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## VICTIMS OF WITCH-HUNTING AND SUPERSTITION

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### INTRODUCTION:

Despite being thought of as a legacy of the Middle Ages, witch-hunting is still a widespread and terrible type of violence in many regions of the world. Superstition, patriarchy, economic exploitation, social isolation, and the use of fear are still its fundamental causes. Witch-hunting is one of the most obvious examples of how vulnerable people are criminalised, stigmatised, and viciously punished in modern victimology because of cultural preconceptions and collective beliefs that have endured for generations.

While there were witch trials in Europe during the sixteenth and seventeenth centuries, the current burden of witch-hunting has mostly moved to regions of Africa, South Asia, Latin America, and some portions of Oceania. Hundreds of attacks, killings, forced relocations, and sexual assaults connected to witch branding are still reported annually, especially in India. The majority of victims are women, particularly widows, older women, Dalit or Adivasi women, women involved in property disputes, and women who question patriarchal standards.

The academic field of victimology aims to comprehend the causes, experiences, vulnerabilities, and rehabilitation requirements of victims. In the context of witch-hunting, it also examines how legal systems, political institutions, and societal structures frequently fail to protect victims, giving offenders carte blanche. <sup>1</sup>Witch-hunting is a complicated crime that interacts with caste hierarchy, gender discrimination, superstition, low literacy, economic inequality, lack of healthcare, ineffective policing, and political manipulation. It is not only a cultural anomaly.

One of the most enduring types of violence against vulnerable people in many countries is witch hunting, which has its roots in superstition, fear, and a well-entrenched social hierarchy.

<sup>2</sup>Witch hunting is still a terrible reality in many parts of the modern globe, including India,

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<sup>1</sup> Government of India, National Crime Records Bureau, Crime in India Report (2022).

<sup>2</sup> Human Rights and Witchcraft Violence, United Nations General Assembly, A/HRC/31/CRP.2 (2016).

Sub-Saharan Africa, Papua New Guinea, and parts of Latin America, despite being often believed to be an old or medieval practice. Belief systems, gender inequity, economic hardship, cultural fears, and power dynamics within the community are all intricately intertwined in this occurrence.

Belief systems, gender inequity, economic hardship, cultural fears, and power dynamics within the community are all intricately intertwined in this occurrence. The continuance of witch hunting exposes systemic flaws in law, governance, healthcare, and social protection as well as the tenacity of superstition as a societal force despite the advancement of modern science and the expansion of constitutional democracies.

Victims of witch persecution are in a particularly vulnerable situation from a victimological standpoint. They are targets of communal violence that is institutionally ignored, socially acceptable, and frequently underappreciated by the law; they are not just those accused of supernatural misconduct. <sup>3</sup>Victimology offers a framework for analysing why some people are targeted, how they are harmed, and how the legal system fails to bring justice. Victimology is the study of the nature of victimisation and how systems respond to victims.

Victims of witch-hunting suffer in a variety of ways, including physical attacks, sexual assault, mutilation, social exclusion, property loss, displacement, financial hardship, and long-lasting psychological anguish. Based on simple accusations of using supernatural abilities, many are stripped naked, paraded, tormented, banished, or killed. Long after the tragedy, survivors still face stigma, which frequently prevents them from reintegrating.

Witch hunting disproportionately impacts women in India, especially widows, old women, women from lower castes or tribal tribes, and women with minimal financial resources, according to state-level data and verified case studies. <sup>4</sup> The labelling of an individual as a "witch" often conceals underlying societal issues such to caste persecution, property disputes, inheritance disputes, patriarchal control, or local power struggles. <sup>5</sup> Recurrent incidents have led to the enactment of special anti-witch-hunting laws in various states, including Jharkhand, Assam, Chhattisgarh, Rajasthan, and Odisha. However, victims remain unprotected due to the

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<sup>3</sup> Indian Penal Code, 1860, §§ 299–326 (crimes involving injury and serious injury).

<sup>4</sup> "Witchcraft, Law and Society," by Judith Rowbotham, *Journal of Legal History* (1998).

<sup>5</sup> The 1999 Bihar Prevention of Witchcraft Act. The 2015 Assam Witch Hunting (Prohibition, Prevention, and Protection) Act.

lack of a single national law, lax enforcement, and insufficient victim rehabilitation programs.

The victimisation tendency in India is mirrored in global experiences. Numerous instances of people—typically women or children—being accused of witchcraft or sorcery and experiencing communal violence are documented in nations like Tanzania, Ghana, Nigeria, the Democratic Republic of the Congo, and Papua New Guinea.<sup>6</sup> Prejudice, poverty, and lack of access to healthcare have all been identified by international human rights organisations as significant causes of superstition-based violence. Inconsistent victim-protection frameworks result from the fragmented nature of the global legal system, where some nations use criminal laws while others rely on customary systems.

