



2024:KER:74285

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE P.G. AJITHKUMAR

MONDAY, THE 7TH DAY OF OCTOBER 2024 / 15TH ASWINA, 1946

SSCR NO. 24 OF 2024

(IN THE MATTER OF TRAVANCORE DEVASWOM BOARD -
SABARIMALA SPECIAL COMMISSIONER REPORT - S.M.NO.24/2024 -
REPORT OF AYYAPPA DEVOTEE FELL DOWN FROM A BROKEN DOLLI ON
15.07.2024 AT SABARIMALA SREE DHARMA SASTHA TEMPLE - 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 TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCOD, ,
KAWDIAR POST, THIRUVANANTHAPURAM - 695 003
- 3 THE DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, DEVASWOM
BUILDINGS, NANTHANCOD, ,
THIRUVANANTHAPURAM, PIN - 695 005
- 4 EXECUTIVE OFFICER
SABARIMALA, SABARIMALA P.O. ,
PATHANAMTHITTA - 689662
- *5 ADDL R5 THE CHIEF POLICE CO-ORDINATOR
[ADDITIONAL DIRECTOR GENERAL OF POLICE
(LAW AND ORDER)] , SABARIMALA,



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PATHANAMTHITTA 689 662

- 6 ADDL R6 THE DEPUTY DIRECTOR
KERALA STATE AUDIT DEPARTMENT, TRAVANCORE
DEVASWOM BOARD AUDIT, NANTHANCODE,
THIRUVANANTHAPURAM 695 003
- 7 ADDL R7 THE CHIEF VIGILANCE AND SECURITY
OFFICER
(SUPERINTENDENT OF POLICE), TRAVANCORE
DEVASWOM BOARD, NANTHANCODE,
THIRUVANANTHAPURAM-695 003
- 8 ADDL R8 THE DISTRICT MEDICAL OFFICER
(HEALTH) ,
THE DISTRICT MEDICAL OFFICER (HEALTH) ,
PATHANAMTHITTA - 689 645
- 9 ADDL R9 THE DISTRICT POLICE CHIEF,
PATHANAMTHITTA -
THE DISTRICT POLICE CHIEF,
PATHANAMTHITTA - 689 662
- 10 ADDL R10THE STATION HOUSE OFFICER, PAMBA
POLICE STATION
THE STATION HOUSE OFFICER, PAMBA POLICE
STATION, PATHANAMTHITTA - 689 662
- 11 ADDL R11 THE STATION HOUSE OFFICER,
SANNIDHANAM POLICE STATION,
THE STATION HOUSE OFFICER, SANNIDHANAM
POLICE STATION, PATHANAMTHITTA - 689 662;

*ARE SUO MOTU IMPLEADED AS ADDITIONAL
RESPONDENTS 5 TO 11 AS PER ORDER DATED
26/07/2024 IN SSCR.NO.24/2024

- **12 ADDL R12- THE EXECUTIVE ENGINEER
SABARIMALA DEVELOPMENT PROJECT, PAMBA,
PATHANAMTHITTA; 689 662

- 13 ADDL R13- THE ASSISTANT ENGINEER
SABARIMALA DEVELOPMENT PROJECT, PAMBA,
PATHANAMTHITTA - 689 662;

**ARE SUO MOTU IMPLEADED AS ADDITIONAL
RESPONDENTS 12 AND 13 VIDE ORDER DATED
02/08/2024 IN SSCR.NO.24/2024



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BY ADVS.
ADVOCATE GENERAL OFFICE KERALA
G.BIJU, SC, TDB
GOVERNMENT PLEADER (GP-1)

OTHER PRESENT:

SR GP SRI RAJMOHAN S,
SMT SAYUJYA RADHAKRISHNAN, AMICUS CURIAE FOR SPL.
COMMISSIONER, SABARIMALA
G.BIJU, SC, TDB

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING
BEEN FINALLY HEARD ON 07.10.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



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JUDGMENT**Anil K. Narendran, J.**

This report dated 24.07.2024 filed by the Special Commissioner, Sabarimala, is regarding an incident that happened at Sabarimala, on 15.07.2024 at 3.30 p.m., during Maasapooja. A pilgrim fell down from the dolly and sustained injuries near the Nadapanthal at Sannidhanam. He was taken to the Government Hospital at Sannidhanam. After giving first-aid, he was shifted to Pamba in an ambulance. Later, he was taken to Kochi for further treatment.

