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WITCH HUNTING: REMORSEFUL PRACTICES OF SUPERSTITION IN INDIA

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Abstract

Witch-craft practices, witch trials and witch-hunts have been in existence since early times in several countries. In India, it is being practiced in tribal communities but still, when we talk about it with people living in urban areas, there is a sort of doubt in their minds. They also believe that yes black magic does exist, but why is it so? The answer lies in the belief in black magic that prevails in many parts of India. Hindus generally believe that the world is balanced by opposites, so if prayers can heal then the spells can also harm from afar, even in big cities people feel the evil eye and counter it in various ways. Lemons and chillies are used to block evil eyes and demon masks are tacked on the houses and construction sites. Witch-hunting has now been criminalized but still, the legal framework currently in place need reforms. But then if we think from a broader point of view, we will realize that social reform is as important as legal reform. The people who watch the entire incident of murdering a woman in the name of witch-hunting consider it as a common occurrence instead of raising concern. Even if witch-hunting is criminalized still it is difficult to prove because of lack of evidence and thus proper justice is not delivered. Witch-hunting and witch branding are the crimes in which not only lives are taken away but a citizen's right to live with dignity is also infringed by spreading oppressive values and accepting atrocities blindly. On the same hand, the awareness about mental health have not emerged in urban areas then it is impossible to expect the same in tribal areas. In tribal as well as some places in big cities when a person is behaving differently, the family prefer a local doctor but when no cure is prescribed, they start assuming it as black magic. Proper reforms, as well as rehabilitation centres, should be made to give aid to the women who are branded as witches and are forced to live isolated and miserable lives.

Introduction

Witch-hunting and witch branding is a practice followed by tribal communities in which a woman is labeled as a witch and then she has to go through various disastrous consequences like eating human excrement, paraded naked through the villages, brutally beaten up by the village people and in some cases, she is even murdered. Witch-hunting and witch branding is a practice not only followed in India but also in different countries like Europe, South Africa, Papua New Guinea, Kenya etc. whereas in India it is performed in different states like Jharkhand, Chattisgarh, Uttar Pradesh, Assam, Odisha etc¹. Millions in India do what they can to protect themselves and this includes murdering a woman by branding her as a witch. This is done because of lack of awareness but there are many cases in which there is an intentional cause for labeling a woman a witch. This includes many reasons and that depends on what was the relationship between the victim and the perpetrator.

The causes can include sexual violence, property issues, personal grudge etc. Some genuinely believe that such things do exist and it can harm them while in most cases someone or the other is benefited from their deaths. In tribal areas, people are so blindfolded with this idea that they do not want to know the real motive of the person who is labeling a particular woman as a witch. The consequences of this witch branding are such that to break the powers of these alleged witches, they are brutally beaten and forced to eat human excrement, others are stripped and paraded naked through villages. Witch branding was increased when the government introduced the right of women over ancestral property. According to various surveys conducted it was noted that over a thousand women were killed in the name of witch-hunting. People believe that the woman who is branded as a witch is the cause of destruction in their lives. That is why they do anything to get rid of it. But behind this superstitious belief, there lies an evil intention of the perpetrator, ready to exploit weak woman. Mostly in tribal areas vulnerable women are the soft

¹Diva Rai, Atrocious Witch Hunting Attacks in India: Need for Central Legislation, iPleaders, (May 16, 2021, 11:20 AM)

targets because they are the ones who have more oppressive lives. There is so much control over their sexuality, chastity that they are found to be more mentally ill than men. Unlike men, they need another place to become what they want to be and the regular treatment is so primitive that they end up going to ojhas (witch detecting doctors). There they behave differently and gain attention or empathy from her family members. She does this because before performing such things, her views were not accepted but now she is treated well in her family. Women are the soft targets that are why we do not hear terms like wizard hunt more often. The greed of money has always been a major cause of the commitment of various heinous crimes in which humanity has always been at stake. “According to National Crime Beuro ,more than 2000 murders were committed between 2000 and 2012 and witch hunting was the main reason . Out of them over 300 murders were reported from Jharkhand and this figure does not relates to the time when Jharkhand was used to be a part of Bihar. The Jharkhand Central Bureau of Investigation (CBI) office puts the total number of such murders from 2001 to October 2013 at 414 and cases registered for witchcraft at 2,854. Apart from Jharkhand, at least 11 other states—Haryana, Chhattisgarh, Orissa, West Bengal, Madhya Pradesh, Rajasthan, Andhra Pradesh, Gujarat, Maharashtra, Assam and Bihar—still report cases of witch hunting”².



