

## **The Prevention of Witch (DAAIN) Practices Act, 2001, Jharkhand**

The Prevention of Witch (DAAIN) Practices Act 2001 is an Act to provide for effective measures to prevent the witch practices and identification of a woman as a witch and their oppression mostly prevalent in tribal areas and else-where in the State of Jharkhand and to eliminate the woman's torture, humiliation and killing by the society and for any other matter connected therewith or which are incidental thereto. Sections 3 to 8 of the Act state the following:

*Section 3: Identification of Witch (Daain):* Whoever identifies any person as Witch (Daain) and does any act towards identification either by words, actions or manner shall be punished with imprisonment for a term which may extend to 3 months or with fine of Rs. 1000 or with both.

*Section 4: Damages for Causing Harm:* Any person who causes any kind of physical or mental torture to any person by identifying her as a Witch (Daain) whether deliberately or otherwise shall be punished with imprisonment for a term which may extend to 6 months or fine of Rs 2,000 or both.

*Section 5: Abetment in the Identification of Witch (Daain):* Any person who persons or persons of the society whether in identification of any women as a Witch (Daain) with an intention to cause by anyone to that person shall be punishable with imprisonment for a term which may extend to 3 months or with a fine of Rs 1,000/-or with both.

*Section 6: Witch (Daain) Curing:* Whoever does any act of so healing allegedly or purportedly and of curing any woman said to be Witch (Daain) by doing any act of 'jhadphook' or 'totka' and thereby causing any kind of physical or mental harm and torture to that person identified as a Witch (Daain) in any manner shall be punished with imprisonment for a term which may extend to one year with a fine of Rs. 2,000/-or with both.

*Section 7: Procedure for Trial:* All offences of this Act shall be cognizable and non-bailable.

*Section 8: Power to Make the Rule:* The State Government may by notification in the official gazette, make such rules as are necessary to carry out the provisions of this Act.

Clearly, sections 3, 4, 5 and 6 comprising the penal provisions of the Act are woefully inadequate for deterring or punishing those responsible for branding and persecuting women as witches. Fines range from Rs. 1,000 to Rs. 2,000 and prison terms range from 3 months to 1 year, depending on the nature of the crime. Given the severity of the outcomes of identification, abetment in identification, and curing or 'witches', which almost inevitably lead to horrific crimes being committed against the women so identified, including death, inhumane treatment, bodily mutilation, rape, and various forms of mental and physical torture, the penal provisions of the Act do not adequately punish the instigators of these crimes or prevent others from engaging in these crimes.

In reality, the Act has proved unable to provide for effective preventative, curative, or punitive measures for women who have been labelled as witches. Despite the presence of this Act, people

described as witches have been persecuted, tortured, and murdered and the practice continues today. Every year, hundreds of people, often older women, are accused as witches or 'daains', often abused, cast out of their families and communities and are, in many cases, murdered. On the whole, the passage of the Prevention of Witch Practices Act in 2001 has not adequately prevented the identification and murder of women labelled as witches.

#### **Witch-killings in India (2001-2008)**

**2008**