

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR. JUSTICE G.GIRISH

Tuesday, the 12th day of December 2023 / 21st Agrahayana, 1945

SSCR NO. 42 OF 2023

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER
REPORT - SM.NO.42/2023 - REPORT SUBMITTED BY THE SPECIAL COMMISSIONER,
SABARIMALA REGARDING CROWD MANAGEMENT AT SABARIMALA SANNIDHANAM DUE TO HEAVY
RUSH OF PILGRIMS TO HAVE DARSHAN ON 01/12/2023 AND 02/12/2023 - SUO MOTU
PROCEEDINGS INITIATED - REG:

PETITIONER:

SUO MOTU

RESPONDENTS:



1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001
2. THE CHIEF POLICE CO-ORDINATOR
(ADDITIONAL DIRECTOR GENERAL OF POLICE, LAW AND ORDER)
SANNIDHANAM, SABARIMALA, PATHANAMTHITTA, PIN -689 713
3. THE DISTRICT COLLECTOR
COLLECTORATE, PATHANAMTHITTA, KERALA-689 645
4. THE DISTRICT POLICE CHIEF, PATHANAMTHITTA-689 645
5. THE STATION HOUSE OFFICER
PAMBA POLICE STATION, THRIVENI-PAMBA, PATHANAMTHITTA,
PIN-689662

6. THE STATION HOUSE OFFICER
SANNIDHANAM POLICE STATION, SABARIMALA SANNIDHANAM,
PATHANAMTHITTA, PIN-689 713
 7. THE TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM, PIN- 695 003
 8. THE DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANTHANCODE,
THIRUVANANTHAPURAM, PIN-695 005
 9. THE EXECUTIVE OFFICER
SABARIMALA, PAMBA TRIVENI P.O., PATHANAMTHITTA-689670
*ADDL.R10 IMPLEADED
 10. THE DIG OF POLICE,
GROUP CENTRE, CRPF, PALLIPPURAM, THIRUVANANTHAPURAM-695 316
*IS SUO MOTU IMPLEADED AS ADDITIONAL 10TH RESPONDENT VIDE ORDER
DATED 09/12/2023 IN SSCR 42 OF 2023
- BY SRI.S.RAJMOHAN, SR.GOVERNMENT PLEADER
BY STANDING COUNSEL FOR TRAVANCORE DEVASWOM BOARD
BY SRI.N.RAGHURAJ, AMICUS CURIAE FOR SABARIMALA SPECIAL
COMMISSIONER
BY DEPUTY SOLICITOR GENERAL OF INDIA FOR ADDL.R10

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING COME UP FOR
ORDERS AGAIN ON 12/12/2023, UPON PERUSING THE REPORT AND THIS COURT'S
ORDER DATED 11/12/2023, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ANIL K. NARENDRAN & G. GIRISH, JJ.

SSCR Nos.29, 36, 41 and 42 of 2023

Dated this the 12th day of December, 2023

ORDER

Anil K. Narendran, J.

SSCR No.29 of 2023:- The Special Commissioner, Sabarimala has filed this SSCR pursuant to the directions contained in the order of this Court dated 21.01.2023 in SSCR No.23 of 2022 and DBP No.70 of 2022, regarding crowd management and other matters in connection with Mandala-Makaravilakku festival season of 1199 ME (2023-24) at Sabarimala.

2. SSCR No.36 of 2023:- The Special Commissioner, Sabarimala has filed this report regarding the steps to be taken to provide adequate facilities to Sabarimala Pilgrims at the Edathavalams for Mandala-Makaravilakku Festival Season of 1199 ME (2023-24). This report is filed pursuant to the directions contained in the order of this Court dated 10.01.2023 in SSCR No.20 of 2022.

3. SSCR No.41 of 2023:- The Special Commissioner, Sabarimala has filed this report pointing out certain deficiencies in the FASTag parking fee collection at Nilakkal and deployment of personnel at parking grounds to arrange the parking of vehicles.

