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Witch Hunting Laws in India: A Comparative Study

FUZAIL AHMAD MANSURI*

ABSTRACT

Social exclusion and gender-based violence are two of the most prominent forms of witch hunting in modern India, but historically it was associated with the witch trials in Europe. This research provides a comparative analysis of witch-hunting activities in India and the United Kingdom, evaluating their historical roots, socio-cultural factors, and judicial responses. Using a doctrinal and comparative methodology, the paper analyses legislation, judicial processes and key human-rights concepts in both countries. While the UK is an example of the historical process of moving from criminalization of claimed witchcraft to its eventual legal and societal repudiation, India is still confronted with witch-related allegations based on superstition, patriarchy, property conflicts and social marginalization. The paper contends that India's fragmented legislative framework and continuing socio-cultural vulnerabilities call for a holistic, rights-based approach that integrates criminal justice, victim protection, awareness raising and social reform. The comparative research shows that the successful eradication of witch hunting involves not only legal banishment but also a continuous restructuring of the social structures and ideas that permit such violence.

Keywords: *Witch Hunting, Witchcraft, Gender Based Violence, Superstition, Comparative Law, India, United Kingdom*

I. INTRODUCTION

Witchcraft has been a common cultural phenomenon in nearly all of the world's current civilizations.[1] Although witchcraft has been used for both good and evil purposes, its negative intentions have made it more and more well-known over time, leading to the practice's reputation as 'evil knowledge' and its association with the advancement of evil. Unfavourable circumstances such as illness, physical abnormalities, starvation, poor harvests, fatalities, etc. are thought to be its effects. Over time, the practice has gained notoriety as being 'wicked' and has been seen negatively due to its perceived non-social goals and mischievous intentions. Since witchcraft has always been primarily a feminine endeavour, a fact that has been extensively

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[1] Shamsher Alam & Aditya Raj, *The Academic Journey of Witchcraft Studies in India*, 97 MAN IN INDIA 123, 125 (2017), https://serialsjournals.com/abstract/31014_ch_12_f_-_shamsher_alam.pdf

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documented, the term 'witchcraft' is used in practice more often than its masculine counterpart, 'wizardry'. Those who work in this field who are women are often accused of being witches and of having bad effects.[2] Witch-hunting occurs extensively in India's rural areas, as it does in other parts of the world, especially in those places where tribal people live.[3] In common vernacular and even within mainstream society, the term 'dayan' is frequently employed to refer to witches. The word originates from the Sanskrit word 'dakini', which denotes a female supernatural entity akin to the evil women in whom people in other nations widely believe. In line with this, the occult practice associated with witchcraft is commonly referred to as 'dayan pratha' in the regions of the nation where Hindi is spoken. It is commonly held that witches, also known as dayan, exploit supposedly wicked supernatural forces to bring about unfavourable and unlucky events, such as crop devastation, villagers' poor health, animal diseases, and even the deaths of local residents, particularly male and child residents.[4]

Witch-hunting has occurred around the world, including in the United Kingdom and India. The United Kingdom has a long history of witch-hunting cases, and law-making there came late. The suspected witch faces public indignation, including rape, burning alive, banishment, flogging, and possibly execution, after being held accountable for uninvited occurrences that occur in the community.[5] These practices persist in several parts of India. According to reports of the National Crime Records Bureau, more than 2,500 people were killed in India between 2001 and 2018 on suspicion of practising witchcraft.[6] These are the documented cases. Unreported cases are likely to be additional.[7] Of the total cases that have been documented, Jharkhand accounts for one-fifth of them.[8] Over 550 homicides connected to witchcraft were recorded in the state between 2001 and 2018.[9] These startling numbers, which surpass those of any other Indian state, highlight the prevalence of violations of women's human rights in the

[2] Meena Kumari & Shamsher Alam, *Witchcraft and Witch-Hunting: Perceptions, Interventions and Resolution*, 58 PSYCHOLOGY AND EDUCATION 3149, 3149 (2021), https://doi.org/10.17762/pae.v58i1.1220; Alam & Raj, *supra* note 1, at 124.
[3] Kumari & Alam, *supra* note 2, at 3149.
[4] Kumari & Alam, *supra* note 2, at 3152.
[5] Kumari & Alam, *supra* note 2, at 3150.
[6] NATIONAL CRIME RECORDS BUREAU, MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA, CRIME IN INDIA (annual series), as compiled in Kumari & Alam, *supra* note 2, at 3149–50 (2,694 persons, 2001–2018).
[7] Kumari & Alam, *supra* note 2, at 3150.
[8] Kumari & Alam, *supra* note 2, at 3150.
[9] Kumari & Alam, *supra* note 2, at 3149–50 (table, Jharkhand total 560, source given there as National Crime Records Bureau); see also *Human Sacrifice and Witch Hunting in India: A Legal Perspective on the Struggle Against Ritual Murders and Superstition*, LEGAL SERVICE INDIA (n.d.), https://www.legalserviceindia.com/legal/article-18823-human-sacrifice-and-witch-hunting-in-india-a-legal-perspective-on-the-struggle-against-ritual-murders-and-superstition.html (last visited Sept. 9, 2026) (593 killings in Jharkhand, 2001–2021).

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region. It has been adequately and clearly documented that the bulk of the reported cases are tied to tribal areas, with tribal women constituting the majority of the victims.[10]

In certain instances, men, known locally as Mati or Bisaha and referred to as wizards in English, have also been subjected to similar forms of torture. Future studies can concentrate on wizards and how they fit within the tribal worldview. Another area of study could be belief in witchcraft among educated tribal people who live in metropolitan areas. In addition to these, belief in witchcraft and related practices is also rather common in non-tribal groups. Looking into that can also be a worthwhile line of inquiry.

