

WITCHCRAFT IN INDIA: A GLORIFIED SHAME

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The blue sheet over the Earth was turning black. The wind whistled through the trees. The sea was silent and drops were deafening. “Her long coal black hair fell over her red eyes growling with anger. The shadow of dark was attached to her toes. She hid murder in her eyes”, “tell these words to the villagers and they will then attack her in the name of witch”, said the unseen mouth in darkness of torch light.

The next morning, the branded witch was dragged by her hair out of the house to the open village area. Was she an attacker? Or was she a victim? Filled in dust, she screamed and shouted but no one heard. People started to scorch her house, she saw her home fuming. She begged with her hands dripping blood. She was her last hope. People were bursting with aggression outside and fear inside, mothers hid their children and chants started to echo. She was tied to a pole, an ojha came. He blackened her face, performed his actions and burned the ‘witch’ alive.

A body burnt, a soul died.

SUMMARY

‘Witch hunting’ involves the branding of women as witches, mostly after an ‘ojha’ or witch doctor confirms that a woman is a witch. A woman who is branded a witch is then subjected to numerous forms of torture. India has no national laws to prevent such menace. The state laws have not succeeded to cope up with such social peril. If such social taboos and dogmas are to be dealt in an efficient manner, then the penal laws are to be made stricter.

The Prevention of Witch (Daain) Practices Act 1999 was enacted in Bihar and adopted subsequently by Jharkhand as the Prevention of Witch-hunting (Dayan Pratha) Act 2001 and by Chhattisgarh as the Tonahi Pratadna Nivaran Act 2005 (also called the Witchcraft Atrocities Prevention Act 2005). Subsequently several other states have enacted or are in the process of debating similar laws.

If all the other states can accept the prevalence of such menace and can make laws, why cannot the state of Rajasthan. The hon'ble Court was on the verge tagging the state of Rajasthan not only slow in taking such measures but also backward and ineffective in bringing out appropriate legislation and taking steps on atrocities committed on women.

A positive attitude and positive impact resulted in positive outcome. The Rajasthan Prevention of Witch Hunting act 2015 was passed.

Witch hunting is essentially the legacy of atrocities against women. The branding of women as witch or devil or *dayaan* and then physically and mentally torturing them has been a practice in number of states in the largest democracy of the world. It is a paradox that an unbelievable phenomenon like witch-hunting still prevails in our society. Anything against women gets punished, patriarchy gets rewarded.

The rationalization of events, good or bad, are been done on superstitions. As per the Times of India, a National Crime Records Bureau report revealed that more than 1,700 women were murdered for witchcraft between 1991 and 2010¹. The numbers are, undeniably, higher as many cases go unreported or authorities refuse to register the cases. Surely the superstitions of witchcraft have plagued many parts of India.

A very thought-provoking word which came up when a girl was asked to define women in one word in India, she said “doormat”. This is a paradox that in our single democracy we have two India running. One wants to get forward while the other wants to get backwards. There are people who love it when they are called backward class and it has highly contrasted the success of India’s

¹ Ryan Shaffer, Modern Witch Hunting and Superstitious Murder in India, Science and Religion, Skeptical Inquirer Volume 38.4, July/August 2014, http://www.csicop.org/si/show/modern_witch_hunting_and_superstitious_murder_in_india, accessed on 23/11/2016

democracy. There is no one easy way to define these acts and there is no easy solution to stop these acts. Indeed, legislation is not a cure for superstition; improving critical thinking is the key.

The practice of witchcraft and witch hunting cannot be given a one interpretation or reason. It has been interpreted by different scholars. Some say it is a gender question or a woman resistance against the growing hegemony of men. For some it is a marginalised clash and some believe it is between the rich and poor, the rural and urban².

A village in Rajasthan which believes in eco-feminism and that girl child is gift of God to this world has achieved some specular results. For the last several years, Piplantri village panchayat has been saving girl children and interestingly the villagers plant 111 trees every time a girl child is born. Rs. 21,000 is collected from the village residents and Rs. 10,000 from the girl's father and this sum of Rs. 31,000 is made into a fixed deposit for the girl, with a maturity period of 20 years. The parents of girl child are made to sign an affidavit promising that they would not marry her off before the legal age, send her to school regularly and take care of the trees planted in her name³.

