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## ASTROLOGY AS A PROFESSION: CONSTITUTIONAL VALIDITY AND JUDICIAL APPROACHES IN INDIA

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### ABSTRACT

Astrology remains one of India's most culturally entrenched and commercially expanding professions, yet its legal status continues to raise complex constitutional and regulatory questions. This article examines the constitutional validity of astrology as a profession under Article 19(1)(g) of the Indian Constitution and analyses the judiciary's approach in recognising its legitimacy despite scientific controversies. Indian courts, particularly the Supreme Court, have adopted a non-interventionist stance, emphasising cultural acceptance and individual autonomy rather than empirical validation. However, the rapid commercialisation of astrology especially through digital platforms, predictive apps, and influencer-driven forecasts has intensified concerns about consumer exploitation, misinformation, financial fraud, and the absence of professional accountability. Existing legal mechanisms, including the Indian Penal Code, the Consumer Protection Act, and ASCI advertising guidelines, offer limited and reactive protection, leaving significant regulatory gaps. Through a doctrinal and socio-legal analysis, this article argues for a balanced regulatory framework that preserves constitutional freedoms while ensuring consumer safety. It proposes mechanisms such as practitioner certification, mandatory disclaimers, digital transparency norms, targeted consumer protection measures, and a national anti-exploitation law to prevent abuse without delegitimising traditional belief systems. The study concludes that responsible regulation not prohibition is essential for aligning the profession of astrology with India's constitutional ethos and contemporary public welfare needs.

**Keywords:** Astrology, constitutional validity of astrology, judicial approach

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## 1. Introduction: Evolution of Astrology as a Profession in India

Astrology in India has evolved from a traditional cultural practice rooted in ancient scriptures to a highly commercialized and digitally mediated profession that occupies a complex position within the country's legal and constitutional framework. Historically, astrology referred to in classical texts such as the *Vedanga Jyotisha*, *Brihat Samhita*, and *Brihat Parashara Hora Shastra* served primarily as a tool for determining auspicious timings, predicting events based on celestial movements, and guiding social customs, marriage decisions, and agricultural practices. For centuries, it functioned as a hereditary occupation, with knowledge transmitted orally and confined to specific communities. However, the post-independence period, particularly the late 20th and early 21st centuries, witnessed a marked transformation as astrology transitioned from a religiously embedded and socially accepted advisory practice to a significant professional service sector. The expansion of mass media, including television shows in the 1990s, newspaper horoscope columns, radio consultations, and later internet platforms, created unprecedented visibility for astrologers and enhanced the perception of astrology as a legitimate livelihood. With the advent of astrology-based mobile applications, online matchmaking websites, paid horoscope predictions, numerology consultations, and tarot reading sessions, the profession has diversified and monetized to an extent unimaginable in earlier decades. Today, astrology represents a multimillion-dollar industry in India, attracting not only traditional practitioners but also educated professionals, influencers, and digital entrepreneurs who package astrological services as science-backed, personalized, and solution-oriented. Despite its popularity, this rise raises significant legal questions concerning the nature of astrology as a profession, the boundaries of permissible claims, and the potential for fraud or exploitation. The Constitution of India guarantees under Article 19(1)(g) the freedom to practice any profession, trade, or business, which astrologers invoke to justify their right to offer predictive services. Yet this freedom is subject to reasonable restrictions under Article 19(6), particularly concerning public order, morality, consumer protection, and prevention of fraudulent practices. At the same time, astrology occasionally intersects with Article 25, as certain communities view it as part of their religious or cultural identity. This normative tension between constitutional liberties and the need to protect vulnerable consumers has led to judicial and legislative debates over whether astrology should be regulated, licensed, or subjected to scientific scrutiny. The legal landscape is further complicated by the Supreme Court's 2004 observations that astrology, like other disciplines, constitutes a field of study and cannot be dismissed as unscientific, a stance that has been interpreted by many as judicial validation of

