Witchcraft, Witch-Hunting And Anti-Witch-Hunting Laws In Assam: An Analysis

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Abstract:

The state of 'Assam' or 'Kamarupa' since the early eight centuries is often regarded as the "Land of Magic and Sorcery" or one of the oldest seats of Tantra, a kind of complex relationship amongst power, ritual, and kinship, which has been closely associated in the complex web between belief and superstitions, where often traditional customs, rituals, beliefs, faith is associated with it. The practice of believing in the existence of witches, witchcraft and witch-hunting in Assam is linked to the conventional acceptance of the presence of malevolent entities, as well as the power to harness evil spirits to cause harm to others with the help of spirits acting on the witches' wishes. Diani/Diana (Local Assamese/Bodo term for witch) a witch' in local term is known as someone who possesses magical powers, as well as someone who has the power to use evil spirits to cause harm to others with the help of spirits acting on the command and order of the witches. In recognition of this belief in witchcraft, the practise of looking for witches, and the need to prevent and end contemporary witch hunts the government of Assam came up with a bill "THE ASSAM WITCH HUNTING (PROHIBITION, PREVENTION, AND PROTECTION) ACT-2015" in 2015 which by the assent of President of India after nearly 3 years became an Act on June 13, 2018.

Keywords: Assam, Anti Witch-Hunting Laws, An Analysis, Witchcraft, and Witch-Hunting.

1. INTRODUCTION

Believing in the existence of supernatural powers either to harm or to heal is one of the basic aspects of human life. Human beings from time immemorial have believed in the capacity to either harness or order the evil spirits to cause harm or sometimes to heal too. Here this phenomenon of witchcraft is associated with the terms evil witch and the witch finder, witches in traditional societies are often regarded to be synonymous with women and a witch finder or the good witch is always a man.

The state of Assam or Kamarupa since the first eighth century or since yesteryear has usually been thought to be the "Land of Magic and

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Sorcery" or one in all the oldest seats of Tantra, wherever one will associate it with a form of advanced relationship amongst power, ritual and kinship, that has been closely coupled with the multifarious web between belief and superstitions, where often ancient customs, rituals, beliefs, religion is related to it. Traditional witch doctors in Assam, also known as herbalists, commonly referred to as 'Ojaa', 'Bej', Bejali, or self-declared gods/goddesses. They are sought out by the local populace for guidance on matters of health, fortune, disease, crop loss due, family feuds, and other social, economic, and cultural problems that cannot be rationally explained. These uninformed "witch doctors" resort to witchcraft or simply black magic rather than using scientific procedures to cure the ailment or seeking police assistance to mediate feuds. For the duped villagers, they are the answer to all of their problems.

Mayong a village in Morigaon district of Assam has been the center of witchcraft in India since ancient times and is also known as the capital of black magic in India. Many mystical stories of Mayong about black magic, ghosts, witchcraft and more have always dominated common discussions in Assam and are part of popular folklore. The concept of witchcraft is also deeply-rooted in tribal belts of Assam such as Kokrajhar, Chirang, Udalguri, and Baksa districts under the Bodoland Territorial Area Districts (BTR), Karbi-Anglong, and Goalpara, reports to have the highest number of fatalities caused by witch-hunting in the state. A large number of occurrences of witch-hunting have also been documented in upper Assam, namely in the districts of Sonitpur, Lakhimpur, Sibsagar, and Jorhat over the years. . Mayong, a hamlet in Assam's Morigaon district, has been the seat of witchcraft in India from ancient times and is also regarded as India's capital of black magic. Many mysterious Mayong legends about black magic, ghosts, witchcraft, and other supernatural phenomena have historically dominated common talks in Assam and are part of popular mythology. Witchcraft is also strongly established in Assam's tribal belts, including Kokrajhar, Chirang, Udalguri, and Baksa districts under the Bodoland Territorial Area Districts (BTR), Karbi-Anglong, and Goalpara, which have the greatest number of witch-hunting murders in the state. Then, in upper Assam, towns like as Sonitpur, Lakhimpur, Sibsagar, and Jorhat recorded a considerable increase in witch-hunting instances in the recent years.

