

India's 'witches' Victims of Superstition and Poverty

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ABSTRACT: *Witchcraft charges against women, girls, aged persons or disadvantaged community groups also long been part of the country India's history, resulting in abuse, murder, etc. Witch hunts are consistently documented by the UNHCR, which really is a major breach of human rights. In India, witch hunting activities include abuse and prosecutions all of which have led to either the murder or torture of suspected witches. These offenders are quite often perceived as a threat to the society and, as a result, they are sometimes starving to death, forced out, or violently murdered, often enough in the way of social cleansing by their own relatives. Epidemics, poverty, lack of development and economic crises are among the sources of witch hunts. By costing for in an exorcism or distributing limbs of the killed, the leader including its moral crusade, often an eminent figure in the religion or otherwise recognised as the "witch doctor" could also benefit economic profit. Together with women's rights groups, social justice campaigners have campaigned for more efficient and meaningful efforts. While they have established tougher legislation to punish abuse arising from claims of witchcraft, some organisations seek to reform women's views and orthodox beliefs.*

Keywords: *Witchcraft, Witch Hunting, Violation Of Human Rights, Human Right Activist, Women's Rights Activists.*

INTRODUCTION

India reflects a paradox of modern times. On the one hand, there is a steadily increasing economy and now the largest democracy, believing in prosperity and equal treatment for everyone, and on the other hand, the rest of the people is poor, and people very often resort to mysticism in the world of modern technology to find love, to protect terrible events and then to cure illness. Every year in India, this conventional bizarre practise has led to the death and hundreds of women and children. In India, a person who is raped, tortured, skinned alive or hacked to death is often blamed of being a "Dayan" or "Witch". In India, there are very powerful and important witch hunts who have also brought great brutality, terror and devastation to people's minds. Widows, single older women, but also males or infants, are so often victims of both these ill mind sets. This practise is widespread to varying degrees in various parts of the world and the primary targets of this practise are mainly widows and single women. The accused women have access, psychologically and physically, to severe violence. Women keep quiet in most situations, because most are unable to speak out because of a lack of poverty or education. The consequence is that they must either leave the village, or be subjected to torture, brutality and death at the hands of the villagers, leaving their land and home behind.

MAGNITUDE OF THE PROBLEM IN INDIA

In previous seasons, scandals in rural areas have risen and, sadly, there is no reason to expect they will end in the near future. Some people have had the assumption that superstitions like black magic and witch are important, also in villages. On the one hand, people can take assistance from market focus on issues budgeting, health doctors, or problems related to marital issues. On the other hand, people, especially young women, are accused of witchcraft and are attacked, raped, tortured and killed as well. In order to steal their property and land, it has been recorded that mostly couples or widows are kidnapped. Reportedly, revered witch-doctors from

villages are often charged to mark specific groups as witches, so that they can be executed for their grudges outside repercussions. In curbing these atrocious acts, the current laws are deemed unsuccessful.¹

Haryana, Chhattisgarh, Orissa, West Bengal, Madhya Pradesh, Jharkhand, Rajasthan, Andhra Pradesh, Gujarat, Maharashtra, Assam and Bihar, etc., have been reported in more than 11 states where conspiracies are rampant even today.

Factors responsible for witch hunting in India

There are many reasons behind the naming of women and men as witches, also including land disputes, sickness, death, bad produce or gender gaps, which encourage race baiting cases. Women are often disciplined in many instances for questioning the jurisdiction of the traditional rulers or denying other neighbourhood individuals sexual comments. In some instances, even those who have no evidence of religion are condemned to death, and then in the process of political corruption are killed or ill-treated. It is now used as a justification for abuse, ill-treatment or ethnic cleansing of land.²

Legal framework to prohibit witch hunting in India

- Constitutional Provisions

The State recognizes the protection of life and personal liberties (Article 21), which specifies whereby 'no depriving a person of his or her life and liberty unless in accordance with the procedure laid down by law,' and also provides equal rights (Article 14) that 'no person denied equal protection under the law of constitutional protections of rules inside the territory of the state' (Article 14)" Therefore, that is not just compulsory to protect women, but it is also compulsory to affirm numerous actions which have already been designed to ensure positive exercise of the right..