In the report, the Special Commissioner has pointed out that during the current Mandala-Makaravilakku festival season, the Travancore Devaswom Board is collecting parking fees by the FASTag system in association with ICICI Bank.

4. SSCR No.42 of 2023:- The Special Commissioner, Sabarimala has filed this report regarding crowd management at Sabarimala on 01.12.2023 and 02.12.2023 due to heavy rush of pilgrims for darshan.

5. On 11.12.2023, when the above reports came up for consideration, this Court directed the Regional Transport Officer (Enforcement), Pathanamthitta to conduct an inspection of the parking grounds at Nilakkal and submit a report before this Court on effective management of those parking grounds by accommodating the maximum number of vehicles and also on regulation of vehicular traffic from Elavunkal to Kanamala and Elavunkal to Laha, when the movement of vehicles is regulated by 'hold and release' mechanism. The Chief Police Co-ordinator, Sannidhanam was directed to ensure that there is no overcrowding of the pilgrims in the pilgrim sheds and queue complexes. The Special Officer, Travancore Devaswom Board and the Executive Magistrate in the office of the Special Commissioner, Sabarimala were directed to take necessary steps to ensure that the pilgrims

in the pilgrim sheds and queue complexes are provided with 'chukku vellam' and biscuits and that, there is no overcrowding of pilgrims. The Travancore Devaswom Board was directed to ensure that sufficient number of volunteers are deployed at the places where the pilgrims are stranded in the queue, for their support. The police and the enforcement officers in the Motor Vehicle Department were directed to ensure the availability of a sufficient number of KSRTC buses at the boarding points at Nilakkal and Pamba and that, the vehicles used by KSRTC for Nilakkal-Pamba chain service are carrying only passengers within the permissible limit. The learned Senior Government Pleader submitted that the Chief Police Co-ordinator, Sannidhanam will be at Kochi today (12.12.2023), who will personally be present in Court at 02:00 p.m., to explain various issues on crowd management at Sabarimala.

6. Today, when this matter is taken up for consideration at 2.00 p.m., the Chief Police Co-ordinator, Sannidhanam who is in the rank of Additional Director General of Police, is personally present in Court, who explained various aspects of crowd management at Sabarimala, with reference to holding capacity of pilgrims at various locations. He has also explained the movement of pilgrims through the trekking path and pathinettampadi,

through live streaming from Sannidhanam. We heard the submissions of the learned Senior Government Pleader, the learned Special Government Pleader, the learned Deputy Solicitor General of India, the learned Standing Counsel for Travancore Devaswom Board, the learned Standing Counsel for KSRTC, the learned Standing Counsel for Kerala Water Authority and the learned Amicus Curiae for the Special Commissioner.

7. During the course of arguments, the learned Deputy Solicitor General of India has made available for the perusal of this Court a confidential fax message regarding the deployment of Rapid Action Force personnel at Sabarimala, during Mandala-Makaravilakku festival season of 1199 ME (2023-24) for maintaining law and order.

8. Registrar (Judicial) is directed to keep that message in safe custody, in a sealed cover.

9. The learned Standing Counsel for Travancore Devaswom Board has also addressed arguments with reference to the holding capacity at Sabarimala, placing reliance on the relevant extract of the Master Plan for Sabarimala.

10. The learned Special Government Pleader has made available for the perusal of this Court a report dated 12.12.2023 of the Regional Transport Officer (Enforcement), Pathanamthitta

regarding parking facilities at Nilakkal parking grounds and places where vehicles can be parked when the movement of vehicles to Nilakkal is regulated by 'hold and release' mechanism.

11. The learned Standing Counsel for Kerala Water Authority would submit that the Water Authority is ensuring adequate supply of water at Sabarimala during festival season.

12. The learned Standing Counsel for KSRTC would submit that on account of certain restrictions imposed by the police, they could not deploy sufficient number of buses for Pamba-Nilakkal Chain Service, on 11.12.2023, which had resulted in overcrowding of pilgrims in the buses.

