

AAKAR TODAY

1. Anti-Superstition Laws in India

Why in News?

The brutal murders as part of "ritualistic human sacrifices" of two women in Kerala have left the country in shock.

The murders have sparked a debate about the prevalence of superstitious beliefs, black magic, and witchcraft in India.

Key Details

What is Superstition?

- It is a belief related to ignorance or fear and characterized by obsessive reverence for reverence for the supernatural.
- The term 'Superstition' has been taken from the Latin word 'Superstitio', which indicates extreme fear of the god.
- Superstitions are not country, religion, culture, community, region, caste, or class-specific, it is widespread and found in every corner of the world.

What is Black Magic?

- Black magic, also known as witchcraft, is the usage of supernatural power for evil and selfish purposes and to perform malicious practices to destroy someone physically or mentally or financially.
- It can be done using the victim's hair, clothes, photo or looking directly into eyes.

How Pervasive are Superstitious Killings in India?

- As per the 2021 report of the National Crime Records Bureau (NCRB), six deaths were linked to human sacrifices, while witchcraft was the motive for 68 killings.
- The maximum number of witchcraft cases were reported from Chhattisgarh (20), followed by Madhya Pradesh (18) and Telangana (11).
- In 2020, India saw 88 deaths due to witchcraft and 11 died as part of 'human sacrifices', the NCRB report states.

What are the Related Laws in India?

- In India, there is no central law that exclusively deals with crimes related to witchcraft, superstition, or occult-inspired activities.
- In 2016, Prevention of Witch-Hunting Bill was introduced in the Lok Sabha, but it wasn't passed.
- The draft provisions included punishment for accusing or identifying a woman as a witch, use of criminal force against a woman, or torture or humiliation on the pretext of performing witchcraft.
- Section 302 (punishment for murder) of IPC (Indian Penal Code) takes cognisance of human sacrifice, but only after the murder

is committed, likewise, Section 295A works to discourage such practices.

- Article 51A (h) of the Indian Constitution makes it a fundamental duty for Indian citizens to develop the scientific temper, humanism and the spirit of inquiry and reform.
- Other provisions under the Drugs and Magic Remedies Act, 1954 also aim to tackle the debilitating impact of various superstitious activities prevalent in India.

What are the State-Specific Laws?

• Bihar:

- Bihar was the first State to enact a law to prevent witchcraft, identification of a woman as a witch and eliminate torture, humiliation and killing of women.
- The Prevention of Witch (Daain) Practices Act came into force in October 1999.

• Maharashtra:

- In 2013 Maharashtra enacted the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, which banned the practice of human sacrifice in the state.
- A section in the legislation specifically deals with claims made by 'godmen' who say they have supernatural powers.

• Karnataka:

- Karnataka effected anti-superstition law in 2017 known as the Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Act.
- The Act comprehensively counters "inhumane" practices linked to religious rituals.

• Kerala:

- Kerala does not have a comprehensive Act to deal with black magic and other superstitions.

• What is the Need for Country-Wide Anti-superstition Act?

- Allowing the unhindered continuance of such practices violates an individual's fundamental right to equality and right to life under Articles 14 and 21 of the Indian Constitution respectively.
- Such acts also violate several provisions of various international legislations to which India is a signatory, such as the 'Universal Declaration of Human Rights, 1948', 'The International Covenant on Civil and Political Rights, 1966', and 'Convention on the Elimination of All Forms of Discrimination against Women, 1979'.

- Only eight states in India have witch-hunting legislations so far.
- These include Bihar, Chhattisgarh, Jharkhand, Odisha, Rajasthan, Assam, Maharashtra and Karnataka.
- In the absence of measures to tackle superstitions, unscientific and irrational practices such as faith healing, quackery, and misinformation regarding medical procedures can also balloon up, which can have severe detrimental effects on public order and health of citizens.

2. Growing Demand of DNA Tests

Why in News?

Recently, the Supreme Court has expressed concern about growing uses of Deoxyribonucleic Acid (DNA) Tests in court cases.

Key Details

What are the Issues involved?

- A growing number of complainants are asking for DNA tests. Such demands, according to the government laboratory, are growing by around 20% annually.
- Although the 3,000-odd DNA tests performed yearly by Indian laboratories are insignificant in comparison to the 70 other nations that rely on DNA Technology, the spike in demand contradicts worries about privacy and probable data abuse.
- DNA tests fall into a gray area in the pursuit of justice, bridging the gap between the 'eminent need' to uncover the truth, whether it be in the form of evidence in a criminal case, a claim of marital infidelity, or proving paternity. and the risks of slipping into self-incrimination and encroachment on individual privacy.
- This brings attention to the expanding use of technology for improving the process of justice but it also violates people's privacy
- As part of the right to life under Article 21, the Supreme Court acknowledged that bodily autonomy and privacy are part of fundamental right.
- **What is Deoxyribonucleic Acid (DNA)?**
 - Deoxyribonucleic acid (DNA) is an organic molecule with a complex molecular structure.
 - DNA molecule's strands are made up of a long chain of monomer nucleotides. It is arranged in a double helix structure.
 - James Watson and Francis Crick discovered that DNA is a double-helix polymer in 1953.
 - It is essential for the transfer of the genetic characteristic of the living being from one generation to the other generation.
 - The majority of DNA is found in the cell nucleus so it is called nuclear DNA.

- **DNA** stores data in the form of a code made up of four Nitrogenous bases.
- **Purines:**
 - Adenine (A)
 - Guanine (G)
- **Pyrimidines:**
 - Cytosine (C)
 - Thymine (T)
- **What is the Use of DNA Testing?**
 - DNA testing is essential for identifying and bringing justice in cases involving abandoned mothers and children.
 - It is also a highly effective technique in civil disputes when the court needs to determine the issue of maintenance and identify the child's parents.
- **What are the Precedents Set by Supreme Court in previous cases?**
 - Precedents set by the Supreme Court through the years show that judges cannot order genetic tests as a "roving enquiry" (Bhabani Prasad Jena, 2010).
 - In the Banarsi Dass case, 2005, it held that DNA test must balance the interests of the parties. DNA tests should also not be ordered if there was other material evidence at hand to prove the case.
 - Before ordering a genetic test, courts should consider the "proportionality of the legitimate aims," the court stated in its Ashok Kumar judgment 2021.
 - The ruling of the Constitution Bench in the K.S. The Puttaswamy case (2017) affirming that the right to privacy is part of the rights to life (Article 21) has only strengthened the privacy argument.
 - In a case involving a woman, the Supreme Court recently ruled that forcing someone to submit to a DNA test against their will would violate their right to personal liberty and privacy.

PRACTICE QUESTION

Prelims

Q. Consider the following statements:

1. Genetic changes can be introduced in the cells that produce eggs or sperms of a prospective parent.
2. A person's genome can be edited before birth at the early embryonic stage.
3. Human induced pluripotent stem cells can be injected into the embryo of a pig.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 and 3 only
(c) 2 only (d) 1, 2 and 3

(200 words)