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WITCH-HUNTING AND LEGAL PROTECTION IN INDIA: BALANCING CULTURAL PRACTICES AND HUMAN RIGHTS

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ABSTRACT

Witch hunting refers to the persecution, violence, and social exclusion of individuals primarily women accused of practicing witchcraft. Although the practice has historically been linked to the medieval and early modern eras in Europe, it still exists in a number of Global South countries, including India. In addition to superstition, structural injustices like gender discrimination, caste hierarchies, poverty, illiteracy, and local power politics are the foundation of modern witch hunting. Vulnerable women, widows, the elderly, and landowners are frequently labelled as witches in several Indian states, especially Assam, Jharkhand, Chhattisgarh, Odisha, and Rajasthan. As a result, they may face violence, social boycotts, relocation, or even murder.

State-level laws such as the Assam Witch Hunting (Prohibition, Prevention and Protection) Act, 2015 have been passed, but the practice persists because of lax enforcement, community silence, and enduring belief systems. Witch hunting violates the rights to life, dignity, equality, and security that are protected by both domestic and international legal frameworks, raising grave concerns about human rights. A comprehensive strategy that incorporates protection mechanisms, community awareness, legal reforms, and the socioeconomic empowerment of marginalized groups is needed to address this issue. Developing successful prevention and

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rehabilitation strategies requires an understanding of witch hunting as a socio-legal and gendered phenomenon.

I. INTRODUCTION:

In India, witch-hunting is still one of the worst and most common types of violence against women. Its foundations are patriarchy, superstition, and social exclusion. It involves accusing people mostly women of being witches, which is often followed by murder, violence, and social rejection. Despite significant advancements in science, technology, and education, belief in the paranormal continues to influence social behaviour in communities, particularly in rural and tribal areas. Women who are widowed, elderly, childless, financially dependent, or in other socially vulnerable situations are more likely to be branded as witches due to a combination of power dynamics and gender discrimination. The problem is mostly found in regions like Jharkhand, Assam, Odisha, Chhattisgarh, Rajasthan, and Bihar, where the practice is still carried out because of poverty, illiteracy, and restricted access to treatment and justice.[1] According to recent data analysed from the National Crime Records Bureau, witch-hunting has killed over 2,500 people since 2000, and accusations of witchcraft were linked to over 85 murders in 2022.[2] These figures demonstrate the pervasiveness of the crime as well as the systematic underreporting brought on by institutional apathy and stigma. Witch-hunting is a serious human rights violation that robs victims of their safety, self-respect, and even their own life. The issue goes beyond criminal law. It exposes systemic flaws in social welfare, the healthcare system, and law enforcement. A comprehensive approach involving legislative change, awareness-raising, and empowering marginalized communities is required to put an end to this cruel practice in Indian society.

II. HISTORICAL DEVELOPMENTS:

In India, witch-hunting has long existed and is deeply ingrained in the country's culture. Since ancient times, people on the Indian subcontinent have believed in supernatural forces, both good and bad. Unknown illnesses, crop failures, or natural disasters were frequently linked to witchcraft or, depending on the area, "tonahi, dayan, chudel, dajjal" in early religious texts and folklore. Even though it wasn't always violent in the beginning, stigma against people who

[1] Dr Rakesh K Singh, 'Witch Hunting: Alive and Kicking' (18 January 2011) *Scribd*, *available at:* https://www.scribd.com/document/47055924/Witch-Hunting-Alive-and-Kicking (last visited on October 15, 2025).
[2] National Crime Records Bureau, *Crime in India 2012 Statistics* (14 August 2020), *available at:* https://ncrb.gov.in/en/crime-indiayear-2012 (last visited on October 15, 2025).

