

Inclusion of witch-hunting under laws on domestic violence and sexual harassment favoured

November 30, 2013

Contrary to popular belief, widows and single women are not the only ones vulnerable to witch hunting. In fact, witch-hunting appeared to be a prevalent form of violence used to target middle aged women fully ensconced in their marital homes, according to a study. This indicates the need to think about witch-hunting also as a form of violence against women and be brought under the purview of Criminal Law Amendment Act, 2013, it said.

The field studies suggest that although the witch hunting draws upon superstition and involves gendered targeting of women, it is embedded in disputes, jealousies and tensions that fester between intimates, or arise in contexts where affordable accessible quality health care and education are largely absent.

The parading of women, tonsuring the hair, blackening face are forms of violation that involve more than physical injury, as they intend and result in humiliating the victim, destroying her social standing and dignity in her community. These can only be part of the penal code, not a special law, as they are particular but not limited to witch hunting; indeed, such victimisation is typical of community reprisal against social and sexual deviance by women.

Partners for Law in Development conducted a field study in three States - Jharkhand, Bihar and Chhattisgarh - with support from the Ministry of Women and Child Development to document and analyse trends in the contemporary practices of witch hunting as well as their interface with the law.

The findings of this study "Contemporary Practices of Witch Hunting: A Report on Social Trends and the Interface with Law" are drawn from three sources of research: a documentation of 48 case studies from the three States that had occurred in the last five-six years from select blocks in the following districts - Bilaspur and Janjgir-Champa (Chhattisgarh), Jamui (Bihar) and Ranchi (Jharkhand); data from 86 police records collected from the entire districts -Jamui Bilaspur and Gumla and Ranchi in Jharkhand from the years 2010 to 2012; and 59 High Court and Supreme Court reported case laws from 10 States.

The data collected through all the three sources indicates that witch hunting primarily targets women. In 46 out of 48 case studies, the primary victims were women. An analysis of the police records and the reported judgments also indicated 86 per cent primary targets of witch hunting to be women.

The victims cut across castes and communities, largely from weaker socio economic strata with the two seeming to belong to comparable social and economic strata. "We also found evidence of women being instigators of witch-hunting although men outnumber them in this respect.

Allegations about use of 'supernatural' powers are invariably present in cases of witch hunting. But land, property, jealousy, sexual advances and other common tensions between social intimates emerged as underlying factors a very large number of cases," the report said.

The police records (FIRs/ chargesheets) as well as reported appeal court judgments provide some insights into the point at which the criminal justice system begins to interact with victimisation connected with witch hunting.

As many as 71 of the 86 FIRs involved physical violence and hurt, in addition to other offences, such as theft, destruction of property, trespass and humiliation. The 15 cases, where physical violence was not found, complained of name-calling, abuses in combination with threat to life.

At least four of the five FIRs that were compromised and closed, involved name calling and threats with no indication of violence. The police records reflected particular forms of sexual and gender based violence. The study looked at the laws, the provisions are most frequently used and whether they provide redress that is commensurate with the nature and type of victimisation. The three States where the research was located, have special laws pertaining to witchcraft practices and harassment.

"Our data from police records show a consistent use of these laws, but almost always with the Indian Penal Code, from where the majority of the provisions related to beating, hurt, trespass, theft, murder, and conspiracy, are drawn. There are some cases where the IPC is invoked but the cases where the State law is invoked without the IPC are fewer. Some of these cases, in which the State law was invoked without the IPC are found to have been compromised and closed."

Keywords: [crime against women](#), [witch-hunting](#), [domestic violence](#), [sexual harassment](#), [Indian Penal Code](#)

Link: <http://www.thehindu.com/news/national/inclusion-of-witchhunting-under-laws-on-domestic-violence-and-sexual-harassment-favoured/article5408947.ece>