

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN
&
THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN**

**Tuesday, the 24th day of March 2026 / 3rd Chaithra, 1948
WP(C) NO. 29179 OF 2025(V)**

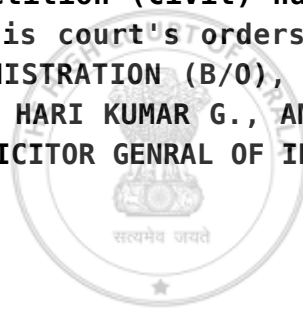
PETITIONER:

**SUO MOTU PROCEEDINGS INITIATED BY THE HIGH COURT HIGH COURT OF
KERALA MARINE DRIVE ERNAKULAM, PIN - 682031**

RESPONDENTS:

- 1. STATE OF KERALA REPRESENTED BY ITS CHIEF SECRETARY GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001**
- 2. THE ADDITIONAL CHIEF SECRETARY HOME(C) DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001**
- 3. UNION OF INDIA REPRESENTED BY THE SECRETARY TO GOVERNMENT MINISTRY OF
FINANCE, DEPARTMENT OF REVENUE, NORTH BLOCK, NEW DELHI, PIN - 110001**

**This Suo Motu Writ petition (Civil) having come up for orders on
24.03.2026 upon perusing this court's orders dated 27.01.2026, MR. LEO
LUKOSE for HIGH COURT ADMINISTRATION (B/O), SRI. N. MANOJ KUMAR, STATE
ATTORNEY for R1 and R2, MR. HARI KUMAR G., AMICUS CURIAE (B/O), and Ms.
O.M. SHALINA, the DEPUTY SOLICITOR GENERAL OF INDIA for R3 (B/O), the court
passed the following:**



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SOUMEN SEN, C.J.
and
C. JAYACHANDRAN, J.

W.P.(C) No.29179 of 2025

Dated: 24th March 2026

Appearance:

For the Petitioner : Mr. Leo Lukose

For the Respondents : Mr. N. Manoj Kumar,
State Attorney for R1 and R2

Mr. Hari Kumar G.,
Amicus Curiae

Ms. O.M. Shalina, DSGI

ORDER

Soumen Sen, C.J.

In terms of our earlier order, an affidavit has been filed by the Under Secretary to the Government, Home Department, detailing the steps taken and those proposed to be taken for establishing NDPS Courts in various districts.

2. It appears from the report that the Government, vide G.O. (Ms) No. 28/2026/Home dated 13.02.2026, has accorded sanction for the establishment of NDPS Courts at Thiruvananthapuram and Ernakulam. A copy of the said Government Order has been filed along with the affidavit.

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3. It appears from the Government Order that 13 posts have been sanctioned for each Court. However, subsequent to the issuance of the said Government Order, the Registrar (District Judiciary), in consultation with the High Court, had issued a reminder dated 07.03.2026, to an earlier letter dated 24.02.2026, to the Additional Chief Secretary to Government, Home (C) Department, wherein it has been categorically stated that the newly established NDPS Courts require permanent staff, as they deal with confidential intelligence and matters relating to witness protection, which demand institutional loyalty and long-term accountability. Therefore, it has been proposed that, instead of temporary/contract appointments and redeployment, necessary orders be issued for the creation of regular/permanent posts in the said categories, so as to ensure efficiency and continuity in the functioning of the newly established NDPS Courts at Ernakulam and Thiruvananthapuram.

4. In the affidavit, the said communication was not taken care of, as it appears that Sl. Nos.5, 6 and 7 refers to the posts which are intended to be filled up on a contractual

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or temporary basis; and with regard to Sl. Nos.8, 9 and 10, it is proposed that it shall be filled up by re-deployment. This is not in tune with the request made by the High Court in its communication dated 07.03.2026.

5. In addition to the creation of the two additional Courts, the Government shall also create NDPS Courts at Manjeri, Palakkad and Thrissur with the staff strength as already proposed by the High Court and must ensure that these posts are filled up with permanent staff. If a select list for appointment of the staff referred to in Sl. Nos.5, 6 and 7 of the G.O dated 13.02.2026 is readily available, permanent appointment can be made from such list. If, however, such list is not available, the Government may appoint or source eligible candidates from the Employment Exchange, purely on temporary basis, simultaneous with initiating necessary steps for permanent recruitment of the staff to fill up such posts. This is applicable both for the present as well as all future posts to be filled up in relation to the NDPS Courts.

6. The learned State Attorney submits that three months time may be given to the State to establish the three

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NDPS Courts and also to make the present two additional Courts operationalized.

7. Accordingly, we direct the State to make the two Courts, as well as the three other Courts mentioned in this Order, operationalized within three months from date.

8. The learned DSGI appearing on behalf of the Central Government has referred to the Scheme Guidelines on the '*Scheme for Special Assistance to States for Capital Investment 2025-26*' issued on 07.04.2025 and submits that a request may be made by the State for providing Central Assistance for establishment of Fast Track Courts for trial of NDPS cases in the State of Kerala. A communication dated 12.09.2025 in this regard is placed before us.

9. In the communication dated 17.11.2025 to the Office of the Deputy Solicitor General of India, High Court of Kerala, Ernakulam from the Under Secretary to the Government of India suggests *inter alia* the following:

“4. It is, however, learnt that Department of Expenditure (Ministry of Finance) administers the SASCI scheme (Scheme for Special Assistance to States for Capital Investment) (guidelines enclosed), under which Kerala State Government may request for assistance with respect to capital outlay to set up special courts. It is recommended that your good office may kindly

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consider to approach the Department of Expenditure through the State Government for setting up of Fast Track Courts for NDPS Act.”

10. The learned DSGI has further submitted that a request be made by the State, notwithstanding the scheme is for the year 2025-26 and the timeline for availing the scheme may have expired in the meantime. Accordingly, the State is directed to consider the said scheme and make appropriate requests to the Department of Expenditure (Ministry of Finance) for any financial assistance with respect to capital outlay to set up Special Courts, within one week from date.

List the matter on 24.06.2026.

Sd/-
SOUMEN SEN,
CHIEF JUSTICE

Sd/-
C. JAYACHANDRAN,
JUDGE

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