

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

M.A.NO. _____ OF 2018

IN

WRIT PETITION (CIVIL) NO. 373 OF 2006

IN THE MATTER OF:

Indian Young Lawyers Association ... Petitioner

VERSUS

The State of Kerala ... Respondent

AND IN THE MATTER OF:

Travancore Devaswom Board ... Applicant

APPLICATION FOR DIRECTIONS

TO

HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUSTICES OF

THE SUPREME COURT OF INDIA

The humble Application of the
Applicant above named

MOST RESPECTFULLY SHEWETH:

1. That the present Application has been preferred by the Applicant, Travancore Devaswom Board, seeking an extension of time from this Hon'ble Court to implement the Judgment dated 28.09.2018 passed by this Hon'ble Court in Writ Petition (Civil) No. 373 of 2006 whereby this Hon'ble Court was pleased to declare that the custom or usage of prohibiting women between the ages of 10 to 50 years from entering the Sabarimala temple is violative of Article 25(1) and violative of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Act, 1965 made

under Article 25(2)(b) of the Constitution. Further, it was also declared that Rule 3(b) of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965 is unconstitutional being violative of Article 25(1) and Article 15(1) of the Constitution of India. Consequently, this Hon'ble Court was pleased to permit entry of women between the age group of 10 to 50 years to the Lord Ayyappa Temple at Sabarimala (Kerala) which had been denied to them on the basis of the discriminatory practice being followed at the Sabarimala Temple.

2. That it is submitted that a number of Review Petitions were filed before this Hon'ble Court against the Judgment dated 28.09.2018 passed by this Hon'ble Court in Writ Petition (Civil) No. 373 of 2006 and this Hon'ble Court vide Order dated 13.11.2018 was pleased to pass the following Order on the said Review Petitions:

'Applications for hearing of review petitions in Open Court are allowed.

All the Review Petitions along with all pending applications will be heard in Open Court on 22nd January, 2019 before the appropriate Bench. We make it clear that there is no stay of the judgment and order of this Court dated 28th September, 2018 passed in Writ Petition (Civil) No.373 of 2006 (Indian Young Lawyers Association & Ors. vs. The State of Kerala & Ors.)'

A copy of the Order dated 13.11.2018 passed by this Hon'ble Court in Review Petition (Civil) No. 3358/2018 in

Writ Petition (Civil) No. 373 of 2006 is annexed herewith and marked as **Annexure-A (Pages: 11-18)** .

3. That, at the outset, it is submitted that the Applicant is bound by the Judgment dated 28.09.2018 passed by this Hon'ble Court in Writ Petition (Civil) No. 373 of 2006 and duty bound to implement the same in letter and spirit. The Applicant is taking all earnest efforts to act in accordance with the Judgment of this Hon'ble Court. However, the Applicant is facing certain practical difficulties which has constrained it to approach this Hon'ble Court by way of the present Application for seeking an extension of time to implement the Judgment dated 28.09.2018 passed by this Hon'ble Court.
4. That in the month of August, 2018, the State of Kerala was devastated by unprecedented floods which caused huge loss and damage to the infrastructure in the entire State.
5. That it is submitted that the calamitous floods also damaged and destroyed the infrastructure at Pampa and its surrounding areas which is the base camp of the pilgrimage for the devotees of Lord Ayyappa. It is submitted that the entire facilities in Pampa were badly affected by the recent flood and rains. The buildings, stalls, pilgrim shelters, toilet facilities, sewage network system etc. were almost completely washed off. Even the access to Sabarimala was blocked because the course of

River Pampa was diverted and a huge amount of sand was deposited in the Banks of Pampa. It was on the basis of the earnest efforts undertaken by the Applicant that the facility of access could be restored. By the interference of different governmental agencies, the course of river Pampa was restored to its original course and certain amount of sand also could be removed. Since the basic amenities of Pampa were lost and the Applicant is not in a position to restore it because of the stringent conditions imposed by the Central Empowerment Committee in making permanent constructions in the banks of Pampa, it was decided to shift the base camp from Pampa to Nilakkal. Though earnest efforts were undertaken by the Applicant, the Nilakkal camp is yet to reach its original capacity as planned in the Master Plan due to scarcity of time. The basic amenities are provided at Nilakkal and Pampa by providing temporary toilets and bio-toilets to meet the increasing needs of the pilgrims.