2. LITERARY SURVEY

Rape, women trafficking, dowry death, abduction, and murder of women under the guise of witchcraft are becoming increasingly widespread in the region. Rapid urbanization and modernity, as well as poverty, illiteracy, and a lack of knowledge, are all contributing to

the rise of women-related crimes. According to numerous reports and writings, such acts are primarily committed by Bodos, Adivasis, Tea Communities, and other ethnic groups. It has been noticed that the poor, destitute, illiterate, deserted women and widows are the primary targets of such crimes, with males being targeted as wizards or warlocks in some situations. An attempt has been made in this book to analyze the laws comprehensively made by the state legislature. (Pathak, 2018) Chaudhuri asserts the theory of scapegoat, where women are being targeted for no fault of theirs. (Chaudhuri, 2012). The state of Assam, situated to India's north-eastern region, has been a key hotspot of incidence of this crime (Witch-hunting), which has deeper gripping roots, primarily in tribal community. (Bhattacharya, 1994). Men and women have both been subject to the practice of witch-hunting, but women have increasingly been its main target and victim. (PLD,2013).

Believing in the practice of witchcraft and which is ultimately leading to witch-hunting is a very old practice in Assam, it is very strongly connected to the socio-cultural tradition of the people (Pathak, 2018, Pattnaik & Talukdar 2020).

3. OBJECTIVES

- To examine the practices of witchcraft and witch-hunting in Assam.
- To analyze the Anti-witch-hunting laws in Assam and their impact.

4. METHODOLOGY

The research is primarily based on secondary sources of information such as reports, academic papers, scholarly articles, newspaper articles, police reports, legislative assembly proceedings, and questions and answers posed in the Legislative Assembly of Assam, as well as a pilot study conducted in the four districts (Kokrajhar, Chirang, Baksa and Udalguri) of Assam with the highest number of witch-hunting cases.

5. DISCUSSION

5.1 Assam

Assam is in the northeastern portion of India, and it is bordered by the states of Bhutan to the north, Arunachal Pradesh to the north, Nagaland and Manipur to the east, Mizoram and Tripura to the southeast, Meghalaya and Bangladesh to the south and West Bengal to the west. The term "Asama," which means "peerless," is where the name "Assam" comes from. There are around 31,169,272 people living on an area of 30.285 square miles (78.438 square km) of land. (2011 Census).

Amongst the 33 districts in Assam, Kokrajhar, Chirang, Baksa, Udalguri, Sonitpur, Dhemiji, Lakimpur, Tinsukia, Sibsaghar, Jorhat, Golaghat, Karbi Anglong, Nagaon, West Karbi Anglong, Darrang, Kamrup, Nalbari, Goalpara, Kamrup Metro, and Cachar are the 21 districts particularly adversely affected by the occurance and recurrence of witch-hunting., amongst these districts the worst to be affected with it are Goalpara and Bodoland Territorial Region (BTR) the districts under the region are as Kokrajhar, Chirang, Baksa, Udalguri.



Figure 1: Map of Assam,

(Source- Police Report and Proceedings in Assam Legislative Assembly (2016 to 2018). Red dot shows the 21 districts affected by Witch-hunting in Assam)

5.2 Witchcraft

Witchcraft is a significant and challenging historical topic. Throughout the course of human history, the majority of nations and communities have developed ideas about certain types of malevolent people who are said to have access to or display extraordinarily powerful supernatural powers. During the Middle Ages and the early Modern era in Europe, these individuals were thought to be working with the

devil to destroy Christian civilization on earth. Tens of thousands of individuals were prosecuted and finally put to death for the alleged crime of witchcraft from the 15th to the 18th century in span of for more than 300 years. The historical period is often referred to as "the great witch hunts" or, by more sensational writers, simply as the "fire days." (Historical Dictionary of Witchcraft, 2003)

According to its etymology, the term "witch" comes from the Anglo-Saxon verb "witan," which meaning "to know." Witchcraft might be defined as the skill or craft of the wise. "Craft" often indicates skill. (Ilega, 2001, p. 4), (Olusakin 2013, p.165) Alternatively, the name "witchcraft" is a combination of the terms "wicce" (which means "witch") and "crft" (which means "craft"), where "wicce" is derived from the ancient English word "Wicca," which means "witch," and "crft" means "skill or ability." (Dilts, 2015). It is very wide in academic discourse debate. It should be noted that there is no single and well-accepted definition of witchcraft, where this very term differs in different societies and communities and also considering the sociocultural aspects of the society where it is used, the term witchcraft also differs from the angle it is interpreted, in some cultural or social groups 'women' can only be a witch, men are never believed to be a witch or to possess the capacity to harness the power of evil to perpetrate evil on others.

