

# CONTEMPORARY PRACTICES OF WITCH HUNTING

A Report on Social Trends and  
the Interface with Law



PLD

PARTNERS FOR LAW  
IN DEVELOPMENT

Partners for Law in Development (PLD) – is a legal resource group working in the fields of social justice and women's rights in India. Founded in 1998, the organization locates women's rights as integral to its work on social justice, engaging with it in contexts of family, sexuality, culture, caste, conflict and development. We believe that social justice goals are best shaped by human rights and the Constitutional guarantees that establish the framework for realization of the rights of the marginalized and the disadvantaged. We promote and facilitate application of rights through capacity and perspective development programmes, production of knowledge resources and advocacy.

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**ISBN: 978-93-84599-01-0**

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**Data management:** Partners for Law in Development

**Data collection and Local information:**

**Bihar:** Mahila Samakya Society, Jyoti Mahila Samakhya Society

**Jharkhand:** Chotanagpur Sanskritik Sangh, Pyara Kirketta Foundation

**Chhattisgarh:** Kanooni Marg Darkshak Kendra, Social Institute of Research Study and Action

**Design and printing:** Aspire Design

This is an improved version of the report based on field work and study undertaken with the support of the Ministry of Women and Child Development.

This report is intended to be a learning and information resource. We encourage its use for educational and non-commercial purposes with due acknowledgement.

# Contemporary Practices of Witch Hunting

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# Acknowledgements

This study was initiated and conceptualized by Partners for Law in Development, but is a product of a collaborative effort involving a chain of actors across multiple disciplines. Over a period of about 18 months, field investigations and community interventions were carried out at the village, block and district levels from where field data was collated; this was interspersed with review meetings at the national and state levels, with data tabulation along with periodic rounds of discussion and analysis. The community interventions carried out by state partners to this study provided psychological and legal support to victims when necessary, holding focused group discussions with the community and the local governance bodies at the village level, in addition to gathering testimonies and primary data. The study also involved desk research. In all, the exercise brought together grassroots social workers, lawyers from different states working at different levels, law researchers, historians and sociologists to jointly produce this socio-legal study on witch hunting. We acknowledge the valuable contribution of the following persons and organizations in bringing this report to fruition.

Our state partners undertook fieldwork to collect primary data and initiate community action for the victims of witch hunting whose stories inform Part I of this report; they also collected data from police records at the block level, on which Part II of this report is based. Our heartfelt thanks to the organizations in Bihar, Jharkhand and Chhattisgarh, as well as individuals within them, whose shared passion enriched the fieldwork and analysis. From Bihar we thank the Mahila Samakya Society; in particular we are grateful to Kundan, Nilu Singh, Puppy Singh, Satima Begum, Jyotsna Kumari, Urmila, Poonam Kumari; from Jyoti Mahila Samakhya Society, Jamui, we thank Savitri, Vibha and Sunita Kishore. From Jharkhand we thank the Chotanagpur Sanskritik Sangh, Ranchi, and in particular we are grateful to the leadership and contribution of Sachi Kumari and Rahul Mehta; from Pyara Kirekta Foundation, Gumla, we thank Vandana Tete and Shanti Baraik. We acknowledge the substantial contribution of Kripamani Surin, independent lawyer in Jharkhand. From Chhattisgarh we thank Kanooni Marg Darkshak Kendra, a field centre of the Centre for Social Justice in Bilaspur, and in particular, Johanna Lokhande, Divya Jaiswal, Gayatri Suman and Shobharam Gilhare for their rich contribution and engagement. In Chhattisgarh, we are also grateful to Durga Jha, Chandrika Kaushal and Dhananjay Pathak from the Social Institute of Research Study and Action (SIRSA) for collating primary data. Without these fellow travellers, and others who assisted them but have not been named, this study could not have been possible.

Mention must be made of Shweta Goswami who monitored the fieldwork with infectious enthusiasm, and tabulated the data from the field, with the support of Shambhavi Sharma, our intern; and of Winnie Mitra who made charts, graphs and tables for the chapters in Part I of this report, to illustrate trends and findings from the case studies. The case law research was meticulously undertaken by Ishani Cordeiro, supplemented subsequently by Harshvardhan Goel, our intern. We acknowledge the preparation of tables showing trends and findings for the case law chapter, in Part II of the report, by Amartya Kanjilal, who also helped draft sections of that chapter. For tabulation of data from the police records, we acknowledge contributions of Sarah Wanglat, Nikita Aggarwal in the preparation of drafts, and later, of Ishani Cordeiro and Radhika Chitkara in finalizing these. We appreciate the contribution of each member of the PLD's programme, administration and finance teams in carrying out this study.

We acknowledge with thanks the comments and insights of our notable resource pool – Uma Chakravarti, Mary John, Anuja Agrawal, Indira Pancholi, Asha Bajpai, Ved Kumari, Geeta Ramaseshan and Lena Ganesh. Our grati-

tude to Anuja Agrawal for mentoring the data tabulation, analysis and drafting Part I of the study, supported by case studies of victims. Her unstinting support to developing methodology, training field partners and reviewing data from Part I of the study helped weave the social dimensions of this socio-legal research. Our gratitude to Madhu Mehra for mentoring, providing the analysis and drafting the second part of the report. Last but not the least, our immense appreciation and gratitude to the Ministry of Women and Child Development, Government of India, whose belief in the necessity of this endeavour, backed by financial support, made it possible for us to embark on this journey of fieldwork, community action, data collection and analysis that enabled this report. We also acknowledge with gratitude their support to consultations at the state and national levels for sharing, exchange and feedback through which valuable inputs became possible, which are incorporated in this improved version of the report.

# Preface

As a legal resource group on women's rights, our work took us to many states, including Jharkhand, Bihar and Orissa, where over successive years we encountered concerns expressed about the targeting of women as 'witches', or what is widely called 'witch hunting'. There was little information beyond news reports of gruesome brutality and killings that became the staple source of narratives. Interwoven in these accounts were strands about superstition, manipulation by traditional practitioners of witchcraft, and grabbing the land of single, widowed, elderly women. In policy and official discourse, the narratives of witch hunting often recall medieval barbarism, illiteracy and blind faith, associating the practice with tribals. Inevitably, such discussions dwell over the merits of a special law on witch hunting/witchcraft as a solution.

Working in regions where witch hunting is widely reported, Partners for Law in Development felt concerned and compelled to engage with witch hunting. With little information on the ground realities and, indeed, on how the law responds to victimization, fieldwork involving primary data collection became necessary. An action research on witch hunting became an urgent starting point for understanding the causes, the continuum of victimization, its consequences, and the interface of the law with each of these. This for us was fundamental for grounding our engagement with policy discourse in the realities of women, the local context and the law. The central concern was how to address root causes, and understanding what constitutes appropriate redress and recovery for those whose lives are marked by such targeting.

This study is an outcome of this need. It was carried out through action research with the help of partner organizations in Jharkhand, Bihar and Chhattisgarh. While data collection was a primary goal, the fieldwork also involved community action to support some, if not all, the victims whose stories generated the primary data for this report. This action research has generated valuable data and evidence that sheds light on the contemporary causes, manifestations and consequences of witch hunting; and equally, about its interface with the law. The study is based on three sources of investigation and research: (a) case studies about the lives of women/victims, marked as 'witches'; (b) police records from the block level, pertaining to registered cases relating to witch hunting; and (c) reported judgments of the High Courts and the Supreme Court of India that pertain to cases of witch hunting. The first two legs of the study involved field investigation in the states of Jharkhand, Bihar and Chhattisgarh, whereas the third required desk research of all reported judgments.

This report is divided into two parts: the first reflects the findings of the case studies collected from the three states, while the second part deals with the interface of witch hunting with the law as gleaned from police records and appeal court judgments on witch hunting. Each section of the report begins with a detailed introduction, and ends with a conclusion.

**Madhu Mehra**  
Executive Director  
Partners for Law in Development  
2013

# Executive Summary

Partners for Law in Development (PLD) conducted a field study in three states, Jharkhand, Bihar and Chhattisgarh, with support from the Ministry of Women and Child Development (MWCD) to document and analyse trends in the contemporary practices of witch hunting as well as their interface with the law. The data from the field was collected by community organizations that PLD collaborated with in all three states.<sup>1</sup> The findings of this study are drawn from three sources of research: a) documentation of 48 case studies of the last five to six years from select blocks in the following districts – Bilaspur and Janjgir-Champa (Chhattisgarh), Jamui (Bihar) and Ranchi (Jharkhand) – of the three states; b) data from 85 police records collected from the entire districts – Jamui in Bihar, Bilaspur in Chhattisgarh and Gumla and Ranchi in Jharkhand from the years 2010 to 2012; and c) 59 High Court and Supreme Court judgments from ten states. The objective of this study was to create evidence of contemporary social trends and the interface of witch hunting related victimization with law, to influence and inform policy and related debates.

The data collected through all the three sources indicates that witch hunting primarily targets women. In 46 out of 48 case studies, the primary victims are women. An analysis of the police records and the reported judgments also indicated 86% primary targets of witch hunting to be women. Our data shows that the men who are targeted are largely secondary victims, who suffer collateral violence. The majority of the victims targeted belonged to the age group of 40 to 60, showing middle-aged, married women to be the most vulnerable to witch hunting. Thus we found that, contrary to the received wisdom, widows and single women were not the only ones vulnerable to witch hunting. In fact witch hunting, based on our data, appears to target middle-aged women fully ensconced in their marital homes. It emerged that a very large segment of the perpetrators are related to the victims through ties of marriage. This indicates the need to think about witch hunting also as a form of violence which surfaces in contexts of family disputes and stresses.

The victims cut across castes and communities, largely from the weaker socio-economic strata. In our data, a comparable distribution of witch hunting is found among Scheduled Castes, Scheduled Tribes as well as Other Backward Classes. No significant inter-caste/inter-community dynamics could be discerned in our case studies although this does not necessarily rule out the relevance of such dynamics in cases of witch hunting as a whole. Nonetheless, our work reveals that the accused is generally related to the victim through kinship, community or neighbourhood ties. Moreover, the two seem to belong to comparable social and economic strata. We also found evidence of women being instigators of witch hunting, although men outnumber them in this respect.

Allegations about the use of ‘supernatural’ powers are invariably present in cases of witch hunting. But land, property, jealousy, sexual advances and other common tensions between social intimates emerged as underlying factors in a very large number of cases. The high occurrence of lack of formal education among the victims and the perpetrators on the one hand and the large number of health issues which surfaced as pretexts for labelling women as witches indicate the links that the issue has with lack of basic educational and health infrastructure, in other words, issues central to governance and development.

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<sup>1</sup> Bihar: Mahila Samakhya Society (MSS); Jharkhand: Chotanagpur Sanskritik Sangh (CSS); Chhattisgarh: Centre for Social Justice(CSJ) and Social Institute of Research Study and Action (SIRSA).



Our studies also reveal that there is a very broad spectrum of violence that a victim of witch hunting has to face, with stigma, isolation and ostracism being the most prevalent and persistent forms. The victims and their families are also subject to serious social and economic deprivations as a consequence of the labelling and ensuing violence. In most cases, while the immediate family members both support the victim and suffer the consequences of the labelling, the neighbours and the larger community are complicit in the victimization process. The local governance bodies also do not seem to unequivocally stand by the victims, often aiding the perpetrators. A great number of cases saw no police intervention.

The police records (FIRs/charge-sheets) as well as reported appeal court judgments reveal that the occurrence of physical violence, often publicly orchestrated by a group of accused, is necessary for the criminal justice system to interact with witch hunting. Our data reveals that 72 of the 85 FIRs involved physical violence and injury, in addition to other offences, such as theft, destruction of property, trespass and public humiliation. The 13 cases where physical violence is not found featured name calling and abuses in combination with threats to life. At least four of the five FIRs that were compromised and closed involved name calling and threats with no indication of violence. The police records indicate the gendered nature of witch hunting, reflecting particular forms of sexual and gender based violence. Public humiliation is common, with instances of forced entry into the victim's house to drag her outdoors to a public place, tonsure her hair, blacken her face, forcibly disrobe and parade her being some of the visible trends. Violence is inflicted not just to hurt the victim, but to degrade and humiliate her absolutely, through cruel acts, such as forced consumption of excreta and drinking of urine. Almost all cases involve more than one accused, so that these public forms of violence are executed by a group rather than an individual. There is no appropriate penal provision to respond to the nature and degree of violence inflicted by these acts, so they tend to be treated as a generic category of lesser offences. Name calling is rarely limited to being called 'witch'; it is almost always accompanied by a range of sexual slurs and local abuse.

In contrast, the appeal court judgments are not about physical violence, but about murder and grave violence with 56 of the 59 cases involving murder, and two others involving attempt to murder. As trial court judgments were not part of the inquiry, it is strongly recommended as an area of further research to understand what kinds of cases, and indeed offences, get prosecuted after registration of complaints. In the absence of this information and based on our data, we can only infer that the law interacts with victimization only when physical violence involving public humiliation is involved, but that such cases do not proceed to the appellate courts unless they pertain to/result in murder. All 59 judgments of the appellate court are appeals against convictions by the accused, indicating that the state had not appealed against acquittal in a single case of witch hunting that has been reported.

The study looks at the laws, the provisions that are most frequently used and whether they provide redress that is commensurate with the nature and type of victimization. The three states where the research was located have special laws pertaining to witchcraft practices and harassment.<sup>2</sup> The state laws (Bihar, Jharkhand and Chhattisgarh) criminalize preliminary acts/offences very particular to witch hunting, such as 'identifying' any person as a witch along with the mental and physical torture accompanying such identification. While these carry small sentences (in Bihar and Jharkhand) they are cognizable and non-bailable. Our data from police records show that the special laws are rarely if ever used on their own, at the initial stages of identification and harassment to prevent serious violence. They appear to be consistently and almost always used with the Indian Penal Code, when public humiliation, physical violence by a group of accused, trespass, theft, murder, conspiracy, etc. have occurred. There are state level trends visible as well – with barely any cases registered in Jharkhand, coupled by the most compromises in Jharkhand; and the maximum registered cases in Chhattisgarh, with a consistent pattern of registering name calling and abuse of the victim as a 'nuisance caused by obscene songs'.

The Indian Penal Code is the most frequently used, providing as it does the most comprehensive framework that responds to threats, intimidation, the physical forms of violence and murder. However, until 2012, the cut-off period for this study, the penal code was totally inadequate for addressing sexualized gender-based violence that is intrinsically part of such victimization. Acts of forced disrobing and parading were dealt with as simple hurt (Sec.

2 Chhattisgarh Witchcraft Atrocities Prevention Act, 2005, the Bihar Prevention of Witch (Daain) Practices Act, 1999, and the Jharkhand Prevention of Witch Hunting (Dayan Pratha) Act, 2001.

323) or as outraging the modesty of a woman (Sec. 354) or using word or gesture to insult the modesty of woman (Sec.509); acts of stoning, tonsuring the hair, blackening the face, forced consumption of excreta too were treated as simple hurt (Sec. 323) – all trivial in comparison to the gravity of the violence, the degradation and cruelty intentionally perpetrated through such acts, often resulting in long-term ostracism. Some of this has changed with the passage of the Criminal Law (Amendment) Act, 2013, which gives due recognition to forced disrobing as a serious offence, strengthens the older provision on outraging the modesty (Sec. 354), and criminalizes sexual harassment. These amendments even introduce the right to compensation and medical treatment for victims of acid attack and rape, which in fact need to be expanded to include all victims of sexual and gender based violence. What remains missing in the law are provisions that adequately respond to the public acts of cruelty such as forced consumption of excreta, tonsuring, parading, and similar acts that are intended to demonize and denigrate the victim, almost irreparably, in the eyes of the community. While many of these acts have a strong resonance and recognition with respect to caste atrocities, there is growing evidence of similar violence used to punish a range of deviance, including inter-community intimate relationships, sexual transgressions and gender variance, especially in relation to hijras. The penal code needs to specifically name these offences, and respond to their gravity rather than obscuring and trivializing such acts as simple injury.

The discussion on the law cannot be complete without referring to the ongoing calls for special laws against witchcraft and superstition, whether at the state or national levels. There are two compelling aspects that cannot be ignored in this context. The first is that superstition is only one part of a complex narrative in witch hunting; every case has counter-narratives by the victim, her family and supporters that tell a different story of motives, conflicts and tensions. Witch hunting appears to be one way of settling scores and conflicts, although the nature of tensions and the motives have evolved over time to cover a wider range of contexts. The motives are not static or limited as the data in this study shows, with superstition and belief in the occult being just one, certainly contested, part of the story. Secondly, the violence associated with caste atrocities is often similar to the cruelty perpetrated in witch hunting. Even as the forms of targeting and victimization vary, most cases show a pattern of public humiliation and denigration for which the law has no appropriate response or remedy. Further, violence and humiliation as a public spectacle is not limited to witch hunting alone, with increasing evidence of similar retribution in cases of sexual transgression, inter-community relationships, and so-called honour crimes. In light of these realities, the special law for witch hunting will be inappropriate, as it would not be able to respond to victimization where the motive is not connected with 'witch' identification. The data points to a compelling need for naming offences, such as specific cruel acts that have a resonance in the Indian context, in the general penal code, so that such offences have appropriate remedies. In relation to the criminal justice system, the responsiveness of the police needs attention, in terms of acting at the preliminary stages to ensure victimization does not escalate. The role of investigation and prosecution is wanting; the need is to ensure that agencies that contribute to legal redress are seen to act with due diligence rather than appearing to merely follow motions of procedure.

Beyond the penal responses, there are two concerns – one, the continued victimization in the aftermath of violence and targeting, that is, the long-term consequences of witch hunting for which there is no remedy available; and second, the underlying causes that allow a continuum of victimization to be orchestrated in public with impunity. There is no law or policy framework of reparations to help the victim recover from the consequences of witch hunting. Forced displacement, involving expulsion from home/land/livelihood/village either temporarily or permanently, is routine. Breakdown of support as a result of social and economic boycott isolates the survivors and their families. Justice cannot be served without a reparative response, that includes relocation where necessary, livelihood support, shelter, compensation, community interventions where possible to ensure a promise of non-recurrence and a public apology. Such responses must extend to the secondary victims, where they exist, as witch hunting often devastates the immediate families. The second concern relates to the inter-linkages between the lack of affordable and accessible quality health care and education, high morbidity, gaps in public health care and witch hunting; these aspects create the underlying conditions that seem to define regions where witch hunting occurs. This, coupled with tenuous access to justice and the reluctance of the police to play a preventive role, make it possible for high levels of irrationality and superstition to fester, and for conflicts to be settled cruelly and/or violently with impunity. The elimination of witch hunting therefore calls for examining administrative and

governance lapses and pinning accountability for such lapses. The role of local governing bodies, administration and women's/community groups must also be explored in this context. There is greater urgency therefore to turn to prevention and reparative justice, which remain outstanding and unaddressed by criminal law.

# **PART I**

Report on Case Studies of  
Witch Hunting from Bihar,  
Jharkhand and Chhattisgarh

# Introduction

This part of the report deals with the case studies of witch hunting collected from the three states of Bihar, Jharkhand and Chhattisgarh. Anti witch hunting laws are in place in these three states. The existence of special laws in Bihar<sup>3</sup>, Jharkhand<sup>4</sup> and Chhattisgarh<sup>5</sup> reflects a recognition of an endemic problem in the region. 48 case studies were collected from these three states in order to create a source of qualitative data on witch hunting. These case studies centre on victims and survivors of witch hunting, investigate the social position of the victim, their relation with the perpetrators, the causes and consequences of witch hunting and the response of the family, community and the state to this form of violence. Before we discuss further details about the study, we would like to discuss how a witch is defined.

## 1. Definition of a ‘witch’

In the areas of the study, terms such as *dayan*, *tohni*, *chudail*, etc., are used to label a woman as a witch. The term *tohna* is used for males who are labelled as a witch. The preponderance of terms used for women is one indication that this is a gendered practice. Whatever the different practices and understandings of the term ‘witch’ may be, it involves one common feature – the attribution of certain ‘supernatural’ powers to a person by others. An attribution of a person as a witch is nearly always negative, fearful and destructive. Although such attribution draws upon what may be treated as superstition, it does not necessarily arise from superstition. In many cases, interpersonal animosity, rivalry and conflict over various material sources may lie behind the labelling of a person as a witch. Once a person is labelled, whether or not such labelling is malicious in nature, a complex set of reactions and fear are invoked, making it very difficult for the women (sometimes men) targeted as witch to defend themselves. Witch hunts might in some (not all) cases be accompanied by extreme brutality and violence including forcible stripping, being paraded naked in public, cutting or tonsuring of the hair, blackening of the face, cutting off of the nose, pulling of the teeth to ‘defang’, gouging out the eye, whipping, gang rape, forcible consumption of human excreta, cow dung or other noxious substances, sexual assault, and killing by hanging, hacking, lynching or burying alive. Subsequent to the branding and the accompanying physical violence there may be several other negative fall-outs, social stigma, psychological torture, social and economic boycott, loss of livelihood and violence for the survivors of witch hunting. This kind of societal alienation and violence can be for short period of time or go on for years and sometimes can last a lifetime.

In order to provide a more nuanced understanding of the causes and consequences of witch hunting, the study on which we are reporting here thus sought to systematically collect data about specific instances in which, women (and men) in the three states under the study, have been labelled and victimised as a witch.

## 2. Assumptions tested by the study

The study sought to test certain assumptions about witch hunting:

- Witch hunting is largely associated with women and that too single women which includes widows with productive, economic resources or property; women who transgress social authority and mores; women with exceptional physical attributes, etc.

3 The Prevention of Witch (Daain) Practices Act, 1999

4 The Prevention of Witch (Daain) Practices Act, 2001

5 Witchcraft Atrocities Prevention Act, 2005

- Although it draws upon superstition witch hunting is driven by material conflicts which get camouflaged by the superstition. There is thus generally an economic, material or sexual motive behind the targeting of women as witches.
- Witch hunting is more prevalent than what the official records suggest (see Part II of the study)

In the concluding section of the report we will outline whether these assumptions can be sustained subsequent to our study. In what follows we describe in detail the sampling procedure for the selection of the regions from which the case studies were selected and the criteria for the selection of the cases as well.

### 3. Sampling procedure

#### 3.1. Selection of District and Blocks

The selection of the blocks and districts was based on the highest numbers of reported incidences in that state. Additionally these had to be blocks where the partner organization had linkages as such a study could not have been carried out without prior inroads into the region. The following table provides a list of the districts and Blocks from wach of three states where the study was conducted.

State	Name of District	Name of the Block
Chhattisgarh	Janjgir – Champa Bilaspur	Bamnidi, Pamgarh, Saragaoun, Chakarbhata Masturi, Takatpur Billah
Jharkhand	Ranchi, Gumla	Bero, Itki, Gumla, Sisai
Bihar	Jamui	Sono, Khera

#### 3.2. Selection of Respondents

The study sought to document cases in which the victim/survivor had faced violence in the last 5-8 years. The state partner organizations used a variety of parameters to ensure that the 16 cases of witch hunting from two district in each of the three states represent the greatest possible diversity which is manifested in the phenomena of witch hunting in the regions of study.

- Diversity in age, land ownership, livelihood, memberships in associations/ organisations of the survivors/ victims.
- Cases that reflect different purported causes of labelling as a ‘witch’, as for instance, illness, harm to neighbour, property dispute and so on.
- Diversity of practice amongst different castes and tribal groupings.
- Type of injury/ violence, recurrence of violence: from extreme forms of brutality to instances which were confined to labelling. Thus the study also included cases where there was no violence or brutality usually associated with witch hunting.
- Cases in which there had been no intervention by the state and non-state agencies as well as registered cases where there are FIR’s and/or compromises were struck.

The idea was thus to select as diverse a range of cases of witch hunting in the three states as possible. The three state level field workers followed these criteria as far as possible to put together 16 cases each. However, given the sensitive nature of the subject and the paucity of reliable sources of information in many cases, it was not possible to follow very rigorous sampling techniques in this process of selection. The patterns and variations which have been revealed through an analysis of the data may thus be a consequence of the selection process, something inevitable in a qualitative study at a small scale. Given the relatively small size of the sample, the patterns set out in the following chapters should be treated as indicative of the trends rather than as statistically precise in a more strict sense.

It also needs to be reiterated here that this study is based on cases from two blocks from three states, each of which have their own peculiar socio-economic and demographic features. Given the specific socio-demographic profiles of the regions of the study, the patterns identified in this study may not be exhaustive. Other regions with starkly different socio-demographic conditions may reflect other patterns which this study may not have been able to fathom. Hence the data need not be generalisable for the entire state, let alone for the rest of India. However, whether other strikingly different patterns of witch hunting, which have not been found in this study, actually exist would have to be confirmed through other comparable studies in other regions of the country including those in which laws regarding witch hunting have not yet been promulgated and which have very different social and economic structures. The forty eight cases collected for this study thus reflect as broad a spectrum of cases of witch hunting as the investigators could come across and form the basis of extrapolating about the patterns of witch hunting discernible in the regions of the study. Nevertheless, the trends and patterns we have discerned should be valuable points of departure for later studies and also comparisons with new data as and when they are available.

## **4. Instruments for Data Collection**

### **4.1. Data collection tools**

Keeping in mind the sensitivity of the issue, user-friendly tools were created to enable the field investigators, who were grassroots activists, to be able to pose questions that were relatively straight forward for the survivors to respond to and which provided data which is usable in a comparative framework as well as sensitive to the particular nuances of each case. The case studies were thus collected through in-depth/open-ended individual interviews with victim-survivor based on a common template. The story narrative included history of the woman targeted much before her identification as a witch to understand her relations with the community and family before the violence manifested itself. The quantitative details of the case were collected with an interview questionnaire, consisting of key socio-demographic details of the survivor. The qualitative aspects were covered through a semi structured interview schedule (See **Annexure I**).

### **4.2. Ethical guidelines**

Keeping in view the different socio-cultural background, detailed ethical guidelines were developed to safeguard respondents' autonomy and to protect them from potential trauma/harassment. These ethical guidelines were for conducting in-depth interviews, and general discussion with the stakeholders. The respondents were sensitized about these ethical issues including the importance of confidentiality, consent and freedom to participate. Informed consent for participation in interview was taken from each respondent. The respondent had the freedom to stop participation at any stage of the interaction with the field investigators. Identities of all respondents and victims have thus been kept confidential and hence village names have not been provided in the case studies. All names used in the report and the summaries are pseudonyms.

## **5. Data collection**

Access to the interviewees was facilitated by the NGOs partnering with us through the field investigators affiliated with the same organizations, as they have been active in the concerned villages or region. This ensured that the interviews were conducted in local vernacular language. The process of data collection was largely similar across the field areas in the three states. A team of three to four field investigators went to the field sites for varying number of days, ranging from three to five. Informants, especially the victim, was spoken to at her own house or where she had been staying, or a location of her preference. On certain occasions, in order to avoid questions or suspicion of the neighbours, the victim was asked to come to the office of a local NGO in the village. For the same reason, in some cases in Jharkhand, the interview with the victim was organized at a location outside the village. Although data collection was based on the questions set out in a template that was the main data gathering tool, the interview itself was in the form of an informal conversation so as to not make the interviewees self-conscious or anxious, given the deep distrust and apprehension regarding inquiries related to the subject. The field investi-



gators avoided noting down information in front of the interviewees, apart from factual details such as age and dates of relevant incidents. The field investigators would commit the information gathered to memory and then write it down as per the questionnaire at night the same day either in Hindi or in the local dialect in which the conversation had taken place. If it was the former, then the responses to the questions were translated and rewritten in English subsequently. And if it was the latter, then the same was translated into Hindi, which in turn was translated into English. Finally, the lead field investigator went over the completed questionnaire along with the entire team of field investigators and the translator (in case the translator was not one of the field investigators). On an average, the entire process of documenting a case took about fifteen days; ten days to establish contacts with local actors and making logistical arrangements, three to four days for meeting the victim, the accused and others, and finally two days to write the information in the format provided in the questionnaire.

## **6. Management structure for the study**

The overall responsibility of implementation of the project rested with Partners for Law in Development (PLD). PLD partnered with three state level community organizations, to undertake the field study as well as community interventions to address witch hunting. The state partner organisations were Mahila Samakhya (MS) in Bihar, Chottanagpur Sankshritik Sangh (CSS) in Jharkhand, Social Institute for Research Study and Action (SIRSA) and Centre for Social Justice (CSJ) in Chhattisgarh. A state project coordinator and field investigators were appointed to supervise and monitor the process of data collection at the state level. PLD coordinated, facilitated and tracked the project implementation through periodic review, data analysis and report writing. In order to ensure uniformity in the quality of data gathered, The data collected through the field/ action research was reviewed by an inter-disciplinary resource pool of academics, activists and lawyers. PLD also conducted workshops for developing capacity in data collection and in providing orientation to all field staff and coordinators. Once the data was processed and its findings ready, state level conferences as well as a national level conference were organised to share and discuss the findings, and to debate policy dimensions/ recommendations arising from the findings.

## **7. Overview of the report and chapters**

The case studies that we have collected have helped us to discern some patterns in the process and context of witch hunting, women's experience of the violence involved during witch hunting, and the remedial action sought and received by the survivor. The role of the key actors and institutions in the community during witch hunts and in providing remedial actions was also covered in the case studies. The studies have also elucidated the complexities of each case. They highlight the struggle faced by the labelled victims in the community.

The report of this study is divided into five chapters to reflect these findings. Chapter 1 provides a social profile of the victims and survivors of witch hunting. On the basis of the 48 case studies, we have attempted to describe the age group, marital status, group affiliations, economic and educational status of the victims and survivors. Chapter 2 describes the perpetrators and instigators of witch hunting. In particular, we focus upon the social and economic relationships they have with the victims and their families. In chapter 3, we discuss what the cases reveal about patterns of labelling of specific persons: what are the ostensible triggers for labelling and what are the other possible factors that contribute to a person being labelled as a witch. Chapter 4 deals with the immediate as well long term impact that witch hunting has on the victims and their families. Chapter 5 is concerned with how the family, community and state agencies respond to cases of witch hunting. We attempt to provide a summary of our findings in concluding remarks. Annexure I is the template used for collection of data about each case and **Annexure II** provides case-wise summaries for each of the 16 case studies from the three states. Throughout the report we have referred to these cases using numbers in a particular format [(BIH)I, (BIH)II, (BIH)III,...; (JH)I, (JH)II, (JH)III,...; (CH)I, (CH)II, (CH)III...]. Interested readers can refer to the case summary for further details by turning to **Annexure II**.



# Chapter 1

## Who are the Victims of Witch Hunting?

We will begin the report of this study with a description and some discussion about the individual and social position of women (and men) who are victims of witch hunting. This discussion is based upon the 48 case studies that have been collected from two rural blocks each from the three states of Bihar, Jharkhand and Chhattisgarh. As already mentioned in the introduction, these cases were selected with a clear intention of covering as much variety (in terms of victim's profile as well as in terms of violence suffered and consequences) as possible. Thus this description is not necessarily representative of the statistical trends in this form of violence. However in the absence of any such data being available, our data provides a good indicator of the possible trends which can be tested against larger data sets if and when they become available.

Since our data also includes studies of two male victims (both from Chhattisgarh), we will have something to say about the same as well. However, since the number of cases of male victims is very small, in large part our discussion will pertain to the women victims.

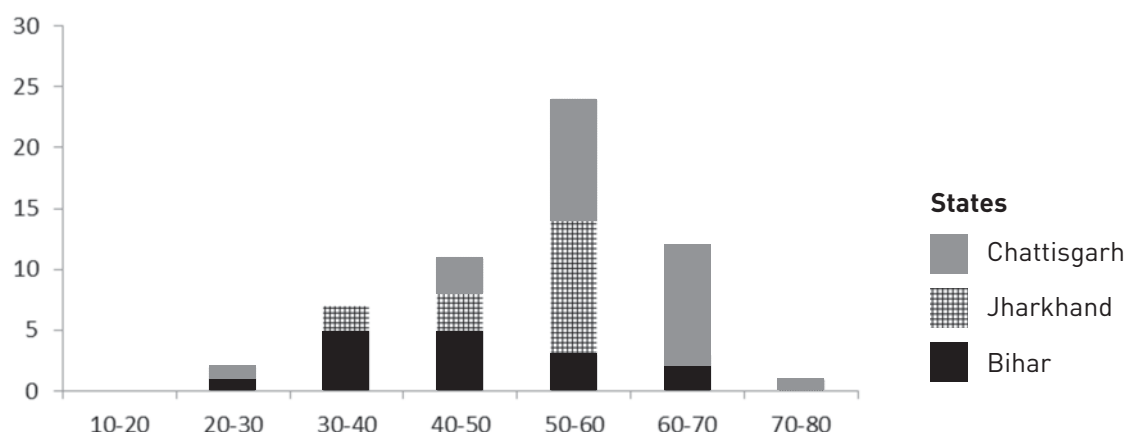
We describe the characteristics of the victims in our case studies along the parameters of sex, age, marital status, caste identity, economic condition and educational status. Though not comprehensive, this set of features gives us a fairly good idea about the women who are most vulnerable to witch hunting in the regions of our study. In each of the above respects we have also tried to provide the trends for each state separately.

### **1.1 Vulnerability associated with age**

In this part we will present our findings regarding the age group of women (and men) victimised as witches as reflected in the 48 case studies. As age is a significant correlate of women's position in society, this discussion will allow us to locate the categories of women who are most vulnerable to being labelled and victimised as a witch in the areas of our study. The findings of our study in this respect reflect some general patterns as well as variations with respect to the age group of the victims.

Table 1.1 presents our data regarding the age distribution of victims of witch hunting for the three states. The data clearly establish certain age groups as vulnerable.

**Table 1.1. Age Groups of Victims of Witch Hunting in Bihar, Jharkhand and Chhattisgarh.**



As is obvious from the table, in the data from the 48 case studies conducted in Bihar, Jharkhand and Chhattisgarh, women in the age group of 50-60 are dominant among the victims of witch hunting. This is followed by women in the age group of 40-50. However, as is also apparent, witch hunting is not unknown in other age categories as well.

The following table presents the actual number of cases in each age category.

**Table 1.2. Number of Cases in Each Age Groups in the Three States**

	10 – 20	20-30	30-40	40-50	50-60	60-70	70-80
Bihar	0	1	5	5	3	2	0
Jharkhand	0	0	2	3	11	0	0
Chhattisgarh	0	1	0	3	10	1	1
Total	0	2	7	11	24	3	1

From this table it is even more obvious that our case studies are predominantly about women in the age groups of 40-60 who make up 35 out of 48 cases which is more than 70 % of the cases. If we add to this the women in the age groups 60-70 and 70-80, then we have a figure of 39, which is almost 80 % of the cases. It is also remarkable that in the remaining cases as well, the largest number is in the age group of 30-40.

In what follows we have segregated the results related to the age of victims state-wise in order to highlight the trends discernible in the three states. This discussion will reveal that while some states have more varied distribution of cases across different age groups, others do not. Although this could again be an indicator of selection biases, keeping the state-wise picture in mind will help us to make sense of the overall data.

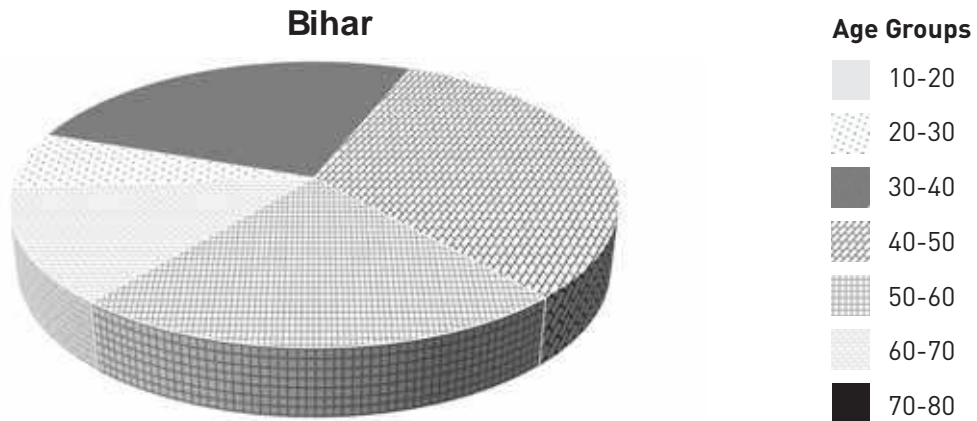
## 1.2. Vulnerability associated with age: The patterns in the three states

If we glance back at Table 1.2, we can see that case studies from Jharkhand have the highest number of cases in the age group 50-60, followed by Chhattisgarh and Bihar. In the age group 40-50, Bihar leads in the number of victims while the other two states have an equal number of victims. Bihar also has largest number of cases in the age group 30-40 followed by Jharkhand which has two and Chhattisgarh which has none.

### 1.2.1. Bihar: Age-wise distribution of victims

Of the three states, Bihar has the most varied distribution of cases in different age categories. The following pie chart reflects that the victims are broadly distributed among the age groups of 30-40 years, 40-50 years and 50-60 years with maximum number of victims belonging to the age group 40-50. Even the age groups of 20-30 years and 60-70 years have a fair number of victims while there are no cases in extreme age categories, that is 10-20 and 70-80 years.

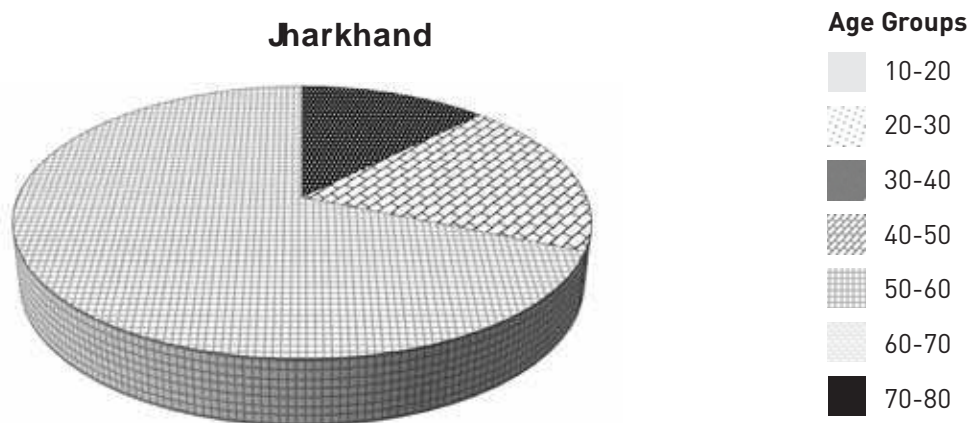
**Table 1.3. Bihar: Age-wise Distribution of Victims**



### 1.2.2. Jharkhand: Age-wise distribution of victims

An analysis of the Jharkhand cases shows a very sharp difference in the age-wise distribution of the cases as shown in the chart below.

**Table 1.4. Jharkhand: Age wise Distribution of Victims**

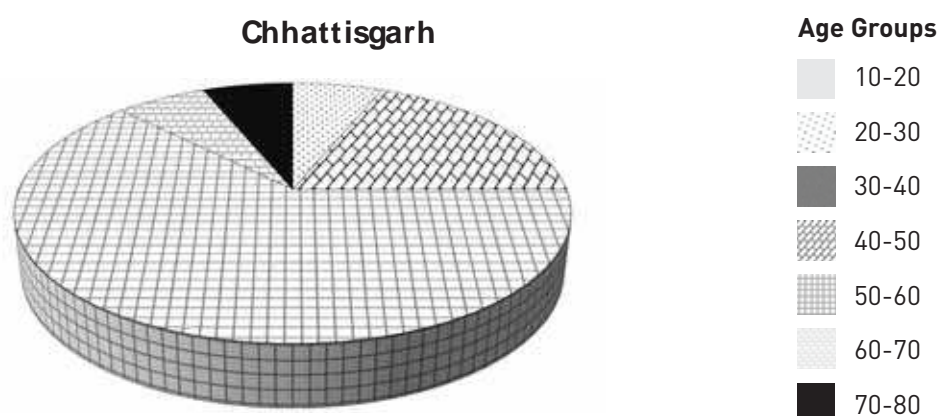


It is evident from the chart that this state shows a very high concentration of victims in the age category 50-60. This is followed by the age group 40-50 group. The age category of 30-40 have a minor share of victims while no cases were recorded in the age groups 10-20, 20-30, 60-70 and 70-80.

### 1.2.3. Chhattisgarh: Age-wise distribution of victims

As is shown in the chart below, Chhattisgarh cases have an age-wise distribution of victims which is more like Jharkhand than Bihar.

**Table 1.5. Chhattisgarh: Age-wise Distribution of Victims**



The age category 50-60 years have 63% of the victims followed by the category 40-50 years which has 19% victims. The age categories 20-30, 60-70 and 70-80 has an equal share of 6% of victims each, while there are no cases in the age categories of 10-20 and 30-40. The two male victims whose cases are included in the Chhattisgarh data were also in the age group 50-60.

#### 1.2.4. Remarks about age-wise distribution of the victims

The distribution of victims of witch hunting according to age shows some interesting patterns. Given that the study explicitly sought to capture cases representing as wide a range of age distribution as possible, the data that has emerged indicates that age is a critical factor in shaping the vulnerability of victims of witch hunting. From the above description it is evident that witch hunting is a form of violence which disproportionately impacts older age groups of women whose vulnerability seems to be at a peak around the age groups of 50-60 while the chances of being labelled a witch are considerably less even in the category 20-30 and perhaps insignificant below the age of 20.<sup>6</sup> While more thorough studies will have to be conducted in order to fully establish that incidence of witch hunting, cases in which victims are below the age group of 30 are very rare, we can with greater confidence insist that victims of witch hunting are most likely to be women in the age group 30-60. While the three states in our study had a somewhat varied distribution of cases along the age parameter, it is significant that even in Bihar most cases are within the age group of 30-60<sup>7</sup> and the overall pattern of the age-distribution remains consistent. Fewer cases in much older categories of course need not be seen as a change in pattern but as linked with a demographic decline in number of women in these age groups. Thus witch hunting is a form of violence which primarily targets middle aged and older women.

### 1.3. Victims and their marital status

A second important aspect of social position of women who are targeted as witches is their marital status. This is the object of discussion in this section.

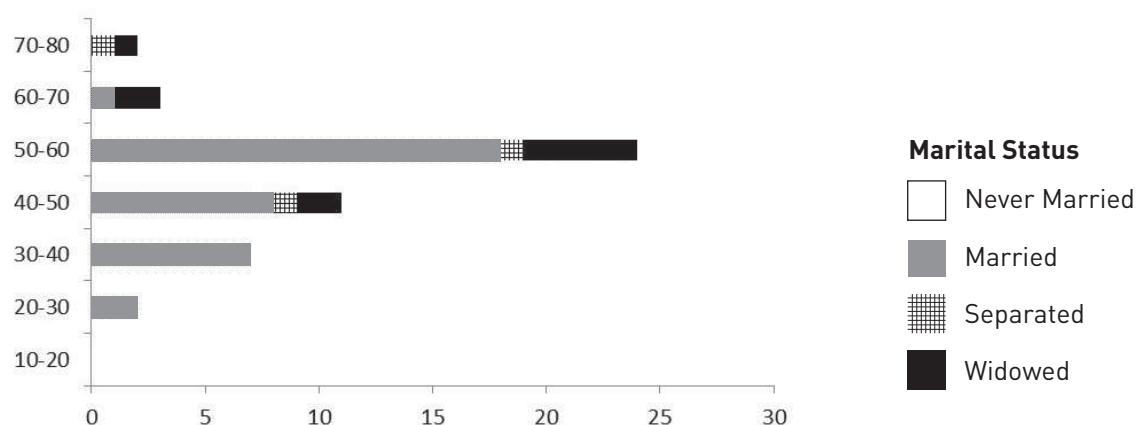
As might be expected from the discussion on age distribution of women victims in the last section, all women in our sample were presently or previously married. None of them were unmarried. This is a major finding of our data and it will be discussed below.

Now, while no women in our data belongs to the never married category, all married women are also not alike with respect to their present marital status. Table 1.6 shows the distribution of the victims into the categories of married, separated and widowed and Table 1.7 provides the numbers which have been illustrated in the bar graph.

<sup>6</sup> Women in younger age groups are however subject to a variety of other forms of violence. Witch hunting does not seem to be significantly directed at younger women. There is however one case of a woman who was initially targeted at the age of 14 while still being with her natal family in the Bihar data. See (BIH)XI.

<sup>7</sup> It may be added here that some of these variations in age categories may be because of the way age is reported in contexts where there is no practice of formally recording and commemorating it.

**Table 1.6. Marital Status of the Victims of Witch Hunting**



**Table 1.7. Age-wise Marital Status of Women**

Marital Status	10-20	20-30	30-40	40-50	50-60	60-70	70-80	Total
Never Married	0	0	0	0	0	0	0	0
Married	0	2	7	8	18	1	0	36
Separated	0	0	0	1	1	0	0	2
Widowed	0	0	0	2	5	2	1	10
<b>Total</b>	<b>0</b>	<b>2</b>	<b>7</b>	<b>11</b>	<b>24</b>	<b>3</b>	<b>1</b>	<b>48</b>

From the tables it is obvious that this distribution of women victims in our case studies may well nigh be a normal distribution of marital status of women. The widowed victims are thus more or less distributed among the higher age groups from 40 onwards. A large proportion of the widowed victims are in the age category of 50-60 years which in any case is the group with most cases in our data. More than half of the victims in the 60-70 age group are widows while, all the victims under the bracket of 70-80 years are widows.

Thus it is evident that none of the cases in our sample pertain to women who were never married and the largest category of victims consist of women who were married (and not widowed or separated) at the time of their victimisation.

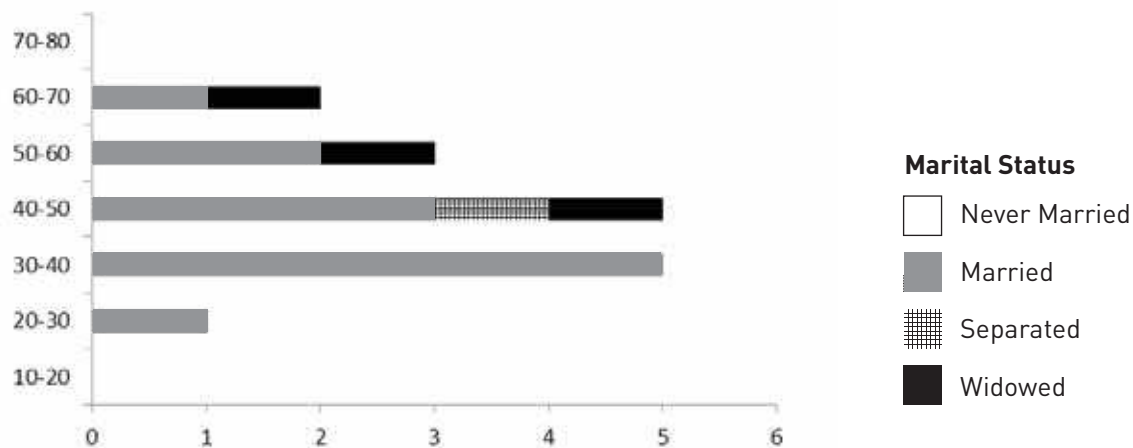
## 1.4. State-wise distribution of women according to marital status

As discussed above the general trend appears to be one in which the majority of women victims are married, and the chances of their being widowed or separated are higher in older age groups. We will take a quick look at the state-wise distribution of this date in order to see whether any further patterns can be discerned and whether the overall picture is consistent with the general pattern observed vis-a-vis the marital status of women for the three sets of cases from the three states.

### 1.4.1. Marital status of victims in Bihar

Table 1.8 presents the data on marital status of victims of witch hunting from Bihar. At a glance this presentation reveals no unexpected variations in the data on marital status of women as revealed in the analysis of the overall patterns.

**Table 1.8. Bihar: Age wise Distribution of Married, Widowed and Separated Women.**



From the further break up provided in table 1.9 below it is also obvious that the majority of women in the Bihar data were married. The table also makes it obvious that even in the age groups which are over represented in the Bihar data as compared with the other two states, there is no striking difference vis-a-vis the general pattern as noted above. Only married women are found in the age categories 20-30 and 30-40 as would also be expected in the demographic profile of the general female population in this age group.

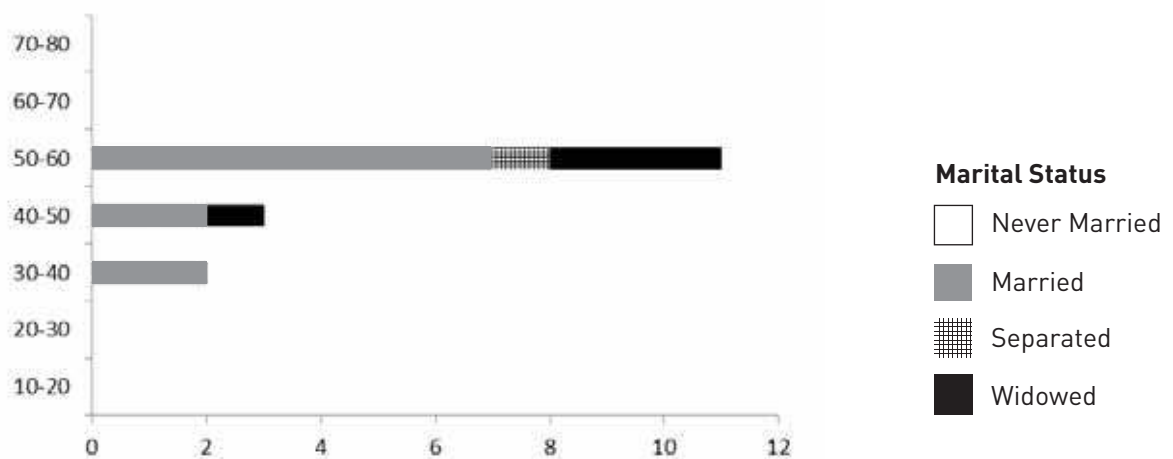
**Table 1.9. Age-wise Marital Status of Women.**

Marital Status	10-20	20-30	30-40	40-50	50-60	60-70	70-80	Total
Never Married	0	0	0	0	0	0	0	0
Married	0	1	5	3	2	1	0	12
Separated	0	0	0	1	0	0	0	1
Widowed	0	0	0	1	1	1	0	3
<b>Total</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>16</b>

### 1.4.2. Marital status of victims in Jharkhand

Table 1.10 presents the data on marital status of women in the Jharkhand data. In this set also we find that a large majority of women victims belong to the married group and a minority of separated and widowed women are found in older age brackets. This data also does not reveal any significant differences from the patterns regarding marital status revealed in the overall data.

**Table 1.10. Jharkhand: Marital Status of Women in Specific Age Categories.**



The further break up provided in table 1.11 also confirms this view.

**Table 1.11. Jharkhand: Age-wise Marital Status of Women**

Marital Status	10-20	20-30	30-40	40-50	50-60	60-70	70-80	Total
Never Married	0	0	0	0	0	0	0	0
Married	0	0	2	2	7	0	0	11
Separated	0	0	0	0	1	0	0	1
Widowed	0	0	0	1	3	0	0	4
<b>Total</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>16</b>

### 1.4.3. Marital status of victims in Chhattisgarh

Table 1.12 provides a perspective on the marital status of the women in the Chhattisgarh data. In this data also there is no deviation from the general trend.

**Table 1.12. Chhattisgarh: Marital Status of Women in Specific Age Groups.**

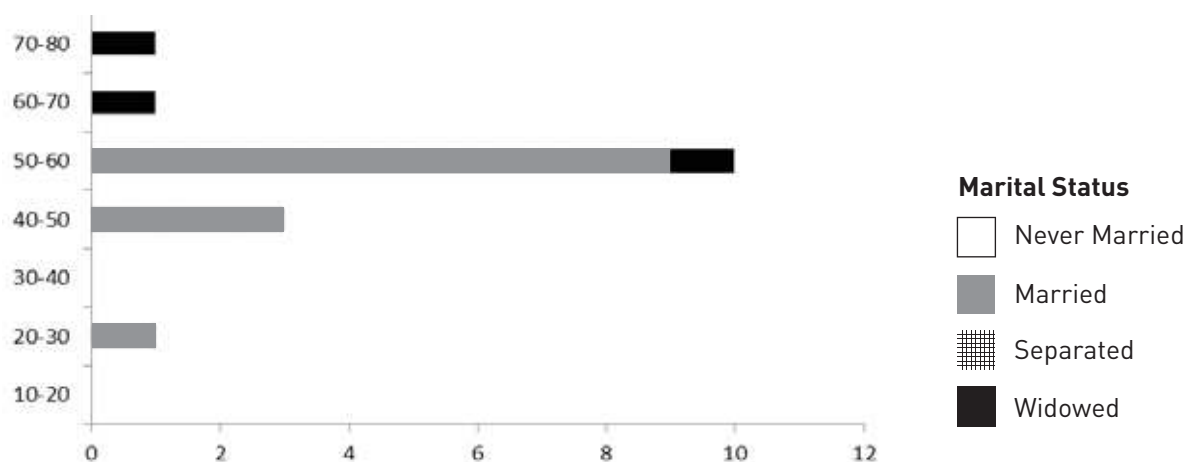


Table 1.13 provides a numerical breakup of the data from which it is obvious that a significant majority of women in the data from Chhattisgarh were also married women and this is also true of the one case from age group of 20-30.

**Table 1.13. Age-wise Marital Status of Women.**

	10-20	20-30	30-40	40-50	50-60	60-70	70-80	Total
Never Married	0	0	0	0	0	0	0	0
Married	0	1	0	3	9	0	0	13
Separated	0	0	0	0	0	0	0	0
Widowed	0	0	0	0	1	1	1	3
<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>10</b>	<b>1</b>	<b>1</b>	<b>16</b>

#### 1.4.4. Remarks about marital status of the victims

The most striking finding with respect to the marital status of women victims is the fact that there are no never married women in our data. Indeed in all except two cases [(BIH)XI, (BIH)XIV]<sup>8</sup> witch hunting took place while women were residing in their affinal or marital families/villages. It appears that witch hunting is more likely to afflict married women rather than single ones. This may be somewhat unremarkable in contexts of a society in which most women are expected to get married. But we believe it may hold an important clue to understanding the social dynamics of witch hunting. This can thus be seen as an important sociological feature of this form of violence against women. We will also see in a later chapter that women's marital kin play an important role in perpetrating this form of violence in a large number of instances (See chapter 2).

The over-representation of married women in our data is significant and may partially account for the absence of any cases in the age groups of women below twenty and negligible number of cases even in the age group 20-30. It is remarkable that in the youngest age group (20-30) for which we have any cases, the victims are again married and not single. Only in one of these cases the woman victimised prior to her marriage by her natal kin [see (BIH)XI] and continued to face the consequences subsequent to her marriage as well. The other case in the age group 20-30 involves an exceptionally assertive young married woman [see (CH) II]. Also, of the two cases of women separated from their husbands only one, who had been abandoned soon after her marriage, had returned to her natal village [see (BIH)XIV] while the other continued to reside in her husband's village with her children when her husband left her (see (JH) V). Hence the data on age of women victims when seen in light of the data presented on marital status of women victims reveals no striking variation in the social position of the small proportion of younger women in the data. This is also consistent in all three states.

Furthermore, contrary to popular belief, widows are not over-represented in our sample although they constitute a little more than 20%. But they are found in age categories which are also normally likely to have more widows.

Another important observation which may be relevant to make at this point is that while there are not as many cases of widows being targeted that we came across, there were a number of cases in which the husband's of the targeted women were migrant workers. Thus eight women in our data had husbands who migrated seasonally or for long term in order to supplement the family income.<sup>9</sup> Such cases were over-represented in the Bihar data. This is relevant as having migrant husbands rendered the position of the women vulnerable and structurally somewhat akin to widowed women. Hence even though our data did not find widows to be the most common target of witch hunting, we did find that women who are without husbands in their marital homes are vulnerable to witch hunting as a form of violence.

### 1.5. Group identity of Victims of witch hunting

Our attempt to understand the social and individual location of victims of witch hunting would remain incomplete without a consideration of their group identity by which we primarily refer to the caste, tribal and religious

<sup>8</sup> This excludes the cases of male victims for whom in any case there is generally no change in residence after marriage.

<sup>9</sup> The cases in which husbands were migrant workers are: (BIH)III, (BIH)VI, (BIH)VIII, (BIH)XI, (BIH)XVI, (JH)XVI, (CH)IV, (CH)VI.



identities of the victims. Hence this section will provide an overview of what our case studies reveal about the group identity of victims of witch hunting.

A broad social and political categorisation has been adopted to classify the group identities of the victims in the three states: General, Scheduled Caste (SC), Scheduled Tribe (ST), Other Backward Castes (OBC) and Others. “Others” has been used as a category to group caste identities of victims who do not fit into the other categories or for victims whose caste identity could not be discerned during the fieldwork. This also includes the few cases of Muslim victims in the study.<sup>10</sup> Table 1.14 provides a perspective on the distribution of the victims according to the groups they belong to across the three states.

**Table 1.14. Group wise Distribution of Victims in the Three States.**

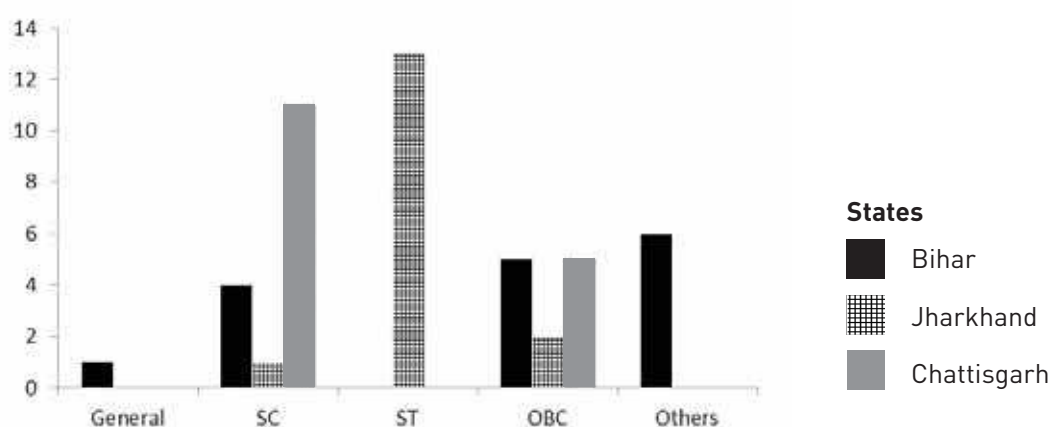


Table 1.14 reveals that there are variations in identities of victims across the states as well as within each state. It is obvious that cases of witch hunting can be discerned across the caste spectrum even though the cases from SCs, STs and OBCs are somewhat over-represented in this data. The number of victims from each of the social (and political) categories in the three different states are provided in table 1.15.

**Table 1.15. Group Identities of Victims in the Three States**

	General	SC	ST	OBC	Others
Bihar	1	4	0	5	6
Jharkhand	0	1	13	2	0
Chhattisgarh	0	11	0	5	0
<b>Total</b>	<b>1</b>	<b>16</b>	<b>13</b>	<b>12</b>	<b>6</b>

It is clear from Table 1.15 that the largest category of victims in our data belong to SC category followed closely by category of STs and OBCs. There are some cases from among the Muslims and hardly any among the upper castes. As the patterns seem strikingly different for each state, we would like to discuss this aspect primarily with respect to the state-wise trends. It may once again be reiterated here that the data presented does not rule out existence of witch hunting in other castes and communities, particularly those who are not represented in the regions of this study.

### 1.5.1. Group identity of victims in case studies from Bihar

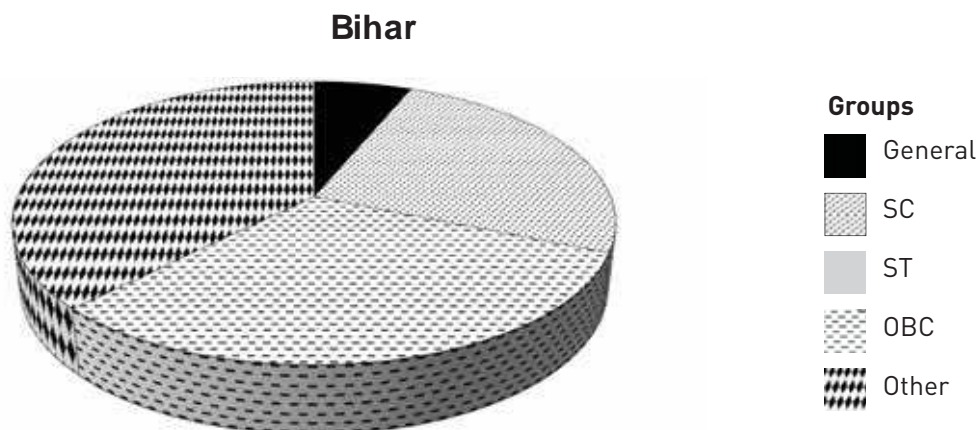
The group identities of victims in case studies from Bihar are varied. The highest percentage of victims in Bihar belongs to the Other (included Muslim) and OBC category, followed by SC category. A small share of victims in

<sup>10</sup> We have not segregated the cases of tribal Christians from non-tribal Christians in our data. Both have been included under the head ST.

Bihar also belong to the General category as defined above. However, the data from Bihar shows no cases from the ST category.

Table 1.16 provides a detailed representation of the date presented above.

**Table 1.16. Bihar: Distribution of Victims According to Group Identity.**



The number of victims in each of the caste groups in Bihar has been provided in the table 1.17.

**Table 1.17. Bihar: Group Identity of Victims**

General	SC	ST	OBC	Others
1	4	0	5	6

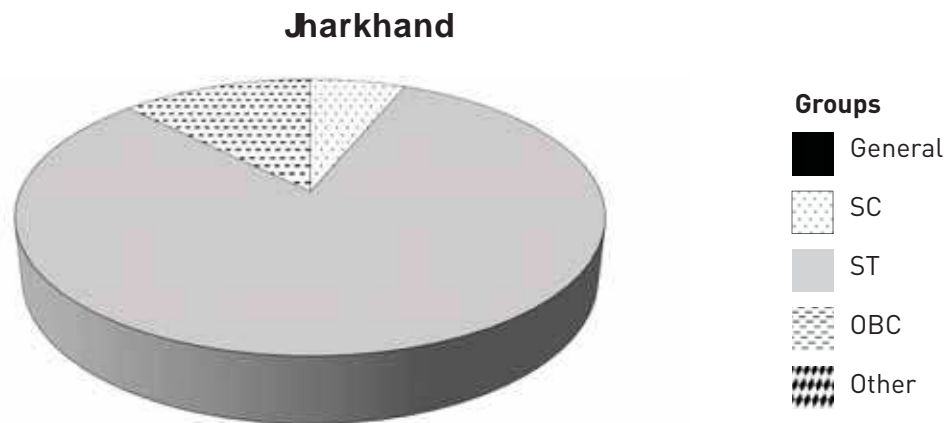
An interesting aspect which can be noticed in the data collected from Bihar is a relatively high number of victims who are Muslims all of whom have been categorised under the head: Other. Of the total number of victims studied in Bihar, one-fourth victims are Muslims (4 out of 16 victims). This reflects an important fact that victimisation of women as witches is not only found among Hindus but also among Muslims.

### 1.5.2. Group identity of victims in case studies from Jharkhand

The distribution of victims according to social groups in Jharkhand is not as varied as Bihar. Jharkhand shows a high percentage of victims concentrated in the ST category with a small number of victims from the OBC and SC categories. Data collected from Jharkhand also does not have any instances of victimisation from the General and Others category.

Table 1.18 shows a pie chart representation of the description provided above.

**Table 1.18. Jharkhand: Distribution of Victims According to Group Identity.**



The number of victims in various groups is provided Table 1.19 below.

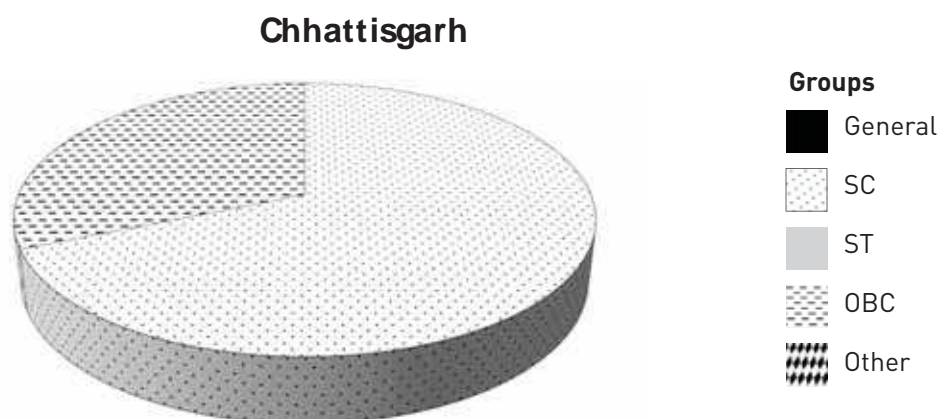
**Table 1.19 Jharkhand: Number of Victims Distributed According to Group Identity.**

General	SC	ST	OBC	Others
0	1	13	2	0

### 1.5.3. Group identity of victims in case studies from Chhattisgarh

Like Jharkhand, the data from Chhattisgarh also shows a skewed pattern of distribution of victims on the basis of caste and group identities. This state shows a high concentration of victims in the SC category with 69% of the victims belonging to this category. With 31% victims the OBC category follows the SC category in Chhattisgarh. This state shows no record of victims in the General, ST and Other caste categories. Table 1.20 below represents this data in a pie chart.

**Table 1.20. Chhattisgarh: Distribution of Victims According to Group Identity**



The numbers of victims studied in Chhattisgarh and the distribution of victims in the different caste groups is represented in Table 1.21 below.

