

VERDICTUM.IN

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 16th day of January 2023 / 26th Pousha, 1944

SSCR NO. 4 OF 2023

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SREE DHARMA SASTHA TEMPLE - SM REPORT NO.4/2023 - REPORT SUBMITTED BY THE SPECIAL COMMISSIONER, SABARIMALA REGARDING THE MISBEHAVIOUR OF A TRAVANCORE DEVASWOM BOARD GUARD TO DEVOTEES HAVING DARSHAN ALONG THE FIRST ROW OF SABARIMALA SREE DHARMA SHASTHA TEMPLE AFTER DEEPARADHANA, ON THE MAKARAVILAKKU DAY OF 14.01.2023 - SUO MOTU PROCEEDINGS INITIATED - REG.

PETITIONER:

SUO MOTU

RESPONDENT:

1. THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, 695 001.
2. THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWADIAR POST,
THIRUVANANTHAPURAM - 695 003.
3. THE DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANTHANCODE,
THIRUVANANTHAPUARAM, PIN - 695 005.
4. THE EXECUTIVE OFFICER,
SABARIMALA, TRAVANCORE DEVASWOM BOARD, NANTHANCODE,
THIRUVANANTHAPURAM - 695 003.

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5. CHIEF VIGILANCE SECURITY OFFICER

(SUPERINTENDENT OF POLICE-VIGILANCE),

TRAVANCORE DEVASWOM HEAD QUARTERS, NANTHANCOD, KAWDIAR POST,

THIRUVANANTHAPURAM - 695 003.

*ADDL.R6 & R7 IMPLEADED

6. THE ASSISTANT DEVASWOM COMMISSIONER,

TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM GROUP, FORT P.O.,

THIRUVANANTHAPURAM - 695 023.

7. ARUNKUMAR S.,

DEVASWOM WATCHER, MANACAUD DEVASWOM, MANACAUD,

THIRUVANANTHAPURAM GROUP, THIRUVANANTHAPURAM - 695 009.

*ADDL.R6 & R7 ARE SUO MOTU IMPLEADED AS PER ORDER

DATED 16.01.2023 IN SSCR 4/2023

BY SRI.S.RAJMOHAN, SENIOR GOVERNMENT PLEADER

BY STANDING COUNSEL FOR TRAVANCORE DEVASWOM BOARD

BY N RAGHURAJ, AMICUS CURIAE FOR SABARIMALA SPECIAL COMMISSIONER

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING COME UP FOR
ADMISSION ON 16.01.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANIL K. NARENDRAN & P.G. AJITHKUMAR, JJ.

SSCR Nos.4 of 2023

Dated this the 16th day of January, 2023

ORDER

Anil K. Narendran, J.

The Special Commissioner, Sabarimala has filed this report regarding the misbehavior of a guard deployed by the Travancore Devaswom Board, on the Makaravilakku day, i.e., 14.01.2023, after 'Deeparadhana', towards the devotees having darshan along the first row in front of Sreekovil of Sabarimala Sannidhanam.

2. As per the visuals appeared in visual media, the guard standing at Sopanam, in front of Sreekovil, violently pushed the devotees having darshan along the first row in front of Sreekovil. The Special Commissioner, Sabarimala called for a report from the 5th respondent Chief Vigilance and Security Officer, Travancore Devaswom Board regarding the identity of the Devaswom guard, who is identified as one Arunkumar S., Devaswom Watcher, Manacaud Devaswom, Thiruvananthapuram Group, who was posted on special duty at Sopanam. According to the report of the Chief Vigilance and Security Officer, due to the pressure of the

crowd from the flyover to the temple after 'Deeparadhana', there arose congestion and a direction was given to speed up the crowd flow and in that process the Devaswom guard pushed forward the devotees coming along the first row. The Devaswom guard, who has misbehaved with devotees has been relieved from duty at Sabarimala and send back to his home station on the next day itself, i.e., on 15.01.2023.

3. In **Sajeev Sastharam v. State of Kerala [2022 (7) KHC 295]**, this Court directed the Guards engaged by the Travancore Devaswom Board and also the Police Officers on duty at Sopanam to regulate the movement of pilgrims through the barricades, in an appropriate manner, causing least inconvenience to the pilgrims. To facilitate better crowd management, the third row was ordered to be maintained as 'buffer zone' and the Police Officers were directed to stand on either side of the third row for crowd management. The Police Special Officer at Sannidhanam, who is in the rank of Deputy Superintendent of Police, was directed to keep a constant vigil over crowd management at Pathinettampadi and Sopanam, in order to ensure a smooth flow of pilgrims.

4. We have also viewed the visuals that appeared in visual media. As stated in the report of the Special Commissioner, the body language and the facial expression of the Devaswom guard, while shoving the pilgrims in front of Sreekovil of Sabarimala Sannidhanam has to be deprecated in the strongest words. For such misbehavior towards pilgrims, the Devaswom guard has to be proceeded against, in accordance with law.

5. In SSCR No.23 of 2022 and connected matters, we have issued various orders regarding crowd management at Sabarimala, in order to ensure that maximum number of devotees have a comfortable darshan at Sabarimala Sannidhanam. By those orders, the police personnel and Devaswom staff involved in crowd management are directed to give special care to senior citizens, persons with disability, children below the age of 10 years and also those having health issues. In terms of the direction contained in the order of this Court in **Sajeev Sastharam [2022 (7) KHC 295]**, the Police Special Officer at Sannidhanam and also the Sopanam Special Officer of Travancore Devaswom Board ought to have prevented such misbehavior by the Devaswom guard towards

pilgrims, in front of Sreekovil of Sabarimala Sannidhanam.

6. Having considered the materials on record and also the submissions made at the Bar, we deem it appropriate to suo motu implead the Assistant Devaswom Commissioner, Travancore Devaswom Board, Thiruvananthapuram Group, Fort P.O., Thiruvananthapuram – 695 023 and Arunkumar S., Devaswom Watcher, Manacaud Devaswom, Manacaud, Thiruvananthapuram Group, Thiruvananthapuram – 695 009 as additional respondents 6 and 7 in this SSCR.

7. Registry to carry out necessary corrections in the cause title.

8. The learned Standing Counsel for Travancore Devaswom Board to furnish the e-mail ID of the additional 6th respondent Assistant Devaswom Commissioner to Registry, today itself.

9. The Senior Government Pleader enters appearance for the 1st respondent. The learned Standing Counsel for Travancore Devaswom Board enters appearance for respondents 2 to 5 and also for the additional 6th respondent.

10. Registry to issue notice to the additional 7th respondent, through the additional 6th respondent Assistant Devaswom

Commissioner, in the e-mail ID furnished by the learned Standing Counsel for Travancore Devaswom Board, returnable by 24.01.2023.

11. The affidavit on behalf of the 2nd respondent, explaining the facts and circumstances and also the action, if any, taken against the additional 7th respondent for his misbehavior towards pilgrims shall be placed on record by 23.01.2023. The additional 7th respondent shall also file his affidavit by 23.01.2023.

List on 24.01.2023.

Sd/-



ANIL K. NARENDRAN, JUDGE

Sd/-

P.G. AJITHKUMAR, JUDGE

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