

Targeting the Vulnerable: Witch hunting and Violation of Women's Right in North East India

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INTRODUCTION:-There are different names which are used for calling the woman accused of witch hunting. The name varies from place to place for example “tonhi”, “dakani”, “dayan” etc. But the element which is common in all these terminologies involve pain and humiliation. The woman labelled as witch are tortured and ostracized. According to National crime record bureau 2097 murders were reported between 2000 and 2012, where the motive of Murder was “witch hunting”.¹ It is prevalent in 17 states of India and involves violence, molestation and murder apart from other Physical and mental sufferings. It is worth mentioning that actual data related to offences committed in the course of witch hunting is higher than cases reported by national Crime Record Bureau. Sometimes offences related to witch hunting is not reported. There are silent sufferings where women suffers in the name of witch hunting. Unfortunately in the process of witch hunting it is not just the person who are targeted as witches has to suffer the family members also suffer. Children and spouse of the victims of such offences are the secondary victims of “witch hunting.”

Witch hunting is a kind of “gender based violence” which undermines the dignity of women. There is an urgent need to recognise the different causes and patterns of “witch hunting”. It is not confined to offences against body and offences against property only. The victimisation extends to humiliation and social boycott. They are deprived of using common resources like water resources and other public places, and at times they are physically displaced from their inhabitation. The conceptual framework and policy aspirations for the future study related

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to “witch hunting” needs to be broadened to imbibe the non-physical forms of violence which remains largely neglected under the Penal Laws of the land. The widespread violence in the name of “witch hunting”, its social tolerance and state negligence in combating the practice constitute human right violation of the victims which has been for a long time ignored or unacknowledged as a human rights issue. The problem exist partially due to the negligence of state and also because of the fact that the offence is at time considered as individual complaint. The prevalence of such in human and archaic practice questions India’s civilizational values. The inhuman practice and associated violence against women has posed a challenge to the functioning of Indian democracy. Unfortunately there’s no law at the national level to combat such a heinous practice. Attacks against the victim violate their human rights including right to life, liberty, security, the right to hold property and in some cases prohibition against torture. The consequences of witchcraft accusations, culminate in “social and economic marginalization”, which is also human rights violations.

The denial of basic human rights to any section of the society affects the society as a whole. But the denial of basic rights of women affects the society the most because the women are vulnerable as compared to other components of the society. Under the constitution of India women have been given equal rights. The constitution of India contemplates Social Justice to all the sections of the society. Thus it advocates for gender justice and women empowerment. Gender justice is an integral component of Social Justice. But practically the society has given only rhetoric status to women which is far from the actual realisation of women’s right. Hilary Clinton in United Nations Fourth World Conference on women rights in Beijing declared that “that it is no longer acceptable to discuss women’s rights as separate from human rights”.

India has ratified almost all human right conventions related to human rights. Its failure to address the issue of human rights violates various basic rights provided by treaties and conventions including the right to nondiscrimination, the right to life, right to be free from Cruel and inhuman treatment, the right to security, the right to dispose of wealth and be provided with adequate living conditions, the right to access to national tribunals, and obligation to adopt legislative measures for the protection and promotion of human rights.

India has an obligation to ensure equality and protection from discrimination. If such practices are allowed to continue it violates the right to equality and obligation to protect against discrimination. It is in this context the present study acquires relevance. It seeks to investigate how this practice has made its way into the social structure and cultural practices. How does the practice of which hunt violate women's right? What are the international conventions against the violence against women in general and which hunt in particular? The India's failure to check the archaic and inhuman practice itself violate the conventions.

**LABELLING 'WITCH' AND PRACTICING 'WITCH-HUNT':
LOOKING THROUGH THE LITERATURE ON WOMEN AND
WITCH HUNTS-**

Ronald Hutton has identified five major characteristics of the witch. "One, the witch is a person who uses napparently supernatural means to injure others or to cause misfortune. Second, a witch harms members of a community such as neighbors or kin rather than strangers. Third, the witch is inherently evil and conducts actions in malice or envy. Fourth, the witch works in a tradition, meaning that the witch is not an isolated individual but is someone who has training for her skills. Fifth witches can be defeated or removed through the use of counter magic by other individuals."² Terms such as witchcraft accusations³, witchcraft allegations⁴, witchcraft branding⁵, or witchcraft stigmatization⁶ are frequently used in order to try to capture the belief that someone is a witch and the act of labelling them as a witch. A witch hunt involves the search and pursuit of enemies (witches) based on fantasy and hidden motives.⁷

