

SUPERSTITION VERSUS LAW: COMBATING THE MENACE OF WITCH-HUNTING IN MODERN INDIA

**SHIVANI TRIPATHI*

Abstract

In the 21st Century, India has developed into a modern society which is dictated by science and reason. People are governed by law and the Constitution. But some orthodox beliefs and practices are still prevalent in the country. Following superstitions are still a part of the religious and cultural systems of some communities. One such practice is Witch-Hunting. It is a practice of torturing women who are accused of possessing witchcraft or evil magical powers, in the behest of protecting humanity. It targets specific groups of people, such as widowed mothers, childless women, elderly couples, and low-caste women. Men who identify as 'witch-hunters' often harm these innocent women by killing or assaulting them, seizing their property, and sometimes using such accusations as a means of revenge. According to the NCRB Report, in 2022, there were 85 murders with witchcraft as a motive, mainly in Chhattisgarh, Madhya Pradesh, Jharkhand, and Odisha. It is more prevalent in rural and under-developed areas. This practice is in violation of basic human rights of women. To combat this evil practice few states have enacted laws prohibiting it. But the issue of witch-hunting and human sacrifice still continues. This research paper analyses the cause, effects and reasons as to its continued prevalence in India. It critically discusses the present state-legislations and how far they are effective in combating this practice and how important it is to formulate a central legislation on this.

Key Words: Witch-Hunting, Superstition, Religion, Woman, Sacrifices.

I. INTRODUCTION

Witch-hunting constitutes a violent manifestation of witchcraft-related beliefs, which are prevalent across diverse societies globally. It means branding of victims, especially women as witches, where they are accused of possessing supernatural powers to harm others. The women are lynched,

*Research Scholar, Faculty of Law, Banaras Hindu University, Varanasi (U.P.)

their heads shaved, sexually assaulted, made to eat faeces, disrobed, paraded naked, and even murdered. Historically, such practices were notably widespread in early modern Europe and colonial America. In the Indian context, witch-hunting has long standing historical roots, with a significant number of women being subjected to fatal violence. Witchcraft intertwined with religious beliefs and practices, it was seen as a direct threat to religious order and morality, often associated with evil spirits. Scholars often attribute the persistence of witch-hunting to entrenched patriarchal structures that pervade societies worldwide. Specifically in India, caste-based patriarchy is identified as a critical factor in the stigmatization and targeting of women as witches. This is an easy way to oust women from her land¹, to ostracize a woman, to take revenge, or to justify violence. Dalit activists contend that witch-hunting represents a form of caste-based violence predominantly directed at Dalit women, functioning as a systematic method of their marginalization and elimination. According to data from India's National Crime Records Bureau, over 2,500 individuals have been pursued, subjected to violence, and killed in alleged witch-hunting incidents between 2000 and 2016. In 2022, there were 85 murders with witchcraft as a motive, mainly in Chhattisgarh, Madhya Pradesh, Jharkhand, and Odisha, with additional cases in Assam, Bihar, and Telangana.² However, the actual number is significantly higher, as many states do not officially record witchcraft as a motive in homicide cases.³

Witch-hunting typically unfolds through a three-phase process: accusation, declaration, and persecution.⁴ The stage of accusation involves attributing responsibility to a woman for misfortunes within the community or individual households. These may include deaths (human or animal), illnesses, natural disasters, or agricultural failures.⁵ The declaration phase refers to the identification and branding of the woman as a witch, allegedly possessing *malafide* supernatural powers. This label often leads to her social ostracization. The identification process is carried out

¹ Seema Ysamine, *Rural India Protecting Women Witch Hunting and Impending Flood*, PULITZER CENTER, (April 10, 2025, 04:00 PM) <https://pulitzercenter.org/stories/rural-india-protecting-women-witch-hunting-and-impending-flood>

² National Crime Records Bureau, *Motives of Murder-2022*, 1, 2022, <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701932833TABLE2A2.pdf>

