



INDIA

Adivasi Women's
Womaniesto
**on the Human Rights
of Witch-Hunting Survivors**



Status of Adivasi Women's Human Rights in India

India is home to 705 Adivasi¹ communities, with distinct languages, socio-political organisation and livelihood systems. Adivasis form around 8.6 per cent of the country's population, and largely live in extreme poverty.² Adivasis have been described by historians as the group of peoples who have gained the least and lost the most from decades of India's democracy and development.³ While India's progress towards gender equality in overall terms is poor, with the country ranking 135 out of 146 countries in the Global Gender Gap Index 2022 released by the World Economic Forum (WEF),⁴ Adivasi women toil under greater intensity of exploitation. They stand at the intersection of being both Adivasis and women, facing very high degrees of discrimination and adverse power relations with state and society.⁵ With displacement from forests through colonial and post-colonial laws and governance, Adivasi communities that have traditionally been nature and forest dependent, self-sufficient communities, have now become dependent on exploitative market economies for sustenance. Adivasi women now have to ensure the survival of their households and children in extreme poverty and lack of natural resources, while working as labourers (often as migrant workers) in some of the most extractive and toxic work segments in the country. State neglect means that less than half of Adivasi women are literate,⁶ with only around nine per cent of them completing even secondary or senior secondary education.

Jharkhand is the 28th state in India. It achieved separate statehood from Bihar in 2000, on account of its distinct geography and social composition. It has a high proportion of Adivasi people, accounting for over 26 per cent of its population.⁷ It boasts of 32 different Adivasi groups such as the Santhals, Oraon, Munda and Ho, each with a rich history and culture. Displacement due to development projects such as dams as well as ecologically destructive mining and resulting conflict has led to extreme poverty among Adivasis of the state,⁸ with nine groups identified as 'Particularly Vulnerable Tribal Groups' by the Government of India.⁹



¹ Adivasi is an umbrella term often used to denote the various indigenous (largely forest-based) communities in India. They are also referred to as tribes or Scheduled Tribes.

² Chandramouli, C. (2013, May 3). *Scheduled Tribes in India: As revealed in Census 2011*. <https://ruralindiaonline.org/en/library/resource/scheduled-tribes-in-india-as-revealed-in-census-2011/>

³ Guha, R. (2007, Aug 11). *Adivasis, Naxalites and Indian Democracy*. *Economic and Political Weekly*, Vol 42, Issue no. 32. <https://www.epw.in/journal/2007/32/special-articles/adivasis-naxalites-and-indian-democracy.html>

⁴ World Economic Forum. (2022). *Global Gender Gap Report 2022*. https://www3.weforum.org/docs/WEF_GGGR_2022.pdf

⁵ Lerche, J. & Shah, A. (2018, Oct 30). *Conjugated Oppression within Contemporary Capitalism: class, caste, tribe and agrarian change in India*. <https://www.tandfonline.com/doi/full/10.1080/03066150.2018.1463217>

⁶ Khan, I. & Sabar, C. (2022, June 9). *Status of Adivasi Livelihoods: A Discussion on the Report*. *Sampark.net*. <https://www.pradan.net/sampark/status-of-adivasi-livelihoods-a-discussion-on-the-report/>

⁷ Government of Jharkhand. (n.d.). *Tribals in Jharkhand*. <https://www.jharkhand.gov.in/home/AboutTribals>

⁸ Paswan, J. (2022, June 29). *Vasavi Kiro: 'We want a displacement free Jharkhand'*. *FORWARD press*. <https://www.forwardpress.in/2022/06/vasavi-kiro-we-want-a-displacement-free-jharkhand/>

⁹ Bhaskar, P., Ghosh, P., & Chaudhuri, D. (2021, Aug 3). *Collapse of Adivasi self-governance system in Jharkhand: Need to implement PESA in letter and spirit*. *DownToEarth*. <https://www.downtoearth.org.in/blog/governance/collapse-of-adivasi-self-governance-system-in-jharkhand-need-to-implement-pesa-in-letter-and-spirit-78260>

India fares poorly in terms of women's political participation with female representation in national parliament remaining below global average.¹⁰ This trend is also true for Adivasi women of Jharkhand whose political power at local levels, where it could impact their lives most substantively, remains low. Traditionally, Adivasi communities of Jharkhand had their own indigenous systems of governance with tribal councils that govern community life, such as the administration of village commons and a justice system based on customary laws. Despite its other merits (such as seeking consent of the whole village in decision-making), these spaces were heavily patriarchal and dominated by men. Women were prohibited from becoming the Chief (who are hereditarily chosen), and from owning property. Adivasi women also remain absent from the process of decision-making in their own communities.