The state of Assam or Kamarupa since the early eight centuries is often regarded as the "Land of Magic and Sorcery" or one of the oldest seats of Tantra and Mantra a kind of complex relationship between power, ritual, and kinship, which has been closely associated in the complex web between belief and superstitions, where often traditional customs, rituals, beliefs, faith is associated with it. This sense of believing in witchcraft in Assam has a solid connection to the cultural past, though there are differences of opinions and divergent approaches owing to the origin of the practice of witchcraft or witches (Dinaa/Diani local terms of witches) between different scholars.

Traditionally the practice of witchcraft is part of the traditional tribal social life in Assam, but in due course, it has spread to other communities as well. (OKDSS,2015)

5.3 Witch-Hunting

Many innocent people across the globe have experienced acute moral panic and mass hysteria as a result of witch-hunting, which essentially means the pursuit of a witch who is thought to be causing damage to other people. (Borah and Das, 2019).

Local witch doctors, sometimes referred to as witch-finders, play an important part in practising witchcraft and eventually witch-hunting. People's belief in his abilities and abilities is ingrained in their mind. When someone is accused of being a witch and the claim is confirmed

by a witch doctor, there will definitely be action taken against him or her. The society's veneration of the witch doctor is therefore the key factor in witch-hunting. (Roy, 1998).

Witch-hunting has been performed in Assam since hundreds of years among tribes, as well as many other communities throughout the state, resulting in significant injuries, death, and excommunication. A person in Assam who is believed to be or accused to be practicing witchcraft is most commonly punished with socially sanctioned order within the society. A person is often convicted of practicing witchcraft and accused of being a witch (Dinaa/Diani or to be doing Tonhi, Dayan, Chudail, Baiga, Bakshi in Nepali, or Ojha in local terms is synonymous to witches) is punished with diverse form of punishments; if found to be a woman, she is sexually abused, tortured, raped or if an individual accused belongs to either gender the accused is burnt alive, buried alive, hacked to death or many a times the whole family is socially excluded or ex-communicated from the village or the area itself whereby the family is compelled to relocate themselves, they are compelled to live a life of fear and social insecurity, devoid of basic social justice are some of the most serious and brutal punishments that is being given to an individual for being accused to be a witch. The other form of punishment also includes public humiliation of the individual; such as making the accused confess to doing the crime, shaving the hair completely or partially and parading in public, barbaric un-robbing of women and parading in public view, making the accused consume fecal matter of domestic animals such as pigs or cows.

The following are some accounts about the threat of witch-hunting that are in the public domain:

- In a most recent report given by Mrs. Pramila Rani Brahma (then the State Social Welfare Minister) on 01/02/2019 on the question asked by Congress MLA Durga Bhumij during question hour, he stated that in the past 18 years 2001 – 2018 around 180 people were killed on doubt of practicing witchcraft. He wanted to know what action had been taken against the killers and if the families of the victims have been compensated.
- As per the police report that is available as stated by According to Anil Kumar Jha, Additional Director General of Police (CID), between 2001 and 2017, 193 persons were labelled a witch and slain, with 114 women and 79 males among them, and 202 charges were filed. (Source Police Report).

This indicates that the practices of believing in the existence of witches, witchcraft and witch-hunting is relevant in Assam and in the fight against such practices of witch-hunting, the government of Assam, different NGOs, and Social organizations have been relentlessly working on the area and one of such out-come of this fight

against witch-hunting is the Anti-Witch-hunting Laws that was framed in the year 2015(Bill) and implemented in the year 2018(Act) Assam.

5.4 Anti-Witch-Hunting Laws in Assam

There is perhaps a long history in Assam in framing the laws against witch-hunting as Assam has a long historical relationship with believing in the practices of witchcraft and witch-hunting. Many states in India before Assam have enacted and enforced various anti-witch hunting laws prohibiting the practices of witch-hunting with provisions of stern punishments to anyone to have found guilty for involving in the practices of witch-hunting. Some of the states that had such acts before Assam in India are Bihar, Jharkand, Odisha, Rajasthan and Maharashtra.

