

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR.JUSTICE BASANT BALAJI

Tuesday, the 15th day of July 2025 / 24th Ashadha, 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, 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.

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 & order dated 24/06/2025 and upon hearing the arguments of SRI.P.V.JEEVESH, Advocate for the petitioner, SRI.SUVIN R.MENON, CENTRAL GOVERNMENT COUNSEL for R1 to R3 and of SRI. N.MANOJ KUMAR, STATE ATTORNEY & SRI.K.R.RANJITH, GOVERNMENT PLEADER for R4 to R6, the court passed the following:

P.T.O.

NITIN JAMDAR, C.J.

&

BASANT BALAJI, J.

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

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Dated this the 15th day of July 2025

ORDER

Heard Mr. P.V.Jeevesh, learned counsel appearing for the Petitioner and Mr. N. Manojkumar, learned State Attorney.

2. Further counter affidavit is filed by the Additional Chief Secretary, Home Department, wherein, two positions have been highlighted. The Additional Chief Secretary on behalf of the State Government has stated that though the proposed legislation has been deferred, the Government has no intention to step back from the subject matter and the issue remains under active consideration of the State Government. The reason the Council of Ministers withdrew the proposed legislation from the agenda is stated as complex legal and constitutional issues. It is thereafter stated that even in 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. The existing provisions are 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 SC/ST (Prevention of Atrocities) Act, 1989, POCSO Act, 2012 and Juvenile Justice Act, 2015. It is stated that under the provisions of the above mentioned statutes, criminal acts committed under the guise of magical or supernatural claims are effectively prosecuted.

3. Clarification is required on these aspects. Firstly, the complex legal and constitutional issues that prompted the Council of Ministers to withdraw from the agenda should be at least briefly indicated. Secondly, detailed information should be provided regarding prosecutions of cases arising from magical and supernatural claims, which have been dealt with under the general law as referred to above for the last five years. If these offences are tackled under the general law, then there should be a record of the same and therefore, these details should be placed by way of an additional affidavit.

4. Further, it is stated that the special legislation remains under the active consideration of the State Government. That means, the position of the issue being covered by the general law at the most is a stopgap arrangement. Therefore, the commitment as to when will the active

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consideration and decision would be taken also be indicated in the additional affidavit to be filed.

5. Post on 5 August 2025.

Sd/-

**NITIN JAMDAR
CHIEF JUSTICE**

Sd/-

**BASANT BALAJI
JUDGE**



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