

**International E-Conference on “Harmful
Practices Related to Accusations of Witchcraft
and Ritual Attacks: Challenges for Marginalized
Groups”**

Organised By

Centre for Human Rights Law & Policy

School of Legal Studies

In collaboration with

The Staffordshire Law School

The School of Justice, Security & Sustainability

Staffordshire University, United Kingdom

&

The Department of Languages & Cultures Lancaster

University, United Kingdom

ABSTRACT BOOK

15th & 16th May 2023

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Message from Honourable Chancellor, REVA University

I warmly invite all the participants to the International E-Conference on ‘Harmful Practices Related to Accusations of Witchcraft and Ritual Attacks: Challenges for Marginalized Groups’ organized by the Centre for Human Rights Law and Policy, School of Legal Studies, REVA University in collaboration with The Staffordshire Law School, School of Justice, Security and Sustainability at Staffordshire University and The Department of Languages & Cultures, Lancaster University.



I believe that this initiative taken by the organizing committee of the conference at the School of Legal Studies will boost the quality of research and open doors for further collaborations in the days to come. Research institutions including universities located nationally and internationally should initiate and perform more research to address and find solutions to the problems faced by the larger society. In this view, the outcome of this international e-conference must be discussed critically, and suitable solutions to challenges pertaining to harmful practices related to accusations of witchcraft and ritual attacks have to be taken note of based on the constructive arguments presented throughout the day. This conference has brought together researchers and academics from around the world to take forward the discourse on a sensitive issue from an interdisciplinary standpoint which I believe will highlight among other things some of the vital challenges pertaining to the protection of basic human rights of marginalized communities around the world.

My word of gratitude to all the renowned speakers and guests who took time off their busy schedules. My good wishes to the organizing committee, the School of Legal Studies and the Staffordshire Law School, School of Justice, Security, and Sustainability at Staffordshire University, UK, and The Department of Languages & Cultures, Lancaster University for all the coordination.

Dr. P. Shyama Raju
Chancellor, REVA University

Message from Vice Chancellor, REVA University

Hearty congratulations to the entire organizing committee of the international e-conference at the School of Legal Studies, REVA University for taking up the initiative to discuss a contemporary social issue under the theme of ‘Harmful Practices Related to Accusations of Witchcraft and Ritual Attacks: Challenges for Marginalized Groups’. I am hopeful that the international e-conference being organized in collaboration with The Staffordshire Law School, The School of Justice, Security and Sustainability Staffordshire University, and The Department of Languages & Cultures, Lancaster University will provide a platform for the law school to showcase its excellence globally both in offering legal education and undertaking socially relevant research.



I fervently believe that research conferences provide additional skills to all participants including academics and law students to better understand the correlation between rules and procedures and their application in a given society. Through the School of Legal Studies, we aim to equip students with the capacity to think critically, to ask questions about legal rules and institutions, and to prepare them for a wide range of stimulating careers. The international e-conference is most certainly a welcome step in that direction.

REVA University also prides itself in contributing to every student’s holistic development. The various programs offered by REVA University are well-planned and designed based on in-depth analysis and research with emphasis on knowledge assimilation, practical applications, hands-on training, global and industrial relevance, and their social significance. I am of the firm opinion that the international e-conference will go a long way in achieving the goals of REVA by initiating the creation of a conducive environment of research and global partnership.

I once again congratulate the entire organizing team for their untiring efforts in putting together an international conference of this magnitude and welcome all the participants to REVA University. I wish you all an edifying and transformative day.

Dr. M. Dhanamjaya

Vice Chancellor, REVA University

Message from Pro Chancellor, REVA University

The School of Legal Studies at REVA University has a proud history of providing high-quality education and producing skilled professionals who have made significant contributions to the field of Law. As we move forward in these challenging times, it is more important than ever that we continue to uphold the values of excellence, innovation, and collaboration that have defined this institution. The School of Legal Studies has a critical role in shaping our society's future. I am happy to congratulate the entire organizing committee of the International E-Conference at the School of Legal Studies.



It is a matter of pride that the School of Legal Studies is organizing a conference that discusses a contemporary social issue on the topic 'Harmful Practices Related to Accusations of Witchcraft and Ritual Attacks: Challenges for Marginalized Groups'. The event organized in collaboration with The Staffordshire Law School, The School of Justice, Security and Sustainability Staffordshire University, and The Department of Languages & Cultures, Lancaster University, UK is an excellent opportunity for the students, staff, and faculty to engage and collaborate together for understanding the latest information in legal education.

I would like to congratulate the School of Legal Studies for its outstanding achievements and to encourage you to continue your pursuit of excellence in education, research, and innovation. May you continue to make significant contributions to the field of Law and to society at large.

Best wishes for your continued success!

Umesh Raju

Pro-Chancellor, REVA University

Message from Director, School of Legal Studies, REVA University

At the outset, I would like to express my sincere appreciation to the entire organizing committee for the International E-conference on ‘Harmful Practices Related to Accusations of Witchcraft and Ritual Attacks: Challenges for Marginalized Groups’. I would also like to thank The Staffordshire Law School, The School of Justice, Security and Sustainability Staffordshire University, United Kingdom, and The Department of Languages & Cultures, Lancaster University for extending their support to the School of Legal Studies in organizing this conference.



I must also underscore the spirited contributions of the conference convenors Dr. Samantha Spence, Dr. Charlotte Baker, Ms. Akanksha Madaan, and Dr. Amit Anand in conceptualizing and putting together this conference. I am hopeful that this conference will have a lasting impact on all the participants. Whether you teach, practice, or use your knowledge of the law in other ways, I hope this conference will provide new ideas that will enhance your professional life.

The theme of ‘Harmful Practices Related to Accusations of Witchcraft and Ritual Attacks: Challenges for Marginalized Groups’ is significant because the understanding of law demands the acknowledgment of varied social challenges affecting individuals in society as much as academic theory. We need to hear stories and advice from academics and early career researchers who have or are currently exploring the outer edges of the legal universe from a socio-legal perspective and can tell us how the larger society can deal with existing harmful practices that mostly target the marginalized sections of the society. And we need scholarly analysis of these stories to put them into perspective and tie them to the larger themes that shape our professional lives. I believe our speakers will definitely reflect the best of both worlds – the raw experience of society and the detached analysis of the law.

I am certain that all participants at the conference will have a fruitful day of discussion and I once again congratulate the organizing committee for their hard work.

Dr. Bharathi S

Professor & Director

School of Legal Studies, REVA University

Message from Co-Convenors

It is a pleasure to welcome you all to participate in this conference. We and other collaborators have been working on the issue of Harmful Practices Related to Accusations of Witchcraft and Ritual Attacks (HPAWRA) for many years, researching, raising awareness, and gathering consensus for change, leading to the securing of the UN Resolution on HPAWRA in 2019. However, this is just the beginning, and a sustained effort is needed now to ensure that the Resolution really makes a difference to the lives of the most vulnerable people across the world. We are delighted that you are here to join us in sharing your knowledge and expertise on ways to address these issues on a global scale and we hope that we can continue to work together in the coming years.



Charlotte Baker

Professor of French and Critical Disability Studies,

Department of Languages and Cultures,

Lancaster University, UK; Director of the Disability Inclusion Africa Network

Firstly, I would like to thank everyone for presenting and attending this conference. The issues relating to Harmful Practices Related to Accusations of Witchcraft and Ritual Attacks (HPAWRA) are something we have been working on for many years and are very close to all our hearts. Although we were successful in pushing through a UN Resolution on HPAWRA in July 2021, we still have much more work to do, to raise awareness and to continue to disseminate knowledge on ways to address these issues on a global scale. This conference is one of the ways that we are able to do this and, once again, I thank everyone for their participation and assistance with this.



Dr. Samantha Spence

Course Director for Postgraduate Studies (Law)

Visiting Professor (REVA University, Bangalore, India)

Message from Co-Convenors, REVA University

As co-convenors of the International E-Conference on ‘Harmful Practices Related to



Accusations of Witchcraft and Ritual Attacks: Challenges for Marginalized Groups’ organized by the Centre for Human Rights Law and Policy, School of Legal Studies, REVA University in collaboration with The Staffordshire Law School, School of Justice, Security and Sustainability at Staffordshire University and The Department of Languages & Cultures, Lancaster University we look forward passionately to combine all insights from academics, early career researchers and students to bring about a cross-sectional discussion that aims

towards highlighting the challenges related to harmful practices. We believe that this collaborative endeavor will go a long way in not only achieving the objectives of the international conference but will also lead to the creation of an uplifting environment for research by developing courses and projects focused on the theme of the conference. We would like to express our heartfelt thanks to The Staffordshire Law School and The Department of Languages & Cultures for extending support to the School of Legal Studies, REVA University, and to Dr. Samantha Spence and Dr. Charlotte Baker for their assistance throughout the planning of this conference.



Dr. Amit Anand & Ms. Akanksha Madaan

Assistant Professor, School of Legal Studies

REVA University

ABOUT STAFFORDSHIRE UNIVERSITY

Staffordshire University is located across two campuses in the towns of Stoke-on-Trent and Stafford and was established in 1992, with around 12,000 students currently enrolled. The University offers a wide variety of two-year ‘fast track’ degrees in subjects such as Business, Law, and Computer Science. The University focuses on employability and has partnerships with prestigious global companies, such as Microsoft and CISCO, and industry links with global leaders including Amazon and Google. On 12 May 2022, the results of the Research Excellence Framework (REF) 2021 exercise were announced, and Staffordshire University achieved a substantial improvement in its research performance:

- 68% of Staffordshire University’s research was recognized as 3* and 4*, which is “internationally excellent” and “world-leading” respectively. This is up from 37% in 2014 when the last REF results were announced.
- 87% of the University’s research impact has been rated as (3*) “very considerable” or (4*) “outstanding”.

In total, 109 members of staff and 244 research outputs were submitted into REF 2021. Staffordshire University entered seven Units of Assessment: Allied Health; Engineering; Archaeology; Business and Management; Social Work and Social Policy; Art and Design and Communication and Cultural Studies. Each unit had a research that has been recognized as “world-leading”.

ABOUT THE SCHOOL OF JUSTICE, SECURITY, AND SUSTAINABILITY

Built on the foundations of the former School of Law, Policing and Forensics is the new academic School of Justice, Security, and Sustainability. The new academic school also brings in colleagues from former Schools of Life Sciences and Education, Health and Social Care, and Staffordshire Business School, to breathe new life into future-focused areas of sustainable business and innovation. Bringing innovation-led research and teaching in areas like sustain-ably business, well-being, hardship, and climate change offers new and exciting opportunities to strengthen provisions around the likes of global security, social justice academic delivery, research into pollution, and collaboration with the Centre of Archaeology, and Centre for Business Innovation and Enterprise. The following courses are currently being offered at the School of Justice, Security, and Sustainability:

- Business School

- Criminology
- Forensic Science
- History, Security, and International Relations
- Law
- Policing and Investigation
- Social Justice

ABOUT LANCASTER UNIVERSITY

Lancaster University is a research-intensive university in the north-West of England that delivers world-quality teaching and research. A top 15 university in the three major UK league tables, Lancaster University is also highly ranked in international league tables and is 146th out of more than 1,000 universities in the QS World University Rankings 2023. The university occupies a beautiful 560-acre parkland site on the outskirts of the small city of Lancaster and is proud to be one of only a handful of UK universities with a collegiate system. The university has overseas campuses in China, Ghana, Malaysia and Germany.

