

Witch-hunting: An analysis from Socio-Legal perspective

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Abstract

As India is developing country so there is advancement in technology, women get protection, both men and women get equal opportunity. There are various laws made by legislature for the protection of women. Instead of all these laws women do not feel safe. There are tremendous evil practices which are still in existence such as witch hunting. Witch hunting is faced by women, especially of lower class or window. These women were easily targeted by people. Generally witch hunting is seen in rural areas more than in urban areas. Witch hunting is found various countries in all continents. The concept of witch hunting is same in every country. In witch hunting women are abused, tortured and killed by other people. Witch hunting is a process of killing these people in order to protect the society from being harmed by them. In the name of witch, people kill innocent women, rape them and acquire their property. There is no specific legislation that penalises witch hunting practices. Hence there are certain provisions under the Indian Penal Code 1860 that can be used for victims. The different sections which invoked in these cases are section 302, (which is charge for murder), section 307(attempt to murder), section 323 (hurt), section 376(Rape), section 354 which deals with outraging a modesty of women. Apart from these provisions of Indian penal code, different state has come up with different legislation to tackle the problem of witch hunting. In Bihar, there is "prevention of witch practices act". In Jharkhand, there is "Anti- witch craft act". Few NGOs and some local bodies also work for the protection and prevention of women from such evil practices.

Keywords: Witch hunting, Women, Jharkhand

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I. INTRODUCTION

India is a dynamic country where women are treated as a goddess; on the other hand, there are certain evil practices which are in existence in society. Some methods like Sati paratha, dowry system. Witch hunting can be traced backed by centuries. Witch-hunting has a prominent place in the ancient period, medieval and modern too. Earlier, the concept of witch-hunting is different from today's concept. Those women who do black magic were treated like witches. The meaning of "witch" has grown over time. Yet, witch-hunting is still found in various states of the country, having the superstitious people's belief. Many women are being tortured for the sake of these beliefs. The dowry system, sati pratha, child marriage, and other evil practices have been practised in India for a long time. We also eliminated many unethical practices from society as a result of technological advancements in education and economics. Several people have been abused and injured in the past due to such horrific beliefs in evil witchcraft.

According to the NCB report of 2015, 2290 ladies were distinguished as witches and pursued from 2001 to 2014. The Central Bureau of Investigation (CBI) had announced 414 such homicides with 2,854 black magic cases from 2001 to October 2013. Roy stated, "Misleading ladies as witches are predominant in the ancestral districts of Jharkhand. In rustic zones, ladies are not treated similarly as men in the male centric culture; even they don't have dynamic force at the family level or picking their work. Witch-hunting is just notion, and there isn't anything logical in this training. Because of this evil practice, numerous ladies experience the ill effects of different sort of physical, mental and mental issues lead to self destruction and passing's by and large.

Meaning of Witch-hunting and Witch-craft

Black magic is dark sorcery, and witch-hunting is an interaction of doing dark wizardry wherein those ladies who knew dark enchantment and ruined the existence of recently conceived kids and unmarried ladies. The term black magic is gotten from the early English "wiccecraft", and the word 'wicce' signifies witch and the word 'make' mean expertise or capacity. Black magic is training and faith in dark enchantment and those

individuals who do dark wizardry is known as a witch. Witch-hunting is the evil practice where the ladies claimed or marked as witches by Ojha's or local area individuals. At that point ladies are tormented, bugged, assaulted or slaughtered by individuals through their odd conviction. By and large, lower-class ladies, separated and more seasoned ladies are being exposed to torment. The ones who are marked as witches are called by different names like Dayan, beta khauki (child eater), tonahi, bhaikhauki (brothereater), adamkhauki (man-eater), bisahin (harmful lady), maradmuhi, kheldi (characterless), Dakanbhootni, and so forth.

History of Witch-hunting

The horrible witch-hunting was normal in nations like Europe in the thirteenth century, in the early present day time frame from 1450 to 1750 in America and Germany in 1587.

- **England:** During Queen Elizabeth's rule, three critical demonstrations were passed to indict witches in England. In the well known preliminary of "The Chelmsford Witches," a lady named Agnes Waterhouse turned into the main individual to be hanged in England for black magic. In the mid 1600s, King James I of England supported witch chases, which brought about the indictment of "The Pendle Witches."

