



## **Tonahi : A menace in Chhattisgarh**

**ORIGINAL ARTICLE**



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### **Abstract**

*Chhattisgarh, despite having a specific anti-witch-hunting law, continues to be a hotspot for the deeply entrenched social evil of witch-hunting, locally referred to as the 'Tonahi' menace. The term 'Tonahi' is used to label an individual, predominantly an elderly, single, or marginalized woman, who is falsely accused of possessing malevolent supernatural powers (black magic or 'evil eye') responsible for misfortunes in the community. The violence against a 'Tonahi' is a severe form of gender-based violence and can range from public humiliation, social ostracization, and forced consumption of foul substances to brutal physical assault, torture, and murder. Victims are often stripped of their property and forced into destitution, and the stigma impacts their families across generations. The practice is not merely a social custom but a serious criminal issue with significant socio-economic consequences for the victims and the overall public order.*

### **Key Words**

*Tonahi, Anti-superstition Law, Social Menace, Human Rights Violation.*

### **Introduction**

The concept of witch-hunting has its traces in past, may it be primitive age, medieval age, modern age and now industrial age, the concept of witchcraft and the incidence of witch hunting has been witnessed. Witch-hunting is considered an infectious disease that is slowly spreading to newer areas. Concerning the Indian context, the practice has been able to sustain itself and is rampant in some states. This has primarily been possible due to the highly patriarchal and superstitious beliefs internalized within the societal structure of the rural areas.

This article deals with the problem of witch hunting and the data collected concerning it from the state of Chhattisgarh. Anti witch hunting laws is in place in this state. The existence of special laws in Chhattisgarh reflects a recognition of an endemic problem in this region.

The Chhattisgarh Tonahi Pratadna Nivaran Act, 2005, is a landmark legislation aimed at protecting individuals from witch-hunting and related atrocities. Enacted on September 30, 2005, this law provides a framework for preventing and punishing acts of violence, harassment, and intimidation against people accused of witchcraft<sup>1</sup>.

## Key Provisions

- Punishment for Identifying Tonahi: Anyone who identifies a person as a witch (Tonahi) can face rigorous imprisonment for up to 3 years and a fine.
- Punishment for Harassment: Causing physical or mental harm to someone accused of witchcraft can result in rigorous imprisonment for up to 5 years and a fine.
- Punishment for Claiming to be Tonahi: Individuals claiming to possess supernatural powers to harm others can face rigorous imprisonment for up to 1 year and a fine.
- Punishment for Attempting to Commit Offenses: Attempting to commit offenses under this Act can result in punishment similar to the actual offense<sup>2,3</sup>.

## Implementation Challenges

Despite the enactment of this law, its implementation has faced challenges, including t :

- **Lack of Awareness:** Limited awareness about the law and its provisions among the general public and law enforcement agencies.
- **Social and Cultural Factors:** Deep-rooted superstitions and social norms that perpetuate witch-hunting practices.

## Why the Act was Needed

“Tonahi” is a local term for “witch.” Branding (pehchaan) and persecution (pratânâ) of alleged “tonahi” has long intersected with land disputes, gendered violence, social exclusion and the business of quack “ojhas” (occult healers). In 2005, Chhattisgarh enacted a dedicated statute to criminalise witch-branding and related harms and to give the police, prosecutors and courts a focused legal tool. The law’s goal is dual: protect victims swiftly and deter community-level persecution through clear offences, non-bailable custody, and victim compensation.<sup>1</sup>