The traditional governance system of Adivasi communities in Jharkhand collapsed with the introduction of Bihar Panchayat Raj System (BPRS) in 1947 and the Panchayat Extension to Scheduled Areas (PESA) Act 1996, which gave essential powers to the democratically elected Gram Sabha¹¹ (village council) over village matters.¹² With the reservation of one-third seats for women in Gram Sabhas,¹³ the participation of Adivasi women in these spaces have increased. However, there is still a long way to go before women start wielding substantive power in these spaces, setting the agenda based on women's needs and demands, with a gender-based consciousness. Moreover, while violence against women (VAW) is rampant throughout the country, with at least 30 per cent of Indian women facing domestic violence,¹⁴ Adivasi women disproportionately face the additional burden of human trafficking and conflict as well as military inflicted force over their bodies and lives.

Kamla Munda* was accused of being a witch by residents of her village. Her village community follows a custom of 'goat gifting' whenever there is a death in any household. However, due to economic deprivations, Kamla's mother-in-law could not gift the goat. Soon after, some people in the village started falling sick and died. Both Kamla and her mother-in-law were branded as witches by the villagers who harassed them. Kamla became part of the Womanifesto process and learnt about her human rights. Through awareness drives and the empowerment they experienced by participating in the Womanifesto process, Kamla and her mother-in-law have been able to resist the witch-hunt they were subjected to earlier.



*Name changed to maintain anonymity

¹⁰ Ghosh, A. (2022, Nov 16). *Women's representation in India's Parliament: Measuring Progress, Analysing Obstacles*. Observer Research Foundation. <https://www.orfonline.org/research/womens-representation-in-indias-parliament/>

¹¹ Gram Sabha is a general assembly of the adult, voting population of the village. It is meant to serve as an institution of decentralised democracy in rural India, where people can discuss issues related to local governance and make need-based plans for the village.

¹² Bhaskar, P., Ghosh, P., & Chaudhuri, D. (2021, Aug 3). *Collapse of Adivasi self-governance system in Jharkhand: Need to implement PESA in letter and spirit*. DownToEarth. <https://www.downtoearth.org.in/blog/governance/collapse-of-ativasi-self-governance-system-in-jharkhand-need-to-implement-pesa-in-letter-and-spirit-78260>

¹³ India Today Web Desk (2020, Mar 7). *Women's Reservation Bill*. India Today. <https://www.indiatoday.in/education-today/gk-current-affairs/story/women-s-reservation-bill-all-you-need-to-know-about-the-bill-which-is-yet-to-be-passed-in-lok-sabha-1653451-2020-03-07>

¹⁴ Kamakshi, S. (2022, May 27). *Latest NFHS-5 Data Shows 30% of Indian Women Face Domestic Violence...And That's Just the Reported Number!*. Women's Web. <https://www.womensweb.in/2022/05/nfhs-5-domestic-violence-latest-figures-show-not-much-has-changed-may22wk4sr/>

Womanifesto Journey



Photo: Survivors of witch-hunting gather to form their Womanifesto for their human rights.

Adivasi Women Survivors of Witch-Hunting in Jharkhand, India

Witch-hunting is an instrument of gender oppression where women are accused of possessing occult powers to harm others.¹⁵ Women who are targeted as witches undergo a great ordeal of brutalisation, social ostracisation, physical violence, trauma and isolation. The exact figures and scale of the issue is difficult to come by, as accusations, attacks and killings often go unreported. Some estimates are available from Jharkhand Police's records that report at least 4,040 cases of witch-hunting between 2015 to 2020, but this figure is expected to be a significant underestimation.

