

## CHAPTER 90

### THE WITCHCRAFT ACT

# ARRANGEMENT OF SECTIONS

#### Section

1. Short title
2. Interpretation
3. Penalty for naming or imputing witchcraft
4. Penalty on professional witch doctors
5. Penalty for professing knowledge of witchcraft
6. Acts constituting witchcraft
7. Employment or solicitation of persons in matters of witchcraft
8. Presence at tests
9. Carrying out advice in matters of witchcraft
10. Deceiving or imposing by means of witchcraft
11. Possessing charms, etc.
12. Penalty on chief or headman encouraging witchcraft
13. Obtaining goods, etc., by false pretences

## CHAPTER 90 WITCHCRAFT

5 of 1914  
47 of 1948  
31 of 1952  
47 of 1963  
Government Notice  
493 of 1964  
24 of 1977  
26 of 1993  
*Act No. 13 of 1994*

An Act to provide for penalties for the practice of witchcraft; and to provide for matters incidental to or connected therewith.

[9th May, 1914]

1. This Act may be cited as the Witchcraft Act. Short title

2. In this Act, unless the context otherwise requires- Interpretation

"act complained of" includes any death, injury, damage, disease or calamity, whether of an accidental or of a tortious character;

"boiling water test" means the dipping into boiling water of the limbs or any portion of the body of a person;

"property" includes animals;

"witchcraft" includes the throwing of bones, the use of charms and any other means, process or device adopted in the practice of witchcraft or sorcery.

3. Whoever- Penalty for naming or imputing witchcraft

(a) names or indicates or accuses or threatens to accuse any person as being a wizard or witch; or

(b) imputes to any person the use of non-natural means in causing any death, injury, damage or calamity; or

(c) asserts that any person has, by committing adultery, caused in some non-natural way death, injury, damage or calamity;

shall be liable upon conviction to a fine not exceeding seven hundred and fifty penalty units or to imprisonment with or without hard labour for any term not exceeding one year, or to both:

Provided that this section shall not apply to any person who makes a report to a police officer of or above the rank of Sub Inspector or, where there is no such police officer, to a District Secretary or an Assistant District Secretary.

*(As amended by No. 47 of 1948, No. 31 of 1952, No. 47 of 1963 G.N. No. 493 of 1964), No. 24 of 1977, No. 26 of 1993 and Act No. 13 of 1994)*

4. Whoever shall be proved to be by habit or profession a witch doctor or witch finder shall be liable upon conviction to a fine of not more than one thousand five hundred penalty units or to imprisonment Penalty on professional witch doctors

with or without hard labour for any term not exceeding two years, or to both.

*(As amended by No. 47 of 1948, No. 31 of 1952, No. 26 of 1993 and Act No. 13 of 1994)*

**5.** Any person who-

(a) represents himself as able by supernatural means to cause fear, annoyance, or injury to another in mind, person or property; or

(b) pretends to exercise any kind of supernatural power, witchcraft, sorcery or enchantment calculated to cause such fear, annoyance or injury;

shall be liable to a fine of not more than one thousand five hundred penalty units or to imprisonment with or without hard labour for any term not exceeding two years.

*(No. 47 of 1948 as amended by Act No. 26 of 1993 and Act No. 13 of 1994)*

Penalty for professing knowledge of witchcraft

**6.** Whoever shall-

(a) by the exercise of any witchcraft or any non-natural means whatsoever, pretend or attempt to discover where and in what manner any property supposed or alleged to have been stolen or lost may be found or to name or indicate any person as a thief or as the perpetrator of any crime or any other act complained of; or

(b) in the pretence of discovering or in the attempt to discover whether or not any person has committed any crime or any other act complained of, administer or cause to be administered to any person with or without his consent any emetic or purgative or apply or cause to be applied to any person with or without his consent the boiling water test or any other test whatsoever; or

(c) instigate, direct, control or preside at the doing of any act specified in the foregoing part of this section;

shall be liable upon conviction to the punishments provided by section *four*.