Witch hunt is a process which involves the pursuit of witches which are considered to be enemies of the people. The idea behind the pursuit of witches is based on fantasy and sometimes there are hidden motives also. Jensen argues that witch hunt is a type of social control. It is a kind of organised attempt to control people or groups by making accusations of deviance through institutional control mechanisms. Projection of a person as a witch is generally fearful and oppressive. The causes of witch hunt which has been identified by various Scholars are economic conditions (particularly the struggle for property between family or village level conflicts) illness, disease, and gender conflicts⁸. Thus the literature suggests both micro (i.e. family disputes and macro factors (i.e. general issues and disease) as responsible for prompting attacks. Social events like ecological changes, epidemics, famine, storms

and internal conflicts caused by economic political and intellectual revivals and declines contribute to socio cultural distortion which leads to cultural disorganization. "'witchcraft,' and the like are viable (and sometimes the only) explanations of misfortune (especially in situations where traditional coping mechanisms have been lost or rendered ineffective)."⁹

Various scholars have tried to provide the theoretical models to explain which hunt related violence¹⁰. Soma Chaudhary¹¹ has propounded the concept of dual deviance to explain the phenomena of witch hunting. There are some important questions that need to be answered in context of "witch hunt" why witch hunt takes place in the society? What purpose does it serve? One of the explanations of the functional model of witch hunting has been given by Jensen¹² who applied Stinchcombes logic of functional explanations to theories on witch hunt. Scholars studying the phenomenon of witch hunt have used various theories to explain the phenomena. While the functional theory refers to deviance as the normal response to abnormal social conditions, scape goat theory refers to punishing people or groups who are held responsible for problems and situations they did not cause. Different authors have tried to operationalize the term violence against women. Dobhas and Dobhas define it broadly: "the inclusive manner to encompass verbal abuse, intimidation, physical harassment, homicide, sexual assault and rape; a long list of orientations, acts, and behavior s, acts, and behaviors has been referred to as violence against women."¹³ Hayward has given a different operational definition of the term as "any act of commission or omission by individuals or the state, in private or public life, which brings harm, suffering or threat to girls and women and reflects systematic discrimination, including harmful traditional practices and denial of human rights because of gender"¹⁴ Kelker defines violence against women not only as a physical violence towards women but also as a form of exploitation discrimination and the creation of an atmosphere of terror and other forms of religious cultural and political violence¹⁵.

Moser¹⁶ and Galtung¹⁷ have provided the operational framework to study violence against women. Moser identifies a gender based violence in terms of political economic and social balance which are interrelated.¹⁸ Gaulting takes into consideration ideological and symbolic violence also. Scholars have studied witch hunt and related violence against women from Human Rights from human right perspective. Feminist approach to human right focuses on human rights from the

feminist perspective so the human rights from this approach takes greater account of women's lives¹⁹.

WITCH HUNT AND VIOLENCE AGAINST WOMEN:- The UN defines Violence against Women (VAW) as, "Any act of gender based violence that result in, or is likely to result in, physical, sexual or mental harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life"²⁰ "Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement."²¹

According to Amnesty international "women from different countries and continents, from diverse religions, cultures and social backgrounds, educated or illiterate, rich and poor, whether living in the midst of war or in times of peace, are bound by a common thread of violence often at the hands of the state or armed groups, the community or their own family"²² In the words of UNIFEM "at least one of every three women around the world has been beaten, coerced into sex, or otherwise abused in her life-time with the abuser usually someone known to her. Women are at the receiving end of domestic violence, sexual assaults, and harmful traditional practices like genital mutilation, dowry murder, honor killings, early marriage and human trafficking."²³

It is difficult to estimate the number of incidents of gender the best violence but it is estimated that the number is significant. South Asia is also known to be "the most gender insensitive region in the world."²⁴

"Witch craft is seen as a manifestation of evil believed to come from a human source". Hence accusation of being a witch refers to the alleged position by an evil spirit in a woman giving her supernatural powers to alter the course of nature. Witch hunting is the search for suspected witches, once a woman is suspected of being a witch she is tortured and subjected to inhuman treatment by the community. In fact "witch hunting is a kind of cultural violence against women". Believe in witchcraft can be conceptualised "as an attempt to rationalize the misfortune occurring in the life"²⁵. Belief in witchcraft shapes perception and provides an answer to why misfortune takes place "Unexpected hardship or bad luck, sudden and incurable diseases, all can be accounted to the actions of evil people, to magical forcethe diagnosis of witchcraft opens up the possibility of combating the causes

of hardship."²⁶ Witchcraft is real for those who believe in it and there is no point in pretending that witchcraft do not exist in a society where people believe in witches²⁷ if we really want to address the issue of witch hunting. Unfortunately belief in witches is held by both educated and uneducated people the wealthy and the poor the old and the young in various societies. Believing in witchcraft may not be problematic but the actions taken in consequence of the belief creates the problem and violate Human Right standards.²⁸

The witchcraft allegations expose the person to social humiliation, violence and in some cases to death. In many cases, "to be labelled a witch...is tantamount to being declared liable to be killed with impunity."²⁹

