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Witch Hunting in Bodo Community and its Legal Inadequacy

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ABSTRACT

Witch hunting is not a new term in India, there are many communities which practice such heinous act as a result of their cultural beliefs and practices. In this paper the researcher mentions about one such community residing in the North Easter state of India, Assam. The state is home to a large number of tribal communities and one such community in which the practice is rampant is the Bodo community. The killing of men and women by branding them as witches has been an age-old practice in the community, due to various reason such as lack of education, lack of healthcare and others which has been mentioned by the researcher in the paper. The researcher as also mention about the intervention and steps taken by the state government in curbing the crime and how effective has it been in curbing the crime.

Keywords: *Witch Hunting, Cultural Belief, Age-old practice*

I. INTRODUCTION

India is a country rich in diversity. You would find a different culture in every state, the diversity ranges from language, culture, tradition and belief. In North Eastern part of India there is a state Assam also known as the gateway of the North East. Assam is inhabited by various tribes such as Bodo, Chutiya, Dimasa, Sonowal, Tiwa, Garo, Rabha Hojai Kuch and others². There are many bizarre practices, one can encounter when in India and one such bizarre practice is Witch Hunting which is prevalent in the Assam state of India. Mostly, women and sometimes even men are labelled as witches. Numerous incidents took place where people were killed after they were branded as witches which led to genesis of various programmes aiming to curb the crime. The practising of witch-hunting is not evenly distributed towards the whole state, but has gripping roots in the customary beliefs of many tribal communities residing in the state. One such community is the Bodo community. Numerous people have been killed because of this menace which includes not only women but also men. It's a matter of grave

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² Eastern Routes (Jan. 12, 2021, 11:00 P.M.) <https://easternroutes.com/northeast-india/assam/tribes/>

concern because just on the basis of suspicion these killings have been happening. Many innocent lives have been lost due to this abhorrent and vile practice. Majority of these cases occur in rural areas not having quick access to police and government authorities.

(A) Research Problem

In some of the remotest corners of Assam, women and sometimes men are routinely branded witches and killed, beheaded, raped and forced-fed excreta by raging mobs. Almost four years after the state passed an Act to curb the practice of witch-hunting, not much has changed. It's basically the superstitious belief and the prejudice of people that innocent lives are taken away in the name of saving the people from the witch. People are getting killed as they are believed to practice sorcery and witchcraft. They are lynched, stoned and are even burned to death. They are accused of bringing bad luck and making others ill. It's strange that we are living in the 21st century, and people still believe in these practices. The trend of witch hunting has been found rampant in the bodo community of Assam. The number of cases coming from the community is alarming. Witch hunting will never come to end as long the villagers keep believing in dainadaini (the bodo term for witches). People are generally killed due to mere suspicion. The paper discusses the root causes of witch hunting and also ways on how to curb it.

(B) Research Object

1. To find out the causes of witch hunting in the Bodo community.
2. To find out the issues relating to witch hunting.
3. To curve out the state approach to handle this menace.

(C) Research Question:

1. What is the reason that the Bodo community still has a strong belief in witchcraft even in the 21st century and why has there been numerous killing in the name of witch hunting?
2. What is the Response of the State when it comes to witchcraft and witch-hunting?
3. What is the response of the judiciary with respect to the issue of witch-hunting and effective has it been in curbing the issue?
4. Can different NGO's help solve the issue of witch-hunting better than the state?

(D) Research Methodology

The researcher in the course of research has initially started the research with doctrinal form of research by studying various research paper, thesis and textbooks available on the topic. As the researcher proceeded further the researcher also followed case study method in which the researcher referred to various cases available in relation to the topic. The researcher also adopted various secondary data available which was obtained by field study by various

researchers for the purpose of research.

(E) Literature Review

- R.Daimary, *Institutionalization of Witch Hunting In Bodo Society of Kokrajhar District, Assam*, 3IJHSS.164 ,165-173 (2017).

The researcher provides that the Bodo tribe in which the Hunting of a witch has been prevalent and the root cause for the same is due to the socio-economic backwardness of the people of Bodo tribe. Witchcraft is something that the bodos believe in, and it has been one of the biggest superstitions in the community. The researcher mentions that according to the Indian Constitution the Tribal communities are recognized as one of the most backward community and that perception seems to be true in case of the Bodos.

- L.Bora,& M. Das *Witch-Hunting in Assam: Myth or Reality*, SCI.99,100-114 (2019).