In spite of the fact that research on witchcraft and witch hunting has received attention in many parts of the world, Indian scholars have generally disregarded this important societal issue. There are surprisingly few empirical, in-depth studies conducted in India.[11] Additionally, a demonising societal issue in India's tribal regions has been the belief in witchcraft, which has led to witch-hunting. This paper examines witch-hunting in India and the United Kingdom, their historical roots, socio-cultural factors and legal responses, using a doctrinal and comparative method. It also looks at the circumstances and causes that result in women's rights being violated in indigenous societies.

A comprehensive analysis of previous studies in the field of witchcraft identifies a number of gaps, many of which have been largely ignored. The most notable is the disregard for the opinions and beliefs of those who genuinely believe in and do the profession. Numerous investigations have been conducted across several Indian states; however, there have been very few empirical studies conducted in Jharkhand, the state with the greatest rate of killings connected to witchcraft. Additionally, there are not many studies on how witchcraft is conceptualised, how people perceive witches and their abilities, how to learn about witchcraft, how to identify witches, how people become bewitched, how to avoid being influenced by witchcraft, and how local sorcerers fit into all of this.[12] The United Kingdom part of the paper is confined to the available books and literature on cases of witch-hunting and its old practices.

II. THE THEORETICAL FOUNDATION OF WITCHCRAFT AND WITCH HUNTING

The idea of a person being both the perpetrator of violent malefice and a victim of such violence is a prevalent phenomenon associated with witches and their supposed craft.[13] Performing

[10] Kumari & Alam, *supra* note 2, at 3150–51.
[11] Kumari & Alam, *supra* note 2, at 3150–51; Alam & Raj, *supra* note 1, at 123, 125.
[12] Kumari & Alam, *supra* note 2, at 3150–51.
[13] JULIAN GOODARE, THE EUROPEAN WITCH-HUNT (Routledge 2016); see also Kumari & Alam, *supra* note 2, at 3154.

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witchcraft and being accused of being a witch sometimes results in ostracization, stigmatization, displacement and violence.[14] These aggressive behaviours may involve torturing and killing someone, kicking them out, humiliating them, etc. To be called a witch is to be seen as someone who can be killed with no repercussions or consequences. Therefore, the chances of someone accused of practising witchcraft being able to defend themselves are smaller than that of someone accused of other crimes.[15]

Historically, witches have been humiliated. They were whipped and strip searched naked to find the witch's mark or magical amulets. Witch-hunting was seen as amputating a gangrenous leg to save the body: a culturally sanctioned killing that, on that view, society had to perform to maintain equilibrium.[16]

Powerful clergy in England thought that witch hunts may have been an attempt to strengthen the authority of the Church by making it look like a fight against evil spirits. Local communities also exploited accusations of witchcraft as a way of dealing with the more powerful social forces of modernity, capitalism and governmental power.[17] So, people began to use allegations of witchcraft as a coping strategy for societal problems that could not be remedied any other way. In addition, major concerns like illness and gender conflicts and minor family quarrels also played a role in the witch hunt.[18] Research has also connected witch hunts to complex webs of caste, class, immigrant issues and poverty.[19] In addition to this, it has been noted that class hierarchy, politics of maintenance of dominance, suppression of dissident voices and battle for community control are key elements to these killings.[20]

III. Witchcraft and Witch-Hunting: A Global Practice

Nearly every society on the planet has experienced witch-hunting at some point.[21] It has proven extremely difficult to disprove the widespread belief that witches are genuine and exist.[22] It has

[14] Helen M. Macdonald, Resolution and Rupture: The Paradox of Violence in Witch Accusations in Chhattisgarh, India (Ph.D. thesis, School of Oriental and African Studies, University of London 2004).
[15] Robert Walinski-Kiehl, *Males, "Masculine Honor," and Witch Hunting in Seventeenth-Century Germany*, 6 Men and Masculinities 254, 254–271 (2004), https://doi.org/10.1177/1097184X03257436.
[16] See Kumari & Alam, *supra* note 2, at 3154; Alam & Raj, *supra* note 1, at 133.
[17] Alam & Raj, *supra* note 1, at 132 (discussing Nandini Sundar's Bastar study); see also Max Marwick, Sorcery in Its Social Setting: A Study of the Northern Rhodesian Cewa (Manchester University Press 1965); Witchcraft and Sorcery (Max Marwick ed., Penguin Books 1970).
[18] Macdonald, *supra* note 14.
[19] Kumari & Alam, *supra* note 2, at 3151; see also Brian P. Levack, The Witch-Hunt in Early Modern Europe (3d ed., Routledge 2013); E. William Monter, *Witchcraft in Geneva, 1537–1662*, 43 J. Mod. Hist. 180, 180–204 (1971).
[20] Alam & Raj, *supra* note 1, at 127, 134; see also sources cited *supra* note 19.
[21] Kumari & Alam, *supra* note 2, at 3149.
[22] Brian A. Pavlac, Witch Hunts in the Western World: Persecution and Punishment from the Inquisition through the Salem Trials (Greenwood Press 2009); Alam & Raj, *supra* note 1, at 125.

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been validated by historical evidence from various cultures and religions. Examples of texts that demonstrate its existence are the Old and New Testaments, Protestant culture, and Babylonian society.[23] According to records, artwork, and other accounts from all across the world, it has been ubiquitous.[24] Witchcraft and witch-hunting have persisted worldwide from the beginning of human civilization.[25] This has resulted in multiple murders and human rights violations against individuals believed to be witches.[26]

In summary, violence related to witchcraft has a long history and has crossed cultural boundaries.[27] Most of the time, it has persisted as a customary practice that denies someone their fundamental right to life. Other deprivations linked to witchcraft include not being able to move, speak, learn, or attend school; poverty; low social standing; social marginalisation; and psychological and emotional traumas.[28] While there are undoubtedly variances in expression among various cultures, it is clear that similar manifestations of violence and rejection exist everywhere in the world.