Different states have different acts related to this offence but are they enough to curb the situation or do we need special laws?

EXISTING LAWS TO CURB WITCH HUNTS/WITCH BRANDING PRACTICES :

Provisions under IPC:

There no such specific provision as witch-hunting in INDIAN PENAL CODE, 1860. However, the offence is punishable under section 302 - charge for murder, section- 307- an attempt to murder, section 323 - hurt, section 376- rape and section 354 - outraging a woman's modesty. It

²Live Mint,<https://www.livemint.com/Politics/Nnluhl4wjhiAAUklQwDtOL/Witch-hunting--Victims-of-superstition.html>, (last visited: May 16,2021)

is also punishable if a woman commits suicide due to torture³. One can also file under cruelty⁴ when there is, persistent denial of food, constant locking of the woman outside the house, taunting, demoralizing etc. Presently we do not have a separate law for the offence of witch-hunting which in one way or another trivialize its existence as a heinous offence. Punishment of public humiliation is not specifically named in IPC hence are designated as injury⁵.

Also, the problem arises when this matter is not given nationwide attention and is only handled by a separate state legislature. For example, different states have made different acts to curb witch-hunting /witch branding practices. In 2018 ,President Ram Nath Kovind gave assent to the bill against witch hunt in Assam .

In TULA DEVI AND OTHERS VS. STATE OF JHARKHAND⁶ , ten people entered the house of the complainant and were armed with sticks. The woman was beaten up by them and when her husband came to rescue her, he was beaten too. This case was dismissed due to the lack of eye witness. In Odisha there are several cases of witch hunt and the police official arrested the people involved in this crime. The story was also covered by many newspapers and the official statement of sub divisional police officer was recorded which stated that “The lady had been branded as witch. One of a migrant from that village died and everyone suspected that lady’s hand in the death of that migrant labour. The villagers conducted a tribal worship and after that they decided to kill that women along with her daughter and husband”⁷.

As mentioned earlier, different states have different laws for punishing the perpetrator. But here the fact to be noticed is that there are different punishment levels for the same crime i.e. witch-hunting or branding. This creates chaos because the degree of punishment is changed if we compare it state wise. Here, the need for its nationwide acceptance as a heinous crime arises as the existing laws are incompetent , also the state does not perform its duty well by appealing on

³The Better India ,<https://www.thebetterindia.com/175301/witch-hunt-murder-crime-women-india/> (last visited on May 16 , 2021)

⁴Indian Penal Code,1860,section 498 A,No.45,Acts of Parliament,1860(India)

⁵The Tribune,<https://www.tribuneindia.com/news/features/witch-hunting-victims-of-superstition-51378> (last visited - May 16,2021)

⁶2006 (3) JCR 222 Jahr

⁷The Hindu,<https://www.thehindu.com/news/national/other-states/seven-arrested-in-witch-hunt-case-in-odisha/article29425220.ece> (last visited May 16,2021)

behalf of the victims against the order of acquittal of the culprit. This issue is still treated in very insensitive manner and the victim or any of its representative will be asked to take help of any elected women representative. A uniform law is needed which deals with this issue and the culprits get the same degree of punishment irrespective of their domicile. Also, the laws are vague about the rights of male victims who belong to lower caste and have been treated the same way as a woman is treated in the branding and hunting process. “The caste system is estimated to affect around 260 million people. The most affected among them are women belonging to Dalit communities, who the so-called upper caste have excluded socially and exploited immensely. The vast majority of Dalit women are poor, landless wage labourers and lack access to basic amenities and entitlements. They are subjugated by patriarchal structures, both in the general community and within their own families (Centre for Alternative Dalit Media, 2001). According to National Campaign for Dalit Human Rights (NCDHR), ‘every hour two Dalits face assaults, every day three women of Dalit community are raped, two Dalits are murdered, and homes of two Dalits are torched’ (Ambedkar, 2017)⁸.