ABOUT THE DEPARTMENT OF LANGUAGE AND CULTURE

The research interests of the department are broadly interdisciplinary, combining a focus on languages and cultures with a global focus. Undergraduate students in the department enrol to study one, two, or three languages, or combine a language with a non-language subject. Visiting students from other countries enhance the international flavour of life in the department. The Department of Languages and Cultures also has a vibrant postgraduate culture, with students enrolled in MA programmes (in Translation or in Modern Languages research) and studying for PhDs.

ABOUT REVA UNIVERSITY

REVA University has been established under the REVA University Act, 2012. Recognized as one of the top 50 private universities in India, REVA University, with innovative pedagogy, exemplary infrastructure, and industry-resilient curriculum that is designed for the future job market, strives to benchmark new milestones in modern education. The University is in Bengaluru on a sprawling green campus, spread over 45 acres of land, built with state-of-the-art infrastructure creating an environment conducive to higher learning and research. The founders of REVA University believe in the motto 'Knowledge is Power'. Driven by a philanthropic vision and a mission, the campus is built to transform students

into outstanding citizens. The University prides itself in contributing to every student's holistic development. The various programs offered by REVA University are well-planned and designed based on in-depth analysis and research with emphasis on knowledge assimilation, practical applications, hands-on training, global and industrial relevance, and their social significance.

ABOUT THE SCHOOL OF LEGAL STUDIES

The School of Legal Studies offers graduate and postgraduate programmes with the objective of preparing law professionals, with a sound understanding of the foundations of legal knowledge. The school offers B.A., LL. B (Hons.), B.B.A, LL. B (Hons.) of five-year duration and one-year LLM in Business & Corporate Law and Criminal Law. The school also undertakes various consultancy projects. Equipped with state-of-the-art infrastructure including Moot Court Hall, Legal Aid Clinic, and library with a variety of print and online resources. The school focuses on the advancement and dissemination of knowledge of the law and legal processes in the context of national development. The school in addition to its well-experienced and qualified law faculty members invites regularly practicing lawyers and legal luminaries as adjunct faculty & guest faculty members to facilitate practical exposure to the students.

ABOUT THE CONFERENCE

The School of Legal Studies, REVA University is pleased to inform you that the Centre for Human Rights Law and Policy, School of Legal Studies, REVA University is organizing an International E-Conference on 'Harmful Practices Related to Accusations of Witchcraft and Ritual Attacks: Challenges for Marginalized Groups' in collaboration with The Staffordshire Law School, The School of Justice, Security and Sustainability, Staffordshire University, United Kingdom and The Department of Languages & Cultures, Lancaster University, United Kingdom on 15-16 May 2023.

Following the huge success of the International E-Conference on 'Law and Society' in December 2022 which was put together by Dr. Samantha Spence (Law Department, School of Justice, Security and Sustainability, Staffordshire University, United Kingdom), Ms. Amlanika Bora, and Dr. Amit Anand with the support of Prof. (Dr.) Bharathi S, Director, School of Legal Studies, and the higher administration at REVA University, the School of Legal Studies through the Centre for Human Rights Law and Policy has embarked upon further engaging with international academic staff and researchers by holding an international e-conference in May 2023.

The international e-conference in May 2023 will focus on the challenges faced by marginalized groups who can be most vulnerable to harmful practices. It offers a space for researchers and practitioners to engage in inclusive interdisciplinary dialogues about the many facets of harmful practices resulting from the belief in witchcraft and ritual attacks that often target these groups and other vulnerable individuals.

| Sl. NO. | TITLE | Page No. |
|----------------------------|--|---|
| 1 | Message from Honourable Chancellor | 4 |
| 2 | Message from Vice Chancellor | 5 |
| 3 | Message from Pro Chancellor | 6 |
| 4 | Message from Director | 7 |
| 5 | Message from Co – Convenors | 8 – 9 |
| 6 | About Staffordshire University | 10 – 11 |
| 7 | About Lancaster University | 11 |
| 8 | About REVA University | 11 – 12 |
| 9 | About The Conference | 13 |
| Title of the Papers | | Author's Name |
| 10 | SUB-THEME 1: ACCUSATIONS OF WITCHCRAFT & HUMAN RIGHTS | |
| 10.1 | The Question of Evidence: An Unaccountable Truth of Gendered Violence of Witchcraft in India | Anjali Yadav 19 |
| 10.2 | Necromancer Dexterity – A Socio-Legal Exploration in the Light of Human Rights Vandalism | Neha Parveen 20 |
| 10.3 | Dalit Women & Accusations of Witchcraft | Dr. Preethi Lolaksha Nagaveni 21 |
| 10.4 | A Comparative Approach – Into the Prevalence of Witchcraft & the Efficacy of Anti – Superstition laws in South Asian Countries | Nayana Das M, & Swetha Mariam Saji 22 |
| 10.5 | A Socio-Legal Study of Witchcraft Accusations & Killings with specific reference to Northern India | Immanuel Lalsanhim Keivom 23 – 24 |

| | | | |
|------|--|--|----|
| 10.6 | Harmful Practices: Harmful, not Heresy | Riya A Singh | 25 |
| 10.7 | A Study on the Magnitude of Practice of Witchcraft & Witch Hunting in the State of Assam | Azhar Iqbal Mozumder, & Dr. Rashmi Ranjan Mishra | 26 |
| 10.8 | The Vices of Witch Hunting in India from the Viewpoint of Intersectionality | Babu Bethovan | 27 |
| 11 | SUB-THEME 2: SPIRITUAL ABUSE | | |
| 11.1 | Spirituality: A Tool for Money Laundering | Somya Sharma, & Dr. Chander Mohan Gupta | 28 |
| 11.2 | Witchcraft & Human Rights Violation & the Role of Freedom of Conscience & Practice & Propagation of Religion under Article 25 of the Indian Constitution in addressing them. | G. Ganesh Kumar | 29 |
| 11.3 | A Critical Analysis of the Devadasi System & its Normative Framework in India | Afrin Khan | 30 |
| 12 | SUB-THEME 3: HARMFUL PRACTICES & GENDER-BASED VIOLENCE | | |
| 12.1 | Witch Hunting in India: A Threat to the Right to Life & Liberty of Indian Women | Utsa Sarkar, & Mohammad Saleem | 31 |
| 12.2 | Examining the Psychology Behind the Victims & Perpetrators of Ritual Attacks & its Relation to Gender & Religion | Vedendra Prasad, Jivitesh Sisodia, Saumya Kaushik, & Mishka Paswan | 32 |
| 12.3 | At the Intersections of Gender, Age & Class: Voices from Women Survivors of WAP in Goalpara, Assam | Poonam Kakoti Borah, & Sushmita Sen Khakhary | 33 |
| 12.4 | Impact of Covid – 19 on Gender-Based Violence | Meghana Manoj | 34 |
| 12.5 | The Gendering of Witchcraft: Sex-related or Sex-specific | Dr. Samantha Spence | 35 |
| 12.6 | ‘INDRAJALA’ – Indian Witchcraft Practices: The Villainous Myth & The Reality | Dr. Vijeta Verma, & Amisha Priyadarshini Dash | 36 |

| | | | |
|-------|--|--|----|
| 12.7 | Witch Hunting & Victimization of Women: The Unnoticed Crime | Dr. Deepti Meena, & Dr. Kaveri Sharma | 37 |
| 12.8 | Understanding Spiritual Abuse with Margret Atwood's 'The Handmaid's Tale': An Interdisciplinary Approach to Gender Abuse | Hamda Akhtarul Arfeen, & Priyanshi Gupta | 38 |
| 12.9 | Accusations of Witchcraft & Human Rights: Exploring the Relationship between Social Equality & Discrimination | Sanjana Bharadwaj, & Rahul Gangurde | 39 |
| 12.10 | Study of Accusation of Witchcraft of Women in India | Shatakshi Vyas, & Reenu Bairagi | 40 |
| 13 | SUB-THEME 4: DISABILITY & HARMFUL PRACTICES | | |
| 13.1 | The Rat Children of Shah Daula in Pakistan - A Legal Investigation to Unravel the Religious Superstition, Illegality & Mystery Behind Begging Microcephalic Children | Swarna Latha R | 41 |
| 13.2 | Harmful Practices & Cultural Beliefs in Africa Towards Disability: A Comprehensive Analysis on the Impact of Such Practices | Nidish Ravichandran, & Ayana KR | 42 |
| 13.3 | The Impact of Witchcraft – related Beliefs on Persons with Disabilities in Sub – Saharan African Contexts: Alternatives Explanations | Charlotte Baker | 43 |
| 13.4 | The Right to Health & health system strengthening: An overlooked response to harmful practices in witchcraft accusations | Luciano Bottini Filho | 44 |
| 13.5 | Ableist prayer as a harmful practice: Disability demonization & notions of cure on the African continent | Faith Njahra Wangari | 45 |
| 14 | SUB-THEME 5: ELDER ABUSE | | |
| 14.1 | Elderly Abuse in India | Dr. Misha Bahmani | 46 |

| | | | |
|------|--|--|---------|
| 15 | SUB-THEME 6: HARMFUL PRACTICES & RIGHTS OF THE CHILD | | |
| 15.1 | A Critical Study on Harmful Practices vis-à-vis Rights of a Child: A Socio-Legal Perspective | Aishwarya Suresh, & Mahesh Singh G | 47 |
| 15.2 | ‘PILLAI THOOKAM’ – The Heinous Ritual against Infants | Dr. Meena Kumary S, & Naveen Suresh | 48 |
| 16 | SUB-THEME 7: EFFECTIVE RESPONSES TO HARMFUL PRACTICES | | |
| 16.1 | Critical & Comparative Analysis of the Issues of Witch-Hunting as an Evil Customary Practice with special reference to Jharkhand | Vijay Shekhar | 49 |
| 16.2 | Witch Hunting in India: Intersectionality of Patriarchy & Caste | Kriti Misra | 50 |
| 16.3 | We are the Granddaughters of the Witches you couldn’t burn: Reclaiming | Dr. Maggie Webster | 51 – 52 |
| 16.4 | Witch Hunting in Assam: Evaluating the Legal System & Social Realities | Sofiul Ahmed, & Sakshi Pandey | 53 |
| 16.5 | Addressing Sorcery Accusation-related violence through community peacebuilding. | Bomai Witne | 54 |
| 17 | SUB-THEME 8: ENFORCING LEGAL PROHIBITION ON HARMFUL PRACTICES | | |
| 17.1 | Witch-hunting of Dalit, Adivasi and vulnerable women in India: Assessing motivations, power dynamics, and legal interventions | Aishwarya Karan | 55 – 56 |
| 17.2 | Between Belief and Law: An Analysis of Witch Hunting Practices and Legal Framework in India | Dr. Sini John, & Arpitha Anna Mathew | 57 |
| 17.3 | A study on commercial witchcraft practices vis-à-vis the laws prevailing in India | Shailesh Kumar Pandey, & Priyanshi Dubey | 58 |

| | | | |
|------|--|--|----|
| 17.4 | Should adults accused of witchcraft or possession receive more robust protection within the criminal and civil law of England and Wales? | Prof. Javier Garcia Oliva, & Dr. Helen Hall | 59 |
| 17.5 | Superstitious Practices Related to Witchery: Need for Statutory Provision in Order to Protect the Society and their Rights. | Mahima Saini | 60 |
| 17.6 | Decoding Efficacy of the Legal Regime Combating Witch Hunting in India | Dr. Gitanjali Ghosh | 61 |
| 18 | SUB-THEME 9: SOCIAL JUSTICE & EQUALITY | | |
| 18.1 | Between Belief & Law: An Analysis of Witch Hunting Practices & Legal Frameworks in India | Razina Ahmed | 62 |
| 18.2 | A Study on the Legal & Jurisprudential Limits of the Anti-Conversion Laws Vis-À-Vis Right to Religion in India-An analysis is through the Lens of Equality & Justice | Deekshita Das | 63 |
| 18.3 | Denying Access to Medical Care in the Name of Religion: An Analysis | Baisemol Baby | 64 |
| 19 | Student Committee Members | | 65 |

