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# **INDIA'S APPROACH TO COMBAT WITCH HUNTS AND WITCHCRAFTS IN 21ST CENTURY**

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## **ABSTRACT**

Witchcraft is often regarded as being bad and harmful which is why those who are suspected and presumed to be witches and arraigned for society being them and pursued witch-hunting often charged with use of black magic and witchcraft that is frequently used as a symbol of the barbaric and superstitious acts of people in mediaeval and pre modern periods even in 21st century developing countries like India which are still into practicing of witch hunting is being executed chiefly in tribal areas which has been declared illegal and violation of human rights in many other countries including India, but to deal with such practices there are several laws which has been made by the government to eradicate this social evil with a view to scrap this congregation reformative preventive and deterrent theory of punishment along with promotion of education is being used as weapon.

## **Origin of Evil Practice ‘Witch Crafting and Hunting’ affecting Generations**

The patriarchal system always thought women as a weak and lesser organ of the society which made them go through a lot of discrimination in many primitive societies women have been subjected to the symbolism of witches and have been connected to evil spirits satanic rituals and taboos the women accused of being witches gave a certain position in the society causing them humiliation in diverse manner that were not just and fair witch hunt started in classical modern Europe and America violently<sup>1</sup> and very suddenly for its reformation or we can even say for eradication of evil that was prevailing in the society due to witchcraft at that time causing in execution of as many as 35000 to 60000 people it was an investigation conducted making allegations on women and children in condemnation to the dogmas of witch hunt has been used in arguments of Johan Weyer a Dutch physician occultist demonologist who was the first opponent of witchcraft he went on arguing against persecution of witches according to him there were magicians and heretics who were creating illusions of witches in the society. Malleus Malleficarum is the most important books written on witchcraft witch hunts and many social aspects leading to this malleus Malleficarum has a very misogynistic approach which can be seen in its texts which are derogatory in the context of women and gender discrimination associating with the black magic and superstitious energy full with the carnal lust against the morality of the society stated that Malleficarum equally spreading the misbelief and promoting the witch craft which promoted violence which still affects peoples badly and had promoted discrimination and violence.

## **Witchcraft and Witch hunting in Indian Context**

Situation in India regarding witchcraft is not equivalent its origin can be traced down back in Ancient history, where this word ‘daayan’ can be traced in ancient Sanskrit texts and Vedas. Impact of these texts can be seen in such a way that Vedas under which a form of witchcraft is used is the pillar stone of modern Hindu law, as its part of stuti which one of the ancient sources of Hindu law. It is but obvious that its significance must have been practiced in very wrong way. It’s a difficult task to track the history of Witch hunting in India especially in rural areas of Jharkhand where tribal population of Santhals, Mundas and Hos resides from ancient time, position in India was quite better than other European countries and America as well where witches were being hunted by ancient judicial authorities which prevailed in respective areas.

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<sup>1</sup> Lauren Nitschke, European Witch-Hunting (A Brief History), The Collector, (4/5/2023, 3:26am).

It was a tough task way back in 19<sup>th</sup> century to record the witch hunting cases which was prevailing at that point of time, it was even more tough task for British government as they were totally unaware of the traditions of the tribal peoples of India, they did some tough task to record the incidents and also took regulatory methods to prevent it. It was also a existing saying that far more women were killed through witch hunting than sati practitioners male wizards and spiritual leaders were typically used to identify witches these witches known as bopas or burgat and so on were consulted after community members their relatives and village officials complained of witchcraft-related disasters a rice field once women were identified and used magic exorcism torture with justification to empty victims of her powers swing where alleged witches were rubbed in the eyes with chilli paste before being hung upside down from a tree and swung around over an open fire to confess or what she promised her victims