**Table 1.21. Number of Victims Distributed According to Caste Identity.**

General	SC	ST	OBC	Others
0	11	0	5	0

#### 1.5.4. Remarks on group identities of victims of witch hunting

It is obvious from the above discussion that caste identities of victims of witch hunting are concentrated around the categories of SCs, STs and OBCs although cases from other castes and Muslims are not unknown. In the absence of availability of census data on numerical composition of different caste groups in the three states in general and the particular blocks covered in this study in particular, it is not possible to make any definitive claims as to whether witch hunting has a caste character. All we can say from our data at the present is that this form of violence appears to afflict who most often do not belong to the dominant social groups. This conclusion will be further tested in the following section. However, we may pre-empt here a finding which will be presented in the next chapter. It is shown that there is a preponderance of intra-group and hence intra-caste and intra-community relations among victims and perpetrators of witch hunting.

### 1.6. Economic condition of victims of witch hunting

In this section we will attend to the economic situation of the women who are victims of witch hunting in our 48 case studies. The economic condition of the victims serves as an important parameter to understand the social position of the people concerned. In continuation with a discussion of group identities in the last section, this will help us in locating the victims within the social landscape.

It is relevant to point out here that the data presented refers to the household's economic condition. This is so as it is very difficult to separate women's position from that of their families in economic terms which we have deployed here. However, wherever relevant we have pointed out any distinctive aspect of women's condition (such as if they have land registered in their name or are engaged in an income generation activity independently). These factors are also important as the economic condition of victims is often implicated in their being targets of witch hunting and, as will be shown in a later chapter, a deterioration in one or more aspect of this condition is often a consequence of being a target of witch hunting.

#### 1.6.1. Patterns of landownership

As noted in the introduction of this report, this study was conducted specifically in the rural blocks of Bihar, Jharkhand and Chhattisgarh. In the rural society the economic status of people is generally related to their ownership of land. Therefore in the following discussion of the economic status of the victims, we will provide data on landownership of victims of witch hunting.

##### 1.6.1.1. Bihar: Ownership of Land

The data on land ownership patterns among the victims of witch hunting in Bihar provide a good picture to analyse the economic condition of the victims of witch hunting. Table 1.22 provides us data on landownership patterns discerned in cases collected from Bihar.

**Table 1.22. Bihar: Landownership of the Victims/their Families**

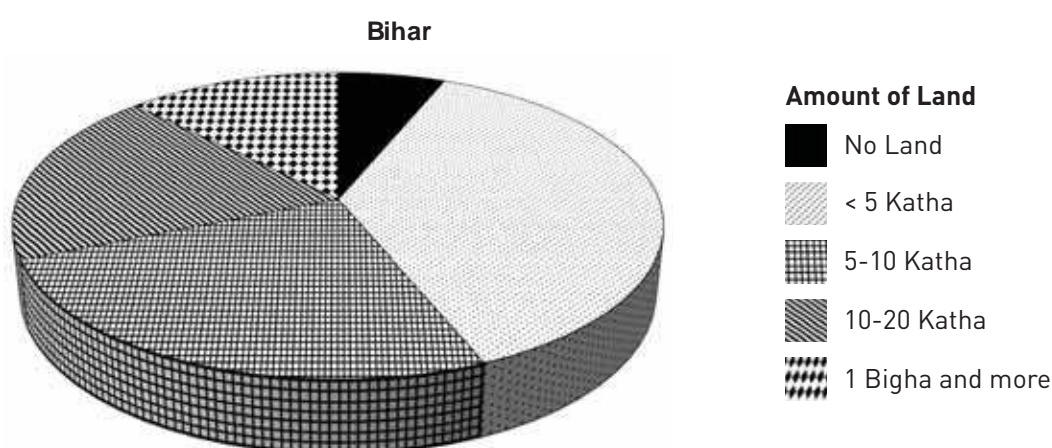
No land	<5 katha*	5- 10 katha	10-20 katha	1 bigha and more
1	6	4	3	2

\*One katha is approximately 1/20 of a bigha

This data needs to be qualified with the fact that the land possession being discussed here is in fact land owned by the victim's family or husband (in most of the cases). The victims in most of these cases had rights to access and use of the land owned by the family or their partner. However, only in the case of Jumna Devi [(BIH)X] and Kamli Devi [(BIH)XIV] they had 2 katha and 1 katha land respectively registered in their name.

Table 1.23 provides a visual representation of the ownership patterns in Bihar. According to this data, 15 out of 16 from the victims' family owned some land. Thus the families of 44 % of the victims owned less than 5 katha land, 25% owned about 5-10 katha land, 19% owned between 10-20 katha while 12% of the victims possessed more than 1 bigha land. This data indicates that most of the women in this case were members of families which had very small quantities of land in their possession. However, as we will see in chapter 3, even these small parcels of land are sometimes at the bottom of disputes which take the form of witch hunting.

**Table 1.23. Bihar: Land Ownership of Victims**



### 1.6.1.2. Jharkhand: Ownership of Land

In Jharkhand the data collected on land possession of the victims is in the unit of acres. As per the data shown in the Table 1.24 below, 44% of the victims (or their families) owned less than 2 acres of land and the same percentage of victims (or their families) had 2 to 5 acres of land. Only 12% of the victims in Jharkhand owned more than 5 acres of land. Like Bihar, even in Jharkhand the victims did not own property in their name. They had access to their marital family or husband's property. Only in the cases of Dima Kerketta (JH)VIII (1 acre) and Etwari Kerketta (JH)IX (1.5 acre), the victims had land registered in their name. It may be remarked that both are tribal women.

**Table 1.24. Jharkhand: Land Ownership of Victims**

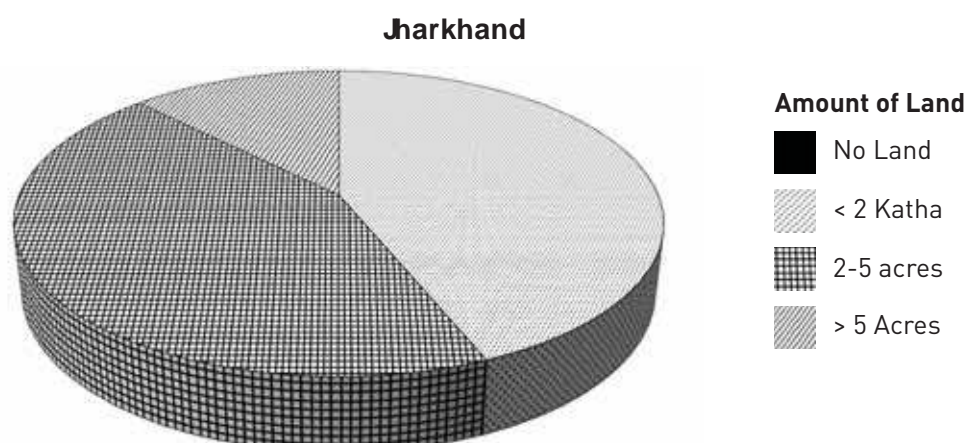
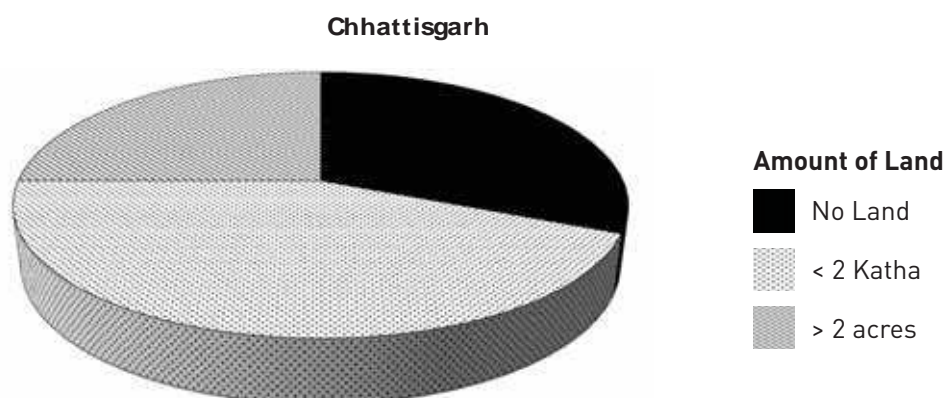


Table 1.25 gives the numbers according to which the chart above has been made.

**Table 1.25. Jharkhand: Land Ownership Data**

No land	Less than 2 acres	2-5 acres	> 5 acres
0	7	7	2

### 1.26. Chhattisgarh: Ownership of Land



The data collected from Chhattisgarh shows that approximately half of the victims' families possessed less than 2 acres of land. However, this state also has a high ratio of victim families who had no land at their disposal. 31% of the victims in Chhattisgarh do not own landed property. 25% of the victims possessed more than 2 acres of land. The data is presented in Table 1.26.

Table 1.27 provides the data on the land ownership of the victims in Chhattisgarh.

**Table 1.27. Chhattisgarh: Land Ownership Data.**

No land	<2 acres	>2 acres
5	7	4

### 1.6.2. Livestock, housing and vehicles

Ownership of livestock and houses are other tangible indicators of the economic condition of the victims. A discussion on the housing conditions and vehicles possessed by the victims and their families will also be undertaken in what follows.

As per the data collected from the field work in the states, most of the victims own livestock. The victims owned a wide range of livestock, including cattle, goats, poultry. According to the recorded data, all the victims in Chhattisgarh owned livestock. In Bihar, 12 out of 16 victims owned livestock. As for Jharkhand, a sizeable number of the victims, i.e. 9 out of 16 victims, had livestock at their disposal.

We are not presenting the details of livestock ownership patterns over here for the sake of brevity. However, it may be pointed out that consistent with the patterns of landownership most of the victims and their families owned very small quantities of livestock. Thus in Bihar, the maximum number of animals owned by any one family of victims was 5 pigs and 3 goats [(BIH) XIV] although the one with two cows and two bulls [(BIH)XI] may be better off. In Jharkhand, one family owned 25 goats and two cows [(JH)XV], this being the largest for all the cases in this study, while of the other better endowed owners, one owned four buffaloes and three cows and the other owned three bulls [(JH)I], three cows and two calves [(JH)XVI]. In Chhattisgarh, the largest set of animals



was 2 buffaloes, 3 bulls, 6 goats, 2 cows [(CH)I]. Rest of the victim's families either owned much smaller number of animals or none at all.

This data indicates that for most families the livestock was a small means of supplementing familial needs and a little income could have been derived from such products by some of them. It is difficult to extrapolate more from this.

Regarding ownership of vehicles, the victims possessed only the most rudimentary forms of transport. Most of the victims who own a vehicle, either own a cycle or a rickshaw. As per the data collected from Bihar, 8 out of 16 victims owned a cycle or a rickshaw. An average of 1 to 3 cycles is owned by the victims in Jharkhand. 13 out of 16 victims in the recorded cases owned cycles. Most of the victims owned cycles in Chhattisgarh. 9 out of 16 victims owned cycles and only one victim [(CH)IV] owned a motorbike.

The houses of the victims were either pucca, kucha or semi-pucca. Five victims in Bihar owned a pucca or a semi-pucca house. Some of the victims also had their houses constructed under the Indira Awas Yojana. As per the data collected from Jharkhand, most of the victims had kucha houses. In 9 out of 16 cases victims lived in Kucha houses. In Chhattisgarh, 14 out of 16 victims lived in kucha houses. There were only two cases where the victims lived in a pukka house and a semi pukka house.

The economic assets discussed in this section are a good indicator of the low economic status of the victims and their families. This will be further evident from a consideration of their occupations.

## 1.7. Occupation

The data on the occupation of the victims is of utmost importance to understand the socio-economic condition of the victims in context of their communities. Agriculture is the primary occupation of the village communities in Bihar, Jharkhand and Chhattisgarh. As the families of the victims were also often engaged in non-agricultural economic pursuits, a discussion of occupational characteristics of the victims becomes important. Our data shows that a large chunk of victim families were involved in casual labour, as well as in other informal sector work such as beedi making, working in the brick kilns, mines and steel plants, rickshaw pulling, shop keeping, vegetable and forest product selling, cooking in schools and anganwadis and even rag picking. Some of the victims' families were also involved in providing newspaper vending, priestly services and there are cases involving goldsmiths as well as cobblers. There are a couple of cases involving faith healers and "quacks"<sup>11</sup> as well. Some of these occupations were pursued by the women.

As can be discerned from this list, many of the families depended upon the migration of their men to other areas. A total of eight women in our data had husbands who migrated seasonally or for long term in order to supplement the family income.<sup>12</sup> As already pointed out above, this is a very important aspect which has to be seen in relation to the marital status of victims. The women whose husbands were migrant workers can be seen as structurally occupying a position similar to widowed women in so far as their husbands are not around. This absence of a male partners seems to add to their social and economic vulnerability in their marital homes.

As would be obvious from this list and from the largely meagre quantities of land owned by victims and their families, the economic condition of the women and their families who become victims of witch hunting is often not very strong and they often supplement their agricultural income through working through other sources.

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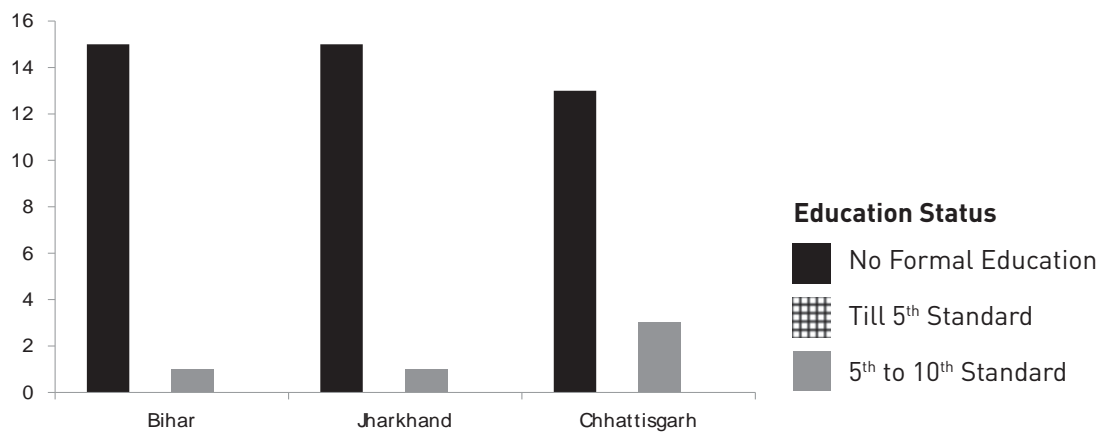
11 This involves a case of male victim who practiced quackery. See (CH)XVI.

12 The cases in which husbands of the victims were migrants are: (BIH)III, (BIH)VI, (BIH)VIII, (BIH)XI, (BIH)XVI, (JH)XVI, (CH)IV, (CH)VI.

## 1.8. Educational status of the victims

Educational levels serve as a significant social indicator. The data on the educational status Bihar, Jharkhand and Chhattisgarh gives a very depressing picture. Bihar and Jharkhand has the highest number of victims (15 out of 16) who have had no formal education. Chhattisgarh follows these states with equally high proportion (13 out of 16) of victims who have no formal education. Table 1.28 furnishes the data on the educational status of the victims in Bihar, Jharkhand and Chhattisgarh.

**Table 1.28. Educational Status of Victims from Bihar, Jharkhand and Chhattisgarh**



### 1.8.1. Discussion of the educational status of victims of witch hunting

From the above data it is obvious that there is a very high level of lack of formal education among the victims of witch hunting. Although a clearer correlation between lack of education and witch hunting would require a different kind of macro-level study and would also have to include data from areas which have greater representation of educated population than is likely in a rural setting, it is nonetheless significant to note this connection. Quite apart from legalistic means of dealing with witch hunting, an immediate attention to lack of education can thus be an important intervention to deal with the social malaise which give rise to these violations.

## 1.9. Secondary victims and familial aspect of witch hunting

Finally, in this chapter, we would like to draw attention to the fact that in a number of cases of witch hunting, the husbands, sons, daughters and other members of the victim's families are also secondary and sometimes even direct victims of the labelling and consequent violations. In at least four cases the husband's of the victims were also labelled as witches along-with their wives [(JH)II, (JH)IV, (JH)VII, (CH)II] while in one case the husband was killed while trying to save the wife [(JH)XI] and another is believed to have committed suicide or died under mysterious circumstances while the wife was facing violence [(BIH)IX]. In some cases, husbands and sons were physically injured while saving the victim or were separately attacked ((BIH)VIII, (BIH)III, (BIH)VI, (CH)XIII, (CH)XV). Their livelihoods were also adversely affected in a number of cases ( (JH)IV, (JH)V, (JH)XVI, (JH)XV) and other suffered mental trauma and depression [(JH)IX, (CH)II]. Similarly, the daughter of the victims faced brutality, battering and torture [(BIH)VII, (CH)X, (CH)XI]. Other family members who showed support for the victim or came to her aid were also physically manhandled, abused as well as ostracised and attempts were made to disrobe the daughter-in-law in one case ( (JH)II). This brief summary of the consequences of witch hunting suffered by the family members of the victim indicates that the victims of witch hunting should not be treated in isolation as often the people in their immediate family are also victimised as a consequence. We will encounter more features of this aspect of witch hunting in subsequent chapters.



## 1.10 Concluding remarks

In this chapter, we have tried to put together a socio-economic picture of the victims of witch hunting. In order to do so we looked at the age group, marital status, group identity, economic condition and educational status of the victims. It emerges from the analysis of our case studies that a majority of the victims are women in the age group of 40-60. It also emerged from the data that the majority of the victims were married at the time of their violation. Hence we have identified witch hunting as a form of violation which primarily targets middle aged married women. The discussion also pointed to the fact that with the exception of very high ranking caste groups, witch hunting occurs across the caste spectrum and also cuts across the religious divide with cases from the Muslims in the Bihar data and a number of cases of tribal Christians in the Jharkhand data. This indicates a wide social spread of this form of violation. However a consideration of economic and educational characteristics of the victims revealed that most of them belong to the economically weaker sections of the rural society, owning small parcels of land and a small quantity of livestock. The patterns of vehicle and house ownership also did not indicate higher levels of prosperity. Finally, levels of formal education are extremely low among the victims.

In addition to this socio-economic profile of the victims, we also find that there are a number of cases in which one or more family members of the primary victim of witch hunting also become a victim and hence may be treated as secondary victims of witch hunting.

# Chapter 2

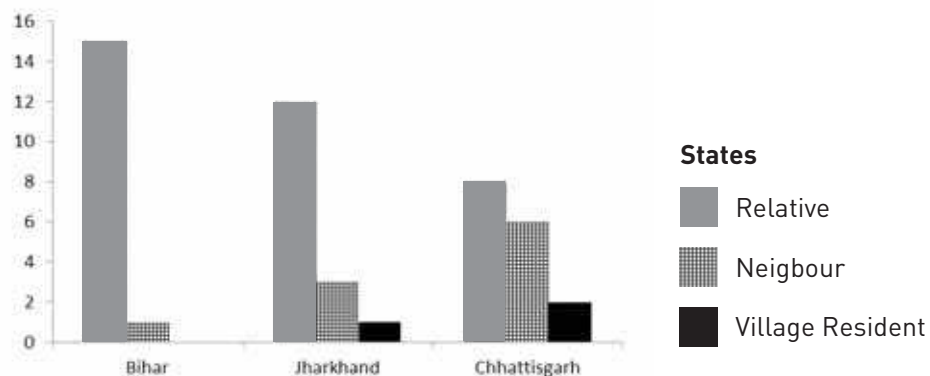
## Who are the Perpetrators of Witch Hunting?

The study of victimisation of women as witches also requires a discussion of the perpetrators. In this chapter we will discuss who the perpetrators of violence associated with witch hunting are in relation to the victims of witch hunting. In this regard we will not be able to provide some of the detailed data that the discussion of victims of witch hunting allowed. This is clearly because of the difficulties of collecting reliable data about the perpetrators in situations which are extremely volatile from the point of view of the victims.

### 2.1. Relationship between the perpetrator and the victim

One of the most striking findings of this study is that in a very large majority of cases the women who have been victims of witch hunting are related to their perpetrators through ties of kinship and marriage. In a majority of such cases the perpetrators are members of the husband's immediate or extended family and there are a few cases involving distant relatives. In a very small number of cases, the members of women's natal families, their sons or their daughter's marital families were also involved in labelling and targeting women as witches. In the remaining cases the largest set consists of perpetrators who are neighbours<sup>13</sup> of the victims and the remaining few cases consist of perpetrators who are residents of the same village in which the victim resides. The table below displays this trend.

**Table 2.1 Relationship Between the Main Perpetrator and the Victim**



<sup>13</sup> Most of the marital kin are also neighbours. We have however excluded them from the category of neighbours who are not related to the victim.

As there are some minor variations in this pattern across the three states we shall have a brief discussion of the state-wise trends. These variations are perhaps as much a result of the selection biases as of the variations in family and kinship patterns of different castes and communities in these regions. Nonetheless the data collected from the three states, Bihar, Jharkhand and Chhattisgarh provides ample evidence regarding kinship connections between the victim and the perpetrator.

### **2.1.1. Bihar: Relation between victim and perpetrator**

Bihar has the highest number of intra-familial attacks recorded in the case studies collected. In 15 out of 16 cases, the perpetrators were members of victim's marital or natal kin. In 11 out of these 15 cases, the instigators/perpetrators were husbands male kin (husband's brother, husband's father, husband's father's brothers son, and other more extended relatives) and their wives (involved in at least seven cases). The remaining cases involved a daughter's husband's family [(BIH)VII], married son and daughter-in-law [BIHXIII]<sup>14</sup>, the woman's own brother and his wife [(BIH)XI] and in yet another case the woman's father's younger brother was involved [(BIH)XIV]. A number of villagers were involved in the remaining case of victimisation in which there is no immediate involvement of the husband's extended family. However, in this case too there is a reference to the woman having caused the death of her husband's younger brother. Moreover, hostility from the marital family is reported as a major factor contributing to the ostracisation of the woman (see (BIH)VI).

### **2.1.2. Jharkhand: Relation between victim and perpetrator**

In Jharkhand 12 out of 16 cases were found to be involving perpetrators who were related to the victim through ties of kinship and marriage. All these cases of witch hunting involve perpetrators belonging to the victim's husband's extended family. Of the remaining four cases, three involved perpetrators who were neighbours and one case in which a number of villagers were involved and husband's immediate kin were migrant workers not residing in the village [(JH)XI].

### **2.1.3. Chhattisgarh: Relation between victim and perpetrator**

In Chhattisgarh the number of cases with perpetrators who had kinship and marriage relationship is comparatively lower than Bihar and Jharkhand. However, even in this state, eight out of sixteen cases involve husband's immediate or extended families and six involve neighbours. Of the remaining two cases, one involves a perpetrator who was in economic competition with the victim [CHVI]. The other is one of the only two cases of male victims in our study. It involves perpetrators who were fellow villagers [(CH)XI]. The other case of the male victim also does not involve family members but that of a neighbour. It is striking that both the cases of male victims do not involve members of their immediate or extended families.<sup>15</sup>

### **2.1.4. Remarks about the relationship between the victim & the perpetrator**

From the above discussion it is apparent that witch hunting is usually perpetrated by someone who is very close to the victim, either in terms of a kinship relationship (most often related through marriage) or it is someone who is living in the physical proximity of the victim (neighbour). Usually the last two go together. Thus all cases involve someone already known to, if not intimately related to the victim and her family and therefore somehow part of the everyday life of the victim. As we will see in the chapter which follows, this intimate everyday interaction of the victim and her perpetrators usually gives rise to situations which trigger the process of witch hunting. This dimension of witch hunting is a source of some very important insights into social correlates of witch hunting.

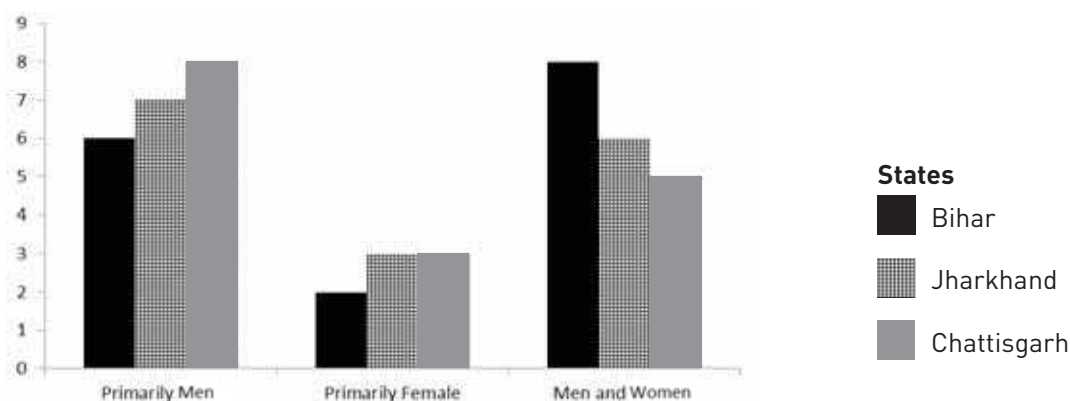
14 This is an unusual case as it involves victimization by the woman's son and daughter in law. But if we keep in mind that in a patrilineal setting the son is also part of the husband's patrilineal group, this case may seem less unusual.

15 However, as we have seen in the last chapter, in a number of cases men may be collateral victims of violence which is directed at their female kin.

## 2.2. Gender dimension of witch hunting

While the emphasis of this report is upon highlighting how women tend to be the victims of witch hunting, we also need to point out that our data also shows that the perpetrators are not only men. In a number of cases women are also directly involved in the targeting of other women as witches and may even be the main instigators. Table 2.2 below represents the data on this aspect.

**Table 2.2 Gender of the Main Instigator**



The numerical break up of this data is presented below:

**Table 2.3 Numerical Break of Gender of the Main Instigator**

	Primarily Men	Primarily Women	Men and Women involved	Total
Bihar	6	2	8	16
Jharkhand	7	3	6	16
Chhattisgarh	8	3	5	16
	21	8	19	48

What is obvious from this data is that although there are very few cases in which the instigators were primarily women (only eight out of 48), there are a number of cases in which men and women were both involved. Thus on the whole women were party to about 27 cases of witch hunting with or without other male instigators. However men alone are the main instigators in as many as 21 cases and if we add to this the figure which involves both, men and women, men's participation in the main activities of witch hunting rises to 40 cases which represent 80% of our data. This is a clear evidence of the gendered dimension of this form of violence. Nonetheless we do wish to flag the fact that women are also involved in instigating incidences of witch hunting just as some men are victims of witch hunting.

## 2.3. The caste dynamics of witch hunting

As can be surmised from the above discussion, if a large majority of cases involve kin of victims, then the two must also belong to the same caste given that there is no evidence of inter-caste or inter-community marriages in any of the cases recorded here. Thus although in most cases we do not have direct information about the caste of the perpetrators, we can deduce that at least in cases in which the perpetrators belonged to the extended family of the victim, the former belonged to the same caste as the latter.

Thus in Bihar out of 16 cases in 15, the perpetrator belonged to the same caste group as the victim while the remaining case<sup>16</sup> seems to involve members of different caste groups. Thus only one case seemed to have some inter-caste dynamics.

In Jharkhand, caste/tribal identities for at least 13 cases were identical; two cases appeared to be of individuals who seemed to belong to similar caste groups and at least caste did not seem to be a factor of any major significance in the relation between the perpetrator and the victim. Only one case [(JH)II] seemed to involve some sort of caste dynamic with the perpetrator belonging to a dominant caste and the victim to the OBC category.

In Chhattisgarh nine cases clearly involved victims and perpetrators belonging to the same caste. As for the other seven cases in which the perpetrators are either neighbours or villagers, the narratives do not indicate any inter-caste dynamics and in most cases there is clear evidence of one of the following: social intercourse, friendship, competitiveness characteristic of those having equal status, accessing a common jati panchayat. One case where there is no such clear evidence, the case seems to be about inter-*baiga* (the term for local healer) rivalry and hence again not about inter-caste relations.

### **2.3.1. Remarks about caste dynamics of witch hunting**

From the above discussion of the caste character of the perpetrators one can suggest that our cases do not reveal any significant evidence of inter-caste dynamics in the relations between perpetrators and victims of witch hunting. This along with the finding of the previous section regarding close family ties between the two are indicators that witch hunting manifests itself as a part of relations between those who are socially not very distant from each other. While this does not rule out the presence of witch hunting in conditions where the relation between the victim and the perpetrator is marked by social inequality, this is not a prevalent pattern discernible in our data. This should be further evident from the discussion on the similarities and differences in the economic condition of the victim and perpetrator.

## **2.4. Economic aspect of the relation between perpetrator and the victim**

For most of cases of our study, detailed data on the economic condition of the perpetrator could not be collected due to various hurdles in the field. On the basis of whatever data is available, in the following section we shall discuss the economic condition of the perpetrators in relation to the victims.

### **2.4.1. Bihar: Economic position of the perpetrator vis-a-vis the victim (and her family)**

In a number of cases sufficient data on the economic conditions of the perpetrators could not be collected in Bihar. However, in the cases where the data on land, livestock, housing and vehicle possession is available, a sizeable number of cases show that the economic status of the victim and perpetrator was more or less at par.<sup>17</sup> However there were multiple instances where the victims were recorded to be of slightly better economic status than the perpetrators.<sup>18</sup> The situation in which the instigator was better off economically was also common among the Bihar case studies.<sup>19</sup> However, even in these cases the differences in assets appear to be minor.

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16 See (BIH)VI.

17 See the cases of Rahima Khatoon [(BIH)IV], Seema Devi [(BIH)VIII], Jumna Devi [(BIH)X] and Sunita Devi [(BIH)XII].

18 Sukhmal Devi [(BIH)III] and Champa Devi [(BIH)XIII].

19 In the case of Shyama Devi [(BIH)I], Bhuriya Devi, the chief instigator was much better off than Shyama Devi. Similarly in the case of Fatima Khatoon [(BIH)VII] and Pushpa Devi [(BIH)XVI], the instigator was found to be better off when possession of land and livestock was taken into consideration.

### **2.4.2. Jharkhand: Economic position of the perpetrator vis-a-vis the victim (and her family)**

As for the data collected in Jharkhand, in most of the cases the victim and the perpetrator seem to have similar amount of land holdings / livestock. There are however cases in which both the victim and the perpetrator have similar amount of land holdings but victims are recorded to own more livestock.<sup>20</sup> There were also cases where the victim possessed more land than the perpetrator but their overall economic condition was very similar.<sup>21</sup> The case with maximum differences (in favour of the instigator) was one in which the victim had 5 acres land, Kucha house, 2 cycle, 2 bulls, 3 buffaloes, traditional agricultural tools and the instigator had 12 acres of land, 1 pucca house, 2 cycle/scooter/car, 1 tractor.<sup>22</sup>

### **2.4.3. Chhattisgarh: Economic position of the perpetrator vis-a-vis the victim (and her family)**

In a sizeable number of cases in Chhattisgarh the instigators were found to be better off than the victims.<sup>23</sup> The high number of cases in which the instigators were economically better off than the victims is however matched by cases where the victims are equal or better than the instigators.<sup>24</sup>

### **2.4.4. Remarks on the economic aspect of the relationship between the perpetrator and the victim**

It should be clear from the above description that there is no clear pattern to the economic relationship between the perpetrator and the victims. If anything, in most cases they appear to be of similar status or the balance can be tilted in either direction without manifesting very major differences in the economic status of the opposing groups.

## **2.5. Concluding remarks about the perpetrator of witch hunting**

In this chapter we have focussed upon the perpetrators of witch hunting. We have taken into consideration the relation between the perpetrator and the victim, the gender of the perpetrator, the group and economic dynamics of witch hunting. We found that in a large majority of cases, the victims and the perpetrators are related to each other through ties of marriage. We also found that women may be playing a significant role in perpetuation of witch hunting even though they are outnumbered by men in this regard. Another important finding of this chapter is the lack of inter-caste or class dynamics in the cases of witch hunting. In most cases, we did not find a vast social or economic gap in the positions of the victims and the perpetrators. It would seem that, as far as the cases collected through this study reflect, the threat of witch hunting stems from those with whom one may be very close in every day social intercourse. More evidence to this effect would be presented in the following chapter.

20 Bimla Devi (JH)XIV and Saro Barla (JH)XV belonged to this category.

21 Kamini Devi (JH)XIII.

22 Radha Devi and her husband Bandhan Gope (JH) II

23 Late Lakshmi (CH)II, Chandrika Manahar(CH)V, Rameshwari Bai(CH)VIII.

24 In the case of Chandana Bai (CH)IV or Sita Bai (CH)XIV, the victims themselves possessed more land and livestock than the perpetrators, while in the case of Sukhwara Bai(CH)XII, she shared similar economic conditions with the perpetrator.

# Chapter 3

## Witch Hunting: How it Starts?

This chapter deals with the factors which shape the targeting of a woman (or a man) as a witch. Given that witch hunting is a form of violence which usually begins with labelling and identification of a person as a witch, it is important to engage in a discussion of the conditions in which such labelling happens. We thus begin our discussion by focussing upon the range of situations in which witch hunting manifests.

### 3.1. Witch hunting: How does it begin?

As already mentioned above, the first step in a series of events which constitute witch hunting is that of labelling someone as a witch.<sup>25</sup> Although often there are complex and long term issues which shape the process of labelling of a woman as a witch, there is usually some incident or allegation that provides the trigger for the process to take a tangible form.

In the case studies collected by us, in an overwhelming number of cases the immediate trigger for labelling someone as a witch arose from the illness or death of a human or an animal and the attribution of this to the victim with or without the intervention of a sorcerer (variously labelled as an *ojha*, *baiga*, etc in the regions of the study). Except for three cases in which the immediate triggering event was bad crop, a snake drinking milk, and a missing object from a ritual site, in all the remaining cases, the victim was held responsible for an *actual or alleged* illness (ranging from stomach aches, fever, paralysis, mental problems including hysteria, skin eruptions, joint pains etc.), inability to conceive a child, deaths due to illness or even murders (committed by someone else) and suicide.

Physical contact with or verbal statements made by the victim as well as assumed evil intentions are often mustered up as evidence of the victim's responsibility for the undesirable incident. It may be added here that once a woman (or a man) has been identified as responsible for any particular undesirable event, a series of other allegations may be made which may be further 'proven' on the basis of claims about the suspicious conduct of the victim. At times such conduct itself (such as extreme religiosity, removal of objects from a ritual site, any novel ritual practice, etc) is read as signs of witch-craft and may be treated as evidence to support the labelling.

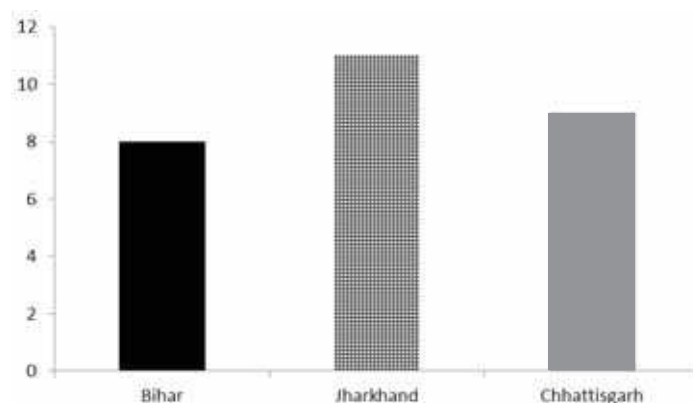
This process of labelling is also often aided by the intervention of the local sorcerers who are approached to ascertain the cause of various modes of suffering. In at least 28 out of the 48 cases collected by us, an *ojha* was involved in the process of labelling. The following chart demonstrates the incidence of the involvement of the *ojha* in the three states:

<sup>25</sup> See Chapter 4 for details of the terms used to label women.

**Table 3.1: The involvement of *ojha* in labeling a victim**

	Cases in which an <i>ojha</i> was involved
Bihar	8
Jharkhand	11
Chhattisgarh	9

**Table 3.2 Cases in which an *Ojha* was Involved**



From this it would be obvious that while overall, there is a striking involvement of the *ojhas*, who in most instances are male, cases of witch hunting<sup>26</sup> may occur without such an involvement as well.

### 3.2. Other factors which lie behind witch hunting

It will be recalled that we used the phrase '*actual or alleged illness*' above. What we wish to signal through this usage is that a person may be identified as a witch *in order to explain* an event (such as an illness etc.). Or an event may be singled out as a sign *in order to label* a person as a witch. This may seem subtle, but it is a very critical distinction. While the former would be a manifestation of the existence of a belief system which holds the possibility that persons vested with supernatural powers and evil intentions can cause all kinds of harms to others, in a context where such allegations have social acceptance, the latter can be simply a mechanism of targeting a particular person for a variety of reasons ranging from personal animosity, jealousy, property disputes, etc.

Actual instances of witch hunting may be a result of either of the two scenarios or a combination of the two. In practice it is very hard to distinguish the two as the justification of witch hunting almost always derives from the first, i.e., from the attribution of malevolent supernatural powers and intentions. It is also possible that the two processes work in tandem. Thus a need to find an explanation for a death or illness may be combined with the desire to settle scores with an inconvenient relative, neighbour or co-villager. It is thus no accident that almost all the cases of witch hunting we have collected display a close relation between the victim and the perpetrator (see chapter 2). Therefore in a very large majority of cases we could discern factors which may have been the *primary reasons* for the targeting of *particular* women as witches but which were almost never put forward as official reasons for doing so. In most cases, it is the victims and their families which pointed to these factors in their being labelled. However, this does not imply that victims do not share the belief system of their perpetrators. While subsequent to their labelling victims may be circumspect about the basis of labelling someone as a witch, it is not obvious that many victims did not share the world view of their perpetrators. This is one of the reasons that some of them also agreed to take part in ritual exercises undertaken to prove the guilt or innocence of the victims.

26 One case from Chhattisgarh ([CH]XVI) involves the labeling of a male baiga on the behest of other baigas. While this case demonstrated the vulnerability of male baigas, it appears that in most instances men who practice sorcery or traditional healing in these areas are not as vulnerable to being labeled as the women. We do not have any case in which a woman was involved as a ritual practitioner aiding in the process of witch hunting.



However to return to the point about other factors in witch hunting, according to the data gleaned from the 48 cases, in two thirds of the cases, it was possible for us to identify factors which can be seen as forming a material basis for a conflict between the perpetrator and the victim, more often between the families of the two. It is striking that in these cases, disputes over land, intentions to grab land or house, attempts to offset legitimate claims to property, jealousy over the prosperity of the victim's family due to their economic entrepreneurship or holding more property due to circumstances such as adoption within an extended family or vagaries of family demography, disputes over construction of a drain, religious pillars and a conflict over encroached land, obstruction on a common passage, jealousy over an installed hand pump, spurned sexual advances, animosity of an ex-husband, husband wanting to get rid of a wife, conflicts over a position in a local body and over an agricultural contract, were alleged to be reasons for the targeting by the victims and their families.

In the remaining one third cases, although such a 'secondary' factor was not identified, a large number cases concerned women who appeared to be indirect victims of identifications made by the sorcerers when they were approached by the kin of ailing persons. In another set of cases, victim's behaviour was judged suspicious by local people and seems to have led to the targeting. It cannot be ruled out that there were other factors which aided in the process of victimisation in these cases as well.

In instances in which one can identify a secondary factor which may actually have been the primary cause of the labelling and targeting of a victim, it is not necessary that everyone shares the belief in the supernatural powers of the victim. But it is necessary that at least some people hold this belief in order for the targeting to be effective. Only in the extreme case of a conspiracy can such labelling be used in the absence of anyone sharing the system of belief which accompanies it. It is not possible for us to provide statistical information on this at this stage but it appears that the most extreme cases of witch hunting are those in which the perpetrators were able to convince a lot of other people about the labelled victim being a witch. Where such conviction was not widespread, the consequences were also likely to be less severe for the victim.

A reading of the cases in Annexure II will give a more vivid sense of the sequence of events which culminate in witch hunting.

### **3.3 Concluding Remarks**

In this chapter we have looked at the factors which trigger witch hunting. We suggest that witch hunting invariably begins with the labelling of a person as a witch. We have distinguished between immediate triggering factors and long term material factors which contribute to labelling of a person as a witch. While the immediate triggers of witch hunting are clustered around common misfortunes such as illness, death and a bad crop, the long term factors that can be clearly identified in a number of cases include disputes over land, jealousy and personal animosity due to a variety of factors. In a good number of cases the local sorcerers were also found to be involved in labelling and identification of victims. This process may in a small number of cases be leading to "unintended" victims. However, even though the real causes of witch hunting are difficult to identify in particular instances, material factors seem to be present in quite a majority.

# Chapter 4

## Violations and Consequences of Witch Hunting

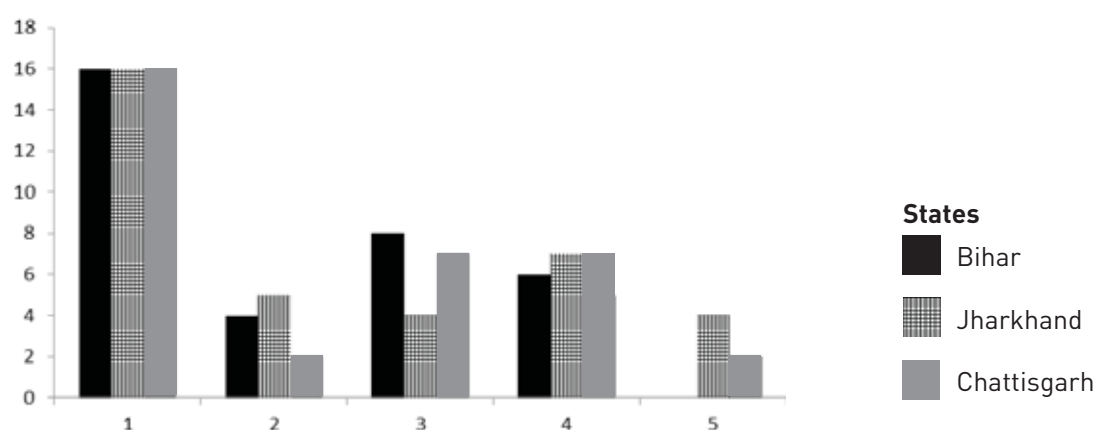
This chapter discusses the cycle of violence and events which constitute the process of witch hunting once a woman has been labelled as a witch. As the study deliberately attempted to capture as much variation in the practices of witch hunting as possible, all cases that have been collected do not pertain to most extreme forms of violence. In fact, what these cases show is that the violations associated with witch hunting can range from verbal forms of abuse and stigma and social ostracizing to extreme forms of violence and deprivation.

The cases recorded in Bihar, Jharkhand and Chhattisgarh demonstrate a wide range of types of violations which are perpetuated in the process of victimisation of women who are suspected of practising witch craft. We begin with a description of the violence and torture to which the victims of witch hunting are subjected through an analysis of our case studies.

### 4.1. Violence and torture in witch hunting

There is a range of physical and non-physical violations which accompanies the process of witch hunting. Table 4.1 displays the distribution of these different types of violations in our case studies. From the chart in Table 4.1 it is obvious that verbal abuse is present in all cases of witch hunting in our data. Apart from the common labels used for women who are labelled as a witch (*dayan, bhootani*), in Bihar, victims were also referred to as *haramjaadi, baap chodi, behaya, besharam, randi, kulachhini, kutiya, beta khauki* (Son-eater), *aadam khouki* (Man-eater), *bhai khouki* (Brother-eater), *manskhauki* (Flesh-eater), *maradmuhi* (Woman with male face), *kheldi* (Characterless), *bisahin* (Poisonous woman), *khachadi, khachadna and jakhai*. They were also abused in following terms: *bhoot puji hai* (You worship demons), *sabke khayele tou* (You will eat up everyone), *bhoot rakhti hai* (You keep demons), *mantra phoonk kar sandesh bhejati hai etc* (You send messages with spells), *saari khol kar marbo* (You should be beaten after disrobing), *talwar se katwo* (You should be cut with sword), *pati ko khane wali* (Husband-eater), *kokh ujadane wali* (You destroy wombs), *hamar beta khaach lelek* (Bitch, you ate my son). In Jharkhand, the terms of insult and abuse used were not very different and include *churail, dayan, najom, bhoot posni*, (witch), *bisahin* (Poisonous woman), *manskhauki* (Flesh eater), *kheldi* (Characterless), *nachni and randi* (Prostitute), *maradmuhi* (Woman with male face). In Chhattisgarh, the terms of labelling include *tohni, jaaduwali, tanane wali, bhuri maatiya, bhootahi, tonchahi, vaishya, nakti, naanjat, neech jaat, chinal, haraamzadi, kutiya, kaljimmi, najarheen, bhosdi, charkatar, tor gaad ma baas daalav, etc.*

**Table 4.1 Violations in Witch Hunting**



**Key for Table 4.1**

1	2	3	4	5
Verbal Abuse/ Labelling	Public Humiliation	Attempted/ Minor Physical Violence	Grave Physical Violence	Murder

Another widespread concomitant of witch hunting is the victims being subjected to public humiliation. In our case studies, apart from being publically abused, examples of public humiliation faced by women branded as witches include tearing of victims clothes [(BIH)III]; rubbing of the nose on the ground and being made to lick one's spit [(BIH)IX]; being physically dragged [(JH)IV] and dragged by hair [(CH)VII]. In many cases the intentions towards public humiliation (parading the victim naked) were thwarted. The trauma of the humiliation also led one woman to commit suicide [(CH)XII].

Physical violence is of course the most serious consequence of witch hunting faced by women. From attempts and threats to physically assault women, to gravely injure them, to murder, women labelled as witches face a clear possibility of physical violence. In the data we have collected, six women had been murdered, 18 had faced grave physical violence and 19 had faced threats and attempts at violence which could have easily turned serious. There are instances of women being brutally attacked with an axe [(JH)V, (JH)IX], being killed by a 150 strong mob [(JH)IV], being beheaded [(CH)II], being killed with a sword [(CH)XIII]. Instances of grave physical violence involve being beaten with wooden bars or lathis [(BIH)IV, (BIH)VIII]; sprinkling of red chilli powder on injuries after beating [(BIH)X]; being beaten after being tied to a tree [(BIH)XIII], attempt to burn the victim [(JH)III]; kicked in the stomach and dragged by hair leading to mental and physical trauma [(CH)VI]; strangling [(CH)XII]; teeth being broken [(CH)XIV]. There are a number of cases in which the violence was intended to kill although the victim survived, and in addition, in many instances the victim's fields, houses and documents were destroyed [(JH)I].

The above discussion provides ample evidence regarding the severe forms of abuse and physical violence to which the victims of witch hunting are subjected. However, apart from the mental and physical torture to which victims of witch hunting are subjected, most victims and their families also face serious social and economic hardships as a result of being labeled as witches. In the following section we will discuss the serious social and economic consequences which are a result of witch hunting.

## 4.2. Social and economic consequences of witch hunting

One of the assumptions of this study was that, apart from verbal and physical abuse, witch hunting often entails serious social and economic consequences for its victims. This has been sufficiently born out in our case studies.

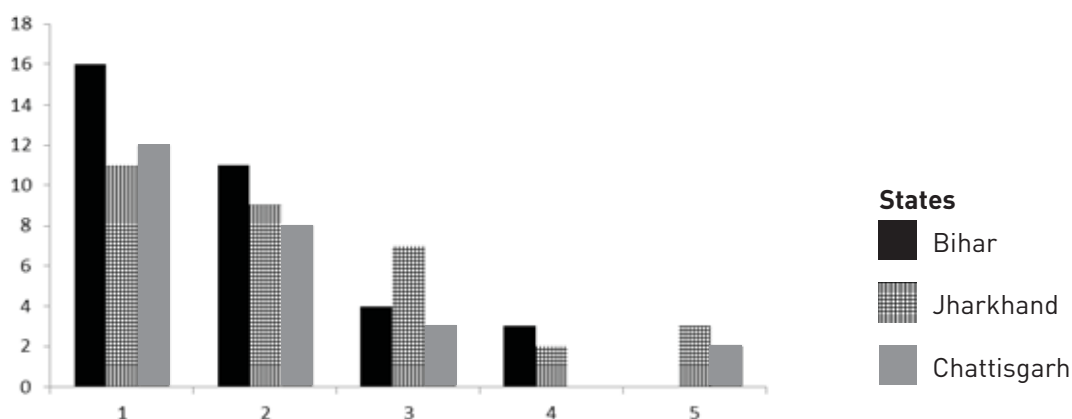
Although, there are different degrees of and ways in which a particular victim suffers from these consequences, we have broadly classified the consequences into five categories as listed in the table below.

**Table 4.2: Social and Economic Consequences Faced by the Victims**

	Faced stigma/ isolation/threat	Lost property/ livelihood	Denied access to public resources	Physically dislocated	Forced to pay a fine/ take oaths/ perform rituals
Legend used in chart	1	2	3	4	5
Bihar	16	11	4	3	0
Jharkhand	11	9	7	2	3
Chhattisgarh	12	8	3	0	2
<b>Total</b>	<b>39</b>	<b>28</b>	<b>14</b>	<b>5</b>	<b>5</b>

Table 4.3 displays the distribution of instances of these different forms of consequences that have been faced by victims of witch hunting in our case studies (see legends provided in Table 4.2). This table does not factor in the cases in which the women were murdered.

**Table 4.3 Social and Economic Consequences of Witch Hunting (See Table 4.2 for the Legends Used)**



As would be obvious from the table, the victims almost invariably face social stigma, isolation and ostracisation as a consequence of witch hunting. This may take the form of them having to live in complete isolation, not being invited to social gatherings and community events, people turning away or hiding their children on seeing them, being stared at and taunted, being treated as suspicious, and being afraid of not being able to get one's children married. This kind of isolation and stigma is also accompanied by a loss of access to public resources such as hand pumps, wells, local PDS shops and NREGA opportunities. In several instances the women and/or their families have also had to move away from their villages causing them extreme hardship.

This also brings us to a discussion of the serious economic consequences which result from witch hunting. Thus in as many as 28 cases, the victims and their families suffered a loss of livelihood or property. This can take many forms such as not being allowed to or able to cultivate one's own land, lack of cooperation from the fellow-villagers in one's economic pursuits, not being hired to do work on other people's fields, being denied access to share in the property, loss of livestock and poultry, inability to continue other income generation activities such as liquor making, selling bangles, cooking, working in the brick kilns, being denied work under NREGA schemes, etc. The prevalence of such consequences strengthen the view presented in the last chapter that in many instances of witch hunting, there are factors other than superstitious beliefs which catalyse witch hunting.

Yet another social and economic consequence of witch hunting is that the victims and their families may be asked to either take oaths or perform rituals to prove their innocence, or pay hefty fines which have the potential of further impoverishing and indebting them. Thus in one case the victim was made to pay a fine of Rs 1,25,000 and in another case a fine of Rs 26,000 including interest was imposed.

### **4.3. Consequences of witch hunting for the victim's family**

As already pointed out in chapter 1, there are a number of cases of witch hunting in which the families of the victims also face severe consequences as a result of the branding of the victims. Hence the husbands, sons, daughters and other members of the victim's families sometimes suffer directly and may be treated as secondary or collateral victims. As already noted in the chapter 1, in at least four cases the husband's of the victims were also labelled as witches along-with their wives [(JH)II, (JH)IV, (JH)VII, (CH)II)] while in one case the husband was killed while trying to save the wife [(JH)XI] and another is believed to have committed suicide or died under mysterious circumstances while the wife was facing violence [(BIH)IX]. In some cases, husbands and sons were physically injured while saving the victim or were separately attacked [(BIH)VIII, (BIH)III, (BIH)VI, (CH)XIII, (CH)XV]. Their livelihoods were also adversely affected in a number of cases [(JH)IV, (JH)V, (JH)XVI, (JH)XV] and others suffered mental trauma and depression [(JH)IX, (CH)II]. Similarly, the daughter of the victims faced brutality, battering and torture [(BIH)VII], [(CH)X, (CH)XI]. Other family members who showed support for the victim or came to her aid were also physically manhandled, abused, ostracised and attempts were made to disrobe the daughter-in-law in one case [(JH)II]. This brief summary of the consequences of witch hunting suffered by the family members of the victim has been provided here as evidence of the fact that witch hunting sometimes has direct impact upon the family members of the victim and men as well as women in their families can become collateral victims of the targeting. It has also been reported in many cases that a family history of labelling can sometimes be mustered up to label a woman as a witch and labelled women worry that they will find it difficult to marry off their daughters. This is something that is a clear indicator of the social contagiousness of the labelling and the adverse impact it has upon the victim and her family.

### **4.4. Concluding Remarks**

The discussion on the violations and consequences of witch hunting in this chapter show that there is a range of violations to which the victims of witch hunting are subjected. While death, physical assault and torture are the most extreme consequences, they are not necessarily the most common. In most cases victims face threats of violence, public humiliation and verbal abuse. Witch hunting also leads to other less spectacular but nevertheless serious consequences such as social isolation and ostracization on the one hand and economic deprivation and loss of property on the other which are not easy to overcome and may seriously undermine the life chances of the victims and their families.

# Chapter 5

## Responses to Witch Hunting: Family, Community and the State

This chapter is dedicated to the study the response of the family, community and state to the targeting of women as witches. This will include discussion of the action taken and support provided by the family members, village community, the panchayat and the local authorities and the police or the judicial system. A state-wise study of the response of authorities to prevention, rehabilitation or restoration in cases of victimisation as witches will follow.

### 5.1. Response of the family

In this section we will discuss the response of the family to the victimisation of the woman. We have already seen in chapter one that in many cases the victim's family bears direct or collateral damage as a consequence of her labelling. A further consideration of this aspect reveals that except in cases where the husbands of the women are themselves the instigators, are dead or away, they almost always support their wives (with or without serious consequences for themselves). There are however a few cases in which the husbands and other family members were unable to support the women because they were too weak and inactive.<sup>27</sup> This may itself have been an initial factor in the vulnerability of the woman. However in most cases the husbands tried to come to the rescue of the woman and rejected the labelling to which she had been subjected. In addition, in most cases except when the son's and their wives themselves were involved in targeting, the children of the victims supported them and in some cases also suffered serious consequences. There is also some evidence of parents and siblings of the women coming to their rescue but this is not extensive. This is direct evidence of the support most victims receive from their immediate family members.

At this point it is relevant to recall that, as we have seen in chapter two, in a large number of cases the extended family members are the main instigators against women in their natal homes. This fact needs to be juxtaposed to the other finding that there are a few cases in which members of the victims' extended family including her mother-in-law, father-in-law, brother and sister-in-law have come to her rescue and even suffered grave consequences as a result. Although small in number, such cases along with the other information on the familial support for the victims helps us in making sense of the familial dynamics of witch hunting.

<sup>27</sup> (BIH)II, (BIH)V, (BIH)IX, (BIH)X, (JH)I, (CH)XII.

We can argue that while it is most likely that the immediate family members of the victim (i.e., husband and children) are both, most likely to suffer the consequences of her victimisation as well as come to her support, they may themselves be the instigators in cases where there is friction within this immediate family and on the other hand members of the more extended family may not always be inimical towards the victim although in a large number of cases they are the primary instigators. In all instances the family members however play a crucial role in determining the life chances of the victim.

## 5.2. Response of the neighbours

The response of the neighbours was much more varied than that of the family members and is difficult to make sense of in absence of sufficient details. We could identify three categories of neighbours:

- **Neighbours as instigators:** In more than half the cases, differentially distributed in the three states, there is direct involvement of the neighbours in the instigation and perpetuation of witch hunting.
- **Indifferent Neighbours:** Discernible in about one fifth of cases, this response of the neighbours can also be seen as indirectly aiding in the perpetuation of the violence
- **Helpful Neighbours:** There is a small number of cases in which the neighbours come to the aid of the victim and are at least not party to her victimization.

Hence we found evidence of direct involvement of the neighbours in the instigation and perpetuation of witch hunting. Indeed this kind of complicity of the neighbours often proves very dangerous for the victim and takes away one immediate and potential source of support from her in case. The other worrisome response of the neighbours is indifference. Although discernible in only about one fifth of cases, this response of the neighbours can also be seen as indirectly aiding in the perpetuation of the violence. Finally there are a small number of cases (only 2-3 in Bihar and Jharkhand but almost ten in Chattisgrah)<sup>28</sup> in which the neighbours come to the aid of the victim and are not party to her victimization. On the whole one can say that the neighbours of the victims play a significant role in the process of witch hunting.

## 5.3. Response of the community

As need not be said, the response of the community can also be very complex in cases of witch hunting and hence also very difficult to fathom in absence of detailed data of the sort which cannot be forthcoming in the study of the present type. However, from the data that was collected, we can gather that the community<sup>29</sup> also played a significant role in the process of witch hunting. Hence in more than half the cases, the community members either shared the suspicions of the perpetrators, and hence contributed to the isolation and stigmatisation of the victim, or they directly participated in the process of targeting them. Indifference was the next most common response with more than one fourth of the victims being subjected to it and hence again suffering from its indirect consequences. Only in a small minority of cases (slightly more than one sixths) there is evidence that the community members came to the aid of victim.

This confirms the finding reported in chapter three that most cases of witch hunting require complicity of the community in order to be effective. In cases where the community members come to the aid of the victim the consequences of witch hunting are less severe.

## 5.4. Response of the state and the local authorities

The importance of studying the response of the state authorities to the victimisation of the women is particularly relevant in case of the states of Bihar, Jharkhand and Chhattisgarh due to the existence of the witch hunting

28 The numerical differences across the three states in this form of violation cannot be made much out of in the absence of more detailed data.

29 Variously interpreted as village residents and members of the victim's caste/community. This does not include discussion of the response of the village authorities like the Panchayat, Sarpanch, Mukhiya etc. See the next section for the latter.



prevention Acts in these states. Bihar was the first state to come up with the Prevention of Witch (daain) Practices Act, 1999, followed by Jharkhand's Prevention of Witch Practices Act, 2001. Chhattisgarh too followed suit with Tohni Prathadana Nivaran Act, 2005.

While a more detailed discussion of this aspect will be undertaken in the Part II of this study, here we will take a brief look at what our cases reveal about the involvement of the state authorities in cases of witch hunting. We have divided out discussion into two sections: the first deals with the response of the local authorities such as the mukhiya, sarpanch and the panchayat at the village level. The second part looks at the data on the extent to which the police has been involved in these cases

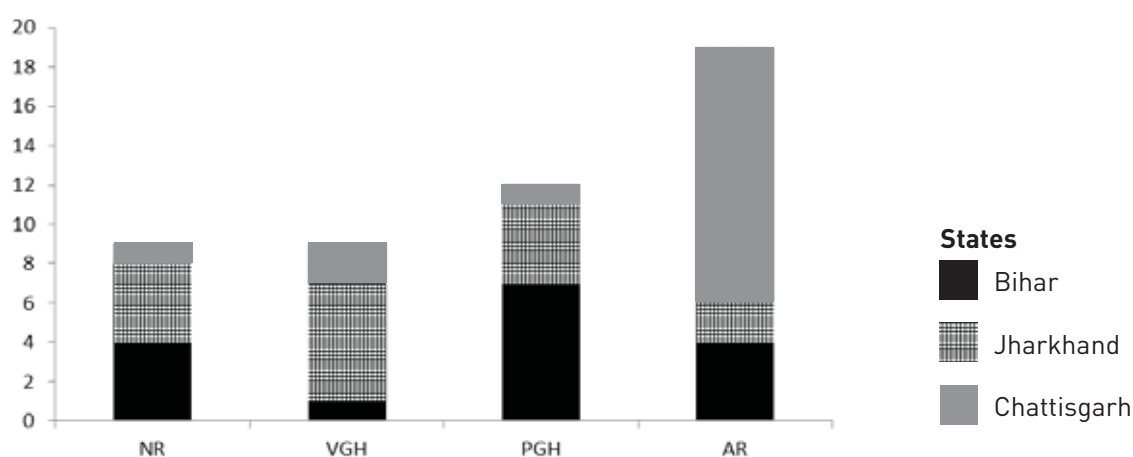
### 5.4.1. Role of the local authorities

The table below summarises the extent of panchayat and its representative's involvement in the cases and whether their intervention was in support of the victim or the perpetrator or was ambiguous.

**Table 5.1. Role of Panchayat in Cases of Witch Hunting**

	No role of the panchayat	Victim got help from the panchayat	Perpetrator got support from the panchayat	Panchayat played an ambiguous role/ the role could not be discerned
Legend used in Chart	NR	VGH	PGH	AR
Bihar	4	1	7	4
Jharkhand	4	6	4	2
Chhattisgarh	1	1	1	13
<b>Total</b>	<b>9</b>	<b>8</b>	<b>12</b>	<b>19</b>

**Table 5.2. Role of Panchayat in Witch Hunting**



It is evident from the table that while the number of cases in which the victim received some support from the panchayat was almost the same as the number of cases in which the panchayat could not be discerned to have any role, in a larger number of cases, the panchayat helped the perpetrator or played an ambiguous role. In the cases recorded by us the panchayat gave some help in the form of encouraging filing of police complaint, warning the perpetrators and helping find a resolution or compromise in the case, providing shelter to the victim. On the other hand the perpetrators were helped when the panchayat prevented the victim from filing a police case, made the victim pay a fine, pressurised the victim to take back their complaints, accepted bribes from the victim in order to abstain from intervening, held one sided hearings and even consulted *ojhas* to take a view of the mat-

ter. The cases in which the response of the panchayat is being treated as ambiguous here involve either the cases in which their stand is not clear from the case study or where they acted in a way that they did not clearly support either the victim or the perpetrator. The latter involve cases in which the Mukhiya warned the perpetrators at the same time as they prevented the victims from filing a complaint. There is one case in which the support provided by the Mukhiya hinged on the long term unpaid labour of the victim in the former's household. In most cases from Chhattisgarh, there is no clarity about the role of the panchayat. As we will see in the next section, police appears to have been approached in a large number of cases collected from this state as compared to the others.

From this discussion it is clear that the victims did not receive any significant support from the panchayat in almost any case while in some cases the perpetrators did receive strategic help in getting away with the labelling and violation of the victim. It also appears from some cases that the local authorities may sometime be completely complicit in the process of labelling and violation of the victim.

### 5.4.2. Role of Police

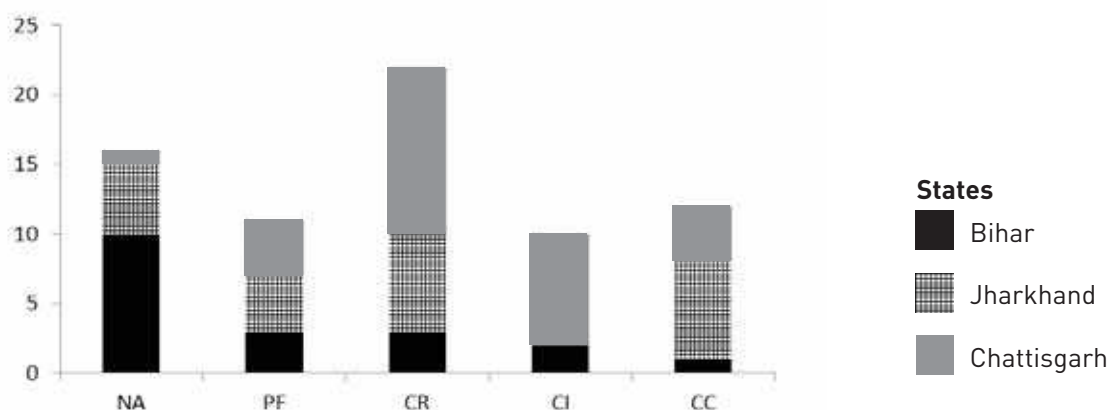
From the chart below we can discern the extent to which police figures in cases of witch hunting.

**Table 5.3. Role of Police in Cases of Witch Hunting**

	Victim did not approach police	Victim prevented from filing case	Police case registered	Case under investigation	Case dismissed or concluded
Legend used in Chart	NA	PF	CR	CI	CC
Bihar	10	3	3	2	1
Jharkhand	5	4	7	0	7
Chhattisgarh	1	6(-2)	10(+2)	8	4
<b>Total</b>	<b>16</b>	<b>11</b>	<b>22</b>	<b>10</b>	<b>12</b>

(numbers in parenthesis reveal cases in which victims registered cases despite strong resistance)

**Table 5.4. Role of the Police in Cases of Witch Hunting**



It is clear that while in a total of one third of the cases from across the three states, the police had no role to play, there were a number of cases in which the victims were prevented from filing a police case. Thus in a total of 11 cases the victims could not file a case either because they were prevented by the local authorities or by the police themselves from doing so. Only in a couple of cases (from Chhattisgarh) were the victims able to file cases despite

spite resistance they faced. In slightly less than half of all the cases from three states, police cases were filed. Not all these cases were filed under the acts especially made to prevent witch hunting. In our case studies, two cases were registered under the special law in Bihar; two under Jharkhand's special law, and nine under Chhattisgarh's special law.

Of all the cases registered with the police, less than half were still under investigation at the time of the study while the remaining had been either dismissed or concluded. While this aspect of the study will receive the attention that it deserves in Part II of the study, it may be pointed out here that most of the cases we have clubbed together under dismissed or concluded section were in fact dismissed for reasons such as lack of witnesses, lack of interest shown or effort made by the police, incomplete or no investigations, minor punishment being meted out to the perpetrators, out of court settlements and compromises. In a minority of cases, the perpetrators were jailed for a few months or days and then released, police did some patrolling to prevent further escalation of violence and in one case the perpetrators were arrested but were released because they were politically influential. This provides a rather grim picture of the role of the police in responding to cases of witch hunting.

