



THE TREACHEROUS CLAWS OF SUPERSTITION: ANALYSIS OF PRACTICE OF WITCH HUNTING IN INDIA AND ITS CONTEMPORARIES

By Prerna Dhingra

From Vivekananda Institute of Professional Studies (VIPS)

Abstract

While one may get rid of the treacherous claws of a tiger for once, but the treacherous claws of superstitions in society are difficult to get rid of!

This is because the manacles of superstitions do not grab one physically but rather chains an individual's mind and thought- process that tends to cripple his/her rationality.

One such forms of gender violence that has crippled generations is called "witch-hunting". In essence, it refers to a practice where women (particularly) are perceived as individuals causing detrimental influences using witchcraft or other similar wicked practices and they are branded by Ojhas (tantriks/doctors) and community people who not just shun them but also banish, rape, make them parade naked, bald and thrash them, et cetera and the terminology with which they are name- called or verbally abused are- "witch", "dayan", beta khauki (son- eater), kheldi (characterless), bhootni, etc., thereby including different kinds of abuse and violence- physical and verbal¹ prima facie ,and intricately examining this phenomena, causing emotional, psychological and mental abuse on such women victims.

¹ Nidhi Bajaj, "Atrocious Witch Hunting Attacks in India: Need for Central Legislation"; available at:

This research article dealt henceforth analyzes one of the treacherous claws of superstition called "witch hunting" in India and its contemporaries; the history of such practice and its prevalence in the "modern" 21st century.

KEY WORDS: witch hunting, superstition, gender- violence, history, India & other countries, judicial pronouncements, courts

RESEARCH OBJECTIVES

- To analyze the practice of witch- hunting in India and its contemporaries whilst looking at its historical perspective.
- To facilitate a narration of facts, statistics and judicial pronouncements that suggests the practice of witch- hunting being practiced across various states in India.
- To analyze various national and state instruments in India that seeks to prevent and/ or prohibit the practice of witch- hunting.
- To differentiate the archaic form of witch- hunting with the modern practice of witch- hunting.
- To conclusively suggest the possible measures to get rid of the treacherous claws of the practice of witch- hunting.

HYPOTHESIS

It is hypothesized that the practice of witch- hunting is rooted deep in the psyche of men. It continues in different parts of India despite the state legislations that seek to get rid of such practice and indirectly, legislations at national level seek to prevent the consequences of such practice, even though there is no specific legislation at the national level to curb the practice of witch- hunting in India.

<https://blog.ipleaders.in/witch-hunting-attacks-in-india/> (Last visited on January 14, 2021)



RESEARCH QUESTIONS

- Is the practice of witch- hunting a form of gender violence targeted specifically against women?
- Is the practice of witch- hunting peculiar to India or, is/ was rampant in countries across the globe?
- Are there legislative provisions and/or judicial pronouncements that seek to prevent the practice of witch- hunting in India?

RESEARCH METHODOLOGY

The following research is the consequence of collecting, examining and incorporating various reliable sources of information available in open- access research materials online. It is based on secondary data which is solicitously examined in terms of the theme of the manuscript, i.e, “The Treacherous Claws of Superstition: Analysis of Practice of Witch- Hunting in India and Its Contemporaries”. The research is based on qualitative and quantitative methods of content and thematic analysis.

INTRODUCTION

At the onset, it is crucial to note that human beings have never segregated their souls from divinity or magic of some sort; for instance, to establish authority over the subjects, the kings claimed to have derived their authority from God; the kings were, for a very long time portrayed in paintings with halos signifying their divinity. Beliefs and faith system in some supernatural authority is definitely not a new phenomenon. Even for that matter, the pre- classical school of

criminology is laid on similar track that there is some kind of spirit that is omnipotent. A track can, thus be laid for belief in magic and using it to influence one’s life, career or love life and thus, the idea of women being termed as ‘witches’ continues to play a dominant role in not just the society but in an individual’s mind.