IV. Witchcraft and witch-hunting in India

In contrast to Europe, Africa, and the US, academics have mostly ignored the topic of Indian witch hunts. Compared to other countries, there have been comparatively fewer scholarly attempts in this area. A short glance at the existing studies reveals that their primary focus is on identifying the fundamental causes of the continued prevalence of these practices in the nation. Witchcraft allegations and witch-hunting have been linked mostly to property disputes, illness and disease, inter-gender conflicts, and village-level disputes.

Research on witch hunts in the states of Jharkhand and Bihar shows that the main cause of these hunts is land disputes between tribal widows and their families. According to an analysis of witch hunts in modern-day West Bengal, witch hunts are acts of persecution aimed against women, especially widows, who face marginalisation and eventual societal isolation. By calling women witches, men are able to take over the land. This persecution is a component of a larger effort to subvert women's traditional rights and establish a patriarchal system that forces women

[23] Alam & Raj, *supra* note 1, at 125; see also Thomas Robisheaux, *The German Witch Trials*, in The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America (Brian P. Levack ed., Oxford University Press 2013).
[24] Alam & Raj, *supra* note 1, at 125; Kumari & Alam, *supra* note 2, at 3150.
[25] Cyprian F. Fisiy, *Containing Occult Practices: Witchcraft Trials in Cameroon*, 41 Afr. Stud. Rev. 143, 143–163 (1998).
[26] Peter Geschiere & Francis Nyamnjoh, *Witchcraft as an Issue in the "Politics of Belonging": Democratization and Urban Migrants' Involvement with the Home Village*, 41 Afr. Stud. Rev. 69, 69–91 (1998).
[27] Witchcraft Dialogues: Anthropological and Philosophical Exchanges (George Clement Bond & Diane M. Ciekawy eds., Ohio University Press 2001).
[28] William E. Burns, Witch Hunts in Europe and America: An Encyclopedia (Greenwood Press 2003).

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to take the back seat. Furthermore, by claiming that women are associated with evil spirits, it denigrates them in society.[29]

Kelkar highlights the link between widows' land rights and witch-hunts in tribal West Bengal and Bihar. Witchcraft accusations were made against widows as well as women whose husbands were separated or divorced. Witch hunts were also directed towards women who were afflicted with horrible diseases such as smallpox, chicken pox, cholera, or diarrhoea.[30] A large amount of the findings of Mishra's study are devoted to the topics of health and law among tribal societies.[31] She claims that people believe in witchfinders because there are superstitions, illiteracy, and a lack of medical services. They are revered as gods and actively use their particular skills to prevent illnesses in people. Additionally, they are essential in the hunt for witches, which leads to the start of witch hunts. Taking this a step further, Chaudhuri contends that witch hunts are fundamentally cultural in origin in her research on them in West Bengal's tea plantation estates. These hunts are the result of confrontations at the village level where women are made to feel guilty. Due to the high frequency of diseases in these underdeveloped areas, witch hunts are common and provide justification for such gatherings. Thus, the main causes of witch hunts in the area were a belief in witches, a lack of access to legal aid, and inadequate health care.[32] In a similar vein, Bleie documents witch persecution among the Oraon.[33] Women are the majority affected here as well. Because they have access to ceremonial knowledge, men can oppress and exercise authority over women. Furthermore, a growing number of complaints, including property disputes, interpersonal problems, and even political grudges, are being resolved through witch hunts.[34]

According to Das,[35] people have turned to witchcraft and witch-hunting as a way to establish and validate their identity because they believe that tribal people are under attack from all directions as a result of industrialization and the breakdown of traditional values and culture.

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[29] Govind Kelkar & Dev Nathan, *Women, Witches and Land Rights*, in GENDER AND TRIBE: WOMEN, LAND AND FORESTS IN JHARKHAND 88, 88–109 (Kali for Women 1991); on West Bengal, Alam & Raj, *supra* note 1, at 131 (discussing Soma Chaudhuri's study); on widows, Alam & Raj, *supra* note 1, at 130 (discussing the study by Joshi et al.).

[30] Dev Nathan, Govind Kelkar & Yu Xiaogang, *Women as Witches and Keepers of Demons: Cross-Cultural Analysis of Struggles to Change Gender Relations*, 33 ECON. & POL. WKLY. WS58, WS58–WS69 (1998).

[31] ARCHANA MISHRA, CASTING THE EVIL EYE: WITCH TRIALS IN TRIBAL INDIA (Namita Gokhale Editions/Roli Books 2003).

[32] Soma Chaudhuri, *Women as Easy Scapegoats: Witchcraft Accusations and Women as Targets in Tea Plantations of India*, 18 VIOLENCE AGAINST WOMEN 1213 (2012), https://doi.org/10.1177/1077801212465155.

[33] TONE BLEIE, THE CULTURAL CONSTRUCTION AND THE SOCIAL ORGANIZATION OF GENDER: THE CASE OF ORAON MARRIAGE AND WITCHCRAFT (Magister Artium thesis, University of Bergen 1985).

[34] P. C. Joshi, Sonia Kaushal, Shashi Katewa & Oinam Hemlata Devi, *Witchcraft Beliefs and Practices among Oraons*, 4 STUD. TRIBES & TRIBALS 145, 145–149 (2006).

[35] Sikha Das, *Gender, Power and Conflict of Identities: A Witch Hunting Narrative of Rabha Women*, 24 SOUTH ASIAN SURVEY 88, 88–100 (2017), https://doi.org/10.1177/0971523118783037.