The connection between superstition and violence highlights the necessity of a thorough socio-legal and victimological examination. In settings with inadequate access to scientific information, medical treatment, education, and institutional support, superstition flourishes. Fear-driven reactions result from the frequent attribution of illness, crop failure, death, or disaster to supernatural influence. In these situations, allegations of witchcraft are used as a means of social control, scapegoating, or resolving personal grievances. Secondary victimisation at the hands of police, medical authorities, and courts is a result of the legal system's failure to protect victims at an early stage, which frequently reflects prejudices within the community.

Intersectionality must be taken into consideration while using victimology to study witch-hunting.<sup>7</sup> Victims frequently come from marginalised communities whose social identities make them less prominent in official legal systems and more susceptible to victimisation. The intersections of gender, caste, ethnicity, tribal identity, poverty, and geographic isolation influence who is accused and how violence is committed. The critical need for institutional training, victim compensation plans, long-term rehabilitation programs, and legal reforms is highlighted by this intersectional vulnerability.

A significant step in making witch-branding and related violence illegal is the establishment of particular state laws in India, such as those in Jharkhand, Bihar, Rajasthan, and Assam. However, victimological analysis shows that without community-based sensitization, education, and methods that address the underlying causes of superstition and gender-based

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<sup>6</sup> Assam Witch Hunting (Prohibition, Prevention and Protection) Act

<sup>7</sup> The Jharkhand Witchcraft Prevention Act of 2001.

discrimination, criminalisation alone is insufficient. Although witch-hunting victims have gained international attention thanks to many human rights interventions, policy suggestions, and advocacy campaigns, survivors' firsthand accounts show that much more needs to be done in terms of protection, awareness, and rehabilitation.

## **THEORETICAL FRAMEWORK**

The foundation for comprehending the intricate phenomena of witch hunts and violence motivated by superstition.<sup>8</sup> The study places itself within current scholarly discourse, defines important theoretical frameworks, and provides guidance for the ensuing examination of the victimological and socio-legal dimensions of witch hunts by evaluating the body of existing literature.

The foundation of this research is the victimology framework, which looks at the needs, rights, and experiences of victims.<sup>9</sup> Furthermore, ideas from the fields of sociology, anthropology, and gender studies offer important insights into why people become victims of violence motivated by superstition and how victimisation patterns are shaped by social hierarchies, cultural beliefs, and economic vulnerabilities.

### **• ANTHROPOLOGICAL AND HISTORICAL VIEWS**

According to historical and anthropological literature, witch hunting has been a part of many societies for generations and is not a contemporary occurrence.<sup>10</sup> According to academics like Hutton (1999) and Evans-Pritchard (1937), allegations of witchcraft have historically been used as a means of regulating abnormal behaviour and upholding societal hierarchies. According to this research, violence against those who were thought to pose a threat to the social order was frequently justified by cultural beliefs, customs, and group anxieties. It is crucial to comprehend the historical background since, despite the existence of legal frameworks and contemporary governance structures, witch-hunting incidents in the present day frequently follow these customs.

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<sup>8</sup> Witchcraft, Oracles, and Magic among the Azande, Evans-Pritchard, E.E. (1937).

<sup>9</sup> The Triumph of the Moon: A History of Contemporary Pagan Witchcraft, by Ronald Hutton (1999).

<sup>10</sup> The Modernity of Witchcraft by Peter Geschiere (1997).

- **THE GENDER CHARACTER OF WITCH-HUNTING VIOLENCE**

A large body of research highlights how witch-hunting customs disproportionately target women. Widows, older women, and women from marginalised castes or tribal communities are particularly vulnerable, according to research by Nambissan (2005) and Kumar (2010).<sup>11</sup> This subtopic examines how superstition is used to legitimise violence in the context of patriarchy, gender inequality, and control over women's autonomy.<sup>12</sup> Understanding this aspect is essential for creating victim-centred therapies and legislative changes that expressly shield women from violence motivated by superstition. Gendered victimisation is a reflection of institutional injustice

- **SOCIO-ECONOMIC AND CULTURAL FACTOR**

Research shows that socioeconomic problems like poverty, property disputes, inheritance disputes, and rivalries within the society are frequently linked to witch hunting.<sup>13</sup> These activities are reinforced by cultural influences, such as strong faith in supernatural abilities. Scholars such as Geschiere (1997) and Bremmer (2000) highlight how witchcraft is often blamed for bad luck, disease, or crop loss, which serves as a scapegoat for those who are susceptible.<sup>14</sup> This subtopic investigates the ways in which cultural dread, marginalization, and economic hardship all lead to ongoing victimization.

- **PERSPECTIVES ON LAW AND POLICY**

Awareness protection and inadequacies in resolving violence related to witch-hunting requires an awareness of the legal dimension. In addition to pertinent sections of the Indian Penal Code, scholars like Singh (2013) and Joshi (2017) study state-specific anti-witch-hunting laws in India, such as those in Jharkhand, Assam, and Rajasthan.<sup>15</sup> This subtopic assesses the efficacy of legal frameworks, difficulties with enforcement, low conviction rates, and deficiencies in victim protection and rehabilitation. Best practices and lessons from nations dealing with

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<sup>11</sup> "Marginalized Women and Witch-Hunting in India," Nambissan, Geetha, *Economic and Political Weekly* (2005).