³ Seema Yasmin, *Witch Hunts Today: Abuse of Women, Superstition and Murder Collide in India*, Scientific American (April 10, 2025, 10:00 AM) www.scientificamerican.com

⁴ Tanvi Yadav, *Witch Hunting*, Vol. 1, No. 2, CASTE: A Global Journal on Social Exclusion, October 2020, LEGACY OF GENDER AND CASTE DISCRIMINATION, 169-182 (October 2020)

⁵ Ata Mallick, *Witch-hunting in 1857*, 43(39), ECONOMIC AND POLITICAL WEEKLY, 118–119 (2008).

through traditional witch-finders—referred to in various regions as *khonses*, *sokha*, *janguru*, or *ojha*—who play a central role in legitimizing the accusations.⁶

Persecution, the final stage, encompasses a range of violent and discriminatory actions, including psychological abuse, public humiliation, social exclusion, physical assault, and in extreme cases, execution. In the Indian rural context, accusations of witchcraft and subsequent persecution are often strategically directed at poor or lower-caste women, serving as a tool of control within the higher-caste patriarchal framework. Empirical evidence suggests that victims of witch-hunting are predominantly socioeconomically marginalized women—particularly widows, elderly women, single women, or those lacking familial or community support.⁷ Due to existing beliefs on superstitions among people, such victims cannot protect themselves from mob crimes, including physical and emotional harm. This is one of rare cases where the victim stands accused. Evidently, all this violence is a clear violation of human rights.

II. OBJECTIVES OF THE PAPER

This paper has the following objectives:

1. To understand what Witch-Hunting is and issues around it.
2. To know what are the legal and judicial developments in India on Witch-Hunting.
3. To suggest reforms to eradicate Witch-Hunting.

III. HISTORY OF WITCH-HUNTING

Historical records indicate that natural calamities such as famines, floods, droughts, and epidemics—often resulting in large-scale mortality—frequently led to a surge in witchcraft accusations. During such periods, numerous individuals, primarily women, were subjected to torture and formal trials by state authorities, with many ultimately executed. In some instances, torture was employed as a means of extracting confessions⁸. In Western societies, witch-hunting

⁶ *Id.*

⁷ Madhu Mehra., & Anuja Agrawal, *Witch-hunting in India? Do We Need Special Law?* 51(13), ECONOMIC AND POLITICAL WEEKLY, 51–57. (2016).

⁸ Diane Purkiss, *The Witch in History*. Routledge, London (1996).

practices largely disappeared following the socio-economic reforms of the eighteenth century.⁹ However, in developing countries like India, incidents of witch-hunting continue to be reported across various states. In Europe and North America, witchcraft was classified as *crimen exceptum*¹⁰, a category of exceptional crime, and thus fell under the jurisdiction of formal judicial processes. Consequently, court records from these regions serve as valuable sources of historical data on witch trials.¹¹ In contrast, witch-hunting in India has predominantly taken the form of public and extrajudicial acts—often driven by mob violence—which makes documentation difficult. The figure of the 'witch'—commonly referred to as *dayan*—holds a significant place in Indian folk literature and cultural narratives, dating back to ancient times.¹² The belief in witchcraft has been widespread and deeply embedded within rural and relatively isolated communities across India.¹³

IV. INTERNATIONAL PERSPECTIVE

Internationally, witch-hunting is considered a violation of key human rights instruments. These instruments affirm the right to life, dignity, equality, and freedom from discrimination. India's ratification of these conventions obliges it to ensure protection against witch-hunting violence, including the associated forms of social exclusion and deprivation of property and livelihood.