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Mullick agrees and states that patriarchy, which allows men to eliminate the women they fear, is the primary reason why witch-hunting continues to this day. Women are thus disproportionately accused of being witches. The most common practice of witch-hunting is seen in Jharkhand, particularly among the tribal population.[36]

Witchcraft violence is also very common in other states, especially in "Haryana, Rajasthan, Gujarat, Maharashtra, Madhya Pradesh, Uttar Pradesh, Chhattisgarh, West Bengal, Jharkhand, Odisha, Bihar and Assam".[37] The following table shows the number of murders recorded in India between 2001 and 2024 with witchcraft as the motive.

Year	Jhark-hand	Odisha	Andhra Pradesh and Telan-gana	Madhya Pradesh	Hary-ana	Chhat-tisgarh	Bihar	Other States/UTs	India
2001	21	30	20	13	0	14	1	27	126
2002	26	39	23	24	0	4	1	34	151
2003	19	26	37	26	0	9	0	23	140
2004	26	22	24	14	0	11	0	14	111
2005	26	25	75	13	28	9	1	20	197
2006	29	36	26	13	34	10	11	27	186
2007	50	28	33	14	30	8	0	14	177
2008	52	23	23	16	25	15	0	21	175
2009	37	28	27	23	30	6	2	21	174
2010	15	31	26	18	57	8	2	21	178
2011	36	39	28	15	5	17	0	100	240
2012	26	32	24	10	0	8	13	6	119
2013	54	24	15	11	0	7	0	49	160
2014	47	32	2	24	0	16	6	29	156
2015	32	26	15	20	0	13	2	27	135
2016	27	24	19	19	2	17	0	26	134
2017	19	9	5	13	0	6	1	20	73
2018	18	5	11	10	3	8	0	7	62
2019	15	13	3	16	0	22	15	18	102
2020	15	14	5	17	4	16	4	13	88
2021	3	2	17	18	0	20	4	4	68
2022	11	10	9	20	0	25	0	10	85

[36] Samar Bosu Mullick, *Gender Relations and Witches among the Indigenous Communities of Jharkhand, India*, 4 GENDER, TECH. & DEV. 333, 333–358 (2000), https://doi.org/10.1177/097185240000400301.
[37] Kumari & Alam, *supra* note 2, at 3150 (citing Rakesh K. Singh, *Witch-Hunting: Alive and Kicking*, 17 WOMEN'S LINK 16, 16–21 (2011)).

Year	Jhark-hand	Odisha	Andhra Pradesh and Telan-gana	Madhya Pradesh	Hary-ana	Chhat-tisgarh	Bihar	Other States/UTs	India
2023	22	3	3	14	0	19	7	6	74
2024	5	7	6	17	1	10	2	6	54

Table 1: Murders in India where witchcraft was recorded as the motive, 2001–2024

Source: figures for 2001 to 2018 are as compiled from National Crime Records Bureau data in Kumari and Alam;[38] figures for 2019 to 2024 are from the National Crime Records Bureau, *Crime in India*, Table 2A.2 (Motives of Murder), for each year.[39]

Nonetheless, it should be noted that police are rarely notified of incidents of violence associated with witchcraft.[40] These are therefore the numbers that have been formally documented; the unreported numbers, however, are anticipated to be substantially greater.[41]

Based on an analysis of police records and published verdicts, women make up about 86% of the primary targets of witch hunts.[42] Superstitious beliefs about purported use of supernatural abilities are also a common feature of most witch hunts. Land, property, envy, the rejection of sexual advances, and other disputes at the village level are important underlying factors in these kinds of situations.[43] Saletore[44] highlights caste as an additional important aspect in these types of homicides. Furthermore, if a woman possessed land and became widowed, her close relatives would sometimes falsely accuse her of being a witch and then murder her in order to take possession of the property. It occasionally includes political justifications as well.[45]

[38] Kumari & Alam, *supra* note 2, at 3149–50.
[39] NATIONAL CRIME RECORDS BUREAU, MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA, CRIME IN INDIA 2019 tbl. 2A.2, https://www.ncrb.gov.in/uploads/2022/July/11/custom/crime-in-india/table-2A.2_2-2019.pdf; CRIME IN INDIA 2020 tbl. 2A.2, https://www.ncrb.gov.in/uploads/2022/July/11/custom/crime-in-india/table-2A.2-2020.pdf; CRIME IN INDIA 2021 vol. I tbl. 2A.2, https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1696831798CII2021Volume1.pdf; CRIME IN INDIA 2022 vol. I tbl. 2A.2, https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701607577CrimeinIndia2022Book1.pdf; CRIME IN INDIA 2023 vol. I tbl. 2A.2, at 164, https://www.ncrb.gov.in/uploads/files/1CrimeinIndia2023PartI1.pdf; CRIME IN INDIA 2024 tbl. 2A.2, https://www.ncrb.gov.in/uploads/files/TABLE2A21.pdf (all last visited Nov. 5, 2026).
[40] Kumari & Alam, *supra* note 2, at 3157.
[41] Kumari & Alam, *supra* note 2, at 3150.
[42] Madhu Mehra & Anuja Agrawal, *'Witch-hunting' in India? Do We Need Special Laws?*, 51 ECON. & POL. WKLY. 51, 53 (2016), https://pldindia.org/wp-content/uploads/2019/05/witch-hunting-in-india-do-we-need-special-laws.pdf.
[43] Mishra, *supra* note 31; Alam & Raj, *supra* note 1, at 134.
[44] R. N. SALETORE, INDIAN WITCHCRAFT (Abhinav Publications 1981).
[45] MITA BARMAN, PERSECUTION OF WOMEN: WIDOWS AND WITCHES (Indian Anthropological Society 2002).