## What the Law Says (key provisions in brief)

- **Scope & Definitions:** The Act applies across Chhattisgarh. It defines *Tonahi* and *Ojha* (a person who identifies/assists in identifying someone as “tonahi”) and treats “damage” broadly—physical, mental, economic and reputational.<sup>2</sup>
- **Section 4: Witch-branding.** Identifying any person as *tonahi* by any means is punishable with up to 3 years’ rigorous imprisonment and fine.<sup>3</sup>
- **Section 5: Harassment/harm after branding.** Causing physical or mental harm or other damage to a person identified as *tonahi* is punishable with up to 5 years’ rigorous imprisonment and fine.<sup>4</sup>
- **Section 6: Harmful “treatment”/rituals:** Performing or claiming “treatment” on a branded person (or on people/animals allegedly affected by the person) under the pretext of control or exorcism attracts up to 5 years’ rigorous imprisonment and fine.<sup>5</sup>
- **Section 7: Claims of occult power disturbing public peace.** Publicly claiming power to harm via black magic/evil eye etc., and thereby disturbing tranquility/causing annoyance, is punishable with up to 1 year’s rigorous imprisonment and fine.<sup>6</sup>
- **Attempts & Abetment:** Attempts are punishable with the same punishment as the offence attempted.<sup>7</sup>
- **Procedural Rigour:** Offences are cognizable and non-bailable; the Public Prosecutor must be given a chance to oppose bail. Probation/BNSS Sec. 401 leniency is generally excluded (with a limited exception noted in the text).
- **Compensation:** Courts must consider compensation to victims while imposing fine, including treatment costs. The Act is in addition to other laws (BNS/BNSS).

- **Authoritative Texts:** India Code and the State Law Department host the notified Act; PRS provides an accessible copy. Practitioners should cite the Gazette/India Code version in filings.<sup>8</sup>

## How Implementation Actually Works in Chhattisgarh

### A. Policing & FIRs

- **Registration under the special Act** is now common alongside BNS sections (assault, criminal intimidation, outraging modesty, etc.). Recent High Court matters show Sections **4 and 5** being invoked together with BNS §85/§377/§506 reflecting domestic-violence and sexual-violence overlays in witch-branding cases.<sup>9</sup>
- **Custody & bail.** Because offences are non-bailable, the police can arrest without warrant; courts scrutinise bail with prosecutorial input. Early jurisprudence emphasised that if an FIR discloses an offence under the special Act, courts should avoid premature factual mini-trials at the threshold.

### B. Prosecution & courts

- **Framing of charges** typically splits conduct: (i) branding (S.4), (ii) subsequent harassment (S.5), and (iii) ritualistic “treatment”/parading/assault (S.6 and allied BNS).
- **Victim compensation** is available at sentencing in addition to state victim compensation schemes; prosecutors should press for this and document medical/mental-health costs as the Act contemplates.

### C. Prevention & community response

- The statute itself is penal; **preventive work**—police outreach, civil-society campaigns, panchayat sensitisation—remains pivotal. Chhattisgarh has periodically undertaken awareness drives and trainings; however, independent reportage shows pockets with entrenched practices, requiring sustained, localised interventions.<sup>10</sup>

## Implementation Challenges on the Ground

1. **Under-reporting and witness intimidation:** Branding often occurs within families or village networks; survivors fear backlash and social boycott, delaying complaint. Media and NGO documentation reflect this pattern.<sup>11</sup>
2. **Entrenched role of “Ojhas”:** Sections 6–7 target “treatment” rituals and public claims of occult power. Yet prosecutions require evidence (eyewitnesses/phone videos/medical injury records) that villagers may hesitate to give.
3. **Gendered violence & mixed motives:** Branding is frequently a cover for land grabbing, caste-based targeting or disciplining widows/childless women. This demands parallel use of BNS and SC/ST Act (where applicable).<sup>12</sup>
4. **Data and deterrence gaps:** Even with the 2005 law, serious incidents continue to surface—e.g., **May 19, 2025** triple murders linked to witch-brand accusations—underscoring uneven deterrence and the need for prevention beyond prosecutions.<sup>13</sup>

