

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN
&
THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

Wednesday, the 4th day of December 2024 / 13th Agrahayana, 1946
SSCR NO. 87 OF 2024

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER
REPORT - SM.NO.87/2024 - REPORT SUBMITTED BY THE SPECIAL COMMISSIONER,
SABARIMALA ABOUT THE STRIKE OF DOLLY WORKERS AT SABARIMALA-SUO MOTU PROCEEDINGS
INITIATED-REG:

PETITIONER:

SUO MOTU

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001
2. THE CHIEF POLICE CO-ORDINATOR
(ADDITIONAL DIRECTOR GENERAL OF POLICE (POLICE HEADQUARTERS)
SANNIDHANAM, SABARIMALA-689713.
3. THE DEPUTY DIRECTOR
KERALA STATE AUDIT DEPARTMENT, TRAVANCORE DEVASWOM BOARD AUDIT,
NANTHANCODE, THIRUVANANTHAPURAM-695003.
4. THE DISTRICT MEDICAL OFFICER(HEALTH), PATHANAMTHITTA - 689645.
5. THE DISTRICT POLICE CHIEF, PATHANAMTHITTA – 689 662
6. THE STATION HOUSE OFFICER
PAMBA POLICE STATION, PATHANAMTHITTA-689662.
7. THE STATION HOUSE OFFICER,
SANNIDHANAM POLICE STATION, PATHANMTHITTA-689662.

8. THE TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, MNANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM-695003.
9. THE DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANTHANCODE,
THIRUVANANTHAPURAM, PIN-695005.
10. THE EXECUTIVE OFFICER
SABARIMALA, SABARIMALA P.O., PATHANAMTHITTA - 689 662
11. THE CHIEF VIGILANCE AND SECURITY OFFICER
(SUPERINTENDENT OF POLICE), TRAVANCORE DEVASWOM BOARD,
NANTHANCODE, THIRUVANANTHAPURAM-695003.
12. THE EXECUTIVE ENGINEER
SABARIMALA DEVELOPMENT PROJECT, PAMBA,
PATHANAMTHITTA - 689 662
13. THE ASSISTANT ENGINEER
SABARIMALA DEVELOPMENT PROJECT, PAMBA,
PATHANAMTHITTA - 689 662
*ADDL.R14 IMPLEADED
14. THE DISTRICT COLLECTOR,
COLLECTORATE, PATHANAMTHITTA, KERALA-689 645
*IS SUO MOTU IMPLEADED AS ADDITIONAL 14TH RESPONDENT VIDE
ORDER DATED 04/12/2024 IN SSCR.NO.87/2024

BY SRI.S.RAJMOHAN, SR.GOVERNMENT PLEADER
BY STANDING COUNSEL FOR TRAVANCORE DEVASWOM BOARD
BY SMT.SAYUJYA RADHAKRISHNAN, AMICUS CURIAE FOR SABARIMALA
SPECIAL COMMISSIONER

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING COME UP FOR
ORDERS AGAIN ON 04/12/2024, UPON PERUSING THE REPORT AND THIS COURT'S
ORDERS DATED 03/12/2024, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ANIL K. NARENDRAN & MURALEE KRISHNA S., JJ.

SSCR No.87 of 2024

Dated this the 4th day of December, 2024

ORDER

Anil K. Narendran, J.

The Special Commissioner, Sabarimala has filed this report regarding the strike proposed by the Dolly workers at Sabarimala.

2. On 03.12.2024, when this SSCR came up for consideration at 11.45 a.m., the learned Senior Government Pleader and the learned Standing Counsel for Travancore Devaswom Board sought time to get instructions. Accordingly, the SSCR was ordered to be listed at 12.00 p.m. for further consideration. When the matter was taken up again at 12.00 p.m., the learned Standing Counsel for Travancore Devaswom Board submitted that on the aforesaid issue, a meeting of the Additional District Magistrate, Sabarimala, Devaswom Officials and Police officials was held on 02.12.2024, at Sannidhanam, which was attended to by the representatives of Dolly workers. The report of the Executive Officer, Sabarimala, has already been forwarded to the Travancore Devaswom Board, for its consideration, and the Board will take an appropriate decision in the matter. The learned Senior Government Pleader, on instructions from the Chief Police Co-ordinator, Sabarimala, submitted that there are no issues in

respect of the Dolly service at Sabarimala.

3. Heard the learned Senior Government Pleader for respondents 1 to 7, the learned Standing Counsel for Travancore Devaswom Board for respondents 8 to 13 and the learned Amicus Curiae for the Special Commissioner, Sabarimala.

4. 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. Sabarimala Devaswom is an incorporated Devaswom mentioned in Schedule I of the Act, under Chengannur Group, Pathanamthitta Taluk. As per the provisions under Section 3 of the Act, the administration of incorporated and unincorporated Devaswoms shall vest in Travancore Devaswom Board.

5. Section 15A of the Act, inserted by Act 5 of 2007, with effect from 12.04.2007, deals with the duties of the Board. As per Section 15A of the Act, 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 upliftment of the Hindu religious institutions; (iv) to establish and maintain proper facilities in the temples for the devotees.

