

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2026

WP (PIL) No. 75 of 2026

DISTRICT COURT BAR ASSOCIATION, & ANOTHER

VS

STATE OF KERALA & OTHERS

ADVS FOR PETITIONER/S:

SRI.V.M.KRISHNAKUMAR, SMT.P.R.REENA

ADVS FOR RESPONDENT/S:

GOVERNMENT PLEADER, SHRI.HARIKUMAR G. (GOPINATHAN NAIR),
DIRECTOR GENERAL OF PROSECUTION

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

=====

W.P(PIL)No.75 of 2026

=====

Dated this the 23rd day of September, 2026

Appearance:

For the Petitioner : Mr.Ranjith Thampan assisted by
Ms.Pooja Sunil representing
Mr.V.M.Krishnakumar
For the Respondent : Mr.T.Asaf Ali, DGP
Mr.Harikumar G for R4
Mr.Biju Meenattoor, Sr.G.P

O R D E R

Soumen Sen, C.J.

We have heard the learned counsel for the parties.

2. We direct respondent No.6 to file an affidavit disclosing the number of additional courts required for POCSO cases taking into consideration the Supreme Court judgment in this regard and the practice followed in different High Courts. During the visit to the District Courts, we found that most of the POCSO courts do not conform to the guidelines specified under the POCSO Act. The facilities are also inadequate. The affidavit shall indicate the courts trying the POCSO cases, but not conforming

to the POCSO guidelines. Immediate steps should be taken to ensure that those courts conform to POCSO guidelines, and if there is any inadequacy of space, the State Government shall move to provide suitable rooms with all infrastructure for functioning of the POCSO courts in conformity with the guidelines.

3. Insofar as the appointment of Public Prosecutors in POCSO cases are concerned, the learned counsel for the petitioner has relied upon paragraph 10 of the decision of the Hon'ble Supreme Court in ***Alarming Rise in the Number of Reported Child Rape Incidents, In Re***¹ and has submitted that appointment of exclusive Public Prosecutors for POCSO courts is a mandate and the State has failed to fulfil the said obligation.

Paragraph 10 of the said judgment reads as follows:

“10. Keeping in view these factors, we direct all the States who are present before us to take steps to appoint exclusive Public Prosecutors in all the courts which have been set up exclusively for POCSO cases. We request the Chief Justices of all the High Courts to ensure that in the Judicial Academy of the State special programmes are developed so that these Special Public Prosecutors attached to POCSO Courts are imparted training not only in law but also in child

¹ (2020) 7 SCC 130

psychology, child behaviour, health issues, etc. We also request the Director of the National Judicial Academy to ensure that a training programme is developed in the National Judicial Academy to train master trainers who can then work in the Judicial Academies in each State. We realise that the National Judicial Academy cannot train all the Special Public Prosecutors in the country but they can prepare a team of master trainers who can travel from State to State to impart training to the persons appointed as Special Public Prosecutors.”

4. An adjournment is prayed for on behalf of Mr.Asaf Ali, the Director General of Prosecution. List the matter on 14th October 2026. The DGP shall consider paragraph 10 of ***Alarming Rise in the Number of Reported Child Rape Incidents, In Re*** (supra) and make appropriate submission on the adjourned date. The respondent No.6 shall also file an affidavit as directed above in the meantime.

Sd/-
SOUMEN SEN
CHIEF JUSTICE

Sd/-
SYAM KUMAR V. M.
JUDGE

smm