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 9TH DAY OF JULY 2024 / 18TH ASHADHA, 1946

SSCR NO. 28 OF 2023

(TRAVANCORE DEVASWOM BOARD- SABARIMALA SPECIAL COMMISSIONER REPORT - SM NO. 28/2023 - REPORT REGARDING THE PERIODICAL STATUS REPORT OF THE CHIEF VIGILANCE OFFICER, TRAVANCORE DEVASWOM BOARD SUBMITTED AS PER THE DIRECTION OF THE HON'BLE HIGH COURT IN D.B.P2/2022 DATED 14-02-2022)

PETITIONER:

SUO MOTU

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001

2 DEPUTY DIRECTOR
LOCAL FUND AUDIT, TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM - 695 003

3 THE TRAVANCORE DEVASWOM BOARD
REP. BY ITS SECRETARY, NANTHANCODE, KAWDIAR POST, THIRUVANANTHAPURAM - 695 003

4 THE DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANTHANCODE, THIRUVANANTHAPURAM, PIN- 695 005

5 THE EXECUTIVE OFFICER
SABARIMALA, TRAVANCORE DEVASWOM BOARD,

NANTHANCODE, THIRUVANANTHAPURAM - 695 003

**6 CHIEF VIGILANCE SECURITY OFFICER
(SUPERINTENDENT OF POLICE - VIGILANCE)
TRAVANCORE DEVASWOM HEAD QUARTERS,
NANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM - 695 003**

**BY ADVS.
SR. GP- SRI. S. RAJMOHAN,
SC,TDB- SRI. G. BIJU,
AMICUS CURIAE FOR SPL. COOMMISSIONER,
SABARIMALA- SMT. SAYUJYA RADHA KRISHNAN**

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING COME UP FOR ADMISSION ON 09.07.2024, ALONG WITH SSCR.10 OF 2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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 9TH DAY OF JULY 2024 / 18TH ASHADHA, 1946

SSCR NO. 10 OF 2024

(TRAVANCORE DEVASWOM BOARD- SABARIMALA SPECIAL COMMISSIONER REPORT - SM NO. 10/2024 - REPORT REGARDING THE PERIODICAL STATUS REPORT OF THE CHIEF VIGILANCE OFFICER, TRAVANCORE DEVASWOM BOARD SUBMITTED AS PER THE DIRECTION OF THE HON'BLE HIGH COURT IN D.B.P.NO.2/2022 DATED 14-02-2022)

PETITIONER:

SUO MOTU

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM – 695001.

2 **DEPUTY DIRECTOR**
LOCAL FUND AUDIT, TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM- 695003.

3 **THE TRAVANCORE DEVASWOM BOARD**
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR POST, THIRUVANANTHAPURAM - 695003

4 **THE DEVASWOM COMMISSIONER**
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANTHANCODE, THIRUVANANTHAPURAM - 695005

5 **EXECUTIVE OFFICER**
SABARIMALA, SABARIMALA P.O., PATHANAMTHITTA – 689662.

6 CHIEF VIGILANCE SECURITY OFFICER
(SUPERINTENDENT OF POLICE-VIGILANCE)
TRAVANCORE DEVASWOM HEADQUARTERS, NANTHANCODE,
KAWDIAR POST, THIRUVANANTHAPURAM - 695003

BY ADV. G.BIJU G

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING COME UP FOR ADMISSION ON 09.07.2024, ALONG WITH SSCR.28/2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Anil K. Narendran, J.

The Special Commissioner, Sabarimala, has filed these reports pursuant to the direction contained in the order of this Court dated 14.02.2022 in DBP No.2 of 2022. Paragraphs 25 to 33 of the order dated 14.02.2022 read thus;

> "25. The Travancore Devaswom Board and those entrusted with the duty of managing the properties and affairs of Sabarimala Devaswom are duty bound to protect the properties of the deity from any wrongful claims, theft or misappropriation. Position of the Board in this regard is analogous to that of trustees. Any such wrongful claims, theft or misappropriation with the passive or active collusion of the authorities concerned, which are acts of 'fence eating the crops' should be dealt with sternly. Since the deity being a perpetual minor, this Court is having inherent jurisdiction to protect and safeguard the interest and properties of the deity and the doctrine of *parens patriae* will also apply in the exercise of such jurisdiction.
>
> 26. As can be seen from the report dated 02.02.2022 of the Special Commissioner, Sabarimala, the register kept in the Administrative Block is not maintained properly. The number of officials attached to the office of the Special Commissioner and days on which the Special Commissioner had food are not correctly recorded. Whether the amounts are claimed for persons shown as guests and officials in the register for the expenses of food is a matter which is required to be probed and examined by the Devaswom Vigilance. Therefore, in the report dated 02.02.2022, the

Special Commissioner has suggested that the Chief Vigilance Officer may be directed to examine the authenticity of entries in the register, whether the amounts are claimed for the persons entered as guests in the register maintained at the Administrative Block, the number of officials and guests provided with food each day and the financial irregularities committed, if any.

27. Going by the report dated 02.02.2022 of the Special Commissioner, Sabarimala, at present the Vigilance Wing of the Travancore Devaswom Board consists of the Chief Vigilance Officer and one Officer in the cadre of Sub Inspector of Police. In addition to this, there are three Assistant Devaswom Commissioners and three clerical staff. This is as against the sanctioned strength of three Sub Inspectors and three Civil Police Officers. In addition to this, the term of deputation of Shri P. Bejoy as Chief Vigilance Officer will be over by 31.03.2022, due to his retirement from service on attaining the age of superannuation.

28. In the order dated 20.01.2022 in SSCR No.8 of 2021, while granting permission to extend the period of deputation of the Chief Vigilance Officer, we have noticed that, the Chief Vigilance Officer has to effectively monitor and control all the officers of the Vigilance Wing of the Travancore Devaswom Board, who are posted at Sabarimala and to guide them by giving effective directions to prevent pilferage from Appam and Aravana making and its sale, Bhandaram, Annadanam, etc. The Vigilance Wing, headed by the Chief Vigilance Officer has unearthed forgery of documents and misappropriation of huge amounts allegedly committed by the Administrative Officer, Nilakkal, during the period 2018-19, in the matter relating to the purchase of

materials for Devaswom mess at Nilakkal. Several other instances of malpractices were also detected by the Vigilance Wing headed by the Chief Vigilance Officer.

