

# Witch-Hunting: Alive and Kicking

DR. RAKESH K SINGH\*

## Introduction

On August 20, 2010, Kamla Bairwa, a dalit woman, after being dubbed as a 'witch' by fellow villagers, was brutally thrashed by three men and two women at Jhalara village in Tonk district of Rajasthan<sup>1</sup>. They dragged her to a tree and tied with it before thrashing her. In her complaint, lodged at the Uniara police station, Kamla said the village residents, particularly women, call her a witch, humiliate her and also beat her up. She feared that she would be killed by the villagers. A dalit couple (Saheedi Bhuiyan and Samanti Bhuiyan) was killed in Jorapur village in Palamu district of Jharkhand on March 11, 2010. The villagers suspected them of practicing witchcraft. Three people who had their faces covered barged into their hut at night and took the couple away. Their bodies were found about 33 km away from their home.<sup>2</sup>

Witch-hunting is like an infectious disease and is slowly spreading to newer areas and solutions will have to be found to eradicate this evil practice<sup>3</sup>. The practice of witch<sup>4</sup> hunting/ killings is present in a number of states in the country, and these are generally the regions located in central and eastern India. For it generally happens in places where there is almost no economic development, with little or no access to basic education and health care. In this kind of an atmosphere, people tend to develop very strong superstitious beliefs and anything bad that might befall these villagers like bad crop, diseases, sudden and unexplained death of someone in the family, or drying of well tend to be considered the work of some evil 'witch'. Thus begins a witch hunt to locate the person responsible.

## The legacy of violence against women?

Witch-hunting is essentially a legacy of violence against women in our society. For almost invariably, it is women, especially dalit or adivasi women, who are branded as dayans or witches. By punishing those who are seen as vile and wild, oppressors perhaps want to send a not-so-subtle message to women: docility and domesticity gets rewarded, anything else gets punished. The accused women are subjected to

extreme torture both physical and mental. In a majority of cases, the women have to suffer silently as most are unable to reach out for help, given the lack of education and poverty. The result is that they either have to flee the village leaving their house and land behind, or be subjected to humiliation, torture and death at the hands of the villagers.

The helpless 'witches' are hounded and punished by being stripped naked, paraded around the villages, their hair is burnt off or their heads tonsured, their faces blackened, their noses cut off, their teeth pulled out (they are supposedly defanged) so that they can no longer curse, they are whipped, they are branded, sometimes, they are forced to eat human excreta and finally, they are put to death (the victim is hanged, impaled, hacked, lynched or buried alive). Surprisingly, such stomach-churning, toe-curling torture takes place not in dingy, shadowy places, but mostly in vast, open village lands where the cheering crowd can fill a modest stadium. Where these women are left to live, they are considered inauspicious and malevolent, socially ostracized and forced to forego their livelihood. Where they don't end up losing their life, they are made to lose their mental balance.

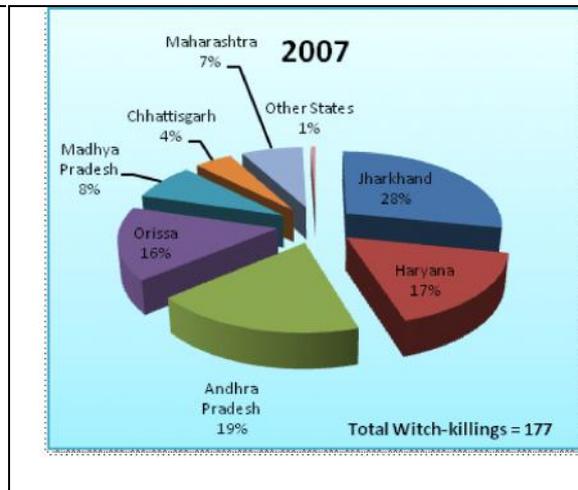
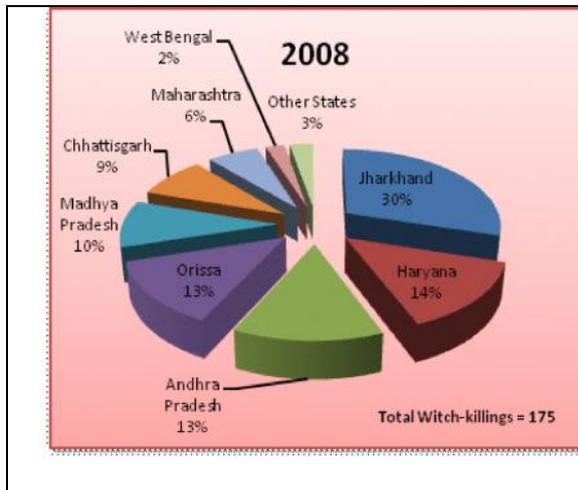
## Macabre statistics

