

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

Tuesday, the 18th day of October 2022 / 26th Aswina, 1944
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, THANİYATH 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.

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 direct the respondents to consider the grievances canvased by the petitioner, pending the writ petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI.P.V.JEEVESH, Advocate for the petitioner and of SRI.N.MANOJ KUMAR, STATE ATTORNEY & GOVERNMENT PLEADER for R4 to R6, the court passed the following:

P.T.O.

APPENDIX OF WP(C) 33093/2022(S)

EXHIBIT P2:-

**THE TRUE COPY OF THE ACT WHICH IS IN FORCE
IN THE STATE OF MAHARASHTRA,NAMELY,MAHARASHTRA
PREVENTION AND ERADICATION OF HUMAN SACRIFICE AND
OTHER INHUMAN,EVIL AND AGHORI PRACTICES AND
BLACK MAGIC ACT,2013**



S.Manikumar, C.J.

&

Shaji P.Chaly, J.

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W.P.(C)No.33093 of 2022-S

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Dated this the 18th day of October, 2022

ORDER

S.Manikumar, C.J.

Instant public interest litigation is filed seeking the following reliefs:

- "1. issue a direction in the nature of recommendation or suggestion or judicial advice or as a reminder call to the respondents 1, 2, 4, and 5, pointing out the necessity and urgency of enactment of a statute, in the pattern of exhibit P2, which has passed in the state of Maharashtra and Karnataka, or a statute in any pattern, prohibiting the practice of black magic, witchcraft or sorcery, and other inhuman, evil and sinister practices in the name of so called supernatural or magical powers or evil spirits.
2. issue a writ of mandamus or any other writ directing the 4th and 5th respondents to consider and take a decision on the recommendation of the Law Reforms Commission report, 2019, submitted by Justice K.T. Thomas, with regard to the enactment of "The Kerala Prevention of Eradication of Inhuman Evil Practices, Sorcery and Black Magic Bill-2019"
3. issue a writ of mandamus or any other writ directing the 4th, 5th and 6th respondents to constitute a special team, and conduct a proper and efficient investigation or re-investigation into the missing-person incidents reported

for the last 50 years in the state, in the background of the recurring incidents happened in the state recently.

4. issue a declaration to the effect that no person shall either himself or through any other person commit, promote, propagate or practice or cause to promote, propagate or practice human sacrifice and other inhuman, evil, and barbaric practices and black magic mentioned or described in the schedule appended to the exhibit P2 statute till an adequate and a comprehensive enactment is made in this regard.
5. declare that the commission of acts mentioned supra is a cognizable and non-bailable offence.
6. issue a writ of mandamus or any other writ directing the 6th respondent to conduct a search and find out the black magic and witchcraft centers in the state, and to take appropriate actions under the Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954 and other laws.
7. to declare that films on big screens and at OTT platforms, and several serials and other telefilms, which are being aired on Television channels and YouTube channels having content of superstitious beliefs, including sorcery and occult practices, exempting those having good intentions and having good artistic values, is illegal.
8. issue a writ of mandamus or any other writ directing the respondents to take actions against the producers, directors, writers, providers, suppliers, actors etc... of films on big screens and at OTT platforms, and several serials and other telefilms, which are being aired on Television channels and YouTube channels having

content of superstitious beliefs, including sorcery and occult practices, exempting those having good intentions and having good artistic values.

9. direct the respondents to enforce the Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954.
10. declare that the advertisement of books for sale with regard to Black magic on internet sites is illegal.
11. direct the respondents to take action against the advertisement of books for sale with regard to Black magic on internet sites."

2. Short facts leading to the filing of the writ petition are as under:

2.1. The petitioner invites the attention of this court to the issue relating to some criminal incidents in connection with some superstitious beliefs and other connected matters. Recently several incidents have been reported back-to-back from many corners within the jurisdiction of this court. It has come to light several cases of human sacrifices and other types of assaults in connection with the superstitious belief of black magic and witchcraft. For the purpose of god's grace, financial

gains, getting jobs, resolving family problems, the birth of children, and for several other desires, some people are practicing black magic and witchcraft, of which, people belong to the downtrodden, and the children and women are mostly the victims.

2.2. The incidents of human sacrifices have been reported in the State in the year 1955 in Kattakada, Thiruvananthapuram; 1956 in Guruvayoor; 1973 in Kollam; 1983 in Wayanad; 1996 in Koozhithara; 2004 in Pattambi; 2021 in Palakkad and so on and last in the year 2022 in Pathanamthitta. Though the petitioner has approached both the Central and the State Governments, preferred several mass petitions, and submitted model bills for the statute, seeking an adequate enactment of a law with a view to protect the common people against the evil and sinister practices and to combat and eradicate human sacrifice, the Government has not paid any attention to the issue so far.

2.3. The black magic and other inhuman and barbaric acts, assaults, and human sacrifices have to be eradicated from society. But there are no adequate provisions in the general penal statute to prohibit the same. The states of Karnataka and Maharashtra are the two states which have passed statutes in this regard. Even though the petitioner has pointed out of these incidents several times, the State is a mute spectator by shutting its eyes against the realities.

3. On the reliefs, though we have our limitations in directing the Government to legislate on a particular subject, but then, averments supporting the prayers sought for shows that in the report, submitted by the Hon'ble Justice K.T. Thomas, former Judge, Supreme Court of India, in the year 2019, it is stated that there was a recommendation based on social conditions and that the Government of Kerala also proposed a Bill "The Kerala Prevention of Eradication of Inhuman Evil Practices, Sorcery and Black Magic Bill - 2019."

4. In support of the reliefs sought for, the petitioner has also contended that State of Maharashtra has already enacted "The Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013."

5. On this day, when the matter came up for admission, Mr. N. Manoj Kumar, learned State Attorney submitted that the Government of Kerala is contemplating legislation on the above said subject.

Post after two weeks.



Sd/-

**S.Manikumar
Chief Justice**

Sd/-

**Shaji P.Chaly
Judge**

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