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were thought to be in control of supernatural forces grew over time. Ojhas, tantriks, and bhagats were among the local healers who gained authority in diagnosing misfortunes during the medieval era.[3] Because they disobeyed patriarchal conventions or because their presence coincided with bad luck, women especially widows and independent women were branded as witches. The influence of tribal animistic practices also played a major role in the spread of sorcery-related fear within Adivasi communities.[4]

According to colonial records, witch-hunting violence significantly increased in the late 19th and early 20th centuries. Several instances of women being publicly tortured or killed to drive out "evil spirits" were documented by British administrators in Bengal, Chhota Nagpur, and Central Provinces. However, because of a lack of administrative priority and cultural awareness, the British legal system largely disregarded these targeted gendered attacks. Modernization and scientific progress decreased but never completely eradicated superstition in rural life during the post-independence era.[5] In addition to being a belief in witchcraft, witch-hunting is still practiced today as a means of social exclusion, property disputes, and the silencing of vocal women.

Thus, the historical trajectory shows that witch-hunting has transformed from a cultural superstition into a systemic form of gender violence and social control in contemporary India.

III. INTERNATIONAL INSTRUMENTS:

Though witch-hunting is not treated as a distinct offence in international law, the acts associated with it, such as murder, torture, discrimination, exclusion, and gender-based violence are serious violations of universally recognized human rights. Various international human rights instruments impose obligations upon States to prevent and punish such abuses.

The Universal Declaration of Human Rights (UDHR) 1948 lays the foundation for the protection of dignity and equality of all individuals. Witch-hunting clearly violates fundamental rights under the UDHR, particularly the right to life and security of person[6], and

[3] Supra Note 1.
[4] Shubhangi Singh Rajora, 'Witch-Hunting in India' (6 June 2021) *Indian Legal Solutions available at:* https://indianlegalsolution.com/witch-hunting-in-india/#_ftnref2 (last visited on October 16, 2025).
[5] Nidhi Bajaj, 'Atrocious Witch Hunting Attacks in India: Need for Central Legislation' (29 January 2020) *iPleaders, available at:* https://blog.ipleaders.in/witch-hunting-attacks-in-india/ (last visited on October 16, 2025).
[6] The Universal Declaration of Human Rights, 1948, art. 3.

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the right to be free from torture or cruel, inhuman or degrading treatment[7]. It also goes against the principles of equality and non-discrimination[8].

Similarly, the International Covenant on Civil and Political Rights (ICCPR) 1966, to which India is a State Party, mandates protection of the right to life[9], freedom from torture and ill-treatment[10], and the right to freedom of thought, conscience, and religion without coercion[11]. Witch-hunting practices directly undermine these protections, placing a duty on States to ensure accountability and justice for victims.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979 is particularly relevant because women form the overwhelming majority of victims. Witch-hunting often stems from discriminatory customs, patriarchal power structures, and socio-economic vulnerabilities. Articles 2(f) and 5 of CEDAW obligate States to eliminate harmful cultural practices that perpetuate violence and inequality against women.

Additionally, the Convention on the Rights of the Child (CRC) 1989 provides protection to children who are indirectly or directly affected by witch-hunting, including those who are stigmatized or subjected to violence after being branded as witches. Article 19 obliges States to safeguard children from all forms of physical or mental harm, emphasizing preventive and rehabilitative measures.

Further, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007 has relevance in the Indian context as witch-hunting is widely prevalent among tribal communities. It reinforces the need to respect the dignity, cultural identity, and rights of indigenous populations while protecting them from violence, exploitation, and discrimination[12].

Finally, the United Nations Special Rapporteurs on extrajudicial executions and harmful practices have repeatedly recognized witch-hunting as a "contemporary form of gender-based violence," urging nations like India to implement stronger legislation, victim protection

[7] The Universal Declaration of Human Rights, 1948, art. 5.
[8] *Id* at art. 2 and 7.
[9] The International Covenant on Civil and Political Rights, 1966, art.6.
[10] *Id* at art. 7.
[11] *Id* at art. 18.
[12] The UN Declaration on the Rights of Indigenous Peoples, 2007, art. 7 and 22.

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mechanisms, and awareness programs aimed at dismantling superstition-driven violence.[13]

IV. NATIONAL LEGAL INSTRUMENTS:

India does not have a specific central legislation criminalizing witch-hunting across the country. However, various provisions of the Bharatiya Nyaya Sanhita (BNS) are invoked to prosecute offences arising from witch-branding. Acts such as murder[14], causing grievous hurt[15], assault[16], criminal intimidation[17], kidnapping[18], outraging the modesty of a woman[19], and unlawful assembly (Section 141) are commonly applied in cases involving witch-hunting. Additionally, Section 79 of BNS penalizes insults to a woman's dignity, relevant in situations where women are humiliated by being labeled as witches.

