

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN
&
THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON
Friday, the 31st day of May 2024 / 10th Jyaishta, 1946

SSCR NO. 29 OF 2023

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER REPORT - SM NO.29/2023 - REPORT REGARDING THE PREPARATIONS AND ACTION PLANS TO BE MADE BY THE TRAVANCORE DEVASWOM BOARD, THE OTHER DEPARTMENTS OF THE STATE OF KERALA AND THE KERALA POLICE FOR PROVIDING AMENITIES AND FACILITIES TO THE SABARIMALA PILGRIMS AND FOR EFFECTIVE CROWD MANAGEMENT FOR THE ENSUING MANDALA MAKARAVILAKKU FESTIVAL 1199 M.E. COMMENCING ON 16/11/2023, AS DIRECTED BY THE HON'BLE HIGH COURT OF KERALA IN THE ORDER DATED 20/01/2023 IN SSCR 23/2022 - 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-695 001.
2. STATE POLICE CHIEF
POLICE HEAD QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM-695010
3. THE DISTRICT POLICE CHIEF, PATHANAMTHITTA-689645.
4. THE DISTRICT COLLECTOR,
COLLECTORATE, PATHANAMTHITTA, KERALA-689645
5. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (WILDLIFE) AND
CHIEF WILDLIFE WARDEN, FOREST HEADQUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM-695001

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6. DEPUTY DIRECTOR,
PERIYAR WEST DIVISION, PEERUMEDU, IDUKKI-685531.
7. THE FOREST RANGE OFFICER,
PAMBA RANGE, VALLAKKADAVU P.O., VANDIPERIYAR (VIA),
IDUKKI-685553
8. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN,
FORT P.O., THIRUVANANTHAPURAM-695035
9. THE SECRETARY TO GOVERNMENT,
TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001
10. THE TRANSPORT COMMISSIONER KERALA
TRANSPORT COMMISSIONERATE, VAZHATHACAUD,
THIRUVANANTHAPURAM - 695 014
11. THE SECRETARY TO GOVERNMENT
HEALTH DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001
12. THE DISTRICT MEDICAL OFFICER (HEALTH),
CIVIL STATION, PATHANAMTHITTA, PIN-689645
13. THE TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM-695 003
14. THE DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANTHANCODE,
THIRUVANANTHAPURAM, PIN-695 005.
15. THE EXECUTIVE OFFICER,
SABARIMALA, TRAVANCORE DEVASWOM BOARD, NANTHANCODE,
THIRUVANANTHAPURAM-695 003
16. KERALA WATER AUTHORITY,
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM-695 033

17. THE SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE, PATHANAMTHITTA,
THIRUVALLA-689 101
*ADDL.R18 IMPEADED
18. THE EXECUTIVE ENGINEER, (#CORRECTED)
TRANSMISSION DIVISION, AZHOOR ROAD, PATHANAMTHITTA-689 645
*IS SUO MOTU IMPEADED AS ADDITIONAL 18TH RESPONDENT VIDE ORDER
DATED 10/10/2023 IN SSCR.NO.29/2023
#CORRECTED AS
THE EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD, TRANSMISSION DIVISION,
AZHOOR ROAD, PATHANAMTHITTA-689 645.
**THE DESCRIPTION OF THE ADDITIONAL 18TH RESPONDENT IS SUO MOTU
CORRECTED AS PER ORDER DATED 13/10/2023 IN SSCR.NO.29/2023
*ADDL.R19 IMPEADED
19. THE DIRECTOR OF HEALTH SERVICES,
DIRECTORATE OF HEALTH SERVICES, GENERAL HOSPITAL JUNCTION,
THIRUVANANTHAPURAM- 695 035.
*IS SUO MOTU IMPEADED AS THE ADDITIONAL 19TH RESPONDENT AS PER
ORDER DATED 13/10/2023 IN SSCR.NO.29/2023
*ADDL.R20 IMPEADED
20. THE DEPUTY DIRECTOR,
LOCAL FUND AUDIT, TRAVANCORE DEVASWOM BOARD,
DEVASWOM HEAD QUARTERS, NATHANCODE, KOWDIAR P.O.,
THIRUVANANTHAPURAM, PIN-695 003
*IS SUO MOTU IMPEADED AS ADDL.R20 VIDE ORDER DATED 15/11/2023
IN SSCR.NO.29/2023
*ADDL.R21 & R22 IMPEADED
21. EXECUTIVE MAGISTRATE
SANNIDHANAM, SABARIMALA, PATHANAMTHITTA - 689 713

22. CHIEF VIGILANCE AND SECURITY OFFICER
(SUPERINTENDENT OF POLICE), TRAVANCORE DEVASWOM BOARD
NANTHANCODE, KAWDIAR POST, THIRUVANANTHAPURAM-695 003
*ARE SUO MOTU IMPEADED AS ADDITIONAL RESPONDENTS 21 AND 22 VIDE
ORDER DATED 22/11/2023 IN SSCR.NO.29/2023.
*ADDL.R23 IMPEADED
23. THE CHIEF POLICE COORDINATOR
(ADDITIONAL DIRECTOR GENERAL OF POLICE, LAW AND ORDER)
SANNIDHANAM, SABARIMALA, PATHANAMTHITTA, PIN-689713
*IS SUO MOTU IMPEADED AS ADDITIONAL RESPONDENT 23 VIDE ORDER
DATED 04/12/2023 IN SSCR.NO.29/2023
*ADDL.R24 IMPEADED
24. THE DIG OF POLICE,
GROUP CENTRE, CRPF, PALLIPPURAM, THIRUVANANTHAPURAM-695 316
*IS SUO MOTU IMPEADED AS ADDITIONAL 24TH RESPONDENT VIDE ORDER
DATED 09/12/2023 IN SSCR 29 OF 2023.
*ADDL.R25 IMPEADED
25. THE REGIONAL TRANSPORT OFFICER (ENFORCEMENT),
STADIUM JUNCTION, KAIPATTOOR ROAD, NH 183A,
PATHANAMTHITTA-689 645
*IS SUO MOTU IMPEADED AS ADDITIONAL 25TH RESPONDENT VIDE ORDER
DATED 11/12/2023 IN SSCR.NO.29/2023
*ADDL.R26 IMPEADED
26. RANNI PERUNAD GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, RANNY PERUNAD, PERUNAD,
PATHANAMTHITTA, PIN - 689711
*IS SUO MOTU IMPEADED AS ADDITIONAL 26TH RESPONDENT VIDE ORDER
DATED 18/12/2023 IN SSCR.NO.29/2023
*ADDL.27 TO 29 IMPEADED
27. THE CONTROLLER,
DEPARTMENT OF LEGAL METROLOGY, LEGAL METROLOGY BHAVAN,
VRINDAVAN GARDEN, PATTOM, THIRUVANANTHAPURAM-695 004

28. DEPUTY CONTROLLER (FLYING SQUAD),
LEGAL METROLOGY DEPARTMENT, MURINGAMANGALAM, KONNI,
PATHANAMTHITTA-689 692
29. DEPUTY CONTROLLER (FLYING SQUAD),
LEGAL METROLOGY DEPARTMENT, MINI CIVIL STATION,
KOTTAYAM-686 001
*ARE SUO MOTU IMPEADED AS ADDITIONAL RESPONDENTS 27 TO 29 VIDE
ORDER DATED 19/12/2023 IN SSCR.NO.29/2023
*ADDL.R30 & R31 IMPEADED
30. THE DISTRICT POLICE CHIEF,
DISTRICT POLICE OFFICE, COLLECTORATE P.O.,
KOTTAYAM-686 002
31. THE DISTRICT POLICE CHIEF,
DISTRICT POLICE OFFICE, CIVIL STATION, IDUKKI-685 603
*ARE SUO MOTU IMPEADED AS ADDITIONAL RESPONDENTS 30 AND 31 AS
PER ORDER DATED 03/01/2024 IN SSCR NO.29 OF 2023.
*ADDL.R32 IMPEADED
32. THE DISTRICT COLLECTOR,
KOTTAYAM-686 002
*IS SUO MOTU IMPEADED AS ADDITIONAL RESPONDENT 32 VIDE ORDER
DATED 03/01/2024 IN SSCR NO.29 OF 2023.
*ADDL.R33 IMPEADED
33. THE DISTRICT COLLECTOR,
COLLECTORATE, KUYILIMALA, PAINAV P.O.,
IDUKKI, PIN – 685 603
*IS SUO MOTU IMPEADED AS ADDITIONAL RESPONDENT NO.33 VIDE ORDER
DATED 09/01/2024 IN SSCR NO.29 OF 2023
*ADDL.34 IMPEADED
34. THE DISTRICT MEDICAL OFFICER (HEALTH),
KUYILIMALA, PAINAVU, IDUKKI-685603
*IS SUO MOTU IMPEADED AS ADDITIONAL RESPONDENT NO.34 AS PER
ORDER DATED 12/01/2024 IN SSCR NO.29 OF 2023.