- **Europe:** The 'Trier Witch Trials' were Europe's most broad witch preliminaries. Somewhere in the range of 1581 and 1593, more than 368 individuals were executed, including regarded inhabitants, educators, and judges.

- **America:** The Salem Witch Trials, which occurred in Salem's Massachusetts town in 1690, denoted the beginning of this pattern in the United States. During the court, a few groups were executed.

Truly, black magic has been accustomed to achieve the demise of some unsavoury human, or to stir the interests of adoration in the individuals who are the objects of want, or to gathered end, or bring disaster or barrenness upon adversaries, matches, and envisioned oppressors. When it comes to convictions in witches and black magic, five attributes are normal across nations and social orders:-

Damage is by and large caused to neighbours or family members' separated from obscure individuals;

- Efficient social objection follows, to a limited extent as a result of the factor of mystery and to some degree on the grounds that their reasons are perniciousness and disdain as opposed to cash or notoriety;

- Other people may keep away from witches by influence, non-actual methods (counter sorcery), or prevention, like beating, outcast, fines, or execution; and

- Witches work inside long-standing societies, as opposed to in one-time just circumstances.

Numerous examinations have seen black magic related violations or murders as a sex issue coming about because of financial status. As indicated by the reports, black magic related cases are more normal in territories with more critical ancestral populaces than in areas with others.

Origin of Witch-hunting in India

In India, there is no exact date for the start of witch-hunting. The beginning of the witch-hunting practice can be followed back to Assam's Morigaon area as extremely old practice. Assam is prominently known as the "Indian Capital of Black Magic". It is a well known objective for individuals keen on considering black magic. In India, the training is basic in country, separated regions, particularly among ancestral individuals. The witch-hunting practice is more pervasive in different Indian states like Jharkhand, Bihar, Rajasthan, Madhya Pradesh, Uttar Pradesh, Orissa, and Chhattisgarh.

Who are the victims?

The witch-hunting casualties are essentially ladies like widows, more seasoned ladies, separated, unmarried ladies because of their actual highlights hunchback and skin tone. Now and then men have likewise experienced having otherworldly powers, and because of this, they experienced a few outcomes. Despite the fact that the family and offspring of the one who is single as a witch additionally endure this, they are normally socially taken out and are driven away from the town, or at times the outcomes are most exceedingly terrible, for example demise of an individual.

Kinds of witch-hunting attacks

1. Determined Attacks: Basically, determined assaults are the arranged assaults intended to satisfy some specific item, including lewd behaviour, snatching property by unlawful methods, and delivering retribution.

2. Shock Attacks: These assaults happen abruptly and without the casualty monitoring the claim before the assault. Shock assaults are more deadly than arranged assaults.

In specific countries, witch-hunting is as yet rehearsed. This custom is as yet polished in Uganda, Mexico, South Africa, Saudi Arabia, Tanzania, Gambia, Nepal, India, Papua New Guinea, Chile, and the West Indies.

In estimated assaults, the size of the contention adding to the impelling is more critical than in shock assaults. Freeing the town of black magic or insidious wizardry filled in as a cover for the genuine objective, a ulterior thought process, in the determined assaults. Repayment of advance obligation, land clashes, and

individual perniciousness were among the secret reasons. The informers' objectives in the unexpected class of chases were no ulterior intentions except for killed evil from the town.

Witch-hunting Cases

In 2016, 400 individuals were executed in Tanzania because of witch chases. Somewhere in the range of 2000 and 2012, 2097 killings in India were submitted with the reason for witch-chasing. The counter witch chasing law was passed in Jharkhand in 2001. Nonetheless, in 2015, five ladies were severely killed by a crowd in the wake of being blamed for black magic. In 2017, 99 instances of witch-chasing were enlisted in Orissa, contrasted with 83 patients in 2016 and 58 out of 2015. Somewhere in the range of 2001 and 2017, 114 ladies and 79 men in Assam were marked as witches and slaughtered, with 202 such cases recorded.

Why is Witch-hunting still prevailing?

