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Social Exclusion and Policies of Inclusion

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Chapter 6

Witch Hunts in India: The Nexus with Forms of Exclusion



Govind Kelkar, Sarika Sinha, and Dev Nathan

Abstract This chapter deals with witch hunts, mainly of women, as extreme exclusion. Based on 115 case studies in five states of India, we show the various forms of exclusion of women, often old and unsupported. Witch accusations usually follow illness or some other misfortune. Accused of using supernatural power to cause harm, exclusions range from seizure of land, and forms of levelling of those thought to have illicitly become better off. Exclusion is also from political positions and spiritual knowledge. The ultimate exclusion is death. The chapter also deals with the way in which the state and administration have tried to curb witch hunts, often ineffectually. The witch finders are key actors in the witch persecution process and their influence, based on cultural beliefs of women using supernatural powers to cause harm, needs to be curtailed. In order to end witch hunts, the chapter points to the importance of insisting on evidence of supposed supernatural powers and the fostering of alternative ways of thinking about illness and misfortune. Current norms in these communities need to be changed. In agrarian societies undergoing transformation, it is necessary for the state to both provide effective medical services and forms of social security.

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1 Introduction

This chapter looks at witch persecution or witch hunts, particularly of women, as an extreme form of exclusion. We first look at the manner in which witch hunts link with and even create forms of social exclusion. The empirical bases of the analysis are case studies of witch hunts in eight districts of five states of India, carried out between October and December 2020. After outlining the methodology of the field study, we present its main findings. This is followed by an analysis of the main forms of exclusion—the manner in which illness and other misfortunes are used to build a narrative of women using supernatural powers to cause misfortune; economic exclusion, through seizing of land and levelling of those somewhat better off, including the case of strangers thought to be getting rich through extracting human blood; the denial of women’s access to spiritual knowledge and the labelling of their unconventional religious practices as witchcraft; political exclusion through attacking women who assert their agency and rights; the resulting live as social outcasts, with the ultimate exclusion of death through murder. In all this, the important role of the witch finder is analysed, his role in identifying the supposed witch and even giving directions for her torture. We then turn to what has been done by the law, police, administration and courts to curb witch hunts.

Exclusion through witch hunts creates durable inequalities of gender, which are an obstacle to inclusive development (World Bank, 2013). Following from this analysis of witch hunts as creating and reinforcing social exclusion, our objective in this paper is to point the way to overcoming witch hunts as a necessary condition for more gender inclusive development among indigenous and rural communities. The conclusion considers the path that could be taken to end witch hunts. In this chapter, we show that witch hunts both create and reinforce the exclusion of (mainly) women in indigenous and rural societies from various activities, ritual, economic, political and social, in their communities. This is a form of exclusion within communities, rather than between communities, as often discussed with regard to indigenous peoples in India, e.g. in Nathan and Xaxa (2012). Dealing with it requires both legal action to curb witch hunts, and changes in gender norms. The norms regarding exclusion of women from various aspects of community life need to be transformed within a community. Such transformation of norms is more likely to take place when there are larger numbers of women, with supporting men, to challenge the old norms. When the new, inclusive norms are accepted by the community, witch hunts would come to an end, and there would be more inclusive, gender-equal development.

2 Witch Hunts as Exclusionary Practices

The focus of this study is on witch hunts, i.e. the identification, persecution and even killing of mainly women, as supposed witches, as a form of exclusion. The definition of a witch is ‘one who causes harm to others by mystical means’ (Needham, 1978);

later in 2004, modified to ‘a person who uses non-physical means to cause misfortune or injury to other humans’ (Hutton, 2004). These definitions imply that there are people who use mystical or supernatural means to cause harm to others. Therefore, they suggest a justified belief in witchcraft used to cause harm to others through supernatural or mystical means. What is important to note is that such a social belief results in a discourse that creates a reality that is manifested in practices of witch persecution or witch hunting. Based on a recent study, we would like to define a witch as ‘a person who is perceived to cause harm by supernatural means’ (Kelkar & Nathan, 2020). In reality, people may not actually possess such occult power to cause harm to others. But they are thought to both possess and use occult powers to cause harm. Our concentration in this chapter is not on supposed witchcraft as such, but on witch hunts and the social and gender exclusion that is created by witch hunts. There are two aspects to the articulation of witch hunts as exclusion. First, is that witch hunts are a form of persecution for transgressing gendered norms of exclusion from certain forms of knowledge, particularly ritual or sacred knowledge. Second, is that persecution as supposed witches itself creates forms of social exclusion. Forms of exclusion can be created by witch hunts across many spheres of society. They are in the sphere of knowledge, such as ritual or religious knowledge; economic matters, such as in exclusion from the ownership of land or from the benefits of accumulation; political and leadership areas, as in denying women’s agency; and broadly social, as in social boycott and expulsions from the village community. In witch hunts, exclusion can also take the most extreme form, as through killing. In many ways, witch hunts create the exclusion of women as full members of the concerned communities. Before detailing the ways in which witch hunts work to create these exclusions, we will set out the nature of the empirical studies of witch hunts which the analysis draws on.

