

# Laws on witchcraft in Indian states

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**In news**—Two women in Kerala were allegedly abducted, beheaded and buried as part of a “witchcraft ritual”. In this context we will look at some of the laws by Indian states.

## **Laws in Indian states—**

- **In India, there is no common central law that criminalises actions furthering the belief in witchcraft, but state laws do exist.**
- **Also, Maharashtra and Karnataka have Acts related to black magic and superstition, but they do not mention witchcraft in particular.**
- **Apart from curbing superstitious beliefs, such laws have been introduced mainly to protect women, who are identified as “witches” by local people.**
- **According to the 2021 National Crime Records Bureau report, three states in India – Chhattisgarh (20), Madhya Pradesh (18) and Telangana (11) – accounted for 49 out of the 68 registered cases of witchcraft in the country.**

## **Bihar and Jharkhand-**

- **Bihar became the first state to introduce a law on the matter in 1999. The state’s Prevention Of Witch Practices Act, 1999, says it was intended to “provide for the effective measures to prevent the witch practices and identification of a woman as a witch and their oppression mostly prevalent in Tribal areas and elsewhere in the State of Bihar and to eliminate the woman’s torture, humiliation and killing by the society”.**
- **Witches were defined as women who were thought by**

**members of the society to possess the power of harming others** through the art of black magic, evil eyes, or “Mantras” (chants).

- A jail term extending up to three months or a fine of Rs 1,000 is mentioned for those who caused harm to a woman by branding her a witch.
- **The law was cognizable and non-bailable** meaning a police officer could make an arrest without a warrant, and bail is not automatic given the serious nature of the offence.
- Along the lines of the Bihar law, the newly independent state of **Jharkhand came up with its own law in 2001.**

### Chhattisgarh-

- The **Tonahi Pratadna Nivaran Adhiniyam came into force in 2005, where ‘Tonahi’ is another word for witch.**
- It set the punishment for identifying any person as Tonahi to be extendable up to 3 years.
- It also set a punishment for harassment as rigorous imprisonment for a term of up to 5 years. **The acts of alleged curing of a person and harming animals were also included as punishable.**
- It was estimated that from 2001 to 2015, in the 1,500 police cases reported in the state, over 90 per cent of the women were either widows, or women separated from husbands, or women with no children.

### Odisha-

- Its 2013 law intended to “provide for effective measures to tackle the menace of witch hunting”.
- **It also first made the mention of “witch doctors”** who claim to cure women, and announced punishments for them.
- Causing harm to a woman’s mental health was included as a part of witch-hunting.
- As per the law, **the state government may create more**

**schemes on the matter for furthering awareness** among people “on blind belief and educating people about the absurd concept of evil spirit”.

### Rajasthan-

- **The Rajasthan Prevention of Witch Hunting Act, 2015**, had some similar provisions as the previous laws.
- It added a section stating: “Whoever forces a woman, branding her as witch, to drink or eat any inedible substance or any obnoxious substance or parade her naked or with scanty cloths or with painted face or body or commits any similar acts which is derogatory to human dignity...shall be punishable with rigorous imprisonment”.
- The term was to be not less than three years and extendable to seven years or with a fine of not less than fifty thousand rupees.
- Additionally, it punished witchcraft itself as a practice and specified different kinds of punishments for a person claiming to be a witch doctor.

### Assam-

- The state that **most recently came up with a law against witchcraft in 2018**, Assam built on the previous laws, created more specific provisions and increased the levels of fines and punishment.
- Unlike the previous laws, it also laid down measures for the police to protect people when such reports are received by them in the first place – such as warning those believed to be spreading harmful information, and taking the possible victims to a protective or shelter home.
- **It also mandated the right to free legal service aid for the victim.**

### All India-

- In 2016, The Prevention of Witch-hunting Bill, 2016, was

introduced in the Lok Sabha.

- It had sections covering a range of issues – from the reasons a woman may be deemed a witch by people to the rehabilitation and awareness programmes the government should carry out.
- However, it did not go through further stages of consideration in Parliament.