WITCH HUNT AND VIOLATION OF HUMAN RIGHTS-Hillary Clinton in the United Nations fourth world conference declared that it is no longer acceptable to discuss women's right as separate from human rights she said that "if there is one message that echoes from this conference let it be that human rights are women's rights and women's rights are human rights, once and for all." Human rights are the rights to which every human being is entitled. Originally they were called as natural rights or the rights of man and included right to life, liberty and Pursuit of happiness. Gradually the scope of human rights have been broadened to include social benefits such as social security right to have rest, leisure and education. These rights have been considered to be basic for the human existence. "The advocates of women's rights are moving towards the understanding that the demand for human rights namely equality of participation, opportunity in all spheres of life should be directed to all the institution that shapes the structure of the society and sets the agenda of women's lives." The women's right was acknowledged as human right when the United Nations general assembly adopted the convention on the elimination of all forms of discrimination against women. Discrimination against women Discrimination was defined as "any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women in the political, economic, social, cultural, civil or any other field". The convention is a most comprehensive document and a significant attempt to bring half of humanity into the canvas of human rights. In fact its spirit is rooted in the role of the United Nations to reaffirm "to reaffirm faith in fundamental human rights, in the dignity

and worth of the human person, and in the equal rights of men and women”³⁰

The convention recognises that the achievement of equal rights of women and men require gender specific policies and programmes. Even if the steps are taken to address the issue of labelling a woman as a witch may provide temporary relief to the victims but the label of being a witch follows an individual throughout her entire life. Those who are accused of being a witch may at times have to leave their home to escape anticipated attack. The consequences of accusations of witchcraft violate wide range of human rights like life, liberty, security, and right to hold property and in some cases prohibition against torture. Social exclusion resulting from an accusation violates the International Covenant on Civil and Political Rights³¹ protection against “arbitrary or unlawful interference with privacy, family, home or correspondence, and against unlawful attacks on honor and reputation.” The International Covenant on Economic, Social and Cultural Rights recognises the right of every person to have “the highest attainable standard of physical and mental health.” UDHR under Article 3 provides, “Everyone has the right to life, liberty, and security of person,”³² Human Rights organisations have taken note of the violation of various human rights due to the accusation of being a witch. The human right organisations have expected the governments to take effective measures to stop these accusations. Similarly, the U.N. General Assembly’s Resolution on Extra- judicial, summary, or Arbitrary Executions in 2009, urges states to, “ensure that the practice of extrajudicial, summary, or arbitrary executions is brought to an end....take effective action to prevent, combat, and eliminate the phenomenon in all its forms and manifestations,”³³ United Nations Committee on the rights of child have imposed an obligation on the governments to stop the accusation of children as a witch³⁴. United Nations has urged many states, including Ghana, India, Mozambique, Papua New Guinea, South Africa, and Tanzania, to take preventive action against witchcraft accusations. “It is extremely dangerous to defend our rights, but it would be infinitely worse not to do so. If we do not struggle with all that we have and do all that we can to vindicate our rights, we do not only condemn our rights to death, we also condemn our hopes and dreams and our present and our children’s future”³⁵.

WITCH HUNT: VIOLATION OF WOMENS RIGHT IN INDIA-Women in India is exploited in number of ways like domestic violence, marital rape, incestuous relationship, dowry related victimisation, and “witch hunting” related violence. The most inhuman act to which women in India has been subjected to witch hunting or accusations of witch craft. The Northeast region of India comprises of eight states – Assam, Nagaland, Manipur, Arunachal Pradesh, Mizoram, Tripura and Sikkim.³⁶ Though the practice of witch hunting is there in various states like Rajasthan, Bihar Jharkhand Orissa. But North East India presents a very horrifying picture around 77 people were killed and 60 were injured in witch hunt related offences between 2005 to 2015 in Assam³⁷. Similarly around 18 people including 13 women were killed within two years in Tripura³⁸. This region is poorly connected to the mainland of India by a small corridor, and is also surrounded by countries such as Bhutan, Myanmar, Bangladesh and China. It has been for a long time known for various political and ethnic conflicts. There is abundance of literature regarding the political and ethnic conflicts in India. Implications of these conflicts on the socio economic condition of the people has been documented but very limited studies have been carried out to study the implications of these conflicts on the socio economic status of women, their everyday struggle and experience.

CONCLUSION AND SUGGESTIONS:- The constitution of India advocates social justice, a component of which is gender justice. What is demanded by women is not charity, grace or legal aid. As members of the United Nations (UN), India has ratified almost all human rights conventions. India’s failure to adequately address the practice of witch hunting violates several core rights provided by 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, the right to dispose of wealth and be provided with adequate living conditions, the right to access national tribunals, and the obligation to adopt legislative measures. India has an obligation to ensure equality and protection from discrimination, and it violates the right to equality and obligation to protect against discrimination. India has an obligation to protect women from gender based violence-which includes witch hunt as well. Gender specific programmes and policies should be formulated. Steps should be taken to remove superstitions and develop scientific temperament. The context in which particular groups of women are placed also needs

to be taken into account, given the rich diversity among various regions in India as well as within NE India. Policies and projects planned for addressing the witch hunt in other parts of India may not be effective in the context of NE given its different socio-cultural context. Therefore policies needs to be based on appropriate and thorough information and understanding of NE society and women within that society.

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