3 Methodology

The fieldwork was conducted from October to December 2020 in eight districts of five states in India: Goalpara district in Assam; East Khasi Hills in Meghalaya; two districts, Ranchi and Khunti, in Jharkhand; Alirajpur in Madhya Pradesh; and three districts, Ganjam, Keonjhar and Mayurbhanj, in Odisha. The study team included both women and men, who have been engaged in research and praxis opposing the persecution of women as witches in their communities. The research tools that were used in the fieldwork included: Focus group discussions (FGDs) to capture the views, perspectives and vulnerabilities of women related to witch branding, and killing; case studies of violation of rights and forms of witch violence in different cultural practices; media reports; local police records of witch hunts; interviews with state government officials, the women’s commissions at the state level, civil society organisations, Non-Governmental Organisations (NGOs) as well as with key informants and other stakeholders, including ojhas (the witch finders), village heads, women’s groups, police officers, district magistrates, revenue officers, lawyers who are known to take witch related cases, school teachers, local health workers, women

Table 1 Witch persecution/killing in selected eight districts of India (based on cases that occurred between 2015 and 2020)

State	District	Total number of case studies	Women	Men
Madhya Pradesh	Alirajpur	5	5	0
Odisha	Ganjam, Keonjhar, Mayurbhanj	34	21	13
Assam	Goalpara	33	30	3
Meghalaya	East Khasi Hills	13	2	11
Jharkhand	Ranchi, Khunti	30	26	4
Total	8 districts	115	84	31

Source ActionAid field study

or men known for progressive ideas; and informal discussions with local leaders. As part of the research study, an analysis of secondary sources was undertaken through collecting information from various published materials, materials in the public domain and websites of government agencies, academic institutions, research centres and individual researchers.

In the orientation for the field researchers, we questioned the dominant notion of strong objectivity in conventional research practice. Instead, the orientation training infused the idea of feminist standpoint analysis based on lived experiences of those who survived witch violence in their unjust social order. Such research findings can be more relevant to producing knowledge that can be used for building a human rights centred social system (Harding & Hintikka, 2004). We also discussed situational analysis, inspired by Haraway ‘Concept of Situated Knowledges’ (1991) foregrounding the mode of analysis which makes witch violence more visible and making the silences of the alleged witches speak by the situation of the enquiry. Further, we discussed how ojhas (the witch finders) use human and non-human ritualistic practices to identify and torture women, and men who came in support of the pre-identified women. With regard to research ethics, our field work was conducted with care and respect for the interviewees, keeping confidential information gathered from survivors of witch violence. Oral and written consent was taken prior to conducting an interview and group discussions. In drafting the report or putting sensitive information in the public domain, we maintained anonymity. The research team conducted a total of 115 case studies and noted the persecution and killings of 84 women and 31 men (Table 1). In three case studies, five women were attacked and killed as a group in Jharkhand.

4 Overall Pattern of Violence Against Supposed Witches

Research has shown that women and girls in the Scheduled Tribes (an official term used for indigenous people in India) face a higher prevalence of violence, labour

exploitation, and harmful practices such as harassment and persecution as witches than other women and girls in the country (DHS, 2005–2006). In several cases, we also noted that intra-caste and inter-caste feuds were settled by branding weaker households as witch keepers. In such cases, the ojhas were generally compensated for their services by the dominant caste household or individual. The survivors of the poor households lacked required funds for the court procedure and seek justice. Moreover, the poor survivors did not receive much support from the police and local administration. The dominant households generally coming from a caste group continued with the practice of witch branding showed legal disinterest towards the Dalits or the Scheduled Castes. The persecution and hunting of witches in an associational living is not confined only to one caste vis-a-vis another caste, but rather, the caste system as a state of mind poisons the relations of the Dalits with the state functionaries in police and judiciary. Three of the five states in our study, Jharkhand, Odisha, Assam, have prevention of witch practices acts to punish and deter the persecution of so-called witches. But it is not clear if there is a decline in witch persecution incidents, and how effective these laws have been. Reportedly these laws are rather ‘lame’ or ineffective in implementation (PLD, 2014).

5 Forms of Exclusion in Witch Persecution and Hunting

Our field investigation shows that the identity of a woman who is likely to be identified as a witch is generally known in the village. We thought, therefore, it was necessary to understand the driving factors in persecution and hunting of supposed witches. The accounts of persecution and hunting were narrated by the victims themselves or by their survivors. Social exclusion, through some form of boycott or marginalisation, is common to all the persecutions under witch hunts. We now deal with the manner in which witch persecutions intersect with the different forms of exclusions. Table 2

Table 2 Forms of exclusion in witch persecutions in Indian case studies

Forms of exclusion	Number of cases
1. Knowledge, including ritual and unconventional religious practices	17
2. Economic	
2.1 Land	17
2.2 Against doing better (jealousy)	11
2.3 Strangers in the village	12
3. Political	
3.1 Women’s agency and assertion of rights	09
4. Social, including causing illness	49
Total	115

Source Authors’ analysis of field data of ActionAid study

summarises the field data of factors in witch hunts, classifying them by the forms of exclusion involved. These exclusions range from the background factor of causing illness, which is used to identify a woman, sometimes a man, as using supernatural powers to create evil, to more proximate factors such as economic exclusion, e.g. from land, or political exclusion, e.g. from asserting agency or holding office.

