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Introduction

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Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

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OCCULT PRACTICES AND CRIMINAL LIABILITY IN INDIA: A DOCTRINAL AND COMPARATIVE LEGAL ANALYSIS

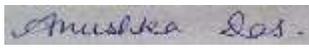
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4th Year, BBA LLB, IIM Rohtak.

CERTIFICATE OF ORIGINALITY

I, Anushka Das, hereby declare that the work presented in this Project, entitled "*Occult Practices and Criminal Liability in India: A Doctrinal and Comparative Legal Analysis*", is entirely my own and has not been submitted previously in whole or in part for any academic or professional qualification. I affirm the following: -

1. All sources, including but not limited to books, articles, websites, and any other materials, used in the preparation of this work are properly acknowledged and cited.
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Abstract

Occult practices occupy a contested space within legal discourse, positioned at the intersection of religious freedom, cultural belief systems, criminal liability, and mental health jurisprudence. While belief in occult or supernatural phenomena is constitutionally protected in India under Articles 25 and 26, the exploitation of such beliefs through violence, fraud, coercion, and ritualistic crimes presents serious challenges for the legal system. This paper undertakes a doctrinal and comparative legal analysis to examine how Indian law negotiates the boundary between protected belief and punishable conduct in the context of occult practices. It critically evaluates state-specific anti-superstition legislations, including the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil, and Aghori Practices and Black Magic Act, 2013, alongside relevant provisions of the Indian Penal Code and constitutional principles.

Through an in-depth case study of the Burari Mass Hangings, the paper explores the complex interplay between collective belief systems, psychological pathology, and criminal responsibility, highlighting the limitations of existing legal frameworks in addressing mass harm arising from shared delusions and ritualized conduct. Comparative insights from jurisdictions such as Canada, South Africa, and the United States further illuminate differing regulatory approaches to occult-related crimes, particularly in balancing fraud prevention, cultural sensitivity, and individual rights.

The study argues that India's fragmented, state-centric approach results in inconsistent enforcement and evidentiary challenges, underscoring the need for a coherent national framework. It concludes by advocating a hybrid regulatory model that targets demonstrable harm rather than belief, integrates mental health interventions, and aligns with constitutional mandates to promote scientific temper, humanism, and the protection of fundamental rights.

Keywords: *Occult Practices, Anti-Superstition Laws, Criminal Liability and Belief, Mental Health and Criminal Law, Witch-Hunting and Human Sacrifice*

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CHAPTER 1

INTRODUCTION

1.1 BACKGROUND

Even though the word ‘occult’ has no clear and specific definition; but since certain people have used this capability in various ways, mostly irresponsible and negative ways, it has come to mean something negative.¹ Whereas, occult practices encompass a wide range of esoteric, mystical, and often hidden or secretive activities that explore the realms beyond ordinary human understanding.² The term “occult” itself comes from the Latin word “*occultus*” meaning hidden or secret.³ Occult practices, which may be embraced for spiritual advancement by some and regarded sceptically or as superstition by others, often have strong ties to particular cultural, religious, or philosophical contexts.

A few forms of occult practices practised globally would be: -

- (i) Tarot Reading⁴, Wicca⁵ (western occultism)
- (ii) Taoist Alchemy⁶ (eastern occultism)
- (iii) Voodoo⁷ (African Traditional Religions)
- (iv) Shamanism⁸ (Indigenous & Native American Practices)
- (v) Feng Shui⁹, I Ching¹⁰ (Asian Occult Traditions)
- (vi) Kabbalah¹¹ (Middle Eastern Occult Practices)

¹ Sadhguru, ‘What is Occult?’ (*Isha*, 19 October 2022) <<https://isha.sadhguru.org/en/wisdom/article/what-is-occult>> accessed 12 January 2024.

² Egil Asper, ‘Science and the Occult’ ch 70

³ *Ibid*

⁴ ‘All about Tarot’ (*Tarot*) <[What is Tarot? | Tarot.com](https://www.tarot.com)> accessed 12 January 2024.

⁵ Helen Berger, ‘What is Wicca? An expert on modern witchcraft explains.’ (*Brandeis Now*, 17 September 2021) <<https://www.brandeis.edu/now/2021/september/wicca-berger-conversation.html>> accessed 12 January 2024.

⁶ ‘Internal and External Alchemy’ (BBC, 12 November 2009) <<https://www.bbc.co.uk/religion/religions/taoism/practices/alchemy.shtml>> accessed 12 January 2024.

⁷ Benjamin Olson, Shawn Custer, ‘Voodoo Religion Origins, History, & Beliefs | What is Voodoo?’ (*Study.com*) <<https://study.com/academy/lesson/voodoo-religion-history-facts.html>> accessed 12 January 2024

⁸ D. Joralemon, ‘Shamanism’ (ScienceDirect, 2001) <<https://www.sciencedirect.com/topics/social-sciences/shamanism>> accessed 12 January 2024.

⁹ ‘Feng Shui’ (*National Geographic*) <<https://education.nationalgeographic.org/resource/feng-shui/>> accessed 12 January 2024.

¹⁰ Eliot Weinberger, ‘What Is the I Ching?’ (*China File*, 25 February 2016) <<https://www.chinafile.com/library/nyrb-china-archive/what-i-ching>> accessed 12 January 2024.

¹¹ DovBer Pinson, ‘What is Kabbalah?’ (Chabad) <https://www.chabad.org/library/article_cdo/aid/170308/jewish/What-is-Kabbalah.htm> accessed 12 January 2024.

To provide a balanced legal analysis, it is essential to introduce an analytical distinction between different manifestations of occult-related activities early on. This distinction helps clarify the boundaries of legal intervention in India:

- **Legitimate occult or spiritual practices:** These are protected under *Articles 25¹² and 26¹³* of the *Indian Constitution*, which guarantee freedom of religion, conscience, and the right to profess, practice, and propagate religion (subject to public order, morality, and health) often including voluntary spiritual rituals or esoteric traditions that do not harm others, as they fall within the ambit of personal belief and cultural expression.¹⁴
- **Fraudulent, coercive, or violent acts using occult symbolism:** These involve exploitation, deception, or harm under the guise of occult practices, such as scams by self-proclaimed godmen or forced rituals leading to physical injury.¹⁵ Such acts are not protected by religious freedom and can be prosecuted under existing criminal laws (e.g., IPC sections on cheating, assault, or homicide).¹⁶
- **Crimes arising primarily from psychological pathology rather than belief systems:** These include incidents where mental health issues, delusions, or disorders manifest in occult-themed behaviors, such as mass suicides or ritualistic killings driven by psychosis rather than genuine religious conviction.¹⁷ Here, the focus shifts to mental health interventions alongside legal accountability.

Importantly, the law regulates conduct, not belief. As per constitutional jurisprudence (e.g., in cases like *Shirur Mutt*¹⁸, the state can intervene only in secular aspects of religious practices that affect public welfare, without infringing on core tenets of faith. This framework ensures that

¹² The Constitution of India 1950, art 25.

¹³ The Constitution of India 1950, art 26.

¹⁴ The Freedom of Religion under the Indian Constitution (Babasaheb Bhimrao Ambedkar University) <<https://www.bbau.ac.in/dept/HR/TM/Freedom%20of%20religion%20under%20Indian%20Constitution.n.pdf>> accessed 15 January 2026.

¹⁵ Amrutha Karayil and Samantha Serel G, 'Ritualistic Murders In India' (2025) 13(6) IJCR d566.

¹⁶ Rohan Vishwas Kulkarni v State of Maharashtra 2025 SCC OnLine Bom 853; 'Black Magic Act 2013 enacted to curb harmful practices posing serious risk to individuals/society; excludes legitimate religious practices: Bombay HC' (SCC Online Blog, 5 April 2025) <<https://www.scconline.com/blog/post/2025/04/05/black-magic-act-enacted-to-curb-harmful-practices-excludes-legitimate-religious-practices-bomhc/>> accessed 15 January 2026.

