

Position of Anti-Superstition Laws in India: Developing Scientific Temper

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"In questions of science, the authority of a thousand is not worth the humble reasoning of a single individual".

Abstract

The murder of renowned Rationalist and Anti-superstition crusader Mr. Narendra Dabholkar has led us to think that what kind of society are we living in? In 1946, Pt. Jawahar Lal Nehru in his book, *The Discovery of India*, urged the people of our country to develop scientific temper but even after 75 years of Independence people are being killed in the name of superstitions which includes witch-hunting and Black magic. Many states have enacted independent legislations but still this crime has not stopped but is increasing on daily basis. Discrimination based on casteism, ethnicity and gender, disseminated based on irrational beliefs and superstitions are widespread in the Country. Superstitions have often been associated with religion and in a plural society like India we must respect the religious beliefs and sentiments of people living around us. However, we need to draw a line somewhere that is why we need a Central legislation against superstition and it is the duty of every individual of the society to develop scientific temper.

Key Words: Superstition, Scientific Temper, Witch Hunting, Black Magic, Human Sacrifice.

Introduction

Several years ago, when people came together (*pactum unionis*) and decided to surrender their rights to one leader or ruler (*pactum subjectionis*) there definitely would have been a conflict of thoughts and arguments regarding the choice of leader. The Social contract theory has grown by leaps and bounds since then. The process of conflict and arguments continues but on different issues. As we have crossed over two decades in this 21st century the technology and the knowledge of people have become humongous. Along with the increase and change in technology with each passing day, there exist a group of people who believe in God and His miracles and they follow God or God-men blindly. These two divergent streams have argued over the existence of divine and supernatural powers for ages. One of them believe that God or the divine power guides, direct human beings at every step of life and help them in decision making. Where as the other group prefers wisdom and scientific temper over Supernatural powers and accepts the same as the eternal truth.

In a civilized society, people tend to be obedient to society's sanctions. The people generally do not ignore these sanctions because law-abiding behavior must be learned and the learning requires certain environmental conditions and individual abilities. Deviance from these abilities is responsible for the anti-social activities or would hinder socialization. There are a set of hidden crimes which are being prevalent in the society for a very long time. In the name of faith, belief, religion, traditions, customs etc. there is a term which has become rampant in criminal matters during last few years i.e. 'Superstition'. All of us in one or the other way followed one or two rituals in our daily life unknowingly. Following is a list of superstitions that we follow on daily basis:

- Use of Lemon and chillies -on the front door, front of the vehicles etc.
- Eating curd before going for any examination.
- Not to wash hair or cut nails on Tuesdays and Thursdays.
- Keeping fasts.
- Avoiding black cats.
- Innocently bowing our heads in front of the temples.
- Pouring milk over Shivalinga.
- Saying 'Bless you' whenever someone sneezes.
- Never go under anyone's legs or you will remain short.
- Don't cut nails at night.
- Not to sweep after dusk

The exhibition of these beliefs or faiths in the name of God and religion could be of many types. Although many superstitions may not result in any kind of inconvenience to anybody around. All the superstitions mentioned above depends on individual choices and do not harm anyone, however the superstitions like black magic, witchcraft, exorcism etc. have often resulted in incidents of murder and deaths.

Our first Prime Minister, Pt. Jawahar Lal Nehru has categorically emphasized and encouraged people to develop an ability of reasoned thought and enquiry. He says that we do not have to forget our past. These traditions must go now because they might have done exemplary work in the past, but they are insignificant in today's world. If we remain stuck in these traditions, customs, beliefs, faith, religion then we cease to grow and develop. "Science deals with the domain of positive knowledge but the temper which it should produce goes beyond that domain".¹

¹The discovery of India, Pt. Jawahar Lal Nehru, (1946), Oxford University Press, New York, pp 509-515.

Pt. Jawahar Lal Nehru says that the method of religion is beyond objective inquiry and is based on intuition and emotions. In this process, we lose the ability to think rationally even in those matters where intellectual inquiry is required. He says, "It produces narrowness and intolerance, credulity and superstition, emotionalism and irrationalism". If we rely too much on supernatural powers, we are bound to lose our creativity and intellect. "As knowledge advances, the domain of religion, in the narrow sense of the word, shrinks. The more we understand life and nature, the less we look for supernatural causes". In order to progress in life, we must know how to embrace our past and the present, with the heights and the depths and welcome the future with open arms.² Scientific temper and Superstitions are incompatible and parallel to each other since ancient times.

