

**ANTI SUPERSTITION LAWS: ISSUES AND CHALLENGES IN INDIA****Ravi R. Adhwaryu<sup>1</sup> & Pritish R. Adhwaryu<sup>2</sup>**<sup>1</sup>*Research Scholar, Shri Govind Guru University, Godhra, Gujarat*<sup>2</sup>*Research Scholar, Monark University, Ahmedabad, Gujarat**Corresponding Author: Ravi R. Adhwaryu***DOI - 10.5281/zenodo.8350191****ABSTRACT:**

*Even in 2023, this evil system of superstition is prevalent. It is a socio legal issue. Only few states in India have introduced laws aimed at curbing superstitious practices and promoting rational thinking. These laws typically target practices that exploit people's beliefs, lead to harmful outcomes, or involve fraudulent activities and aim to provide legal mechanisms to address issues related to superstition, promote awareness, and protect individuals from practices that exploit their beliefs. But there is no central law for it. There is urgent need for Country-Wide Anti-superstition Act. In this study, Researcher discusses various aspects about need, Issues and Challenges about Anti Superstition Laws in India.*

**Keywords: Superstition, Laws, Prevention****INTRODUCTION:**

In India, superstition refers to irrational beliefs or practices that are often rooted in traditional or cultural beliefs rather than scientific evidence or rational thinking. Superstitions can involve various aspects of life, such as luck, fortune-telling, astrology, rituals, magical thinking, and beliefs in supernatural influences on human affairs. These beliefs can lead to harmful or exploitative practices, and efforts to address superstition often involve promoting education, critical thinking, and raising awareness about the potential negative consequences of such beliefs. The term 'Superstition' has been

taken from the Latin word 'Superstitio', which indicates extreme fear of the god. Superstitions are not country, religion, culture, community, region, caste, or class-specific, it is widespread and found in every corner of the world.

Anti-superstition law in India refers to legislation that aims to counter and prevent harmful practices, beliefs, and activities rooted in superstition. These practices often exploit people's irrational beliefs and can lead to negative outcomes, ranging from exploitation and fraud to physical harm. Anti-superstition laws are designed to:

1. Promote Rational Thinking: By addressing superstitious

- practices, these laws encourage critical thinking, evidence-based decision-making, and scientific temper.
2. **Protect Vulnerable Individuals:** Such laws help safeguard vulnerable individuals, including women, children, and those with less education, from being subjected to harmful practices or exploitation based on superstitions.
  3. **Prevent Harmful Activities:** Many superstitious practices involve harmful rituals or actions that can lead to physical, emotional, or psychological harm. These laws work to prevent such harm.
  4. **Promote Awareness:** These laws raise awareness about the negative consequences of superstitious beliefs and practices, educating people about the need to question and assess the validity of such practices.
  5. **Address Fraud and Exploitation:** Some individuals may take advantage of superstitious beliefs to deceive and exploit others. Anti-superstition laws can hold such individuals accountable and deter fraudulent activities.
  6. **Foster a Modern Society:** As societies progress and become more scientific and rational, it's important to discourage practices that hinder progress and perpetuate baseless beliefs.
  7. **Human Rights:** These laws can align with the principles of human rights, ensuring individuals are not subjected to harmful practices against their will.

### **SUPERSTITION AS SOCIO-LEGAL PROBLEM:**

Superstition, as a social legal problem, refers to irrational beliefs and practices that can have detrimental effects on individuals and society as a whole. It becomes a social legal problem due to its potential to infringe upon basic human rights, perpetuate harmful practices, and hinder societal progress. Here are some ways in which superstition becomes a social legal problem:

1. **Exploitation and Fraud:** Superstitions can be exploited by individuals who take advantage of people's beliefs for personal gain, leading to financial exploitation and fraud.

2. **Violence and Harm:** Certain superstitious practices involve harmful rituals or actions that can lead to physical harm, psychological trauma, or even loss of life.
3. **Gender Discrimination:** Superstitions can perpetuate gender discrimination by subjecting women to harmful practices or denying them basic rights and opportunities based on traditional beliefs.
4. **Health and Medical Neglect:** Belief in superstitions can lead to the rejection of modern medical practices, endangering lives and contributing to health-related problems.
5. **Education and Progress:** Superstitions can impede educational progress and scientific thinking, hindering societal advancement and development.
6. **Human Rights Violations:** When superstitions infringe upon fundamental human rights, such as the right to life, dignity, and freedom from exploitation, they become a legal concern.
7. **Public Order and Safety:** Certain superstitious practices might disturb public order or safety, leading to conflicts or disturbances within communities.
8. **Ethical Concerns:** Superstitious practices might clash with ethical principles, especially when they involve actions that are considered unethical or harmful.
9. **Cultural and Social Impact:** Superstitions can influence cultural norms and social behavior, either positively or negatively, impacting the overall fabric of society.

Addressing superstition as a social legal problem requires a multi-faceted approach that combines legal measures, education, awareness campaigns, and efforts to promote rational thinking. Anti-superstition laws, as well as initiatives to promote scientific temper and critical thinking, play a crucial role in mitigating the negative impact of superstition on society and individual well-being.

