

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
&
THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR
Friday, the 5th day of December 2025 / 14th Agrahayana, 1947

SSCR NO. 29 OF 2025

**IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER
REPORT - SM.NO. 29/2025 - REPORT REGARDING THE STEPS TO BE TAKEN TO PROVIDE
ADEQUATE FACILITIES TO SABARIMALA PILGRIMS AT THE EDATHAVALAMS FOR THE MANDALAM
MAKARAVILAKKU FESTIVAL SEASON 2025-2026 (1201 M.E.) - SUO MOTU PROCEEDINGS
INITIATED - REG:**

PETITIONER:

SUO MOTU

RESPONDENTS:

- 1. UNION GOVERNMENT, MINISTRY OF RAILWAYS,
REPRESENTED BY THE DIVISIONAL RAILWAY MANAGER,
(THIRUVANANTHAPURAM DIVISION), THIRUVANANTHAPURAM - 695001**
- 2. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001**
- 3. TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCOD, KAWDIAR POST,
THIRUVANANTHAPURAM - 695003**
- 4. DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANTHANCOD,
THIRUVANANTHAPURAM - 695003**
- 5. EXECUTIVE OFFICER SABARIMALA,
PAMPA TRIVENI P.O., PATHANAMTHITTA - 689670**
- 6. EXECUTIVE MAGISTRATE,
OFFICE OF THE SABARIMALA SPECIAL COMMISSIONER, SABARIMALA,
PATHANAMTHITTA, PIN - 689713**

7. SECRETARY,
DISTRICT TOURISM PROMOTION COUNCIL (DTPC), KODIMATHA,
KOTTAYAM - 686013
8. COCHIN DEVASWOM BOARD
REP. BY ITS SECRETARY, ROUND NORTH, THRISSUR - 680001
9. MALABAR DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, HOUSEFED COMPLEX, ERANHIPALAM,
KOZHIKODE - 673006
10. GURUVAYUR DEVASWOM MANAGING COMMITTEE,
GURUVAYUR DEVASWOM, GURUVAYUR, PIN - 680101,
REPRESENTED BY ITS ADMINISTRATOR
11. ERUMELI GRAMA PANCHAYATH
REPRESENTED BY SECRETARY SH 44, ERUMELI, KOTTAYAM - 686509
12. DISTRICT COLLECTOR, COLLECTORATE, ALAPPUZHA - 688001
13. DISTRICT POLICE CHIEF, MUKHAM PURAYIDOM, CIVIL STATION WARD,
ALAPPUZHA 688012
14. CHENGANNUR MUNICIPALITY
REP. BY ITS SECRETARY, CHENGANNUR, ALAPPUZHA - 689121
15. DIVISIONAL MANAGER,
SOUTHERN RAILWAY, THIRUVANANTHAPURAM DIVISION
16. STATION MASTER, CHENGANNUR RAILWAY STATION
17. STATION MASTER ,ERNAKULAM SOUTH RAILWAY STATION
18. ADMINISTRATIVE OFFICER, ERUMELI DEVASWOM
19. DISTRICT POLICE CHIEF, KOTTAYAM
20. DISTRICT COLLECTOR, KOTTAYAM
21. STATION HOUSE OFFICER, ERUMELI POLICE STATION
22. STATION HOUSE OFFICER,
ERNAKULAM TOWN NORTH (KASABA) POLICE STATION, CHITTOOR ROAD,
KACHERIPADY, ERNAKULAM - 682018
23. COMMISSIONER OF POLICE, KOCHI CITY
24. EXECUTIVE MAGISTRATE,
PORUMKAL KADAVU ROAD, ERUMELI, KOTTAYAM - 686509

***ADDL.R25 IMPEADED**

25. ***THE EXECUTIVE ENGINEER, MINOR IRRIGATION DEPARTMENT,
PATHANAMTHITTA
*IS SUO MOTU IMPEADED AS ADDL.25TH RESPONDENT AS PER ORDER
DATED 07/11/2025 IN SSCR.NO.29/2025**

