons for prevalence of witch-hunting cases apart from culture. Mahasweta Devi (1990)<sup>15</sup> writes, “The tribals today are being assaulted from all sides. They have lost their lands and are forced to work as migrant labours. Their culture is threatened; political forces have created an exploitative elite class within them who exercise undue power, practices like the dowry system has crept into the tribal society. Faced with such complete erosion of traditional and cultural norms the tribal’s have held on to the witch cult with a vengeance in order to assert their identity”.

According to the findings of the study<sup>16</sup> primarily targets of witch hunting are women. In 46 out of 48 case studies, the primary victims were found to be women. An analysis of the police records and the reported judgments show that almost 86per cent primary targets of witch hunting are women. These women belong largely from the weaker socio-economic strata of the society. The study also found something interesting, evidence show that in cases of witch-hunting women are also instigators even though the proportion of men is comparatively very high. Claims of ‘supernatural’ powers are very common in cases of witch hunting but land,

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<sup>13</sup> A MISHRA, CASTING THE EVIL EYE, (Roli books New Delhi 2003).

<sup>14</sup> Anuradha Chakravarty, Soma Chaudhri, *Strategic Framing Work(s) How Micro-credit Loans facilitate Anti-Witch Hunt Movements*, 17(2), *MOBILIZATION*, 175-194(2012).

<sup>15</sup> MAHASWETA DEVI, MAHASWETA, THE WITCH HUNT OF WOMEN, OUTCASTES, PEASANTS AND REBELS. A SELECTION OF BENGALI SHORT STORIES, EDITED, TRANSLATED WITH AN INTRODUCTION BY KALPANA BARDHAN (University of California Press, Berkeley 1990).

<sup>16</sup> PLD (Partners for Law in Development), *Piecing Together Perspectives on Witch Hunting: A Review of Literature*, Delhi. (2014); *Contemporary Practices of Witch-Hunting: A Report on Social Trends and the Interface with Law*, Delhi (2013) accessed on 30<sup>th</sup> August at 5.05 PM[[https://www.academia.edu/15476694/Piecing\\_Together\\_Perspectives\\_on\\_Witch\\_Hunting\\_A\\_Review\\_of\\_Literature\\_2013\\_](https://www.academia.edu/15476694/Piecing_Together_Perspectives_on_Witch_Hunting_A_Review_of_Literature_2013_)]

property, jealousy, sexual advances and other common tensions between social intimates emerged as underlying factors in a very large number of cases. The report found that 71 out of 86 FIRs involved physical violence and hurt, in addition to offences, such as theft, destruction of property, trespass and humiliation. Witch-hunting incidents in various countries indicate an alarming rising trend and also depict how violence against women in the form of witch hunting continues unabated in India and other countries.

### **III. WITCH-HUNTING – BELIEFS AND PRACTICES**

After understanding what witch-craft is it's also important to comprehend how this practice of witch-craft is carried out in the real world? How do people perceive someone as a witch and how do crimes related to killing in the name of Witches is manifested. National Commission of women has published an interesting report(hereinafter referred as NCW study) in this regard which went into the details how these crimes takes place<sup>17</sup>.

#### ➤ Perception of Witch-craft

According to the NCW study Majority of the Dalits of Odisha, Jharkhand and Bihar are aware and have heard about the practice of witchcraft in and around where they live. The empirical findings tell us very clearly that the belief in witchcraft still exists especially among the socially and educationally backward and excluded communities of rural India. According to the research 70per cent of the household which was surveyed have very strong beliefs in witchcraft with 75per cent in Bihar, 70per cent in Jharkhand and 55per cent in Odisha.