5.1 Supposed Reasons for Exclusion: Illness and Misfortune

In the background of witch hunts is the occurrence of illness and other misfortune happening in the community. In subsistence economy of indigenous peoples, there is little development of healthcare facilities. Any minor or major illness is seen as an act of misfortune, caused by supernatural powers, an act of a witch. In the absence of an adequate healthcare system, the default social understanding of illness is as caused by an evil intention or mischief of some witch. The affected family or individual consults the ojha, and he is likely to identify an elderly, unsupported woman who is said to have used her witchcraft power to cause such illness or death. In our study of 115 cases, 41 women (and men) were accused of causing illness and deaths in the local areas. In a very inhuman, brutal way she would be tortured or killed to free the community from further spread of disease or death. In this sequence of events, the identification of the person supposedly causing illness is carried out by the male witch finder, called ojha or badwa in local languages.

Box 1

Mitti (name changed) lives with her husband and children in a village in Alirajpur district, Madhya Pradesh. She was living next to her brother-in-law and his family in their ancestral home. The brother-in-law's daughter fell sick and did not show any sign of improvement. The brother-in-law took the daughter to a local ojha, instead of taking the girl to the doctor. The girl's condition deteriorated further. Seeing this, the brother-in-law and his wife started blaming Mitti for the girl's illness, fighting with Mitti and her husband and forcing them to leave the house.

Mitti, with her husband, now live in a separate house; and she is constantly heckled as a witch by her sister-in-law and others in the village. She was unable to take any legal action due to the absence of any legal mechanism to protect her from this harassment of being branded a witch in the community.

Source Research team of Madhya Pradesh

5.2 *Seizing Land*

Land is the key factor of production in indigenous and rural communities that were studied. Except for Meghalaya, with its matrilineal system, all the other states practice patrilineal descent; land is passed from father to son or sons. Women do not get any share of land. As widows, women can have varying rights in land, from maintenance to managing rights in land. After the death of the widow, if there are no sons, the land will pass on to the husband's nearest male relatives, such as the brother-in-law or nephew. Seizing land from widows was noted as a major cause of women's persecution and witch hunts of elderly and widowed women in our research sites.

The connection between the attempts to deny women land rights and witch persecution was made in Kelkar and Nathan in 1991. It has since been brought up in many studies, including those conducted over the past several years by Partners in Law and Development (PLD, 2012, 2014) and in various newspaper reports. In the seizure of land and other properties, it is not women who are breaking rules of control and management of land. It is the male relatives who are breaking these rules in trying to quickly acquire control over land and properties from single/widowed/unsupported women. This seems to be an attempt to establish a stronger form of patriarchy, one where women have no property rights and where even maintenance is at the will of men. Along with this, it is also an attempt to increase economic growth of the lineage or extended family. After the death of the husband and with no sons, the surviving widow is not a part of the lineage. In our case studies, we noted that many cases of witch violence have a background of struggles over land, particularly the attempts of relatives on the male side to take over land held by widows or unsupported women.

5.3 *Levelling Through Witch Hunts*

In the traditional indigenous and rural societies, the families had reciprocal redistributive mechanisms of feasting which ensured that surpluses were not accumulated, preventing the rise of permanent distinctions within the village. In case any such accumulation did take place, more deliberate actions of forced feasting were undertaken to ensure that permanent class distinctions did not get set. We can see such examples of redistributive mechanisms among the Munda in Jharkhand, but there are similar institutions of redistribution among other indigenous and rural communities too, such as Khasi of Meghalaya, which ensured that at the village level, only the families of Lyngdoh (the priest) were better off than the rest. However, with the growth of the market economy during the colonial period, inequalities seem to have grown and led to jealousy. Jealousy was stated as a factor in witch accusations right in the 1850s (Mallick, 2017). Jealousy, as seen now, can be related to any kind of difference, such as of having more food, cattle, or fields, or children doing better in school, or migrant daughter working in metropolitan cities like Mumbai, Bangalore, Delhi, Gurugram who sends some money home to buy consumables related to urban life. As the study

of Khasi society suggests, ‘The idea of jealousy over riches is something that has been stated by many community members ... the greed for wealth is directly associated with the worship of ‘U Thlen’ (the serpent), who is fed on human blood’. Furthermore, the well-off persons are often looked at with suspicion as ‘others’ in the village, with the supposition that they have acquired wealth through unfair and suspicious means. The Khasi principle of righteousness ‘kamaiiakahok’ says that one needs to earn ‘as much as one needs, not as much as one wants’. (Field notes in Meghalaya, December 2020.) Thus, who are better off are already identified as ‘others’ and further excluded through the rituals of finding the person/s who are getting rich by feeding human blood to the serpent. Among the matrilineal Khasi, our case studies showed that men were often the persons identified as accumulating wealth through illicit means. Men can only have personally acquired wealth, while inherited wealth belongs to women. Personally acquired wealth then seems an illegitimate form of accumulation, qualifying the men to be excluded from the community. Women too are subject to this form of exclusion, but our case studies show more men being subjected to exclusion because of accumulation. This is something that requires further investigation.