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BY SRI.S.RAJMOHAN, SR.GOVERNMENT PLEADER FOR R1 TO R4, R11,
R12, R21, R25, R27 TO R29, R30, R31, R32, R33 & R34

BY SRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD FOR R13 TO R15 and
R22

BY SPECIAL GOVERNMENT PLEADER (FOREST)

BY SRI.P.SANTHOSH KUMAR, SPL.GOVERNMENT PLEADER (TRANSPORT)

BY M/S.DEEPULAKSHMI, UMMUL FIDA, LAKSHMI SREEDHAR,

LEKSHMI P.NAIR and NAMITHA K.M., Advocates for R8

BY SRI.P.M.JOHNY, SC, KERALA WATER AUTHORITY

BY SRI.JOSHY V.V., Advocate for R16 & R17

BY SRI.B.PREMOD, SC, KSEB

BY SMT. SAYUJYA RADHAKRISHNAN, AMICUS CURIAE FOR

SABARIMALA SPL.COMMISSIONER

BY DEPUTY SOLICITOR GENERAL OF INDIA FOR ADDL.R24

BY M/S. D.KISHORE, R.MURALEEKRISHNAN (MALAKKARA) and

MEERA GOPINATH, Advocates for Addl.R26

THIS SABARIMALA SPECIAL COMMISSIONER REPORT ALONG WITH CONNECTED
CASES HAVING COME UP FOR ORDERS AGAIN ON 31/05/2024, UPON PERUSING THE
REPORT AND THIS COURT'S COMMON ORDER DATED 28/05/2024, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING.

ANIL K. NARENDRAN & HARISANKAR V. MENON, JJ. "CR"

SSCR Nos.29, 30 and 36 of 2023

Dated this the 31st day of May, 2024

ORDER

Anil K. Narendran, J.

The Special Commissioner, Sabarimala has filed SSCR No.29 of 2023 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 at Sabarimala, in connection with the Mandala-Makaravilakku festival season of 1199 ME (2023-24).

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

3. The Special Commissioner, Sabarimala has filed SSCR No.30 of 2023 pursuant to the directions contained in the order of this Court dated 25.08.2023 in SSCR No.20 of 2021 regarding the functioning of the Safe Zone Project, Sabarimala during Mandala-Makaravilakku festival season of 1199 ME (2023-24), which will commence on 16.11.2023.

4. Sabarimala Sree Dharma Sastha Temple and Malikappuram

Temples come under the Travancore Devaswom Board. Sabarimala is a prominent pilgrim centre in Kerala, where lakhs of pilgrims trek the rugged terrains of the Western Ghats to have darshan of Lord Ayyappa. Pamba Ganapathy Temple also comes under the Travancore Devaswom Board, which is a holy spot on the way from Pamba to Sannidanam, dedicated to Lord Ganesha, where the pilgrims offer prayer for safe trekking to Sannidanam. Sabarimala Sree Dharma Sastha Temple is situated inside Periyar Tiger Reserve. Sabarimala is declared a Special Security Zone. The management of the Virtual-Q system for Sabarimala darshan is governed by the directions contained in the order of this Court in **Suo Motu v. Travancore Devaswom Board and others [2022 (7) KHC SN 5]**. Sabarimala is situated in a difficult forest terrain prone to natural disasters. Unlike other temples in Kerala, Kerala Police is responsible for crowd management and maintenance of law and order in Sabarimala during festival seasons and monthly poojas. When specific threat inputs have been received in respect of Sabarimala Temple, the Kerala Police will have to take preventive action after screening and verifying the database in the Virtual-Q system.

5. In the order of this Court dated 15.11.2022 in SSCR No.23 of 2022 and DBP No.70 of 2022, it was made clear that, in case any vehicle is seen parked on the roadside, from Nilakkal to Pamba, Police and the Enforcement Wing of the Motor Vehicles Department shall take appropriate action against the owner and driver of that vehicle and take

back that vehicle from there to Nilakkal. If vehicular traffic in Pamba exceeds the available capacity then the Police shall manage the traffic by 'hold and release' mechanism, with prior intimation to the District Collector, Pathanamthitta and the Special Commissioner, Sabarimala. In the said order it was made clear that the prohibition regarding parking of vehicles on the roadside from Nilakkal to Pamba is absolute, which cannot be permitted to be flouted by any motor vehicle exhibiting 'authorised' or 'unauthorised' name boards and emblems.

6. In the order dated 15.11.2022 in SSCR No.23 of 2022 and DBP No.70 of 2022, this Court noticed that under clause (c) of subsection (2) of Section 6 of the State Emblem of India (Prohibition of Improper Use) Act, 2005, the Central Government shall have the power to restrict the display of emblem on vehicles of constitutional authorities, foreign dignitaries, Ministers of the Central Government and the State Governments. As per sub-rule (1) of Rule 4 of the State Emblem of India (Regulation of Use) Rules, 2007, a State Government may adopt the emblem as the official Emblem of the State or the union territory, as the case may be, without obtaining the approval of the Central Government. As per sub-rule (2) of Rule 4, where a State Government proposes to incorporate the emblem or any part thereof in the Emblem of that State or Union Territory, as the case may be, it shall do so after obtaining the prior approval of the Central Government and shall get the design and layout approved by the Central Government.

As per the proviso to sub-rule (2) of Rule 4, where a State Government has already incorporated the emblem or part thereof in the Emblem of that State or Union Territory, as the case may be, prior to the coming into force of these rules, it may, subject to the other provisions of these rules, continue to use the emblem. As per Rule 7, the use of the emblem on vehicles shall be restricted to the authorities specified in Schedule II. As per sub-rule (1) of Rule 10, no person (including former functionaries of the Government, like, former Ministers, former Members of Parliament, former Members of Legislative Assemblies, former Judges and retired Government officials), other than those authorised under these rules, shall use the emblem in any manner. As per sub-rule (2) of Rule 10, no Commission or Committee, Public Sector Undertaking, Bank, Municipal Council, Panchayat Raj Institution, Parishad, non-government organisation, University, other than those authorised under these rules, shall use the emblem in any manner. Similarly, as per Paragraph 3.44 of the Flag Code of India, the privilege of flying the National Flag on motor cars is limited to the dignitaries specified in clauses (1) to (7). As per Rule 92A of the Kerala Motor Vehicles Rules, 1989, no motor vehicle other than those specified in clauses (i) to (xi), in the manner described against each such vehicle, shall exhibit any boards showing the name of the Government or the Government Department or the designation of the officer using it without permission of the Government.