#### ➤ Manifestation of Witchcraft

How people perceive witchcraft tells us about the belief system in the society and according to the NCW study which surveyed a total of 413 households 75per cent believed that the practice of witchcraft leads to severe health problems among the innocent villagers. The highest among them were reported from Jharkhand (78per cent) followed by Bihar (77per cent) and Odisha (69per cent). More than 65per cent of the households in Jharkhand and Bihar admitted to experiencing bad dreams due to the practice. According to the people surveyed a witch not only kills people but can also spread her power of witchcraft. People in Odisha said that death at young age, death of a healthy person, miscarriages or infertility as well as stubborn illness are due to the effect of witchcraft. Some of these diseases are incurable and perceived to be caused

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<sup>17</sup> Centre for Alternative Dalit Media (CADAM) New Delhi, Research Study on Violence against Dalit Women in Different States of India by studying the Sources of Materials that are Available and Conducting Interview of the Perpetrators, Victims and Witnesses, Accessed on 30<sup>th</sup> August 2022, 9.05 PM [http://ncwapps.nic.in/pdfReports/ViolenceagainstDalitWomen.pdf]

by an alleged witch and hence when these disease don't heal the belief in witchcraft further manifest that until and unless the witch is not eliminated such death and suffering will continue and therefore the witch must be identified and eliminated at the earliest through use of local healers who are referred as Ojhas.

➤ Special Occasion of the Witch attack

According to the NCW Study it was revealed that the witch attacks takes place usually on auspicious day of Durga Puja (32 per cent surveyed stated this fact). This number was higher in Odisha (46 per cent), followed by Bihar (36.5 per cent) and Jharkhand (19 per cent). However a small number of people also believe that the witch attacks takes place on the day of both Durga puja and Kali puja.

➤ Caste of the Witches

Around 32 per cent of the respondents in the NCW study said that witches belong to the Dalit community. These communities have lived a socially, economically, educationally excluded and deprived life for centuries. They have suffered the burden of heinous forms of discrimination and exploitation in the society, including witch practices. There are also women from other castes who are branded as witch. However, their proportion in relation to Dalit women is minimal. It is mostly the Dalit women who suffer the most of Witch accusation and persecution.

➤ Treatment of Disease caused by Witches and their reasons

The first step is identification of witches which is carried out by the Ojhas. The process of identification by the Ojhas is done through looking at the symptoms of the alleged witch. These symptoms are usually chronic disease, eye becoming red, voice choked, etc. As soon as any of these diseases is identified in a person it is assumed that it is a consequence of 'witchcraft' and people treat such disease through various spell prayers and offerings. The people surveyed believe that without these prayers and offerings, the patient would not survive. It is only if the Ojhas fail that they seek medical treatment. It was also reported that sometimes, patients die due to delay in treatment. If the patient dies the belief of existence of a witch gets further vindicated.

➤ Type of Witch Violence

As per the study 78per cent of the households revealed they have witnessed one or two witch related violence in the last several years. The number was highest in Odisha where 99 per cent households reported of 1-2 incidences of witch violence, followed by Jharkhand at 85per cent

and Bihar at 48per cent. If we analyse the severity of the violence towards women who are presumed to be a witch as per the survey, physically beaten up (45per cent), forced to consume human excreta/urine (40per cent) and physically abused, ostracized and driven from their homes (37per cent). Some women also face the burden of social stigma, economic boycott and displacement. Nearly 15per cent of the women are paraded naked and 14per cent women are gang raped and lynched.

Overall these are the instances that we see with the help of the NCW study which shows how people especially in the rural areas perceive witch-craft and how they think it manifest and ultimately how they deal with the problem of witch-craft. In all of this there is without a doubt a deep and intrinsic need to take the assistance of old cultural beliefs for something that cannot be explained. The reasons in my opinion are lack of education, proper medical facilities and a strong cultural belief system that is so powerful that makes people believe in the supernatural.

#### **IV. TRENDS IN WITCH-HUNTING: CASE OF JHARKHAND**

Let's take the example of Jharkhand and the problem of Witch-hunting there to understand the trends of this social evil. According to the data by Jharkhand Police in 2015 there have been 48 cases of witch killing with the district of Gumla recording the highest number of cases followed by West Singhbhum. In 2016 the number was 44 which went up to 46 in 2017. 2018 saw a sharp decline to 30 cases but 2019 the number against went up to 39<sup>18</sup>. Jharkhand has seen a steady decline in the number of cases on witch-hunting from 2015 to 2020 but this decline can be attributed to a number of reasons like under reporting or cases being registered only as murders and the motivations behind it ignored plus for the year 2020 the effect of lockdown cannot be ignored as in 2020 a large chunk of criminal cases were not committed. Total number of case reported in Jharkhand from January 2015 to August 2020 is 224. According to media reports in 2015, 46 women were killed after branding them as witches, 39 in 2016, 42 in 2017, 25 in 2018, 27 in 2019, 28 in 2020. The figures for 2021 have not been compiled yet but it is being said that it is nearly 24. In seven years, more than 230 have been killed<sup>19</sup>.