The paper throws light on the origin of witch-hunting in Assam. It also focusses on the facts that how witch-hunting is turning into a heinous crime. The researcher has conducted field survey and gathered both primary and secondary source of data. The researcher on the basis of the data collected has inferred that accessibility coupled with superstitious belief, oja practice and illness plays an important role in the origin of witch-hunting.

- 49 Debarshi P.Nath. *Assam's Tale of Witch-hunting and Indigeneity*.EPW.54,55-60 (2014)

In this paper the researcher mentions that globalization would lead to a process of cultural homogenisation and reduction of difference, the local actually resurfaced more strongly in the present. The perceived threat of globalisation and the failure of the state have led to ethnic mobilisation in the North East. The process of ethnification and the discourse of indigeneity have granted legitimacy to the inequalities that were very often embedded in traditional customs and practices. And witch hunting in assam is the due to traditional practices that have fostered by Ethification.

- 3 J.Chakraborty&A.Borah, *Witch Hunting in Assam: Strategising Alternative Media for Women Empowerment and Overcoming Superstition*,JNESIS.15,16-24 (2013)

The researcher throws light on the barbaric and heinous crime of witch-hunting and how due to superstitious beliefs it amounts to the death of hundreds of women in Assam and India at large. The researcher mentions that empowerment of women and inculcation of scientific practices can root out the problem of witch-hunting in Assam.

II. BRIEF INTRODUCTION OF BODO:

The Bodo is the largest ethnolinguistic group in the Assam state of India³. They are the largest minority group in Assam and are concentrated mostly on the North Eastern side of the Brahmaputra river valley. Most of them are settled farmers but they practised shifting cultivation. The Bodo people consist of a large number of tribes, they are divided into two broad categories viz Eastern Tribe and Western Tribe the former includes Chutiya plain Kachari, Rabha, Garo, Mech, Koch, Dimal and Jaijong, and the later includes Dimasa (Hill Kachari), Galong(also Gallong), Hojai, Lalung, Tipera and Moran respectively. Until 1825 Bodos were a dominant tribe in Assam. There were about 2.2 million bodo speakers in the late 20th century⁴. The tribe is not culturally uniform, the garo's are matrilineal and the rest of the tribes are patrilineal. They are mostly following Hindu religion and few of them have converted to Christianity. Bathouism was traditionally followed by the Bodo people. It is still followed by majority. In the Bodo language, 'Ba' means five and 'thou' means deep. It goes with their belief as they worship the five elements: fire, land, air, water and ether. Baishagu is the major festival celebrated by bodos, it's a spring time festival celebrated to welcome the new year⁵.

III. THE COMMENCEMENT OF WITCHCRAFT IN BODO COMMUNITY:

The outset of witch hunting in Bodo community can be traced back to their cultural belief and values. The belief of existence of witchcraft and magic in Bodo society is rampant and regards witches as dread. They are a firm believer of animism and consider bathou (God) as guardian of the family. The bodosrites includes offerings, sacrifice, and prayers, and extant belief is still prevalent that supernatural creatures cause diseases. They are also a believer of Deodhani⁶ a special dance performed by a person thought to be possessed (incarnation of spirit in the body) during kherai puja (offering). It is believed that during the time of dancing, the deodhanis can detect any such evil spirit in the village or any particular house and can also reveal if there is any daini or witch present.

IV. WITCHING IN BODO TERMINOLOGY

The person suspected to be a witch is called Dainy or Daina⁷. The former is used for a female suspect and the latter is used for a male suspect. Bodos believe there are two kind of magic viz

³ Anurag Trivedi, India's Tribal Communities – The Bodo Tribe of Assam, Shaan foundation (Nov.30,2020), <https://www.shaanfoundation.org/blog/indias-tribal-communities-the-bodo-tribe-of-assam>

⁴Satyavrat Nirala, *Indian Tribals: Bodo Tribe Assam*, <https://www.britannica.com/topic/Bodo-people>

⁵Assam Info (Jan. 12, 2021, 11:30 P.M.) <http://www.assaminfo.com/festivals/63/baishagu-festival.htm>

⁶ Dina Swargiari, *witch Hunting in Bodo community of Assam*, (Jan. 12, 2020, 12:00 P.M.) <http://hdl.handle.net/10603/270489>

⁷R. Daimary, *Institutionalization of Witch Hunting In Bodo Society of Kokrajhar District, Assam*,

black magic and white magic, the magic done by these witches is black magic which has the power to kill people. There is this prejudice that they know certain mantras when they chant when the witch wants to harm an enemy.