THE QUESTION OF EVIDENCE: AN UNACCOUNTABLE TRUTH OF GENDERED VIOLENCE OF WITCHCRAFT IN INDIA

Anjali Yadav¹

Abstract

The art or practices of a witch, sorcerer, or magician are known as Witchcraft, also known as Witchery or Spell Craft. Since the earliest cultures, magic has been believed in and practiced and plays a significant religious and therapeutic function in many communities today. In other Indian and Southeast Asian societies, discrimination towards older widows and unmarried women is deeply ingrained in the tradition.

The idea that some women are "cursed" or "possessed" by the devil and have supernatural abilities has a long history. Children born to malformed or disabled mothers may be viewed as "witches" who have suffered from God's wrath. Older single women and widows may be called "bad luck" components in the community who are to blame for any problems. When elderly widows own property and instigate the entire community, the family is frequently involved. In addition, women who are strong in their communities and work as healers or counsellors are targeted by witch hunters. To uphold their patriarchal dominance, they label them as witches.

The court needs evidence to penalize someone for engaging in witch-hunting. Because witch-hunting is a socially accepted crime, people tend to keep quiet out of either fear or acceptance, which makes it difficult to gather proof. Therefore, legitimate justice is not served due to a lack of proof. Also, India lacks national legislation or rules prohibiting witch hunts. This paper examines the prevalent witchcraft practices in different parts of the country, how it is associated with women's land rights, and investigates why older women are more subjected to witch hunting with the help of secondary resources.

Keywords: Witch-Hunting, Gendered-violence, Human Rights, Lawlessness, Legislation.

¹ Assistant Professor Law VSL, VIT- AP University Amravati, Vijaywada.

NECROMANCER DEXTERITY - A SOCIO- LEGAL EXPLORATION IN THE LIGHT OF HUMAN RIGHTS VANDALISM

Neha Parveen²

Abstract

Necromancer Dexterity or Witchcraft ship is not new to the world. In copious countries around the world, witchcraft-related beliefs and practices have resulted in serious violations of human rights including, beatings, banishment, cutting of body parts, confiscation of appendages, torment, and slaying.

This research paper named Necromancer Dexterity - A Socio-Legal Exploration in The Light of Human Rights Vandalism focuses on the serious problem of Necromancer Dexterity of which vulnerable prey are Women, children, aged people, and persons with disabilities particularly persons with albinism. This paper focuses on how this problem is an institutionalized problem having socio-ritualistic approval. This paper included the concept of vulnerability and victimization and its causes of it. This paper also focuses on human rights violations and their nexus with constitutional, national, and international legal mandates. Correspondingly, this paper focuses on some legislative provisions in the IPC and Constitution and the need for a Country-Wide Anti-Superstition Act. This paper obligated on despite the gravity of these human rights abuses, there is no full-bodied center-led response in the form of any legislation till now that entirely deals with crimes related to witchcraft, superstition, or occult-inspired activities. This research paper also focuses on the requirements of the Act. In 2016, the Prevention of Witch-Hunting Bill was introduced though it wasn't passed.

Keywords: Necromancer Dexterity, Human rights, Victimization.

² Assistant Professor (Law), B.S. Abdur Rahman Crescent Institute of Science and Technology, Chennai, Tamil Nadu.

DALIT WOMEN AND ACCUSATIONS OF WITCHCRAFT

Dr. Preethi Lolaksha Nagaveni³

Abstract

The Hindu caste system is one of hierarchy with Dalits in the bottom rung. The most marginalized are the Dalit women who face the triple threat of caste, class, and gender. The privileged castes to exert their hegemony over the system have suppressed and oppressed the lowered castes for centuries. Among the various atrocities that are committed against the Dalits, particularly Dalit women are molestation, rape, witch hunting, and murder. Most of the victims of witch-hunting have been old, widows and single women. Common reasons for accusing a woman of witchcraft range from personal disputes or enmities to sexual desire and coveting properties.

The women accused of witchcraft are often blamed for calamities, epidemics, and other misfortunes befalling societies. The victims suffer physical and mental brutality in shocking forms like lynching, parading naked, social ostracization and even being burnt alive by mobs. Studies show that most victims of witch hunting in India are Dalit women. Activists claim that accusations of witchcraft have been only made on Dalit women and privileged caste women have not been victims of such a practice. This also reveals the other latent factor which is not often discussed in mainstream discourse on the issue, the role of caste in accusations of witchcraft. There is a combination of patriarchy, caste, and class system which victimizes and marginalizes Dalit women. This paper seeks to delve into the intersectional angle in this vital issue so that this social evil that denies a woman the basic right to life with dignity and fundamental freedoms be addressed considering all its facets.

Keywords: Dalit women, Human Rights, Intersectionality.

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A COMPARATIVE APPROACH – INTO THE PREVALENCE OF WITCHCRAFT AND THE EFFICACY OF ANTI- SUPERSTITION LAWS IN SOUTH ASIAN COUNTRIES

Nayana Das M⁴ & Swetha Mariam Saji⁵

Abstract

The menace caused by witchcraft and the customs of witch hunting has persisted for a very long time and continues to this day. These primordial superstitious beliefs have become deeply ingrained in South Asian countries due to the gender preponderance that has its deep roots within the Asian societal structure. Most South Asian nations have a similar degree of belief in black magic or the existence of witches, which is also true of the cruel rituals and atrocities committed on this pretext. In every case, it is the women who are blamed for these views, singled out and used as a scapegoat. None of these countries' legal systems are still equipped to effectively address this issue. It is hard to prevent these vile acts from continuing because of the ambiguities in the current legislation. This study aims to compare the witchcraft customs of several South Asian countries and assesses the laws that these countries have enacted to prevent witch hunts and other types of ritual abuses.

Keywords: Witchcraft, Black magic, Gender Hegemony, Ritual Attack, Witch-Hunting.

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A SOCIO-LEGAL STUDY OF WITCHCRAFT ACCUSATIONS AND KILLINGS WITH SPECIFIC REFERENCE TO NORTHERN INDIA

Immanuel Lalsanhim Keivom⁶

Abstract

Women are the fulcrum of society. Without women, society cannot stand as they partake in the many activities carried out by men in their everyday lives. Empowered women bring about a stronger economy. What happens when these very individuals who are essential to the running of society are mistreated and abused simply because of traditional mores and beliefs which no longer have a place in conventional modern society? Witches may be a thing of the past, entities that we only read about in fairy tales and children's books such as in Snow White or Hansel and Gretel, but there are some who still practice the old craft. The twenty-first century has led to an eruption or more so, a flowering of various religions and new beliefs among which the New Age "religion" holds an important part. Predominant in the West, many young people have decided to follow the old beliefs – largely referred to as Paganism or the worship of nature. In India, witchcraft and the belief and practices in rituals are significant aspects of ancient Hinduism. The existence of these practices is inscribed in the Vedas and Upanishads and cannot be discarded from the history of the religion.

On the other hand, the practice of witchcraft is not always associated with magical and fairy tales we enjoyed as children. In Indian villages, women who are labeled as witches are called dayans. They can be compared to the equivalent of witch doctors in certain parts of Africa. Some may be medicinal healers who have in-depth knowledge of Ayurveda and traditional medicines. Some may be actual witches who are associated with the dark arts. Some may be professionals in the craft who save their clients from the ill effects of curses and are referred to as baigas. Some may be mediums to whom clients consult with the faith that they may be able to contact their loved ones. Whatever may be the case, these women are sometimes targeted for the belief that they are witches. The concept of witchcraft is synonymous with forbidden arts and devilish associations. In movies, witches usually play the villain. In rural India, they are targeted and killed for their label. However, most of these women are not even witches but merely accused of being one because of their social status. Victims of witchcraft accusations and killings tend to be from the lower rungs of society and could also be widows or solitary

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women. Usually, superstitious beliefs and illiteracy have such a stronghold in these parts of India that these women become victims of ignorance and paranoia- a bred of the disease that is fed into society. So far, there are only state legislations to regulate the practice of witchcraft accusations in India which also are poorly implemented. Furthermore, the victims who survive are hardly compensated and are a forgotten part of the criminal justice system. In this research paper, the researcher shall explore the historical and cultural basis for witchcraft practices in India and how this has led to the practice of witchcraft accusations and killings. She will also explore the laws surrounding it and the legal lacunae that prevail. The researcher shall also explore the socio-legal factors for the existence of such practices and how they can be eradicated from society through better education, implementation of current laws, and legal awareness.

Keywords: Witchcraft, Accusations, Victims, Women, North India.

HARMFUL PRACTICES: HARMFUL, NOT HERESY

Riya A Singh⁷

Abstract

“It is surely harmful to souls to make it a heresy to believe what is proved.”

– Galileo Galilei

In India, harmful practices that arise from ritual practices reflect the widespread views and beliefs of the people and their politicians. Allowing the politicians to legitimize certain oppressive practices that conform to the ritual practices of the status quo. The lack of awareness within the nation as to what these practices are is perturbing. There exists a treacherous disconnect in this grey area of unknowing which allows harmful practices that have been legitimized to go unquestioned in the name of tradition.

The nation has continually prioritized community realities as opposed to the proper implementation of existing laws against harmful practices. These need to be included under the Penal Code. The refusal to recognize harmful practices as offenses that they are is a grave injustice to the victims of said harmful practices.

Caste-based and gender-based discrimination when propagated under the garb of “witch-hunting” finds a lack of sanction as there exists no central legislation addressing the same—reducing India’s commitment to the fostering of human rights to exist only on paper.

This paper advocates for the criminalization of harmful practices. Further, it explores the ingrained practices of the Indian patriarchy while measuring the public pulse about the same, assessing the efficacy of current legislation, and concomitantly attempting to envision sustainable solutions.