The Bharatiya Nagarik Suraksha Sanhita (BNSS) empowers police to take preventive action in cases where imminent harm is suspected, while the Bharatiya Sakshya Adhiniyam (BNS) supports prosecution by recognizing circumstantial evidence in violent mob crimes. Despite these safeguards, the absence of a special national law often results in weak enforcement and underreporting due to socio-cultural pressures.

Recognizing the need for targeted protection, several Indian states have enacted specific laws. Bihar was the first state to pass the *Prevention of Witch (Daain) Practices Act, 1999*, criminalizing the accusation of witchcraft. Jharkhand followed with the *Prevention of Witch-Hunting Act, 2001*, later strengthened by the *Jharkhand Witchcraft Act, 2015*, which provides stricter punishment and rehabilitation measures.[20] Odisha enacted the *Prevention of Witch-Hunting Act, 2013* to curb violence driven by superstitious beliefs. States like Rajasthan (2005), Chhattisgarh (2005), and Assam (2015) have also adopted similar statutes recognizing witch-

[13] Jill Schnoebelen, 'Witchcraft Allegations, Refugee Protection and Human Rights: A Review of the Evidence' (January 2009), UNHCR, *available at*: https://www.unhcr.org/research/working/4981ca712/witchcraft-allegations-refugee-protection-human-rights-review-evidence.html (last visited on October 16, 2025).
[14] The Bharatiya Nyaya Sanhita, 2023, s. 103(1).
[15] *Id* at s. 118(2).
[16] *Id* at ss. 115 – 117.
[17] *Id* at s. 351.
[18] *Id* at s. 137.
[19] *Id* at s. 74.
[20] Eshaan Datt, 'Need for Statutory Restrictions on Witchcraft' (2020) *Legal Service India*, *available at:* https://www.legalserviceindia.com/legal/article-4273-need-for-statutory-restrictions-on-witchcraft.html (last visited on October 17, 2025).

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hunting as a separate criminal offence.[21]

While these state laws are a *progressive* step, they lack uniformity and remain inadequately implemented due to limited awareness and deep-rooted superstition in rural communities. There have been persistent demands for a comprehensive national law to ensure consistency in enforcement, victim protection, and accountability mechanisms across states.

V. CAUSES OF WITCH-HUNTING:

Witch-hunting in India is not merely the outcome of blind faith; it is a socio-economic and gendered crime driven by multiple intersecting factors. At its core lies a belief system that attributes misfortunes—such as illness, infertility, crop failure, or death—to supernatural forces. When scientific understanding remains limited, communities resort to blaming individuals, especially marginalized women, as "witches."

(a) Deep-Rooted Superstition and Traditional Beliefs

Many rural communities continue to place trust in practices of black magic and sorcery. Local healers or "Ojhas" often exploit fear by identifying an individual as a source of evil. Their statements carry significant social influence, triggering violence without rational inquiry.[22]

(b) Patriarchy and Gender-Based Discrimination

Women form the majority of victims, reflecting the structural inequality in society. Widows, elderly women, unmarried women, or those without male protection are frequently targeted. Branding them as witches functions as a tool to control women who do not conform to traditional gender roles or exhibit assertiveness.[23]

(c) Property-Related Motives

Several studies reveal that witch accusations are strategically used to dispossess women of land and property. In tribal belts, where women traditionally hold land rights, labeling a woman as a witch becomes a convenient means to seize her resources and remove her from inheritance claims.[24]

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[21] Partners for Law in Development, *Annual Report: Contemporary Practices of Witch Hunting – A Report on Social Trends and the Interface with Law, available at:* https://pldindia.org/wp-content/uploads/2019/04/annual-report-2013-2014-pld-india.pdf (last visited on October 17, 2025).