- **Universal Declaration of Human Rights (UDHR), 1948-** The declaration provides with right to life, liberty and security as a person,¹⁴ freedom from torture, cruel, inhuman or degrading treatment or punishment.¹⁵ The Preamble talks about the dignity and worth of the human person and in equal rights of men and women.
- **International Covenant on Civil and Political Rights (ICCPR), 1966-** The covenant prohibits any discrimination based on sex in the recognition and enjoyment of

⁹ Malcolm Gaskill, *The Pursuit of Reality: Recent Research into the History of Witchcraft*, Vol. 51, No. 4, THE HISTORICAL JOURNAL, 1069-1088, (Dec., 2008)

¹⁰ It involves super natural forces so it is difficult to investigate like regular crimes. It removed many restrictions like validity of witness testimonies and for torture justifications and becomes easier to prove.

¹¹ Shashank Sinha, *Witch-Hunts, Adivasis, and the Uprising in Chhotanagpur*, Vol. 42, No. 19, ECONOMIC AND POLITICAL WEEKLY, 1672-1676 (May 12-18, 2007)

¹² D.S. Mohapatra, *Witch Hunting : A tool of terrorization across the World and its Legal Ramifications*, 1(4), INTERNATIONAL JOURNAL OF ACADEMIC RESEARCH, 81–90 (2014)

¹³ R.N. Saretore, *Indian witchcraft*, Abhinav Publications, New Delhi (1981).

¹⁴ Universal Declaration of Human Rights, art. 3

¹⁵ *Id.*, art. 5

human rights and fundamental freedoms,¹⁶ equal rights in accessing and enjoying civil and political rights,¹⁷ right to life.¹⁸ Although these articles do not explicitly address violence against women, the Human Rights Committee has, in recent years, interpreted them as encompassing state obligations to protect women from such violence.¹⁹ General Comment No. 35, adopted in December of 2014, specifically addresses State Parties' obligation to protect women from domestic violence and gender-based violence against women.²⁰

- **International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966-** The International Covenant on Economic, Social and Cultural Rights (ICESCR) enshrines a range of fundamental rights that implicitly require states to safeguard women from violence. For example, the ICESCR affirms the right to the highest attainable standard of physical and mental health—a right frequently engaged in cases involving violence against women.²¹ Consequently, states that are parties to the Covenant bear an implicit obligation to protect women from such violence as part of their broader human rights commitments.
- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1993-** The CEDAW Committee has recognized witch-hunting as a form of gender-based violence and has urged member states, including India, to take urgent action against such practices. In its 2009 report, the CEDAW Special Rapporteur called on governments and the United Nations to treat all killings related to witchcraft accusations as murder and to ensure proper investigation and prosecution.²² The report also recommended the abolition or amendment of laws and customs that perpetuate discrimination against women.
- **Convention against Torture and other cruel, inhuman, or degrading treatment or punishment (CAT), 2007-** The Committee against Torture (CAT) has underscored that states bear responsibility for preventing, investigating, and prosecuting acts of torture or

¹⁶ International Covenant on Civil and Political Rights, art 2(1)

¹⁷ *Id.*, art.3

¹⁸ *Id.*, art.6

¹⁹ https://www.stopvaw.org/international_covenant_on_civil_and_political_rights_iccpr (last visited on April 05, 10:00 AM)

²⁰ International Covenant on Civil and Political Rights, *General comment No. 35 Article 9 (Liberty and security of person)*, (16 December 2014), U.N. Doc. CCPR/C/GC/35

²¹ International Covenant on Economic, Social and Cultural Rights, art.12

²² UN Digital Library, <https://digitallibrary.un.org/record/652524?ln=en&v=pdf> (last visited on March 31, 11:00 AM)

ill-treatment committed by non-state actors, including forms of “gender-based violence such as rape, domestic violence, female genital mutilation, and human trafficking”²³. Moreover, the Committee has asserted that a state's failure to intervene may render it complicit, particularly when such inaction serves to encourage or exacerbate the risk of harm inflicted by private individuals. Accordingly, States Parties to the Convention against Torture are obligated to prevent gender-based violence, regardless of whether it is perpetrated by state agents or private actors.