5.4 Exclusion: Strangers as Better Off

The recent market-based economic changes, reinforced by patriarchal socio-political systems, have transformed the earlier village-based morality, leading to a breakdown of traditional norms, and bringing forth reactions to a breakdown of norms. In this situation, we have observed an identification of those from outside the village as strangers, and thus deserving to be excluded. In the case of Meghalaya, for example, we came across several cases where a person from outside the village, if seen visiting the village, was attacked for his supposed witchcraft activities. The village children or adults would see him as a ‘men-ai-ksuid’ (witch) or a ‘menschonoh’ (worshipper of the serpent, ‘U Thlen’), who has presumably come to collect human blood for ‘U Thlen’. In the process, the person would be attacked by the villagers. During the fieldwork in East Khasi Hills of Meghalaya in October–November 2020, our research team noted persons or families who are well off are often looked on as the ‘others’ in the village. Similarly, strangers are often looked at with suspicion since they do not belong to the community.

6 Exclusion from Spiritual Knowledge

Box 2

Bah Trey is a businessman at Mawryngkang, near Pongkung. In 2013, he and his family was accused of practising witchcraft when one of their workers was accused of chasing a cowherd, from Domsophian village, who was apparently 'not well in the head'. Consequently, the worker was physically assaulted by some family members of the accuser. The situation escalated and the family of the cowherd along with many other villagers from Mawryngkang and nearby villages flocked to his house and set the house on fire along with a couple of cars that the family owned and some that they had hired for their business ventures. His family was threatened by the 300 strong crowd which accused them of hiring workers to chase the cowherd. Some of the crowd were their own workers; one, in particular, worked at their shop. Their house was torched because the crowd believed that they harboured a 'U Thlen' and burning the house would burn the 'Thlen'. The eldest daughter called the police during the incident after which an FIR was filed. However, the case did not reach the court and those arrested by the police faced three months imprisonment.

Source Research team of Meghalaya

Knowledge in indigenous societies (as in others too) can be divided into two categories, one of production and the other of ritual. Ritual knowledge is both more difficult to acquire and is accorded a higher social valuation than production knowledge. Women are excluded from higher ritual knowledge. Transgression of this exclusion is punished by denunciation and persecution as witches. Thus, the creation and enforcement of this exclusion from knowledge creates a durable inequality, more so between women and men. This knowledge-based inequality is a critical step in the formation of patriarchy, which is the domination of men in all major spheres of social life, the economic, political and ritual spheres (Kelkar & Nathan, 2020).

Among the Munda, Santhal and other patrilineal indigenous societies in India women are not supposed to know the clan spirits. A woman who is observed openly praying can often be suspected of praying to the clan spirits for special powers. This is used to secure good fortune for herself or her family. She is expected to play a service role, e.g. cleaning the place of worship, and cooking for the spirit worship occasions, but not to participate in praying to the spirits, and keeping herself away when a man is praying to the clan spirits.

Along with exclusion from full participation in traditional rituals, there is also, at times, a stigmatisation of adoption of other religious practices. An attempt of a woman to chant to a Hindu god or, in some, conversion to Christianity can result in her being declared a witch and thus deserving punishment in terms of physical torture or being driven out of the community. In some cases, a hefty fine or serious penalty has to be paid before she is allowed to live in her village or in her household.

In the ActionAid study, studies there were 17 cases of women being declared witches because of their adoption of unconventional religious practices, such as chanting the names of Hindu gods.

Box 3

Patti Rabha (name changed) with her husband and four children lived in a village in Goalpara district, Assam. She had set up a small temple of Shiva and Parvati (Hindu gods) in her house. This was not a normal practice among the villagers, and they used to hold her in suspicion. One day in July 2006, someone left a dead snake in front of her house, which her husband picked up and threw away. This was seen as Patti's engaging with witchcraft, a witch who worshipped the god Shiva with snake encircling his neck. Next day, an old man died for which Patti was held responsible. People came thronging into her house and destroyed the temple and the house including plants and trees. Her hands were tied, and she was badly beaten by the villagers. In a meeting organised the same day, a decision was made to bury Patti alive. Petrified Patti fled the village with the help of some friends as she saw such an incident happening in the village earlier.

Source Research team of Assam

6.1 Political Exclusion: Women's Agency/Assertion of Rights

Women are excluded from village councils, even among the matrilineal Khasi. This political exclusion is also manifested in attacking women who assert their political and other rights in witch hunts. In the ActionAid field studies, there were 9 out of 115 cases in which women were persecuted for being independent and/or assertive. While women are expected to work hard for the well-being of the household or family, they are also expected to remain obedient, subordinate and follow the decisions taken by the household head (mostly men). Within a patriarchal social system, if a woman asserts her independence or rights over resources, she can be branded a witch. Such branding followed by persecution and torture is meant to prevent women from asserting their independence and securing their rights. The 33% reservation of seats in local government (Panchayat) provides women with opportunities of political expression. This, however, is something that is not allowed in indigenous village governance structures. Even in matrilineal Meghalaya, women are not included as members of the village assembly, 'Dorbar Shnong'. Women's assertion of their independence and rights can also be in the form of their expressive participation in prayers or worship rituals. Assertion of independence in both social or religious matters can be grounds for witch persecution.