Individuals accept that witches have heavenly capacities that they can use to target people, slaughter crops, harm creatures, control others' bodies and minds, and gain information not accessible to clinical experts. Absence of information—People in provincial territories with practically no instructive chances and older ignorant labourers reprimand ladies for awful things that happen in light of the fact that they neglect to clarify why. Different clarifications for witch chases incorporate guilelessness, traditionalist culture, man centric society, monetary debates, individual and social struggles, envy, property questions, an absence of clinical benefits, and obliviousness.

Enactments on Witch-Hunting

At the worldwide, public, and state levels, there are a few laws set up that arraign the individuals who complete witch chases and comparable exercises.

Instruments from around the world

Articles 1–3, 5, 12, 13, 17(2), and 19 of the Universal Declaration of Human Rights

Articles 6(1), 7, 9(1), 10, 17, 18(2) of the International Covenant on Civil and Political Rights Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Articles 2(e), 2(f), 3, 5(a), 14(f), 15 of the Convention on the Elimination of All Forms of Discrimination toward Women (4)

National Laws

Witch-hunting is an infringement of the resident's crucial right, cherished under India's Constitution. It violets Article 14, 15(3), 15(4), 21, 51, 51A(h) of the Indian Constitution and furthermore other public enactment including the " Drugs and Magic Remedies (objectionable advertisement) Act, 1954 ", " Protection of Human Rights Act, 1993" , "Scheduled caste and Scheduled Tribes(Prevention of atrocities) Act 1989 " and it likewise provide punishment under" Section 302 (Murder)", "Sec 299 (Culpable homicide)", "Sec 354 (assault)", "Sec 375 (Rape) under Indian Penal code".

State-level Instruments

Different states have additionally acquainted and carried out laws with tackle this offense. Not many NGOs and some nearby bodies likewise work to shield and keep the lady from such detestable practices.

"Bihar's Prevention of Witch (Daain) Practices Act was passed in 1999".

"Jharkhand passed the Prevention of Witch (Daain) Practices Act in 2001".

"The TonahiPratadnaNivaran Act of 2005 was passed in Chhattisgarh".

"The Odisha Prevention of Witch Hunting Act of 2013 was established".

"The Maharashtra Prevention and Eradication of Human Sacrifice" and Other Inhuman, Evil, and Aghori Practices and Black Magic Act, 2013, precludes human penance and other brutal, fiendishness, and Aghori rehearses, just as dark sorcery.

"The Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Act" of 2017 was passed in Karnataka.

Need for Central Legislation

Before state-level enactment on witch-hunting anticipation was sanctioned, there were no particular laws on such matter, and afterward denounced were attempted under Indian Penal Code" Section 323,354,509 ". The remorseless demonstrations of stoning and shaving were viewed as minor torments.

In 2015, the film 'Kala Sacch' was delivered dependent on a genuine occurrence in Jharkhand in which Seeta Devi was blamed for being a witch", and her body was punctured with needles as a discipline and her better half was crippled, however the charged were vindicated.

Accordingly, existing laws are incapable on the grounds that they focus on discipline instruments as opposed to tending to the need to annihilate nonsensical and underhanded offbeat convictions. The techniques for reporting cases are additionally confined, and the people in question's and survivors' earnest necessities are

not met. Since the assaults are introduced as the result of horde rage, the blamed (generally prevailing guys in the town) are frequently left unpunished.

Due to dread or acknowledgment of the training, casualties and others seldom approach to report it. The denounced are delivered because of an absence of proof. Witch-hunting is an infringement of social equality ensured by global arrangements and the Constitution, including the privilege to assurance, the privilege to life, the option to be liberated from segregation, and the option to carry on with a good life, among other basic rights.

Shri Raghav Lakhanpal presented the Prevention of Witch Hunting Bill in the Lok Sabha in 2016, however it was rarely passed. The current laws don't have an astounding strategy to help casualties in recuperating from the impacts of witch-hunting, like constrained migration, ejection from the town, social and financial blacklists, etc. Thusly, it is a significant need for public enactment to kill such evil from society. Thus, it is a pressing requirement for government enactment to dispense with this insidiousness. Edamaruku made the Indian Rationalist Association aiming to stop this training by logical methods. Another ladies' privileges bunch is Partners for Law in Development (established in 1998).

