

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN
Thursday, the 3rd day of July 2025 / 12th Ashadha, 1947
WP(C) NO. 16773 OF 2020(S)

PETITIONER:

KERALA STATE LEGAL SERVICES AUTHORITY, REPRESENTED BY
ITS MEMBER SECRETARY, NIYAMA SAHAYA BHAVAN,
HIGH COURT COMPOUND, ERNAKULAM, KOCHI - 682 031.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
2. THE DIRECTOR, WOMEN AND CHILD DEVELOPMENT DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 012.
3. THE DIRECTOR, FORENSIC SCIENCE LABORATORY, THIRUVANANTHAPURAM, PIN - 695 011.
4. THE KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY ITS SECRETARY, PSC OFFICE, PATTOM, THIRUVANANTHAPURAM, PIN - 695 004.

ADDITIONAL R5 IMPLEADED

5. KERALA STATE POLICE CHIEF, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

ADDL. R5 IS SUO MOTU IMPLEADED AS PER ORDER DATED 30/9/2020
IN WPC 16773 OF 2020.

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to

1. to direct the 4th respondent to furnish a status report regarding recruitment of Scientific Assistants in the Forensic Science Laboratories and

P.T.O.

2. to direct the respondents 1 and 2 to furnish a status report regarding appointment of Special Prosecutors for POCSO Special Courts of the State.

This petition coming again on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 01/07/2025 and upon hearing the arguments of M/S. ROSHEN D. ALEXANDER, TINA ALEX THOMAS & HARIMOHAN, Advocates for the petitioner, SRI.N.MANOJ KUMAR, STATE ATTORNEY & SRI.P.G.PRAMOD, GOVERNMENT PLEADER for R1 to R3 & Addl.R5 and of SRI. P.C.SASIDHARAN, Standing Counsel for R4, the court passed the following:

P.T.O.



Nitin Jamdar, C.J. & C. Jayachandran, J.

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W.P.(C)Nos. 16773 of 2020 & 23505 of 2023 - S

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Dated this the 3rd day of July 2025

ORDER

Heard Mr. Roshen D. Alexander, learned counsel for the Petitioner in W.P.(C)No.16773 of 2020, Mr. G. Hariharan, learned counsel for the Petitioner in W.P.(C)No.23505 of 2023, Mr. N. Manoj Kumar, learned State Attorney, Mr. P.C. Sasidharan, learned Standing Counsel for the Kerala Public Service Commission and Mr. P.G. Pramod, learned Government Pleader.

2. W.P.(C)No. 23505 of 2023 is filed by the mother of two school going children raising the issue of increasing trend of drug abuse among the school children and college going youth. The Petitioner has placed various statistics based on the information collected by her and has sought directions from this Court to the Respondent Authorities to take steps to curb the spread of drug abuse.

3. Noting that in the absence of a structural and statistical data the interventions by the authorities be only an adhoc one, by order dated 29 May 2025 we called upon the State to place before us the compilation of statistical data covering at least the last five to ten years regarding the number of cases reported, trends shown by the data, the regions where cases are on the rise, the age groups affected and other relevant factors.

4. An affidavit has been filed by the Deputy Secretary, Home Department, wherein only the figures of the cases registered against the children in various districts have been enumerated. The table showing district-wise cases registered against the children below 18 years for usage of drugs indicates that the highest number in the State is in Ernakulam City, with 53 cases from the year 2015 to 2024. Apart from this statistical data, no other material is placed before us. No inference from the study or any patterns based on age, locality and other factors seems to be available with the State or at least not placed before the Court despite direction. A focused study is required to ascertain the regional trend and the reasons behind the use; only then can effective measures be taken.

5. Taking note of the fact that the highest number of cases are reported from the Ernakulam City, at present, the enquiry in this petition can focus on the issue of drug abuse among school and college students in Ernakulam City. For lack of any material placed before us, we will have to request the Commissioner of Police, Ernakulam City to assist the Court by appearing either physically or virtually during the next hearing and share with the Court the plan of action the Commissioner proposes to implement as regards the city of Ernakulam and whether any detailed study is carried out.

6. The learned counsel for the Petitioner in W.P.(C)No. 23505 of 2023 states that the Petitioner has also collected certain data which will be shared with the Commissioner of Police in advance. The learned counsel for the Petitioner also states that according to his information

the problem is more acute in the Ernakulam City.

7. W.P.(C)No.16773 of 2020 filed by the Kerala State Legal Services Authority is tagged along with this petition in view of the order passed on 1 July 2025.

8. The issue originally raised in W.P.(C)No.16773 of 2020 was that the vacancies in the post of Special Public Prosecutors, Scientific Officers and other staff in the Forensic Science Laboratories were not being filled up in the context of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). As regards the appointment of Special Public Prosecutors, the learned State Attorney had pointed out that necessary steps were being taken. However, the issue of delay in filling up of the vacancies in the Forensic Science Laboratories, not only in cases under the POCSO Act but in cases under the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), remains a matter of concern. Therefore, if the menace of rising drug abuse is to be curbed, the penal side of the solution also needs to be strengthened. The criminal trials under the NDPS Act are affected by the delay in filling up the post of Scientific Officers and other staff in the Forensic Science Laboratories.

9. The learned Standing Counsel for the Public Service Commission tenders a counter affidavit wherein it is sought to be placed on record that the Commission has taken timely steps and it is for the State Government to take further action. According to the learned State Attorney, the position is to the contrary. We are not

entering into the merits and demerits of the counter affidavit. We are concerned with the resultant situation. It is for the State Government and the Commission to co-ordinate and ensure that these posts, which directly affect the criminal justice system in the State more particularly the issue at hand, do not remain vacant for an unduly long period of time. It would be appropriate that the concerned officers of the Commission and the State Government co-ordinate by holding a joint meeting and place before us the methodology by which the delays can be reduced.

10. The Registrar (District Judiciary), High Court will submit a report before the next date of posting as to the pendency of the criminal trials under the NDPS Act in the State, which has arisen due to delay in getting reports from the Forensic Science Laboratories. Copy of the report be shared with the learned Standing Counsel for the Commission and the learned State Attorney.

11. Post on 23 July 2025 at 1:45 p.m.

Sd/-

Nitin Jamdar
Chief Justice

Sd/-

C. Jayachandran
Judge

vpv