- **Human Rights Council Resolution on Elimination of Harmful Practices related to Accusations of Witchcraft and Ritual Attacks, 2021-** This is the first resolution of its kind, calling for a more holistic approach in addressing harm resulting from accusations of witchcraft and ritual attacks. The resolution states that “harmful practices related to witchcraft accusations and ritual attacks globally have resulted in various forms of violence, including killings, mutilation, burning, coercion in trafficking of persons, torture and other cruel, inhuman or degrading treatment and stigmatization”²⁴

V. LEGISLATIONS IN INDIA

Despite being underreported, hundreds of cases of witch-hunting continue to occur annually across Indian states. Once a woman is branded a witch, she may be subjected to a range of brutalities including public humiliation, social ostracization, physical assault, banishment, and in extreme cases, forced consumption of human waste.²⁵ A United Nations report documented over 25,000 cases of witch-hunting in India between 1987 and 2003.²⁶ Despite these alarming statistics, India still lacks a national-level law that criminalizes witch-hunting. However, several states—including Assam, Bihar, Jharkhand, Chhattisgarh, Rajasthan, and Odisha—have enacted specific legislation against the practice.

In the Indian legal context, existing frameworks such as the Constitution of India, the Indian Penal Code (IPC), the Drugs and Magic Remedies (Objectionable Advertisements) Act of 1954, the

²³ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *General Comment No. 2*, (Jan. 24, 2008), U.N. Doc. CAT/C/GC/2

²⁴ United Nations Human Rights Council, *Elimination of harmful practices related to accusations of witchcraft and ritual attacks*, available at: <https://undocs.org/A/HRC/RES/47/8>, last visited on: March 31, 11:00 A.M.

²⁵ P Das, *Witch-hunts in Orissa*, 22(11), (2005)

²⁶ Silvia Federici, *Witch-hunting, Globalization, and Feminist Solidarity in Africa Today*, 10(1), JOURNAL OF INTERNATIONAL WOMEN'S STUDIES, 21–35.(2008)

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 can be interpreted to address aspects of witch-hunting-related violence. Nonetheless, targeted legislation remains limited to specific states.

- **Constitution of India-** Article 15 talks about prohibition of discrimination on grounds of caste or sex. Article 15(3) specifically provides the obligation of the State to make special laws for the women. Article 21 ensures right to life and liberty which encompasses many rights through judicial activism. Article 46 directs the State to protect the Scheduled caste and Scheduled Tribe from social injustice and all forms of violence. The Fundamental Duties are the duties which are put on citizens of India which they need to follow. Every citizen has to promote harmony and the spirit of common brotherhood amongst all the diversities and to renounce practices derogatory to the dignity of women,²⁷ develop scientific temper, humanism and the spirit of inquiry and reform.²⁸
- **Indian Penal Code (IPC)** - Section 302 (for murder), Section 307 (for an attempt to murder), Section 323 (for hurt), Section 354 (outraging of women's modesty) and Section 500 (defamation) can be invoked in witch-hunting cases. The Bharatiya Nyaya Sanhita (BNS), 2023 constitutes provision on Mob Lynching by making it an offence which can be invoked in the cases of Witch Hunting.²⁹
- **Drugs and Magic Remedies (Objectionable Advertisements) Act of 1954-** It represents a pivotal legislative measure in India intended to regulate the advertisement of drugs and remedies that assert unfounded magical or curative properties. This Act serves as a safeguard to protect consumers from deceptive or potentially harmful advertisements that endorse unscientific and unsafe medical treatments.
- **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989-** The SC/ST Act doesn't specifically address "witch hunting." However, it can be used to prosecute atrocities committed against Scheduled Caste and Scheduled Tribe individuals in the context of witch-hunting practices.

