

KRISHANU SINGH, SHUCHI AGRAWAL  
AND PAYAL NAGPAL

## **WITCHCRAFT, JUDGEMENT AND CULTURAL PERCEPTION: THE CASE OF JHARKHAND**

### INTRODUCTION

Witchcraft has been the focus of widespread controversy, denunciation and critique as a way of living and social phenomenon for centuries. In the state in India with the largest Adivasi Indigenous population, Jharkhand, the belief in witchcraft cannot be distinguished from native religiosity, tradition and rule. This has resulted in widespread persecution of women, the impact of which has been social ostracism, physical abuse and deprivation. This article is about the witchcraft phenomenon in Jharkhand, which involves judgement both psycho-legally and sociologically, where knowledge about witchcraft sways between condemnation, scepticism and cultural relativism. The social and historical context of belief in witchcraft in Jharkhand can be traced back to Indigenous animistic beliefs, where supernatural agencies are interpreted to be part and parcel of illness and bad luck.<sup>1</sup> Colonial juridical imposition sought to go around or suppress such practices like superstition, irrespective of their socio-cultural significance.<sup>2</sup> Post-colonial legal action like the Prevention of Witch (Daain) Practices Act, 2001, has sought to criminalise witch-hunting but not to subvert the socio-economic and gendered structures upon which it is based. Thus, contravening the law, violence related to witchcraft occurs frequently and more so against vulnerable females like widows and women who are property/wealth holders. Judgement of witchcraft occurs at the community level, being an instrument of social control in reaction to inter-personal conflict, economic hardship or unforeseen events such as epidemics and crop loss. Witch-hunting is gendered insofar as patriarchal states co-opt supernatural belief to exercise power and disproportionately accuse and victimise women.<sup>3</sup> Government offices in the court system mostly fail to make effective interventions in native knowledge systems.<sup>4</sup> Institutions decentre belief in witchcraft to superstition instead of situating them in their theological and social contexts. Feminist scholars demonstrate that witch-hunting is nothing more than an exercise of patriarchal domination, further projecting domination over women's bodies and estates,<sup>5</sup> and argue that cultural relativism should not be used as an excuse for violence in a gendered environment. Native activists, however, warn against foreign interventions that disrespect traditional law.

This article examines how the remedies walk a tightrope between the application of law and of good cultural, community-based ways of generating awareness without estranging the local people. The issue of judgement in the public sphere is also considered. The public narrative regarding witch-hunting in Jharkhand alternates between outrage and sensationalism, presenting Adivasi society as uncivilised and affirming state interventionist narratives.<sup>6</sup> What prevails is an intellectual reluctance to morally condemn Indigenous practice in anticipation of the spectre of colonial overlordship.<sup>7</sup> We note the failure of repressive measures, while also arguing that instead of suppressing judgement in and of itself, one must practice a reflexive and self-reflexive judgement that acknowledges socio-historical conditions of witchcraft violence and calls for justice.<sup>8</sup> While legal prohibition is called for, it will prove inadequate unless backed by grass-roots activity aimed at the socio-economic vulnerabilities behind witchcraft accusations. Education, consultation with healers and economic empowerment of women have been able to stem harmful practices from within Indigenous ranks.<sup>9</sup> These represent a move away from external condemnation towards self-improvement.

In the majority of cases, legal and intellectual accounts of witchcraft are based on the assumption that it is illogical. We argue that context-specific knowledge is required to critically confront institutions that promote witch-hunting. In repositioning the categories of judgement, this study eschews the tradition-modernity dualism and moves toward cosmopolitan community-based responses that are capable of holding together both systems of belief and their socio-political impacts.

## WITCHCRAFT AND THE SOCIAL

In Jharkhand, witchcraft is an outcome of ancient animistic traditions that express the world in terms of a combination of spiritual and material causality. Witchcraft is not symbolic but lived and acted upon in Adivasi everyday life.

Supernatural explanations are not peripheral or meaningless in these societies but right at the centre of accounts of illness, bad luck or sudden change. These accounts are based on psychological, social and indeed ecological purposes. Witchcraft-oriented practice is an elaborate concept of judgement in Jharkhand.

Judgement in this case is a multi-modal practice: it is understood in terms of state law and policing, popular opinion, academic critique, mass media representation and internal community mediation. All these sites of judgement are grounded in implicit presuppositions concerning reasonableness, justice, cultural decency and gender conventions. Witchcraft is a contested site where epistemology, gender politics, juridical systems and cultural identity meet.