***ADDL.R26 TO R32 IMPEADED**

26. **SUBIN T.T.,
THATTADATH HOUSE, ERUMELI P.O., KOTTAYAM DISTRICT, PIN-686509**
27. **SOMARAJAN V.K.,
VAZHIMANGAKATHU VEEDU, ERUMELI P.O., KOTTAYAM DISTRICT,
PIN-686509**
28. **R.JAYARAJAN,
GEETHA BHAVAN, ERUMELI PO, KOTTAYAM DISTRICT, PIN-686509**
29. **K.R.SOJI,
KARIMANAKUNNEL, ERUMELI PO, KOTTAYAM DISTRICT, PIN-686509**
30. **SHIJO K.S.,
KULANGARA HOUSE, ERUMELI PO, KOTTAYAM DISTRICT, PIN-686509**
31. **NIZAR P.A.,
PUTHEN VEEDU, ERUMELI PO, KOTTAYAM DISTRICT, PIN-686509**
32. **HAKKIM P.A.,
PATTANI PEEDIKA HOUSE, ERUMELI PO, KOTTAYAM DISTRICT, PIN-686509
*ARE SUO MOTU IMPEADED AS ADDITIONAL RESPONDENTS 26 TO 32 VIDE
ORDER DATED 12.11.2025 IN IA 1/25 IN SSCR.NO.29/2025**

***ADDL.R33 TO R34 IMPEADED**

33. **IDEAL ENTERPRISES,
GROUND FLOOR, XXVII/33, VENDUVAZHY, KOTHAMANGALAM,
ERNAKULAM – 686691**
34. **KERALA ENVIRO INFRASTRUCTURE LIMITED – LABORATORY,
INSIDE FACT-CD CAMPUS, AMBALAMEDU, KOCHI – 682303
*ARE SUO MOTU IMPEADED AS ADDITIONAL RESPONDENTS 33 AND 34
AS PER ORDER DATED 03/12/2025 IN SSCR.NO.29/2025**

***ADDITIONAL R35 TO R37 IMPEADED-**

35. CENTRAL DRUGS STANDARD CONTROL ORGANISATION,
REPRESENTED BY THE DRUGS CONTROLLER GENERAL OF INDIA,
FDA BHAVAN, ITO KOTLA ROAD, NEW DELHI – 110002
36. KERALA STATE DRUGS AND FOOD CONTROL ADMINISTRATION,
REPRESENTED BY THE DRUGS CONTROLLER, RED CROSS ROAD,
VANCHIYOOR P.O., THIRUVANANTHAPURAM – 695035
37. KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, PATHANAMTHITTA, REPRESENTED BY
THE ENVIRONMENTAL ENGINEER, OPPOSITE GENERAL HOSPITAL,
K.K. NAIR ROAD, PATHANAMTHITTA DISTRICT

***ARE SUO MOTU IMPEADED AS ADDITIONAL R35 TO R37 AS PER
ORDER DATED 05.12.2025 IN SSCR 29/2025**



BY SRI.S.RAJMOHAN, SENIOR GOVERNMENT PLEADER
BY DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD
BY STANDING COUNSEL FOR COCHIN DEVASWOM BOARD
BY STANDING COUNSEL FOR MALABAR DEVASWOM BOARD
BY STANDING COUNSEL FOR GURUVAYOOR DEVASWOM MANAGING COMMITTEE
BY SMT.CHITHRA CHANDRASEKHARAN, SC, ERUMELY GRAMA PANCHAYATH
BY SRI.HARIDAS V.N., SC, CHENGANNUR MUNICIPALITY
BY SMT.SAYUJYA RADHAKRISHNAN, AMICUS CURIAE FOR SABARIMALA
SPECIAL COMMISSIONER
BY SRI.V.PREMCHAND, FOR ADDL.R26 TO R32
BY ADVS.BABU JOSEPH KURUVATHAZHA, ARCHANA K.S. AND
NOEL EALIAS FOR R34
BY DEPUTY SOLICITOR GENERAL OF INDIA FOR ADDL.R35
BY SRI.T.NAVEEN, STANDING COUNSEL FOR KERALA STATE
POLLUTION CONTROL BOARD