Witch-hunting is associated with superstitions in Adivasi communities. When a loss is suffered in a family, such as the death of a person, or any other form of adversity, it is assumed that the misfortune has been brought about by the bad intentions or 'black magic' cast by another person. Given the entrenched patriarchal systems of these communities, the person identified as 'evil' or 'possessed' by the community is almost always a woman. Once a woman is declared as a witch by her family and community, she is usually taken to an ojha or witch doctor, who is considered to be a healer and are mostly men. Once the ojha confirms that the woman is a witch, the violence and brutality against her intensifies.

Association for Social and Human Awareness (ASHA) works in Ranchi, Khunti, Bokaro, Saraikela and Chaibasa districts of Jharkhand with Adivasi communities, intervening in

¹⁵ Parashar, S. (2017, Aug 10). *When women are branded as witches and brutalised*. The Indian Express. <https://indianexpress.com/article/opinion/when-women-are-branded-as-witches-and-brutalised-witchcraft-violence-against-women-4789745/>

social-economic issues such as witch-hunting, human trafficking and unsafe migration that are affecting local communities. ASHA engages in awareness building and activism to protect the rights of women, children and other vulnerable people in the area. ASHA facilitated a series of training and participatory dialogues with Adivasi women survivors of witch-hunting, who developed this Womanifesto or a feminist manifesto to highlight their experiences of human rights violations through witch-hunting and to put forth their key demands to government departments and elected representatives.

Witch-hunting survivors who participated in the Womanifesto journey have now emerged as leaders, providing support to other Adivasi women undergoing similar ordeals. Survivors have started to identify cases, register police complaints against perpetrators, spread awareness in communities about accessing proper healthcare (instead of depending on ojhas) and contacting the state legal aid department for support. Through the Womanifesto process, witch-hunting survivors have started to break the normalisation and acceptance of this practice, while also raising their voices against other issues faced by women such as trafficking and domestic violence. They have also started to participate in panchayat meetings and other public platforms.

Adivasi Women Survivors of Witch-hunting Raise Priority Issues

Witch-hunting as a practice can be traced back to the phenomenon of replacing women-centred religious practices in Adivasi communities to men-centred practices. The history of devaluation of women's status in the ritual life of the community, and consequently their powerlessness in the political sphere, is closely linked to the practice of witch-hunting.¹⁶ Various gender-based oppressions and inequalities conjugate to promote this inhumane practice to date, which continues to rob hundreds of Adivasi women of all their human rights. Adivasi women survivors of witch-hunting have identified the following structural barriers that an effective response mechanism would need to address:

❖ **Adivasi women's lack of control over economic resources:** The continuing patrilineal descent system among the Adivasi communities of Jharkhand is a key issue that is fundamentally linked to witch-hunting. Customary laws preserve land-ownership through the male line and women are not allowed to own land. Mothers, wives, widows and sisters only enjoy the right to maintenance during lifetime, not inheritance. Once a girl is married, she loses rights over parental land. If a woman is unmarried or widowed, she may be given a piece of land for her survival, but she does not inherit the land as a son would. Due to such inferior property rights, women become susceptible to male relatives who start seeing the woman as an obstacle to their gaining full control over the land.

Accusing the woman of being a witch is the easiest way to rob her off all rights and control over economic resources. Such ruthless patriarchal domination and impunity enjoyed by men is the greatest challenge in eradicating witch-hunting as a practice. Men also often use witch-hunting as a tool to silence strong and vocal women, preventing women from standing up for their rights.¹⁷ Conflict and militarism, extensions of patriarchal systems, have further created the conditions for witch-hunting to flourish. They deviate resources towards arms and away from healthcare

¹⁶ Nathan, D., Kelkar, G. & Satija, S. (2013). *Witches: Through Changing Contexts Women Remain the Target*. Institute of Human Development. Working Paper, WP 004/2013. http://www.ihdindia.org/Working%20Papers/2013/WP%20004%202013_devnathan.pdf

¹⁷ FirstPost Staff. (2019, July 22). *The 'witches' of Jharkhand: From ignorance to land grabs, what fuels witchcraft in the mineral rich state*. FirstPost. <https://www.firstpost.com/india/the-witches-of-jharkhand-from-ignorance-to-land-grabs-what-fuels-witchcraft-in-the-mineral-rich-state-7033771.html>

and education, deepening the structural factors that promote such atrocities against women. Lack of healthcare centres or roads to access doctors, increases mortality and morbidity among villagers to common health problems, which in turn give greater opportunity to predatory men and relatives to target women as witches.