7. In the order dated 15.11.2022 in SSCR No.23 of 2022 and DBP No.70 of 2022, this Court noticed that openly flouting prohibitions contained in the statutory provisions referred to hereinbefore, the 'Official Emblem of the State Government', after incorporating the 'State Emblem of India', is displayed on motor vehicles carrying District Collectors, Law Secretary, etc.; and the State Emblem of India is displayed on motor vehicles carrying officers of the Income Tax Department, Customs, Central Excise, etc. Openly flouting Rule 92A of the Kerala Motor Vehicles Rules unauthorised name boards are exhibited on motor vehicles owned by Co-operative Societies registered under the Kerala Co-operative Societies Act, 1969; Societies registered under the Societies Registration Act, 1860, the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955, etc.; and even on vehicles owned by Non-Governmental Organisations (NGO's), Public-Private Partnerships, etc. Many vehicles are seen plying in the State, carrying the name board 'Government of India', 'Government of Kerala', 'Kerala State', 'Government Vehicle', etc. to mislead the Police, the Enforcement Officers of the Motor Vehicles Department, by giving an impression that the said vehicles are owned by a Government Department. Persons in such vehicles are pretending as if they are Government servants and they are misusing such name boards to escape from the checking of vehicles by Police and Enforcement Officers of the Motor Vehicles Department and to avoid

payment of tolls at the toll booths and also the restrictions regarding parking or entry of vehicles. Therefore, this Court ordered that the Police and the Enforcement Wing of the Motor Vehicles Department shall take stringent action against those who openly flout the prohibitions contained in the statutory provisions referred to hereinbefore and that, the prohibition regarding parking of vehicles on the roadside from Nilakkal to Pamba is absolute, which cannot be permitted to be flouted by any motor vehicle exhibiting 'authorised' or 'unauthorised' name boards and emblems.'

8. In the order dated 02.12.2022 in SSCR No.23 of 2022 and DBP No.70 of 2022, this Court ordered that the Police and the Enforcement Officers in the Motor Vehicles Department shall take stringent action against vehicles exhibiting 'unauthorised' name boards, beacon lights and flashlights, by initiating prosecution under Section 171 of the Indian Penal Code, 1860 and other penal provisions under the Motor Vehicles Act, 1988.

9. In SSCR No.36 of 2023 filed by the Special Commissioner, Sabarimala, pursuant to the directions contained in the order of this Court dated 10.01.2023 in SSCR No.20 of 2022, regarding the steps to be taken to provide adequate facilities to pilgrims at Sabarimala Edathavalams, during Mandala-Makaravilakku Festival Season of 1199 ME (2023-24), this Court has issued various directions.

10. In the order dated 14.11.2023 in SSCR No.36 of 2023, this

Court held that in view of the provisions contained in Section 15A and Section 73A of the Travancore-Cochin Hindu Religious Institutions Act, the Travancore Devaswom Board and the Cochin Devaswom Board have a statutory duty to ensure that proper facilities are provided to Sabarimala pilgrims in Sabarimala Edathavalams/temples under its management. In view of the provisions under Section 31A and 76A of the Act, the Temple Advisory Committees of the temples, which are identified by the Travancore Devaswom Board/Cochin Devaswom Board, to provide facilities to Sabarimala Pilgrims, during Mandala-Makaravilakku festival season, have a statutory duty to render necessary assistance to the concerned Sub Group Officer/Devaswom Officer in providing such facilities to Sabarimala pilgrims. Similarly, in view of the provisions contained in Section 10 of the Guruvayur Devaswom Act, 1978, the Guruvayur Devaswom Managing Committee has a statutory duty to ensure that proper facilities are provided to Sabarimala pilgrims in Guruvayur Sree Krishna Temple. By the order dated 14.11.2023, this Court directed the concerned Assistant Devaswom Commissioner in the temples under the management of Travancore Devaswom Board/Cochin Devaswom Board and the Deputy Administrator of Guruvayur Sree Krishna Temple to conduct periodical inspections in those temples, in order to ensure that proper facilities are provided to Sabarimala pilgrims, during Mandala-Makaravilakku festival season of 1199 ME (2023-24).

11. In **Suo Motu v. Guruvayur Devaswom Managing Committee and others [2022 (6) KLT 849]** this Court held that Nadapanthal of a temple is not intended for the movement of worshippers in vehicles. Entry of vehicles through Nadapanthal will certainly cause inconvenience to the worshippers, especially children of tender age, senior citizens, persons with disabilities and also mentally challenged persons.

12. In the order dated 09.01.2024 in SSCR Nos.29, 30 and 36 of 2023, this Court noticed the parking of vehicles, including vehicles exhibiting name boards 'Kerala State', 'Government of India', etc. in the Nadapanthal of Chottanikkara Devi Temple, under the Management of the Cochin Devaswom Board, causing inconvenience to the devotees and Sabarimala pilgrims. The said temple is identified as 'Sabarimala Edathavalam' in which a large number of Sabarimala pilgrims avail annadhanam, viri and toilet facilities. Paragraph 12 of that order reads thus;

"12. A devotee of Chottanikkara Devi Temple has filed W.P.(C)No.41148 of 2023, in which it is pointed out that the Nadapanthal in front of the temple is being used for parking vehicles, thereby causing serious inconvenience to the devotees. Chottanikkara Devi Temple, which is a temple under the Management of the Cochin Devaswom Board, is identified as 'Sabarimala Edathavalam' in which a large number of Sabarimala pilgrims avail annadhanam, viri and toilet facilities. The photographs produced as Ext.P10 in that writ petition, to show the parking of vehicles, including

vehicles exhibiting name boards 'Kerala State', 'Government of India', etc. in the Nadapanthal of Chottanikkara Devi Temple, causing inconvenience to the devotees and Sabarimala pilgrims, are reproduced hereunder;



13. In paragraph 6 of the order dated 09.01.2024 in SSCR Nos.29, 30 and 36 of 2023, this Court reproduced a screenshot taken from the news item that appeared in Asianet news regarding the use of vehicles exhibiting unauthorised name boards and emblems by Sabarimala pilgrims, in order to park such vehicles at Pamba. Paragraph 6 of the order dated 09.01.2024 reads thus;

“6. On 02.12.2022, when SSCR No.23 of 2022 and DBP No.70 of 2022 came up for consideration, this Court noticed a news item that appeared in a visual media regarding the use of vehicles exhibiting unauthorised name boards and emblems by Sabarimala pilgrims, in order to park such vehicles at Pamba. A screenshot taken from the news item that appeared in Asianet news, which was re-produced in paragraph 5 of that order, is re-produced hereunder;



14. In paragraph 20 of the order dated 09.01.2024 in SSCR Nos.29, 30 and 36 of 2023, this Court noticed despite the specific directions contained in the orders referred to above, a large number of vehicles are seen in public places exhibiting unauthorised name boards, even in violation of the prohibitions contained in the State Emblem of India (Prohibition of Improper Use) Act, 2005 and the State Emblem of India (Regulation of Use) Rules, 2007 and even in violation of Rule 92A of the Kerala Motor Vehicles Rules, 1989. The photographs of such vehicles were reproduced in paragraph 20 of the order dated 09.01.2024, and the learned Senior Government Pleader and the learned Special Government Pleader were directed to address arguments on the above aspects. The photographs reproduced in

SSCR Nos.29, 30 & 36 of 2023

paragraph 20 of the order dated 09.01.2024 are reproduced hereunder;



15. Today, when this matter was taken up for consideration, along with the memo dated 29.05.2024 filed by the learned Senior Government Pleader, an Action Taken Report dated 19.04.2024 by the Transport Commissioner-in-Charge is placed on record in SSCR No.29 of 2023. The details of the actions taken in terms of the order dated 09.01.2024 in SSCR Nos.29, 30 and 36 of 2023, furnished in the said report dated 19.04.2024, read thus;

“The Regional Transport Officer (Enforcement), Pathanamthitta has taken stringent action against obstructive parking during the Mandala-Makaravilakku festival season 2023-24. Here are the details of the actions taken.