¹⁷ Gerald F Waldfoegel, 'Abnormalities of Belief and Judgement (Section 1)' in FSI Awadalla and R Sapsford (eds), *Psychopathology of Rare and Unusual Syndromes* (Cambridge University Press 2006).

¹⁸ Commissioner, Hindu Religious Endowments, Madras v Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt AIR 1954 SC 282.

while occult beliefs are respected, harmful actions are addressed to protect society. Forms of Occult practices specific in India: -

- (i) Tantra¹⁹
- (ii) Astrology²⁰ (Jyotishi shashtra²¹)
- (iii) Yantra²² & Mantra²³
- (iv) Ayurveda²⁴
- (v) Vaastu Shastra²⁵
- (vi) Palmistry²⁶ (Samudrika Shastra²⁷)
- (vii) Fire rituals (yajnas²⁸)

And why study the “occult”?

Belief in the occult has left a significant mark on history and culture, diverging from mainstream thought but attracting curiosity and interest. Understanding and respecting diverse perspectives are crucial for personal growth and societal harmony, particularly as alternative beliefs gain traction amidst waning mainstream religions.²⁹ From a legal standpoint, recognizing the importance of occult practices ensures cultural sensitivity and safeguards religious freedoms while addressing societal concerns. Legal scrutiny is vital for consumer protection, preventing fraudulent practices, and establishing ethical standards in commercial occult services. Crafting regulations and licensing

¹⁹ Sadhguru, ‘The Meaning and Concept of Tantra in Hinduism’ (Hindu website) <[The Meaning and Concept of Tantra in Hinduism \(hinduwebsite.com\)](http://The Meaning and Concept of Tantra in Hinduism (hinduwebsite.com))> accessed 12 January 2024.

²⁰ Madison Feller, ‘What, Exactly, Is Astrology? Let’s Break Down the Basic’ (Elle, 30 June 2023) <[What Is Astrology? A Guide for Beginners \(elle.com\)](http://What Is Astrology? A Guide for Beginners (elle.com))> accessed 12 January 2024.

²¹ ‘Jyotish Shastra’ (Astrologer Online) <[Jyotish shastra | Ank jyotish | Nadi jyotish \(astrologeronline.in\)](http://Jyotish shastra | Ank jyotish | Nadi jyotish (astrologeronline.in))> accessed 12 January.

²² ‘What is a Yantra’ (Anahana, 27 December 2023) <[What Is A Yantra? - Benefits, How They Work And Types \(anahana.com\)](http://What Is A Yantra? - Benefits, How They Work And Types (anahana.com))> accessed 12 January 2024.

²³ ‘What Does Mantra Mean?’ (Yogapedia, 21 December 2023) <What is a Mantra? - Definition from Yogapedia> accessed 12 January 2024.

²⁴ ‘What is Ayurveda?’ (Johns Hopkins Medicine) <Ayurveda | Johns Hopkins Medicine> accessed 12 January 2024.

²⁵ ‘What is Vastu Shastra & How it Effects Our Lives’ (Hind Utsav) <What is Vastu Shastra & How it Effects Our Lives - HindUtsav> accessed 12 January 2024.

²⁶ [What is Palmistry? Origins, Future Predictions & Differences \(chinaeducationaltours.com\)](http://What is Palmistry? Origins, Future Predictions & Differences (chinaeducationaltours.com))

²⁷ ‘Hasta Samudrika Shastra’ (Vedic Vidya Institute) <Welcome to Vedic Vidya Institute> accessed 12 January 2024.

²⁸ ‘The Science behind Yajna, यज्ञ!’ (ReSanskrit, 31 July, 2019) <The Science behind Yajna, यज्ञ! – ReSanskrit> accessed 13 January 2024.

²⁹ ‘Occult Studies for the Skeptic’ (Digital Occult Library) <<https://digitaloccultlibrary.commons.gc.cuny.edu/occult-studies-for-the-skeptic/>> accessed 13 January 2024.

requirements fosters positive community relations and delineates ethical boundaries within occult practices, ultimately ensuring the well-being of individuals engaged in such services.³⁰

1.2 RATIONALE

The rise in criminal offenses related to occult practices emphasizes the need for legal scrutiny in the industry. The 'Burari Mass Hangings' case in India highlighted the intersection of occult practices and legal complexities.³¹ With diverse spiritual traditions in India, the lack of clear regulations poses challenges for practitioners and clients, leading to disputes over fees, service effectiveness, and ethical concerns. This underscores the importance of comprehensive legal examination and regulatory clarity in the occult sector.

1.3 RESEARCH QUESTIONS

- i. What are the legal dimensions of criminal offenses within occult practices, and what potential ramifications and complexities do they entail?
- ii. How does the 'Burari Mass Hangings' incident intersect with occult practices, criminal investigations, and mental health issues, and what lessons and insights can be derived from this case for future legal considerations?
- iii. What is the existing legal framework in India concerning occult practices, and what gaps and ambiguities exist in regulations and how can recommendations be proposed to enhance clarity and establish a more robust regulatory structure in this domain?

1.4 STATEMENT OF PROBLEM

Creating awareness in society is imperative to safeguard against harmful practices rooted in blind faith, beliefs, and ignorance. Exploitation by purported Godmen, quacks, and conmen, who propagate false remedies and supernatural powers, poses a grave threat to the physical, mental, and financial well-being of both the poor and educated elite. Urgent government intervention is necessary to curb the spread of black magic and protect vulnerable individuals from falling victim

³⁰ H. Jon Rosenbaum, Peter C. Sederberg, 'The Occult and Political Development' [1971] CL 561, 574

³¹ 'A ritual gone horribly wrong: New twist in Burari case' (*The Economic Times*, 5 July 2018) <<https://www.indiatoday.in/>> accessed 8 January 2024

to these sinister schemes. This includes stringent legal measures to expose false claims and halt antisocial activities, preserving the integrity of authentic and scientifically backed medical remedies.

1.5 LIMITATIONS

Researching or studying the occult is subject to various legal limitations, which differ across jurisdictions. These restrictions commonly include obscenity laws governing explicit occult materials, regulations on occult practices deemed harmful or fraudulent, protection of minors from potential exploitation, and consumer protection laws against misleading occult-related products. Engaging in certain occult practices, such as ritualistic animal sacrifice, may constitute criminal behaviour, while intellectual property and privacy laws may also apply. Individuals should seek guidance from legal experts or authorities to navigate the legal landscape surrounding occult research responsibly.



CHAPTER 2

RESEARCH METHODOLOGY

This study adopts a qualitative doctrinal research methodology to examine the legal regulation of occult practices, with a primary focus on statutory frameworks, judicial interpretations, and scholarly legal discourse. Given the normative and interpretative nature of law, doctrinal research is particularly suited to this inquiry, as it enables a critical examination of legal principles governing belief-based practices without relying on empirical field data.

The methodology is structured around three interrelated components:

First, doctrinal legal analysis forms the backbone of the study. Primary legal sources, including constitutional provisions, penal statutes, and state-specific anti-superstition legislations such as the *Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil, and Aghori Practices and Black Magic Act, 2013*, are systematically analysed to assess the scope, intent, and limitations of existing laws. Judicial decisions and constitutional doctrines are examined to understand how courts navigate the delicate balance between freedom of religion and the prevention of harm. Secondary sources, including legal commentaries and interdisciplinary texts such as Rudolf Steiner's *Occult Science: An Outline* and Larry Kahaner's *Cults That Kill*, provide contextual and interpretive depth.³²

Second, the study employs a comparative legal approach, analysing Indian legal frameworks alongside international examples, particularly the now-repealed *Section 365 of the Canadian Criminal Code*. This comparison highlights divergent regulatory models and exposes gaps, inconsistencies, and potential lessons relevant to the Indian context.