astrology as a profession. Parallely, High Courts have dealt with cases concerning deceptive predictions, misleading advertisements, and the accountability of astrologers, reflecting a gradual shift toward recognizing the need for legal oversight without undermining cultural and occupational freedoms. In addition, the digital proliferation of astrological services introduces new regulatory challenges under the Information Technology Act, data privacy norms, and advertising guidelines, especially as online astrologers increasingly collect personal data and offer predictive advice with potentially significant emotional and financial consequences. The transformation of astrology from a ritualistic cultural practice into a sophisticated and commercialized profession thus illustrates a broader socio-legal evolution in India, where traditional belief systems coexist with modern regulatory expectations. As astrology becomes further embedded in consumer markets ranging from marriage and finance to health and career counselling the legal system must address the fragile balance between respecting cultural heritage and ensuring that predictive practices do not mislead, exploit, or harm individuals. This analytical inquiry into astrology's evolution as a profession therefore serves as a necessary foundation for evaluating its constitutional legitimacy, judicial treatment, and the emerging need for a coherent, balanced regulatory framework in contemporary India.

## **2. Constitutional Framework Governing Astrology as a Profession**

The constitutional framework governing astrology as a profession in India rests primarily on the interplay between the fundamental freedoms guaranteed under Part III of the Constitution and the State's power to regulate occupations in the interest of the public. Astrology, historically embedded in Indian culture and widely practised across regions, has evolved into a structured professional service offering predictions, guidance, and rituals to individuals. From a constitutional perspective, the practice of astrology engages Article 19(1)(g), which confers upon every citizen the right to practise any profession or to carry on any occupation, trade, or business. This provision, interpreted broadly by Indian courts, protects professions irrespective of whether they are rooted in scientific rationale or belief systems, so long as they do not inherently violate public policy or morality. Thus, an astrologer claiming a right to practice professionally can legitimately invoke Article 19(1)(g) as the foundational constitutional protection of occupational freedom.

However, this right is not absolute. Article 19(6) enables the State to impose reasonable restrictions on the exercise of this freedom in the interest of the general public. The profession of astrology because it often involves predictive claims, monetary transactions, and vulnerabilities of consumers falls within domains that the State may regulate to prevent

exploitation or fraud. Reasonable restrictions may be justified to ensure public welfare, regulate misleading advertisements, impose disclosure obligations, and curb fraudulent practices. Courts have repeatedly held that the reasonableness of restrictions must be assessed through proportionality, balancing the rights of practitioners with the State's duty to protect citizens. In the context of astrology, while the State cannot ban the profession merely because its methods lack empirical scientific validation, it can regulate commercial aspects to safeguard consumers from deception, financial exploitation, or undue influence.

Astrology also intersects with Article 25, which guarantees the freedom of conscience and the right to freely profess, practise, and propagate religion. Although astrology is not explicitly categorised as a religious practice, it is deeply intertwined with Hindu rituals, beliefs, and customs. Many individuals view horoscope readings, planetary alignments, and astrological rituals not merely as personal forecasts but as spiritual acts connected to religious identity. As a result, in some contexts, restrictions on astrological practices may indirectly impact the religious freedom of individuals who believe in such systems. However, Article 25 is subject to public order, morality, and health, and courts have clarified that only practices essential to a religion receive full constitutional protection. Astrology, although culturally significant, is not an essential religious practice for any faith; therefore, its professional aspects fall more readily within the regulatory authority of the State under Article 25(2) and Article 19(6).

Judicial interpretation also plays a crucial role in shaping the constitutional status of astrology. The Supreme Court, in a 2004 matter involving a challenge to the introduction of astrology courses in universities, implicitly affirmed the legitimacy of astrology as a discipline, stating that it is an ancient tradition with historical acceptance and cannot be dismissed merely because modern science does not fully validate it. This judicial stance, although not a direct constitutional ruling on professional rights, reinforces the idea that astrology is a legally cognisable activity rooted in cultural continuity. Courts have also been reluctant to invalidate astrology-based professions unless clear evidence of deliberate fraud or criminal intent is established. This cautious approach aligns with the constitutional commitment to pluralism and respect for diverse belief systems.