- Central Legislation

In India, there's also no clear national level law penalising witch hunting. In these cases, however, the Indian Penal Code (IPC) is also used and there must be 'evidence beyond circumstantial evidence' of the offence, although it's an obstacle to obtaining justice. The Indian Penal Code imposes a penalty of up to "one year imprisonment and/or a fine of up to 1,000 rupees for voluntary harm." Section 323 is used to punish the participants of witch-hunts, and this punishment is the same for slapping one person as it is most frequently for torturing and punishing an alleged witch. "In the case including its perpetrator threatening a woman of witchcraft, the Indian Penal Code criminalises murder and imposes a penalty of life lengthy prison sentences, as well as a fine, Section 354 imposes "a punishment of up to two weeks in prison on anyone who assaults or uses criminal force on any woman, seeking to outrage or believing that it is likely that he might insult her privacy. That he would acquire her house. Section 382 "provides a custodial sentence of ten years for anyone who commits theft, who has made preparations for causing death or injury or restraint in order to commit fraud or to retain money confiscated by such embezzlement." Other clauses of the Penal Code that are applicable

¹ Blogscc.online. Com –“Witch Hunting is the worst form of human rights violation

² The Academic Journey of Witchcraft Studies in India

to offences committed against accused witches contribute to arbitrary restraint and confinement of actions that cause serious harm, capture and kidnap, assassination and rape.

If the witch-hunt ends in the death of a person, the suspects are also charged with murder under Section 302 of the Penal Code. Accordingly, it is very normal to file charges there under regulations of the Penal Code under sections 324, 325, and 326 of it's Penal Code relating to the voluntary cause of injury and serious injury and under section 448 relating to residence.³

- State Legislations

In addition to the provisions of section Penal Code, as clearly mentioned below, various states have come up with various laws to fix the issue of witch hunting. Bihar would be the first country in South asia to enact a law in 1999 against witch hunting, which was called the Witch (Daain) Prohibition Practice Act. In order to safeguard women from cruel treatment or to provide victims with legal recourse to violence, Jharkhand adopted the Anti Witchcraft Act in 2001. Sections 3, 4, 5 and 6 of the Act relate to the penalty that would be given if anyone has been identified as a witch.⁴

Judicial approach to the problem of witch hunting in India

The Constitution puts on duty on every organ of the state, including the judiciary, to balance between social order and justice. But the view of Indian courts on witch hunting is relatively limited which has resulted in mixed outcomes. Several cases have indicated the courts willingness to punish those who has killed or injured suspected witches, but in other hand, courts have eliminated and reduced the punishment for those accused of causing harm through witch hunting. In 2005, the Chhattisgarh legislature introduced the Witchcraft Abuses Act, who is set up in favour of "Tonhi" to prevent atrocities against women. In order to resolve the problems of witch hunting in the state, Rajasthan enacted the 2015 Rajasthan Prevention of Witch-hunting Act. For the state of Orissa, the Odisha Prevention of Witch-Hunting Act, 2013 was passed.

In Ashok Laxman Sohoni and Anr. v. State Of Maharashtra⁵, The Supreme Court dismissed the claim of the defendant that "his death conviction should always be overturned on the basis of his presumption that even the victim was really a witch and practised sorcery." The Jharkhand High Court rejected an appeal by defendants whose are convicted of raping an alleged witch and her family in Budhu Munda & Others v. State of Bihar. Similarly, the Court also upheld a conviction in Konde Munda & Others v. State of Bihar, calling the defendant's appeal without merit because the prosecutor was able to prove the argument beyond a reasonable doubt that the defendants murdered a husband and raped his wife because they were assumed to be witches.' In 2005, the Chhattisgarh legislature introduced the Witchcraft Abuses Act, who is set up in favour of "Tonhi" to prevent atrocities against women. In order to resolve the problems of witch hunting in the state, Rajasthan enacted the 2015 Rajasthan Prevention of Witch-hunting Act. For the state of Orissa, the Odisha Prevention of Witch-Hunting Act, 2013 was passed.

CONCLUSION

³ http://www.csicop.org/si/show/modern_witch_hunting_and_superstitious_murder_in_india, visited 19th November 2019

⁴ Contemporary Practices of Witch hunting-a report on Social trend and the interface with law, 2013

⁵ Ashok Laxman Sohoni and Anr. v. State Of Maharashtra, AIR 1977 SC 1319



In order to maintain this social evil, superstition is no longer the only guiding force. But reasons such as the intension of raping a woman without being caught, gaining people's property, personal animosity, etc., that whatever the reason may be, one thing is completely clear that witch-hunting is a violation of the Constitution of India ratified in human rights, such as with the Right to Life and Liberty, Right to equality, right to access law, right to safety against all types of gender bias, right to survival, right to security, right to adequate housing, etc. The law has grossly failed to provide people with justice against these evil practises. Stricter laws and the courts are required to safeguard the rights of individuals that have been victims of all these ill practises.