Keywords: Harmful Practices, Gendered and Caste-based violence, Legislation.

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A STUDY ON THE MAGNITUDE OF THE PRACTICE OF WITCHCRAFT AND WITCH HUNTING IN THE STATE OF ASSAM

Azhar Iqbal Mozumder⁸ & Dr. Rashmi Ranjan Mishra⁹

Abstract

People's belief in superstition and magic leads to the emergence of various evil practices. The evil practice of Witchcraft and Witch Hunting is the result of such belief. Historical evidence reveals the practice of witchcraft, however, despite the advancement in science and technology, and modern healthcare infrastructure, such practices are still evident in contemporary modern society. In a Country like India, such evil practice still exists especially in areas with low literacy rates, areas with poor healthcare facilities, and people who are technologically backward. The practice of witchcraft and witch-hunting is rampant in the state of Assam where tribal and rural people are guided by blind faith which invokes them to believe in witchcraft which leads to witch-hunting. As a result, many innocent people become victims and lost their lives over the years. Even educated people believe in witchcraft and this may be due to the evidence of harsh consequences of witchcraft faced by the so-called victims. This paper will focus on the magnitude of the practice of witchcraft and witch-hunting in the state of Assam and suggest measures to counter such a problem.

Keywords: Witchcraft, Witch-Hunting, Superstition, Tribal Community, Human Rights.

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THE VICES OF WITCH HUNTING IN INDIA FROM THE VIEWPOINT OF INTERSECTIONALITY

Babu Bethovan¹⁰

Abstract

India is a kaleidoscope of social diversities. Harmful superstitious beliefs originating from witchcraft, human sacrifice, and ritual attacks though frowned upon legally still run rampant in the modern societal realm. Witchcraft accusations have become detrimental to society towards the level of being officially identified as a cogent motive for the commission of heinous crimes.¹¹

In addition, caste differences, gender differences, and social, educational, and economic differences have savagely stratified the hitherto multicultural society. Resultantly several marginalized groups have matured within the Indian social fabric. These include women, transgender persons, tribal populations, ethnic minorities, socially and educationally backward classes, persons with disabilities, etc. Though equality and prohibition of discrimination are recognized as unassailable constitutional rights, for most of the time these marginalized groups are often victimized by witchcraft accusations and their fatal consequences owing to their unequal social status. They are subjected to persecution not just under a single social identity, but under intersectional social identities such as in the case of a woman belonging to a tribal population, an illiterate man recognized as belonging to a Scheduled Caste/Tribe community, or a transgender with disabilities.

To achieve the ideal of social justice this concern must be resolved at the grass root level through social reformation and enhancing the social conditions of the marginalized groups and, at the same time ensuring the sensitization of the other privileged groups concerning the perils faced by their societal brethren.

Keywords: Witch-Hunting, Intersectionality, Social Justice.

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¹¹ Ministry of Home Affairs, National Crime Records Bureau, Crime in India 2021 Statistics Volume I, Table 2A.2, Page No. 164.

SPIRITUALITY: A TOOL FOR MONEY LAUNDERING

Soumya Sharma¹² & Dr. Chander Mohan Gupta¹³

Abstract

Spiritual abuse is a practice going on for ages now. It happens when a person abuses another person's religious and spiritual beliefs to harm them, control them or abuse them. One such type of spiritual abuse is money laundering by fake and self-acclaimed spiritual leaders. In the recent trend, it has been discovered that this spiritual abuse has taken a few steps toward supporting economic offenses. Economic offences started since the introduction of currency and people in power have used religion as a mule to launder their black money. The fake ashrams and religious trusts work as shell companies and funds for terrorist groups. Church money laundering, Hawala money laundering, etc. are some of the examples where spirituality is used as a tool for laundering money.

Keywords: Spirituality; Money Laundering; Economic Offenses; Hawala; Spiritual Abuse; Spiritual Leaders.

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WITCHCRAFT AND HUMAN RIGHTS: EXPLORING THE EXTENT OF HUMAN RIGHTS VIOLATIONS AND THE ROLE OF FREEDOM OF CONSCIENCE AND PRACTICE AND PROPAGATION OF RELIGION UNDER ARTICLE 25 OF THE INDIAN CONSTITUTION IN ADDRESSING THEM

G. Ganesh Kumar¹⁴

Abstract

The Research Question is “Whether freedom guaranteed under Article 25 of the Constitution of India is a hindrance in the codification of law prohibiting the practice of witchcraftism.”

In India, people have traditional beliefs, customs, stories, and practices of a culture or community. It includes a range of expressive forms, such as myths, legends, folktales, songs, proverbs, and rituals, that are passed down from generation to generation through oral or written transmission. They follow the folklore.

However, the concept of witchcraft varies across cultures and belief systems, and its interpretation depends on social, political, and economic factors. Some argue that witchcraft is a legitimate form of spiritual or cultural expression that should be protected under human rights law, while others view it as a harmful practice that must be outlawed.

The question of whether witchcraft in the name of custom violates human rights is a complex and contentious issue. Witchcraft, defined as the practice of magic, spells, and other supernatural acts, has been historically associated with persecution and violence, particularly against women, marginalized communities, and those accused of practicing witchcraft. This has led to widespread human rights violations, including torture, discrimination, and even death. The article provides for the protection of freedom of religion and recognizes their right to preserve their language, script, and culture.

Keywords: Witchcraft, Religion, Human Rights, Legislation.

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A CRITICAL ANALYSIS OF THE DEVADASI SYSTEM AND ITS NORMATIVE FRAMEWORK IN INDIA

Afrin Khan¹⁵

Abstract

The Devadasi system remains a pervasive issue in the present society, particularly in the states of Karnataka, Maharashtra, and a few more. It is claimed as a cultural or spiritual practice wherein young girls are dedicated to the temples. Against this backdrop, young girls in the name of spiritual practice are subjected to sexual abuse and other forms of exploitation. Intersectional identities of the victim further increase their vulnerability to exploitation especially when a child is from an economically weaker background or of a scheduled caste. Over the years, states have enacted legislation aiming to curb this practice, however, despite these efforts, the phenomenon remains. In many ways, the concerned practice also finds a prohibition under the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Protection of Children from Sexual Offences Act, 2012. (POCSO). This paper critically explores the practice of the devadasi system and the impact it has on the victims. The paper aims to further analyze the normative framework that forbade the dedication of Devadasis. The paper will do this by identifying the major problems that are impeding the legislation's implementation and then proposing ideas to improve it.

Keywords: Devadasi System, Sexual Abuse, Intersectionality, Atrocities, Schedule Caste, and Child.

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WITCH-HUNTING IN INDIA: A THREAT TO THE RIGHT TO LIFE AND LIBERTY OF INDIAN WOMEN

Utsa Sarkar¹⁶ & Mohammad Saleem¹⁷

Abstract

Witchcraft traditionally means the use of supernatural powers or magic to cause some harm to others which results in some gains for the practitioners. The practitioners of witchcraft are commonly termed witches. The term originated in medieval and early modern European countries where it was believed that women were in possession of some malevolent magic that they used against others for their own gains. For the same accusation, they were even killed.

Throughout the colonial era, the same myths have persisted in India, and still in the 21st-century witch hunts are still a common occurrence. Witchcraft charges are typically levelled against elderly or single women who are members of marginalized groups or tribes residing in less affluent regions of the nation. Behind these accusations, the main intent lies in land-grabbing belonging to the women, settling personal grudges and even punishments for turning down sexual advances, etc. Under such accusations, there are a lot of atrocities, both physical and mental that the women must undergo. The 2021 NCRB report revealed six deaths were linked to human sacrifices, while witchcraft was the motive for 68 killings across the country with Chhattisgarh in the highest position followed by Madhya Pradesh and Telangana.

Thus, through this paper, the authors tend to dwell on such detrimental practices in the society wherein women are subjected to such hardships by considering the currently available legal recourses and the interplay between law and superstition in India.

Keywords: Witchcraft, Witch-Hunt, Life, Liberty, Women.

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EXAMINING THE PSYCHOLOGY BEHIND THE VICTIMS AND PERPETRATORS OF RITUAL ATTACKS & ITS RELATION TO GENDER AND RELIGION

Vedendra Prasad,¹⁸ Jivitesh Sisodia,¹⁹ Saumya Kaushik,²⁰ & Mishka Paswan²¹

Abstract

This paper seeks to shed light on the complex and pervasive issues surrounding the continuation of harmful rituals and their relationship with gender-based violence, which have a profound impact on individuals and communities worldwide. Harmful practices like the corrective rape of black African lesbians in South Africa,²² families honor killing their young women,²³ female genital mutilation among high school girls,²⁴ are still prevalent in societies worldwide. Many such ritual attacks are often justified through twisted religious justifications such as witchcraft accusations which are by no means a thing of the past.²⁵ Gender-based violence is a way to control and punish women for stepping out of line.

This study aims to explore the underlying psychological processes that fuel the continuation of such rituals, and the psychological impact on marginalized groups, with a particular focus on women and children. It gives insight into the psychological processes behind both the victims and perpetrators of these rituals. We examine the psychological impact of such rituals on the future of these societies with a specific focus on the long-term effects on the mental health of women and children. The paper concludes by highlighting the urgent need for adopting culturally sensitive, trauma-informed, and psychologically cognized approaches to addressing these issues with a particular focus on the needs of marginalized groups and to effectively break the cycle of every next generation following the same path, especially in relation to women and children.

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²² Mwambene, Lea, & Wheal, Maudri. (2015). Realization or oversight of a constitutional mandate? Corrective rape of black African lesbians in South Africa. *African Human Rights Law Journal*.

²³ Chesler, P. (2010). Worldwide trends in honor killings. 17. 3-11.

²⁴ Shiferaw, et al. (2017). Prevalence and associated factors of female genital mutilation among high school students in Dale Wabera Woreda, Oromia Regional State, Ethiopia. *International Journal of Medicine and Medical Science*.

²⁵ Philip Alston, "Of witches and robots: the diverse challenges of responding to unlawful killings in the twenty-first century", *Macalester International*, vol. 28, art. 7 (2012), pg. 5.

Keywords: Witch-Hunting, Gender-based violence, Mental Health

**AT THE INTERSECTIONS OF GENDER, AGE, AND CLASS:
VOICES FROM WOMEN SURVIVORS OF WAP IN GOALPARA,
ASSAM**

Dr. Poonam Kakoti Borah²⁶ & Sushmita Sen Khakhlar²⁷

Abstract

The history of early modern Europe (15th-18th century) is tinted with cases of witch-hunting which specifically targeted women. In the second wave of feminism, Mary Daly listed witch-hunting alongside other misogynist practices which were used to eradicate ‘undesirable’ women. Even after half a century of such writings, allegations of witchcraft and sorcery continue to be used against women to perpetuate gender-based discrimination. Within the state of Assam, witchcraft accusations and persecutions (henceforth WAP) constitute a specific form of Violence Against Women. Invariably community-sanctioned violence, Assam has borne witness to around 200 cases where women were persecuted and murdered since 2011. Though the state of Assam has state legislation that prohibits WAP, and community policing was used by Assam police to deter such crimes, cases are still reported in the media regarding such incidences. In the context of the above, the present paper attempts to place the lived experiences of WAP survivors from Goalpara district, Assam. Using a narrative analysis of interviews conducted by the researchers, this paper argues that the intersections of gender, class, and age become important in the identification of the ‘witch’ and her subsequent declaration and persecution. Women who have been labeled as witches are not only face a physical threat but also the associated social, cultural, political, and economic costs. The paper, therefore, attempts not only to describe the nature of WAP in Assam but highlight the related dimensions of social exclusion that women who are labeled as witches must endure.