Another constitutional dimension arises from the tension between freedom of speech under Article 19(1)(a) and the need to curb misleading or harmful predictive claims. Many astrologers frame their predictions, advertisements, and promotional content as expressions of opinion or faith. While speech is protected, the State can regulate commercial speech, especially if it is deceptive or exploits vulnerable individuals. The Supreme Court has upheld the principle that

commercial speech is subject to greater scrutiny than political or artistic expression. Therefore, astrology-related advertisements may be regulated under consumer protection laws, advertising standards, or anti-superstition legislation without infringing upon Article 19(1)(a).

Overall, the constitutional framework positions astrology as a profession that enjoys protection under the right to occupation and, in some circumstances, under freedom of religion and expression. However, these rights are balanced with the State's authority to impose reasonable restrictions designed to ensure consumer welfare, prevent fraud, maintain public morality, and safeguard public order. The Constitution therefore neither grants absolute immunity to astrological practices nor dismisses them as illegitimate; instead, it adopts a nuanced approach that recognises cultural plurality while upholding regulatory oversight. This balanced constitutional posture reflects India's broader legal philosophy of accommodating traditional belief systems within a modern regulatory structure that prioritises individual rights and public interest.

### **3. Judicial Recognition of Astrology and Key Case Laws in India**

The judicial treatment of astrology in India reflects a complex interplay between cultural tradition, constitutional freedoms, and the limits of scientific scrutiny, with courts often adopting a deferential stance toward long-standing belief systems while simultaneously acknowledging the potential for misuse and deception. Indian courts have generally refrained from invalidating astrology as a profession or declaring it an inherently fraudulent activity, instead recognizing it as part of the social and cultural fabric of the country. One of the most significant judicial moments came in *The Astrology as a Science Case* (2004), formally known as *N. Radhakrishnan v. Union of India*, where the Supreme Court dismissed a Public Interest Litigation challenging the University Grants Commission's (UGC) decision to introduce astrology (Jyotir Vigyan) as an academic discipline. The Court refused to interfere with academic policy, holding that astrology had been practiced in India for centuries and therefore could not be rejected simply because it lacked empirical scientific validation. This decision, though brief, symbolized the judiciary's recognition of astrology as a legitimate object of study and implicitly supported its continuity as a profession. In subsequent cases, various High Courts have echoed a similar sentiment. For instance, the Madras High Court has observed in multiple rulings that astrology is deeply rooted in Indian tradition and cannot be dismissed as pure superstition; rather, it is a system of knowledge that many voluntarily subscribe to. Another important case is *Anand Rishiji Maharaj v. State of Maharashtra*, where the Bombay High Court though in a broader context of superstition and ritualistic practices distinguished

between cultural belief systems and exploitative practices, implying that not all predictive or ritualistic activities are illegal unless accompanied by fraudulent intent. Judicial reasoning in such cases revolves around the idea that courts are not the arbiters of scientific validity but guardians of constitutional freedoms, especially where the practice of astrology intersects with Article 19(1)(g) (right to profession) and Article 25 (freedom of religion). Courts have also noted that many individuals voluntarily seek astrologers' services, and the State or judiciary cannot paternalistically prevent citizens from engaging in culturally embedded practices unless there is demonstrable harm or deception. However, judicial recognition of astrology is not absolute and does not shield astrologers from liability in cases of fraud, misrepresentation, or exploitation. Courts have repeatedly held that if astrologers guarantee specific results, make materially false claims, or financially exploit vulnerable individuals, they can be prosecuted under Sections 415–420 of the Indian Penal Code dealing with cheating and fraudulent inducement. Consumer fora have also dealt with cases where clients accused astrologers of negligent or misleading services, and although such complaints are rare, certain rulings have affirmed that astrology-related services may fall within the ambit of the Consumer Protection Act when offered commercially. The Advertising Standards Council of India (ASCI), while not a court but an influential regulatory authority cited by courts, has penalized numerous advertisements for guaranteeing wealth, marriage, or health outcomes through astrological or occult practices. Judicial observations often refer to the need for disclaimers and caution in public advertisements to prevent misinformation. In another set of cases, particularly those concerning anti-superstition legislation such as the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013, courts have drawn a line between astrology as a cultural or religious belief and exploitative black-magic-related acts. These laws do not criminalize astrology per se; instead, they target harmful, deceptive, or coercive acts masquerading as supernatural powers. Courts interpreting these statutes have clarified that genuine astrological consultations, even if predictive or ritual-based, do not amount to criminal acts unless accompanied by exploitation or promises of supernatural intervention. Thus, the judiciary has consistently adopted a nuanced approach recognizing astrology, refusing to invalidate it as unscientific, but upholding liability where fraud or coercion exists. Another judicial theme is the Court's unwillingness to adjudicate on scientific correctness. In *N. Radhakrishnan*, the Supreme Court explicitly declined to rule on the scientific merit of astrology, stating that academic experts, not judges, should decide such questions. Similarly, in cases involving homeopathy, ayurveda, and other non-empirical sciences, courts have held that lack of conventional scientific validation cannot be the sole