## 5.5 Concluding remarks

In this chapter, we have looked at the responses of the family, community and the state to the violations to which victims of witch hunting are subjected. In this regard, we found that the immediate family of the victim are usually highly supportive (and in consequence also victimised). Thus except in cases where the husbands of the women are themselves the instigators, are dead or away as migrant workers or are too weak to intervene, they almost always support the victims (with or without serious consequences for themselves). Similarly, except where the son's and their wives themselves were involved in targeting, the children of the victims were very small or the victim did not have children, the children of the victims supported them and in some cases also suffered serious consequences. In a few cases, the natal kin of the women also extended support to them but this is so in a minority of cases.

The response of the neighbours was much more varied than that of the immediate family members and is difficult to make sense of. We found that a majority of cases are such in which either the neighbours are directly involved in the process of witch hunting or are indifferent. In both these cases they play a negative role from the point of view of the victims. However, there are a small number of cases in which the neighbours come to the aid of the victims.

Similarly, the response of the community was found to range between active instigation and indifference. In more than half the cases, the community members either shared the suspicions of the perpetrators, and hence contributed to the isolation and stigmatisation of the victim, or they directly participated in the process of targeting them. Indifference was the next most common response. Only in a small minority of cases, the community members came to the aid of victim.

While Part II of this study will deal with this aspect in detail, we found that the state authorities did not have an unambiguous response to the victimization of women. Considering the role of the local panchayat authorities, we found that while there are a number of cases in which the victims either did not approach them or their role is not clear, the perpetrators were helped by the authorities in a larger number of cases than the cases in which the victims found some support from them. Finally, while the victims did not approach the police in almost a third of the cases, they were also prevented from doing so in a number of cases. Of all the cases that were registered, almost half were closed and other half were being investigated. In none of the cases the perpetrators were meted out a stringent punishment for their acts of violation and most of the cases had been dismissed due to tardy investigation.

# Conclusion

This report began with an introduction followed by five chapters. In this concluding note, we will summarise the findings of each of the chapters.

In the first chapter, we put together a socio-economic picture of the victims of witch hunting. In order to do so we looked at the age group, marital status, group identity, economic condition and educational status of the victims. On the basis of this discussion we identified witch hunting as a form of violation which primarily targets middle aged married women who belong to wide spectrum of castes while on the whole being economically weak and lacking in formal education.

In the second chapter, we focussed upon the perpetrators of witch hunting. We took into consideration the relation between the perpetrator and the victim, the gender of the perpetrator, the group and economic dynamic of witch hunting. On the basis of this discussion about the perpetrators, we can say that in terms of social distance, the perpetrators are usually not very distant from the victims; often they are quite closely related. In fact in a very large number of cases they are the victim's relatives through marriage and in a good number of cases they are also women. We can link this to the finding in the previous chapter according to which the most likely victim of witch hunting in our case studies is a married woman. We have suggested that the threat of witch hunting often stems from those with whom one may be very close in every day social intercourse.

In the third chapter, we have looked at the beginnings of the process of witch hunting. Emphasising the importance of labelling to the process of witch hunting, we distinguished between immediate triggering factors and long term material factors which lead to the identification and violation of a person as a witch. While common misfortunes provide immediate triggers of witch hunting, the long term factors that can be clearly identified in a number of cases include disputes over land, jealousy and personal animosity due to a variety of factors. Local sorcerers were also found to be involved in labelling and identification of victims in a number of cases. This process may also lead to "unintended" victimisation. We have suggested that, even though the real causes of witch hunting are difficult to identify in particular instances, material factors seem to be present in a majority.

The discussion on the violations and consequences of witch hunting in the fourth chapter show that there is a range of violations to which the victims of witch hunting are subjected. We have argued that the most extreme consequences, i.e., death, physical assault and torture are not necessarily the most common. In a large number of cases victims face threats of violence, public humiliation and verbal abuse. We have suggested that witch hunting often leads to other less spectacular but nevertheless serious consequences such as social isolation and ostracization on the one hand and economic deprivation and loss of property on the other which are not easy to overcome and may seriously undermine the life chances of the victims and their families.

In the last chapter, we have looked at the responses of the family, community and the state to the violations to which victims of witch hunting are subjected. In this regard we found that only the immediate family members of the victim come to their aid if they are in a position to do so. The neighbours, the community and the state are not always behind the victim and often can be seen as abettors of the violence and ostracism faced by the victim. This provides a grim picture of the role of the larger community in the perpetuation of witch hunting as a form of violence.

## Final remarks

In conclusion we may say that from our case studies that:

- Witch hunting appears to be a form of violence which afflict middle aged married women from the lower economic strata who have little formal education but who are spread across a cross-section of castes and communities.
- Victims and perpetrators are often closely related to each other and inter-caste and inter-class dynamics is not always present in this form of violence. Immediate family members are however often collateral victims.
- While belief systems seem to help trigger the violence, material factors are almost omnipresent in cases of witch hunting.
- The consequences of witch hunting are wide ranging and are not always spectacular and gruesome. Often they take the form of serious social and economic deprivations.
- A high degree of complicity of the community and apathy of the state is discernible in cases of witch hunting.

These partially confirm the assumptions with which we began the study. Thus it is the case that there are a number of material factors which play a role in witch hunting. However, our study did not confirm the single, widowed or property owning women alone are most vulnerable to this form of violence since married women with no exclusive rights over property were often the targets in our cases. The existence of a large number of collateral victims also suggests that while women bear the most direct brunt of this form of violence, they are not always alone in being targeted.

Finally we can say that while the media reports tend to highlight the most gruesome cases of witch hunting, our study has found that the fear of being labelled as a witch is something a large number of rural women might be experiencing and that this may be acting as a crucial barrier to their exercising a whole range of choices as any sign of independence and initiative may become a pretext for labelling and violation. We would also like to emphasise the links that the issue has with lack of basic educational and health infrastructure, in other words, issues central to governance and development.

# Annexures

# Annexure I

## Interview Guide

### How to collect case studies

- Keep the following points in mind while collecting case studies
- Collect those case studies where the victim/survivor has faced violence in the last 5-8 years.
- Case Studies have to be selected so as to cover women/ victims of diverse age groups.
- The case studies have to be selected with diverse land ownership, livelihood and also memberships in associations/ organisations.
- The case studies must reflect the various and different purported causes to the labelling as a 'witch', as for instance, widowhood, illness, harm to neighbour, property dispute and so on.
- Case studies should try to capture the diversity of practice amongst different castes and tribal groupings.
- Type of injury/ violence: We are looking at a various types of harms or violations – covering social and economic boycott to physical violence. The case studies should try and reflect this range through the selection. The case studies must particularly include cases where there is no violence, or brutality classically associated with witch hunting – so as to be able to highlight harm perpetrated in more routine and normalized

## Interview Guide

This interview guide has been conceptualised to collect information about a woman who has been branded as a witch. It has been divided into 6 parts:

### A. About the Survivor/ Deceased (as the case may be) and her family

- a. This part will collect information about the survivor/ deceased (as the case may be) and her family
- b. This part will collect information about socio economic status prior to being declared as a witch
- c. This part will collect information about events related to being declared a witch
- d. This part will collect information about her socio economic status after being declared as a witch
- e. This part will collect information about response of the state
- f. This part will collect information about impact on her present life

NAME OF THE VICTIM:

NAME OF THE RESPONDENT/S:

(If there is more than one respondent, write all the names)

RELATION OF THE RESPONDENT/S WITH THE VICTIM:



## About the Victim

**A1.** Name

**A2.** Residence location

**A3.** Age group

- a. Between 0 and 10
- b. Between 10 and 20 (please clarify is she is above 18 years of age)
- c. Between 20 and 30
- d. Between 30 and 40
- e. Between 40 and 50
- f. Between 50 and 60
- g. Above 60

**A4.** Educational background

- a. No formal education
- b. Completed 4th standard/ primary school
- c. Between 5th– 10th Standard
- d. Finished Matriculation
- e. Finished 12th Standard
- f. Graduation

**A5.** Marital status

- a. Married
- b. Unmarried
- c. Married but separated
- d. Divorced
- e. Widow
- f. Non marital relationship
- g. others please specify

**A6.** If married what does the husband do for a living?

**A7.** If in a relationship, what does the partner do for a living?

**A8.** Number of children

- a. Number of boys
- b. Number of girls

**A9.** Details of the Children

Gender									
Age									
Marital status									
Employment									

**A10.** Other members of the household (joint family members/or a person residing in the same house)

Gender									
Age									
Relationship with the victim									
Employment Status									

**A11.** Caste or tribe grouping (Specify)

**A12.** Is the community notified as

- a. SC
- b. ST
- c. OBC
- d. Others

## **B. Socio Economic status of the victim prior to being declared as a witch**

**B1.** About her residence

- i. Who did she live with before the she was declared as a witch?
  - b. Natal family
  - c. Marital family
  - d. Alone
  - e. With children
  - f. Any other
- ii. If married, where was the matrimonial home?
- iii. How far was the matrimonial home from the natal home?
- iv. Where did she live in the first few years of marriage?

**B 2.** Income and Property

- i. What was the primary source of income for the family?
- ii. What was the secondary source of family income, if any?
- iii. Was she involved in any paid activity or work before?
  - a. Yes
  - b. No
- iv. If yes, please specify what kind of paid activity?
- v. What property did the family have? Mention also the quantity – i.e. How much land, how big and how many homes, specify whether the house is kachha or pucca etc.
  - a. Land
  - b. Home
  - c. Cycle/scooter/car
  - d. Livestock
  - e. Any other (Please specify)
- vi. Was the income enough to take care of all the family members?
  - a. Yes
  - b. No
- vii. Did she have land or property in her name?
  - h. Yes
  - i. No
- viii. Did she have right to use any land?
  - i. Yes
  - j. No
- ix. What were the assets she owns or has in her name or has access to before the labelling? (Get details regarding jewellery, livestock, hand pumps etc )
- x. What was her access to common property and resources?

**B 3. Memberships of organizations**

- xi. Was she a member of any local self help groups?
- l. Self help groups (Provide the name)
    - m. Mahila Mandal
    - n. Any other community organisation (Specify)
- xii. Was she a leader or a member of any political or local governance body which includes (panchayat, wards)?
- m. Yes (Please specify)
  - n. No

**C. Events related to being declared a witch****C1.** How long has it been, or how many years has it been?

In terms of how many years has this been going on with her and the whole story?)

**C2.** When did she first notice that people were calling her a witch?

(Write down the full narrative)

**C3.** What were the local words used to label her? List local terms and proverbs used to taunt her. *(please give meaning of the local words for guidance)***C4.** What according to her (the survivor's) understanding were the real reasons?**C5.** What was the reason provided or stated to her and before the public?**C6.** Information about the instigator

- i. Who first called her a witch?
- ii. Who was the main instigator/s or who were the key instigators?
- iii. How were they the main instigator? And why?
- iv. How was she related to the instigator/s? (By blood, marriage, neighbours, co-
  - a. worker, competitor in trade, etc)
- ii. What was her relationship with the instigator/s in the past? (Was it very cordial, friendly or antagonistic?)
- iii. Give the details of the instigator's family, if you can:

Name									
Gender									
Age									
Relationship with the instigator									
Marital status									
Employment Status									

- iv. What property does the instigator's family have? Mention also the quantity – i.e. How much land, how big and how many homes; specify whether the house is kachha or pucca etc.
  - a. Land
  - b. Home
  - c. Cycle/scooter/car
  - d. Livestock
  - e. Any other (Please specify)

**C7.** Was there any Ojha involved in declaring her as a witch?

- a. Yes
- b. No

**C8.** How was the Ojha involved? What role did he play?

**C9.** What has been the reaction of her family members in this process? Did they all have a common response or different members had different responses? What were their roles – in terms of helping her, blaming/ targeting her or being indifferent? (List all the relevant family members and their reactions).

- i. Did they all have the same reaction or did their reactions differ?
- ii. What role did the family members play in either helping or branding her?

**C10.** What was her neighbours' reaction while this was happening?

- i. Contributed to the targeting
- ii. became suspicious of her
- iii. helped her
- iv. Indifferent
- v. any other (please specify)

**C11.** If the neighbours contributed to her targeting, in what way did they do so? Describe the role and they played in the events that happened.

**C12.** If the neighbours helped her, in what way did they do so? Describe what words, actions and gestures conveyed their help to the survivor.

**C13.** What role did the other community members play?

Took part in the process or violation

- i. helped her
- ii. became suspicious of her
- iii. Indifferent
- iv. Any other (please specify)

**C14.** If the community members contributed to her targeting, in what way did they do so? Describe the role they played in the events that happened.

**C15.** If the community members helped her, in what way did they do so? Describe what ways, actions and gestures conveyed their help to the survivor

**C16.** Was their use of any physical violence against the woman? What kind of assault, or violence was inflicted upon the woman when you were declared a witch?

**C17.** What was the immediate result of the branding as a witch/ the punishment?

- i. Did she have to leave her residence?
- ii. Was she forcibly evicted from her residence?
- iii. What was the punishment given and why?
- iv. Did she lose her livelihood?
- v. Could she go to the market, village and access the common resources i.e. collect water, buy articles from shops etc.?

**C18.** Did she get a chance to say her side of the story when all this was happening? If a chance was given, where was it – for e.g. in Gram Sabha/ panchayat meeting / community meeting etc.

**C19.** Did anyone else talk on her on her behalf?

**C20.** What does she understand by the term witch? Does it exist? Where and when does exist? If not, then why do people talk about it and believe in it?

## **D. Her socio economic status after being declared as a witch**

### **D1.** About her residence

- i. Who did she live with after she was declared as a witch? If her residence changed multiple times, then please give details of the same.
  - a. Natal family
  - b. Marital family
  - c. Alone
  - d. With children
  - e. Any other
- ii. Did her residence change?
- iii. In what way is the new dwelling different from the older one – size, space, distance from road, water supply; is there access to field or livelihood source etc?

### **D2.** About her income and property

- i. What is the primary source of income for the family?
- ii. What is the secondary source of family income if any?
- iii. Is she involved in any paid activity or work?
  - a. Yes
  - b. No
- iv. If yes, please specify what kind of paid activity?
- v. If there are changes in the nature of paid or unpaid activity, explain the nature of change and the reasons for the same?
- vi. What property does the family have? Mention also the quantity – i.e. How much land, how big and how many homes, etc.
  - a. Land
  - b. Home
  - c. Cycle/scooter/car
  - d. Livestock
  - e. Any other (Please specify)
- vii. Does she have land or property in her name?
  - a. Yes
  - b. No
- viii. Does she have any right to use the land?
  - a. Yes
  - b. No
- ix. What is her access to common property and resources?

### **D3.** Membership of organizations

- i. Is she a member of any local self help groups?
  - a. Self help groups (Provide the name)
  - b. Mahila Mandal
  - c. Any other community organisation (Specify)
- ii. Is she a leader or a member of any political or local governance body which includes (panchayat, wards )
  - a. Yes (Please specify)
  - b. No

#### **D 4.** Immediate consequences and impact of declaring her as a witch

- i. Was her husband alive when the labelling happened?
- ii. What was his reaction?
- iii. How was her relationship with her son/sons?
- iv. How was her relationship with her daughter/s?
- v. How was her relationship with her natal family? (get the details of relationship with each member)
- vi. How was her relationship with the marital family? (get the details of relationship with each member)
- vii. How was her relationship with her neighbours? (In this section, get to know the gender of the neighbour)
- viii. In what ways did her relationships, income, ownership and access to resources, living conditions, and mobility change?
- ix. Did she have to leave her home or village?
- x. Immediately after being branded witch, what was the victim most afraid of?
- xi. Did she wish to or think of leaving the home or village?
- xii. Was there any kind of social sanction or fine or punishment imposed by the community?
- xiii. Was there any change in her financial situation after the labelling?
- xiv. If yes, how did it change?
- xv. Does she still have access to the property and assets that you own?
- xvi. Was there any kind of compromise or did the community give her a way out?
- xvii. What was their solution?
- xviii. What did she have to do?

#### **E. Response of the state**

##### **E1.** Did anyone of the authorities intervene?

- i. Police
- ii. Panchayat
- iii. DM
- iv. CDPO/PO
- v. Any other (Please specify)

##### **E2.** Why did they intervene?

- i. On her complaint
- ii. Third party complaint
- iii. On their own
- iv. Any other (Please specify)

##### **E3.** What were her reasons for making the complaint, if she approached the authorities?

##### **E4.** What was the nature of intervention by the authorities?

- i. If FIR, then under what provisions
- ii. NC
- iii. Negotiation

##### **E5.** What happened after the intervention by the authority? (In case the FIR was filed, did the matter reach court?)

##### **E6.** What were her expectations from the authorities?

##### **E7.** Did she find the intervention useful?

##### **E8.** Was any compromise or settlement entered into to close this case? Who initiated this compromise and who all were parties to it?

##### **E9.** What were the terms and conditions of such compromise?

##### **E10.** Was the victim satisfied with the terms of such compromise?

## **F. Impact on her present life**

**F1.** Is she still afraid?

**F2.** What is she most scared of?

**F3.** How are her relationships now?

- i. Natal Family
- ii. Marital Family
- iii. Husband
- iv. Children
- v. Community
- vi. Instigators

**F4.** How in her words has her life changed since she has been declared as witch?

**F5.** What is her life like now?

**F6.** In case the victim is dead

What has been the impact and consequence of labelling on the immediate family members of the deceased?  
Did the perpetrator take the advantage of deceased's family? If yes then how?



# Annexure II

## Summaries of Case Studies on Witch Hunting from Bihar, Jharkhand and Chhattisgarh

### **Bihar**

#### **Case 1 [Code - (BIH) I]**

##### **Victim**

- i. Name – Shyama Devi
- ii. Sex – Female
- iii. Age – 60+
- iv. Marital status – Widow
- v. Caste – General
- vi. Main Occupation – Priesthood
- vii. Secondary Occupation – Agriculture
- viii. Number of children – 1 daughter, 3 sons
- ix. Education – No formal education

##### **Instigator/Perpetrator**

- i. Name of the chief instigator – Bhuriya Devi
- ii. Other instigators – Maneshwar Singh and Manish Ravidas (sorcerers)
- iii. Relationship between the victim and the instigator – The chief instigator was the victim's husband's cousin's wife.

**Background and Events Relating to Targeting** – Shyama Devi's deceased husband's younger brother's son Badra had three daughters. His wife Bhuriya wanted Shyama Devi to fix the marriage of her eldest daughter with Shyama Devi's maternal aunt's son. Despite the efforts of Shyama Devi the marriage proposal did not succeed because of demands for dowry from the groom's side. Bhuriya accused Shyama Devi for the break-up. Ultimately her eldest and the second daughter were married off, but she could not find a groom for the youngest daughter. In the meantime, the youngest daughter became mentally ill and villagers began to say that someone had cast a spell on her.

Sorcerers Maneshwar Singh and Manish Ravidas were called to treat her. She was asked by the sorcerers to name the person who had cast spell on her and she named Shyama Devi. The sorcerers immediately labeled Shyama Devi as a witch and the people gathered there began to abuse her and physically assault her. Subsequently, some villagers came forward and rescued her. A village chowkidar stopped the aggressors by saying that if they hit an old widow, there would be a police case. Shyama Devi was taken to the village temple where she was made to swear that if she were a witch then all three of her sons would die.

According to Shyama Devi, her children were young when her husband died and there was no one to look after the land that belonged to her husband. During this time, her husband's cousin had possession of the land and

Shyama Devi used to stay in her natal home. When her sons grew up, they fought with their father's cousin and recovered the land. The land was subsequently registered in their names. This sowed the seeds of future discord between the two families. The cousin and his wife would often instigate others to fight with Shyama Devi's family. According to the instigator and her husband Bhadra, Shyama Devi was labelled because she had used witchcraft on their daughter.

**Social, Community and Other Dynamics** – Shyama Devi's family members had different reactions. Her elder son and his wife completely supported her while his other two sons and their wives did not help at all, instead they closed the doors of their houses on her. The neighbours were indifferent.

The community members became suspicious of her. They did not contribute in targeting but, started to believe that Shyama Devi is a witch.

**Consequences and Impact** – Shyama Devi was beaten up in public. There are no formal restrictions on her. However since the community members often pick fights with her, she tries to remain at home. Her son is not invited by the villagers to perform rituals and religious ceremonies anymore (this was his primary source of income) and this has affected the overall income of the family.

After the branding incident, the community members had imposed restrictions on Shyama Devi's going out of her house. She and her sons were also threatened with further violence. Though she lives in her marital home now, she lives in constant fear. If at all she goes out, mothers hide their children because they fear that Shyama Devi could harm them. Incidents like these cause her deep anguish and humiliation. Relationship with marital family is not good. Her husband's younger brother does not talk to her, his wife talks to the victim only when she has some purpose. She is not invited to take part in any social function in the village; she only observes these functions sitting at a distance. There are only one or two families in the entire village which she is allowed to visit. Apart from these she lives in complete social isolation.

**Role of the State** – Shyama Devi had wanted to file a complaint to the police against the perpetrators. But she was prevented from doing so by the Mukhiya, who assured her that such incidents would not happen in future. The Mukhiya ordered that nobody should use terms like dayan to refer to her and that strict action would be taken against whoever does so. However since she continues to be ill treated by the villagers, Shyama Devi is contemplating filing a case.

## Case 2 [Code – (BIH) II]

### Victim

- |   |   |
|---|---|
| i. Name of the victim – Pratibha Devi   | vi. Main Occupation – Agriculture (sharecropping) |
| ii. Sex – Female                        | vii. Secondary Occupation – Brick kiln worker     |
| iii. Age – 30                           | viii. Number of children – 2 daughter, 3 sons     |
| iv. Marital status – Married            | ix. Education – No formal education               |
| v. Caste – Scheduled Caste (Maha dalit) |   |

### Perpetrator/Instigator

- i. Name of the chief perpetrator – Pinki Devi
- ii. Relationship between the victim and the perpetrator – The chief instigator was a female relative of the victim, from her husband's side.

**Background and Events Relating to Targeting** – Pratibha's husband's father's cousin brother son's wife Pinki Devi (who is also Pratibha's neighbour) labelled her a witch. Pratibha use to worship a deity of Kul devata (ancestral god) which was installed in front of Pramila's house. Pinki never worshipped the deity (Pinki and Pratibha's kul devata is same). Pinki did not like Pratibha worshipping the deity on daily basis; she became suspicious about Pratibha and picked up fight with her. Pinki's husband passed urine on the idol of the deity. Next day Pinki Devi's son's wife foot swelled up and Pinki's daughter caught sudden fever. That day Pinki Devi and her family labelled Pratibha a dayan. Pinki's family members believe that Pratibha is the reason for any problem that occurs in their family.

**Social, Community and Other Dynamics** – Pratibha’s husband and children rejected the accusations and stood by her side.

The neighbours helped and supported Pratibha. They asked the perpetrators to not fight and called the panchayat to resolve the issue.

**Consequences and Impact** – She was labelled a witch and was verbally abused. The perpetrators picked up wooden bars to attack Pratibha but her children protected her. However, there is not much change in her condition as she had community support.

**Role of State** – After she was branded as a witch, Pratibha wanted to file a complaint against the perpetrators in the local police station. But the Mukhiya of the village asked her not to do so. He told Pramila that if someone called her a witch in future, then he himself would file a complaint against that person with the police.

Mukhiya announced a possibility of legal action and a fine of Rs. 500 if anybody harrassed Pratibha Devi.

### Case 3 [Code – (BIH) III]

#### Victim

- i. Name of the victim – Sukhmal Devi
- ii. Sex – female
- iii. Age – between 30 and 40
- iv. Marital status – married
- v. Education – No formal education
- vi. Caste – Scheduled Caste
- vii. Number of children – 1 daughter and 4 sons
- viii. Main occupation – Husband used to be agricultural laborer but is now worker in a factory in a city
- ix. Secondary occupation – nil

#### Perpetrator/Instigator

- i. Name of the Instigator – Soma Devi
- ii. Relationship between the Victim and the instigator – the instigator was the victim’s husband’s cousin’s wife.

**Background and Events Relating to Targeting** – A few years back there had been some discord between the two families (Sukhmal’s and Soma’s) related to the land that was owned by Sukhmal’s husband. Their houses were next to each other. Soma Devi claimed that a snake would often enter her house and drink the milk on a shelf. She felt that an evil spirit was responsible for this and sought a sorcerer’s help to ward off this spirit. The sorcerer said that someone in her kin circle must have sent the snake to her house. She started suspecting Sukhmal Devi as the cause since their houses were next to each other but the snake never entered Sukhmal’s house. The sorcerer then claimed that Sukhmal Devi was the one who was responsible for sending the snake to Soma Devi’s house. Soma Devi and her husband branded Sukhmal Devi a witch along with the other villagers who started gathering there.

According to Sukhmal, she was targeted because her husband lives in another state and she herself is in poor health. So their family is an easy target, who can be harassed and isolated to such an extent that they would be forced to sell their land to Soma Devi’s husband.

**Social, Community and Other Dynamics** – Her children and mother-in-law defended her. Her husband was not in the village at the time of the incident. Due to fear of violence he did not say anything when he returned.

The neighbours contributed to the targetting and became suspicious of her. They verbally abused Sukhmal Devi and cheered for the perpetrators when they were hitting her. The paswaan community supported the perpetrators. She got help from some women of the Manjhi community and members of her own community did not help her.

**Consequences and Impact of Targeting** – She was verbally abused and was publically beaten up with wooden bars. Her clothes were torn off and she could have been killed if the women from Manjhi community did not intervene on time. Her children were also beaten up and her mother-in-law, who was the only person speaking up in her support was also shoved by the villagers.

The entire paswaan community has ostracized her. Her community members stopped cooperating with her in agriculture which affected her economic situation. She was herself so traumatized that she did not go out for work for months. She was afraid of being killed, and was worried about her children

**Role of the State** – After she was branded as a witch, Sukhmal wanted to file a complaint against the perpetrators in the local police station but the Mukhiya of the village asked her not to do so. The case did not reach any state authority except for the mukhiya of the village who assured her that he would help her in registering a complaint with the police in case someone called her a witch again.

## Case 4 [Code – (BIH)IV]

### Victim

- |  |  |
|--|--|
| i. Name of the victim – Rahima Khatoon | vi. Caste – General (Muslim)                     |
| ii. Sex – female                       | vii. Number of children – 3 daughters and 3 sons |
| iii. Age – 50                          | viii. Main occupation – Husband is a bidi maker. |
| iv. Marital status – married           | ix. Secondary occupation – nil                   |
| v. Education – No formal education     |  |

### Perpetrator/Instigator

- i. Name of the Perpetrator – Anwar Miyan, Fatima
- ii. Name of the Instigator – Maulana
- iii. Relationship between the victim and the perpetrator – Mohd. Anwar was the victim's husband's elder brother. Fatima was Mahmud's wife. Maulana was a faithhealer whom Anwar used to visit for his illnesses.

**Background and Events Relating to Targeting** – Rahima's husband's elder brother, Anwar miyan had been ill for some time. He used to consult a local healer in the village, Maulana. Once when Anwar and his wife Fatima went to the healer in relation to the former's illness, Maulana told them that Rahima had cast a spell on Anwar, which was the reason of his frequent illness.

Anwar and Fatima came back from the Maulana's place and began abusing Rahima. They started telling the villagers that she was a witch and that the entire village would fall ill unless she is beaten and driven out of the village. The neighbours immediately believed Anwar and were almost prepared to assault her. The entire community was in support of Anwar. Though she was not assaulted, but everybody threatened to assault her, abused her and asked her to leave the village.

According to Rahima, the real reason for labelling was that Anwar Miyan intended to grab her husband's land.

**Social, Community and Other Dynamics** – Her family supported her and they did not believe in the instigator's allegations. However, the neighbours contributed to her targeting. Some neighbours verbally abused Rahima while others were indifferent but did not do anything to help her.

**Consequences and Impact of Targeting** – She was verbally abused and was also threatened with physical assault. For some time her income got affected because she did not get work in fellow villager's fields. Her financial situation improved after she joined Mahila Samakhya and got work there.

The labelling affected her relationship with her fellow villagers as many still believe that she is a witch and they don't hire her to work in their field. Some women, who believe that she is a witch, hide their children from Rahima.

**Role of the state** – Immediately after the allegations were made against her, Rahima went to the Mukhiya's house and narrated the entire incident. The Mukhiya accompanied her back to the locality where he spoke to all the families and tried to pacify the situation. He warned Rahima's relatives that if anybody ever called her a witch or harassed her in any way, then he will initiate legal action against them.

## Case 5 [Code – (BIH) V]

### Victim

- |  |  |
|--|--|
| i. Name of the victim – Najiba Khatoon | v. Caste – Muslim (others)                         |
| ii. Sex – Female                       | vi. Occupation – Husband is a shopkeeper           |
| iii. Age – Between 30 and 40           | vii. Number of children – 3 boys and 3 girls       |
| iv. Marital status – Married           | viii. Educational background – No formal education |

### Perpetrator/Instigator

- i. Name of the chief perpetrator(s) – Akbar Miyan and his wife Rohila Khatoon
- ii. Relationship between the victim and perpetrator – Marital family

**Background and events related to targeting** – One day Najiba was eating toffees, her husband's elder brother's son's wife (known as putahu in local language) asked Najiba to share toffees with her. Najiba gave her some toffees and then Putahu complained of a severe stomach ache and pain in her joints. She put the entire blame on Najiba.

Najiba was attacked and was humiliated. After few months Najiba's neighbour also picked up stones to hit her, according to the neighbour, Najiba had made her son sick by using witch-craft. Later Najiba's father-in-law also became suspicious and accused Najiba for killing his bull by using witch-craft. He called an Ojha in the village to verify if she was a Dayan. The ojha could not verify Najiba as a dayan.

According to Najiba the real reason why she was labelled was that the Instigators were jealous of her progress in her bangle selling business.

**Social, community and other dynamics** – Najiba's husband was supportive but he could not do anything in front of the entire village. Later Najiba's father-in-law became suspicious of her.

The neighbours became suspicious and did not help her. One of the neighbours targetted her and the rest remained indifferent. After the labelling the community members ostracized Najiba.

**Consequences and impacts** – She was verbally abused and was also physically assaulted. She was threatened with eviction and death.

The labelling has affected the family's income as the women in the village no longer buy bangles from her. However, they still come to her husband's shop to purchase daily utilities. She had to pay 25,000 rupees as fine according to the consecutive Panchayat decisions about her labelling during the past 7 years. Immediately after labelling she was ostracized and denied access to common hand-pump. Women in neighbourhood hide their children from her, they have ostracized her and newly wed women are advised to stay away from Najiba .

**Role of the State** – On the advice of fellow villagers both Najiba and perpetrators approached the panchayat. The Panchayat found Najiba guilty and made her pay compensation of Rs. 25000 to the perpetrators. The case was settled in favour of the perpetrators.

## Case 6 [Code – (BIH) VI]

### Victim

- |  |  |
|--|--|
| i. Name of the victim – Sukhmani Devi            | vi. Number of children – 1 boy                         |
| ii. Sex – Female                                 | vii. Caste – Pandey (others)                           |
| iii. Age – Between 50 to 60                      | viii. Primary occupation – Agriculture                 |
| iv. Educational background – No formal education | ix. Secondary occupation – Husband works in coal-mines |
| v. Marital status – Widow                        |  |

### Instigators/perpetrator

- i. Names of the instigators – Sister in law, Shiva Badahi, a Rajput man and an Ojha
- ii. Relationship between the victim and the perpetrator – Marital relative, neighbours and residents of the village

**Background and events related to targeting** – First incident – 12 years ago, Sukhmani shared mangoes with her devrani (husband's younger brother's wife) and after that her devrani fell sick. She started believing that she fell sick only after eating mangoes with Sukhmani and those mangoes had an evil spell. The devrani communicated her belief to the women in neighbourhood. After sometime the devrani passed away. Women in neighbourhood started talking about Sukhmani being a witch.

Second incident – A young boy from Badahi community was shepherding goats, which accidentally ate vegetables from Sukhmani's field. Sukhmani saw that and out of anger cursed the boy. The boy did not retaliate, he went back home and related the entire episode to his parents. After few days the boy succumbed to a very severe stomach ache. After his death, his parents did not inflict any physical violence on Sukhmani, but abused her verbally and held her responsible for the death of their son. During this period Sukhmani's husband died.

Third incident – A man from Rajput family bought a calf from Sukhmani after which his family members started falling sick, for which he went to see a Baiga for the treatment who provided him with an explanation for sudden illnesses in his family. Thus the Baiga told him that the woman from whom he took the calf is a dayan. The Rajput man went to Sukhmani's house and threatened her with death. The Rajput community and the badahi community members and other fellow villagers also joined hands with that man to teach Sukhmani a lesson.

According to Sukhmani, the first incident was the result of jealousy and they wanted to grab the property that was in her name.

**Social, community and other dynamics** – The neighbours contributed to the targeting by supporting the instigators.

**Consequences and impacts** – She was verbally abused and she saved herself from physical violence by running away from her house.

She was forced to leave her village and presently she is landless. She now lived on the land given to her by her brother in her natal village.

She cannot go back to her marital village since there is a threat to her life from the villagers over there.

He had to leave the village along with his mother and is now the sole breadwinner of the family.

**Role of the State** – Sukhmani approached the Ex sarpanch for help and he gave immediate protection to her. Sukhmani herself does not want to pursue the case further due fear of getting into trouble for herself and her son.

## Case 7 [Code – (BIH) VII]

### Victim

- |  |  |
|--|--|
| i. Name of the victim – Fatima Khatoon | v. Caste – Muslim (others)                   |
| ii. Sex – Female                       | vi. Occupation – Rickshaw-pulling            |
| iii. Age – Between 40 and 50           | vii. Number of children – 3 boys and 5 girls |
| iv. Marital status – Married           | viii. Education – No formal education        |

### Instigator/Perpetrator

- i. Instigators/perpetrators – Bismil Miyan (main instigator)
- ii. Relation of perpetrator with the victim – Bismil Miyan is Fatima khatoon's daughter's father-in-law

**Background and events related to targeting** – 2 years back, when Sabina Khatoon got married, her mother Fatima Khatoon sent sweets and fruits to Sabina's house. Everyone in Sabina's marital home enjoyed the sweets. After few days, Sabina's husband's elder brother's son fell sick. Sabina's father-in-law put the entire blame on Fatima for sending sweets that were especially prepared with evil intention. He labelled Fatima a witch and to take revenge from her he and his entire family started physically and mentally torturing Sabina. When Sabina conceived a baby, they sent her back to Fatima's house.



Sabina is still living with Fatima, her in-laws do not even let her communicate with her husband because they believe that Fatima can send a ghost in their family through mobile phone call. According to Fatima, she was labelled just as an excuse for torturing her daughter.

**Social, community and other dynamics** – Fatima’s family is in support of her and is trying to convince Sabina’s marital family that Fatima is not a witch. Fatima’s neighbours are indifferent and they do not have any complaints against.

**Consequences and impacts** – She was labelled a witch. There was no torture or violence against Fatima, but her daughter was tortured, battered and now has been evicted from her marital home.

Fatima is just concerned about the future of her other daughters because their marriages might be difficult due to her labelling. She is also worried about Sabina spending the rest of her life alone.

**Role of State** – Fatima has not approached any authority for intervention so far. Her friends in Mahila Samakhya advise her to take legal action against the perpetrators, but she has not taken any action so far.

## Case 8 [Code – (BIH) VIII]

### Victim

- |   |   |
|---|---|
| i. Name of the victim – Seema Devi              | vi. Primary occupation – Agriculture  |
| ii. Sex – Female                                | vii. Secondary occupation – Husband works as a fruit carrier in Navada district |
| iii. Age – Between 30 and 40                    | viii. Number of children – 3 boys, 0 girls                                      |
| iv. Marital status – Married                    | ix. Caste – Mandal (OBC)  |
| v. Educational background – No formal education |   |

### Instigator/Perpetrator

- i. Main instigators/perpetrators – Saroj Mandal and his wife Phooli Devi
- ii. Relation of the instigators with the victim – Marital relation (the accused is the son of survivor’s Husband’s father’s brother)

**Background and events related to targeting** – In 2006, Seema Devi’s husband’s uncle’ grand-daughter caught seasonal fever. For proper diagnosis, her family took her to the district hospital. Seema Devi’s husband Shyamal Mandal also accompanied them to the city. The same day Seema Devi’s son got bitten by a scorpion. Since her husband had gone to the city, the fellow villagers took her son to a local doctor but his condition did not improve. Shyamal Mandal returned to the village and he immediately took his son to Khaira Hospital. The condition of his son did not improve, so he decided to offer prayers to goddess . The next morning his son gained consciousness.

Upon returning, they came to know that the girl Shyamal Mandal had taken to district hospital succumbed to the illness. Her parents turned hostile toward Shyamal Mandal’s family. They started blaming his wife Seema Devi (survivor) and labelled her as a witch. They held her responsible for consuming the life force of their daughter to treat her own son.

According to Seema, the accusers used the death of their daughter to gain sympathy from the villagers and to instigate them against her. The accuser had planned to take over the entire house by rooting out Seema Devi’s family from the village. The two families live together in a joint household. The perpetrator’s family demanded money to call an Ojha to treat their daughter and remove evil forces from the house. Initially, Seema Devi contributed some money to pay the Ojha but refused when she was asked for more. Her refusal outraged the accuser and his family.

**Social, community and other dynamics** – The entire family supported Seema Devi. They tried their best to protect her when the perpetrator and other villagers who attacked her with an intention to kill her. The accusers and instigated villagers broke the husband’s hand by hitting a iron rod when he tried to save the survivor. While saving the survivor, the father in law sustained a head injury and was grievously injured. Brother-in-law of Victim also sustained injuries in his hands while protecting the victim.



However her neighbours contributed to the targetting and became suspicious of her. Some neighbours urged the crowd to break Seema's limbs, others urged them to kill her and some talked about banishing her along with her family from the village.

**Consequences and impacts** – She was verbally abused and threatened. She was beaten up with lathis till she lost consciousness. The villagers warned the local doctor that in case he offered medicine and treatment to Seema Devi, he would be fined.

The perpetrator and other villagers do not let her work in her own field. Her access to the public water tap and other common resources in the village has also been restricted. Her family is not allowed to work as labourers in others' field.

**Role of the State** – Seema's husband's younger brother asked the Sarpanch to intervene but there was no action taken from the sarpanch's side.

Seema registered an FIR at Khaira police station under the Dayan Act and the matter is before the court. In the later years some relatives and community members proposed a compromise so she has taken back the case against one of the perpetrators but the case against the other one is still in the court. Seema's family is facing pressure from their community to take back the case.

## Case 9 [Code - (BIH) IX]

### Victim

- |                                |   |
|--------------------------------|---|
| i. Victim's name – Kamini Devi | v. Education – No formal education              |
| ii. Sex – Female               | vi. Caste – kahar (OBC)                         |
| iii. Age – Between 40 and 50   | vii. Number of children – 4 sons and 1 daughter |
| iv. Marital status – Widow     |   |

### Instigators/perpetrators

- i. Name of the instigator – Sujay Ram was the main instigator.
- ii. Relationship between victim and perpetrator – Kamini Devi was related to Sujay Ram and his family by marriage. In the past she had a friendly relation with the instigators.

**Background and events related to targetting** – Four years ago, Kamini's daughter passed away due to some illness. At that time her marital relatives had spread a rumour among the villagers that Kamini Devi practiced witch-craft and had killed her own daughter to attain powers of a witch.

The other angle of this case is that Kamini's marital home is situated on the bank of a small waterway, which is of immense monetary value. Her Husband's father's brothers (including Sujay Ram) wanted Kamini's family to leave the land so they used the rumour about Kamini being a witch by labelling her in public. This would force her family to leave the place out of shame.

In January 2013, her eldest son started behaving hysterically. Everyone advised Kamini to take her son to a female Baiga in the nearby village. Bhagatain told Kamini to take her son to the bank of Ganges for treatment. Her relatives (the perpetrators including Sujay Ram) and bhagatain also accompanied Kamini for the pilgrimage. Kamini fainted at the railway station, when she gained her consciousness she found herself in an unfamiliar setting. She was then physically abused. Her husband was present at the site of incident, but he did not oppose the perpetrators. He felt insulted and left the place, next day Kamini came to know that her husband's dead body was found in the village. His body was burnt before Kamini and other relatives could reach the village.

According to the perpetrators, Kamini Devi was labelled because she was a witch and she had used her witchcraft to kill her own daughter. However the real reason for the labelling was that the perpetrators wanted Kamini Devi's family to leave the village so that they could capture their land for themselves.

**Social, community and other dynamics** – Her marital family was in her support, but could not do anything because the bhagatain identified her in public in presence of distant relatives and the atrocities were inflicted on Kamini in the name of exorcizing the witch from her. They could not protect her from the violence.

**Consequences and impacts** – She was labelled a witch and was verbally abused and physically assaulted by the perpetrators. She was slapped in her face more than fifty times, her nose was rubbed on the ground. She was made to lick the spit on the ground.

After the death of Kamini Devi's husband died under mysterious circumstances she has suffered great mental trauma. He was the sole earning member of her family and as a result of his death they don't have any sources of income and are living in financial crisis.

The community members stare at her with hatred and they are suspicious of her and started hiding their children when she was around. The entire family has been restricted due to this approach of the villagers.

**Role of the State** – The case never reached any state authorities.

## Case 10 [Code – (BIH) X]

### Victim

- |                              |  |
|------------------------------|--|
| i. Name – Jumna Devi         | vi. Main occupation – Making bamboo baskets          |
| ii. Sex – Female             | vii. Secondary occupation – occasional casual labour |
| iii. Age – 42 years          | viii. Number of children – 2 boys and 1 girl         |
| iv. Marital status – Married | ix. Education – No formal education                  |
| v. Caste – Toori (SC)        |  |

### Instigator/ Perpetrator

- i. Name of main instigator – Harihar Toori (Jumna's nephew) and Vishal Toori's. Their family and other relatives.
- ii. Relationship between victim and perpetrator – Harihar Toori is son of Jumna Devi's husband's sister, Vishal Toori is her neighbor.

**Background and events related to targeting** - Four years ago Harihar Toori went to Jumna's house at mid-night when was alone at home and asked her to bake potatoes. Jumna did not come out of the room and told him to use the earthen oven in the courtyard. Harihar then asked her for sexual favours from Jumna. Jumna became angry and asked Harihar to leave who however threatened her with serious consequences.

After that incident Harihar's son passed away due to malnutrition for which Harihar blamed Jumna. He accused her for killing his son by the use of witch craft. After few days Vishal Toori's (Jumna's neighbour ) wife met with an accident in which she broke her back bone for which he blamed Jumna and he and his family attacked her. He also filed a case against Jumna claiming that she tried to steal something from his house.

According to Jumna, her nephew Harihar Toori labelled her because she denied him sexual advances. Her immediate neighbour Vishal Toori took advantage of the situation; he re-labelled her in order to grab her land.

**Social, community and other dynamics** – Her family members were supportive of her. Her husband and sons tried to protect her from the physical assault but could not do much. The neighbours supported the instigators and contributed in the targeting.

**Consequences and impact** – Jumna was hit with wooden rods and smeared with red chilli powder on wounds and chilli powder in her eyes. Jumna is fighting the case which was filed against her and she had to sell a tree from her husband's farm to bribe the police. One of the perpetrators also grabbed a portion of Jumna's courtyard.

She and her husband did not step out of house because of fear and trauma for more than a month. This adversely affected their financial condition as they are daily wage labourers. She feels humiliated and traumatized

**Role of state** – The case never reached any of the state authorities.

## Case 11 [Code – (BIH) XI]

### Victim

- |                              |  |
|------------------------------|--|
| i. Name – Reema Devi         | vi. Educational background – Between 5 <sup>th</sup> – 10 <sup>th</sup> Standard |
| ii. Sex – Female             | vii. Main Occupation – Agriculture   |
| iii. Age – 20+               | viii. Secondary Occupation – Casual labour in Delhi and Gujrat                   |
| iv. Marital Status – Married | ix. Number of children – 1 daughter, 1 son                                       |
| v. Caste – OBC               |  |

### Instigator/Perpetrator

- i. Chief instigators: Victims's brother's wife's, her husband's father, husband's father's brother's wife

**Background and events** – First incident – Reema was first targetted when she was 14 years old. She had observed austerities during the month of Kartik (october-november) and within 6 months, her brother's son, sister, younger brother, mother's mother and a bull died. Her elder brother's wife alleged that Reema had learnt witchcraft during Kartik month and then practiced it on her family members.

Second incident – Reema's marriage was arranged with great difficulty since the villagers had told her prospective marital family about her alleged engagement in witchcraft. After marriage, Reema's father-in-law (who did not like her) asked her husband to get a second wife who however refused to get married for a second time since he did not believe that Reema was a witch. Reema's father-in-law evicted them from the house without giving them their share of the family property and they moved to Gujrat.

Third incident – Reema and her husband moved back to the village upon hearing of her father-in-law's demise. However her husband had to leave again for work since agricultural income wasn't sufficient. Out of grief one day she started digging the tombstone of her son who had died of a seasonal illness five years ago. This again raised the villagers' suspicions and her father-in-law's brother's wife accused her of killing her own son by practising witch craft.

According to Reema the reason for labelling in the first two instances was superstition while in the third case the instigator (her father-in-law's brother's wife) was using Reema's vulnerability to settle scores since she and her husband did not like Reema.

**Social, community and other dynamics** – Reema's family members had different reactions. When she was first labelled at the age of 14 her mother became suspicious of her and blamed her for the death of her siblings and relatives while her father remained supportive of her.

After getting married, in her marital family, her father-in-law always taunted her while her husband and mother-in-law were supportive.

Her neighbours became suspicious of her, mentally tortured her by commenting and calling her names and did not help her at all.

**Consequences and impact** – Reema was labelled a witch and abused. She faced mental trauma due to the stigmatisation the villagers had subjected her to and especially since she was accused of killing her own son.

At the time of the second incident, Reema and her husband were evicted from their home by Reema's father-in-law. They were forced to go to Gujrat without getting a fair share of the family property.

**Role of the State** – At the time of the third incident Reema called a panchayat, but perpetrators bribed the panchayat members and so her case was not heard. There was no intervention by any other state authority.

## Case 12 [Code – (BIH) XII]

### Victim

- |                              |                                    |
|------------------------------|------------------------------------|
| i. Name – Sunita Devi        | v. Education – No formal education |
| ii. Sex – Female             | vi. Occupation – Casual labour     |
| iii. Age – Between 30 and 40 | vii. Children – 4 daughters        |
| iv. Marital Status – Married |                                    |

## Instigator/Perpetrator

- i. Name of Instigators/Perpetrators – Ojha, Rajesh Ram and Minu Kumari
- ii. Relationship of victim with perpetrator – Rajesh Ram is Sunita Devi's husband's brother and Minu Kumari is his wife

**Background related to and events targeting** – Sunita Devi's husband's elder brother's daughter Rina Devi was facing difficulty in conceiving a baby. Her in-laws asked an ojha to do some jhaar-phoonk and cure her. The ojha told them that once while Rina Devi was collecting burning ambers from Sunita Devi's chullah to fill her grandmother's hukka, an ant bit Rina Devi. The Ojha said that the ant had an evil spell on it and that is the reason why Rina Devi was not able to conceive. The Ojha claimed that Sunita Devi had cast that spell.

Rina Devi's parents verbally abused Sunita Devi and accused her. Such allegations went on for more than three years.

Sunita Devi said that she had a dispute with the perpetrators over constructing a drain that could channelize the used water from the families. The Panchayat decided that both families should give equal portions from their land for the construction of the drain. In January 2013, both families had a fight over the drain. This was the same time when Rina Devi came to her natal home. Rina's arrival made the fight serious as Sunita Devi was accused of her infertility.

**Social, community and other dynamics** – Her husband defended her from the accusations which were being levelled against her. Her children were too young to take part in the incident. The neighbours helped her and intervened in the fight and supported Sunita Devi.

**Consequences and impacts** – Sunita Devi was labelled a witch and verbally abused. Physical violence was attempted on her in the incident that took place in 2013 but she was saved by the other villagers.

**Role of the State** – The case never reached any state authorities.

## Case 13 [Code – (BIH) XIII]

### Victim

- i. Name of the victim – Champa Devi
- ii. Sex – Female
- iii. Age – 60+
- iv. Marital status – married
- v. Caste – Dhobi (OBC)
- vi. Main Occupation – Agriculture
- vii. Secondary Occupation – Husband is a rickshaw puller
- viii. Number of children – 1 daughter, 2 sons
- ix. Education – No formal education

### Perpetrator/Instigator

- i. Name of the chief perpetrator – Jheena Rajak
- ii. Relationship between the victim and the perpetrator – Jheena Rajak is Champa Devi's son

**Background and Events Relating to Targeting** – Champa Devi's grandson, Badri Rajak (Jheena Rajak's son) was very ill. Instead of being given medical treatment he was taken to a quack. Jheena Rajak blamed Champa for this illness. He accused Champa of practicing witch-craft and got into a verbal fight with her. He took his mother to an ojha who identified her as a witch.

According to Champa she was labelled over a land dispute.

**Social, Community and Other Dynamics** – Champa's family members had different reactions. Her elder son and his son were the main instigators; her younger son Rajeshwar is mentally unwell so he could not do anything. Rajeshwar and his wife started living separately with Champa after the incident.

The neighbours contributed to her targeting and became suspicious of her. Whenever Champa's son and other relatives verbally abused and physically tortured her, the neighbours also contributed in name calling. Only one or two neighbours spoke on her behalf.

The community members became suspicious of her. People from Yadav and Manjhi community hide their children from her, spit on the road if she happens to cross their way and verbally abuse her. Usually people just watch, when sometimes the fight gets serious some of them turn their faces and others advise that the issue should be taken to the Panch of the village.

**Consequences and Impact** – She was taken to an ojha for jhaar phunk and he verified Champa as a *dayan*. He interrogated her and while hitting her, brutally pulled her hair, thrashed her head on the ground, and forced her to admit that she is a *dayan*. She was also verbally abused and physically violated by her relatives and neighbours. Champa was tied to a tree and brutally beaten up with wooden rods. She suffered grave injuries due to the beating.

Her economic situation became worse after the labeling. Her husband's ancestral property and the other acquired and purchased property was grabbed by Jheena Rajak. She had to sell some of her land for treatment.

Most villagers do not talk to her and she is alone, be it in her field or in the house. Only a few women who are her relatives talk to her.

**Role of State** – Champa registered a FIR but she does not know about the specific provisions. The police has not been able to gather witnesses in the case and so the case has not gone beyond the investigation level.

## Case 14 [Code – (BIH) XIV]

### Victim

- |  |   |
|--|---|
| i. Name of the victim – Kamli Devi             | vi. Main Occupation – None (earlier it was Casual labour) |
| ii. Sex – Female                               | vii. Secondary Occupation – None                          |
| iii. Age – 45                                  | viii. Number of children – 1 son                          |
| iv. Marital status – Separated from her spouse | ix. Education – No formal education                       |
| v. Caste – Manjhi (SC)                         |   |

### Perpetrator/Instigator

- i. Name of the chief perpetrator – Falgun Manjhi
- ii. Relationship between the victim and the perpetrator – Relative (he is victims's father's younger brother's son)

**Background and Events Relating to Targeting** – Kamli Devi's husband left her after one year of marriage. She had a son and she stayed in her natal home. Her father transferred his land and house in her name because he had no sons and the other 2 daughters were married. She brought some more land (1 kattha) from the income she had accumulated through her casual labour.

Five years ago, one day she told Falgun Manjhi's son to not eat his food facing south. A few days he died of a stomach illness. Falgun Manjhi blamed Kamli Devi for his son's death. He placed his son's body in front of her house and assaulted her.

According to Kamli Devi she was targetted because Falgun Manjhi knew that she had land and property in her name and was jealous of her.

**Social, Community and Other Dynamics** – Kamli Devi's father is really old and couldn't do much to protect her. He got scared and left the village and is now living with his 2 other daughters. The neighbours became suspicious of her and contributed to the targeting.

**Consequences and Impact** – She was verbally abused and was beaten up. She was beaten up, her hair was pulled, and she was threatened with torture and death. She was threatened by the perpetrators with death. The perpetrators ransacked all her movable property, and broke her one room house.

She lost her livelihood and now lives on the mercy of the Sarpanch, who has given shelter to her, but takes her services day and night without giving her any money in return.

She still has 2 kattha land but she cannot cultivate it or protect it from being grabbed because she might get attacked in the village again. She does not have much access to common property and resources. Her son does not visit her often because he is afraid of being attacked himself.

**Role of State** – At the time of labelling, Kamli approached the serving Sarpanch, he warned the perpetrators of legal consequences and gave shelter to Kamli in his house. At present Kamli Devi is a domestic help in his house. He did not do anything to secure her rights and took advantage of her situation by taking domestic service from her without paying any wages to her. Kamli Devi, being completely helpless and alone, did not approach any other authority.

## Case 15 [Code – (BIH) XV]

### Victim

- i. Name of the victim – Nazra Khatoon
- ii. Sex – Female
- iii. Age – Between 40 – 50
- iv. Marital status – Married
- v. Caste – Muslim (others)
- vi. Main Occupation – Agriculture and beedi making
- vii. Secondary Occupation – 3 of her sons work as cobblers in Kolkata
- viii. Number of children – 3 daughters, 4 sons
- ix. Education – No formal education

### Perpetrator/Instigator

- i. Name of the chief perpetrator – Mahdi Miyan, Baldev Shah
- ii. Relationship between the victim and the perpetrator – Mahdi Miyan is a Relative (husband's father's younger brother) and Baldev Shah is a fellow villager

**Background and Events Relating to Targeting** – First Event – Mahdi Miyan's grand-son had fallen sick and he publically alleged that Nazra had cast an evil spell on his grandson due to which he was suffering from high fever. He pronounced abuses and hit Nazra and threatened to kill Nazra if she did not cure the child.

Second Event – During the time of the holy month of Ramdan, Nazra told Baldev Shah while he was having lunch that she would have eaten his food, had it not been her fast. Same day, in the evening, Baldev had a bout of diarrhea and he blamed Nazra for his condition. He verbally abused Nazra and climbed on the roof rafter of her house and broke it.

Third Event – Once during summer, Nazra and her fellow villagers had gone to collect mangoes. There Mahdi Miyan took up a fight with Nazra over the distribution of mangoes. After that day, Mahdi Miyan observed that his three month old grandson had stopped taking breast feed since he had the fight with Nazra. He again alleged that Nazra is a witch who should be taken to an Ojha for verification. He verbally abused and got into a physical fight. He warned Nazra not to step out of her house or he would kill her.

Fourth Event – After few days, Nazra's elder son's wife Ameeri had a miscarriage and Nazra's buffalo and its calf died. Ameri held Nazra responsible for the loss. Ameri and few neighbours verbally abused Nazra and had a physical fight with her.

**Social, Community and Other Dynamics** – Nazra's husband and children were very supportive but her daughter-in-law was involved in the labelling. The neighbours contributed to her targetting. They believed the instigator and participated in verbally and physically abusing her. After labelling her, the community members started to tease and mock her.

**Consequences and Impact** – She was verbally abused and neighbours broke the roof rafter (wooden) of Nazra's mud house. She was beaten up on innumerable instances.

Her access to common property and resources has been restricted in the village. The panchayat has ordered her not to use the common hand pump in the village. She also had to pay Rs 1500 to the Panchayat.

**Role of State** – Mahdi Miyan approached Panchayat and the members levied a fine on both the parties. Mahdi Miyan had to pay a fine of Rs. 500, and Nazra had to pay Rs. 1500. Panchayat also prohibited Nazra from using Government hand-pump.



## Case 16 [Code – (BIH) XVI]

### Victim

- |   |   |
|---|---|
| i. Name of the victim – Pushpa Devi                     | come – Husband sells newspaper in Asansol, West Bengal and her sons work in a steel plant in Durgapur |
| ii. Sex – Female  |   |
| iii. Age – Between 50 - 60                              |   |
| iv. Marital status – Married                            | vii. Secondary Occupation – Agriculture, Cultivation of seasonal crop                                 |
| v. Caste – Saav (OBC)                                   | viii. Number of children – 2 daughters, 2 sons  |
| vi. Main Occupation – Primary source of family's income | ix. Education – No formal education   |

### Perpetrator/Instigator

- i. Name of the chief perpetrator – Bina Devi
- ii. Relationship between the victim and the perpetrator – Distant relative (Marital family)

**Background and Events Relating to Targeting** – Pushpa Devi's husband's younger brother's son once picked an eggplant from Bina Devi's farm for which he was scolded by Bina Devi. This angered Pushpa Devi and she got into a verbal fight with Bina Devi. She lost her temper and cursed Bina Devi that she will soon hear a terrible news. Ten days later Bina Devi's son passed away. It appears that Bina's son had pneumonia and he died because he did not get proper treatment. However Bina Devi recalled Pushpa's curse and started calling her a witch.

Most of the villagers believed Bina Devi and started supporting her. A panchayat meeting was called where it was decided that both parties will go to an ojha for deciding on the issue. Ten people from each party and twenty villagers went to see the ojha and he identified Pushpa Devi.

**Social, Community and Other Dynamics** – All the family members supported her. They refuted the ojha's proclamation and did not believe Bina Devi's allegations. However, some neighbors believed that Bina's son died due to Pushpa's curse. They supported Bina and joined hands with Bina and her family to inflict physical violence on Pushpa. Other neighbors intervened in the fight, they advised both parties to sort out the problem through a dialogue. When the perpetrators did not agree to talk, the neighbours advised Pushpa and her family to report the incident to the police.

Most of the community members were supporting Bina and her family. They were agitated after the ojha confirmed that Pushpa was a witch and wanted to kill Pushpa.

**Consequences and Impact** – She was verbally abused and assaulted by community members, who were supporting Bina Devi. They even wanted to kill Pushpa Devi after her identification. Pushpa locked herself in her house and ran away from the back door thus avoiding the possible violence which would have been inflicted on her.

**Role of State** – In the initial stage a Panchayat meeting was called where it was recommended that an ojha should be consulted for confirming if Pushpa Devi is a witch. After Pushpa was identified as a witch by the ojha the villagers became enraged and wanted to physically assault her. She somehow escaped from her house and reported the whole incident to the police. The police registered an FIR under Prevention of witch hunting Act, 1999. The case was in the court at the time of the study.

# Jharkhand

## Case 1 [Code – (JH) I]

### Victim

- i. Name of the victim – Rami Oraon
- ii. Sex – Female
- iii. Age – 55 +
- iv. Marital status – Married
- v. Caste – Oraon Tribe (Scheduled Tribe)
- vi. Main Occupation – Agriculture
- vii. Secondary Occupation – Daily wage labor
- viii. Number of children – 4 daughters, 2 sons
- ix. Education – No formal education

### Perpetrator/Instigator

- i. Name of the accused – Balu, Nathuram and Birju
- ii. Relationship between the victim and the accused – The accused were the cousins of the victim's husband

**Background and Events Relating to Targeting** – Rami belonged to a prosperous family with agricultural land, but was married into a poor household. With her hard work and assistance from her father and brothers she improved the financial condition of her marital family. She used to work on her husband's land, in addition to working on the land of other villagers as a share-cropper.

Rami's husband's cousins, namely, Balu, Nathuram and Birju could not bear her progress and increasing economic prosperity. They used to disparage her for working like a 'man in the field' and accused her of possessing powers of a witch. Rami moved out of her matrimonial home along with her husband and children. She constructed a house on government land with the permission of Ranger and Circle Officer, and moved there with her family. After some time Balu also constructed his house on the land near Rami's house. Balu's house obstructed the road to village. So villagers started using Rami's courtyard as a passage to the village. She disallowed public usage of her land, and this led to a confrontation between her and the accused. The accused even filed a case against Rami of 'blocking the common passage'. They destroyed her ginger field and attempted to kill her with an axe. They vandalized her house and destroyed her property documents. They further instigated the villagers against her by claiming that the illness of Balu's child was on account of witch craft performed by Rami. Gradually the villagers began calling her a witch, which led to her eventual ostracism.

**Social, Community and Other Dynamics** – The instigators were influential persons, who had links with the local political leaders and splinter groups (Naxal groups). Nobody overtly supported Rami or speaks to her in public, for the fear of attracting the ire of the instigators. Rami's father and brothers, who were initially supportive of her, had tried to discuss the matter in a village meeting. But due to the pressure exerted by Balu, Nathuram and Birju, no one was willing to speak and the discussion shifted to other issues on the agenda. Similarly following the attack on Rami by Balu and others, she filed a complaint at the local police station. When the police came to the village, no one deposed before the police against Balu. But even though the villagers did not actively support Rami, they did not join Balu in persecuting Rami either. It is only due to their lack of active support that they did not succeed in killing her. She was attacked with Axe, lathi and stones. She was bleeding from her head.

**Consequences and Impact** – Rami was tagged as a witch and physically assaulted. She also suffered loss of prosperity in terms of family income and social security. Her sole source of livelihood, agriculture has been adversely affected. In distress they sold their livestock and withdrew the financial deposits. Now they have no savings in the bank. Her in-laws and villagers conspired to bar her access to government programmes at the village level. Rami has no access to public spaces, hand pump and irrigation well. She has to go to adjacent village to fetch water.

Rami's daughters blame her for the deterioration in the condition of the family. The daughters fear that their mother's stigma will follow them. Two of the daughters were unable to have a respectable marriage on account of the mother being labeled as a 'witch'. They had to run away and enter into a 'dhuku' or a local form of live-in relationship.

Her systemic isolation combined with widespread belief in witch-craft in the community has resulted in a situation where even her family members have started wondering if Rami is indeed a witch.



**Role of the State** – The instigators were influential people and so the issue was not even discussed in the Panchayat meeting. Rami did not receive any substantial help from the Police. She was discouraged whenever she went to register a complaint against the perpetrators at the police station. The police came to village only once after she was attacked with an axe and her daughters were beaten up. But that time no one from the village spoke against the instigators, and hence the police stopped intervening in the matter. With the support of Women's Helpline, Rami filed a case against the perpetrators. The lower court ordered in her favour and the three perpetrators were arrested. But they started harassing her again when they were released after serving their sentence.

## Case 2 [Code – (JH) II]

### Victim

- |  |   |
|--|---|
| i. Name of the victim – Radha Devi and her husband<br>Bandhan Gope | v. Education – No formal education                    |
| ii. Sex – Radha – Female, Bandhan – Male                           | vi. Caste – Ahir (OBC)                                |
| iii. Age – 55+   | vii. Number of children – 5 daughters, 2 sons         |
| iv. Marital status – Married                                       | viii. Main Occupation – Agriculture, Animal husbandry |
|  | ix. Secondary Occupation – daily wage labor           |

### Perpetrator/Instigator

- i. Name of the Accused – Ranojay Singh
- ii. Relationship between the Victim and the Accused – Neighbours, The daughter-in-law of the accused lost her job to the daughter-in-law of the victims.

**Background and Events Relating to Targeting** – Radha and Bandhan are an old couple, who primarily work as agricultural laborers. Following a series of deaths in the village, both of them were declared as witches by the villagers. In this, the leadership to the villagers was provided by one Ranojay Singh, who was an influential Upper Caste political leader. There had been a discord between Ranojay Singh and Radha's family. Ranojay Singh's daughter-in-law had been the Convener of the Mother's Committee in the local government school. She was removed from that position following proved allegations of financial embezzlement against her. In her place, Radha's daughter-in-law, Rameshwari, was elected. After some time, she was also elected as the President of the Village Self Help Group, run by the ICDS. Ranojay Singh reportedly asked her for Rs. 25,000 in return of the position of President or to give it up. This was refused by Radha and her family. This angered Ranojay Singh and he threatened the entire family with dire consequences.

When a number of deaths took place in the village in quick succession during September-October 2011, Ranojay Singh used it as an opportunity to take his revenge. A large number of villagers under his leadership went to a neighboring village to consult a sorcerer. The sorcerer declared to nearly 150 villagers who had gone there, that Radha and Bandhan were witches and that they were responsible for the deaths. After the people returned to the village, a meeting was called, where Radha and Bandhan were asked to come. In front of the entire village, both of them were declared as witches. They were physically assaulted and forced to drink the blood of a cat. Their daughter-in-law, Rameshwari tried to defend them. But attempts were made to strip her clothes as well but her husband intervened and saved her. The Gram Pradhan asked the family to pay a fine of Rs. 1, 25,000 to the village for causing harm through their witchcraft. Ultimately the family borrowed the money and paid the fine in two installments. After that incident Radha and Bandhan fled the village. Villagers have threatened to kill them, if they are even sighted near the village.

**Social, Community and Other Dynamics** – The instigator is a powerful person from an upper caste and thus was able to secure complete support of the community. Nobody from the community supported the couple and their family. Most of the villagers actively joined hands with the instigator in labeling them. Whereas others participated by contributing fees for the sorcerer and staying neutral throughout the process of targeting.

**Consequences and Impact** – The couple was accused of practicing witch-craft and were physically assaulted. The couple was physically assaulted and was forced to drink the blood of a cat. Their daughter-in-law tried to defend them but the villagers attempted to strip her clothes as well but her husband intervened and saved her.

They were also forced to pay a hefty fine. The couple and their family is facing immensely adverse repercussions of the labeling. Attacks were also made on the daughter-in-law and the community members publicly tried to humiliate Rameshwari. She was also removed from the post of the Convener and In-charge of mid-day meal pro-

gramme. Radha's son had to sell all the possessions of the family to gather the money for the fine. The family has incurred debt and is now left only with a broken kachha house.

Radha and Bandhan were also driven out from their own village and were threatened with death if they ever go back to the village. Therefore, the couple has been living at their daughters' marital homes in rotation and some-time with their relatives who stay in nearby villages.

The son and daughter-in-law, who continue to stay in the same village, are socially isolated. They are forbidden from using the community resources like hand pump and are not allowed to participate in any kind of social gathering. The grand-children of the couple have stopped going to school because they were being teased by their peers in school for the labeling of their grand-parents.