Third, a case-study-based qualitative analysis is undertaken, with particular emphasis on the Burari Mass Hangings. Through narrative review and thematic analysis of court records, media reports, and expert commentary, the study identifies recurring legal and societal patterns involving occult beliefs, criminal liability, and mental health considerations.

³² Larry Kahaner, *Cults That Kill: Probing the Criminal Activities of the Fanatical and Matricidal Groups* (Warner Books 1994).

CHAPTER 3

CRIMINAL CASES IN OCCULT PRACTICES

The tragic and bizarre case of Partha De, a 44-year-old IT engineer from Kolkata, has captured the attention of the public; after living with the skeletons of his dead sister and their two pet dogs for an extended period, he was found dead in a burning condition in his apartment's bathroom where the police suspect suicide, as a bottle of kerosene and burnt matches were found near his body.³³ This shocking turn of events comes less than two years after Partha De was initially discovered living with the skeletons, which led to his admission to a mental health facility.³⁴ The residence was also filled with numerous spiritual books and electronic devices. Partha De's father had recently committed suicide, and there were disputes within the family. Partha De has been arrested for certain offenses and sent to a mental health facility, while his sister's body has been sent for forensic testing to determine the cause of death.³⁵ The case, infamously known as the "House of Horrors," has been a subject of intense public scrutiny and has raised questions about mental health, family dynamics, and the complexities of the human mind.³⁶

Legal Implications

- *What legal provisions were invoked or could have been invoked?* Partha De was charged under Sections 268³⁷ (public nuisance), 269³⁸ (negligent act likely to spread infectious disease), and 176³⁹ (omission to give notice or information to a public servant) of the Indian Penal Code (IPC). Given suspicions of necrophilia based on diary entries and his living with skeletons, Section 377⁴⁰ (unnatural offenses) could have been invoked if evidence of

³³ Dwaipayana Ghosh, 'Partha De committed suicide' (*The Times of India*, 28 July 2017) <[Police: Partha De committed suicide | Kolkata News - Times of India \(indiatimes.com\)](#)> accessed 10 January 2024.

³⁴ 'Kolkata: Man who lived with sister's skeleton for six months found burnt to death' (The Indian Express, 21 February 2017) <[Kolkata: Man who lived with sister's skeleton for six months found burnt to death | Kolkata News - The Indian Express](#)> accessed 10 January 2024.

³⁵ Monideepa Banerjee, 'Kolkata's House of Horror: The Full Story' (NDTV, 12 June 2015) <<https://www.ndtv.com/india-news/kolkatas-house-of-horror-the-full-story-770915>> accessed 10 January 2024.

³⁶ Joydip Thakur, 'Kolkata man who lived with skeletons of sister and dogs found charred to death' (The Hindustan Times, 21 February 2017) <[Kolkata man who lived with skeletons of sister and dogs found charred to death | Kolkata - Hindustan Times](#)> accessed 10 January 2024.

³⁷ Indian Penal Code 1860, s 268.

³⁸ Indian Penal Code 1860, s 269.

³⁹ Indian Penal Code 1860, s 176.

⁴⁰ Indian Penal Code 1860, s 377.

sexual intercourse with the corpse had been established, but forensic analysis found none. Additionally, under Section 84⁴¹ of the IPC, his paranoid schizophrenia diagnosis provided grounds for considering non-culpability due to unsound mind.

- *What evidentiary challenges arise in occult-related crimes?* Key challenges stemmed from the absence of corroborated evidence, as questionable diary entries, advanced decomposition of remains, and the mere presence of spiritual materials were insufficient to establish necrophilia, occult motive, or criminal intent in the absence of forensic certainty or witness testimony.
- *Was belief used as mitigation, aggravation, or irrelevant factor?* The belief in occult or spiritual elements was considered legally irrelevant to the charges and was instead addressed through mitigation based on mental illness, with the individual being diverted to a mental health facility rather than prosecuted for any occult-related offense.
- *How did courts or investigators handle the “occult” element?* Investigators focused on mental health and public health risks rather than occult aspects, classifying it as a “House of Horrors” case driven by paranoia. Courts avoided framing it as an occult crime, emphasizing forensic and psychiatric evaluations to sidestep cultural or supernatural interpretations, treating it as a mental illness issue under IPC provisions for unsound mind.

In Bengaluru, a woman resorted to black magic to save her paralyzed brother, resulting in the kidnap, murder, and outrage over a 10-year-old girl.⁴² The Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Act was enacted in 2020, yet instances persist, with critics citing lax enforcement and political influence. A change in mindset is considered vital for effective prevention.⁴³

The Bengaluru case highlights the urgent necessity for stronger laws combating black magic and inhuman practices, despite the enactment of the Karnataka Prevention of Inhuman Evil Practices

⁴¹ Indian Penal Code 1860, s 84.

⁴² Arun Dev, ‘Despite anti-superstition law, occult rituals still a concern in K’taka’ (The Hindustan Times, 18 October 2022) <<https://www.hindustantimes.com/india-news/despite-anti-superstition-law-occult-rituals-still-a-concern-in-ktaka-101666032751117.html>> accessed 27 January 2024.

⁴³ *Ibid*

and Black Magic Act in 2020.⁴⁴ Law enforcement, blurred cultural boundaries, and alleged political involvement exacerbate the issue, demanding stringent legal reforms and societal awareness to prevent future tragedies.

Legal Implications

- *What legal provisions were invoked or could have been invoked?* The accused (the victim's uncle, an astrologer, and two others) were charged under IPC *Section 302*⁴⁵ (murder), *Section 364*⁴⁶ (kidnapping or abducting to murder), and *Section 201*⁴⁷ (causing disappearance of evidence). The Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Act, 2017 (enacted post-incident but relevant for similar cases), could have been invoked for prohibiting black magic rituals, with penalties up to life imprisonment. Additionally, *Section 307*⁴⁸ (attempt to murder) was considered if initial intent was non-fatal.
- *What evidentiary challenges arise in occult-related crimes?* The primary challenges lay in proving ritualistic intent beyond confessions, as decomposition, absence of witnesses, and evidentiary rules requiring corroboration made it difficult to link alleged black magic materials to premeditated murder, further complicated by cultural beliefs surrounding superstition.
- *Was belief used as mitigation, aggravation, or irrelevant factor?* Belief in black magic was treated as an aggravating factor evidencing premeditation and exploitation of superstition, with courts rejecting any mitigating value and prioritizing child rights under the Constitution and POCSO framework.
- *How did courts or investigators handle the "occult" element?* Police investigated the incident as a human sacrifice linked to black magic, while courts ultimately treated it as

⁴⁴ Meera Bharadwaj, 'Black Magic: Dark tradition still has takers in Karnataka' (New Indian Express, 15 March 2017) <<https://www.newindianexpress.com/states/karnataka/2017/Mar/13/black-magic-dark-tradition-still-has-takers-in-karnataka-1580831.html>> accessed 24 January 2024

⁴⁵ Indian Penal Code 1860, s 302.

⁴⁶ Indian Penal Code 1860, s 364.

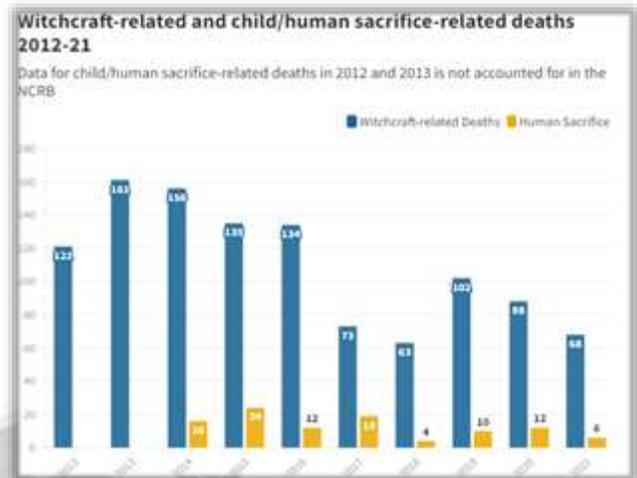
⁴⁷ Indian Penal Code 1860, s 201.