²⁷ INDIA CONST. art 51A cl. (e)

²⁸ *Id.* art 51A cl. (h)

²⁹ The Bharatiya Nyaya Sanhita (BNS), 2023, § 103 (2). It reads as "Where a group of five or more people acting in concert commits murder based on race, caste, or other similar grounds". The punishment for such an offense is death or life imprisonment, along with a fine.

- **Maharashtra-** Maharashtra was the first Indian state to enact comprehensive legislation with the Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013. This law, driven by the efforts of Dr. Narendra Dabholkar and the Maharashtra Andhashraddha Nirmoolan Samiti, aimed to criminalize a wide range of superstitious and harmful practices, including those linked to witchcraft.
- **Karnataka-** Inspired by Maharashtra's model, Karnataka passed the "Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Bill" in 2017.
- **Kerala-** Kerala has introduced the "Kerala Prevention and Eradication of Inhuman Evil Practices, Sorcery and Black Magic Bill" in 2019, which is yet to be passed, primarily due to opposition from right-wing political forces.
- **Jharkhand-** The state of Jharkhand enacted the "Anti-Witchcraft Act" in 2001 with the objective of safeguarding women from inhumane treatment and providing legal remedies for victims of such abuse. Sections 3, 4, 5, and 6 of the Act stipulate penalties for actions such as identifying or branding an individual as a witch, attempting to perform rituals to "cure" the accused, and inflicting harm upon her. Additionally, Section 7 outlines the procedural framework for conducting trials under the Act. Also, by Project Garima, a government-led initiative, approximately 25 specialized "witch-hunting prevention campaign teams" have been deployed to conduct street performances aimed at raising public awareness.³⁰ Additionally, village-level protection committees have been established to support survivors of such violence. The initiative also includes the creation of centers offering legal assistance and temporary shelter for victims and dedicated help desk personnel.
- **Chhattisgarh-** It introduced the "Chhattisgarh Tonhi Pratadna Virodhi Act" in 2005 to address and prevent violence against women accused of witchcraft, locally referred to as *Tonhi*.
- **Rajasthan-** the Government of Rajasthan enacted the "Rajasthan Women (Prevention and Protection from Atrocities) Act" in 2006, which criminalizes the act of labeling a woman with derogatory terms such as *dayan*, *bhootni*, or *chudail*, or accusing her of engaging in

³⁰ Suhasini Raj, *India Struggles to Eradicate an Old Scourge: Witch Hunting*, The New York Times, (April 15, 04:00 PM) <https://www.nytimes.com/2023/05/13/world/asia/india-witch-hunting.html>

witchcraft. The legislation prescribes a maximum penalty of three years' imprisonment and a fine of up to ₹5,000.

VI. JUDICIAL DECISIONS

The Supreme Court of India has consistently emphasized that religion should be understood as a matter of personal belief and faith. However, the Court has cautioned that when religious understanding is limited, misinformed, or interpreted in a narrow and rigid framework, it can give rise to superstition, religious fanaticism, and fundamentalism—forces which ultimately undermine humanity. The Court has clearly stated that superstitious beliefs cannot be invoked to justify violence, especially premeditated killings.

- In *Rajeev Km Upadhyay v. Srikant Upadhyay*³¹, the Supreme Court called the incidence of witch-hunting of an old woman “blot on constitutional spirit”.
- *Bhaktu Gorain v. State of West Bengal*³², the Supreme Court upheld the life sentence for men who murdered a woman alleging witchcraft.
- In *Hulikal Nataraju v. State of Karnataka*³³, the High Court addressed the harmful consequences of superstitions, including practices like human sacrifice and witch-hunting. The Court observed that such beliefs divert attention from the root causes of societal problems and foster a sense of helplessness. Moreover, they serve as tools of exploitation, reinforcing social hierarchies and perpetuating discrimination based on caste, gender, creed, and varna.
- In *Bhim Turi v. State of Assam*³⁴, the Guwahati High Court described witch-hunting as a dangerous social ill, grounded in pseudo-religious beliefs and outdated socio-cultural traditions steeped in superstition. The Court asserted that witch-hunting constitutes one of the most severe forms of human rights abuse.
- Similarly, in the 1991 Supreme Court case of *Gaurav Jain v. State of Bihar*³⁵, Justice Joymalya Bagchi characterized witch-hunting as a flagrant violation of human rights. The

