

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

Tuesday, the 6th day of January 2026 / 16th Pousha, 1947
WP(C) NO. 33093 OF 2022(S)

PETITIONER:

KERALA YUKTHI VADHI SANGAM, REGISTRATION NO S. 82/1979,
PAVANAN CENTER, ELTHURUTH P.O., THRISSUR-680 611,
REPRESENTED THROUGH ITS GENERAL SECRETARY, T.K. SAKTHEEDHARAN,
S/O KRISHNANKUTTY, THANIYATH HOUSE, PANANGAD P.O.,
THRISSUR DT, KERALA-680 665.

RESPONDENTS:

1. THE UNION OF INDIA, THROUGH THE CABINET SECRETARY, CABINET SECRETARIAT, SOUTH BLOCK, RASHTRAPATHI BHAVAN, NEW DELHI, PIN 110 004.
2. UNION OF INDIA, MINISTRY OF LAW AND JUSTICE, 4TH FLOOR, A- WING, RAJENDRA PRASAD ROAD, SHAstri BHAVAN, NEW DELHI- 110 001, REPRESENTED BY ITS SECRETARY.
3. THE DEPARTMENT OF INFORMATION & BROADCASTING, THROUGH JOINT SECRETARY (P&A), ROOM NO. 552, A WING SHAstri BHAWAN, NEW DELHI-110 001.
4. THE STATE OF KERALA, THROUGH ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, KERALA, PIN-695 001.
5. THE LAW SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, KERALA, PIN-695 001.
6. THE STATE POLICE CHIEF, VAZHUTHAKADU, THIRUVANANTHAPURAM, KERALA-695 010.

This petition coming again on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's judgment dated 13/06/2023 in WP(C) 33093/2022 & order dated 11/12/2025 and upon hearing the arguments of SRI.O.V.RADHAKRISHNAN (SENIOR ADVOCATE) along with SRI.P.V.JEEVES, Advocate for the petitioner, SRI.SUVIN R.MENON, SENIOR PANEL COUNSEL for R1 to R3 and of SRI. N.MANOJ KUMAR, STATE ATTORNEY for R4 to R6, the court passed the following:

P.T.O.

NITIN JAMDAR, C. J. & SYAM KUMAR V. M., J.**W. P. (C) No. 33093 of 2022**

Dated this the 6th day of January, 2026

ORDER

Heard Mr. O. V. Radhakrishnan, learned Senior Advocate, instructed by Mr. P. V. Jeevesh, learned counsel for the Petitioner, and Mr. N. Manoj Kumar, learned State Attorney.

2. During the earlier hearing, the learned State Attorney had informed that the Expert Committee constituted by the State had held two sittings and that the third sitting was scheduled on 24 December 2025. Thereafter, the matter was posted today for reporting further progress.

3. The learned State Attorney has placed on record the minutes of the meeting of the Committee constituted to recommend legislative measures for preventing atrocities in the name of black magic, sorcery and inhuman evil practices. The agenda items and the decisions taken have been placed on record. It is stated therein that further consultations with stakeholders are required. Accordingly, the learned State Attorney has sought further time.

4. While we are inclined to grant such time, we consider it necessary to briefly narrate the background of this litigation, as, in our opinion, certain interim measures are required.

5. This petition has been filed by a registered cultural organization to propagate rationalism, humanism, scientific temper and the spirit of inquiry. The petition was filed on 15 October 2022, primarily raising concerns regarding the practices of black magic and witchcraft and calling upon the State to take necessary measures. When the petition came up for consideration on 18 October 2022, the Division Bench recorded the contention of the Petitioner that even recently, incidents of human sacrifice had been reported, and that the States of Karnataka and Maharashtra had enacted legislation prohibiting such practices. Before the Division Bench, the learned State Attorney had submitted that the Government of Kerala was contemplating legislation on the subject, and the matter was adjourned.

6. Thereafter, when the petition came up for consideration on 3 June 2025, directions were issued to the State to make its stand clear. Accordingly, the Additional Chief Secretary, Home Department, filed an affidavit dated 14 July 2025 stating that, notwithstanding the absence of a specific statute, the existing legal framework is adequately equipped to address instances where such practices result in violence, exploitation, coercion or harm. It was stated that the provisions of the Bharatiya Nyaya Sanhita, 2023, the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, the Kerala Police Act, 2011, and other special laws including the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Protection of Children from Sexual Offences Act, 2012, and the Juvenile Justice (Care and Protection of Children) Act, 2015, are invoked in appropriate cases. It was further

stated that criminal acts committed in the guise of magical or supernatural claims are prosecuted effectively under the existing laws and that the Police have been issued clear instructions to act promptly and decisively in such cases.

7. Thereafter, an additional affidavit was filed by the Chief Secretary stating that though the Government of Kerala had proposed a Bill namely the Kerala Prevention and Eradication of Inhuman Evil Practices, Sorcery and Black Magic Bill, 2022, based on the report of the Law Reforms Commission headed by Mr. K. T. Thomas, after detailed deliberations, the Council of Ministers which met on 5 July 2023 decided not to proceed with the agenda. It was further stated that the enactment of an Anti-Superstition law in Kerala is under the active consideration of the State Government and is under process. In this regard, the opinions of various sections of society and the views of the Departments of Social Justice, Police and Health are required to be obtained. Similarly, the opinion of the learned Director General of Prosecution and the advice of the learned Advocate General are also required. It was stated that though the procedures described above may require time, urgent steps are being taken to expedite the enactment of legislation in tune with the Maharashtra and Karnataka Anti-Superstition Laws.

8. The matter was adjourned for placing before the Court the urgent steps proposed to be taken. Thereafter, the matter was adjourned at the request of the learned State Attorney on the ground that the opinion of the learned Advocate General was being sought. The matter was further

adjourned on the ground that the Government had issued an order dated 12 November 2025 constituting a Committee of Experts comprising three members. Although no time limit was initially prescribed, a subsequent order granted the Committee a period of three months. It is in this backdrop that the matter has come up before us.

9. There is no doubt, as recorded in the earlier orders, that the Court has limitations in issuing a writ of mandamus directing the State Government to enact legislation. However, in none of the affidavits has the State come on record endorsing the practices highlighted in the petition. Article 51A(h) of the Constitution of India enjoins a fundamental duty on every citizen to develop a scientific temper, humanism and the spirit of inquiry. The Law Reforms Commission, headed by Justice K. T. Thomas, had submitted a report in 2019 recommending legislation for eradicating such practices. The Petitioner has also placed reliance on Article 21 of the Constitution of India.

10. As is evident from the developments in this litigation, for nearly four years, the State has neither positively declined to enact legislation on the subject nor taken final steps in that regard, and the process of consultation with stakeholders and constitution of Committees continues. According to us, in this situation, having regard to the stand of the State Government that existing statutory provisions also deal with practices of black magic, witchcraft and sorcery, the State ought to consider setting up a special cell to deal with complaints of this nature. This would, at least, demonstrate the seriousness of the State in taking measures against such inhuman practices. Such arrangements can be

made irrespective of the steps that the State Government is already contemplating towards enacting special legislation.

11. The learned State Attorney submits that this order will be placed before the Chief Secretary for consideration and for taking suitable steps, if any.

12. Post on 10 February 2026.

Sd/-
NITIN JAMDAR
CHIEF JUSTICE

Sd/-
SYAM KUMAR V. M.
JUDGE



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