⁴⁸ Indian Penal Code 1860, s 307.

murder driven by superstition, rejecting cultural defenses and emphasizing the need for stricter enforcement and legal reforms to prevent such crimes.

How persuasive is superstitious killings becoming in India?

- As per the 2021 report of the **National Crime Records Bureau (NCRB)**⁴⁹, it has been found that six deaths were linked to human sacrifices, while witchcraft was the motive for 68 killings
- Further, through the previous report a 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 is the Need for Country-Wide Anti-superstition Act?

From the law point of view, allowing the unhindered continuance of such practices violates an individual’s fundamental right to equality and right to life under **Articles 14⁵⁰ and 21⁵¹** of the Indian Constitution respectively. It further violates several provisions of various international legislations to which India is a signatory, such as the **‘Universal Declaration of Human Rights, 1948⁵²’, ‘The International Covenant on Civil and Political Rights, 1966⁵³’, and ‘Convention on the Elimination of All Forms of Discrimination against Women, 1979⁵⁴**

⁴⁹ ‘37th Foundation of National Crime Records Bureau’ *Drishti IIAS* (India, 14 March 2022)

⁵⁰ Constitution of India, a 14

⁵¹ Constitution of India, a 21

⁵² Universal Declaration of Human Rights, 1948

⁵³ The International Covenant on Civil and Political Rights, 1966

⁵⁴ Convention on the Elimination of All Forms of Discrimination against Women, 1979

CHAPTER 4

INTERNATIONAL ASPECT

This chapter examines select international examples of occult-related crimes and their legal handling, focusing on key jurisdictions to draw parallels with India's framework. By reducing the scope to three core cases—Canada's repealed anti-witchcraft law, South Africa's muti murders, and the U.S. case of Richard Ramirez—it highlights themes of fraud versus belief protection, repeal versus ongoing regulation, and cultural defenses in criminal liability. These are compared to India's state-specific anti-superstition laws, such as those in Maharashtra and Karnataka, to identify gaps and potential reforms.

Section 365 of the Canadian Criminal Code: This provision criminalized deceptive practices involving occult or supernatural powers, prohibiting: (i) fraudulent use of witchcraft, sorcery, enchantment, or conjuration; (ii) fortune-telling for consideration; and (iii) claiming occult knowledge to locate lost or stolen items. It targeted fraud without restricting genuine religious or cultural practices, with penalties up to six months' imprisonment or a \$2,000 fine. Repealed in 2018 via Bill C-51 as an obsolete "zombie law," it was replaced by general fraud provisions under Section 380. Concerns persist about outdated laws undermining justice system consistency.

Legal Implications

- What legal provisions were invoked or could have been invoked? Section 365 (repealed) treated fraudulent occult claims as summary offenses; post-repeal, Section 380 (fraud) applies, as in a 2018 pre-repeal witchcraft charge.
- What evidentiary challenges arise in occult-related crimes? Proving deceit versus sincere belief requires evidence of intent to defraud, complicating supernatural claims without infringing rights.
- Was belief used as mitigation, aggravation, or irrelevant factor? Genuine belief was irrelevant to liability if fraud was proven; pretense aggravated penalties, but courts upheld protections under the Charter (freedom of religion, equality).
- How did courts or investigators handle the “occult” element? Focus was on fraud, distinguishing from protected practices; repeal emphasized modernizing laws to avoid bias.

Comparison with India: Unlike Canada's repeal of direct occult prohibitions in favor of general fraud laws, India maintains state-level regulations like the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil, and Aghori Practices and Black Magic Act, 2013, which criminalizes specific harmful practices without repeal. This reflects India's emphasis on ongoing regulation to combat exploitation, contrasting Canada's view of such laws as archaic. However, both prioritize fraud over belief, though India's fragmented approach lacks national uniformity, potentially leading to inconsistencies akin to Canada's pre-repeal "zombie laws."

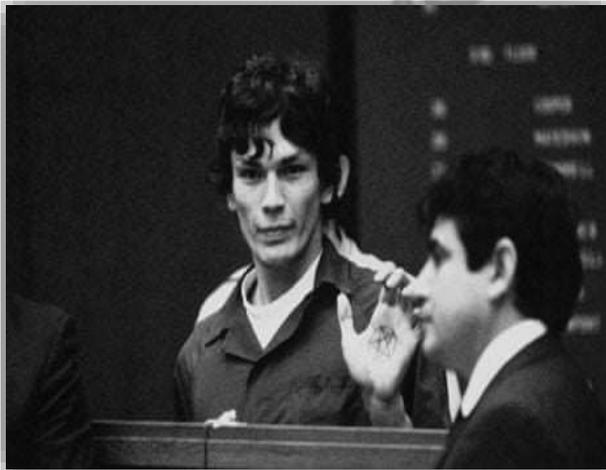
Muti Murders: These involve human sacrifice in African traditions, where body parts are removed from living victims for medicinal use by traditional healers (isangomas) or witch doctors, based on beliefs in their magical potency. Prohibited under criminal laws in countries like South Africa, where they persist despite constitutional protections.

Legal Implications

- What legal provisions were invoked or could have been invoked? In South Africa, prosecuted as murder under the Criminal Law Amendment Act 1997 (life imprisonment for body part removal); related to the Witchcraft Suppression Act 1957 (under review), with no specific muti law but constitutional human rights violations.
- What evidentiary challenges arise in occult-related crimes? Proving intent amid decomposition, lack of witnesses, and cultural secrecy; requires autopsy and indicators like specific removals while alive.
- Was belief used as mitigation, aggravation, or irrelevant factor? Cultural beliefs mitigate sentencing (e.g., tradition or fear) but aggravate in child cases; irrelevant to liability, subordinated to constitutional rights.
- How did courts or investigators handle the "occult" element? Classified as occult crime by police units; courts reject beliefs as "erroneous" but consider context in mitigation, probing multi-party involvement.

Comparison with India: South Africa's use of cultural beliefs as mitigation mirrors India's approach in cases under acts like the *Rajasthan Prevention of Witch-Hunting Act 2015*⁵⁵, where superstition-driven violence (e.g., witch accusations) is criminalized, but beliefs may influence sentencing. However, India's laws target harm (e.g., human sacrifice under Maharashtra's Act) without broadly suppressing cultural practices, similar to South Africa's constitutional balance. Gaps in India include inconsistent enforcement across states, unlike South Africa's specialized units, highlighting the need for national coordination to address evidentiary challenges rooted in cultural secrecy.

Richard Ramirez and satanic murders: Known as the "Night Stalker", Ramirez, a self-proclaimed Satanist, committed serial killings with occult elements like pentagrams and forcing victims to "swear to Satan". His trial emphasized his satanic identity without separate charges for it.



Legal Implications:

- What legal provisions were invoked or could have been invoked? Convicted under California Penal Code for murder (§187)⁵⁶, rape (§261)⁵⁷, sodomy (§286)⁵⁸, burglary (§459)⁵⁹, and special

circumstances (§190.2)⁶⁰ warranting death penalty; Satanism tied to modus operandi, not a distinct offense.

- *What evidentiary challenges arise in occult-related crimes?*

Motive secondary to physical evidence (e.g., symbols, prints); symbols challenged as unreliable without intent links.

⁵⁵ Act of Rajasthan Prevention of Witch-Hunting 2015.

⁵⁶ California Penal Code § 187.

⁵⁷ California Penal Code § 261.

⁵⁸ California Penal Code § 286.

⁵⁹ California Penal Code § 459.

⁶⁰ California Penal Code § 190.2.