**Role of the State** – The Panchayat actively participated in labeling the couple. The Gram Pradhan himself read out the order imposing a fine of Rs. 1,25,000 on Radha's family. The couple went to the local police station, but police refused to register the complaint against the instigator and villagers. She was also threatened that if any external support was taken they would face death. Therefore the family kept quiet.

### Case 3 [Code – (JH) III]

#### Victim

- |                                      |   |
|--------------------------------------|---|
| i. Name of the victim – Mariam Oraon | vi. Caste – Oraon (Scheduled tribe)                                     |
| ii. Sex – Female                     | vii. Number of children – 2 sons and 2 daughters                        |
| iii. Age – Between 50 and 60         | viii. Main occupation – Agriculture                                     |
| iv. Marital status – Married         | ix. Secondary occupation – Husband works in brick kilns for six months. |
| v. Education – No formal education   |   |

#### Perpetrator/Instigator

- i. Name of the Instigator – Basi Oraon
- ii. Relationship between the Victim and the Accused – The instigator was the victim's husband's brother's wife

**Background and Events Relating to Targeting** – Mariam Oraon was labeled as a witch by her husband's brother's wife, Basi Oraon, following two deaths in the community. Since then everyone in the village calls her a witch. Recently she has also been blamed by her own son, for the death of her grandson. The hidden reason however, seems to be jealousy over her growing prosperity.

Mariam used to live in a joint family, with her husband, two sons and their families, but maintained a separate kitchen for herself and her husband. The family property had not been partitioned, although the kitchens were separate. Her husband used to go to the city for 6 months to work in a brick kiln. And for the remaining six months he used to cultivate his land in the village. Mariam used to assist her community members in cleaning, husking the harvest etc., in return for grains or money (in Oraon tribe such co-operative work is usual). The income from these sources was more than enough for the couple and they were leading a relatively prosperous and peaceful life in comparison to their sons, relatives and neighbors.

A few years ago, the 15 year old son of her husband's brother died after falling from a tree. Soon after that her husband's brother's wife, who had been a victim of domestic violence for a long time, committed suicide by consuming poison. Mariam was blamed for both the deaths. One day, Basi, the wife of another brother of Mariam's husband claimed to have been possessed by a spirit. Hearing this, the villagers began gathering in her courtyard. In the presence of the villagers, Basi claimed that Mariam was a witch, and that she had eaten the livers of those who had recently died. The villagers then approached an ojha, who also proclaimed Mariam to be a witch. Following this, she was brutally assaulted by the villagers, but was somehow saved by her husband. Again, when her grandson died after prolonged illness, she was held responsible by her son (the boy's father) for the death. The son mobilized the villagers and attempted to kill her. But she was saved due to the timely intervention of an Anganwadi Sevika. Recently Mariam went to attend a function at her daughter's matrimonial home. The son-in-law's sister could not tolerate her presence at an auspicious occasion and attempted to kill her by dousing her with kerosene. However Mariam's daughter and son-in-law saved her.

**Social, Community and Other Dynamics** – The labeling changed the dynamics of the relationship between Mariam and the fellow villagers with whom she and her husband had had very cordial relations. The

same villagers inflicted physical and mental violence on Mariam because her own sons, relatives and the ojha proclaimed her a witch. She fears that the villagers might kill her at the least provocation, such as if some cattle die or crops fail. She was beaten up by the villagers but was saved by local Self help groups and Angan Wadi Se-vika. An attempt was also made to burn her with kerosene oil but she was saved by her daughter and Son-in-law.

**Consequences and Impact of Targeting** – Mariam has not only lost all her wealth that she and her husband had acquired through immense hard work, but has also lost the support of the community members, including her own sons. No labour was allowed to work in their field therefore they could cultivate only in a small part of their field also they stopped getting paid-work in and around the village.

Mariam's husband has stopped going to the city to work to protect her from any further attack. Her sons have taken a major part of land from them and separated. The poor old couple is not capable of cultivating crops in their small piece of land by themselves. Everyone in the village is reluctant to help them or to receive their help in agricultural work. She has sold all her movable possessions to support herself and her husband.

Mariam and her husband have been completely socially ostracized. The villagers consider them to be inauspicious and are scared of any form of proximity with them. Even they are extremely scared that they can be attacked any time by the villagers or by their own son. They are also denied access to the community well, hand pump etc. and hence, they have to fetch drinking water from another village.

**Role of the State** – Mariam did not approach the Police. According to her, in such cases police does not intervene and the decision of the community is recognized as final. Approaching the police would only escalate the harassment and put her at high risk of being killed by the villagers.

## Case 4 [Code – (JH) IV]

### Victim

- |  |  |
|--|--|
| i. Name of the victim – Late Mangari Oraon           | vi. Main Occupation of the family – before labeling-Agriculture, at present surviving on alms. |
| ii. Sex – Female                                     | vii. Secondary Occupation of the family – None   |
| iii. Age – Between 45 and 50 at the time of death    | viii. Number of children – 2 Daughters, 3 Sons   |
| iv. Marital status – was married at time of labeling | ix. Education – No formal education  |
| v. Caste – Oraon (Scheduled Tribe)                   |  |

### Instigator/Perpetrator

- i. Name of the instigator/perpetrator – Sidhana
- ii. Relationship of the victim with the instigator – The perpetrator was the brother of the victim's husband.

**Background and Events Relating to Targeting** – Mangari Oraon's family was the only follower of Sanatan dharm in a Christian dominated village. Her husband Bono Oraon had two brothers, each of them owning 6 acres of ancestral land. One of the brothers being mentally disabled, his share of the land was managed by Bono. The youngest brother, Sidhana became jealous of Bono's control over extra land. Though Sidhana had converted to Christianity, Bono retained the ancestral religion and would regularly perform fire sacrifices in his courtyard. The villagers began to think that he was practicing Tantra. On Saraswati Puja, villagers found some paraphernalia missing from the goddess's alter. Sidhana took the advantage of the situation and instigated the villagers to allege Bono of stealing those objects. Bono was called to a meeting, where he was brutally beaten up with iron rods and bamboos by more than 50 villagers. He survived the injuries due to timely medical attention, but he was so scared that he fled the village. But Mangari stayed back in the village with the children.

Bono stayed in Ranchi for a number of years and then came back to the village with the permission of the village Pradhan. Soon after his return, a villager passed away due to tuberculosis. On his death an Ojha was called who identified Mangari as a witch and held her responsible for the death. After four months of identification, during the Jatra festival, Mangari was dragged by the hair and was produced in village square. Some powerful villagers including Sidhana had summoned every villager to either bring stones and lathis to kill Mangari or pay Rs. 5000 as a fine for refusal to participate. As a result the entire village participated in killing her. Bono and the children were also driven out of the village.

**Social, Community and Other Dynamics** – The different religious practices were dubbed as witchcraft to instill doubt, suspicion and fear in the minds of the largely Christian population of the village. General disap-

proval of non-majority religious practices combined with belief in witchcraft, led to the organised murder of the innocent Mangari and destruction of her once prosperous family.

**Consequences and Impact of Targeting** – Mangari was physically assaulted and tortured. She was finally killed by the active participation of the villagers. Mangari's husband, Bono has been exiled from the village, for the second time based on proclamation by the Ojha. Despite of being the owner of 2 houses and 12 acre irrigated land in his village, he is forced to beg on the streets of Ranchi for survival.

The family cannot even sell or pawn their property because their land is perceived as cursed and no one from the village wants to buy it. However the abandoned property can be easily grabbed by the instigator Sidhana and his family.

**Role of the State** – Mangari's daughter gave a written complaint at the police station but the police refused to register her complaint. After several requests police went to the village but the villagers did not let the police enter the village. Somehow the police managed to arrest some villagers but under political pressure, did not take any action against them. The family was pressurized to withdraw the case Mangari's daughter approached all state authorities she could, but did not receive any support. Her mother's murder remains unacknowledged in the official arena as well as among the villagers.

## Case 5 [Code – (JH) V]

### Victim

- |   |  |
|---|--|
| i. Name of the victim – Late Mano                 | v. Caste – Munda (ST)  |
| ii. Sex – Female                                  | vi. Occupation – Agriculture   |
| iii. Age – Between 50 – 60 (at the time of death) | vii. Number of children – 2 sons   |
| iv. Marital status – Married but separated        | viii. Educational background – Between 5 <sup>th</sup> – 10 <sup>th</sup> standard |

### Perpetrator/Instigator

- i. Name of the chief perpetrator(s) – Sanu, Suma Barla
- ii. Relationship between the victim and perpetrator – Sanu was Mano's ex-husband, Suma was a neighbor.

**Background and events related to targeting** – Suma Barla's 2 daughters died of some illnesses within a time span of 2 years. When the family was taking the second daughter to the hospital Mano had crossed the road. She was a religious lady and an active member of the Church. She used to organize "Changai Sabha" in the village (Christian missionaries organize prayer meetings to cure poor villagers, the word Changai derives from 'changa' meaning perfect well-being, Changai sabha thus means 'prayer meeting for perfect well-being'). Mano has some dispute with her husband Sanu, after which both got separated. Sanu has married another woman and has a daughter with her. Sanu used to disturb Mano and her children. He had spread the rumour that Mano was trying to control the soul for a better result in Changai Sabha. As a result, after her daughter's death, Suma accused Mano. Sanu also came to the village. After opposition from Mano and her family they proposed to go to the ojha.

The villagers went to an Ojha. The ojha after looking into the *dalia* (bamboo basket) identified Mano as a witch. Suma then openly started calling Mano a witch. Suma's husband and her brother attacked Mano, She lost her consciousness which made the perpetrators believe that she died. She regained consciousness, and was taken to the PHC. The PHC staff refused to admit her, because it was a police case. The police was informed but there was no prompt action. In the morning her brother reached the hospital. They created pressure on the police, after which the case got registered and the treatment began. Mano was then referred to the district hospital but she passed away at the PHC.

**Social, community and other dynamics** – Mano's husband was jealous of her because she was getting popular among the masses for organizing 'changai sabha.' He instigated Mano's neighbours (who were mourning over the death of two young children) against her. He manipulated the death of children and used it against Mano.

**Consequences and impacts** – While she was alive Mano had to face verbal abuse and social isolation from the villagers. Mano was beaten by Suma's brother and husband. The community members stopped interacting with her and even the church did not support her.

Mano's son left his job in the neighbouring town and there were no alternative job opportunities in the village. He doesn't get support and cooperation from the villagers for the agricultural work which has adversely affected the family's financial situation.

**Response of the state** – The police acted in a very irresponsible manner in the entire episode. The complaint was not registered in time

which delayed Mano's treatment leading to her death.

## Case 6 [Code – (JH) VI]

### Victim

- |                                     |  |
|-------------------------------------|--|
| i. Name of the victim – Sugiya Devi | v. Caste – Rewtia (ST)                             |
| ii. Sex – Female                    | vi. Occupation – Agriculture, Liquor making        |
| iii. Age – Between 50 – 60          | vii. Number of children – 4 daughters, 1 son       |
| iv. Marital status – Widow          | viii. Educational background – No formal education |

### Perpetrator/Instigator

- Name of the chief perpetrator(s) – 1. Sukan Singh, 2. Chetan Singh, 3. Bhusan Singh
- Relationship between the victim and perpetrator – 1. Neighbour, 2. & 3. Brothers-in-law (cousin)

**Background and events related to targeting** – Sugiya's neighbour Sukan Singh's daughter died due to some illness. When she was ill, she was taken to the faith-healer. However the health condition became worse and she died. After two days of the death, Sukan's wife abused Sugiya loudly without taking her name. She accused Sugiya for the death of her child. Three other women joined her in abusing Sugiya. She then came to know from another neighbour that the Ojha had said that the woman who has kept her burnt husband in her house has killed her daughter.

Sugiya's husband had died while ploughing the field due to a thunderbolt. As per the rituals of Rewtias the dead body is burnt, but in case of the death in thundering the body is buried. Sugiya's husband's body was also buried in the courtyard of their house. This made Sugiya a suspect in the eyes of her neighbours.

Sugiya retaliated when she was abused and her strong retaliation forced the people to keep quite but villagers concluded from her anger and the accidental death of her husband, that she is indeed a witch.

After few days Sugiya's husband's cousin Chetan Singh's son fell ill. He also called Sugiya a witch and abused her verbally.

After few days Bhusan Singh's (Sugiya's Husband's father's brother's elder son) fell sick. He also abused Sugiya. He accused her of sending the ghost of her husband to his house.

The elder daughter of Sugiya opposed it and took the matter to the Gram Sabha. The Panchayat warned Bhusan Singh and passed a written order that he would be fined Rs. 6000 if he would again identify Sugiya as a witch (Dain).

In the following month, a number of villagers of the same habitat fell sick. The villagers went to a Bhagtain (a woman faith-healer). The Bhagta in declared that Sugiya was a Witch .

As the name of the Bhagtain was suggested by Chetan and Bhusan, Sugiya suspects that it might be a pre-planned event. After a few days Sugiya was in the village market and she met Chetan Singh and his daughter. After some time the young girl fainted in the market. Chetan and other villagers started accusing Sugiya for this. After this event the villagers of the adjacent village also started believing that she was a witch.

**Social, community and other dynamics** – Since Sugiya was a widow her relatives held her responsible for the mishaps taking place in the village.

**Consequences and impacts** – Her community (Rewtia) socially boycotted her. She was abused, isolated and discriminated. The overall income of the family was affected as the villagers did not cooperate in agriculture anymore. In the village meeting the decision of imposing a fine on Sugiya was taken. The relatives stopped inviting her to social functions.



**Response of the state** – Sugiya’s elder daughter reported the first incident to the gram sabha. The instigators were warned in the village meeting and a written decision was taken. The instigators stopped accusing Sugiya. After more accusations she approached the Secretary CSS. A village meeting was called and 150 villagers took part in this meeting. The “Panch” after hearing both the parties, briefly described the provisions of “Witchcraft prevention Act”.

Sugiya was not in favour of legal action and instead she demanded a secure and peaceful life. In the village meeting all three main Instigators touched her feet and asked for forgiveness. Everyone agreed to remove the ban on her. The villagers agreed that in future no one will be called a witch.

## Case 7 [Code – (JH) VII]

### Victim

- |  |  |
|--|--|
| i. Name of the victim – Monica Dhanwar | v. Caste – Munda (ST)                              |
| ii. Sex – Female                       | vi. Occupation – Agricultural Labour               |
| iii. Age – Between 50 – 60             | vii. Number of children – 2 daughters              |
| iv. Marital status – Married           | viii. Educational background – No formal education |

### Perpetrator/Instigator

- i. Name of the chief perpetrator(s) – John Dhanwar
- ii. Relationship between the victim and perpetrator – Marital family (step brother-in-law)

**Background and events related to targeting** – Monica Dhanwar’s husband had a step brother, John. The ancestral property was divided equally between both the brothers. However as per the tradition Monica’s husband got more land as a “Bad Hissa”(a piece of land to the elder son). John opposed it and this became an issue of dispute.

John and his wife in spite of all efforts failed to have a boy child. John went to a traditional faith healer. The faith healer said that due to the effect of a bad soul he was not able to have a male child. One day he consumed lot of alcohol and abused Monica and called her a Dian and blamed her for using witch-craft on his wife. John also tried to kill Monica Dhanwar with an axe but she escaped.

**Social, community and other dynamics** – John had problems with his step-brother, yet he targeted his step brother’s wife. Some neighbours informed the couple that John was searching for them with an axe to kill them and hence helped them to escape. The neighbours supported her.

**Consequences and impacts** – Monica was forcibly evicted from the village along with her husband. They left because of the death threats they received from John. While they were in the village, their access to common property and resources was restricted as a consequence of the labelling.

She and her husband lost their source of income, land and resources. They are living with their daughter but soon they realized that their stay would stigmatize their daughter as well. So they moved in a rented house.

**Response of the state** – The survivor did not approach any authority.

## Case 8 [Code – (JH) VIII]

### Victim

- |                                       |  |
|---------------------------------------|--|
| i. Name of the victim – Dima Kerketta | v. Caste – Oraon (ST)                              |
| ii. Sex – Female                      | vi. Occupation – Agricultural Labour               |
| iii. Age – Between 50 – 60            | vii. Number of children – 3 daughters, 2 sons      |
| iv. Marital status – Married          | viii. Educational background – No formal education |

### Perpetrator/Instigator

- i. Name of the chief perpetrator(s) – Basila, Silia
- ii. Relationship between the victim and perpetrator – Marital family (Distant relatives)

**Background and events related to targeting** – 25 yrs ago the father and mother-in-law of Dima were identified as witches by the villagers. Although this labelling did not have any serious consequences, the villagers generally avoided the family. Around 15 years ago, after the death of two people in the village, the villagers branded her in-laws as witches. When their younger son protested, he was killed by the villagers.

After this incident Dima's in-laws ran away from the village. However, she and her husband remained in the village. The villagers came to burn the house which Dima protested against. They were socially excluded in the beginning but gradually the situation became normal.

More recently, one day the Bhandari of the village (the person who informs everyone in the village) informed her that she had been called in a meeting. The meeting was called by Silia Kerketta and her husband Basila Kerketta. On reaching the meeting, she found Basila was carrying an axe. He alleged that Dima was a witch and held her responsible for the illness of Silia. He asked her to reimburse the expenses of the treatment. When Dima refused to give any money and challenged them to prove that she was a witch, Basila attacked her. She was threatened by the villagers.

Dima agreed to go to an Ojha for verification but the villagers asked her to bear the cost of the process. The villagers threatened her that if she would be declared as a witch she would be buried alive. After three months the villagers went to an Ojha and he didn't identify Dima as a Witch.

**Social, community and other dynamics** – Dima's neighbours and the other community members were actively participating in the victimization. Unlike other cases where ojhas take advantage of a woman's vulnerability, in this case the ojha played a positive role. This saved Dima from possible violence.

**Consequences and impacts** – The villagers accused Dima of learning witch-craft from her in-laws. When she protested against the accusation, some villagers taunted her and said that she was talking like men. She was alleged of picking up soil from the foot mark of the villagers and of stealing old clothes for her rituals. Once Basila attacked her and tried to kill her. She was helped by her children. She was threatened with death.

She was forced to leave her home along with her family and move to a new house right outside the village. The villagers continue seeing her and her family with suspicion due to the labelling.

**Response of the state** – Dima's elder daughter approached the panchayat and the instigators were warned. However, nothing much changed after the warnings. The villagers continue to avoid them on every occasion.

## Case 9 [Code – (JH) IX]

### Victim

- |  |  |
|--|--|
| i. Name of the victim – Late Etwari Kerketta | v. Caste – Munda (ST)                              |
| ii. Sex – Female                             | vi. Occupation – Agriculture, Labour               |
| iii. Age – Between 50 – 60                   | vii. Number of children – 1 son                    |
| iv. Marital status – Widow                   | viii. Educational background – No formal education |

### Perpetrator/Instigator

- i. Name of the chief perpetrator(s) – Pratibha and Johanna Kerketta
- ii. Relationship between the victim and perpetrator – Marital family (Husband's uncle's daughters)

**Background and events related to targeting** – Etwari's husband's father's brother Max started constructing a house near hers. One truck stone was unloaded there and she protested and claimed the property. Amin was called to measure the land. After the measurement, Etwari and her husband were declared owners of the piece of land. However no documentation was done. Since then the relationship between the families was adversely affected.

Later on Max's wife became ill, their daughter Johanna, who was a teacher in the village, blamed Etwari and told Etwari's husband's sister that Etwari was a witch and was gradually killing her mother. She shared it with Etwari and the issue was taken to the village Guard. Again the issues of land emerged. Amin was called again and decision was taken in favour of Etwari. Then John's other daughter, Pratibha also continued calling Etwari a witch and she mobilized the villagers against her.

After a few months, there was a marriage in the village. Etwari was sleeping outside her house under a tree. The neighbours noticed Max's sons peeping around Etwari's house and found their activities suspicious but they

thought it was something to do with the marriage ceremony in the village and ignored it. When the neighbours returned from the marriage ceremony at night they found Etwari lying dead on the cot. She was attacked on head by axe. The post-mortem was done in the morning.

**Social, community and other dynamics** – Etwari's marital family was the chief perpetrator. She was attacked by her marital family because she was a widow and it is easier to target women without a male support in the house. The villagers did not participate in the branding but at the same time did not come to protect her.

**Consequences and impacts** – Etwari was killed and her son is in depression.

**Response of the state** – The Panchayat was in favour of Etwari every time there was a land dispute with her marital family. After the murder, a written FIR was lodged by Etwari's son. However, there was no justice because the police did not interrogate the case properly.

## Case 10 [Code - (JH) X]

### Victim

- |                                    |  |
|------------------------------------|--|
| i. Name of the victim – Phulo Devi | v. Caste – Rewtia (ST)                             |
| ii. Sex – Female                   | vi. Occupation – Agriculture, Daily wage labour    |
| iii. Age – Between 30 – 40         | vii. Number of children – 5 daughters              |
| iv. Marital status – Married       | viii. Educational background – No formal education |

### Perpetrator/Instigator

- i. Name of the chief perpetrator(s) – Bhagal Singh, Sundari Devi, Kokila Singh
- ii. Relationship between the victim and perpetrator – Neighbours

**Background and events related to targeting** – Phulo Devi's neighbor, Sundari Devi, fell ill in July 2012. She suffered from fever and headache. Sundari's husband took her to the traditional healers as well as doctors, but the condition of Sundari Devi did not improve. After some time one of his friend suggested that he visit a Bhagat (Faith healer)

The couple visited the Bhagat several times but her health did not improve there too. One day the Bhagat told them that there is a house in the west of their house with a door in the east. He claimed that the woman of that house had used a ghost on Sundari. Indirectly he identified Phulo as a witch.

A village meeting was organized by Sundari Devi's father-in-law. In the meeting he announced that Phulo is a witch. He also declared that Phulo was supposed to serve chicken and pork to the Bhagat in a ritual through which Sundari would get rid of her illness. However, even after Phulo complied, Sundari's condition did not improve.

One day Sundari's husband dragged Phulo into his house and forced her to cure his wife. Somehow Phulo escaped from the house and ran away to her maternal home and stayed there for 20 days.

**Social, community and other dynamics** – Phulo received support from her family but it was her neighbours who suspected her and initiated the attack on her.

**Consequences and impacts** – Phulo was identified as a witch and was socially excluded. She was also temporarily evicted from her marital village. On the pressure of villagers Phulo agreed to serve chicken and pork to the Bhagat. She still lives in a life threatening environment in the village.

**Response of the state** – Police was not informed in the case. The PRI members were informed about the incident and were requested to support Phulo. The Deputy Mukhiya took the lead role and organized a village meeting. In the meeting both parties compromised and Phulo paid the expenses for the rituals.

A compromise was reached based on the following terms - No one in the village would ever be called a witch. Phulo would be never called a witch. If anyone would do so legal action will be taken.



## Case 11 [Code - (JH) XI]

### Victim

- |                                     |  |
|-------------------------------------|--|
| i. Name of the victim – Shila Barla | v. Caste – Munda (ST)                              |
| ii. Sex – Female                    | vi. Occupation – Agriculture/ Faith Healing        |
| iii. Age – Between 50 - 60          | vii. Number of children – none                     |
| iv. Marital status – Widow          | viii. Educational background – No formal education |

### Perpetrator/Instigator

- i. Name of the chief perpetrator(s) – the villagers (no specific person could be identified)
- ii. Relationship between the victim and perpetrator – residents of the same village

**Background and events related to targeting** – Shila was childless and she was also involved in faith healing. She had good relation with everyone in the village but the villagers always kept a safe distance from her. In 2011, on Sohrai (festival on the second day of Diwali), the ceremony of putting stone on the grave of the ancestor was completed in the village. One of the stone was found missing in the evening. The villagers found it near Shila's house. In the evening the villagers celebrated and consumed alcohol. Shila and her husband also consumed alcohol. At night she heard some noise and found that some people were calling her a witch and asking her to come out of house. Then the villagers broke the bamboo stock door and came to attack her with an axe. When Sukhram, her husband, tried to save her, they killed him. They thought that Shila had also died; therefore they went out of the house.

Since the couple had no child, there was no one to inherit their property which might have instigated the perpetrators to grab their land. Also incapability of not being able to bear child is also considered inauspicious which could be one of the reason behind her labeling.

**Social, community and other dynamics** – Shila was branded by the neighbours and they participated in torturing her and killing her husband. She was attacked with an axe and her husband was killed in the attack. Her husband supported her and tried to save her from the perpetrators but was killed in the process.

**Consequences and impacts** – Shila's husband got killed while he tried to protect her. There was no one in her family apart from her husband. She is all alone and her source of income is also now limited, since her husband was the sole bread winner. Source of livelihood i.e. agriculture was adversely affected.. There is no one to take care of her fields and cattle.

**Response of the state** – The police was informed by Shila Barla's neighbor, Albus Barla. She was admitted in the hospital. She got proper medical care. A case was lodged against the unknown people for killing her husband and attempting to kill her. The Police identified it as a case of witch hunting but no sincere efforts were made by them to arrest the killer.

## Case 12 [Code - (JH) XII]

### Victim

- |   |  |
|---|--|
| i. Name of the victim – Late Phulkumari Topno | v. Caste – Munda (ST)                              |
| ii. Sex – Female                              | vi. Occupation – Agriculture, Animal husbandry     |
| iii. Age – Between 30 - 40                    | vii. Number of children – 1 daughter, 3 sons       |
| iv. Marital status – Married                  | viii. Educational background – No formal education |

### Perpetrator/Instigator

- i. Name of the chief perpetrator(s) – Faith healer, Markus
- ii. Relationship between the victim and perpetrator – No relation, Marital family (husband's father's brother)

**Background and events related to targeting** – Phulkumari's husband's paternal uncle's son (Sukhram) fell ill. He was suffering from a pain in the stomach for 8-9 months. He was taken to Ranchi for treatment but the reason was not diagnosed. He was then taken to a faith healer and stated that there was a witch in the village and so justified the suffering of Phulkumari's relative. The faith healer also identified Phulkumari's house as the suspect's house.

A meeting was organized in the Akhra and Phulkumari was declared as a “Najom”(Dain in Mundari language). The villagers asked her to set Sukhiram’s body free. Phulkumari took a loan from the villagers and went to a known Faith healer in Khunti. They spent Rs. 40,000 in rituals for making the body of Sukhiram free. They did everything as desired by the villagers but after one month of this process Phulkumari was killed. Her husband knows the killer but he didn’t articulate his name.

**Social, community and other dynamics** – Phulkumari used to worship her ancestors daily. This was unlike the local practices and therefore villagers started suspecting her. In the process she was targeted and attacked by the villagers. Her husband did not believe in the accusations and supported her but he could not do much to save her.

**Consequences and impacts** – In the process of trying to set free Sukhiram’s body, Phulkumari and her husband sold two big trees and 1.5 decimal land. He also offered chicken and goats to the faith healer and paid for a tempo for the villagers to visit the faith healer. In spite of complying with the demands of the villagers, Phulkumari was ultimately killed.

**Response of the state** – The police was informed about the murder but no action has been taken.

## Case 13 [Code – (JH) XIII]

### Victim

- |                                     |  |
|-------------------------------------|--|
| i. Name of the victim – Savita Devi | v. Caste – Paik (SC)                               |
| ii. Sex – Female                    | vi. Occupation – Agriculture, Labour               |
| iii. Age – Between 50 - 60          | vii. Number of children – 2 sons, 2 daughters      |
| iv. Marital status – Married        | viii. Educational background – No formal education |

### Perpetrator/Instigator

- i. Name of the chief perpetrator(s) – Somu, Sevanti
- ii. Relationship between the victim and perpetrator – Neighbours

**Background and events related to targeting** – Savita’s neighbour, Sevanti Devi fell ill. On consulting a local faith healer they were told that she does not have a disease but an evil spell has been cast on her by the woman residing beside their house. In other words, he identified Savita as a witch.

Sevanti and her husband Somu Singh informed the villagers about this. They started calling her names. Somu insisted that Savita should cure his wife but it was beyond her control. In frustration, Somu decided to kill Savita. He tried to attack her with an axe but Savita was not in the house. He started waiting in the house. After some time when she returned and Somu attacked her. Fortunately Savita’s elder son saved her.

The issue was taken to the village meeting. One Villager asked Savita to leave Sevanti’s body, while other villagers asked Somu to take Sevanti to Doctor.

**Social, community and other dynamics** – The villagers were very easily convinced that Savita was a witch and they participated in the ostracisation process. Savita’s family however supported her and saved her from being killed by Somu.

**Consequences and impacts** – Savita was tagged as a witch and attempts were made by the perpetrator to kill her. She was attacked with an axe. The villagers called her names and isolated her and her family.

**Response of the state** – Savita Devi had approached the Panchayat. A village meeting had been called but Somu did not accept the decision of the village meeting. Savita Devi’ elder son informed the police about the incident but nothing much was done.

## Case 14 [Code - (JH) XIV]

### Victim

- |                                   |  |
|-----------------------------------|--|
| i. Name of the victim – Bimla Dev | v. Caste – OBC – Aheer                             |
| ii. Sex – Female                  | vi. Occupation – Agriculture, Labour               |
| iii. Age – Between 40 - 50        | vii. Number of children – 2 sons, 2 daughters      |
| iv. Marital status – Married      | viii. Educational background – No formal education |

### Perpetrator/Instigator

- i. Name of the chief perpetrator(s) – Rudi Devi, Dewgi Gope
- ii. Relationship between the victim and perpetrator – Marital family (Dewgi is Bimla's husband's uncle's son and Rudi is his wife)

**Background and events related to targeting** – Bimla used to worship regularly and had faith on her ancestral God. When Rudi Devi's son, who was going to Mumbai and was leaving, Bimla called him from behind. Rudi Devi had objected to this as this is considered inauspicious. After some time the son died in Mumbai. The villagers in general and the Bhagat in particular said that this happened due to what Bimla had done when he was leaving.

After a few months, Rudi Devi and Dewgi Gope accused Bimla for the death of their ox and buffalo and called her a witch. Bimla strongly opposed the allegation but Rudi and Dewgi started mobilizing the villagers. They used to link the diseases, accident, loss etc. of the villagers to Bimla's witch-craft. One morning Rudi called Bimla to her home and along with some other villagers started beating her. Someone informed Bimla's husband about this and he came to the site and saved his wife. The couple was also threatened by Dewgi. Bimla and her husband reported the issue to the Police.

**Social, community and other dynamics** – Bimla Devi was branded as a witch by her distant relatives and the villagers were also mobilized by them. Her husband was the only person who completely supported her when the allegations were made and also reported the case to the police.

**Consequences and impacts** – Bimla was beaten up by the perpetrators and other fellow villagers. Her fellow villagers started discriminating against her after she was labeled a witch. She faces stigma, feels vulnerable and fears that she may be attacked. Her social participation has become limited.

**Response of the state** – A FIR was registered against Rudi and Dewnu under section 341/373/504, 34 Witchcraft Act. All three accused were arrested and were sent to Jail. They were in jail for a fortnight.

## Case 15 [Code - (JH) XV]

### Victim

- |                                    |   |
|------------------------------------|---|
| i. Name of the victim – Saro Barla | v. Caste – Oraon (ST)   |
| ii. Sex – Female                   | vi. Occupation – Agriculture, Collection and sale of minor forest produce |
| iii. Age – Between 40 - 50         | vii. Number of children – 1 daughter, 3 sons                              |
| iv. Marital status – Widow         | viii. Educational background – No formal education                        |

### Perpetrator/Instigator

- i. Name of the chief perpetrator(s) – Sibua Barla, Mohan Munda
- ii. Relationship between the victim and perpetrator – Neighbour, Husband's uncle's son

**Background and events related to targeting** – Saro Barla's son, reported that in the year 2007 many animals of the villagers of the same habitat died during the rainy season. The villagers started raising question as to why Saro's livestock was still intact. Saro's husband was suspected as a witch at that first time.

In the year 2008, Saro's husband's father's brother's son and his wife identified Saro's husband as a witch when their died due to illness. In 2010, Saro's husband died and two years later when a villager's bull died, she was held

responsible in a meeting in which an ojha identified her as a witch. There was also a plan to kill her in a public meeting which was however foiled.

**Social, community and other dynamics** – It was due to a misunderstanding on the part of Sibua Barla that the labeling took place. The ojha also played an important role in the targeting as she misguided the instigators and other villagers. Saro Barla identified illiteracy and dearth of awareness in the village as a cause.

**Consequences and impacts** – Her access to common property and resources was restricted to a large extent. The villagers become suspicious. Her relationship with villagers was no longer cordial. It also adversely affected her economically as the villagers started giving preference to others in the group agricultural work.

**Response of the state** – The police was informed by Saro's son and an FIR was registered under section 340 of Witchcraft prevention Act. Police stopped the villagers from conducting any meeting on the issue. Regular visits by the Police helped in controlling the situation.

Community meeting was organized by CSS and counselling of the major stakeholders was conducted. A compromise was reached according to which everyone in the village was forbidden from calling or branding anyone in the village as a witch.

## Case 16 [Code - (JH) XVI]

### Victim

- |                                     |  |
|-------------------------------------|--|
| i. Name of the victim – Rajni Oraon | v. Caste – Oraon, Tana Bhagat (ST)                 |
| ii. Sex – Female                    | vi. Occupation – Agriculture, Labour               |
| iii. Age – Between 50 - 60          | vii. Number of children – 3 daughters, 3 sons      |
| iv. Marital status – Married        | viii. Educational background – No formal education |

### Perpetrator/Instigator

- i. Name of the chief perpetrator(s) – Bala Oraon, Birju Oraon, Bhura Oraon
- ii. Relationship between the victim and perpetrator – Neighbour, Husband's uncle's son, Husband's uncle

**Background and events related to targeting** – There were several incidents of death of cattle in the village when one night Rajni was called for a village meeting. In the meeting Rajni Oraon was held responsible for killing animals using black magic and a fine of Rs. 20,000 was imposed on her. She was asked to deposit the amount within 24 hours. After the meeting, whenever any accident or death took place in the village Bhura tried to link it with Rajni Oraon.

In September 2012 the village was severely affected by diarrhoea. The BDO of the area was instructed to camp in the village. He did so with the medical team. When the mentally challenged daughter of Bala fell sick, he again blamed Rajni for her illness. He called her in his house and forced her to cure the girl by rituals. Next day she was threatened and was forced to leave the village. Then one night Rajni's house was surrounded and villagers were ready to burn their house with other members inside. The police was informed immediately but didn't reach the village. However on the suggestion of the Mukhiya, some people started shouting that the police is coming. The attackers got scared and dispersed.

Jealousy and dispute over property issues were the main reasons for this incident. There was a dispute over land between Rajni's husband, Mangra Oraon and Bhura Oraon. Their father had 2.20 decimal land. He gave 60-60 katha decimal land to his two sons but Mangra got 01 acre land. This became a cause for the dispute. Moreover as Rajni and Mangra don't consume alcohol their financial situation is better than that of the others. This was also a cause for jealousy and a reason behind the labeling. The family of the victim is not originally from the Bondo village. They are actual residents of Puso village which is around 1 km from Bondo village. Their being an outsider also helped in polarization of the villagers easily against them.

**Social, community and other dynamics** – Her neighbours and other community members squarely accused her and victimized her. Her family supported her and her husband thoroughly supported her throughout the victimization.

**Consequences and impacts** – Her house was attacked and she had to leave the village along with her husband. They have to keep changing their residence due to the threat to their lives and they are also not in direct touch with other family members. A fine of Rs 20000 was imposed on them. They had to pay the fine and

an additional Rs. 6000 as interest. Their financial condition was badly affected. They also had to sell the bulls for money and this adversely affected their agricultural work.

**Response of the state** – The female Mukhiya of the village provided shelter to the couple. She took them to the BDO, PS in charge and SSP. They promised to help them. Rajni's son complained to the police and an FIR was registered. The police ensured the safety of the family members within the village. However, they failed to provide long term protection to Rajni and her husband in the village and advised them to live outside for some time. The police arrested the instigators but after facing pressure from the villagers they set the accused free.

## Chattisgarh

### Case 1 [Code – (CH) I]

#### Victim

- |  |  |
|--|--|
| i. Name of the victim – Mina Bai Suryavanshi | vi. Main Occupation – Agriculture  |
| ii. Sex – Female                             | vii. Secondary Occupation – cook in the mid-day meal Programme, Cadre of Bahujan Samajwadi Party (BSP) |
| iii. Age – 55+                               | viii. Number of children – Daughter – 03, Son – 01   |
| iv. Marital status – Married                 | ix. Education - No formal education  |
| v. Caste – Suryavanshi (SC)                  |  |

#### Instigator/Perpetrator

- i. Name of the perpetrator – Rupbai and her husband
- ii. Relationship between the victim and the accused – The perpetrator was the wife of the victim's husband's elder brother.

**Background and Events Relating to Targeting** – The perpetrators took advantage of the death of a child in the neighborhood and turned it into a case of witchcraft. In 2007, Rupbai's neighbour's son had died due to a seasonal illness. Rupbai blamed the child's death on Mina. She said that his condition had worsened after Mina had come to see him. Thus, she labelled her a witch.

However, according to Mina and her husband, the real reason behind the labelling was a property dispute. Mina's husband was adopted by his father's elder brother's wife and thus he inherited her property. After his foster mother's demise, he constructed a house on the inherited land. His elder brother and cousins also staked claim on that land. Though the dispute was among brothers, Mina had to bear the brunt of it.

**Social, Community and Other Dynamics** – Mina's husband along with his second wife did not believe in the accusations. They have given their complete support to Mina. Apart from one distant neighbour who supported her when she was approaching the police to file a complaint, Mina's neighbours did not support her. The community members also did not support her and started viewing her with suspicion.

**Consequences and Impact of targeting** – She was verbally abused and her neighbors have stopped talking to her. People of her community avoid her and prefer to maintain a distance. At the time of her daughter's wedding the community and panchayat intervened in the matter. They asked the relatives and neighbours to resume social interaction till the wedding. But after the wedding the boycott against the family was reinforced. Along with Mina, her family has faced social exclusion as the villagers avoid talking to them and keep a distance from them. Mina lost her source of income. She was fired from her job as a cook for Mid-day meal scheme due to her being labelled a witch. Anganwadi teacher picked up fight with her and fired her from the job of a cook, after she was labelled a witch. It is believed that food gets poisoned if it is touched or cooked by a witch. Her political career was also ruined.

**Role of the State** – Immediately after Rupbai called Mina a witch, the latter went to the village Pradhan with her complaint and requested him to accompany her to the police station. But the Pradhan did not pay any attention to her. However, at the time of Mina's daughter's wedding the community and Panchayat intervened in the matter. They asked the relatives and neighbours to resume social interaction till the wedding.

Mina and her husband went to the police station to report the accusations. Initially the police was reluctant to register the complaint and told them to sort out the matter within the family. The police finally lodged a complaint when Mina and her husband threatened to approach the DSP for intervention. A case was lodged under



Sections 4 and 5 of the Prevention of Witch Practices Act 1999 and the IPC provisions for assault. Rupbai and her husband were arrested but soon released on bail. They threatened Mina and her husband to withdraw the case.

## Case 2 [Code – (CH) II]

### Victim

- |   |  |
|---|--|
| i. Name of the victim – Late Lakshmi    | vi. Main Occupation of the family – Agriculture                        |
| ii. Sex – Female                        | vii. Secondary Occupation of the family – daily wage work at a factory |
| iii. Age – 20-30 (at the time of death) | viii. Number of children – 2 sons                                      |
| iv. Marital status – married            | ix. Education – No formal education                                    |
| v. Caste – Teli (OBC)                   |  |

### Instigator/Perpetrator

- i. Name of the instigator/accused – Suresh
- ii. Relationship of the victim with the instigator – Husband's brother

**Background and Events Relating to Targeting** – Lakshmi's husband was the eldest son in his family. After his marriage his father asked him to live separately because no one in his family liked Lakshmi's vocal and assertive attitude. A small house and one acre of land was given to them at the time of the division. Lakshmi's husband took up daily wage work in a nearby factory, whereas Lakshmi took up the responsibility of cultivating their land. According to some villagers, for fourteen consecutive years Lakshmi had a good harvest. Then her father-in-law convinced the couple to live with the joint family again so that he could make use of Lakshmi's managerial skills and hard work.

Lakshmi came to know from some source that her father-in-law had purchased some land in the name of one of her husband's younger brothers. But the father-in-law and the brothers-in-law did not want to give Ramprasad any share in that land. When Lakshmi and her husband protested against this unfairness, they were abused and labeled tonhi and tonha, respectively. Her husband was called a witch as he supported his wife. The family members faked illness and held Lakshmi responsible for it. Once when she heard the family member planning to kill someone she asked her husband to seek help from the Sarpanch (a woman). Lakshmi's husband asked the Sarpanch to accompany him to the police station to register complaint against his parents. But the Sarpanch's husband assured him that they need not fear their own family members. Next day, early in the morning, the father-in-law rushed into Lakshmi's bedroom and pleaded with her to visit an ojha with him. Lakshmi agreed thinking that that would please him. She asked her husband to get ready and went to defecate in the field. Lakshmi's brother-in-law, Suresh, was hiding behind the bushes and as she sat to relieve herself, Suresh attacked and beheaded her with an axe.

According to Lakshmi (while she was alive) and her husband the real reason for labelling was the land which they had acquired during the family partition. Everyone in the family expected that by declaring the couple as witches they would leave the village out of shame and the family would be able to usurp their land.

**Social, Community and Other Dynamics** – Her husband was labelled along with Lakshmi. He supported her and went to the Sarpanch to get help for approaching the police after Lakshmi overheard someone in the family planning a killing. Her sister tried to stop the murderer but he threatened her after which she ran away to inform the relatives and villagers.

The neighbours were supportive of Lakshmi and her husband. They believed that Lakshmi was hard working and responsible and that her marital family's blind faith was responsible for her death. They believe that the perpetrators should be sent out of the village.

The community members gave condolences to her husband, they stayed with him when the post mortem was being conducted, participated in the last funeral rites, informed the maternal home about the victim's death, and helped out with social ceremonies.

**Consequences and Impact of Targeting** – Lakshmi did not face any stigmatisation from her neighbours or other villagers. However, her husband's family labelled her a witch and ultimately her brother in law killed her.

After Lakshmi was labelled a witch, their 1 acre land was taken away and encroached upon by her marital family. Her husband has to work as a manual labourer at a mill outside the village for income. He is still in shock over Lakshmi's death. Lakshmi's sons are under great mental trauma as a consequence of her death.

**Role of the State** – While the Sarpanch prevented Lakshmi from going to the police, the next day he met the entire family and tried to arrive at a settlement. After the news of Lakshmi's murder reached the village, the Sarpanch's husband informed the local police station. The police came and sent the dead body for post mortem. Based on the evidence of her husband the entire family was arrested. Three days later, Suresh, who had fled after committing the crime, was arrested from a neighbouring village. The case is currently being tried in the lower court.

### Case 3 [Code – (CH) III]

#### Victim

- |   |   |
|---|---|
| i. Name of the victim – Chamareen Bai Pradhan | vi. Main Occupation of the family – Agriculture                         |
| ii. Sex – Female                              | vii. Secondary Occupation of the family – Daily wage labor in a factory |
| iii. Age – 50 – 60 years                      | viii. Number of children – Daughter – 1, Son – 3                        |
| iv. Marital status – Married                  | ix. Education – No formal education                                     |
| v. Caste – Suryavanshi (Scheduled caste)      |   |

#### Instigator/Perpetrator

- Name of the instigator/accused – Ramikunwar
- Relationship of the victim with the instigator – The instigator was the victim's husband's sister

**Background and Events Relating to Targeting** – Ramikunwar, who was Chamareen's sister-in-law, grew pumpkins in her house. As the time of harvesting was approaching, Chamareen asked her for a pumpkin but the latter refused saying that they were not ready yet. Chamareen warned her that if they are not plucked at the right time, rats would attack the crop and ruin them. Ramikunwar did not pay any attention to her. Finally, due to delay in harvesting, the pumpkins ended up rotting. Ramikunwar claimed that since she had refused to give a pumpkin to Chamareen, the latter destroyed her crops by casting a spell. Chamareen was thus labeled a witch. According to Chamareen the labelling happened because she did not like her.

**Social, Community and Other Dynamics** – Members of Chamareen's family had varying reactions. Only her husband and children were by her side and supported her. The neighbours suspected Chamareen. When she was being accused and attacked by Ramikunwar they just stood by and watched.

**Consequences and Impact of Targeting** – Ramikunwar dragged Chamareen out of her house and thrashed her head against a wall. The others also joined in and assaulted her. She was finally saved by the intervention of some village elders and Dalit social workers, residing there. She still goes to the plot to work, but she is not able to earn like she used to. She has stopped going to the brick kilns. Though she has not been ostracized by the villagers, she herself does not venture out much for the fear of being held responsible for anything that may go wrong anywhere in the village. Since the family does not talk to other villagers often, they have started going to the factory for work and mostly work in Raigarh (Jindal plant).

**Role of the State** – Chamareen Bai does not want to file a formal complaint with the Panchayat or the Police since the instigator is a member of her extended family.

### Case 4 [Code – (CH) IV]

#### Victim

- |  |  |
|--|--|
| i. Name of the victim – Chandana Bai Suryavanshi | vi. Main Occupation – Agriculture              |
| ii. Sex – Female                                 | vii. Secondary Occupation – Goldsmith          |
| iii. Age – 55+                                   | viii. Number of children – 3 daughters, 2 sons |
| iv. Marital status – Married                     | ix. Education – Primary education              |
| v. Caste – Suryavanshi (Scheduled caste)         |  |

## Instigator/Perpetrator

- i. Name of the Accused – Asha
- ii. Relationship between the Victim and the Accused – Neighbour

**Background and Events Relating to Targeting** – In July 2007, Chandana Bai's husband was going to the flour mill with a sack of wheat. On reaching the mill he realised that the sack had fallen off the bike somewhere on the way. So he drove back and asked Asha, whom he had passed on the way, if she had seen where the sack had fallen, Asha said that she had not seen the sack.

After few days, Asha developed such high fever that she became almost unconscious and began mumbling. Her husband took her to a witch doctor, who told him that Asha had fallen sick due to consuming poisoned flour. Her husband took her to Chandana Bai's house and asked her to take back her curse and cure her. He admitted that Asha had picked up the sack of wheat and had lied when asked by Chandana Bai's husband. He claimed that the wheat was poisoned by the Chandana Bai while she was packing it. He thus branded Chandana Bai as a witch and tried to attack her but did not succeed in doing so.

According to Chandana Bai, after the wheat fell her husband had yelled at Asha, this is why she and her husband were irritated and made the accusation to take revenge.

**Social, Community and Other Dynamics** – Chandana Bai's family has been supportive. Her husband protected her from Asha's husband's physical attack. All members of her family rejected the label of a 'witch' and supported her.

The neighbours took Chandana Bai's side and rebuked Asha's husband. They asked him to get her medically treated instead of indulging in 'jhaad-phoonk'.

**Consequences and Impact of Targeting** – Though Chandana Bai's family is supportive of her, the labeling itself had caused her a lot of suffering. She feels tainted, even though there were no serious consequences following the allegation. Like a lot of women in her situation, she fears losing her family's support should someone manage to convince them that she is indeed a witch. She also fears that since she has been targeted once, the same might happen again in future.

**Role of the State** – Panchayat Sarpanch Bhagwandas supported them wholeheartedly and the others also supported her. Chandana Bai's family registered a complaint against Asha's husband at the local police station. He along with some others were arrested under Sections 4 and 5 of the Prevention of Witch Practices Act. The hearings went on for a year, during which Asha passed away. At this point, the Sarpanch of the village asked both parties to settle the matter among themselves. Chandana Bai demanded that she be compensated for her expenditures made during the court proceedings. Asha's husband agreed to give Rs. 6, 200 to Chandana Bai. On receiving the amount of compensation Chandana Bai withdrew the case filed against the accused.

## Case 5 [Code – (CH) V]

### Victim

- i. Name – Chandrika Manahar
- ii. Sex – Female
- iii. Age – 50+
- iv. Marital status – Married
- v. Caste – Scheduled caste (Satnami)
- vi. Main Occupation – Casual labour
- vii. Secondary Occupation – Limited agriculture
- viii. Number of children – 03 daughters, 01 son
- ix. Education – No formal education

### Instigator/Perpetrator

- i. Name of the chief instigator – Bhojram, Haar Bai
- ii. Other instigators – Lalit, Ashok Bai
- iii. Relationship between the victim and the instigator – Bhojram (husband), Haar Bai (husband's elder brother's widow), Lalit (Bhojram's younger brother), Ashok Bai (Lalit's wife)

**Background and Events Relating to Targeting** – Bhojram was having an affair with his deceased elder brother's wife, Haar Bai. In order to get rid of Chandrika they, along with Lalit (Bhojram's brother) and his wife Ashok Bai, labelled Chandrika a witch and threw her out of the house. In 2005, the instigators picked a fight with Chandrika over the issue of property divisions and then evicted her from the house while physically and verbally



abusing her. Lalit played an important role in the whole matter since he supported his brother for the sake of maintaining a good relationship with him.

According to the instigators Chandrika was labelled because she was responsible for Haar Bai's illness while the real reason was that Bhojram was having an extra marital affair.

**Social, Community and Other Dynamics** – Chandrika's marital family was responsible for her being labelled a witch and consequently being evicted from her house. The neighbours contributed to the targetting and became suspicious of Chandrika. They didn't intervene when Chandrika was beaten up.

The community as a whole also became suspicious of Chandrika and nobody came to help her. They were easily convinced with the allegations that were imposed on Chandrika by her marital family, since the entire family including her husband confirmed that she was indeed a witch.

**Consequences and Impact** – Chandrika was labelled 'tohni'. She was dragged by her hair, kicked in the stomach and was forcibly evicted from her home. She lived at the office of Chhattisgarh Mahila Jagrati Sangathan for a year. The village community ostracized her. None of the fellow villagers helped Chandrika at the time of the incident. This has directly affected her access to common property and resources.

She suffered physical and mental torture. During the entire incident Chandrika developed mental health problems due to excessive stress for which she underwent treatment in Raipur.

**Role of the State** – After expulsion from her house, Chandrika directly went to an Ashram in Bahmindih for shelter. The head monk of that ashram wrote a letter to a local women's support group (Chhattisgarh Mahila Jagrati Sangathan) and asked Chandrika to go to their office with that letter. With the help of the support group Chandrika registered an FIR against her marital family under – Tohni Pratadana act 2005, section 4 and 5.

The court settled the case. A compromise was reached between Chandrika and her husband wherein Chandrika was let back into her house in return of her withdrawing the case.

## Case 6 [Code – (CH) VI]

### Victim

- |  |   |
|--|---|
| i. Name – Jhena Bai                      | vi. Main Occupation – Agriculture labor   |
| ii. Sex – Female                         | vii. Secondary Occupation – Migrant labor |
| iii. Age – 50+                           | viii. Number of children – None           |
| iv. Marital status – Married             | ix. Education – No formal education       |
| v. Caste – Scheduled caste (Suryavanshi) |   |

### Instigator/Perpetrator

- i. Name of the chief instigator – Dularsai
- ii. Other instigators – Dularsai's daughter and fellow villagers
- iii. Relationship between the victim and the instigator – Dularsai was a competitor.

**Background and Events Relating to Targeting** – Dularsai and Jhena used to cultivate land on a contractual basis. After a dispute over the contract and they were enemies. Jhena Bai's husband organised a feast (to celebrate the birth of his son from his second wife) and a small bottle of alcohol was left at the house. Dularsai used this opportunity to call the police and frame Jhena for having stocked up alcohol for the purpose of selling. However, she was soon released by the police.

Then Dularsai claimed that Jhena was a witch who had killed her own son. He said that his daughter Dharateen could invite Luthara Baba (a saint who is believed to help people even after death) who has revealed to her that Jhena killed her own son and his ghost now tortures Dharateen. The rumour started spreading in the village. Even when everyone in the village took Jhena to Luthara Baba's majaar to prove that she was a witch no one could actually prove the same. The villagers still believed that she was a witch.

Dularsai used the circumstances to take revenge and settle scores with Jhena Bai.

**Social, Community and Other Dynamics** – Her family supported her. At the time of the first incident involving alcohol her husband opposed the arrest. He was not in the village at the time of the second incident and so the situation went out of control. The neighbours contributed to her targetting and ostracized her. Jhena's

self dependence made everyone jealous of her, which is why everyone in the village kept quiet when Dularsai labelled her.

**Consequences and Impact** – The Instigators pulled her hair, abused her verbally and forced her to go to Luthara Baba’s majaan for verification. Even though no one could prove that she is a witch, villagers call her names and made inappropriate and humiliating gestures towards her.

Villagers also refuse to give her work and so Jhena Bai lost her livelihood. She is now completely dependent on her husband who visits her from time to time to stock up her kitchen. She is also restricted from using common resources. No one in the village invites her to social gatherings anymore.

**Role of the State** – Jhena Bai approached the panchayat but they were themselves biased and were supporting Dularsai. The police was not approached since she did not find support from anyone in the village to go ahead with the proceedings.

## Case 7 [Code – (CH) VII]

### Victim

- |  |   |
|--|---|
| i. Name – Sunehri Bai                    | vi. Main Occupation – Agriculture                 |
| ii. Sex – Female                         | vii. Secondary Occupation – None                  |
| iii. Age – 40+                           | viii. Number of children – 03 daughters , 03 sons |
| iv. Marital status – Married             | ix. Education – 8 <sup>th</sup> standard          |
| v. Caste – Scheduled caste (Suryavanshi) |   |

### Instigator/Perpetrator

- i. Name of the chief instigator – Dasoda Bai
- ii. Other instigators – Dasoda Bai’s family
- iii. Relationship between the victim and the instigator – Neighbours and community members

**Background and Events Relating to Targeting** – A child from Dasoda Bai’s family got injured while playing with Sunehri’s grandchildren. Seeing this Sunehri massaged his leg. Later in the night his leg swelled up. Dasoda Bai blamed Sunehri Bai’s touch for this and started abusing her. When the villagers intervened she took the child to an ojha, even though she had been advised by the villagers to take him to a hospital. The ojha did some jhar phoonk and gave some oil for massaging the leg. As the swelling decreased with the help of the oil, Dasoda and her family went to Sunehri’s house, dragged her by her hair and verbally abused her.

According to Sunehri the allegation was a result of a long term rivalry over the setting up of a religious pillar. The Satnami community celebrate the birth of Guru Ghaashiram by installing a pillar. The community sat together to decide the point on which the pillar would be installed. Both parties belong to the same community and in the meeting all the community members liked the point suggested by Sunehri Bai’s husband more. Dasoda’s husband opposed this decision which created enmity between the two. Sunehri also believes that her son’s placement in the police force made the perpetrators jealous.

**Social, Community and Other Dynamics** – The victim’s husband was very supportive and did not believe in witchcraft. The community members were also helpful towards Sunehri Bai and advised both parties to resolve the matter amicably.

**Consequences and Impact** – The targeting did not affect Sunehri much in terms of social restrictions that follow the targeting. But she finds herself vulnerable to future labeling. However, she was mentally tortured, verbally abused and dragged by her hair during the labelling.

**Role of the State** – Sunehri and her husband had gone to the Sarpanch’s house but he was not there so they went to the police station to register a complaint. The police co-operated and supported Sunehri. They took Dasoda to jail and a FIR was filed under Tohni Nivaran Adhinyam, section 4. The case is going on in the session court.

## Case 8 [Code – (CH) VIII]

### Victim

- |  |   |
|--|---|
| i. Name – Rameshwari Bai               | vi. Main Occupation – Agriculture             |
| ii. Sex – Female                       | vii. Secondary Occupation – None              |
| iii. Age – 50+                         | viii. Number of children – 1 daughter, 4 sons |
| iv. Marital status – Married           | ix. Education – No formal education           |
| v. Caste – Scheduled caste – (Satnami) |   |

### Instigator/Perpetrator

- i. Name of the chief instigator – Dev Yadav
- ii. Other instigators – None
- iii. Relationship between the victim and the instigator – Neighbours also Rameshwari's friend's husband.

**Background and Events Relating to Targeting** – Rameshwari is known to be an arrogant and outspoken person in the village. Dev used to harass women in the village. Rameshwari publically opposed Dev's lecherous behavior. After this Dev forbade her from meeting his family or coming inside his house. After a few days Dev's son became very sick. Dev's wife was friends with Rameshwari and she told her to ignore his restrictions on her entry into his house. So Rameshwari visited the sick child and touched his forehead. She was seen by Dev while coming out. Soon his son died due to the illness and this led Dev to label Rameshwari a witch who was responsible for the death of his son.

**Social, Community and Other Dynamics** – Rameshwari's family supported her throughout the incident. However, the neighbours and the community members became suspicious of Rameshwari and did not help her. They shouted at her and verbally abused her.

**Consequences and Impact** – After the labeling it is difficult to get work in the village easily and their livelihood has been badly affected. Rameshwari and her family are forced to go to another village for casual labour, for which they have to pay travel cost. Fellow villagers do not assist them in agriculture work anymore, which is why they have to hire labour from other villages, which is an additional expenditure. The villagers were suspicious of her, taunted her and ostracized her from community gatherings. Her family's access to common property and resources has also been limited.

**Role of the State** – The panchayat did not intervene the way Rameshwari had hoped and asked her to not register a complaint with the police for the sake of the village's reputation.

## Case 9 [Code – (CH) IX]

### Victim

- |                              |   |
|------------------------------|---|
| i. Name – Savitri Nirmalkar  | vi. Main Occupation – Agriculture                 |
| ii. Sex – Female             | vii. Secondary Occupation – Casual labour         |
| iii. Age – 40+               | viii. Number of children – 2 daughters and 2 sons |
| iv. Marital status - Married | ix. Education – 8 <sup>th</sup> standard          |
| v. Caste – OBC- Dhobi        | x. Village – Pakariya                             |

### Instigator/Perpetrator

- i. Name of the chief instigator – Ramanuj
- ii. Other instigators – Ramanuj's wife Nirmala, Sakuntala and Sonkali
- iii. Relationship between the victim and the instigator – Ramanuj was Savitri's husband's brother, Nirmala was Ramanuj's wife, Sakuntala and Sonkali are her husband's younger brothers'wives.

**Background and Events Relating to Targeting** – Savitri used to live with her husband and marital family in his ancestral home. No one apart from her husband liked her much because she was educated and raised her voice if she found something wrong. Due to constant fights, Savitri and her husband demanded share in the

ancestral property and left the house after the division. With the help of some local friends and the panchayat's permission they built a house on some spare land called 'Abadi Zameen'.

In 2009, some villagers told Savitri that her marital family members were calling her a witch and spreading the rumour that she had consumed her sister-in-law's uterus (which was actually removed due to an infection) and also held her responsible for her other sister in law's suicide. Initially Savitri ignored these rumors. But later Savitri's husband's brothers Ramnarayan, Ramanuj and Devdutt and their wives attacked her because they believed that she was a witch.

**Social, Community and Other Dynamics** – Savitri's family supported her. Her husband protected her from a physical attack and her father helped her in filing an FIR at the police station. The community members also helped her. They intervened in the fight and later became witnesses in the case.

**Consequences and Impact** – Her marital family and other distant relatives from marital family have completely dissociated themselves. However, due to support from her husband and fellow villagers, she did not have to face the regular violations that are a part of witch hunting.

**Role of the State** – The police registered her complaint under Tohni prathadna act 2005 sec.4 and 5, IPC 294,906. The accused were identified and they were soon bailed out.

## Case 10 [Code - (CH) X]

### Victim

- i. Name – Shiv Devi Bai
- ii. Sex - Female
- iii. Age – 40+
- iv. Marital status - Married
- v. Caste – Scheduled caste- Satmani
- vi. Main Occupation – Agriculture
- vii. Secondary Occupation – Casual labour
- viii. Number of children – 3 daughters
- ix. Education – No formal education

### Instigator/Perpetrator

- i. Name of the chief instigator – Dhaniram
- ii. Other instigators – Dhaniram's family members
- iii. Relationship between the victim and the instigator – Dhaniram is Shiv Devi's distant relative and neighbour

**Background and Events Relating to Targeting** – Dhaniram had encroached on some of the land in Shiv Devi's backyard and when she opposed this, he labelled her a *tohni* and she responded by calling him Tohna. When his son's son fell ill and many calves died, Dhaniram labelled her a witch. Shiv Devi also said that there are two strong built men in Dhaniram's family while in her family there's just her husband, that's why she couldn't do much in the situation and Dhaniram was able to take advantage of that. He and his family members first kidnapped Shiv Devi's daughter, beat her up and then registered a complaint against her quoting the incident where the two had fought verbally over Dhaniram encroaching upon Shiv Devi's backyard.

**Social, Community and Other Dynamics** – Shiv Devi's family was supportive of her but the neighbours and community members were indifferent.

**Consequences and Impact** – Her daughter was kidnapped, tied to a pole and brutally beaten up while being taunted as a Tohni's daughter. Rita was battered until she lost consciousness. She was hospitalized for 4 days. A lot of money was also spent on her treatment. Shiv Devi doesn't work as casual labour in the village anymore apart from NREGA since she feels stigmatized as a result of being labelled a witch.

**Role of the State** – The police took notice of the matter when Shiv Devi complained after her daughter was beaten up. However instead of resolving the issue they took bribes from both the parties and told them to settle the matter or else they would be arrested. Dhaniram had already registered a complaint against her with the police based on the fight they had over the issue of land encroachment in Shiv Devi's backyard where she had called him a Tohna. Thus, ShivDevi had to pay a fine of Rs. 7000 to the police to dispose off the case against her.

## Case 11 [Code – (CH) XI]

### Victim

- |   |   |
|---|---|
| i. Name – Dayaram                       | vi. Main Occupation – Casual labor      |
| ii. Sex – Male                          | vii. Secondary Occupation – Agriculture |
| iii. Age – 50+                          | viii. Number of children – 6 daughters  |
| iv. Marital status - Married            | ix. Education – No formal education     |
| v. Caste – Scheduled caste- Suryavanshi |   |

### Instigator/Perpetrator

- i. Name of the chief instigator – Shiv Kumar
- ii. Other instigators – Shiv Kumar’s family memmbers
- iii. Relationship between the victim and the instigator – Fellow villagers

**Background and Events Relating to Targeting** – In 2009, the accuser Shiv Kumar and his father Madan believed that Dayaram was responsible for Madan’s illness. After a year Shiv Kumar’s brother died due to seasonal illness. Dayaram was again targetted and blamed for this death. They verbally abused Dayaram and called him Tonah in public. Dayaram approached Jati Panchayat, but no one from accuser’s family turned up for the meeting. Thus the meeting was put off without any decision.

After a few months Shiv Kumar went to Dayaram’s house with an intention to kill him and he verbally abused him. Dayaram’s daughter came out to see what was happening and was physically abused by Shiv Kumar. He hit her with a leather belt .Shiv Kumar’s relative intervened and took him back to his house.

**Social, Community and Other Dynamics** – The victim’s family members were against the accuser as they found his accusations baseless. Neighbours were supportive and helped Dayaram.

**Consequences and Impact** – Dayaram was labelled as a Tohna and his daughter was beaten up. Even now they are scared to go out of their house. Dayaram and his family were saved from possible ostracization and other undesirable consequences that are associated with witch hunting because of the media coverage and intervention of the SP.

**Role of the State** – After the first two incidents of verbal abuse took place, Dayaram called a Jati panchayat but no one from the accuser’s family turned up for the meeting. Thus, the meeting was put off without any decision. After the incident of physical abuse, Dayaram registered a complaint with the police who arrested Shiv Kumar. The present Sarpanch supported the accuser by helping him get a bail from the jail. Shiv Kumar was the Sarpanch’s neighbor and so he received support.

Dayaram and his wife took their daughter to the police to register a complaint. Police initially booked the accusers immediately on the day of the incident but had to release the accuser when the village Sarpanch supported him. When Dayaram opposed the release, the police slapped him on his face and told him that he should not complain against an innocent man like Shiv Kumar. Dayaram sent a written complaint to SP and the accuser was booked again as the case became highlighted in the media due to the SP’s involvement. The perpetrator is booked under Tohni prathadna act,section 4 and 5.

## Case 12 [Code – (CH) XII]

### Victim

- |                                      |  |
|--------------------------------------|--|
| i. Name – Sukhwara Bai               | vi. Main Occupation – Casual labour              |
| ii. Sex – Female                     | vii. Secondary Occupation – Vegetable vending    |
| iii. Age – 70+                       | viii. Number of children – 2 daughters and 1 son |
| iv. Marital status – Widow           | ix. Education – No formal education              |
| v. Caste – Scheduled caste – Satnami |  |

### Instigator/Perpetrator

- i. Name of the chief instigator – Suman Devi
- ii. Other instigators – Jeevan (Suman Devi’s husband’s brother’s son)
- iii. Relationship between the victim and the instigator – Distant relatives

**Background and Events Relating to Targeting** – Suman Devi accused Sukhwara for making her granddaughter sick through the use of witchcraft in 2011. In 2012, Sukhwara 's neighbour Jeevan also accused her of being a witch and harming his daughter (who was mentally sick and was sent back from her marital home after 2 - 3 days of her marriage as her marital family believed that they had been tricked). Jeevan and his relatives later tried to strangle her due to the same reason. Sukhwara's daughter believes that the accusers went to an ojha who must have taken Sukhwara's name which is why she was targeted.

**Social, Community and Other Dynamics** – The victim's grand-son stated that due to the fear of Jeevan, who was a criminal minded person, they did not fight him when Sukhwara was attacked.

**Consequences and Impact** – Sukhwara was verbally and physically abused. She was strangled by Jeevan who intended to kill her. She was suffering from mental trauma and later committed suicide due to the stigma of being labelled as a witch.