## HISTORICAL CONTEXT AND INDIGENOUS EPISTEMOLOGIES

Witch-hunting has gained visibility through acts of parliament passed to criminalise abusers and instances of mob violence in the media across India. These representations nevertheless paint too reductionist a picture of the submerged human cost of such activity, especially in states like Jharkhand, where witch-hunting is gendered cultural violence. For the most common victims, Adivasi women, witchcraft charges do not only result in physical harm or public embarrassment; they reverberate across generations,

injuring victims, their families and communities.<sup>10</sup> The greatest impact is most likely psychological. Survivors report ongoing fear, nightmares and what can be clinically diagnosed as PTSD symptoms.<sup>11</sup> The majority of such people maintain a hyper-vigilant state, staying away from crowds, strangers or village crowds, anticipating being attacked again. One woman, for example, has described mob violence that kept recurring in her mind, always there; she continued to hear raised voices and the sounds of bludgeoning sticks. Others admitted to staying away from close contact with society, even friendly neighbours, since they no longer felt secure outside. The trauma is compounded further by the fact that rural Jharkhand lacks access to mental health care. Ojhas (traditional healers) are poorly trained to deal with psychiatric emergencies and state hospitals are not accessible in remote tribal areas.<sup>12</sup>

The worst after-effect is likely to be stigmatisation, which, as anthropologist Erving Goffman famously theorised, is a form of exclusion and control that reveals more about social norms than about the person who is perceived to have violated them.<sup>13</sup> Once someone is labelled a Dayan (witch), the label follows them even in the absence of evidence. Survivors are socially boycotted, excluded from parties and even from communal wells to draw water. All such stigmatisation is passed on to family members.<sup>14</sup> A Woman's suspected daughters and sons are abhorred; young men remain unmarried because families do not want to be associated with one who has a link to a 'witch.' Stigma results in witch-hunting becoming inter-generational. Jharkhand witch stigma is a state of constant exclusion of women to the outskirts of society and of dehumanisation. Trauma and stigma, alongside suicide behaviour, depression and anxiety are typically observed among survivors. Impacts reach as far as property rights and future generations. Women told human rights researchers they were being pushed out of inherited property rights, a common basis for witch accusations throughout Jharkhand.<sup>15</sup> Widows and unmarried women, already disadvantaged, were targeted so property could pass to men. Survivors' children grew up being teased and ostracised, while girls struggled to marry and boys were frequently forced to move in search of employment.

Witch-hunting therefore has trans-generational impacts, passing on stigma across several decades. This aligns with Silvia Federici's analysis of witch-hunting as linked to economic dispossession and control over women's labour.<sup>16</sup> Jharkhand does enact legislation such as the Prevention of Witch Practices Act (2001), but only criminalises the perpetrators once violence has erupted. There is little help for survivors to reintegrate into society. Top-down legal approaches tend to be culturally tone-deaf and bottom-up ones have no muscle to make fairness stick. The remedy is to bring both to a middle point.

## GENDERED DIMENSIONS OF WITCH-HUNTING AND SURVIVOR OUTCOMES

Victims of witch-hunting in Jharkhand are disproportionately women, typically older, widowed, unmarried or otherwise marginalised. Property-owning women are especially at risk because witchcraft provides an acceptable excuse for members of a household or community to appropriate land and property. Aside from economic interests, deviant women, assertive women, economically independent women and otherwise simply 'other' women are more likely to become victims of witchcraft accusations.

Witch-hunting in this way is thus a technology of social control, reaffirming gendered power through displacement and erasure of non-conforming women. As Silvia Federici explains in her *Caliban and the Witch* (2004), early modern European witch-hunting was not mere hysteria but a rational attempt to remake gender relationships during the emergence of capitalism, often through dispossession and domination of women's bodies and labour: "Survivors' testimonies reveal that witch-hunting is not merely an eruption of superstition but a structured continuum of gendered violence, dispossession and social death—yet even within such extremity, women's agency persists in forms of resistance, resilience and testimony."<sup>17</sup> There are parallels here with Jharkhand: land disputes, deconstruction of community institutions and penetration of industrial and market forces into tribal economies follow witch-hunting too. Accusations delegitimise women's leadership in general, usurp goods from them and re-impose patriarchal control. Survivor testimonies confirm the fact that witch-hunting is not just gendered violence but a continuum of structural oppression. It short-circuits trust amongst Adivasi societies, where collective labour and sharing of resources is key to survival. Witch hunting thus unravels not only the life of women, but the very fabric of society which it claims to protect.