- *Was belief used as mitigation, aggravation, or irrelevant factor?*
Satanism aggravated, portraying remorselessness for death sentence; irrelevant to guilt, rejected as mitigation (no insanity plea).
- *How did courts or investigators handle the “occult” element?*
Treated as identity, not defense; focused on forensics, managing courtroom antics to avoid bias.

Comparison with India: In the U.S., occult beliefs aggravated Ramirez’s sentence, contrasting India's potential use of psychological factors (e.g., delusion) as mitigation under the Indian Penal Code (e.g., s. 84 for unsound mind). Indian cases like the Burari mass suicides show beliefs influencing investigations but not excusing liability, similar to the U.S. However, India’s lack of specialized profiling for occult-linked serial crimes (unlike U.S. FBI approaches) underscores evidentiary gaps, where cultural beliefs might mitigate but rarely aggravate, emphasizing harm over ideology.⁶¹

Moral Panic: It is a widespread feeling of fear, often an irrational one, that some evil person or thing threatens the values, interests, or well-being of a community or society, perpetuated by moral entrepreneurs and mass media coverage, and exacerbated by politicians and lawmakers. Moral panic can give rise to new laws aimed at controlling the community, which may sometime give rise to new laws aimed at controlling the community.⁶² While the issues identified may be real, the claims “exaggerate the seriousness, extent, typicality and/or inevitability of harm”.⁶³ Examples of moral panic include the belief in widespread abduction of children by predatory paedophiles, belief in ritual abuse of women and children by Satanic cults, and concerns over the effects of music lyrics.⁶⁴

⁶¹ Lazlo Pokorny, ‘Spiritual Affliction, Psychopathy, and Recidivism: An Empirical Validation of Psychopossession Theory in Forensic Populations’ (ResearchGate, 2025) <https://www.researchgate.net/publication/399653684_Spiritual_Affliction_Psychopathy_and_Recidivism_An_Empirical_Validation_of_Psychopossession_Theory_in_Forensic_Populations> accessed 6 January 2026.

⁶² Pamela Paul, ‘Do Not Panic. It’s Just a Moral Panic.’ (*New York Times*, 29 June 2023) <[Opinion | Do Not Panic. It’s Just a Moral Panic. - The New York Times \(nytimes.com\)](https://www.nytimes.com/2023/06/29/opinion/do-not-panic-it-s-just-a-moral-panic/)> accessed 4 January 2024

⁶³ Mia Bella Frothingham, ‘Moral Panic and Folk Devils’ (*Simply Psychology*, 31 August 2023) <[Moral Panic and Folk Devils \(simplypsychology.org\)](https://www.simplypsychology.org/moral-panic-and-folk-devils/)> accessed 4 January 2024

⁶⁴ Chris Drew, ‘17 Famous Moral Panic Examples’ (*Helpful Professor*, 3 September 2023) <[17 Famous Moral Panic Examples \(2024\) - Helpful Professor](https://www.helpfulprofessor.com/17-famous-moral-panic-examples/)> accessed 4 January 2024

Conformity: Human biology believes that it is deeply wired within us- the feeling of the “need to belong” which brings us to the topic of conformity which is the tendency for an individual to align their attitudes, beliefs, and behaviours with the people around them- able to change how large groups behave, to start or end conflicts.⁶⁵ It is a complex aspect of human behaviour coming with both negative and positive implications where it not only has the capability to foster cohesion within groups, providing belonging and upholding moral standards, but also exploit to manipulate others into not- so ethical behavior.⁶⁶ Therefore, understanding the dynamics of conformity can help us navigate its influence and make informed decisions about when to conform and when to resist, ensuring that we maintain a balance between social cohesion and individual autonomy.⁶⁷

Occult Criminal Investigation: This training manual provides police officers with information on terminology, artifacts, and symbols related to crimes of occult origin.⁶⁸ The manual equips law enforcement to address occult-related crimes by distinguishing lawful belief from illegal conduct and providing practical guidance on identifying, investigating, and documenting ritualistic elements within constitutional limits.

International Comparison: The following table synthesizes key themes across jurisdictions, comparing them to India:

<i>ASPECT</i>	<i>CANADA</i>	<i>SOUTH AFRICA</i>	<i>UNITED STATES</i>	<i>INDIA (STATE LAWS)</i>
<i>Fraud vs. Belief Protection</i>	Repealed direct prohibitions; fraud under general laws	Beliefs mitigate but not excuse; constitutional rights prioritize	Beliefs irrelevant or aggravating; no	Targets fraudulent/harmful acts (e.g., black magic); protects

⁶⁵ ‘Conformity’ (Psychology Today) <<https://www.psychologytoday.com/us/basics/conformity>> accessed 12 January 2026.

⁶⁶ R Williams, ‘Conformity’ (University of Notre Dame XSOC 530) <<https://www3.nd.edu/~rwilliam/xsoc530/conformity.html>> accessed 12 January 2026.

⁶⁷ ‘Conformity’ (Oxford Reference, Oxford University Press) <<https://www.oxfordreference.com/display/10.1093/oi/authority.20110803095631755>> accessed 10 January 2026.

⁶⁸ Criminal Investigation Division, *Occult Criminal Investigation* MI 48823, 1988); ‘Occult Criminal Investigation’(Office of Justice Programs, 1993) <<https://www.ojp.gov/ncjrs/virtual-library/abstracts/occult-criminal-investigation>> accessed 10 January 2026

	protects beliefs via Charter. ⁶⁹	over “erroneous” views. ⁷⁰	protection if tied to crime. ⁷¹	religious freedoms under Constitution but criminalizes exploitation. ⁷²
Repeal vs. Regulation	Repealed as obsolete; relies on fraud provisions. ⁷³	Ongoing regulation via Witchcraft Act review; no repeal.	No specific occult laws; general criminal codes apply. ⁷⁴	No repeal; expanding state regulations (e.g., Karnataka 2017) for ongoing issues. ⁷⁵
Cultural Defenses and Liability	Defenses focus on deceit, not culture. ⁷⁶	Cultural context mitigates sentencing; multi-party probes. ⁷⁷	No cultural mitigation; aggravates if remorseless. ⁷⁸	Beliefs may mitigate (e.g., superstition) but irrelevant to

⁶⁹ ‘Canada’s Last Witch Trials: Women Accused of Fake Witchcraft’ (BBC News, 19 April 2019) <<https://www.bbc.com/news/world-us-canada-45983540>> accessed 6 January 2026.

⁷⁰ JL Matthee, ‘One Person’s Culture is Another Person’s Crime: A Cultural Defence in South African Law?’ <<https://scispace.com/pdf/one-person-s-culture-is-another-person-s-crime-a-cultural-37vxmkd8l0.pdf>> accessed 6 January 2026.

⁷¹ Luz E Nagle and Bolaji Owasanoye, ‘Fearing the Dark: The Use of Witchcraft to Control Human Trafficking Victims and Sustain Vulnerability’ (2016) 45 Southwestern Law Review 561.

⁷² Helen M MacDonald, ‘Witchcraft Accusations from Central India: The Fragmented Urn’ (ResearchGate, 2020) <https://www.researchgate.net/publication/346323402_Witchcraft_Accusations_from_Central_India_The_Fragmented_Urn> accessed 6 January 2026.

⁷³ ‘Woman Charged With Fake Witchcraft, Days Before Canada Scraps Old Law’ (NPR, 19 December 2018) <<https://www.npr.org/2018/12/19/678381891/ontario-woman-charged-with-fake-witchcraft-2-days-before-canada-scrapped-that-la>> accessed 6 January 2026.

⁷⁴ ‘Satan’s Shadow Falls Across Stalker Case’ *Orlando Sentinel* (Orlando, 3 September 1985) <<https://www.orlandosentinel.com/1985/09/03/satans-shadow-falls-across-stalker-case/>> accessed 6 January 2026.