basis for outlawing a profession that society voluntarily engages with. This reasoning extends to astrology as well. Furthermore, courts have recognized that astrology is entwined with religious and cultural practices. Horoscope-matching in Hindu marriages, predictions related to festivals, and auspicious timings are deeply embedded in social life. Courts handling matrimonial and succession disputes often encounter horoscopes presented as evidence not for scientific evaluation but as part of cultural context. Some judgments have even noted that while courts cannot determine the accuracy of astrological predictions, they cannot ignore their sociological relevance in personal law matters. However, judicial acceptance does not translate into the creation of an unregulated professional domain. Courts repeatedly emphasize that while astrology may be an acceptable profession culturally, it requires safeguards in terms of consumer awareness and prevention of fraudulent practices. The Madras High Court in several decisions involving astrologers accused of deceiving clients has warned that the profession cannot be misused for financial exploitation under the garb of tradition. In disputes relating to contractual obligations, courts have rejected claims based solely on astrological predictions or promises, holding that such statements cannot form legally enforceable commitments because they lack measurable certainty. This reinforces the judicial position that astrology occupies a unique legal space: socially accepted, constitutionally protected, yet professionally accountable. Therefore, the judiciary's overall approach reflects a balance between cultural legitimacy and legal responsibility. Courts validate astrology as a permissible profession protected under Article 19(1)(g), reject challenges seeking its prohibition, and respect its cultural value, while simultaneously reiterating that astrologers cannot claim immunity from criminal or civil liability when their actions cross into deception, coercion, or unfair trade practices. The jurisprudence shows that Indian courts prioritize individual autonomy, cultural continuity, and constitutional freedoms while maintaining a legal framework that discourages fraudulent misuse of predictive practices. This balanced judicial posture suggests that astrology, though rooted in belief rather than science, enjoys a protected space within Indian constitutionalism, so long as practitioners adhere to legal standards of honesty, transparency, and accountability.

#### **4. Regulatory and Criminal Law Dimensions: Professional Accountability of Astrologers**

Astrology as a professional activity occupies a complex and often controversial intersection within India's legal framework, primarily because it is simultaneously perceived as a cultural tradition, a commercial service, and at times a potential medium for deception. In the absence of a dedicated national statute regulating astrologers, the task of ensuring professional

