

Witch Hunting: A Case Study Of Tripura

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WITCH HUNTING: AN OVERVIEW

Witch can be defined as a woman having magical or supernatural powers, especially evil ones.¹ Oxford English Dictionary defines witch “as a woman having magical or supernatural powers, especially evil ones.”² Collins English dictionary has defined witch as a woman, usually an old woman, who has evil magical powers³. Until the year 1999 neither there was any legal definition of the term “witch” nor witch hunting for the reason that there was no penal law on the offences related to accusation of witch or witch craft practices and the offences related to witch hunting were dealt with under the various provisions of Indian Penal Code (I.P.C). A witch hunt involves “the search and pursuit of witches based on fantasy and hidden motives”.⁴

Hutton has identified important characteristics of witch⁵.

- Witches are the person who uses supernatural powers to harm others or cause misfortune on others.
- They do not harm strangers rather they harm the community members of the community i.e neighbors or their kith and kins.

¹ Oxford Advance Learners Dictionary, 7th ed., 2005, P. 1573

² Oxford Advance Learners Dictionary, 7th ed., 2005, P. 1573. Ronald Hutton, “The Global Context of the Scottish Witch Hunt” in Julian Goodare (ed), The Scottish Witch Hunt in Context, Manchester, Manchester University Press, 2002.

³ <https://www.collinsdictionary.com/dictionary/english/witch>. Last assessed on 17/3/2017.

⁴ Gary F. Jensen “The Path of the Devil: Early Modern Witch Hunts.”: Rowman and Littlefield, New York, 2007.

⁵ Ronald Hutton, “The Global Context of the Scottish Witch Hunt” in Julian Goodare (ed), The Scottish Witch Hunt in Context, Manchester, Manchester University Press, 2002.

- Witches are inherently evil and always act in malice.
- They do not operate in isolation but are trained in their skills.
- Counter magic can only be used to overpower them or to get rid of them.

There is no universally accepted definition of witch, the term has different connotations for different people and it varies from place to place. However, an element that is common amongst the people irrespective of time and places is that witch is considered as an enemy of human beings and has evil power to cause harm to people, animals, crops and agriculture of the people.⁶

The term contains an element of stigma and portrays the women so referred as an enemy of their male counterparts. Witch hunting is prevalent in around seventeen states of India and has resulted in violence, molestation and even murder. Assam is reported to have the highest number of cases of witch hunting in Northeast India. Next to Assam is Tripura. In spite of large number of cases of witch hunting has been reported in Tripura there is a dearth of studies on the phenomenon of witch hunting in Tripura.

DEMOGRAPHY OF TRIPURA: In order to understand witch hunt in Tripura one needs to understand the demography of Tripura and also the tribal social structure. Tripura is a small state in the North Eastern Region. The state is small with a population of more than three million; the social composition of Tripura is diverse. Approximately one-third of the population comprises of people belonging to the Scheduled Tribes. There are 19 sub-tribes among the scheduled tribes in the state with their own distinctive cultures.⁷ It is one of the most literate states of India and boasts of a sizable percentage of literate women. Tribals have lost their land and have been compelled to take up employment as laborers in nearby quarries, coal-fields, and the emerging towns as unskilled/semi-skilled workers or move permanently elsewhere for work as in the plantations that were opened up in Bengal and Assam. Only a small

⁶<https://www.scmp.com/news/asia/south-asia/article/1859886/witch-killings-haunt-indias-remote-villages> last assessed on 5.4 .2018

⁷ https://archive.india.gov.in/nowindia/state_uts.php?id=88 last assessed on 4.6.2018.

section among the tribals have been able to take advantage of the market forces leading to differentiations among and within the tribes on criteria such as education, occupation, income, wealth etc. Despite heterogeneity among and within tribals, they seem to share one point in common, that they are different from the dominant community of the region. The non tribals are seen as aliens and outsiders and there have often been situations of intense intercommunity conflict between the tribals and the non tribals.⁸

PHENOMENON OF WITCH HUNTING:

The process of declaring someone as a witch is a complex phenomenon and involves various stages which start with happening of some event or mis happening, it could be disease, misfortune, accident or loss of resources, etc. Witch hunt involves “the search and pursuit of witches based on fantasy and hidden motives”.⁹ They may be innocent but persecuted for carrying out some hidden objectives¹⁰. Then these incidents all or any of them can become the cause of holding someone responsible for it. The most common way to identify a witch is by taking the services of a sorcerer/healer who claims to have the power of identifying witches in the community. The identification of any person as a witch is generally done through the traditional healer called achai.¹¹ An ailing person when brought to the traditional healer the ailing person is tortured by the healer to procure the name of the person who is believed (to be someone from within the community) to have caused the illness. The person so named gets labeled as a witch. Subsequent to this the whole village ostracizes the person thus labeled. The person so accused of witch craft has to face stigma, isolation and ostracism in various forms. The family of the accused is

⁸ M. Sajjad Hassan” Understanding the Break Down in North East India: Explorations in State – Society Relations” Development Studies Institute, London, 2007 Available at <http://www.lse.ac.uk/internationalDevelopment/pdf/WP/WP83.pdf> last assessed on 2.6.2019.

⁹ Gary F. Jensen “The Path of the Devil: Early Modern Witch Hunts.”: Rowman and Littlefield, New York, 2007.

¹⁰ *ibid.*

¹¹ “someone who is recognized by the community in which he lives as competent to provide health care by using vegetable, animal and mineral substances and certain other methods based on the social, cultural and religious backgrounds as well as the prevailing knowledge, attitudes and beliefs regarding physical, mental and social well-being and the causation of disease and disability in the community” Cited in Ramashankar, S Deb and BK Sharma, Traditional Healing Practices in North East India Indian Journal of History of Science, 50.2 (2015) 324-332

also subjected to serious social and economic deprivations as a consequence of the labeling and ensuing violence.

Human Right Perspective of Witch Hunting:

Witch hunting involves extreme form of violence committed against individual or her family members and is violative of various human rights of the victims. When accusation of witchcraft is leveled against women, the suspected witch is threatened; dragged, beaten, forced to submit to humiliating ordeals for example she is paraded naked or is coerced into confessing to her supposed evil powers.¹² This is a violation of Universal Declaration of human rights. The so-called witches are at times banished from their homes and forced to live in shelters, where they endure “physically dehumanizing conditions.”¹³ They are afraid of reprisals at the end of community so do not return to their family.¹⁴ This causes the violation of right to life in general and right to shelter in particular. In extreme cases, accused witches are even butchered to death for the accusation of witchcraft.¹⁵ This is a violation of right to life contemplated under the Universal Declaration of Human Rights to life & liberty - The international law of human rights guarantees rights, to all human beings to have life, liberty and security of person¹⁶. In order to understand the India's international commitment towards the protection of various human rights of women accused of witch craft practice it is necessary to have a look of various human right instruments which are binding on us.

It crystalises that the following rights of the victim are violated in the process of Witch Hunting.

¹²Mensah Adinkrah, “Witchcraft Accusations and Female Homicide Victimization in Contemporary Ghana, Violence against Women” page 337, 2004.

¹³ Mensah Adinkrah “Witchcraft Accusations and Female Homicide Victimization in Contemporary Ghana” 10 Violence Against Women 328 cited in Maakor Quarmyne, Witchcraft: A Human Rights Conflict Between Customary/Traditional Laws and the Legal Protection of Women in Contemporary Sub-Saharan Africa, 17 Wm. & Mary J. Women & L. 475 (2011), <http://scholarship.law.wm.edu/wmjowl/vol17/iss2/7>, last assessed on 21.11.2018.

¹⁴. Partners in Law Development Report on witch Hunting in Assam: Individual, Structural and Legal Dimensions, Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2660709 last assessed on 21.11.2018

¹⁵ Johann Hari “Witch Hunt: Africa's Hidden War on Women, The Independent, Mar. 12, 2009, Available at <http://independent.co.uk/news/world/africa/witch-hunt-africas-hidden-war-on-women-1642907.html>. last assessed on 21.11.2018.