A. Case laws pertaining to witch-hunting in India

State of West Bengal v. Kali Singh & Others (2018): Because witch-hunting persists in people's minds, the Calcutta High Court stated in this case that judicial execution alone is insufficient to address the issue. In this instance, the Court upheld the conviction of eleven accused for killing three women branded as witches, commuted seven death sentences to life imprisonment and acquitted two others. The Court observed that the constitutional duty of the State to spread education and awareness "is non-negotiable and its failure is palpable in the loss of lives of the victims".[46]

Madhu Munda and Others v. State of Bihar (2003): The first information report was filed by the son of a woman who, on the prosecution case, had been called a witch, dragged from her home by the accused and thrown into a ditch. Citing the delay in lodging the report and discrepancies in the evidence, the High Court found the testimony of the prosecution witnesses unreliable and set aside the conviction of the four appellants.[47]

B. Combatting witch-hunting with national laws

There is not currently any unified national legislation against violence related to witchcraft in India. However, there exist peripheral legal procedures found in many national laws that might be used against violence associated with witchcraft. Those that stand out are as follows:

1. The Constitution of India: The Indian Constitution has multiple provisions that subtly address the goal of preventing violence associated with witchcraft in the nation. The guarantees of equality and dignity, and the abolition of untouchability, support State action against witch-branding and the violence it causes.[48]
2. The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954: As per the provisions of this Act, an individual who advertises magic remedies, including talismans, mantras, kavachas, or any other charm, with the purported ability to diagnose, prevent, or heal human diseases, faces a maximum punishment of six months imprisonment, a fine, or both. On a subsequent conviction the imprisonment may extend to one year. This rule allows for the prosecution of bhagats (local ritual healers), bhagatains, and other individuals who are crucial in the identification of witches.[49]

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[46] *State of West Bengal v. Kali Singh*, Death Reference No. 7 of 2016 with Criminal Appeal Nos. 380 and 381 of 2016 (Cal. H.C. Oct. 4, 2018) (Bagchi, J.), https://indiankanoon.org/doc/154328912/.
[47] *Madhu Munda v. State of Bihar*, 2003 (3) J.C.R. 156 (Jhar.), https://indiankanoon.org/doc/1273154/.
[48] INDIA CONST. arts. 14, 15, 17, 21.
[49] The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (Act 21 of 1954), §§ 2(c), 5, 7.

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3. The 1993 Protection of Human Rights Act: This legislation establishes the National Human Rights Commission, State Human Rights Commissions, and Human Rights Courts in order to effectively safeguard people's rights at the national, state, and district levels and to look into connected concerns. The Commissions have the jurisdiction to conduct suo motu inquiries into cases of witchcraft-related violence, which constitute serious human rights breaches.[50]
4. The Prevention of Witch-Hunting Bill, 2016: As of right now, there is not a national law that facilitates actions to shield women from witch-hunting, stop it from happening, and offer them support and rehabilitation. In order to achieve these goals, Raghav Lakhanpal, a member of parliament at the time, introduced Bill No. 66 in the Lok Sabha in 2016. Regretfully, the bill expired without becoming law. If the Central Act had been passed, it would have been an effective weapon against witch hunts, providing compensation to victims, and helping them get back on their feet.[51]

C. State legislation to stop and handle cases of witch-hunting

After splitting from Bihar on November 15, 2000, the state of Jharkhand implemented the Bihar anti-witch hunting statute within a year because of the high number of witchcraft-related homicides in the area.

The following are specifics of the act that Jharkhand is now using:

The Prevention of Witch (Daain) Practices Act, 2001 (Jharkhand):[52] With just minimal modifications to its introduction, Jharkhand adopted the anti-witchcraft law passed by Bihar in 1999. Jharkhand became the second state in the nation to establish its own laws to stop witch hunts and related crimes practically immediately after splitting from Bihar when the special act took effect. The act is essential since the number of witch hunts and offences related to witchcraft in Jharkhand surpasses that of all other states in the nation. The act's introduction makes it very plain that its objectives are to give measures to stop witchcraft and to halt the torture, humiliation, bewitching, and death of women in Jharkhand, as well as any issues that may be connected to or incidental to these ends. Furthermore, all offences under the Act have been made cognizable and not subject to bail.

[50] The Protection of Human Rights Act, 1993 (Act 10 of 1994), §§ 3, 12(a), 21, 30.
[51] The Prevention of Witch-Hunting Bill, 2016 (Bill No. 66 of 2016).
[52] The Prevention of Witch (Daain) Practices Act, 2001 (Jharkhand), adapting the Prevention of Witch (Daain) Practices Act, 1999 (Bihar Act 9 of 1999) following Jharkhand's bifurcation from Bihar on 15 November 2000; sections 3 to 6 penalise identification, incitement, and torture of a person as a witch, and by section 7 the offences are cognizable and non-bailable. Full text available via the Jharkhand Police Department.

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The National Crime Records Bureau (NCRB) report for 2023 states that Jharkhand topped the list with 22 murders attributed to witch hunts, while Chhattisgarh came second.[53] Laws against the crime of witch-hunting are in place in numerous states:

1. The Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Act, 2017.[54]
2. The Assam Witch Hunting (Prohibition, Prevention and Protection) Act, 2015.[55]
3. The Rajasthan Prevention of Witch-Hunting Act, 2015.[56]
4. The Odisha Prevention of Witch-Hunting Act, 2013.[57]
5. The Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.[58]
6. The Chhattisgarh Tonahi Pratadna Nivaran Act, 2005.[59]
7. The Prevention of Witch (Daain) Practices Act, 1999 (this statute is applicable in Bihar).