[22] Tanushree Sharma Sandhu, 'Black Magic Practices in India' (23 May 2012) *DW: Made for Minds , available at :* http://www.dw.de/black-magic-practices-in-india/a-15969540 (last visited on October 18, 2025)

[23] *Ibid.*

[24] Shamsher Alam and Aditya Raj, 'The Academic Journey of Witch-craft Studies in India' (September 2017) *SSRN, available at:* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3108724 (last visited on October 18, 2025).

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(d) Social and Caste Vulnerability

The majority of victims belong to Scheduled Tribes, Scheduled Castes, and economically weaker classes. The weaker their socio-economic status, the easier it becomes to victimize them without fear of legal consequences.[25]

(e) Healthcare Illiteracy

Lack of access to medical facilities often causes unexplained illnesses or epidemics to be interpreted as witchcraft. Instead of seeking treatment, communities resort to violence against an accused individual, believing it will cure the situation.

(f) Role of Power and Community Politics

Witch-hunting is sometimes used to settle personal enmity, jealousy, and social rivalry. Accusations may arise from disputes over family conflict, economic competition, or attempts to ostracize individuals who challenge community norms.[26]

To conclude, witch-hunting persists because it operates within a system of fear, inequality, and ignorance, where vulnerable individuals are easily demonized and punished for societal failures. Without addressing these root causes, legal measures alone cannot eliminate this deeply entrenched social evil.

VI. ISSUES IN ENFORCEMENT OF WITCH-HUNTING LAWS IN INDIA

The enforcement of laws prohibiting witch-hunting in India is still very ineffective, despite the existence of numerous legal mechanisms at both the national and state levels. One major issue is the widespread social acceptance of witch-branding due to rural and tribal communities' deeply ingrained belief in supernatural practices. Because of this, victims frequently do not receive institutional support, and offenders are often protected by silence and community solidarity.[27] The lack of awareness and sensitization among police officers and local authorities is a significant obstacle to enforcement. Similar superstitions are held by many law enforcement officers, who also view these cases as simple "social disputes." This results in a high rate of case closure due to insufficient evidence, delayed intervention, and careless investigation. This weakens accountability and fosters a climate of impunity for perpetrators.

Furthermore, underreporting is a serious problem. Families of victims don't file complaints

[25] Supra Note 24.
[26] Supra Note 24.
[27] Richard M Golden, 'Changing Identities in Early Modern France' in *Satan in Europe: The Geography of Witch Hunts* 234 (Duke University Press 1997) .

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because they fear retaliation, social boycotts, and more violence. Sometimes, village councils or traditional healers use informal justice systems to settle disputes, completely eschewing the legal system. Litigation is discouraged because women who survive the violence frequently experience ongoing exclusion and have nowhere to turn for protection or rehabilitation. Uniform legislation is also lacking. [28] Many areas still only rely on general IPC provisions, which do not adequately address the cultural and gender-specific aspects of witch-hunting crimes, even though some states have passed specific legislation. Furthermore, in rural areas where incidents occur most frequently, the implementation of victim protection frameworks such as shelter homes, legal assistance, and compensation remains largely insufficient and unavailable.

Therefore, it is clear that legal reform by itself cannot end the practice; in order to overcome the structural flaws that currently allow witch-hunting in India, a comprehensive enforcement strategy involving community involvement, awareness campaigns, robust policing, and socioeconomic empowerment of vulnerable women is necessary.

VII. GEOGRAPHICAL HOTSPOTS OF WITCH-HUNTING IN INDIA: TRENDS AND NCRB DATA

While witch-hunting is not widespread in India, it is concentrated in certain regions, especially those with high rates of poverty, illiteracy, and tribal or rural populations. The National Crime Records Bureau (NCRB) reports that despite social and legal interventions, witchcraft-related murders still occur in India each year. Over 2,800 deaths were officially linked to accusations of witchcraft between 2001 and 2022; however, experts believe this number is greatly underreported because of social stigma and informal settlements of such disputes.[29] In central and eastern India, the practice is most common in Jharkhand, Odisha, Assam, Chhattisgarh, Bihar, and Rajasthan, creating what is frequently referred to as a "witch-hunting corridor."