2. By the order dated 26.07.2024, this Court directed the additional 5th respondent Chief Police Co-ordinator, Sabarimala, to submit a report for regulating dolly service at Sabarimala, in order to ensure that the pilgrims have a safe and comfortable pilgrimage during Mandala-Makaravilakku festival seasons and Maasapoojas. A preliminary report of the additional 5th respondent Chief Police Co-ordinator was directed to be placed on record, within a week. By that order, the Secretary of the 2nd respondent Travancore Devaswom Board was directed to file an affidavit explaining the procedure that is being followed at Sabarimala regarding registration of dolly workers, issuance of identity cards for such workers, issuance of fitness certificates



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for the dolly used for carrying the pilgrims through the trekking path from Pamba to Sannidhanam and also the measures, if any, taken by the Board to ensure that the dolly workers are not exploiting the pilgrims by demanding exorbitant amounts. Further, the additional 8th respondent District Medical Officer (Health), Pathanamthitta, was directed to submit a report on the aforesaid incident that happened on 15.07.2024 at Sabarimala Sannidhanam. It was ordered that such incidents occurring at Sabarimala, affecting the safety of the pilgrims, shall be brought to the notice of this Court forthwith, through the Special Commissioner, Sabarimala.

3. The report dated 01.08.2024 of the District Police Chief, Pathanamthitta, on behalf of the additional 5th respondent Chief Police Co-ordinator is placed on record. Paragraphs 3 and 4 of that report read thus;

"3. The brief of the incident is that on 15.07.2024 at 0330 pm during the Maasa Pooja in Sabarimala, a pilgrim named Sri.D Sreedhar, aged 59, native of Vijayawada in Andhra Pradesh who availed dolly service from Pamba to Sannidhanam for holy darshan, he fell down from the dolly near the Nadappanthal at Sannidhanam. He sustained injuries and was taken to Government Hospital at Sannidhanam. After giving first aid he was shifted to Pamba in ambulance and later he was taken to Kochi for further treatment.



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4. It is submitted that he fell down from dolly due to the breaking of wooden log tied to dolly chair for lifting the dolly. The using of dilapidated dollies by the dolly carriers without proper maintenance is the reason for such incidents. In order to avoid such incidents in future and to ensure the safety of pilgrims using dolly service, Devaswom board authorities/ Engineers may be instructed to inspect the dollies before every Maasa Pooja and Mandala Makaravilakku Season and issue fitness certificate. Physical fitness certificates of dolly carriers may also be ensured by the Devaswom board for the safety of pilgrims. Instruction may also be given to Devaswom authorities for fixing the life span of every dolly used at Sabarimala and destroy the dollies after the completion of fixed life span."

4. On 02.08.2024, when this report came up for consideration, the learned Standing Counsel for Travancore Devaswom Board, on instructions, submitted that for streamlining dolly service at Sabarimala, a meeting of the Board was convened on 04.05.2024, in connection with Mandala-Makaravilakku festival season of 1200ME (2024-25). In that meeting, a decision was taken to authorise the Chief Vigilance and Security Officer (Superintendent of Police) to submit a proposal for the implementation of a pre-paid payment system for dolly charges, registration, providing QR code and RFID scanning for dolly service.



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5. By the order dated 02.08.2024, this Court directed the additional 12th respondent Executive Engineer to conduct a physical inspection of the dollies with the assistance of the additional 13th respondent Assistant Engineer and submit a preliminary report before this Court by the next posting date.

6. Along with the memo dated 17.08.2024 of the learned Senior Government Pleader, a report dated 14.08.2024 of the additional 8th respondent District Medical Officer (Health), Pathanamthitta is placed on record. The said report reads thus;

"In connection with the Karkkidakam Massa pooja an Ayyappa devotee, a native of Vijayawada named Mr. Sreedhar, Aged 59 years fell from a dolly (dolly means a chair carrying 4 people on their shoulders and used to carry the Ayyappa devotees who cannot walk) by breaking one of the wooden bar put on the shoulders of the headload workers on 15.07.2024 at 5.40 PM in Nadappanthal of Sannidhanam, Sabarimala. Immediately, the devotee was brought to Sannidhanam Government Hospital. On medical examination, it was found that there were some minor injuries to the forehead. Hence, he was given medical treatment, including injection TT, dressing of the injury and sent to the Pampa Government Hospital. On the medical examinations at Pampa Government Hospital, it was found that he is conscious oriented mind. The devotee himself informed the doctor that he consumes 'Aspirin tablet' regularly for Cardiac Diseases. Then he was referred to General Hospital Pathanamthitta for CT



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scanning and further treatments after arranging Ambulance service.

