

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

TUESDAY, THE 7TH DAY OF DECEMBER 2021/16TH AGRAHAYANA, 1943

SSCR NO. 14 OF 2021

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA

SPECIAL COMMISSIONER REPORT - SM NO.15/2021 - REPORT

REGARDING THE CHAIN SERVICE OF KSRTC BUSES BETWEEN

NILAKKAL AND PAMPA AND THE FAIR COLLECTED - REG.

PETITIONER:

SUO MOTU

X

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT
SECRETARIATE, THIRUVANANTHAPURAM-695 001.
- 2 THE STATE POLICE CHIEF
POLICE HEAD QUARTERS, VAZHUTAKKAD,
THIRUVANANTHAPURAM-695 010.
- 3 THE DISTRICT POLICE CHIEF
PATHANAMTHITTA - 689 645.
- 4 KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, FORT P.O., THIRUVANANTHAPURAM-
695 035.

SSCR NO. 14 OF 2021

- 5 THE TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCDE,
KAWDIAR POST, THIRUVANANTHAPURAM-695 003.
- 6 THE TRANSPORT COMMISSIONER
TRANSPORT COMMISSIONERATE, 2ND FLOOR, TRANS
TOWER, VAZHUTHACAUD, THYCAUD P.O.,
THIRUVANANTHAPURAM -695014
*IS SUO MOTU IMPEADED VIDE ORDER DATED
4.12.2021 IN SSCR 14/2021

R BY SRI.N.MANOJ KUMAR, STATE ATTORNEY
SRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD
SRI.DEEPU THANKAN, SC, KSRTC
SRI.N.RAGHURAJ, AMICUS CURIAE

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING
COME UP FOR ADMISSION ON 07.12.2021, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

SSCR NO. 14 OF 2021

ORDER

Anil K. Narendran, J.

The Special Commissioner, Sabarimala, has filed this report regarding the chain service provided by KSRTC between Nilakkal and Pampa.

2. On 04.12.2021, when this report came up for consideration, the learned Senior Government Pleader for respondents 1 to 3 and 6 and also the respective Standing Counsel for KSRTC and Travancore Devaswom Board sought time to get instructions.

3. On 06.12.2021, when this report came up for further consideration, the learned State Attorney submitted that in addition to nine verification centres at Nilakkal, three more centres will be started by 07.12.2021 for verification of Virtual-Q coupons and Covid Vaccination/test certificates at Nilakkal in order to avoid delay. Four more spot booking centres at Thripunithura, Kodungallur, Chottanikkara and Thiruvilwamala are being opened under Cochin Devaswom Board. The learned Standing Counsel for Travancore Devaswom Board pointed out that the number of pilgrims

SSCR NO. 14 OF 2021

having Darshan at Sabarimala per day is now in the range of 38,000 – 40,000. Then the learned State Attorney submitted that a decision shall be taken in the joint meeting of all concerned including Travancore Devaswom Board on the question as to whether the number of pilgrims permitted to Sabarimala Darshan to be hiked and the said fact shall be intimated to this Court. The learned Standing Counsel for KSRTC submitted that the Corporation will provide group booking facility for pilgrims so that the pilgrims of particular groups can travel in the very same vehicle.

4. A statement has been filed on behalf of the 4th respondent KSRTC. Paragraphs 8 and 9 of the said statement reads thus;

"8. It is submitted that the fares of stage carriages are fixed by the state government from time to time. The Corporations has absolutely no authority to fix the price or to levy an increased fare. The latest fare revision was in the month of July 2021 and the Government has published a G.O. No.37/2000 dated 3/7/2020 revising the fare of the stage carriages. A true copy of the GO. 37/2020/Tran dated 3/7/2020 is produced herewith and marked as Annexure R4(A). As per the said notification considering various factors like the raise in the price of

SSCR NO. 14 OF 2021

diesel which effect the operational cost, the minimum fare is fixed as Rs.13/- for the first 2.5 kms and Rs.1/- for every additional kilometre for JnNURM non-A/C buses and Rs. 26 for the first 5 kilometres as minimum fare and Rs. 1.87 for every additional kilometre for JnNURM A/C buses. In addition to the above, for buses plying in ghat sector an additional 25% can be levied on the total price and an additional 30% can be levied for fare and festivals for both JnNURM A/C and non A/C buses. Additionally, passengers' insurance cess of Rs.3/- for JnNURM non-A/C and Rs. 10/- for JnNURM A/C buses can be levied by the Corporation and for that each passenger is covered for an insurance of Rs. 3,00,000/-.

9. It is submitted that the distance between Nilakkal to Pamba is 22.1 kilometres and in fact, when the fare is calculated as per the above notification the Corporations should ideally charge Rs. 56/- for JnNURM non A/C buses and Rs.106/- for JnNURM A/C buses. But, the Corporation is only charging Rs. 50/- for JnNURM non-A/C buses and Rs.80/- for JnNURM A/C buses, i.e., at a much reduced rate. The chart showing the fare calculation is as follows:

Calculation of fare for JnNURM Non A/C

Minimum Fare - 13 for 2.5 km	=	13 for first 2.5 k.m
KM fare - 1/- per km	=	19.6 for 19.6 km
Sub Total	=	32.6/-

25% extra for Ghat Sector

(as per B of G.O.37/2020) = 8.15

Total = 40.75

SSCR NO. 14 OF 2021

30% extra for fare and festival	=	12.225
(as per H & item No.31 of schedule attached G.O.37/2020)		
Total Fare	=	52.975
Cess	=	Rs.3 (2+1)
Total	=	55.975
Rounded off	=	Rs.56/-
Fare collected by KSRTC	=	Rs.50/-

