

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

Monday, the 23rd day of March 2026 / 2nd Chaithra, 1948
WP(C) NO. 42844 OF 2025(R)

SUO MOTU WRIT PETITION (CIVIL) INITIATED BY THE HIGH COURT
REGARDING LACK OF PROPER INFRASTRUCTURE IN THE MEDIATION
CENTRES ACROSS THE STATE.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
2. THE ADDITIONAL CHIEF SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
3. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF LAW & JUSTICE, 4TH FLOOR, A-WING, SHASTRI BHAWAN, NEW DELHI - 110 001.
4. THE LAW SECRETARY, LAW DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
5. THE REGISTRAR (DISTRICT JUDICIARY), HIGH COURT OF KERALA, MARINE DRIVE, ERNAKULAM - 682 031.
6. THE MEMBER SECRETARY, KERALA STATE LEGAL SERVICES AUTHORITY, NIYAMA SAHAYA BHAVAN, OPPOSITE ADVOCATE GENERAL OFFICE, KOCHI, PIN - 682 031.
7. THE DIRECTOR, KERALA STATE MEDIATION AND CONCILIATION CENTRE, RAM MOHAN PALACE, HIGH COURT OF KERALA, KOCHI, PIN - 682 031.

Suo motu writ petition (civil) praying that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue necessary directions to the Government and other authorities concerned to provide the infrastructural requirements of each mediation sub centre as listed in Ext P3 as well as to ensure adequate support staff and regular office stationary.

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 16/03/2026 and upon hearing the arguments of SRI.N.MANOJ KUMAR, STATE ATTORNEY & MS. VINITHA B., SENIOR GOVERNMENT PLEADER for R1, R2 & R4, SMT.O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA for R3, SMT.SHIBI.K.P, Advocate for R5, SRI.LEO LUKOSE, Advocate for R6, MS. RAMOLA NAYANPALLY, Advocate for R7 and of SRI.ADARSH KUMAR, AMICUS CURIAE, the court passed the following:

P.T.O.

WP(C) Nos.42844 and 48551/2025

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SOUMEN SEN, C.J.
and
SYAM KUMAR V.M., J.

W.P.(C) Nos. 42844 and 48551 of 2025

Dated: 23rd March, 2026

Appearance:

For the Petitioner : Mr. P.R. Shaji
in W.P.(C) No.48551/2025

For the Respondents : Ms. Vinitha B.,
Senior Government Pleader,
Ms. Shibi K.P. for R5,
Mr. Leo Lukose for R6,
and R3 in W.P.(C) No.48551/2025
Ms. Nayanpally Ramola for R7.

ORDER

Soumen Sen, C.J.

It is submitted that the Secretary to the Government, Finance Department, is unable to attend the Court due to unavoidable reasons.

2. In our order dated 16 March 2026, we directed the Secretary to the Government, Finance Department, to be personally present before this Court today along with an affidavit explaining the reasons for not releasing the victim compensation as well as the fee payable to the mediators.

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3. The affidavit filed by the Additional Chief Secretary to the Government, Finance Department, dated 21 March 2026, has separately addressed the issue of the Victim Compensation Fund. It is stated that the Government is only one among several contributors to the said Fund and although orders have been issued for its constitution, the Fund has not been operationalised even after a lapse of eight years from the framing of the Fund Rules. It is further stated that the Law Department and the Home Department are taking active steps to operationalise the Fund based on the communications addressed by the Additional Chief Secretary to the Government, requesting necessary action in this regard.

4. It is contended that due to the non-operationalisation of the Victim Compensation Fund, the Government has been continuously meeting the expenditure towards victim compensation from its own resources and, in view of the prevailing fiscal constraints, the Finance Department is not in a position to sustain the entire financial burden indefinitely. However, considering the pressing need to clear the arrears of victim compensation, the Finance Department has authorised an

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amount of ₹36.50 Crores for settling the claims reported to the Government as evident from G.O.(Rt.) No. 2945/2026/Fin. dated 17 March 2026. From the affidavit, it appears that the Finance Department has authorised an amount of ₹12,25,99,000/- towards full settlement of arrears upto 31 December 2025.

5. An apprehension is expressed on behalf of the KeLSA/sixth respondent that, in view of the Circular dated 15 March 2026, there may be an impediment in disbursing the amount beyond 24 March 2026. However, as fairly submitted by the learned Senior Government Pleader, this has been duly clarified in paragraph III of the affidavit filed by the Additional Chief Secretary to the Government, Finance Department, which reads as under:

“III. Honorarium of Mediators.

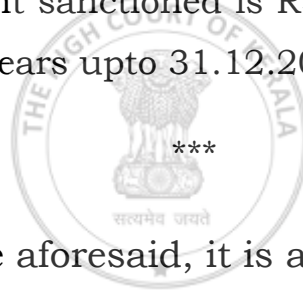
1) With regard to the pending payment of honorarium to mediators of the Kerala State Mediation and Conciliation Centre, in the current financial year, the Finance Department has authorised an amount of Rs.12,25,99,000/- towards full settlement of arrears upto 31.12.2025. True copy of the G.O.(Rt) No.2914/2026/Fin dated 17.03.2026 is produced herewith and marked as **Annexure-II.** True copy of the GO(Rt).No.2954/2026/Fin dated

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17.03.2026 is produced herewith and marked as Annexure-III. A true copy of GO(Rt) No.8626/2025/Fin dated 29.10.2025 is produced herewith and marked as Annexure-IV.

2) It is further submitted that, at present, there is no proposal pending before the Finance Department for clearance in respect of payment of honorarium beyond the said period. It is submitted that substantial amounts have been sanctioned towards Mediators' honorarium in the current financial year, the total amount sanctioned is Rs.12,25,99,000/- for clearing the arrears upto 31.12.2025."



6. In addition to the aforesaid, it is assured that a sum of ₹56.5 lakhs, which has already been reallocated on 21 March 2026, shall also be permitted to be disbursed notwithstanding the Circular dated 15 March 2026.

7. The learned Counsel appearing on behalf of the High Court submitted that an affidavit is being filed regarding the infrastructure issues and that a copy of the same shall be served upon the learned Senior Government Pleader for the State in the course of the day.

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8. We direct the appropriate authorities of the State Government to file an affidavit dealing with the same in the meantime. The Secretary to the Government, Finance Department, shall be present virtually on 30 March 2026 for consideration of the issues raised with regard to such payments that are necessary and required. The Secretary of the Kerala State Legal Services Authority shall also file an affidavit disclosing the utilization of the fund allocated.

List the cases on 30 March 2026.



Sd/-
SOUMEN SEN,
CHIEF JUSTICE

Sd/-
SYAM KUMAR V.M.,
JUDGE

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