Chandra Mohanty cautions against the stereotype of Global South women as passive victims: "twice over, the indigenous women are being victimised, firstly by society that demonises them and renders them other, and secondly by media and state discourses that reduce them to mere victims of 'backward superstition' and erase their agency and complex lived lives."<sup>18</sup> Indigenous women belong to the custodians of traditional knowledge, natural protectors of nature and resources, and protecting their rights and land is therefore crucial. But all are not passive survivors. Some turn their experiences into activism, use NGOs to get visibility and speak for other victims to counter patriarchal structures from within. Their testimonies keep alive the truth that even an extreme position of marginalisation, women's agency persists.

The Jharkhand witchcraft accusations resonate outside panchayats (village councils) and courts. They ring out in public policy, in the news and in the academy. Survivor accounts expose the fact that witch-branding is not a passing irrational episode but a culture-allowed process which rearranges lives for generations. In the Jharkhand example, it is important to withstand the temptation to succumb to blanket judgement or cultural relativism and instead direct critical judgement towards the socio-historical factors that lead to witch-hunting violence. Critical judgement must navigate between respect for indigenous viewpoints on the one hand and critical scrutiny of gendered reproduction of harm on the other.

The news media is a powerful site of judgement. Reportage of witch-hunting in Jharkhand oscillates between sensationalism and moral outrage. Violence is sensationalised in headlines, unleashing violence in all its ferocity and magnitude, and is liable to portray Adivasi societies as the very epitome of savagery or barbarity, situating them eternally in the position of being the subject of state redemption. This form of reporting is typical of colonial stereotypes: just as English officials used to construct Indigenous practices as examples of savagery in justification of 'missions to civilise,' media today places them in the realm of irrationality, in need of redemption by modernity. This type of representation obscures structural drivers of witch-hunting—poverty, gender discrimination, land

conflicts and poor health care—framing it in terms of cultural pathology. It also mutes survivors, removing faces, survivor accounts of trauma survival and resilience. Prioritising spectacle over context, media representation also predetermines response. Administrators and politicians, bound to public opinion, resort to repressive measures: harsher punishments, more policing and purity campaigns. Even when such stunts are celebrated as action, they only stunt the cultural, gendered and economic streams that feed witch-hunting. Moreover, they can disempower communities further by portraying their beliefs as harmless obstructions to progress. The politics of judgement in Jharkhand is hence a multi-scalar process that works from academic criticism to media representation to state response. Each step recycles epistemic hierarchies that determine whose knowledge is audible, whose suffering is legible and whose voices are heard. A more advanced strategy would move away from suspicion, and work towards the kind of ‘participant engagement’ anthropologists recommend working in groups, listening to the survivors themselves and engaging traditional healers and elders in reform efforts. Only reflexively and dialogically can judgement be applied to justice without erasing cultural identity.

## INDIGENOUS AND FEMINIST INTERVENTIONS

The brutality of witch-hunting and the reductionist statements of state policy and media have attracted Indigenous and feminist resistance. This does not take the form of elite reformist or retributionist movements, but reform from within, cultural understanding and gender justice. Jharkhand’s Indigenous activists are resisting stereotypical denunciation of their tradition and embracing the belief that traditional norms of healing and justice can be mobilised in order to negate witch-branding. The panchayats, for instance, have been instructed to resolve disputes without the use of witchcraft accusations. Even the traditional healers, otherwise at the forefront of reforming witchcraft beliefs, have married awareness campaigns with their ability to delegitimise abuse and lead communities into reconciliation. Feminist organisations, like the Association for Advocacy and Legal Initiatives (AALI) and Mahila Samakhya, have organised legal literacy campaigns, raised awareness on women’s rights and offered direct assistance to victims. Their interventions reject the polemical framing of witch-hunting as superstition and present instead an account of witch-hunting as structural gender violence informed by property dispossession, patriarchal domination and the silencing of women. By putting survivors’ dignity and rights first, feminist praxis stands against patriarchal violence and the cultural relativism that legitimates it. One dramatic change is how survivors are represented. Instead of showing them as passive victims of superstition, feminist and indigenous social movements point to the agency, leadership and resourcefulness of women in resisting change.

