

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN  
&  
THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON  
Tuesday, the 9<sup>th</sup> day of July 2024 / 18th Ashadha, 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
- \*ADDL.R12 IMPLEADED

12. THE ROAD SAFETY COMMISSIONER,  
4TH FLOOR, TRANS TOWERS, DPI, VAZHUTHACAUD, THIRUVANANTHAPURAM,  
PIN - 695014
- \*IS SUO MOTU IMPLEADED AS ADDITIONAL 12TH RESPONDENT VIDE ORDER  
DATED 13/06/2024 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,R11 AND R12

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 09/07/2024, UPON PERUSING THE  
REPORT AND THIS COURT'S ORDER DATED 26/06/2024, THE COURT ON THE SAME  
DAY PASSED THE FOLLOWING:

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

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**SSCR Nos.29, 30 and 36 of 2023**  
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**Dated this the 09<sup>th</sup> day of July, 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 Temple 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 sub-section (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

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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



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Government Pleader were directed to address arguments on the above aspects. The photographs reproduced in paragraph 20 of the order dated 09.01.2024 are reproduced hereunder;





15. 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.

<b>Obstructive Parking-Sabarimala Festival Season</b>					
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.”

(underline supplied)

16. In **Avishek Goenka v. Union of India [(2012) 5 SCC 321]**, after referring to the provisions under Rules 100, 104, 104A, 106, 119 and 120 of the Central Motor Vehicles Rules, 1989 the Apex Court held that the Central Motor Vehicles Rules deal with every minute detail of construction and maintenance of a vehicle. In other words, the standards, sizes and specifications which the manufacturer of a vehicle is required to adhere to while manufacturing the vehicle are exhaustively dealt with under the Rules. What is permitted has been specifically provided for and what has not been specifically stated would obviously be deemed to have been excluded from these Rules. It would neither be permissible nor possible for the court to read into these statutory



provisions, what is not specifically provided for. The provisions of the Central Motor Vehicles Rules demonstrate the extent of minuteness in the Rules and the efforts of the framers to ensure not only the appropriate manner of construction and maintenance of vehicle but also the safety of other users of the road. The Apex Court held further that, the legislative intent attaching due significance to 'public safety' is evident from the object and reasons of the Motor Vehicles Act, 1988, the provisions of the said Act and more particularly, the rules framed thereunder.

17. In view of the law laid down by the Apex Court in **Avishek Goenka [(2012) 5 SCC 321]** every motor vehicle, including Government vehicles, shall be fitted with the lights which are specifically provided for in the Central Motor Vehicles Rules and what has not been specifically stated in the said Rules would obviously be deemed to have been excluded from that Rules. Therefore, no motor vehicle, including a Government vehicle, shall be fitted with lights which are not specifically provided for in the Central Motor Vehicles Rules.

18. In **Principal, Sabari PTB Smaraka H.S.S. v. Additional Registering Authority and others [2020 (2) KHC SN 9 : 2020 (2) KLJ 662]** this Court noticed that, AIS-008 - Standards for installation of lighting and light-signaling devices for

motor vehicles having more than three wheels, trailer and semi-trailer - as a safety requirement deals with every minute detail of installation of lighting, light - signalling devices and retro-reflectors for a motor vehicle having more than three wheels, trailer and semi-trailer excluding agricultural tractor and special purpose vehicle. The lighting, light-signalling devices and retro-reflectors permitted to be installed on a motor vehicle having more than three wheels, trailer and semi-trailer, excluding agricultural tractors and special purpose vehicle motor vehicles, have been specifically provided for in AIS-008. Therefore, in view of the prohibition contained in Para.5.1. of AIS-008, no such motor vehicle shall be permitted to be installed with any lighting and light-signalling devices or retro-reflectors, other than those referred to in Para.6.0. of AIS-008. The combined reading of the definition clauses and the individual specifications, namely, number, position, width, height, length, geometric visibility, orientation, etc. of those lighting, light-signalling devices and also retro-reflectors specified in Paras.6.1. to 6.20. of AIS-008, leads to an irresistible conclusion that, in order to ensure the safety of road users, the standards prescribed in AIS-008 deal with every minute detail of the installation of lighting and light-signalling devices for motor vehicles having more than three wheels, trailers

and semi-trailers excluding agricultural tractors and special purpose vehicles.