The patient neither used the Government Ambulance service nor reported for further treatment at General Hospital, Pathanamthitta."

7. Along with a memo dated 09.09.2024 of the learned Standing Counsel for Travancore Devaswom Board, a report dated 19.08.2024 of the Executive Engineer, Sabarimala Development Project is placed on record. Paragraphs 4 to 6 of that report read thus;

"4. The dolly is comprised of a reclining bamboo cane chair, which is further tied into two eucalyptus poles having 2.8 m length and 25 cm perimeter. The chair is tied to the poles using plastic as well as coir ropes. On physical inspection, it seems strong. But, it is impossible to ascertain any damage inside these wooden poles due to the exposure of these poles to sun and rain. Hence, it is not possible to issue an official fitness certificate for this type of structure which is made up in a temporary setup. Also, the load carrying capacity of this setup may vary as it gets older. But, instruction has been issued to the Assistant Engineer, Pamba to carry out periodic inspections of these dollies kept at Pamba.

5. It is recommended that the poles and the chairs used for making the dolly shall be replaced every year, i.e., the life span of each dolly shall be limited to one year for safety purpose.

6. It is submitted that during last festival period, 1532 persons were registered at Pamba Assistant Engineer's



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office for 383 dollies. The Assistant engineer issues pass to each person."

8. On 04.10.2024, when this matter came up for consideration, the learned Standing Counsel for Travancore Devaswom Board submitted that during 1199ME (2023-24), the total trips for dolly workers was 18771. For each trip (to and fro) the pilgrim has to pay Rs.6,500/-, out of which Rs.500/- (250 + 250) will be paid by the dolly workers to the Board. There are altogether 1532 persons, who obtained registration as dolly workers. The Board insists on Police verification certificates and health cards for the dolly workers. The total number of Dollies is 308. After arguing for some time, the learned Standing Counsel sought an adjournment to get instructions regarding the mode in which the payments are being received by Dolly workers from the pilgrims and whether prepaid counters can be started at Pamba and Sannidhanam.

9. Along with a memo dated 05.10.2024, the learned Standing Counsel for the Travancore Devaswom Board has placed on record a few photographs of the dollies.

10. Heard the learned Senior Government Pleader for respondent No.1 and additional respondents 5, 6 and 8 to 11, the learned Standing Counsel for respondents 2 to 4 and



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additional respondents 7, 12 and 13 and the learned Amicus Curiae for Special Commissioner, Sabarimala.

11. Travancore-Cochin Hindu Religious Institutions Act, 1950 enacted by the State Legislature makes provision for the administration, supervision and control of incorporated and unincorporated Devaswoms and of other Hindu Religious Endowments and Funds. As per sub-section (3) of Section 1 of the Act, substituted by the Kerala Adaptation of Laws Order, 1956, Part I of the Act shall extend to Travancore, Part II of the Act shall extend to Cochin and Part III of the Act shall extend to the whole of the State of Kerala, excluding the Malabar District. Sabarimala Devaswom is an incorporated Devaswom mentioned in Schedule I of the Act, under Chengannur Group, Pathanamthitta Taluk. Section 15A of the Act, inserted by Act 5 of 2007, with effect from 12.04.2007, deals with duties of the Board. As per Section 15A, it shall be the duty of the Board to perform the following functions, namely, (i) to see that the regular traditional rites and ceremonies according to the practice prevalent in the religious institutions are performed promptly; (ii) to monitor whether the administrative officials and employees and also the employees connected with religious rites are functioning properly; (iii) to ensure proper maintenance and



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upliftment of the Hindu religious institutions; (iv) to establish and maintain proper facilities in the temples for the devotees.

As per Section 31, subject to the provisions of Part I and the rules made thereunder, the Board shall manage the properties and affairs of the Devaswoms, both incorporated and unincorporated as heretofore, and arrange for the conduct of the daily worship and ceremonies and of the festivals in every temple according to its usage.