Obstructive Parking-Sabarimala Festival Season					
Description	November 2023	December 2023	January 2023	February 2023	Total
Total Challan Count	144	154	96	312	706
Total Challan amount	78500	81250	32500	133000	325250
Total Pending Challan Count	111	115	78	279	583
Total Pending Revenue Amount	68250	69250	28000	119000	284500
Total Disposed Challan Count	33	39	18	33	123
Total Revenue Collected	10250	12000	4500	14000	40750

The Regional Transport Officer (Enforcement) Pathanamthitta has also reported that action has been taken against two vehicles that were displaying unauthorized name boards and emblems at Pamba.

The Regional Transport Officer (Enforcement) Ernakulam has reported that the actions taken against vehicles displaying boards showing the name of the Government, a Government Department, or the designation of an officer without permission from the government, as follows:

Month	No.of Challan Prepared
January 2024	7
February2024	6
March 2024	4

According to the order in paragraph 20, directions have been given to Regional Transport Officers to take action against those vehicles, the photographs of which were included in the order.”

16. In SSCR No.20 of 2023 filed by the Special Commissioner, Sabarimala pursuant to the directions contained in the order of this Court dated 25.08.2023 in SSCR No.20 of 2021 regarding the functioning of Safe Zone Project, Sabarimala during Mandala-Makaravilakku festival season of 1199 ME (2023-24), this Court has issued various directions.

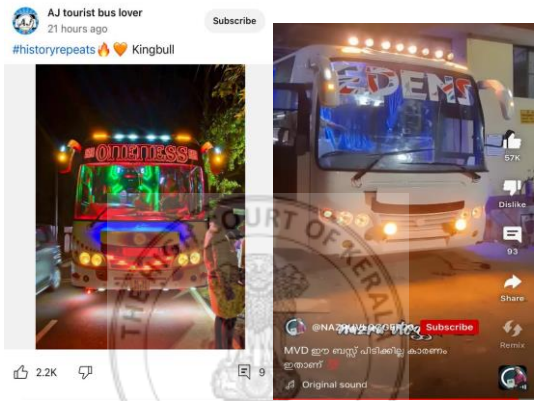
17. In the order dated 25.08.2023 in SSCR No.20 of 2021, this Court reiterated that the use of a motor vehicle in a public place without complying with the installation requirements of lighting and light-signalling devices and also retro-reflectors in AIS-008 [Motor Vehicle having more than Three Wheels including Quadricycles, Trailer and Semi-Trailer excluding Agricultural Tractor] is likely to endanger the safety of other road users. In the said order, it was ordered that motor vehicles which are fitted with after-market multi-coloured LED/laser/neon lights, flashlights, etc., as seen in the screenshots reproduced in paragraph 27 of that order, which are being used in public places, openly flouting the safety standards prescribed in AIS-008, which are capable of dazzling the drivers of the oncoming vehicles,

pedestrians and other road users, thereby posing a potential threat to the safety of other road users, have to be dealt with in an appropriate manner, strictly in accordance with the law. In addition to the penal consequences provided in the statutory provisions, the owner of the vehicle has to be imposed with a fine of **Rs.5,000/- per such alteration**; i.e, Rs.5,000/- for each after-market multi-coloured LED/laser/neon lights, flashlights, as per the provisions under sub-section (4) of Section 182A of the Motor Vehicles Act, read with S.R.O.No.788/2019 published in the Kerala Gazette Extraordinary No.2577 dated 26.10.2019. Such vehicles cannot be treated as vehicles which comply with the provisions of Chapter V of the Motor Vehicles Act, which deals with construction, equipment and maintenance of motor vehicles. In view of the prohibition contained in sub-rule (1) of Rule 92 of the Central Motor Vehicle Rules, no person shall use or cause or allow to be used in any public place any such motor vehicle. Paragraphs 27 and 28 of the order dated 25.08.2023 in SSCR No.20 of 2021, which were extracted in the order of this Court dated 19.10.2023 in SSCR No.30 of 2023 read thus;

“27. On 21.08.2023, when this SSCR came up for consideration, this Court heard the arguments of the learned Special Government Pleader, the learned Senior Government Pleader and also the learned Deputy Solicitor General of India. We have also viewed in open Court the videos posted on YouTube of vehicles with extensive modifications, posing threat to the safety of public, which

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includes contract carriages, goods carriages and also vehicles brought to India through Carnet. A few screenshots of such altered vehicles are reproduced hereunder;



Independence Day പെരിപാടികൾ GTR Flag അടിച്ചു 🇮🇳
Moto Vlogger · 8.6K views · 2 hours ago



28. The screenshots of motor vehicles taken from the videos posted by vloggers by name 'AJ Tourist Bus Lover', 'Nazru Vlogger' and 'Najeeb Zainuls' would make it explicitly clear that even after the order of this Court dated 13.04.2023 in this SSCR, contract carriages are being used in public place without complying with the safety standards in AIS-008 and that prescribed in AIS-052 (Rev.1) 2008, posing potential threat to the safety of the passengers and also other road users. Goods vehicles are being used in public place which are fitted with unauthorised after-market multi-coloured LED/laser/neon lights/ flashlights, etc., which are capable of dazzling the drivers of oncoming vehicles, pedestrians and other road users. In addition to this, as evident from the screenshots from the video posted by the vlogger by name 'Motor Vlogger', vehicles which had undergone extensive modifications and alterations, which are fitted with LED/laser/neon lights, flashlights, etc. capable of dazzling the drivers of oncoming vehicles, pedestrians and other road users, are being used in public place, posing potential threat to the safety of other road users. The motor car seen in the screenshots reproduced hereinbefore, which is brought to India through Carnet which bears the registration mark 'DUBAI R 3557' is fitted with an exhaust system emitting fumes and loud sound."

18. On 19.10.2023, Registry was directed to list SSCR No.30 of

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2023 on account of a motor accident which occurred yesterday (18.10.2023) at Attivalavu near Erumeli, involving a contract carriage from Karnataka carrying pilgrims to Sabarimala. In that accident, the pilgrims travelling in that vehicle sustained injuries. A screenshot of the news items that appeared in online media regarding the said motor accident, which was reproduced in paragraph 14 of the order dated 19.10.2023, is reproduced hereunder;

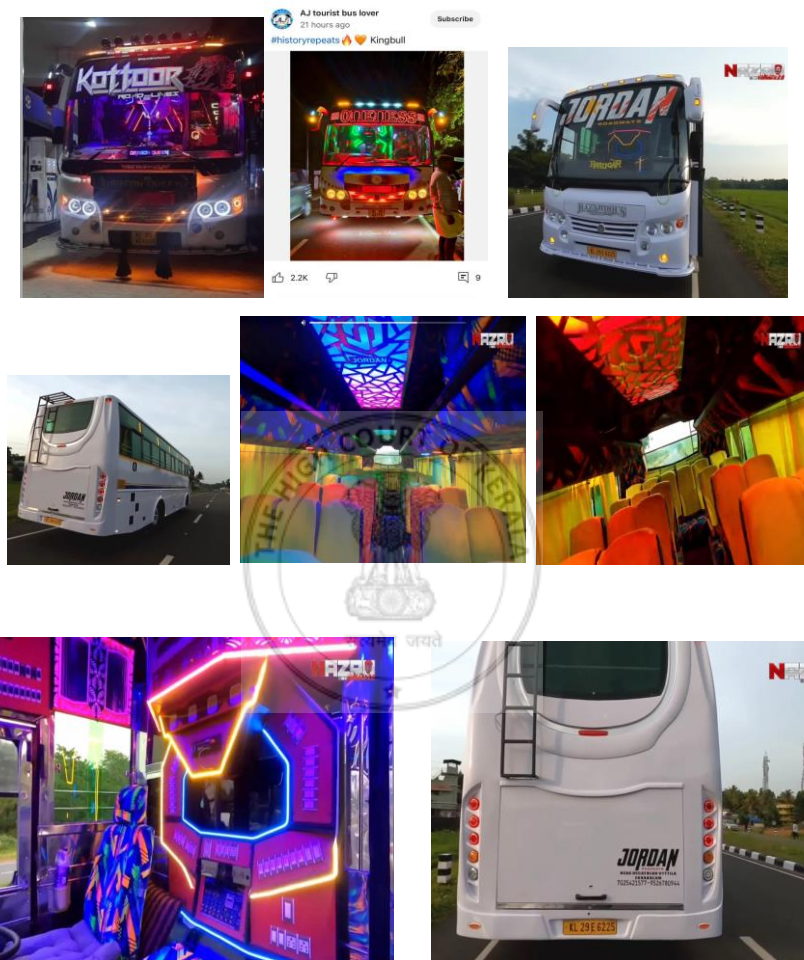


19. By the order dated 19.10.2023 in SSCR No.30 of 2023, this Court directed the 4th respondent Transport Commissioner, through the Enforcement Officers in the Motor Vehicles Department, and the 5th respondent State Police Chief, through the District Police Chief of the concerned Districts, to ensure strict compliance of the directions issued by this Court in the orders dated 10.01.2022, 26.05.2022, 06.10.2022, 13.04.2023 and 25.08.2023 in SSCR No.20 of 2021. It was ordered that stringent action shall be taken against the owner/driver of the motor