⁷⁵ supra n 65.

⁷⁶ ‘Speaking to the Dead: Repealing Laws Against Pretending to Practice Witchcraft’ (LawNow Magazine) <<https://www.lawnow.org/speaking-to-the-dead-repealing-laws-against-pretending-to-practice-witchcraft/>> accessed 6 January 2026.

⁷⁷ South African Law Reform Commission, *Project 135: The Review of the Witchcraft Suppression Act 3 of 1957* (Discussion Paper 158, Revised, 24 June 2022) <<https://www.justice.gov.za/salrc/dpapers/dp158-p135-Revised-Review-WitchcraftSuppressionAct.pdf>> accessed 6 January 2026.

⁷⁸ ‘Richard Ramirez (The Night Stalker) & Social Learning Theory’, in *Dark Minds, Deadly Deeds: Unmasking Serial Killers* (Centre for the Study of the Internet) <<https://csi.pressbooks.pub/darkmindsdeadlydeeds/chapter/richard-ramirez-social-learning-theory/>> accessed 6 January 2026.

				liability; focuses on harm.
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Recommended Model for India: India should adopt a hybrid model emphasizing penal targeting of harm, combining elements from these jurisdictions. Rather than broad prohibition (risking cultural suppression, as in pre-repeal Canada), or minimal regulation (as in the U.S.), a national law could criminalize specific harms like human sacrifice or witch-hunting (similar to South Africa’s approach) while regulating fraudulent practices through licensing and awareness campaigns. This balances constitutional freedoms (*Article 25*) with victim protection, incorporating evidentiary aids like specialized units and cultural sensitivity training to address gaps in state laws and ensure uniformity.



CHAPTER 5

LEGAL FRAMEWORK ANALYSIS

‘Chhattisgarh witnesses 1268 incidents of witch hunting, a doctor offers to rehabilitate survivors in 332 pending cases’ and ‘Two women branded witch, one set ablaze by son, another stripped naked’, were the headlines of newspapers in the respective years of 2015, and 2017. These incidents underscore an alarming pattern of violence driven by superstition, strengthening the urgent demand for comprehensive national legislation to prevent, punish, and ultimately eradicate harm caused by witchcraft accusations and occult-related practices.

But before that let us understand the basic concept of ‘witchcraft’ and ‘witch- hunting’. Witchcraft is considered a practise of magic spells, skills or abilities, believed to influence a person’s body, mind, or property usually practised by a female (often portrayed and attributed as ominous, wicked, or of malevolent nature. On the other hand, witch- hunting was initiated due to the superstitious beliefs and customs for eliminating the so-called witches residing in the society. Even today it is continued and practiced as a custom in different parts of the world. Women who are said to be ‘witches’ are specifically targeted and tortured ruthlessly. Women are specifically targeted, tortured ruthlessly, and called a “Witch.”

So far only eight states in India have witch- hunting legislations which include Bihar, Chhattisgarh, Jharkhand, Odisha, Rajasthan, Assam, Maharashtra and Karnataka.⁷⁹

- 1. *The Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil, and Aghori Practices and Black Magic Act, 2013:*** It is a criminal law in Maharashtra, India, aimed at combatting practices like black magic, human sacrifices, and exploitation of superstitions.⁸⁰ It was drafted by Narendra Dabholkar, founder of *Maharashtra Andhashraddha Nirmoolan Samity (MANS)*⁸¹, which works to abolish superstitions and prevent fraud and animal sacrifices for commercial gain.

⁷⁹ ‘Anti-Superstition Laws in India’ *Drishti IIAS* (India, 1 November 2022)

⁸⁰ Act of Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act 2013

⁸¹ ‘Maharashtra Andhashraddha Nirmoolan Samiti’ (*Antisuperstition*) <<https://antisuperstition.org/>> accessed 30 January 2024

2. ***The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954:*** This act regulates drug advertisements by prohibiting those claiming to treat specific diseases or disorders, misleading advertisements, and magic remedies.⁸² It also restricts the import and export of such advertisements. Additionally, it lists diseases and ailments for which drugs cannot claim prevention or cure.
3. ***Karnataka Prevention and Eradication of Inhuman Evil Practise and Black Magic Act, 2017:*** The Act aims to protect society from exploitation by conmen using black magic and supernatural claims.⁸³ It seeks to eradicate inhuman and evil practices propagated in the name of magic or evil spirits, promoting social awareness and a safe environment. With incidents of exploitation coming to light, the government deems it necessary to take legal and social measures to prevent harm and preserve belief in scientific medical remedies.
4. ***The Prevention of Witch (Daain) Practices Act, 1999:*** Bihar was the first State to enact a law to provide for the effective measures to prevent the witch practices and identification of a woman as a witch and their oppression (mostly prevalent in the tribal areas & elsewhere in the State of Bihar) to eliminate women's torture, humiliation, and killing by the society.⁸⁴ It penalises people on topics like identification of a Witch, or abetment to do so, witch Curing, etc.
5. ***The Rajasthan Prevention of Witch- Hunting Act, 2015:*** - This act prohibits witch-hunting and practice of witchcraft, imposing collective fines on inhabitants involved in or aiding offenses.⁸⁵ The state government apportions the fine based on individual means, with the notification publicly announced and aggrieved parties allowed to file a petition for exemption or modification without a fee. The fines are recovered as land revenue, and proceeds support rehabilitation of offense victims.
6. ***The Assam Witch Hunting (Prohibition, Prevention, and Protection) Act, 2015:*** - The purpose of this act is to provide for more effective measures to prohibit witch hunting and prevent and protect persons from witch hunting; and to eliminate torture, oppression, humiliation and killing of such persons by a section of the society by providing for

⁸² Act of the Drugs and Magic Remedies (Objectionable Advertisements) 1954

⁸³ Act of Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic 2017

⁸⁴ Act of Prevention of Witch Practices Act 1999

⁸⁵ Act of Rajasthan Prevention of Witch-Hunting 2015

punishment by trial of offences relating to witch hunting; and for the relief and rehabilitation of victims of such offences.⁸⁶ It not only identifies a few actions (such as identifying or calling someone a witch, causing death, outrage modesty, forms of torture, attributing misfortune, etc.) as offences but also mentions the punishment for those offences.

- 7. *The Chhattisgarh Tonahi Pratadna Nivaran Act, 2005 (C G Act No of 2005):*** - This act aims to prevent witch-hunting practices.⁸⁷ It defines terms like “*Tonahi*”, “*Identifier*”, and “*Ojha*” and specifies punishments for identifying, harassing, or claiming to be a Tonahi. Offenses include physical or mental harm and disturbing public peace. Punishments range from 1 to 5 years of rigorous imprisonment, with fines. The Act mandates trial by a Judicial Magistrate First Class, makes offenses cognizable and non-bailable, and prohibits bail without the Public Prosecutor's opposition. It provides for compensation to victims, bars civil court jurisdiction, and protects officials acting in good faith. The State Government can make rules for implementation.
- 8. *Odisha Prevention of Witch Hunting Act, 2013:*** - The Odisha Prevention of Witch-hunting Act, 2013, is a legislative effort to combat the menace of witchcraft-related violence in the state.⁸⁸ It defines terms such as “*witch*”, “*witchcraft*”, and “*witch-doctor*”, providing clarity on prohibited activities. The Act prohibits witch-hunting, practicing witchcraft with harmful intent, and engaging in practices as a witch-doctor that cause harm. Punishments range from imprisonment to fines, with specific penalties for repeat offenders. The Act emphasizes the protection of victims and their rights, including compensation for damages. It also mandates awareness programs to dispel superstitions and educate the public on the dangers of witch-hunting. Overall, the Act serves as a comprehensive legal framework to address and prevent witchcraft-related violence in Odisha.

⁸⁶ Assam Witch Hunting (Prohibition, Prevention and Protection) Act 2015 (Assam Act No XXI of 2018).