## Comparative Context and National Developments

Several states have passed bespoke laws (Bihar 1999; Jharkhand 2001; Odisha 2013; Rajasthan 2015). A central bill—the *Prevention and Prohibition of Witch-Branding and Witch-Hunting and Other Harmful Practices Bill, 2022*—was introduced in the Rajya Sabha to harmonise offences, mandate State action plans, and fund awareness/rehabilitation; it has not (as of August 25, 2025) become law but offers a policy blueprint useful for Chhattisgarh’s executive orders and SOPs.<sup>14</sup>

## What “good implementation” looks like (actionable checklist for Chhattisgarh)

### For Police (SHO/IO level)

- Register FIRs explicitly under **S.4–7** with relevant BNS add-ons; capture motive (land dispute, caste animus) in the case diary.
- **Non-bailable stance + victim protection:** seek remand where needed; ensure safe shelter for victim and dependents; coordinate medical and psychological care; record MLCs promptly.
- **Evidence Strategy:** Secure ritual objects/implements; map the role of *ojha* and each instigator (abetment/attempt sections); collect digital evidence (videos/WhatsApp) and neighbours’ statements.
- **Community Messaging:** After arrest (with district administration) to deter copycat branding.

### For Prosecution

- Press for compensation orders at sentencing (treatment costs, rehabilitation), as contemplated by the Act.
- Oppose bail citing the statute’s non-bailable clause and the risk of community intimidation; use witness-protection measures.

### For District Administration & Departments (Women & Child Development; Tribal Welfare; Health)

- Institutionalise block-level awareness with local health workers, teachers, anganwadi staff and panchayats; train them to spot early signs of branding and refer cases quickly.
- **Fund rehabilitation packages:** relocation where necessary; livelihood support for widows/abandoned women; school retention for affected children.
- Issue a district SOP aligning with the 2022 central bill’s preventive measures: hotspot mapping, task forces with NGOs, school modules on scientific temper. Though the bill is not law, its Chapter on duties provides a practical template.<sup>15</sup>

### Illustrative jurisprudence (signals for practice)

- **Kaushal Anant v. State of Chhattisgarh (2025)** and **Deeba Farhin v. Abdul Raziq (2025):** Courts acknowledge combined use of this Act with BNS sections in domestic-violence contexts, signalling that witch-branding can be a form of cruelty/intimidation within households.<sup>16</sup>
- **Pramila Bai v. State of Chhattisgarh (2006):** Early guidance that, where the FIR discloses an offence under the special Act, courts should not short-circuit the process at the threshold by weighing probabilities useful when quashing/discharge is sought.

## Measuring impact

A credible impact picture needs regular public data: FIRs by section, chargesheeting rate, conviction rate, time-to-trial, and compensation granted disaggregated by gender, caste and district. Journalism and NGO reports suggest substantial caseloads over the past decade and a half and continuing fatalities in pockets, which implies the next phase must be data-led prevention plus steady prosecution.<sup>17</sup>

## Conclusion

The Tonahi Pratadna Nivaran Act, 2005 gives Chhattisgarh a strong, targeted legal framework: it criminalises branding, punishes the chain of harms that follow, makes offences non-bailable, and provides for compensation. The letter of the law is sound; the challenge is social enforcement timely FIRs, sensitive victim support, unmasking land/gender motives, and consistent messaging that “*ojha*-rituals” are not a defence but a crime. Embedding prevention and rehabilitation into district SOPs backed by routine data publication can translate the statute’s promise into everyday protection for the most vulnerable.

The Chhattisgarh Tonahi Pratadna Nivaran Act, 2005, has been a crucial step towards protecting the rights and dignity of individuals accused of witchcraft. To ensure effective implementation, it is essential to:

- **Raise Awareness:** Conduct awareness campaigns to educate the public about the law and its provisions.
- **Train Law Enforcement Agencies:** Provide training to law enforcement agencies to handle cases related to witch-hunting effectively.
- **Support Victims:** Provide support and protection to victims of witch-hunting and related atrocities.

By working together, we can ensure that the provisions of the Chhattisgarh Tonahi Pratadna Nivaran Act, 2005, are effectively implemented, and the rights of individuals accused of witchcraft are protected .

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