In sociological and anthropological terms, a witch is regarded as someone who brings misfortune or cast spell/influence on an individual or group either within or outside the community². As afore discussed, it refers to a practice where women (particularly) are perceived as individuals causing detrimental influences using witchcraft or other similar wicked practices and they are branded by Ojhas (tantriks/doctors) and community people who not just shun them but also banish, rape, make them parade naked, bald and thrash them, et cetera and the terminology with which they are name-called or verbally abused are- “witch”, “dayan”, beta khauki (son- eater), kheldi (characterless), bhootni, etc.

One of the definitions of “witch- hunt” is- *an attempt to find and punish people whose opinions are unpopular and who are said to be a danger to society*³. Thereby, it is a more decent than derogatory approach to define such a practice.

The latter definition of “witch- hunting” or “witch- hunt” has taken a new road altogether and tends to create a farrago in our minds.

² Brishti Banerjee, “Witch Beliefs and Violence Against Women Among Tribal Communities in The State of West Bengal” (2017) (Doctoral dissertation, Tata Institute of Social Sciences).; available at: https://www.researchgate.net/publication/318653799_Witch_Beliefs_and_Violence_Against_Women_A

mong Tribal_Communities_in_West_Bengal (Last visited on January 14, 2021)

³ <https://dictionary.cambridge.org/dictionary/english/witch-hunt> (Last visited on January 14, 2021)



The act of defining “witch- hunting” in two different senses is not floccinaucinihilipification but rather the two must be viewed as complementary parts to one another. In simple terms, implying women deviants and being labeled as ‘witches’ for not following the norms of society.

Another crucial aspect is that of violence which comes with such labeling. Women who are labeled as “witches” suffer some/all forms of abuse- verbal, physical, mental, emotional, psychological and even sexual. This practice shows the not- so- good and rather dark side of our society.

HISTORICAL OVERVIEW OF WITCH-HUNTING IN INDIA AND ITS CONTEMPORARIES

The number of witch hunts estimated by National Crime Records Bureau (NCRB) in India is a sheer underestimation of murders that take place in the name of witch- hunting. While scientific developments are gaining momentum with each passing decade in India and world at large, the bitter reality that stands at the corner with its hands folded and heads bowed in shame is portrayed by figures of NCRB with 8 states in India recording over 100 murders for witchcraft between 1999 and 2015⁴, namely:

Jharkhand- 496
Andhra Pradesh- 458
Odisha- 441

Madhya Pradesh- 268
Haryana- 211
Maharashtra- 153
Chhattisgarh- 152
Bihar- 122

The above figures are perturbing to make sense of the kind of mentality that has chained human minds. Astonishingly, more than 2500 people in India have been tortured and killed in these hunts between 2000 & 2016.

Missionaries and colonial administrators were the ones during the colonial period who tried to document and investigate issues related to witch hunting and witchcraft with the intent of controlling and governing the subjugated people in colonial India's territorial domain. We then get pieces of details from around the war of 1857 (what the British called the 'Great Mutiny' and the First War of Independence' was called by the Indians). This war has been examined by historians in great detail. It has however, received less attention as Chotanagpur's 'first mass witch-hunt among tribal communities' (Sinha, 2007, pp. 1672).⁵ Among the historicity debates, Nathan et al. (1998) presented the study of the evolution of witchcraft from an even more remote time frame, presenting it as an outcome of gender conflict that led to the labeling of women as witches and 'keeper of demons' by contextualizing the struggle prevalent among the Santhals and Mundas of Jharkhand in

⁴ “Witch Hunting in India”; available at: <https://www.arcgis.com/apps/Cascade/index.html?appid=44f8a8cc132b4b76b8aedb8672580edf> (Last visited on January 14, 2021)

⁵ Alam, Shamsheer, and Aditya Raj, "The Academic Journey of Witchcraft Studies in India" *Man in India* 97 (2017): 123-138; available at:

https://www.iitp.ac.in/images/faculty_profile/human/Aditya/Aditya%20&%20Shamsheer.pdf ; also available at SSRN Papers: <https://ssrn.com/abstract=3108724> (Last visited on January 14, 2021)