A four-year-old was sacrificed to find a teen's missing cell phone in Charaideo district of upper Assam by a Black Witch Priest. There was a prayer ritual to retrieve her mobile phone in which the *tantric* allegedly kidnapped the four-year-old girl, disfigured her and eventually killed her⁴. It is however not possible to understand the actual socio-economic background of the events that happen in Assam or other areas in India, but the ulterior reason can be stated as economic, ownership of property, and professional jealousy⁵

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² Jahnabi Gogoi Nath, Witchcraft and Witch hunting in Assam in Historical Perspective with Reference to the Bodos, [http://dspace.nehu.ac.in/bitstream/1/9360/1/Witchcraft%20\(JG%20Nath\).pdf](http://dspace.nehu.ac.in/bitstream/1/9360/1/Witchcraft%20(JG%20Nath).pdf) accessed on 25/11/2016

³ MAHIM PRATAP SINGH, "A village that plants 111 trees for every girl born in Rajasthan", THE HINDU. April 13, 2013, <http://www.thehindu.com/news/national/other-states/a-village-that-plants-111-trees-for-every-girl-born-in-rajasthan/article4606735.ece> accessed on 25/11/2016

⁴ Travis M. Andrews and Swati Gupta, 'Black witch priest' in India dismembers 4-year-old in sacrifice to find teen's missing cellphone, The Washington Post, November 8 2016, <https://www.washingtonpost.com/news/morning-mix/wp/2016/11/08/black-witch-priest-in-india-dismembers-4-year-old-in-sacrifice-to-find-teens-missing-cellphone/>

⁵ Jahnabi Gogoi Nath, Witchcraft and Witch hunting in Assam in Historical Perspective with Reference to the Bodos, [http://dspace.nehu.ac.in/bitstream/1/9360/1/Witchcraft%20\(JG%20Nath\).pdf](http://dspace.nehu.ac.in/bitstream/1/9360/1/Witchcraft%20(JG%20Nath).pdf) accessed on 25/11/2016

Prevention Act 2005). Subsequently several other states have enacted or are in the process of debating similar laws. In Odisha, pursuant to a public interest litigation based on news reports on witch-hunting, the high court directed the state to take action, leading to the enactment of the Odisha Prevention of Witch-hunting Act, 2013. 'Witch hunting' involves the branding of women as witches, mostly after an 'ojha' or witch doctor confirms that a woman is a witch. A woman who is branded a witch is then subjected to numerous forms of torture: beatings, burns, being paraded naked through the village, being forced to eat human excrement, raped, having wooden or sharp objects inserted in her private parts. In some cases, her hair is cut off, her teeth are pulled out (she is supposedly 'defanged'), in some instances her nose or other body-parts are cut off, she and her children are socially ostracized, her land and property is seized, and sometimes women are even put to death and their limbs hacked off. Witch hunting is widely seen to be used as 'a pretext for suppressing women and gaining personal interest.' The Prevention and Protection of Witch Hunting Bill, 2013 is an Act to provide for more effective measures to prevent and protect the women from witch hunt practices and to eliminate their torture, oppression, humiliation and killing by the society by trial of offences related to witch hunt practices and providing for punishment and, for the relief and rehabilitation of women victim of such offences and for any other matters connected therewith or incidental thereto⁶.

In early 2015, the Rajasthan Prevention of Witch-hunting Act 2015 was passed. Rajasthan, which was earlier contemplating a comprehensive law on atrocities against rural women, opted for a law on witch-hunting alone, treating it as a gender-specific offence⁷.

65-year-old Shanta Devi was branded as witch who lives in a tribal belt about 60 miles outside Udaipur city in the desert state of Rajasthan. A witch doctor advised her relatives to make the branded witch drink goat's blood as a cure to which she refused. The lack of medical facilities near remote villages allows these superstitious beliefs to prevail. Old and young widows are easy targets here. The mixing of old superstitions with modern material desires has proved deadly for these women, as many brandings are now done to disinherit them from family property. Shanta Devi

⁶ Draft of Prevention and Prohibition of Witch Hunting Bill, as drafted by legal team of HRDI, Human Rights Defence International, <http://www.hrdi.in/?p=6449> accessed on 26/11/2016

⁷ Madhu Mehra, Anuja Agrawal, 'Witch-hunting' in India? Do We Need Special Laws?, Economic & Political Weekly, MARCH 26, 2016 vol LI no 13, http://pldindia.org/wp-content/uploads/2013/03/Witch-hunting_in_India.pdf accessed on 24/11/2016

believes that there is no connection between magic and illness and hence is fighting back against the witch-branding. Mrs. Shanta's resistance has also been supported by few fellow villagers and they believe that "there is safety in numbers so women should help women"⁸.