29. Though, the stand taken by the 3rd respondent Travancore Devaswom Board in its affidavit dated 05.02.2022 is that the Board has a greater responsibility than anyone else to conduct proper enquiry in respect of the complaints received and to take appropriate action, it is an admitted fact that, the request to the Government to send two Sub Inspectors and two Civil Police Officers on deputation to the Vigilance Wing of the Board was made only on 02.02.2022, as evidenced by Annexure R3(i) request, despite the fact that the period of deputation of the existing officers was only up to 20.01.2022. When the process of deputation, by calling for option from the officers, etc., requires considerable time, the Board ought to have made such a request, well in advance, in order to ensure that either the deputation of the existing officers is extended further, subject to the relevant Rules, or fresh officers are sent on deputation before the expiry of the period of deputation of the existing officers.

30. Though it is stated in the affidavit filed by the 2nd respondent dated 05.02.2022 that there is no willful laches on the part of the State Government in sending officers on deputation to the Vigilance Wing of Travancore Devaswom Board and that the Government would take all the measures by extending all support to the Board to strengthen its Vigilance Wing, which is an indispensable wing for proper administration and functioning, no explanation whatsoever is forthcoming from the side of the 2nd respondent for extending the period of deputation of the Sub Inspectors

and Civil Police Officers in the Vigilance Wing of the Board only till 20.01.2022, despite no objection from the State Police Chief, for extending their term of deputation for a period of one year. In the affidavit dated 05.02.2022, the stand taken by the 2nd respondent is that the Government would be deputing the most efficient and upright officers available in the Police Department, who are willing to proceed for deputation, in the Vigilance Wing of the Travancore Devaswom Board.

31. The learned Senior Government Pleader submitted that, the 2nd respondent has already forwarded the request made by the Travancore Devaswom Board to the State Police Chief, for borrowing the service of new Police officers in the existing four vacancies in its Vigilance Wing. The Government is taking earnest efforts to ensure that the existing vacancies in the Vigilance Wing of the Board are filled up with suitable Police officers on deputation, within the least possible time.

32. The learned Standing Counsel for Travancore Devaswom Board submitted that since the period of deputation of Sri.P. Bejoy, Superintendent of Police (Vigilance and Security), in the Vigilance Wing of the Travancore Devaswom Board, is only upto 31.03.2022, the Board shall immediately make a request before the 2nd respondent to depute another Police officer in his place.

33. Having considered the pleadings and materials on record and also the submissions made by the learned Senior Government Pleader, the learned Standing Counsel for Travancore Devaswom Board and also the learned counsel for the additional 6th respondent, we deem it appropriate to dispose of this DBP with the following directions;

(i) As expeditiously as possible, at any rate, within one month from the date of this order, the 2nd respondent shall obtain a list from the State Police Chief, of most efficient and upright Police Officers, from among those who have opted for deputation to the Vigilance Wing of the Travancore Devaswom Board. Based on the recommendation made by the State Police Chief, the 2nd respondent shall issue necessary orders, within a further period of two weeks, posting sufficient number of Police officers on deputation to the Vigilance Wing of the Board.

(ii) Immediately on receipt of the request made by the Travancore Devaswom Board for posting a Police officer on deputation as Chief Vigilance Officer in its Vigilance Wing, the 2nd respondent shall obtain the name(s) of most efficient and upright Police officer(s) and thereafter issue necessary orders posting a Police officer as the Chief Vigilance Officer in the Vigilance Wing of the Board, on deputation.

(iii) In order to ensure that the post of Chief Vigilance Officer in the Vigilance Wing of the Travancore Devaswom Board and also other posts in the Vigilance Wing, which are to be filled up by Police officers on deputation, are not lying vacant, at any point of time, the Travancore Devaswom Board is directed to forward requests to the 2nd respondent for deploying suitable incumbents on deputation, at least three months before the expiry of the term of deputation of the existing incumbents. Based on such request, the 2nd respondent shall obtain a list from the State Police Chief, of most efficient and upright Police officers from among those who have opted for deputation to the Vigilance Wing of the Travancore Devaswom Board. Based on the recommendation made by the State Police Chief, the 2nd respondent shall issue necessary orders posting sufficient number of Police officers on deputation to the Vigilance Wing of the Board and such orders shall be issued before the expiry of the period of deputation of the existing incumbents.

(iv) The posting of Chief Vigilance Officer and other Police officers in the Vigilance Wing of the Travancore Devaswom Board shall be reported to the Special Commissioner, Sabarimala, by the Secretary of the Travancore Devaswom Board. On the posting of Chief Vigilance Officer in the Vigilance Wing of the Board, the Special Commissioner, Sabarimala, shall submit a report before this Court.

(v) The Chief Vigilance Officer in the Vigilance Wing of the Travancore Devaswom Board shall submit periodical status reports of the cases, once in six months, to the Special Commissioner, Sabarimala. Such status reports of the Chief Vigilance Officer shall be placed before the Devaswom Bench, along with the report of the Special Commissioner.

(vi) Regarding the corruption alleged in the submission of the fake food bills at Sabarimala Guest House and irregularities alleged in the construction of toilets, the Vigilance Wing of the Travancore Devaswom Board shall conduct inquiry and submit report before the Travancore Devaswom Board, within a period of four months, for necessary action. The outcome of such inquiry shall be reported to the Special Commissioner, Sabarimala, who shall file a report before the Devaswom Bench."

2. SSCR No.28 of 2023 filed by the Special Commissioner, Sabarimala, is in respect of the periodical report of the Chief

Vigilance and Security Officer, Travancore Devaswom Board for the period from 01.01.2023 to 30.06.2023 and SSCR No.10 of 2024 is for the period from 01.06.2023 to 31.12.2023.