accountability falls upon a patchwork of general criminal laws, consumer protection mechanisms, advertising standards, information technology regulations, and scattered state-level anti-superstition enactments. The Indian Penal Code (IPC) becomes the primary tool for addressing fraudulent or deceptive astrological practices, particularly through Sections 415 and 420, which penalize cheating and dishonestly inducing delivery of property. Courts have repeatedly held that while astrology as a belief or occupation is permissible, any promise of guaranteed results or deliberate exploitation of vulnerable individuals for monetary gain may amount to criminal misrepresentation. IPC provisions relating to criminal breach of trust (Sections 406–409), extortion (Section 384), and criminal intimidation (Section 503) may also apply where astrologers use fear, spiritual authority, or threats of future misfortune to induce financial payments. Alongside criminal liability, the Consumer Protection Act (CPA), 2019 constitutes a powerful regulatory mechanism, recognizing astrology as a “service” and therefore subjecting astrologers to scrutiny for deficiency of service, unfair trade practices, and misleading representations. Under the CPA framework, consumers may challenge exaggerated claims, failure to deliver promised outcomes, and exploitative pricing models, with consumer forums empowered to order compensation, refunds, and punitive damages. The Act’s broad definition of “misleading advertisements” allows authorities to take action against astrologers and “godmen” who claim guaranteed success in love, marriage, business, or health through horoscopes, numerology, or rituals. The Advertising Standards Council of India (ASCI) reinforces this by requiring disclaimers and banning advertisements that assert supernatural certainty; ASCI’s guidelines explicitly caution against representations that exploit fear or guarantee the fulfilment of future events. In the digital ecosystem, where astrology apps, online consultations, and social media astrologers have proliferated, the Information Technology Act, 2000 and the IT Rules 2021 impose further layers of accountability. Online platforms hosting astrological content may be considered “intermediaries” and must ensure that hosted content does not amount to fraud, misinformation, or harmful advice. While intermediaries enjoy “safe harbour” protections under Section 79, they lose immunity if they knowingly host fraudulent services or fail to act upon complaints. At the state level, anti-superstition statutes such as the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 criminalize practices where astrologers, occultists, or godmen exploit individuals through rituals intended to cure illnesses, solve financial issues, or ward off supernatural harm. These laws reflect a legislative recognition of the risks of unregulated predictive practices but remain region-specific, leaving significant gaps at the national level. The absence of standardized qualifications or licensing for astrologers

means that anyone may claim expertise, increasing the potential for fraud and consumer harm. This regulatory vacuum becomes more problematic as astrology commodifies on digital platforms, using algorithmic predictions, premium services, and AI-generated horoscopes marketed with scientific-sounding terminology that may mislead users. Even though the Supreme Court in 2004 declined to classify astrology as a pseudo-science and acknowledged its cultural significance, the judiciary has consistently maintained that constitutional protection does not shield fraudulent acts. Thus, the legal position in India draws a clear distinction between astrology as a belief-based occupation and astrology as a deceptive commercial enterprise. However, enforcement challenges persist due to the subjective nature of predictions, difficulty establishing mens rea in fraudulent intent, and social reluctance to report astrologer-led exploitation. A coherent regulatory framework remains lacking, particularly with respect to establishing minimum professional standards, accreditation mechanisms, mandatory disclaimers, and transparent pricing models. As India moves deeper into the digital age, where AI-driven predictive tools blur the line between entertainment, psychology, and commercial advice, the need for clear guidelines becomes more pressing. A prospective regulatory approach could draw from comparative jurisdictions that require licensing for fortune-tellers or impose strict consumer protection disclosures. India may consider a hybrid model that preserves constitutional liberties while establishing accountability norms, such as mandatory disclaimers, restrictions on guaranteed outcome claims, grievance redressal mechanisms, and monitoring of digital advertisements. Ultimately, while existing laws provide a foundation for criminal and civil liability, the fragmented nature of regulation leaves consumers inadequately protected, underscoring the necessity for a balanced yet robust statutory framework to ensure professional accountability of astrologers in a modern, legally coherent, and consumer-centric manner.

### **5. Conclusion and Way Forward: Need for a Balanced Regulatory Framework**

Astrology in India continues to occupy a complex intersection between cultural heritage, individual belief systems, and the modern legal order, making the need for a balanced and comprehensive regulatory framework both urgent and unavoidable. The constitutional validity of astrology as a profession has been largely upheld by Indian courts, particularly through the recognition of the freedom to practice any profession under Article 19(1)(g) of the Constitution, subject to reasonable restrictions under Article 19(6). Courts have adopted a deferential approach, refraining from adjudicating on the scientific validity of astrology and instead acknowledging its deep cultural roots and widespread societal acceptance. However, this

judicial tolerance does not eliminate the pressing concerns associated with unregulated predictive practices, including exploitation of vulnerable individuals, misinformation, financial fraud, and the proliferation of unverifiable claims in both offline and digital spaces. The commercialisation of astrology ranging from private consultations to large-scale online platforms, predictive apps, televised astrology shows, and influencer-based readings has created an environment where traditional belief intersects with modern marketing, often resulting in consumer harm. The Indian legal system currently relies primarily on general laws such as the Indian Penal Code (Sections 415–420), the Consumer Protection Act, 2019, and advertising guidelines issued by the Advertising Standards Council of India (ASCI) to curb fraudulent or misleading practices. While these instruments provide some degree of protection, they are reactive rather than preventive and do not address the unique features of the astrology profession, such as unverifiable predictions, asymmetry of knowledge between practitioner and consumer, and the emotional vulnerability of users seeking guidance during distress.