6. Section 31 of the Act deals with the management of Devaswoms. 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.

7. In view of the provisions of Section 15A and 31 of the Travancore-Cochin Hindu Religious Institutions Act, the Travancore Devaswom Board is duty-bound to see that the regular traditional rites and ceremonies according to the practice prevalent in Sabarimala are performed promptly; to monitor whether the administrative officials and the employees, and also the employees connected with religious rites are functioning properly; and to establish and maintain proper facilities in Sabarimala for the devotees. The Board shall, out of the Devaswom Fund, maintain and administer Sabarimala Devaswom in accordance with recognised usages and meet the expenditure for the customary religious ceremonies. Subject to the provisions of Part I of the Act

and the Rules made thereunder, the Board shall manage the properties and affairs of Sabarimala Devaswom and arrange for the conduct of the daily worship and ceremonies and of the festivals in Sabarimala according to the usage.

8. Sabarimala is situated in a difficult forest terrain prone to natural disasters. Sabarimala and its vicinity are a Special Security Zone under Section 83(1) of the Kerala Police Act, 2011, vide G.O.(Ms.)No.74/2024/Home dated 14.10.2024 issued by the State Government, in order to exercise the powers under Section 83(2) of the said Act, to ensure a safe secure and hassle-free pilgrimage. The management of 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 : 2022 SCC OnLine Ker 2185]**. As directed in that order, verification of Virtual-Q tickets and other related matters are the responsibilities of the Kerala Police, as part of crowd management.

9. During the course of arguments, the learned Standing Counsel for Travancore Devaswom Board would submit that after the meeting of the Additional District Magistrate, Sabarimala, Devaswom Officials and Police officials, which was held on 02.12.2024 at Sannidhanam and attended to by the

representatives of Dolly workers, the report of the Executive Officer, Sabarimala has already been forwarded to the Board for its consideration. The matter will be placed in the next meeting of the Board.

10. Mandala-Makaravilakku festival season for the year 1200ME (2024-25) commenced on 16.11.2024 and the pilgrims were permitted to move through the trekking path from Pamba to Sannidhanam on 15.11.2024 from 1.00 p.m. In connection with the Mandala-Makaravilakku festival season, a large number of persons are deployed at Sabarimala on special duty, which includes the employees of the Travancore Devaswom Board, Police personnel, Fire and Rescue teams, officials of the District Administration, Motor Vehicles Department, etc. in order to ensure that the pilgrims have a safe, secure and hassle-free pilgrimage. In addition to that, daily wage employees and volunteers are engaged at Nilakkal, Pamba, Sannidhanam and also on the trekking path from Pamba to Sannidhanam for cleaning, distribution of Chukkuvellam, etc. When such personnel/employees work as a team to ensure that the pilgrims have a safe, secure and hassle-free pilgrimage during Mandala-Makaravilakku festival season of 1200ME (2024-25), the Dolly workers at Sabarimala cannot be permitted to stage any protest at Sabarimala, which is a place of worship.

11. In case the Dolly workers have any grievance, they ought to have raised the same before the Travancore Devaswom Board well in advance, before the commencement of Mandala-Makaravilakku festival season of 1200ME (2024-25). No such protest or strike by the Dolly workers could be permitted at Pamba, Sannidhanam or in the trekking path from Pamba to Sannidhanam, during Mandala-Makaravilakku festival seasons or Maasapoojas. The Dolly workers could not be allowed to use such kinds of pressure tactics during Mandala-Makaravilakku festival seasons or Maasapoojas, since any protest or strike from their side will adversely affect crowd management at Sabarimala, which is a Special Security Zone, and also the safety of the pilgrims, which includes children of tender age, senior citizen, persons with disabilities, etc. Any such protest or strike from the side of Dolly workers will also adversely affect the right of the worshippers of Lord Ayyappa, who reach Sabarimala, to exercise their right to worship in an accustomed manner and subject to the practice and tradition in Sabarimala.

12. In such circumstances, we deem it appropriate to direct the 8th respondent Travancore Devaswom Board and its officials, respondents 9 and 10, the 2nd respondent Chief Police Co-ordinator, Sabarimala, the 5th respondent District Police Chief,

Pathanamthitta, the additional 14th respondent District Collector, Pathanamthitta, the 6th respondent Station House Officer, Pamba Police Station and the 7th respondent Station House Officer, Sannidhanam Police Station to take necessary steps to ensure that no protest or strike from the side of the Dolly workers or others, adversely affecting crowd management at Sabarimala, which is a Special Security Zone, takes place at Pamba, Sannidhanam or in the trekking path from Pamba to Sannidhanam, during Mandala-Makaravilakku festival season of 1200ME (2024-25), since any such protest or strike will also adversely affect the right of the worshippers of Lord Ayyappa, who reach Sabarimala, to exercise their right to worship in an accustomed manner and subject to the practice and tradition in Sabarimala.

13. The reports of the 2nd respondent Chief Police Co-ordinator and the 10th respondent Executive Officer, Sabarimala shall be placed on record by 09.12.2024.

List on 06.12.2024, for further consideration.

Sd/-
ANIL K. NARENDRAN, JUDGE

Sd/-
MURALEE KRISHNA S., JUDGE