These are statistics of killing women who were branded as witch but apart from killing the Jharkhand Police registered 4,556 witch related cases in the year 2015 to 2020 which means Jharkhand is seeing two to three cases of witch related incidence everyday in the state. In the last six years, maximum number of incidents (1,127) has been reported from Garhwa while

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<sup>18</sup> Jharkhand police monthly crime report, <https://www.jhpolice.gov.in/>.

<sup>19</sup> DNA Web Team, Jharkhand records 3 witch-hunt cases per day, at least 1,000 murdered in last 22 years. IANS, Accessed on 31<sup>st</sup> August, 5.23 PM <https://www.dnaindia.com/india/report-jharkhand-records-3-witch-hunt-cases-per-day-at-least-1000-murdered-in-22-years-2932636>

Palamu reported 446, Hazaribagh 406, Giridih 387, Deoghar 316 and Godda reported 236 incidents<sup>20</sup>.

If we analyse the district wise data then we find the following district reporting the highest number of cases

1. West Singhbhum-----44
2. Gumla-----31
3. Khunti-----28
4. Ranchi-----20
5. Simdega-----14
6. Saraikela-----10
7. Chatra-----9
8. Latehar-----8

If we see the above districts we find that the top 6 districts that record the highest number of cases are in southern Jharkhand and all these are adjacent districts. Other factors that we could see is that ranking on the basis of literacy rate in the above districts is as follows<sup>21</sup>

1. Ranchi
2. Khunti
3. Lohardaga
4. Sariakela
5. West Singhbhum
6. Simdega
7. Gumla
8. Chatra

West Singhbhum, Simdega and Gumla are districts which are below in literacy rate and report a high level of witch killing cases. Also in the annual health survey all the above mentioned districts come in the middle or lower middle places but there are districts that come below them but cases there are not as much there are in these districts. Jamtara and Dhanbad are the two

<sup>20</sup> IANS, Jharkhand reports 3 witch-hunt cases per day, 1K killed in 22 years, *Telangana Today*, Accessed on 31<sup>st</sup> August, 5.25 PM [<https://telanganatoday.com/jharkhand-reports-3-witch-hunt-cases-per-day-1k-killed-in-22-years>].

<sup>21</sup> Census of India Report (2011), Retrieved from <https://censusindia.gov.in/census.website/data/census-tables#>

districts in Jharkhand that have not reported a single witch killing cases in the last five years and Dhanbad has one of the highest literacy rate, per capita income and health care facilities in Jharkhand. Seven out of the eight districts with the highest Witch killing cases have medium or low HDI. The exception being Ranchi but that could be due to it being the capital.

## **V. EVALUATING LAWS REGULATING WITCHCRAFT**

The Prevention of Witch (Daain) Practices Act 1999<sup>22</sup> enacted in Bihar was later adopted by Jharkhand as the Prevention of Witch-hunting (Dayan Pratha) Act 2001 and by Chhattisgarh as the Tonahi Pratadna Nivaran Act 2005 which is also referred as the Witchcraft Atrocities Prevention Act 2005<sup>23</sup>.

All the above acts make witch-killing punishable but the most disappointing part in these laws is that the maximum punishment provided is one year<sup>24</sup>. Similarly the other provision in the act which talks about punishment for identification of Dian<sup>25</sup>, Damages for causing harm<sup>26</sup>, Abetment in identification of Dayan<sup>27</sup> are woefully inadequate to create any kind of deterrent against any commission of these kinds of crime. Even the amount of fine prescribed under the act ranges from Rs.1000 to Rs. 2000 in case of any commission of crime which for the lack of the better word is nothing but a joke. Considering the severity of the crimes involved relating to offence like identifying and abetting of identification of witches the penal provision for its commission is grossly unjustified and needs a serious and urgent change because the number suggests that this act has failed to protect women who have over the years in the Jharkhand have faced and continue to face extra-judicial prosecution on the streets which is not only violation of the law but also a serious violation of our constitution. It is also important to note that the Act is more than 20 years old made in 1999 which was only adopted in 2001 and therefore it's important that urgent changes are carried out within the provisions of the act making it more potent.