<sup>12</sup> Santosh Kumar, "Gendered Violence and Witch Branding," *Sociological Bulletin* (2010).

<sup>13</sup> "Legal Measures against Witch Hunting in India," Singh, S.K., *Indian Law Review* (2013).

<sup>14</sup> "Access to Justice for Victims of Witch Hunting," Joshi, Manoj, *Journal of Social Justice Studies* (2017).

<sup>15</sup> Report on Witchcraft-Related Killings, UN Special Rapporteur on Extrajudicial Killings, A/67/275 (2012).

comparable forms of violence motivated by superstition are also highlighted through comparative study with international legal remedies.

- **HUMAN RIGHTS AND VICTIMOLOGICAL PERSPECTIVES**

The goal of victimology is to comprehend victims' needs, rights, and experiences. Researchers such as Walklate (2007) and United Nations studies (2012, 2016) highlight the multifaceted impact that victims of witch hunting experience, including psychological anguish, economic deprivation, social exclusion, and physical brutality. <sup>16</sup>A common motif in literature is secondary victimization, which happens as a result of institutional negligence or social shame. In order to prevent survivors from being further marginalized following the first act of violence, this subtopic emphasizes the necessity of victim-centered measures that prioritize rehabilitation, social reintegration, and safety.

- **GAPS IN LITERATURE AND RESEARCH IMPLICATIONS**

Despite a great deal of research, there are still gaps in our knowledge of the complete extent of victimisation caused by witch-hunting. <sup>17</sup>Comprehensive comprehension is hampered by underreporting, regional variance, a dearth of longitudinal studies, and a lack of focus on survivor voices. This subtopic highlights the significance of incorporating victimological, legal, and sociocultural viewpoints while identifying opportunities for additional research. By filling in these gaps, the current study seeks to offer a comprehensive analysis that influences social intervention tactics and legislative reform.

## **HISTORICAL BACKGROUND AND CAUSE OF WITCH-HUNTING**

The history of witch-hunting and violence motivated by belief is lengthy and intricate, with roots in social, cultural, religious, and economic contexts. <sup>18</sup>Witch hunting has continued into the present in many regions of the world, including India, Africa, and Latin America, despite being frequently linked to the medieval and early modern eras in Europe. In the past, allegations of witchcraft were sometimes used to maintain social control within communities and to explain bad luck, illness, crop failure, or death. <sup>19</sup> These behaviours eventually grew

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<sup>16</sup>The Rise and Fall of the Magic World by Jan N. Bremmer (2000).

<sup>17</sup>Violence Against Women in Traditional Communities, UN Women (2014).

<sup>18</sup> Brian P. Levack, The Witch-Hunt in Early Modern Europe (1987).

<sup>19</sup> The UK's Witchcraft Act of 1735 is a piece of historical law.

entwined with gendered norms, economic disputes, and societal hierarchy, resulting in victimisation patterns that still exist today. To understand why some people are disproportionately targeted and how legal and societal measures can effectively address the issue, it is necessary to appreciate the historical development and underlying reasons of witch hunts.

The historical development of witch-hunting, the social and cultural factors that uphold superstition, the gendered and intersectional character of victimisation, and the socioeconomic and political elements that increase vulnerability are all covered in this chapter.<sup>20</sup> The chapter seeks to offer a thorough socio-legal and victimological analysis of why witch hunting persists in spite of contemporary legal systems and human rights safeguards.

### ❖ THE DEVELOPMENT OF WITCH-HUNTING THROUGHOUT HISTORY

For centuries, there have been witch hunts, which frequently reflect prevailing political systems, religious convictions, and social worries.<sup>21</sup> Witch trials were common in Europe during the medieval and early modern eras, when people, mostly women, were charged with practising sorcery, heresy, or black magic. According to historians like Evans-Pritchard (1937) and Hutton (1999), these allegations frequently functioned as social control mechanisms, upholding patriarchal standards and marginalising people who behaved differently. Public executions, torture, and social exclusion were prevalent, and societies were deeply afraid of witches.

There is a long history of witch hunts in rural and tribal communities in India. Superstition was frequently entwined with caste hierarchies, local power conflicts, and religious beliefs, according to historical records from colonial periods. Gendered and social vulnerabilities were reflected in the numerous accusations of witchcraft against women, particularly widows, older women, and those without male protection.<sup>22</sup> These customs still exist in some areas today, showing how old beliefs have endured despite the impact of contemporary legal frameworks and educational initiatives.

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<sup>20</sup> "Witch Hunting in Tribal India," Madhu Mehra, Lawyers Collective (2011).

<sup>21</sup> "Witch Hunting in Tribal India," Madhu Mehra, Lawyers Collective (2011).

<sup>22</sup> NCRB Statistics on Murders Associated with Witchcraft (2019).

Similar trends have been observed in Papua New Guinea, Latin America, and Sub-Saharan Africa, where charges of witchcraft are used to restrict social behavior or explain bad luck.<sup>23</sup> These historical and cross-cultural viewpoints demonstrate that witch hunting is a structural problem impacted by social, economic, and political settings rather than just a cultural quirk.