## LEGAL FRAMEWORK AND THE LIMITS OF CRIMINALISATION

The dominant framework for addressing the ancient issue of witch-hunting in India during the post-independence period is that of national and state legislation. In Jharkhand, the Prevention of Witch (Daain) Practices Act, 2001, de facto criminalises the act of announcing someone to be a witch and any ensuing acts of violence or exclusion. The Act was a significant step towards accepting witch-hunting as a violation of human rights

rather than a cultural aberration. It came with a much-needed codification of law for prosecuting perpetrators and safeguarding the victims. However, despite its virtues, the Act does possess some grave faults. One of the most important ones is that it frames customary responses to accusations of witchcraft as matters of irrational belief, rather than cultivating an understanding of how deeply they are inscribed in social hierarchies, economic conflict and violence against women.<sup>19</sup> The legal system treats the symptom, violence, but not the structural source of the phenomenon.<sup>20</sup> For instance, most accusations are based on land and property disputes, with women targeted by relatives or neighbours seeking to dispossess them. We have noted that these tendencies reflect the fact that witch-hunting is significantly gendered and socio-economically motivated. The law itself does nothing to address these root causes. Furthermore, the law has been enforced sporadically and, much too frequently, inadequately. Local police officers are too frequently unaware of provisions of the Act or even themselves are engaged in the activities the Act aims to criminalise. There are various accounts of the police ignoring complaints, not registering First Information Reports (FIRs) or advising victims to reconcile with their accusers rather than pursuing the case through the legal system. In some cases, law enforcers share the same cultural perception about witchcraft and thus do not want to act appropriately. Victims of witch-branding suffer extreme social persecution and justice, or even support and basic provisions, becomes difficult to seek. Even after being cleared of witchcraft by the court of law, the accused struggle to gain any sense of normality in their lives. The fear of vengeance, harassment and psychical traumatisation propels them into flight and further victimisation. Moreover, the judicial mechanism most often fails to provide such cases with the dignity and urgency that they deserve. Hearings are delayed, evidence is dismissed as hearsay and the burden of proof squarely rests on the victim. In rural society, where the evidence is going to be anecdotal and the social pressure will be severe, the justice system will appear foreign and powerless. Management of the process and attempts at legal reform have also not been accompanied by mass mobilisation. Various NGOs and human rights organisations try actively to counter witch-hunting by conducting community education and legal aid and assisting survivors. There is nevertheless usually a lag between these initiatives and those of the state actors. For law such as in the Prevention of Witch Practices Act to be effective, there should be accompanying education campaigns, access to health, psychological counselling and economic empowerment programs.

## PEOPLE-LED AND GRASSROOTS INITIATIVES

The most effective means of countering witch-hunting in Jharkhand are those actions that are emerging from below, amongst the masses themselves. Grassroots movements understand that programmes constructed from above are always going to remain culturally insensitive and are not integrated with local realities. Grassroots movements are participative-centric, educative-centric and empowerment-centric in the long term. One involves keepers of indigenous knowledge, including healers and elders, in education initiatives. Activists and NGOs can speak out by employing the authority of individuals who are already extremely well regarded in the village and not associated with outsider organisations. Healers, for example, can be enlisted to refute witchcraft allegations and campaign against other causes of illness and catastrophe. Both community theatre and oral tradition have also been engaged,

because they incorporate native cultural practice and provide a route along which challenging material can be led to the open air of argument. Mock dramas on the dangers of witch-hunting, the implications in law enforcement and women's rights are re-staged in village squares and during festivals and assist in provoking dialogue and self-reflection. Education, particularly children and youth education, is at the centre of such initiatives. Schools that incorporate gender equality, human rights and critical thinking education render the seeds of the values of witch-hunting null and void. In addition, peer education initiatives, where older students educate younger students on such matters, have proven effectiveness.

Economic empowerment is the other key pillar. Grassroots programmes aid women's self-help groups, micro-financing programs and vocational training, such as *Mukhyamantri Maiya Samman Yojana* (providing monthly cash remunerations to women), *Mukhyamantri Abua Swasthya Surakhsha Yojana* (hospitalisation), *Savitribai Phule Kishori Samridhi Yojana* (supporting female students) and *Mukhyamantri Rojgaar Srijan Yojana* (advances to small business owners). These schemes reduce economic reliance and social exposure, thus keeping women away from being the target of accusation. Where they are integrated socially and economically independent, then they are better placed to defend themselves and each other. Community-based conflict resolution mechanisms include trained community mediators who can intervene in cases of conflict and prevent them from escalating into witch accusations. These mechanisms are likely to fill gaps in legal aid cells with the added advantage of rapid response to victims and access points to the judiciary.