V. Witchcraft and Witch-Hunting in the United Kingdom

Witch-hunting in Britain was not one panic, but a patchwork of local anxieties, legal reforms and neighbourly quarrels, often petty and intensely personal. Most charges, historians believe, began with tragedy, not demons: a dead cow, a sick child, a loaf of bread withheld.[60] Thomas maintained that charges typically came after the refusal of aid, leaving the giver guilty and the

[53] National Crime Records Bureau, Ministry of Home Affairs, Government of India, Crime in India 2023 vol. I tbl. 2A.2, at 164, https://www.ncrb.gov.in/uploads/files/1CrimeinIndia2023PartI1.pdf (last visited Nov. 5, 2026).

[54] The Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Act, 2017 (Karnataka Act 46 of 2017), brought into force by notification in January 2020; enacted following the assassination of rationalist activist M. M. Kalburgi, drawing on the Maharashtra model statute.

[55] The Assam Witch Hunting (Prohibition, Prevention and Protection) Act, 2015 (Assam Act XXI of 2018), passed by the Assembly in 2015 and assented to by the President on 13 June 2018; enacted after sustained civil-society advocacy including from Birubala Rabha; the Act provides for cognizable, non-bailable offences and victim compensation provisions.

[56] The Rajasthan Prevention of Witch-Hunting Act, 2015 (Rajasthan Act 14 of 2015), enacted following public interest litigation before the Rajasthan High Court criticising the state's prior legislative inaction on the issue.

[57] The Odisha Prevention of Witch-Hunting Act, 2013 (Odisha Act 3 of 2014), enacted pursuant to Orissa High Court directions in a public interest litigation founded on media reports of witch-hunting incidents.

[58] The Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 (Maharashtra Act 30 of 2013), enacted in the aftermath of the assassination of rationalist Narendra Dabholkar, whose long-pending draft 'Anti-Jadu Tona Bill' formed the basis of the eventual Act.

[59] The Chhattisgarh Tonahi Pratadna Nivaran Act, 2005 (Chhattisgarh Act 17 of 2005), also referred to as the Witchcraft Atrocities Prevention Act, 2005.

[60] Keith Thomas, Religion and the Decline of Magic ch. 17 (Weidenfeld & Nicolson 1971); see also James Sharpe, Instruments of Darkness: Witchcraft in England 1550–1750 (Hamish Hamilton 1996).

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beggar accused.[61] Macfarlane's Essex study supported this pattern of near neighbours in conflict, and found that the accused were usually poorer women living on the periphery.[62]

The statute gave these anxieties an official avenue. In 1563 Parliament again made witchcraft a crime in England and tougher laws were introduced in 1604.[63] In Scotland the Witchcraft Act 1563 declared it a capital offence.[64] In English prosecutions the usual courts were used and, in principle, evidence of harm (maleficium) was required. Convicted witches were hanged. Torture was not legally permissible.[65] Scotland was stricter. Larner detailed a state campaign born of the Reformation and of the king's own interest, which gave birth to his Daemonologie (1597), with offenders strangled and burned.[66] The Survey of Scottish Witchcraft lists about 3,800 accused,[67] and Scotland is believed to have tried many more persons per capita than England.[68]

Panics were at their pinnacle at periods of political and religious stress. The most infamous occurrence in England's history was the East Anglian outbreak of 1645–47, led by the self-styled "Witchfinder General", Matthew Hopkins, during the Civil War. Gaskill illustrates how it was driven by sleep deprivation and pressure to confess, and how ordinary peasants kept the charges coming.[69] The Pendle trials of 1612 led ten persons to the gallows at Lancaster on the basis of the testimony of a juvenile witness.[70]

The collapse was a gradual one and had little to do with any sudden "enlightenment". The courts grew suspicious of proof, and the elite lost interest in the supernatural.[71] Jane Wenham, condemned in 1712, was reprieved. The Witchcraft Act 1735 replaced the penalty with the offence of purporting to possess magical powers.[72] This statute was still being used against the medium Helen Duncan in 1944 and remained in force until repealed by the Fraudulent Mediums Act 1951.[73]

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[61] Thomas, *supra* note 60, ch. 17.
[62] ALAN MACFARLANE, WITCHCRAFT IN TUDOR AND STUART ENGLAND (Routledge & Kegan Paul 1970).
[63] Witchcraft Act 1563, 5 Eliz. 1, c. 16 (after the Witchcraft Act 1542, 33 Hen. 8, c. 8, repealed by 1 Edw. 6, c. 12); Witchcraft Act 1604, 1 Jac. 1, c. 12.
[64] Witchcraft Act 1563 (Scotland) (c. 73).
[65] Thomas, *supra* note 60.
[66] CHRISTINA LARNER, ENEMIES OF GOD: THE WITCH-HUNT IN SCOTLAND (Chatto & Windus 1981); see also JAMES VI, DAEMONOLOGIE (Robert Waldegrave 1597).
[67] JULIAN GOODARE, LAUREN MARTIN, JOYCE MILLER & LOUISE YEOMAN, THE SURVEY OF SCOTTISH WITCHCRAFT (University of Edinburgh 2003), https://witches.hca.ed.ac.uk/faq/.
[68] BRIAN P. LEVACK, THE WITCH-HUNT IN EARLY MODERN EUROPE (4th ed., Routledge 2016).
[69] MALCOLM GASKILL, WITCHFINDERS: A SEVENTEENTH-CENTURY ENGLISH TRAGEDY (John Murray 2005).
[70] THOMAS POTTS, THE WONDERFULL DISCOVERIE OF WITCHES IN THE COUNTIE OF LANCASTER (1613).
[71] Thomas, *supra* note 60.
[72] Witchcraft Act 1735, 9 Geo. 2, c. 5.
[73] Fraudulent Mediums Act 1951, 14 & 15 Geo. 6, c. 33.