- ❖ **Perpetrators of witch-hunting enjoy legal impunity:** In 2001, Jharkhand's government passed the Prevention of Witch (DAAIN) Practices Act,¹⁸ to prohibit the practice and punish those who engage in it. Sections 3, 4, 5 and 6 of the Act recognise witch-hunting as a non-bailable offence and Section 6 empowers the state government to make necessary rules to carry out the provisions of the Act. The Jharkhand government also launched a pilot programme called Garima, covering over 2,000 villages to eliminate the practice and support victim-survivors through a community-based approach. However, the efforts are largely on paper.

The practice of witch-hunting has continued in the state unabated, which highlights the Act's inadequacy as well as the Jharkhand government's lackadaisical approach towards the issue. The punishment prescribed in the Act for perpetrators is very low and does not measure up to the degree of harm caused to the victim. The Act only provides imprisonment of up to three months and/or INR 1,000 (USD 12) as a fine for accusing someone of being a witch and a fine of INR 2,000 (USD 24) and/or imprisonment of up to six months for engaging in physical or mental torture of a person accused of being a witch. Even in law, the value of a woman's life and dignity is pegged to be extremely low, and there are reports of perpetrators openly sharing that they engage in such acts freely, knowing how insignificant the repercussions are, legal and otherwise.¹⁹ The biases in laws against women and the near total impunity given to perpetrators of witch-hunting, becomes further evident when the degree of punishment in the Act for witch-hunting is compared to criminal law for murder or assault, which should be applicable to witch-hunting too. Such a system normalises the behaviour of perpetrators, while the women who experienced human rights violations continue to be ostracised in society.



Photo: Survivors of witch-hunting during capacity-building sessions on Womanifesto.

¹⁸ Government of Jharkhand. (2001). *Prevention of Witch (DAAIN) Practices Act, 2001, Jharkhand*. <https://www.jhpolice.gov.in/download/file/fid/13251>

¹⁹ Kislaya, K. (2019, Feb 19). *In Jharkhand's tribal areas, toothless laws against witch-hunting hand land mafias tool to target female landowners*. <https://www.firstpost.com/india/in-jharkhands-tribal-areas-toothless-laws-against-witch-hunting-hand-land-mafias-modern-tool-to-target-female-landowners-6108871.html>

Womanifesto: Adivasi Women Survivors of Witch-Hunting Demand the Fulfilment of their Human Rights

The socio-economic and psychological ramifications of the torture and brutality that Adivasi women survivors of witch-hunting experience, adversely shapes the rest of their lives and violates their human rights continually. Therefore, people's elected representatives such as Members of the Legislative Assembly, should keep raising the issue of witch-hunting, until the Jharkhand state government meets the following demands:

- ❖ **Amend the Prevention of Witch (DAAIN) Practices Act, 2001:** The Jharkhand government must amend the Prevention of Witch (DAAIN) Practices Act, 2001 and develop it as a comprehensive policy with strong measures for criminal liability of perpetrators, compensation for survivors, as well as prevention and rehabilitation measures. The Jharkhand government must increase the severity of punishment against perpetrators of witch-hunting to at least the level provided in Assam state's equivalent law on witch-hunting. Such an amendment would make witch-hunting a non-compoundable offence in Jharkhand, highlighting a zero-tolerance and uncompromised position of the state against this practice. Criminal liability should be applicable to any person who engages in accusing someone as a witch by words, signs or conduct as indicators of offence, leading to at least seven years of imprisonment and a fine of at least INR 500,000 (USD 6,200).