¹⁶. Article 3 of Universal declaration of Human Rights

- Protection against torture or to cruel, inhuman or degrading treatment or punishment¹⁷.
- Protection against arbitrary arrest, detention or exile.¹⁸
- Right to a fair and public hearing by an independent and impartial tribunal.¹⁹
- Right of not being subjected to arbitrary interference with her privacy and family, home or correspondence, nor to attacks upon his or her honour and reputation.²⁰
- Right to own property alone as well as in association with others, and to not be arbitrarily deprived of this property.²¹
- Right to freedom of thought, conscience and religion.²²

India is one of the signatories in the Universal Declaration of Human Rights, The International Covenant on Civil and Political Rights (ICCPR) 1966, The International Covenant of Economic, Social and Cultural Rights (ICESCR), 1966, The Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1975 and The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984.

Witch Hunting and Penal Laws of India:

All serious harm which are perpetrated against the victim of witch hunt have been contemplated in the penal code, which is almost always invoked in prosecuting offences connected with witch-hunting. Apart from Indian Penal Code 1860 The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has also been used to prevent Atrocities which have a class orientation. Later through an amendment in the year 2016 it also provided for creation of special courts for the

¹⁷. Article 5 of Universal declaration of Human Rights

¹⁸. Article 9 of Universal declaration of Human Rights

¹⁹ Article 10 of Universal declaration of Human Rights

²⁰ Article 12 of Universal declaration of Human Rights

²¹ Article 17 UDHR

²² Article 18 UDHR

speedy trial of such offences.²³ The members of scheduled caste and Tribes are still being subjected to atrocities and such crimes are on the rise.²⁴ There are a wide range of atrocities including humiliation, insult; forceful drinking and eating of obnoxious substance; women have been reported to be stripped off publicly. While there is evidence of its consistent use, but there is little evidence of the success of the provisions under the Indian Penal Code or within the provisions of S.C S.T Act which has necessitated the special laws in this context. In spite of special Penal laws for the prohibition of witch hunting in various states, we continue to witness the torture and degrading treatment rendered to the women accused of witch craft practice.²⁵

Witch Hunting Cases in Tripura: An Empirical Overview

A field study was conducted in eight districts of Tripura to find out the cases of which hunting. It was found that only one case each took place in Gomti and Dhalai district and two cases took place in West Tripura district in last fifteen years.

Gomati District- One (01) Case of Witch Hunting took place in last 15 years. The details of the case is following-

The case study of Witch Hunting case in Gomati District reveals that the victim was an old lady and the perpetrators of crime were neighbours.

Name of the place where incidence took place, police station where case registered	Under what sections case was registered and the name of investigating officers	Name of the victim, her age and address	Name of the accused, their age, relation to the victim and their address	If the charge sheet has been filed- case number and the courts in which filed
72 BARI , 19 km north from KILLA Police station Case	Case registered under section- 149/325 IPC Investigation	Smt. Jodhapati Kalai (70) W/O/ Lt.Rebati	Five accused and all are neighbours of victim 1.Bidhu Rai	Submitted to the CJM Gomati vide Killa PS Chargesheet

²³ Prevention of Atrocities Section 14.

²⁴ Alison Saldanha & Chaitanya Mallapur "SC/ST Act dilution" Buisness Standard ,Last Updated at April 5, 2018 06:43 IST

²⁵ Kabir "India Loves its Obsession with Witchcraft More Than its Women" The New Leam. Last assessed on 22.7.2019.

No.2012KLA017	Officer- SI Jahar Lal Debbarma	Chakma of 72 Bari PS Killa	Kalai (25) 2.Vulu Debbarma (26) 3.Manorajan Debbarma (30) 4. Rabi Kumar Kalai (18) 5. Rajesh KALAI (18) All residents of 72 BARI Killa PS	No.16/2012, Dated: 31.07.2012 u/s 341/149/323 IPC
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Source: Collected from Police Records during Field Study in 2018

The case study of Witch Hunting case in Gomati District reveals that the victim was an old lady and the perpetrators of crime were neighbours.

