



Addressing the Legal Gap: Implementing Unified Anti-Superstition Laws in India

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ABSTRACT

Anti-superstition laws play a crucial role in combating harmful practices and promoting scientific thinking in society. However, India lacks explicit national legislation targeting superstitious beliefs and practices, leading to a legal vacuum that perpetuates irrationality and infringes upon fundamental rights. Legislation against superstition is pivotal in fostering a society grounded in scientific inquiry, in line with Constitutional principles of scientific temper. These laws expressly forbid superstitious beliefs and practices, emphasising the importance of evidence-based reasoning and critical thinking. They assert that in a contemporary, rational society, dependence on superstition and irrational beliefs is unwarranted. This article advocates for the implementation of unified anti-superstition laws in India to address the legal gap and promote scientific temper in line with constitutional principles. By analysing the current legal landscape, examining international case studies, and advocating for a comprehensive legal framework, this article proposes actionable steps towards addressing the pervasive influence of superstition and safeguarding individual liberties.

Keywords: Anti-superstition, India, Legislation, Scientific temper, United Nations

INTRODUCTION

Anti-superstition laws play a crucial role in nurturing a culture of scientific inquiry within society. By expressly prohibiting superstitious practices and beliefs, these laws underscore the significance of evidence-based reasoning and critical thinking. They unequivocally convey the message that reliance on superstition and irrational beliefs has no place in a modern, rational society. Superstitions often prey on vulnerable individuals, especially those with limited education or socio-economic means[1]. Anti-superstition laws extend legal safeguards to such individuals by outlawing practices that may subject them to harm or exploitation. This encompasses activities like witch-hunting, exorcisms, and other harmful rituals that can result in physical or psychological harm. Furthermore, superstitions can escalate into social conflict and violence, particularly in communities where belief in them is widespread[2]. Superstitious beliefs contribute to social divisions, conflicts, and discrimination within communities. Practices such as witch-hunting or caste-based superstitions exacerbate existing social inequalities and tensions. The absence of anti-superstition laws fails to address these underlying societal fissures, posing challenges to social cohesion and harmony. Anti-superstition laws play a pivotal role in preventing such conflicts by promoting tolerance, aligning with the principles of human rights and dignity, whilst discouraging the use of superstitions to justify harmful actions or discriminate against certain groups or individuals. They affirm individuals' rights to freedom of thought, expression, and belief by shielding them from coercion or persecution rooted in superstitions. These laws foster a society where individuals are free to exercise their beliefs so long as they do not infringe upon the rights and well-being of others and play a crucial role in promoting rational thinking, protecting vulnerable individuals, preventing social conflict, and upholding human rights. By explicitly prohibiting harmful superstitions and promoting scientific temper, these laws contribute to building a more rational, tolerant, and equitable society.

The current absence of anti-superstition laws only contributes to the current culture of fear and censorship, limiting individuals' freedom to express dissenting views or challenge superstitious beliefs. Fear of reprisal or societal backlash discourages individuals from questioning or rejecting irrational beliefs, thereby stifling freedom of expression and intellectual discourse.

Superstitious beliefs and practices hinder societal progress by perpetuating a climate where ignorance and irrational beliefs continue to thrive, impeding efforts to promote scientific temper, critical thinking, and evidence-based decision-making essential for societal advancement[2].



Legal Vacuum In India Regarding Explicit National Anti-Superstition Legislation

The absence of explicit national anti-superstition legislation in India poses a significant problem, creating a legal vacuum that perpetuates irrational beliefs and practices, thereby compromising societal well-being and infringing upon fundamental rights[3]. This legal vacuum is characterised by several key issues. India lacks a comprehensive legal framework specifically targeting superstitious beliefs and practices. Although certain laws may indirectly touch upon aspects of superstition, there is no unified legislation explicitly prohibiting and addressing a wide range of superstitious practices. Anti-superstition measures, where they exist, vary widely across different states in India. While some states have enacted specific laws or regulations to tackle certain superstitious practices, others have not taken significant legislative steps in this regard. This lack of uniformity results in uneven protection against superstition and inconsistency in addressing related issues. The absence of explicit anti-superstition laws creates ambiguity and loopholes in the legal system. Superstitious practices that may cause harm or exploitation often go unchecked due to the lack of clear legal prohibitions, allowing perpetrators to evade accountability[4].