The Jharkhand government must also extend punitive action against ojhas who participate in witch-hunting. Currently, the Act does not take into account the continuity of physical and emotional trauma that survivors go through, and does not provide for their support. This must be corrected, and the Act must provide for adequate compensation to survivors, in addition to linking them to social protection schemes such as old age pension and widow pension. The Act must also provide for the set-up of shelter homes, with counselling facilities for survivors. The Act must allocate responsibility to Jharkhand's Women and Child Protection Committee to run awareness programmes in Adivasi communities to change patriarchal attitudes that normalise this violent practice and to spread information on criminal liability for perpetrators (as a prevention strategy).



❖ **Ensure that survivors of witch-hunting receive fair trial and access to justice:**

The Jharkhand government must activate the whole government machinery at all levels for a coordinated, effective response to cases of witch-hunting. Despite the existence of the Act, currently all actors in the state system are weak or inactive in responding to witch-hunting cases. This allows for the rule of law to be subverted, allowing perpetrators to enjoy impunity, in turn encouraging more instances of this heinous crime. The Jharkhand government must break this vicious cycle by releasing a Standard Operating Procedure (SOP) that identifies the role and responsibilities of each actor, to roll out a systematic, state-led response in witch-hunting cases.

For instance, the SOP must make the village Sarpanch²⁰ responsible for first-level intervention when reports of witch-hunting surface. The Sarpanch must immediately seek the support of the Jharkhand Police to stop the torture and captivity of women, which is typical during witch-hunting episodes. Together they must ensure the physical safety and protection of the women being targeted, while acting swiftly to arrest the perpetrators. The Sarpanch and Jharkhand Police can get assistance from Anganwadi workers²¹ to provide immediate psychological support to women being targeted for witch-hunting. The District Collector (highest, district-level bureaucrat) must be required to produce a report of actions undertaken by various arms of the state machinery in such cases, and send it to the Chief Minister's Office. The Jharkhand Human Rights Commission must review the implementation of the Act and SOP to identify bottlenecks and recommend improvements. Finally, all the above-mentioned departments and state actors must be trained to ensure a gender-responsive implementation of the Act and SOP.



²⁰ Sarpanch is the head of a village in India's rural, self-government system (Panchayati Raj system). He/she is elected by the members of Gram Sabha (village council), and acts as the focal point between government officers and the village community.

²¹ Anganwadi workers are government recruited, community-based, front-line workers. They are responsible for the implementation of government schemes and services on women's reproductive health and child development. Anganwadi workers also assist in mobilising local communities for social change, particularly in cases of VAW.

❖ **Amend discriminatory laws and protect Adivasi women's right to land, property and inheritance:** Customary law of Jharkhand's Adivasi communities discriminate against women in matters of succession, inheritance and property ownership. This makes Adivasi women easy targets of land grabs by male relatives, and even land mafia who provoke villagers to brand women as witches to gain control over their economic resources. If the legal rights of Adivasi women to inheritance and conjugal property are protected by state laws, it would reduce their vulnerability to dispossession by such actors. Towards this end, the Jharkhand state should amend colonial-era tenancy laws such as the Chotanagpur Tenancy Act of 1908, or the Santhal Pargana Tenancy Act of 1949, to recognise Adivasi women's land and succession.²²

The Jharkhand government is currently working on a gender-focused policy dedicated to the rights and welfare of women in the state. It must prioritise the demands of survivors of witch-hunting in this policy, and identify the legal empowerment of Adivasi women (on property and inheritance rights) as an urgent area of development of state laws. Moreover, the Jharkhand government must order the Jharkhand State Legal Services Authority to use its para-legal volunteers to reach out to Adivasi women survivors of witch-hunting and provide legal aid to them for recovering the land and property seized by relatives and other actors through the practice of witch-hunting.



²² Rao, B. (2019, Dec 9). *Where are the equal rights for Adivasi women?*. Behenbox. <https://behanbox.com/2019/12/09/if-constitution-guarantees-equal-rights-where-are-these-rights-for-ativasi-women/>



About APWLD

The Asia Pacific Forum on Women, Law and Development (APWLD) is the region's leading network of feminist and women's rights organisations and individual activists. For over 35 years, we have been carrying out advocacy, activism and movement-building to advance women's human rights and Development Justice.

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