3. On 20.05.2024, when SSCR No.10 of 2024 came up for consideration, this Court passed the following order:

> The Special Commissioner, Sabarimala, has filed this report in terms of the directions contained in the order of this Court dated 14.02.2022 in DBP No.2 of 2022, whereby the Chief Vigilance and Security Officer (Superintendent of Police), Travancore Devaswom Board was directed to submit periodical status report of the cases once in six months, to the Special Commissioner, Sabarimala. Such status reports were directed to be placed before the Devaswom Bench, along with the report of the Special Commissioner. The periodical status report of the Chief Vigilance and Security Officer is marked as Annexure-1 in this SSCR. In the report, the Special Commissioner has stated that Annexure-1 periodical status report of the Chief Vigilance and Security Officer is in respect of 243 instances of the vigilance inspections conducted by the Vigilance Wing, in petition matters, surprise checks and other enquiries regarding malpractices, misconducts, unauthorised absence, etc., of the temple staffs and Devaswom employees and also malpractices and irregularities committed by the office bearers of the Temple Advisory Committees in the temples under the management of the Travancore Devaswom Board. Some of the grave irregularities detected in the vigilance inspections, 41 in number, are pointed out in paragraph 2 of Annexure-1 report. Serial Nos.6 and 9 deal with

Valliyamkavu Devi Temple, which read thus:

Serial No.6	Report No.15 PTN.115/2022 /TDB/Vig.	Enquiry revealed that the advanced booking of Guruthi Vazhipadu at Valliyamkavu Devaswom is written in a diary which paves way for unauthorisedly allotting it to another person in case the booking is cancelled and hence it is recommended to use an authentic register by the Devaswom Administrative Officer.
Serial No.9	Report No.22 SC.179/2023/ TDB/Vig.	Surprise check at Valliyamkavu Temple, Mundakkayam Group revealed that the Sub Group Officer is deputing temporary employees instead of regular Devaswom employees on peak days at the Devaswom Pooja Stall and articles are sold without issuing receipts which cause in huge loss of revenue. It is recommended to repair the CCTV and give a link of the same to Devaswom Vigilance and also to take stringent disciplinary action against the Sub Group Officer.

2. In respect of Valliyamkavu Devi Temple, this Court issued various directions in the DBPs registered based on the complaints made by the devotees. By an order dated 08.04.2024, DBP Nos. 25, 79, 98 and 125 of 2023 and 5 and 20 of 2024 were disposed of with various directions. Considering the fact that, despite the directions issued by this Court, the Travancore Devaswom Board and its officials are not able to prevent exploitation of the devotees of Valliyamkavu Devi Temple by traders and others, Registry was directed to register a DBP *suo motu* regarding the management of Valliyamkavu Devi Temple and list the matter before the Devaswom Bench on 22.05.2024.

Paragraphs 30 and 31 of that order read thus;

> "30. Having considered the pleadings and materials on record and also the submissions made at the Bar, we deem it appropriate to dispose of these DBPs, by directing the Travancore Devaswom Board and its officials namely, the Devaswom Commissioner, the Deputy Devaswom Commissioner, Pathanamthitta, the Assistant Devaswom Commissioner, Mundakkayam and the Administrative Officer, Valliyamkavu Devi Temple to take necessary steps to ensure strict compliance of the directions contained in the order of this Court dated 09.10.2023 in DBP No.98 of 2023, in letter and spirit, to ensure that the devotees of Valliyamkavu Devi Temple are not being exploited by any person by forcing the devotees to purchase vazhipadu items, since the vazhipadu rates collected in the pooja stall of the Travancore Devaswom Board are inclusive of the price of vazhipadu items. The Deputy Devaswom Commissioner and the Assistant Devaswom Commissioner shall take necessary steps to ensure that brass lamps and other items offered by the devotees in Valliyamkavu Devi Temple are properly accounted by the Administrative Officer of the temple and that any wicket gate or opening, permitting entry to the property of the neighbouring land owners, through the Devaswom land is closed, forthwith. The Superintendent of Police, Idukki and the Station House Officer, Peruvanthanam Police Station shall take necessary steps to ensure that the devotees of Valliyamkavu Devi Temple are not being exploited by any traders, by forcing them to purchase vazhipadu items or by accepting money orders in the name of Valliyamkavu Devi Temple or

gold and silver articles offered by the devotees to Valliyamkavu Devi. Regarding the WhatsApp Group by name 'Valliyamkavu Group' by one Santhosh in which the photograph of the Nalambalam of Valliyamkavu Devi Temple has also been posted, the Administrative Officer has submitted a report dated 16.01.2024 before the Assistant Devaswom Commissioner. The Assistant Devaswom Commissioner shall take further steps based on the aforesaid report of the Administrative Officer, in order to ensure that the devotees of Valliyamkavu Devi Temple are not being exploited by those who have created such a WhatsApp Group. Since arrangements have already been made to conduct annual festival of Valliyamkavu Devi Temple from 08.04.2024 to 12.04.2024, departmentally, it is for the Administrative Officer and the Assistant Devaswom Commissioner to take necessary steps to ensure that annual festival of the temple is conducted strictly in accordance with the prescribed procedure and subject the income and expenditure to statutory audit.

31. As already noticed hereinbefore, despite the directions issued by this Court in the orders referred to supra, the Travancore Devaswom Board and its officials are not able to prevent exploitation of the devotees of Valliyamkavu Devi Temple by traders and others. Even now the traders are forcing the devotees to purchase vazhipadu items, despite the fact that the vazhipadu rates collected in the pooja stall of the Travancore Devaswom Board are inclusive of the price of vazhipadu items. There are allegations that brass lamps and other items offered by the devotees in Valliyamkavu Devi Temple are not

properly accounted by the Administrative Officer. In the order dated 09.10.2023 in DBP No.98 of 2023, this Court noticed the submission made by the learned Standing Counsel for Travancore Devaswom Board that the additional 9th respondent is yet to make payment towards defaulted bid amount in respect of Kuthaka right to conduct pooja stall in Valliyamkavu Devi Temple for the year 2020-21, despite the decision of this Court in **Suneesh K.S. v. Travancore Devaswom Board [ILR 2022 (1) Ker. 1091]**. In such circumstances, we deem it appropriate to register a DBP suo motu regarding the management of Valliyamkavu Devi Temple, with the Travancore Devaswom Board, represented by its Secretary, the Devaswom Commissioner, the Deputy Devaswom Commissioner, Pathanamthitta, the Assistant Devaswom Commissioner, Mundakkayam Group, the Administrative Officer, Valliyamkavu Devi Temple, the Chief Vigilance and Security Officer, Travancore Devaswom Board, the State of Kerala, represented by the Principal Secretary to Government, Revenue (Devaswom) Department, the Deputy Director, Kerala State Audit Department, Travancore Devaswom Board Audit, the Superintendent of Police, Idukki and the Station House Officer, Peruvanthanam Police Station as the respondents. List that DBP before the Devaswom Bench on 22.05.2024. A copy of this order shall form part of that DBP. Registry to issue a complete set of that DBP with cause title to the learned Standing Counsel for Travancore Devaswom Board and also the learned Senior Government Pleader."