Box 4

A smart, bold and a dynamic person, especially if it happens to be a female, is more likely to be accused as a witch. Kamla Rabha (name changed), from a village in Assam is an expert weaver and who used to earn good amount by selling clothes. This was envied by some neighbours. She was seen a very bold person and would speak on the face if see saw any misdeeds in the village. Her husband was perceived relatively weak, with limited intelligent. Her smartness was not appreciated by her in-laws too. One day her sister-in-law suffered from vomiting and diarrhoea. Kamla demanded that as a cure a black chicken should be sacrificed. This was regarded as evidence that she was a witch, more so because she was generally disliked for being very bold and strident. It was suggested that a ritual should be organised taking Kamla as the witch. But as the health condition of the patient did not improve, Kamla was accused and a group of persons led by her brother-in-law searched for evidence in Kamla's house. She was even striped to see if she hid any evidence in her body. Fortunately for her, before more torture, Assam Mahila Samata Society (AMSS) was informed, and her case was settled.

Source Research team Assam

6.2 The Outcome of Exclusion Through Witch Hunts: Living as Social Outcasts

In many cases in India, the survivors of witch violence have been forced to live as outcasts. During our fieldwork in Jharkhand in 2017, we met 13 women and 1 man who narrated tearful stories of their torture and brutalised persecution. Women, on marriage, move to their marital homes, leaving behind their social connections in their natal villages. In fact, married women are expected to keep minimal relations with their natal families. Those doing more than this can be denounced as witches, as seen in the study by Bleie (1985). When they are attacked as supposed witches, they are usually unable to turn to their natal families for support. This means that they are either forced to live on the margins of the villages or to move to urban slums. Some examples of social exclusion are given below. In cases from Madhya Pradesh, Benedict Damor, founder of Adivasi Chetna, pointed out that in some cases, women are forced to parade naked or publicly bathed naked. After such shaming, the women find it better to leave the village. In a case among the Rabha in Assam, a persecuted woman tried to return to her natal village, but she was not allowed by the residents, since she had been declared a witch in her marital village. In another case among the Rabha in Goalpara, when a woman was threatened with being buried alive, her only escape was to flee the village. These are not isolated incidents. Women accused of

being witches are forced to leave the marital village. In a sense, they never become full members of the clan in their marital village and, upon marriage, are forced to minimise contact with their natal village. This social exclusion is manifested in their being driven out of villages or forced to live being socially shunned where they are accused of being witches. In a case in Malawi, Africa, even when a woman was acquitted in court of being a witch, she still had to give up her good job and even leave the town (Kelkar & Nathan, 2020). There are social boycotts of these women. The threat of witch persecution can be used to dissuade women from seeking leadership positions, or in otherwise exercising their agency. They and their families are often driven out of the village. This has happened not just among indigenous peoples in central India, but also, for instance, among the Dai in Yunnan, China (Nathan et al., 1998), where there are whole villages populated exclusively by descendants of families driven out as keepers of evil spirits.

6.3 Murder: The Final Exclusion

The final exclusion is death and that is the fate of many accused of being witches. There are witch hunt murders in India and Africa. For India, the National Crime Records Bureau (NCRB) (2015 and 2016) shows that a total of 2468 murders were committed between 2001 and 2016, where witch persecution was recorded as the motive. In 2016, 134 persons were killed for supposedly practising witchcraft and were accused of causing illness or deaths of an individual or harming a family, or a community. From 2017 onwards, NCRB does not have specific data on killings due to witch persecution or killings of alleged witches. It is to be noted that NCRB data is likely to be an underestimate of the real figures on witch persecution and witch killings. Some cases of such killings may be recorded as due to land disputes or other conflicts, thus reducing the numbers of killings due to witch persecution. Further, the cases of witch killings do not show other forms of persecution of supposed witches, whether the branding of women as witches, or, their torture through various brutal forms and the threats women face in their communities. It is only after a woman who is branded as a witch is killed that she would find a place in police records. This view was reported to us by ASHA, a Ranchi based Non-Governmental Organisation (NGO) active in opposing persecution of supposed witches. ASHA estimates that about 100,000 women have been branded as witches in Jharkhand, giving an average of three witch accusations per village in Jharkhand's 32,000 villages (ASHA report as quoted in Kelkar & Nathan, 2020: 46).

7 Men as Witches

Some men are also attacked as witches. They are usually branded as witches for three reasons: (1) when a man is seen to oppose the witch accusation against his

partner or wife, in particular, at a time when she is tortured or likely to be killed; (2) when the household has accumulated wealth or resources and refused to relate to the community members on equal terms in community gatherings, feasting and dancing, or he is seen as considering himself above others; and (3) when a man is seen as engaging in accumulation through exploiting others. In traditional Khasi society of Meghalaya, accumulation is directly associated with worship of 'U Thlen' (the serpent), who feeds itself with human blood. The well-off persons are socially considered as 'others' in the community and like 'strangers' visiting the community for their own greedy interests. They are considered to have exploited villagers to feed the 'U Thlen' for their wealth. They are often in a negative relationship between 'us', the clan-based community, and 'others'. These well-off 'other' are unwelcome and unknown 'strangers' and are also in a negative relationship with the community and have refused to share 'surplus food' and accumulated resources. For the community to remain a cohesive Khasi society, they are thought to deserve to be eliminated like visiting strangers, who are usually looked upon with suspicion and are often pushed out from the village, while some are killed or tortured. Interestingly, in the matrilineal Khasi society of Meghalaya, a larger number of men (11 of 13 cases) were accused of practising witchcraft and even more strange, men were both accusers and accused. It is to be noted that in this matrilineal system, land and lineage are the women's domain, but decision-making in the 'Dorbar Shnong' (the village assembly of males) and in other such structures of governance are the male domain. We have seen that witch hunts are part of the process of creating or maintaining social exclusion. Exclusion of women from higher knowledge, from ownership of economic assets, chiefly land, and from political participation all create what we termed a durable inequality. Transgression of the boundaries, such as through acquiring higher knowledge or claiming rights to land and political leadership, are met with witch hunts. Thus, witch hunts in these indigenous societies are a method of enforcing the boundaries that create forms of social exclusion. We now turn to what has been done to reduce the persecution of women (and some men) as witches.

