



THE KERALA HIGH COURT ADVOCATES' ASSOCIATION

Reg. No. ER 931/2004

High Court Building, Kochi - 682 031. Ph : 2393244, Fax : 0484 - 2394435, Email : k.hcaa@yahoo.com

KHCAA/HC/135/2025

14 August 2025

To,

The Hon'ble Chief Justice
High Court of Kerala,
Ernakulam – 682018

Sir,

SUB: Need to incorporate rules for appointment and engaging *Amicus Curiae* in the Rules of the High Court, 1971

REF: Judgment dated 12.08.2025 having neutral citation as 2025 KER 60624

1. The KHCAA has been inundated with calls and request from its members to immediately intervene in the issue of engaging 2nd year law students as *Amici Curiae* in a Bail Application under the NDPS Act involving commercial quantity of Ganja.
2. The Applicant and the State were represented by advocates and if at all there was any serious question of law for which the Hon'ble Court required assistance, the Hon'ble Court normally appoints a Senior Advocate or an advocate to assist the Court and in case of any specialised area where the Court requires technical assistance, then an expert in the field is appointed. However, under no circumstances are law students appointed as *Amicus*.
3. The contents of para 4 of the Judgment referred above is reproduced below so as to get the correct perspective on the appointment.

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"4. I have heard Adv. Fathima Sulfath N.B., on behalf of the petitioner and Sri. R. Vinu Raj, the learned Special Public Prosecutor on behalf of the respondents. Considering the importance of the question involved, and on noticing the commitment with which two law interns were watching the proceedings, this Court deemed it fit to seek their assistance. The two interns who were present in Court expressed their willingness and hence this Court appointed Ms. Nikhina Thomas and Ms. Neha Babu, second year students of Ramaiah College, Bengaluru, as Amici Curiae to assist the Court.

4. The appointment of law students as *Amicus* who are 'law students' undermines the active assistance given by the advocates appearing for the Applicant and the State and also the other advocates in the Court. Appointment of *Amicus* is a very serious issue and the exercise cannot be made as 'routine or trivial' by appointment of 'law students' as *Amicus*. If the Hon'ble Court required active legal assistance on a question of law, it ought to have appointed a Senior advocate or any other advocate at the Bar. The Judge ought to know that this Hon'ble Court is not a training institution for law students and encouraging 'growing buds' is the duty of the law school.
5. If at all there is any duty on a Judge, it is to encourage young advocates at the Bar. To just give a few statistics as regards the availability of fresh young graduates, every year there are more than 3000 advocates who enrol in the State of Kerala. The KHCAA has 79 members who enrolled in the year 2025, 358 members who enrolled in the year 2024 and 288 members who enrolled in the year 2023. As regards these members, the Bench also



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have an equal responsibility of encouraging them as they have entered the Judicial institution.

6. These law students might have done well but when the Hon'ble Court records that there are important questions, it is to be understood that it goes beyond what is found in the precedents. In this case, the issue related to commercial quantities of narcotics and also the delay caused by police officers. Since the law students addressed only the precedents, the larger picture remained unaddressed which is the rise of the State of Kerala in its ranking for 'drug abuse'. Kerala has witnessed an alarming rise in drug-related cases over the past decade. Between 2016 and 2022, cases registered under the NDPS Act increased by 350%, from approximately 5,924 to 26,629 cases. By 2022, Kerala recorded 27,545 drug-related arrests, accounting for 29.4% of all such arrests in India and showing a 360% increase compared to 2016 figures. Taking this into consideration, the Hon'ble Court could have addressed the 'technical failures' of the police while dealing with 'narcotics offenders' that results in uncontrolled rise of 'drug abuse'. The issue remains untouched and a senior advocate could have brought that perspective to the issue.

7. The KHCAA is taking efforts to develop a Research facility where advocates can continue to study and research on areas of law that interest them. The KHCAA proposed enlisting the members of the Research facility with areas of expertise so that they are available to the Courts for appointing as Amicus. This can happen if the KHCAA has the support of the Judges of this Hon'ble Court. The KHCAA already has made a representation for appointing an advocate nominated by the KHCAA to the Rules Committee and not someone who is 'hand-picked' by the Judges. If



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the intent of having an advocate in the Rules Committee is to have a representation of the advocates community, then it is imperative that the person be nominated by the KHCAA.

8. The need for having rules relating to appointment of *Amicus* has been raised by the Solicitor General of India, Sr.Adv.Tushar Mehta as well and the Hon'ble Supreme Court has also given guidelines on appointment of *Amicus* in case where any person is facing death or life imprisonment. The engagement of persons who are not advocates are to be considered in the light of Sec.29, 30, 32, 33 and 34 of the Advocates Act, 1961. The Judicial system cannot be made a mockery of by appointing law students as 'amicus' even if the intent may have been to encourage law students.
9. The KHCAA places on record its strongest displeasure and hopes that the act of appointing persons who are not advocates as *Amicus* will not be repeated by any Judge of this Hon'ble Court and we express hope that the Rules of the High Court of Kerala will be amended to bring in transparency in the appointment of 'Amicus'.

Sincerely,

Yeshwanth Shenoy
President