COUNSEL FOR R33(B/0)

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING COME UP FOR ORDERS AGAIN ON 05/12/2025, UPON PERUSING THE REPORT AND THIS COURT'S ORDER DATED 03/12/2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



**RAJA VIJAYARAGHAVAN V.,
&
K.V. AYAKUMAR, JJ.**

SSCR No. 29 of 2025

Dated this the 5th day of December, 2025

ORDER

Raja Vijayaraghavan V. J.

In the order dated 07.11.2025, this Court took cognizance of the increasing use of synthetic Kumkum and coloured powders by pilgrims and devotees during Pettathullal. Traditionally, the colours employed in this ritual were derived from natural sources such as turmeric, sandalwood, marigold, hibiscus, indigo, and neem. These naturally sourced materials are biodegradable and possess inherent medicinal and antiseptic properties. We noted that, with the commercialisation and commodification of traditional practices, these natural substances have increasingly been replaced by cheap and synthetic alternatives.

2. As synthetic colour powders commonly used on humans and animals during festivals and processions are often manufactured in unregulated small-scale units using industrial pigments intended for textiles, plastics or paints, their use has become a significant source of chemical exposure, dermatological toxicity, and environmental degradation.

3. We had further observed that the powders sold in and around Erumeli and Sannidhanam contain harmful substances such as Copper Sulphate, Malachite Green, Lead Oxide, Carbon Black, Aluminium Bromide, Red Mercury Sulphide (Vermilion), Azo dyes, Prussian Blue and Cobalt

compounds. These materials are non-biodegradable, non-food-grade, and carcinogenic, and are frequently adulterated with talc, mica and starch to increase bulk and enhance colour brightness. Their use has been found to cause dermatological disorders, ophthalmic injuries, respiratory distress, systemic toxicity, and long-term carcinogenic effects.

4. We also took note of the grave environmental consequences. After indiscriminately dusting them with this toxic powder, the pilgrims wash it off with soaps and detergents into the Holy Pampa. These chemicals enter soil systems, rivers and groundwater channels, resulting in aquatic toxicity, disruption of aquatic ecosystems, and depletion of dissolved oxygen. This has led to mass fish mortality. The cumulative environmental damage attributable to such synthetic powders cannot be overstated.

5. After examining all these aspects, this Court directed the State Government and the Travancore Devaswom Board to take immediate, coordinated action to prohibit the sale and use of chemically manufactured Kumkum within the area and to promote the use of traditional, naturally derived alternatives.

6. Subsequently, an application was filed seeking modification of the order dated 07.11.2025. By order dated 12.11.2025 in I.A. No. 2 of 2025, this Court, while dismissing the application, had observed as under:

"10. In this context, it is necessary to record that the sale and use of KumKum are governed by multiple statutory frameworks which mandate safety, transparency, and labelling requirements. We note that any manufacturer, dealer or seller has to scrupulously ensure compliance with the provisions of the Drugs and Cosmetics Act, 1940, Cosmetic Rules 2020, the Bureau of Indian Standards Act, 2016, the Legal Metrology Act, 2009 and the Legal Metrology (Packaged Commodities) Rules, 2011.

11. Section 3 of the Drugs and Cosmetics Act, 1940 defines “cosmetic” as any article intended to be applied to the human body for cleansing, beautifying, promoting attractiveness, or altering appearance and includes any article intended for use as a component of cosmetic. Section 17E declares a cosmetic to be adulterated if it contains any harmful or toxic substance rendering it injurious to health. Section 27A prescribes punishment for manufacture or sale of adulterated or spurious cosmetics, with imprisonment up to three years and a fine of not less than ₹50,000 or three times the value of the confiscated goods, whichever is higher. Since KumKum containing chemical ingredients poses serious health and environmental hazards, it would amount to an adulterated cosmetic under Section 17E, attracting penal consequences under Section 27A.