8 Dealing with Exclusion: Role of Law

In India, there is no national level legislation that penalises witch hunting and the state-level laws are too weak to act as potential deterrents. But the various provisions of the Indian Penal Code (IPC) of 1860 are used to register offences and cases. The different sections invoked in such cases are Sec. 302, which deals with murder; Sec. 307, attempt to murder; Sec. 323 hurt; Sec. 376 for rape; and Sec. 354 which deals with the curiously termed 'outraging the modesty of a woman'. The gendered nature of the crime of witch persecution is only brought out through charges in Section 376 for rape and Sec. 354 for sexual harassment of some kind. Some states have come up with laws to specifically tackle the problem of witch hunting. Bihar was the first to pass the 'Prevention of Witch (Dayan) Practices Act' in 1999. Since this was the then-unified Bihar, it also applied to what is now Jharkhand. But when the state of

Jharkhand was formed it passed its own 'Anti-Witchcraft Act' in 2001. Sections 3, 4, 5 and 6 of this Act deal with punishment for denouncing a person as a witch and causing any damage to them. Section 7 deals with the procedure for trial. In Odisha and Assam, civil society and women activists took the initiative to press for anti-witch persecution laws, which were passed in 2013 and 2015, respectively. All these acts prescribe various types of punishment, including prison terms and fines, for labelling someone a witch, causing her harm, and so on. But the punishment in these Acts is less than in corresponding sections of the IPC. For instance, the Jharkhand Act prescribes a maximum sentence of four months simple imprisonment for causing 'physical and mental harm', which is lower than the sentence provided under IPC. The existence of a law against witch persecution certainly serves to draw attention to the existence of the practice and the necessity of eradicating it. These laws, however weak, have resulted in creating a fear of legal punitive action among the ojhas or badwas. However, there was also a case in Jharkhand where a woman who was being accused of practising witchcraft went to the ojha and threatened to take him to court if he confirmed her a witch. 'This threat of legal action worked and the ojha did not declare her a witch' (Kelkar & Nathan, 2020: 214). This shows that proactive actions of the state in a situation where a law has been enacted, women who live in fear of being declared a witch or driven out of the community can take action to save themselves. The ojhas are no longer as powerful as they used to be in the years prior to anti-witch laws. But, since the punishment provisions are quite meagre, even less than those under corresponding sections of the IPC, it is doubtful if they serve as deterrents. This is not an argument against stricter punishment but meant to point out the inadequacy of dealing with witch persecution only as a legal matter. The strong belief systems behind witch accusations and the social belief surrounding witch persecution need to be dealt with, along with a more effective legal and punitive system.

9 Police and Administration

We deal with the police and administration together since it is their task to implement the laws and provide protection to those who are under threat of their human rights being violated. The police are the first officials of the state who the victims and their families approach, either on apprehending danger or after the event. In both Odisha and Assam, there seems to be a high incidence of victims or their relatives approaching the police. This is different from the case of Jharkhand where the incidence of approaching the police is somewhat lower. There are many pressures from the community not to approach the police (PLD, 2012: 7). Such pressures are likely to be exerted in all areas, but they seem to be more effective in Jharkhand than in other study states. Of course, it could also be that in Jharkhand, compared to Assam and Odisha, the alleged witches and their families are themselves less inclined to approach the police, believing that these are internal matters that should be settled within the community. The police too seem to take a similar attitude of indifference.

Where there is not a murder involved, they suggest a compromise. As pointed out in PLD (2012), it is not at community forums that compromises are suggested or arrived at, but at the police stations. Until a murder takes place, this seems to be the preferred option of the police. Discussions with the police and other officials reveal that the police and administration consider witch persecution a matter of indigenous people's belief. That is correct as far as it goes, but such an understanding should not militate against official action on receiving complaints of harassment, abuse, or torture. Many officials themselves harbour these beliefs. For instance, at a meeting in Nandurbar in Maharashtra, the Deputy Collector was reported to have made a ten-minute speech on who is a witch, her appearance, what she does, etc. With such beliefs being held by the officials whose job, it is to protect the victims whose rights have been violated, it should come as no surprise that police are found to 'lack the will to implement the laws and undertake vigorous investigation' (PLD, 2012). Most of the case studies (Kelkar & Nathan, 2020; PLD, 2012, 2014) show that the police usually intervene only when a murder takes place. Murder is a crime that the police cannot ignore, and the police are forced to file an FIR and follow up with investigation and a case. But the frequent failure of the police to intervene earlier, when warned of someone being branded as a witch, is a high threshold of legal neglect. Where there are actual violations of rights, as through naming a person a witch or assaulting the person, there is no intervention by the police and administration. Such branding violates Sec. 504 of the Indian Penal Code (IPC) 'intentional insult to provoke breach of peace'; and Sec. 506 'criminal intimidation'. Offences under both these sections carry prison sentence of 2–7 years. We also saw in cases in Assam and Odisha that when police intervened at an early stage of witch accusation or persecution, it did help to forestall escalation into murder.