### **Deviation of morality and Witch Hunting**

To understand the process of witchcraft it is important to go into study and explore the grassroots of tribal areas of Jharkhand especially where recently the cases of witch crafting have been reported. Sources like existing ancient literatures and other means are though easily traced down in this era where everyone has the access to technology, but interaction with the victims of witch hunting and with those victims who are no more, interaction with their consanguinity is far more illuminating. It is a known fact that in Jharkhand places where the form community is still prevailing are mostly the rural areas where the Scheduled Tribes population is preponderance, Miscreants calls out a kind of meeting in their village and in search to quick fix their problems in dominance of their disbelief the use brutality as weapon and do very heinous acts resulting in exclusion, social boycott, severe injuries and even sometimes they are beaten till death. They often use the means of non-communication, strange to note that if non-communication is used by general public it would be punishable and offence under Section 2a, Section 2eb and Section 3 of Scheduled Tribes (Prevention of Atrocities) Act, 1989. Chasing them out and sometimes even beat them till death and they do so and their excuse is that the acts of a witch or 'daayan'; it is the name which prevails in tribal areas It is an assertion that witch causes harm to society or community members one after another resulting to serious problems. They therefore believe that in order to keep the community alive and set out all the problems away, they must either harm or murder the witch. The witch-hunters don't want the witch to be a part of their social life in any manner, thus they do all the acts which will lead to her death and she had to be killed in all way possible whether it is

physically, psychologically and mentally. The idea of a 'target' under witch hunting is comparable to other situations like murder, criminal activity, and other similar allegations. The individuals who hunt and torment the supposed witch are seen as the culprits, while the accused witch is seen as the target or victim. The sick person, the sick person's family, and people of their village or community who are known as the culprits because they murder and pursue the suspected witch are all involved in the hunting or accusation of the said witch.

### **Analysis on Grassroot level upon Increase in Evil Practice**

Despite of the fact India is being recognized globally and technology has become a key factor in gathering awareness and educating even the weakest sections of society. We have seen Significant growth in the cases of witch hunting during last 2 decades, if we specifically take the data of Jharkhand as per the NCRB, we can easily trace down that Jharkhand has been among the top states where the witch hunting and claims of witch crafting is practiced the most.<sup>2</sup> According to the official data of NCRB<sup>3</sup>, from the date Jharkhand was formed i.e, 25 December,2000 to December 2011 not even a single case of witch hunting was reported in Jharkhand but this severely changed after that and back to back 10 cases reported in 2012, 29 cases in 2013, then a gradual decrease of 9 cases in 2014 and couple of cases in 2015 but then again it increased in 2016, 2017, 2018 and 2019 with 17,17,20 and 16 cases respectively. One specific reason can't be quoted as access to data and communication with tribal people still a hard task to do. The times we are living in is called modern period with many technological medical social and economical development happening all over the world ultimately leading to the changes and advancements in our society as a whole although all such developments are happening even in our country india is one of the few countries around the globe which still witnesses dreadful cases of witch hunting especially in states like Bihar, Jharkhand, Odisha and Chattisgarh, where women are being beaten up tortured burned raped and murdered all in the name of witch hunt the reasons leading to people still indulging in such socially evil practices could be many but most commonly men frame the women they happen to dislike or fear as witches or dayans with an aim to ostracise them from the society people especially men from the ancient times often have found women as easy targets which is still the mindset of the people regarding women being weaker section of the society and therefore if any unfortunate

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<sup>2</sup> Sanjay Sahay, Witch-hunting on rise in J'khand: NCRB data, Times of India,(4/5/2023, 2:24am),(<https://timesofindia.indiatimes.com/city/ranchi/witch-hunting-on-rise-in-jkhand-ncrb-data/articleshow/78974831.cms>)

<sup>3</sup> National Crime Records Buerou, <https://ncrb.gov.in>, (last visited 4/5/2023)

event happens like loss in the family to outbreak of any disease or loss of crops they put the blame of all these on women women who are single whether widowed women single mother or an unmarried women owning any sort of property especially land are targeted with an objective of obtaining their lands *bhagats* and *ojhas* also play a very vital role in witch hunting as they claim to have powers to solve the issues related to witchcraft as they say that they can free the women who is declared as a witch by performing some rituals villagers upper caste on the other hand make unofficial caste panchayats for tormenting the people of lower castes who are subjected in the matter of witchcraft or any other form of black magic.