Dhalai District- One (01) Case of Witch Hunting took place in last 15 years. The details of the case is following-

Name of the place where incidence took place, police station where case registered	Under what sections case was registered and the name of investigating officers	Name of the victim, her age and address	Name of the accused, their age, relation to the victim and their address	If the charge sheet has been filed- case number and the courts in which filed
Duraichara under Kamalpur Police Station	Case registered under section- 302 IPC & 27 Arms act Investigation Officer- SI Subhrangshu Bhattacharjee	Smt. Kanapati Debbarma (60) w/o Shri Biswa Kumar Debbarma of Duraicharra Police station of Kamalpur	Two accused and all are near relatives of victim 1.Shri MANGAL Charan Debbarma (22) s/o Atibabu Debbarma 2.Shri HARENDRA Debbarma (28) Both are from Duraichara under Kamalpur Police Station	Kamalpur Police Station Charge sheet No.30/2015, Dated: 31.05.2015 u/s 302/34 IPC & 27/25(1-B) (a) Arms act

			Shri MANGAL Charan Debbarma (22) s/o Atibabu Debbarma is grandson of the victim	
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Source: Collected from Police Records during Field Study in

2018

The case study of Witch Hunting case in Dhalai District reveals that the victim was an old lady and the perpetrators of crime were near relatives. Dhalai is considered to be one of the remotest districts in Tripura with predominantly Scheduled Caste and Scheduled Tribes population.

West Tripura District- Two (02) Cases of Witch Hunting took place in last 15 years. The details of the cases are following-

Name of the place where incidence took place, police station where case registered	Sections under which case was registered and name of investigating officers	Name of the victim, her age and address	Name of the accused, their age, relation to the victim and their address	If the charge sheet has been filed- case number and the courts in which filed
Durgabari, Barakathala under Sidhai Police station	Case No. 2018SD1055, Dated:29.03.2018 U/S 325/34 IPC	Smt. Champa Rani Debbarma (28) w/o Sri Maran Debbarma of Durgabari Barakathala under Sidhai Police station	All accused are neighbours of victim 1.Sri Jyotirmoy Debbarma 2.Smt.Anita Debarma 3.Smt.Misa Debbarma 4.Sri Rakesh Debbarma 5.Sri Jugal Debbarma	Case is still under investigation and Charge sheet still not submitted

Rajghat under Lefunga Police Station	Case No. 2018LFG060, Dated:18.12..2018 U/S 457/327/380/325/34 IPC	Smt. Subh Laxmi Debbarma (50) W/O Sri Sukram Debbarma of Rajghat under Lefunga Police Station	All accused are neighbours of victim 1.Manu Debbarma 2.Ms. Bani Debbarma 3.Ms.Rinku Debbarma 4.Khokhan Debbarma 5.Radha Debbarma 6.Mantu Debbarma 7.Mrinal Debbarma 8.Biko Debbarma All accused are from Rajghat under Lefunga Police Station	Case is still under investigation and Charge sheet still not submitted
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West Tripura District is considered to be the most developed district in Tripura. But paradoxically it has reported the highest number of cases of Witch Hunting in Tripura. Both the victims were female in the age group of 25 to 50 years. The perpetrators of crime were neighbours.

The overall analysis reveals the following pattern-

- **Sex of the Victims:** In the course of study the researcher came across with the victims of which hunting in Tripura. In majority of cases the victims were women. Male members also became victim of witch hunting but in most cases they became secondary victims and suffered along with their families. A quack, who worked as an ojha (sorcerer), was hacked to death in Bishalgarh subdivision of Tripura's. His house was attacked. He was sleeping when the house was attacked; the victim was awoken and then killed.
- **Age of the Victims:** Study carried out in this context suggests that women of any age can be a victim of witch hunting. In the study carried out by the researcher it has been found that in majority of the cases age of the victims were of old age.