Calculation of fare for JnNURM A/C

Minimum Fare - Rs.26 for 5 km	=	26 for first 5 km
KM fare - Rs.1.874/- per km	=	31.977 for 17.1 km
Sub Total	=	57.977/-
25% extra for Ghat Sector (as per B of G.O.37/2020)	=	14.49
Total	=	72.47
30% extra for fare and festival	=	21.74
(as per H & item No.31 of schedule attached G.O.37/2020)		
Total Fare	=	94.21
Cess	=	Rs.10 (5+5)
Total	=	104.21
Rounded off	=	Rs.106/-
Fare collected by KSRTC	=	Rs.80/-"

5. Heard the learned State Attorney, the learned Standing Counsel for Travancore Devaswom Board, the learned Standing Counsel for KSRTC and also the learned

SSCR NO. 14 OF 2021

Amicus Curiae for the Special Commissioner, Sabarimala.

6. Insofar as the fare collected by KSRTC for JnNURM Non-A/C buses and JnNURM A/C buses at the rate of Rs.50 and Rs.80 respectively is concerned, the learned Standing Counsel for Travancore Devaswom Board and also the learned Amicus Curiae would point out that 30% extra fare for festival occasions is charged at the rate of Rs.12.225 for Non A/C buses and at the rate of Rs.21.74 for A/C buses.

7. The learned Standing Counsel for KSRTC, after referring to Clause H of Annexure R4(a), G.O.No.37/2020/Tran dated 03.07.2020 and also the schedule to that notification (Serial No.31), would point out that in respect of service operated in connection with Mandalapooja at Sabarimala, during November/December (55 days), KSRTC may realise 30% of the rates, in addition to the rates of fares fixed for the respective class of services. In terms of Annexure R4(a), KSRTC is charging 25% extra for Ghat sector and 30% extra for festival seasons. Though KSRTC is entitled to collect a sum of Rs.56/- and Rs.106/- respectively as fare for Non-A/C and A/C buses respectively, the actual fare collected by

SSCR NO. 14 OF 2021

KSRTC is only Rs.50/- and Rs.80/- respectively.

8. The learned Standing Counsel for Travancore Devaswom Board would point out that the collection of 30% fare for festival in terms of Annexure R4(a) notification has to be calculated with reference to the original fare of Rs.32.6 and not with reference to the total fare after adding 25% extra for Ghat sector. Therefore, 30% extra that can be charged for Non A/C buses comes to Rs.9.78 ($32.6/100 \times 30$) as against Rs.12.225 and that for A/C buses it is only Rs.17.39 ($57.977/100 \times 30$) as against Rs.21.74. This would result in an excess fare of Rs.2.445 and Rs.4.35 respectively in the case of Non-A/C and A/C buses respectively.

9. As pointed out by the learned Standing Counsel for KSRTC, though going by Annexure R4(a), 30% extra has to be calculated from the original fare, insofar as fare for Non-A/C and A/C buses are concerned, it is not having an impact since as against Rs.56/- and Rs.106/-, the fare collected by KSRTC is only Rs.50/- and Rs.80/- respectively.

10. In the statement filed on behalf of the 4th respondent KSRTC, it is stated that 80 non A/C buses and 40

SSCR NO. 14 OF 2021

A/C buses are allotted for Nilakkal-Pumpa services and additional crew of 10 drivers and conductors are also posted for the said service due to increase in the number of pilgrims. 375 buses have been allotted to ply during Makaravilakku season and for the period from 14.11.2021 to 01.12.2021 approximately 4,52,698 pilgrims have utilised the services of KSRTC in Nilakkal-Pampa-Nilakkal route. In addition to 128 buses operating from Nilakkal to various places, KSRTC is considering the scope of increasing services to Palani, Coimbaore and Thenkasi and also to extend its services to Madurai and Chennai as well.

11. Having considered the submissions made by the learned counsel on both sides, we find that necessary arrangements have already been made by KSRTC and also the Travancore Devaswom Board for transportation of pilgrims from Nilakkal to Pampa and back.

12. The learned State Attorney would submit that concerned enforcing agencies shall take necessary steps to ensure that there is no violation of Covid-19 protocol insofar as the transportation of pilgrims through KSRTC buses are

SSCR NO. 14 OF 2021

concerned.

13. Regarding group booking in Virtual-Q platform, the learned State Attorney would submit that such facility was stopped when it was noticed that it is being misused by certain travel agencies. Pilgrims coming from other States as a group of 40 or 50 persons, holding virtual-Q coupons, will be permitted to proceed to Sannidhanam even beyond the time limit prescribed in the respective coupons, subject to the availability of open slots.

14. The learned Standing Counsel for KSRTC would submit that if any request is made by groups having persons minimum 40 in number, they will be permitted to be carried in single bus from Nilakkal to Pampa and back. Such groups will also have the facility for online booking through KSRTC Web Portal.

15. The State and also Travancore Devaswom Board to give wide publicity through print and visual media about the aforesaid facilities available to pilgrims, so that more number of devotees can have Sabarimala Darshan. In case of any difficulties faced by the devotees, it is for the officers

SSCR NO. 14 OF 2021

concerned to report the said facts to the Special Commissioner or the Executive Officer so as to enable them to bring it to the notice of this Court for appropriate orders.

With the above directions, this report is closed.

Sd/-

ANIL K.NARENDHAN, JUDGE

Sd/-

P.G. AJITHKUMAR, JUDGE

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SSCR NO. 14 OF 2021

APPENDIX

RESPONDENTS' EXHIBITS

**ANNEXURE R4 (a) TRUE COPY OF THE G.O.37/2020/TRAN
DATED 3/7/2020**