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But the story did not end with the law. The Scottish First Minister made a formal apology to those accused in March 2022 and campaigners have since been campaigning for pardons.[74] Hutton reminds us that the "witch" was always a projected figure, and it is in understanding those people rather than the caricature that this history becomes worth telling.[75]

VI. GLOBAL LEGAL ACTIONS TO TACKLE THE WITCH HUNTING ISSUE

A plethora of legal instruments are available to counteract witchcraft-related violence. The international, national, and regional laws that are directly or indirectly related to it are discussed in this section, with particular attention paid to those that deal with violations of human rights, violence against women, racial discrimination, sociopolitical impairments, economic indispositions, violations of indigenous peoples' rights, and other related negations. First, international law instruments that are applicable in India are considered.

1. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): Often referred to as the international bill of rights for women, this convention was created to end discrimination against women. Adopted by the UN General Assembly on December 18, 1979, the Convention clearly states that there is pervasive discrimination against women, and that such discrimination is against the principles of human dignity and equality of rights. After signing it on July 30, 1980, India ratified it on July 9, 1993. A few of the convention's articles, which bear on the cruel treatment of women suspected of witchcraft, are extremely important in the fight against violence associated with witchcraft.[76]
2. International Covenant on Civil and Political Rights (ICCPR): India acceded to the ICCPR on April 10, 1979, after it was adopted by the UN General Assembly on December 16, 1966. It emphasises everyone's inherent dignity and equal rights. Several articles of the covenant have a direct bearing on violent incidents linked to witchcraft.[77]

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[74] SCOTTISH PARLIAMENT, Official Report, International Women's Day 2022 debate (Mar. 8, 2022), https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/meeting-of-parliament-08-03-2022?meeting=13624; SCOTTISH GOVERNMENT, *International Women's Day 2022: First Minister's Statement* (Mar. 8, 2022), https://www.gov.scot/publications/international-womens-day-2022-first-ministers-statement-8-march-2022/ (last visited Nov. 5, 2026).

[75] RONALD HUTTON, THE WITCH: A HISTORY OF FEAR, FROM ANCIENT TIMES TO THE PRESENT (Yale University Press 2017).

[76] Convention on the Elimination of All Forms of Discrimination against Women, adopted 18 December 1979, G.A. Res. 34/180, 1249 U.N.T.S. 13 (entered into force 3 September 1981); India signed 30 July 1980 and ratified 9 July 1993, as recorded in the UN Treaty Collection status register for the Convention.

[77] International Covenant on Civil and Political Rights, adopted 16 December 1966, G.A. Res. 2200A (XXI), 999 U.N.T.S. 171 (entered into force 23 March 1976); India acceded on 10 April 1979.

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3. Universal Declaration of Human Rights (UDHR): During its third session, the UN General Assembly adopted the Universal Declaration of Human Rights. The rights and freedoms to which each and every person is equally entitled are listed in the declaration. India voted in favour of it at its adoption. Clauses of the declaration, which are intended to fight injustice, impunity, and violations of human dignity, can help shield people from the consequences of violence and allegations connected to witchcraft.[78]
4. United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP): The states of Odisha, Chhattisgarh, Andhra Pradesh, Assam, and Jharkhand in India have high levels of violence related to witchcraft. It is established that it is a common occurrence among some tribal communities in these states based on the association between demographics and case reporting. This puts great significance on the United Nations Declaration on the Rights of Indigenous Peoples, for which India voted on September 13, 2007. Although it is not a legally binding agreement, the UNDRIP provides guidance for upholding values meant to ensure the rights and fairness of the nation's indigenous populations. A few of the declaration's provisions are especially important for protecting tribal communities against wrongs motivated by witchcraft allegations.[79]

Cases of violence motivated by witchcraft breach both national and international instruments intended to prevent and control it. The preceding sections offer a study of the national laws, both explicit and tacit, that are in place at the moment to stop these kinds of situations.

VII. The Gender Dimension of Witchcraft

The Indo-Aryan word dakini, which means 'female', is commonly used to allude to witches in India.[80] In certain regions, witches go by different names as well, such as dayan, dakain, tonahi, chudail, fuskin, etc.

Witchcraft is primarily a feminine activity, as seen by the majority of this terminology having feminine equivalents. There are numerous grey areas related to archaic ideas and societal ills that provide significant barriers to women's liberation notwithstanding national movements and government initiatives for women's empowerment.[81] Just as there is no shortage of programmes

[78] Universal Declaration of Human Rights, G.A. Res. 217 A (III), U.N. Doc. A/810 (Dec. 10, 1948).
[79] United Nations Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, adopted 13 September 2007; India voted in favour, among 144 states, with 4 votes against and 11 abstentions.
[80] Mullick, *supra* note 36, at 333–358.
[81] ACTIONAID ASSOCIATION, *Witch Branding in India: A Study of Indigenous and Rural Societies* (ActionAid Association/Global Partnership Network, 2022), https://www.actionaidindia.org/publications/witch-branding-in

to better the status of women in Indian society, there is no shortage of writing on the subject. Nonetheless, there are not many written works or strategies for combating witch-hunting. Yet, the material that is now available illustrates the breadth and complexity of this issue. It emphasises that women, particularly widows who own property, are targeted due to unequal socioeconomic advancement. Media reports document these crimes, but reporting alone has not ended the practice.[82] Women who are stigmatised and labelled as witches for life suffer emotional and physical torment. In some of Jharkhand's tribal communities, women who are accused of practising witchcraft face abuse and exclusion from others in their community.[83]

According to Kelkar and Nathan,[84] there is a widespread practice in the Santhal and Munda tribes of Jharkhand to accuse women of being witches. They examined the background and significance of the classification of women as carriers of evil among the Santhal and Munda tribes. British commentators such as Dalton, Archer, Bodding, and Hoffman have also commented on the same. The violence that accompanied incidents of women being accused of witchcraft and being keepers of bad spirits, as well as the underlying battles and cultural deviations that occurred in India during the post-British period, have been explained.[85] In her research, Roy[86] identified ignorance and irrationality as the main causes of the continued practice of witchcraft. She uses a number of case studies to support her argument that, when it comes to the gratuitous hunting of women, there is a complex system in place that prioritises economic servitude and sexual abuse over true persecution, particularly against widows and strong-willed women.