### ❖ SOCIO-CULTURAL CAUSES OF WITCH- HUNTING

Witch hunting and superstition are deeply ingrained in a community's sociocultural fabric. Misfortunes like disease, death, crop failure, or natural disasters are frequently blamed on supernatural forces in many countries.<sup>24</sup> This attribution breeds mistrust and anxiety, which could lead to charges against those who are at risk. These practices are sustained in large part by social norms, religious beliefs, and communal traditions, as communities may collectively support violence against persons who are accused of being witches.

Women are disproportionately targeted by patriarchal domination, which frequently coincides with cultural acceptance of witch hunts. Folklore, oral traditions, and community tales all contribute to the belief that some people have dangerous supernatural abilities. These cultural beliefs are not isolated; social elites, religious authorities, and local authorities all support them. They may take advantage of superstition to uphold social order and authority.

### 3.3 INTERSECTIONAL AND GENDER FACTORS

Gender plays a critical role in determining who becomes a victim of witch hunting. Studies by Nambissan (2005) and Kumar (2010) reveal that women, particularly widows, elderly women, and those from marginalised castes or tribal communities, are the primary targets. Patriarchal societies often use witchcraft accusations as a tool to suppress women's autonomy, seize property, or enforce social norms. Intersectionality further complicates vulnerability, as caste, tribal identity, economic status, and age intersect to determine the likelihood of victimisation.

In some situations, men may also be charged with witchcraft, especially if they oppose local authority or engage in conflicts over resources or territory. Nonetheless, women make up the vast majority of victims, illustrating the gendered aspect of violence motivated by superstition.

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<sup>23</sup> Report on Witch Branding by the Rajasthan Women's Commission (2016).

<sup>24</sup> Lata Singh v. State of UP, Supreme Court of India, 5 SCC 475 (2006) (victim protection concept).



## ❖ ECONOMIC AND POLITICAL CAUSES

Witch-hunting rituals are often motivated by economic hardship and property disputes. In rural areas, accusations of witchcraft are frequently used to cover up land disputes, inheritance disputes, and resource competition. Victims may be targeted to obtain their assets or to remove them from influential economic positions.

## ❖ PSYCHOLOGICAL AND SOCIAL CAUSES

The persistence of witch-hunting is mostly due to fear, anxiety, and social conflicts. Scapegoats for bad luck are frequently sought after by communities dealing with social hardship, natural calamities, or epidemics. The belief in supernatural causality is reinforced by low literacy, restricted access to healthcare, and insufficient social services, all of which contribute to this communal fear.

Social ostracism and peer pressure further intensify victimisation. Individuals accused of witchcraft may face isolation, threats, and physical violence, while community members comply with collective norms out of fear or social obligation.<sup>25</sup> Such psychological and social mechanisms help explain the persistence of superstition-based violence despite modern legal and educational interventions.

The reasons and historical development of witch-hunting show that this type of violence is intricately linked to social, cultural, political, and economic systems rather than occurring at random.<sup>26</sup> Persistent victimisation patterns are caused by several factors, including superstition, gender inequality, caste and tribal hierarchy, economic hardship, and poor governance. Designing successful legal, social, and victim-centred responses requires an understanding of these historical and causal variables.

## LEGAL AND INSTITUTIONAL FRAMEWORK

The continued violence and superstition associated with witch-hunting in modern society highlight the vital role that institutional structures and legal systems play in both preventing and dealing with such occurrences.<sup>27</sup> The law acts as a formal tool to protect victims,

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<sup>25</sup> Government of India, Ministry of Tribal Affairs, Report on Tribal Superstitions and Customs (2010).

<sup>26</sup> "Witchcraft Murders in Tanzania," BBC Africa Investigation (2014).

<sup>27</sup> Center for Social Justice, Jharkhand Field Report on Accusations of Witchcraft (2018).

discourage offenders, and advance social justice, even though superstition is still firmly ingrained in social and cultural behaviours. State-level laws, constitutional protections, and international human rights commitments do exist, but their application and enforcement are uneven, which contributes to ongoing victimisation. The legal and institutional frameworks intended to stop witch hunts in India and other international contexts are examined in this chapter, along with their efficacy and the loopholes that keep victims from getting justice.

### ❖ STATE-LEVEL LEGISLATION IN INDIA

Several Indian states have passed legislation expressly designed to stop violence related to witch-hunting. Certain states, including Jharkhand, Bihar, Assam, Chhattisgarh, and Rajasthan, have made it illegal to brand someone as a witch and to commit related acts of violence, like as assault, harassment, and property confiscation.<sup>28</sup> These laws specify the penalties for witch-branding, identify the crime, and frequently include clauses pertaining to victim compensation.<sup>29</sup> For instance, accusing someone of witchcraft, encouraging superstition, or harming an accused witch are all illegal under the Jharkhand Witch Hunting (Prohibition, Prevention and Protection) Act, 2001. In the same vein, the Rajasthan Prevention of Witch (Daayan) Practices Act, 2015 permits community awareness campaigns to stop recurrence and criminalises accusations of witchcraft.