12. The pleading and materials on record would show that, on 15.07.2024, a pilgrim fell down from a dolly near Nadapanthal at Sabarimala Sannidhanam due to the breaking of a wooden log tied to a dolly chair for lifting the dolly. As per the report of the additional 6th respondent Chief Police Coordinator, the use of dilapidated dollies by the dolly workers, without proper maintenance, is the reason for such incidents. In order to avoid such incidents in future and to ensure the safety of pilgrims using dolly service, the concerned Engineer in the Maramath Wing of the Board has to be instructed to inspect the dollies before every Maasapoojas and Mandala Makaravilakku Seasons and issue fitness certificates. In addition to that, physical fitness certificates of dolly carriers may also be ensured by the Board, for the safety of pilgrims. The life span of every



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dolly used at Sabarimala has to be fixed and the dollies have to be destroyed after the completion of the fixed life span.

13. The dollies used at Sabarimala consist of a reclining bamboo cane chair, which is tied into two eucalyptus poles having 2.8 m length and 25 cm perimeter. The chair is tied to the poles using plastic as well as coir ropes. As per the report of the additional 12th respondent Executive Assistant Engineer, Sabarimala Development Project, on physical inspection, the dollies seem strong. However, it is impossible to ascertain any damage inside these wooden poles due to the exposure of the poles to sun and rain. Therefore, according to the additional 12th respondent Executive Engineer, it is not possible to issue an official fitness certificate for the dollies, which are made in a temporary setup. Further, the load-carrying capacity of the dollies may vary as they get older. The additional 12th respondent Executive Engineer has already instructed the additional 13th respondent Assistant Engineer, Pamba, to carry out periodic inspections of the dollies kept at Pamba.

14. The total number of dollies at Sabarimala is 308. Altogether 1532 persons have obtained registration as dolly workers. The Travancore Devaswom Board insists on Police verification certificates and health cards for dolly workers. For



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each trip (to and fro) the pilgrim has to pay Rs.6,500/-, out of which Rs.500/- (250 + 250) will be paid by the dolly workers to the Board. As noticed in the order of this Court dated 02.08.2024, for streamlining dolly service at Sabarimala, a meeting of the Board was convened on 04.05.2024, in connection with Mandala-Makaravilakku festival season of 1200ME (2024-25). In that meeting, a decision was taken to authorise the additional 5th respondent Chief Vigilance and Security Officer, to submit a proposal for the implementation of a pre-paid payment system for dolly charges, registration, providing QR code and RFID scanning to dolly service.

Having considered the pleadings and materials on record and also the submissions made at the Bar, we deem it appropriate to dispose of this SSCR with the following directions;

- (i) The 2nd respondent Travancore Devaswom Board shall ensure the fitness of the dollies used for carrying pilgrims through the trekking path before the commencement of each Maasapooja and Mandala-Makaravilakku festival season, through the additional 12th respondent Executive Engineer, Sabarimala Development Project and the additional 13th respondent Assistant Engineer, Pamba.
- (ii) Only registered dolly workers who carry valid Police verification certificates and health cards shall carry pilgrims through the trekking path in the dollies.
- (iii) If not already published, the Board shall publish in the



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Virtual-Q platform the rate for each trip (to and fro) in the dollies through the trekking path, which shall also be exhibited in multiple languages at Pamba, Marakkootam and Sannidhanam, for the information of pilgrims.

(iv) The Duty Magistrates at Pamba and Sannidhanam and also the officers in the Vigilance Wing of the Travancore Devaswom, under the additional 5th respondent Chief Vigilance and Security Officer, shall conduct periodical inspections during Maasapoojas and Mandala-Makaravilakku festival seasons, to prevent any exploitation of the pilgrims by the dolly workers.

(v) In case any such exploitation by the dolly workers is noticed, the same shall be reported to the 4th respondent Executive Officer, Sabarimala, for taking action against the dolly workers.

(vi) On receipt of the proposal by the additional 5th respondent Chief Vigilance and Security Officer, in terms of the decision taken in the meeting convened on 04.05.2024, the Board shall take an appropriate decision on a pre-paid payment system for dolly charges, registration, providing QR code and RFID scanning for dolly service, which shall be communicated to the Special Commissioner, Sabarimala.

Sd/-
ANIL K. NARENDRAN, JUDGE

Sd/-
P.G. AJITHKUMAR, JUDGE