India; concentrating on witchcraft, the authors considered witch hunting among the Mundas and Santhals, as an attempt by men to alter the existing order of female dominance in social relationships, gender relationships, religious rites, symbols, marriage, inheritance structure, economic rights, sexuality, behavioral norms, recognized forms of social excellence, access to knowledge and other spheres of social behavior⁶. Echoing in the same line with Joshi et al. (2006), Konwar and Swargiari (2015) through their study conducted on the Napaam, Badagaon and Daifangkuthi villages of Assam, India - iterated that the people of Assam also have the deep rooted faith in witchcraft.⁷

In the states of Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Uttar Pradesh and West Bengal, witchcraft has been prominent, especially in the sense of human rights abuses, including witch hunting and witch trials.⁸

However, India is not a peculiar nation where such practice can be witnessed. In England, King James I of England supported witch hunts which led to the trial of 'The Pendle Witches' in early 1600s. In Europe, 'Trier Witch Trials' were the largest witch trials in European history with over 368 people being executed. In America, 'The Salem Witch Trials' that took place in the Salem village of Massachusetts in 1690 marked the beginning of this practice in America. Many executions took place during this trial.

NATIONAL & STATE INSTRUMENTS ON PREVENTION OF THE GRAVE

⁶ Ibid.

⁷ Ibid.

PRACTICE OF WITCH- HUNT IN INDIA

Prima facie, it is crucial to note that there is no central legislation per se that categorically prohibits the practice of witch- hunting in India. Thus, the analysis of national instruments on prevention of such practice is incidental and evident from the Constitution of India and other legislations at both national and state level, as certain states in India have carved a roadmap in the prevention and/ or prohibition of the practice of witch- hunting. The first and the foremost in this regard is our grund norm, the Constitution of India which provides for Right to Equality and equal protection of laws (Article 14), Prohibition of discrimination in all its forms (Article 15) , Right to life and personal liberty except according to procedure established by law (Article 21), etc.

Other legislations at national level that indirectly act as a prohibition and prevention of the practice of witch- hunting are:

- ☞ Indian Penal Code, 1860- Section 302 (Murder), Section 299 (Culpable homicide), Section 354 (Assault or criminal force to woman with intent to outrage her modesty), Section 375 (Rape): A woman who is a target of witch- hunt may be subject to various forms of violence and if any of such acts which are described as offence under the IPC, then accordingly the punishment is given, according to the nature and gravity of offence committed as defined and made punitive under the Code.
- ☞ Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954
- ☞ Protection of Human Rights Act, 1993

⁸ Ibid.



- ☞ Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As aforementioned, numerous states in India have enacted specific legislations, for instance, The Maharashtra (Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori practices and black magic) Act, 2013; The Prevention of Witch (Daain) Practices Act, 1999 in Bihar; The Prevention of Witch (Daain) Practices Act, 2001 in Jharkhand; The Assam Witch Hunting (Prohibition, Prevention and Protection Act) 2015, etc.

JUDICIAL PRONOUNCEMENTS' CRITICAL ANALYSIS

- ☞ **Jharkhand High Court:**

Tula Devi & Ors. v/s State of Jharkhand⁹- There were 10 people who used to call and address a woman as “Dayan” for 2 years. One day, they entered the house of the complainant- woman who they name- called as “Dayan” armed with sticks and, abused and assaulted her and her husband who was trying to rescue her; the woman suffered mental agony along with physical injuries. However, the case of the complainant-woman was dismissed on the ground of lack of eye witness. Thus, lack of evidence to prove the case and the absence of central legislation that prevents and prohibits such practice, this matter easily escaped the eyes of law.