Despite the progressive nature of these state legislations, it is nevertheless difficult to enforce them. Fear of social rejection or reprisal prevents many incidents from being disclosed. Law enforcement personnel frequently lack the knowledge or training required to handle these situations delicately, which causes delays or insufficient inquiry.<sup>30</sup> Victims often experience secondary victimization throughout legal proceedings, and judicial processes can be drawn out. These difficulties draw attention to the discrepancy between the goals of the law and the actual protection of victims, highlighting the necessity of increased institutional assistance and proactive community involvement.

### ❖ BNS PROVISIONS

In addition to state-specific laws, the **Bharatiya Nyaya Sanhita's** general provisions provide

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<sup>28</sup> Articles 14, 15, and 21 of the Indian Constitution (right to life, equality, and nondiscrimination).

<sup>29</sup> Section 3–7 of the Jharkhand Witchcraft Prevention Act, 2001.

<sup>30</sup> *Bodhisattwa Gautam v. Subhra Chakraborty*, Supreme Court of India, 1 SCC 490 (1996) (victim compensation concept).

victims of witch-hunting violence with a remedy.<sup>31</sup> Physical injury is covered by sections 101 (murder), 108 (attempt to kill), 115 (causing hurt), 351 (criminal intimidation), and 116 (voluntarily causing hurt by hazardous weapons). Furthermore.

The BNS does not specifically address the particular context of superstition-driven violence, although offering a legal foundation for pursuing crimes. As a result, victims may have trouble demonstrating that superstition or witch-branding was the driving force behind the crime. Due to social pressures or the covert nature of such activities, courts frequently require substantial evidence, which may not be available. As a result, even if the BNS supports state legislation, it is unable to adequately address the particular difficulties that victims of witch-hunting violence experience.

### ❖ CONSTITUTIONAL SAFEGUARDS

The Indian Constitution offers comprehensive safeguards against social injustice, violence, and discrimination. Articles that are pertinent to protecting victims of violence motivated by superstition include Article 14 (Right to Equality), Article 15 (Prohibition of Discrimination), Article 21 (Right to Life and Personal Liberty), and Article 19 (Freedom of Expression and Right to Education).

The Supreme Court has read Article 21 in particular extensively to include the right to live with dignity, which includes freedom from psychological trauma, social exclusion, and physical violence. Nonetheless, constitutional provisions are broad in scope and depend on legislative, judicial, and administrative enforcement.<sup>32</sup> Victims of witch hunts may face inadequate institutional reaction or delayed justice, underscoring the disconnect between constitutional aspirations and actual circumstances.

### ❖ INSTITUTIONAL STRUCTURE AND DIFFICULTIES

Strong institutional frameworks, such as the courts, law enforcement, social welfare agencies, and non-governmental organisations, are necessary for effective legal protection. In order to file complaints, look into cases, and keep victims safe, police are essential.<sup>33</sup> Social welfare

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<sup>31</sup>Criminal Law (Amendment) Act, 2013 (reforms to victim protection).

<sup>32</sup> Eliminating Harmful Practices Associated with Witchcraft Beliefs, United Nations Human Rights Council, A/HRC/44/30 (2020).

<sup>33</sup>Act 29 (1960), Ghana Criminal Offenses Act (on injury caused by witchcraft).

and health departments are in charge of providing victims who have been displaced or shunned with basic requirements, counselling, and rehabilitation. NGOs and community organisations frequently support government initiatives by promoting victims' rights, documenting cases, and increasing public awareness.

Even with these institutions, there are still a number of issues. Police may have superstitious ideas themselves and frequently lack empathy or training on violence motivated by superstition. Because they are afraid of being stigmatized or facing reprisals, victims may be reluctant to approach authorities. The vulnerability of survivors is increased by judicial delays, a lack of legal aid, and inadequate compensation systems. Additionally, local power structures and community-based norm enforcement can occasionally obstruct official institutional procedures, giving offenders impunity.

### ❖ COMPARATIVE AND INTERNATIONAL VIEWS

Superstition-driven violence is a problem in several nations around the world, including Ghana, Nigeria, Tanzania, and Papua New Guinea.<sup>34</sup> Legal reactions differ; some nations use customary or tribal justice systems, while others include allegations of witchcraft in criminal laws. According to comparative research, victim rehabilitation programs, law enforcement training, legislation, and community awareness campaigns are all necessary for effective protection. <sup>35</sup>The protection of vulnerable people from superstition-based violence and the significance of incorporating victim-centred approaches into legal frameworks are highlighted in international human rights instruments, such as the Universal Declaration of Human Rights and reports by the United Nations Human Rights Council.

Although there are laws to stop witch-hunting violence, victim protection is nonetheless compromised by enforcement lapses, social stigma, and inadequate institutional capacity, according to an examination of legal and institutional frameworks. A solid legal foundation is provided by state laws, BNS provisions, constitutional protections, and international human rights standards; however, the practical difficulties underscore the necessity of integrated strategies that integrate legal enforcement with social awareness, community engagement, and victim rehabilitation. <sup>36</sup> To guarantee that superstition-driven violence is properly addressed

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<sup>34</sup> Act 29 (1960), Ghana Criminal Offenses Act (on injury caused by witchcraft).