**Role of the State** – The police registered an FIR under IPC 294,506,323,452,34 after Sukhwara complained. The police took prompt action, but could have stretched the effort by investigating the real reasons behind Sukhwara's death instead of closing the case.

## Case 13 [Code – (CH) XIII]

### Victim

- |                            |   |
|----------------------------|---|
| i. Name – Sakhi Bai        | vi. Main Occupation – Vegetable vending, casual labour, Rag picking |
| ii. Sex – Female           | vii. Secondary Occupation – None                                    |
| iii. Age – 50+             | viii. Number of children – 2 daughters, 2 sons                      |
| iv. Marital status – Widow | ix. Education – No formal education                                 |
| v. Caste – OBC – Kaushik   |   |

### Instigator/Perpetrator

- i. Name of the chief instigator – Jeeva
- ii. Other instigators – Jeeva's sons
- iii. Relationship between the victim and the instigator – Distant relatives

**Background and Events Relating to Targeting** – Jeeva's eldest son died because of malnutrition almost 8 years ago. When he was alive, Jeeva had gone to a baiga since medicines weren't working. The Baiga had told him that a woman called Sakhi had done jadoo-tohna on his son. When his son died, Jeeva went to Sakhi's home and physically and verbally abused her. After 1-1/2 years of the death, Jeeva's another son died and in the following year his daughter died. Later on the second son's daughter also passed away and in 2011 Jeeva's youngest son died. Jeeva blamed Sakhi's witch craft for all of these deaths. He asked Sakhi to bring the youngest son back to life by placing his body in front of her. Since she couldn't do anything they (Jeeva and his two other sons) again verbally abused and battered her to death.

**Social, Community and Other Dynamics** – Sakhi's family supported her till she was alive and now her son is fighting a case against the accuser. Some neighbours also took Sakhi's side and supported her family to file the case against the perpetrators.

**Consequences and Impact** – Sakhi was labelled a witch and brutally murdered with a sword. Jeeva and his two sons attacked Sakhi and her son with a sword. Her son ran away but Sakhi got killed. Her body was cut into pieces in open public view and the perpetrators ran a motorbike over her dead body. Sakhi's son is still in shock, he can't concentrate on work.

**Role of the State** – When Jeeva labelled Sakhi and hit her after the death of his eldest son Rajesh, she gave a written complaint against him to the police. The police did not take any action. After the second violation, Sakhi reported the incident in the Police station and this time Police booked the accusers but released them in within 4 days. 4 months after that Sakhi was murdered. After this incident Sakhi's son, Mankumar gave a written complaint to the police. They registered the FIR under IPC 307,302,216,34, Tohni Prathadana Act sec.4 and 5, Arms act -25,27. The case is in court.



## Case 14 [Code - (CH) XIV]

### Victim

- |                              |  |
|------------------------------|--|
| i. Name – Sita Bai           | vi. Main Occupation – Agriculture              |
| ii. Sex – Female             | vii. Secondary Occupation – Casual labour      |
| iii. Age – 50+               | viii. Number of children – 2 daughters, 2 sons |
| iv. Marital status – Married | ix. Education – No formal education            |
| v. Caste – Scheduled caste   |  |

### Instigator/Perpetrator

- x. Name of the chief instigator – Mukul
- xi. Other instigators – None
- xii. Relationship between the victim and the instigator – Neighbour

**Background and Events Relating to Targeting** – Mukul blamed Sita for his illness and labelled her a witch. He hit her, pushed her to the floor intending to rape her (said - ‘aaj teri ijaat nahi chhodunga’) and called her ‘tohni’. According to Sita, Mukul’s family was jealous because of the hand pump they had installed in their field. Thus when Mukul got mirgi (Epilepsy) attacks, he blamed her witch craft for his illness.

**Social, Community and Other Dynamics** – Sita’s family supported her and tried to protect her from Mukul’s attack. The neighbours were mostly indifferent apart from one person who helped Sita’s son in locking Mukul up.

**Consequences and Impact** – Mukul hit Sita very hard and made her unconscious. He broke her molar teeth and undressed himself in front of her family and kicked her to the floor intending to rape her.

**Role of the State** – Initially the police did not register an FIR. Instead they noted the complaint in NC register and got Sita’s medical test done. They did not take any action for 4-5 days. Then, after Sita and her husband approached the SP through a lawyer, the police did register the complaint on the SP’s direction under - IPC 496,294,354,323, Tohni Prathadana Act act section 4-5.

The case is still going on in court. The lawyer who was handling her case sent his junior to record her statement, Sita did not recognize him, and gave a very weak and abrupt statement which has made their case weaker.

## Case 15 [Code - (CH) XV]

### Victim

- |                            |   |
|----------------------------|---|
| i. Name – Ramkali          | vi. Main Occupation – Work as a cook in marriage and other ceremonies in the village, rear goats and sell milk. |
| ii. Sex – Female           | vii. Secondary Occupation – None  |
| iii. Age – 60+             | viii. Number of children – 1 son  |
| iv. Marital status – Widow | ix. Education – No formal education   |
| v. Caste – OBC – Yadav     |   |

### Instigator/Perpetrator

- i. Name of the chief instigator – Kamal
- ii. Other instigators – Kamal’s friends
- iii. Relationship between the victim and the instigator – Neighbours

**Background and Events Relating to Targeting** – Kamal had been calling Ramkali a dayan for 3 years. In 2010 his daughter had an attack of hysteria for which he blamed Ramkali. He made Ramkali take an oath (she swore that if she was a witch she would die right at that moment) at a Majaar in front of 7 witnesses to formally identify her as a witch. However nothing happened and this proved that she wasn’t a witch. For a year he kept quiet, then suddenly one day he attacked Ramkali’s grandson blaming his daughter’s constant fever on witchcraft being practiced by Ramkali and her son Bala.. When Bala came out hearing his son’s cries for help, he and the

neighbours told Kamal to get his daughter a good medical treatment. When Bala was returning home, Kamal hit him on his head and right hand with an iron rod.

Later on it was found that Kamal's daughter used to have attacks of hysteria and he started blaming Ramkali's alleged 'witchcraft' for these attacks.

**Social, Community and Other Dynamics** – Bala's wife blamed superstition as the cause for this incident and claimed that their family did not believe in witchcraft. A few neighbours, along with Bala, asked Kamal to get his daughter better medical treatment and tried to settle the issue. After the attack on Bala with an iron rod, one of the neighbours helped by taking Bala to the CHC in the village on his motorcycle. Ramkali's family is well known for in the village for their politeness. The community members and villagers gave their complete support.

**Consequences and Impact** – Due to the injury caused to his arm Bala is not able to work as efficiently as before thus affecting the overall income of the family. Bala was severely injured as Kamal beat him up with an iron rod. Kamal also bit Bala's son's right hand thumb. He had to be taken to Masturi CHC, District hospital and also to Raipur medical college for treatment.

**Role of the State** – Initially the police was unwilling to register a complaint. According to Ramkali this was because Kamal gave a bribe of Rs. 25,000 to the police. However, after Bala got severely injured they did file an FIR under IPC 307, 294, 323, 506(b) 34 and Tohni Prathadana Act, section 4 and 5. When the case went to court Kamal proposed a compromise which was welcomed by Ramkali's family with compassion towards Kamal's small children.

## Case 16 [Code – (CH) XVI]

### Victim

- |                              |   |
|------------------------------|---|
| i. Name – Mohan Rajak        | vi. Main Occupation – quackery                                  |
| ii. Sex – Male               | vii. Secondary Occupation – Casual labor, also works as a Baiga |
| iii. Age – 58+               | viii. Number of children – 1 daughter                           |
| iv. Marital status – Married | ix. Education – 8 <sup>th</sup> pass                            |
| v. Caste – OBC – Bharet      |   |

### Instigator/Perpetrator

- i. Name of the chief instigator - Radhey
- ii. Other instigators – Other neighbours
- iii. Relationship between the victim and the instigator – Neighbors

**Background and Events Relating to Targeting** – Radhey's son had been suffering from a mental illness and Mohan Rajak, a baiga, was his doctor. When Mohan realized that he could not handle Ramkumar's case, he suggested Radhey to take Ramkumar to Ranchi for proper treatment. Radhey insisted that Mohan should continue the treatment. Radhey went to see another Baiga in village Jaroundha, who indicated that Mohan is a Tohna and he is responsible for Ramkumar's illness and hence Mohan was attacked. Mohan's close friend and neighbour Hari helped him in approaching the police to file an FIR, but the police shouted at both of them and sent them back with the receipt of the complaint. They did not take any action due to the political pressure created by the neighbours. After this incident Radhey and other villagers started considering Mohan's friend Haro as an enemy.

In August 2012 Mohan was targeted by other neighbours for bringing upon illness to some villagers. They also attacked Hari because he had helped Mohan after the first attack and also because he was believed to have caused illness along with Mohan through the use of witchcraft.

**Social, Community and Other Dynamics** – Mohan's family has been supportive throughout the incident and its aftermath. When they were attacked, Mohan's wife tried to intervene but were pushed aside by the perpetrators. Then they called out to the neighbours for help. Mohan has been living with his brother's son after the incident.

Mohan's neighbours aided Radhey in blaming Mohan. They even stopped the process of registering an FIR about the incident at the police station. One of the neighbours - Hari helped Mohan in approaching the police in the first incident. As a result he was also targeted in 2012.



According to Makhan, the perpetrators became suspicious of him because he used to give allopathic medicine for general illness and at times he would give herbal treatment for the diseases he knew he could cure. On the other hand, the other local Baigha accused Mohan because he was jealous of Mohan's prosperity in his work.

**Consequences and Impact** – Mohan was attacked by his neighbours while he was asleep. They dragged him from the gallery to the courtyard and then hit him with an axe. Mohan was brutally assaulted with the axe and was admitted to Takhatpur Government hospital for treatment. The entire incident traumatized him. Fortunately, he has not been excluded from the society and he has complete access to common property and resources in the village.

Mohan is not able to practice medicine due to the injuries he has suffered. Therefore, now his wife's casual labour has become the family's primary source of income.

**Role of the State** – Initially the police were reluctant to register a complaint. After the first incident, when Mohan and Harprasad approached the police they were yelled at, sent back and their complaint wasn't given any consideration. There was political pressure in favour of the perpetrators created by the neighbours which prompted the police to take such actions.

Later, in 2012 they did file an FIR when Mohan's granddaughter complained about the attack on Mohan and the severe injuries he suffered as a consequence. The FIR was filed under IPC – 294, 506, 452, 323, 427, 34 and Tohni Prathadana Act 2005. The case is going on in the court.



## **PART II**

### Interface of Witch Hunting with the Law



# Introduction

A study on witch hunting, manifested largely as a form of gender-based violence, is incomplete without evaluating the existing legal framework that addresses it. Law is but one part of the state response to combating systemic discrimination, discriminatory practices and violence against women, even when such practices are socially tolerated. It is nonetheless an important part, which is why this section of the study focuses on it, although it concludes with recommendations that speak to reform agenda not limited to the law. Beginning from the point of labelling a person as a 'witch', victimization involves a continuum of words and actions calculated to harm the victim's person, property and social standing, sometimes involving fatal violence, and at other times forced dislocation and expulsion from village. The justice dimension must therefore be central to any inquiry on witch hunting, making law a necessary site of such a study.

This study is socio-legal in scope – with Part I mapping contemporary trends in the practice of witch hunting, followed by Part II (this part), which evaluates how law interacts with witch hunting. Identification of the existing capacity and gaps in the law's responses to witch hunting must be the first step for embarking upon a reform agenda. The study does so by examining data from police station records, and from appellate court verdicts, to understand the everyday practice of the law, rather than its black letter promise. Given the paucity of studies on witch hunting from a socio-legal lens, the value of this work lies in offering a grounded understanding of witch hunting, the nature and continuum of violations that follow, vis a vis what the law in practice offers. This part of the study on law, including its concluding recommendations, seeks to influence policy and legal frameworks as well as related debates on combating witch hunting, carving a role for state action.

## **1. Objectives and Scope of Inquiry**

In addition to the Indian Penal Code, 1860, the three states that are part of this study – Jharkhand, Bihar and Chhattisgarh – have dedicated penal laws on witch hunting practices. Criminal law therefore has been the key medium through which the State has chosen to tackle witch hunting. There is considerable push within other states where witch hunting is reported, for enactment of similar or more expansive special laws. At the time of this study, processes advocating enactment of special laws in Assam, Orissa and Rajasthan were at different stages. Tentative debates about the value of a national law on the subject are also emerging, although the practice is specific to regions, not nationwide. With almost no study available on the functioning of the law, much less its effectiveness in the context of witch hunting, it became necessary to examine data from legal sources for informed engagement with policy discourses. The starting point for this inquiry was therefore to explore the adequacy and availability of justice through the law in the context of victimization of the individual, while also being cognizant of the State's role in addressing the underlying causes connected with witch hunting.

The main objective of this inquiry was to understand the contours of law's interface with the practice of witch hunting, in terms of the forms of victimization the law responds to, the penal provisions that are commonly used, compatibility of the provisions with the nature of violence, and through this, the effectiveness of special laws dedicated to combating witch hunting. This objective has been carried out by evaluating data from two main sources – police records and the reported appeal court judgments.

While each case offers insights into the law, it also tells a story of victimization – the main protagonists, the motives, the facts leading to such targeting and the nature of victimization. This helped accomplish a secondary but equally important objective – that of constructing an understanding of trends related to witch hunting from legal sources. The data from the two separate, independent and unrelated legal sources have helped map the socio-

economic profiles of the victims and the accused, as well as the reasons for targeting; these were correlated with the findings drawn from case studies documented in the field. As it turns out, the data from all three sources (police records, appellate court records and case studies) of this study corroborates the same trends related to witch hunting, in respect of the victims, perpetrators, manner of targeting and motives.

## 2. Legal Sources of Inquiry

This part of the study based on law brings out three aspects to understand what the law seeks to address and how, in fact, it works in practice. The first aspect relates to the above-mentioned state-specific statutes on witch hunting and the Indian Penal Code 1860 (IPC)<sup>30</sup> which are invoked across all the cases. The IPC is the principal law addressing grievous and routine forms of violence, as well as specific forms of violence such as dowry, marital and sexual offences. The three states that are the focus of this study – Bihar, Jharkhand and Chhattisgarh – also have special laws on witch hunting, to respond to what is a regionally prevalent practice. These are: the (Bihar) Prevention of Witch (Daain) Practices Act, 1999, adopted subsequently by Jharkhand, as the Prevention of Witch Hunting practices Act, 2001, and (Chhattisgarh) Tonahi Pratadna Nivaran Act, 2005 (also called the Witchcraft Atrocities Prevention Act, 2005). The Chhattisgarh Act was drafted in response to the Lachkera incident in 2001.<sup>31</sup> This incident garnered widespread attention from the media, propelling prosecution that led, ironically, to a conviction for breach of peace and tranquility under the IPC, with a sentence of one-year imprisonment. In response to a subsequent petition seeking special recognition for particular forms of violence connected with witch hunting, the High Court of Chhattisgarh gave directions for the enactment of a special law. Thus the Witchcraft Atrocities Prevention Act, 2005, was enacted in the state of Chhattisgarh. The provisions of the special laws recognize offences that are specific to witch hunting such as identification and name calling as witch, harassment and ‘curing’ a person identified as a witch. The idea is to reduce police discretion and enable preventive early action to deter further violence that might otherwise appear trivial or socially acceptable. However, the special laws do not replace but work in conjunction with the IPC. The provisions of these laws are discussed in the next chapter.

The two other aspects in Part II of the study relate to legal sources: data is drawn from two sources to specifically understand how the law operates at the primary level of registering a police complaint, and at the final level of appellate adjudication. A total of 85 police records, based on First Information Reports (FIRs) registered at the block level, have been examined to collect data from at least one district in each of the three states, Jharkhand, Bihar and Chhattisgarh. In addition, 59 reported appellate court judgments on witch hunting, which comprise all the judgments reported until 2012, are the basis of this study. The methodology for data collection and its scope are discussed in the two chapters that follow, dedicated to each legal source, police records and judgments, respectively.

The two sources of inquiry into the law cover two extreme ends of the legal spectrum – the first being the preliminary stage of reporting of the crime, and the second being the judicial outcomes at the appellate level. Without undermining the significance and value of both these sources, it needs to be pointed out that the understanding of the working of the law remains partial without access to the district court decisions. The nature of the study did not allow visits to trial court records to access these records. This leaves a vital gap in understanding the law at the trial court stage, where the bulk of cases are adjudicated in relation to the facts and the point of law.

<sup>30</sup> The provisions of the IPC being discussed in this section are before the 2012 amendment, unless mentioned otherwise.

<sup>31</sup> In 2001, three women, Teerath, Shyam and Bisahin, were targeted as witches in a village in Lachkera in Chhattisgarh. The word ‘*dayan*’ was etched on their foreheads, and they were scorched with live electric wires, beaten, stripped and paraded in their village. This case was taken up by the Chhattisgarh Mahila Jagriti Sangathan (CMJS), and got wide attention because of the media. The resulting outrage in Chhattisgarh triggered the passage of the state law against witch hunting. See Partners for Law in Development (2012). *Targeting of Women as Witches: Trends, Prevalence and the Law in Northern, Western, Eastern and Northeastern Regions of India*.

### 3. Definitions of Terms Used

Many of the terms used in the chapters relating to the law have specific meanings that need to be clarified at the outset. These terms defined here are useful for nuancing the data and the understanding of witch hunting.

- i. Accused Person:** A person alleged to have perpetrated the offence on the victim and is named in the FIR as well as the judgments/caselaw.
- ii. Complainant:** Any person who has lodged a complaint with the police in regard to the offence committed on the victim. There are three categories of complainants identified in relation to this data. A complainant may either be the 'primary victim' (defined below), or any person who is aware of the offence being committed (third person) or the police.
- iii. Primary Victim:** Any person who is a direct target of violence on account of being identified as a '*dayan* (*daain*)/ *tohni*/ *tonahi*/ witch', explicitly or implicitly.
- iv. Secondary Victim:** Any person who is a collateral victim of violence on account of either being related to the 'primary victim' who is identified as a *dayan* /*tohni*/ *tonahi*/ witch or is attacked for supporting the primary victim or for having any association with the primary victim.
- v. Victim:** Used as a generic reference for anyone who is victimized as part of witch hunting, without distinguishing between primary and secondary categories of victimization. The term 'victim' includes those who were killed in the course of victimization, as well as those who survived.
- vi. Name calling:** Across all cases, a common manner of victimization is to identify a person as a witch and call her certain names such as *dayan* (also spelt *daain*), *dakan*, *tohni*, *tonahi*, etc. The name calling, though, is not necessarily associated with linguistic variations of the term 'witch'. Sexual slurs and abusive language are also commonly used as part of the victimization, occasionally even without reference to the term 'witch'.

### 4. Structure Of This Part Of The Report

Part II of the report (based on law) aims to evaluate the law's capacity to deliver justice in the context of witch hunting. This part comprises four chapters. This introduction is followed by three chapters. The first chapter looks at the police records from 2010 to 2012 from at least one district in Jharkhand, Bihar and Chhattisgarh to identify patterns of victimization and the legal interface discernible through 85 FIRs and the charge-sheets based on the FIRs. The second chapter examines 59 reported appeal court judgments from 10 states on witch hunting (with Jharkhand, Bihar and Chhattisgarh amongst states with the highest reported cases), to look at what these say about the law. The third and last chapter is on findings that emerge from the examination of the law, with recommendations for shaping policy and law to combat witch hunting.



# Chapter 1

## An Account from the Police Records

This chapter draws upon data from the police records relating to 85 First Information Reports (FIRs) on witch hunting from Bihar, Chhattisgarh and Jharkhand. This data is important for purposes of understanding the implementation of the law – in that they disclose the circumstances that make registration of a complaint possible, the offences commonly invoked to frame the complaint, and importantly, the additional value of the special laws enacted solely to prevent and prosecute witch hunting in the three states. Besides these insights into the functioning of the criminal justice system, the data also sheds some light on the victims, the accused, the complainants and the motivations underpinning witch hunting.

The chapter is divided into four sections. The first section is introductory, providing an overview of the data and the data collection methodology; the second section examines what the data reveals about the victims, complainants, accused and motives – aspects that throw light on the sociological dimensions of witch hunting; the third section contrasts the theoretical or *de jure* purpose and scope of the special laws on witch hunting, with their practical application or *de facto* use as demonstrated by the data; the fourth section examines the legal redress available under the IPC, through provisions commonly invoked, to evaluate trends in how the law responds on the ground at the site of victimization, and the extent to which this is compatible with the nature of injuries perpetrated in connection with witch hunting. The chapter ends with a summary of findings that emerge from the police records related to witch hunting.

### 1. Overview of the Data

The data comprises police records relating to 85 FIRs or complaints registered at the police stations across one district each in Bihar and Chhattisgarh, and two districts in Jharkhand.

#### i. Geographic Coverage and Time Period

The districts from where data was collected were Bilaspur in Chhattisgarh and Jamui in Bihar; two districts, Gumla and Ranchi, were covered in Jharkhand. The selection of the blocks and districts were based on the high numbers of reported incidences as well as accessibility and linkages of the partner organizations that gathered the data.

The data was collected directly from the police stations in all the seven blocks of Bilaspur in Chhattisgarh, and from the police stations in the 10 blocks of Jamui in Bihar. In Jharkhand, however, data was taken from the district headquarters of the police in Gumla and Ranchi, instead of the police stations. This was primarily on account of the higher number of blocks to be covered per district in Jharkhand and their physical inaccessibility, compounded by limitations of time and resources. As the number of registered cases in Jharkhand was extremely low, the data collection coverage was extended to two districts instead of one.

**Table 1.1: District-wise Distribution of the 85 FIRs**

State	No. of FIRs	District			
		Jamui	Bilaspur	Gumla	Ranchi
Bihar	25	25			
Chhattisgarh	51		51		
Jharkhand	9			3	6
<b>Total</b>	<b>85</b>				

Of the total of 85 FIRs identified in relation to witch hunting, the district-wise distribution in Table 1.1 shows that the highest number of cases were registered in Bilaspur in Chhattisgarh (51), followed by Jamui in Bihar (25). The number of cases from Gumla and Ranchi in Jharkhand (three and six respectively) appear insignificant in comparison. The low figures from Jharkhand are inconsistent with news reports and anecdotal evidence of witch hunting in the area, or in comparison to the figures available from equally high prevalence districts, suggesting discrepancy in record keeping, or non-registration of complaints.

The data was drawn from records of FIRs registered during the period 2010 to 2012, as reflected in Table 1.2. The year-wise distribution shows only one FIR found for the year 2010 and none for 2011 from the two districts in Jharkhand; the remaining eight cases from Jharkhand are from 2012, the year when the data collection took place.

**Table 1.2: Year-wise Break-up of FIRs**

State	Total FIRs	Year-wise break-up		
		2010	2011	2012
Bihar	25	5	11	9
Chhattisgarh	51	27	11	13
Jharkhand	9	1	-	8
<b>Total</b>	<b>85</b>	<b>33</b>	<b>22</b>	<b>30</b>

## ii. Methodology for Data Collection

The search categories used were broad, to allow scrutinizing of cases involving direct accusations of being a ‘witch’ (*dayan/ tohni/ tonahi*), as well as cases of violence and where the victim was a woman. This expanded search allowed us to examine family disputes, domestic violence and other cases where women were victims, to see if any element connected with witch hunting was visible in the police records even when not mentioned explicitly in the FIR.

To ensure that the data gathered across different blocks and states could be tabulated under uniform categories for comparison and identification of trends, standardized questionnaires or templates were developed for data gathering. The templates for tabulating data were developed in consultation with the field partners and legal experts who comprised the resource pool guiding the study. A question/answer format was adopted for the templates, to help collate information on the forms of violence complained of; the profiles of the victim, accused and the complainant; the offences mentioned in the FIRs and the charge-sheets; as well as the action taken by the police. The questionnaire used is attached as **Annexure I**.

The data collection involved 12 months of fieldwork in 2012, followed by translation and data management. The data has been handled by a chain of investigators, documenters and researchers. Originally recorded in Hindi by field workers in each of the three states, the data was subsequently translated into English for tabulating along select axes for analysis. The tabulation of data helped standardize the information from police records but compromised the flavour and tenor of the language of the records. To minimize the variations in understandings between field investigators, data tabulators and resource pool members, workshops were organized to discuss

concepts and methodology, and provide training on data collection. While such efforts helped in large measure to forge a shared understanding, some variations in understanding are inevitable, and remained during the course of the study. Collective review meetings were undertaken periodically, in addition to PLD providing mentoring and support in the field to identify gaps in data collection, and undertaking course correction when necessary. In this way, review, exchange and collective engagement were built into the research methods. Some gaps, however, remained, on account of incomplete police records and missing papers. Such gaps in information have been denoted as ‘not mentioned’ in the tabulation. Finally, we acknowledge the cooperation of the police that made the police records available to the field investigators, and we can only assume that these were indeed the full records of the period covered.

## 2. The Victims, Accused, Complainants and Motives

The FIR in a witch hunting case contains information on the victim, the complainant and the facts complained of. It does not require details beyond the name and address of the accused; any additional information is provided if known to the complainant. The facts describing the offences are central to the complaint, but not the motive. The data on the victims, the accused, and where possible, the relationship of the accused with the victim is discussed in this section. Despite its limitations, this data allows us to corroborate the findings from the case studies of victims (which comprise Part I of this report), through an independent source of information.

### i. Profiles of Primary Victims Based on Age, Sex and Caste

Of the 95 victims who feature in the 85 FIRs, 88 were primary victims or those who were targeted directly on account of being labelled a ‘witch’. Sufficient details about them were available to allow a profiling along the categories of sex, age and caste.

**a) Sex:** Of the 88 victims, 75 were female and 13 male. While most of these primary victims were labelled as witches individually, there were three pairs of males and females (six in all), two of whom were a married couple, and one a father-in-law with daughter-in-law. Two male/female pairs are from Bihar, and one from Chhattisgarh. Although men are not immune from being targeted as witches according to this data, they are a small minority, with women being the most vulnerable to such targeting.

**Table 1.3: Sex of the Primary Victim**

M	F	Total
13	75	88*

\*This figure includes three pairs (two married couples, and one father-in-law/ daughter-in-law pair).

**b) Caste:** Caste references relating to 83 of the 88 primary victims are available. The caste categories used for tabulation are: Other Backward Classes (OBC), Scheduled Caste (SC), Scheduled Tribe (ST) and General (G). The table also reflects Muslim primary victims. The column ‘not mentioned’ denotes the number of victims whose caste details are not available.

**Table 1.4: Caste of the Primary Victim**

OBC	SC	ST	GEN	Muslim	Not mentioned	Total
24	30	10	14	2	8	88

The data from across districts in three different states, although small, indicates that witch hunting is not specific to one caste, and certainly not limited to the ST as is popularly understood. In fact, this data has more cases from the SC and OBC communities, followed by the General category, than from the ST with whom the practice of witch hunting has been traditionally associated.

**c) Age:** Information regarding the approximate age of the primary victims is available for 57 out of 88 victims, but not available for the remaining 31. As the age indicated in the police records is approximate, the tabulation is done in broad categories of 10 years that start from 18 years and continue upto 79 years.

**Table 1.5: Age of the Primary Victim**

18-19	20-29	30-39	40-49	50-59	60-69	70-79	Not mentioned	Total
2	7	7	16	15	8	2	31	88

The available data shows that in the majority of witch hunting cases, the primary victim belongs to the age groups of 40-49 and 50-59; the remaining victims tend to border the most vulnerable age groups on the higher and the lower sides. The data shows that even though the young age group of 18-21 and the elderly one of 61-80 are sometimes targeted as witches, their numbers are substantially less and insignificant compared to those in the middle-aged category, or close to middle-aged category, which appears to be the high vulnerability age range.

**d) Marital status:** Most of the primary victims (female and male) were married, which is not surprising given the age of the majority of the victims.

**Table 1.6: Marital Status of the Primary Victim**

Married	Unmarried	Widow	Total no. of victims
80	5	3	88

The victims targeted were largely married and middle-aged. The five unmarried victims were young women, all belonging to the age group of 18-20 and 21-29. Notably, all men targeted as witches were married.

## ii. Secondary Victims

Of the 95 victims mentioned in the 85 FIRs, seven were secondary victims. Of this rather small sample size of seven, information on sex is available for six secondary victims, which indicates four were male while two were female. All four male secondary victims were proximate to the primary victim, although the nature of the relationship differed – three were husbands of the primary victim, one was the son. Among the female secondary victims, one was the mother-in-law and one the daughter-in-law of the primary victim. In these cases, the secondary victims were beaten up and slapped. In one case, the husband of the primary victim was coerced by the *panchayat* to publicly accept that his wife was a *tohni*. The secondary victim whose sex is unknown was the eight-year-old child of the primary victim who was kidnapped, with intent to kill. It confirms that the immediate family members of primary victims are at risk of being attacked independently or along with the primary victim. Apart from these seven, there is a broad indication in the police records, in several other cases, of family members of the primary victim facing continuous intimidation and threats.

Broadly, the secondary victims were subjected to intimidation, threats and physical assault for attempting to protect the primary victim at the time of attack. The reason why details of seven secondary victims are available in the police records is that there were serious offences committed against them, in one case kidnapping. There are also general references to intimidation and threats to families of the primary victim in the police records without reference to details identifying those secondary victims.

### iii. The Accused

The FIRs state the name/s of the accused but, in most cases, do not provide information on the relationship of the accused with the victim. In some cases the relationship of the accused with the victim can be inferred from the facts.

**Table 1.7: Cases Where the Accused are Related to the Victim**

Related	Probably related	Not related	Unclear
13	33	31	8

In 13 FIRs there is clarity in the relationship between the accused and the victim. In most of these cases, the accused were from the family of the victim. In 33 cases, the accused were probably related to the victim, as they shared the same family name as the victim's husband, and were from the same village. This indicates that the attacks were by members of the extended marital family. In any case, it does indicate a close proximity, spatially, as part of the same village/neighbourhood, and belonging to a common clan/possibly same family. The data indicates that where the accused were three or more members, they typically comprised husband and wife, sometimes father and sons, or a set of brothers with their wives. The accused were members of a common family in most cases. The accused were both male and female, although more males are indicated.

Many FIRs mention two, three or more accused. Only 17 out of 85 cases involve one accused. The majority of the cases involve multiple accused – many of them families.

**Table 1.8: Number of Accused Per Case**

1	2-3	4-5	More than 5	No information
17	34	18	14	2

There are 34 cases with two to three accused, and 22 cases with more than four accused – a few cases involve seven or nine accused. A mob-like attack on the victim appears to be a defining featuring of witch hunting, with the mob often consisting of members of the same family or social group.

### iv. The Motives

It is not surprising that all the FIRs complain about name calling/branding or labelling of the victim as a 'witch' (*dayan/ tohni*), as these were the key search words used for identification of the cases. Accordingly, in all 85 cases, some reference to the term *dayan* or *tohni* is found.

**Table 1.9: Motives for Witch Hunting**

State	Total FIRs	Motive					
		Identification as witch	Reasons in addition to identification as witch				
			Illness of cattle	Illness in family of accused	Property	Seduction	Dowry
Chhattisgarh	51	36	1	11	1	1	1
Jharkhand	9	4	0	1	3	0	1
Bihar	25	20	0	3	2	0	0
<b>Total</b>	<b>85</b>	<b>60</b>	<b>1</b>	<b>15</b>	<b>6</b>	<b>1</b>	<b>2</b>

Although all cases mention identification of the victim as a witch, there are indications that other reasons were at play in 25 of the 85 cases. References to motives of attack include illness, property disputes, seduction and dowry

harassment. These additional reasons complicate the flat narratives of superstition in the context of witch hunting, pointing to interpersonal as well as other tensions and anxieties that propel witch hunting.

## v. The Complainant

The majority of the FIRs were initiated by the victim, with third persons taking the lead in a few. Of the 85 FIRs, 68 were at the initiative of the victim, 16 by a third person and only one by the police.

**Table 1.10: Break-up of the 85 Complainants**

Victim	Third person	Police
68	16	1

The third parties who filed the complaint were largely relatives of the victim. This suggests that the victim and those immediately affected by her victimization, or closely associated with her, bring the matter to the police. The one FIR that was registered by the police on its own initiative relates to a case of domestic violence, against which provisions of causing hurt, restraint and breach of peace have been invoked. The FIR in this case does not have sufficient facts to comprehend the police initiative, which according to the data is exceptional.

## 3. Special Laws on Witch Hunting: De Jure Vs. De Facto

In response to the high prevalence of witch hunting practices in the region, Bihar, Jharkhand and Chhattisgarh enacted state-specific laws to prevent and respond to witch hunting practices. The Prevention of Witch (Daain) Practices Act, 1999, is applicable in Bihar (hereafter referred to as the Bihar Act; *daain* is another spelling for *dayan*, used in the statute). This was also adopted by Jharkhand upon its creation as a separate state and was titled the Prevention of Witch Hunting Practices Act, 2001, (hereafter referred to as the Jharkhand Act). The Tonahi Pratadna Nirvaran Act, 2005, also referred to as the Witchcraft Atrocities Prevention Act, 2005, of Chhattisgarh (hereafter referred to as the Chhattisgarh Act), is slightly different from the two earlier laws in terms of offences and sentencing. The text of the three statutes is annexed to Part II of the report as **Annexure II**.

### i. Scope and Preventive Potential of Special Laws

The three laws declare low threshold acts connected with witch hunting as penal offences. These acts define the preliminary stages of targeting, which in many cases escalate to grave violence, public humiliation, forced eviction or expulsion from the village, and murder. The special laws declare the following aspects of targeting as offences: identification or labelling persons as witches; infliction of mental and physical harassment of persons identified as witches; and claims of persons, *ojhas* or otherwise, to cure persons declared as witches. The identification or branding of a person as a witch under Sec. 3 of the Bihar and Jharkhand statutes<sup>32</sup> is punishable by a maximum sentence of three months; the same offence is punishable by Sec. 4 of the Chhattisgarh Act<sup>33</sup> with a maximum of three years. Likewise, all three statutes punish the infliction of mental or physical harm on the victim: while Sec. 4 in Bihar and Jharkhand<sup>34</sup> sets out a maximum of six months' simple imprisonment with the option of a fine, Sec. 5 in Chhattisgarh<sup>35</sup> sets out a maximum of five years' rigorous imprisonment with a fine. The Bihar and Jharkhand laws provide for a fine of a maximum of Rs. 2000, while Chhattisgarh does not put a

32 Sec. 3 of the Bihar and Jharkhand Acts: 'Identification of Witch: Whoever identifies any person as Witch (Daain) and does any Act towards such identification either by words, actions or manner shall be punished with imprisonment for a term which may extend to 3 months or with fine of Rs. 1,000 or with both.'

33 Sec. 4 of the Chhattisgarh Act: 'Punishment for identifying Witch: Any one, who, by any means, exhibits any person as witch (tonahi), shall be punished with rigorous imprisonment for a term which may extend to three years and fine.'

34 Sec. 4 of the Bihar Act: 'Damages for causing harm: Any person who cause any kind of physical or mental torture to any women by identifying her as a Witch (Daain) whether deliberately or otherwise shall be punished with imprisonment for a term which may extend to 6 months or fine of Rs. 2,000 or with both.'

35 Sec. 5 of the Chhattisgarh Act: 'Punishment for harassment: Whoever causes physical or mental harassment or damage to any person identified by him or any person as tonahi shall be punished with rigorous imprisonment for a term which may extend to five years and also with fine.'

ceiling on the fine. Jharkhand and Bihar punish abetment, whereas the Chhattisgarh law punishes the attempt to commit any of the listed offences. Chhattisgarh also makes it an offence for a person to claim that they have powers to inflict harm on others, or to hold themselves up as witches.

Despite the small sentences attached to the offences, particularly in relation to Bihar and Jharkhand, the offences are cognizable and non-bailable. In Chhattisgarh, the bail application or bail bond to the accused may be entertained only after notifying the public prosecutor. The Chhattisgarh Act grants state government officials immunity from legal prosecution for acts done in good faith in discharge of their duties.

The laws aim to provide redress at the initial stages of victimization – when victims are branded as witches, are harassed mentally and physically, or are exorcised by witch doctors. By making the offences cognizable and non-bailable at the preliminary stages, the laws seek to minimize police discretion and compel intervention, so as to prevent further escalation of violence.

## ii. Special Laws Rarely Applied Independently of IPC

More pertinent than the letter and scope of the special laws is their application on the ground, at the site of targeting and victimization. The data from police records from these three states offers vital information on how the special laws work in practice – whether, in fact, their usage is at the preliminary stages, thus stymieing physical violence and continuing victimization. The data shows that special laws have been invoked in 79 out of the 85 FIRs.

**Table 1.11: Use of Special Laws**

	Bihar		Jharkhand		Chhattisgarh	
	FIR	Charge-sheet	FIR	Charge-sheet	FIR	Charge-sheet
Only special law	Nil	Nil	2	1	4	4
Only IPC	4	6	2	Nil	Nil	Nil
Both laws	21	9	5	2	47	47

*In Bihar, 10 cases did not have any information on charge-sheet available.*

*In Jharkhand, 2 cases did not have any information on charge-sheet available. In 4 cases, the charge-sheet had not been filed at the time data was collected.*

Significantly however, merely six out of the 85 FIRs applied the special laws exclusively; while the bulk (73) of the 85 cases had special laws applied alongwith IPC provisions pertaining to more serious offences. Although, theoretically, the special laws can prevent and deter victimization, in practice it is clearly used only in combination with more serious offences included in the IPC.

Table 1.12 looks more closely at the six cases (two from Jharkhand and four from Chhattisgarh) where the FIR was registered only under the special laws, to examine the kinds of offences registered under those.

**Table 1.12: Cases Registered Only under the Special Laws**

	State/ FIR no.	Acts complained of	Provisions in FIR	Provisions in charge-sheet	Status (at the time of documentation)
1	Jh 119/ 12	Branded witch; physical violence	Sec.3, 4 WH Act	Sec.3, 4 WH Act	Compromise (property dispute)
2	Jh 120/ 12	Branded witch; physical violence	Sec.3, 4 WH Act	CS not filed	Compromise (property dispute)



	State/ FIR no.	Acts complained of	Provisions in FIR	Provisions in charge-sheet	Status (at the time of documentation)
3	Chg 88/ 10	Branded witch; abused; beaten with a belt	Sec.4, 5 WH Act	Sec.4, 5 WH Act	Accused arrested; case pending
4	Chg 78/ 10	Branded witch; rumour mongering; taunts and threats	Sec.4 WH Act	Sec.4 WH Act	Accused arrested; investigation completed; case pending
5	Chg 128/ 10	Branded witch; insulted; rumour mongering; threats	Sec.4 WH Act	Sec.4, WH Act; Sec.107, 115(b), CrPC (Apprehension of breach of peace or tranquility of an area)	Accused arrested; investigation completed; case pending
6	Chg 160/ 10	Branded witch; abused; insulted; rumour mongering	Sec.4 WH Act	Sec.4, WH Act	Investigation completed; case pending

*Jh: Jharkhand; Chg: Chhattisgarh*

Of the 85 registered cases documented for this study, only six were registered exclusively under the special law provisions. Of the six cases, two from Jharkhand were compromised (one after the charge-sheet was filed). As a consequence, in both these cases, there was no redress, punishment or damages, despite the law. In one case, Sec. 107 on security for keeping the peace and Sec. 115(b) on power to dispense with personal attendance of the Criminal Procedure Code (CrPC) have been added to the charge-sheet. This reduces the number of cases in which the special law is exclusively invoked to three. Here arrests were made, but accused were out on bail thereafter and the cases are pending. Of the six cases filed exclusively under the special laws, only three from Chhattisgarh were ready for prosecution exclusively under the special laws.

Clearly, the special laws are seldom used on their own. The predominant law under which cases are registered is the IPC. With 79 out of 85 cases in our data registered under the IPC, one can conclude that, in practice, the special laws have not replaced the IPC, nor have they aided pre-emptive action when the warning signs first occur. The special laws largely work in conjunction with the IPC, with the more serious offences cited in the cases, to establish as it were, the unique motive for the commission of the offences. We look at the nature of offences registered under the special laws as well as the IPC in this chapter, to see what kinds of offences are commonly invoked in cases of witch hunting.

### **iii. Offences Typically Invoked under the Special Laws**

A closer look at the provisions invoked under the special laws, as well of the state-wise trends in Bihar, Jharkhand and Chhattisgarh in our data, provides more insights into the pattern of usage of the state laws and the purpose they serve.

**Table 1.13: (Bihar) Prevention of Witch (Daain) Practices Act, 1999**

Total no. of cases	26	
Provision	FIR	Charge-sheet
Sec.3: Identification of witch ( <i>daain</i> ) (NB)	21	9
Sec.4: Damages for causing harm (NB)	21	9

**Table 1.14: (Jharkhand) Prevention of Witch Hunting Practices Act, 2001**

Total no. of cases	9	
Provision	FIR	Charge-sheet
Sec.3: Identification of witch ( <i>daain</i> ) (NB)	7	3
Sec.4: Damages for causing harm (NB)	7	3

\* (NB - denotes non-bailable offences)

The two provisions invoked with similar frequency in Bihar and Jharkhand are Sec. 3 and 4, the former pertaining to identification of a person as a witch (that is, punishable by a term upto three months), and the latter pertaining to damages for, intentionally or otherwise, causing mental or physical torture to any person (punishable by a term upto six months). Despite the small sentences, both these offences are cognizable and non-bailable, which allows an officer to arrest the accused if the complaint merits it, while ensuring that bail is available to the accused only through the court. Of the 35 FIRs from Bihar and Jharkhand that are part of this tabulation, 28 included the special act provisions in the FIRs. These provisions, upon investigation, were retained only in 12 of the cases in the charge-sheets, that is, less than half of the 28 FIRs.

**Table 1.15: (Chhattisgarh) Witchcraft Atrocities Prevention Act, 2005**

Total no. of cases	51	
Provision	FIR	Charge-sheet
Sec.4:Punishment for identifying a <i>tonahi</i> (NB)	45	45
Sec.5:Punishment for harassment (NB)	39	39
Sec.3: Act not in derogation of any other law	4	4
Sec. 6: Punishment for alleged curing	1	1
Sec. 7:Punishment for claiming to be a <i>tonahi</i>	1	1

Unlike the data from Bihar and Jharkhand, all the offences mentioned in the FIRs from Chhattisgarh have been carried forward in the charge-sheets. Of the 51 FIRs tabulated from Chhattisgarh, about 45 charge-sheets invoke Sec. 4 of the special law relating to exhibiting any person as a witch, making it the most frequently invoked provision under the Witchcraft Atrocities Prevention Act, 2005. A substantial number of cases also invoke Sec. 5 of the Act, pertaining to harassment and injury to a person exhibited as a witch, punishable by five years.

In all the records, there was not a single instance found of providing compensation, although the Chhattisgarh Act contains provision for damages and compensation. While it is likely that the compensation was awarded upon successful conclusion of proceedings, contingent upon conviction and the capacity of the convicted parties to pay the fine, the testimonies of victims from the case studies portion of this study suggest that no compensation was received by any of the victims.

## 4. Provisions Invoked under the IPC

Of the 85 cases documented from the police records, 80 cases invoke provisions of the IPC. This section examines the FIRs as well as the charge-sheets to identify the provisions of the IPC most commonly invoked, to draw inferences about the interface of the police/law with the targeting and victimization related to witch hunting.

The IPC offences appearing in the FIRs and the charge-sheets are tabulated below, with the most frequently invoked offences listed on top, and the least frequent at the bottom. Each case is likely to have multiple offences, and the purpose of this table is only to reflect the penal provisions that are invoked, and the number of cases in which each of these appears.

**Table 1.16: IPC Provisions Appearing in FIRs and Charge-sheets**

Provision of the IPC	FIR	CS
Sec.323: Punishment for voluntarily causing hurt(B)	51	41
Sec.506: Punishment for criminal intimidation (B)	40	38
Sec.294: Obscene acts and songs (B)	39	38
Sec.34: Acts by several persons in furtherance of common intention (B/NB)	36	31
Sec.504: Intentional insult with intent to provoke breach of the peace (B)	19	13
Sec.341: Punishment for wrongful restraint (B)	19	12
Sec.307: Attempt to murder (NB)	12	7
Sec.452: House trespass after preparation for hurt, assault or wrongful restraint (NB)	11	9
Sec.147: Punishment for rioting (B)	8	5
Sec. 324: Voluntarily causing hurt by dangerous weapons or means (B)	6	3
Sec.354: Assault or criminal force on woman with intent to outrage her modesty (B)**	5	4
Sec.379: Punishment for theft (NB)	5	2
Sec.380: Theft in dwelling house, etc. (NB)	5	2
Sec.448: Punishment for house trespass (B)	5	2
Sec.302: Punishment for murder (NB)	4	2
Sec.457: Lurking, house trespass or house-breaking by night in order to commit offence punishable with imprisonment (NB)	3	1
Sec.427: Mischief causing damage to the amount of fifty rupees or upwards (B)	2	2
Sec.498A: Husband or relative of husband of a woman subjecting her to cruelty (NB)	2	2
Sec.342: Punishment for wrongful confinement (B)	2	0
Sec.114: Abettor present when offence is committed (B/NB)	1	1
Sec.120: Concealing design to commit offence (B/NB)*	1	1
Sec.204: Destruction of document or electronic record to prevent its production as evidence (B)	1	1
Sec.216: Harboring offender who has escaped from custody or whose apprehension has been ordered (B)	1	1
Sec.295: Injuring or defiling place of worship with intent to insult the religion of any class (NB)	1	1
Sec.314: Death caused by act done with intent to cause miscarriage(NB)	1	1
Sec.329: Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act (NB)	1	1
Sec. 337: Causing hurt by act endangering life or personal safety of others (B)	1	1
Sec.343: Wrongful confinement for three or more days (B)	1	1
Sec.347: Wrongful confinement to extort property, or constrain to illegal act (B)	1	1
Sec.420: Cheating and dishonestly inducing delivery of property (NB)	1	1
Sec.456: Punishment for lurking, house trespass or house-breaking by night (NB)	1	1
Sec.467: Forgery of valuable security, will, etc. (NB)	1	1
Sec.468: Forgery for purpose of cheating (NB)	1	1
Sec.471: Using as genuine a forged document or electronic record (B)	1	1
Sec.509: Word, gesture or act intended to insult the modesty of a woman (B)	1	1
Sec.325: Punishment for voluntarily causing grievous hurt (B)	1	0
Sec.340: Wrongful confinement (B)	1	0

Provision of the IPC	FIR	CS
Sec.149: Every member of unlawful assembly guilty of offence committed in prosecution of common object (B/NB)	1	-
Sec.447: Punishment for criminal trespass (B)	1	-
Sec.449: House trespass in order to commit offence punishable with death (NB)	1	-
Sec.376: Punishment for rape (NB)	1	-
Sec.309: Attempt to commit suicide (B)	1	-
Sec.511: Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment (B/NB)	1	-
Sec. 304: Punishment for culpable homicide not amounting to murder (NB)	0	1

*\*(B) and (NB) denotes that the offence may be bailable or non-bailable.*

*\*\* Prior to the Criminal Law Amendment, 2013, Sec. 354 was a bailable offence.*

**Table 1.17: Types of Offences**

Bailable	Non-bailable	Discretionary
22	17	5

There are 44 provisions of the IPC that have been invoked in the 79 cases, with the columns on the right in Table 1.16 displaying the number of FIRs and charge-sheets in which the particular provision has been invoked. Of these 44 provisions, 22 are bailable offences, 17 are non-bailable offences and five are offences where the discretion to grant bail lies with the judge based on the severity of the act involved. In each case, a cluster of offences, many pertaining to violence to the person and theft of/trespass into the property, have been applied. This suggests that multiple offences are perpetrated simultaneously, often by more than one perpetrator.

All the FIRs suggest that physical violence of varying degrees was perpetrated. The most prominently invoked provision is Sec. 323, a bailable offence, for causing hurt (simple injury) that appears in 51 FIRs, and was retained in 41 charge-sheets from the total of 80 cases in which the IPC was applied. Violence escalating to murder is not rare, with a total of 12 FIRs booked under Sec. 307 (dealing with attempt to murder) and four FIRs under Sec. 302 (murder). In one case, where the FIR mentions no killing, the charge-sheet adds the charge of Sec. 304 (relating to culpable homicide not amounting to murder), as the victim died subsequently in hospital from the injuries inflicted upon her. The violence also appears to be of public nature – with provisions relating to breach of peace, rioting or annoyance through obscene acts and songs.

There are 27 cases in which the FIRs invoke one or more of the provisions that involve trespass of house to commit an offence, for instance, Sec. 452, 380, 448, 457, 456, 447 and 449. This cluster of offences, of varying severity, suggests that violence is accompanied often by trespassing or breaking into the house, theft of property, theft in dwelling house or extortion of property.

The list of penal provisions comprises those commonly invoked in cases of witch hunting. To understand whether these provisions are in fact commensurate with the nature of injury perpetrated is examined later in this chapter.

## 5. Outcomes: Chargesheets, Closure, Compromises

After registration of the FIR, the police undertake investigation to ascertain if a case can be made, and upon completion of investigation, a charge-sheet is filed to prosecute the case. If, during investigation, no offence is found to have occurred, a closure report is filed. A charge-sheet may revise the offences applied to the case in the FIR, based on the findings of the investigation. In most of the 85 FIRs filed, a charge-sheet was found in the police records. In six cases, the investigation was ongoing; in two cases, closure reports had been filed, indicating that those cases would not be prosecuted; and in one case the charge-sheet could not be found. In a large number of cases, the charge-sheets broadly endorse the penal provisions invoked in the FIRs, removing a few provisions while keeping most. This will become more evident in the discussions that follow.

**Table 1.18: Status of Complaint**

Charge-sheet filed	Investigation ongoing	Investigation completed but no charge-sheet	Lost/could not be found	Case closed	Total no. of FIRs
75	6	1	1	2	85

In at least five of the cases in the entire data, all from Jharkhand, evidence shows that the cases were compromised. Notably, all of these are cases of domestic violence or those targeting the woman within the matrimonial family. The term ‘compromise’ appears as an informal noting in the police records to indicate that the case was closed, at least in four or five cases, after the charge-sheet was filed. The formal legal terms such as ‘compounded’ or ‘quashed’ were not used, nor were any documents from the courts found in the police records to suggest that this compromise was a closure through the legal process.

**Table 1.19: Cases ‘Compromised’ in Jharkhand**

FIR	Description of offence	Provisions in the FIR and CS	Relationship of the accused	Terms of compromise
Jharkhand 118/12	Tonsuring, physical violence for insufficient dowry	IPC:498A, 341, 323, 504, 379 in FIR and CS	Husband, mother-in-law, brother-in-law	Mutual compromise
Jharkhand 118/10	Physical violence, labelling as witch	IPC:341, 307 IPC - in FIR and CS	Bother-in-law and family	Mutual compromise
Jharkhand 119/10	Physical violence, labelling as witch, property dispute	WH Act: 3, 4 in FIR and CS	Relatives	Mutual compromise
Jharkhand 124/12	Domestic violence	IPC:341, 323, 504 CS filed but no provisions cited	Not mentioned (but are family members)	Property dispute in the family resolved
Jharkhand 120/12	Physical violence, labelling as witch	WH Act: 3, 4 Case closed	Relatives	Property dispute in the family resolved

These informal compromises are not part of the legal process, but within the knowledge of the police/or facilitated by the police, as the informal jottings in the police records use the word ‘compromise’, as mentioned above. This is not surprising as victims of sexual and gender-based violence, including domestic violence, often accede to compromises in face of increased hostility, and lack of alternative support and viable legal recourse.

## 6. The Application of the Law: Trends and Gaps

A comparison of the facts reported in the FIRs with the offences invoked in relation to them tells the story of how the law operates in reality at the site of targeting and victimization. It provides insights into how the police respond to and understand witch hunting. The trends flagged here reveal as much about the law enforcement machinery as about the capacity of the law to respond to the victimization that is particular to witch hunting.

### i. Name Calling not Enough for Legal Redress

Earlier we saw that the special laws are rarely invoked on their own to address preliminary forms of victimization, such as identification as a witch, name calling and harassment, with only six out of 85 FIRs exclusively based on the special laws. Of these, two cases were compromised and closed. The particular mischief that the special laws seek to address is to make identification of a witch and name calling a crime, in recognition of the local context where such name calling leads to stigma, humiliation, ostracism, violence and victimization. Yet, there is rarely any action taken for name calling alone.

The data shows that IPC too is invoked to address name calling. In fact, the following 13 cases invoke Sec. 504 and 506 IPC in response to intimidation, insults, name calling, harassment and threats. Sec. 504 addresses ‘intentional insult with intent to provoke breach of the peace’, which is punishable by a maximum of two years, or a fine or both, and is non-cognizable and bailable; this makes it weaker than the witch hunting law of Chhattisgarh, but it is nonetheless applied in combination with provisions of the state law. Likewise, Sec. 506 addresses criminal intimidation, which covers varying degrees of such intimidation punishable with anything from two to seven years, or a fine or both, is non-cognizable and bailable, but also invoked to respond to complaints.

**Table 1.20: IPC as Used to Address Name Calling, Harassment and Threats**

	Offence	Charge-sheet	State/ FIR no.	Description
1	IPC: 294, 506 WH Act: 3, 5	Same	Ch 407/12	Victim was called a <i>tohni</i> , abused, insulted and given death threats
2	IPC: 294, 506 WH Act: 4,5	Same	Ch 175/11	The victim’s son was unwell; she was labelled a <i>tohni</i> , abuses and insults were hurled, and she was threatened with death
3	IPC: 294, 506 WH Act: 4	Same	Ch 135/10	Accused of being a <i>tohni</i> , verbally abused, insulted and threatened
4	WH Act: 4	Same	Ch 78/10	Rumours were spread that victim was a <i>tohni</i> , she was defamed, insulted, taunted and threatened
5	IPC: 504,506 WH Act: 4	Same	Ch 147/10	Verbally abused, taunted with death threats
6	IPC: 294, 506 WH Act: 4	Same	Ch 202/10	Branded as <i>tohni</i> , verbally abused, insulted threatened with death
7	IPC: 294,506 CrPC:299 WH Act: 4	Same	Ch 221/10	Blamed for making the accused’s granddaughter ill, called a <i>tohni</i> . Verbally abused and threatened
8	IPC: 294, 506, 34 WH Act: 4	Same	Ch 142/10	Branded as a <i>tohni</i> , verbally abused, insulted, issued death threats
9	WH Act: 4	WH Act: 4 CrPC:107, 115 (b)	Ch 128/10	Branded a <i>tohni</i> , insulted, rumours spread about her, and she was threatened
10	IPC: 504 WH Act: 4	Same	Ch 109/10	Branded a <i>tohni</i> and insulted
11	IPC: 294, 34 WH Act: 4	Same	Ch 9/10	Branded a <i>tohni</i> , subjected to verbal abuse, insults and sexual slurs
12	IPC: 294, 506 WH Act: 5	Same	Ch 104/10	Branded a <i>tohni</i> , subjected to verbal abuse, insults and death threats
13	WH Act: 4	Same	Ch 160/10	Branded a <i>tohni</i> , abused, insulted, defamed within community

The tabulation shows two things: that despite the availability of special laws, the police register cases relating to name calling only when criminal intimidation, insults and/or threat to life occur. This seems the only plausible reason why the Chhattisgarh witch hunting law, which is stronger than the other two state laws, is not invoked on its own but only in combination with the IPC provisions relating to breach of peace and criminal intimidation. At least 13 cases, all from Chhattisgarh, show that only when name calling assumes more serious dimensions, threatening to manifest as a serious offence, do the police register a case. It must be recalled, however, that with 13 out of 85 FIRs, this is the exception more than the rule. In the vast majority of cases, FIRs are registered only when considerable physical violence is perpetrated.

## ii. Name Calling Treated as Annoyance by ‘Obscene Acts and Songs’

Nearly 40 of the 51 FIRs tabulated from Chhattisgarh invoke Sec. 294 in response to targeting and labelling the victim as a witch. Sec. 294 IPC reads: ‘*Obscene acts and songs – Whoever, to the annoyance of others – a) does any*

obscene act in any public place, or b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.’ This offence is cognizable, bailable and non-compoundable.

The use of Sec. 294 IPC when name calling and abuse are alleged in the complaint appears to be a Chhattisgarh-specific trend. The data from Bihar or Jharkhand does not reflect this. The use of this provision is inexplicable, given that Sec. 4 and 5 of the Chhattisgarh Act on witch hunting is comprehensive, and provides for a higher sentence than that prescribed for Sec. 294 IPC.

**Table 1.21: 40 Cases Where Sec. 294 is Invoked**

FIR no.	Facts/forms of violence – FIR	Provisions of law used in FIR	Provisions of law used in charge-sheet
237/12	Blamed for black magic, abused, dragged out of home and beaten up	IPC: 452, 294, 506, 323 WH Act: 4, 5	IPC: 452, 294, 506, 323 WH Act: 4, 5
32/11	Called a <i>tohni</i> , blamed for black magic, subjected to filthy abuses, sexual slurs and insults	IPC: 294 r/w 34 WH Act: 4, 5	IPC: 294 r/w 34 WH Act: 4, 5
49/12	Called a <i>tohni</i> , subjected to filthy abuses and sexual slurs, beaten and blamed for ‘eating the son’ of the accused persons	IPC: 294, 323, 506 WH Act: 4, 5	IPC: 294, 323, 506 WH Act: 4, 5
177/12	Male victim was called a <i>tohni</i> , beaten, given filthy abuses, blamed for making father of accused ill by black magic, and for ‘eating the son’ of the accused (who had died)	IPC: 452, 294, 506, 323, 34 WH Act: 4, 5	IPC: 452, 294, 506, 323, 34 WH Act: 4, 5
388/12	Called a <i>tohni</i> , blamed for doing black magic and ‘eating’ the accused, subjected to abuse/sexual slurs, and beaten; her hand was broken, she was admitted to hospital	IPC: 294, 323, 506 WH Act: 4, 5	IPC: 294, 323, 506 WH Act: 4, 5
178/12	Male victim, a Baiga, was suspected of practising black magic, and was abused, insulted and beaten up at night	IPC: 452, 294, 506, 323, 34 WH Act: 4, 5	IPC: 452, 294, 506, 323, 34 WH Act: 4, 5
338/11	Called a <i>tohni</i> , verbally abused, beaten and given death threats	IPC: 294, 506 WH Act: 4, 5	IPC: 294, 506 WH Act: 4, 5
238/11	Called a <i>tohni</i> , filthy abuses and sexual slurs were given, with threats of beating/physical harm	IPC: 294, 506B WH Act: 3,4,5	IPC: 294, 506B WH Act: 3,4, 5
229/12	Called a <i>tohni</i> , blamed for witchcraft, causing illness of the accused’s son and beaten	IPC: 294, 506 WH Act: 4	IPC: 294, 506 WH Act: 4
407/12	Called a <i>tohni</i> , abused, insulted and given death threats	IPC: 294, 506 WH Act: 3, 5	IPC: 294, 506 WH Act: 3, 5
209/12	Called a <i>tohni</i> , given filthy abuses and insults, and beaten	IPC: 294, 506, 34 WH Act: 4	IPC: 294, 506, 34 WH Act: 4
400/12	Called a <i>tohni</i> , she was accused of practising witchcraft, verbally abused, insulted and beaten	IPC: 294, 506, 323, 34 WH Act: 4, 5	IPC: 294, 506, 323 WH Act: 4, 5
236/12	Called a <i>tohni</i> , verbally abused, insulted and beaten	IPC: 294, 323 WH Act: 3,4, 5	IPC: 294, 323 WH Act: 3,4, 5
270/10	Called a <i>tohni</i> , given filthy abuses and insults, beaten and given death threats	IPC: 294, 323, 452, 506/34 WH Act: 4, 5	IPC: 254, 323, 452, 506/34 WH Act: 4, 5
14/11	Male victim was called a <i>tohni</i> , verbally abused and beaten with a rod	IPC: 307, 294, 323, 506B, 34 WH Act: 4, 5	IPC: 307, 294, 323, 506B, 34 WH Act: 4, 5
283/11	Accused of practising witchcraft, abused, beaten and threatened with death	IPC: 294, 323, 506, 34 WH Act: 4, 5	IPC: 294, 323, 506, 34 WH Act: 4, 5
213/11	Called a <i>tohni</i> , verbally abused, beaten with a bamboo stick	IPC: 294, 506, 323, 147 WH Act: 4, 5	IPC: 294, 506, 323, 147 WH Act: 4, 5



FIR no.	Facts/forms of violence – FIR	Provisions of law used in FIR	Provisions of law used in charge-sheet
443/10	Male victim was called a <i>tohni</i> , verbally abused, beaten and threatened with death	IPC: 294, 506, 323 WH Act: 4, 5	IPC: 294, 506, 323 WH Act: 4, 5
400/10	Called a <i>tohni</i> , verbally abused, insulted and beaten	IPC: 294, 506, 323, 34 WH Act: 4, 5	IPC: 294, 506, 323, 34 WH Act: 4, 5
252/10	The accused barged into victim's house, called her a <i>tohni</i> , verbally abused and sexually harassed her and beat her	IPC: 456, 294, 354, 323 WH Act: 4, 5	IPC: 456, 294, 354, 323 WH Act: 4, 5
127/12	The victim was blamed for the illness of the accused's newly married daughter, called a <i>tohni</i> ; the accused barged into victim's house, hurled filthy abuses, beat her and threatened to kill her	IPC: 452, 294, 506, 323, 34 WH Act: 4, 5	IPC: 452, 294, 506, 323, 34 WH Act: 4, 5
175/11	The victim's son was unwell; she was blamed as a <i>tohni</i> , abuses and insults were hurled, she was threatened with death	IPC: 294, 506 WH Act: 4, 5	IPC: 294, 506 WH Act: 4, 5
138/10	The accused barged into the victim's house, called her a <i>tohni</i> , abused her and beat her with a bamboo stick, threatened to kill her	IPC: 294, 452, 506, 34 WH Act: 4, 5	IPC: 294, 452, 506, 34 WH Act: 4, 5
2058/10	Called a <i>tohni</i> and blamed for making several people fall ill, hence abused and beaten; her husband was coerced by the panchayat to say his wife was a <i>tohni</i>	IPC: 294, 506, 147 WH Act: 4, 5	IPC: 294, 506, 147 WH Act: 4, 5
135/10	Called a <i>tohni</i> , verbally abused, insulted and threatened	IPC: 294, 506 WH Act: 4	IPC: 294, 506, WH Act: 4
344/10	Called a <i>tohni</i> , blamed for seducing the accused's husband, of making him violent at home; she was verbally abused, beaten and given death threats	IPC: 294, 506, 323 WH Act: 4-7	IPC: 294, 506, 323 WH Act: 4-7
151/12	Called a <i>tohni</i> , blamed for black magic on nephew of accused; given filthy abuses, hair tonsured, disrobed and paraded in public; forced to admit she was a <i>tohni</i> and apologize; given death threats	IPC: 294, 506B, 323, 147, 34 WH Act: 4, 5	IPC: 294, 506, 323, 147, 34 WH Act: 4, 5
157/11	Verbally abused, branded a <i>tohni</i> and beaten with bamboo stick	IPC: 294, 506b, 323, 147 WH Act: 4, 5	IPC: 294, 506b, 323, 34 WH Act: 4, 5
335/11	Male victim called a <i>tohni</i> ; verbally abused, attacked by sword, stick and axe, chased and beaten; injuries on hand and head.	IPC: 294, 506, 323, 324, 34 WH Act: 4, 5	IPC: 294, 506, 323, 324, 34 WH Act: 4, 5
161/11	Verbally abused, called a <i>tohni</i> , beaten with bricks; injuries on hand and foot	IPC: 294, 34, 323 WH Act: 4, 5	IPC: 294, 34, 323 WH Act: 4, 5
20/11	Called a <i>tohni</i> . Blamed for 'eating' 6 yr old son of accused who died; verbally abused and beaten with bricks	IPC: 294, 506b, 323, 34 WH Act: 4, 5	IPC: 294, 506b, 323, 34 WH Act: 4, 5
202/10	Branded as a <i>tohni</i> , verbally abused, given death threat	IPC: 294, 506 WH Act: 4	IPC: 294, 506 WH Act: 4
221/10	Blamed for making the accused's granddaughter ill; called a <i>tohni</i> ; verbally abused and threatened with death	IPC: 294, 506 WH Act: 4 Cr.P.C: 299	IPC: 294, 506 WH Act: 4 Cr.P.C: 299
142/10	Male victim branded a <i>tohni</i> , verbally abused, issued death threats	IPC: 294, 506, 34 WH Act: 4	IPC: 294, 506, 34 WH Act: 4
60/10	Branded a <i>tohni</i> , subjected to sexual slurs, verbally and physically abused with death threats	IPC: 294, 506, 323, 34 WH Act: 5	IPC: 294, 506, 323, 34 WH Act: 5
374/10	Branded a <i>tohni</i> , verbally and physically abused, subjected to sexual slurs and threatened	IPC: 294, 506, 323, 34 WH Act: 4	IPC: 294, 506, 323, 34 WH Act: 4
9/10	Branded a <i>tohni</i> , subjected to verbal abuse, insults and sexual slurs	IPC: 294, 34 WH Act: 4	IPC: 294, 34 WH Act: 4

FIR no.	Facts/forms of violence – FIR	Provisions of law used in FIR	Provisions of law used in charge-sheet
79/10	Called a <i>tohni</i> , verbally and physically abused, subjected to sexual slurs, insults with death threats	IPC:294, 323,506 (b) WH Act:4,5	IPC:294, 323,506 (b) WH Act:4,5
148/10	Called a <i>tohni</i> , blamed for practising witchcraft; strangled to death	IPC: 302 WH Act: 5	IPC: 302 WH Act: 5
104/10	Branded a <i>tohni</i> , subjected to verbal abuse, insults and death threats	IPC:294, 506 WH Act: 5	IPC:294, 506 WH Act:5

Sec. 294 IPC is a cognizable and bailable offence, with a sentence that may involve simple imprisonment of a maximum of three months (or a fine or both). It refers to causing annoyance to others, generally. Yet, it is applied in witch hunting cases, where a particular person is the target of abuses and humiliation. The use of a provision on annoyance takes away from the targeted nature of name calling and the intended harm to an individual and her family.