3. In **Suo motu v. State of Kerala and others [2022 (2) KHC 411]** a Division Bench of this Court in which one

among us [Anil K. Narendran, J] was a party, held that in view of the provisions under the Travancore-Cochin Hindu Religious Institutions Act and the law laid down in the decisions referred to supra, the 3rd respondent Travancore Devaswom Board is duty bound to ensure proper administration, supervision and control of Sabarimala Devaswom, which is an incorporated Devaswom mentioned in Schedule I of the said Act, under the Chengannur Group. The Board has a statutory duty to monitor whether its administrative officials and employees and also the employees connected with religious rites are functioning properly. The Board is duty bound to exercise proper supervision and control over the acts and proceedings of all officers and servants and to manage the properties and affairs of Sabarimala Devaswom and conduct daily worships and ceremonies and also festivals in the temple according to its usage. The position of the Board in this regard is analogous to that of trustees, as held by this Court in **Ram Mohan Das v. Travancore Devaswom Board [1975 KLT 55]**. Any improper act of the trustees could be questioned by a worshiper.

4. In **Suo motu [2022 (2) KHC 411]** this Court held that the Travancore Devaswom Board and those entrusted with the duty of managing the properties and affairs of Sabarimala Devaswom are duty bound to protect the properties of the deity from any wrongful claims, theft or misappropriation. The position of the Board in this regard is analogous to that of trustees. Any such wrongful claims, theft or misappropriation with the passive or active collusion of the authorities concerned, which are acts of 'fence eating the crops' should be dealt with sternly. The deity being a

perpetual minor, this Court is having inherent jurisdiction to protect and safeguard the interest and properties of the deity and the doctrine of *parens patriae* will also apply in the exercise of such jurisdiction.

5. In **the matter of Audit Report of the Travancore Devaswom Board for the year 1967-68 (Sabarimala Improvement Fund)** reported in **1990 (1) KLT 347**, in the context of Section 32 of the Act, a Division Bench of this Court reminded the President and members of the Travancore Devaswom Board about their public accountability. In the said decision it was made clear that it is for all persons concerned to see that greater vigil is exercised by the President and members of the Board in the overall administration of the Board and in the collection and disbursement of funds. Paragraph 16 of the abovesaid decision reads thus:

> "12. Before concluding, we should record our appreciation of the invaluable services rendered by the audit in bringing to light the way in which the Board had functioned during the relevant time. But, for the untiring efforts of the audit, the entire matter would have escaped attention. We take this opportunity to remind the President and members of the Board, about their public accountability. It is true that there is delay in the submission of the audit report and the consideration of the matter by this Court. In the meanwhile, the term of the President and/or members of the Board may ordinarily expire. These have contributed to the impression that the President and members of the Board or the officers will not be answerable for the lapses or acts or omissions, when the matter is

> finally adjudicated after some time or delay occurs in considering the matter. Impression seems to have gathered ground in recent times that the members of the Board or the officers can easily ward off their liability or responsibility by putting forth flimsy excuses. This is a matter which cannot be countenanced in public interest. It is for all persons concerned to see that greater vigil is exercised by the President and members of the Board in the overall administration of the Board and in the collection and disbursement of funds. It is also necessary for all concerned to see that every year the audit is completed, at the quickest possible time, and the matter is considered by this Court, when the President and members of the Board, who are responsible for it, are in a position to have their defences adjudicated effectively. It is also in public interest to see that adequate and proper provisions are made, to make the officers and other outsiders, liable and responsible for all acts of omissions or commissions and for unauthorised collections and for accounting the funds which really belong to the Devaswom. Public accountability should be emphasized and effectuated in larger public interest and appropriate legislation, to suit the needs of the time and situation, in the light of past experience, should be enacted, so that the public will continue to have confidence in such institutions."

6. Serial Nos.23, 32, 33, 35 and 37 of Annexure-1 periodical status report deal with instances in which temple employees in the temples under the management of the Travancore Devaswom Board were found in drunken condition in the temple premises. Serial Nos.23, 32, 33, 35 and 37 of

Annexure-1 periodical status report read thus;

Serial No.23	Report No.80 CT.202/2023/TDB /Vig.	Strict action is recommended against the watcher Sri.A.V.Abhilash of Perumbavoor Devaswom Watcher, Thrikkariyoor Group for being drunk while on duty.
Serial No.32	Report No.162 SC.168/2023/TDB /Vig.	The Thali G.Babu was found in a drunken condition at Eroor Devaswom in Punaloor Group and several liquor bottles were found in the temple compound. Strict action is recommended against him and his controlling sub group officer.
Serial No. 33	Report No.165 SC.169/2023/TDB /Vig.	Surprise inspection at Thirumarattukavu Temple, Varkala Group revealed that the Sub Group Officer, Vaishakh was found in a drunken condition and majority of the other employees were absent for duty. Sri.Vaishakh is improperly maintaining the registers and unauthorisedly retaining the Kanikka amount without remitting in the bank and hence strict disciplinary action and audit of his period of employment are recommended.
Serial No.35	Report No.195 SC.264/2023/TDB /Vig.	The surprise inspection at Sankhumukham Devaswom in Thiruvananthapuram revealed violation of rites by the Takil J.Rajesh and Nadaswaram Vishnu by not conducting the *Palliyunarthal*. The panchavadyam Sreejith was found drunk on duty.

		Hence stringent action is recommended against the delinquent officers and supervisory officers.
Serial No.37	Report No.206 SC.285/2023.TDB /Vig.	A surprise inspection conducted by the vigilance in the night of 19.10.2023 at Thirunakkara Temple, Kottayam Group revealted that the watcher Ajith Kumar and Kazhakom Bijukumar were drunk and strict action is to be taken against them. Moreover, Bijukumar who have obtained the auction right to sell flowers at the temple has to be blacklisted and watcher Ajithkumar is to be suspended from the service.