Before proceeding further let us look at these terms.

Superstition

According to Merriam-Webster Dictionary³:

- a belief or practice resulting from ignorance, fear of the unknown, trust in magic or chance, or a false conception of causation
- an irrational abject attitude of mind toward the supernatural, nature, or God resulting from superstition
- a notion maintained despite evidence to the contrary.

According to Cambridge dictionary⁴:

- a belief that is not based on human reason or scientific knowledge is connected with old ideas about magic.

According to Britannica Dictionary⁵:

- a belief or way of behaving that is based on fear of the unknown and faith in magic or luck: a belief that certain events or things will bring good or bad luck.

According to Oxford Learner's Dictionary⁶:

- The belief that particular events happen in a way that cannot be explained by reason or science; the belief that particular events bring good or bad luck.

Scientific Temper

Scientific temper refers to an attitude of logical, rational and scientific thinking. An individual is considered to have a scientific temper if he employs a scientific method of decision-making in everyday life. This involves repeatedly observing and verifying a fact before forming a hypothesis.

Scientific temper is different from Scientific knowledge. Scientific temper means to apply logic and be rational in thinking. There must be a spirit of inquiry. We must ask questions, we must enquire about each and every phenomenon happening in nature around us and not believing in anything without testing. We must refuse to accept any claim; even if it is religion it must be tested.

Dr. APJ Abdul Kalam in his book '**Turning Points**' says that all the people having scientific temperament are not against society, but they have their own way of testing, evaluating and validating the beliefs that people have hold on to for a very long time.

While testing, evaluating and validating such beliefs many people have lost their lives in this process. One such rationalist was Dr. Narendra Dabholkar who was murdered on 20th August 2013 on the streets of Pune when he was out for a morning walk. MrDabholkar was a reformist and was often confronted, but he was non- violent in his approach and always looked for compromise and reconciliation.⁷ In his book '**Please Think**' he has written in lengths about how people, whether rich or poor, old or young, are lacking scientific temper and are still proud of it. People are victims of superstitions because they are constantly in need of an external support and to rely onto or to blame some supernatural powers for their failures or mishappenings in life. In another book '**The Case For Reason**'he outlines five reasons for non- development of science in India: the importance given to Karma and rituals, the caste system, illiteracy, family structure and exaltation of individuals.

His murder was the first in series followed by murders of three other rational and secular thinkers- Govind Pansare on February 20, 2015; Prof. M.M.Kalburgi on August 30, 2015 and Gauri Lankesh on September 5, 2017.

Law and scientific temper After independence, Pt. Jawahar Lal Nehru documented the Scientific Policy Resolution in 1958 which was later on passed by the Parliament. Indira Gandhi introduced Fundamental Duties to the Constitution of India and Rajiv Gandhi also emphasized on development of scientific temper through academic curriculum.

The Constitution of India upholds Scientific temper under **Article 51-A(h)**. It reads as: "**It shall be the duty of every citizen of India to develop the scientific temper, humanism and the spirit of inquiry and reform**"⁸.

The fundamental duties were added to the Constitution of India by 42nd Amendment Act, 1976. These duties are complementary to the fundamental rights. We are always ready to claim our fundamental right to freedom of religion given by the same Constitution that casts a duty on every citizen of India to develop scientific temper and spirit of inquiry and reform. However, we can face fierce opposition from the believers of unscientific and irrational religious belief, if we question them. In the larger

² Ibid, p 513.

³<https://www.merriam-webster.com/dictionary/superstition>.

⁴<https://dictionary.cambridge.org/dictionary/english/superstition>.

⁵<https://www.britannica.com/topic/superstition>.

⁶<https://www.oxfordlearnersdictionaries.com/definition/english/superstition>.

⁷ The dilemmas and Challenges faced by the Rationalist Indian, Economic and Political Weekly, Vol. 48, Issue No. 36,(2013).

