

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR. JUSTICE G.GIRISH

Wednesday, the 13<sup>th</sup> day of December 2023 / 22nd Agrahayana, 1945

SSCR NO. 41 OF 2023

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER REPORT-SM.NO.41/2023-REPORT SUBMITTED BY THE SPECIAL COMMISSIONER, SABARIMALA REGARDING CERTAIN ASPECTS CONCERNING CROWD MANAGEMENT WITH REFERENCE TO THE DEFICIENCY IN THE FASTAG PARKING FEES COLLECTION POINT AND VEHICLE PARKING AT NILAKKAL AND DEPLOYMENT OF PERSONNEL AT PARKING GROUNDS TO ARRANGE PARKING OF VEHICLES-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, PIN - 695001
2. THE TRAVANCORE DEVASWOM BOARD  
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR POST,  
THIRUVANANTHAPURAM, PIN - 695003
3. THE DEVASWOM COMMISSIONER  
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANTHANCODE,  
THIRUVANANTHAPURAM, PIN - 695005
4. THE EXECUTIVE OFFICER, SABARIMALA,  
PAMPA TRIVENI P.O., PATHANAMTHITTA, PIN - 689669



**\*ADDITIONAL R5 TO R7 IMPEADED**

5. THE DISTRICT POLICE CHIEF,  
PATHANAMTHITTA
6. THE DISTRICT COLLECTOR, PATHANAMTHITTA
7. THE ICICI BANK,  
T.K.ROAD, ABAN ARCADE, PATHANAMTHITTA, KERALA-689645,  
REPRESENTED BY ITS AUTHORIZED OFFICER

**\*ARE SUO MOTU IMPEADED AS ADDITIONAL RESPONDENTS 5 TO 7 VIDE  
ORDER DATED 04/12/2023 IN SSCR 41/2023**

**BY SRI.S.RAJMOHAN, SR.GOVERNMENT PLEADER  
BY STANDING COUNSEL FOR TRAVANCORE DEVASWOM BOARD  
BY SRI.N.RAGHURAJ, AMICUS CURIAE FOR SABARIMALA SPECIAL  
COMMISSIONER**

**THIS SABARIMALA SPECIAL COMMISSIONER REPORT ALONG WITH CONNECTED  
CASES HAVING COME UP FOR ORDERS AGAIN ON 13.12.2023, UPON PERUSING THE  
REPORT AND THIS COURT'S COMMON ORDER DATED 13/12/2023 (ORDER NO.1), THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**ANIL K. NARENDRAN & G. GIRISH, JJ.**

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**SSCR Nos.29, 36, 41 and 42 of 2023**  
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**Dated this the 13<sup>th</sup> day of December, 2023  
(at 12.00 p.m.)**

**ORDER**

**Anil K. Narendran, J.**

On 12.12.2023, when the above reports filed by the Special Commissioner, Sabarimala came up for consideration, this Court issued various directions regarding crowd management at Sabarimala. Paragraph 14 of that order reads thus;

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

2. Though the reports were ordered to be listed today (13.12.2023) at 2.00 p.m., the matters were taken up for consideration at 10.15 a.m., with notice to the respective counsel,

since a devotee by name Sasikumar has submitted a complaint dated 10.12.2023 through email to Registry pointing out various issues at Sabarimala, including mobility between Nilakkal and Pamba through KSRTC Nilakkal-Pamba Chain Service. By the order passed at 10.15 a.m., this Court directed the learned Senior Government Pleader to get instructions from the State Police Chief regarding crowd management and other aspects at Erumeli, Nilakkal - Laha and Nilakkal - Kanamala sectors and deployment of Police force on those sectors and listed the matter at 12.00 p.m.