³¹ *Rajeev Km Upadhyay v. Srikant Upadhyay*, 2024 LiveLaw (SC) 1019

³² *Bhaktu Gorain v. State of West Bengal*, 2023 LiveLaw (SC) 779

³³ *Hulikal Nataraju v. State of Karnataka*, 2010 (4) AIR KAR R 508

³⁴ *Bhim Turi v. State of Assam*, AIR ONLINE 2018 GAU 210

³⁵ *Gaurav Jain v. State of Bihar*, 1991 Supp (2) SCC 133...

Court issued guidelines to state governments, mandating steps for the elimination of this social evil. The State Government shall form a Committee comprising of experts from the field of public administration, sociologists, etc. to look into the prevalence of the practice of witch hunting in various districts in the State of West Bengal. the Government shall form special cells in the concerned districts and post intelligence and police officers.

- In *State of West Bengal v. Kali Singh & Ors.*³⁶, the Calcutta High Court held that judicial execution is not enough to combat these cases as it needs to be solved by educating and spreading awareness.
- But in many cases the victims are devoid of justice, as in *Madhu Munda v. State of Bihar*³⁷, the case was regarding an accused, who dragged, harassed and tortured the mother of the petitioner but could not be prosecuted because of lack of evidence.
- Similarly in *Tula Devi v. State of Jharkhand*³⁸, there was no conviction under state legislation because there was no eye-witness.

VII. ISSUES AND CONTENTIONS

i. GENDER

Witch-hunting, akin to other forms of gender-based violence such as rape and domestic abuse, functions primarily as a mechanism of patriarchal control. It represents a systemic effort by men to assert dominance over women's bodies, agency, and autonomy. The constructed binary in which the "witch" is typically portrayed as a woman—embodying evil—and the "witch doctor" as a man—symbolizing protection and virtue—reflects deep-rooted patriarchal norms. The exclusive entitlement of men to become *ojhas* (traditional healers or witch doctors), further reinforces this gendered power dynamic, as they are regarded as legitimate wielders of spiritual authority and societal guardianship. This dynamic underscores a broader cultural logic that legitimizes male authority as constructive and necessary, while simultaneously depicting any form of female empowerment as illegitimate, threatening, and in need of suppression. As Ratna Bharali Talukdar observes, women who are branded as "witches" face severe socio-economic marginalization,

³⁶ State of West Bengal v. Kali Singh & Ors , (2018) 10 CAL CK 0025

³⁷ Madhu Munda v. State of Bihar,(2003) 3 JCR 156

³⁸ Tula Devi v. State of Jharkhand 2006 (3) JCR 222 Jhr

making it exceedingly difficult for them to access livelihood opportunities.³⁹ Case studies suggest that witch-hunting is frequently rooted in deeper socio-economic and gendered structures,⁴⁰ such as the economic marginalization of women, sexual violence, and the systematic persecution of widows or outspoken, autonomous women.

ii. VIOLENCE

In regions where witchcraft accusations are prevalent, these beliefs manifest in acts of brutal violence. Women accused of witchcraft are subjected to extreme forms of abuse, including sexual violence, physical and psychological torture, public humiliation, and social ostracism. Many are forced to abandon their homes and communities out of fear for their lives. Widows, unmarried women, and those who defy traditional gender roles or question prevailing norms are disproportionately targeted. The climate of fear created by witch-hunting suppresses women's voices and inhibits their participation in public life and development initiatives.

