

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 7th day of June 2024 / 17th Jyaishta, 1946

SSCR NO. 30 OF 2023

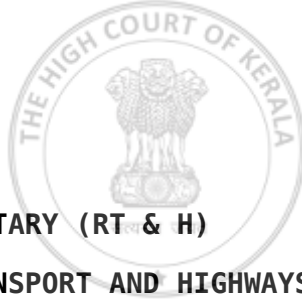
IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER
REPORT - SM NO.30/2023 - REPORT SUBMITTED BY THE SPECIAL COMMISSIONER,
SABARIMALA AS DIRECTED BY THE HON'BLE HIGH COURT OF KERALA AS PER ORDER DATED
25/08/2023 IN SSCR NO.20 OF 2021 REGARDING THE FUNCTIONING OF THE SAFE ZONE
PROJECT, SABARIMALA DURING THE MANDALAM - MAKARAVILAKKU FESTIVAL OF 2023-2024
(1199 M.E.) - SUO MOTU PROCEEDINGS INITIATED - REG:

PETITIONER:

SUO MOTU

RESPONDENTS:

1. THE UNION OF INDIA
REPRESENTED BY SECRETARY (RT & H)
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
PARIVARAN BHAVAN, PARLIAMENT STREET, NEW DELHI-110001.
2. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
3. THE SECRETARY TO GOVERNMENT,
TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.
4. TRANSPORT COMMISSIONER,
TRANSPORT COMMISSIONERATE, IIND FLOOR, TRANS TOWER,
THYCADU.P.O., VAZHUTHACADU, THIRUVANANTHAPURAM-695014.
5. THE STATE POLICE CHIEF
POLICE HEAD QUARTERS, VAZHUTHAKKAD, THIRUVANANTHPURAM-695010.
6. THE DISTRICT POLICE CHIEF, PATHANAMTHITTA-689645.



7. THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM-695003.
8. THE DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANTHANCODE,
THIRUVANANTHAPURAM, PIN-695005.
9. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN
FORT P.O., THIRUVANANTHAPURAM-695035.

*ADDL.RESPONDENTS 10 & 11 IMPLEADED

10. ROAD SAFETY COMMISSIONER,
KERALA (TRANSPORT COMMISSIONER), 4 TH FLOOR, TRANS TOWERS,
DPI, VAZHUTHACAUD, THIRUVANANTHAPURAM-695 014
11. REGIONAL TRANSPORT OFFICER (ENFORCEMENT),
STADIUM JUNCTION, KAIPATTOOR ROAD, NH 183A,
PATHANAMTHITTA-689 645

*ARE SUO MOTU IMPLEADED AS ADDITIONAL RESPONDENTS 10 AND 11 VIDE
ORDER DATED 27/10/2023 IN SSCR.NO.30/2023

BY DEPUTY SOLICITOR GENERAL OF INDIA FOR R1

BY SRI.S.RAJMOHAN, SR.GOV.T.PLEADER (R2, R5 & R6)

BY SRI.P.SANTHOSH KUMAR, SPL.GOV.T.PLEADER (TRANSPORT) FOR
R3, R4, Addl.R10 AND R11

BY STANDING COUNSEL FOR TRAVANCORE DEVASWOM BOARD FOR R7 & R8

BY M/S.DEEPU THANKAN, UMMUL FIDA, LAKSHMI SREEDHAR,
LEKSHMI P. NAIR and NAMITHA K.M., Advocates for R9

BY SMT.SAYUJYA RADHAKRISHNAN, AMICUS CURIAE FOR
SABARIMALA SPECIAL COMMISSIONER

THIS SABARIMALA SPECIAL COMMISSIONER REPORT ALONG WITH CONNECTED
CASES HAVING COME UP FOR ORDERS AGAIN ON 07/06/2024, UPON PERUSING THE
REPORT AND THIS COURT'S COMMON ORDER DATED 31/05/2024, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

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

SSCR Nos.29, 30 and 36 of 2023

Dated this the 7th day of June, 2024

ORDER

Anil K. Narendran, J.

SSCR No.29 of 2023 filed by the Special Commissioner, Sabarimala 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, is regarding crowd management and other matters at Sabarimala, in connection with the Mandala-Makaravilakku festival season of 1199 ME (2023-24).

2. 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, is 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. SSCR No.30 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 is regarding the functioning of the Safe Zone Project, Sabarimala during Mandala-Makaravilakku festival season of 1199 ME (2023-24).

4. On 31.05.2024, when these reports came up for consideration, this Court passed a detailed order. Paragraphs 29 and 30

of that order read thus;

"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."

5. Today, when these matters are taken up for consideration, the learned Special Government Pleader would submit that along with memos dated 03.06.2024 and 04.06.2024, six action taken reports by

the concerned Enforcement Officers in the Motor Vehicles Department/ concerned police officer, have already been placed on record. Since some of those memos are yet to be incorporated, the learned Special Government Pleader has handed over a copy of those reports, for the perusal of this Court.