3. When the matter is taken up at 12.00 p.m., the learned Senior Government Pleader has placed on record the report dated 12.12.2023 of the Chief Police Co-ordinator, Sabarimala regarding crowd management, with special reference to the incident that happened on 02.12.2023. The learned Senior Government Pleader, on instructions from the State Police Chief, would submit that at Erumeli, 419 police personnel are deployed in 3 shifts, under the Special Police Officer, who is in the rank of Deputy Superintendent of Police. At Nilakkal, 701 police personnel are deployed in 3 shifts, which includes 3 Deputy Superintendent of Police, under the Special Police Officer, who is in the rank of Superintendent of Police. At Pamba, 843 police personnel are deployed in 3 shifts, which includes 7 Deputy Superintendent of Police, under the Special Police Officer, who is in the rank of Superintendent of Police. In Nilakkal - Kanamala sector and Nilakkal - Laha sector, 6 mobile squads are deployed under the

control of 2 Deputy Superintendent of Police. Those mobile squads are undertaking sector patrolling at regular intervals.

4. Having considered the submissions made at the Bar regarding the issues in crowd management on the previous days, we deem it appropriate to direct the 2<sup>nd</sup> respondent State Police Chief in SSCR No.29 of 2023, to have a constant vigil over crowd management activities in connection with Mandala-Makaravilakku festival season of 1199 ME. The State Police Chief shall collect regular inputs on crowd management from the Chief Police Co-ordinator, Sannidhanam and also the Special Police Officers at Nilakkal, Pamba and Erumeli. The 2<sup>nd</sup> respondent State Police Chief is directed to take necessary steps to increase the number of mobile squads at Nilakkal – Kanamala sector and Nilakkal – Laha sector from 6 to 12. In case the pilgrims are stranded in those sectors for a considerably long period, the concerned Special Police Officer, Nilakkal, in consultation with the Chief Police Co-ordinator, shall coordinate the activities for pilgrim support, in terms of the directions contained in the order of this Court dated 12.12.2023, in addition to their normal duty regarding traffic control. Any shortfalls in providing pilgrim support to the pilgrims stranded in those sectors shall be brought to the notice of the Executive Magistrate, Pamba, who shall report the same to the Special Commissioner, Sabarimala, for necessary action.

5. In terms of the directions contained in the order of this Court dated 20.01.2023 in SSCR No.23 of 2022 and DBP No.70 of

2022, which was reiterated in the order dated 13.10.2023 in SSCR No.29 of 2023, it is for the District Collector, Pathanamthitta and the District Police Chief, Pathanamthitta to take necessary steps to ensure the availability of sufficient number of KSRTC vehicles at the boarding points at Nilakkal and Pamba during Mandala-Makaravilakku festival season of 1199 ME. The Police and the Enforcement Officers in the Motor Vehicles Department shall ensure that the vehicles used by KSRTC for Nilakkal-Pamba chain service are carrying passengers only within the permissible limit. The directions contained in the orders of this Court in SSCR No.29 of 2023 and DBP No.85 of 2022, which has already been disposed of by the order of this Court dated 10.01.2023, shall be complied with in letter and spirit by all concerned to avoid crowding and chaos of pilgrims while boarding the buses and also to avoid pilgrims waiting for the buses.

6. In the order dated 12.12.2023, this Court noticed the submission made by the learned Standing Counsel for KSRTC that on account of certain restrictions imposed by the police, KSRTC could not ply sufficient number of buses for Pamba – Nilakkal Chain Service on 11.12.2023, which had resulted in overcrowding of pilgrims in the buses.

7. On the above aspect, the learned Senior Government Pleader, on instructions from the Chief Police Co-ordinator, Sannidhanam, would submit that when there was overcrowding at Sannidhanam, certain restrictions were imposed in the movement of

pilgrims from Nilakkal to Pamba. That restriction could be lifted only when there is sufficient outflow from Sannidhanam and Pamba. In order to ensure an increase in the outflow from Pamba, KSRTC was directed to bring more number of empty buses from Nilakkal to Pamba. When those vehicles were taken from Nilakkal, the pilgrims who were waiting there for a considerably long time, attempted to enter the buses, which could not be prevented by the police.