The lack of explicit anti-superstition legislation contradicts the constitutional mandate to promote scientific temper and humanism, as enshrined in Article 51A of the Indian Constitution, undermining the constitutional commitment to fostering rational thinking and discouraging practices rooted in irrational beliefs[5]. Furthermore, the absence of robust anti-superstition legislation infringes upon the fundamental rights guaranteed by the Indian Constitution[6]. Individuals are not adequately protected from coercion, exploitation, or harm stemming from superstition-based beliefs and practices, compromising their right to life, dignity, and freedom of thought and expression. The legal vacuum surrounding superstition facilitates the proliferation of harmful practices that pose risks to public health, safety, and social cohesion. Practices such as witch-hunting, exorcisms, and faith-based healings continue to thrive in the absence of explicit legal prohibitions, perpetuating irrationality, compromising fundamental rights, and fostering the proliferation of harmful practices, which perpetuates cycles of violence, discrimination, and exploitation[2]. Addressing this issue requires the development and implementation of a comprehensive legal framework that explicitly prohibits superstitious practices and promotes scientific temper in line with constitutional principles[7].

Understanding the Legal Gap: Analysis of existing laws in India pertaining to superstition and irrational beliefs

Existing laws in India pertaining to superstition and irrational beliefs are scattered across various legal domains, including criminal law, personal law, together with specific regulations that target certain harmful practices. Whilst there is no comprehensive national legislation explicitly addressing superstition, several legal provisions do, albeit indirectly, address aspects of superstition and irrational beliefs. Under criminal legislation, certain superstitious practices that lead to harm or exploitation may be punishable under various provisions of the Indian Penal Code (IPC). For example, Section 302 (murder) and Section 304 (culpable homicide not amounting to murder) may be invoked in cases of witch-hunting or human sacrifices.

Additionally, Section 317 (exposure and abandonment of child under twelve years, by parent or person having care of it) may apply in cases where children are subjected to harmful rituals based on irrational beliefs. In terms of child protection, the Juvenile Justice (Care and Protection of Children) Act, 2015, and related child protection laws provide safeguards against harmful practices inflicted upon children due to superstition or irrational beliefs. These laws aim to protect children from physical, emotional, and psychological harm, including practices such as child sacrifice or ritual abuse. Some states have enacted specific legislation to prevent and prohibit witch-hunting. For example, states like Rajasthan and Jharkhand have introduced laws such as the Rajasthan Prevention of Witch-Hunting Act, 2015, and the Jharkhand Prevention of Witch (Daain) Practices Act, 2001, respectively. These laws aim to address the specific issue of witch-hunting and provide legal mechanisms to combat such practices. It is possible that personal laws governing marriage, inheritance, and religious practices may indirectly intersect with superstition and irrational beliefs. For example, certain traditional customs and practices related to marriage or inheritance may be based on superstitious beliefs, impacting individuals' rights and liberties. However, personal laws are explicitly divided in terms of religion or ethnicity and remain dominated by patriarchal attitudes and deep-rooted stereotypes that defend and propagate the superstitious discourse, and remain entrenched throughout all aspects of social, cultural, religious, economic and political structures of society[2].

Looking at consumer protection, the Consumer Protection Act, 2019, and related regulations provide recourse for individuals who are exploited or defrauded based on false claims related to superstition or irrational beliefs. This includes cases where individuals are deceived or coerced into purchasing products or services based on superstitious claims. Also, in cases where superstitious beliefs lead to the mistreatment or sacrifice of animals, provisions of animal protection laws may apply. The Prevention of Cruelty to Animals Act, 1960, and related regulations aim to prevent cruelty towards animals, including instances where animals are subjected to harm or sacrifice based on superstition.



Identification of gaps and inconsistencies in the legal framework regarding superstitious practices

Gaps and inconsistencies in the Indian legal framework, noticeably hinder the effective prevention and prohibition of harmful superstitions. The scattered nature of these provisions, together with the inequalities present within personal laws, results in inconsistencies and gaps in addressing harmful superstitious practices, highlighting the need for explicit anti-superstition legislation at the national level[7]. As noted above, while certain laws indirectly address aspects of superstition, such as criminal laws related to murder or child protection laws, these often lack clear definitions and scope regarding what constitutes superstitious practices. This ambiguity leads to inconsistencies in interpretation and enforcement, making it challenging to identify and address superstitious beliefs and rituals effectively.