12. Rule 34 of the Cosmetics Rules, 2020 prescribes the manner in which every cosmetic must be labelled. It requires that both the inner and outer labels of a cosmetic product display its name, the name and complete address of the manufacturer, and, if manufactured abroad, the country of origin with the phrase “Made in (country name)”. In addition, all ingredients present in concentrations of more than one percent must be listed in descending order of weight or volume, followed by those present in concentrations of one percent or less, under the heading “INGREDIENTS.” Every cosmetic must also comply with the labelling requirements prescribed by the Bureau of Indian Standards (BIS) for products listed under the Ninth Schedule. In essence, Rule 34 ensures that all cosmetics sold or imported to India provide clear identification, traceability, ingredient disclosure, and safety information, while conforming to BIS standards and the regulatory framework under the Drugs and Cosmetics Act, 1940. In the Ninth Schedule under the Cosmetics Rules, 2020, Standard for Cosmetics have been laid down. Item 27 therein is KumKum Powder bearing IS:10999.

13. Section 2(39) of the Bureau of Indian Standards Act, 2016 defines “standards” as documented agreements containing technical specifications or precise criteria to be used consistently as rules, guidelines, or definitions of characteristics, ensuring that goods, articles, processes, systems, and services are fit for their intended purpose. Indian Standard IS 10999:2021 (Table 1) prescribes the detailed requirements for KumKum, including its fineness, permissible limits of heavy metals such as Lead and

Arsenic, microbial content, methods of sampling and testing, and the standards for packing and marking. It further lays down the manner in which containers and cartons must be labelled to ensure uniformity and consumer safety. Additionally, IS 4707 (Parts 1 & 2) provides an exhaustive list of substances prohibited in the formulation of cosmetic products. Non-compliance with these standards, or the sale of unlabelled or substandard products, constitutes a violation under Section 29 of the Bureau of Indian Standards Act, 2016, inviting penal consequences.

14. Under the Legal Metrology (Packaged Commodities) Rules, 2011, any KumKum or colour powder sold in packaged form must conspicuously display on its label the name of the commodity, the manufacturer's name and address, the net quantity, the maximum retail price (MRP), and the month and year of manufacture or import. Failure to comply with these requirements attracts penalties under Section 36 of the Legal Metrology Act, 2009, punishable with a fine up to ₹25,000 for the first offence and up to ₹1,00,000 or imprisonment for subsequent violations. These provisions are not mere formalities; they are vital instruments to protect public health, prevent deception, and ensure environmental accountability in the sale and distribution of products that come into direct contact with the human body.

15. KumKum or any other colour powder, being a substance intended to be applied directly to the human body, squarely falls within the definition of "cosmetic" under the Drugs and Cosmetics Act, 1940. Any person engaged in the trade of such products must therefore scrupulously comply with the provisions of the Drugs and Cosmetics Act, 1940 and the Cosmetics Rules, 2020, the Bureau of Indian Standards Act, 2016, the Legal Metrology Act, 2009, and the Legal Metrology (Packaged Commodities) Rules, 2011. Under no circumstances shall sellers be permitted to manufacture, distribute, or sell chemically manufactured or synthetic KumKum to devotees."

7. When the matter came up for consideration on 03.12.2025, it was brought to the notice of this Court by the learned Standing Counsel appearing for the local authority that the sale of synthetic KumKum is being carried out extensively within the area. It was stated that inspections were carried out, and

it was revealed that the KumKum in circulation was being distributed by an establishment by name 'Ideal Enterprises, Ground Floor, XXVII/33, Venduvazhy, Kothamangalam, Ernakulam – 686691. It was also submitted before us that vendors dealing in such KumKum are producing a certificate allegedly issued by Kerala Enviro Infrastructure Limited – Laboratory. It was submitted that these actions were being carried out by the distributor and dealer in order to circumvent the ban imposed by this Court. In the said circumstances, the aforesaid establishments were suo motu impleaded as additional respondent Nos. 33 and 34, and notice was issued to them through Special Messenger.

