

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. 33095 OF 2022(S)

SUO MOTU PUBLIC INTEREST LITIGATION PROCEEDINGS
INITIATED BY THE HIGH COURT OF KERALA FOR PROTECTION
AND REHABILITATION OF CHILDREN IN STREETS.

RESPONDENTS:

1. THE SECRETARY TO GOVERNMENT, SOCIAL JUSTICE DEPARTMENT, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DIRECTOR, WOMEN AND CHILD DEVELOPMENT DEPARTMENT, GOVERNMENT OF KERALA, SPMU, POOJAPPURA, THIRUVANANTHAPURAM.
3. THE MEMBER SECRETARY, KERALA STATE LEGAL SERVICES AUTHORITY, HIGH COURT BUILDING, ERNAKULAM.
4. THE LABOUR COMMISSIONER, LABOUR COMMISSIONERATE, THOZHIL BHAVAN (LABOUR COMPLEX), THIRUVANANTHAPURAM, KERALA.
5. THE EXCISE COMMISSIONER, EXCISE COMMISSIONERATE, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM - 695 033.

This Suo Motu writ petition coming on for admission upon perusing the petition, and upon hearing the arguments of SRI.B.G. HARINDRANATH, Advocate for R3, the court passed the following:

P.T.O.

S.Manikumar, C.J.

&

Shaji P.Chaly, J.

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Dated this the 18th day of October, 2022

ORDER

S.Manikumar, C.J.

Taking note of the incident relating to the nomadic children begging or selling knick-knacks at busy junctions and tourist spots and also their plight that they should be taken care of, sent to shelter homes or repatriated, instant suo motu public interest litigation is initiated.

2. Photographs in the news reports also indicate that the children are sleeping on platforms or roads and that respondents are bound to provide them adequate care and protection in terms of the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3. Respondents impleaded in the suo motu writ petition are directed to take note of the contents of the Registry's note and file a statement/counter affidavit with supporting

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documents, setting out the steps taken to provide adequate and suitable care and protection to the children in need and also the nomadic children found to be begging or selling knick-knacks at busy junctions and tourist spots.

4. Respondents are also directed to furnish the details of the child care centres/centre homes, where the above kind of children are kept till the repatriation starts. It is desirable to have a detailed chart on the above.

5. From yet another news report in Malayala Manorama daily dated 16.10.2022 (Exhibit P3), it could be seen that drug peddlers are attempting to lure students outside school campuses since they are aware of the strict monitoring within the premises of such educational institutions. Translated version of the said report reads thus:

“Drugs: 250 vulnerable Schools in the state.

- Report by the Excise Intelligence.

Thiruvananthapuram: The Intelligence Wing of the Excise department has drawn up a list of the educational institutions in Kerala that are vulnerable to drug pushing.

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The Excise Commissioner has ordered lightning inspections at these schools once a week. Prior information regarding the inspection could be passed to the school authorities, however, It has been instructed to keep the day and time of such inspection a secret.

The list was prepared based on drug abuse instances among school children and their interactions with the drug gangs. The report indicated the presence of drug peddlers on the premises of such schools and on routes taken by children while returning home. The Excise Bike Patrol Team will be deputed at such places. They will conduct patrolling on the roads half an hour before and half an hour after the school.

The report specifically mentioned that drug peddlers are attempting to lure students outside school campuses since they are aware of the strict monitoring on the premises of such educational institutions.

The Excise teams have been directed to keep a hawk eye (conduct patrolling) on bus stops, internet cafes, and juice stalls where the students are likely to assemble in groups.

Vulnerable Schools

District wise number

Thiruvananthapuram-25

Kollam -39

Idukki -18

Pathanamthitta - 22

Alappuzha - 22

Kottayam - 14

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Ernakulam -13
Thrissur - 28
Palakkad - 14
Malappuram - 15
Kozhikode - 12
Wayanad -11
Kannur - 10
Kasaragod - 7”

6. Respondents are directed to take note of Exhibit P3 report stated to have been submitted by the Excise Intelligence.

7. The Member Secretary, Kerala State Legal Services Authority (KeLSA), Ernakulam, respondent No.3, is directed to conduct a detailed enquiry into the incidents, which necessitated this court to initiate the instant suo motu public interest writ petition under the caption “Protection and rehabilitation of children in streets” as well as the aspect of drug peddlers attempting to lure students outside school campuses.

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8. At this juncture, we wish to recall the judgment in W.P. (C)No.9001 of 2019 dated 10.02.2021, wherein several directions have been issued regarding drug abuse.

9. Registry is directed to furnish a copy of this order to the Member Secretary, Kerala State Legal Services Authority (KeLSA), Ernakulam.

10. Registry is also directed to show the name of Sri. B.G. Harindranath as the counsel for Kerala State Legal Services Authority, in the cause list.

Post after one week.

(Handover)



Sd/-

**S.Manikumar
Chief Justice**

Sd/-

**Shaji P.Chaly
Judge**

vpv

APPENDIX OF WP(C) 33095/2022

Exhibit P3

**MALAYALA MANORAMA NEWSPAPER ARTICLE DATED 16.10.2022
AND ITS ENGLISH TRANSLATION.**