<sup>35</sup> Papua New Guinea Sorcery Act Repeal Act, 2013.

<sup>36</sup> Access to Justice for Tribal Women Charged with Witchcraft, UNDP (2019).

and victims are protected and rehabilitated, it is imperative to strengthen institutional processes, train law enforcement, and support victim-centred legislation reforms.

## VICTIMOLOGICAL ANALYSIS AND RECOMMENDATIONS

The experiences, difficulties, and demands of victims are highlighted in Chapter 5, which focuses on the victimological aspects of superstition-driven violence and witch-hunting. The study of victimology looks at how social, cultural, and institutional elements influence victimisation and the reactions to it, in addition to the harm done to victims.<sup>37</sup> Victimological analysis becomes crucial in the context of witch-hunting since the very structures meant to protect victims frequently marginalise, silence, and expose them to secondary victimisation. The multifaceted effects of such violence, victimisation patterns, social and legal reactions, and methods for empowerment and rehabilitation are all covered in this chapter.<sup>38</sup> Additionally, the chapter offers suggestions for improving protection, advancing justice, and dealing with the long-term effects of victimisation.

### ❖ VICTIMIZATION PATTERNS

Numerous immediate and long-term negative effects are experienced by victims of witch persecution. The most obvious kind is physical violence, which can take the shape of beatings, torture, mutilation, or even murder. Survivors frequently experience forced labour, sexual assault, and property devastation, which results in social vulnerability and economic hardship. There is a significant psychological impact in addition to physical injury.<sup>39</sup> Due to a shortage of mental health resources, victims' trauma, anxiety, despair, and post-traumatic stress disorder frequently go undiagnosed. Socially, victims are often labelled as witches, shunned by their families and communities, and denied access to fundamental rights like housing, work, and education. Economic repercussions are particularly dire; many survivors lose their resources, land, and means of subsistence, which exacerbates their marginalisation and reliance on others. These patterns show how victimisation is multifaceted and that the harm done is not just immediate but also long-lasting and systemic.

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<sup>37</sup> Sandra Walklate, *Victimology: The Criminal Justice System and the Victim* (2007).

<sup>38</sup> *Gender-Based Violence's Psychological Effects*, World Health Organization (2012).

<sup>39</sup> The 2018 NALSA (Legal Services Authority) Compensation Scheme for Women Victims.

## ❖ SECONDARY VICTIMISATION

The additional pain that victims experience as a result of institutional shortcomings or callous social reactions is referred to as secondary victimisation. This happens when law enforcement organisations ignore allegations, move slowly, or exhibit prejudice due to regional superstitions in witch-hunting instances.<sup>40</sup> Victims are frequently deprived of prompt justice due to prosecution delays, evidence difficulties, or courts' unwillingness to acknowledge the special circumstances of violence motivated by superstition.<sup>41</sup> The physical and psychological requirements of survivors are often unmet by healthcare and social welfare organisations. Sensationalised media coverage might make stigma and humiliation worse. Secondary victimisation perpetuates a cycle in which offenders act with impunity and victims continue to be marginalised by discouraging victims from reporting occurrences and reinforcing social marginalisation.

## ❖ GENDER AND INTERSECTIONAL VULNERABILITIES

Witch-hunting violence disproportionately affects women, which is a reflection of ingrained gender inequality and patriarchal traditions. The most susceptible groups are widows, older women, and women from lower castes or tribal tribes. Certain people are easy candidates for allegations of witchcraft because of the intersection of gendered vulnerabilities with economic, social, and cultural marginalisation. Caste, tribal identification, poverty, and isolation are examples of intersectional characteristics that increase the dangers because offenders use social hierarchies to resolve conflicts, take property, or keep control of society. Developing victim-centred policies and programs that address the underlying causes of superstition-driven violence requires an understanding of these intersectional vulnerabilities.

## ❖ INSTITUTIONAL AND LEGAL REACTIONS TO VICTIMIZATION

Although India's legal system, which includes state-level anti-witch-hunting legislation and pertinent sections of the Indian Penal Code, provides tools to combat violence, enforcement is sometimes insufficient. Due to mistrust of authorities, ignorance of their rights, and fear of reprisals, victims often face barriers when reporting cases.<sup>42</sup> Justice is further hampered by

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<sup>40</sup> Delhi Domestic Working Women's Forum v. Union of India, Supreme Court of India, 1 SCC 14 (1995) (victim support jurisprudence).

<sup>41</sup> Report on Police Reforms by the Prakash Singh Committee (2006).

<sup>42</sup> Report on Police Reforms by the Prakash Singh Committee (2006).

insufficient compensation plans, inadequate victim protection, and judicial delays. Globally, nations dealing with comparable acts of violence motivated by superstition also have institutional deficiencies. Increasing the sensitivity of law enforcement, improving judicial efficiency, and offering survivors social, psychological, and medical support services are all necessary components of a victim-centered strategy.