8. Today, in terms of the notice issued by this Court, the additional respondent Nos. 33 and 34 have appeared before us.

9. The learned counsel appearing for the 33rd respondent, sought an adjournment to place on record their counter.

10. Sri. Babu Joseph Kuruyatazha, the learned counsel appearing for the Laboratory, submitted that the 33rd respondent had handed over two tins containing yellow and blue coloured powders, which were neither sealed nor sampled in accordance with law. He further stated that the chemical analysis carried out by the Laboratory was performed under the category "Pollution & Environment [Wastewater (Effluents/Sewage)]". It was also clarified that the testing was confined strictly to the materials handed over by the customer and was not intended to certify the product for cosmetic use.

11. We have perused the report submitted by the Kerala Enviro Infrastructure Limited – Laboratory dated 22.11.2025. While the sample description is recorded as "Yellow and blue coloured powder", the analytical parameters applied fall exclusively within the group "Pollution & Environment [Wastewater (Effluents/Sewage)]", which is wholly inapplicable to the testing

of KumKum intended to be applied on the human body.

12. This Court has already noted that under the Drugs and Cosmetics Act, 1940, and the Cosmetics Rules, 2020, KumKum is treated as a cosmetic and must comply with BIS Standard IS 10999:2021. Instead of assessing whether the product conforms to the safety parameters prescribed for cosmetics, the laboratory has applied effluent-testing protocols. Further, the report discloses testing only for a limited set of heavy metals. BIS IS 10999 mandates far more comprehensive testing, including: microbial contamination, the presence of prohibited dyes under IS 4707, and specific evaluation of arsenic, mercury and a range of toxic dyes such as Malachite Green, Auramine, Rhodamine, Sudan dyes, Red Vermilion, and Prussian Blue. These toxic dyes, along with arsenic and mercury, constitute the most hazardous components of synthetic KumKum and pose severe risks to human health. None of these mandatory parameters has been tested.

13. We also note that every parameter in the sample report is marked as “BLQ” (Below Limit of Quantification). Such a notation does not establish that the sample is safe for human application, nor does it demonstrate compliance with BIS standards. It equally does not certify that the product is free from harmful dyes or chemical agents. The report, therefore, has no evidentiary value for determining cosmetic safety or regulatory compliance.

14. There is, in addition, a clear violation of Rule 34 of the Cosmetics Rules, 2020. Rule 34 requires that every cosmetic must display, on both the inner and outer labels, the name and complete address of the manufacturer, the list of ingredients (with those exceeding 1% listed in descending order and those below 1% following thereafter under the heading “INGREDIENTS”), batch number, manufacturing date, expiry date, and confirmation of compliance

with the BIS standards. No such disclosures accompany the KumKum being sold, and there is no material to show compliance with IS:10999.

15. From the photographs placed before us, it is clear that most vendors are selling loose KumKum from open vessels. Though the lab report speaks of only yellow and blue powder, powders in myriad colours are being sold. The sale of such unlabelled and unpackaged material is in direct violation of the Legal Metrology (Packaged Commodities) Rules, 2011, the Cosmetics Rules, 2020 and BIS Standard IS 10999. Selling a substance meant to be applied on the human body without any labelling, packaging, or traceability poses serious public health risks.

16. It is also evident from the submissions made on behalf of the 34th respondent that the sample tested by the laboratory was supplied by the customer himself. There is no chain of custody, no verification of the origin of the material, and the laboratory did not independently procure any market sample. Respondent No. 33 could have submitted any powder for testing. A certificate issued on such a basis cannot certify the quality or safety of the product actually being sold. Reliance on such a report is wholly misconceived and appears intended only to create an illusion of compliance.