10 Court Cases

When cases come up before the courts, there are further problems. Influenced by social belief about witchcraft, in many cases, witnesses do not come forward to testify. The alleged witch has a fear of having to continue living within a community. The close kinship relationship between survivors and perpetrators makes it difficult for witnesses to come forward in public testimony. It is not just a matter of community involvement. It is also the power relations within the community, with the *ojha* or other such persons belonging to the more powerful within the community. In addition, the majority support to the accusation also makes it difficult for progressive dissenters to come forward. The witnesses that do come forward are those who are closely related to the victims. And, the testimonies of such family members as witnesses are frequently rejected by the courts (PLD, 2014), obviously suspecting bias among the witnesses. This, however, ignores the important point that only close family members are likely to go against community opinion in appearing as witnesses. After all these hurdles to being found guilty, judges could end up being lenient in sentencing because of the strong indigenous beliefs involved. One judge in Odisha found this to be a

mitigating factor. ‘Superstitious belief that he was morally justified in committing the murder’ was made the mitigating factor for a lenient sentence (Cornell, 2014).

11 Curbing Influence of Witch Finders

The authority of the ojha or badwa (the witch finder and traditional healer) is embedded in the institutional structure of indigenous and rural societies. For the local people, he interprets formal rules, unwritten social and economic rules, formal social conventions, gender norms and behaviour, shared beliefs about the cause and cure of disease, as well as the means of enforcement to limit their individual behaviour. In a Focus-Group-Discussion in a village in Mayurbhanj in Odisha (18 October 2020), the ojha was defined as ‘... those individuals who are supposed to have some magical power or healing capacities. People believe that they can save others from witchcraft. The ojhas are usually responsible for branding an individual as a witch’. The ojha or badwa plays a key role in identifying witches and in advising the people how to free themselves from supposed witch attacks. In an interview with our research team in Madhya Pradesh, a badwa of Sadwa block said that ‘witches are shape shifters and can turn into a dog, buffalo or any other animal to harm people. Whoever the witch casts an evil eye on can get stomach ache, itchy eyes, body rashes, or fever’. Furthermore, some panchayat members believe that ‘both women and men can be witches, but it is mostly women. When a witch passes by you, you can feel a chill in your body, they can also cause instant headache and illness. A badwa can find out who is the witch, if witch has caused his/her death. Sometimes it is necessary to kill the witch, so she does not cause more deaths’ (research team’s interview in a village in Alirajpur district of Madhya Pradesh). In a majority of the cases, the village ojha has a critical role in identifying a person as a witch. Prior to the state-level witch prevention law, the ojha would be consulted to identify a witch, most likely an old and unsupported woman, who is supposed to have caused illness or some misfortune to the family or community. In recent years, two factors have decreased the influence of ojhas: the witch prevention acts in several states and an increase in healthcare facilities in rural areas. Nonetheless, given the fact of poor health care in indigenous and rural areas and marginal implementation of the witch prevention laws, the ojha still holds influence on the villages, acting as a healer and witch finder. What the above shows is that besides legal steps it is necessary to deal with the powerful ojhas as witch finders. Their influence needs to be reduced. That, however, also depends on reducing the role of the cultural beliefs of misfortune being caused by women’s supernatural powers.

12 The Path Forward: How Do We End Witch Hunts?

In recent years, two positions have emerged to deal with the witch persecution and hunting. The first, the need for a central or national law with effective and enforceable mechanisms; and the second, there is belief in witchcraft through which harm is caused to others, but persecution and killing of women (and men) has to be stopped. We see the first position, though needed but is likely to have limited results, and the second can result in ambiguities, as seen in the case of several countries in Africa. At a general level, we have pointed to three actions regarding the decline and eventual end of witch persecution and hunting: (1) effective state mechanisms against persecution and killing of witches; (2) change in patriarchal mind-sets and attitudes towards witch persecution and hunting; and (3) the demand for concrete evidence of witchcraft and building community support to dismantle the authority and power of *ojhas*, *badwas* and the like. A review of European history indicates four changes, in particular, that had a bearing on the decline of witch persecution and prosecution: (1) introduction of legal safeguards, including legal assistance in the treatment of alleged witches, with resulting effects on ‘judicial scepticism’, leading to a fundamental doubt whether the witchcraft practice even existed; (2) change in thinking regarding witchcraft practice, as a result of expansion of the rational, scientific and secular education that denied the reality of the witchcraft practice and the possibility of its crime; (3) improved standard of living and the rise in available and effective medicine; and (4) change from rurality to urban environments, where communities came to be continuously in a state of flux, with less intimate and collective community and shared group knowledge, providing a pathway for increasingly interrupted traditions and beliefs, thus weakening the grounds for accusation of misfortunes or maleficium (Davis, 2008; Levack, 2008). Socio-economic structural transformations are gendered processes, embedding in them the malcontents of modernity of targeting women as witches. It is to be noted that women have played an important influential role in challenging masculine prerogatives. For example, the most diminished categories of social relationship are the status of ‘head of the family’ generally held by men, which has declined in the developing world and the power to provide can no longer be exercised (Mbembe, 2006). With women’s greater involvement in agriculture and unorganised sectors in the developing economies, there is greater economic emergence for women. Research on women’s roles in agricultural production and in the unorganised sector shows that men’s position and power to provide for the family can no longer be held as masculine prerogatives.