vehicles, including contract carriages and stage carriages used in public places flouting the safety standards, by invoking the provisions under sub-section (4) of Section 182A and sub-section (2) of Section 190 of the Motor Vehicles Act. In addition to the penal consequences, the owner of the vehicle has to be imposed with a fine of Rs.5,000/- per such alteration; i.e, Rs.5,000/- for each after-market multi-coloured LED/laser/neon lights, flashlights, as provided under sub-section (4) of Section 182A of the Motor Vehicles Act, read with S.R.O.No.788/2019 published in the Kerala Gazette Extraordinary No.2577 dated 26.10.2019. It was also ordered that stringent action shall be taken against those driving motor vehicles at excessive speed; in a manner which is dangerous to public; by a drunken person or by a person under the influence of drugs; and for using the motor vehicle in unsafe condition. It was also ordered that in appropriate cases, the Licensing Authority shall suspend/revoke the driving licence of the driver of the offending vehicle or disqualify him from holding a driving licence, in accordance with the procedure contemplated in the Motor Vehicles Act and the Rules made thereunder. Paragraphs 16 to 18 of the order dated 19.10.2023 in SSCR No.30 of 2023 read thus;

“16. On 21.08.2023, when this SSCR No.20 of 2021 came up for consideration, this Court viewed in open Court the videos posted on YouTube of vehicles with extensive modifications, posing threat to the safety of public, which includes contract carriages, goods carriages and also vehicles brought to India through Carnet. A few screenshots

of such altered vehicles which were reproduced in paragraph 27 of that order are available at paragraph 4 of this order at page Nos.5 and 6. A few screenshots taken from the videos posted in YouTube of vehicles with extensive modifications, posing threat to the safety of the public, are reproduced hereunder;



The contract carriages by name 'Kottoor' with registration No.KL-03/AE-6605, 'Oneness' with registration No.KL-32/B-2774 and 'Jordan' with registration No.KL-29/E-6225 seen in the screenshots reproduced hereinbefore are fitted with unauthorised after-market multi-coloured LED/laser/neon lights/flashlights, etc., which are cable of dazzling the drivers of the oncoming vehicles, pedestrians and other road users. The promotion video of the contract carriage

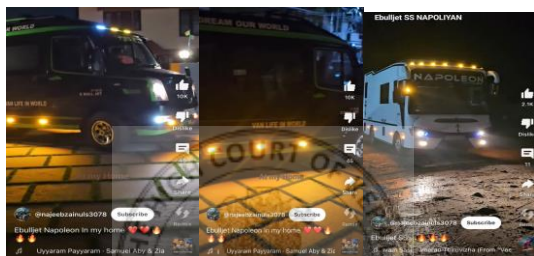
'Oneness' is posted by the vlogger by name, 'AJ tourist bus lover' and the promotion video of the contract carriage 'Jordan' is posted by the vlogger by name, 'Nazru Vlogger'. The driver cabin of the contract carriages is fitted with multi-coloured LED lights, laser/neon lights causing distraction to the driver of that vehicle and also to other road users. Various objects are pasted/hanged in the windscreen causing obstruction to the clear vision of the driver. The passenger compartment of the contract carriages is also fitted with unauthorised LED/laser/neon lights. The 4th respondent Transport Commissioner, through the concerned Enforcement Officer of the Motor Vehicles Department shall conduct inspection of the above vehicles and initiate appropriate proceedings against the owner and driver of those vehicles, in accordance with law, taking note of the specific directions contained in the orders of this Court in SSCR No.20 of 2021. A vehicle covered by AIS-052 – Code of Practice for Bus Body Design and Approval – if fitted with unauthorised after-market multi-coloured LED/laser/neon lights/flashlights, etc., in violation of the safety standards prescribed in AIS-008 (Rev.2):2019 - Installation Requirements of Lightings and Light-Signalling Devices for Motor Vehicle having more than three wheels, including Quadricycles, Trailer and Semi-Trailer excluding Agricultural Tractor – it cannot be treated as a vehicle which comply with the provisions of Chapter V of the Motor Vehicles Act. In view of the prohibition contained in sub-rule (1) of Rule 92 of the Central Motor Vehicles Rules, no person shall use or cause or allow to be used in any public place any such motor vehicle which do not comply with the provisions of Chapter V of the said Act.

17. In addition to the contract carriages with seating capacity of 13 passengers or above excluding driver, contract carriages with seating capacity less than 13 are being used extensively for the transportation of pilgrims during Sabarimala season. Such vehicles are also being used in public place, openly flouting the safety standards prescribed in AIS-008 (Rev.2):2019, with unauthorised after-market multi-coloured LED/laser/neon lights/flashlights, etc., in violation of the safety standards. The passenger compartment of such vehicles are fitted with multi-coloured LED/laser/neon lights/flashlights, etc. A few screenshots of a contract carriage bearing registration No.KL-39/K-0185 taken from the promotion video posted by a Vlogger by name, 'Najeeb Zainuls' in YouTube are reproduced hereunder;

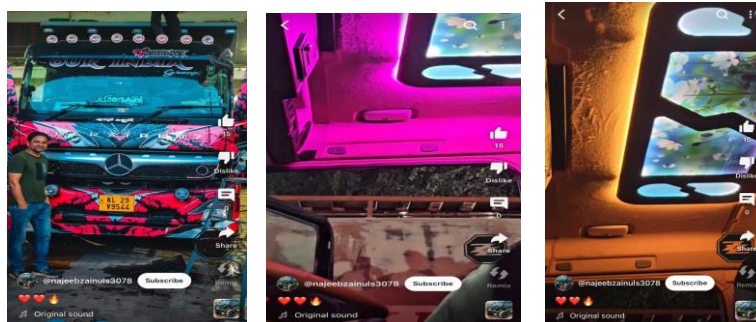


In paragraph 27 of the order dated 25.08.2023 in SSCR No.20 of 2021 this Court reproduced a few screenshots of goods vehicles from the promotion video posted by the vlogger 'Najeeb Zainuls', which are available at paragraph 4 of this order at page Nos.5 and 6. The said vlogger has posted large number of videos in YouTube in order to

promote unauthorised alteration of motor vehicles, including the fitment of after-market multi-coloured LED/laser/neon lights/flashlights, etc., openly flouting the safety standards prescribed in AIS-008. The said vlogger has also posted the promotion video of two vehicles owned by another vlogger by name 'Ebulljet', which are fitted with unauthorised lights, including flashlights, flouting the safety standards in AIS-008. A few screenshots of the said vehicles bearing registration Nos.KL-73/B-777 and KL-39/K-9100 taken from the promotion video posted by 'Najeeb Zainuls' in the YouTube are reproduced hereunder;



A few screenshots taken from the promotion video posted by the vlogger 'Najeeb Zainuls' of a goods carriage bearing registration No.KL-29/V-9544, which is fitted with unauthorised LED/Neon lights, top lights, etc., are reproduced hereunder;



The learned Special Government Pleader to place on record the reports of the concerned Enforcement Officers in the Motor Vehicles Department in respect of the vehicles in the above screenshots.