Assam prior to having a distinctive law to prevent the evil practices of witch-hunting used to address the situation and deal with it cases of witch-hunting through various sections of the Indian Panel Code (IPC of 1860), in such circumstances, numerous laws were used, including Sec.302 for murder, Sec.307 for attempted murder, Sec.323 for bodily harm, Sec.376 for rape, and Sec.354 for insulting a woman's modesty. . It was in 2013 that a city-based lawyer from Guwahati, Sri Rajiv Kalita filed a Public Interest Litigation (PIL) (Vide no. 93/2013) before the Honorable Guwahati High Court, seeking for Anti-Witch Hunting Act, it was in 5/4/2014, the Honorable Guwahati High Court directed the State Government to enact a special Act to deal with the menace of witch-hunting at the earliest. The government in Assam submitted a draft bill before the honorable Court on 6/4/2015 and the same bill was placed before the State Assembly and was unanimously passed on 13/08/2015 as "THE ASSAM WITCH HUNTING (PROHIBITION, PREVENTION, AND PROTECTION) BILL-2015" which became an Act with the President Ram Nath Kovind approving the bill with his accent on June 13, 2018, classifying each crime as non-civil, recognizable, and inaccessible under the law.

5.5. Brief Discussion and Analysis of Anti Witch Hunting Laws in Assam

(This law is derived from Government of Assam Gazette Notification, The 29th June, 2018, Registered No.-768l97)

The Assam Anti Witch-hunting Act is enacted in order to eliminate torture, oppression, humiliation, and killing of such people who are being suspected or is being termed as Witch by a section of the society, it became necessary to provide for more effective measures to outlaw witch-hunting, prevent and protect people from witch-hunting, and provide for the relief and rehabilitation of victims of such offences,

"THE ASSAM WITCH HUNTING (PROHIBITION, PREVENTION, AND PROTECTION) 2018(Act) ASSAM" was enacted.

5.5.1 Some of the main Provision of the Act are:

The Act, can be briefly classified into four parts as: (I) The Act, (II) Prohibition and (III) Punishment (IV) Constitution of Special Court and Duties of the Officials

(I) The Act.

- 1. The Act, starts with the definition and a preamble describing the basic objective of the Act.
- 2. The Act. Extended to whole of Assam.
- 3. This Act; came under Central Act 2 of 1974 and Central Act 45 of 1860.

(II) Prohibition:

The law outlaws any action taken with the intent to engage in witch-hunting or to label someone as a witch. No one shall engage in witch-hunting, which includes committing acts of naming, calling, stigmatising, defaming, or accusing another person of being a witch through words, signs or indications, conducts or actions, or any other means. Accusing someone of being a witch is illegal under the Act, as are any conspiracies to do so.

- (III) Punishment: Punishment is further divided into three main sections as:
- a) Identifying: if someone labels another person or individual as a witch through verbal or nonverbal means (such as signs, indicators, conducts, actions, or words) shall be liable for punishment of imprisonment of not less than three years and can be extended up to seven years and a fine of Rs. 50000 to Rs. 500000/-
- b) Punishment for Causing Death: The Act states whoever assaults or uses unlawful force against a person accusing him or her of being a witch and causes his or her death shall be punished in accordance with Section 302 of the Indian Penal Code, 1860. (Central Act 45 of 1860).
- c) Punishment for Leading the Person to Commit Suicide: Any act that causes or compels someone to commit suicide by identifying, labelling, stigmatizing, defaming, or accusing them of being a witch is punishable by imprisonment for a term not less than seven years but not less than life, and by a fine not less than Rs. 1,00,000 but not less than Rs. 5,00,000.