⁸Article 51A(h), The Constitution of India.

interest of people, the truth must unfold even if it hurts the religious sentiments. Our various social reformers were guided by the spirit of scientific temper. **Dr. B.R.Ambedkar:** his efforts to eradicate the social evils like untouchability and caste restrictions were remarkable; **Ishwar Chand Vidyasagar:** Girl education; **Jyotiba Phule:** he revolted against the domination of Brahmins and for the rights of the peasants and low- caste fellows; **Raja Ram Mohan Roy:** the abolition of Sati- Pratha; **Swami Dayanand Saraswati:** He preached against many rituals of Hindu religion such as idol- worship, caste by birth, animal sacrifices and restrictions of women from reading Vedas. All these reforms were later introduced as Laws or Acts.

Form of superstitions that are in dire need of attention

Cases of Witch-Hunting/ Black Magic:

The practice of witch-hunting is still prevalent in many parts of our country owing to the superstitious beliefs of people. One of the cruelest forms of gender-based violence in India is the practice of Witch Hunting. The incidents of witch hunting are prominent in Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Jharkhand, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Uttar Pradesh and West Bengal.

According to National Crime Records Bureau and the Police report Data published by the Times of India from May, 2016 to May, 2019 there have been 123 deaths/ murders due to ‘witch- hunting’ in Jharkhand alone. 134 people were murdered for the suspected use of ‘black magic’ across the country in 2016.

The phenomenon of Witch- hunting has claimed many innocent lives. Odisha has the 2nd highest number of deaths due to witch-hunting in India after Jharkhand. The Odisha Commission for women and Action Aid (an International NGO) jointly studied 102 cases of witch hunting and witch branding.

RamawatiHalua (50) and Bijoy Gour (28), both belonging to the Adivasi community and residents of Rohimapur village, were attacked by their neighbours on the intervening night of September 30 and October 1 and killed, police said. A kangaroo court in the village had decided that the two were involved in practicing “black magic”.⁹

A 65-year-old priest in tribal-dominated Malkangiri district was thrashed to death on 17thMay, 2022 by his neighbours alleging that he practised witchcraft. Three days ago, a 35-year-old man and a 33-year-old woman of Ganjam district were injured after being beaten up by villagers who accused them of practising witchcraft. They sustained injuries on their head and face and some of their teeth were uprooted in the beating after locals blamed them for the deaths of two children of a family.¹⁰

A 45-year-old Adivasi woman was killed by a mob who suspected her of practicing witchcraft in Assam. The police suspect the woman - identified as Anjali Murmu, a resident of Mohanpur village in Kokrajhar district - was first killed and then her body was hanged from a tree.¹¹

An elderly couple was killed in Jharkhand’s Gumla District by their relatives who suspected that they were practicing witchcraft. LundraChikBaraik and his wife Phulma Devi were attacked with axe and sticks when they were in their house. Lundra’s sister-in-law Sumitra Devi claimed that both husband and wife harmed people by practicing Witchcraft.¹²

A man named SukhdeoPahan was sentenced to rigorous life imprisonment under section 302 of IPC for killing a 70-year-old woman named SalomiMundu in 2019 after accusing her of witchcraft.¹³

Cases of Human Sacrifices/ Animal Sacrifices/ Ritual Killings

A Kalyan man and two others were arrested for allegedly sexually abusing his 10-year-old nephew on the pretext that he would grow up to become a rapist. The accused also wanted to resort to child sacrifice to appease the God. The accused told the police that he had got a vision that his nephew would turn in to a rapist.¹⁴

A six months old baby girl was killed by drowning her in a tub by the relatives as human sacrifice in Thanjavur district. Sharmila begam killed the child because her husband was ill and a sorcerer told her to perform human sacrifice to improve the health of her husband.¹⁵

A childless couple from Gwalior allegedly killed two sex workers within a week under the influence of a black magic practitioner in the hope of getting children.¹⁶

A 23-year-old was 8 months pregnant when she started to have labour pain. Her husband and in- laws didn’t take her to the hospital instead they performed exorcism rituals on her claiming that she was possessed. Her kin took her to the hospital against the wishes of the husband and the in-laws but both the mother and the child died.¹⁷

Nine persons have been arrested for allegedly attempting to kill an 18-year-old girl for human sacrifice on the belief of finding some hidden treasure in Maharashtra’s Yavatmal district. The girl, who used to stay at a relative’s place for studies, had recently come to her house in Madni village. The accused had started performing tantrik rituals at home over the last few days and had dug a pit in the house to bury his daughter on April 25, the official said.¹⁸

⁹ 2ndOctober, 2020 The Indian Express.

