
THE LEGAL DICHOTOMY OF RELIGION AND SUPERSTITION

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Overview

India is a country that claims to be the most advanced when it comes to deep-rooted cultures in connection with spirituality and religion. But with such a rich culture, deep-rooted in spirituality and religion, sometimes the practices get out of hand. In the name of religion, certain heinous superstitious practices are still being followed in this era. This article talks about the instances and examples of such brutal practices, the effect of the same in the suppression of women, and the laws available to curb these practices.

Introduction

The preamble of the Indian Constitution holds India to be a Secular country, but it also provides for the freedom to practice, profess, and propagate one's religion. Although this country welcomed and embraced all cultures equally with openness, some parts of its culture remain closed in the hands of progression due to some disgraceful practices. These disgraceful practices are referred to as Superstitions and they hinder progression and human development.

Superstition or superstitious practices have various dimensions. It is the degree or such dimension that determines the nature of superstition and whether its practice is acceptable as per law. To identify the nature and degree of a superstitious practice, it is important to understand the meaning of 'Superstition'.

To define Superstition or Superstitious Practice is to consider two distinctive aspects of them.

- 1) Believing in supernatural or extra-human forces or practicing acts to make the supernatural or extra-human forces, for positive and negative references, and identifying the same with life events.
- 2) When such belief or practice cannot be defined within the four walls of religion or is outside the scope of religious practices.

The degree of such practice or belief is something that we need to take into account while discussing the evils or brutality of superstitious practices.

History, Background, and Listing of Superstitious Practices

The superstitious practices are deep-rooted in Indian Society, from brutal and heart-wrenching practices like Sati and Human Sacrifices to rendering small offerings to make right the faulty stars in the horoscope amount to superstition. The law is not concerned with these superstitions as long as it is reasonable and does not violate anyone else's rights.

1. Sati - Sati refers to the practice of widows burning themselves by falling into the funeral pyre of their husbands. This monstrous practice does not fall within the realms of religion but rather superstition. Sati cannot be put under the category of suicide as it will be more apt to regard Sati as an abetment to suicide or even a cold-blooded murder. In most instances, the women were forced to practice the same as a matter of pride. Although Sati was prevalent in India, the Bengal Presidency had ten times more cases reported.

With the efforts of social reformer, Raja Ram Mohan Roy through his campaign, the initiation of abolition of Sati commenced. It was in 1829, that the then Governor, Lord William Bentick passed a regulation - Regulation XVII of 1829-A, declaring the practice of Sati illegal and punishable. The Commission of Sati (Prevention) Act of 1987 was introduced to prohibit the practice of Sati. However, the commission or attempt to commit Sati is punished as per the provisions of the Indian Penal Code - Murder under section 302, Abetment to Suicide under section 306, and other related provisions.

2. Human Sacrifice - India is familiar with the term human sacrifice because every once in a while we might hear news about human sacrifice. Human sacrifice refers to killing a human to offer to a deity as a ritual. Although there are no specific laws to deal with such inhumane practices, the Indian Penal Code provides provisions for punishment of Murder, abetment to suicide, attempt to commit murder, homicide, and other similar provisions.
3. Black Magic and evil practices - The National Crime Records Bureau revealed shocking

statistics in its 2021 report, which revealed almost 76 deaths occurred in India due to superstition, out of which 6 consist of human sacrifice (11 in 2020). Moreover, if we combine the number of deaths that occurred due to superstition in the past ten years, we will get dejected and tremble with fear.

Although India does not have a specific law to curb superstitious practices like black magic and other evil acts, the state of Maharashtra 2013 enacted the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil, and Aghori Practices and Black Magic Act. This Act prevents and punishes the practice of black magic, human sacrifices, and the use of magic remedies to cure ailments by way of which people are being exploited.

Some famous cases

1. Burari Case -

The Burari case refers to a tragic incident that occurred in Burari, a neighborhood in Delhi, India, in July 2018. In this case, eleven members of the same family were found dead in their house under mysterious circumstances. The incident gained widespread attention due to its bizarre nature, involving elements of superstition and ritualistic practices. From a legal perspective, the Burari case highlights the delicate balance between individual freedom of religious and spiritual practices and the need to ensure the safety and well-being of individuals. This raises two important questions - How to control religious freedom enshrined in the Constitution? Where should we draw the line when it comes to the practice of religion?

2. Elanthoor Human Sacrifice Case -

The murder of two women in Kerala in 2022 is indeed a spine-chilling instance of human sacrifice. This incident made us question the distorted reality that we are living in. If we take a look into these instances, we can observe a pattern. Mostly, the heinous religious practices are directed towards women in general or people who are generally weak.

Superstition and Suppression of Women

Women, Children, and the socially and educationally backward or weaker sections of society are mostly prone to exploitation through these heinous practices. It is the patriarchal norm to

control the weaklings and gain power through abuse. The pattern is visible in almost all areas of the country. Female infanticide is another evil that is deeply rooted in superstition and patriarchy. These superstitions are not limited to one religion but many.

Controlling Mechanisms

Many general laws like the Indian Penal Code, Consumer Protection Act, and so on, are there to deal with these issues in general. These general laws are not enough to eradicate these superstitions. We need to have a separate and specific law to deal with these atrocious practices. A thorough investigation into prevailing superstitions must be carried out, and stringent measures must be taken to prevent the same. People must be given awareness classes about the right application of law and proper reporting of evil incidents must be encouraged.

Conclusion

The Indian Constitution provides the freedom to profess, propagate, and practice one's religion under Article 25 which is a fundamental right and can be enforced in the Supreme Court or the respective High Court. When such freedom is enshrined and provided, there is a due responsibility on the part of the citizens to use it responsibly. Superstitious practices hinder one's personal growth and the growth of the society. Thus, the need to have a separate law is very essential. Moreover, the laws must provide separate provisions for reporting and patrolling over areas of critical superstitious practices. The eradication of Superstition can only be carried out by imposing stricter rules and spreading awareness about the same.

References

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