6. Registry to incorporate the memos filed by the learned Special Government Pleader in SSCR No.30 of 2023.

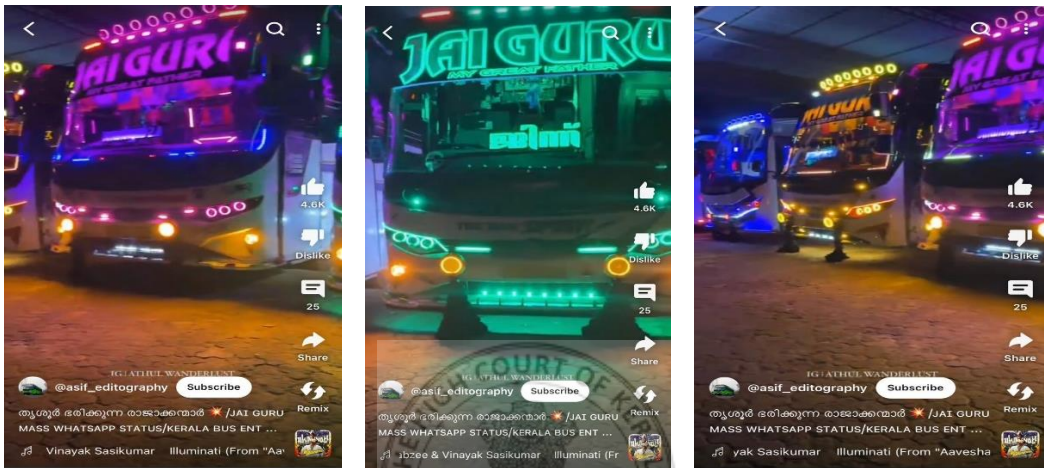
7. We have viewed in open Court a video clipping regarding a motor accident, which occurred on 24.12.2023, involving a contract carriage bearing Reg.No.TN-25/AD-2635, which was carrying Sabarimala pilgrims. That video was taken, while the officials in the Motor Vehicles Department, who are part of Safe Zone Project, Sabarimala, along with the police and the local residents were involved in the rescue operation immediately after the accident. Three screenshots taken from that video clipping are re-produced hereunder;



8. As evident from the aforesaid screenshots, the contract carriage, which met with an accident on 24.12.2023 carrying Sabarimala pilgrims from Tamil Nadu was fitted with after-market multi-coloured LED/laser/neon lights, openly flouting the safety standards prescribed in AIS-008 (Rev.2):2019 - Installation Requirements of Lightings and Light-Signalling Devices for Motor Vehicles having more than three wheels, including Quadricycles, Trailer and Semi-trailer, excluding Agricultural Tractor. Such lights fitted in that vehicle are capable of dazzling the drivers of the oncoming vehicles, pedestrians and other road users, posing threat to the safety of its passengers and other road users. Such lights fitted in the driver cabin of contract carriages, causing glare and reflection of light on the windscreen of the vehicle is likely to endanger the safety of the passengers and other road users.

9. In paragraph 20 of the order dated 31.05.2024 in these reports - **Suo Motu v. State of Kerala and others [2024 KHC OnLine 438]** - this Court noticed 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 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. Three screenshots taken from the videos uploaded on online video platforms like 'YouTube' by vloggers, which were reproduced in paragraph 20 of that order dated 31.05.2024 are extracted hereunder;



10. 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 contract carriage is written with neon lights on the middle of the windscreen, 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. In addition to this, the name of the

contract carriage is written with neon lights on the top of the wind-screen.

11. In the order dated 29.03.2023 in SSCR No.20 of 2021, after referring to the provisions under Rule 278 of the Kerala Motor Vehicles Rules and also the similar provisions contained in the State legislations in Tamil Nadu, Andhra Pradesh, Maharashtra, Karnataka, etc., this Court directed the officers in the Enforcement Wing of the Motor Vehicles Department and also the Police to take stringent action against all transport vehicles and other motor vehicles used in public place, which do not comply with the statutory provisions regarding construction, equipment and maintenance of motor vehicles, irrespective of the State of Registration, i.e., irrespective of whether such vehicles are registered with the Registering Authorities in the State of Kerala or with the Registering Authorities in another State or Union Territory, in view of the provisions contained in sub-rule (1) of Rule 92 of the Central Motor Vehicles Rules, sub-rule (1) of Rule 249 of the Kerala Motor Vehicles Rules and similar provisions contained in the rules framed by other States.

12. On 09.01.2024, when SSCR No.30 of 2023 came up for consideration, this Court recorded the submissions made by the learned Special Government Pleader that the directions contained in the orders of this Court in SSCR No.20 of 2021 and that contained in the orders in SSCR No.30 of 2023 have already been communicated by the Transport

Commissioner, Kerala, to the Transport Commissioners of the neighbouring States, in order to ensure that contract carriages flouting the safety standards are not used for transportation of pilgrims to Sabarimala. Despite such directions, such contract carriages are being used in public places, which are fitted with after-market multi-coloured LED/laser/neon lights/flashlights, etc., which are capable of dazzling the drivers of the oncoming vehicles, pedestrians and other road users, which is evident from the screenshots re-produced in the order of this Court dated 31.05.2024.