Statistics on witch-hunting crimes compiled by the National Crime Record Bureau (NCRB) are a cause of concern. The NCRB reported that in 2008, 175 cases of witchcraft-related murders were reported from different states of India. Jharkhand had the dubious distinction of reporting 52 witchcraft-related murders, followed by Haryana, where the number was around 25, Andhra Pradesh and Orissa with 23 each, Madhya Pradesh with 17, Chhattisgarh with 15, Maharashtra with 11, West Bengal with 4 and Meghalaya with 3 deaths in 2008<sup>5</sup>. These are mostly conservative and underreported estimates. The real situation must therefore be much worse.

According to a study<sup>6</sup> conducted by Rural Litigation and Entitlement Kendra (RLEK), Dehradun, more than 2,500 women have been killed in India in the past 15 years after being accused of practicing witchcraft. On an average, **as many as 200 women get lynched under witch-craft related crimes.**

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\* Research Fellow, Indian Social Institute, New Delhi



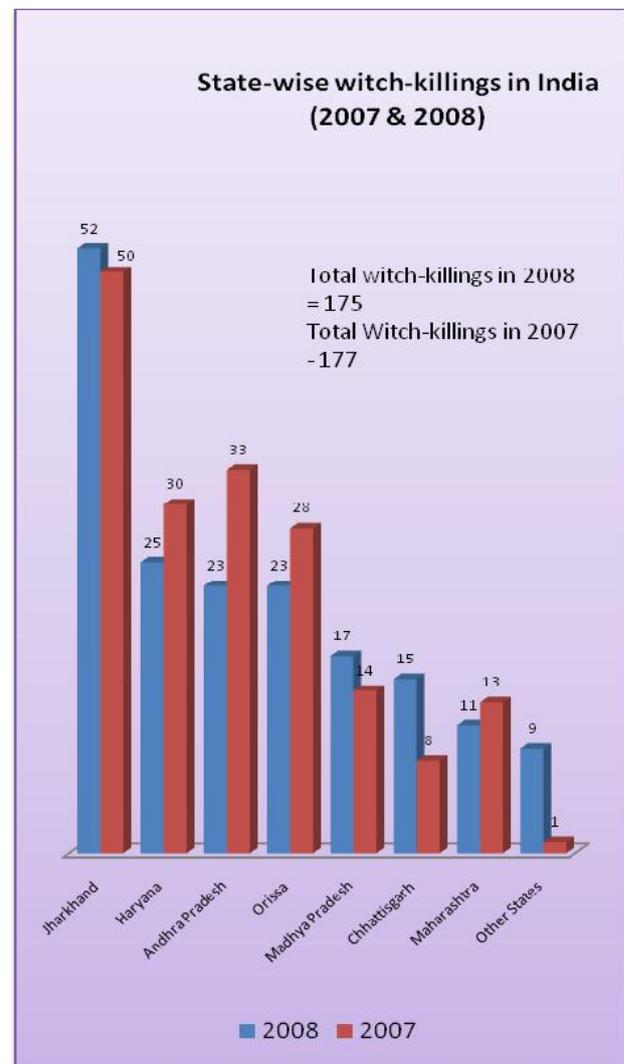
### Studies on witch-hunting in India

Women's Rights Groups have been raising public awareness of the problem in India and several monographs have documented the problem in villages in "tribal" areas of several Indian states. In fact, a search of newspapers and internet reports reveal that there are at least twelve (12) states in India that are recognized as breeding grounds for witch hunts (Jharkhand, Haryana, Chhattisgarh, Orissa, West Bengal, Madhya Pradesh, Rajasthan, Andhra Pradesh, Gujarat, Maharashtra, Assam, and Bihar). Of late, three studies have addressed witch hunts in India and have provided some data relevant to surges and fluctuations over time as well as details on witch killings and police interventions among tribal communities from the 1950s through the early 1980s.

More recently, two studies have compiled some statistical data on witch accusations and killings in the 1990s: Mita Barman (2002) studied witch accusations and killings in West Bengal and Bihar, and Archana Mishra (2003) studied witch killings and police reports on witchcraft cases in the state of Jharkhand. Recently, Kanchan Mathur (2009) from Institute of Development Studies, Jaipur, has also conducted a study in Rajasthan to understand the local custom of such branding, analysing the major causes behind and the forms of violence meted out to the women dakans.