Anti-superstition measures vary significantly across different states in India, leading to regional disparities in addressing superstition-related issues. So far, eight Indian states have enacted legislation against witch-hunting, namely Bihar, Chhattisgarh, Jharkhand, Odisha, Rajasthan, Assam, Maharashtra, and Karnataka. Bihar took the lead in 1999 by introducing the Prevention of Witch Practices Act, one of the earliest laws in the country addressing witchcraft and cruel rituals. While some states have enacted specific legislation to prevent and prohibit witch-hunting or other superstitious practices, others may have limited or no legal measures in place, resulting in uneven protection against superstition[2].

Even where laws exist to address superstitious practices, enforcement challenges often hinder their effective implementation. Lack of resources, institutional capacity, and societal resistance undermine enforcement efforts, allowing superstitious practices to persist despite legal prohibitions. One of the key hurdles is positioning such legislation within a culturally sensitive arena. Superstition is deeply intertwined with cultural and religious beliefs in India, making it challenging to address these practices without infringing upon cultural sensitivities[8]. This presents a gap in the legal framework, as addressing superstition requires a delicate balance between respecting cultural diversity and safeguarding individual rights and well-being. Critics contend that an anti-superstition law is limited to curbing practices primarily associated with religious and occult activities. Additionally, they argue that almost anything associated with religion can be considered superstitious, as there may be no scientific rationale behind those practices[9]. For instance, going to a temple, mosque, or church could be labelled as superstitious without scientific evidence supporting the benefits. Opponents argue that such practices may not necessarily harm anyone, and the freedoms of conscience and belief, even in the absence of scientific support, are fundamental tenets of a liberal democracy[10]. They emphasise that the existing legal framework, particularly within the Indian Penal Code, is sufficiently robust to address crimes related to superstition, and where there is an absence of legislation, such crimes can be addressed through amendments in the Criminal Procedure Code and the Indian Evidence Act.

Yet, what is evident, is that such arguments hold little weight when looking at the effectiveness and implementation of the current legislative provision. Despite the enactment of specific state legislation, crimes relating to harmful superstitious practices have increased[11]. This has been particularly noticeable in crimes relating to witchcraft accusations and persecutions[2]. The lack of effective governance and lenient punishment for crimes committed, serves as little deterrent for offenders.

Constitutional inconsistencies

The lack of comprehensive anti-superstition legislation in India contradicts the constitutional mandate to promote scientific temper and humanism, as outlined in Article 51A(h) of the Indian Constitution. Scientific temper refers to the cultivation of a rational, evidence-based approach to understanding the world. It encourages individuals to question, analyse, and evaluate information critically, relying on empirical evidence and logical reasoning. Article 51A(h) underscores the importance of fostering scientific temper among citizens, recognizing it as essential for informed decision-making, technological progress, and societal development. Humanism, as articulated in Article 51A(h), emphasizes the inherent dignity, rights, and worth of every individual. It promotes compassion, empathy, and respect for human life and dignity, irrespective of caste, creed, gender, or socioeconomic status. Humanism underscores the value of human relationships, cooperation, and mutual understanding in fostering a harmonious and inclusive society. Article 51A(h) also encourages the spirit of inquiry and reform, highlighting the importance of continuous learning, innovation, and adaptation. It calls upon citizens to engage in critical reflection, challenge existing norms and practices, and work towards positive change and progress in society. This spirit of inquiry is essential for addressing social injustices, advancing knowledge, and promoting societal well-being. The inclusion of scientific temper and humanism in Article 51A reflects the constitutional commitment to building a progressive, egalitarian, and democratic society. It underscores the foundational principles upon which the Indian Constitution is built, emphasising the values of reason, compassion, and social justice. Article 51A(h) has significant implications for education policy and civic engagement in India. It emphasises the importance of integrating scientific education, critical thinking skills, and ethical values into the curriculum at all levels of education. It also guides



policymakers in formulating laws and policies that promote scientific research, environmental conservation, and social welfare based on humanistic principles.