8. Having considered the submissions made at the Bar on the above aspects, we deem it appropriate to direct the Chief Police Co-ordinator, Sannidhanam to ensure that when the restrictions were imposed in the movement of pilgrims from Nilakkal to Pamba on account of overcrowding of pilgrims at Sannidhanam and Pamba, more number of empty KSRTC buses shall be brought from Nilakkal to Pamba, for which the Police shall render necessary assistance. When the expected footfall at Sannidhanam on a day is 80,000, by Virtual-Q booking, more number of KSRTC buses shall be permitted to be parked on the hilltop, in order to avoid overcrowding in the chain service, when there is increased outflow from Pamba. In terms of the directions contained in the order of this Court dated 20.01.2023 in SSCR No.23 of 2022 and DBP No.70 of 2022, the Police and

enforcement officers in the Motor Vehicles Department shall ensure that the vehicles used by KSRTC for Nilakkal-Pamba chain service are carrying only passengers within the permissible limit and that sufficient number of buses are deployed for Nilakkal-Pamba chain service, in order to avoid overcrowding.

9. In the order dated 12.12.2023, this Court directed the Travancore Devaswom Board to take necessary steps to ensure that queue complexes and pilgrim sheds are kept clean and tidy, round the clock, by deploying sufficient number of employees.

Paragraph 14 (iii) of that order reads this:

“14. (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.

10. During the course of arguments, the learned Standing Counsel for Travancore Devaswom Board would submit that certain facts on the above aspect could not be brought to the notice of this Court on the previous day. The learned Standing Counsel would submit that for cleaning activities at Sannidhanam, there are 300 workers deployed by Sabarimala Sanitation Society, who are doing cleaning work from Pandithavalam to Charalmedu in Swami Ayyappan Road and Marakkoottam to Lakshmi Hospital in the traditional trekking path. The cleaning work of queue complexes and pilgrim sheds in the trekking path are also taken care by the workers deployed by Sabarimala Sanitation Society, who are under the control of the District Administration. The Travancore Devaswom Board has engaged 27 employees, who are working in 3 shifts round the clock, for cleaning the toilets and urinals. In addition to this, 72 volunteers in 2 shifts consisting of 36 volunteers, round the clock, are providing 'chukka vellam' and biscuits to the pilgrims. It is for the Executive Magistrate in the Office of the Special Commissioner, Sabarimala to conduct daily inspection in the queue complexes and the pilgrim sheds, in order to ensure that they are maintained clean and tidy. The direction contained in

clause (iii) of para 14 of the order dated 12.12.2023 will stand modified to the above extent. However, in case of additional requirement, depending upon the footfall, the Board shall deploy additional workforce for the cleaning activities of toilet and urinals in the queue complexes and deploy additional volunteers for supplying 'chukku vellam' and biscuits to the pilgrims.

11. Any restrictions in the movement of pilgrims to Pamba and Sannidhanam, as part of crowd management, shall be brought to the notice of the pilgrims stranded at Nilakkal through the public address system at regular intervals. The Special Police Officer, Sannidhanam shall give necessary inputs to the Administrative Officer, Erumeli Devaswom, regarding such restrictions at Pamba and Sannidhanam, which shall be brought to the notice of the pilgrims stranded at Erumeli through the public address system at regular intervals.

12. Having considered the submissions made at the Bar and taking note of the issues on crowd management at Pamba and Sannidhanam on the previous days, we deem it appropriate to direct the Travancore Devaswom Board to limit spot booking facility to 10,000 on days when the Virtual-Q booking has reached 80,000. The Chief Police Co-ordinator, Sannidhanam and also the Special Police Officer at Pamba shall ensure that

entry from Pamba is regulated through Virtual-Q booking and spot booking. The entry of pilgrims from Pamba without Virtual-Q booking or spot booking shall be restricted to the maximum extent possible. This restriction shall be brought to the notice of the pilgrims through print and visual media.

List these matters for further consideration at 03.00 p.m.

**Sd/-**

**ANIL K. NARENDRAN, JUDGE**

**Sd/-**

**G. GIRISH, JUDGE**



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