### Superstition not the only reason

The Indian middle class loves to divide the world into the 'educated' and the 'uneducated', or us and them. So what can witch-hunt mean but one more instance of tribal or village backwardness? Perhaps these



hunting aims to rob the woman of her property. Sometimes it is also directed as punishment for turning down sexual advances or even to settle any grudge that some person with say in village politics might nurse against that woman. Those who seek to rob the woman may be her own family. But in situations where the woman is unprotected, i.e., she is a widow or a single woman, there's no shortage of people eyeing her land. Witch-hunters (or property-hunters), irrespective of being family members or outsiders, often use the services of 'ojhas' or 'witch-doctors' to further their cause. In many rural communities with limited or no access to health care, these ojhas become powerful figures. Police investigation has found, in many cases, that the local ojha has accepted a bribe to name a woman as a witch.

One easy way to break a strong woman is to call her a witch and punish her. Lata Sahu, a Dalit woman in Raipur, Madhya Pradesh, contested the polls against the wishes of landowning castes. She was condemned as a witch, stripped and beaten<sup>7</sup>. Subhadra in the Goalpara district of Assam challenged the obscurantist practices of the local ojhas; she also compounded her 'crime' by seeking a share of her dead father's property. Her stepbrother and the ojhas got together, found three sick village children, and claimed someone had cast a spell on them. Subhadra was then declared a witch by a female witch-doctor<sup>8</sup>.

The perception of what constitutes a 'strong' female, or 'a female challenge' could be less obvious than in the cases of Lata and Subhadra. Kalo Devi of a village in Jharkhand repeatedly asked her neighbour not to graze his cattle on her land. In response, he branded Kalo a witch, accusing her of causing the death of his newborn baby. The important point is that there were no men in Kalo's house; she was an easy target for the neighbour. With no police protection, Kalo felt she had no choice but to abandon her home and land, and she moved in with her daughter who lived 20 kilometres away.

The chastisement reserved for individual women can be scaled up, and generalized to an entire caste or class. Identifying Dalit and adivasi women as witches helps preserve caste structures or maintain upper-caste hegemony. Witch-branding is also a useful tool for political lobbies that use the obscurantist ojhas to influence the community - since these lobbies have their own contemporary brand of obscurantism to push.

In Gujarat, the witch-doctors in the adivasi community are ardently wooed by Hindutva organizations. It is in this context that witch-hunting appears to have increased, not decreased, as the country aspires to become a 'global player'.

### **Toothless laws**

The increasing graph of crimes against women under the pretext of them being witches has compelled some states in India to formulate necessary legislation against this appalling practice. Bihar, for all its backwardness, was the first state in India to pass a law against witch-hunting. The Bihar government passed a law in 1999 called the Prevention of Witch (Dayan) Practices Act, 1999. Jharkhand followed it with the Anti Witchcraft Act in 2001. The Chhattisgarh Tonhi Pratarna Bill 2005 (Chhattisgarh Prevention of Atrocities on Women in the name of Tonhi) was formulated in 2005. Rajasthan followed the suit in 2006.

An essential element of the anti-witchcraft laws has been: 'a crime would be considered to have been committed when any person or community intentionally or inadvertently abets, conspires, aids and instigates the identification of a woman as a witch leading to her mental and physical torture and humiliation'. Unfortunately, the existing laws have not been able to either tackle such vicious crimes or create fear in the minds of perpetrators. The threat of punishment and conviction hasn't been a deterrent since the perpetrators of the crime (always male, mostly caste-Hindus who enjoy political clout) know that they will not be brought to book for what will be seen as an incidence of mob fury. Sometimes, it is the knowledge that the state will stand by them. Witch hunting in most cases constitutes an attempt to murder. But it is because of lack of laws<sup>9</sup> or rather toothless laws and their weak implementation that specifically targets this practice.

### **The Prevention of Witch (DAAIN) Practices Act, 2001, Jharkhand**

The Prevention of Witch (DAAIN) Practices Act 2001 is an Act to provide for effective measures to prevent the witch practices and identification of a woman as a witch and their oppression mostly prevalent in tribal areas and else-where in the State of Jharkhand and to eliminate the woman's torture, humiliation and killing by the society and for any other matter connected therewith or which are incidental thereto. Sections 3 to 8 of the Act state the following:

**Section 3: Identification of Witch (Daain):** Whoever identifies any person as Witch (Daain) and does any act towards identification either by words, actions or manner shall be punished with imprisonment for a term which may extend to 3 months or with fine of Rs. 1000 or with both.