In all the pessimism the state of Rajasthan has shown the way by drafting the Rajasthan Prevention of Witch-hunting Act, 2015<sup>28</sup> which has stringent penal provision for people indulging in witch-hunting and cases where witch-hunting leads to death of a women the punishment is extended to life-imprisonment<sup>29</sup>. The act provides for rigorous imprisonment of

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<sup>22</sup> The Prevention of Witch (Daain) Practices Act, 1999, No.9, Act of State Legislature, 1999(India)

<sup>23</sup> Tonahi Pratadna Nivaran Act, 2005, No. 17 Act of State Legislature , 2005 (India)

<sup>24</sup> Prevention of Witch-hunting (Dayan Pratha) Act, 2001, S. 6, Act of State Legislature, 2001(India)

<sup>25</sup> Prevention of Witch-hunting (Dayan Pratha) Act, 2001, S. 3, Act of State Legislature, 2001(India)

<sup>26</sup> Prevention of Witch-hunting (Dayan Pratha) Act, 2001, S. 4, Act of State Legislature, 2001(India)

<sup>27</sup> Prevention of Witch-hunting (Dayan Pratha) Act, 2001, S. 5, Act of State Legislature, 2001(India)

<sup>28</sup> Rajasthan Prevention of Witch-hunting Act, 2015, No. 14, Act of State Legislature , 2015 (India)

<sup>29</sup> Rajasthan Prevention of Witch-hunting Act, 2015, S. 7, No. 14, Act of State Legislature , 2015 (India)

people convicted of witch-hunting up to five years and also person involved in accusing women of being a witch to be imprisoned up to seven years. The Rajasthan act is by far the most stringent act dealing with the issue of witch-hunting in the country. It also makes provision for compensation to victims and imposing fines on people in an area who are found to be abetting the commission of any offence punishable under the Act, or harbouring persons concerned in the commission of activity prohibited under the act<sup>30</sup>. Its not being suggested that only drafting a law will solve the problems but the intent and execution provided for in the act is what is necessary to counter the killing in the name of witch-craft.

## **VI. CONCLUSION**

Witch-hunting has become one of the worst forms of gender violence that exists in the modern world, especially in India. Greed, Patriarchy, Illiteracy, lack of development, and cultural beliefs play an important role in spreading this horrendous act which results in many cases in the killing of a human being. Women in our society have always faced discrimination in accessing food, healthcare, education, employment, and basic gender rights making them more vulnerable to acts of violence especially single women who are considered a pariah in society and especially the ones belonging to the lower caste who end up becoming a victim of witch-hunting.

Land and resources in kinship also play an important role in witch-related violence as many members in the kinship of the women are unable to fathom women acquiring maintenance right under the law and therefore they target through their inheritance from their father or husband. Lack of health care facilities along with illiteracy becomes a dangerous combination where any new disease or incurable disease infects the community and the first doubt is raised on women who are believed to possess some supernatural powers and who are out to kill the members of the society and only on her death can people be protected from the life-threatening disease. Anything that we don't understand we blame on supernatural powers at work and it's the women who in turn end up suffering so it's important that people are educated and proper health care facilities are provided to stop such incidents.

We also cannot deny the effect of class and caste discrimination on gender lines in cases of witch-hunting as you will find most women from SC, and ST communities ending up victims of such cases. Many writers have also indicated that witch-killing cases could also be a result of old cultures and practices being under attack and therefore communities have become even more stubborn in holding on to the cultural practices that have existed within the community

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<sup>30</sup> Rajasthan Prevention of Witch-hunting Act, 2015, S. 8, No. 14, Act of State Legislature , 2015 (India)

over the years and they are refusing to change. But this reason has only a minor role as compared to other factors.