The Constitution enshrines principles of equality and social justice, aiming to eliminate discrimination based on religion, caste, gender, or other arbitrary factors. Superstition perpetuates social inequalities and reinforces discriminatory practices, contradicting the constitutional mandate to promote equality and social justice. Moreover, India's secular ethos, as enshrined in the Constitution, emphasizes the separation of religion and state and ensures equal treatment of all religious communities[12]. Superstition, rooted in religious beliefs or practices, impedes the realisation of secular ideals by privileging certain religious beliefs over others and undermining the secular fabric of society. The constitutional imperative to promote rational thinking and discourage superstition is grounded in the foundational principles of equality, social justice, secularism, and democratic governance enshrined in the Indian Constitution. Underscoring the importance of fostering a society grounded in reason, evidence, and humanistic values, essential for building a just, inclusive, and progressive nation.

Proposed Framework for Unified Anti-Superstition Laws

A comprehensive framework for unified anti-superstition laws in India should incorporate key provisions and principles aimed at addressing harmful superstitions, promoting rational thinking, and protecting the rights and well-being of individuals. The framework should include clear definitions of superstitious practices, encompassing a wide range of beliefs and behaviours that are irrational, harmful, or exploitative. It should also define the scope of the law to ensure comprehensive coverage of all forms of superstition, explicitly prohibiting superstitious practices that pose risks to the physical, mental, or emotional well-being of individuals[13]. This includes practices such as witch-hunting, human sacrifice, faith-based healing, and other rituals based on irrational beliefs. Stringent penalties should be established for promoting or practicing harmful superstitions, including fines, imprisonment, and other appropriate sanctions. It should also outline enforcement mechanisms, such as dedicated task forces or agencies, to ensure the effective implementation of the law and deter individuals from engaging in superstitious practices. The framework should prioritise the protection of vulnerable groups, including women, children, and marginalized communities, who are disproportionately affected by superstition. Provisions should be specifically included to prevent exploitation, discrimination, and violence against these groups based on superstition.

In line with the Constitution, provisions for promoting scientific education and awareness campaigns to debunk myths and superstitions are pivotal[14]. These campaigns can be targeted at schools, communities, and religious institutions to foster critical thinking skills and promote scientific temper among citizens. In line with this, civil society engagement and public participation in the development and implementation of anti-superstition laws should be facilitated. This includes engaging with human rights activists, grassroots movements, and community organizations to raise awareness, gather feedback, and mobilize support for combating superstition.

Finally, the framework should include provisions for regular review and evaluation of anti-superstition laws to assess their effectiveness, identify gaps or shortcomings, and make necessary adjustments. Monitoring mechanisms, such as data collection on superstition-related incidents and public feedback mechanisms, can inform evidence-based policy decisions and improvements to the legal framework. By incorporating these key provisions and principles, a comprehensive anti-superstition legal framework can effectively address harmful superstitions, promote rational thinking, and protect the rights and well-being of individuals[15].

Implementation Challenges and Strategies - Analysis of potential challenges in implementing unified anti-superstition laws in India

Implementing unified anti-superstition laws in India may face several challenges, given the diverse cultural, social, and religious landscape of the country. India is a culturally diverse country with a multitude of religious beliefs, traditions, and practices. Implementing anti-superstition laws while respecting cultural sensitivities and religious beliefs can be challenging. Some communities may perceive such laws as an infringement on their cultural or religious rights, leading to resistance and opposition[12]. Superstitions are deeply ingrained in many traditional belief systems across India. Implementing anti-superstition laws may face resistance from individuals and communities who adhere to these beliefs. Convincing people to abandon deeply held superstitions and embrace rational thinking requires comprehensive education and awareness campaigns.

Widespread ignorance and lack of awareness about the harmful effects of superstition pose a challenge to the implementation of anti-superstition laws. Many individuals may not recognise certain practices as superstitious or may not understand the rationale behind the laws. Addressing this challenge requires extensive public awareness campaigns and



educational initiatives. It also requires a need to consider the cultural context when drafting anti-superstition laws and regulations and to take into account cultural norms, traditions, and values to ensure that the laws are culturally sensitive and respectful of diverse beliefs while still upholding the principles of scientific temper and individual rights[7].

Ensuring effective enforcement of anti-superstition laws across diverse regions and communities in India poses a significant challenge. Law enforcement agencies may lack the resources, training, or expertise to identify and address superstitious practices effectively. Additionally, reluctance or complicity among local authorities or community leaders may hinder enforcement efforts. The drafting of anti-superstition laws must be meticulous to avoid loopholes and ambiguities that could be exploited to circumvent the law. Superstitious practices often evolve and adapt, making it necessary to continuously review and update the legal framework to address emerging challenges effectively. Moreover, given the political landscape, anti-superstition laws face political opposition from parties or groups that seek to capitalise on religious or cultural sentiments for electoral gains[16]. Political interference or lack of political will to enforce these laws undermines their effectiveness and lead to selective enforcement or dilution of provisions.