18. Such alterations are also being made in stage carriages.

In addition to fitment of unauthorised after-market multi-coloured LED/ laser/neon lights/flashlights, etc., openly flouting the safety standards prescribed in AIS-008, various objects are pasted/hanged in front of the windscreen and the name of the stage carriage is written in the middle of the windscreen, above the level of the dashboard, causing obstruction to the clear vision of the driver to the front, in violation of the provisions under Rule 278 of the Kerala Motor Vehicles Rules. Rule 315 of the Tamil Nadu Motor Vehicles Rules, 1989, Rule 154(6) of the Karnataka Motor Vehicles Rules, 1989 contains provisions similar to that contained in Rule 278 of the Kerala Motor Vehicles Rules. Two screenshots taken from the news item that appeared in visual media regarding a motor accident which occurred in Kozhikode resulting in the death of two persons are reproduced hereunder;

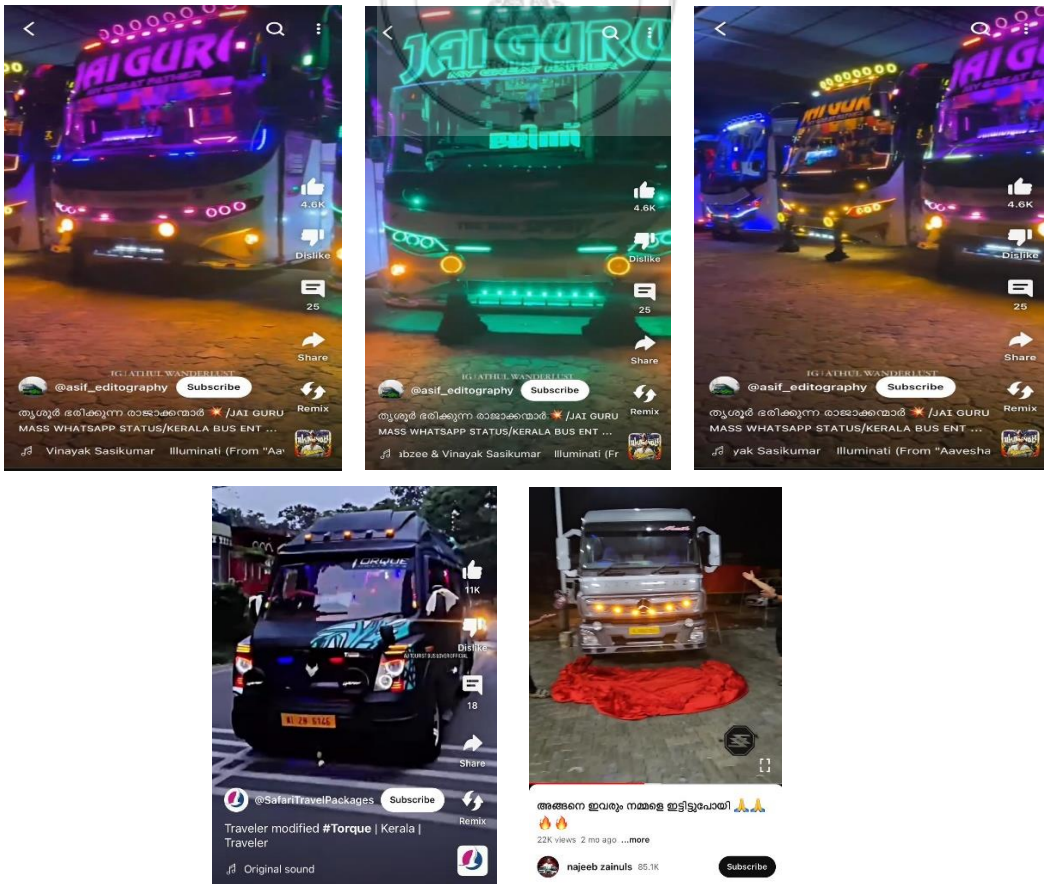


As evident from the above screenshots, various objects were placed/hanged in front of the windscreen of the stage carriage, causing obstruction to the clear vision of the driver to the front. The said stage carriage hit the rear side of the motorcycle and another stage carriage, which were proceeding in the very same direction. The learned Special Government Pleader seeks time to place on record a report of the concerned Enforcement Officer in the Motor Vehicles Department, on the above motor accident. The said report

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shall contain colour photographs of the exterior body, driver cabin and passenger compartment of both stage carriages.”

20. Despite the directions issued by this Court in the order dated 10.10.2022 in SSCR No.20 of 2021 – **Suo Motu v. State of Kerala and others [2022 (6) KHC 435]**, the order dated 20.01.2023 in SSCR No.23 of 2022 and DBP No.70 of 2022 – **Suo Motu v. State of Kerala and others [2023 (4) KHC SN 11]**, and the orders in SSCR No.30 of 2023, motor vehicles including contract carriages and stage carriages are being used in public places openly flouting the safety standards, which is posing a potential threat to the safety of the passengers and other road users. A few screenshots from the videos uploaded on online video platforms like ‘YouTube’ by vloggers are reproduced hereunder;



21. The driver cabin of contract carriages, stage carriages and even goods carriages is fitted with multi-coloured LED lights, laser/neon lights causing distraction to the driver of that vehicle and also to other road users. In addition to fitment of unauthorised after-market multi-coloured LED/ laser/neon lights/flashlights, etc., openly flouting the safety standards prescribed in AIS-008, various objects are pasted/hanged in front of the windscreen and the name of the stage carriage is written in the middle of the windscreen, above the level of the dashboard, causing obstruction to the clear vision of the driver to the front, in violation of the provisions under Rule 278 of the Kerala Motor Vehicles Rules. Even the rearview mirrors fitted on either side of the cabin of heavy goods vehicles are being altered and the parabolic windscreen mirror fitted on the top of the cabin is being removed for fitting sun shade on the top of the windscreen, posing a potential threat to the safety of other road users, especially pedestrians, cyclists, etc. Video contents of such unauthorised alterations and even the use of such vehicles in public places are being uploaded on online video platforms like 'YouTube', by the registered owners of such vehicles or vloggers. Such videos are being recorded even inside the driver cabin of contract carriages, heavy goods vehicles and other motor vehicles, while the vehicle is moving, disturbing the concentration of the driver while driving, thereby posing a potential threat to the safety of other road users.

22. In the order dated 14.10.2022 in SSCR No.20 of 2021, this Court noticed that vehicles which are not roadworthy and even altered vehicles without registration are being brought to the college campus, in connection with auto shows, exhibitions, etc., for drifting and other performances, posing threat to the safety of students. On 14.10.2022 this Court viewed in open court a video uploaded on 'YouTube' by a vlogger by the name 'Moto Vlogger' of cars brought to India through 'Carnet' for drifting and similar performances. The said vehicles have undergone extensive modifications, posing a threat to the safety of other road users, which is evident from the video content, emitting fumes, thick smoke and loud sound from the exhaust. A few screenshots of such vehicles were reproduced in paragraphs 34 and 36 of the order dated 14.10.2022 in SSCR No.20 of 2021.