Success at the grassroots level is founded on striking a balance between respect for the cultural environment and adherence to justice and equity. Instead of dismissing older beliefs as irrational, they seek to reinterpret and re-orient them in the cause of social cohabitation and human rights. They do not restrict but enable internal reflection and transformation. Overall, state responses and media coverage have been seen to shy away from the richness of Jharkhand's cultural attitudes to witchcraft and witch-hunting. Feminist, grassroots and indigenous movements provide less destructive options through attention to local knowledge, empowerment and participation. They further bring out the fact that the battle against witch-hunting will not be fought effectively with punishment, but will have to address the phenomenon using knowledge, participation and ongoing people's action.

## RETHINKING TRADITION AND MODERNITY

The discussion of Jharkhand witchcraft is caught up in the dualism of modernity/tradition and rationality/superstition. Not only does this oversimplify the issue, but it is likely to reinstall forms of colonial logic that have historically oppressed Indigenous knowledge. An effective response to the issue is likely to be one transcends such a dualism and appreciates that tradition and modernity are not static enemies but living, superposed structures. Adivasi religions are not reactionary or unyielding but contextual, adaptive and reformist in character.<sup>21</sup> Religious accounts of witchcraft and healing in Jharkhand tribal societies cannot be separated from social life, farm labour and social faith. They are an epistemology and ethics system governing action among human beings and social responsibility. When action takes a negative shape, like witch-

hunting, it must be contested. The challenge is to act without deconstructing the larger cultural systems out of which the issue developed. Legal systems themselves are not context-free or autonomous. The Indian legal system, as it has been shaped by post-Enlightenment rationalist and colonial thought, criminalises behaviour that it finds to be irrational. In doing so, the system is at a remove from the socio-cultural etymology of such behaviour. While, for instance, legal measures like the Prevention of Witch (Daain) Practices Act are, in theory, violence-free, they fail unless they function in the space of socio-cultural, on-the-ground realities.

One alternative is the philosophy of legal pluralism, a strategy which embraces multiple sources of legitimacy and promotes co-existence of official statutory law and non-official, community-based systems of justice. In Jharkhand, this would involve the creation of a hybrid legal system in which state law and the moral power of customary law are brought into harmony. Village committees, traditional leaders and local healers could play a crucial role in diffusing tension and resolving conflicts. This mixed-method framework would also necessitate an ethic of learning from one another and respecting each other. Policy makers and attorneys must learn Indigenous languages to effectively hear and speak. Activists and NGOs are facilitators to the process and can intervene within a rights-based approach but also become culturally embedded. Rather than the reservoirs of Indigenous knowledge being considered barriers to modernity, they can be mobilised to enrich contemporary jurisprudence and governance. New feminist and legal values, on the other hand, need to be translated into culturally meaningful language translatable in local languages. This cross-adaptation is not compromise but a policy of more ethically and sustainably anchored reform.

## CONCLUSION

Jharkhand witch-hunting highlights the limitations of top-down intervention. Instead of being simply a result of superstition or backwardness, it is one of overdetermined cultural, socio-historical, gendered and socio-economic factors. Punitive law is necessary but insufficient; it must be read imaginatively from the socio-historical frames in which such beliefs function. Law reform to ban witch-branding and attendant violence is appropriate, but needs to be supplemented and followed by reflexive, grassroots interventions. Judgement by legal, academic and media standards should be guided by reflexivity, humility and receptiveness to diverse forms of knowledge. Acknowledgment of the epistemic agency of pre-colonial Indigenous world knowledges is not approval of violence, but explanation of why and how it happens. Shifting the lexicon of judgement means looking past the tradition-modernity binary. We are presented with a vision for observing witchcraft not as quaint but as a hermeneutic with which to interpret our world today, a looking-glass in which to look at our own inequalities, our own resistances and our own phobias. In this way, we look forward to an end to the violence of witch-hunting and towards a more equitable and inclusive world.

**Krishanu Singh** is an English research scholar at Amity University, Noida, with a specialisation in witches and the supernatural in literature and popular culture. My research involves exploring the changing forms of representations of witchcraft and the occult and their points of intersection with horror, gender studies, body politics and social judgement. I explain how witches across history have been portrayed as characters of transgression, resistance, and fear, mapping their place from the beginning of folklore to recent horror films and books. Besides my research work, I am also a Teaching Assistant at Amity University, helping in teaching and interacting with students on matters of literary study.

**Shuchi Agrawal** is affiliated with the Amity Institute of English Studies and Research, Amity University, Noida, India. Her academic work focuses on English studies and literary pedagogy.

**Payal Nagpal** is a faculty member in the Department of English, Janki Devi Memorial College, University of Delhi, India. Her research interests include theatre studies, cultural theory, and contemporary literature.

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