As far as the type of violence is concerned most types of violence against women who are termed as witches at instigation of Ojhas include torture, stripping the women naked, burning, Rape, forcing to consume excreta, social ostracisation, property being seized, other forms of physical violence. In all of this, the role of local Ojhas cannot be ignored as they have become some sought authority who on being awarded a suitable price help in identifying witches who are subsequently punished, and here the thing to be noted is that since they do it for money or another reward they would be motivated to declare more women as witches for no reason whatsoever.

The legal remedy available to victims is of no help either as already discussed the punishment under this law is not enough to deter such crimes and also most women would never dare to complain on account of shame isolation and poverty and also knowing the response of the administration would be not very sensitive. The laws against witch-hunting do not have any provision for compensation or rehabilitation of these victims either which should be the primary focus after such an incident. There is also a failure as a society in crimes such as these especially of the community leaders and the because these crimes are not crimes of passion but a result of cultural beliefs and in many cases greed plays an important role and therefore it is necessary that leaders at the village level act in spreading awareness that there is nothing called a witch who has supernatural powers to infect or kill people but nothing like that is seen as even panchayat leaders don't want to go against peoples belief fearing backlash in the election and hence the cycle of violence in name of witchcraft continues.

## **VII. PREVENTING WITCH-CRAFT RELATING VIOLENCE: THE WAY FORWARD**

Witch-craft related violence has been rising over the years and it needs a permanent solution and its important that it takes place at all levels including legal, political and social.

- **Relief and rehabilitation of victims along with Punishment to perpetrators**

As we have seen that the punishment for such offenses is minimal in states with imprisonment ranging up to a year at the top and a few thousand rupees in fine and since we have no national law on the subject, it's the Indian penal code, 1860 which becomes the tool for persecution by the enforcement agencies in states that do not have laws on witchcraft. Therefore its absolutely critical that the central government enacts a nationwide law on the subject of witchcraft which adequate provisions for penalties for the perpetrators.

- **Wider consultation and involving NGO's**

In drafting of such a law its important the Central government has wider consultations with people working in the area as they would have a better understanding of what is required to be done. Also, penal provision is essential but it's also important here not to forget relief and rehabilitation to the victims of such offenses. The government must involve NGOs working against witchcraft in the process of relief and rehabilitation as they could be a better way to reach out to these victims.

- **Spreading education on death and disease**

Educating the population in the vulnerable regions to make them understand the causes of death from various diseases that are attributed to witchcraft. NGOs and media will play an important role in disseminating awareness and advocacy to change the such value in society. The Government needs to come out with a mission for ensuring 100% reporting on the incidence of witch-hunting cases through social audits conducted by Dalit, and Adivasi organisations.

- **Training of Panchayat raj institution**

Special budget and training should be given to Panchayati raj institution as they have a key role in creating awareness against the practice of witchcraft. The central government should declare monetary and social incentives for panchayats that work towards achieving a no-tolerance policy toward witch-craft-related violence.

- **Response of the police**

There are several instances where police action has been wanting in dealing with matters of witch-craft-related violence. Being the first responders it's important that they are aware of the adequate response needed from their end and a lackadaisical attitude by them could end up being catastrophic for society. A stronger law like the one in Rajasthan would surely make their response effective and potent but besides legal measures police need to play a role in awareness and deterrence also through community sensitisation programs through society leaders at the local level.

- **Health worker's psychological training**

The victims of witch attacks face mental torture besides just physical torture and it's essential that there is a psychological ward in district hospitals to deal with the issue of such incidents in places that have a high incidence of witch attacks. The government can take the assistance of Asha workers in this regard.

- **Women groups**

Organizing women's' community groups at village level to enhance the self-confidence and economic independence of vulnerable women.

- **Educating children on Witch-craft**

School-based program for science and health education with innovative use of communication engaging children to make them understand the consequences of such activities to alter any unwanted cultural belief being fed to them regarding the concept of witches or supernatural powers etc.

- **Societal Responsibility**

NGOs and civil society should provide special skills training to women who are victims of being a witch and who have no access to productive resources and education. Income-generating activities need to be expanded to such women in order to let them recover rapidly from the psychological damage experience through violence.

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