'WITCHCRAFT' MURDERS IN INDIA							
	2008	2009	2010	2011	2012	2013	TOTAL(Avg)
All India	175	174	178	239	119	160	
Jharkhand	52	37	15	36	26	54	220(37)
Haryana	25	30	57	5	0	0	117(19)
Chhattisgarh	15	6	8	17	8	7	61(10)
Madhya Pradesh	17	23	18	15	10	11	94(15)
Odisha	23	28	31	39	32	24	177(29)
Andhra	23	27	26	28	24	15	143(24)
Rajasthan	0	0	2	1	0	1	4(0.6)

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India has no national laws to prevent such menace. The state laws have not succeeded to cope up with such social peril. If such social taboos and dogmas are to be dealt in an efficient manner, then the penal laws are to be made stricter. There must be direct penal laws against the crime of witch-hunting. Rajasthan Prevention of Witch-hunting Act 2015, section 4, provides the punishment for witch hunting which is a minimum imprisonment of one year which can be extended up to 5 years and a minimum of 50,000/- fine or both. The social welfare delivery mechanism and the legal drives to educate the people about their rights, about how inhumane these acts are and how these superstitions have tortured, humiliated and killed women and their status in the society.

⁸ Betwa Sharma, Women Fight Back Against Witch-Branding in Rajasthan, OCTOBER 26, 2012, The New York Times, http://india.blogs.nytimes.com/2012/10/26/women-fight-back-against-witch-branding-in-rajasthan/?_r=0 accessed on 26/11/2016

⁹ Mahim Pratap Singh, Jharkhand tops in witch-hunt murders, Rajasthan ranks low, August 10, 2015, <http://indianexpress.com/article/india/india-others/jharkhand-tops-in-witch-hunt-murders-rajasthan-ranks-low/> accessed on 25/11/2016

The launch of campaigns and public awareness meetings by the help and combined effort of government, administration and voluntary organisations would certainly have a positive effect in curbing these atrocities. There can be special cells only to consider these matters at places where such evil practices are the highest.

It has been rightly said that when you educate a man, you educate a man but when you educate a woman, you educate an entire generation. Educational drives and schools at places where they are required to most to stop these evil practices is the need of the hour. Rationality and scientific approach must be the objective and that this phenomenon is socially, morally and legally wrong.

The success story of The Rajasthan Prevention of Witch Hunting act 2015 revolves around the case of State of Rajasthan vs. Shankar. By judgement dated 3/3/2010, the secretary government of Rajasthan Tribal area development department was directed to submit a detailed report regarding schemes available for promotion of tribes and their implementation. It was not submitted in the directed four weeks.

A report was filed, after the prescribed time, which stated various schemes regarding their upliftment and the prime question involved effective and adequate implementation of schemes. The agendas for the upliftment of tribal people were not visible in the submitted reports and hence the applicants Ashta Sansthan, Adivasi Vikas Manch, Mazdoor Kishan Sansthan and Jangal Jameen Jan Andolan were allowed to intervene this matter.

The observations which were made by the Hon'ble division bench in this judgement dated 3/3/10 was that the superstitions and ill-traditions prevail in our society. Illiteracy and backwardness are high in ratio. Superstitious behaviour are there and are existing in this present case. It is on the part of the governance is to eradicate all these ills. Dailts, aboriginals and other tribes are yet not getting the desired benefit of these schemes and therefore the Real change is yet not allowed.

The Hon'ble division bench, on 23/07/14, specifically pointed out the ill traditions of Dakan, Mautana, Bair existing in the society. Looking further into the matter, the Zila parishad Udaipur, Zila parishad Dungarpur, Zila parishad Banswara, Zila parishad pratapgarh and Zila parishad Sirohi were made a party to the proceedings.

In the order dated 24/9/14 it was stated that the State government completely misconstrued the object of notices issued. The state government did not disclose as to what steps were taken in respect of Mautana. The Hon;ble court stated that Development may have been made educate the tribals who have been left out from the mainstream but that is not sufficient to eradicate the prevailing evil practices. The state must take steps for abolishing these evil practices. therefore, the Hon'ble court advised the state government to make law on the subject and to provide for punishments for encouraging and abetting such crimes.

The Rajasthan women (Prevention and protection from atrocities) bill 2011 was presented but on 11/12/14, the ordinance was allowed to lapse by the Ministry of Home Affairs as the reasons that were given for the same were;

- ❖ CrPC was extensively amended as Criminal Law (Amendment) Act 2013 was passed,
- ❖ There was absence of urgency to introduce the ordinance,
- ❖ The government of Rajasthan did not replied to the present status of the ordinance and its desirability.

And hence the bill is not required.

A very important decision take by the Hon'ble court in this matter and this judgement stating that ***“The evil practice of declaring the woman a witch and killing her is an offense which cannot be tolerated. If effective progress in these matters is not reported, we may consider to declare the state of Rajasthan not only slow in taking such measures but also backward and ineffective in bringing out appropriate legislation and taking steps on atrocities committed on women”*** made the difference.

Finally, after a long-fought battle, The Rajasthan Prevention of Witch Hunting bill, 2015 was passed.