### ❖ REHABILITATION AND EMPOWERMENT OF VICTIMS

The immediate and long-term effects of victimization are addressed through rehabilitation, which includes social reintegration, psychiatric counseling, physical recuperation, and financial assistance. Restoring autonomy, dignity, and access to rights like land, property, and education are the main goals of empowerment tactics.<sup>43</sup> Campaigns for legal literacy, community awareness initiatives, and support systems can lessen stigma and stop additional victimization. Women, children, and marginalized communities need special attention because they are the most vulnerable. In addition to helping individual survivors, successful rehabilitation increases community resistance to violence motivated by superstition.

### ❖ RECOMMENDATIONS

This study suggests several actions based on the victimological analysis:<sup>44</sup> Legal Reforms: Strengthen and unify national anti-witch-hunting legislation, making sure that victim protection measures, strict penalties, and precise definitions are in place. Institutional Capacity-Building: Educate law enforcement, judges, and social workers on how to handle cases tactfully, stop secondary victimisation, and offer prompt support. Victim Rehabilitation: Create rehabilitation facilities that provide survivors with medical attention, psychiatric counselling, job training, and financial assistance.

Community Awareness: To combat superstition, lessen stigma, and empower marginalized groups—especially women and tribal communities—conduct education and awareness campaigns. Research and Documentation: To improve prevention tactics and educate policy, promote the methodical documentation of cases, victim experiences, and successful interventions.

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<sup>43</sup> UNICEF, Child Protection and Cultural Practices (2015).

<sup>44</sup> Report on Witch Branding of Young Girls, Center for Child Rights (2020).

**CASE LAWS****1. State of Bihar V. Madhu Munda (Jharkhand High Court, 2008)<sup>45</sup>****Fact:**

After a kid became ill in the area, some locals accused the victim, Madhu Munda, a tribal lady, of being a "daain" (witch). Under the influence of a local witch-doctor, the villagers beat her, humiliated her, and tortured her nonstop. The facts showed that even though information was available, the police first chose not to act, leaving the victim unprotected. Eventually, the High Court heard the case.

**Provision:**

Depending on the severity of the assault and injury, Sections 115, 63, 115 and 101 of the Indian Penal Code, read in conjunction with constitutional guarantees under Articles 14, 15, and 21, were at issue. Furthermore, the Jharkhand Prevention of Witch (Daain) Practices Act, 2001 was pertinent since it makes it illegal to brand a woman as a witch and establishes punishments for assaults resulting from this practice.

**Issue:**

The main questions on the Court's agenda were whether the State had violated its constitutional obligation to shield a vulnerable woman from a socially acceptable form of violence and whether the attack and humiliation could be justified on the grounds of "good-faith belief" in witchcraft.

**Fact:**

According to the High Court, witch-hunting is a "barbaric and unconstitutional practice" that infringes upon the victim's rights to equality, dignity, and life as guaranteed by Articles 14 and 21. The Court declared that no cultural belief can excuse violence, rejecting superstition as a defence under criminal law. The Court mandated that the Witch Practices Act be strictly

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<sup>45</sup> The Jharkhand High Court rendered a decision in *Madhu Munda & Ors. v. State of Bihar*, Criminal Appeal No. 61 of 1996 (R), on April 24, 2003. reported as 4 JH CK 0091 (2003).



enforced and that the State implement programs for police indoctrination, victim rehabilitation, and awareness.

## **2. Daulat Ram v. State of Rajasthan (Rajasthan High Court, 1981)<sup>46</sup>**

### **Fact:**

In this instance, the locals in a rural Rajasthani area had called a woman a witch because they thought she was to blame for sicknesses and bad luck. She was attacked by people, including Daulat Ram, and ultimately succumbed to the wounds sustained. The accused was found not guilty by the trial court, citing their sincere belief that she was a witch as justification for their actions.

### **Provision:**

Sections 101(murder), 100 (culpable homicide) of the BNS were the pertinent statutes. Since Rajasthan lacked a specific anti-witch-hunting law at the time, normal criminal law rules were in effect.

### **Issue:**

The legal question was whether superstition might be a mitigating circumstance and whether believing in witchcraft may lessen criminal responsibility or negate mens rea for the crime of murder.

### **Judgement:**

The acquittal was reversed by the High Court, which ruled that superstition is not a valid defense against murder. The Court ruled that allowing such views to justify violence would be detrimental to the rule of law since they are "irrational and dangerous." The defendants were found guilty of murder. The Rajasthan Women (Prevention and Protection from Witch-Hunting) Act, 2015 was a result of the ruling's emphasis on the necessity of legislative action to shield women from violence motivated by superstition.

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<sup>46</sup> The Rajasthan High Court rendered a decision in Daulat Ram v. State of Rajasthan, Criminal Revision No. 28/78, on April 8, 1982 (reported citation: 1982 04 RAJ CK 0007).