¹⁰ 18thMay, 2022 Hindustan Times.

¹¹ 9thMay, 2022 NDTV.

¹² 23rdApril, 2022 The Times of India.

¹³ 12thMay, 2022 The Times of India.

¹⁴ 15thMar., 2022 The Times of India.

¹⁵ 18thDecember, 2021 The Times of India.

¹⁶ 24thOctober, 2021 the times of India.

¹⁷ 22nd Feb. ,2021 The times of India.

¹⁸ 27thApril, 2022 NDTV.

One of the accused, a neighbour of the child, was finding it hard to get married and had consulted an occultist, who said that "if a human being is sacrificed, he will get married". Subsequently, the 7-year-old girl was kidnapped.¹⁹

In a barbaric case of human sacrifice, a 30-year-old man has been arrested for allegedly killing his two-year-old daughter on the advice of a friend. Wajid (accused father) said that there were disputes going on in his family for many months. When he discussed it with Irfaan, another labourer at the brick kiln who was allegedly interested in witchcraft, he advised him to sacrifice his daughter to maintain peace among the family members.²⁰

The list of such cases is inexhaustive. Cases of witch hunting and human sacrifices are a fragment of subjugation which is held to be legit religiously and culturally.

Witch hunting, human sacrifice and other superstition related crimes are violative of Article 14, 15 and 21 of the Indian Constitution. India is a signatory to many International Conventions such as Universal Declaration of Human Rights, 1948, International Covenant on Civil and Political Rights, 1966, and Convention on elimination of all forms of Discrimination against women, 1979, yet so many of these practices violate the International legislations. All the rigid ideas and superstitions that are against the liberty, equality and human rights can not be justified on any grounds.

Although the judiciary assures us that all the cases shall be dealt with and decided within the framework of the Constitution of India, the real reason behind these murders is not known but following are some reasons that causes people to commit superstitious crimes:

- Illiteracy/ lack of education
- Large tribal population.
- Poor socio-economic infrastructure.
- Gender disparity.
- Poor health services (people rely on witch doctors for the cure)
- To grab land or Property of a women.
- Illness of a family member.
- Death of a family member.
- Death of livestock.
- Dwindling financial condition etc.

The ancestry of present-day Witchcraft and sorcery has long and chequered history. The earliest practice of witch-hunting which has been documented in India is in the year 1792 referred to as the "Santhal witch trials" of the Santhal tribes belonging to what was then referred to as the Chotta Nagpur Division in Singhbhum District in British India. Even prior to that, the western world, in the pre-industrial revolution was still fiddling with the repulsive idea of witch-hunting and black magic.

Anti-Superstition Laws of the State: Do we need a Central Legislation?

Over the time, various states have risen to the instance to end the still voraciously prevalent menace of superstition and have enacted various legislations at the State level such as:

- (a) The Prevention of Witch (Dayan) Practices Act, 1999- Bihar,
- (b) Anti-witchcraft Act, 2001- Jharkhand
- (c) Chhattisgarh TonahiPratadnaNivaran Act, 2005.
- (d) The Odisha Prevention of Witch Hunting Act, 2013.
- (e) The Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori practices and black magic Act, 2013.
- (f) The Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Act, 2017.
- (g) The Rajasthan Prevention of Witch Hunting Act, 2015.
- (h) The Assam Witch Hunting (Prohibition, Prevention and Protection Act) 2015.
- (i) The Drug and Magic Remedies (Objectionable Advertisements) Act, 1954.

On 25.4.2018 as a part of treatment practice, SambariMurmu (deceased) was assaulted by means of Trisul/Trident, rope and iron rod because of which she suffered multiple fatal injuries leading to her death. The said misadventure was done to pull out the purported remnants of negative energy from the body of the deceased, but it resulted in the death of the SambariMurmu.²¹

The court observed that these legislations show that our society is still plagued by such evil practices even in the 21st century instead of developing science and scientific temper. The fact remains, in the absence of a central legislation it has resulted in lack of uniformity in the application of law across the country. The court at various levels has shown its concern and annoyance in some of the cases.