7. The reports of the Chief Vigilance and Security Officer in Serial Nos.23, 32, 33 35 and 37 are in respect of instances in which temple employees in the temples under the management of the Travancore Devaswom Board were found in drunken condition in the temple premises.

8. In view of the provisions contained in Rule 3 of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965, a drunken person shall not be entitled to enter or offer worship in any place of public worship or bath in or use the waters of any sacred tank, well, spring or watercourse appurtenant to a place of public worship whether situate within or outside the precincts thereof or any sacred place including a hill or hillock or a road, street, or pathway which is requisite for obtaining access to the place of public worship.

9. Having perused the periodical status reports of the Chief Vigilance and Security Officer and the submissions made by the learned Senior Government Pleader and the learned

Standing Counsel for Travancore Devaswom Board, we deem it appropriate to direct the learned Standing Counsel to make available for the perusal of this Court, the files relating to the reports which are Serial Nos.23, 32, 33, 35 and 37 in Annexure-1. The learned Standing Counsel shall also get instructions as to whether any action has already been initiated against the said temple employees, who were found in drunken condition, in the temple premises."

4. On 27.05.2024, when SSCR No.10 of 2024 came up for consideration, this Court passed the following order:

"In terms of the order of this Court dated 20.05.2024, the learned Standing Counsel for Travancore Devaswom Board has made available for the perusal of this Court the files relating to the reports, which are Serial Nos.23, 32, 33, 35 and 37 in Annexure-1, which are in respect of instances in which temple employees in the temples under the management of the Travancore Devaswom Board were found in drunken condition, in the temple premises.

2. Having perused the files, we deem it appropriate to direct the Secretary 3rd respondent Board to file an affidavit explaining the facts and circumstances with reference to the aforesaid proceedings, which shall be placed on record within two weeks."

5. Pursuant to the direction contained in the order of this Court dated 27.05.2024 in SSCR No.10 of 2024, an affidavit dated 12.06.2024 has been placed on record on behalf of the 3rd respondent Travancore Devaswom Board, which is one sworn to by its Secretary, wherein it is stated that based on the report of

the Chief Vigilance and Security Officer recommending stringent action against the employees, proceedings have already been initiated against the employees concerned. In respect of certain employees disciplinary proceedings are pending and the proceedings initiated against certain employees have already been concluded.

6. Heard the learned Senior Government Pleader for respondents 1 and 2 and the learned Standing Counsel for Travancore Devaswom Board for respondents 3 to 6.

7. During the course of arguments, the learned Standing Counsel has made available for the perusal of this Court a copy of Circular No.R.C.No.4015/93/suit dated 15.10.1993 issued by the Secretary of the Travancore Devaswom Board, which reads thus:

> "പെരുന്താനം ധർമ്മശാസ്ത്രാക്ഷേത്രാരാധകരായ അമ്പതുപേർ എം. ചന്ദ്രശേഖരനെന്ന ക്ഷേത്രജീവനക്കാരന്റെ നിരുത്തരവാദ പരമായ പെരുമാറ്റം കൊണ്ട് ക്ഷേത്രത്തിലെ പൂജാ കർമങ്ങൾക്കും മറ്റും വിഘ്നം വരുത്തുന്നതായി കേരള ഹൈക്കോടതിയിൽ ഒരു പരാതി കൊടുക്കുകയുണ്ടായി. അതിന്മേലുള്ള വിധി ന്യായത്തിൽ ക്ഷേത്ര ജീവനക്കാരുടെ ഈ ദൃശ്യമായ പെരുമാറ്റങ്ങൾ വളരെ ഗൗരവ ബുദ്ധിയോടെ വീക്ഷിക്കേണ്ട ദേവസ്വം ബോർഡും മറ്റ് അധികാരികളും ഇക്കാര്യത്തിൽ വളരെ ലാഘവബുദ്ധിയോടെ ആണ് നടപടികൾ കൈക്കൊള്ളുന്നതെന്നും ആയത് യാതൊരു നിലയിലും അനുവദനീയമല്ലെന്നും മേലാൽ ഇപ്രകാരം തെറ്റുചെയ്യുന്ന ആളുകളുടെ മേൽ ഏറ്റവും കർശനമായ ശിക്ഷാനടപടികൾ നടത്തി അവരെ സർവീസിൽനിന്നും പുറത്താക്കണമെന്നും വിധിന്യായത്തിൽ പ്രത്യേകം

ചൂണ്ടിക്കാണിച്ചിരിക്കുന്നു.

ഇതിന്റെ അടിസ്ഥാനത്തിൽ താഴെ പറയുന്ന നിർദ്ദേശം എല്ലാ ക്ഷേത്രജീവനക്ക രുടെയും അറിവിലേക്കായി അറിയിക്കുന്നു.

ക്ഷേത്രജീവനക്കാർ മദ്യപിച്ചും പൂജാദികർമ്മങ്ങൾക്ക് വിഘ്നം വരുത്തിയും ക്ഷേത്രാരാധനയ്ക്ക് വരുന്ന വിശ്വാസികളോട് അപമര്യാദയായുംഅവഹേളനപരമായും, സംസ്കാര രഹിതമായും ഉള്ള പെരുമാറ്റത്തെപ്പറ്റിയും നിരവധി പരാതികളും ആക്ഷേങ്ങളും ദേവസ്വം ബോർഡിലും കേരളഹൈക്കോടതിയ്ക്കും ഇടയ്ക്കിടെ കിട്ടി ക്കൊണ്ടിരിക്കുന്നു. ക്ഷേത്രങ്ങളുടേയും ക്ഷേത്ര ജീവനക്കാരുടേയും നിലനിൽപ്പുതന്നെ ക്ഷേത്ര വിശ്വാസികളുടെ അകമഴിഞ്ഞ സഹായവും സഹകരണവും കൊണ്ട് മാത്രമാണെന്നുള്ളസത്യം പലപ്പോഴും ക്ഷേത്ര ജീവനക്കാർ വിസ്മരിക്കുന്നു. ക്ഷേത്രജീവനക്കാർ സംസ്കാരസമ്പന്നരും, ഹിന്ദുമതവിശ്വാസികളും സൽസ്വഭാവികളും ആയിരിക്കണമെന്ന് തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിന് നിർബ്ബന്ധമുണ്ട്.