V. HOW DEALING WITH WITCH-HUNTING HAS CHANGED OVER TIME

The practice of witch hunting has been there since time immemorial in Bodo community but the way it is dealt has evolved over time. During ancient time there used to be Kangaroo Court which used to give the victim a fair chance of trial by calling them to the village common ground for trial. There they were fed excreta of cow and vulture to make their magic dysfunctional. Witchcraft was considered as an anti-social practice. Evidences used to be presented and a warning used to be given to stop the practise of witchcraft, even after the warning if the person did not stop, he/she was given death penalty. Then came the time of a court set by the villagers which was headed by the head man of the village, the police station and courts were not reachable because the communication in terms of the transportation wasn't great. So, punishments were awarded in by the village court which they thought was appropriate. But in modern times the approach has changed and the person branded as witches are not given a chance to prove or defend themselves. Instead, they are brutally killed on grounds of mere suspicion.

VI. WITCH-HUNTING AS A PHENOMENON

Witch hunting is hunting down a human who is suspected to have been causing harm to the society. In a county like India which is dominated by patriarchal belief results in the genesis of various crimes and women are always found on the receiving end. Those women's who raise their voice against a social injustice are victims of such crimes.

The women in the society are given secondary status, they are compared or treated as things and along with it comes various gender roles assigned to them by virtue of being women, the violence committed upon them is always justified. However, with the passing of time and technological advancement along with judiciary's intervention the perpetrator are punished but mostly cases are recorded as murder cases which makes it's identification difficult. There are two kind of witch one who practices and inherit these powers and the other one who is believed to be supernaturally evil⁸.

3IJHSS.164,165-173 (2017)

⁸Lekha.Bora,& Madhushree Das *Witch-Hunting in Assam: Myth or Reality*, SCI.99,100-114 (2019).

VII. CAUSES OF WITCH-HUNTING

(a) Lack of Education:

There are various factors that lead to witch hunting, and one such reason is low literacy rate. The literacy rate of the Bodoland territorial area is 66.25% in total, the literacy rate of female is lower i.e., 58.89% in comparison with male which is 73.39% and 12.52% households in BTAD does not have a literate member in the family⁹. That makes the illiterate people quickly believe in the concept of witch and witchcraft.

(b) Superstitious Belief:

It has been seen that the Bodo's have a strong belief on Deodhani which is a kind of dance done by a person who claims that he/she can see the future of the village and can detect the presence of a witch in the village. These traditions really play as a catalyst in killing of men and women as witches. The people in the village when sick seek the help of an 'oja' or 'Bej' they also call themselves the witch doctor who identifies a person as witch and the main culprit behind an incident¹⁰.

(c) Inadequate Health care system and Diseases:

The people of Assam are prone to various diseases like Malaria, Jaundice, Diarrhoea Viral Fever etc and the villagers have a habit of visiting the Witch doctor instead of a Doctor and these witch doctors gives the villagers wrong advice by saying that the disease is a result of witch and the witch needs to be hunted or else this disease will turn into a pandemic and the entire village will be affected¹¹.

(d) Economic Reason:

It has been often observed that few people are labelled as witches due to the economic gain from them. Sometimes the brothers who are having property dispute are seen supporting the village and labelling their own family members as witches due to the material and economic gain. The story of Rumi Rabha a woman living in the Goalpara district of Assam gives us a clearer picture about this cause. She was when branded as a witch, her neighbour who also happened to be her brother-in-law joined hands with the villager because they were having a

⁹Office of the Registrar General and Census Commissioner, India, 2011 Census Data (Jan. 10,2021, 10:00 P.M.) <https://censusindia.gov.in/2011-common/censusdata2011.html>

¹⁰ Kangan Acharya *Witch-Hunting in Assam: A stringent law is the need of the hour to curb the Practise*, Firstpost(Apr 24,2018) <https://www.firstpost.com/india/witch-hunting-in-assam-a-stringent-law-is-the-need-of-the-hour-to-curb-the-practise-3398704.html>

¹¹ Id.

tussle regarding their land. Because of this incident she did not only lost her property but also livestock when was forcefully sold by the villagers to pay a huge fine¹².

(e) Outspoken Nature of Women:

Women are always expected to just nod their heads when asked a question, but when the women in the society are seen being outspoken about various inequality and in justice happening in the village they are labelled as witches. Similar is the case of Jyoti Sangma confirms the fact that sometimes outspoken nature of women, can lead to no conformity and accusation. She had been an outspoken lady in the village community about hygiene, about good and bad habits, and many a times had caught the accuser redhanded in stealing¹³.