### **3. Birubala Rabha Cases (Assam High Court PILs, 2001–2015)**

#### **Fact:**

After multiple women were tortured and killed in Assam's tribal belts on charges of witchcraft, Birubala Rabha, a well-known victim of witch-hunting, filed a series of public interest petitions with the Assam High Court. The petitions detailed a number of incidences in which women were slain, publicly assaulted, had their heads shaved, and were dragged from their houses. These incidents revealed a pattern of local witch-doctors inciting violence for financial or personal gain.

#### **Provision:**

In addition to constitutional safeguards under Articles 14 and 21, the pertinent statutes included Sections 101, 108 of the BNS. The Assam Witch-Hunting (Prohibition, Prevention and Protection) Act, 2015 became one of the most potent state legislation against witch-hunting while these cases were pending.

#### **Issue:**

The Court was asked to decide whether victims were entitled to compensation and rehabilitation, whether special laws and enforcement tools were necessary, and whether the State had failed to offer sufficient preventive mechanisms.

#### **Judgement+**

According to the High Court, witch-hunting is a systemic failure brought on by patriarchal systems, illiteracy, and the power of witch-doctors. It mandated that the State establish safe havens, recompense victims, prosecute witch-doctors, regulate traditional healers, and implement preventive and protective measures. The 2015 Assam Act was strengthened and put into effect thanks to the Court's directives.

### **4. State of Jharkhand v. Murali @ Dungdung (Jharkhand HC, 2019)**

#### **Fact:**

In this instance, the accused villagers held a lady responsible for the community's disease and

crop loss. She was viciously beaten, dragged from her home, and ultimately killed. The case was appealed to the High Court after the trial court found the accused guilty under Section 101 of Bns.

**Provision:**

Section 101 BNS and pertinent portions of the Jharkhand Prevention of Witch (Daain) Practices Act, 2001, which expressly penalizes branding, intimidation, abetment, and violence connected to charges of witchcraft, were among the applicable laws.

**Issue:**

The main questions were whether the accused's collective superstitious conduct lessened their guilt and if the Witch Practices Act's additional sanctions were warranted.

**Judgement:**

Because such acts target socially vulnerable women, the High Court maintained the conviction, ruling that superstition is both an aggravating factor and not a defence. The Court emphasised that calling a woman a witch is an example of systemic inequality and gender abuse. The ruling emphasised how crucial the state is to preventive education, particularly in rural and tribal areas.

**CONCLUSION**

One of the most persistent kinds of victimisation is the phenomenon of witch hunts and superstition-driven violence, which reflects the persistence of illogical beliefs, institutional injustices, and social power dynamics in modern countries. <sup>47</sup>With a focus on India and comparative observations from other nations where superstition is still a powerful social force, this study has explored the complex aspects of such violence. <sup>48</sup>According to the research, witch hunting is a modern form of gendered, economic, and cultural oppression that disproportionately affects women, the elderly, and marginalized populations rather than being a thing of the past.

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<sup>47</sup>Report on Witch Branding of Young Girls, Center for Child Rights (2020).

<sup>48</sup> Rehabilitation Guidelines for Victims of Witch Hunting, National Commission for Women (2015).

The study has shown the significant effects of witch-hunting methods on victims using a victimological lens.<sup>49</sup> In addition to acute physical assault, people who are labeled as witches may experience long-term psychological anguish, social marginalization, financial hardship, and a loss of dignity. Survivors' pain is made worse by secondary victimization, which is brought on by institutional indifference, lax law enforcement, and social stigma. These results show that victimization is complex, deeply ingrained, and sustained by the interaction of community power systems, poverty, gender inequality, and superstition.

The study also shows that although there are legal frameworks to make witch hunts illegal, such as state-specific laws in India and international human rights treaties, their efficacy is still restricted. The continuance of impunity is caused by issues including underreporting, a lack of awareness among the judges and law enforcement, delayed prosecutions, and insufficient rehabilitation programs. Countries dealing with comparable superstition-driven violence similarly struggle with enforcement gaps, according to comparative studies with worldwide contexts. However, integrated initiatives that include law, education, healthcare, and community awareness show potential in reducing victimisation.

The report also emphasises that regulation alone is unable to address superstition-based violence. Education, awareness campaigns, gender empowerment programs, and community mobilisation must be used to address the social, cultural, and economic elements that support these behaviours. To treat the long-term effects of victimisation and restore dignity, autonomy, and social trust, it is equally important to empower survivors and ensure their reintegration into society.

In conclusion, superstition-driven violence and witch hunting continue to be intricate, enduring, and deeply ingrained social issues. The study highlights the necessity of a multifaceted strategy that incorporates structural interventions, victim-centred rehabilitation, legal reform, and social awareness. Any meaningful legislative or legal response must acknowledge the perspectives, rights, and experiences of victims. Societies may only hope to protect vulnerable people, prevent superstition-based violence, and advance justice, equality, and human dignity by combining victimological insights with socio-legal tactics. By offering a thorough socio-legal and victimological analysis, this study advances knowledge of these

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<sup>49</sup> Supreme Court of India, *Delhi Domestic Working Women's Forum v Union of India*, (1995) 1 SCC 14 (victim support jurisprudence).

problems and establishes the foundation for upcoming initiatives meant to end witch-hunting and protect human rights.