Keywords: Witch-Hunting, Gendered-violence, Feminism, Intersectionality

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IMPACT OF COVID 19 ON GENDER-BASED VIOLENCE

Meghana Manoj²⁸

Abstract

Any harmful deed committed against a person based on their gender is referred to as gender-based violence. Rape, intimate relationship violence, stalking, kidnapping, female genital mutilation, child marriage, and other types of violence that are not just committed against women can fall under this category. Violence against queer and trans people is another aspect of gender-based violence. Gender-based violence can also include actions of harm committed against people based on their gender and sexual orientation. It is a widespread problem that affects almost every society in the world. It is rooted in gender inequality and is sustained by patriarchal power structures and social norms that enable it to persist for generations.

It is a widespread issue that has an impact on nearly all societies in the globe. The lack of awareness about the scope of gender-based violence in the United States severely impacts how adequately we can address it, even in times of relative stability.

According to a UN study, the increase in violence against women around the world during COVID-19 is a "shadow pandemic." This pandemic, which occurred concurrently with the viral one, was transmitted through public health measures like mobility restrictions, isolation from abusers, etc. rather than by coughing or sneezing. We are aware that GBV occurs in hospitals and courtrooms across the country in open daylight, affecting every aspect of our society. It is not the shadows, but the silence that systems of social shame, poor study, and a broken criminal justice system compel upon victims. We can better comprehend and address gender-based violence if we raise the voices of the women who are fighting against it. We can also learn how the COVID-19 pandemic has affected them.

Keywords: Gender, Shadow Pandemic, Women.

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THE GENDERING OF WITCHCRAFT: SEX-RELATED OR SEX-SPECIFIC?

Samantha Spence²⁹

Abstract

It is well established that the intended targets of witchcraft accusations, both historically and in the present day, are predominantly women. Witchcraft is undoubtedly an ideological concept. It is based upon a belief system, related to religion, culture, and superstition, which affects the way a person views the world, providing answers to otherwise incomprehensible natural phenomena, whilst regulating social relationships. The inability to accept responsibility for one's own actions and to shift blame to the vulnerable is key to the witchcraft discourse. However, the specific link between witchcraft and women is not always acknowledged. Historically, misogyny and patriarchy were not recognized as drivers of the witchcraft discourse, with religious ideology deemed to play a key role. Thus, claims women were part of the issue, but not the central issue is one of debate. This paper will examine the gendering of the witchcraft discourse asking whether the historical ideology was sex-related or sex-specific and whether the disposition of the contemporary witchcraft discourse retains its feminine nature.

Keywords: Witch-Hunting, Women, Patriarchy, Belief.

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‘INDRAJALA’ - INDIAN WITCHCRAFT PRACTICES: THE VILLAINOUS MYTH & THE REALITY

Dr. Vijeta Verma³⁰ & Amisha Priyadarshini Dash³¹

Abstract

Indigenous communities around the globe often engage in the practice of witch-hunting, in which specific women and vulnerable individuals are held responsible for unfortunate events and disasters. This belief is based on local perceptions, which associate these incidents with the targeted individuals. In rural held of India, women commonly face violent attacks, as well as being accused of witchcraft or labeled as witches, resulting in tragic consequences such as the victim's death, due to the ceaseless & incessant cycle of poverty and marginalization. Nevertheless, these accusations primarily stem from a hidden Brahmanical patriarchal conspiracy to maintain the caste hierarchy and control resources by targeting the most vulnerable group, Dalit women. Throughout history, it has predominantly been associated with women, who are accused of causing harm and are subsequently branded as witches, leading to their banishment, torture, rape, burning, and often, merciless killing. This cultural phenomenon has been prevalent in most societies worldwide, including India. Using ethnographic accounts and secondary sources, this paper seeks to explore why witch-hunting continues to thrive in India, the types of witch-hunting attacks, victims, the effectiveness of international, national, and regional legal instruments in regulating it, the shortcomings of the existing laws, and the underlying causes behind such incidents. This paper examines the violence inflicted upon Dalit women, focusing on the issue of witch-hunting. It delves into the caste system's influence, the reasons behind such crimes, as well as the inadequacy of legal frameworks and judicial systems in eliminating the problem of witch-hunting.

Keywords: Witch-Hunting, Women, Dalit, Brahmanical Patriarchy, Caste System, Central Legislation.

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WITCH HUNTING AND VICTIMIZATION OF WOMEN: THE UNNOTICED CRIME

Dr. Deepti Meena³² & Dr. Kaveri Sharma³³

Abstract

The Indian constitution ensures men and women equivalent rights regardless of caste, race, or ethnicity. It promotes social justice, which includes gender equity. Moreover, India has ratified nearly all human rights treaties as a member of the United Nations (UN) to fit in. However, the centuries-old superstitious practice of caste-based hierarchy in the Hindu community, as well as discrimination against low caste members, persist. Witchcraft accusations are not unusual either. The failure of India to address the practice of witch hunting adequately violates several core rights guaranteed by these treaties and conventions, including the right to non-discrimination, the right to life, the right to be free from cruel and inhuman treatment, the right to security, and the right to dispose of wealth. Accusations of witchcraft and witch-hunting activities continue to be significant issues in India, where many women witness violence as well as torture subsequent to being accused and persecuted. Numerous suffer grave physical and mental injuries, and some die. However, most of these instances go unreported because women and their families are afraid of repercussions. Poverty, systemic gender inequality, and inadequate legislation provide the background for this kind of conduct. This paper seeks to review and identify the findings of the literature that has previously been published regarding the trend of crimes against women in the form of witchcraft accusations and untouchability in India. Additionally, it will examine policies and suggest curative measures on the same so that accusations of witchcraft will be eradicated.

Keywords: Witchcraft, Poverty, Systemic Gender Inequality, Untouchability, Human Rights, United Nations.

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UNDERSTANDING SPIRITUAL ABUSE WITH MARGRET ATWOOD'S 'THE HANDMAID'S TALE': AN INTERDISCIPLINARY APPROACH TO GENDER ABUSE

Hamda Akhtarul Arfeen³⁴ & Priyanshi Gupta³⁵

Abstract

The idea of abuse stems from the notion of the 'authority' of one person over the other and using that power to exploit or manipulate an individual. Spiritual abuse is not a new concept, rather is as old as the Christian Society. It is a form of abuse where religion is used as a tool to control or manipulate a person's behavior which in turn leads to the exploitation of the underprivileged sections of society. Spiritual Abuse tilts on the idea of manipulating religious scriptures and philosophies to gain authority over an individual's physical, psychological, and emotional needs. However, the abuse that falls under the roof of 'religion' often overlaps with the freedom of religion, thus forming a grey area of cults or 'new religious movements' which is overlooked by the legal system. The rise in religious cults and unsupervised religious movements is leading to abuse and promoting radical thought processes that can cause anarchy soon.

This paper is an attempt to understand and elaborate on the concept of spiritual abuse relying on Margret Atwood's 1986 Booker Prize-winning novel 'The Handmaid's Tale, a futuristic dystopian fiction, that outlines a theonomic state that used religion as a weapon to exploit women's human rights. This renowned piece of literature can be relied upon when examining the dangers of Spiritual Abuse on the more vulnerable sections of society under the garb of religion. The paper endeavors to analyze the indications and effects of spiritual abuse on women and the violation of their human rights. It strives to use a piece of English literature to scrutinize the notion of Spiritual or Religious Abuse and accentuate the need to recognize this as a peril to society.

Keywords: Spiritual Abuse, Religious Abuse.

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ACCUSATIONS OF WITCHCRAFT AND HUMAN RIGHTS: EXPLORING THE RELATIONSHIP BETWEEN SOCIAL EQUALITY AND DISCRIMINATION

Sanjana Bharadwaj³⁶ & Rahul Gangurde³⁷

Abstract

Allegations of witchcraft have been a prevalent aspect of human history for numerous centuries and persist in various regions of the globe in contemporary times. Allegations of this nature are frequently employed to bolster established social structures and sustain prejudicial treatment toward underrepresented communities. The implications of such allegations can be grave and extensive, leading to bodily harm, societal ostracism, and even fatality. The phenomenon of witchcraft accusations has been a persistent feature in numerous societies across historical epochs and remains extant in certain regions of the globe in contemporary times. Allegations of this nature frequently lead to grave infringements of human rights, encompassing bodily harm, societal marginalization, and in some instances, fatality.

The comprehension of the dynamics of witchcraft accusations is significantly influenced by the notion of social equality. Accusations are frequently directed toward groups that are marginalized, including but not limited to women, ethnic minorities, and individuals with disabilities. The issue of accusations of witchcraft raises important questions about the relationship between traditional customs and basic human rights. The issue of accusations related to witchcraft is a matter of scholarly discussion, with some proponents highlighting their cultural relevance, while others assert their condemnation as a transgression of basic human rights.

The objective of this study is to investigate the correlation between allegations of witchcraft and infringements of human rights, with particular emphasis on issues of social equity and bias. We will also consider the broader implications of this issue, including the tension between tradition and human rights, and the role of international organizations in addressing accusations of witchcraft.

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Keywords: Witchcraft, Accusations, Human Rights.

STUDY OF ACCUSATION OF WITCHCRAFT OF WOMEN IN INDIA

Shatakshi Vyas & Reenu Bairagi

Abstract

All humans are born free, with equal rights and respect. Men and women are equal, and they have equal rights. Women, on the other hand, are always a source of concern everywhere. Despite her achievements and role in society, she nonetheless belongs to a class or group of society that is disadvantaged due to several obstacles.

Throughout history, several suspected witches have been hanged, drowned, and burned at the stake. Today, societies all around the world are persecuting alleged witches.

Both men and women are at risk of being accused, and children (especially girl children) have become particularly vulnerable to such charges in the last decade. Torture, starvation, abandonment, and death have all been reported in shocking detail.

Witch hunting has its traces in the past in almost every age. These evil practices are prevalent in India since antiquity. If we talk about India, this practice still sustains itself and it's quite rampant in various states, especially rural areas. There also exists bestial treatment towards women at the ground level. The present study focuses on witch-hunting violence in India, the superstitious behavior of society, different aspects of witch-hunting, historical perspective, legislation protecting it, reasons for its prevalence also needs suggestions to eradicate it. All aspects of the phenomenon along with its impacts.

Keywords: Rights of Women, Society, Alleged Witches, Accused, Witch-Hunting, Legislation.