#### **LAWS RELATING TO PREVENT OF SUPERSTITION IN INDIA:**

In India, there is no central law that exclusively deals with crimes related to witchcraft, superstition, or occult-inspired activities. In 2016,

Prevention of Witch-Hunting Bill was introduced in the Lok Sabha, but it wasn't passed. The draft provisions included punishment for accusing or identifying a woman as a witch, use of criminal force against a woman, or torture or humiliation on the pretext of performing witchcraft. Section 302 (punishment for murder) of IPC (Indian Penal Code) takes cognisance of human sacrifice, but only after the murder is committed, likewise, Section 295A works to discourage such practices. Article 51A (h) of the Indian Constitution makes it a fundamental duty for Indian citizens to develop the scientific temper, humanism and the spirit of inquiry and reform. Other provisions under the Drugs and Magic Remedies Act, 1954 also aim to tackle the debilitating impact of various superstitious activities prevalent in India. Following are the State-Specific Laws to prevent of superstition in India:

#### **I. Bihar:**

Bihar was the first State to enact a law to prevent witchcraft, identification of a woman as a witch and eliminate torture, humiliation and killing of women. The Prevention of Witch (Daain) Practices Act came into force in October 1999.

#### **II. Maharashtra:**

In 2013, Maharashtra enacted the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, which banned the practice of human sacrifice in the state. A section in the legislation specifically deals with claims made by 'godmen' who say they have supernatural powers.

#### **III. Karnataka:**

Karnataka effected anti-superstition law in 2017 known as the Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Act. The Act comprehensively counters "inhumane" practices linked to religious rituals.

#### **IV. Jharkhand:**

Jharkhand enacted a similar law in 2001 the Prevention of Witch (Daain) Practices Act. The law, however, hasn't been effective. A document on the Jharkhand Police website claims that the passage of the Act "has not adequately prevented the identification and murder of women labeled as witches."

**V. Chhattisgarh:**

Chhattisgarh is one of the worst-affected States in terms of witchcraft-related crimes and targeted violence against women. A witch is called a “tonahi” in the State. In 2005 the State enacted the Chhattisgarh Tonahi Pratadna Nivaran Act 2005 along the lines of Bihar and Jharkhand. As per the law, a person convicted for identifying someone as a witch can be sentenced to up to three years of rigorous imprisonment with a fine. The jail term can extend up to five years if the victim is mentally or physically harassed.

**VI. Odisha:**

The Odisha Prevention of Witch-Hunting Bill was passed by the Assembly in 2013 following the directions of the Odisha High Court to frame a law to deal with rising cases of witch-hunting in the State. The law include provisions of imprisonment up to seven years and a penalty for offenders. The bill also provides for a penalty for a witch doctor, or a person claiming to be a black magician.

**VII. Rajasthan:**

The State enacted the Rajasthan Prevention of Witch-Hunting Act, 2015 to “provide for effective measures to tackle the menace of witch-hunting and prevent the practice of witchcraft.” The law prohibits witch-hunting and practicing witchcraft

**VIII. Assam:**

The Assam Witch Hunting (Prohibition, Prevention and Protection) Act, 2015, which received the President’s assent in 2018, provides for the complete prohibition of witch hunting. The law states that “No person shall identify, call, stigmatize, defame or accuse any other person as a witch by words, or by signs or indications or by conducts or actions or any other manner or instigate, aid or abet such an act or commit witch hunting,”.

**NEED FOR COUNTRY-WIDE ANTI-SUPERSTITION ACT:**

Allowing the unhindered continuance of such practices violates an individual’s fundamental right to equality and right to life under Articles 14 and 21 of the Indian Constitution respectively. Such acts also violate

several provisions of various international legislations to which India is a signatory, such as the 'Universal Declaration of Human Rights, 1948', 'The International Covenant on Civil and Political Rights, 1966', and 'Convention on the Elimination of All Forms of Discrimination against Women, 1979'. Only few states in India have witch-hunting legislations so far. In the absence of measures to tackle superstitions, unscientific and irrational practices such as faith healing, quackery, and misinformation regarding medical procedures can also balloon up, which can have severe detrimental effects on public order and health of citizens.

#### WAY FORWARD:

It is pertinent to remember that bringing a legislation to deal with this social issue shall only mean half the battle won. A meaningful reform will need to increase awareness among the masses through information campaigns,

and by roping in community/religious leaders to debunk the myths surrounding such practices.

#### REFERENCES:

1. Ellen Barry (2013), "Battling Superstition, Indian Paid With His Life", The New York Times
2. The Hindu (2013) "National anti-black magic bill required: Dabholkar's daughter"
3. DNA India (2013) "Anti-superstition law drafted in such a way that Warkaris will not oppose it: Shyam Manav".
4. India News , Firstpost" (2020) "Anti-superstition law comes into force in Karnataka; Act bans black magic, but exempts body stamping with 'gold seals'
5. <https://www.clearias.com/anti-superstition-laws/>
6. <https://www.drishtias.com/daily-updates/daily-news-analysis/anti-superstition-laws-in-india>