⁸⁷ Chhattisgarh Tonahi Pratadna Nivaran Act 2005 (Chhattisgarh Act No 21 of 2005).

⁸⁸ Odisha Prevention of Witch-Hunting Act 2013 (Odisha Act No 21 of 2013).

CHAPTER 6

IN- DEPTH ANALYSIS OF THE BURARI CASE

Background: The Burari deaths case of 2018, where 11 members of the *Chundawat* family were found dead in their home in Delhi, shocked the nation and sparked widespread speculation. Initially deemed a mass suicide, the incident remains shrouded in mystery despite media scrutiny. Leena Yadav's documentary, "*House of Secrets: the Burari Deaths*"⁸⁹, sheds light on the family's complex dynamics, revealing a story far from the surface. The family, known as the Bhatia family, appeared outwardly as an ordinary middle-class household until tragedy struck. On the 1st of July, neighbours discovered the family members hanging from an iron grill on the roof, blindfolded and bound. Yet, this grim scene contrasts sharply with the family's reputation as harmonious, generous, and religious. With no apparent motive and recent celebrations of one of the member's engagement parties, the case raises more questions than answers about what truly happened behind the closed doors of the Burari house.

Findings: The Netflix documentary "*House of Secrets: The Burari Deaths*" explores the multifaceted perspectives surrounding the Burari deaths case in Delhi, India.⁹⁰ It delves into the complexities of familial dynamics, psychological vulnerabilities, and societal influences, highlighting the pervasive nature of secrecy within Indian families. The narrative revolves around the discovery of diaries chronicling the family's descent into supernatural beliefs and the traumatic experiences of Lalit, the youngest son, revealing a disturbing blend of psychological distress and shared psychosis within the family. The documentary also examines the role of conformity in shaping behaviour within the family, shedding light on societal pressures and cultural norms that influenced their actions, ultimately painting a nuanced picture of a tragedy rooted in a web of psychological complexities, familial secrets, and societal expectations.⁹¹

⁸⁹ Damini Ajayi, 'Reflections on House of Secrets: The Burari Deaths' (*Cambridge Core*, 28 March 2022) <<https://www.cambridge.org/core/blog/2022/03/28/reflections-on-house-of-secrets-the-burari-deaths/>> accessed 27 January 2024.

⁹⁰ Rupsha Bose, 'The Psychological and Sociological Autopsy of the Burari Deaths' (Medium, 28 May 2023) <<https://medium.com/@rupshabose/the-psychological-and-sociological-autopsy-of-the-burari-deaths-5d3f474b6fd4>> accessed 27 January 2024.

⁹¹ Ayushi Kenia, 'Takeaways from the Burari Death Cases' (2022) <<https://indianmentalhealth.com/pdf/2022/vol9-issue1/16-Viewpoint-Article.pdf>> accessed 27 January 2024

Analyzing the cases of mass suicide: The concept of “catastrophic deviance” has been used to describe extreme and unexpected departures from societal norms, resulting in significant harm or destruction where the Burari mass hanging case is one such example, with similarities to other notorious mass suicides such as the *Jonestown massacre* in 1978.⁹² The Burari case involved a family’s descent into supernatural beliefs, shared psychosis, and conformity to alleged supernatural authority, leading to social isolation and eventual tragedy, highlighting the pervasive nature of secrecy within Indian families and societal pressures that influenced their actions.⁹³

The most recent case held was the *Shakahola Massacre*, where 110 bodies were found in the Shakahola forest, near Malindi, Kenya.⁹⁴ Rescued survivors stated that they had been ordered to starve themselves to death by Paul Nthenge Mackenzie, leader of the Malindi cult. As of July 2023, the death toll has risen to 428.⁹⁵

Legal Strengths and Barriers: There exists an utter drought with regard to the legislation to govern such superstitious activities. First came the *Prevention of Witch Hunting Bill* which was tabled in Lok Sabha in 2016, which was not passed. Next, came in *the Drugs and Magic Remedies Act 1954* also aims to tackle the debilitating impact of various superstitious activities prevalent in India. In *IPC, Section 302*⁹⁶ and *Section 295A*⁹⁷ discourage practices of superstition and human sacrifice. Further, certain States have taken cognizance of the matter and have successfully enacted legislations such as Bihar’s *The Prevention of Witch (Daain) Practices Act*⁹⁸, *Maharashtra’s Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil, and Aghori Practices and Black Magic Act*⁹⁹, *Karnataka Prevention and Eradication of Inhuman Evil Practices and*

⁹² J. Oliver Conroy, ‘An apocalyptic cult, 900 dead: remembering the Jonestown massacre, 40 years on’ (*The Guardian*, 17 November 2010) <[An apocalyptic cult, 900 dead: remembering the Jonestown massacre, 40 years on | Religion | The Guardian](#)> accessed 29 January 2024

⁹³ *Ibid* 15

⁹⁴ Evans Maritim, ‘Shakahola tragedy: Kindiki to oversee postmortem of 129 bodies’ (*K24*, 25 May 2023) <[Shakahola tragedy: Kindiki to oversee postmortem of 129 bodies: K24 TV](#)> accessed 29 January 2024

⁹⁵ Marlon Kithi, ‘360 people reported missing as heavy rains disrupt Shakahola operation’ (*The Standard*) <<https://www.standardmedia.co.ke/national/article/2001471908/360-people-reported-missing-as-heavy-rains-disrupt-operation>> accessed 29 November 2024

⁹⁶ Indian Penal Code 1860, s 302

⁹⁷ Indian Penal Code 1860, s 295A

⁹⁸ Prevention of Witch (Daain) Practices Act 1999 (Bihar).

⁹⁹ Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act 2013.

Black Magic Act.¹⁰⁰ These Acts play a crucial role in controlling inhumane practices related to religious rituals. Maharashtra's anti-superstition law specifically defines 'godmen' as a person who claims to possess supernatural powers.¹⁰¹

Understanding these cases' common ground(s): Common intentions behind mass suicides often involve a combination of psychological, social, and sometimes ideological factors.¹⁰² Some potential common intentions include:

- ◆ **Shared Beliefs or Ideologies:** Members may share extreme beliefs or ideologies that lead them to perceive suicide as a means to achieve a greater purpose or transcendence.¹⁰³ This could include religious cults, extremist groups, or communities with apocalyptic beliefs.¹⁰⁴
- ◆ **Desperation or Hopelessness:** Mass suicides can also occur in situations of extreme despair, such as in cases of financial ruin, terminal illness, or intense social pressure.¹⁰⁵ The individuals involved may feel they have no other options and see suicide as a way to escape their suffering.¹⁰⁶
- ◆ **Group Dynamics:** Group dynamics can play a significant role in mass suicides, with individuals feeling pressured to conform to the actions of the group or fearing social isolation if they do not participate.¹⁰⁷ This can create a sense of cohesion and solidarity among group members, reinforcing the decision to die together.
- ◆ **Charismatic Leadership:** Charismatic leaders within the group may exert significant influence over the members, manipulating their emotions and beliefs to justify suicidal

¹⁰⁰ Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Act 2022; Swathi Satish, 'Anti-superstition law' (*ClearIAS*, 11 November 2022) < <https://www.clearias.com/anti-superstition-laws/>> accessed 29 January 2024

¹⁰¹ Rounak Kumar Gunjan, 'Burari Horror: India Needs Strong 'Occult Law' But Public and Political Will Too Weak' (*News18*, 3 July 2018) < <https://www.news18.com/news/india/burari-horror-india-needs-strong-occult-law-but-public-and-political-will-too-weak-1798859.html>> accessed 29 January 2024

¹⁰² Nishi Misra, Harshita Jha, Komal Tiwari, *Psychological Autopsy of Mass Suicides: Changing Patterns in Contemporary Times* (first published 2019)