ക്ഷേത്രജീവനക്കാർക്ക് ഒരു പെരുമാറ്റച്ചട്ടം ഉണ്ടാകേണ്ടത് ആവശ്യമാണെന്ന് തിരുവിതാംകൂർ ദേവസ്വം ബോർഡ് കരുതുന്നു. ഏതെങ്കിലും ക്ഷേത്രജീവനക്കാരനോദേവസ്വം ജീവനക്കാരനോ, തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിന്റെകീഴിലുള്ള ഏതെങ്കിലും ക്ഷേത്ര കാമ്പൗണ്ടിനകത്തോ ക്ഷേത്രപരിസരത്തോ മദ്യപിച്ച് ഹാജരാവുകയോ ഭക്തജനങ്ങളോട് അപമര്യാദയായി പെരുമാറുകയോ ക്ഷേത്രവിശ്വാസത്തിന് നിരക്കാത്ത ഏതെങ്കിലും പ്രവർത്തി ക്ഷേത്രകോമ്പൗണ്ടിനകത്തോ, പരിസരത്തോ ചെയ്യുകയാണെങ്കിലോടിയാന്റെ പ്രസ്തുത പ്രവർത്തി ഗുരുതരമായ കൃത്യവിലോപമായി കണക്കാക്കി ടിയാനെ സർവീസിൽനിന്നും ഉടനെ പിരിച്ചുവിടുന്നതുൾപ്പടെ നിയമാനുസൃതമായ എല്ലാ നടപടികളും നിർദാക്ഷിണ്യം ടിയാന്റെ പേരിൽ എടുക്കുന്നതാണെന്നുള്ള വിവരം എല്ലാ ക്ഷേത്രജീവനക്കാരേയും, ദേവസ്വം ബോർഡിന്റെകീഴിലുള്ള മറ്റ് ജീവനക്കാരേയും ഇതിനാൽ അറിയിക്കുന്നു.

ഈ സർക്കുലറിലെ നിർദ്ദേശങ്ങൾ എല്ലാ ജീവനക്കാരുടേയും ശ്രദ്ധയിൽപ്പെടുത്തേണ്ടതാണ്."

8. 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. As per sub-section (3) of Section 1 of the Act, substituted by the Kerala Adaptation of Laws Order, 1956, Part I of the Act shall extend to Travancore, Part II of the Act shall extend to Cochin and Part III of the Act shall extend to the whole of the State of Kerala, excluding the Malabar District. Clause (a) of Section 2 of the Act defines the term 'Board' to mean the TDB constituted under Chapter II of the Act in accordance with the covenant. Clause (c) of Section 2 defines the term 'incorporated Devaswoms' to mean the Devaswoms mentioned in Schedule I, and 'unincorporated Devaswoms' to mean those Devaswoms including Hindu Religious Endowments whether in or outside Travancore which were under the management of the Ruler of Travancore and which have separate accounts of income and expenditure and are separately dealt with.

9. Chapter II of the Act deals with the Travancore Devaswom. Section 3 of the Act deals with vesting of administration in Board. As per Section 3, the administration of incorporated and unincorporated Devaswoms and of Hindu

Religious Endowments and all their properties and funds as well as the fund constituted under the Devaswom Proclamation, 1097 M.E. and the surplus fund constituted under the Devaswom (Amendment) Proclamation, 1122 M.E. which were under the management of the Ruler of Travancore prior to the first day of July, 1949, except the Sree Padmanabhaswamy Temple, Sree Pandaravaka properties and all other properties and funds of the said temple, and the management of all institutions which were under the Devaswom Department shall vest in the Travancore Devaswom Board.

10. Section 15 of the Act deals with vesting of jurisdiction in the Board. As per sub-section (1) of Section 15, subject to the provisions of Chapter III of Part I, all rights, authority and jurisdiction belonging to or exercised by the Ruler of Travancore prior to the first day of July, 1949, in respect of Devaswoms and Hindu Religious Endowments shall vest in and be exercised by the Board in accordance with the provisions of this Act. As per sub-section (2) of Section 15, the Board shall exercise all powers of direction, control and supervision over the incorporated and unincorporated Devaswoms and Hindu Religious Endowments under their jurisdiction.

11. Section 15A of the Act, inserted by Act 5 of 2007, with

effect from 12.04.2007, deals with duties of the Board. As per Section 15A, 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. Section 16 of the Act deals with supervision and control by the Board. As per Section 16, the Board shall, subject to the provisions of Part I of the Act, exercise supervision and control over the acts and proceedings of all officers and servants of the Board and of the Devaswom Department.

12. Section 24 of the Act deals with maintenance of Devaswoms, etc., out of Devaswom Fund. As per Section 24, the Board shall, out of the Devaswom Fund constituted under Section 25, maintain the Devaswoms mentioned in Schedule I [i.e. incorporated Devaswoms], keep in a state of good repair the temples, buildings, and other appurtenances thereto, administer the said Devaswoms in accordance with recognised usages, make

contributions to other Devaswoms in or outside the State and meet the expenditure for the customary religious ceremonies and may provide for the educational upliftment, social and cultural advancement and economic betterment of the Hindu community.

13. Section 27 of the Act deals with Devaswom properties. As per Section 27, immovable properties entered or classed in the revenue records as Devaswom Vaga or Devaswom Poramboke and such other Pandaravaga lands as are in the possession or enjoyment of the Devaswoms mentioned in Schedule I after the 30th Meenam, 1097 corresponding to the 12th April, 1922, shall be dealt with as Devaswom properties. The provisions of the Land Conservancy Act of 1091 (IV of 1091) shall be applicable to Devaswom lands as in the case of Government lands. Section 31 of the Act deals with management of Devaswoms. As per Section 31, subject to the provisions of Part I and the rules made thereunder, <u>the Board shall manage the properties and affairs of the Devaswoms</u>, both incorporated and unincorporated as heretofore, and <u>arrange for the conduct of the daily worship and ceremonies and of the festivals in every temple according to its usage</u>.