23. In the order dated 28.10.2022 in SSCR No.20 of 2021, this Court found that in view of the provisions under sub-section (2) of Section 190 of the Motor Vehicles Act, any person who drives or causes or allows to be driven, in any public place a motor vehicle, which violates the standards prescribed in relation to road safety, control of noise and air pollution, shall be punishable for the first offence with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees or with both and he shall be disqualified for holding the licence for a period of three months and for any second or subsequent offence with imprisonment for a term which may extend

to six months, or with fine which may extend to ten thousand rupees or with both. The certificate of registration of a vehicle which had undergone extensive modifications and alterations and fitted with unauthorised lights and light-signalling devices flouting the safety standards in AIS-008, unauthorised exhaust system emitting fumes, thick smoke and loud sound violating the standards prescribed in relation to road safety, control of noise and air pollution, after-market suspension/air suspension, wide tyres protruding out of wheel arches/mudguards, etc. posing potential threat to the safety of its passengers and other road users is liable to be cancelled. The driving licence of the driver who had driven such a vehicle in public places has to be suspended for a period of three months, as per the statutory mandate of sub-section (2) of Section 190, which shall be forwarded to the licensing authority for disqualification or revocation proceedings, under Section 19 of the Act. Use of such vehicles in public places shall be dealt with appropriately by initiating prosecution. Such vehicles shall be produced before the jurisdictional Magistrate Court along with colour photographs and video showing the statutory violations and further proceedings regarding custody of those vehicles shall be taken based on the orders of that court.

24. In the order dated 28.10.2022 in SSCR No.20 of 2021, this Court found that the aforesaid provisions will certainly attract when a motor vehicle brought to India through Carnet, which is fitted with

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exhaust system emitting fumes, thick smoke and loud sound violating the standards prescribed in relation to road safety, control of noise and air pollution, after-market suspension/air suspension, wide tyres protruding out of wheel arches/mudguards, etc. is used in public place, posing potential threat to the safety of other road users. The driving licence of the driver of such a vehicle has to be suspended for a period of three months, as per the statutory mandate of sub-section (2) of Section 190, which shall be forwarded to the licensing authority for disqualification or revocation proceedings, under Section 19 of the Act. As in the case of a motor vehicle which is registered under the provisions of the Motor Vehicles Act and the Rules made thereunder, the use of such a vehicle brought to India through Carnet in public place, posing potential threat to the safety of other road users, shall be dealt with appropriately by initiating prosecution. Such a vehicle shall also be produced before the jurisdictional Magistrate Court along with colour photographs and video showing the statutory violations and further proceedings regarding custody of those vehicles shall be taken based on the orders of that court. The officers in the Enforcement Wing of the Motor Vehicles Department and also the Police shall take strict action against the use of such vehicles in public places, by proceeding against its owner and driver and also the vloggers who promote the use of such vehicles by posting vlogs on 'YouTube' and other online media.

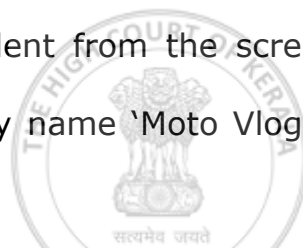
25. By the order dated 28.10.2022 in SSCR No.20 of 2021, this

Court directed the Officers in the Enforcement Wing of the Motor Vehicles Department and also the Police to take action against the vehicles involved in the auto show/exhibition at the Government Engineering College, Wayanad, which was held on 15.10.2022 and 16.10.2022 and at the National Institute of Technology, Kozhikode, which was held on 21.10.2022 and also against the owner and driver of such vehicles, as directed in paragraph 14 of that order, after identifying such vehicles from the video contents (two videos relating to the National Institute of Technology, Kozhikode and one video relating to the Government Engineering College, Wayanad) in the compact disc.

26. In the order dated 25.08.2023 in SSCR No.20 of 2021, this Court noticed the specific stand taken by the Deputy Solicitor General of India, on instructions, that vehicles fitted with exhaust system emitting fumes and loud sound, wide tyres protruding out of wheel arches/mudguards, etc. cannot be permitted to be used in public place, posing a potential threat to the safety of its passengers and other road users. In case any such violations are noticed, the Enforcement Wing of the Motor Vehicles Department and the Police can proceed against the owner/driver of the said vehicle. Based on the aforesaid stand taken by the Deputy Solicitor General of India, on behalf of the Ministry of Road Transport and Highways, this Court by the order dated 25.08.2023 in SSCR No.20 of 2021 ordered that it is for the police and the Enforcement Wing of the Motor Vehicles Department to proceed against the vehicles

brought through Carnet, in case such vehicles are fitted with exhaust system emitting fumes and loud sound, wide tyres protruding out of wheel arches, mudguards, etc. It was ordered that, the owner/driver of the vehicles brought through Carnet shall also be proceeded against for the use of such vehicles in public places in violation of the restrictions regarding its use in India.

27. Despite the specific directions contained in the orders of this Court in SSCR No.20 of 2021, such vehicles brought through to India through Carnet are being used in public places, including college campus in connection with 'auto shows', posing threat to the safety of other road users is evident from the screenshots of videos recently posted by the vlogger by name 'Moto Vlogger', which are reproduced hereunder;



Dubai ൽ നിന്നും ഹാക്കെത്തിയ Fully Modified Mustang 🤩
Moto Vlogger · 111K views · 8 days ago



Manjeri Medical College Auto Show 🤩
Moto Vlogger · 91K views · 12 days ago



Manjeri Medical College Auto Show 🤩
Moto Vlogger · 91K views · 12 days ago

28. Today, during the course of arguments, on a query made by this Court, the learned Special Government Pleader would submit that a 'YouTuber' by name 'Sanju Techy', who set up a makeshift swimming pool inside his car, which was driven through public road, and shared the video in 'YouTube', was booked by the Enforcement Wing of the Motor Vehicles Department. The water stored in the makeshift swimming pool inside the car was released from the vehicle onto the public road in a dangerous manner, posing threat to the safety of other road users. The submission made by the learned Special Government Pleader is that the Enforcement Officers in the Regional Transport Office, Alappuzha had already initiated proceedings against the owner and driver of that vehicle. The learned Special Government Pleader would submit that a detailed report regarding that incident shall be made available for the perusal of this Court on the next posting date.

29. From the facts and circumstances stated hereinbefore, we notice that despite the directions issued by this Court in the order dated 10.10.2022 in SSCR No.20 of 2021 – **Suo Motu v. State of Kerala and others [2022 (6) KHC 435]**, the order dated 20.01.2023 in SSCR No.23 of 2022 and DBP No.70 of 2022 – **Suo Motu v. State of Kerala and others [2023 (4) KHC SN 11]** and also the orders issued in SSCR No.30 of 2023, motor vehicles including contract carriages and stage carriages are being used in public places openly flouting the safety standards, which is posing a potential threat to the safety of the

passengers and other road users. The driver cabin of contract carriages, stage carriages and even goods carriages is fitted with multi-coloured LED lights, laser/neon lights causing distraction to the driver of that vehicle and also to other road users. In addition to fitment of unauthorised after-market multi-coloured LED/laser/neon lights/flashlights, etc., openly flouting the safety standards prescribed in AIS-008, various objects are pasted/hanged in front of the windscreen and the name of the stage carriage is written in the middle of the windscreen, above the level of the dashboard, causing obstruction to the clear vision of the driver to the front, in violation of the provisions under Rule 278 of the Kerala Motor Vehicles Rules.

30. A motor vehicle fitted with unauthorised after-market multi-coloured LED/laser/neon lights/flashlights, etc., in violation of the safety standards prescribed in AIS-008 (Rev.2):2019 - Installation Requirements of Lightings and Light-Signalling Devices for Motor Vehicle having more than three wheels, including Quadricycles, Trailer and Semi-Trailer excluding Agricultural Tractor – cannot be treated as a vehicle which comply with the provisions of Chapter V of the Motor Vehicles Act. In view of the prohibition contained in sub-rule (1) of Rule 92 of the Central Motor Vehicles Rules, no person shall use or cause or allow to be used in any public place any such motor vehicle which do not comply with the provisions of Chapter V of the said Act. In case a contract carriage or stage carriage covered by AIS-052 – Code of

Practice for Bus Body Design and Approval - are fitted with such unauthorised after-market multi-coloured LED/laser/neon lights/flashlights, etc., in violation of the safety standards prescribed in AIS-008 (Rev.2):2019, it cannot be treated as a vehicle which comply with the provisions of Chapter V of the Motor Vehicles Act. In view of the prohibition contained in sub-rule (1) of Rule 92 of the Central Motor Vehicles Rules, no person shall use or cause or allow to be used in any public place any such motor vehicle. Despite the specific directions contained in the orders of this Court, such vehicles including contract carriages, goods vehicles, etc. are being used in public places openly flouting the safety standards, posing a potential threat to the safety of the passengers and other road users, is evident from the screenshots from the videos uploaded in online platforms like 'YouTube' by the vloggers, reproduced hereinbefore at paragraph No.20. The contract carriages in those screenshots are fitted with multi-coloured LED lights, laser/neon lights and even neon name boards on the top of the windscreen and in the middle of the windscreen, just above the level of the dashboard. The lights fitted on those contract carriages are capable of dazzling the drivers of the oncoming vehicle, pedestrians and other road users. Openly flouting the requirements of Rule 278 of the Kerala Motor Vehicle Rules various objects are pasted/hanged in front of the windscreen, even in the middle of the windscreen, above the level of the dashboard, causing obstruction to the clear vision of the driver to

the front.