Strategies for addressing challenges while upholding the principles of scientific temper and individual rights

One of the key strategies for effective implementation is that the framework should be developed with sensitivity to cultural beliefs and practices while ensuring that it does not condone or perpetuate harmful superstitions. Consultation with diverse stakeholders, including religious and cultural leaders, can help ensure that the law respects cultural diversity while promoting rational thinking and human rights. Addressing cultural sensitivities while upholding the principles of scientific temper and individual rights is crucial for the effective implementation of anti-superstition laws in India. Strategies that address cultural sensitivities include, the provision of cultural sensitivity training to law enforcement officials, judicial officers, and government officials involved in implementing anti-superstition laws[17]. This training should include an understanding of diverse cultural beliefs and practices to ensure that enforcement actions are conducted respectfully and without prejudice, equipping them with the knowledge, skills, and resources necessary to enforce the laws effectively and sensitively. Capacity building and training programs promoting rational thinking and combating superstition should be also mandatory for educators, healthcare professionals and government agencies, providing them with the education, expertise, and tools necessary to interact with communities in a considerate and courteous manner.

Engagement with key stakeholder groups is vital to ensuring effective implementation[18]. Engagement with religious and cultural leaders, community organizations, and civil society groups is necessary to discuss the implications of anti-superstition laws on cultural practices and to seek input and feedback so as to ensure that the laws respect cultural diversity while promoting scientific temper and individual rights. Engagement with affected communities is also necessary to build consensus and to address concerns about the laws, with clear encouragement of an open dialogue, mutual understanding, and collaboration to foster support for the implementation of anti-superstition laws. Dialogues that highlight the compatibility of rational thinking with religious and cultural values should be promoted, together with encouragement of community-led initiatives that promote critical thinking and evidence-based decision-making. In order to reach these communities, collaboration with religious and cultural leaders is pivotal to the promotion of rational thinking and dispel superstitions within their communities. Encouraging religious and cultural leaders to incorporate scientific education and critical thinking into their teachings and practices, and highlighting examples of religious and cultural traditions that align with rational thinking and humanistic values allows for greater cooperation and encourages the preservation and promotion of traditional knowledge that fosters a holistic understanding of the world[19].

Together with training and engagement, the implementation of comprehensive education and awareness campaigns to debunk myths, challenge superstitions, and promote scientific temper is another crucial strategy[20]. These campaigns should target diverse audiences, including schools, communities, religious institutions, and the media and should utilise various communication channels and culturally sensitive messaging to effectively reach different segments of society. Key to this is youth empowerment and peer education[21]. Empowering young people to become advocates for rational thinking and critical inquiry allows for new generational approaches to tackling harmful superstitious practices, through the incorporation of scientific education and critical thinking skills into school curricula and extracurricular activities. The promotion of peer education initiatives, a form of informal education where individuals from similar backgrounds or age groups educate and support each other, can encourage young people to challenge superstitions and misinformation within their peer groups and communities. This offers numerous benefits both for the educators (peers) and the recipients of the education, including a feeling of ownership and empowerment over the learning process, the promotion of positive behavioural and attitudinal changes, and the promotion of social inclusion and diversity, which provides opportunities for cross-cultural exchange and understanding, fostering a more inclusive and tolerant society. Peer education also contributes to community empowerment and sustainable development by building capacity within communities, by fostering a culture



of learning and collaboration, enabling communities to address their own challenges and drive positive change from within[21].

