

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN
&
THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

Friday, the 12th day of November 2021 / 21st Karthika, 1943

DBP NO. 13 OF 2021

IN THE MATTER OF TDB - SABARIMALA SM REPORT NO.3/2021 - UNDERUTILIZATION OF
PERMITTED NUMBER OF PILGRIMS PER DAY - MANAGEMENT OF VIRTUAL QUEUE SYSTEM TO BE
ENTRUSTED TO TDB OR POLICE - SUOMOTU PROCEEDING INITIATED - REGARDING

PETITIONER:

SUO MOTU

RESPONDENTS:

1. TRAVANCORE DEVASWOM BOARD
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY-695 003
2. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, THIRUVANANTHAPURAM-695 001
3. STATE POLICE CHIEF OF KERALA,
POLICE HEAD QUARTERS, VELLAYAMBALAM,
THIRUVANANTHAPURAM-695 010.

***ADDL.R4 IMPEADED**

4. S. JAYA RAJ KUMAR
S/O. LATE K.SRIDHARAN PILLAI, AGED 64 YEARS
RESIDING AT PARK VILLAI, K.V.62, PANAMPILLY NAGAR
COCHIN - 682 036.
*IS IMPEADED AS ADDL. R4 VIDE ORDER DATED 08/10/2021 IN IA 1/2021

***ADDL.R5 IMPEADED**

5. TATA CONSULTANCY SERVICES LIMITED
REPRESENTED BY PROGRAM MANAGER, D.S.V. SURYAN
KOHINOOR PARK, PLOT NO.1, HITECH CITY ROAD, CYBERABAD,
LAND MARK RESIDENCY, JUBILEE GARDENS, HYDERABAD,
TELENGANA - 500 084.

***IS SUO MOTU IMPEADED AS ADDITIONAL 5TH RESPONDENT VIDE ORDER
DATED 21/10/2021.**

***ADDL.R6 IMPEADED**

- 6. HINDU SEVA KENDRAM REG.NO.563/IV/2019
68/991, 2ND FLOOR, THARAKANS COMPLEX, K.K.PADMANABHAN ROAD
ERNAKULAM NORTH P.O., KOCHI - 682 018
REPRESENTED BY ITS TREASURER SREEKUMAR MANKUZHAY.
*IS IMPEADED AS ADDITIONAL 6TH RESPONDENT VIDE ORDER DATED
1/11/2021 IN IA NO.2/2021.**

***ADDL.R7 IMPEADED**

- 7. VISHWA HINDU PARISHAD
KERALA, REPRESENTED BY THE GENERAL SECRETARY
V.R. RAJASEKHARAN, VHP KENDRA KARYALAYA, PAVAKKULAM TEMPLE COMPLEX,
KALOOR, KOCHI - 682017.
*IS IMPEADED AS ADDITIONAL 7TH RESPONDENT VIDE ORDER DATED
1/11/2021 IN IA NO.3/2021.**
- BY SRI. G. BIJU, SC, TRAVANCORE DEVASWOM BOARD
BY SRI.N.MANOJ KUMAR, STATE ATTORNEY FOR R2 & R3
BY M/S. SAJITH KUMAR V., VIVEK A.V., APARNA CHANDRAN and
REMYA VARMA N.K. for R4
BY M/S. R. KRISHNA RAJ E. S.SONI, KUMARI SANGEETHA S NAIR, RESMI A.,
Advocate for the 6th respondent.
BY M/S.C.S.MANILAL and S.NIDEESH, Advocates for the 7th respondent.**

**THE DEVASWOM BOARD PETITION HAVING COME UP FOR ORDERS AGAIN ON 12/11/2021,
UPON PERUSING THE PETITION AND THIS COURT'S ORDER DATED 08/11/2021, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING.**

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

**D.B.P.No.13 of 2021 and
W.P.(C) Nos.21609 and 21812 of 2021**

Dated this the 12th day of November, 2021

ORDER

Anil K. Narendran, J.

The common issue involved in D.B.P.No.13 of 2021 and W.P.(C)Nos.21609 and 21812 of 2021 relates to the Virtual-Q system at Sabarimala. Detailed arguments were heard on 26.10.2021, 28.10.2021 and thereafter on 01.11.2021.

2. On 08.11.2021, we passed an order directing the learned Standing Counsel for the Travancore Devaswom Board and also the learned State Attorney to file statement on behalf of respondents 1 and 2 on the status of the land between Nilakkal and Pamba and between Pamba and Sannidhanam and also on the option for cancellation of booking and spot-booking introduced in Virtual-Q. We have also directed the officer in charge of Tata Consultancy Services Limited to file a report on data privacy and on the manpower requirement for administering the Virtual-Q platform, to the e-mail ID of Registrar General. Since the Mandalapooja Maholsavam is scheduled to commence on 15.11.2021, the State Police Chief was directed to file statement on the status of Virtual-Q booking

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for the period from 15.11.2021 till 26.12.2021, in addition to the measures taken to maintain data privacy.