- **Marital Status:** The marital status of the victims varied from unmarried, divorced, widow and husband away from victim. In majority of the cases it was found that victim was married and was living with her husband.
- **Status of Husband Alive /Dead/Away from Victim:** In majority of the cases victims were living with her husband.
- **Social Status:** All the victims were from the members of Scheduled Tribes.
- **Source of Income:** Majority of the victims had some land and carried farming. They had land which varied from 02 kani to 10 kani. It was found that no correlation existed between the source of income and threat of victimisation.
- **Reasons of Victimisation:** When the victims were asked whether they believed some kind of disease that spread in the village or the community where they were living to be the reason of her accusation as a witch. Some of them did not reply, some of the victims accepted disease in the community as a reason of their labeling and also there were some victims who disagreed with the fact of their accusation as a witch due to some disease or sufferings related to disease. Conflicts, superstitions and rumor were other causes of woman being accused of witch. Involvement in “Tantrik” work was also found to be a cause of accusation.
- **Relation of Victims with Perpetrators:** In majority of the cases relatives along with community members mainly neighbours were involved in the process of victimisation.
- **Support of the Family:** On the issue of support of their family members all of them replied that their family members were very supportive and few victims also informed that on their family were very agitated on the issue of their accusation. The family members of the women so accused found them to be helpless so couldn't defend the victim. In some cases they tried to even to search the accused (with the help of Ojha) who labelled them witch.
- **Nature of Torture:** Victims were also asked whether there were some customary practices in the process of accusations. Some of the victims informed that when the Ojha declares a woman to be a witch, the victim has to confess publicly that

she is a witch. In order to save her life she has no other option. Once she makes a confession she is declared as a witch. In all cases there was physical and mental abuse. The nature of torture ranged from thrashing, dragging, beating, rape etc. They were at times compelled to eat substances which human beings are not expected to eat.

- **Educational Status:** Majority of the victims were illiterate however some of the victims had also completed upper primary schooling.
- **Penal Laws applied to deal with the offenders of witch hunting-** Following sections of Indian penal Code were applied -Section 302²⁶, Section 307²⁷, Section 323²⁸, Section 354²⁹, Section 503³⁰, Section 34³¹, Section 339³², Section 448³³, Section 324³⁴, Section 342³⁵, Section 114³⁶, Section 343³⁷, Section 509³⁸, Section 149³⁹, Section 447⁴⁰, Section 449⁴¹, Section 500⁴², Section 511 of I.P.C⁴³. There was no application of Prevention of Atrocities Act, 1989. Tripura has not made any special law to deal with such offenders. Police officials were of the view that provisions of Indian Penal Code after the amendment of 2013 are sufficient to deal with such offences.

Conclusion: Witch hunting is an archaic practice and still prevalent in Tripura. It is a common misconception that illiteracy and superstitions are the reasons of witch

26 Punishment for murder— Whoever commits murder shall be punished with death, or 1[imprisonment for life], and shall also be liable to fine.

27 Punishment for attempt to murder.

28 Punishment for voluntarily causing hurt.

29 Assault or criminal force to woman with intent to outrage her modesty.

30 Criminal intimidation

31 Acts done by several persons in furtherance of common intention

32 Wrongful restraint

33 Punishment for house-trespass

34 Voluntarily causing hurt by dangerous weapons or means

35 Punishment for wrongful confinement

36 Abettor present when offence is committed

37 Wrongful confinement for three or more days

38 Word, gesture or act intended to insult the modesty of a woman

39 Every member of unlawful assembly guilty of offence committed in prosecution of common object.

40 Punishment for criminal trespass

41 House-trespass in order to commit offence punishable with death.

42 Punishment for defamation.

⁴³ Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment.

hunting. The study however reveals that contrary to the misconception, witch hunting is used to pursue the hidden objectives or coerce the victim to compel her to concede to unjustified demands of the perpetrators of the crime. The perpetrators are in some way related to the victim. The relationship may be near or distant, however in most of the cases the perpetrator of witch hunting and the victim are near relatives or neighbors and occasions have arisen for interaction between them. In majority of the cases the latent motive of witch hunting has been economic or material gain. The State of Tripura has not made any special Penal law to deal with the offence of witch hunting. Law enforcement agencies have failed to understand that the offence of witch hunting is qualitatively different from other offences contemplated under Indian Penal and thus have treated it like other offences under the Indian Penal Code and have applied various sections of Indian Penal Code against the perpetrators of witch hunting.

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