13. The learned Senior Government Pleader would submit that a detailed report of the Chief Police Co-ordinator, Sannidhanam shall be placed on record by tomorrow. The learned Special Government Pleader would submit that the report dated 12.12.2023 of the Regional Transport Officer (Enforcement) shall also be placed on record by tomorrow.

14. Having considered the submissions made at the Bar, and the inputs received from the Chief Police Co-ordinator, Sannidhanam [Additional Director General of Police - Law and Order], we deem it appropriate to issue the following directions;

(i) The Chief Police Co-ordinator, Sannidhanam shall

regulate the movement of pilgrims through 'Pathinettampadi' in an appropriate manner, without compromising on the safety of the pilgrims, especially women, children of tender age and senior citizens, to ensure darshan to maximum number of pilgrims through 'Pathinettampadi';

(ii) The special queue in segment 9 shall be used for the movement of women, children of tender age and persons with disabilities;

(iii) The Travancore Devaswom Board shall ensure that the queue complexes and pilgrim sheds are kept clean and tidy, round the clock, by deploying sufficient number of employees. The Board shall deploy 72 employees, as suggested by the Chief Police Co-ordinator, in two shifts of 36 employees, round the clock, exclusively for the cleaning of the queue complexes and the toilet facilities in those buildings. It would be open to the Board to seek orders of this Court for reducing the number of such employees, in case there is only limited use of the queue complexes and pilgrim sheds, considering the footfall. The Executive Magistrate attached to the office of the Special Commissioner, Sabarimala shall conduct daily inspection in the queue complexes and also in the pilgrim sheds in the trekking path, to ensure that it is maintained clean and tidy. Any shortfalls shall be brought to the

notice of the Special Commissioner, Sabarimala, immediately, for necessary action.

(iv) The Travancore Devaswom Board shall deploy sufficient number of volunteers to provide 'chukku vellam' and biscuits to the pilgrims stranded in the queue complexes, pilgrim sheds and also in the trekking path.

(v) The Chief Police Co-ordinator, Sannidhanam, has already deployed one police personnel each in 17 parking grounds at Nilakkal. The Travancore Devaswom Board shall deploy sufficient number of security personnel/employees in each parking ground, in order to ensure proper parking of vehicles, so that vehicles up to the maximum parking capacity can be parked in each parking ground. Any shortfall from the side of the Board in deploying sufficient number of security personnel/employees in each parking ground shall be brought to the notice of the Special Commissioner, immediately, for necessary action.

(vi) By the order dated 06.12.2023 in SSCR No.41 of 2023, this Court directed the Travancore Devaswom Board to take necessary steps to ensure that a second track of FASTag scanning/parking fee collection at Nilakkal is provided within a week. In case the second track is yet to be made operational, the Board shall take necessary steps to ensure that it is made

operational, within a week, with intimation to the Special Commissioner.

(vii) When the movement of vehicles to Nilakkal is controlled by 'hold and release' mechanism, the Police shall take necessary steps to ensure that, to the extent possible, such vehicles are parked in the parking grounds of Sabarimala Edathavalams and the pilgrims in those vehicles are provided with Annadhanam and other facilities available at those temples. In case such vehicles are parked for a considerably long period, between Laha and Nilakkal, the Police and the enforcement officers in the Motor Vehicles Department shall conduct sector patrolling and such pilgrims shall be provided with drinking water and biscuits, with the assistance of the Executive Officer, Sabarimala or the Administrative Officer, Nilakkal.

(viii) The Travancore Devaswom Board shall consider whether the pilgrims can be provided with drinking water and biscuits at such locations, through NSS volunteers in educational institutions or with the assistance of the concerned Local Self Government Institutions.

(ix) The Regional Transport Officer (Enforcement), Pathanamthitta shall identify places between Vadasserikkara and Laha in Pathanamthitta route and from Kanamala in Erumely

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route, where vehicles carrying pilgrims can be parked, when the movement of vehicles to Nilakkal is regulated by 'hold and release' mechanism.

List these matters for further consideration on 13.12.2023 at 02:00 p.m.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

G. GIRISH, JUDGE

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