**THE RAT CHILDREN OF SHAH DAULA IN PAKISTAN- A LEGAL
INVESTIGATION TO UNRAVEL THE RELIGIOUS
SUPERSTITION, ILLEGALITY, AND MYSTERY BEHIND
BEGGING MICROCEPHALIC CHILDREN**

Swarna Latha R³⁸

Abstract

Shah Daula of Pakistan, venerated as a miraculous abode of fertility hosts a staggering number of microcephalic children known as 'rats' or 'Chuhas' who are found with a distinctive shrunken cranium and a begging bowl. As a religious belief, the gullible childless couple makes a mannat to donate the firstborn child to the shrine of the Sufi Saint Shah Daula so that the succeeding children are born without deformities. Paradoxically, these deformed destitute children are regarded as divine creatures with different abilities, stripped of human dignity, and subjected to abuse. The rat children and their life of misery remain a mystery shrouded behind the veils of religious orthodoxy.

This paper seeks to understand the superstitious practice of retaining microcephalic children in the shrine through the two-fold arguments surrounding the shrine- one, Shah Daula as an asylum shrine for the disabled destitute children and another, as a concentration camp creating artificial microcephaly by deliberate deformation and exploitation by begging mafia. This paper also attempts to analyze the legal proscenium surrounding rat children through the application of national laws in the Islamic State of Pakistan. Having ratified the United Nations Convention on the Rights of Children (UNCRC) and the United Nations Convention on Rights of Persons with Disabilities (UNCRPD), Pakistan ought not to turn a blind eye to the issue. The paper laments the pathos of the deficit state intervention in the care and custody of children with special needs.

Keywords: Children, Disability, Human Rights, Legislation.

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HARMFUL PRACTICES AND CULTURAL BELIEFS IN AFRICA TOWARDS DISABILITY: A COMPREHENSIVE ANALYSIS ON THE IMPACT OF SUCH PRACTICES

Nidish Ravichandran³⁹ & Ayana KR⁴⁰

Abstract

Language, beliefs, practices, music, and art are just a few examples of how a particular people's culture might be described. Many different cultures have been influenced by Africa, which has been called the cradle of humanity. Even though the variety of ethnic groups in Africa contributes to a rich and varied cultural legacy, the concept of disability has long been evil, witchcraft, a curse, or taboo in most African cultures. Most African cultures are communal. Negative traditions and cultures continue to spread and become established social standards. The stigmatization and discrimination of people with disabilities have been substantially influenced by the link of disability with harmful practices in African cultures. Although there are various studies and research conducted by the UN, UNESCO, UNICEF, and OHCHR, there are a few aspects that lack such as low budgetary provisions, inadequate human resources such as special needs education teachers, social discrimination, and stigmatization among others. In Africa, a range of beliefs and attitudes underpin these alternative explanations that include assumptions, misconceptions, traditional beliefs and about the natural and supernatural worlds which have also led to bodily and psychological harm and ritual attacks. The reason for which such practices exist even now is due to the lack of understanding and awareness regarding the causes of disabilities and their resulting characteristics is a key factor in the stigma experienced by people with disabilities.

Keywords: Culture, Beliefs, Disabilities, Stigmatization, Discrimination, Ritual Attacks.

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THE IMPACT OF WITCHCRAFT-RELATED BELIEFS ON PERSONS WITH DISABILITIES IN SUB-SAHARAN AFRICAN CONTEXTS: ALTERNATIVE EXPLANATIONS

Charlotte Baker⁴¹

Abstract

How is disability understood and explained in sub-Saharan African contexts? And what are the implications of these understandings and explanations for persons with disabilities, their families, and communities? This presentation draws on the findings of fieldwork and workshops undertaken as part of the Disability Inclusion Africa project (2020-2022) with partners in Cameroon, Nigeria, and South Africa.⁴² The project explored ‘alternative explanations’, a term we use to refer to a range of explanations that stem from misconceptions, medical determinism, and religious or supernatural beliefs, which often intersect or are held simultaneously. Focusing on supernatural and witchcraft-related beliefs here, we examine their various consequences for persons with disabilities and those around them. We briefly discuss how we have engaged the arts to uncover these understandings and to address their consequences through applied theatre and creative writing, photographic exhibitions, and animations, which are now being used for advocacy by our project partners, including NGOs and disabled person organizations.

Keywords: Albinism, Disability, Alternative Explanations, Arts and Culture.

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⁴² The Disability Inclusion Africa project was funded by the UK Arts and Humanities Research Council and the Global Challenges Research Fund.

THE RIGHT TO HEALTH AND HEALTH SYSTEM STRENGTHENING: AN OVERLOOKED RESPONSE TO HARMFUL PRACTICES IN WITCHCRAFT ACCUSATIONS

Dr. Luciano Bottini Filho⁴³

Abstract

Witchcraft accusations and resulting harmful practices have recently gained attention from international human rights bodies. However, the right to health for victims of persecution has not been adequately acknowledged as a central obligation of States. Domestic and international human rights discourse has primarily focused on gender inequality and civil and political rights but has not effectively addressed public health neglect as an underlying reason for witchcraft belief or suspicion. For instance, the WHO Quality Rights framework and training materials do not directly support capacity-building in this area to address problems in the mental health services contributing to witch accusations. However, harmful practices related to witchcraft have exposed systemic failures in public health and health education, including the stigmatization of albinos and the wrongful identification of individuals with mental disabilities and dementia as witches. To develop a more comprehensive approach to human rights and witchcraft, this article proposes that the right to health be emphasized as a crucial element of advocacy and a rights-based approach through health system strengthening, access to mental health services, to eliminate harmful practices accepted as local conventions.

Keywords: Witchcraft Accusations, Mental Health, Harmful Practices.

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ABLEIST PRAYER AS A HARMFUL PRACTICE: DISABILITY DEMONISATION AND NOTIONS OF CURE ON THE AFRICAN CONTINENT

Faith Njahira Wangari⁴⁴

Abstract

Religious conversion is one of the most prevalent tools of the colonial project world over. Indigenous spiritual practices were demonized to carve out space and justify colonialism. The colonial project demanded an erasure and separation from the indigenous spiritual practices particularly spiritual ones for the Judaic religions.

These colonial religious practices were formalized in written form and deferred to a projected racially superior creator. Moral codes and understandings among indigenous communities were trivialized for the often lack of written references. With the spread of Judaic religions, came an intentional erosion of the indigenous ways of knowing and living. Unfortunately, most present-day conversations on harmful practices only focus on indigenous practices.

While in most indigenous communities some disabilities were ascribed to spiritual roles, Judaic religions and their texts framed all disabilities as needing cures and salvation. Most present-day national laws and policies have religious influences which assign negative attributes to those with disabilities.

In the proposed work, an interrogation of the conceptions and practices around disability in religious spaces that are focused on the cure will be done to conceptualize religious ableism. The work will focus on existing literature and secondary sources to illustrate how formalized religions are sites for harmful practices. This will be done through a decolonial approach infused with personal experiences as well.

Keywords: Religion, Harmful Practices, Colonialism.

⁴⁴ Scholar-Activist & Doctoral Researcher.

ELDERLY ABUSE IN INDIA

Dr. Misha Bahmani⁴⁵

Abstract

Elder abuse is one of the prime concerns under public health care in India. Unfortunately, elderly persons have faced abuse in various forms. This has been the result of various factors which have impacted their everyday lives. Sadly, there is a need to create awareness about the Senior Citizens Act to safeguard the interest of this population in India. Longitudinal Ageing study shows that since elders are not aware of this law, they were not able to ask for relief. Indian elderly population requires policies that safeguard and protect their interest.

This article will demarcate the different and strange factors which have resulted in elder abuse in India. The authorities should consider this form of abuse seriously. By reflecting on the various types of abuse that the elder suffers one would be able to understand what essential strategies the authorities are required to maintain for their safety in society. By enhancing social support and setting up of information desk the conditions of the elder population can be improved. The government should provide health screening facilities to their senior citizens. Financial security and societal connections need encouragement to prevent the surge of elder abuse. Governmental and non-governmental organizations should invest in supporting the facilities such as elder abuse helplines, health safety measures, and caregiver services which would be beneficial in developing strength and courage in them.

Keywords: Abuse, Elder, Health, Senior Citizens, Welfare.

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A CRITICAL STUDY ON HARMFUL PRACTICES VIS-À-VIS RIGHTS OF A CHILD: A SOCIO-LEGAL PERSPECTIVE

Aishwarya Suresh⁴⁶ & Mahesh Singh G⁴⁷

Abstract

Infanticide, or the practice of killing newborn infants, is still a significant problem in many parts of the world, including India. It's a result of deeply ingrained gender bias, where female infants are considered less valuable than male infants, and families prefer to have male children. This has led to a significant gender imbalance in the population, with fewer women than men in many parts of the country. Additionally, women who give birth to girls are often subject to unfair treatment, including neglect, abuse, and abandonment.

Women also face pressure from their families or communities to undergo sex-selective abortions or to give up their newborn daughters for adoption. As per a UN report India accounted for 32.11% of missing females over the past 50 years.⁴⁸ This is due to the perception that having a girl child is a burden. The UN says that, in India, approximately 2000 unborn girls are illegally aborted every day.⁴⁹

Addressing these issues requires a concerted effort from government and civil society organizations to implement policies and programs to protect girls' rights, promote gender equality, and eliminate discrimination and violence against women and girls. This includes initiatives to promote education, empower women and girls, and change social and cultural attitudes towards gender.

The right to equality is one of the most important aspects of Human rights. This paper aims to critically analyze the indifference and imbalance caused by the loopholes between theoretical and practical applicability and enforceability of law.

Keywords: Infanticide, Gender Bias, Coercion of Women, and Gender Imbalance.

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⁴⁸ India accounts for 45.8 million of world's missing females over last 50 years: UN report, The Print, June 30, 2020, <https://theprint.in/india/india-accounts-for-45-8-million-of-worlds-missing-females-over-last-50-years-un-report/451545/>.

⁴⁹ Female Infanticide, Vikaspedia, Sept 13, 2022, <https://vikaspedia.in/social-welfare/social-awareness/female-infanticide#:~:text=India%20is%20the%20only%20large,is%20currently%2011%20per%20cent.&text=The%20United%20Nations%20says%20an,aborted%20every%20day%20in%20India.>

‘PILLAI THOOKAM’ – THE HEINOUS RITUAL AGAINST INFANTS

Dr. Meena Kumary S⁵⁰ & Naveen Suresh⁵¹

Abstract

The Geneva Declaration of the Rights of the Child pinpoints its core principle as recognizing that mankind owes to the child the best that it must give and that children must be protected against every form of exploitation.

According to Article 19 of the UNCRC¹, ratified by India on December 11, 1992, the protection of children from all forms of violence and abuse shall be ensured by the state parties by formulating and implementing legislative, administrative, social, and educational measures. Article 24 (3) of UNCRC² vividly states that if traditional practices are prejudicial to the health of children, the state parties should take appropriate and effective measures to abolish such practices.