iii. PATRIARCHY

The persecution of women under the accusation of witchcraft can be interpreted through the lens of religious and sociocultural power dynamics, particularly as a conflict between female-centric and male-dominated systems of belief. This tension reveals itself in two primary interpretations.⁴¹ First, witchcraft may be understood as a form of symbolic resistance or rebellion against the prevailing patriarchal authority and social order. It represents an alternative worldview—often rooted in women's ritual knowledge and spiritual agency—that challenges the legitimacy of male-centered institutions. Alternatively, the condemnation of women's ritual practices as "evil" can be viewed as a strategic attempt by patriarchal forces to dismantle pre-existing systems of shared or female-dominated spiritual authority. In this view, accusations of witchcraft serve not merely to suppress individual women but to erase entire traditions of female knowledge and power, replacing them with a hegemonic male-centric religious and social order.⁴² This process reflects a broader

³⁹ Ratna Bharali Talukdar, *Witch-hunting Needs Serious Concern*, 1(2), BIBUNGTHI: THE OPINION, 26-27 (2011)

⁴⁰ Partners for Law in Development, *Piecing Together Perspectives on Witch Hunting: A Review of Literature* (2013) available at : <https://ssrn.com/abstract=2660710> or <http://dx.doi.org/10.2139/ssrn.2660710> last visited on: March 31, 11:00 A.M.

⁴¹ Dev Nathan, Govind Kelkar and Yu Xiaogang, *Women as Witches and Keepers of Demons: Cross-Cultural Analysis of Struggles to Change Gender Relations*, Vol. 33, No.44, ECONOMIC AND POLITICAL WEEKLY, WS58-WS69 (Oct. 31 - Nov. 6, 1998).

⁴² GARY FOXCROFT, *Hunting Witches*, Vol. 31, No. 1, WORLD POLICY JOURNAL, 90-98, (SPRING 2014)

historical transformation in which male authorities sought to redefine and monopolize religious legitimacy, often by vilifying the spiritual practices historically associated with women.

iv. INDIGENEITY

The phenomenon of witch-hunting intersects with issues of indigeneity and the politics of ethnic identity.⁴³ The assertion of being "indigenous" often functions as a strategic means of positioning oneself within a socio-political framework that resists the forces of cultural imperialism. In this context, indigeneity becomes not only a marker of cultural affiliation but also a political stance—an avenue through which marginalized groups articulate alternative worldviews and engage in new forms of political agency and resistance. Witch killings were considered to be a practice principally by tribes in India.⁴⁴

v. SUPERSTITION

The persecution of women labeled as witches is often attributed to local superstitions, which has led to the assumption that any intervention must be culturally sensitive in order to avoid offending local sentiments or exacerbating divisions between tribal and non-tribal populations. However, empirical evidence reveals that a considerable number of witch-hunting incidents occur among non-tribal communities as well, indicating that the phenomenon is not exclusive to tribal settings. Moreover, the commonly held view that superstition and illiteracy are the primary causes of witchcraft-related violence is increasingly contested.

vi. POLICE

The role of the police and administrative machinery in responding to witch-hunting has been notably inadequate. A study by Partners for Law in Development (PLD) found that out of forty-eight documented cases; nearly one-third were never even reported to law enforcement authorities.⁴⁵ According to legal and judicial data, the criminal justice system tends to be invoked

⁴³ Debarshi Prasad Nath, *Assam's Tale of Witch-hunting and Indigeneity*, Vol. 49, No. 37, ECONOMIC AND POLITICAL WEEKLY, 54-60, (SEPTEMBER 13, 2014)

⁴⁴ Ajay Skaria, *Women, Witchcraft and Gratuitous Violence in Colonial Western India*, No. 155, PAST & PRESENT, 109-141 (May, 1997)

⁴⁵ Madhu Mehra, & Anuja Agrawal, *Witch-hunting in India? Do We Need Special Law?* 51(13), ECONOMIC AND POLITICAL WEEKLY, 51–57. (2016)

only in cases involving extreme physical violence or public mob attacks.⁴⁶ However, non-physical abuses—such as verbal harassment, public shaming, and social ostracization—remain largely unaddressed by existing legal frameworks, both at the national and state levels.