It is inexplicable why this provision is popularly applied by the police in Chhattisgarh, particularly because Sec. 4 on exhibiting a person as a witch, and Sec. 5 on harassment and abuse in the Chhattisgarh Act are non-bailable and carry higher maximum sentences of three and five years respectively. Not only is the provision invoked in the FIR, but it is also retained in the charge-sheet stage in all these cases. One possibility could be that Sec. 294 is used with reference to sexual slurs that are commonly used to insult in the context of witch hunting, seemingly alluded to in the FIRs as '*gandi gandhi gaali dena*'. Six of the 40 cases in which Sec. 294 is invoked pertain to male victims, which might also explain the application of Sec. 294 as a local trend rather than an innovative application based on some consideration. Whatever be the reason, the use of Sec. 294 in such cases remains perplexing.

### iii. Penal Provisions Incompatible with Degrading and Cruel Forms of Violence

Of the 88 primary victims in this data, 75 were women. With the overwhelming majority of victims being women, it is not surprising to find sexual and gender-based violence described in the FIRs. Further, witch hunting, in and of itself, is defined by particular forms of violence that involve public humiliation, degradation and cruelty. Both trends are visible in the list of cases tabulated below, with the penal provisions invoked against each, to evaluate the compatibility of the law with the nature of wrong.

**Table 1.22: Disparity between Violence Inflicted and Penal Provisions Invoked**

	FIR no.	Nature of violence – FIR	Provisions in FIR	Provisions in charge-sheet
<b>A. Cruel, Inhuman, Degrading Treatment</b>				
1	Bih 15/10	Called <i>dayan</i> ; attacked while performing puja, she was beaten, blamed for casting an evil eye on others' sons and husbands through praying; sari and petticoat pulled off, she was told to dance, beaten and slapped; her belongings were stolen from her home; a twig was inserted in her ear, she was made to drink dirty water from an old leather shoe for purification	IPC 323,341,457, 380,504,427,295 WH Act 3,4	IPC 323,341,457,380, 504,427,295 WH Act 3,4
2	Bih 95/11	Called <i>dayan</i> ; when the victim was on her way to the market, the accused surrounded her, beat her, forced her to consume faeces mixed with urine, abused her and stole jewellery she was wearing	IPC: 323, 379, 34 WH Act: 3, 4	IPC: 323, 379, 34 WH Act: 3, 4

	FIR no.	Nature of violence – FIR	Provisions in FIR	Provisions in charge-sheet
3	Bih 16/12	<i>Called dayan</i> ; abused and beaten; the accused shaved the victim's hair, forcibly stripped her in public, forced her to consume excreta and urine, stole things from her house	IPC 341,342,448,323,504 WH Act 3,4	Information not mentioned;charge-sheet lost
4	Bih 23/12	<i>Called dayan</i> ; the accused dragged her out of her house by the hair, beat her with brooms and slippers, abused her,put cow dung and human faeces on her face, forced her to lick spit from the ground	IPC 323,341,34,379 WH Act 3,4	Penal provisions not cited, offences mentioned– trespass, beatings, verbal abuse and calling dayan
5	Bih 28/12	<i>Called dayan</i> ; the accused barged into her home, dragged her out; she was verbally abused, beaten, stoned in public, forced to lick stones	IPC 448,323,504, 34 WH Act 3,4	Provisions of law not cited but offences mentioned– insults, stoning and calling dayan
6	Bih 12/12	<i>Called dayan</i> ; when the victim was having a bath near the well, her clothes were snatched and thrown into the well, leaving her disrobed; she was pinned to the floor, beaten, struck on the head with bricks; the accused pulled her hair and tried to set it on fire, attempted to push her into the well	IPC 341,323,337,34,354,307 WH Act 3,4	IPC 341,323,337,34,354,307
7	Bih 141/12	<i>Called dayan</i> ; the accused entered the victim's house, dragged her out by her hair, punched and beat her on the road and disrobed her in public	IPC 341,323,354,504,34 WH Act 3,4	IPC 341,323,354,504,34 WH Act 3,4
8	Bih 187/11	<i>Called dayan</i> , beaten, slapped, knocked around, punched and dragged by the hair in public; her hair was cut off	IPC 448,341,323,504,506,34 WH Act 3,4	Provisions of law not cited but offences mentioned– insults, beatings and calling dayan
9	Bih 97/11	<i>Called dayan</i> , dragged out of her house by the accused,excreta was rubbed on her face, she was forced to drink excreta mixed with urine; forced to take a vow in the Kali temple	IPC 323,452,457,504	IPC 323,452,457,504
10	Bih 9/11	<i>Called dayan</i> because a child became ill; she was beaten, pushed into a drain and forced to drink dirty water from it	IPC 147,149,380,452,307 WH Act 3,4	Provisions of law not cited but offences mentioned – trespass, insults, beatings and calling dayan
11	Bih 194/11	The victim was dragged out of her house onto the road, called dayan, insulted, abused and beaten;her hair was shaved; she was forced to consume excreta and urine, and was paraded.	IPC 341,323,504,114,324,307,34 WH Act 3,4	IPC 341,323,504,114,324,307,34 WH Act 3,4
12	Chg 151/12	<i>Called tohni</i> , blamed for black magic on the nephew of the accused; given filthy abuses and insults; hair was tonsured, she was disrobed and paraded in public; victim forced to admit she is a tohni and apologize; given death threats	IPC 294, 506B, 323,147, 34 WH Act 4, 5	IPC 294, 506, 323,147,34 WH Act 4, 5
13	Bih 94/12	Daughter-in-law and father-in-law both branded dayan; insulted and beaten, barred from using public space and free movement restricted; attempt to disrobe daughter-in-law	IPC 341,323,504,34 WH Act 3,4	IPC 341,323,504,34

	FIR no.	Nature of violence – FIR	Provisions in FIR	Provisions in charge-sheet
<b>B. Sexual Insults, Acts and Violence</b>				
1	Bih 28/11	Called <i>dayan</i> ; the accused barged into her house, abused and insulted her; molestation and attempt to rape; her jewellery was stolen	IPC 452,380,324,307,376, 511 WH Act 3,4	IPC 323,341,504,34
2	Bih 40/11	The accused persons entered the house of the victim, called her <i>dayan</i> ; molested, beat, abused and insulted her; committed theft	IPC 449,341,323,324, 504,354, 379,34 WH Act 3,4	Provisions of law not cited but offences mentioned– insults, molestation, beatings, theft, calling <i>dayan</i>
3	Bih 151/10	The accused persons entered the house of the victim, called her <i>dayan</i> ; insulted and threatened to kill her son; forcibly put sindoor on her daughter, threatening to take her away to cohabit with her, if the victim refused to give her land that adjoined the accused's property	IPC 147,448,504,509	IPC 147,448,504,509
4	Chg 252/10	The accused barged into her house, called her <i>tohni</i> , verbally abused and sexually harassed, and beat her	IPC: 456, 294, 354, 323 WH Act: 4, 5	IPC: 456, 294, 354, 323 WH Act: 4, 5
5	Bih 154/10	Called <i>dayan</i> ; subjected to physical and verbal abuse and theft, given death threats, threatened against filing complaint	IPC: 147, 341, 323, 324, 307, 354, 380, 504, 506	IPC: 341, 323, 307, 504, 354, 506 WH Act: 3, 4

The above table details the violence described in the FIRs, correlating these to the penal provisions applied. The violence as described does not aim to simply injure or hurt the victim, but clearly intends to inflict cruelty and degrade the victim in public. All the above cases pertain to women victims, and most involve some form of sexual violence. The table above draws a distinction between forms of violence (including sexual) that are designed to humiliate and degrade the victim in public, and sexual offences per se that are intended to intimidate and violate the victim without the element of public humiliation. The two categories overlap, as the acts of public degradation often involve sexualized violence, so they have been tabulated together. It is highly probable that there were more cases than the ones above where sexual violence or molestation was played out, but were neutralized in the recording of the FIR. For instance, in case no. 5 of the second category, Sec. 354 on outraging the modesty of woman was applied, when the factual narrative of the FIR does not refer to molestation or describe the actions that amount to this.

In addition to drawing attention to the particularity of violence that typifies witch hunting, the table allows us to evaluate the compatibility of penal provisions applied in response to the reported wrong. The provisions applied in many cases do not allude to sexual violence in any way, or comprehend the harm beyond the visible marks of physical injury, despite the facts. An FIR translates the injury suffered into legal discourse, framing the scope of redress and justice. If this foundational document erases the depth and specificity of harm, it impacts justice outcomes and possibilities in fundamental ways, and therefore is a fit subject of critique. There are two key concerns arising from the selection of penal provisions in the FIRs that explain the ways in which the law neutralizes, trivializes and obscures the severity and the particularity of the violence reported. Most definitely, these concerns impede justice.

**a) Sexual and sexualized violence:** The FIRs reveals a pattern of sexual violence that is obscured by the IPC offences invoked. Of the seven cases where disrobing a woman in public place is mentioned (although other cases allude to beating and parading a woman in public without explicitly stating disrobing), only three of the FIRs mention Sec. 354 IPC, which pertains to outraging the modesty of woman. None of the other four FIRs apply this section. Although it may be trivial and incompatible with the crimes complained of, it would at least have brought the gender dimension into the cases. In case no. 1 of the first category, where the victim is beaten, disrobed in a temple and forced to dance, the offence of outraging her modesty is missing from both the FIR and the charge-sheet; instead Sec. 295, which pertains to injuring or defiling the place of worship with intent to insult the

religion, is invoked. The application of other provisions, particularly Sec. 323 for simple injury or punishment for voluntarily causing hurt, which is applied in almost all cases, punishable with a maximum term of a year, is also indicative of how lightly such a deeply scarring and humiliating assault on an individual is viewed by the police. Prior to the Criminal Law Amendment Act, 2013, Sec. 354 on 'assault or criminal force to a woman with intent to outrage her modesty' was the only provision available in the law for addressing sexual violence other than rape (penile vaginal penetration). As a result, everything from unwelcome touching and groping to forced stripping and parading of women in public, and non-penetrative sexual violence, fell within the ambit of Sec. 354, which was bailable, attracting only a maximum of two years' imprisonment, or a fine or both. It must be emphasized that the application of Sec. 354 to forced disrobing in public is wholly incompatible with the nature and gravity of the injury inflicted, although this was the only recourse available in the law prior to March 2013. The long-standing legal vacuum in the IPC relating to recognition of a gradation in sexual offences was to be substantially plugged with the enactment of the Criminal Law Amendment Act, 2013. The amendment has introduced Sec. 354C that makes disrobing of a woman, or abetment to disrobing, a specific offence punishable by a sentence of three to seven years with a fine.

**b) Acts of cruelty that degrade and dehumanize:** The violent acts that are particular to witch hunting intend to degrade and dehumanize the victim in the eyes of others. They are therefore orchestrated in public, usually by more than one perpetrator, to inflict cruelty in full public view so as to destroy the humanity of the victim (and her family/those who associate with her). The acts involve blackening the face of the victim, tonsuring her hair, stripping her of clothes, parading her (with or without clothes) in the streets. This public exhibition defines her ostracism, warning others of the consequences of continuing normal social and other interactions with her/her family. Other examples of such cruelty (including acts disguised as purging, or exorcising) include censuring mobility and access to public spaces, stoning the victim, and forcing the victim to take oaths, pay fines, consume excreta and urine, drink dirty water from drains/old leather shoes and lick stones or spit. These acts are also described in the FIRs listed above. Each of the FIRs respond to such violence through Sec. 323 IPC pertaining to simple injury – which provides a maximum punishment of one year for voluntarily causing hurt, with or without a fine of a maximum of Rs. 1000, or just a fine.

Such public demonstration of cruelty has its roots in caste violence that has historically been perpetrated on the Dalits, to systematically degrade them in the community. The law has come to acknowledge such violence as atrocities, since the acts deploy violence, not so much to inflict physical injury, but to degrade, dehumanize and perpetuate a severely unequal status quo in society – violence on the individual serves to reinforce/communicate to the entire community the denial of her humanity and dignity. This public humiliation has enormous resonance with the community, and has found currency in contexts of witch hunting (amongst others), to achieve similar ends. In relation to witch hunting, it recalibrates the status quo of the community vis-à-vis the victim (and her family). Not surprisingly, such degrading acts are invariably followed by forced displacement, eviction from the village, social and economic boycott, injunctions against the use of common resources and, sometimes, murder. With such violence having historical roots and social resonance in India, the law must name and recognize it, to make it possible for legal justice to be tailored to this aftermath. To frame it as simple hurt or even, through interpretative innovation, grievous hurt (which is a stronger penal offence) would be a travesty, as even that is based on evidence of immediate physical injury.

## 7. Findings Based on the Police Records

### i. About Victims and Victimization

The police data confirms that witch hunting predominantly involves the targeting of women. Although men are targeted, this is uncommon. Middle-aged and mature women, in the age group of 30-60, constitute the bulk of victims of witch hunting, although there are cases where women of other age groups are targeted. Men and children tend to be collaterally targeted on account of their relationship with the primary victim. The secondary victim may face kidnapping, threats, physical assault, molestation or any other form of attack. The data shows evidence of witch hunting in SC/ST and OBC communities in regions of prevalence.

There is evidence of a range of violations that constitute the victimization specific to witch hunting. It typically includes identification of the victim as a witch and name calling. The slurs can be varied (not limited to references to 'witch'), intended to demonize the victim in the eyes of the community. The nature of violence is often public, carried out by two or more persons in concert. Apart from physical beating, it involves violent acts (such as tonsuring the hair, blackening the face, forcibly disrobing the victim/parading her in public, forcibly making her consume excreta, etc.) that are intended to humiliate and denigrate the victim's dignity and humanity in the community. As the targeting is primarily directed at women, the violence takes gendered forms – carried out by mostly men, but also by women. Typically, our data suggests the involvement of more than one perpetrator; often families carry out the attacks together. Sexual and sexualized violence, such as forced disrobing, parading, rape, molestation, sexual assault and rape are part of this pattern. In addition, there is breaking into the house, destruction of property of the victim, etc.

## ii. Reliability of Police Records

There are three aspects that are of concern with regard to the police data and records. At the quantitative level, there is a genuine concern whether all complaints, at least those that reach the police, get registered. Over the three-year period, 2010-12, we found 51 cases from a single district in Chhattisgarh and 26 cases from a single district in Bihar. However, for the same period, we found only nine cases from two districts in Jharkhand, despite news reports and anecdotal evidence suggesting a higher prevalence of witch hunting in that area. The fieldwork also suggests that witch hunting is more common in those districts than the police records suggest. The fieldworkers, in fact, approached the district headquarters of the police in 2012 to collect data as access to the 24 blocks of one district was difficult. On finding only one case for 2010, and none for 2011, they brought this matter to the notice of the higher authorities; subsequently, in 2012 the period of the field study, eight cases were found. Of these nine cases from Jharkhand from 2010 and 2012, five were closed on account of compromise. In fact, the only compromises in the entire data discernible in the police records are from Jharkhand.

## iii. State-wise Trends

The trends discernible in the data examined show aspects particular to each state. While Jharkhand stands out with the least cases registered, and what appears to be the weakest record keeping compared to the other two states, Chhattisgarh stands out with the highest number of cases. There are 51 cases from a single district in Chhattisgarh during 2010-12, and of these, 46 also invoke special laws. The peculiar feature of Chhattisgarh is the application of Sec. 294 on obscene songs and acts, presumably in response to the recurring reference to '*gandi gali dena*'. The state also has the distinction of registering cases at a relatively preliminary stage, of name calling, abuses and threats, prior to the occurrence of physical violence. The cases of forced disrobing, forcible consumption of excreta, tonsuring and blackening the face occurring in our data are almost entirely from Bihar. This does not necessarily indicate that similar acts of violent cruelty are not perpetrated in other states, since anecdotal evidence suggests that it occurs outside Bihar too; rather, it could be indicative of a more detailed and true recording of facts in Bihar.

## iv. Lack of Preventive Action

The first part of this study, based on case studies of victims, brings out the continuum of violence that follows the identification of a person as a witch. The large majority of cases in the police records, however, involve physical violence, with name calling/branding as witch being common to all. The compelling inference is that the police do not register cases at the stage of name calling and identification, even though special laws on witch hunting offer preventive redress at this initial stage. The data from Chhattisgarh shows relatively early registration of cases – involving threats and insults along with name calling – as compared to the other two states. Non-registration of such cases at the stage of name calling, or purely under the special law, leads to escalation of violence and harm; it also weakens the ability of the law to deter perpetrators from proceeding to inflict greater harm.



## **v. Special Laws Rarely Used Exclusively, without IPC**

The value of the special laws lies in their practical application, not in the formal objectives. The special state laws are an acknowledgment that the identification as a witch and name calling have grave consequences for those who are targeted. In declaring name calling and identification as a witch as cognizable and non-bailable offences, the law seeks to reduce police discretion, compelling action against what would otherwise be regarded as trivial offences. Despite these formal advantages, there is little in our data to show that preventive action is available under the special laws in practice; or indeed, that police discretion is minimized or guided by the objectives of the special laws. Cases primarily of name calling in our data (the maximum of which are from Chhattisgarh) also demonstrate that these too are registered under the IPC without reference to the special laws. The data shows that the FIRs appear to be registered only when physical violence occurs, which is often publicly orchestrated by more than one perpetrator. There is little evidence of disbursement of compensation available under the Chhattisgarh law, both in police records and through testimonies of victims. The special laws have not succeeded in minimizing police discretion or facilitating early preventive action.

## **vi. Special Laws Perceived as an Obstacle to Successful Prosecution**

Even for offences covered by the special laws, the police seem to add provisions of the IPC. This is particularly striking in the cases that pertain to name calling and harassment, as discussed above, where no physical violence has occurred. One of the likely reasons for the police to do so is that they perceive prosecution difficult under the special laws alone. The special laws address only insults, threats, physical and psychological harassment that is connected to witch hunting, or 'curing' someone labelled as a witch. To successfully prosecute under the special law provisions alone, the prosecution requires credible evidence to establish beyond reasonable doubt that the harassment is connected with witch hunting. This is perhaps very difficult, because of different versions in a case, and complex motives at play, including those relating to conflicts and disputes over property. It is doubly challenging because investigation, as the pronouncements in the case law reflect, is weak at best and apathetic at worst. In such a scenario, the most viable way to strengthen the case is to add provisions of the IPC so that the criminal wrongs, irrespective of the motive, can be prosecuted. This appears to be the only plausible explanation as to why the police have added provisions of the IPC even for complaints about harassment or name calling and threats. All such cases have additional provisions – most commonly Sec. 506 IPC, which deals with criminal intimidation, and Sec. 294 IPC, which deals with obscene acts and songs – added along with the provisions of the special laws, to ensure that despite insufficient evidence establishing the 'witch' motive, the case can be successfully prosecuted. This aspect must weigh upon all proposals that seek to legislate specifically around the witch motive, which is discussed in the recommendations in chapter 3.

## **vii. Nature and Gravity of Crime Obscured by the Penal Provisions Invoked**

The dissonance between the nature of the crime described in the FIR and the penal provisions invoked is of serious concern. The incongruous application of Sec. 354 to cases of forced disrobing of a woman in public remains, although that arose from a legal vacuum in the IPC, plugged later by the Criminal Law Amendment Act, 2013. What is, however, clearly an exercise in neutralizing and obscuring the gravity and nature of violence is the recurring application of Sec. 323 IPC, 'voluntarily causing hurt' to heinous forms of cruelty that, apart from forced disrobing, include tonsuring of hair, blackening of face, parading, tying to a tree and stoning, forcing the victim to consume excreta or other noxious substances, amongst others; these acts are perpetrated not to cause physical hurt as much as to stigmatize, degrade and outcaste the victim. The physical aspect is one small part of the crime. This social context within which the crime is played out must be considered for determining its nature and gravity, and ultimately the selection of the penal provision. The IPC to date, despite the Criminal Law Amendment, 2013, remains limited in that it does not recognize all forms of violence that seek to humiliate and degrade women, to dehumanize them irreparably in the eyes of the community. The naming and definition of the crime needs to be cognizant of the essential ingredients of the intended harm (social, psychological and physical injury) that seeks to destroy the humanity and dignity of the victim in her community. The understanding of injury cannot be limited to evidence of bodily harm alone. In fact, the definition of these crimes must be independent of



witch hunting, for, like caste atrocities, these cruel and degrading acts will find replication in emerging contexts as society evolves. So for instance, public disgrace and cruelty are known to find new targets, such as those who sexually transgress or are presumed to be deviant, including transgender persons. The forms of victimization must be the focus of the legal redress, rather than symbolic enactments of specific laws that have little or no impact on the ground.

# Chapter 2

## Through the Lens of Case Law

A total of 59 reported appellate court judgments were collated and reviewed to study the interface of law with witch hunting.<sup>36</sup> The objectives were to understand witch hunting through the facts of the cases, and gain insights into the law's response as well as the discourse it constructs on the subject through judicial pronouncements. The case law provides insights into the actors and their motives in cases that fall within the broad category of witch hunting; it contains information on the offences prosecuted, particularly those that continue within the legal system at the appeal level. This information is the basis of our understanding about law and legal responses in the context of witch hunting. The database is limited to reported appellate court judgments, making for a partial understanding of the legal interface with the practice of witch hunting. Nonetheless, these judgments do offer insights into the cases that enter the legal system, who appeals, the outcome of the appeals and additionally, judicial discourse on witchcraft and related offences.

While the reported judgments offer information on the penal offences involved, the actors, motives and investigation, they reveal little of the interplay of social or the economic factors within which witch hunting occurs. Yet, in some cases, a layered and complex reality is discernible, providing a richer understanding of the context in which witch hunting occurs; in cases where such information is absent, inferences have been drawn from what the facts suggest, to develop a fuller picture on witch hunting.

### 1. About the Data

The study involved collating and reviewing 59 reported appeal court judgments of the High Courts and the Supreme Court that relate to witch hunting. The judgments are from 10 different states, with Jharkhand alone accounting for more than half – 31 of the 59 judgments. Bihar, West Bengal and Chhattisgarh follow with seven, five and four cases respectively. Assam and Odisha had three cases, while Maharashtra and Rajasthan produced two each. Kerala and Gujarat had one reported case each. Of the 10 states, only Jharkhand, Bihar<sup>37</sup> and Chhattisgarh<sup>38</sup> have state legislations to deal with the specific offence of witch hunting. Table 2.1 below shows the state-wise distribution of cases.

**Table 2.1: State-wise Distribution of Cases**

State	No. of Cases
Jharkhand	31
Bihar	7

<sup>36</sup> While all the cases are reported, some are in state reports, sourced through textbooks, and not available online

<sup>37</sup> The Prevention of Witch (Daain) Practices Act, 1999, Bihar. Adopted by Jharkhand in 2001.

<sup>38</sup> Chhattisgarh Witchcraft Atrocities Prevention Act, 2005.

State	No. of Cases
West Bengal	5
Chhattisgarh	4
Assam	3
Odisha	3
Maharashtra	2
Rajasthan	2
Gujarat	1
Kerala	1

The majority of judgments from these 59 cases – 50 from these 59 – were delivered between 2000 and 2012. Of these 50 cases, 17 were delivered between 2000 and 2004, while 33 were delivered between 2005 and 2012. However, the dates of the crimes from which these cases arise go much further back, to the period between 1980 to 2004. The two oldest offences these judgments relate to were committed in 1870 and 1919.<sup>39</sup> The rest of the offences were committed in the post-independence period, with the oldest among these being from 1963.<sup>40</sup>

The table below shows (in the second and third columns respectively) when, between pre-1947 and 2012, the offences associated with these 59 cases were committed, and when the judgments of the appeal court for the cases were passed. Both these columns correspond to the first column on the time period, but do not relate to each other.

**Table 2.2: Time Period Associated with the Cases**

Time Period	Offences (relating to the cases) committed	No. of appellate court decisions
Pre – 1947	2	1
1947 – 1960	-	-
1961 – 1965	1	1
1966 – 1970	-	-
1971 – 1975	2	1
1976 – 1980	1	1
1981 – 1985	2	1
1986 – 1990	13	-
1990 – 1995	13	3
1996 – 2000	15	1
2000 – 2004	10	17
2005 – 2012	-	33

The data shows that a large majority of the cases involve crimes committed between 1986 to 2004, with the highest number of cases (15) occurring between 1996 to 2000. None of the cases relate to crimes committed after 2004, although the date of judgments goes upto 2012. All the four cases from Chhattisgarh therefore involve crimes committed prior to the enactment of the state-specific law on witchcraft in 2005. Looking at the gap between when the crimes occurred and when the appeals were decided, most cases appear to have taken an average of 10 to 15 years; of the 59 cases, however, five cases took more than 20 years for completion, of which the longest case<sup>41</sup> went on for 25 years.

## 2. Methodology

The 59 judgments were traced from two main sources: (i) internet-based case law repositories such as Indian Kanoon, Manupatra, Legal Information Institute of India and Westlaw; and (ii) from a textbook, *The Prevention of*

<sup>39</sup> *Chhagan, Accused v. State* [Cr.A. [Jail] No. 447 of 1971], *Mata Ho v. King-Emperor* [Cr.A. No. 42 of 1920].

<sup>40</sup> *Rema Naik & Ors v. State* [Cr.A. No. 166 of 1963].

<sup>41</sup> *Panchu Manjhi v. State of Bihar*, [2002 (1) East Cr C 158 (Pat)].

*Witch (Daain) Practices Act, 1999*, by Dr. S.K. Awasthi, that reproduces several judgments on witch hunting.<sup>42</sup> Some of the cases, although reported, are not available in any online source, as they are from the above-mentioned textbook. Searches on the online sources were conducted using combinations of the following keywords: ‘witch’ ‘*dayan*’, ‘*daain*’, ‘*dakan*’, ‘witch hunting’ ‘witchcraft’ ‘witch practices’, which are words common to cases of witch hunting; also included were terms that typically describe the nature of victimization associated with witch hunting, such as ‘murder’ ‘stripping’ ‘parading’, ‘branding’, as well as the titles of state statutes, such as ‘Prevention of Witch (Daain) Practices’ and ‘Witchcraft Atrocities Prevention’.

This desk research was carried out through the web database, which allowed us access to reported judgments of appeal cases from the High Courts and the Supreme Court. The lack of access to trial courts judgments limits our understanding considerably about legal responses, as this is where the bulk of the cases are found, where facts and law both are debated in detail, and where judicial outcomes are final for many.<sup>43</sup> Nonetheless, 59 reported appellate court decisions provide some valuable insights into the law through cases that journey beyond the trial court, into the appellate level.

Initially, the web-based search was carried out on open source sites, the Indian Kanoon and Legal Information Institute of India, and later, to ascertain whether or not any cases on witch hunting had been missed, the search was expanded to paid websites, Manupatra and Westlaw. Despite these efforts, no judgments pertaining to crimes committed post 2004 were found. The only cases that were found did not fit the parameters of this search, as they were appeals against dismissal of bail applications in which little or no information about the facts of the case were available. The 59 judgments have been tabulated for analysis, as **Annexure III**.

### 3. Categories of Victims

Victims of witch hunting are a broad category that includes women and men, many of whom are targeted and victimized as a consequence of being branded as witches, and some who are collaterally victimized, alongside the person branded a witch. There are 73 victims identified in the database of 59 judgments on witch hunting. This section unpacks the sex and age of the 73 victims that appear in the judgments, to the extent possible; it also tabulates the reason for their victimization to disaggregate those directly targeted as witches and those targeted because of their relationship with the former.

**Table 2.3: Sex and Age Break-up of Victims in the Cases**

Sex	Total (73)	Adult	Minor
Female	48	47	1
Male	25	19	6

Not all the victims were victimized similarly, or for the same reasons. The nature of victimization, and offences related to that, include murder, physical assault and injuries. Of the total of 73 victims<sup>44</sup> from the 59 cases, 48 were female and 25 were male. Further, of the 48 female victims, only one was a minor, whereas in the case of the 25 male victims there were six minors.

Although men and women both appear as victims, the reasons for their victimization appear distinct; similarly, although child victims are also found, the reasons for their victimization seem significantly different from that of the adults. This makes for different categories of victims in our database. The first category, that of ‘primary victims’, comprise those who were identified as a *dayan/ tohni/ tonahi*/ witch, while the second category is of ‘secondary’ or collateral victims who were victimized and targeted on account of either being related to, associated with

<sup>42</sup> Awasthi, S.K. *The Prevention of Witch (Daain) Practices Act, 1999, with Feme Human Rights along with SC & ST Act and Rules*. Allahabad: Rajpal & Company, 2009.

<sup>43</sup> It is only recently that district court orders and judgments have become available online; these, however, are available for a very limited number of district courts in India and are not retrospective.

<sup>44</sup> In some cases there was more than one victim. Not all victims were murdered. Some were grievously injured, confined or robbed.

or helping the primary victim (the one identified as *dayan/ tohni/ tonahi/* witch). Both these categories are distinct from a third category, which is that of child sacrifice or the ritual killing of a child. Notably, the third category of child sacrifice was not an outcome of any malevolent powers or witchcraft attributed to the child; rather, it was carried out as an offering to appease unknown malevolent powers assumed to afflict the person on whose behalf the child is sacrificed, or because the child was related to the person accused of witch craft. Of the seven minors who were targeted, six were male while only one was female. The distinction between these categories is also useful for purposes of understanding the broad distinction between the targeting of the men who were victimized as compared to the victimization of most women.

## i. Female Victims

The table below illustrates categories of female victims, distinguishing between primary victims and secondary victims, and within these, adults from minors. In case of the secondary victims, the nature of their relationship with the primary victim is indicated.

**Table 2.4: Categories of Female Victims**

Category	No.	Adult/Minor
Primary victim	46	A
Secondary: female family member branded witch	1	A
Secondary: male family member branded witch	1	M
Human sacrifice	-	-
Aggressor/perpetrator becomes victim	-	-

An overwhelming majority of 46 out of the 48 female victims were targeted as primary victims. That is, they were identified as *dayan*, with allegations of practising witchcraft, followed by targeted violence against them by the accused.

Even though the judgments do not specify the age of the victim, in many of the cases, the victim is described as the mother, stepmother, mother-in-law or even grandmother of an adult, indicating that the women were mature or middle-aged. Most of the female victims were married. In *Sooraj v. State of Kerala* [1994 CriLJ 1155], the victim was a widow who had remarried, and the accused was her stepson. In *Gunja Kumhar v. State of Bihar* [2002 (3) East CrC 595 (Jhr)], one of the victims was a widow. There is also indication of some victims being single or married women.

## ii. Male Victims

The table below categorizes the male victims, distinguishing the primary from the secondary victims, and within these, men from boys.

**Table 2.5: Categories of Male Victims**

Category	No.	Adult/Minor
Primary victim	7	A
Secondary: female family member branded dayan	11	A
Secondary: male family member branded dayan	4	M
Human sacrifice	2	M
Aggressor/perpetrator becomes victim	1	A

Men appear as both primary and as secondary victims in the cases. Of the 25 male victims, only seven were primary victims. As a primary victim, these men were identified as *dayan*, and targeted as a result. For example, in *Tufani*

*Bhuyan v. State of Jharkhand* [2006 CrLJ 1878], the victim was a male who was murdered after he was labelled as a witch, allegedly responsible for the death of the wife of the accused. In *Dukru Laguri v. State of Jharkhand* [Crim Appeal No. 674 of 2003], the accused was the neighbour of the male (primary) victim. He blamed the victim for his illness, accusing him of practising witchcraft to that end. He subsequently murdered the victim in his sleep. In this case, though the victim was residing with his wife, his wife was neither labelled a witch nor targeted by the accused. While such cases do not fit the dominant pattern of targeting associated with witch hunting, they do exist.

More than half of the male victims – 15 out of the 25 – were secondary victims. They were not labelled as witches, and no allegations of witchcraft were levelled against them. Nonetheless, they were targeted collaterally, because their relative or family members were accused of being witches. Out of the 15 secondary male victims, 11 were targeted when a close female relative was branded as a witch, while the remaining four boys (not adult males) of the 15 were targeted when a close male family member was branded. All adult male secondary victims were victimized on account of a close familial relationship, wife or mother, with a female who was branded a witch.

The circumstances in which the male secondary victims were targeted vary from case to case. In *Shankar v. State of Rajasthan* [DB Criminal Jail Appeal No. 810/2003], the male victim was murdered along with his mother, the primary victim who was labelled as a witch and was held responsible for causing illness in the family of the accused. In *Buhu Munda v. State of Bihar* [2004 (1) JCJR 25(Jhr)], the male secondary victim was the husband of the primary victim, a woman alleged to be practising witchcraft. The husband was protesting the forced entry of the accused in his house, and the aspersions cast by them about his wife being a witch. In the scuffle that ensued, the perpetrators ended up killing the husband (secondary victim) instead of the wife whom they labelled a witch.<sup>45</sup>

In an atypical case, the aggressor himself became the victim, when the family of the women branded as witches beat him to death. This was the case of *Loknath alias Loku v. State of Chhattisgarh* [Criminal Appeal No 1062 of 2007], where the victim was in fact the person who labelled the wife and daughter-in-law of the first accused as witches, as his wife was not recovering from an illness. In retaliation, the first accused along with six others beat the victim to death in a premeditated manner.

Of the six minor male victims targeted, not a single one was a primary victim.<sup>46</sup> Two of the minors were sacrificed as part of a ritual to appease a deity, or for personal gain such as childbirth (*Kalpna Mazumdar v. State of Orissa* [2002 (6) SCC 536]).<sup>47</sup> In *Sushil Murmu v. State of Jharkhand* [Crim. Appeal 947 of 2003], a nine-year-old boy was murdered by the perpetrator as a ritualistic sacrifice.<sup>48</sup>

The remaining four male minor victims became secondary victims on account of a male family member being branded as a witch. In *Soban Sinku v. State of Bihar* [2004(1) East CrC 613], two minor sons and one daughter became secondary victims, when they were murdered along with their father who was branded a witch.

## 4. Causative Factors and Motives

In general, appeal decisions do not lend themselves to insights on causative factors, as their focus is on whether or not the offences charged were proved beyond reasonable doubt. In many of the cases (44), however, at least one ostensible reason is apparent as having triggered the labelling of the victim as a witch, even though a combination of reasons may, in fact, have been at play. The classification of causative factors merely highlights the

45 In this case, the Jharkhand High Court, while upholding the lower court's conviction, noted that the nature of the case was such that independent witnesses could not be produced against the accused, as other villagers were apprehensive about coming out in support of a woman branded as a witch. The Jharkhand HC reiterated this observation in *Soban Sinku v. State of Bihar* [2004(1) East CrC 613].

46 The only female minor targeted was not a primary victim as well.

47 In this case, the Prosecution Witness No. 14 testified that the reason why the victim was sacrificed was so that one of the accused (A2) could have a child.

48 This was the only case of the 59 examined where the Supreme Court confirmed the death sentence given by the High Court, emphasizing that 'the appellant was not possessed of the basic humanness and he completely lacks the psyche or mind set which can be amenable for any reformation'. The President commuted the death sentence to life imprisonment in this case.

ostensible reason that is articulated in or can be discerned from<sup>49</sup> each of the judgments, while recognizing these are not discrete categories. The existence of these factors that trigger witch hunting are significant in terms of layering the limited framework of superstition, irrationality and witchcraft within which witch hunting is frequently explained.

**Table 2.6: Causative Factors**

Reasons	No. of Cases
Death in family	21
Illness in family	9
Death of cattle	4
Dispute in the family	7
Epidemic in village	3
Others	15

Of the 59 cases analysed, 57 cases involved some form of labelling or branding as a witch.<sup>50</sup> This is not surprising as the terms *witch*, *dayani*, *tohni* were the three search words used for identifying the judgments in the first place. In most cases – 44 out of 59 – the overt reasons that contextualize the targeting of victims as witches are given in the judgments. Additional reasons are hinted in the case background in some cases, to indicate a prior animosity or family strife that possibly compelled the targeting of the victim. In a majority of the cases – 37 of them – the labelling was a consequence of an unaccounted death, illness of a person or livestock or an unexplained epidemic. In 30 of the cases the victims were labelled as witches because of death or illness in the family of the accused, and in four cases, the death of livestock led to labelling the victims as witches. In three cases, disease and epidemic in the village led to the branding.

In *Gunjha Kumhar v. State of Bihar* [2002 (3) East Cr C 595 (Jhr)], the village exorcist claimed that the victim was a witch and was responsible for the death of the accused’s wife. In *Vishwanath Kongari & Ors v. State of Jharkhand* [2011 CrLJ 4559], the village *ojha*’s son was victimized as the *ojha* and his wife were unable to cure the accused’s father and hence were blamed for his death. In *Fatey@Thate Kishku v. State of West Bengal* [CRA No 225 of 2004], the accused persons murdered the victim after the village *ojha* held the victim responsible for their brother’s illness.

In *State of Jharkhand v. Dashrath Sao* [2005(4) East CrC]Jhr 388], six victims (four female and two male) were murdered by the accused as they believed that one of the victims was responsible for the death of the wife of one of the accused during childbirth. Such cases are more telling of the abject lack of primary health care, maternity services and infrastructure, than superstition, as it leaves people with no option but to take recourse to the occult and its practitioners.

In three judgments, an unexplained epidemic in the village led to the labelling. In *Soban Sinku v. State of Bihar (now Jharkhand)* [2004(1) East CrC 613], the accused blamed the victims for spreading malaria and animal diseases in the village through witchcraft, which, they alleged, was taught to the victims by the local missionaries at the church. An angle of enmity and revenge also complicates the motives in this case, as one of the accused had been sentenced for 20 years for murdering the victim’s grandfather, in the context of which the victim had received 10 hectares of the accused’s land as compensation. In *Chota Tiu v. State of Bihar* [2002(3) East CrC 4 (Jhr)], an outbreak of diarrhoea in the village led the accused to brand the victim, a female, as a witch. She was abducted along with her husband by the accused, and while her husband managed to escape, she was murdered.

In seven cases, disputes within the family led to the accused branding the victims. Two out of these seven cases explicitly reveal the nature of the family dispute that led to the branding. In *Sooraj v. State of Kerala* [1994 Cri LJ 1155], the accused was the biological son of the deceased victim from her second husband. The accused and the

49 In some cases, it is discernible that there was some form of familial conflict as the victim and the accused were close relatives of each other.

50 The remaining two cases were of child sacrifice, with no one being branded as a witch.



deceased were workers in two different political parties. There was also a property dispute between them, with the accused insisting that the family property be divided in equal shares among all the heirs. In *Suni Ram Hembram v. State of Jharkhand* [Criminal (Jail) Appeal (DB) No. 849 of 2004], the accused was the stepson of the victim, who was the second wife of the accused's father. The accused and victim had disputes on several occasions, with the accused calling her a witch/*dayan* and threatening her with dire consequences. After murdering the victim, the accused (stepson) also stole some money and ornaments belonging to the victim. In five of the cases involving family disputes, the nature of the dispute is not stated in the judgment. However, since the victims and the accused were either family members or closely related to each other, it may be reasonably assumed that there was some family dispute involved which led directly or indirectly to the accused branding the victim as a witch. In *Ananda Gavaji Valvi & Ors v. State of Maharashtra* [1993(3) Bom Cr4], although the victim was male, his wife was branded a witch by his cousins who attacked him. In *Ashoke Laxman Sohoni & Another v. State of Maharashtra* [AIR 1977 SC 1319], the female victim was the wife of one of the accused and sister-in-law of the other. She was murdered by the accused because they believed her to be a witch, for reasons that are not mentioned in the judgment. However, the close familial proximity of the victim and the accused suggests some sort of family strife, which may have either caused or propelled the branding of the victim. In *Atami Laxman v. State of Chhattisgarh* [2007 CriLJ 1036], the victim, a male minor, was murdered by the accused, his uncle. The accused believed that the victim's father was a witch and was using his powers to deny him a male child. The accused had four daughters and no sons. This led to a quarrel between the accused and the victim's father, who were cousins. The following day, the accused murdered the victim in his sleep. In *Fekan Singh v. State of Jharkhand* [2008 (3) East Cr c 442 (Jhr)], the accused was the 'cousin brother-in-law' of the victim's wife. In *State of Chhattisgarh v. Komal Prasad Pandey* [2004(1) MPHT 62CG], the victims (two males, one female) were related to each other, and were also living in houses adjacent to each other, sharing a common courtyard.

In addition to the seven cases referred to above, there are other cases where the victim and the accused were close relatives or family members. These cases have, however, not been categorized as 'dispute in the family' in the table, since such motivation can only be inferred speculatively, given the limited contextual knowledge afforded to us by the judgments; they have instead been listed under 'illness or death in the family' only because this is stated as the ostensible reason for the branding in the judgment. It is reasonable to assume that in addition to what is stated in the judgment, material, sexual or other tensions within the family might have also been at play. In *Vishwanath Kongari & Ors v. State of Jharkhand* [2011 CrLJ 4559], the accused charged the parents of the victim with practising witchcraft and causing death in their family. However, the accused were also the cousins of the victim. In *Tufani Bhuiyan v. State of Jharkhand* [2006 CrLJ 1878], the reason for labelling was that there was a death in the family of the accused. However, the accused were related to the deceased and resided in the same premises.

All these cases reveal that the familial and kinship-based spaces, along with the contiguous spaces of neighbouring households<sup>51</sup> are involved in many of the cases of witch hunting. Property disputes, tensions and other rivalries within the family appear to be the underlying reasons for branding of the victims by family members and relatives. The facts of some cases reveal that the accused would be likely to gain by eliminating the female primary victim who has an intestate claim on the property of her husband, along with the accused, who is also a close family member. For instance, in *Munshi Soren & Ors v. State of Assam* [CRA No.45(J) of 1979], the victims, husband and wife, were murdered by the husband's brother in conspiracy with other accused. In *Fatey @Thate Kishku & Ors v. State of West Bengal* [CRA No. 225 of 2004], the female victim was murdered by seven accused, of which two were the brothers of the deceased victim's husband, while two others were his nephews. One of the accused was the brother-in-law of the deceased's husband.<sup>52</sup>

In 15 of the judgments, we do not have sufficient information about the overt reasons for branding and targeting of victims. These have been marked as 'others' in the table above. In *Bhaktu Gorain & Ors v. State of West Bengal* [CRA No. 181 Of 2000], the victim was accused of exercising 'magical powers causing evil effects upon the villag-

51 In *Vimlaben Motiram v. State of Gujarat* [2008 (9) GHJ 393] and *Dukru Laguri v. State of Jharkhand* [Criminal Appeal (DB) No. 674 of 2003], the accused were neighbours of the victims.

52 In both these cases, the ostensible reason given in the judgments was that the perpetrators believed the victims to be witches causing illness and death in their family. Even though the larger context is one where belief in witchcraft and superstitions is rife, the prospect of material/property gains that accrues to the accused upon eliminating the victim cannot be ignored.

ers'; no further insights are offered about the context within which this allegation was made. In *Ram Sakhi Devi v. State of Bihar* [2008(4) East CrC 186(Pat)], the accused, a woman, suspected a man of practising witchcraft to render her heirless in the future. She murdered the man's minor son in an act of pre-emptive vengeance. In two cases, the victim was a male minor murdered in a ritualistic sacrifice. In both cases, *Kalpna Mazumdar v. State of Orissa* [2002 (6) SCC 536] and *Sushil Murmu v. State of Jharkhand* [Crim. Appeal 947 of 2003], the victims were male children, murdered as human sacrifice in a ritual.

These 15 judgments marked 'others' do not provide sufficient information about the overt motives for labelling the victim a witch. Yet, some of these cases indicate the possibility of layered motives behind the branding and targeting of the victims. In *Babu Ram Mrumu & Ors v. State of Jharkhand* [2006(4)JCR 179 Jhr], the accused declared the victim to be a witch and assaulted her, along with her husband and daughter, with sticks, following which they decamped with Rs. 4000 worth of jewellery. None of the victims were murdered in this case. Robbery appears to be a likely motivation here. In *Panchu Manjhi v. State of Bihar* [2002(1) East CrC 158 (Pat)], the victim was murdered after being branded a witch. However, in this case, an ulterior motive for targeting is suggested, which hints at the victim being a witness to an arson that the accused did not want revealed.

## 5. Appellate Proceedings: who Appeals, Nature of Offences, Outcomes

One of the key objectives of examining reported judgments was to understand the types of cases and offences that enter the judicial system, as this constitutes the reality of how the law responds to witch hunting. While this study is limited in that it does not include the trial court cases, where all the cases are tried and a bulk of them concluded, this section does provide insights into the kind of cases/offences that make it to the appellate proceedings, and the judicial outcomes.

### i. Appellant's Profile

An attempt has been made to map a legal and social profile of the appellant through information available in the judgments. All the reported judgments collated through our search are notably on appeals by the accused, that is, all of the 59 appeals were filed by the accused against conviction by the trial court;<sup>53</sup> not a single of the 59 witch/dayan/tohni related cases involve an appeal by the State against the acquittal of an accused. Clearly, all cases entering the appellate stage in the legal system are at the initiative of the accused protesting conviction rather than the State seeking to overturn an acquittal.

In terms of the social profile available from the judgments, the sex of the appellants is identifiable; while the social/caste grouping is not available, it can be roughly inferred. In most cases the accused was male, but in three of the 59 cases, the accused was solely female.<sup>54</sup> In *Ram Sakhi Devi v. State of Bihar* [2008 (4) East Cr C 186 (Pat)], the accused, Ram Sakhi Devi, was anxious that the father of the victim was practising witchcraft and in a bid to render him heirless, drowned his son. In *Padmawati Devi v. State of Jharkhand* [2004 (2) JCJR 140], the accused suspected that her son died as the victim had cast a spell on him through witchcraft, and therefore killed her.

The caste and social grouping is not discernible in the judgments, as mentioned above, but an attempt has been made to infer whether the appellants were tribals from their names in the 59 cases in light of recurring observations by the judiciary that associate witch hunting with tribals (discussed later in this chapter). Although the accuracy of this conclusion is open to question, it appears that in approximately 30 of the 59 cases, the appellant accused is possibly from the tribal community. This establishes that, at best, roughly half of these cases involve members of the tribal communities, but an equal number the cases are, in fact, from non-tribal contexts.

53 In a number of cases, there is more than once accused. In two cases, the appellant was an accused, not a convict, who appealed for quashing the charges framed. These appeals were dismissed.

54 In most cases there was more than one accused. Each of these three cases, however, had a single female accused only.

## ii. Offences Charged and Prosecuted

The Indian Penal Code, 1860, is the principal law addressing grievous and routine forms of violence, as well as some specific forms of violence such as dowry, matrimonial and sexual violence, amongst others. Only three states have special laws on witch hunting (as of 2012), to penalize identification as a witch, causing harassment and attempting to 'cure' a witch. Where the state laws exist, their provisions are typically appended to provisions of the IPC, to situate the crime in the context of witch hunting.

The forms of victimization that reach the appellate stage of the criminal justice system, as evident from the case law, pertain to grievous injury possibly leading to death, or cold-blooded murder, typically of one or more than one victim, by one or more than one accused. The attack appears to be often carried out in public, by the accused supported by others, as many of the cases include charges of rioting and unlawful assembly. The table of offences charged and prosecuted shows the types of violence/offences that are prosecuted. There are multiple offences charged in each case, which explains why the total number of offences charged (118) are more than the total number of cases (59). The figure in the second column reflects the number of cases out of 59 in which the charges framed are based on the listed offence.

**Table 2.7: Offences Charged and Prosecuted**

Section	No. of Cases	B/NB
Murder (Sec. 302 IPC)	54	NB
Causing disappearance of evidence or giving false evidence (Sec. 201 IPC)	11	B
Rioting, armed with deadly weapon (Sec. 148 IPC)	9	B
Every member of unlawful assembly guilty of offence in prosecution of common object (Sec. 149 IPC)	9	B/ NB
Voluntarily causing hurt (Sec. 323 IPC)	5	B
Rioting (Sec. 147 IPC)	5	B
Kidnapping or abducting in order to murder (Sec. 364 IPC)	4	NB
Identification as witch (Sec. 3 of Prevention of Witch (Daain) Practices Act, 2001), Punishment for Abetment/assisting in the identification of Witch (Sec. 4 of Prevention of Witch (Daain) Practices Act, 2001) and Damages for causing harm/mental or physical torture (Sec. 5 of Prevention of Witch (Daain) Practices Act, 2001)	3	NB
Causing hurt by dangerous weapons or means (Sec. 324 IPC)	2	B
Housetrespass after preparation for hurt, assault of wrongful restraint (Sec. 452 IPC)	2	NB
Culpable homicide not amounting to murder (Sec. 304 IPC)	2	NB
Attempt to murder (Sec. 307 IPC)	2	NB
Mischief by fire or explosive substance with intent to destroy house (Sec. 436 IPC)	2	NB
Criminal conspiracy (Sec. 120B IPC)	2	B
Housetrespass in order to commit offence punishable with death (Sec. 449 IPC)	1	NB
Attempt to commit suicide (Sec. 309 IPC)	1	B
Wrongful restraint (Sec. 341 IPC)	1	B
Wrongful confinement (Sec. 342 IPC)	1	B
Abduction (Sec. 362 IPC)	1	NB
Mischief by fire or explosive substance with intent to cause damage (Sec. 435 IPC)	1	B

*B: bailable; NB: non-bailable; B/NB: depends on whether the offence committed is bailable or non-bailable.*

**a) Indian Penal Code:** Most of the cases involve killing or attempt to kill along with other serious offences. For instance, 54 of the 59 cases involve a murder charge (Sec. 302), two cases involve culpable homicide not amounting to murder (Sec. 304) and two relate to attempt to murder (Sec. 307). Additionally, these as well as other cases also involve the use of weapons, kidnapping, trespass and wrongful restraint to injure grievously or to kill. Many

cases reflect more than one accused, all acting with a common intention to commit the same offences as reflected by the nine charges of rioting, nine of unlawful assembly in prosecution of a common object, and two of criminal conspiracy. Tampering with and disappearing of evidence (Sec. 201) is another charge appearing in 11 cases.

**b) State laws against witchcraft practices:** The Prevention of Witch (Daain) Practices Act, 1999, the Prevention of Witch Hunting Practices Act, 2001, and the Witchcraft Atrocities Prevention Act, 2005,<sup>55</sup> operate in Bihar, Jharkhand and Chhattisgarh respectively, along with the IPC, 1860. The Chhattisgarh law was enacted later, in the wake of outrage following the Lachkera case (see Introduction) and provides for higher sentences for similar offences than the other two laws, and notably, medical treatment as well as fines towards compensating the victims.

**Table 2.8: Cases vis-à-vis State Laws**

State laws	Cases before state law enacted	Cases after state law enacted	Cases with charges framed under state law
Jharkhand (2001)	26	5	3
Bihar (1999)	7	—	—
Chhattisgarh (2005)	4	—	—

Of the 59 cases, 37 cases were from the three states that have special laws against witchcraft practices – Jharkhand (26), Bihar (seven) and Chhattisgarh (four). Of these 37 cases, only five of the crimes that these judgments pertain to, all of which are from Jharkhand, occurred after the state law was enacted.<sup>56</sup> Only in three of these five cases, where crimes occurred while the state law was in operation, have the provisions under the state law been invoked to prosecute the accused. In *SuniRam Hembram v. State of Jharkhand* [Criminal (Jail) Appeal (DB) No. 849 of 2003] the Court convicted the accused under the Prevention of Witch (Daain) Practices Act, 2001; however, no separate sentence under this was given by the trial court. The accused was sentenced to life imprisonment under Sec. 302 of IPC, which was overturned by the High Court, to acquit the accused. The other two judgments pertained to appeals filed against the charges framed.<sup>57</sup>

Since none of the four cases from Chhattisgarh pertain to crimes committed during or after 2005, the state law has no application. Similarly, none of the seven cases from Bihar relate to crimes perpetrated during or after 2001, when their state act was adopted. As the crimes from which the criminal prosecutions originated were not committed after the enactment of state laws, these laws had no application. While this explains why the state law provisions are not to be found, it cannot be inferred that had these crimes occurred after the enactment of the state laws, the provisions might have been invoked. This is because only three of the five cases from Bihar have invoked the state law; and even in those instances, the case was prosecuted on the basis of serious offences committed under the IPC.

### iii. Judicial Outcomes

**a) Acquittal and convictions:** The trial court convictions were reversed in 22 of the 59 appeals, making for substantial acquittals in cases involving very serious charges, nearly all of which include killing, as per the table below.

<sup>55</sup> As mentioned earlier, this is the English translation of the title of the Act, which reads in Hindi as Tonahi Pratadna Nirvaran Act, 2005.

<sup>56</sup> Since all the cases were from Jharkhand, they were post 2001.

<sup>57</sup> *Samsul & Ors v. State of Jharkhand* [2008 (3) East Cr c 434 (Jhr)] and *Fekan Singh v. State of Jharkhan* [2008 (3) East Cr c 442 (Jhr)].

**Table 2.9: Convictions, Acquittals and Conversions**

Court	Conviction	Acquittal	Conversion
Trial Court	59	-	-
High Court	27	22	5
Supreme Court	2	-	3

Of these 59 appeals, 29 convictions were sustained by the appellate courts, while 22 of those convicted were acquitted. In the remaining eight cases, the charges of murder were converted to lesser offences, with the sentences accordingly reduced.

**b) Conversion of charges:** In eight of the 59 cases, all of which secured a conviction for murder in the trial court, the charges and conviction were converted into lesser offences on appeal.

**Table 2.10: Conversion of Charges in the Cases**

Original conviction	Charges converted to	No. of cases
302 IPC	304 IPC	5
302 IPC	325 IPC	2
302 IPC	326 IPC	1

Of the eight cases where the conviction for murder was converted to lesser offences, five were done by the High Court and three by the Supreme Court. While the trial court convictions were all under Sec. 302 IPC, five were converted on appeal to a reduced charge of culpable homicide not amounting to murder under Sec. 304 IPC, two were converted to voluntarily causing grievous hurt under Sec. 325 IPC, and one was converted to the charge of abduction under Sec. 326 IPC.

In *Krishna Oraon v. State of Jharkhand* [2003 (3) East Cr C 396 (Jhr)], the deceased was branded as a witch by the accused appellant for 'eating away' the accused appellant's wife. The deceased was dragged out of her house, assaulted and killed. The trial court's conviction under Sec. 302 IPC to rigorous imprisonment for life was converted to eighty years' imprisonment under Sec. 304 (ii) IPC by the High Court, which observed:

*The Doctor at the same time also admitted that these injuries can be caused by fall on the rock and admittedly none of the injuries suffered by the deceased was on vital part of her body. In the circumstances, it can (not) be held that the appellants can be clothed with the knowledge that the injury caused by them are likely to cause death or such bodily injury is likely to cause death. Had there been intention on the part of the appellants to cause death, they would have finished her in their house itself. So there was no intention for killing.*

#### iv. Reasons for Acquittal and Conversion

What is of concern is not that there are so many acquittals, but rather the reasons for complete acquittals in cases of killing, especially when the killing follows the branding of the victim as a witch. There were 22 acquittals out of 59 cases of conviction, the reasons for which are listed below, with the courts often citing more than one reason in a case.

**Table 2.11: Reasons for Acquittals and Conversions of Charges**

Reason	No.
Witnesses turned hostile	2
Important witnesses not examined	4
Lack of evidence	16
Contradictory statements	6

As noted in the table above, of the 22 cases of acquittal, the reason given by the court in 16 cases is lack of evidence, which includes non-examination of relevant witnesses and non-production of documents relevant to the case. In fact, in a number of cases the court noted that the prosecution was indifferent and uninterested in the case and also hinted at them trying to suppress facts.

In *Tufani Bhuiyan v. State of Jharkhand* (2006 CrLJ 1878), the accused were convicted by the trial court for murder (Sec. 302), voluntarily causing hurt (Sec. 323) and causing hurt by dangerous weapons or means (Sec. 324) read with unlawful assembly in prosecution of a common object (Sec. 149). The Jharkhand High Court, however, noting that the doctor who conducted the post-mortem of the deceased victim was not examined and neither was the medico-legal report presented in court, went on to observe that:

*prosecution must be vigilant while conducting trial for grave offence like the case of murder. It is unfortunate that in this case the prosecuting agency did not think it necessary to examine either of the doctors who conducted autopsy, nor did they produce the necessary documents. This shows the callous and indifferent attitude of the prosecuting agency. We hope and trust that in future the prosecuting agency will be vigilant in producing the relevant materials before the Court by producing proper evidence. We further hope and trust that the concerned authorities will initiate action against the concerned person(s) who are responsible for the indifferent attitude shown in this case.*

In *Hulash Singh v. State of Bihar* (Now Jharkhand) [2002 (3) East Cr C 1 (Jhr)], the Jharkhand High Court observed that the ‘non-examination of the informant in this case is a fatal lacuna of the prosecution case’.

In *Padmawati Devi v. State of Jharkhand* [2004 (2) JCJR 140], the court highlights not one but several lapses by the prosecution that could not but kill the case, observing:

*Non-production of seized tangi also creates doubt. The village doctor Mangry Baraik who gave injection to injured Ramtorni Devi, has also not been examined. Even the elder brother of the informant who could have been the best witness as he was present at the P/O along with PW-4 Sundai Devi, has not been examined only to suppress the truth of the prosecution case.*

In *Nata Sinku v. State of Bihar* (now Jharkhand) [2002 (1) East Cr C 143 (Pat.)], the High Court, altered the charges of the perpetrator from Sec. 302 to Sec. 326 IPC, only because the prosecution failed to examine the doctor who could confirm that the laceration of the head and a fractured skull could indeed have been the direct cause of death. The charge of murder was thus reduced to voluntarily causing grievous hurt with dangerous weapons (Sec.326), for the following reasons:

*The post-mortem report of the deceased has been brought on record by getting it proved by the formal witnesses. It shows that the deceased has met with violent death and there was massive lacerated wound on the forehead with fractured scalp... Hence, in the circumstances, in absence of examination of the doctor, who performed the post-mortem examination or any other doctor for his opinion about the cause of death, the conviction of the appellant under Section 302 of the Indian Penal Code cannot be sustained. As such, the conviction of the appellant is altered to one under Section 326 of the Indian Penal Code.*



## 6. Judicial Perspectives on Witch Hunting

The judicial interpretation of the causative factors of witch hunting at the appellate level can play a role in shaping criminal justice reform as well as yield recommendations for policy interventions to address prevention of root causes as well as legal redress. In the 59 cases analysed, various courts have made observations regarding witch hunting, based on which at least one dominant judicial discourse merits attention.

In many cases, the courts refer to witch hunting as a barbaric practice rooted in superstition amongst tribals. Framed thus, it others the problem, locating it in the sphere of irrational customs of a particular demographic group that is already marginalized at many levels. By situating witch hunting as a practice peculiar to a demographic group, no attention is paid to the connection between governance and development gaps that create conditions for deprivation and disadvantage. As a corollary, this perspective elevates the non-tribal/mainstream communities to a position above irrationality and barbarism of witch hunting.

In *Manindra Majhi v. State (of West Bengal)* [2006 (3) CHN 796] the court noted: *'(T)he shadow of superstition over witch hunting said to be prevalent in the 16th Century still today raises its ugly head in the remote villages of our country...'* In *Bhaktu Gorain v. State of Kolkata* [Cra. 181 of 2000], the court observed: *'(D)eep rooted prejudices and superstitious beliefs of the Middle Ages have not yet died down amongst the die-hard members of the tribal community even on the threshold of the millennium.'* Here again, references to the middle ages and a remote past only falsify the analysis of root causes, portraying witch hunting as a natural fallout of prejudices and remoteness.

Similarly, in *Kandra @ Budhram Sunar & Another v. State of Orissa* [2007 I OLR 652], it was observed that, *'We experience while hearing cases that in the area dominated by the adivasi population the belief of witchcraft and combating the same by taking law into their own hands is a common feature by the persons who feel that they were grossly affected by practice of witchcraft.'* In *State of Chhattisgarh v. Komal Prasad Pandey* [2004 (1) MPHT 62 CG] the court overturned the death penalty, persuaded by the argument of the counsel for the accused that the murders were not the rarest of the rare in the context of regional prevalence of witch hunting, noting:

*...in Chhattisgarh state in the rural areas the illiterate and backward population is inhabiting[sic] where the old superstitions are prevailing that certain persons are practicing witchcraft and they can harm others by practicing witchcraft. He submitted that one of the reasons for commission of crimes in the villages [are] such superstitions, beliefs prevalent among the villagers.*

However, while continuing to frame witch hunting in relation to tribal communities alone, in *Babu Ram Mrumu v. State of Jharkhand* [2006 (4) JCR 179 (Jhr)] the court notes that the violence was essentially directed at women, thus recognizing the gendered nature of the targeting and violence. To quote:

*(T)he motive of the petitioners is reflected as it appears from the evidence of PW 2 that they had come to commit murder pronouncing her as a witch and pursuant to that they assaulted her and other witnesses, therefore, keeping in view the fast increasing incidents of atrocities of similar nature on women especially tribal women having been noticed I do not feel lenient view is required to be taken in the present case as against the petitioner.*

Earlier in this chapter, the data indicated that nearly half the cases – 30 out of 59 – pertain to tribal communities, while the remaining do not. Yet, as noted above, the dominant judicial discourse particularizes witch hunting as a tribal practice, attributing barbarism, illiteracy, and medieval mindsets to a community. Such framing fails to interrogate the structural bias and neglect that deprive regions and communities of health care, sanitation, sewage, education, basic needs and access to timely legal redress. Rather, judicial attention should flag governance failures and administrative neglect that create the underlying conditions for witch hunting, such as illiteracy, high mortality and morbidity. The judiciary needs to probe linkages of governance neglect and acts of omission with conditions fertile for witch hunting, to raise questions of policy and state accountability.



## 7. Findings Based on Case Law

### I. Trends that Define Witch Hunting

The high number of female primary victims (from a total of 73 victims, 46 are female primary victims and 11 are male secondary victims who were targeted on account of being related to the primary female victim) reinforces findings from other sources that witch hunting is gendered in nature. Even as both men and women are victims of witch related violence, the case law indicates that the majority of women are targeted as primary victims, whereas the majority of male and some child victims have been targeted as secondary victims.

#### ii. Underlying Causes and Conditions of Witch Hunting

Although witch hunting is often framed in terms of superstition and barbarism, each case reveals complex motives and underlying causes that challenges this view. Stories of interpersonal conflicts, property and other disputes, rivalries and anxieties are as much part of the narrative in the case law (as, indeed, in testimonies of victims in Part I of this report). The fact that such conflicts and tensions culminate in targeting as witches and killings also speaks of a dysfunctional conflict resolution and barriers in the access of pre-emptive legal action at the early stages of victimization. There is an equally consistent narrative of unexplained and often untreatable high morbidity and mortality, which speaks of poor public health facilities and lack of education. The superstition framework of witch hunting therefore only draws attention away from critical issues of accountability for administrative apathy and neglect that create the 'underlying conditions' for such forms of conflict resolution.

#### iii. Prevalence and Records

There is no reliable official data on the prevalence of witch hunting as the case law reflects that the category relating to witch hunting is limited only to cases of killing/murder/attempt to murder, and not any other form of targeting and victimization. Further, this category does not distinguish between two different kinds of practices – that of ritual sacrifice (of children) and that of targeting persons branded as witches.

#### iv. Law and Witch Hunting

**a) Requires high threshold of violence:** Of the 59 cases, 56 relate to killing (54 to murder and two to culpable homicide not amounting to murder), and two cases to attempt to murder; this underscores the reality that only a high threshold of violence invites penal prosecution. The view from the reported appellate court judgments is that prosecution is unlikely for lesser offences. An examination of trial court judgments, which was not within the scope of this study, is likely to provide a definitive finding on the trends in relation to complaints that get prosecuted.

**b) State does not challenge acquittals:** All the 59 cases are appeals by the accused who were convicted by the trial court for very serious offences. There is not a single instance in the data where the state appealed an acquittal by the trial court. The troubling inference is that the prosecution has no criteria for evaluating the strength of a case, or an interest in pursuing justice for crimes as serious as murder in the context of witch hunting.

**c) Indifferent investigation and prosecution:** Of the 59 cases, all but one involving killings, there are 22 acquittals and eight conversions of convictions to lesser offences. In and of itself, acquittal is not a problem. But if the cause of acquittal is the lack of evidence, or failure to examine key witnesses such as doctors who conducted the post-mortem or tended to the victim's injuries, or failure to call an eyewitness, it underscores the severe deficiencies in key agencies on which the criminal justice system rests. The judgments express grave concern over the investigation and the prosecution for failing to discharge their responsibilities. Without evidence to establish the charges against the accused beyond reasonable doubt, or key witnesses, the judiciary remains handicapped in delivering justice. When crimes as serious as murder are not treated seriously at the foundational stages by agen-

cies of the criminal justice system, easy acquittals for grave wrongs is certain, and symptomatic of institutional weaknesses that need urgent correction.