13. As noticed in the order of this Court dated 31.05.2024 in these reports, 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. Two screenshots of the videos uploaded in 'YouTube' by the vloggers promoting the use of such contract carriages, which are recorded in the driver cabin, with the passengers sitting in the driver cabin, while the vehicle is moving, are re-produced hereunder;



14. The video clippings viewed in open Court includes that of a 'Auto Show' in an Engineering College, in which large number of motor cars with unauthorised fittings, including exhaust system emitting fumes and loud sound, wide tyres protruding wheel arches/mud guards, etc., were used for drifting in college ground.

15. In the order dated 31.05.2024, this Court noticed that, despite the specific directions contained in the orders of this Court in SSCR No.20 of 2021, 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. The screenshots of videos recently posted by the vlogger by name 'Moto Vlogger', which are reproduced in paragraph 27 of that order are extracted hereunder;

SSCR Nos.29, 30 & 36 of 2023



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

16. 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.

17. Registry to incorporate the CD containing the copy of the videos viewed in open Court in the Judges' papers of SSCR No.30 of 2023, after serving a copy of the same to the learned Special Government Pleader and also the learned Deputy Solicitor General of India-in-Charge.

18. The submission made by the learned Special Government Pleader is that the Enforcement Officers in the Motor Vehicles Department are taking earnest efforts to ensure the safety of road users by preventing the use of contract carriages and other motor vehicles used in public places, flouting the safety standards. The learned Special Government Pleader would also submit that, if found necessary, the Transport Commissioner, Kerala, shall be personally present before this Court on the next posting date in order to explain the action already taken in terms of the directions contained in the orders of this Court. The Enforcement Officers of the Motor Vehicles Department will take necessary action against the owner and driver of such vehicles and also

against the vloggers who are uploading videos in 'YouTube' and other online platforms promoting the use of such vehicles in public places. The report filed by the concerned Enforcement Officer in respect of the incident referred to in paragraph 28 of the order dated 31.05.2024 in these reports is placed on record along with a memo.

19. Having considered the materials on record and also the submissions made at the Bar we notice that despite specific directions issued by this Court in the orders referred to hereinbefore, the Enforcement Officers in the Motor Vehicles Department and the Police is not in a position to prevent the use of contract carriages and other motor vehicles in public places flouting the safety standards regarding the lighting and light-signalling devices, retro-reflectors and also the standards prescribed in relation to noise control. Even retro-reflectors fitted on the rear bumper of motor cars are being replaced with after-market red lights, openly flouting the safety standards in AIS-008, posing threat to the safety of other road users. Vehicles exhibiting name boards 'Government of Kerala', 'Kerala State', 'Government of India' are being used in public place with unauthorised flashlights, strobe lights, etc. It appears that use of unauthorised lights in such vehicles is preventing the Enforcement Officers in the Motor Vehicles Department and the police from taking stern action against contract carriages and other motor vehicles, which are fitted with unauthorised lights capable of dazzling the drivers of the oncoming vehicles, pedestrians and other

road users. Large number of contract carriages fitted with such unauthorised lights are being used during Mandala-Makaravilakku festival seasons and even during Maasa Poojas, for carrying pilgrims to Sabarimala. The use of vehicles, which includes vehicles registered outside the State, with unauthorised lights capable of dazzling the drivers of other oncoming vehicles, is posing a serious threat to the safety of the pilgrims travelling in Sabarimala sector.

20. 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 ensure strict compliance of the directions contained in paragraph 31 of the order of this Court dated 31.05.2024 in SSCR Nos.29, 30 and 36 of 2023, in letter and spirit, by proceeding against the owner and driver of such vehicles used in public places, posing threat to the safety of other road users. The concerned officer in the Enforcement Wing of the Motor Vehicles Department shall report to the authorised officer of the online platform, for taking necessary action, about the videos uploaded by the vloggers promoting the violation of the standards prescribed in relation to road safety, control of noise and air pollution, which is an offence punishable under sub-section (2) of Section 190 of the Motor Vehicles Act.

21. The Deputy Solicitor General of India-in-Charge shall get necessary instructions from the Ministry of Road Transport and

SSCR Nos.29, 30 & 36 of 2023

Highways on the action, if any, taken by the Ministry to prevent vloggers uploading videos promoting use of motor vehicles in public places, violating the standards prescribed in relation to road safety, control of noise and air pollution and the recording of videos inside the driver cabin of contract carriages and other vehicles, while the vehicle is moving, thereby disturbing the concentration of the driver while driving.

List these matters for further consideration on 13.06.2024.

Sd/-

ANIL K. NARENDRAN, JUDGE



Sd/-

HARISANKAR V. MENON, JUDGE

bkn/-