- d) Punishment for Use of Criminal Force Identifying, Calling Etc. As Witch: Whoever, by naming, labelling, ostracising, maligning, or trying to accuse any person as a witch, uses violent means against that person and/or stirs up or induces others to do so with the intent to harm and/or evict the person from the home, place, or property, lawfully occupied or owned by him/her, or who interferes with his/her rights over any land or premises or tries to force him/her to leave the area in which he/is a rightful owner, resident, or visitor, to a sentence of imprisonment that must be at least five years and may be as long as ten years and with fine which shall not be less than Rs. 1,00,000/- but which may extend to Rs. 5,00,000/-
- e) Punishment for Using Criminal Force to Outrage Modesty: Anyone who helps to identify, calls, dehumanises, slanders, or accuses a person of being a witch, assaults or forces a person to take off his or her clothes, or forces a person to take off his or her clothes, and thereafter shows or parades that person naked or in scanty clothes that don't protect his or her modesty, is guilty of witchcraft, the minimum amount of time he must serve in jail is five years, but the minimum amount of time he must serve in prison is ten years. In addition, he must pay a fine of at least 10,000 rupees, which can go up to 50,000 rupees.
- f) Punishment for Some Forms of Torture: If someone designates, wants to call, humiliates, maligns, or did accuse some other person of being a witch in any way and induces any form of physical harm, whether minor or severe, they will be punished to imprisonment for a term of not less than five years but not less than ten years and a fine of not less than Rs. 50,000/- but not less than Rs. 1,00,000/-.
- g) Punishment for Damaging Reputation, Dignity Etc: Whoever, with intent to harm a person's name and dignity, to sexually exploit, to extort money or property, or for any other ulterior reason, identifies, calls, stigmatises, or accuses a person of being a witch, punishable with imprisonment for a term which wouldn't be less than three years but which may stretch to seven years and with a minimum fine of Rs. 10,000/- which may extend to Rs. 80,000/-.
- h) Punishment for Community Involvement: If the court finds a community guilty of an infringement under this Act, all members of that community might be fined up to Rs. 30,000 and imprisoned for a year if they fail to pay the fine.

i) Constitution of Special Courts and Duties of Officials: The Act states and specifies the duties, responsibilities, and actions that are to be taken by police officials, the Panchayat, local civic bodies, and local civil administration. Additionally, the Act speaks about the establishment of a special court for the purpose of proper implementation and ensuring that victims receive justice in accordance with the law in due time.

6. BRIEF ANALYSIS OF THE LAW

The law "THE ASSAM WITCH HUNTING (PROHIBITION, PREVENTION, AND PROTECTION) ACT-2015", (ASSAM ACT NO 21 OF 2018) When there were no separate laws to deal with the crime of witch-hunting in Assam, the cases were dealt with under various sections of the Indian Penal Code (IPC of 1860): Sec.302 which charges for murder, Sec.307 which charges for attempted murder, Sec.323 which charges for injury, Sec.376 which penalises for rape, and Sec.354 which deals with outraging a woman's modesty and many other that were deemed fit to be applied in the said crimes. The current legislation of Assam that seeks to ban, prevent, and protect its citizens from witch-hunts is briefly explained below:

- 1. The violation of this act becomes cognizable, non-bailable, and non-compoundable.
- 2. The person who commits the crime of branding a person as a witch and if someone is killed, the person who commits such crime can be imprisoned for 7 years or life imprisonment
- 3. The Law also deals with Community involvement in the crime of Witch-hunting
- 4. Punishment will also be given to someone who holds someone responsible for misfortune like natural disasters, droughts, flood, crop failure, disease, or deaths in the village, ranging from a fine of Rs. 50000/- to Rs. 100000/- to imprisonment up to 3 years.
- 5. If a person declares someone as a witch or does some superstitious acts of sorcery intending to harm others can be fined Rs. 50000/- to Rs.100000/- and imprisonment of 5-10 years.
- Any government employee who knowingly and intentionally fails to file a report, who fails to cooperate with investigators, or who attempts to conceal information or evidence in order to downplay the seriousness of the situation is subject to legal repercussions.

7. CONCLUSION

Witch-hunting is still practised in Assam. The characteristics that identify the victims as witch represent a mosaic of personal, societal, and economic factors that increase vulnerability to accusations of witchcraft. The majority of the victims of a witch hunt are found to be

women. Collateral victimisation research demonstrates that wives are still susceptible to violence since their husbands are their primary source of financial and emotional support. The practice of witch hunting is seen widely practiced amongst Bodos, Misings, Rabhas, Tea Tribes, Rajbangshis, etc., in Assam. However, as far as police cases reported in this connection there has been a significant decrease in the incidence of witch-hunting cases in recent years where an attribute can be given to the enactment of Anti Witch hunting Laws in Assam.

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