The legal and norms-based inequality in feminist economic analysis raises questions about men’s role as decision-makers and owners of land and property within the family and outside in the wider society. Some policy efforts to change this type of gender inequality (for example, The Hindu Succession Amendment Act, 2005) are limited by social norms and cultural systems. These barriers need to be changed with a multipronged approach: (1) The state-instituted measures for women’s unmediated rights to productive assets land and property; and (2) providing economic incentives for change in misogyny in social norms and individual attitudes, like zero-stamp

duties in case of land and property transfers in women's names; and (3) along with these, the state and central governments need to institute universal forms of social security, like provision for education (including higher and technical education), health care, and nutrition as well as freedom from gender-based violence within the domestic sphere, workplaces and in public spaces. What needs to be understood and advocated that these universal forms of social security are not deductions from productive investments. The state provision for universal forms of social security measures and women's freedom from gendered mobility are productivity enhancing measures.

An earlier research (Kelkar & Nathan, 2020) and our field research show that the socio-economic context of indigenous and rural societies in India has changed from a non-accumulative to an accumulative economy. In the current economic transformation, we notice a paradox of a rise in hegemonic masculinity and women's increased struggles against this hegemonic masculinity. Rather than carrying witch persecution and hunting to oppose the system of accumulation, a better option would be the state-instituted enforceable measures for new forms of rights-based approach to embrace dignity and equality of women. We noted that witch prevention laws in several states of the country, have brought some change in the earlier fearless persecution and hunting of women as witches. Both the ojhās and the community or familial actors engaged in witch hunting have a sense of fear about legal punitive action by police. This sense of fear about being engaged in an illicit activity, with some additional measures, can act as a deterrent to witch persecution and hunting. There is a need for stringent laws, including a central national law against witch persecution. An effective implementation of the national/central law can change reportedly hesitant and timid action by police and social scepticism, leading to a fundamental change in norms about the existence of witches and witchcraft practice. Any legal change by itself may not work in ending the violence against supposed witches. Two simultaneous policy measures are required to minimise and eventually end the practice of belief in witchcraft and the justification of violence related to such a belief. First, decentralised healthcare facilities in rural and indigenous areas. In nineteenth century in central India (now the state of Chhattisgarh), cholera was thought to be caused by witches (see Macdonald, 2004: 22–23). Later, people came to understand that cholera is related to unclean water and it can be treated with oral rehydration. This ended the 'cholera witches' phenomenon, though belief in witches took other forms, including fever and general illness with its potential threat to death of children and adults. Second, a policy change in the belief about the existence of witches and witchcraft practice is also needed. Norms related to such a belief can change. They can change with political measures to promote indigenous and rural women's engagement with elevated socio-political tasks and roles. It is important to recognise that a structure of gender norms has internal dynamics of change, undermining the present patterns in gender roles. Some mediating factors in this potential change can be access and use of technology, such as mobile phones, television and forces of gender-specific democratisation brought about by the women's movement that campaign against the notion of persons acquiring evil powers and organising discussions by local, gender-responsive, women's groups on good examples of resistance against the witch belief,

of women who successfully fought against being branded/persecuted as a witch. There are examples, such as Chutki Devi in Jharkhand and Birubala Rabha in Assam, who were recently honoured with ‘Padmashri’ award for their work with the alleged witches as well as Haribai of Rajasthan who successfully fought against the caste-based group of grabbers of her land and now lives in her village with dignity and right in her house and land (Kelkar & Nathan, 2020). A combination of all these examples is likely to diminish and eventually end the belief in witches and witchcraft. Recently, in a High Court case in 2018, the belief in witchcraft was considered as a mitigating circumstance in case of witch hunts. Likewise, in South Africa too, courts have reduced sentences on the ground of the perpetrators’ belief in witchcraft (Comaroff & Comaroff, 1999). As we understand, there is one legal system and the varied cultural ideas of justice. Admittedly, the cultural ideas of justice may not all be uniform. Survivors of witch hunts may have different idea of culture-based justice from the perpetrators of witch violence. We think, however, that it is necessary to be careful with the use of belief or culture as mitigating circumstance. What about the case of ‘Sati’ (widow burning) or more recent ‘honour killing’ of women, who get married against the traditional norms of their family or community? It would be difficult to argue that beliefs of a particular culture should be accepted as mitigating circumstances. The role of the state in providing unmediated productive assets and resource-based equality and dignity to indigenous and rural women, social security, and freedom from fear of violence in domestic and public spaces are crucial in the attempt to overcome witch persecution and witch hunts. More important, however, is the withering away of beliefs in witchcraft through legal changes and by instituting policy and practice of changing misogyny in social norms and of dignity to women in individual and collective attitudes.

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