vii. EVIDENCES AND PROSECUTION

The victims don't usually come forward to complain. This creates an absence or a delay in the investigation. The fear in the minds of the people of the community and unwillingness to testify the wrong makes the collection and proving of evidence in the courts challenging. The gap between offence and proof manifests into acquittal of the perpetrators.

viii. WITCH DOCTORS

Witch doctors and village headmen play a pivotal role in the perpetuation of witchcraft-related violence. In many cases, it is the witch doctor's pronouncement that tells that a woman is practicing witchcraft, which is endorsed by the village headman.⁴⁷ This dual validation often proves decisive in determining the fate of the accused. Although sometimes perceived as traditional healers, witch doctors are more often revered as individuals possessing supernatural powers capable of confronting malevolent forces. They most of the time actively participate in violence and assault.

VIII. SUGGESTIONS AND REFORMS

The law regarding witch-hunting is fragmented. Few states have enacted laws dealing with the issue but there is no central legislation. The Prevention of Witch Hunting Bill was brought up in Lok Sabha by Mr. Raghav Lakhanpas in 2016 but it never materialized into a law. While a national legislation is essential, it cannot solve the problems which perpetuates deep into the mindset of the people. Law can instill a fear of sanction but it cannot reform the society. Thus, legal reforms need to be substantiated by social awareness. To foster meaningful change, the government should implement awareness campaigns, provide free counseling services, promote literacy initiatives, and organize culturally sensitive events in collaboration with non-governmental organizations. The government should keep an eye on traditional *ojhas*, witch-doctors and quacks and impose

⁴⁶ *Id.*

⁴⁷ Puja Roy, *Sanctioned Violence: Development and the Persecution of Women as Witches in South Bihar*, Vol. 8, No. 2, DEVELOPMENT IN PRACTICE, 136-147 (May, 1998)

legal consequences on their practices. The police and the criminal administration should be actively involved and every case of witch-hunting should be reported and investigated. There is a need to sensitize police regarding this as the issue is culturally sensitive and requires a different approach to deal. Panchayats and local authorities in village administration should be made accountable.⁴⁸ A state-level Helpline number should be initiated. The psychological impact on victims of witch-hunting and their family members remains an under-researched area, despite evidence suggesting that they often suffer from severe post-traumatic stress, depression, and a range of other mental health disorders resulting from the brutal punishments inflicted by their communities.⁴⁹ In light of these traumatic experiences, it is imperative to provide professional mental health interventions tailored to address the specific psychological needs of affected individuals.

IX. CONCLUSION

Witchcraft accusations and hunting violate basic human rights and fundamental freedoms of life, liberty and equality. It is black-mark on the nations' vision of gender equality, women safety, caste non-discrimination, development and scientific temperament. The State, laws, police and judiciary need to do its duty to curb this menace of witch-hunting. But the most crucial aspect is to instill a scientific, reasoned and logical temperament in the society. Superstition should not be promoted in the garb of following religious and customary beliefs. In today's India, righteousness and justice should prevail, not superstition and violence.

⁴⁸ Vitasta Kaul, Vedaant Lakhera, *At the gate of 2025, women are still branded witches, forced to eat faeces, and even killed in India*, FRONTLINE, (April 12, 2025, 01:00 PM) <https://frontline.thehindu.com/society/witches-black-magic-women-rural-india-nirantar-trust-survey-ncrb-lynching-social-ostracism/article68981115.ece>

⁴⁹ Alagarasami AR, Kannekanti P, Sharma A, Bhattacharjee D, Das B. *Witch-Hunting Experiences in Jharkhand: Scope for Mental Health Interventions*, 46(1), INDIAN J PSYCHOL MED. ,87-88(Jan 2024)