In *Gaurav Jain v State of Bihar*²² the Supreme Court directed the state to make special cell and take measures to restrict these practices. In *Sushil Murmu v State of Jharkhand*²³ the Supreme Court prescribed death punishment to the accused considering it to fall in the category of 'rarest of the rare case'. In this case a young boy's head was severed by the accused to appease the deity.

¹⁹ 15th March, 2022 NDTV.

²⁰ 21st April, 2020 Hindustan Times.

²¹ Jitu Murmu v State of Odisha decided on 10th August, 2020.

²² 1991 Supp. (2) SCC 133.

²³ (2004) 2 SCC 338.

Witch craft has a long history in India particularly in Odisha. Giving reference of *DasrathGand v State of Orissa*²⁴ the Supreme Court has shown its displeasure that since then the situation in the state of Odisha is pretty much same despite the passing of the Prevention of the Witch hunting Act, 2013 by the Odisha government. The legislation has proved to be in effective and has failed in putting an end to witch hunting and Human Sacrifice in the State of Odisha. In *MoynaMurmu V State of West Bengal*²⁵ the High Court of Calcutta passed directions to the State to issue directions to the concerned authority to provide assistance to the victims through the Legal service authority under the Legal Service Authority Act, 1987. In *Bhimpuri v State of Assam*²⁶ the High Court of Gauhati observed painfully that although they have delivered the judgement according to the legislation still there is lot of room for doing more in this area.

Implicitly, there are several laws besides IPC to deal with cases of fraud, deception, bodily injuries etc. in India. As mentioned earlier there are few states that have enacted specific laws on this issue. However, there is no specific Central Law on Superstition in India. The provisions of the Indian Penal Code, although applicable for the crime associated with the menace, have not proved to be as effective in deterring these criminals. Under IPC various sections are there which may seem adequate to deal with offences of superstition. Some of these sections are Section 321²⁷, 302²⁸, 354²⁹, 382³⁰, 340³¹, 360³², 499³³, 375³⁴, 307³⁵, 323³⁶ etc.

Conclusion and Suggestions

Having said that it is high time that a new Central legislation is required to be drafted to stop the nastiness and inhumanity against people living in those parts of India where such practices are still carried out in the name of God, belief, faith, culture, custom, vision, religion etc. We may give different names and reasons to these incidents, but the truth remains that it is a crime and an offence for which the wrong doer must be punished by law. A central legislation is the need of the hour as all the pre-existing laws are inadequate to deal with the crimes related to superstitious practices. For example, IPC is not fully equipped in dealing with all offences related to 'black magic' and other superstitious practices. There are variations among different state laws related to witch hunting and black magic, all the more a reason for a Central legislation. The Central legislation must investigate the reasons for the failure in implementation and enforcement of these State legislations. The Central legislation must be victim-centric and provision for compensation of the victim must be there. At the same time the community education and rehabilitation are very important. People need to be informed about the ill-effects of superstitions. We must make people understand the method that science uses to acquire knowledge. Superstitions and irrational beliefs are widespread in India and can only be removed by creating awareness among children. The charity begins at home and continues in educational institutions. The development of scientific temper starting at the primary level will help the children to grow into better human beings. Most importantly there is a need for change in the thinking of people. They must think rationally and be able to question everything. Even a Central legislation won't be helpful if the mindset of the people does not change. There must be a clear distinction between religion and superstition. Developing scientific thinking somehow will negate superstitions because science and superstitions are antagonistic. In the present era, only, science and scientific temper can act as a guiding light at the end of a dark tunnel.

Therefore, developing scientific temper and enacting a Central legislation is obligatory in this millennium to curb the evil of superstition and irrational beliefs which result in commission of numerous appalling offences.

¹ Air 1955 SC 583.

¹ 2016 SCC Online Cal. 4272.

¹ 2017 SCC online Gau. 813

¹ Voluntarily causing hurt, IPC, 1860.

¹ Punishment for Murder, IPC, 1860.

¹ To outrage the Modesty of Women, IPC, 1860.

¹ Theft after preparation made for causing death, hurt or restraint in order to committing of the theft, IPC, 1860.

¹ Wrongful confinement, IPC, 1860.

¹ Kidnapping from India, IPC, 1860.

¹ Defamation, IPC, 1860.

¹ Rape, IPC, 1860.

¹ Attempt to murder, IPC, 1860.

¹ Punishment for voluntarily causing Hurt, IPC, 1860.