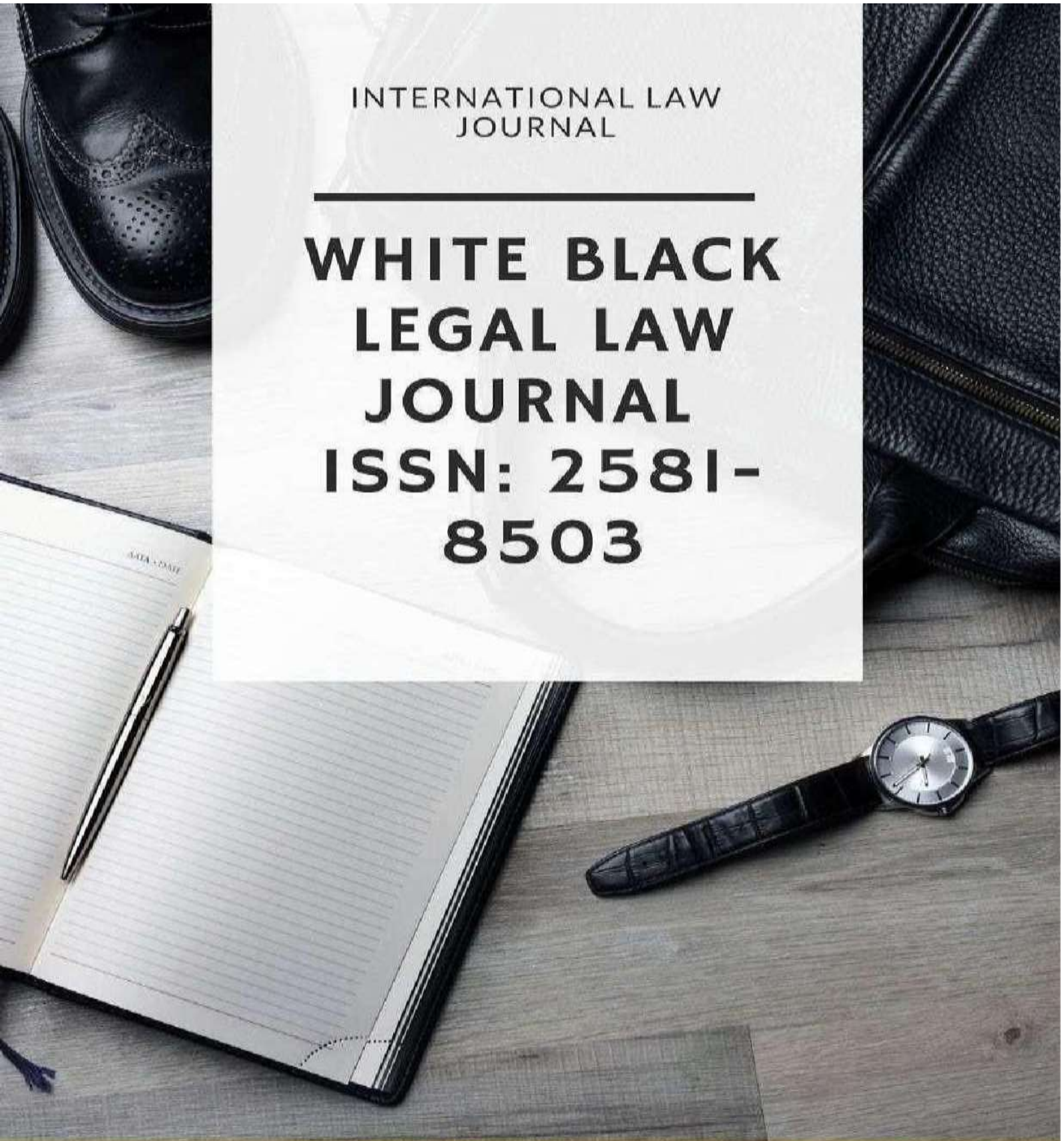




INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL TEAM

Raju Narayana Swamy (IAS) Indian Administrative Service officer



Dr. Raju Narayana Swamy popularly known as Kerala's Anti-Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala. He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University. He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and

a professional diploma in Public Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB, LLM degrees from Banaras Hindu University & PHD from university of Kota. He has successfully completed UGC sponsored M.R.P for the work in the Ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; PH.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St. Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing PH.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal



Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.

Dr. Rinu Saraswat



Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, PH.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, PH.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University. More than 25 Publications in renowned National and International Journals and has authored a Text book on CR.P.C and Juvenile Delinquency law.



Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); PH.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

WITCH-HUNTING IN INDIA: A PERSISTENT GENDERED VIOLENCE WITH LEGAL AND SOCIAL DIMENSIONS

AUTHORED BY- ADV. PRIYANKA KUMARI¹ & SATYAM GAUTAM²

Abstract

Witch-hunting remains a disturbing manifestation of gender-based violence in India even in the 21st century. Rooted in superstition, patriarchy, and socio-economic marginalization, it violates fundamental human rights and disproportionately affects vulnerable women. Despite the legal frameworks enacted in several states, enforcement gaps persist. This article examines the historical roots, socio-cultural dynamics, legal provisions (including updates under the *Bharatiya Nyaya Sanhita, 2023*), and the critical roles played by activists and NGOs in combating this practice.

1. Introduction

India's commitment to progress and social justice is challenged by regressive practices such as witch-hunting, which continues to lead to harassment, torture, displacement, and killings. Between 2001 and 2020, in Jharkhand alone, at least 590 people—mostly women—were murdered after being accused of witchcraft, as per National Crime Records Bureau (NCRB) data.