14. In **Ram Mohan Das v. Travancore Devaswom Board and others [1975 KLT 55]** a learned Single Judge of this

Court held that, under Section 31 of the Travancore-Cochin Hindu Religious Institutions Act the Travancore Devaswom Board shall manage the properties and affairs of the Devaswoms, both incorporated and unincorporated and arrange for the conduct of the daily worship and ceremonies and of the festivals in every temple according to its usage. The position of the Board in regard to the Devaswoms - incorporated and unincorporated - is analogous to that of trustees. Any improper act of the Trustees could be questioned by a worshipper.

15. In **M.V. Ramasubbiar v. Manicka Narasimachara [(1979) 2 SCC 65],** in the context of Sections 49, 51 and 52 of the Trusts Act, 1882, the Apex Court explained the nature of the fiduciary position of the trustee and his duties and obligations. It is duty of the trustees of the property to be faithful to the Trust and execute any document with reasonable diligence in the manner of an ordinary prudent man of business would conduct his own affairs. A trustee could not therefore occasion any loss to the Trust and it is his duty to sell the property, if at all that was necessary, to best advantage. Paragraph 4 of that decision reads thus;

> "4. There is some controversy on the question whether Defendant 1 made an outright purchase of the suit property

for and on behalf of the trust for Rs 21,500 on April 19, 1959, or whether he intended to purchase it for himself and then decided to pass it on to the trust, for defendants have led their evidence to show that the property was allowed to be sold for Rs 21,500, which was less than its market value, as it was meant for use by the trust and that Defendant 1 was not acting honestly when he palmed off the property to his son soon after by the aforesaid sale deed Ext.B13 dated July 14, 1960. The fact, however, remains that Defendant 1 was the trustee of the property, and it was his duty to be faithful to the trust and to execute it with reasonable diligence in the manner an ordinary prudent man of business would conduct his own affairs. He could not therefore occasion any loss to the trust and it was his duty to sell the property, if at all that was necessary, to best advantage. It has in fact been well recognised as an inflexible rule that a person in a fiduciary position like a trustee is not entitled to make a profit for himself or a member of his family. It can also not be gainsaid that he is not allowed to put himself in any such position in which a conflict may arise between his duty and personal interest, and so the control of the trustee's discretionary power prescribed by Section 49 of the Act and the prohibition contained in Section 51 that the trustee may not use or deal with the trust property for his own profit or for any other purpose unconnected with the trust, and the equally important prohibition in Section 52 that the trustee may not, directly or indirectly, buy the trust property on his own account or as an agent for a third person, cast a heavy responsibility upon him in the matter of discharge of his duties as the trustee. It does not require much argument to

> proceed to the inevitable further conclusion that the Rule prescribed by the aforesaid sections of the Act cannot be evaded by making a sale in the name of the trustee's partner or son, for that would, in fact and substance, indirectly benefit the trustee. Where therefore a trustee makes the sale of a property belonging to the trust, without any compelling reason, in favour of his son, without obtaining the permission of the court concerned, it is the duty of the court, in which the sale is challenged, to examine whether the trustee has acted reasonably and in good faith or whether he has committed a breach of the trust by benefitting himself from the transaction in an indirect manner. The sale in question has therefore to be viewed with suspicion and the High Court committed an error of law in ignoring this important aspect of the law although it had a direct bearing on the controversy before it."
>
> (underline supplied)

16. In **A.A. Gopalakrishnan v. Cochin Devaswom Board [(2007) 7 SCC 482]** a Three-Judge Bench of the Apex Court held that <u>the properties of deities, temples and Devaswom Boards are required to be protected and safeguarded</u> by their trustees/archakas/shebaits/employees. Instances are many where persons entrusted with the duty of managing and safeguarding the properties of temples, deities and Devaswom Boards have usurped and misappropriated such properties by setting up false claims of ownership or tenancy, or adverse possession. This is possible only with the passive or active

collusion of the authorities concerned. Such acts of 'fence eating the crops' should be dealt with sternly. The Government, members or trustees of boards/trusts, and devotees should be vigilant to prevent any such usurpation or encroachment. It is also the duty of courts to protect and safeguard the properties of religious and charitable institutions from wrongful claims or misappropriation.

17. In **Travancore Devaswom Board v. Mohanan Nair [(2013 (3) KLT 132]** a Division Bench of this Court noticed that in A.A. Gopalakrishnan [(2007) 7 SCC 482] the Apex Court emphasised that it is the duty of the courts to protect and safeguard the interest and properties of the religious and charitable institutions. The relevant principles under the Hindu law will show that the Deity is always treated similar to that of a minor and there are some points of similarity between a minor and a Hindu idol. The High Court therefore is the guardian of the Deity and apart from the jurisdiction under Section 103 of the Land Reforms Act, 1957 viz. the powers of revision, the High Court is having inherent jurisdiction and the doctrine of parens patriae will also apply in exercising the jurisdiction. Therefore, when a complaint has been raised by the Temple Advisory Committee, which was formed by the devotees of the Temple, about the loss

of properties of the Temple itself, the truth of the same can be gone into by the High Court in these proceedings.

18. In **Rajani P. Kuttan and another v. State of Kerala and others [2021 (6) KHC 513]** a Division Bench of this Court noticed that among the 1250 Temples managed by the Travancore Devaswom Board, only 60 major Temples are self-sufficient and <u>the rest are being managed utilising the surplus income from Sabarimala Devaswom</u>. The total number of sanctioned posts in various categories in the Travancore Devaswom Board is 5692 and the total number of pensioners is 5749. The major source of revenue of the Travancore Devaswom Board is the income received by way of offering by the devotees, the amount received from vazhipadu and the revenue generated through the auction of temple premises for various activities in connection with rituals and festivals in the Temples. Paragraph 59 of the said decision reads thus:

> "59. The Financial position of the Devaswom Board:- The competent officer of the Devaswom Board filed an affidavit dated 14.06.2021 stating its financial position. It is submitted that there are 1250 temples under the Administrative Control of the Devaswom Board. The total number of sanctioned posts in various categories in the Devaswom Board is 5692, and the total number of pensioners is 5749. It is further submitted that the major

sources of revenue of the Devaswom Board are the income received by way of offerings from devotees, the amount received from vazhipadu, and the revenue generated through the auction of the temple premises for various activities in connection with rituals and festivals in the temples. Besides this, the Devaswom Board gets an approximate sum of 14 crores per annum by way of the rent of the buildings owned by it. The annual contribution from the State Government under Article 290A of the Constitution of India is Rs.80 lakhs. It is further submitted that <u>among the 1250 temples managed by the Devaswom Board, only 60 major temples are self-sufficient</u>, and <u>the rest are being managed utilising the surplus income from Sabarimala Devaswom.</u> Now, due to the spread of the Covid-19 pandemic, the temples remain closed, and the major source of income has come down. The Devaswom Board is finding it difficult even to pay the salary of the existing employees. The pleadings regarding the financial position of the Devaswom Board in the affidavit dated 14.06.2021 have not been controverted by the petitioners." (underline supplied)