More broadly, there is the need to conduct public awareness campaigns to educate communities about the harmful effects of superstition and the importance of rational thinking. These campaigns should emphasise that anti-superstition laws are not aimed at targeting specific cultural or religious practices but rather at protecting individuals from harm and promoting societal well-being. These should be undertaken through the use of various mediums, including media, workshops, and community events, to disseminate information and promote rational thinking. The facilitation of dialogue and mediation between proponents of anti-superstition laws and representatives of cultural or religious communities, gives ownership to these communities and allows them to address concerns and find common ground[22]. Encouraging open communication and mutual understanding can help to bridge the gap between cultural sensitivities and the principles of scientific temper and individual rights; likewise with exploring alternative approaches to addressing harmful superstitions that respect cultural sensitivities while achieving the objectives of promoting rational thinking and individual rights. This could include community-based interventions, educational initiatives, and partnerships with local religious or cultural leaders to challenge superstitions from within communities. Similarly, fostering collaborations between government agencies, civil society organizations, educational institutions, and private sector entities can assist in the promotion of rational thinking and combat superstition. Leveraging the resources, expertise, and networks of these stakeholders allows for the implementation of comprehensive initiatives that address societal attitudes and behaviours.

In terms of legal strategies, there is a need to incorporate legal safeguards within anti-superstition laws to protect cultural practices that are not harmful or exploitative, ensuring that the laws include provisions for exemptions or accommodations for cultural practices that do not infringe upon individual rights or public welfare[17]. Legal measures promoting rational thinking need to include safeguards to protect individuals from discrimination or persecution based on their beliefs, with an emphasis on the importance of individual rights, freedom of thought, and freedom of expression in the legal framework. Legal safeguards within anti-superstition laws should also protect against misuse or abuse of power, through the establishment of mechanisms for monitoring and accountability to ensure that the laws are implemented fairly, transparently, and without discrimination, whilst providing further mechanisms for addressing grievances and protecting individuals who challenge superstitions. There needs to be a regular review and, where required, the willingness to adapt anti-superstition laws based on feedback from affected communities, cultural stakeholders, and experts. Monitoring the implementation of the laws to assess their impact on cultural sensitivities and make necessary adjustments to strike a balance between cultural respect and the promotion of scientific temper and individual rights, allows for a more inclusive and transparent process.

Drawing from international case-studies

An effective approach involves leveraging the experiences of other nations with anti-superstition laws and collaborating with international bodies and experts to share best practices and lessons learned. This international cooperation will bolster the implementation of anti-superstition legislation in India. For instance, recent advancements such as the adoption of UN Resolution A/HRC/RES/47/8 (23) targeting harmful practices related to accusations of witchcraft and ritual attacks, along with the Pan-African Parliamentarian Guidelines[24], provide valuable frameworks. While these initiatives primarily address accusations of witchcraft and ritual attacks, they also encompass broader efforts to combat harmful practices. These efforts underscore the importance of addressing the underlying causes of such practices to protect the rights and dignity of individuals targeted by accusations of witchcraft. Moreover, they emphasize the necessity of awareness campaigns and educational initiatives to challenge misconceptions, stereotypes, and detrimental beliefs.

UN Resolution A/HRC/RES/47/8

The United Nations Human Rights Council (UNHRC) adopted a resolution on the Elimination of Harmful Practices related to Accusations of Witchcraft and Ritual Attacks on July 12, 2021. This resolution addresses the urgent need to combat harmful practices associated with accusations of witchcraft and ritual attacks, particularly those affecting women and children in various parts of the world. The resolution acknowledges that accusations of witchcraft and ritual attacks, linked to superstitious beliefs, lead to serious human rights violations, including physical harm, social exclusion, discrimination, and even death. It emphasizes the importance of preventive measures and protection mechanisms to address the root causes of these harmful practices and to safeguard the rights and dignity of individuals targeted by accusations of witchcraft and highlights the need for awareness-raising campaigns and educational programs to challenge misconceptions, stereotypes, and harmful beliefs associated with witchcraft accusations. It emphasizes the importance of promoting tolerance, understanding, and respect for human rights, calling for the provision of adequate support services, including psychosocial support, legal assistance, and access to justice, for victims of witchcraft accusations and ritual attacks, underscoring the importance of addressing the specific needs of women and children who are disproportionately affected by these



practices[23]. Most significantly, the resolution encourages international cooperation and collaboration among states, international organizations, civil society, and other stakeholders to effectively address the issue of witchcraft accusations and ritual attacks. It emphasizes the importance of sharing best practices, exchanging information, and providing technical assistance to support national efforts in this regard. The resolution represents a significant step towards raising awareness, promoting human rights, and mobilising collective action to address this important issue on the global agenda.