### **Approach to avert Witch Hunting**

As we have already discussed above how witch hunting and witch crafting derives its origin from ancient Hindu texts, though it was even more difficult during the British era to control these malpractices, that quantum significantly when its practices among the tribal peoples, even though this evil practice was being challenged during 1830s-1840s for the first time in India. . It pioneered the regulatory measures which later taken by many authorities. States of Gujrat, Rajasthan, Assam and Chhotanagpur (Jharkhand) were the most focused area of implementation of steps to counter witch hunting. After Independence of India reform took place in every possible way, major substantive law which dealt with offences in India is Indian Penal Code, 1860<sup>4</sup> covering a wide aspect possible, but there wasn't any specific law regulating or punishing the witch hunting. Bihar was the first state in India to pass a law exclusively dealing against witch hunting called The Prevention of Witch (Daain) Practices Act, 1999<sup>5</sup>. Those who identify women as witches can be sentenced to three months in prison or fined. In addition to Rs. 1,000, those who brand women as witches and subject them to physical or mental torture are subject to six months' imprisonment and/or fines of Rs. 2,000. The law also prohibits harming women in order to "cure" them. Penalty for such conduct is imprisonment for one year and/or fine of Rs.2000. After the division of Jharkhand from Bihar majority of the tribal areas came within the territory of Jharkhand and it is to be noted that among tribal peoples witch crafting prevails far more than any other community of India. After Bihar and Jharkhand many other states within India took effective measures to regulate and control the witch crafting and witch hunting, **Chhattisgarh Tonahi Pratadna Nivaran Act, 2005<sup>6</sup>, Odisha Prevention**

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<sup>4</sup> Indian Penal Code, 1860, Act XLV of 1860.

<sup>5</sup> The Prevention of Witch (Daain ) Practices Act , 1999, Act No IX of Bihar Legislature, 1999(India.)

<sup>6</sup> Chhattisgarh Tonahi Pratadna Nivaran Act, 2005. Act No XVII of Chhattisgarh Legislature,2005(India)

**of Witch-hunting Act, 2013<sup>7</sup>, The Rajasthan Prevention of Witch Hunting Act, 2015<sup>8</sup>, Assam Witch Hunting (Prohibition, Prevention, and Protection) Bill, 2015<sup>9</sup>** were enacted and adopted by the state of Chhattisgarh, Odisha, Rajasthan and Assam respectively. the framing of laws by the legislature of states and enforcement despite of having general law covering almost all aspects of time is to tackle this evil practice which can effect badly to all sections, this step help prevent evil curb crimes related to or resulting from witch crafting and witch hunting.

### **Application of penalizing theories against witch hunting**

Punishment is the implicit intention to accuse someone of transgression. It's a well-planned and deliberate act, but a burden that evokes a sense of hopelessness and guilt on the wrong doer at the same time to the wrongdoer. Punishment reformation in the society which leads to maintenance of not only rules but morality as well and regulations not to mention peace in the lives of residents for this reason injustice will cause problems in society and people's lives if left unchecked to combat fraud and in this particular case of witch hunting is called a violation we have many theories of punishments that attempts to explain and justify punishment from its own perspective punishment can be broadly divided into deterrence theory which attempts to deter crime by punishing criminals retaliation theory which aims to retaliate by punishing the wrongdoers for their wrongdoings and finally the theory of retribution which seeks retaliation with the measures to punish wrongdoers among many theories each one of them has their own advantages and disadvantages. Under Indian Penal Code, 1860<sup>10</sup> and other specific laws which deals with the punishments against witch hunting are not specifically based on any of the theories, it's a combination of major theories mainly on reformatory theory but not specifically lies on it, some aspects of deterrent theory also lies under it, because fear is needed in the society to control any kind of crime. The aspects of deterrent and preventive theories of punishments in order to achieve the goal our society seeks to achieve.

### **Conclusion**

Poverty and misbelief can lead to destruction of generations is true and its applicable in many

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<sup>7</sup> Odisha Prevention of Witch-hunting Act, 2013, Act No III of Odisha Legislature, 2014(India).

<sup>8</sup> The Rajasthan Prevention of Witch Hunting Act, 2015, Act of Rajasthan Legislature, 2015(India).

<sup>9</sup> Assam Witch Hunting (Prohibition, Prevention, and Protection) Bill, 2015, Act of Assam Legislature, 2015(India).

<sup>10</sup> Indian Penal Code, 1860, Act XLV of 1860,

aspects of things labelled as witchcraft including black magic practices mainly happening in tribal areas of Jharkhand and other states witch hunting is perfect example and religion is not a cult practiced but its misinterpretation can lead to many consequences. Witch hunting is one of the threats that needs to be addressed we need a multi-faceted and holistic approach secondly there is an extremely important need to bring awareness to the local community the victims of this practice need to receive medical care and most importantly since their psychological health is at the highest level they need to receive community rehabilitation to help them recover from their trauma this means that we need to receive support from local tribes as well.