19. As per sub-rule (1) of Rule 108 of the Central Motor Vehicles Rules, 1989, no motor vehicle shall show a red light to the front or light other than red to the rear. In one of the photographs reproduced hereinbefore at paragraph 14, the vehicle bearing registration No.KL-23/P-8383 is fitted with 'backlit name boards' showing a red light to the front and also the rear, in violation of the provisions under sub-rule (1) of Rule 108 of the Central Motor Vehicles Rules, openly flouting the safety standards in Para.6.0. of AIS-008. An emblem is exhibited on the name board in that vehicle, openly flouting 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 said photograph, which was originally reproduced in paragraph 20 of the order dated 09.01.2024, is extracted hereunder;



20. The aforesaid vehicle bearing Registration No.KL-23/P-8383 was seen plying on 07.07.2024 at 11.38 a.m., through the flyover at Aluva, exhibiting the very same name board with State Emblem. The said vehicle was also fitted with a flashlight on its top, which is permitted only on emergency vehicles, when such vehicles are on emergency duty. A flag was also seen displayed in front of that vehicle. The driver of that vehicle, in order to proceed at a higher speed, was flashing headlights frequently. A photograph of that vehicle, which we viewed today in open Court, is reproduced hereunder;



21. The learned Senior Government Pleader, on instructions from the concerned Enforcement Officer of the Motor Vehicles Department, would submit that vehicle bearing Reg.No.KL-23/P-8383 is owned by the Managing Director, Kerala Minerals and Metals Limited, Chavara, which is a public sector undertaking, fully owned by the State Government.

22. Having considered the materials on record and also the submissions made at the Bar, we deem it appropriate to direct the State Police Chief, through the District Police Chief, Kollam, to depute a Senior Police Officer to inspect the vehicle bearing Reg.No.KL-23/P-8383 owned by the Managing Director, Kerala Minerals and Metals Ltd., Chavara, in the presence of the Regional Transport Officer (Enforcement), Kollam and take that vehicle exhibiting State Emblem and flashlights into custody and submit a report before this Court, along with photographs, through the learned Special Government Pleader.

23. The exhibition of name boards in motor vehicles is governed by the provisions contained in Rule 92A of the Kerala Motor Vehicles Rules, 1989, as amended by the Kerala Motor Vehicles (4<sup>th</sup> Amendment) Rules, 2015.

24. Despite various directions being issued by this Court, the use of motor vehicles in public places with unauthorised name

boards, flashlights, etc. cannot be effectively prevented by the Enforcement Officers in the Motor Vehicles Department and also by the Police. Such vehicles are being parked even on the footpaths, causing obstruction to the free movement of pedestrians, including persons with disabilities, children, etc. The name boards 'Kerala State', 'Government of Kerala', 'Government of India', etc. are being exhibited in vehicles other than Government vehicles. Such boards are being exhibited even in vehicles owned by statutory bodies, societies registered under the Societies Registration Act, non-Governmental organisations, etc. Even the State Emblem of India or the Emblem of the State Government after incorporating the State Emblem of India or any part thereof are also being exhibited in vehicles other than those carrying the constitutional authorities specified in Part I and Part II of Schedule II of the State Emblem of India (Regulation of Use) Rules, 2007. The State Emblem of India which can be exhibited only on the vehicles carrying President of India and other dignitaries specified in Part I of Schedule II are being exhibited in motor vehicles carrying officers of the Income Tax Department, Customs and Central Excise. Asoka Chakara, which is part of the State Emblem of India, on a triangular metal plaques can be exhibited only on the vehicles carrying the authorities specified in

Part II of Schedule II.

25. In such circumstances, we deem it appropriate to direct Registry to initiate a suo motu proceedings on the above aspect, after obtaining orders from the Honourable the Acting Chief Justice, which shall be numbered as 'Writ Petition (Civil)', and listed before this Bench dealing with suo motu case under the Motor Vehicles Act including PILs, **on 11.07.2024**, in which the Union of India represented by the Secretary (Road, Transport and Highways), Ministry of Road Transport and Highways; the Secretary, Ministry of Finance, Department of Expenditure, Government of India, North Block, New Delhi-110 001; the State of Kerala, represented by the Chief Secretary to Government; the Secretary to Government, Transport Department; the Transport Commissioner, Kerala; and the State Police Chief, Kerala shall be arrayed as respondents.

26. A copy of the notification No.18992/B2/12/Tran. dated 05.07.2013 – Kerala Motor Vehicles (Sixth Amendment) Rules, 2013; the notification dated 19.11.2015 published vide G.O.(P)No.74/ 2015/Tran. dated 19.11.2015 – Kerala Motor Vehicles (Fourth Amendment) Rules, 2015 and the compendium of instructions for use of staff car in Central Government Offices issued vide office memorandum No.18(23)/E.Coord-2021 dated

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01.09.2022 of the Government of India, Ministry of Finance, Department of Expenditure shall form part of that writ petition as exhibits A1 to A3.

Registry to issue copy of the writ petition with colour screenshots/photographs to the learned Deputy Solicitor General of India in charge, the learned Special Government Pleader and also the learned Senior Government Pleader.

Sd/-



**ANIL K. NARENDRAN, JUDGE**

Sd/-

**HARISANKAR V. MENON, JUDGE**

bkn/-