Madhu Munda v/s State of Bihar¹⁰- The delay in reporting the incident is another factor for the lack of evidence (in this case, resulting in discrepancies in the account of the witnesses). Very few cases are recorded because of the geographical reason and social

strain, and that is after a long gap, so it renders the witness evidence unreliable, which was a reason for not convicting the accused in this case.

- ☞ **Calcutta High Court:**

State of West Bengal v/s Kali Singh & Ors¹¹- The relevant portion of the Court’s observation in this particular case is as follows:

“The brutality and diabolical nature of the murder of innocent infirm women or children without any apparent motive is an instance where a court would lean towards sending such a message and impose a sentence harsh enough to deter potential wrongdoers. The challenge is balancing the message of deterrence which the court intends to send out in such cases on the one hand and an assessment whether the deterrence would shut out the possibility of reform and enlightenment on the other. Lack of development or illiteracy can be seen as mitigating factors deserving of a lesser punishment when the development indices of particular areas fall below the mark in real terms. The perception that a belief in black magic stems from ignorance and superstition pre-supposes that the particular community in question falls within a deprived socio-economic bracket. This is not true in all cases. Reports show that the most commonly identified causes of deep-set prejudices against women, poor development patterns, rivalries within and outside families may not be the only triggers behind the crime. The mindset of witch hunters has been found to permeate through class barriers even where women have more resources at their disposal

⁹ 2006 (3) JCR 222

¹⁰ 2003 (3) JCR 156

¹¹ Judgment pronounced on 4 October, 2018



and a greater degree of autonomy in their personal spheres.

The other question is whether the perpetrators are in a way victims themselves. Crimes such as this are a reflection of the failure of the State to harness its resources in ensuring that education pierces the darkness of superstition in the farthest corners of the State. Women being branded and executed as witches or being made to suffer various degrees of dehumanization is the darkest blot on a State's manifesto to prosperity. Despite two decades after the millennium, there are large pockets of complete depravity brought about by lack of socio-economic opportunities which the nation as a whole has failed to address."

MODERN PRACTICE OF WITCH-HUNTING

The practice of witch-hunting has not met its dead-end but instead, it has carved out a different route for itself and the worst part is that not just the uneducated lot but, even the educated lot has also fallen prey to this practice. Thereby, characterizing it as the practice of "modern witch-hunt".

The late actor, Sushant Singh Rajput's case is a testimony to this practice. Actress Rhea Chakraborty was labelled as "witch"/ "daayan" and there were other derogatory terms used for her.¹² She was being shamed publicly and became a subject of national hate even before the court pronounced its judgment in the Sushant Singh Rajput's case.

¹² Shivangi Deshwal & Sumati Thusoo "Reading Rhea Chakraborty's public vilification as a modern-day witch hunt: Actress' harassment has historic roots"; available at: <https://www.firstpost.com/art-and-culture/reading-rhea-chakrabortys-public-vilification->

The "media trial" as is called, added to her ordeals.

ANALYSIS, CONCLUSION AND SUGGESTIONS

As a matter of fact, media plays a key role in generating awareness and sensitization of the events happening across the globe. This is precisely the reason of it being called the 4th pillar of democracy that ensures that the Constitutionally- guaranteed freedoms like freedom of speech and expression¹³ are kept intact and not tampered with. However, media is being frowned upon at times when it engages more in sensationalization rather than sensitization.

Therefore, the practice of witch-hunting still manacles the psyche of humans. While the dark shades of the practice of witch-hunting are absorbed by state legislations and indirectly, some central laws but the shadows continue to haunt in both archaic form (in some parts of India as the NCRB statistics show¹⁴) and modern-form.

Thus, there must be a separate central legislation that prohibits such practice by penalizing those who engage in any of its form. Moreover, media must also play an active role in bringing forth the perpetrators of such crime so that a deterrent effect can be caused and the practice of witch-hunting is done away with.

as-a-modern-day-witch-hunt-actress-harassment-has-historic-roots-8770681.html (Last visited on January 14, 2021)

¹³ The Constitution of India, Art. 19 (1)(a)

¹⁴ Supra note 4