Despite the presence of such international agreements, constitutional provisions, and various national legislations for the protection of child rights, Kollemcode, a village situated in the Kanyakumari District sharing the boundaries of Kerala and Tamil Nadu, is the abode of a ritual termed as ‘Pillai Thookam’, which is one of the most inhuman and blatant violations of the rights of the child. According to this ritual, children who are less than one year old are placed in the hands of men who are being hung into the poles of a ‘Radham’ and are being pulled up to scary heights of about 40 feet and without any forms of safety precautions, the ‘Radham’ is pulled by people around the temple. Such inhuman superstitious rituals are being celebrated and the law remains silent as a mere spectator.

Keywords: Children, Human Rights, Child Rights, Ritual.

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⁵¹ Research Scholar, Central University of Kerala, Kerala.

CRITICAL AND COMPARATIVE ANALYSIS OF THE ISSUE OF WITCH HUNTING AS AN EVIL CUSTOMARY PRACTICE WITH SPECIAL REFERENCE TO JHARKHAND

Vijay Shekhar⁵²

Abstract

Witch hunts had a long history in the Chhotanagpur region, which was inhabited by the Santhal tribe, and many Oriental scholars (such as John Shore and James Forbes) had noted it as a "traditional practice in Singhbhum."

Witch-hunting occurred on a regular basis at the local level, but prior to 1857, the British had enacted a series of regulations outlawing witch-hunting as barbaric.

What was a crime changed overnight: previously, practicing witchcraft was a crime, but under new colonial law, witch hunting became the crime. This was not well received by the community.

Hardiman (2006), states that "colonial administrators failed to recognize the extent to which the notion of witchcraft was socially embedded and believed to be a matter of common sense".

In light of the above and keeping in view the current position in the state of Jharkhand this article tries to critically analyze witch hunts as a customary evil practice and with a socio-legal approach at hand, venture into the comparative study with other similar evil practices such as Triple Talaq and how they have been dealt with by the stringent legislations and Judicial activism even after being embedded in the roots of the society. This paper will also explore the possibility of dealing with Witch hunting in a similar manner and try and understand the position of international human rights on it.

Keywords: Witch-hunting, Customary Practice, International Human Rights, Tribes, Tripple Talaq.

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WITCH HUNTING IN INDIA: INTERSECTIONALITY OF PATRIARCHY AND CASTE

Kriti Misra⁵³

Abstract

“Everyone loves a witch hunt as long as it's someone else's witch being hunted.”

- Walter Kirn

What is the one commonality between Birubala Rabha, Chutni Mahato? That they are crusaders relentlessly fighting against the practice which brands a woman as a witch and accords an opportunity for others to persecute them sans any justification.

The practice is deeply ingrained in the patriarchal and casteist mindset which aims at annihilation of such women who don't fit in the hierarchy. Dayan Pratha, offers an easy leeway for perpetuating violence and abuse against women, who are often seen as weaklings and bodies lacking the rights of a primary citizen. The practice by its very nature qualifies as gross human violation.

Witch hunting has more to do about men asserting their power and control over women's sexuality and individuality. Witches are almost always women, and witch doctors (symbolizing good) are always men. It is a manifestation of Brahmanical patriarchal suppression ultimately undermining a woman in her society, and pushing her back into an even more vulnerable, propertyless, and resourceless position.⁵⁴

The article adopts the analytical methodology to navigate between the experiences of victims, caste hierarchy, and the legal framework for containing such practices. The author implends the need for stringent legislation as well as timely and sensitive interventions in the social and political ethos to end witch hunting in toto.

Keywords: Witch-Hunting, Women, Caste, Legislation.

⁵³ Research Scholar, B.A. LL.B. from Banasthali, Jaipur, and LLM from Banaras Hindu University.

⁵⁴ Gail Omvedt (1990) Violence Against Women: New Movements and New Theories in India, New Delhi: Kali for Women.

WE ARE THE GRANDDAUGHTERS OF THE WITCHES YOU COULDN'T BURN: RECLAIMING VIOLENCE THROUGH ACTIVIST WITCHCRAFT

Dr. Maggie Webster⁵⁵

Abstract

Often European and Western narratives of the 17th century 'Burning Times' include various interpretations as to why the majority of the killed were women (Hutton, 2017). Deepwell (2019) argues that stripping women, pricking their bodies with pins, and exploring intimate parts for the witch's mark was sexually motivated, and Lurhmann (2001) suggests the humiliation and killings were a public reminder of the need to suppress any women who questioned the status quo, hence the Witchcraft Trials were a form of symbolic violence that aimed to silence women's agency.

'We are the Granddaughters of the witches you couldn't 'Burn' is a meme that is used within social networking spaces such as Instagram and TikTok with the aim to reclaim women's voices and address female-centric social justice issues. More, the image of the wicked Hag-witch has become a signifier of feminist activism (Corcoran, 2022; Gibson, 2018). Today women use the hegemonic witch to fight against oppression through the "performance of alterity" (Harvey 2009: 27) and others themselves from the normative idea of women to raise awareness of injustices in society.

This paper explores the idea of symbolic violence on social media and discusses how groups of women reclaim the witch identity as a signifier of feminist power and, practice

⁵⁵ Course leader for Religion at Edge Hill University, UK.

Reference List Includes: Corcoran, M. (2022). *Witchcraft and Adolescence in American Popular Culture Teen Witches*. Cardiff: University of Wales Press; Deepwell, K. (2019). *Feminist Interpretations of Witches and the Witch Craze in Contemporary Art by Women*. *The pomegranate* (Corbett, Or.), 21(2), 146-171; Gibson, M. (2018). *Witchcraft: The Basics*. Milton: Routledge; Harvey, G. (2009). *Satanism: Performing Alterity and Othering*. Milton. Routledge; Hutton, R. (2017). *The Witch: a history of Fear, from ancient times to the Present*. Yale University Press.

Activist Witchcraft to reclaim any form of political, spiritual, or historical violence that is done to Women.

Keywords: Witch-Hunting, Women, Activism, Social Media.

WITCH HUNTING IN ASSAM: EVALUATING THE LEGAL SYSTEM AND SOCIAL REALITIES

Sofiul Ahmed⁵⁶ & Sakshi Pandey⁵⁷

Abstract

Assam continues to struggle with the social issue of witch-hunting. To stop this practice and give the victims legal protection, the Assam Witch Hunting (Prohibition, Prevention & Protection) Act, 2015 was introduced as a Bill of 2015 which finally saw its daylight after 3 years with the assent of the President. The effectiveness of this regulation is debatable, though it has tried its best to resolve the issue of witchcraft throughout the state. This essay offers a critical evaluation of the present legal framework and social realities concerning witchcraft in Assam.

The researchers in the following article will be analyzing the loopholes in the legislation and will also try to understand the social stigma associated with this heinous offense. The analysis reveals that the Assam Witch Hunting Act has several gaps, including inadequate implementation, weak penalties, and limited victim compensation. Insufficient initiatives for education and awareness, especially in rural regions, also contribute to the commitment of such offenses.

The study shall also emphasize the socioeconomic reality of witch-hunting in Assam. Several socioeconomic and cultural issues, including patriarchy, caste prejudice, and property disputes, are the primary causes of witch-hunting. A multi-dimensional approach will be required to understand and deal with this age-old crime to eradicate it completely from the soil of Assam.

Keywords: Witch Hunting, Legal System, Social Realities.

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ADDRESSING SORCERY ACCUSATION-RELATED VIOLENCE THROUGH COMMUNITY PEACEBUILDING

Bomai Witne⁵⁸

Abstract

Sorcery accusation-related violence has been evident in Papua New Guinea (PNG) for many years. The narratives of sorcery and forms of violence change over time. Lack of development and weak policing in urban and rural communities in PNG created a situation where many people interpreted contemporary circumstances such as illness and deaths in the context of sorcery beliefs, which lead to accusations and violence. The level of violence increases and spreads to many parts of the country that did not practice SARV in the pre-colonial era. The spread of SARV in PNG requires a holistic response that accounts for the cultural, linguistic, and emic views of sorcery and the specific circumstances that trigger SARV. In this presentation, I discuss the peacebuilding approach of the Yuri tribe of Simbu Province in PNG. The Yuri tribe comprised of over thirteen clans, formed a contemporary organization called Yuri Alaiku Kuikane Association (YAKA) in 2013 to mobilize locally appropriate peacebuilding resources to publicly denounce intra-clan wars and other forms of violence including SARV. The research findings suggest that men, women, and youth were victims of SARV and those who responded to protect survivors of SARV faced many challenges including risking their own lives. However, the inclusive peacebuilding process created agencies for community mobilizations within families, community leaders, women, youth, men, and village court magistrates to condemn SARV and advocate for social change and a peaceful community.

Keywords: Sorcery Related Violence, Papua New Guinea.

⁵⁸ Ph.D. Research Scholar at the Queensland University of Technology, Staff in the Division of Social Science at the University of Goroka.

WITCH-HUNTING OF DALIT, ADIVASI, AND VULNERABLE WOMEN IN INDIA: ASSESSING MOTIVATIONS, POWER DYNAMICS, AND LEGAL INTERVENTIONS

Aishwarya Karan⁵⁹

Abstract

The research aims to examine the motivations and power dynamics behind the atrocities on women in the name of witch-hunting from a sociolinguistic approach based on the association between words used for women who are declared by assailants as witches and the historicity of social understanding of ‘witches’ and witch-hunting in India by tracing adjudications by courts, administrative authorities and panchayats office bearers of which are often themselves complicit in the crime, thereby, underscoring the dynamic and progressive characteristics of the regressive phenomenon maintaining the hierarchy and power imbalance in the social order even in ‘modern’ age through a kind of law of the jungle.⁶⁰

Literature shows women from marginalized social groups as scapegoats - usually landless laborers, widows, infertile, single women, etc branded as witches, conspired to ostracize them to flee to acquire their property and/or to publicly assault, dominate and sexually abuse them.⁶¹ Western literature reveals that midwives and healers were found guilty of witchcraft when their cures resulted in the death of sick, or rebellious women who challenge established social order or hierarchy and were accused of being part of promiscuous activities in witchcraft cults. These are some contradictions as there is no evidence of witchcraft cults in India and the claim of rebellious women challenging established social order appears superficial from the vantage of Indian research where antecedents present it as a tool of domination to assert dominance. The research will attempt to understand the critical discourse of policy interventions by studying the interface between policy framework and social practice of witch-hunting in India in desperate need of reformation of administrative and social agencies.

⁵⁹ Ph.D. Research Scholar, Law Faculty, University of Delhi.

⁶⁰ NCRB Report (Vol I) (2021) -witchcraft was motivation for 68 deaths, human sacrifice caused 6 deaths across Indian states.

⁶¹ Research Study on Violence against Dalit Women in Different States of India by studying the Sources of Materials that are Available and Conducting Interviews of the Perpetrators, Victims, and Witnesses: A Report by Centre for Alternative Dalit Media (CADAM), New Delhi; Madhu Mehra and Anuja Agrawal, 'Witch-hunting' in India? Do We Need Special Laws, Economic and Political Weekly, Vol. 51, No. 13, 2016; Soma Chaudhari, Women as Easy Scapegoats: Witchcraft Accusations and Women as Targets in Tea Plantations of India, Vol 8, Issue 10, 2012.