Pan-African Parliament

Established in 2004, the Pan-African Parliament (PAP) aims to facilitate the active engagement of African citizens in the economic advancement and unity of the continent. Serving as a forum for African participation, it enables people to contribute to discussions and decisions concerning the most critical issues facing the continent[25]. The PAP is entrusted with the task of advocating for and advancing the programs and goals of the African Union to ensure coherence and alignment in legislation and policies across Africa. In March 2023, the PAP Permanent Committee on Justice and Human Rights of the PAP launched the Guidelines for Parliamentarians aiming to eradicate harmful practices and other human rights violations. These Guidelines aim to elevate discussions surrounding legal and non-legal frameworks to combat Harmful Practices occurring in Accusations of Witchcraft and Ritual attacks (HPAWR)[25]. The preface to the guidelines from the PAP clearly states that ‘across Africa, the issue of harmful practices emanating from accusations of witchcraft and ritual attacks has not been met with an adequate response’ and that the elimination of all harmful practices occurring as a result of accusations of witchcraft and ritual attacks (HPAWR) is to the benefit of all society’[24]. Their objective is to drive reforms at national levels across the African continent, fostering safe communities where all individuals, regardless of their status, are shielded from any form of harm arising from accusations of witchcraft and ritual attacks. As stated by the President of the PAP, H.E. Chief Charumbira,

As the PAP, we have no doubt that these guidelines will further assist in creating shared values amongst the member states of the African Union. They are also a tool that will play a meaningful role in uniting the continent of Africa through spreading standardised continental integration on human rights-related matters. Most importantly, they are a tool that PAP can tap on in its endeavour to promote a united Africa [25].

The PAP guidelines clearly aim to foster unity across Africa concerning the broader issue of harmful practices. Both in terms of best practices and structural design, these guidelines provide an exemplary framework that India could adopt.

National Action Plans

National action plans (NAPs) are comprehensive strategies developed by governments to address specific issues or achieve particular goals within a country. These plans outline a set of coordinated actions, policies, and initiatives to be implemented over a defined period to achieve desired outcomes. NAPs are often used in various policy areas, including but not limited to healthcare and public health, gender equality and women's empowerment, education and skills development, poverty reduction and social welfare, and human rights and the rule of law. Overall, NAPs serve as important policy tools for governments to address complex challenges and achieve specific objectives in various policy areas. By outlining coordinated actions and strategies, these plans help guide government efforts and mobilize resources to achieve desired outcomes.

For example, in Africa the Regional Action Plan on Albinism in Africa 2017-2021[26] was developed in line with the 2030 Sustainable Development Goals (SDGs) as well as the International and African human rights frameworks. The Action Plan provides guidance and concrete measures on how states can prevent discrimination and violence against persons with albinism, protect them where there are risks of attacks, ensure accountability for violations of their rights and ensure equality and non-discrimination. In July 2019, the African Union (AU) Commission officially adopted the Regional Action Plan on Albinism as AU policy in its regional disability policy architecture. The timeframe of the Action Plan was also extended to 2030 in view of the timeframe of the SDGs.

In the UK, after the tragic murders of eight-year-old Victoria Climbié in February 2000 and fifteen year old Kristy Bamu in December 2010, the UK government recognised significant shortcomings in how cases relating to superstition and spiritual abuse were handled. It acknowledged that incidents of ritual child abuse and neglect are frequently concealed, misinterpreted, and underreported. Recognising this critical issue, the Department for Education, alongside numerous stakeholders, formulated an action plan (National Action Plan to tackle Child Abuse Linked to Faith or Belief 2012), aimed at identifying children vulnerable to such risks and ensuring their protection. This plan aimed to address specific forms of child abuse associated with faith or belief systems. These include beliefs in concepts such as witchcraft and spirit possession, where demons or the devil are thought to act through children or lead them astray (as traditionally seen in certain Christian beliefs), together with beliefs in the evil eye or djinns (commonly known in some Islamic faith contexts),



as well as Dakini in the Hindu context. It addressed ritual or muti murders, where children are killed under the belief that it brings supernatural benefits or that their body parts can produce powerful magical remedies and targeted the use of belief in magic or witchcraft to instil fear in children, thereby making them more compliant when they are subjected to trafficking for purposes of domestic slavery or sexual exploitation[27].