VIII. CASES OF WITCH-HUNTING IN BODO COMMUNITY

Following are the cases of witch hunting in Bodo Community¹⁴.

(a) KhedaiBala Rabha

KhedaiBala Rabha's husband died and the villagers wanted her to shift to a small piece of land outside the village because she was accused of misleading young women by black magic. She was called to the village school for discussion but instead stones were thrown at her which made her unconscious. She someone managed to escape and took shelter to her relatives place for three months, on her return she came to know that she was banished from the village.

(b) Jonali Rabha

Jonali Rabha was thrown out of the village after she was labelled a witch. A similar incident took place 20 years ago when her mother-in-law was always throen out of the village by being labelled as a witch. Jonali along with the help of DerabatiMahilaSamata of Hatigaon and the police force could return back to the village after four years of banishment and could bring her mother-in-law also along with her

(c) Amrita Rabh

Amrita Rabha was suspected to be a witch which led to the death of a boy in the village she was residing. The boy was suffering from hydrophobia due to dog bite and no medical

¹²Supra Note.7

¹³Supra Note.7

¹⁴ Jyotirupa Raut, *Role of NGO'S with Special reference to Assam Mahila Samata society in tackling the menace of witch Hunting*, MSSV JHSC, Volume 2, No.1

treatment. Amrita was thrown out of the village but due to the efforts of the police department and Assam MahilaSamata Sangha she was settled back in her village.

(d) Savitri Hojowari

Savitri Hojowari was labelled as a witch by her neighbour when the daughter of the neighbour was ill. She was threatened that if she doesn't cure this girl in three days she will be lynched along with her husband and kid. She tried to arrange a physician. However due to the help of police she was saved.

(e) Debojani Bora

Debojani Bora was an athlete and had participated in both national and state level games. She was about to participate in the National Games in 2014 she was labelled as a witch and was asked to not participate. She managed to escape from the clutches of the village priest who grabbed and folded her in a fishing net and started beating her. People were watching the show and no one came forward for help

(f) Jamila Rabha

Jamila made a demand of her ancestral property which was her legal right. She was accused of doing witch craft by the family members due to her claim. The NGO 'Mission Birubala' came to her rescue and she could save herself from being Hunted.¹⁵

IX. ASSAM'S ANTI-WITCH LAW: THE ASSAM WITCH HUNTING (PROHIBITION, PREVENTION AND PROTECTION) ACT, 2015

The Assam legislative Assembly on August 13, 2015 passed The Assam Witch Hunting (Prohibition, Prevention and Protection) Act, 2015 and the Act received the assent of the President on June 13, 2018¹⁶. This Act aims to regulate the witch hunting happening in the state and impose punishment for the same.

The Striking Feature of the Act is as follows: -

- (a) The Act declares witch hunting as an offence which is non cognizable and non-compoundable.
- (b) As per the provisions of the Act Defaming a person by calling them witch or identifying them as witch by words, sign or conduct is an offence.

¹⁵ Supra Note 9

¹⁶ Assam's anti-witch hunting bill gets president's nod, Indiatoday (July. 16, 2018) <https://www.indiatoday.in/india/story/assam-s-anti-witch-hunting-bill-gets-president-s-nod-1287104-2018-07-16>

- (c) The punishment provided under the Act are strict i.e., if any person is found guilty will be punished with imprisonment up to seven years and fine up to five lakh rupees.
- (d) If a person is framed for being responsible for any natural disaster such as flood, drought etc then the person will be punished with imprisonment for three years.
- (e) The Act provides for setting up of Special courts for trial of issues relating to witch hunting

X. WITCH HUNTING AND VIOLATION OF HUMAN RIGHTS

Witch hunting leads to violation of basic Human Rights as provided by the charters of the United Nations and the Universal Declaration of Human Rights. Rights such as The Right to life of a person is violated which is provided under The International Covenant on civil and political Rights which specifically mentions that arbitrary deprivation of life is prohibited and if we look into the provision provided under the Constitution of India Article 21 provides that “No person shall be deprived of his life or personal liberty except according to procedure prescribed by law”¹⁷. Article 21 also provides the Right to live in peace which is largely violated in case of witch hunting when the villagers not only make the life of the person suspected to be a witch miserable but also the family members when they are forced to live the village. If we interpret Article 21 of the Indian constitution further, we would find that it proves a guarantee to live life with dignity, free from any kind of torture or cruel, inhuman treatment or punishment¹⁸. But when the villagers come together forming a mob and the person branded as a witch is tortured, the mob considers itself as justice seeking organ and punishes the person by killing them or lynching them. Sometimes stones are thrown at them by tying them with a rope on a tree until they stop breathing.