19. In **Suo Motu v. State of Kerala and others [2022 (2) KHC 411]** this Court held that, in view of the provisions under the Travancore-Cochin Hindu Religious Institutions Act and also the law laid down in the decisions referred to supra, the Travancore Devaswom Board is duty bound <u>to ensure proper administration, supervision and control of Sabarimala Devaswom,</u> which is an incorporated Devaswom mentioned in Schedule I of the said Act, under the Chengannur Group. The Board has a

statutory duty to monitor whether its administrative officials and employees and also the employees connected with religious rites are functioning properly. The Board is duty bound to exercise proper supervision and control over the acts and proceedings of all officers and servants and to manage the properties and affairs of Sabarimala Devaswom and conduct daily worships and ceremonies and also festivals in the temple according to its usage. Position of the Board in this regard is analogous to that of trustees, as held by this Court in **Ram Mohan Das [1975 KLT 55]**. Any improper act of the trustees could be questioned by a worshiper. The Board and those entrusted with the duty of managing the properties and affairs of Sabarimala Devaswom are duty bound to protect the properties of the deity from any wrongful claims, theft or misappropriation. Any such wrongful claims, theft or misappropriation with the passive or active collusion of the authorities concerned, which are acts of 'fence eating the crops' should be dealt with sternly. Since the deity being a perpetual minor, this Court is having inherent jurisdiction to protect and safeguard the interest and properties of the deity and the doctrine of *parens patriae* will also apply in the exercise of such jurisdiction.

20. As already noticed in the order dated 20.05.2024 in

SSCR No.10 of 2024, the reports of the Chief Vigilance and Security Officer in Serial Nos.23, 32, 33 35 and 37 are in respect of instances in which temple employees in the temples under the management of the Travancore Devaswom Board were found in drunken condition in the temple premises.

21. The State Legislature enacted the Kerala Hindu Places of Public Worship (Authorisation of Entry) Act, 1965 to make better provisions for the entry of all classes and sections of Hindus into places of public worship. In exercise of the powers conferred under Section 4 of the Act to make regulations for the maintenance of order and decorum and the due performance of rites and ceremonies in places of public worship, the State Government made the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965. In view of the provisions contained in clause (d) of Rule 3 of the said Rules, <u>a drunken person shall not be entitled to enter or offer worship in any place of public worship</u> or bath in or use the waters of any sacred tank, well, spring or water course appurtenant to a place of public worship, whether situate within or outside the precincts thereof, or any sacred place including a hill or hillrock or a road, street or pathway which is requisite for obtaining access to the place of public worship.

22. In view of the provisions contained in Rule 3 of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965, a drunken person shall not be entitled to enter or offer worship in any place of public worship or bath in or use the waters of any sacred tank, well, spring or watercourse appurtenant to a place of public worship whether situates within or outside the precincts thereof or any sacred place including a hill or hillock or a road, street, or pathway which is requisite for obtaining access to the place of public worship.

23. Having considered the pleadings and materials on record and also the submissions made at the Bar in the light of the statutory provisions referred to hereinbefore and the decisions referred to supra, we hold that the Travancore Devaswom Board is duty bound to take action against its employees and others, when misconducts, misappropriation, etc. are pointed out in the reports of the Chief Vigilance and Security Officer (Superintendent of Police), who is heading the Vigilance Wing of the Board. The Board is duty bound to exercise proper supervision and control over the acts and proceedings of all officers and employees and to manage the properties and affairs of both incorporated and unincorporated Devaswoms under its management, according to its usage. The Board, being the trustee in management of the

properties and affairs of both incorporated and unincorporated Devaswoms, has to state cogent reasons for brushing aside the recommendations made by the Chief Vigilance and Security Officer, pointing out any misconducts, misappropriation, etc. by the officers and employees of the Board. The orders passed by the Board should reflect proper application of mind, which should be manifest from that order itself. The reports by the Chief Vigilance and Security Officer shall be placed before the Board, at the appropriate time, without any delay, and the Board has to take necessary action on such reports, strictly in accordance with law. The President and Members of the Board shall exercise reasonable diligence in such matters, in the manner of an ordinary prudent man of business would conduct his own affairs. The position of the President and Members of the Board in this regard is analogous to that of trustees, in view of the law laid down by this Court in **Ram Mohan Das [1975 KLT 55]**, any improper act of the trustees, which would amount to breach of trust, could be questioned by a worshipper. In order to ensure that the reports of the Chief Vigilance and Security Officer are placed before the Board for its decision, directions, etc. at the appropriate time, without any delay, the following directions are issued;

(i) The reports of the Chief Vigilance and Security Officer, which are addressed to the President of the Board, shall be placed before the Board, at the earliest, at any rate, within a period of one month from the date of that report, for taking necessary action.

(ii) The reports of the Chief Vigilance and Security Officer, which requires immediate interference, shall be placed before the Board immediately on receipt of the same, at any rate, in the next meeting of the Board.

(iii) The action taken report prepared by the Secretary of the Board, along with the reports of the Chief Vigilance and Security Officer (Superintendent of Police), shall be filed before this Court in 1st week of January and 1st week of June, which shall be numbered as DBA and listed before the Devaswom Bench, immediately on receipt of such reports, for appropriate orders.

(iv) The State of Kerala, represented by the Principal Secretary to Government, Revenue (Devaswom) Department and the Deputy Director, Kerala State Audit Department, Travancore Devaswom Board Audit shall be arrayed as respondents in such DBAs.

(v) If found necessary, the Devaswom Bench may refer the matter to the learned Ombudsman for enquiry and report, and the report of the learned Ombudsman shall be placed before the Devaswom Bench for appropriate orders.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

HARISANKAR V. MENON, JUDGE

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