Acts constituting witchcraft

**7.** Whoever employs or solicits any person-

(a) to name or indicate any person as being a wizard or witch;

(b) to name or indicate by means of witchcraft or by the use of any non-natural means or by the administration of any emetic or purgative or by the application of any test whatsoever any person as the

Employment or solicitation of persons in matters of witchcraft

perpetrator of any alleged crime or other act complained of;

(c) to advise him or any person how by means of witchcraft or by the use of any non-natural means or by means of any emetic or purgative or test whatsoever the perpetrator of any alleged crime or other act complained of may be discovered;

(d) to advise him on any matter or for any purpose whatsoever by means of witchcraft or non-natural means;

shall be liable upon conviction to the punishments provided in section *three*.

**8.** Any person who is present at the administration to any person of any test, the administration of which is punishable under the provisions of this Act, shall be liable upon conviction to a fine not exceeding two hundred penalty units or to imprisonment with or without hard labour for any term not exceeding one year, or to both.

Carrying out advice  
in matters of  
witchcraft

Provided that no person called as a witness to prove the administration of any test as aforesaid shall be deemed to be an accomplice or to need corroboration as such by reason only that he was present at the administration of any test as aforesaid.

*(As amended by No. 31 of 1952, No. 26 of 1993  
and Act No. 13 of 1994)*

**9.** Whoever, on the advice of any person pretending to have the knowledge of witchcraft or of any non-natural processes or in the exercise of any witchcraft or of any non-natural means, shall use or cause to be put into operation such means or processes as he may have been advised or may believe to be calculated to injure any person or any property shall be liable upon conviction to the punishments provided by section *four*

Deceiving or  
imposing by means  
of witchcraft

**10.** Every person professing to be able to control by non-natural means the course of nature or using any subtle craft, means or device by means of witchcraft, charms or otherwise to deceive or impose upon any other person shall be liable upon conviction to a fine not exceeding two hundred penalty units or to imprisonment with or without hard labour for any term not exceeding one year, or to both.

*(As amended by No. 31 of 1952, No. 26 of 1993  
and Act No. 13 of 1994)*

**11.** (1) Any person who collects, makes, sells or uses or assists or takes part in collecting, selling, marking or using any charm or poison or thing which he intends for use either by himself or by some other person for the purpose of any act punishable by this Act shall be liable upon conviction to a fine not exceeding two hundred penalty units or to imprisonment with or without hard labour for any term not exceeding one year, or to both. Possessing charms, etc.

(2) Any person who has in his possession any charm or poison or thing which he intends for use either by himself or by some other person for the purpose of any act punishable by this Act shall be liable upon conviction to a fine of not more than one hundred penalty units or to imprisonment with or without hard labour for any term not exceeding six months, or to both.

(3) A person found in possession of anything commonly used for the purpose of an act punishable by this Act shall be deemed to have intended such thing for use for the purpose of an act punishable by this Act unless and until the contrary be proved.

*(As amended by No. 31 of 1952, No. 26 of 1993 and Act No. 13 of 1994)*

**12.** Any chief or headman who directly or indirectly permits, promotes, encourages or facilitates the commission of any act punishable by this Act or who knowing of such act or intended act does not forthwith report the same to a police officer of or above the rank of Sub Inspector or, where there is no such police officer, to a District Secretary or an Assistant District Secretary, shall be liable upon conviction to a fine or to imprisonment with or without hard labour for any term not exceeding three years. Penalty on chief or headman encouraging witchcraft

*(As amended by G.N. No. 493 of 1964, No. 24 of 1977, No. 26 of 1993 and Act No. 13 of 1994)*

**13.** (1) Any person who shall receive or obtain any consideration whatsoever or the promise thereof for or in respect of the doing by such person of any act punishable by this Act shall, if he has actually received such consideration, be deemed guilty of the offence of obtaining by false pretences and, if he has not actually received such consideration but only the promise thereof, be deemed guilty of the offence of attempting to obtain by false pretences and shall be liable upon conviction to punishment accordingly. Obtaining goods, etc., by false pretences

(2) Any agreement for the giving of any consideration for or in respect of the doing of any act punishable by this Act shall be null and void.