Legal Pronouncements

In the new case, the Gauhati High Court expressed that witch-chasing is a socio-lawful issue that should be tended to right away. The Court record that in the North-Eastern states, a few people, fundamentally more established ladies, are named as witches and afterward exposed to outrageous savagery for the sake of exorcizing the abhorrent that they are said to contain.

Witch-hunting as a training isn't simply restricted to the State of Assam; it has influenced enormous pieces of the country," the Bench said, portraying it as a social danger. It depends on mistaken semi strict qualities, out of date socio-social traditions, and outrageous notions." The demonstration was additionally named as one of the most exceedingly awful instances of denials of basic freedoms by the Court. On a couple of events, the courts have shown an eagerness to arraign the individuals who mischief and murder individuals for the sake of witch chases, while in others, the offbeat conviction that prompted the wrongdoing has been utilized as a moderating element in condemning. State governments for their inaction in light of the expansion in witch chases and authoritative inaction discourage the casualties' principal right to life. The Court gave such headings to the State Government to wipe out the detestable act of witch chasing while at the same time denouncing it.

"Tula Devi and others v. the State of Jharkhand"

For this situation, a gathering of around ten individuals equipped with sticks broke into the complainant's home and undermined and assaulted her. For as far back as two years, they have alluded to her as Dayan and have taken steps to oust her. Her significant other endeavoured to save her, yet he was attacked also. The ladies were in a condition of enthusiastic pain therefore. There was likewise a segment suit going on, in which the lady was blamed for being a witch to put tension on them. Albeit, the case was excused because of an absence of observers.

"Madhu Munda versus the State of Bihar"

A few groups are hauling a mother out of the house in the present circumstance. She had been accounted for missing. A FIR has been documented. Mother was discovered eight days after the fact, and she said that those individuals put her in a trench, where she dropped. She went to her sibling's home subsequent to recapturing cognizance. The charged was not attempted for this situation too because of the observer's deceitful declaration.

"State of West Bengal v. Kali Singh and others"

The Calcutta High Court held that legal execution in instances of witch-hunting doesn't help destroy this evil since it is established in men's mind. Despite the fact that driving the death penalties of seven men blamed for killing three ladies in the conviction that they were witches, the Court discovered the condition of being careless in neglecting to meet its commitment of offering instruction in each alcove and corner of the country.

The role of non-governmental organisation (NGOs) and social activists

Maybe the most notable individual to stand in opposition to strange notion is Narendra Dabholkar, an Indian clinical specialist, social extremist, and realist. They framed and drove the Maharashtra AndhshraddhaNirmoolan Samiti (MANS) in 1989. He was focused on destroying odd notion in Maharashtra, and it was under his bearing that the MANS drafted the Anti-Jadu. Tona Bill. Regardless, a few political gatherings dissented, and he was killed on August 20, 2013. The bill was re-examined after his demise and passed in December 2013.

The 'Middle for Social Justice' is a non-benefit association that lobbies for ladies' privileges and the privileges of abused individuals, for example, Adivasi ladies in Gujarat who are being focused in witch chases. Another social dissident, Birubala Rabha, is attributed with compelling the Assam government to pass one of its strictest enemy of witch chasing laws. The Indian Rationalist Association, established by Edamaruku, plans to kill this. The association 'Anandi' is committed to the restoration of witch chase survivors.

Case Study

Mangri Munda, an ancestral lady, was killed alongside her two children and two girls in January 2019 in Orissa, and their bodies were unloaded in a well close to their home. Individuals thought she was a witch who could rehearse dark enchantment. Budhram Munda, the witch specialist, was the main litigant for the situation. Individuals associated her with being the reason for a long-running ailment in the blamed family. The instance of Magri Munda is nevertheless one of numerous where guiltless ladies are blamed for being witches and reprimanded for the passing's of kids, infection spread in the town, and different setbacks.