¹⁰³ Praveenlal Kuttichira, 'The Phenomenon of Family Suicides: An Explorative Study into Consecutive 32 Incidents in Kerala' (2018) 40(2) *NLM* 108, 112 <[The Phenomenon of Family Suicides: An Explorative Study into Consecutive 32 Incidents in Kerala - PMC \(nih.gov\)](#)> accessed 12 January 2024

¹⁰⁴ *Ibid*

¹⁰⁵ Antonio Preti, 'On Killing by Self- Killing: suicide with a hostile intent' (2006) 89, 104

¹⁰⁶ *Ibid*

¹⁰⁷ *Ibid* 21

actions.¹⁰⁸ These leaders often possess persuasive abilities and exploit vulnerabilities within their followers.¹⁰⁹

Now, understanding this from a legal perspective, investigations into mass suicides focus on determining whether any criminal activity or coercion was involved. Key findings may include coercion or manipulation, informed consent, criminal liability, and preventative measures. Authorities investigate whether any individuals within the group exerted undue influence or coercion over others, such as through threats, psychological manipulation, or isolation from dissenting viewpoints. Legal scrutiny examines whether individuals participated in the suicide voluntarily and with informed consent. In cases where coercion or manipulation is found, individuals responsible may face criminal charges ranging from manslaughter to murder. Additionally, leaders or organizers of mass suicides may be held accountable for their role in facilitating the event. Authorities may also explore ways to prevent future incidents through increased awareness, education, and intervention strategies targeting vulnerable groups or communities at risk of mass suicide.

Criminal Responsibility, Mental Illness, and Collective Belief Systems: The Burari case exemplifies the intersection of criminal law, mental health, and occult-driven collective delusions, raising profound questions about accountability in mass suicides. In India, criminal liability hinges on establishing *mens rea* (guilty mind) and *actus reus* (guilty act), but cases involving shared psychosis, such as the *folie à plusieurs* diagnosed in Burari, complicate this framework.¹¹⁰ Under *Section 84*¹¹¹ of the Indian Penal Code (IPC), 1860, a person is not criminally responsible if, due to unsoundness of mind, they are incapable of knowing the nature of the act or that it is wrong or contrary to law. In Burari, psychological autopsies revealed that Lalit Chundawat, influenced by post-traumatic stress disorder (PTSD) from a 2007 attack, developed delusions of communicating

¹⁰⁸ Hava Dayan, 'Modem Da Modem Day Slavery: A Socio-Legal Analysis of Slavery-Like Offences in Charismatic Cults' (2017) 23(5) BHRLR <<https://digitalcommons.law.buffalo.edu/cgi/viewcontent.cgi?article=1206&context=bhrlr>> accessed 17 January 2024

¹⁰⁹ *Ibid*

¹¹⁰ Thushara P and B Sonia Chellirian, 'The Burari Enigma: A Forensic Linguistic Investigation of Shared Psychotic Disorder' (2025) 13(4) ISMER International Journal of Research - GRANTHAALAYAH 173.

¹¹¹ Indian Penal Code 1860, s 84.

with his deceased father, which spread to the family through shared psychotic disorder.¹¹² This collective delusion led to the ritualistic suicides, framed as a “path to salvation.” Had there been survivors, Section 84 could serve as a defense, negating *mens rea* by arguing that the participants acted under a delusional belief system, not rational intent.

However, distinguishing voluntary participation from coercion is challenging. Legal analyses suggest that Lalit’s role as the “instigator”, evidenced by diaries and his orchestration of the hangings, could invoke Section 306 (abetment of suicide) if manipulation was proven, treating it as indirect coercion rather than mutual consent. Yet, the Delhi Police concluded no external foul play, classifying it as suicide driven by internal psychosis, thus avoiding charges. This highlights a gap: Indian law lacks specific provisions for diminished responsibility, unlike some jurisdictions (e.g., England’s partial defense under the Homicide Act), where partial mental impairment reduces murder to manslaughter. In Burari, experts noted the family’s failure to seek psychiatric help despite medical advice, underscoring how cultural stigma around mental health exacerbates such tragedies.¹¹³

From a state responsibility perspective, the *Mental Healthcare Act, 2017*¹¹⁴ (“MHCA”) decriminalizes suicide attempts (Section 115 presumes severe stress), shifting focus to care and rehabilitation.¹¹⁵ However, preventive intervention remains weak; the Act mandates community-based mental health services, but implementation lags, especially in detecting familial delusions. The Burari incident exposed the state’s role in early detection, neighbors reported odd behaviors, yet no welfare checks occurred.¹¹⁶ Linking to preventive law, a national anti-superstition framework (beyond state-specific acts like Maharashtra’s 2013 law) could empower authorities to intervene in occult-related vulnerabilities, mandating psychological evaluations for at-risk groups. Ultimately, Burari illustrates the need for integrated reforms: amending the IPC to recognize

¹¹² Supra n 90.

¹¹³ ‘Understanding Shared Psychosis: Insights from the Burari Family Tragedy in Delhi, India’ (ResearchGate, 2025) https://www.researchgate.net/publication/390952904_Understanding_shared_psychosis_Insights_from_the_Burari_family_tragedy_in_Delhi_India accessed 12 January 2026.

¹¹⁴ Mental Healthcare Act 2017 (Act No 10 of 2017).

¹¹⁵ V Sneha, Shivappa Madhusudhan, N Rudra Prashanth and Hongally Chandrashekar, ‘Decriminalization of Suicide as per Section 115 of Mental Health Care Act 2017’ (2018) 60 Indian J Psychiatry 147.

¹¹⁶ supra n 71, p 27.

collective belief systems in defenses, enhancing MHCA enforcement for proactive mental health interventions, and promoting awareness to dismantle secrecy in families, preventing occult delusions from escalating to catastrophe.



CHAPTER 7

CONCLUSION

In conclusion, the legal landscape surrounding criminal offenses within occult practices is multifaceted, often addressed through specific legislation such as the *Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Act*, which prohibits acts like human sacrifice and witch hunting with penalties like imprisonment and fines.¹¹⁷ Despite these efforts challenges persist in clearly defining offenses and enforcing laws effectively.¹¹⁸ The legal response also extends to measures for victim rehabilitation and support, indicating the necessity for a comprehensive approach that accounts for cultural, psychological and societal factors. The “*Burari Mass Hangings*” incident highlights the complex intersection of occult beliefs, criminal investigations, and mental health considerations, highlighting the value of integrated strategies in handling such cases.¹¹⁹ Insights from this case underscore the importance of a holistic approach considering religious beliefs, psychological aspects, and societal pressures when addressing similar incidents.¹²⁰ Although, state-specific laws exist, the absence of nationwide legislation exclusively targeting crimes related to witchcraft or superstition poses risks to public order. Enhancing legal clarity and regulatory structures requires consideration of religious beliefs, psychological factors, and societal influences, with a nationwide law criminalizing such acts being essential to safeguard fundamental rights and promote scientific temper and humanism as mandated by the *Article 51A (h)* of the Indian Constitution.¹²¹

¹¹⁷ *Ibid* 16; Sumeda, ‘Explained | What are the laws against black magic and superstition in India?’ (*TH*, 20 October 2022) < [Explained: What are the laws against black magic, superstition in India? - The Hindu](#)> accessed 18 January 2024

¹¹⁸ ‘Need for the Regulation of Black magic/Superstition in India’ (IAS baba, 2 November 2022) < [Need for the Regulation of Black magic/Superstition in India | IASbaba](#)> accessed 18 January 2024

¹¹⁹ ‘It was an accident: Report reveals how a ritual went wrong for Burari family’ (India Today) [It was an accident: Report reveals how ritual went wrong for Burari family - India Today](#)

¹²⁰ [Unraveling the Mystery: The Burari Deaths Case | Psyche \(vocal.media\)](#)

¹²¹ India Const, art 51A(h).