**Section 4: Damages for Causing Harm:** Any person who causes any kind of physical or mental torture to any person by identifying her as a Witch (Daain) whether deliberately or otherwise shall be punished with imprisonment for a term which may extend to 6 months or fine of Rs 2,000 or both.

**Section 5: Abetment in the Identification of Witch (Daain):** Any person who persons or persons of the society whether in identification of any women as a Witch (Daain) with an intention to cause by anyone to that person shall be punishable with imprisonment for a term which may extend to 3 months or with a fine of Rs 1,000/-or with both.

**Section 6: Witch (Daain) Curing:** Whoever does any act of so healing allegedly or purportedly and of curing any woman said to be Witch (Daain) by doing any act

of 'jhadphook' or 'totka' and thereby causing any kind of physical or mental harm and torture to that person identified as a Witch (Daain) in any manner shall be punished with imprisonment for a term which may extend to one year with a fine of Rs. 2,000/-or with both.

**Section 7: Procedure for Trial:** All offences of this Act shall be cognizable and non-bailable.

**Section 8: Power to Make the Rule:** The State Government may by notification in the official gazette, make such rules as are necessary to carry out the provisions of this Act.

Clearly, sections 3, 4, 5 and 6 comprising the penal provisions of the Act are woefully inadequate for deterring or punishing those responsible for branding and

persecuting women as witches. Fines range from Rs. 1,000 to Rs. 2,000 and prison terms range from 3 months to 1 year, depending on the nature of the crime. Given the severity of the outcomes of identification, abetment in identification, and curing or 'witches', which almost inevitably lead to horrific crimes being committed against the women so identified, including death, inhumane treatment, bodily mutilation, rape, and various forms of mental and physical torture, the penal provisions of the Act do not adequately punish the instigators of these crimes or prevent others from engaging in these crimes.

In reality, the Act has proved unable to provide for effective preventative, curative, or punitive measures for women who have been labelled as witches. Despite the presence of this Act, people described as witches have been persecuted, tortured, and murdered and the practice continues today. Every year, hundreds of people, often older women, are accused as witches or 'daains', often abused, cast out of their families and communities and are, in many cases, murdered. On the whole, the passage of the Prevention of Witch Practices Act in 2001 has not adequately prevented the identification and murder of women labelled as witches.

Witch-killings in India (2001-2008)

	2008	2007	2006	2005	2004	2003	2002	2001
Jharkhand	52	50	29	26	26	19	26	21
Haryana	25	30	34	28	0	0	0	2
Andhra Pradesh	23	33	26	75	24	37	23	20
Orissa	23	28	36	25	22	26	39	30
Madhya Pradesh	17	14	13	13	14	26	24	13
Chhattisgarh	15	8	10	9	11	9	4	14
Maharashtra	11	13	9	7	4	9	14	6
West Bengal	4	0	1	5	8	9	14	13
Meghalaya	3	0	0	1	1	0	0	0
Karnataka	1	0	0	0	0	0	0	0
Uttar Pradesh	1	0	2	0	0	0	0	0
Assam	0	0	6	0	0	1	1	3
Bihar	0	0	11	1	0	0	1	1
Gujarat	0	1	3	6	1	1	4	2
J & K	0	0	0	0	0	0	0	1
Punjab	0	0	0	1	0	1	0	0
Rajasthan	0	0	1	0	0	0	0	0
Sikkim	0	0	0	0	0	0	1	0
Tamil Nadu	0	0	1	0	0	0	0	0
Tripura	0	0	4	0	0	0	0	0
<b>Total</b>	<b>175</b>	<b>177</b>	<b>186</b>	<b>197</b>	<b>111</b>	<b>138</b>	<b>151</b>	<b>126</b>

Source: National Crime Records Bureau, Govt. of India

Although the Prevention of Witch Practices Act, 2001 was adopted by the State of Jharkhand ten years ago, the Jharkhand Government has not made any rules or guidelines for the effective implementation of this Act till date. As a result, the Act stands as an ineffective piece of legislation and only nominally addresses the issue of witch hunting in Jharkhand state. It completely fails to meet its objective of preventing witch practices and the identification of a woman as a witch and their oppression and the elimination of the woman's torture, humiliation, and killing by the society.