II. CONCLUSION

The practice of witch-hunting is an imperfection in current culture. Our sacred rights to security, trustworthiness, and admittance to the web have all been declared today. While the world is improving, individuals in numerous pieces of the nation are as yet denied the key right to a fair life. Having eccentric practices illicit is only one aspect of the issue. The state should find satisfactory ways to lessen destitution, improve everyday environments, general wellbeing, instructive freedoms, and foundation in country and far off territories. As an issue of need, an association ought to be framed to manage such cases rapidly and gently. The need of great importance is for a successful focal law that forbids the act of witch-chasing and has a vigorous consistence system. Just when disasters, for example, witch-chasing are destroyed from society will individuals completely make the most of their common freedoms.

This issue must be successfully tended to by teaching general society, particularly in rustic regions, and imparting a feeling of levelheadedness in them. Viable enactment should be enhanced by viable social government assistance conveyance frameworks. As we as a whole know, witch-chasing cases are on the ascent because of different reasons, including chronic frailty and clinical consideration, deficient schooling, absence of drinking water, disinfection, transportation, and an overall absence of information in rustic zones. Therefore, a multi-pronged system to battle this social evil is required. In all actuality, the best methodology the public authority can seek after is as per the following:

- Above all else, the public authority's consideration ought to be on the exacting execution of set up enemy of witch-chasing instruments.
- Pushing for witch chase enactment is basic in Indian culture on the grounds that there is no focal law explicitly against this malevolent, making it difficult to arraign informers and stop assaults viably.
- Police and Welfare Department work force ought to be prepared in sharpening and powerful reaction components.

Non-administrative associations (NGOs) looking to deflect black magic related slaughters should additionally endeavour to redirect individuals' consideration from such destructive ceremonies and divert it toward more certain undertakings. This assignment should be finished on a square and town level. Neighbourhood non-administrative associations (NGOs) will assume a basic part in this. Since the most fundamental thing is individuals' backwardness and absence of reason to them, crusades against strange notion and witch-chasing practices ought to be started. This job requires functional collaboration among partners and the joined endeavours of the public authority, organization, non-benefit associations, schools, and others.

- At the region and state levels, unique cells ought to be set up to distinguish and recuperate survivors.
- The objective ought to be to adequately bring issues to light among younger students, as they are the country's future with the goal that the issue can be viably tended to starting from the earliest stage.

REFERENCES

- [1]. Witchcraft, newadvent.org, available at <https://www.newadvent.org/cathen/15674a.htm>, last seen on 20/12/2017.
- [2]. Articles 1–3, 5, 12, 13, 17(2), UDHR 1948
- [3]. Articles 6(1), 7, 9(1), 10, 17, 18(2), ICCPR
- [4]. Articles 2(e), 2(f), 3, 5(a), 14(f), 15(4), CEDEW
- [5]. Drugs and magic remedies act 1954
- [6]. Protection of Human Rights Act, 1993
- [7]. Scheduled castes and Scheduled Tribes Act 1989
- [8]. S. 302, Indian Penal Code 1860
- [9]. S. 299, Indian Penal Code 1860

- [10]. S.375, Indian Penal code 1860
- [11]. Bihar prevention of witch practice act 1999
- [12]. Prevention of witch practice act 2001
- [13]. TonahiPratadnaNivaran Act 2005
- [14]. Prevention of witch hunting act, 2013(Odhisha)
- [15]. Maharastra prevention and eradication of human sacrifice Act, 2013
- [16]. Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Act" 2017
- [17]. S. 323,354,509, Indian Penal Code 1860
- [18]. BhimTuri v. the State of Assam, 2017 SCC OnLineGau 813.
- [19]. State Government Directed to follow specific measures in order to eradicate the evil practise of witch-hunting, Scconline.com, available at <https://blog.sconline.com/post/2016/08/08/state-government-directed-to-follow-certain-measures-in-order-to-eradicate-the-evil-practice-of-witch-hunting/>, last seen on 14/12/2017
- [20]. Tula Devi and Ors. v. State of Jharkhand, 2006 (3) JCR 222 Jhr.
- [21]. Madhu Munda and Ors. v. State of Bihar, 2003 (3) JCR 156 Jhr.
- [22]. State of West Bengal v. Kali Singh and othersDeath Reference No. 7 of 2016 &Criminal Appeal Nos. 380 & 381 of 2016

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