3. Today, when the cases are taken up for consideration, the learned Standing Counsel for Travancore Devaswom Board has filed a statement dated 11.11.2021. The learned State Attorney has filed an affidavit on behalf of the 3rd respondent-State Police Chief.

4. The 7th respondent in D.B.P.No.13 of 2021 has filed a statement producing certain documents. The learned counsel for the 7th respondent shall ensure that those documents are placed on record along with an application to accept additional documents, supported by an affidavit sworn to by the 7th respondent.

5. Heard the learned counsel for the petitioner in W.P. (C) No.21609 of 2021, the learned counsel for the petitioner in W.P.(C) No.21812 of 2021, learned counsel for the party respondents in D.B.P.No.13 of 2021 and in the writ petitions, learned State Attorney for the official respondents and also the learned Standing Counsel for Travancore Devaswom Board.

6. From the statement filed by the learned Standing Counsel for the Travancore Devaswom Board and the affidavit filed on behalf of the 3rd respondent, we find that, as on 10.11.2021, for the current festival season, 18,30,000 Virtual-Q coupons were released, at the rate of 30,000 coupons per day. 13,34,347 coupons are already booked, out of which 2,06,246 were cancelled. The date-wise booking and cancellation of the coupons are furnished in paragraph 3 of the affidavit.

7. In paragraph 4 of the affidavit, it is stated that the spot-booking counters at Nilakkal, Erumeli and Kumily are intended to be opened to facilitate spot-booking by pilgrims and devotees. In all those counters they can avail spot-booking facility even without mobile phones.

8. In paragraph 2 of the affidavit it is stated that in order to ensure data privacy in the Virtual-Q system, all ID proof details uploaded in SPMS from 2019 are encrypted, so that the ID proof details are not accessible and visible to anyone in plain text mode (readable text format). The Police personnel at the verification counters, shall see the masked ID numbers during verification. All verifications are done on masking logic, wherein

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only the last four digits of the ID proof are visible to the operator. Taking a step further, ID card number search from the front end at the time of verification is also disabled. Therefore, the privacy of the data collected is being strictly maintained.

9. The learned counsel for the petitioners in W.P.(C) No.21609 of 2021, after referring to the stand taken by the 3rd respondent in paragraph 2 of the affidavit, would raise certain issues regarding data privacy.

10. We notice that, despite the order of this Court dated 08.11.2021, the officer in charge of the Tata Consultancy Services Limited has not chosen to file a report on manpower requirement for administering the Virtual-Q platform.

11. Insofar as the issue of data privacy is concerned, the data is stored in Amazon Cloud Environment owned by the State Police. Therefore, it is for the State Police to ensure data privacy.

12. The question as to whether the Virtual-Q platform has to be maintained and administered by the Travancore Devaswom Board or whether it can be owned and managed by the State Police is an issue that has to be decided in these matters. On that legal issue, detailed arguments have already

been advanced by the learned counsel on both sides.

13. Insofar as spot-booking is concerned, counters are provided at Nilakkal, Erumeli and Kumily. The learned counsel for the petitioners and also the learned counsel for the party respondents would submit that the spot-booking facility may be provided to the devotees at different places, all over the State, so that the maximum number of devotees can avail that facility, subject to availability of slots for each day. The learned counsel for the additional 7th respondent in D.B.P.No.13 of 2021 would point out that such spot-booking facilities can be provided at Sabarimala Edathavalams (14 in number). The learned State Attorney and also the learned Standing Counsel for the Travancore Devaswom Board would submit that a decision on that issue will be taken before 14.11.2021.

14. The learned Standing Counsel for the Travancore Devaswom Board would submit that in addition to Aadhaar and Electoral ID, online booking and spot-booking may be permitted with passport, so that overseas devotees can avail such facility. The learned State Attorney would submit that feasibility of such option in the Virtual-Q booking platform will certainly be

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considered, subject to the technical feasibility. That facility will be extended insofar as spot-booking is concerned.

15. Insofar as RTPCR Test is concerned, the learned Standing Counsel for the Travancore Devaswom Board would submit that facilities are already provided at Nilakkal and discussions are going on, in order to provide Mobile RTPCR Testing Centre at Pamba.

16. Insofar as the upper limit of 30,000 devotees fixed per day is concerned, the learned State Attorney would submit that a decision shall be taken before 14.11.2021, as to whether 5% of that limit can be set apart on each day for spot-booking, apart from the slots against cancellation of booking in Virtual-Q platform.

List on 17.11.2021 at 2.00 p.m.

Sd/-

ANIL K. NARENDRA, JUDGE

Sd/-

P.G. AJITHKUMAR, JUDGE

dkr