In many cases, FIRs reporting incidents of witch hunting are not getting lodged at all, due to the social taboos relating to the practice of witch hunting, as well as the unwillingness of the police to get involved in cases of witch hunting. The fact that no protections are given to witnesses of the crimes further acts as hindrances to the lodging of FIRs. Even when FIRs do get lodged, Section 323 of the Indian Penal Code, 1860, which lays out the punishment for voluntarily causing hurt stating that the "crime of voluntarily causing hurt shall be punishable by a term which may extend to one year or a fine of one thousand rupees, or both" is most often used to prosecute the perpetrators of witch hunts. In effect, this means that the penalty is the same for slapping another person as it is for beating and torturing an accused witch. Thus, the crimes that the perpetrators of witch hunters are booked under are often paltry offences when one observes the nature of the atrocities committed against women in these circumstances.

There are no provisions for providing rehabilitation, relief, or any form of compensation to women after they have been identified as witches. Thus in many cases, even if FIRs are lodged and an arrest is made, the woman is still left to bear the brunt of her injuries, or the social stigma she is still faced with from others in the village. Often women continue to live ostracized from their villages and their lands, with no means of sustenance. In cases where the woman is murdered, her next of kin do not even get any form of compensation or relief.

### **The way forward**

India has no national level law to prevent witch-hunting, although states like Bihar, Chhattisgarh and Jharkhand have legislated on the issue, and there is a draft bill submitted by the Rajasthan State Commission for Women that is under the consideration of the state

government. However, the sentences prescribed and the paltry amount of fine recommended in the law (wherever enacted) has proved to be ineffective in dealing with this social menace. Such taboos and dogmas are required to be dealt with firmly by making the penal provisions more stringent. Until and unless there are strict laws devised that aim directly at the crime of witch-hunting, situation would remain the same. Accordingly, anti-witchcraft laws should be amended to enhance the period of sentence to a minimum of three years. No anticipatory bail should be provided under law to the accused.

The most effective solution to the problem would be to educate the people and also to frame and implement effective laws for the protection of women and people belonging to the 'lower' classes of the society who also constitute another target group of such witch hunts. Laws need to be accompanied by efficient social welfare delivery mechanism as well. As we are aware, witch-hunting cases are on the raise because of a combination of factors, including poor health delivery and schooling, lack of drinking water, sanitation and transport facilities, as well as a general lack of information in remote areas. Therefore, the strategy to combat this social evil has to be multi pronged. As a matter of fact, the best strategy that the Government can adopt is:

- ♦ Strict enforcement of the Anti-witchcraft law for effective prevention of witch-hunting practices and to eliminate the women's torture, humiliation and killing by the society for any other concerned matter.
- ♦ Sensitization of police and Welfare Department Personal, and NGOs working for prevention of witch related atrocities to distract people's attention from such evil practices and apply their energy for more constructive purposes.
- ♦ Launching of campaigns against superstition and witch-hunting practices and organizing padyatras and public awareness meetings against through combined efforts of government, administration, voluntary organizations, schools, etc, especially in regions where the menace is most rampant, would certainly have a positive effect in containing the witch-hunt.
- ♦ Organizing Women's groups at village level and drawing up creative plans in consultation with such groups to enhance the self-confidence and

economic independence of vulnerable women in such areas.

- ♦ Setting up special cell at state and district levels for follow-up of awareness generation regarding legal rights of women and monitoring of witch evidences/cases lodged regarding witch related violence.
- ♦ Identification of women survivors through various state and district level programmes in each of the affected states and rehabilitation of women sufferers of violence especially those who have no family/ community support
- ♦ Introduce the subject of witchcraft in school textbooks. The idea is to raise awareness in schoolchildren about the primitive practice of witch hunting based on superstitious beliefs, so that it can eventually be discredited and eradicated,

#### END NOTES

1. The Tribune, August 30, 2010
2. The Times of India, March 12, 2010
3. Witchcraft Accusations: A Protection Concern for UNHCR and the Wider Humanitarian Community, Gary Foxcroft, Programme Director, Stepping Stones, Nigeria, UNHCR (2009)
4. **Witchcraft** is the supposed power of a person to harm the other by occult or supernatural means. A **Dayan** or a **witch** is a female supposed to be holding such powers. **Witch hunt** is the process of prosecution / execution of a witch, often involving mass hysteria and lynching.
5. Crimes in India: 2008, National Crime Records Bureau, Government of India
6. The Hindu, July 26, 2010
7. The Telegraph, May 25, 2008
8. *ibid*
9. Except for Bihar, Jharkhand, Chhattisgarh and Rajasthan, other states do not have specific anti-witchcraft laws in place yet