Nearly 40–50% of witch-hunting deaths occur in Jharkhand each year, making it the state most severely impacted. Women who are accused of casting "evil spells" during illness or crop

[28] Nidhi Bajaj, 'Atrocious Witch Hunting Attacks in India: Need for Central Legislation' (29 January 2020) *iPleaders , available at:* https://blog.ipleaders.in/witch-hunting-attacks-in-india/ (last visited on October 18, 2025).

[29] Pushpika Sapna Bara, "NCRB data flags witch-hunting in Jharkhand — it's not just superstition, it's patriarchy", *The Indian Express, October 15, 2025, available at:* https://indianexpress.com/article/opinion/columns/ncrb-data-flags-witch-hunting-in-jharkhand-10308002/ (last visited on October 18, 2025).

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failures are routinely brutally murdered in districts like Ranchi, Khunti, Simdega, and West Singhbhum. Additionally, Odisha reports a high number of incidents, especially in tribal-dominated districts like Mayurbhanj and Sundargarh, where traditional healing methods and superstition are prevalent.[30]

In Assamese tea garden communities and tribal areas, where illnesses like malaria are frequently blamed on black magic, people are branded as witches. Following a string of horrific public lynchings that attracted national attention, the Assam Witch Hunting (Prohibition, Prevention and Protection) Act, 2015 was passed.[31] Chhattisgarh, too, faces recurring cases, particularly in the districts of Jashpur and Raigarh, where social hierarchies and gender inequality play a major role in identifying "witches."

Cases related to property disputes, patriarchal norms, and targeted violence against widows or single women have also been reported in Bihar, Maharashtra, and Rajasthan. For example, in Rajasthan, Dalit and lower-caste women are frequently deprived of land and property through the practice of witch branding.

According to NCRB Crime in India reports:

- **2019:** 102 murders linked to witchcraft[32]
- **2020:** 88 murders[33]
- **2021:** 68 murders[34]
- **2022:** 80 murders[35]

Even though there has been a slight decrease in recent years, the continued occurrence of these crimes shows how deeply ingrained superstition is in society and how insufficient law enforcement is, particularly in isolated rural areas. The geographic clustering of cases makes it abundantly evident that witch-hunting is a structural social issue entwined with deprivation, gender oppression, and inequality rather than a singular act of belief.

[30] Supra Note 29.
[31] Trishna Sarkar,"Burnt alive, strangled, slashed: For witch hunts to end, India must break cycles of misogyny, poverty", *The Indian Express*, July 10, 2025**,** *available at:* https://indianexpress.com/article/opinion/columns/burnt-alive-strangled-slashed-witch-hunts-witchcraft-misogyny-poverty-10117725/ *(last visited on October 18, 2025).*
[32] Supra Note 29.
[33] Supra Note 29.
[34] Supra Note 29.
[35] Supra Note 29.

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VIII. JUDICIAL CASES AND SIGNIFICANT INCIDENTS OF WITCH-HUNTING IN INDIA

The Indian judiciary has often confronted cases of witch-hunting where women have been subjected to brutal violence and social exclusion. Courts across the country have increasingly recognized witch branding as a serious violation of fundamental rights, particularly the right to life, dignity, and equality under Articles 14, 15, and 21 of the Constitution.

One of the landmark cases is ***State of West Bengal v. Kali Singh and others***[36] , in this case, a group of villagers, including the accused Kali Singh and others, branded three women as "witches," demanded a sum of ₹ 60,000 as a "fine," and when the amount was not paid assaulted them, dragged them to a riverbed, and murdered them; their bodies were buried in the sand of the river and recovered the next day. The trial court convicted several accused under Sections 147, 149, 302, 201 of the Indian Penal Code (IPC), sentencing some to death and others to life imprisonment. On appeal, the Calcutta High Court commuted the death sentences, invoking the doctrine that even heinous crimes rooted in superstition deserve careful scrutiny emphasising that judicial execution alone is insufficient to eliminate the deep-rooted social evil of witch-hunting; instead, state responsibility to eradicate superstition through education and social reform was underlined.