Previously highlighted, in this article, was the significance of acknowledging cultural sensitivities in crafting anti-superstition legislation in India. In the UK, the National Action Plan (NAP) was collaboratively developed with input from faith leaders, civil society, and statutory partners to ensure representation of all affected communities. This initiative aimed to augment existing awareness efforts on safeguarding and address issues of abuse linked to faith or belief systems. Moreover, it sought to cultivate relationships within and between national and faith communities, along with statutory partners, to bolster safeguarding practices. The primary objective of the NAP was to diminish instances of abuse against children by individuals influenced by supernatural beliefs. Recent research and engagement with civil society in the UK revealed that adults, predominantly women, are also victims of such abuse, prompting the need to revise the NAP to include them. Additionally, it was recognised that aligning the new NAP with UN Resolution 47/8 would ensure conformity with international standards. Scheduled for release in 2024, the updated NAP suggests a potential model for drafting a similar plan on superstition in India.

CONCLUSION

This article has argued that the adoption of unified anti-superstition legislation in India is paramount for several compelling reasons. Firstly, such laws are indispensable in safeguarding individuals against the detrimental impacts of superstition, which encompass violence, discrimination, and exploitation. By proscribing superstitious practices like witch-hunting, human sacrifice, and faith-based healing, these laws can shield the rights and welfare of vulnerable segments, including women, children, and marginalized communities. Secondly, unified anti-superstition laws are imperative for fostering rational thought and scientific acumen within Indian society. By dispelling myths, challenging superstitions, and advocating evidence-based decision-making, these laws can bolster the progression of knowledge, innovation, and societal advancement. They also resonate with the constitutional mandate of nurturing scientific temper, humanism, and the pursuit of inquiry and reform among citizens. Furthermore, the implementation of unified anti-superstition laws underscores India's commitment to upholding fundamental rights, secularism, and social equity. These laws exemplify the government's resolve to ensure equality, dignity, and freedom of belief for all individuals, irrespective of their cultural or religious affiliations. Lastly, unified anti-superstition laws are instrumental in propelling India's evolution as a modern, democratic society. By combatting superstition and fostering rational thinking, these laws can cultivate an environment conducive to innovation, entrepreneurship, and sustainable development. They also contribute to nurturing a society that values critical inquiry, tolerance, and reverence for diverse beliefs.

Whilst this article argues clearly for the need to implement a unified anti-superstition law in India, the authors also acknowledge that this should be done gradually, taking into account the diverse cultural, social, and religious contexts across different regions of India. Tailoring implementation strategies to address specific challenges and sensitivities in each context is key to ensuring that the laws are implemented sensitively and effectively.

By implementing these strategies in a coordinated and sustained manner, societies can overcome resistance and foster widespread acceptance of legal measures promoting rational thinking. Overcoming resistance and fostering societal acceptance of legal measures promoting rational thinking, such as anti-superstition laws, requires a multifaceted approach that addresses underlying beliefs, cultural norms, and socio-economic factors.

These efforts are essential for building resilient communities that value evidence-based decision-making, critical inquiry, and humanistic values. India can overcome the implementation challenges and effectively implement unified anti-superstition laws to combat harmful superstitions and promote rational thinking and individual rights. Understanding and learning from international efforts to tackle the issue, particularly those that have been successful, such as AU and the UK, and adapting the structure of the PAP Guidelines that were adopted specifically in line with UN Resolution 47/8, is crucial for states such as India to demonstrate a willingness to implement change.

The enactment of comprehensive anti-superstition laws in India holds the potential to significantly advance societal well-being and uphold constitutional principles. These laws are not merely legal measures but represent a profound commitment to promoting rational thinking, protecting individual rights, and fostering a culture of scientific temper and inquiry. By combatting harmful superstitions such as witch-hunting, human sacrifice, and faith-based healing, these laws can prevent violence, discrimination, and exploitation. This protection of individual rights is fundamental to upholding the principles of



equality, dignity, and social justice enshrined in the Indian Constitution. Furthermore, anti-superstition laws have the power to transform societal attitudes and behaviours by challenging deeply ingrained superstitions and promoting evidence-based decision-making. They create an environment conducive to scientific inquiry, innovation, and progress, aligning with the constitutional mandate to develop scientific temper, humanism, and the spirit of inquiry among citizens. Implementation of unified anti-superstition laws in India is vital for safeguarding individual rights, promoting rationality, upholding constitutional principles, and advancing societal development. Through the enactment and enforcement of these laws, India can forge a more equitable, enlightened, and inclusive society that embraces evidence-based decision-making and humanistic ideals.

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