Widows are viewed as unlucky, as they run the risk of being cursed or receiving the evil eye, and they are even forbidden from taking part in religious rites and ceremonies intended to fend off their shadow. Widows are perceived as people who are envious of others and are accused of using black magic. They are believed to harass others by such means. Witches are said to be ferocious, fearsome, and hot-tempered. As a result, women who are loners, unattractive, hot-tempered, or elderly are frequently accused of being witches and then mistreated. All of these narratives show how women have faced oppression in various communities and how the strong and prominent have employed and continue to utilise the belief in witchcraft as a tool of

-india-a-study-of-indigenous-and-rural-societies/.

[82] Mishra, *supra* note 31.

[83] Kumari & Alam, *supra* note 2, at 3153, 3158; Alam & Raj, *supra* note 1, at 134.

[84] GOVIND KELKAR & DEV NATHAN, GENDER AND TRIBE: WOMEN, LAND AND FORESTS IN JHARKHAND (Kali for Women 1991).

[85] Nathan, Kelkar & Xiaogang, *supra* note 30; Alam & Raj, *supra* note 1, at 127–28.

[86] Puja Roy, *Sanctioned Violence: Development and the Persecution of Women as Witches in South Bihar*, 8 DEV. PRAC. 136, 136–147 (1998).

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oppression. To combat this depraved state, it is necessary to aggressively raise public awareness of this social practice, improve healthcare infrastructure, enact strict regulatory measures, and support education.

Witchcraft-related crimes against women have been a common occurrence among some tribal communities of Jharkhand. In its most dreadful and horrific form, women are labelled as witches upon confirmation by local witch finders, who confirm local inhabitants' opinion that the accused woman is responsible for unwanted events happening in the area. Public resentment results from this, and it then explodes in the form of tortures that target women, frequently amounting to heinous human rights violations like thrashing, nude parading, balding, eating excrement, burning alive, chopping off body parts, rape, and even execution.[87] These violent acts violate several international, national, and local laws and rank among the most repugnant norms of human conduct. Moreover, the efforts of non-governmental groups, court rulings, police cases, and government policies have not had a significant enough influence to change people's perceptions about ending this activity. It "continues to exist in Jharkhand" as a result. Furthermore, there have been very few scholarly studies examining the socio-legal and other variables responsible for the problem's extensive occurrence, especially among tribal people.[88]

VIII. CONCLUSIONS

In conclusion, executing witches on suspicion of plotting horrible crimes has occurred in practically every society on the planet. Many lives, mostly those of women, have been lost for purely fictitious reasons. Economic challenges, a lack of access to basic healthcare, illiteracy, and cultural practices devoid of scientific rationale have been the primary causes of these needless fatalities in the majority of cases.[89] Therefore, it is essential to take steps to guarantee economic empowerment, responsible management, improved healthcare facilities, an end to the practice of branding women as witches, and responsive law enforcement. All of them might potentially undermine belief in witches, disprove their claimed craft, and put an end to the related crimes if they are provided concurrently.[90]

The explanation provided above makes it clear that witchcraft, witches, and violence associated with witchcraft are all strongly gendered and closely associated with women. Concerns about money and property, the idea that women are the source of evil, gender roles in relationships, a lack of scientific temper, and sociocultural beliefs all play a big part in branding women as

[87] Kumari & Alam, *supra* note 2, at 3150, 3153–54, 3156–57; Alam & Raj, *supra* note 1, at 132, 134.
[88] Kumari & Alam, *supra* note 2, at 3150.
[89] Kumari & Alam, *supra* note 2, at 3150, 3155–56.
[90] Kumari & Alam, *supra* note 2, at 3158–59.

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witches. The deplorable condition of affairs is further exacerbated by hatred amongst females from various households, the vengeful role of witchfinders, the belief that evil powers are attracted by manipulation, and the extremely low level of knowledge among women. Because of all these disabilities, women are more likely than males to be the targets of witch hunts and related violence.

This makes women more susceptible. Since the beginning of human social life, there have been many homicides of women worldwide, which is clearly a reflection of these vulnerabilities. Regretfully, acts of violence against women motivated by baseless accusations of engaging in witchcraft persist to this day. It is about to fade in certain countries, but it is still going strong in others. When discussing India, violence against women motivated by witchcraft continues to be a prevalent topic in the nation's crime statistics.

Tribal people's worldview is strongly moulded by the environment in which they live. Their culture is shaped by the symbols and meanings that have developed over time in a particular context. One such phenomenon that manifests itself in some tribal traditions is witchcraft, which many think has always existed in their tribe and will always exist, much like God and evil in this world.[91] People experience disasters, and witchcraft has developed as a coping mechanism for these uncertainties. In these situations, attributing the misfortunes "to local actors is the only" viable solution.[92] But this passionate belief in witches and their art deviates greatly from scientific reason and greatly adds to the ongoing prevalence of crimes against women.[93]

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[91] Kumari & Alam, *supra* note 2, at 3152.
[92] Kumari & Alam, *supra* note 2, at 3154 (citing Nandini Sundar, *Divining Evil: The State and Witchcraft in Bastar*, 5 GENDER, TECH. & DEV. 425 (2001)); Alam & Raj, *supra* note 1, at 132–33.
[93] Kumari & Alam, *supra* note 2, at 3154.

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