In **Madina Bibi v. State of West Bengal**[37], Calcutta High Court upheld stringent punishment for offenders who forcibly shaved the head of a woman, paraded her naked, and banished her from the village after labeling her a witch. The Court recognized witch-hunting as a form of gender-based violence and held that social customs cannot override constitutional protections. The Supreme Court has also acknowledged the seriousness of this issue. In **Madhu Munda v. State of Bihar**[38] , the accused branded a woman as a "witch" and incited villagers to assault her, resulting in her death. The Jharkhand High Court upheld the convictions of the accused under various sections of the Indian Penal Code, emphasizing that superstition or belief in witchcraft cannot justify acts of violence or intimidation. The Court underscored the need to protect vulnerable individuals, especially women, from socially entrenched practices of witch-hunting, and reinforced that criminal liability arises regardless of traditional beliefs or local customs.

[36] (2018) 15 SCC 501.
[37] C.R.R. No. 1212 of 2000.
[38] 2003 (1) BLJR 964.

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There have been several high-profile incidents that have drawn public attention. In Assam (2019), a 73-year-old woman was lynched in Sonitpur after being accused of practicing black magic. In Jharkhand (2020), five women in Gumla district were dragged from their homes and beaten to death by villagers, revealing societal complicity and delayed state intervention. Odisha (2023) also reported shocking cases where women were subjected to exorcism rituals and later killed after being declared witches.[39]

These cases underscore a recurring pattern: witch-hunting thrives on superstition, social power struggles, and patriarchal control, often with complicity or silence of local authorities. Judicial condemnation has been strong, but lack of effective implementation of laws and victim protection mechanisms allows such atrocities to persist.

IX. CONCLUSION & RECOMMENDATIONS

In India, witch-hunting is still a troubling illustration of how systemic flaws, patriarchy, and superstition continue to endanger the lives and dignity of marginalized people, particularly women. The persistence of these crimes exposes the profound social injustices and deeply ingrained beliefs that are common in rural societies, despite technological advancements and constitutional guarantees of equality and human rights. The trends across states make it abundantly evident that witch-hunting is a targeted instrument of oppression rather than just a cultural relic. It is often used to settle personal grievances, seize property, and silence vulnerable voices. Although criminalization has been made possible by current legal frameworks, the efficacy of these safeguards is compromised by lax enforcement, inconsistent national legislation, and insufficient rehabilitation programs. Addressing this complex issue requires structural reform, community-level intervention, and a rights-based approach to ensure safety, justice, and empowerment for the victims.

Recommendations

a. **Comprehensive National Legislation:** Enact a uniform central law criminalising witch-hunting, ensuring strict punishment for perpetrators and protection of victims across all states.
b. **Strengthening law enforcement**: Police and judicial officials must be trained to handle such cases with sensitivity and urgency, ensuring timely investigation and prosecution.

[39] Supra Note 1.

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c. **Community Awareness and Education Campaigns**: Large-scale behavioural change programs should challenge harmful superstitions, promote scientific temper (Art. 51A (h) of the Constitution), and encourage gender equality.
d. **Victim Rehabilitation and Social Reintegration**: Provide survivors with legal aid, financial compensation, medical care, counselling, and alternative housing to overcome stigma and rebuild their lives.
e. **Regulation of Traditional Healers and Quacks:** Many accusations originate from individuals claiming supernatural knowledge; strong regulatory frameworks can reduce manipulation and abuse.
f. **Empowerment of Women and Tribal Communities:** Improving literacy, healthcare access, land rights, and economic opportunities can address root causes of vulnerability.
g. **Strengthening Data Collection and Research**: Government and academic institutions must improve documentation to understand trends, assess interventions, and inform policymaking.
h. **Community-level Monitoring Bodies**: Panchayats, NGOs, and local committees should work together to identify at-risk individuals and intervene before violence occurs.

Eliminating witch-hunting requires both legal deterrence and social transformation. Governments, civil society, and communities must collaboratively work to end this centuries-old injustice and ensure that no individual is ever harmed again in the name of superstition.