The brutal nature of this practice was highlighted through the work of Padma Shri awardees Birubala Rabha of Assam and Chhutni Mahato of Jharkhand, who have dedicated their lives to eradicating superstition through activism and rehabilitation work. Rabha's *Mission Birubala* contributed to the Assam Witch Hunting (Prohibition, Prevention and Protection) Act, 2015, while Mahato runs a centre sheltering over 125 survivors.

¹ Advocate, Cum Legal Researcher (Advocate General Office) at Jharkhand High Court, Ranchi

² Masters from TISS, Mumbai

2. Historical Context

Witch-hunting can be traced to medieval Europe with sanctioned executions between the 14th and 18th centuries. In India, historical accounts such as the 1886 Kunkoo case reveal how superstition substituted medical intervention with rituals of torture. Studies indicate that this practice disproportionately targeted widows, elderly women, and marginalized castes (Federici, 2008).

3. Socio-Cultural Underpinnings

3.1 Gender Discrimination

Patriarchal norms position women—especially widows, single women, or those perceived as “non-conforming”—as easy targets. Witch-branding reinforces control over women’s autonomy (Mishra & Shukla, *Parisheelan* XIV).

3.2 Superstition and Belief Systems

Beliefs in supernatural powers and fear of the unknown frequently become tools for social exclusion and violence.

3.3 Economic Motives

Accusations are often linked to disputes over land, property, or inheritance, as documented by the Jharkhand State Livelihood Promotion Society in its “Garima” project (2019).

3.4 Community Dynamics

Witch-hunting is rarely an act of an individual; it is a collective, community-sanctioned phenomenon involving mob violence, perpetuated by local opinion leaders and fueled by misinformation.

4. Legal Framework

4.1 State-Specific Anti-Witch-Hunting Laws

- Assam Witch Hunting (Prohibition, Prevention and Protection) Act, 2015 – criminalizes witch-hunting, prescribes imprisonment up to seven years, extendable to life in extreme cases.
- Jharkhand Prevention of Witch (Daain) Practices Act, 1999 – criminalizes identification and branding of a person as a witch.

- Bihar Prevention of Witch-Hunting (Dayan Pratha) Act, 2001
- Chhattisgarh Witchcraft Atrocities Prevention Act, 2005
- Odisha Prevention of Witch-Hunting Act, 2013
- Rajasthan Prevention of Witch-Hunting Act, 2015
- Gujarat Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil, and Aghori Practices and Black Magic Bill, 2024 – includes witchcraft-related harmful practices in its ambit.

4.2 National Criminal Law – From IPC to BNS

From 1 July 2024, the Bharatiya Nyaya Sanhita, 2023 (BNS) replaced the Indian Penal Code (IPC). Provisions relevant to witch-hunting cases include:

- BNS Section 115 – *Voluntarily causing hurt* (replacing IPC s.323) – punishable with imprisonment up to 1 year or fine, or both (enhanced penalties for grievous hurt under s.117).
- BNS Section 298 – *Acts outraging religious feelings* (replacing IPC s.295A) – applicable when religious myths are deliberately manipulated to incite violence or branding.
- BNS Section 356 – *Murder* (replacing IPC s.302) – in cases where witch-hunting leads to death.
- BNS Section 124 – *Wrongful confinement* (replacing IPC s.340) – captures cases where victims are restrained or detained by mobs.
- BNS Section 75 – Organised crime, when carried out by unlawful assemblies against an accused witch, may apply.

The BNS does not yet have a specific clause on witch-hunting, leaving state laws and allied provisions to fill the gap.

5. Challenges in Implementation

- Underreporting due to stigma, fear of reprisal, and mistrust of law enforcement.
- Weak investigations – low awareness among police on application of anti-witch-hunting provisions.
- Witness intimidation – lack of structured *witness protection programs*.
- Social ostracism even after legal vindication.

6. Role of Civil Society & Activists

NGOs and movements such as *Mission Birubala*, Mahato's rehabilitation work, and the Garima project in Jharkhand demonstrate that community-level sensitization is critical. Interventions often include *street plays*, *survivor testimonies*, and *legal literacy camps*.

7. Recommendations

1. National Anti-Witch-Hunting Law – to create uniformity and supplement BNS provisions.
2. BNS Amendment – introduce a dedicated section criminalizing witch-branding with aggravated penalties when linked to gender-based violence.
3. Victim Rehabilitation Fund– for survivors' medical, psychological, and economic recovery.
4. Education & Awareness – integrate superstition-busting content into school curricula.
5. Mental Health Interventions – PTSD and trauma counseling for survivors and families.

Conclusion

Witch-hunting represents the intersection of gender injustice, superstition, and systemic failure. While state laws and the BNS provide indirect remedies, a specific, deterrent national legal provision is essential. The fight against witch-hunting is as much a battle of law enforcement as it is of cultural transformation, requiring sustained legal, social, and psychological strategies to dismantle the beliefs and structures that enable it.

References

1. Federici, S. (2008). *Witch-hunting, globalization, and feminist solidarity in Africa today*. *Journal of International Women's Studies*, 10(1), 21–35.
2. Press Trust of India. (2022). "Four branded 'witches,' forced to eat excreta in Jharkhand: Police." *Hindustan Times*.
3. Jharkhand State Livelihood Promotion Society (2019). *Garima: A project to make Jharkhand free from Witch Branding and Witch Hunting Practices*.
4. Mishra, P., & Shukla, P. *Targeting the vulnerable: witch hunting and violation of Women's rights in North East India*. *Parisheelan*, XIV.
5. NCRB (2001–2020) – Reports on Accidental Deaths & Suicides, Crime in India.
6. Government of India. (2023). *Bharatiya Nyaya Sanhita, 2023*.
7. Assam Witch Hunting (Prohibition, Prevention and Protection) Act, 2015, Assam Act No. 1 of 2015.