BALANCING OF RELIGIOUS FREEDOM AND CRIMINALIZATION OF WITCHCRAFT AND RITUAL ATTACKS: INDIAN FRAMEWORK

Dr. Sini John⁶² & Arpitha Anna Mathew⁶³

Abstract

Man's desire to conquer the world with supernatural and magical powers has created a system that is now witnessing violence, mutilation, and killings of children, women, elders, disabled people, and particularly people suffering from albinism. The concept gets entangled when witchcraft and ritual attacks stem from religion. The justifiability of these harmful practices arises when religious communities like Satanism and devil worshippers provide a statement that their belief is justified and is under the Right to practice religion. We believed that this would never affect India just as how parallel lines never meet. Unfortunately, a parallel situation shocked the country when a couple made a human sacrifice and ate the victim's flesh in Kerala. The rise of faith healers seems to be a source of relief to the greedy, poverty-stricken, and desperate people. These harmful practices are substantially affecting human rights. The discovery of such practices must germinate from state action and criminal justice responses. The authors analyze how the Criminal Justice System can criminalize these offenders and develop a mechanism for the sensitization, social protection, and rehabilitation of affected persons.

Keywords: Witch Hunting, Religion, Criminal Justice System.

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⁶³ Student, 4th-Year B.BA. LL.B., Christ Academy Institute of Law, Bengaluru, Karnataka.

A STUDY ON COMMERCIAL WITCHCRAFT PRACTISES VIS-À-VIS THE LAWS PREVAILING IN INDIA

Shailesh Kumar Pandey⁶⁴ & Priyanshi Dubey⁶⁵

Abstract

For 1000 years, the practice of witchcraft has dominated the social structure of India, and after the enforcement of the constitution of India, every individual was given the fundamental right to practice, profess, and propagate any religion, which specifically includes freedom of conscience. By using this freedom of conscience, the commercialized practice of witchcraft has flourished among various segments of society. It has to be noted that in India currently, we don't have any central legislation that expressly prohibits and punishes witchcraft. Certain state-made laws are prevalent in different parts of India, but due to a lack of uniformity and limited study before the enactment of those laws, the provisions contained under such laws are inadequate to address existing challenges. The fundamental problem with witchcraft is that it is detrimental to health, social values, morality, etc. We often see advertisements claiming guaranteed success through witchcraft practices and most of such claims remain unregulated and unnoticed, and common people are falling prey to these luring advertisements. This paper will critically examine the existing legal framework to check and regulate commercial witchcraft practices that are prevailing in different parts of India. This research will critically analyze the provisions of 'The Ban on Witchcraft Bill, 2010' to give a correct outline of the prospective central legislative framework in the domain of commercial utilization of witchcraft in India.

Keywords: Commercial witchcraft, Fundamental Rights, Witchcraft practice, Witchcraft Bill 2010.

⁶⁴ Research Scholar, H.N.L.U., Nava Raipur, Chhattisgarh.

⁶⁵ Advocate At High Court of Chhattisgarh.

SHOULD ADULTS ACCUSED OF WITCHCRAFT OR POSSESSION RECEIVE MORE ROBUST PROTECTION WITHIN THE CRIMINAL AND CIVIL LAW OF ENGLAND AND WALES?

Prof Javier García Oliva⁶⁶ & Rev'd Dr Helen Hall⁶⁷

Abstract

This paper examines why accusations of witchcraft or possession can have an especially serious impact on those who receive them, and the impact of overlaying vulnerabilities experienced by many of the individuals who are the target (e.g., women, older persons, and those with mental health challenges within minority religious, ethnic, and linguistic communities). It also explains why a separate set of considerations apply to minors and justifies the scope of this study. It then explores the current provisions of criminal law which may potentially be applied to protect victims, before moving on to assess avenues for relief in civil law. Finally, it addresses the gaps within this current legal framework and asks how these might most effectively and appropriately be filled.

Keywords: Witchcraft Accusations, Vulnerability, Legal Framework.

⁶⁶ Head of Law at the University of Manchester.

⁶⁷ Associate Professor at Nottingham Trent University.

SUPERSTITIOUS PRACTICES RELATED TO WITCHERY: NEED FOR STATUTORY PROVISION IN ORDER TO PROTECT THE SOCIETY & THEIR RIGHTS

Mahima Saini⁶⁸

Abstract

In the 21st century, the era of development & technology people often believes and accept, things that can be seen through their eyes are only true. From this notion, they neglect the very fact, the alienation, and the belief of non – the existence of witchcraft has led to harm to many populations. While witchcraft practices are not openly discussed and recognized around the world, this practice has been followed through ancient times as well when people were open about witchery. Practices such as solitary witch/coven-based witches & etc, which practice black magic have resulted in the wide violation of Human Rights that include beating, banishment, cutting of body parts, and amputation of limbs. The paper attempts to ponder the shortcomings of the laws that are imposed by the states and their comparison with other state laws. This paper also highlights the seriousness of these human rights abuses through witchcraft and people's belief and faith in these practices. This paper also attempts to investigate the aspect of National & International failure perpetuates impunity & comparative study of laws which that are practices by the states for regulating witchcraft and the aspect of Uniform Law.

Keywords: Witchcraft, Violations, Human Rights, Statutory Provision, Regulation.

⁶⁸ Student, 4th Year BBA. LL. B (Hons.), School of Legal Studies, REVA University, Bengaluru, Kamataka.

DECODING EFFICACY OF THE LEGAL REGIME COMBATING WITCH HUNTING IN INDIA

Dr. Gitanjali Ghosh⁶⁹

Abstract

Branding people, particularly women, as witches and subsequently killing them is one of the lesser spoken about evils that plagues not just the Indian society but societies worldwide. The practices of “witch branding” and “witch hunting” are centuries old and unfortunately, continue to subsist till date. The data released by NCRB stands testimony to the same which evidence that between 2017 and 2021, a total of 394 people across the country have lost their lives to witch hunting. While a multi-faceted approach has to be adopted to curb this menace in its entirety, a vital solution lies in the enactment and effective implementation of stringent laws to combat witch hunting. A quick glance at the laws available in India leave much to be desired for. While there exist a few State legislations, the absence of a central legislation sticks out as a sore thumb. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is the only law that caters to the issue by categorizing it as an atrocity offence. As far as the states are concerned, Chhattisgarh, Odisha, Rajasthan, and Assam came up with their respective laws between 2005 and 2015. Nonetheless, there are several other states which are house to the practice of witch hunting but are yet to legislate upon it.

In this background, the paper aims at deciphering the legal regime governing witch hunting in India by comparatively analyzing the said State laws and whether the same can effectively contribute to eliminating this harmful practice.

Keywords: Witch Hunting, Women, Legislation, Harmful Practices.

⁶⁹ Assistant Professor of Law, National Law University and Judicial Academy, Assam.

BETWEEN BELIEF AND LAW: AN ANALYSIS OF WITCH HUNTING PRACTICES AND LEGAL FRAMEWORKS IN INDIA

Razina Ahmed⁷⁰

Abstract

Witch hunting is a phenomenon, which originated in medieval Europe. It has been rampant throughout the ages in many different parts of the world. Almost every year there are reports of this menace causing mayhem among different societies. It is a phenomenon, which employs violence within its fold. The violence is mostly directed towards women, though there are many instances of entire families being wiped away including male members and children too. The main causes behind this social evil are many, the primary cause being blind faith in superstitions. Many people have sightless beliefs in superstitions like blaming other people for the destruction of crops due to lack of rainfall and the main reason for the blame being suspicion of magic or sorcery by the person in preventing the rain from falling out from the clouds. These kinds of beliefs along with many other factors are the main catalysts behind the perpetuation of this social evil. Accusations of being a 'witch' refers to the alleged possession by an evil spirit in a woman (or much less often, a man) giving her supernatural powers to alter the course of nature. Witch-hunting has been practiced in India for centuries, and despite different legislation, it remains a significant challenge. The purpose of this paper is to analyze the legal frameworks that have been put in place in India to address the problem of witch-hunting. The paper investigates both national and state-level legislation and its efficacy in reducing witch-hunting. The paper also delves into the cultural and societal beliefs that support witch-hunting and their effect on the legal frameworks' implementation.

Keywords: Witch, Violence, Law, Women.

⁷⁰ Ph.D. Research Scholar, at Christ (Deemed to be University), Bengaluru, & Assistant Professor of Law at Presidency University, Bengaluru, Karnataka.

A STUDY ON THE LEGAL AND JURISPRUDENTIAL LIMITS OF THE ANTI-CONVERSION LAWS VIS-À-VIS RIGHT TO RELIGION IN INDIA- AN ANALYSIS THROUGH THE LENS OF EQUALITY AND JUSTICE

Deekshita Das⁷¹

Abstract

The Religious Freedom Laws in India have been passed in 8 states, namely, Odisha, Arunachal Pradesh, Gujarat, Chhattisgarh, Jharkhand, Madhya Pradesh, Himachal Pradesh, Uttarakhand, and recently an ordinance has also been passed in Uttar Pradesh in the year 2020. These Religious Freedom Laws are framed to condemn the forceful conversions in India. However, the judiciary has expressed its stand very differently on different issues. The legislation of the respective states has been read thoroughly, which reflects loosely attached provisions, which again lack cognizance of well-defined parameters for identifying forceful conversions and uniform definitions of fraud, allurements, etc. Nevertheless, the basal point of legal loophole lies where one fails to differentiate between such a conversion. The author has also tried to explain here how the Right to Conversion is being confused with the Right to Propagation under Article 25 of the Indian Constitution. The intention behind the Constitution makers is attempted to be analyzed in this paper keeping a fair scope for an assertive approach to everything. Religion and state have been two deciding pillars, and which have a central role in this paper, where the author has tried to uphold its relation as supplementary and complementary.

The paper shall try to bring out a holistic approach to studying the laws from an angle of equality and justice, keeping in mind the religious persecution across the country.

Keywords: Religion, Anti-Conversion, Law, Judiciary, Constitution, Propagation.

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DENYING ACCESS TO MEDICAL CARE IN THE NAME OF RELIGION: AN ANALYSIS

Baisemol Baby⁷²

Abstract

Everyone would have heard about abuse in relationships, but religious or spiritual abuse has become a common issue nowadays which can result in devastating effects on the victims. No religion is free from the presence of abuse, and it assumes different forms. In some cases, it will be mild while in some other cases, it will be severe. When a person uses undue influence in the name of religion to induce other people, we call it as spiritual abuse.

Constitutionally, India is a secular country and has no state religion. Constitution has chosen Secularism as its vehicle to establish an egalitarian society and has made it a part of the basic structure. Religion is a very sensitive topic and protection of religion is provided in our laws but the misuse of it is not considered properly.

Denying access to medical care in the name of religion can be considered as a form of spiritual abuse. Refusing to provide access to medical care jeopardizes the health and well-being of many people. Allowing healthcare providers and relatives to put their beliefs on the patients' health creates serious long-lasting effects on many people. Health care should be based on medical best practices and the health need of the patient and not based on personal, moral, or religious beliefs of the health care provider or relatives.

Keywords: Witch Hunting, Religion, Healthcare, Spiritual Abuse.

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