31. In such circumstances, we deem it appropriate to issue the following directions;

i) The Transport Commissioner, Kerala, through the Enforcement Officers in the Motor Vehicles Department and the State Police Chief, through the District Police Chief of the concerned Districts, shall take necessary steps to prevent the use of any contract carriage or any other motor vehicle in any public place, which violates the standards prescribed in relation to road safety, control of noise and air pollution,.

ii) Any person, who drives or causes or allows to be driven in any public place a motor vehicle which violates such standards shall be proceeded against for an offence punishable under sub-section (2) of Section 190 of the Motor Vehicles Act and the driver of such a vehicle shall be disqualified for holding the licence for the period prescribed thereunder.

iii) In addition to the penal consequences provided as above, the owner of the vehicle has to be imposed with a fine of **Rs.5,000/- per such alteration**; i.e, Rs.5,000/- for each after-market multi-coloured LED/laser/neon lights, flashlights, as per the provisions under sub-section (4) of Section 182A of the Motor Vehicles Act, read with S.R.O.No.788/2019 published in the Kerala Gazette Extraordinary No.2577 dated 26.10.2019.

iv) The certificate of registration of a motor vehicle, which had undergone extensive modifications and alterations and fitted with unauthorised lights and light-signalling devices

flouting the safety standards in AIS-008, unauthorised exhaust system emitting fumes, thick smoke and loud sound, violating the standards prescribed in relation to road safety, control of noise and air pollution, after-market suspension/air suspension, wide tyres protruding out of wheel arches/mudguards, etc. posing potential threat to the safety of its passengers and other road users are liable to be suspended/cancelled.

v) The driving licence of the driver who had driven such a vehicle in any public place is liable to be suspended for a period of three months, as per the statutory mandate of sub-section (2) of Section 190 of the Motor Vehicles Act, which shall be forwarded to the licensing authority for disqualification or revocation proceedings, under Section 19 of the Act.

vi) Such vehicles shall be produced before the jurisdictional Magistrate Court along with colour photographs and video showing the statutory violations and further proceedings regarding custody of those vehicles shall be taken based on the orders of that court.

vii) The Transport Commissioner, Kerala, through the Enforcement Officers in the Motor Vehicles Department and the State Police Chief, through the District Police Chief of the concerned Districts, shall proceed against vehicles brought through Carnet, in case such vehicles are fitted with exhaust system emitting fumes and loud sound, wide tyres protruding out of wheel arches, mudguards, etc.

viii) The owner/driver of such vehicles brought through Carnet shall also be proceeded against, for the use of such vehicles in public places, posing threat to the safety of other

road users. The use of such vehicles for drifting and other purposes, in connection with events like 'Auto Show' in Engineering Colleges, shall be dealt with appropriately by the police and the Enforcement Wing of the Motor Vehicles Department.

ix) The Enforcement Officers in the Motor Vehicles Department shall collect video contents of unauthorised alterations in contract carriages and other motor vehicles, and also use of such vehicles in public places, which are being uploaded on online video platforms like 'YouTube', by the registered owners of such vehicles or vloggers. After identifying such vehicles and its owner and driver, any person, who drives or causes or allows to be driven, in any public place a motor vehicle, which had undergone extensive modifications/alterations and fitted with unauthorised lights and light-signalling devices, flouting the safety standards in AIS-008, unauthorised exhaust system emitting fumes, thick smoke and loud sound, etc., violating the standards prescribed in relation to road safety, control of noise and air pollution shall be proceeded against, for an offence punishable under sub-section (2) of Section 190 of the Motor Vehicles Act and the driver of such a vehicle shall be disqualified for holding licence for the period specified thereunder.

x) In case such videos are recorded inside the driver cabin of contract carriages, stage carriages, heavy goods vehicles or other motor vehicles, while the vehicle is moving, disturbing the concentration of the driver while driving, thereby posing a potential threat to the safety of other road users, the driver/owner of that vehicle shall be proceeded against as per the relevant provisions in the Motor Vehicles

Act. The vlogger who recorded that video while the vehicle was moving shall also be proceeded against, in accordance with law, for disturbing the concentration of the driver while driving a motor vehicle. The concerned officer in the Enforcement Wing of the Motor Vehicles Department shall report the same to the authorised officer of the online platform for taking necessary action.

32. The learned Special Government Pleader shall obtain a detailed report from the concerned officer in the Regional Transport Office, Alappuzha regarding the incident referred to hereinbefore at paragraph 28 and the posting of video by the vlogger. The same shall be placed on record along with a preliminary report of the Transport Commissioner, wherein he shall state the facts and circumstances in which the contract carriages and other motor vehicles like those seen in the screenshots reproduced hereinbefore at paragraph 20 are being permitted to be used in public place, openly flouting the safety standards, posing a potential threat to the safety of the passengers and other road users.

33. Regarding the use of motor vehicles in public places exhibiting 'unauthorised' name boards, beacon lights and flash lights, it is reported in the Action Taken Report dated 19.04.2024 filed by the Transport Commissioner-in-charge, which is placed on record in SSCR No.29 of 2023, that the Regional Transport Officer (Enforcement), Pathanamthitta has taken action against two vehicles displaying 'unauthorised' name boards and emblems at Pamba. The Regional

Transport Officer (Enforcement), Ernakulam has taken action against a total number of 17 vehicles during January, February and March, 2024 for displaying 'unauthorised' name boards showing the name of the Government, Government Department, etc.

34. From the submissions made by the learned Special Government Pleader, based on the written instructions received from the Regional Transport Officer, Thiruvananthapuram, in respect of a motor car bearing registration No.KL-01/CZ-1337, we notice that the offence was compounded as one in violation of the provisions under Rule 92A of the Kerala Motor Vehicles Rules. The exhibition of 'unauthorised' name boards have to be dealt with, in appropriate cases, by initiating prosecution under Section 171, Section 419 and other penal provisions under the Indian Penal Code, 1860, in addition to the penal provisions under the Motor Vehicles Act. Despite the specific directions to that effect contained in the orders of this Court dated 02.12.2022 in SSCR No.23 of 2022, the Enforcement Officers in the Motor Vehicles Department have chosen to take a lenient view in such cases.

35. Large number of vehicles exhibiting 'unauthorised' name boards, emblems and flags are being used in public places, which are even fitted with 'strobe lights' inside the front grill. Such 'unauthorised' name boards, emblems, flags, etc., are exhibited to escape from the checking by the police and the Enforcement Officers in the Motor

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Vehicles Department and to avoid payment of tolls at the toll booths and also the restrictions regarding parking or entry of vehicles. The preliminary report directed to be filed by the Transport Commissioner shall also deal with the above aspects.

36. The Transport Commissioner and the State Police Chief shall ensure strict compliance of the directions contained hereinbefore at paragraph 31, by the Enforcement Officers in the Motor Vehicles Department and through the District Police Chief of the concerned Districts.

List on 07.06.2024.



Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

HARISANKAR V. MENON, JUDGE

anm