17. The continued sale of synthetic KumKum, despite the clear ban imposed by this Court, coupled with the production of irrelevant laboratory reports, shows an attempt to mislead the statutory authorities. We have no hesitation in observing that such large quantities of KumKum cannot be manufactured using traditional methods at the prices at which they are being sold.

18. To determine the extent of the 33rd respondent's involvement in the stocking and sale of KumKum, whether synthetic or otherwise, we direct the

said respondent to produce the following records without fail:

- (a) All documents relating to the procurement and receipt of coloured powders or KumKum, including purchase invoices, bills, purchase orders, delivery challans, e-way bills, lorry receipts and goods-receipt notes for the relevant period.
- (b) The purchase register, stock-inward register and ledger accounts showing quantities received, the name and full address of every supplier, brand name, batch or lot number (if any), and purchase rates. Records shall also be produced to show that the products dealt with are manufactured by establishments holding a valid cosmetic manufacturing licence and BIS certification under IS 10999:2021, and to rule out unlicensed or clandestine manufacture.
- (c) All records relating to the sale and distribution of KumKum, including sales invoices, cash bills, outward-stock registers, sales registers, customer ledgers, statements of accounts, and the daily cash book, showing the names, addresses and GSTIN (if any) of purchasers, quantities sold, dates of supply and product descriptions. If cash sales are being carried out, the records evidencing the same shall also be produced.
- (d) All records showing whether any statutory due diligence was exercised before distributing/selling the product as a cosmetic, including test reports, certificates of analysis, BIS licence details, declarations of conformity with IS 10999:2021 and IS 4707, correspondence with manufacturers regarding ingredients or safety, product catalogues and label or packaging samples.

All the above records shall be produced before this Court on 08.12.2025.

19. The washing down of these chemical powders into the Pamba river, Valiyathodu and the Manimala river by lakhs of pilgrims gives rise to grave environmental concerns, which fall squarely within the statutory mandate of the Pollution Control Board and necessitate immediate regulatory attention. We also find that the Central Drugs Standard Control Organisation (CDSCO) is vested with explicit statutory powers over cosmetics under the Cosmetics Rules, 2020, including regulating their import, ensuring compliance with BIS standards such as IS 10999 and in monitoring adulterated or spurious products. The State Drugs Control Administration (SDCA) is responsible for carrying out inspections and enforcement.

20. In these circumstances, we deem it appropriate to suo motu implead the following authorities:

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- (a) Central Drugs Standard Control Organisation, represented by the Drugs Controller General of India, FDA Bhavan, ITO Kotla Road, New Delhi – 110002;
 - (b) Kerala State Drugs and Food Control Administration, represented by the Drugs Controller, Red Cross Road, Vanchiyoor P.O., Thiruvananthapuram – 695035; and
 - (c) Kerala State Pollution Control Board, District Office, Pathanamthitta, represented by the Environmental Engineer, opposite General Hospital, K.K. Nair Road, Pathanamthitta District.

21. The learned DSGI shall take notice for the additional 35th

respondent. The learned Government Pleader shall take notice for the additional 36th respondent. Sri T. Naveen, the learned Standing Counsel, shall take notice for the additional 37th respondent.

22. The Environmental Engineer shall conduct an inspection of the Pamba river, Valiyathodu, and the Manimala river, and place before this Court a detailed statement indicating the extent to which KumKum is being used, the points and manner in which these chemical powders are entering the river systems, and the resultant impact on water quality and the surrounding environment.

23. The Inspector, Legal Metrology Department, Kothamangalam and the Drugs Inspector (Zone 3), Office of the Assistant Drugs Controller, Fourth Floor, Civil Station, Kakkanad, Ernakulam, shall conduct a joint physical verification of the KumKum stock in the premises and godown of the 33rd respondent on 6.12.2025, and file a report of the stocks of KumKum /Coloured powder stored in sacks, bags or containers, as well as any packed units and file a report before this Court on 08.12.2025.

Post on 08.12.2025.

Handover.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE**

Sd/-
**K.V. JAYAKUMAR,
JUDGE**

APM