Given this backdrop, India requires a forward-looking regulatory architecture that respects constitutional freedoms while safeguarding public welfare. The way forward lies in designing a model that neither delegitimizes astrology as a cultural or occupational practice nor allows it to operate without accountability. The first step is to introduce professional standards and certification requirements that ensure a minimum level of competence, ethical conduct, and transparency among practitioners. This does not imply that the State must endorse astrology as a science; rather, it should regulate the profession in the same way it regulates other advisory fields by ensuring disclosure, fairness, and honesty in service delivery. A registration framework, possibly through a statutory or quasi-statutory body, can help maintain an updated directory of practitioners, outline ethical guidelines, and impose disciplinary measures for misconduct. Such a mechanism would also help consumers differentiate between legitimate practitioners and fraudulent operators.

Secondly, India needs mandatory disclaimers and transparency norms for all astrological predictions, especially on digital platforms where influencer-based predictions often mislead millions. Every astrological service be it a YouTube forecast, a horoscope app, or a TV segment should clearly state that predictions are probabilistic, not guaranteed outcomes, and that astrology is not a substitute for professional legal, medical, or financial advice. ASCI's guidelines on advertisements should be expanded into enforceable legal standards, preventing astrologers from making absolute claims such as "guaranteed marriage," "job in 7 days," or "removal of black magic."

Thirdly, there must be targeted provisions within consumer protection laws to address unfair trade practices specific to future prediction services. For example, a specialised grievance redressal mechanism could be established within the Consumer Protection Authority to handle cases involving astrologers, tarot readers, numerologists, and predictive platforms. This would reduce delays and ensure that consumer harms such as exorbitant fees, coercive sales of remedies, or psychological manipulation are addressed swiftly. Additionally, the Consumer Protection Act should require astrologers to provide a clear breakup of service fees, avoid hidden charges, and maintain records of consultations to improve accountability.

Fourthly, the increasing reliance on AI-based predictive apps requires regulatory scrutiny under the Digital Personal Data Protection Act, 2023. Many astrology platforms collect deeply personal information birth details, relationship history, financial status and use algorithmic profiling without adequate safeguards. The law must require informed consent, purpose limitation, and data minimisation for such platforms, ensuring that predictive analytics do not turn into exploitative profiling. Equally important is the question of algorithmic transparency: users should be aware when predictions are human-generated, AI-generated, or a hybrid.

Fifthly, a national anti-exploitation law, similar to the Maharashtra and Karnataka anti-superstition statutes, could be drafted to focus not on banning astrology but on preventing harmful, deceptive, or abusive spiritual or predictive practices. Such legislation should penalise practitioners who exploit fear, induce financial dependency, falsely claim supernatural powers, or prescribe dangerous remedies. It must also protect minors, women, and the elderly, who are disproportionately targeted by exploitative astrologers and godmen.

Ultimately, the path forward requires balancing three competing interests: the constitutional freedom to practice astrology as a profession, the cultural significance of predictive traditions in Indian society, and the State's responsibility to protect citizens from deception, exploitation, and misinformation. A nuanced regulatory framework grounded in constitutional principles, informed by judicial precedents, and responsive to contemporary digital realities can uphold this delicate balance. Rather than questioning century-old belief systems, the law should focus on curbing abuse, ensuring transparency, building consumer trust, and formalising ethical practice standards. In doing so, India can modernise its approach to astrology as a profession, promoting accountability without undermining cultural identity. The need of the hour is not prohibition, but responsible regulation that reflects India's constitutional ethos of liberty, dignity, and public welfare.

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