XI. ROLE OF NGO’S IN CURBING THE MENACE

Since time immemorial there has been various NGO’s and Individuals who have been working actively to curb the problem of witch hunting in Assam. The biggest contribution has been done by Birubala Rabha who is a household name when it comes to saving people and educating them about witch hunting. Birubala Rabha formed an organisation with the name “MISSION BIRUBALA” when her mentally challenged child was branded as witch by the villagers. Since then, she has saved 42 people from being killed¹⁹. She has been one of the

¹⁷ INDIA CONSTI.art.21

¹⁸ Joshua N Aston, *An excerpt “Torture Behind Bars: Role of the police Force in Indian”*, Scroll.com (Mar. 09, 2020) <https://amp.scroll.in/article/955552/this-book-reminds-us-of-what-counts-as-torture-by-the-police-according-to-the-indian-constitution>

¹⁹ Think Change India, *A women’s fight against superstition-Mission Birubala forces Assam govt to act* (Feb.

constant forces that have made the Assam government time and again realize that, Assam needs an anti-witching Act. The next organization is known by the name “THE NORTHEAST NETWORK” which is a women’s right organization. The organization demanded for patrolling at sensitive locations and urged the government to organise awareness campaign along with partnership with NRHM (National Rural Health Mission) by including witch hunting programmes separately²⁰. Another active NGO “ASSAM MAHILA SAMATRA SOCIETY” has actively advocated for eradication of witch hunting in Assam. The NGO has been successful in intervening in 51 cases from 1998 to 2013²¹. Various other NGOs such as “NATIONAL COMMISSION FOR WOMEN”, “ASSAM STATE COMMISSION FOR WOMEN”, “ALL BODO WOMEN’S WELFARE FORUM”, “BODO WOMEN’S JUSTICE FORUM” and “ALL BODO STUDENT’S UNION” are some of the major organizations that have fought together and compelled the government to come up with strict witching laws in the state. It’s because of the collaborative efforts of these organisations that Assam has an anti-witching law.

XII. CONCLUSION

Traditionally there has been a belief about Witchcraft that people generally learn witchcraft to harm others due to hatred, jealousy and other economic gain. This prejudice also starts with people telling stories of men and women who were powerful witches that controlled the villagers and their activities by black magic. With the passing of time people gathered the courage and started fighting the evil by witch-hunting on grounds of mere suspicion which has led to the genesis of this menace. In ancient times the person branded as witch was given a fair chance to prove themselves but in modern times they are directly killed by the villagers or outcasted by them.

In the Bodo community witch-hunting is prevalent due to many reasons and one big reason is illiteracy, people in the village would believe in whatever one says. The people of Bodo community believed for the longest time and few of them still believe that people in the villages are sick due to the witch. Animals and humans die due to the black magic done by the witch and these villagers teach the same thing to their upcoming generation and in that way, it goes on. The healthcare facilities are also poor and the quacks in the village also brand people as witches when someone is ill.

14,2016) <https://yourstory.com/2016/02/mission-birubala>

²⁰Call for Action Against Witch Hunting (Apr 24,2020) <https://northeastnetwork.org/call-for-action-against-witch-hunting/>

²¹Supra Note 14

Witch hunting throws light on the patriarchal setting of the society are an age-old problem, it shows how women are always victims of heinous crimes and it is women who are branded as witch. It is because of various collaborative efforts of various NGO's the government passed the anti-witch law which has in a when helped in lowering the number. Since the passing of the Act there has been only one case of with-hunting in Assam and zero in Bodo community. With proper awareness the menace can be curbed.

XIII. RECOMMENDATIONS

The recommendations are as follows

- (a) There should be proper Hospital or a PHC unit set up in these remote villages because women and men are branded as witches when someone in the village falls ill or in case someone dies due to a disease.
- (b) Schools should be set up in these villages because lack of education is one of the main reasons why there is still a belief in the existence of witchcraft. When a woman gives birth to a baby who is abnormal, she is branded as a witch. These issues can be addressed only with the help of education.
- (c) The Government should organize awareness campaign by joining hands with various organisations that are working at grass root level for curbing witch-hunting.
- (d) The practise of oja and quacks should be completely banned by the government
- (e) Government should extend support so that self-help groups in the villages can be formed for socio-economic problem

A separate helpline number should be provided so that people can reach the police in times of threat and danger.