**d) Judicial perspective:** Social inequalities, disparities in development, economic inequalities are sustained and reproduced by the State. The State is mandated to intervene and correct these to discharge the obligations imposed on it by chapters three and four of the Constitution of India, relating to fundamental rights and directive principles. The courts can and must play their role in identifying acts of omission and commission of the State actors in contexts that enhance inequalities and neglect. In that way, each case provides a lens through which patterns of social control, social inequity and neglect are not just highlighted, but accountability for those conditions is also pinned. The judicial discourse reflects a misplaced understanding of the underlying causes of witch hunting, placing the blame as it were on those who are marginalized the most, and for whom the barriers to seeking preventive action and subsequent redress are considerable. High levels of illiteracy, failure of health care or lack of adequate legal remedies are symptoms of neglect and marginalization that require to be examined within the framework of due diligence and State accountability, especially when it fuels impunity for practices such as witch hunting.

# Chapter 3

## Concluding Observations

In this section we look at the main findings and trends that emerge from the legal sources of inquiry, the statutes and the data from 85 police records and 59 judgments of the High Courts and Supreme Court of India. While each chapter has its data-specific findings, this concluding chapter consolidates the common themes that emerge from the chapters on police records and case law about the social context and trends related to witch hunting, as well as about ways in which the law interacts with the victimization. It is divided into two parts, with the first part consolidating the findings, and the second part outlining policy recommendations that holistically respond to and combat all aspects of witch hunting.

### 1. Findings Relating to Determinants of Witch Hunting

#### I. It Predominantly Involves Targeting of Women

The data from both the case law analysis and the police records on victimization reinforce the finding that the majority of victims of witch hunting are women. The following table shows the distribution of male and female primary victims and secondary victims in both the case law analysis and the police records.

**Table 3.1: Distribution of Victims**

	Female PV	Male PV	Female SV	Male SV	Total
Case Law	46	7	2	15	70
Police Records <sup>59</sup>	75	13	2	4	94
<b>Total</b>	<b>121</b>	<b>20</b>	<b>4</b>	<b>19</b>	<b>164</b>

PV: primary victim; SV: secondary victim.

Of the total of 164 victims from both the case law and the police records, 125, that is around 76.21%, are female, while 39, that is around 23.79%, are male. The ratio is even more heavily skewed when one considers only primary victims.<sup>58</sup> In case of primary victims from both studies, a majority of 86% of the victims are female. Notably, 11 of the 15 male secondary victims from the case law data were targeted because a female relative was the primary target. In case of secondary victims, the number of male victims is higher than the number of female victims, with 19 male secondary victims and only four female secondary victim.

<sup>58</sup> There were seven secondary victims in the police records, with information on sex available only for six.

<sup>59</sup> A majority of the victims – 142 out of 163 – from both the legal sources were primary victims.

The data from the case law as well as the police records confirms that women are overwhelmingly targeted. While men are also targeted sometimes, this is an exception as the substantially smaller numbers of male victims indicate.

## **ii. Additional Characteristics of Victims: Age, Marital Status and Secondary Victims**

The data from both the studies reveal that women who are middle-aged or mature are most vulnerable to being targeted. The case law does not state the age of victims, but it does indicate that many of the female victims were mothers, grandmothers and stepmothers, which confirms that these were middle-aged women. The data from the police records indicates that around 70% of the female primary victims were above 40 years, belonging to the age group of 40-49 and 50-59, with the exceptions from the 18-21 and 61-80 categories. The data suggests that minors are rarely victimized, but also sometimes become victims of the violence of witch hunting.<sup>60</sup> Minors get victimized primarily on account of being related to a primary victim, or become victims of human sacrifice, which is distinct from witch hunting.

The data from the police corroborates the findings from case studies collected from the field, that the primary victim is typically a middle-aged married woman. The police data reveals that 80 of the 88 primary victims were married, two were widows, while five were unmarried. In fact, the secondary victims were often the husbands of the married women, or their children, in one case the mother-in-law. Although the primary victim is the main target, witch hunting also impacts the physical and material security of women, men and children of the immediate family.

## **iii. Underlying Determinants: Education, Health Care, Public Health, Access to Justice**

Studies show that witch hunting was originally associated with tribal communities, but that is no longer the case. Out of the 88 primary victims in the police records, data about caste was available for 80, out of which only 10, that is 12.5%, belonged to the ST. The highest number of victims – 30 – were from the SC; from the remaining, 24 were OBC, 14 were from the General category and two were Muslim. It is inferred from the names of the appellant/accused in the case law that as many as 29 cases out of the 59, that is approximately 49%, involve non-tribals as the accused.

Witch hunting has evolved as a means by which conflicts are managed, social control exerted, transgression and difference punished, or mishaps and losses rationalized. In its contemporary form, it is not restricted to tribal communities. What emerges as a common thread, however, in terms of the districts where fieldwork was carried out for this study – including collection of data from police stations and from the judgments – is that the context of victims is defined by the lack of public healthcare, little or no access to primary health care services, and interpersonal conflicts within proximates on issues of land and other material things that fester without quick and fair dispute resolution. The data indicates that in many cases, the victims and the accused belonged to the same family. In cases where there was death or illness that motivated targeting, the parties were often related to one another, either as immediate family or as distant relatives. In any case, the existence of high morbidity and mortality, which the parties cannot comprehend, suggests severely inadequate education, awareness and sanitation or health care services. There is a need to view the underlying conditions as part of the root causes that need elimination, rather than blaming witch hunting on communities and regions where the phenomenon occurs.

While gender is a very significant determinant in the sociology of witch hunting, there is a strong indication that other structural factors either align themselves with or operate exclusively from the gendered aspect of witch hunting. This, for instance, explains making women scapegoats in a conflict between families, between brothers or within an extended family, or in an illness. There is also lack of preventive action or access to early pre-emptive legal redress to deter the aggressors, a fact compatible with the other determinants that signal neglect, inaction and apathy towards disadvantaged regions and communities.

<sup>60</sup> There were seven minor victims in the case law data, from which six were males, and two of these were victims of human sacrifice. The police records reveal one minor secondary victim, who was kidnapped.

## **2. Gaps in Respect of the Law**

### **i. High Threshold of Violence Necessary for Registration of an FIR**

Although a wide spectrum of violence accompanies witch hunting, the law data suggests that the police are responsive only when grave physical violence occurs. The special laws on witch hunting offer preventive action that can, to some extent, shield the victim from further violence. Yet, the nature of the offences that get registered at the police station involve substantial physical violence, often perpetrated by a group of accused, including trespass, and dragging the victim out into the open to physically assault her in public. The nature of assault often involves extremely cruel and degrading acts such as stripping and parading her, tonsuring her hair or forcing her to consume excreta. There are scarcely any FIRs that were registered at the point of name calling. The few where physical violence is not evident involve insults, abuse and death threats. The appellate courts only receive cases involving murder, culpable homicide not amounting to murder and attempt to murder. The possible inference is that if the victims approach the police without occurrence of violence, the case is unlikely to be registered.

### **ii. Special Laws More Symbolic than Useful**

Recognizing that abuses and name calling would be treated casually under IPC, special laws were enacted to minimize police discretion and mandate preventive action in cases of witch hunting. However, in practice, according to this data, these laws were rarely if at all used exclusively at the stage of name calling. There were only six out of 85 cases that were registered exclusively under the special laws, of which only three were ready for prosecution as per the police records.

The data shows that special laws are invariably used in combination with more serious provisions of the IPC in the FIRs registered. One inference is that the special laws serve the purpose of indicating the motive of the crime. However, the fact that equivalent provisions of the IPC are almost always invoked with the special laws, even when the complaint pertains to harassment, suggests that this is a likely safeguard for the prosecution even if the evidence is not sufficient to establish witch hunting as the motive.

The data from the case law shows that of the 59 judgments, only five cases from Jharkhand were registered during the operation of the special law; of these, only three cases cite special law provisions, while the remaining two were prosecuted entirely under the IPC. The trial court records would provide a more definitive finding on this aspect, which is not to deny the significance of the present study.

### **iii. Degrading, Cruel and Gendered Forms of Violence**

One of the defining aspects of violence associated with witch hunting, as revealed through the legal sources, is that it is often perpetrated by a group, possibly a family or their associates. The nature of violence does not signify a mere desire to intimidate or injure the victim. There is a definite intention to degrade, humiliate the victim, through cruel acts carried out in public. There is gendered and sexual violence such as forced disrobing, parading, molestation and sexual assault. The data also indicates tonsuring, blackening of face, forcing the victim to consume excreta, accompanied by sexual and other abuses, carried out as a public spectacle so as to dehumanize the individual psychologically and socially in the eyes of the community. While the Criminal Law Amendment Act, 2013, has introduced disrobing of women and sexual harassment, among others, as serious offences, many of the other offences that are particular to witch hunting are not named or recognized in the IPC. Acts of tonsuring, parading, forcible consumption of excreta get booked under Sec. 323 IPC relating to voluntarily causing hurt, which pertains to simple injuries, or under Sec. 294 IPC (in Chhattisgarh). There is a strong need for the law to recognize violent degrading acts of cruelty that are particular to the Indian context – traditionally associated with caste atrocities, but which are also witnessed in cases of witch hunting. Indeed, these are reported also in cases where women are degraded and demonized as a punishment for sexual and transgression or deviance. As

explained in the recommendations below, the IPC needs to name such forms of violence and victimization separately, cognizant of their import and nature in the Indian context, rather than treating it as a simple bodily injury.

#### **iv. Weaknesses within the Criminal Justice System**

The criminal justice system is responsible for prosecuting and redressing wrongs against a victim of crime. This requires them to register complaints promptly and accurately, investigate with diligence, and prosecute. What we see instead is registration of cases only when the injury caused is considerably serious, poor and apathetic investigation, and indifferent prosecution. Several judgments explicitly allude to this, expressing anguish when they have to acquit the accused on account of the lack of critical evidence and failure of the prosecution to examine key witnesses. Nearly half of the murder cases end in acquittal for these reasons. Another chilling finding is that not a single of the 59 appeals were initiated by the prosecution. All of these were appeals by the accused against their conviction. This itself is symbolic of the callous indifference of the prosecution in securing justice by appealing against an acquittal. This calls for institutional reform, not specifically in relation to witch hunting, which addresses the capacity and the will of the key agencies within the criminal justice system in defending the rights of the weak and the brutalized.

### **3. Recommendations**

Witch hunting and similar forms of targeting need a holistic approach. Currently, the State response is limited to provision of criminal redress. In the three states under study, there are special laws which work with the IPC to prosecute cases. The data on law shows that the laws operate primarily when significant degrees of violence or killings occur, not prior to that. Additionally, the implementation of the law in respect of grave violence and killings lacks requisite diligence. The study shows a considerable gap between what the law aims to achieve and how it is implemented. The shift towards a holistic response requires the State responsibilities to be clearly spelt out in terms of the due diligence principle, outlining actions required for each distinct type of responsibility – prevention, prosecution, investigation, punishment, redress and reparation. Only when the State's role is framed in terms of due diligence can action be planned and steps undertaken towards eliminating witch hunting, and similar forms of victimization. The recommendations apply the due diligence principle to the context of witch hunting as illustrated by this study.

#### **i. Addressing underlying causes**

This calls for addressing root causes underpinning witch hunting and related forms of victimization; it requires changing existing structures and conditions that enable this practice. The study reveals high levels of deprivation in contexts where witch hunting occurs. Dominant narratives incorrectly blame the communities for the lack of literacy, belief in superstition and 'medieval' practices when, in fact, communities/regions do not opt for deprivation but suffer the consequences of it. The underlying causes of witch hunting include the lack of accessible and affordable quality health services, of public health care systems, sanitation and clean drinking water, and of accessible affordable quality education. Rationalization of high levels of morbidity and mortality through belief systems rooted in black magic are a consequence of structural disparities and deprivation. These conditions point towards failures in administration and governance, and apathy and neglect towards disparities in living conditions. The essential part of prevention is to therefore ensure that these conditions are changed. In such circumstances, awareness raising alone will not help demystify superstitions. The capacity to transcend one's belief systems is possible when parallel material transformation occurs, where accessible and quality education, health care, sanitation, drinking water set the foundations for change. This must be a priority for the State. The law too can accelerate this shift, by holding State actors and the administration accountable for acts of omission and commission in the delivery of basic services and needs.



## **ii. Recognizing and naming specific offences**

There is a widespread belief that a special law on witch hunting is the most effective response. The states where no such law exists, particularly Assam, Rajasthan and Odisha, have been working towards enacting special laws. Rajasthan State Women's Commission has an omnibus bill addressing various forms of violence against rural women, including witch hunting; Assam too has drafted a bill on witch hunting; and the Odisha has a draft bill ready to be enacted, following directions of the High Court (in response to a public interest petition) to take time bound steps to address witch hunting. The National Commission for Women, too, sought to build consensus on a national witch hunting law, and later, following discussions, proposed a bill in line with the Rajasthan draft, pertaining to atrocities against women by the community. When framed as a call for special law, the debate misses the central concerns, being - what does the existing penal code offer, whether the existing legal redress is in fact available, what might be the barriers to legal redress, and finally, what are aspects of injustice that the law does not cover at all. A discussion cannot be tenable without evidence based understanding about the effectiveness and gaps within the existing legal framework, especially the special laws. This study reveals is that although the penal code provides substantial redress (notwithstanding the apathy and inaction of the key agencies within the criminal justice system), yet it is silent on certain offences that are particular to witch hunting, although by no means, exclusive to it.

There are acts of violence and cruelty that are not recognized or named in the penal law, as a result, they tend to get booked as trivial offences. This gap needs to be addressed. The acts of parading, tonsuring the hair, blackening of the face, forcing another to consume excreta are some examples that have no penal redress commensurate with the nature of the injury inflicted. The penal code must recognize, name and provide commensurate redress for acts of violence that are intended to degrade, humiliate, and known to have long term social, psychological and economic consequences. Such acts have resonance with caste atrocities against Dalits, as also with witch hunting, but are increasingly, being deployed for punishing sexual and moral transgressions. The general penal code must address forms of victimization that has particular symbolism in India, which is why such victimization continues to be prevalent. Rather than special laws, the evidence suggests that the legislative gap relates to recognition of specific offences, that are pertinent to but not exclusive to witch hunting.

## **iii. Reparative Justice: recovery and rebuilding lives**

Most accounts of witch hunting focus on the spectacle of extreme, mostly fatal violence; to frame the victimization as exceptionally barbaric that merits particularized, distinct responses. Yet, the data from this study indicates that for the most part, witch hunting is not spectacular in the way most of the victimization plays out; and murder is not the norm. Part I of this report, shows that there were 6 murders/ killings from a total of 48 case studies. Part II of the report, shows that from the 85 FIRs, only 5 involved murder/ killings. That 56 of the 59 appeal court judgments pertain to murder, says more about the apathy within the criminal justice system than about witch hunting itself.

Part I of the report draws upon the lives and testimonies of victims, bringing out the continuum of victimization that follows labelling. There is social and economic boycott – injunctions against the use of common resources, streets, markets; diktats against being seen in public places; expulsion from home and village; forced permanent or temporary dislocation. Many survive the targeting and the violence, but endure the devastating consequences of the destruction of property, loss of home and livelihood, and breakdown of relationships. They live alone or with their families, in isolation, in fear, and impoverishment. Legal justice as yet, does not respond to any of these. It must. Until the law does not plug this unconscionable blindness towards this lasting injury, it cannot claim to be deliver justice to victims of witch hunting. Reparative remedies involve multiple interventions and processes, that include community dialogue, protection, livelihood support, shelter, compensation, promise of non-recurrence of violence and, where necessary, relocation are imperative for witch hunting (and similar forms of victimization). The law must define obligations of specific agencies, mandating them to ensure healing, re-building and recovery of lives and families broken by continuing victimhood.



### iii. Reform & Accountability – Police, Investigators & Prosecution

While legislative reform is necessary for the gaps mentioned above, its impact is greatly diminished by indifferent and apathetic implementation. From failure to register cases when the warning signs first occur, and taking preventive action, to poor investigation and prosecution, all undermine the law. It is not that implementation gaps need to be remedied for witch hunting alone, as most cases involving the poor get short shrift. There is a pressing need to address such gaps, by making sensitization of the agencies working within the criminal justice system compulsory, along with addressing inherent weaknesses of the concerned agencies. Judges often express dismay and despair when faced with evidence of indifferent functioning of these agencies, as this impedes their ability to come to a conclusion about the guilt of the accused beyond reasonable doubt. This sentiment is expressed often in the judgments. There is a need for the judges to specifically send directions to concerned agencies and individuals, along with their judgments, so that some steps towards accountability are taken. Mere expressions of despair provide a better understanding of the weaknesses of the system, but cannot translate into change and accountability if measures and consequences are not directed to specific individuals for the lapses.

### iv. Roles for State and Non-state Actors

Beyond and within the law, there is a wider role for many actors to play. The local panchayat and sarpanch are often aware of the harassment and victimization, but may take no steps to prevent it, or may even side with the perpetrators. There are some cases where they have undertaken damage control – and this needs to be made the norm. There is a need for them to play a role in prevention, in initiating dialogues within the community to dissolve the conflict and end the targeting, as well as in reporting complaints to the police. This responsibility can be formalized in law, with consequences for the *sarpanch*, *panchayat* and the village, such as paying a fine for failing to take preventive action. This is one way of ensuring that the community as a collective intervenes to prevent the violence. However, these steps will work only if severe structural inequalities are also addressed, where the community has an environment within which it can question atrocities and be assured of prompt impartial action from the law enforcement machinery to avoid a backlash against those who speak out. The state social welfare and women's development departments must create schemes to provide shelter, support services and assistance to women who are brutalized by community violence in rural contexts, with schemes that include provision of food security, education and skill development for livelihoods, and relocation assistance/package when they have no option but to move out of their village.

The field work of partner organisations through which the data for this study was gathered, also involved support interventions, community dialogue and legal aid. In Bihar, one of the victims was enlisted as a member of the Mahila Samakhya, so that despite being targeted by her marital kin, the victim and her husband continued to live and pursue livelihood in the village with support of Mahila Samakya. In Jharkhand and Chhattisgarh too, legal counseling and support was extended to victims to cut through police apathy, and ensure action. In many cases, these organisations were the only life line for the victims. This enormous potential of women's and community groups need to be recognized and factored into policy frameworks to ensure that the State agencies mandated to act by law, are in fact, monitored and made responsive at the local level.

# Annexures

# Annexure I

## Template For Data Collection

1. Does the case refer to or include one or more of the following:
  - b. Where the word 'dayan'/witch has been used
  - c. Hair cutting
  - d. Public Stripping
  - e. Parading
  - f. Trespassing
  - g. Under Domestic Violence
  - h. Any other
2. Who is the complainant in the case/ who is the person who registered the police complaint.
  - a. Police acting on its own
  - b. Victim
  - c. Third party

### Where Complainant is the victim-survivor

3. Name of the victim
4. Age of the victim
5. Sex of the victim - M/F
6. Marital Status of the victim
7. Religion/caste of victim
8. Livelihood of the victim

### Where the Complainant is a third party

9. Whether victim is deceased or surviving?
10. Name of the complainant
11. Sex of the complainant - M/F
12. Religion/caste of complainant
13. Marital Status
14. Livelihood of the informant
15. Relationship with the victim, if any?

### About the Complaint

16. Is the case registered as an FIR or as a complaint in the daily dairy (NC) Tick the relevant?
  - a. FIR
  - b. NC
17. Describe the facts stated in the FIR/ or NC
18. What are key incidents complained of?
19. What are the provisions of law applied?
20. Who are the persons accused?
21. When and where did this crime happen?

### Status of the case

22. What is the outcome of the case (Please tick all the relevant ones )
  - a. Investigation Ongoing
  - b. Charge-sheet filed
  - c. Arrests made
  - d. Compromise Made
  - e. Case closed
  - f. Any other

### Outcome

23. If investigation is ongoing, at what stage is the investigation?
24. If arrests made who have been arrested?
25. For what offences have they been arrested?
26. If the chargesheet is filed, what are the charges in the chargesheet?
27. If compromised what are the terms of the compromise?
28. If the case is closed, why is it closed?

# Annexure II\*

## **The Prevention of Witch (Daain) Practices Act, 1999**

**Bihar Act No. 9 of 1999**

[published in the Bihar Gazette (Extraordinary), dt. Oct 27, 1999]

*An act to provide for effective measures to prevent the witch practices and identification of a woman as a witch and their oppression mostly prevalent in tribal areas and elsewhere in Jharkhand and to eliminate the women's torture, humiliation and killing by the society and any for other matter connected therewith or which are incidental thereto.*

**Section 1:** Short title, extent and commencement- This Act may be called the Prevention of Witch (Daain) Practices Act, 1999.

- (2) It extends to the whole of the State of Jharkhand.
- (3) It shall come into force on such date as the State Government may by notification in the official Gazette appoint.

**Section 2:** Definitions- In this Act unless the context otherwise requires:

- (1) "Code" means the Code of Criminal Procedure, 1973.
- (2) "Witch (Daain)" means a woman who has been identified as a witch by someone else having the power or intention of harming any person through the art of black magic, evil eyes, or "Mantras" and it is deemed that she will harm alleged harm any way to other person/persons or the community at large, in any manner.
- (3) "Identifier" an identifier means a person who initially identifies or takes the initiative in identifying any other person as witch (Daain) or who otherwise abets, instigates or facilitates such an identification in any manner by deliberate action, manner, words, etc., for causing harm to the person and his/ her safety, security and reputation whom he identifies as a witch (Daain).
- (4) "Ojha" means a person who claims himself to be "Ojha" and have a capacity to attain control over Witch (Daain) whether he is known in the name of "Guni" or "Shekha" or any other name/ names.

**Section 3:** Identification of Witch (Daain)- Whoever identifies any person as Witch (Daain) and does any act towards identification either by words, actions or manner shall be punished with imprisonment for a term which may extend to 3 months or with fine of Rs. 1000 or with both.

**Section 4:** Damages for Causing Harm- Any person who cause any kind of physical or mental torture to any person by identifying her as a Witch (Daain) whether deliberately or otherwise shall be punished with imprisonment for a term which may extend to 6 months or fine of Rs 2,000 or both.

**Section 5:** Abetment in the Identification of Witch (Daain)-Any person who intentionally or inadvertently abets, conspires, aids, instigates any other person or persons of the society whether in identification of any woman as a Witch (Daain) with an intention to cause by anyone harm to that person shall be punishable with imprisonment for a term which may extend to 3 months or with a fine of Rs 1,000/-or with both.

**Section 6:** Witch (Daain) curing- whoever does any act of so healing allegedly or purportedly and of curing any woman said to be Witch (Daain) by doing any act of 'jhadphook' or 'totka' and thereby causing any kind of physical or mental harm and torture to that person identified as a Witch (Daain) in any manner shall be punished with imprisonment for a term which may extend to one year with a fine of Rs 2,000/- or with both.

**Section 7:** Procedure for trial- All offences of this Act shall be cognizable and non-bailable.

**Section 8:** Power to make the Rule- The State Government may by notification in the official gazette, make such rules as are necessary to carry out the provisions of this Act.

\* Note: the state laws on witch hunting have not been obtained from government sources or the gazette, so its authenticity or completeness cannot be vouched by us. For reliable information, please contact the relevant gazette or official sources.

# The Prevention of Witch Hunting (Daain) Practices Act 2001, Jharkhand

*An act to provide for effective measures to prevent the witch practices and identification of a woman as a witch and their oppression mostly prevalent in tribal areas and elsewhere in Jharkhand and to eliminate the women's torture, humiliation and killing by the society and any for other matter connected therewith or which are incidental thereto.*

**Section 1:** Short title, extent and commencement- This Act may be called the Prevention of Witch (Daain) Practices Act, 2001.

(2) It extends to the whole of the State of Jharkhand.

(3) It shall come into force on such date as the State Government may by notification in the official Gazette appoint.

**Section 2:** Definitions- In this Act unless the context otherwise requires:

(1) "Code" means the Code of Criminal Procedure, 1973.

(2) "Witch (Daain)" means a woman who has been identified as a witch by someone else having the power or intention of harming any person through the art of black magic, evil eyes, or "Mantras" and it is deemed that she will harm alleged harm any way to other person/persons or the community at large, in any manner.

(3) "Identifier" an identifier means a person who initially identifies or takes the initiative in identifying any other person as witch (Daain) or who otherwise abets, instigates or facilitates such an identification in any manner by deliberate action, manner, words, etc., for causing harm to the person and his/ her safety, security and reputation whom he identifies as a witch (Daain).

(4) "Ojha" means a person who claims himself to be "Ojha" and have a capacity to attain control over Witch (Daain) whether he is known in the name of "Guni" or "Shekha" or any other name/ names.

**Section 3:** Identification of Witch (Daain)- Whoever identifies any person as Witch (Daain) and does any act towards identification either by words, actions or manner shall be punished with imprisonment for a term which may extend to 3 months or with fine of Rs. 1000 or with both.

**Section 4:** Damages for Causing Harm- Any person who cause any kind of physical or mental torture to any person by identifying her as a Witch (Daain) whether deliberately or otherwise shall be punished with imprisonment for a term which may extend to 6 months or fine of Rs 2,000 or both.

**Section 5:** Abetment in the Identification of Witch (Daain)-Any person who intentionally or inadvertently abets, conspires, aids, instigates any other person or persons of the society whether in identification of any woman as a Witch (Daain) with an intention to cause by anyone harm to that person shall be punishable with imprisonment for a term which may extend to 3 months or with a fine of Rs 1,000/-or with both.

**Section 6:** Witch (Daain) curing- whoever does any act of so healing allegedly or purportedly and of curing any woman said to be Witch (Daain) by doing any act of 'jhadphook' or 'totka' and thereby causing any kind of physical or mental harm and torture to that person identified as a Witch (Daain) in any manner shall be punished with imprisonment for a term which may extend to one year with a fine of Rs 2,000/- or with both.

**Section 7:** Procedure for trial- All offences of this Act shall be cognizable and non-bailable.

**Section 8:** Power to make the Rule- The State Government may by notification in the official gazette, make such rules as are necessary to carry out the provisions of this Act.

# The Chhattisgarh Tonahi Pratadna Nivaran Act, 2005

[Received the assent of the Governor on the 26<sup>th</sup> September, 2005; assent first published in the Chhattisgarh Raj-patra (Asadharan), dated the 30<sup>th</sup> September, 2005, at pp. 500 (2-3).]

[Act No. 17 of 2005]

[30<sup>th</sup> September 2005]

Be it enacted by the Chhattisgarh Legislature in the fifty-sixth year of the Republic of India as follows:”

## **Section 1-** Short title, extent and commencement

- (1) This Act may be called the Chhattisgarh Tonahi Pratadna Nivaran Adhiniyam, 2005.
- (2) It extends to the whole State of Chhattisgarh.
- (3) It shall come into force from the date of its publication in the Official Gazette.

## **Section 2-** Definitions

In this Act unless the context otherwise requires.

- (1) “*Tonahi*” means person indicated by any person or persons that he will harm or possesses power to harm or thereby he intends to harm any other person or persons or society or society or animal or living things by black magic, evil eye or by any other means, whether known as Dayan, Tonaha or by any other names;
- (2) “*Identifier*” means person who indicates any person as Tonahi or induces other person to indicate or by his deed, words, gesture or behavior helps to indicate or knowingly does anything so, thereby on the basis of such indication that person may be harmed or apprehended to be harmed or his security and honour may be adversely affected;
- (3) “*Ojha*” may he be known by any other name whatsoever, means person who claims to possess power to control, cure, treat Tonahi or any person or animal or living things alleged to be affected by Tonahi and make him powerless, by jharphook, totka, tantra-mantra or by any means;
- (4) “*Damage*” includes physical, mental and economic harm and harm to reputation;
- (5) “*Code*” means the Code of Criminal Procedure, 1973 (No. 2 of 1974).

## **Section 3-** Act not in derogation of any other law

The provision of this Act shall be in addition to and not in derogation of any other law for the time being in force.

## **Section 4-** Punishment for identifying Tonahi

Whoever identifies any person as Tonahi by any means shall be punished with rigorous imprisonment for a term which may extend to 3 years and also with fine.

## **Section 5-** Punishment for harassment

Whoever causes physical or mental harassment or damage to any person identified by him or any person as Tonahi shall be punished with rigorous imprisonment for a term which may extend to 5 years and also with fine.

## **Section 6-** Punishment for alleged curing

Whoever does any act of jhar-phook, totka, use of tantra-mantra or anything as Ojha upon any person indicated as a Tonahi or any other person or animal or living thing alleged to be affected by such Tonahi, under any claim of treatment or control shall be punished with rigorous imprisonment for a term which may extend to 5 years and also with fine.

## **Section 7-** Punishment for claiming to be Tonahi

Whoever claims to have power to harm any person or animal or living things by black magic, evil eye or by any other means and publicizes it and tries to disturb the public tranquility or peace or causes annoyance or harms

others shall be punished with rigorous imprisonment for a term which may extend to one year and also with fine.

**Section 8-** Punishment for attempt to commit offence

Whoever attempts to commit any offence punishable under this Act or to cause such offence to be committed and in such attempt does any Act towards the commission of the offence shall be punished with the punishment provided for the offence.

**Section 9-** Trial of offences under the Act

Every offence under this Act shall be triable by the Judicial Magistrate First Class.

**Section 10-** Offences to be cognizable and non-bailable

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (No. 2 of 1974),

- a. every offence punishable under this Act shall be cognizable and non- bailable ;
- b. no person accused of an offence punishable under this Act shall be released on bail or on his own bond unless, the Public Prosecutor has been given an opportunity to oppose the application for such release.

**Section 11-** Application of Section 360 of the Code of Criminal Procedure, 1973 and of the Probation of Offenders Act, 1958

Nothing contained in Section 360 of the Code of Criminal Procedure, 1973 (No.2 of 1974) or in the Probation of Offenders Act, 1958 (No. 20 of 1958) shall apply to a person convicted of an offence under this Act unless such person is under eighteen years of age.

**Section 12-** Matters to be taken into consideration for fixing fine

Where a sentence of fine is imposed under Sections 4, 5 and 6, the Court in fixing the amount of the fine shall take into consideration the physical and mental damage caused to victim including any cost of treatment.

**Section 13-** Order for Compensation

When a Court imposes sentence of fine, the Court shall when passing judgment, order the whole or part of the fine recovered to be awarded as compensation to the victim.

**Section 14-** Bar of Jurisdiction

No Civil Court shall entertain any suit or proceeding against any decision made or order passed by any officer or authority under this Act or any rule made thereunder.

**Section 15-** Protection of Action taken in good faith

No suit, prosecution or other legal proceeding shall lie against the State Government or any officer of the State Government or any other person exercising any power or discharging any function or performing any duty under this Act, for anything done in good faith or intended to be done under this Act or any rule made thereunder.

**Section 16-** Power to make Rule

The State Government may, by notification make the rules to carry out the provisions of this Act. Every rule made under this Act by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.



# Annexure III

## Abbreviations

### TERM MEANING

<b>PV</b>	Primary Victim (Targeted on account of being identified as witch)	<b>IPC</b>	Indian Penal Code
<b>SV</b>	Secondary Victim (Targeted on account of being related or associated with Primary Victim)	<b>TC</b>	Trial Court
<b>IO</b>	Investigating Officer	<b>HC</b>	High Court
<b>RI</b>	Rigorous Imprisonment	<b>SC</b>	Supreme Court

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
1	<b>Ananda Gavaji Valvi And Others vs State Of Maharashtra</b>  Bombay High Court  1993 (3) BomCR 4	<b>Charges:</b>  IPC: 302 r/w 34  <b>Procedural History:</b>  <b>Conviction:</b> The accused were convicted under Sec. 302 r/w 34 of IPC  <b>Sentence:</b> Life imprisonment	Male SV, murdered Wife of victim was labelled as witch.	The sons of the victim's paternal aunt. Residents of the same village.	Deceased along with his son, wife and few others were sitting outside their house when the 4 accused armed with sticks blamed the wife of practising witchcraft and sorcery and threatened the deceased to leave her. On the deceased paying no heed to the threat, the accused got enraged and dragged deceased away from the house and assaulted him with sticks. Though the other family members tried to intervene, the same was in vain. They ran to a nearby jungle to take shelter.	Dispute in the family.	The defence taken was that the accused did not know the wife of the deceased. Relying on the post-mortem report that at the time of the death the stomach and intestine of the deceased were empty, it was plead that the evidence of the deceased's wife was contradictory. 5 witnesses of the 15 examined by the prosecution turned hostile, including the son of the deceased turned hostile.	HC upheld the conviction of the accused	The HC, disagreeing with this argument of the defence that the deceased's wife was lying since her evidence was contradictory to that of the medical report, relied on the decision of the TC, wherein the judge had stated that there was no time given by the wife as to when they had eaten and it could have been a few hours before the death.
2	<b>Manindra Majhi vs State</b>  Calcutta High Court  2006 (3) CHN 796	<b>Charges:</b>  IPC: 302 r/w 120B  <b>Procedural History:</b>  <b>Conviction:</b> The accused was convicted under Sec. 302 r/w 34 IPC  <b>Sentence:</b> R.I. for life	Female PV murdered. Housewife		Mejhan Majhi (MM) was mercilessly murdered by having her head severed from her body. Chargesheet was drawn against Upendra Majhi (UM) and Manindra Majhi, on the allegation that both of them had conspired to kill MM, as according to their view, she was a witch causing damage to the life of their family members.	Others	Note: At the commencement of trial, Upendra Majhi was absconding and hence the trial continued only against Manindra Majhi  Prosecution examined 13 witnesses. However, most of the public witnesses, including the husband and the son of the deceased woman became hostile.  As per the testimony of the I.O., the statement of Manindra Majhi led to the recovery of the weapon.	The HC acquitted the appellant; overturned the decision of the TC	<i>Note: Appeal has been filed only by Manindra Majhi</i>  The HC observed that the husband of MM had categorically stated before the TC that Manindra Majhi never visited their house on the day of the incident. It further observed that though, during the investigation, the I.O. found Manindra Majhi in UM's house and pursuant to a statement given by him, the murder weapon was discovered, the TC wanted to connect the statement of the I.O. along with the recovery of axe to reach his own conclusion that the present appellant was also involved in the commission of the murder of MM. Further the HC observed that all the vital witnesses which included the husband and son of MM and other villagers turned hostile. The HC acquitted the present appellant

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
3	<b>Tufani Bhuiyan v. State of Jharkhand</b>  Jharkhand High Court  2006 CrLJ 1878	Charges:  IPC: 302, 323, 324 r/w 149. Appellant No. 2 was also charged under Sec. 148 and 149  <b>Procedural History:</b>  <b>Conviction:</b> All the appellants were convicted under Secs. 302, 323, 324 r/w 149 and 304. Appellant no. 2 was further convicted under Sec. 147 and 148.  <b>Sentence:</b> Life imprisonment A2 was further sentenced to 2 years R.I. under Sec. 147 and 148 IPC.	Male PV, murdered.  Kishun Bhuiyan; related to the accused. Targetted for being a witch and for causing the death of the wife of Charan Bhuiyan.	The accused were related to the deceased and resided in the same premises.	The facts alleged that the deceased's son, Mewalal Bhuiyan (MB), was grazing cattle when the accused approached him and asked where his father was. When he refused to reply, the accused beat him. MB then went in search of his father and, upon finding him, warned him not to go to the place where the cattle were grazing as the accused were searching for him there. The deceased, ignored his son's warning, went to the place with his son and his wife, where all three were severely beaten. The deceased died from his injuries. MB and his mother, Sitwa Devi, were taken to the hospital.	Death in family of the accused.	The prosecution did not examine the doctor who conducted the post-mortem, nor did they produce the post-mortem report.	The HC acquitted the accused on lack of evidence; overturned the decision of the TC  Note: The Trial Court directed that Rs. 18000/- from the fine collected would be given as compensation to the family of the victim.	The HC noted that the doctor who conducted the post-mortem was not examined and neither was the post-mortem report produced. The prosecution had failed miserably in its duty. Therefore, there was no evidence on record to show that the deceased died on account of homicidal violence.  Further, the HC noted that the prosecution must be vigilant while conducting trial for grave offences like murder. It was unfortunate that in this case the prosecution agency did not think it necessary to examine either the doctors who conducted autopsy nor did they produce the necessary documents. This showed the callous and indifferent attitude of the prosecuting agency.

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4	Phulia Tudu v. State of Bihar (now Jharkhand)  Supreme Court  [2007] INSC 925	Charges:  IPC: Sec 302 (Later converted to Section 304 by SC)  Procedural History:  TRIAL COURT Acquittal: A3 was acquitted Conviction: A1 and A2 were convicted under Sec. 302 r/w 34 IPC  Sentence: Life imprisonment  HIGH COURT: Upheld the Trial Court's conviction and sentence for life	Female SV, Biti Murmu, murdered. Age not given.	The son of the accused fell ill and they were under the impression that the deceased, Biti Murmu, was a witch, and had caused a spell.	Facts allege that the accused blamed the deceased of practicing witchcraft after the death of one of the accused's son. Following the cremation of a different villager, the accused chased the deceased to the home of her sister-in-law, from where they dragged her and beat her to death. When the sister in law, Bitia Soren, the primary witness, tried to intervene she too was beaten and threatened with her life. The autopsy revealed that the death had resulted from blows delivered with a blunt object.	Death in the family of the accused		Converted the charge to Section 304 IPC r/w 34 (from Sec. 302) and sentenced each of the accused to custodial sentence of ten years.	While observing the difference between culpable homicide and murder, the SC observed that it could not be said as a rule of universal application that whenever one blow is given Section 302 IPC is ruled out. It would depend upon the facts of each case. The weapon used, size of the weapon, place where the assault took place, background facts leading to the assault, part of the body where the blow was given are some of the factors to be considered. In the instant case admittedly one blow was given with a small stick, and the place where the assault took place was dimly lit.

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5	Sooraj vs State of Kerala  Kerala High Court  1994 CriLJ 1155	Charges: IPC: 302 and 201  Procedural History:  Conviction: The accused was convicted under Sec. 302 and 201 IPC  Sentence: life imprisonment (Sec. 302) and S.I. for 1 year (Sec. 201)	Female PV. Murdered. Was killed over property dispute. Her first husband, with whom she had 3 children had died, and she was married to another man (father of the accused) who had left her because of her peripatetic life style	The accused was the son of the deceased from her second husband. The accused and deceased were workers of two different political parties.	Accused's father had deserted the deceased victim because of her peripatetic life style due to political activities. The accused and the deceased had been having disagreements with regard to the division of the property. On the death of the father, the accused labelled the victim as a witch. On the day of the incident, the accused smothered the deceased, strangled her with his lungi and buried her body near his courtyard. When on enquiry, the brother of the accused P.W. 1, who was residing separately with his wife and children received three different versions from the accused and was unable to find his mother he inspected the area around the house. When he saw an earthen mound near the courtyard, a portion of which was washed away and a wooden plank appeared, he filed a complaint	Dispute in the family		The HC upheld the conviction and sentence given by the TC.	The HC observed that the conduct of the accused created doubt as to his innocence. Also, the medical evidence supported the case of the prosecution.  With regard to the motive, the HC observed that when a mother with whom a son aged about 21 resides, naturally the son will develop in his mind a feeling of hatred and animosity against his mother, who made him a destitute and importune. The evidence discloses that the accused was taking meals from hotels and from the house of other persons. In such abhorrent and frustrated situations, the accused, who was still in his adolescence, may naturally develop a high degree of animosity. When the mind is so obsessed and confused he may or may not turn to his father for solace and solution. But when he thinks of his father, it will naturally strike to his mind the sickening stories including the obtaining of an order of maintenance by his mother against his father. All these causes contributed largely in a strong motive being developed in the mind of the accused to do away with his mother.

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6	Gunja Kumhar v. State of Bihar  Jharkhand High Court  2002 (3) East Cr C 595 (Jhr)	Charges:  IPC: 302 r/w 149, 435 r/w 149 and 148  Procedural History:  Conviction: The accused were convicted under Secs 302 r/w 149, 435 r/w 149, and 148  Sentence: 302 r/w 149: R.I. for life 435 r/w 149: 5 years 148: 2 years  All sentences were to run concurrently	Two female victims, murdered. victims  Kumari Sukru Kumharin (KSK), (SV), 20 years old; niece of the informant  Smt Rengai Kumharin, (RK), the PV, widowed sister to the informant (age not given)		Deceased's uncle, Durgho Kumhar (informant), described the facts as such that KSK had been returning from market when she was surrounded by 6 accused and they murdered her using tangi and balua. The accused then entered the informant's home where they murdered his widow sister (RK) and destroyed all the items of his home by means of fire. The alleged cause of the attack was the death of appellant Gunja Kumhar's wife, which the exorcists of the village claimed was a result of Smt. Rengrai Kumharin's witchcraft.	Death in the family of the accused		TC's holding reversed; no finding of guilt of the accused.	HC noted as rationale for the holding that:  1 there was not an iota of ocular evidence that the accused named committed the crime, as the only potential ocular witnesses fled the scene for fear prior to the second alleged murder, and were not in the field for the first alleged murder;  2 there was well-known and existing enmity between the parties prior to the alleged murders, as the son of the primary informant had been killed earlier and the appellants in this case were also accused in the son's murder (which was still sub-judice at the time of this ruling), and the witchcraft allegations;  3 there was a delay between the crime and the filing of the FIR, a 'cooling period' during which a calculated decision could have been made to falsely implicate the accused;  4 the medical examiner who examined the bodies was not examined in court and therefore could not connect the weapons put forth as evidence to the lethal wounds.

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7	Birsa Ahir vs State Of Bihar (Now Jharkhand)  Jharkhand High Court  2004 CriLJ 4773	Charges: IPC: 302 r/w 34 and 449  Procedural History:  Conviction: The accused was convicted under Sec. 302/34 and 449 IPC  Sentence: R.I. for life. No separate sentence was passed under Section 449, IPC	Female PV, murdered.	The accused was a resident of the same village as the victim	The accused along with a Jakariyas Oraon (since dead) went to the house of the deceased Chumani Oraon (CO), who they believed was a sorceress and had used witch craft to kill Jakariyas Oraon's son. They then took CO to the village akhara where a committee was convened. They laid CO down and with stones crushed her head. She died on the spot.	Death in family of the accused.	The prosecution examined 12 witnesses. P.W. 3, who saw the body of the deceased outside her house turned hostile. P.W. 4, who was mentioned as an eye witness in the fardbeyan also turned hostile. P.W. 5, who is said to have seen the body of the deceased also turned hostile.  The doctor who conducted the post-mortem noted that death was caused by a blunt stone-like object.	The HC acquitted the accused; overturned the decision of the TC	The HC observed that the fact that the prime witness/informant (son of CO) stated that there were other villagers in the akhara, but he did not know the names of any of those villagers, created doubt as to whether there were any villagers present as none of the village independent witnesses had supported the prosecution case. The I.O. (P.W. 10) deposed that he did not seize two stones found there as there was no blood on it. He also did not find any blood at the place where the dead body was found. Hence he did not seize any bloodstained soil. These facts created a doubt in the mind of the HC as to where CO was done to death. The HC opined that the prime witness/informant had purposely suppressed all the materials regarding the murder of his mother. The HC found that evidence of the prime witness/informant not sufficient for a convicting under IPC 302.

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8	Ram Sakhi Devi v. State of Bihar  Patna High Court  2008 (4) East Cr C 186 (Pat)	Charges: IPC: 302 and 201  Procedural History:  Conviction: The accused was convicted under Sec. 302 IPC  Sentence: Life imprisonment	Male minor SV. Murdered  6 year old boy, Pramod Kumar, killed by drowning.	The accused (female) was the agnate of the victim's father.	The facts allege that the deceased victim's grandfather had taken him and his sister to the banthan (where cattle are grazed in a village) where the two children were left alone to play in the orchard. When the grandfather returned, he found his grandson missing. His granddaughter informed him that her brother had been taken away by the accused, in the direction of the river. Upon reaching the river, the grandfather saw the footprints of a child and an elderly person, and, upon suspicion of murder, recruited two aids to help him search for the body. They pulled the dead boy's body from the river.  The boy's father later testified that the accused had expressed concern that he (the father) had been practicing witchcraft on her, and thus would endeavor to render him heir-less. Aside from these comments, there is no history of enmity between the two families.	Others		The HC upheld the conviction and sentence given by the TC.	HC found that the medical examiner's testimony corroborated the testimonies given by all witnesses. The scratches seen on the stomach of the deceased implied that force was used in his drowning (ie it was not an accident.)
9	Babu Ram Mrumu v State of Jharkhand  Jharkhand High Court  2006 (4) JCR 179 (Jhr)	Charges: IPC: 452, 323, 341, 34  Procedural History:  Conviction: The accuseds were convicted under Sec 452 and 323 IPC  Sentence: 452: 2 years 323: 3 months  Sentences were to run concurrently	3 (two female, one male) victims of assault, battery, and robbery. The female was the SV. No deaths.	There were 5 accused. However, only 3 of them were sent to trial, the other two, though named in the FIR were not sent up for trial	The 5 armed accused broke in and entered the primary informant's home and declared the informant's wife to be a witch and stated that they would kill her. On resistance, Accused no. 1 inflicted blows with his stick to the informant. When his wife and daughter appeared at the scene, the accuseds attacked them, took Rs. 4000/- as well as a silver chain and on arrival of the villagers, on hearing alarm, they escaped.	Others		The conviction and sentence was upheld	The HC found that not only do the eye witness' testimonies support the lower courts finding rightfully, but also that the motive for the assault, the accusation of the practice of witchcraft, is believable as such incidents, especially against tribal women, are increasing.  Given the gravity of the offense, the Court did not give the accused the benefit of the Probation of Offenders Act.



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10	Panchu Manjhi v. State of Bihar Patna High Court 2002 (1) East Cr C 158 (Pat)	Charges: IPC: 304 and 302  Procedural History:  Conviction: the accused was convicted under Sec. 304 IPC  Sentence: R.I. for 10 years  Acquittal: The accused was acquitted under Sec. 302	Male PV. Homicide victim. Ram Briksh Manjhi (Mushar)		On the date of the incident, four persons descended upon the deceased while he was working with his wife. Upon his collapse, four additional persons descended upon the victim, hitting him repeatedly with lathi, allegedly due to the fact that he was a witch. The assigned reason for the attack was that the victim had been a witness to an incident of arson. The victim died on the way to the hospital, after making the dying declaration that he was beaten by 10-12 individuals.	Others	PW 1 made contradictory statements in his examination. Further, the I.O. was not examined. There were also contradictions amongst witnesses as to who was present at the site. The evidence of the medical officer was also contradictory to that of the witnesses	TC's holding was reversed; no finding of guilt of accused.	Cause of death (homicide) was not at issue. What was in dispute was the accused's complicity in the crime. Lack of reliable evidence and contradictory findings between the medical examiner's report and the witness testimony led to the finding of not guilty for the appellant.  HC noted that the TC had not considered the testimony of PW 1, and therefore had ruled erroneously against the accused.
11	Ram Soren alias Kanchan Majhi v. State of Jharkhand Jharkhand High Court 2002 (2) East Cr C 232 (Jhr)	Charges: IPC: Section 302.  Procedural History:  Conviction: the accused/appellants were convicted under Sec. 302 IPC  Sentence: Life imprisonment	Female PV. Murdered.  Sukhi Majhian (SM), mother-in-law to primary informant/witness. SM was a resident in Manjhari, in the state of Bihar (now Jharkhand). Age not given.	The accused was living in the same village as the victim. He blamed the victim for not recovering from his illness.	Kapila Majhian ('KM'), daughter-in-law to the deceased victim, was in front of Ram Soren ('RS' appellant No. 1) where she overheard him inform his brother Lachman Soren ('LS' appellant No. 2) that he would not recover from an illness he had incurred due to an evil act that Sukhi Majhian ('SM'), KM's mother-in-law, a 'witch' (daain), had performed against him.  After KM informed SM of what she had heard, SM came into the street to protest the statement. Upon beginning to return to her home, SM was beaten to death by RS and LS. KM tried to protest the beating and was also assaulted and knocked unconscious by RS and LS.	Illness in the family of the accused	The doctor who conducted the post-mortem was not examined. PW 2 and PW 3 were tender witnesses. The FIR on record was filed by the KM, however it was the case of the prosecution that the Village Munda had filed the FIR	The accused were acquitted; TC order overturned	The HC observed that the evidence of the sole eye witness could not be corroborated with any interested or independent witness. Further, due to the non-examination of the doctor who conducted the post-mortem, the cause of the death could not be ascertained. The HC also doubted the correctness of the FIR on record and expressed doubts that the same may be forged because the original FIR was filed by the Village Munda.

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12	Nata Sinku v. State of Bihar (now Jharkhand) Patna High Court (Ranchi Bench) 2002 (1) East Cr C 143 (Pat.)	Charges: IPC: 302  Procedural History:  Conviction: the accused/appellant was convicted under Section 302 IPC  Sentence: R.I. for life	Female PV, Sankati Kui. Murdered.	Resident of the same village as the victim. He alleged that his wife was under the spell of the victim, who was a witch	Budhram Sinku ('BS'), the deceased's husband encountered his mother-in-law (Jonga Champia, 'JC') who informed him that his wife, Sankati Kui ('SK') had been detained on the veranda of their master's house by their master's wife, Nata Sinku ('NS'), where she was being assaulted by means of an iron rod by NS. JC revealed that NS had refused to release SK until she had cured her of the spell of witchcraft she was under. Neither the informant or his mother-in-law returned to the master's home that night for fear. The body of SK was found the next day in a field in village Mogra. It is alleged that NS threw the body there.	Others	The doctor who conducted the post-mortem was not examined.	The HC altered the charges from Section 302 IPC to Section 326 IPC  Sentence: In view of the fact that the accused had been in prison for 11 years already, the HC modified the sentence to R.I. 10 years	The HC observed that there was nothing on record to even remotely suggest that there was any animosity against the accused/appellant. There were no contradictions in the cross-examination of the witnesses' vis-à-vis the evidence.  The HC further observed no other doctor had been examined by the prosecution to seek an opinion about the cause of death. Hence in the circumstances, the HC held that the conviction under Sec. 302 could not be held. It altered the conviction to that under Sec. 326 IPC
13	Birpatra Tanti And Ors. vs State Of Assam Gawahati High Court (2004) 3 GLR 598	Charges: IPC: 304  Procedural History:  Conviction: The accused were convicted under section 304 IPC  Sentence: 3 years imprisonment	Female PV		While the deceased victim Kripia Champia (KC) was at the tube well, the accused forcibly dragged her and assaulted her because they believed that she was a witch and had harmed one of the accused. She was brought to the house of one of the accused's where she was assaulted and kept confined for the night and the next morning she was brought to the garden hospital where she was declared dead by the medical officer.	Illness in family of the accused		The HC upheld the conviction and sentence given by the TC.	In view of the argument made by the defence that only 3 witnesses were examined and none of the other villagers were examined, the HC observed that there was no requirement in law that the prosecution was required to examine each and every person residing in the locality. The HC found that the medical evidence on the record fully supported the oral testimony of the eyewitnesses and the TC rightly relied on the oral testimony.
14	Vimlaben Motiram vs State of Gujarat Gujarat High Court 2008 (9) GHJ 393	Charges: IPC: 302  Procedural History:  Conviction: The accused was convicted under Section 302 IPC  Sentence: R.I. for life	Female PV, murdered.	Neighbours of the victim. Female	Lilaben (deceased) was staying with her husband and four children. On the day of the incident, while Lilaben and her daughter were coming back home, the accused and one other person (wife of Madawala Ghanshyam) started calling the deceased a Dakan. The accused thereafter poured kerosene on Lilaben and set her ablaze. She managed to give a dying declaration wherein she named the accused.	Others		The HC upheld the conviction and sentence given by the TC.	The HC observed that the dying declaration made by the deceased was voluntary and in a conscious state of mind. It found no reason to doubt the correctness and authenticity of dying declaration which was fully supported by the Executive Magistrate and also by P.W. 3 eye witness (daughter of deceased).

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
15	Kujri Sundi And Jena Sundi vs The State Of Bihar (Now Jharkhand)  Jharkhand High Court	Charges: IPC: 302 r/w 34  Procedural History:  Conviction: The accused [2] were convicted under Section 302 r/w 34 of IPC  Sentence: life imprisonment.	Female PV. Used to work in the paddy field	Accused 1's son had died. Accused 1 Kujri Sundi was the son of Accused2, Jena Sundi.	When Kujri Sundai's (A1) son died, deceased Budhni Kui (BK) was suspected of being a witch and it was also suspected that due to her witch craft A1's son died. While BK was at the paddy field, Jena Sundi (A2) came and grabbed BK and held her hands while A1 stabbed her with a knife.	Death in the family of the accused		The HC acquitted A2 and upheld the conviction of A1	The HC, while relying on the evidence of one of the son's of BK, held that BK was stabbed by A1. However, the HC observed that there was no concrete evidence that A2 knew A1 was going to stab BK. The mere fact that A2 was holding the hands of BK by itself will not go to show that A2 was in the knowledge that A1 had a knife and was going to stab BK with the said knife. The HC acquitted A2 on the ground that he was entitled to a benefit of doubt.
16	Parmeshwar Kol And Ors. vs State Of Bihar (Now Jharkhand)  Jharkhand High Court  2003 [2] JCR 455 Jhr	Charges:  All the accused were charged under Sec. 302 r/w 140, 147, 323 and 452 IPC Apart from this, the following accused were also charged under: Bhageshwar Kol: Section 148 and 326 IPC Kaila Kol: Section 148, IPC  Procedural History:  Conviction: All the accused were convicted as charged  Sentence: R.I. for life under Sec. 302 r/w 149 No separate sentence was passed under the other provisions.  There were 14 accused, out of which 5 were acquitted	Male SV, murdered. His wife was accused of being a witch		The wife of one of the accused died due to a scorpion sting and all the accused blamed Topali Debi (TB) of being an exorcist who performed witchcraft on the wife of one of the accused. The next morning, the accused, all armed with lathis and sabal, surrounded the husband of TB, Etwari Kol (EK-deceased) and assaulted him and threw him on the road. They then went to TB's house and assaulted her. EK died due to the injuries.	Death in family of the accused.	The eye witnesses to the assault on Topali Debi were not examined.  No independent village witness was examined. Only interested witnesses (wife, son and daughter-in-law of deceased) were examined.  There were discrepancies in the evidence of the witnesses. While the son stated that he had gotten married 3 days before the incident and the appellants had not come to the barat because of some differences between them. However, the wife of the deceased stated that the accused had in fact come to the barat. Further, daughter-in-law stated that she had seen the deceased the day after the incident, when he had died during the night of the incident.  The medical report stated that death was caused due to sharp-cutting object, however, none of the accused were carrying such weapons. They were carrying lathis and sabal.	The HC overturned the TC order and acquitted the accused.	In view of the evidence on the record, the HC found that the prosecution has examined only interested witness who are of the same family closely related with the deceased Etwari Kol and have contradicted the prosecution case. The manner of the alleged occurrence has also not been proved by the prosecution. The genesis of the alleged occurrence has not been proved that PW 2 Topli Debi and her husband Etwari Kol were assaulted only because they were exorcists and had played witchcraft resulting death of the wife of Bhageshwar Kol.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
17	Bhaktu Gorain & Ors. V State of Kolkata Kolkata High Court Cra No. 181 OF 2000	Charges: IPC: 302 r/w 34  Procedural History:  Conviction: Accused convicted under Sec. 302 r/w 34 IPC  Sentence: R.I. for life	Female PV, murdered. Was a widow		The night before the incident the accused had come to Keshari Mahatani's (victim) house and labelled her for being a witch and exercising her evil powers over the villagers. The next day while the victim and her daughter-in-law (PW 4) were on their way back from a nearby pond, the victim was surrounded by the accused. On a hue and cry being raised by the victim and PW 4, the victim's two sons and other villagers ran to the spot. The accused killed the victim with table, tangi and lathi and escaped.	Others	Prosecution examined 10 witnesses. All the witnesses corroborated the case of the prosecution	The TC's conviction was upheld	The HC observed that after analyzing the gamut of evidence on record, it emerged that the medical evidence corroborates the ocular evidence and there was no room to doubt the manner in which the murder happened. Further, the HC noted that the actual incident was preceded by another episode where the accused entered the house of the victim and called her a witch. The HC noted that the accused had come with an intention to cause death and the same was clear from the nature of injuries inflicted upon the victim with deadly weapons like Tangi, Tabla & Lathi as well as other legal evidence and surrounding circumstances on record.
18	Abani Kuiry & Anr vs State Of W.B Kolkata High Court C.R.A No.631 OF 2004	Charges: IPC: 148, 302 r/w 149 and 326 r/w 34  Procedural History:  There were 8 accused. The Trial Court convicted the 2 appellants and acquitted the rest  Conviction: The accused were convicted under sections 324, 302 r/w 34  Sentence: 302 r/w 34 - Life imprisonment 324: R.I. for 2 yrs.	Female PV, murdered.		When a he calf belonging to one of the accuse died, it was suspected that Fekui (deceased) had killed it with her witch craft. The accused persons armed with lethal weapons raided the house of Fekui, demanding compensation for the loss arising out of the death of the hecalf. Fekui tried to reason with the accused persons telling them that she did not know witchcraft. They started assaulting Fekui with deadly weapons like tangi, spear ect. After Fekui had fallen down her husband came to her rescue. He was also severely beaten up. The victims were sent to a PHC. However, on the way Fekui died. Her husband survived.	Death of cattle of the accused		The HC upheld the conviction as decided by the TC	The HC agreed with the argument of the Public Prosecutor that the accused had raided the house of the victim in a group armed with lethal weapons and inflicted indiscriminate injuries; therefore each of the accused is vicariously liable for the action of the other. The Court observed that there was an element of vicarious liability where a crime is perpetrated by several persons sharing common object or common intention.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
19	Kandra @ Budhram Sunar And Anr. vs State Of Orissa  Orissa High Court  2007 I OLR 652	Charges:  IPC: The 2 appellants were charged under 302 r/w 34; and The 3 others who the Trial Court acquitted were charged under 302 r/w 109  Procedural History:  There were 5 accused at the Trial Court. 3 were acquitted. (Refer to Charges column)  Conviction: Kandra (A1) and Kamru (A2) were convicted under Section 302 r/w 34.  Sentence: Life imprisonment	Female PV, Jiten Sunar. Murdered. Not much had been provided about the victim apart from that she was female. The Court observed that she was a 'rustic adivasi'.	The accused and the victim belonged to the same village. They were 'rustic adivasi', the Court observed.	Jiten Sunar (deceased) was suspected of practicing witchcraft. On the afternoon of the incident, the deceased and her mother (P.W. 1) were returning home from the field, when the accused no. 2 obstructed her path. Accused no. 1 then dealt successive blows to her with a bhujali. She died on the spot.	Others	PW 2 (aunt of deceased) turned hostile  Though the I.O. recovered the weapon used by the accused, PW 1 was confused regarding its identity. Thus the HC eliminated the weapon.  There were contradictions between the evidence of P.W. 1 in examination-in-chief and cross-examination regarding the participation of accused no. 2. Further, as the HC noted, even though PW 2 had turned hostile, the Public Prosecutor did not give any suggestion to P.W. 2 nor did he confront her with any statement that A2 participated in the occurrence by holding the hands of the deceased.	The conviction with regard to A1 was upheld. However the HC acquitted A2.	With regard to accused no. 2, the HC observed that the evidence of P.W.1 and that of P.W. 2 (aunt of the deceased; hostile witness) raises doubt about the conviction. The TC was swayed by the evidence of P.W1 in the examination-in-chief so as to record finding that accused no. 2 is also responsible for death of the deceased. On proper appreciation of evidence on record, the HC found accused no. 2 to be entitled to the benefit of doubt and acquitted him.  The HC observed that in the area dominated by the adivasi population the belief of witchcraft and combating the same by taking law into their own hands is a common feature by the persons who feel that they were grossly affected by practice of witchcraft. Accused was no exception to that feeling and that might have prompted him to commit the afore-said murder. Therefore, this aspect should be considered by the Government in case there is any application/recommendation for his premature release on completion of 14 years imprisonment.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
20	Soban Sinku v State of Bihar (now Jharkhand) Jharkhand High Court 2004 (1) East Cr C 613	Charges: IPC: Sec. 302/149, 307/149, 323/149, and 201/149 and 148  Procedural History:  Conviction: 302 r/w 149, 307 r/w 149, 323 r/w 149, 201 r/w 149 IPC  Sentence: 302 r/w 149: Life imprisonment 307 r/w 149: R.I. for 5 years 323 r/w 149: 1 month 201 r/w 149: R.I. for 2 years	The family was accused of being sorcerers. Govind Marla (PV) and his 3 children: Radheshyam Marla (6 years old) Lakshman Marla (2 years old) Phulman Kui (8 years) were murdered.  His wife and 10 year old son Ram Singh survived	There were 9 accused.  Note: One of the accused was also sent to prison in 1960-61 for 20 years for murdering Govind Marla's husband and Givind was given 10 acres of the said accused persons land	The villagers had convened a meeting to get rid of Malaria and animal disease spread in the village. The accused (9 in total) were present at the village. One of the accused, Munda, informed the other villagers that the reason for the spread of disease was the sorcerers and that they had to be killed. Also, the family members had to give a fine of Rs. 1000/- besides 2 goats and 6 pots of hadia. This was the only way the disease could be removed from the village. He further alleged that the missionaries on the locality taught witch craft to the people at the church every morning and evening.  That night, the accused went to the house of Govind Marla (victim), alleged to be a sorcerer and attacked him and his whole family. The eldest son (10 years old, PW 5) managed to run from the house and take shelter. Victim, two of his sons (aged 6 and 2) and his daughter (aged 8) were killed and thrown into the river. His wife (PW 3) was assaulted, however she jumped into the water and swam to safety.	Epidemic in village	The prosecution examined 15 witnesses.  However, the doctor who examined PW 3 (wife of the victim) and PW 5 (son of the victim) was not examined	HC convicted the accused; upheld the decision of the TC	The HC observed that there were no contradictions in evidence and the evidence of the eye witnesses were corroborated with the hearsay witnesses. Further, the evidence of the prosecution had proved that the appellants were after the missionary's fathers alleging them to be witches. The HC noted that such practice was prevalent in the village and was the reason why the other villagers had not come out to testify.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
21	Hulash Singh v. State of Bihar  Jharkhand High Court  2002 (3) East Cr C 1 (Jhr)	Charges:  IPC: Sec. 302, 364 r/w 34, 342 r/w 34, 201 r/w 34 and 452  Procedural History:  Conviction: 364 r/w 34, 342 r/w 34, 201 r/w 34 and 452 IPC Acquittal: Sec. 302 IPC  All accused/appealants besides Bhikhari Singh were given the following sentence: 364 r/w 34: 7 years R.I. 342 r/w 34: 6 months 201 r/w 34: 2 years 452: 3 years R.I.  All sentences ran concurrently  Sentence for Bhikhari Singh: 364 r/w 34: 10 years R.I. 342 r/w 34: 6 months R.I. 201 r/w 34: 2 years R.I. 452: 3 years R.I.  Note: Bikhari Singh did not appeal	Female, PV, 60 years old. Murdered.		The 3 year old son of Bhikhari Singh (BS) had died and he alleged that the victim Ugni Devi (victim) was responsible for the death because she was a witch. The evening of the death of BS's son, he found the victim and he along with Amrit Singh and Bhuneshwar Singh (both accused/appealants) armed with farsa and subble dragged the victim from her house to BS's house and confined her to the room where BS's son's dead body was lying. He told her that he will not let her out unless his son was brought back to life. It is the case of the prosecution that thereafter the informant came to know about the abduction from PW1 (daughter-in-law of victim) and went to BS's house. On reaching, he found BS and the accused/appealants there standing with a farsa and the victim locked inside the room with her hands and legs tied. The informant then went to a Samsuddin Ansari. On his advice, the informant went to Secretary Gram Lodi and reported the matter. The secretary asked BS to let go off the victim, but in vain. Then the secretary informed the village chowkidar. On his way back, the secretary saw BS carrying his son and the other accused/appealants dragging and assaulting the victim. She was taken into the forest. It was alleged by the informant that she was taken into the village to be murdered	Death in the family of the accused	The prosecution examined 4 witnesses (victim's son, granddaughter, daughter-in-law and cousin brother of husband). The chowkidar took oath and court witness no. 1.  Informant did not take oath. I.O. also did not take oath. Inquest report, post-mortem report and evidence of the medical witness was not on record.	HC acquitted the accused; reversed the TC order	The HC noted that non-examination of informant was a fatal lacuna in the prosecution case. Further PW 1 (daughter-in-law of victim) has stated in her evidence that after she came back from the PS, PW 1 spoke to the victim and took her to the hospital. The victim passed away in the hospital the police came to the hospital and asked PW 1 to take the body of the victim. She also stated that PW 2 (granddaughter of the victim) was present with her throughout. However PW 2 has stated in her evidence that she had not left the house and was present in the house when the victim was dragged out. Thus, the HC noted that there were contradictions in the evidence of the granddaughter and daughter-in-law of the victim.  Relying on this evidence, the Court observed that the story of the prosecution of the kidnapping with intent to commit murder falls flat. Further, there was no legal evidence on record.



Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
22	Chota Tiu v. State of Bihar  Jharkhand High Court  2002 (3) East Cr C 4 (Jhr)	Charges: IPC: Sec. 364/34  Procedural History:  Conviction: The accused (5) were convicted under Section 364 r/w 34 of IPC  Sentence: R.I. for 10 years	Female PV, Risa Kui (age not disclosed). Kidnapped and Murdered.	There were 5 accused. All belonged to the same village as the victim and her family.	While Lakhan Tiu (informant) was sleeping with his wife, the accused came into his house and caught hold of him and his wife, Risa Kui. The informant was able to free himself, however, they abducted the wife. The informant then went to his sasural that night and tried looking for his wife the next day. When he could not find her, he lodged a complaint. The alleged motive for the abduction was that the wife (victim) was a witch; an episode of diarrhoea had spread through the village and affected the victim and her husband's relationship with the co-villagers two months prior to the abduction.	Epidemic in the village	The prosecution examined 11 witnesses. PW 1, PW 2, PW 3 and PW 4 turned hostile.	The accused were acquitted; TC order overturned	The HC found the behaviour of the informant peculiar. Even though he knew who the accused/appellants were, instead of going to police station and filing a complaint or to the houses of the accused to look for his wife, he went to his sasural, which was a considerable distance from this house. Further, the sound produced by opening the tin door of the victim and informant's house did not awaken any of the other members of the house. There was nothing on record to show that there was any enmity or annoyance between the accused and the informant and his wife as to her practising witchcraft.  The independent witnesses (PW 1-PW 4) did not supported the case of the prosecution.
23	Padmawati Devi v State of Jharkhand  Jharkhand High Court  2004 (2) JCJR 140	Charges: IPC: Sec. 302  Procedural History:  Conviction: The accused was convicted under Section 302 of IPC  Sentence: R.I. for life	Female PV, murdered.  (Note: She was the mother of the village Mukhiya)	Female accused. Was living in the same village as the victim.	Padmawati Devi's (accused) son had died of illness. She suspected Ramtorni Devi (deceased victim) of playing witchcraft on her son. On the evening of the incident, the informant, Bahuran Gwala (PW 3) was not well and had gone to pick up medicines. On his way back, he heard a loud cry from his house. When he rushed to his house, he came across his elder brother Sahru Gwala (not examined) and his wife Sundia Devi (PW 4), who informed him that the victim, mother of the informant, while she had gone to answer call of the nature, was given an axe blow by the accused/appellant on her head and she had sustained grievous injuries as a result of which she died.	Death in the family of the accused	The prosecution examined 5 witnesses.  The following were NOT examined: <ul style="list-style-type: none"> <li>• Brother of the informant (who was present at the house when the informant reached) was not examined</li> <li>• I.O. was not examined</li> <li>• The village choukidar and villager Balmohan Singh, who signed the FIR were not examined.</li> <li>• The village Mukhiya (who was also the son of the victim) was informed about the incident, however, he was not examined.</li> <li>• The doctor who administered the injection to the victim was not examined.</li> </ul> The seized axe was also not produced before the Court	The HC acquitted the accused; overturned the order of the TC	The HC observed that there was no evidence on record to show that the son of the accused had died recently, as alleged. The accused herself had denied the allegation. Further, a lot of relevant witnesses, who could corroborate the story of PW 3 and PW 4, were not examined. Also, PW 3's evidence was merely hearsay. The evidence of the sole eye-witness, PW 4 was not corroborated. There were contradictions between testimony of PW 3 and PW 4 with regard to the place of occurrence.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
24	Vishwanath Kongari and ors. vs State Of Jharkhand Jharkhand High Court 2011 CrLJ 4559	Charges: IPC: Sec 302 and 34  Procedural History:  Conviction: The accused were sentenced under Section 302 r/w 34 IPC  Sentence: Life imprisonment	Male SV, murdered. Son of couple who were accused to be witches	There were 3 accused.  A1 and A2 were the nephews of the informant and his wife and the cousin of the deceased. From the facts of the case, A3 was either the friend or co-villager of A1 and A2	In the month prior to the date of the occurrence, the informant's brother Dundru Kongari (DK) had fallen ill and was treated by the informant and his wife by way of exorcism (jharphuk). However 2-3 days later, DK died. The sons of DK (A1 and A2) alleged that the informant and his wife had killed their father by practising witchcraft. They threatened the informant and his wife that they would not spare them alive.  On the day of the incident, A1 and A2 came to the house of the informant and night and told him that there would be a meeting. Even though the informant objected to a meeting being held late at night, the meeting was convened and it was decided that the informant would have to pay Rs. 3000/- along with 5 goats and 5 cocks and fine. The fine was too be paid by the next day. When the informant's son (deceased) asked for some more time, A2 ordered for the deceased to be assaulted on which DK (absconding) and A3 caught hold of the deceased and gave him tangi blows as a result of which the deceased fell on the ground and succumbed to his injuries.	Death in the family of the accused.	PW 3 (informant's wife): stated that the meeting was held in her court yard. She deposed that she was not present at the meeting as only the male members of the village attended the meeting  I.O. was not examined.  Independent witnesses and villagers named in the FIR turned hostile	The TC holding was reversed. The appellants were acquitted.	The HC observed that the conviction was mainly based on the evidence of PW 1 and PW 3. PW 3 has, inter alia, stated that the meeting was held in the courtyard of her house in which about 100 -150 persons had assembled. She further said that the persons who were present in the meeting were not having any weapon in their hands, but when the quarrel started, A1 brought a tangi from his house, but nobody caught him, and he killed the deceased. She has further deposed that she was not present at the place of the meeting and only male members had attended the meeting. Thus, it becomes doubtful that she had seen the actual occurrence. PW 1 (informant) has supported the prosecution case in his evidence. But his evidence is not fully reliable. Further I.O. had not been examined in this case. Independent witnesses and the villagers named in the FIR turned hostile and they had not corroborated the evidence of PW 1.  The HC noted that it became doubtful whether the occurrence took place in the manner as alleged by the informant PW 1. Further the HC noted that the parties were not on good terms.
25	Gautam Pinguwa vs State Of Bihar (Now Jharkhand) Jharkhand High Court Criminal Appeal (DB) No. 223 of 2000	Charges: IPC: Sec 302  Procedural History:  Conviction: the accused was convicted under Section 302 IPC  Sentence: R.I. for life and	Female PV, Kairi Kui. Murdered.	The accused (male) belonged to the same village as the deceased. His sister had died and he believed that the reason for the same was the witchcraft by the deceased.	P.W.-1 disclosed that the accused had committed murder of informant's bhabhi (sister-in-law), namely, Kairi Kui (deceased) by assaulting her with a piece of stone and her dead body was lying in her Khalihan. The name of prosecution witnesses were also referred in the F.I.R. as was the motive, which was that that the sister of the accused had expired and the accused was under belief that the deceased has played witchcraft. Therefore the accused wanted to take revenge.	Death in the family of the accused	On the day of the incident, the accused had gone to the house of PW 5 and gave an oral confession about him killing the deceased	The HC upheld the conviction and sentence given by the TC.	The HC observed that the case of the prosecution was not only based upon the oral confession, but, there was corroboration about the time, place of occurrence, weapon and bloodstain, which was found at the place of scene of offence.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
26	Sohrai Toppo vs. State of Bihar (Now Jharkhand)  Jharkhand High Court  Cr. Appeal No. 94 of 2000 ( R)  With  Cr. Revision No. 286 of 2000 ( R)	Charges:  IPC: Sec. 302  The Trial Court later converted the charge to section 304 IPC  Procedural History:  Conviction: The accused was convicted under Section 304 of IPC  Sentence: He was sentenced to 7 years.	Female PV. Murdered.  Sukhi Majhian (SM), mother-in-law to primary informant/witness. SM was a resident in Manjhari, in the state of Bihar (now Jharkhand). Age not given.		The wife of the accused had died and the accused Sohrai Toppo (ST) claimed that the same was because the victim was a witch. While the victim was grazing cattle in the afternoon of the death of his wife, ST came armed with a 'Tangi' and gave a blow on her neck. She died due to excess bleeding.	Death in the family of the accused.		The HC upheld the conviction and sentence of 7 years. However, since the accused was in prison since 28.06.1996, the HC directed for his release..	The HC observed that after going through the evidences on record and the post- mortem report, it was shown that the accused had acted under the misconception that the deceased was a witch. It further agreed with the TC that since the blow to the deceased was not repetitive, the charge was reduced to Sec. 304 IPC..
27	Rasika Champia v. State of Bihar (now Jharkhand)  Jharkhand High Court  2005 (2) JCR 228	Charges:  IPC: 302 r/w/ 120-B  Procedural History:  Conviction: Accused was convicted under sec. 302 r/w 120 B IPC  Sentence: R.I. for life	Female PV, murdered.  Surumani Champia (mother of two young children, wife of Udai Champia)	The accused belonged to the same village as the deceased. His son was not well and he was made to believe that the deceased was a witch who was practicing witchcraft	Udai Champia (informant) was on his way back home when he met his daughter (PW 2, aged 10) and son (PW 3, aged 8) crying. They told him that the accused had assaulted the deceased with a pharsa. When the informant reached his house, he saw the accused running away and the deceased (informant's wife) lying dead. The informant made a hulla and the rest of the villagers came, including the younger brother of the informant, who informed them that the son of the accused was not well and a Mata Champia and Birsingh Deogam were called for jharphook and pujapath after that was over, Mata Champia made the villagers believe that the deceased was practicing witchcraft on the son of the accused. She also told the villagers that if the deceased was not stopped then she would kill all the other villagers. It was pursuant to this that the accused killed the deceased.	Illness in the family of the accused	The prosecution had examined 8 witnesses. PW 5, the younger brother of the informant had turned hostile.  There was a difference in the evidence of PW 2 (daughter of the informant and deceased) and PW 3 (son of the informant and deceased) about the weapon that was used by the accused.	TC's finding upheld; accused sentenced to life imprisonment for murder.	The HC observed that both PW 2 and PW 3 have deposed that the accused committed murder of their mother (deceased). Further, circumstances also disclose that at about the same when the accused entered the house of the deceased and committed her murder, PW 2 and PW 3 left their house and went away to some distance waiting for their father (informant) to return. Soon after his arrival, they disclosed to him about the murder.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
28	Laxmikant Mahto vs State Of Jharkhand Jharkhand High Court Criminal Appeal (DB) No. 141 of 2002	Charges: Section 302 IPC  Procedural History:  Conviction: The accused was convicted under Section 302 IPC  Sentence: Life imprisonment	Female PV, 80 years old. Murdered		While Nakul Mahato's (NM) mother, aged about 80 years, was giving fodder to the animals, the accused came with Tangi and started abusing her calling her a witch, stating that it was because of her witchcraft that his animals and relatives had died, and then inflicted Kulhari (Axe) blow on her and due to which she died at the spot.	Death of cattle of the accused.		High Court upheld the conviction of the accused	The HC observed that according to the witnesses, they reached at the place of occurrence round about at 3.30 P.M. P.W. 2 is eye witness in this case. The occurrence took place in a house, where P.W. 2 and deceased were residing. From the Doctor's evidence it appeared that the neck was practically separated from the body. Though he found a single injury caused by sharp cutting weapon, but it was on the vital part of the body i.e. neck and such injury appears to have been inflicted with the intention and knowledge that by such blow the injured will not survive. There was nothing to show that there was any provocation or quarrel or the occurrence took place in the heat of moment.
29	Doman Munda v. State of Bihar (now Jharkhand) Jharkhand High Court 2004 (3) BLJR 172	Charges:  The accused/appellants were charged under  IPC: Sec. 302/34 and 323/34  Procedural History:  Conviction: The accused/appellants were convicted under Section 302/34 however, they were acquitted under Section 323/34  Sentence: Life Imprisonment	Female PV, murdered.  Rani/Sani Mundain; daughter of primary informant. Age not given. Deceased had no children.	There were two accused.	The informant (deceased's mother) has come to meet her at her matrimonial home. The deceased's husband had passed away some time back and she was issueless. After the deceased and the informant came back from the market, on the day of the incident, the two accused entered the deceased's house and started assaulting her. When the informant tried to intervene, she was also assaulted and she lost consciousness. When she regained her consciousness, she found her daughter (deceased) lying dead. The informant stated that the accused had, on earlier occasions, called the deceased a witch (Dyine)	Others	7 witnesses were examined. PW 2 (informant/mother of the deceased was the sole eye witness). PW 4 and PW 5, neighbours of the deceased turned hostile.  PW 6, the doctor who examined the deceased stated that death was caused by a heavy sharp cutting weapon. On the other hand, PW 2, in her testimony deposed that the accused were armed with danda, however there was nothing in her testimony about the accused carrying a sharp object.	The HC found the accused not guilty and acquitted them	The HC observed that testimony of the solitary eye witness (the informant) was inconsistent with the medical evidence and further, there were major contradictions in her statement and that of the I.O. The HC opined that since the eye witness was an interested party (being the mother of the deceased), her testimony was not trustworthy and could not be relied on.  The HC also found contradictions in the evidence of the two hostile witnesses (PW 4 and PW 5) and the medical evidence

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
30	Buhu Munda v. State of Bihar  Jharkhand High Court  2004 (1) JCJR 25 (Jhr)	Charges: IPC: Sec. 302/34 and Sec. 323  Procedural History:  Conviction: the accused were convicted under Sections 302 r/w 34 and 323 IPC  Sentence: Sec. 302 r/w 34 – R.I. for life Sec. 323 – one month R.I.	Male SV, murdered. Though his wife was branded as witch, he was killed when he tried to protest	There were three accused Somra Munda, Budhu Munda and Lakra Munda. There were the deceased's co-villager.	The informant, Dulari Oraon's (DO) son had had come home (he was studying in Ranchi), and chicken was being cooked in the house. The 3 accused entered her house and started calling her a witch. When her husband (deceased) objected to this, there was a scuffle between him and the accused and they dragged the deceased out of the house and assaulted him with tangi and farsa. When the deceased's son came to help him, he was also assaulted. The next day the deceased's son and wife went to the police to file and FIR.  The cause of the labelling was the death of the daughter of one of the accused some days prior because of witchcraft being practiced by DO. The accused believed that chicken was being cooked as a sacrifice to the ghost.	Death in family of the accused.		TC's holding upheld; accused found guilty of murder and sentenced to life imprisonment	The HC noted that the nature of the case was such that independent witnesses could not be produced (it was argued on behalf of the appellants that the testimonies of the witnesses could be relied on because they were all interested witnesses). This was a case where a woman was described as a witch and the other people in the neighbourhood/village were apprehensive about coming out in support of her because of their belief in witchcraft.

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31	Kalpana Mazumdar v. State of Orissa  Supreme Court  2002 (6 ) SCC 536	Charges:  IPC: 364, 302 and 201 r/w 34  There are 4 accused/appellants  Procedural History:  Trial Court Conviction: IPC 364, 302 and 201  Sentence: death penalty to all accused/appellants  High Court upheld the death penalty	Child murder victim of human sacrifice. (4 year old Ranjeet Mohanty)  Allegedly murdered as a human sacrifice during a spiritual ceremony conducted by a tantric. Appellants were accomplices to the sacrifice, though not the tantric themselves.		While the informant (deceased's uncle) had gone to attend the call of nature, he found A3 carrying the dead body of the deceased on his shoulders. On being asked, he said that he had not murdered the child alone but some other persons were also involved in the murder and could identify them. A3 led them to A2. In one of the rooms in A2's house, the deceased's nail, hair and blood was found. A3 told the informant that in the room the nail, hair and the tongue of the child were cut and Simanchal Padhi (tantric, he was killed before the charge sheet was filed, and a subsequent case was pending against his murderer) offered prayers whereafter they took the child alive in the jeep of A2 to the house of A1 where the child was murdered by holding his leg and hand and throttling his neck. Simanchal Padhi, A1 and A2 told A3 that they will pay Rs.25,000/- to throw the boy.	Others	The evidence relied on by the TC and well and the HC is the evidence of PW 14 (an employee of A 1) and PW 7 (informant). PW 14 deposed to have seen everything but did not speak out on the threat that on so doing he would be killed. PW7 claimed to be an eye-witness having seen A3 throwing the body of his deceased nephew and caught A3 red handed. Further A3 is stated to have made extra-judicial confession before PW7	SC upheld conviction of A3, but converted the sentence from death sentence to life imprisonment.  A1, A2 and A4 were acquitted by the SC	The SC noted that if the sole testimony of PW 14 was relied upon, then only A 3 could be connected to the offence and A1, A2 and A4 had to be given benefit of doubt. However, the SC converted the death penalty into life imprisonment.
32	Petar Soy vs The State of Jharkhand  Jharkhand High Court  Criminal Appeal No. 200 of 1999	Charges:  Trial Court IPC: 302 r/w 34 IPC and 201  Charges were altered at the High Court to IPC: 304  Procedural History: Conviction: Section 302 r/w 34 IPC and Section 201 IPC  Sentence: Life imprisonment under section 302 and 5 years R.I. under section 201	Female PV, murdered. Blamed for causing the death of the accused/appellant's brother, who had died 3 months before the incident.		The accused/appellant and one Enam Lohra (EL) believed that the deceased practiced witchcraft due to which the accused's brother died. On the night of the incident, the appellant and EL entered the house of Sonmati Ramdi (deceased) and assaulted her. During the assault, the deceased fell on a stone causing bleeding head injury. They dragged the deceased and threw her into the nearby well.	Death in family of the accused.		The HC altered the charges from Section 302 IPC to Section 304 IPC  Sentence: the period already undergone by appellant in jail; about 12 years.	The HC observed that from the report of the doctor it appeared that the appellant had knowledge that the assault is likely to cause death, but the facts and circumstances and the evidence was not sufficient to hold that he had intention to cause death of the deceased.  On the question of sentence, the HC noted that the trial court had observed that the appellant was aged about 25 years and belonged to a member of Scheduled Tribe and was labouring under superstitious belief that due to witchcraft practiced by the deceased, his brother died. Thus the sentenced was reduced to that already undergone.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
33	Madhusudan (Masudan Gope) v State of Bihar (Now Jharkhand) Jharkhand High Court 2006 CriLJ 4190: 2006 (3) East Cr C 399 (Jhr)	Charges: At TC: IPC: 302 r/w 34 At HC charges altered: IPC: 304 Procedural History: All the 6 accused were convicted under Section 302 r/w 34 of IPC Sentence: Life imprisonment	Male PV, murdered. Etwara Oraon; age not given, but he was the father to grown children. Accused of practicing witchcraft.	There were 6 accused: Madhusudan (A1) Sita Gope (A2) Dinesh Gope (A3) Sochan Oraon (A4) Biriya Oraon (A5) Munna Oraon (A6) They all resided in the same village as the victim	The facts reveal that the deceased was blamed by some villagers for practicing witchcraft, a charge that he denied when he was questioned by them. The deceased was asked to appear before a Panchaiti at which the accused were present, where he denied that he was practicing witchcraft, after which an altercation took place and deceased was beaten by the accused. A-3 assaulted the deceased with a bhujali (sword) on the head and other parts of his body while the other accused beat him. The assault was witnessed by the deceased's wife, sons and daughter-in-law. The medical report revealed the cause of death as the result of head injuries sustained during the assault, primarily given by A-3.	Others	The evidence relied on by the TC and the High Court is the evidence of PW 14 (an employee of A 1) and PW 7 (informant). PW 14 deposed to have seen everything but did not speak out on the threat that on so doing he would be killed. PW7 claimed to be an eye-witness having seen A3 throwing the body of his deceased nephew and caught A3 red handed. Further A3 is stated to have made extra-judicial confession before PW7	HC altered the charges from Section 302/34 IPC to Section 304 IPC Conviction: A3 was convicted under Section 304. All other accused were acquitted Sentence: A3 was sentenced to 7 years R.I.	The HC found that, as the murder occurred at the Panchaiti, that it could not be said to have been premeditated but instead the result of an altercation getting out of hand. A-3's sentence, which had been life imprisonment under IPC 302, was reduced to 7 years of RI under IPC 304. Because the other blows were merely slaps and punches but not fatal injuries, the HC dropped the charges that had been previously ordered against them.
34	Rashilal Tudu vs State Of Jharkhand High Court of Jharkhand Criminal Appeal (SJ) No. 767 of 2002	Charges: IPC: 147, 148, 149, 436 r/w 34 and 450 Procedural History: Acquitted: Manohar Tudu, Srijal Tudu, Satish Tudu and Balai Tudu Conviction: Rashilal Tudu (appellant) Convicted under: Sections 436 and 450 of the IPC. Sentenced: Under sec. 436 - R.I. for 5 years Under sec. 450 - R.I. for 4 years	Female PV, accused of being a witch. Her house was set on fire. No person was injured		Accused Rashilal Tudu (appellant) along with Manohar Tudu, Srijal Tudu, Satish Tudu and Balai Tudu alleged that informant's wife was a witch (Dian) and due to her witchcraft, the cattle had died. On the date of the incident, they forcibly entered in the house of informant and threatened them. Then they left and the accused (Rashilal Tudu) put the house on fire. However, as soon as the appellant and the above named persons had left the house, the informant and his family ran out of the house and took shelter in another house. However, due to the aforesaid fire, cloths, poultry and other articles kept in the house burnt.	Death of cattle of the accused		The HC acquitted the accused; overturning the decision of the TC	The HC observed that as all the witnesses (family members of the informant) had left the house before it caught fire, no one had seen who had put fire to the house and their testimonies cannot be relied on. Benefit of doubt was given to the appellant accused.



Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
35	Chhedi Mandal v. State of Bihar  High Court of Patna  2005 (1) East Cr C 435 (Pat.)	Charges: IPC: Sec 364  Procedural History:  Conviction: guilty under section 364 IPC  Sentence: Life imprisonment	Female PV, Kusma Devi, age not given. Kidnapped and murdered  Mother of primary informant	There were 3 accused at the time of charge sheeting. However, one of them, Satna Mandal died before the case was taken up for hearing on charge.  The accused belonged to the same village as the victim.  Satna Mandal's 1 ½ year old daughter had died and the victim was blamed for it.	Informant's testimony reveals that the appellant accused forcibly entered their home, beat her mother and abducted her, placing her in a boat and taking her upstream. Though the informant (daughter to the victim) and her brother raised alarm, no one came to their aid. The victim was accused of being a witch and of being responsible for the death of Santa Mandal's, one of the co-accused, young daughter.	Death in the family of the accused		The HC acquitted the accused, reversing the decision of the TC.	The HC noted that the only two ocular witnesses' testimonies were contradictory between the FIR and their initial phone call to the police. Additionally, there is no evidence to support the suggested motive for the kidnapping and murder; namely the death of the accused's young daughter by means of witch craft. Because the prosecution could not prove their case beyond a reasonable doubt, the appeal was granted.
36	Krishna Oraon v State of Jharkhand  High Court of Jharkhand  2003 (3) East Cr C 396 (Jhr)	Charges: IPC: 302 r/w 34  Procedural History:  Conviction: The accused were convicted under Sec. 302 r/w IPC  Sentence: R.I. for life	Female PV, murdered.  Thakurain Orain, grand mother-in-law of the primary informant; elderly woman		Facts from the testimony given by deceased's daughter-in-law, Shanti Devi, stated that the appellant accused, Krishna Oraon, and his father entered their home, dragged the deceased from her bed and assaulted her behind the home. Further witness testimony reveals that the accused blamed the deceased of being a witch (dyne) and for being responsible for the death of one of the appellants' wife (described as she has 'eaten away' the wife). Before she ultimately died, the deceased told Shanti Devi that she had been beaten by the two men.	Death in the family of the accused	The doctor who conducted the post mortem was not able to identify the kind of weapon used and had not specially stated that the injuries were sufficient to cause death	HC altered the conviction from life imprisonment to 8 years R.I under S.304(ii) of the IPC.	HC found that, though all the witnesses were personally related to the deceased, their testimony was all corroborated by medical evidence. Minor discrepancies in the statements were not enough to disregard the testimonies. However, as the death was not caused by the beating itself (the injuries sustained were mostly to the arms and hands) but due to a haemorrhage that the deceased sustained upon a fall as she was being dragged from the home, the HC lowered the sentence from life to 8 years imprisonment under IPC Sec. 304(ii).

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
37	State of Jharkhand v. Dasrath Sao  High Court of Jharkhand  2005 (4) East Cr C 388 (Jhr)	Charges: IPC: 147, 148, 449 and 302  Procedural History:  Conviction: The accused were convicted under Sec. 302, 147, 148 and 449 of IPC  Sentence: Death sentence	There were 6 murder victims, 4 females and 2 males One of the female victims, Nepuri Devi (A2's aunt) was the PV. From a reading of the judgement it comes across that the victims belonged to the same family.	6 accused: Dasrath Rao (A1) Lalan Rao (A2) : Nephew of one of the victims Ramjit Sao (A3) Butter Sao (A4) Suresh Sao (A5) Kailash Sao (A6)  Except for A2, the relation of the other accused with the victims or with each other has not been elaborated on the case	Following the death of the wife of A2 during childbirth, 8 individuals (2 died prior to the hearing) came to the home of the deceased and murdered the six victims. The attack was allegedly caused by because it was believed that one of the victims (A2's aunt) was a witch and caused the death of the A2's wife.	Death in the family of the accused	PW 13 (informant) was 9-10 years old at the date of the incident. PW 1 and PW 2 (cousin of the informant), eyes witnesses, turned hostile. Pw 10 was declared hostile. PW 13 (cousin of informant) was declared hostile.	HC converted the death sentence to life imprisonment. It did not find the murders to be premeditated.	The HC spoke at length about whether the primary witness, a boy at 9-10 at the time of the occurrence, and 12 during trial, was too young to give reliable testimony. Counsel for the accused argued that he was an interested witness, and that as there was no independent witness, that his statement should not be relied upon.  While the HC in this instance found the boy's testimony to be sound, they ultimately altered the sentence imposed against the accused person from death to life imprisonment as they found that the murders were not premeditated, but instead brought on by insane grief inspired by the death of one of the accused person's wife during childbirth. The accusations of witch craft were paired with the feelings of extreme anger and pain, and the resulting insanity spurred the murders.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
38	Suni Ram Hembram vs The State Of Jharkhand  Jharkhand High Court  Criminal (Jail) Appeal (DB) No. 849 of 2003	Charges:  IPC: Sec. 302 At the HC, the charge was converted into Section 304 (ii) r/w 34 IPC  Procedural History:  Sentence: IPC 302: R.I. for life Prevention of Witch (Daain) Practices Act, 1999, Sections 3/4/5: No separate sentence  Note: From a reading of the case, it seems that there was more than one accused, however they were acquitted. It is not clear though as to how many co-accused were there. Only the present appellant was convicted.	Female PV, Second wife of the accused's father.	Accused was the stepson of the victim. Son of the first wife	Parmeshwar Hembram (informant and stepbrother of the accused) along with his father and mother (deceased) were sleeping. Informant was woken up by sounds of his mother. He went to the house of one Shibu (not examined) and told him that the accused were assaulting his mother and father. Then he returned to his house and waited for the accused near a tree. He saw four persons come out from the house and flee. When the informant walked into the house, he found his father injured and his mother beaten to death. Some ornaments and money was also stolen. The deceased was the 2nd wife and the accused was the son of the first wife. He had on number of occasions called the deceased a daain and threatened her with dire consequences	Dispute in the family		The HC overturned the decision of the TC, acquitting the accused	HC observed that the evidence of P.W. 7 and P.W. 3 could not be relied on. In the F.I.R., P.W. 7 inter alia stated in the ferdbeyan that his father came to his house and informed him about the occurrence whereas in his evidence, he said that he saw the accused/appellant and others coming out of the house and when he entered the house, he found that his father was injured and his mother was lying dead. If the Informant met his father before lodging F.I.R., he should have stated so in the F.I.R. But in the F.I.R., he only expressed doubt about the accused/appellant. Further P.W. 3 stated that the accused/appellant had killed his second wife, but he had not stated that he had told P.W. 7 of the same. Moreover, the other co accused were acquitted on the same set of evidence. There was nothing to show that the alleged missing ornaments of the deceased or utensils were recovered from the accused/appellant or any other person.  The HC also observed that from the materials on record, it appeared that the accused/appellant on the one hand and the deceased, P.W.s 3 and 7 on the other hand, were not on good terms and they used to quarrel between themselves.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
39	Sushil Murmu v. State of Jharkhand  Supreme Court  2005 (3) Cr C 20: 2005 (3) JCR 193: 2004 (1) JCJR 58 (SC)	Charges: IPC: Sec. 302 and 201  Procedural History:  The appellant (accused) was convicted  Sentence: IPC 302: death IPC 201: R.I. 7 years  Co-accused (victim's mother and grandmother) were acquitted  HC confirmed the death sentence	Male victim, 9 year old, murdered as a human sacrifice during a spiritual ceremony by the accused.  Chirku Besra	There were 3 accused. The main accused (appellant herein) was conviction and the co-accused (grandmother and mother of victim) were acquitted.	Upon recognizing that his son was missing, Somlal Besra went searching for him and was informed that the son was sacrificed to the Goddess Kali by Sushil Murmu, the accused/appellant. The boy's mother and grandmother were said to have been at the sacrifice. The boy's head was presented to his father after it was recovered from a pond where the accused/appellant allegedly threw it after the sacrifice.	Belief in witches	Despite the fact that PW 14 had deposed about the tongue, hair and nails of the deceased being cut, and further PW 7 deposing that the same was at the house of A2, none of those articles were seized nor was it explained as to what has happened to the said articles. Moreover, the medical evidence did not support the cutting of the tongue.	The SC confirmed the death sentence given by the HC	The SC found that the accused was mental unstable, as similar accusations involving human sacrifice existed against the accused/appellant at the time of trial. The severity of the crime, the gross murder of a child by beheading, was found to be for selfish reasons (for personal gains and to appease the deity) and done without a moment of emotional hesitation or consideration. The throwing of the head into the lake was noted as further evidence of the lack of compassion on the part of the accused. The SC observed that the tendency in the accused and for that matter in any one who entertains such revolting ideas cannot be placed on par with even an intention to kill some but really borders on a crime against humanity indicative of greatest depravity shocking the conscience of not only any right thinking person but the Courts of law, as well.  The SC specifically noted that superstition, regardless of the individual's beliefs, cannot serve as a reasonable explanation for the crime of unprovoked murder of a child.
40	Dukru Laguri vs State Of Jharkhand  High Court of Jharkhand  Criminal Appeal (DB) No. 674 of 2003	Charges: IPC: 302  Procedural History:  Convicted under section 302 IPC and sentenced to undergo rigorous imprisonment for life.	Male PV, murdered	Accused was the neighbour of the victim and he had been ill for a month and blamed the victim for practising witchcraft	Informant Ludari Tiri's (LT) neighbour (appellant/accused) accused LT's husband Suren Tiria (ST) to be a witch and practice witchcraft as a result of which the accused had fallen ill for about a month. For this reason, there was a quarrel between them due to which ST was injured and admitted in hospital. The day after his discharge, while ST was sleeping in his house, the accused came with an axe and gave a tangi blow to ST. He was taken to the hospital, where he died the next day.	Illness in the family of the accused	The age of A2 was more than 70. There was nothing on record to show whether he had a child or not. As per the testimony of PW 14, the reason for the sacrifice was so that A2 could have a child, however nothing was on record to prove it.	HC upheld the decision of the TC	The HC observed that the accused had come with an intention to commit murder and inflicted injuries with the axe on the head of the deceased. Intention has to be gathered from the weapon used and part of the body chosen for inflicting injuries. The deceased was sleeping when the injury was inflicted.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
41	Fatey @ Thate Kishku & ors. vs State of West Bengal  High Court of West Bengal  C.R.A. No.225 of 2004	Charges:  IPC: 302 r/w 149  Procedural History:  Convicted: Srimath, Guru, Fatey, Jetha and Mantu  Sentence: under Section 302/149 of IPC; imprisonment for life.  Acquitted: Rabin and Munshi	Female PV, murdered.	Srimath Tudu: Nephew of deceased's husband Jetha Murmu: Brother of deceased's husband Fatey: brother in law of deceased's husband Mantu Murmu: Friend of Srimath Munshi: (Relation not known) Guru Tudu: Nephew of deceased's husband Rabin Tudu: Brother of deceased's husband	Sabin (s/o of Guru Tudu) had accused Turki Soren (TS) of being a "fuksin" (witch) and responsible for his and his brother's illness. A Mahan (Jan guru) had informed them about the same. On the night of the incident, when TS and her husband Japala Tudu (JT) were making their bed after dinner on the varandah of their house, Srimath, Jetha, Guru, Mantu and Fatey appeared at the spot, overpowered the victims and slit TS's throat. She received a deep penetrated stab injury under her waist on the left side. JT tried to resist them when one of the miscreants hit him with a bamboo stick. His mouth was covered by a napkin. The accused left leaving their torch and the napkin. After being released Japala raised hue and cry. TS was found lying dead.	Illness in family of the accused		The HC modified the sentence.  In addition to life imprisonment, Fatey Tudu and Guru Tudu were sentenced to pay a fine of Rs.1000/- each and in default to suffer rigorous imprisonment for one month.  Acquitted: Srimath Tudu, Jetha Murmu and Mantu Murmu	The HC observed that there was no reason for JT to lie about the incident. Further, there was no enmity between JT and the accused. The people involved in the crime were rustic villagers. They were illiterate and often became subjected to superstition. The incident was proved by JT. Injuries were proved by the doctor who performed the post mortem examination. Sufficiency of light (while identifying the accused during the incident) as claimed by JT was supported by PW-2 and 3 although they were declared hostile. JT was consistent on the happening of the incident. He was definite about the involvement of Guru and Fatey. It is true that he mentioned the other names in his complaint. It is also true that he uttered those names while deposing before the learned Sessions Judge. However their actual involvement was not specifically spelt out. Hence, the HC gave the others benefit of doubt.
42	Shankar vs. State of Rajasthan  High Court of Rajasthan  D.B. Criminal Jail Appeal No. 810/2003	Charges:  IPC: Sec302  Procedural History:  The TC convicted the accused under section 302 of IPC and sentenced him to life imprisonment.	Female(PV) and her son (SV). Murdered. Female was 70 years old.	Accused Shankar was under the belief that the victim was a witch and had caused the death of his Ox a year back and was also causing ailment in his family	Baba Shanker (BS) had killed Lakhma and her son Mukesh with an axe under the notion that she (Lakhma) was a witch and had killed BS's oxen a year back and also caused ailment to his family	Death of cattle of the accused	The prosecution examined 18 witnesses. The sole eye witness (PW 2) was a 6 years old boy.	Accused convicted  HC upheld the order of the TC and convicted the accused	The HC observed that the TC had rightly relied on the testimony of the deceased's minor son. The witness remained unperturbed and firm and even during the cross examination. Further, all the other witnesses also corroborated the prosecution story. Also, the witness made specific assertions that the accused had called the deceased a 'dakin'. Thus, the offence of the accused was proved beyond doubt.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
43	Samsul & Ors. vs. State of Jharkhand  Jharkhand High Court  2008 (3) East Cr c 434 (Jhr)	Charges:  IPC: 149, 120-B, 302, 201  Prevention of Witch (Daain) Practices Act: 3, 4  Procedural History:  The TC, after enquiry, issued summons in the name of the petitioners (10 in number) for offences under:  IPC: 149, 120-B, 302, 201  Prevention of Witch (Daain) Practices Act: 3, 4	Female PV, Manchurni Bibi, age not given. Kidnapped and murdered (body not recovered)	There were 10 accused (petitioners). Details about them have not been provided	On 21 May 2001, the accused, a group of ten whose relation to the victim is unclear, allegedly entered the deceased, Manchurni Bibi's (MB), home by force and, acting collectively, took her away. When the deceased's husband and her family had attempted to rescue her, the accused bolted the door and confined them inside the house. After MB was killed and buried, her husband allegedly tried to file a report, but was prevented from doing so by the accused/petitioners. It was only after the deceased's son came back from Kashmir and a complaint could be filed, though upon later inquiry it was shown that a formal FIR was not filed, only a Station Diary Entry was made. The body was never recovered.	Others	(At TC)  The complainant was examined on solemn affirmation and enquiry was initiated under Section 202 of Cr.P.C. in which four witnesses were produced and examined on behalf of the complainant and upon being satisfied, learned Magistrate found it to be a fit case to issue summons to the petitioners	The appeal was filed against the issuance of summons for the 10 petitioners/accused.  HC set aside the issuance of summons and directed institution of regular case under Section Cr.P.C. 156(3)	The HC observed that instead of initiating enquiry, the trial court was required to do was to send it under Section 156(3) Cr.P.C. for institution of police case and to file final form after investigation. During inquiry under Section 202 of the Cr.P.C. the body of the deceased could not be recovered dead or alive and the learned Counsel for the petitioners consistently submitted that the petitioners have been falsely implicated.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
44	Fekan Singh v. State of Jharkhand  Jharkhand High Court  2008 (3) East Cr c 442 (Jhr)	Charges:  IPC: 302/447/323/34, however the final charge was only IPC Section 302 (murder).  Procedural History:  Appeal against charges framed by the TC  Charges were framed under IPC Sections 302, 307 and 324 r/w Section 120-B, and also under Sections 3, 4, 5, and 6 of the Witch Practices Act.	Male PV,Sankati Kui. Muredered. Age not given.	Gopal Singh, cousin brother-in-law of the informant (wife of the deceased).	The facts allege that around 6 a.m. on the date of the incident, the complainant and her husband (now deceased) were taking their ill son to Gumla for medical treatment. About a block from the residence of the accused, Gopal Singh ('GS') attacked the informant's husband with a tangi. Allegedly the informant's son attempted to help his father but was too assaulted by GS. The informant ran to solicit help in the nearby village, but by the time she returned her husband had perished.	Dispute in the family		Appeal was against framing of charges by TC.  HC directed for the trial to continue	This appeal was filed on the ground that charges framed against the appellant were misconceived as the allegations in the FIR was against a Gopal Singh and not the appellant.  The HC observed that the grounds advanced by the appellant was that there were contradictions in the statement of the witnesses and the informant and the other witnesses had made a deliberate attempt to improve upon their earlier statements only in order to implicate the present appellant. These are grounds could be better appreciated only in course of trial and the benefit thereof would be fully availed by the appellants by cross examining the several witnesses as to the circumstances in which they had made the incriminating statements against the appellant in course of investigation.  Thus, the HC noted that for the present, the materials available in the case diary prima facie disclosed incriminating evidence against the appellant and the trial should continue.



Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
45	Ashok Laxman Sohoni And Anr. vs State Of Maharashtra  Supreme Court  AIR 1977 SC 1319	Charges: IPC: 302  Procedural History: Conviction: A1 was convicted under Sec. 302 IPC. A2 was convicted under 302 r/w 34 IPC  Sentence: A1- death sentence A2- life imprisonment	Female PV. Murdered. Wife of A1 and sister-in-law of A2	A1 was the husband of the victim while A2 was her sister-in-law	Soon after A1 and the victim got married, their relations became strained because of the belief that the victim was a witch and was practising sorcery with the aid of beads, wooden snakes and other articles. On the night of the incident, there was some altercation between the two accused and the victim which ended in the death of the deceased.	Dispute in the family	The evidence of the two eye witnesses, PW 1 and PW 2 was corroborated by the evidence of PWs. 3, 4 and 6. P.W. 3 related the conversation between A1, A2 and the deceased and stated that while the accused appellants were demanding beads from the deceased and were constantly beating her, the deceased was demanding water and was being accused of being a witch.	SC converted the charges/sentence A1: upheld the charges, converted death sentence to life imprisonment A2: converted charges to Sec. 325 r/w 34 IPC and sentenced to 2 years R.I.	The SC observed that the evidence of the witnesses which were also accepted by the courts below established the following circumstances: i. that the appellants undoubtedly believed the deceased to be a witch; ii that such a belief was totally unfounded and was not based on anything substantial; iii.that the appellants were last seen with the deceased Shubhargi; iv. that A1 held a stick with which he had given several strokes to the deceased while A2 helped him. These facts were corroborated by the recovery of the articles in consequence of the disclosure statement made by A1. Since there was no body to determine the nature and character of the injuries caused and further absence of anything to show the exact circumstances under which the murder took place, A1's death sentence was converted to life imprisonment. Further, with regard to A2, in view of the evidence, the court noted that even though A2 might have incited brother, but there is nothing to show that she shared a common intention with A1, thus her conviction was reduced.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
46	Chango Bodra vs The State of Jharkhand Jharkhand High Court Criminal Appeal (D.B.) No. 953 of 2003	Charges: IPC: 147, 148, 302 r/w 149, 307 Arms Act: 27 Prevention of Witch (Daain) Practices Act ('Daain Act'): 3, 4, 5  Procedural History:  Conviction: All accused/appellants (9) were convicted under Sec. 148, 302 r/w 149 IPC and Sec. 3, 4 and 5 of 'Daain Act'  Sentence: Sec. 148: R.I. for 3 years Sec. 302 r/w 149: R.I. for life Sec. 3, 4, 5 'Daain Act': R.I. for 3 months	Female SV. Murdered. Her daughter-in-law was labelled as being a witch. She was an incidental victim		The wife of A4 died a month before the incident and he believed that the wife of the informant was a witch. On the date of the incident, the accused appellants came into the house of the informant and one of the accused opened fire with an intention to kill the informant. The informant sustained injuries and ran inside the house and closed the door. The accused/appellants hid near the house and later in the night barged into the house again and started looking for the informant and his wife. In the meantime, mother of the informant (deceased) came at the door to rescue the informant and his wife, whereupon, the accused/appellants started assaulting her with an axe. Having received the injuries, mother of the informant died. Thereafter, all the accused persons fled away. The incident has taken place at about 11.00 p.m. The informant, thereafter, went to his in-laws' house and on the next day he filed an FIR.	Death in the family of the accused	P.W. 2 (informant): states that the whole incident took place at one time and did not narrate the two different incidents. In his cross-examination, he stated that he had not seen his mother being killed but was informed about it from others.  P.W. 4 (doctor who examined the informant): He did not find any injuries on the informant.  P.W. 3 (wife of informant): In her deposition she only stated that her mother-in-law (victim) was assaulted. She stated that only two injuries were inflicted on the deceased. She was not present at the time of the incident thus she was not an eye witness.  P.W. 1 (doctor who examined the deceased): His narration does not tally with that of P.W. 3 P.W. 6 (son of informant) and P.W. 7 (daughter of informant): P.W. 6 was 9 years old and P.W. 7 was also a minor when they were examined. As per them the incident took place in the evening, before sunset. This was contradictory to the evidence of P.W. 2 and 3. During cross examination, P.W. 2 stated that there was no light when the incident took place.	The HC set aside the conviction and sentence; overturned the TC decision	The HC observed that the evidence of P.W. 2, 3, 6 and 7 was not reliable and did not inspire confidence. There was no injury on P.W. 2 who claimed that he was assaulted by the accused. The HC also noted that if the deceased had died at night and the informant went to the police the next day afternoon. As per the inquest report, the body was recovered outside the house. Thus the behaviour of the informant was strange.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
47	Atami Laxman vs State Of Chhattisgarh  Chhattisgarh High Court  2007 CriLJ 1036	Charges: IPC: 302  Procedural History:  Conviction: The accused was convicted under Sec. 302 IPC  Sentence: Life imprisonment	5 year old boy, SV. Murdered	Accused was cousin of the father of the deceased. (Uncle of the deceased.)	While the deceased's father (P.W. 1/informant) had two sons, the deceased being the elder one, the accused had no sons but had four daughters. The accused suspected that P.W. 1 had done some witchcraft against him, due to which, he is not getting any male child. Just one day prior to the date of incident the accused came to the house of P. W. 1 and on this pretext, he had a quarrel with him. During the quarrel, the accused had said in anger that he will kill the son of P.W. 1. On the date of the incident P. W. 1 and his wife P. W. 2 were sleeping in the verandah of their house after taking their meals and their son (deceased), was also sleeping with them. At that time, the accused came over there along with a tangia in his hands and assaulted the deceased on his chest from the back portion of tangia. The deceased died on the spot.	Dispute in the family		The HC upheld the conviction and sentence of the accused	The HC observed that on examination of the testimony of the eyes witnesses (P.W. 1 and 2), the same inspired confidence. Further the testimony was corroborated by the two other circumstances - one, the quarrel which took place prior to the date of incident in which the accused/appellant threatened P.W. 1 to kill his son and the other that after the date of incident, he absconded from the village.
48	Sukh Singh vs State Of Madhya Pradesh  Chhattisgarh High Court  CRA No 3264 of 1999	Charges: IPC: 302  Procedural History:  Conviction: Appellant was convicted under Section 302 of I.P.C.  Sentence: Life imprisonment	Male PV. Murdered. Was the uncle of the accused.	The accused's wife had died. He blamed his uncle for practicing witchcraft	Wife of the accused had passed away a few days before the incident. The accused suspected this uncle, Raturam (deceased), deceased's wife (PW 18) and Panik Ram (PW 3) of witch craft and threatened to kill them. On the date of the incident, the accused in a murderous rage first went to the house of PW 3 and there was a scuffle during which PW 18 caught hold of the Tangi and saved PW 3, thereafter, PW 3 ran towards the forest. The accused then proceeded to the house of the deceased and seeing his son PW 16 told him that he'll kill his father and him and pushed him inside a room and locked the door. When PW 16 somehow managed to come out from the roof, he saw the accused dragging the deceased and later, saw the deceased was lying dead near the a tree.	Death in family of the accused.		Upheld the conviction by the TC	The HC observed that the story of the prosecution was fully established and the same was wholly consistent with the hypothesis of the guilt of the accused/appellant and wholly inconsistent with his innocence.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
49	State Of Chhattisgarh vs Komal Prasad Pandey  Chhattisgarh High Court  2004 (1) MPHT 62 CG	Charges: IPC: 302 Arms Act: 25 (1B) (h) r/w 4  Procedural History:  Conviction: The accused was convicted under Sec. 302 IPC and Sec. 25 (1B) (h) r/w 4 of Arms Act.  Sentence: Sec. 302: death sentence 25 (1B) (h) r/w Arms Act: R.I. for 2 months	There were 3 murder victims: one female victim, two male victims. The victims and the accused were related.	The accused, Komal Prasad Pandey and the deceased were related.	The accused Komal Prasad Pandey committed the murder of Ashutosh Pandey (D1/son) in the courtyard of his own house assaulting him with a sword, thereafter he committed the murder of Raghuvar Pandey (D2/father) at the Ramsagar Pond with the same sword, and then he committed the murder of Shanti Bai (D3/mother) near the house of one Vijay Kumar with the same sword. The families of the deceased and accused Komal Prasad Pandey were on inimical terms. 15 days prior to the date of incident Komal Prasad Pandey quarreled with her in-laws and two days prior to this incident Komal Prasad Pandey and his brother Ashok had given threats to kill the deceased's family members. Komal Prasad Pandey was suspecting that the deceased's family members were practicing witchcraft and on account of that he committed the murder.	Dispute in the family		The HC upheld the conviction and sentence of the TC	The HC noted that the Counsel for the appellant submitted that this was not a case which falls within the category of rarest of rare case since accused belonged to a very poor family and there was no antecedent of the accused that he was a man of criminal background. Moreover, he was a young boy and it appeared that under the emotions he had committed this heinous crime because his family was suspecting that the family of the deceased persons were practicing witchcraft and thereby they were sending evils to them and their lives had become miserable. Counsel further submitted that in Chhattisgarh state in the rural areas were occupied by illiterate and backward people where old superstitions were prevailing and that certain persons were practicing witchcraft and they could harm others by practicing witchcraft. He submitted that one of the reasons for commission of crimes in the villages in such superstitions, beliefs prevalent among the villagers.  However, the HC held that the prosecution was able to prove the case beyond any doubt and upheld the sentence.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
50	Loknath Alias Loku vs State Of Chhattisgarh  Chhattisgarh High Court  Criminal Appeal No 1062 of 2007	Charges:  IPC: 302, 148, 149 r/w 324  Procedural History:  Conviction: The accused were convicted under Sections 302, 148 & 149 r/w 324 of IPC  Sentence: Imprisonment for life	Male victim, murdered. The victim was actually the person who labelled the wife and daughter-in-law of the accused no. 1 as a witch	7 accused. The accused no. 1 was the person whose wife and daughter-in-law were labelled.	Prior to the incident wife of Ashok (victim) fell ill and she was not getting any better despite treatment. It was because of this that the victim suspected the wife and daughter-in-law of A1 of practicing witchcraft. A meeting was convened in the village and a fine of Rs. 2500/- was imposed on A1. However the wife of Ashok did not recover from her illness. The aforesaid fact was the genesis of the enmity between the parties due to which A1 called the victim near his house and in sharing common intention with the other accused assaulted him with lathis and clubs as a result of which the victim died on the spot. The matter was intervened by Devendra and Heeralal who were also assaulted by the accused due to which they sustained injuries.	Illness in the family of the accused		The HC upheld the conviction and sentence of the TC	The HC noted that it was clear that this was not a case where the incident took place on a grave and sudden provocation and in a heat of passion. There was no exchanged attack and counter attack and deceased alone sustained multiple injuries and died instantaneously as was evident from the autopsy report. The multiple injuries found over the body of deceased and injured witnesses Heeralal and Devendra showed the pre-meditation of the appellants. It further noted that In the instant case, it was evident that there was pre-enmity pertaining to witchcraft between the parties which originated the pre-meditated plan to cause the incident by the appellants and the plea taken by the accused did not appear to be reliable
51	Jagdish Sahni S/o Babu Lal Sahni and others v State of Bihar  Patna High Court  Cr.A. (DB) No. 307 of 1989	Charges:  IPC: 302/34  Procedural History:  Conviction: The accused were convicted under Sec. 302 r/w 34 of IPC  Sentence: Life imprisonment	Female PV, murdered. Phuljharia.	There were 3 accused	When the victim had stepped out to urinate at night, the three accused poured kerosene oil over her, ignited her and ran away. Upon her scream, various persons including her husband and her son came and tried to extinguish the fire and then carried her on a cot to the hospital. At the hospital it was found that she had suffered 90% burn injury. A dying declaration was recorded by the doctor in the presence of a hospital employee and then the police recorded her statement which was treated as Fardbayan and on that basis the FIR was registered. In course of treatment at about 6 am on the 05th of March, 1988, Phuljharia Devi died.	Others	P W 1, son of the deceased, who was on the spot when the deceased was on fire, had turned hostile. The husband of the deceased also turned hostile. The doctor (P W 5) who had written the dying declaration and witnessed the fardbayan was not examined.	HC acquitted the accused. The order of the TC was overturned.	The HC noted that since the dying declaration was written before the fardbayan (information of which was not mentioned in the fardbayan), then the fardbayan would actually be treated as a subsequent statement with reference to Sec. 161 Cr.P.C. The HC felt that this created serious doubts about the authenticity of the so-called dying declaration because if once the declaration was with the doctor, there was no requirement of recording a further statement of the victim. The HC thus found both the dying declaration and the fardbayan to be concocted. It noted that this was supported by the fact that PW1 (son of deceased) had stated in his cross examination that his mother was unconscious the whole time. Further the I.O (P W 8) deposed that he had found the deceased unconscious and had told the doctor to inform him when she regained consciousness.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
52	Tafar Tappo and another v State of Assam  Gauhati High Court  Cr.A. No. 13(J)/2005	Charges:  IPC: 302 and 201  Procedural History:  The TC convicted all the accused (Markesh Lekra, Tafar Tappo and Milkush Lekra)  Sec. 302 IPC: All accused convicted and sentenced to life Sec. 201 IPC: Markesh Lekra was convicted. Other two accused were acquitted  Markesh Lekra has not preferred an appeal	Female PV, Sylvina Orang, murdered. Mother of two children. Blamed for killing the father and brother of Markesh Lekra. She was a nurse.	Two accused: Tafar Tappo and Milkush Lekra. However at TC there were 3 accused. Victim was blamed for the death of the father and brother of Markesh Lekra (the 3rd accused). Milkush and Markesh were brothers.	On the night of the incident the 3 accused went to the house of the victim, Sylvina Orang, and took her away on the ground that Milkush and Markesh's mother was not well. This was in the presence of the victim's two children Prabha Khalokha and Martin Orang. Thereafter, it appears that nothing was heard of the victim for a few days. The two children did not inform the police immediately about the disappearance of their mother. As per their testimony they made efforts to trace out their mother but were unable to do so. It was only on 17-8-2001 at about 11 p.m. the daughter lodged an FIR. In her FIR, she stated that she came to know from a reliable source that the accused had killed the victim by injuring her with a lathi near the culvert of Cinnatolia Tea Estate and was hidden the body at a "dahani" (a place covered with a kind of aquatic grass).	Death in the family of the accused	Markesh Lekra surrendered before the police more than 12 hours before the FIR was recorded and made a confessional statement under Sec. 164 CrPC. In his statement he stated that the victim was a witch in the tea garden and that she was responsible for the death of his father and his elder brother through witchcraft. He also said that the victim had caused his niece to go mad. On 14-8-2001 he went to see his niece and the victim came with him and was preceding him when he struck her with firewood and trampled her in the neck as a result of which she died. He then put her body in a sack with some sweepings and buried the body in a nullah. Later on, he took the police to the place of occurrence and showed them the body.	The HC acquitted the two accused appellants. The TC order was overturned.	The HC noted that there was no doubt that Markesh Lekra gave a voluntary and truthful confession which was accepted by the learned Trial Judge. If the confession is accepted in toto it is clear that the two appellants had absolutely nothing to do with the incident of taking the victim with them or at least with the death of the victim in an unnatural manner. As regards the charge of abduction made against the appellants, there was nothing in the testimony of the two children to suggest that the victim was either forcibly taken away or that any deceitful means were employed to take her away. It seems that Sylvina Orang went voluntarily with Markesh Lekra and the two appellants - there is no hint to the contrary.
53	Sole Hembrom v State of Jharkhand  Jharkhand High Court  Criminal (Jail) Appeal No. 186 of 2006	Chargers:  IPC: 302  Procedural History:  Conviction: the accused was convicted under Sec. 302 IPC.  Sentence: Life imprisonment	Female, PV. Murdered. Was the aunt of the accused	Male, nephew of the deceased	On the day of the incident, the deceased's son (informant) was not feeling well and the deceased was sleeping in the adjacent room. The informant's cousin Sole Hembrom (accused) came with an axe and starting calling the deceased a witch and that she had killed the son of the accused and killed the deceased.	Death in family of the accused.		The conviction was upheld	The HC observed that P.W.1 (grand-daughter of the deceased) had corroborated the story of the prosecution. Further, she withstood cross-examination. Further, P.W. 7 (son of the deceased/informant) had also corroborated the story of the prosecution.  The HC noted that the place of occurrence has also been proved by the prosecution and there was also enough corroboration by the proof of seizure list with the help of P.W. 9 and P.W. 3. Blood stained axe was recovered from the courtyard of the house of the informant. The motive has also been pointed out that two days before the occurrence, son of the appellant-accused had expired and, therefore, the appellant-accused was calling the deceased a witch.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
54	Hopna Tudu vs. State of Bihar  Patna High Court  Criminal Appeal No. 272 of 1991	Charges: IPC: 302  Procedural History: Conviction: The accused was convicted under Sec. 302 IPC  Sentence: Life imprisonment	Female PV, murdered. 65 years old.		Ranimoyee the infant daughter of the accused suddenly became ill. The accused had requisitioned the services of an Ojha from village. The Ojha performed rituals to cure the ailing child but she expired on 12th October, 1989. The Ojha told the accused that the deceased was responsible for illness and death of his child. This provoked the accused, who struck the deceased with a bamboo pole and even chouki (Pidha) which led to the death of the deceased.	Illness in the family of the accused	The sole witness of the entire occurrence was Malti Tuddu P.W. 2, who is daughter of younger sister of the deceased, who lived in the same village with her husband.	Conviction under Sec. 302 was set aside and the accused was convicted under Sec. 304 IPC and sentenced to 10 years R.I.	The HC observed that the conviction of the accused was based on the testimony of the P.W. 2 alone. In the instant case, the parties belonged to the tribal community. There was no reason why the accused would be falsely implicated. The dead body of the deceased was found in the house of the accused. So far as the presence of other witnesses was concerned; it was doubtful that there were other witnesses of the occurrence; otherwise they would have been charge sheet witnesses. It appears that some persons of the village had come to the house of the accused when the Ojha had come but most probably they left before the occurrence had taken place.  The HC however feel hesitant in the facts and circumstances of the case to hold the accused guilty under Section 302 I.P.C. It noted that it was clear that the accused was a tribal and probably provoked by the Ojha he assaulted the deceased fatally but it was not clear that the accused intended to cause death of the deceased.



Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
55	Mata Ho v King-Emperor  Patna High Court  Cr.A. No. 42 of 1920	Charges: IPC: 302  Procedural History:  Conviction: The accused was convicted under Sec. 302 IPC  Sentence: Death sentence.	Female PV, murdered. The victim was the wife of the accused person's uncle.	The accused belongs to the Ho tribe in Singhbhoom and was about 30 years of age	The wife and child of the accused were suffering from fever. On the evening of the incident, while husband of the victim was at the house of his neighbour and nephew Jharu Pradhan, the accused arrived at the house of the deceased Daskir Kui armed with an axe. The accused said to the deceased 'you are a witch, you are sucking my blood.' She protested and said that the village priest would bear witness in her favour. He then gave her four cuts in the neck and breast with the axe. Then he got a stone and struck her on the head with it. He then took fire from the hearth and set fire to the house. The two girls escaped with difficulty through an opening between the walls and the roof.	Illness in the family of the accused	The accused made a confession before the Deputy Magistrate that he saw three women dancing under a mango tree, that he took them for witches and ran at them with an axe, that just as Daskir Kui reached her door he struck her with the axe and killed her and that as the other two witches did not come out of their house he set fire to it. A few weeks later he repeated this statement before the Committing Magistrate and thereafter before the Sessions Judge.	The conviction and sentence of the TC was upheld.	The HC observed that the facts showed beyond all doubt that the accused knew that he was killing a human being and also that he was aware of the nature of his act. It was clear that the accused acted with premeditation and cruelty. He selected an occasion when there was no male member in the house and at attacked the deceased when she was ill and probably helpless. When he found that his purpose was not being accomplished with sufficient quickness he made a savage attack upon her with a stone. It was also clear from the fact that he set fire to the house that he intended to take the life of not only of the deceased but also her two daughters. His description of the burning of the house and of the escape of the two girls was strikingly callous and showed that he is incapable of feeling any remorse whatsoever for his act.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
56	Rema Naik and Others v State  Orissa High Court  Cr.A. No. 166 of 1963	Charges:  IPC: 302 r/w 34 and 201. Rema Naik was further charged under Sec. 323 IPC.  Procedural History:  Conviction: The accused were convicted under Section 302 r/w 34 and 201.  Acquittal: Rema Naik, who was charged further under Sec. 323 IPC was acquitted of that charge.  Sentence: R.I. for life.	Male PV, Dirima.	There were 4 accused. They knew each other and the deceased	On the date of the incident, a young boy named Teka had died. The accused along with other people from the village including the deceased went to the cremation ground to burn the body of Teka. After the cremation, as per custom, the accused consumed some liquor at a short distance from the pyre. In course of the drinking, accused Rema blamed the deceased, Dirima, for his having killed the boy Teka by witch-craft, but the latter denied to have done so. Then Rema caught hold of the neck of Dirima and pushed him down, and assaulted him with a stone on his head and chest. The other three accused also joined him in assaulting the deceased with stones as a result of which Dirima died on the spot. Thereafter the accused burnt the dead body of Dirima also. P.W. 4 the sister of the deceased who had been to the cremation ground, witnessed the occurrence and when she raised a protest, she was assaulted by Rema, as a result of which she sustained some small injuries. P.W. 4 then lodged the F.I.R.	Others	The four accused confessed before a Magistrate, P.W. 2. Later on however, they resiled from the said confession and denied their guilt though they admitted to have gone to the cremation ground on the date of occurrence. Rema however admitted to have assaulted Dirima with stones as the latter threatened to assault him by a Kati held by him, and as a result of the assault Dirima died.	The conviction and sentence was upheld	The HC observed that P.W. 2, the Magistrate who recorded the confession, in his evidence, was pretty clear that the accused persons were given due warning and time for reflection and the Magistrate was satisfied that the confessions were made voluntarily. No doubt, the confessions have been retracted. But it was clear from the confession that the accused persons categorically admitted therein to have participated in the assault on Dirima which resulted in his death.  The HC noted that even though the confessions were retracted, it was however well settled by authorities that a general corroboration of retracted confession so as to lend assurance to the HC of the truth of the facts stated therein was sufficient. In the present case, the presence of the accused persons at the spot of occurrence was not disputed, nor was the death of Dirima or the subsequent burning of his dead-body. The confessions were fully corroborated by the evidence of P.W. 4, and partly by the evidence of P.Ws. 5, 6 and 7.
57	Chhagan v. State  Rajasthan High Court  Cr.A. (Jail) No. 447 of 1971	Charges:  IPC: 302  Procedural History:  Conviction: The accused was convicted under Sec. 302 IPC  Sentence: Life imprisonment	Female PV.Mother of the accused	Son of the deceased victim	The accused's mother, wife and two minor children used to live with him. On the day of the incident, the wife raised an alarm when she saw her mother-in-law dead. On hearing the alarm, Metah son of Jetha Bheel, came to the house, and saw that Mst. Jawari was lying dead in the "angan" of the house. The accused told Metah that he had killed his mother because she was a witch and blamed her for him not being well. Metah and Chhagan then went to the house of Roopji, where Vijai Singh and the Sarpanch Holiya and Sardara also came and an F.I.R was lodged.	Illness in the family of the accused		The conviction and sentence was upheld	The HC observed that Metah, the cousin of the accused had stated in his evidence that the accused had told him that his mother was a witch and he had therefore killed her. He was not cross examined on this issue and the defence had mainly concentrated on trying to prove insanity of the accused. Further, the HC observed that all the witnesses had supported the case of the prosecution, including the doctor who conducted the post-mortem.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
58	Munshi Soren and Others v. State of Assam  Gauhati High Court  Cr.A. No. 45(J) of 1979	Charges: IPC: 302 r/w 32  Procedural History:  Conviction: The accused were convicted under Sec. 302 r/w 34 IPC  Sentence: Life imprisonment	2 victims, male and female, both PVs. They were husband and wife. The husband was the real brother of one of the accused	There were 2 accused: Som Soren, Munshi Soren, Sikiram Soren and Barka Soren. Barka Soren died before evidence was recorded. He was the real brother of the victim, Chida Soren and the rest were cousins.	The village was afflicted with a disease due which many children had died, which included the children of . The villagers believed that Chida Soren (deceased) was an imp and his wife Sumi Mardi (deceased) was a witch. They thought that the deceased had cast evil spirits on the children of the village, several of whom fell ill and died. On the night of the incident, the villagers gathered in a meeting in an open space of the village. Deceased Chida Soren also attended as he was called to come to the meeting. The accused came to the meeting armed with short lathies concealed under their clothes. Accused Barka Soren called Chida Soren and his wife Sumi Mardi a 'Daini' (witch) and then all the four started beating Chida Soren with lathies. Chida Soren died instantaneously on the spot. The same persons then went to the house of Chida Soren and beat his wife Sumi Mardi to death.	Epidemic in the village	Barka Soren died before the evidence was recorded. Though all the accused had made confessional statements before the Judicial Magistrate, however their plea was that they were compelled to confess before a Magistrate, being assaulted by the police and that their confessional statements are neither voluntary nor true.	The conviction and sentence was upheld.	The HC noted that the Magistrate duly cautioned the accused and gave them about four hours' time for reflection when they were produced before the Magistrate for recording their confessional statements. It was not found that the accused made any complaint to the Magistrate of police atrocities or of any undue influence that might be brought to bear upon them. The learned Magistrate was satisfied that all the accused confessed voluntarily. It was in evidence that accused Sikiram Soren and Som Soren voluntarily appeared before the Police officer and in their presence and without any protest from them Barka Soren reported that they had killed Chida Soren and his wife. This clearly showed that accused Sikiram and Som were mentally prepared to admit their liability.

Sr. No.	Case Name, Court and Citation	Charges and Procedural History	Victim Profile	Accused Profile	Facts	Reason for labelling	Evidence led	Decision	Reason for Decision
59	Lal Mandi v. State of W. B  Supreme Court of India  Appeal (Crl.) 745 of 1991	Charges:  IPC: 302 r/w 34 and 201.  Procedural History: TC  Conviction: The accused were convicted under Sec. 302 r/w 34 and Sec. 201 IPC  Sentence: Life imprisonment for sec. 302 and 5 years imprisonment for sec. 201.  HC The HC dismissed the appeal	Female PV. Murdered.	There were 5 accused. Lal Mandi (appellant) and four absconding accused Man Singh, Babu Lal, Arjan and a son-in-law of Ganesh	The village to which the deceased and the accused belonged were under the impression that the deceased was a witch and was responsible for the death of the infant daughter of Man Singh. On the night of the incident, while PW2 Murka Maddi, his three sons including Sita Ram Maddi, PW8 and a daughter along with his wife Dullon Maddi (deceased) were sitting inside their house, Man Singh along with another person and Babu Lal (the absconding accused) entered their house and gave beating to PW2 and his wife Dullon and then dragged her away to Man Singh's house. While Dullon was being assaulted in her house, PW2 and PW8 fled away. The appellant and one of the absconding accused were present at the house of Man Singh and all of them took part in assaulting the deceased at the house of Man Singh. After causing injuries to the deceased, the assailants buried her dead body.	Death in family of the accused.		The charges were converted to that under Sec. 325 r/w/34 and appellant was sentenced to R.I. for the period already undergone.	It observed that the evidence showed that the accused was present at the house of Man Singh when the deceased was brought there and had also given a kick to the deceased. According to the statement of PW8 he knew the appellant and at the time of the occurrence had seen him standing at a distance after his mother had been dragged away by Man Singh and the son-in-law of Ganesh but that the appellant had not taken any part in that incident assumed much significance, particularly when it was admitted by the prosecution witnesses that the appellant has no relationship whatsoever with either Man Singh or the other absconding co-accused. PW8 deposed that besides kicking the deceased, the accused had also given her one lathi blow. This part of the testimony of PW8 has not received corroboration from any other witness. Admittedly, the complainant party and the appellant were not on good terms. The possibility, therefore, that PW8 exaggerated the role of the appellant and attributed a lathi blow also to him could not be ruled out.

## Notes

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**PARTNERS FOR LAW IN DEVELOPMENT**

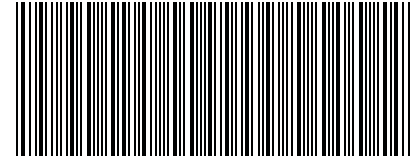
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978-93-84599-01-0