REFORMS: SOCIAL AND LEGAL



The society in which we are surviving today is a result of various reforms, be it legal or social. The law has always been known to evolve with changing time and the same goes with society. Be it Sati Pratha, triple talaq, homosexual relationships and many more. Social and legal reforms go hand in hand. One cannot be implemented in the absence of the other. The legislature may make laws but it is of no use if the mindset of society is not changed. Witchhunt/branding is an issue that needs socio-legal reforms. “Experts believe that the root cause of indifference lies a combination of worrying factor: lack of education and awareness, but also an insidious use of regressive customs to accuse women of witchcraft in order to oust them from valuable land and

⁸Tanvi Yadav, Witch Hunting: A Form of Violence against Dalit Women in India, Vol. 1, No. 2, pp. 169–182, CASTE: A Global Journal on Social Exclusion, 173, (2020), <https://journals.library.brandeis.edu/index.php/caste/article/download/203/41/>

failure of the administrative machinery to provide accessibility and the direct fall out of poor health and medical facility in remote areas”⁹.

The different protection gaps in law suggest that only criminalizing this offence is not the cure as because of the protection gaps the long term consequences of witch hunt are ignored .This offence needs to be studied thoroughly and the people holding the authority should check all the deficiencies which are becoming the obstruction in labelling this crime as heinous as rape as it takes the dignity of the woman in front of thousands of people forever. The officials should check if the problem is from their side. The poor investigation, having reliable testimony, on-ground visits plays an important role in making a case strong or weak.

Taking into view the social reforms, they are equally important as legal reforms. The education system is poor in tribal communities, hence they are not able to process sudden tragedies and fails to understand the logical reason behind that issue, they tend to co-relate that issue with superstition and then they take the advice of the ojhas as a result of which one or the other innocent women is branded as a witch and if any mishap occurs, she is blamed for that. This is due to a lack of educational knowledge because of which the whole community accept this fact without questioning it. Now when we talk about the actual perpetrators then they know very well that the woman who are they blaming to be a witch is innocent. It is their malafied intentions behind this branding and hunting. Land, property, jealousy, sexual misconducts, caste-based discrimination are the root causes that are common in such cases. It is also noticed that widows are the easy targets of these perpetrators as they have no one to whom they can ask for help. Awareness programs led by the government can make a huge difference in the tribal communities as it the only source through which they can know that no such thing as "witch" exists in this entire world. In continuance of this vision Project Prahari was launched in Assam in 2001.It aimed at curbing with hunt practices by empowering the socially and economically backward people , also it included the blended practice of normal policing with some social campaigns which spread awareness in the villages and taught people about health and hygiene¹⁰.

⁹Times Of India,<https://timesofindia.indiatimes.com/city/guwahati/getting-to-the-roots-of-decades-old-problem-of-witch-hunting-in-assam/articleshow/78731380.cms> (last visited May 16,2021)

¹⁰Drishti IAS,<https://www.drishtias.com/daily-updates/daily-news-analysis/president-clears-bill-against-witch-hunting> (last visited- May 16, 2021)

Regular checkups were also a part of this project. Through this model many groups were inspired and took initiative to fight against this practice. Door to door awareness programs, nukkad natak, camps etc plays a major role in grabbing the attention of the people of tribal communities. This can be done by various groups of women going in that particular areas and by giving information about this social evil and making proper reports about the statistics that how many women have been suffering from this social evil so that it is easier to give rehabilitation and counseling.

CONCLUSION

Women branded as the witch has to go through the host of atrocities. This heinous behavior towards them not only affects them physically but leave a major impact on their mental health. After branded as witches their social lives are destroyed as they are forced to live a life in isolation. They are forced to leave their houses and people around them humiliate by calling them Daayan, Chudail and other slurs which one would never want to listen to. There is a different element related to it which shows that some women see black magic as a last resort. They look at witchcraft as self-defence. It is hard to believe when we listen to it but yes it is the truth. The women of this mindset are socially backward and financially poor and are exploited by the upper caste and the people living nearby, so they use witchcraft as a weapon to save themselves from exploitation. Here the need for rehabilitation centers, counsellor arises. Civil society and government should work together at the grass-root level to change the mindset of the people said Indira Jai Singh, a senior lawyer at the supreme court of India¹¹. This can happen through information, education and communication. Media is also a powerful tool. They can build community-based organizations for the prevention of "witch-hunting" and compensation, rehabilitation and reintegration of the victim and/or families of the victim. Therefore, awareness about this issue is as necessary as criminalizing it as a separate offence. The author believes that society can only develop when such social evil are destroyed from the core and a country as a whole can only develop when the women of that country are dignified and treated equally.

¹¹DW.com ,<https://www.dw.com/en/why-india-struggles-to-tackle-witch-hunting/a-18603450> (last visited May 16,2021)