6. That it is also submitted that in order to cater to the entry of women and to ensure their safety and well-being, additional infrastructure such as restrooms, washrooms and other necessary facilities will have to be created at Sabarimala, Pampa and Nilackal for which the Applicant would require some time so as to make additional arrangements to put such infrastructure in place.

7. That it is submitted that even though the Applicant had undertaken arrangements of the requisite additional infrastructure at Sabarimala, Pampa and Nilackal, the same is yet to be completed for want of time as also in view of the objections raised by the Central Empowered Committee.
8. It is relevant to mention that the Central Empowered Committee has raised certain objections with regard to the utilization of Forest Land transferred to the Applicant from time to time.
9. That it is submitted that, on 28.10.2018, immediately prior to the pilgrimage season, the Central Empowered Committee visited Sabarimala, Pampa and Nilackal and upon visiting the same has filed a Report before this Hon'ble Court praying for a direction to stop all construction activities at Sabarimala, Pampa and Nilackal. A copy of the report filed by the Central Empowered Committee before this Hon'ble Court in Writ Petition (Civil) No. 202/1995 is annexed herewith and marked as **Annexure-B (Pages: 19-36)**.
10. That it is submitted that before the Central Empowered Committee, the Applicant has already placed its long standing demand for providing more Forest Land in order to enable the Applicant to provide additional facilities for the increasing number of devotees visiting Sabarimala.

11. That, therefore, until the objections raised by the Central Empowered Committee is not finally adjudicated by this Hon'ble Court, the Applicant is not in a position to undertake further arrangements at Sabarimala, Pampa and Nilackal.
12. That it is also submitted that the Judgment of this Hon'ble Court permitting entry of women between the age group of 10 to 50 years to the Lord Ayyappa Temple at Sabarimala (Kerala) has evoked a strong response from certain people and political parties which has led to severe law and order problems in the State of Kerala and particularly in the areas around the Sabarimala Temple.
13. That, on 06.11.2018, subsequent to the Judgment of this Hon'ble Court, a few women tried to visit the Sabarimala Temple for worship during the monthly pooja in the Malyalam month of Thulam and Chithira Attavisheshom but they could not enter the temple on account of the severe resistance on the part of those opposing the Judgment of this Hon'ble Court.
14. That it is submitted that the Hon'ble High Court of Kerala has appointed M. Manoj, Additional District & Sessions Court-VI Kollam as the Special Commissioner to apprise the Hon'ble High Court of the prevailing situation and the Learned Special Commissioner has submitted 2 (two) reports before the Hon'ble High Court of Kerala detailing the law and order problems. A copy of the Reports

submitted by M. Manoj, Additional District & Sessions Court-VI Kollam, Special Commissioner in the Hon'ble High Court of Kerala are annexed herewith and marked as **Annexure-C (Pages: 37-60)**.

15. That it is submitted that it is learnt that about 1000 women have already registered their name to visit the Sabarimala Temple during the pilgrimage season which commenced from 16.11.2018 and which goes on till 20.01.2019.
16. That, therefore, the security of women being the primary responsibility and consideration of the Applicant, the Applicant submits that, at present, it is not in a position to provide that much of additional facilities for them.
17. That it is submitted that the Applicant is in constant dialogue with the relevant state authorities who have tried to ensure and provide all possible assistance and security to women visiting the Sabarimala Temple but even the unprecedented security and efforts of the state authorities have not discouraged the protestors from threatening and impeding the women devotees from paying obeisance at the Sabarimala Temple.
18. That it is submitted that such acts of hooliganism and assault have been highlighted and repeatedly reported in the media (*both electronic and print*) and the same are in public domain.

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19. That, therefore, the Applicant has filed by the present Application for Directions seeking an extension of time from this Hon'ble Court to implement the Judgment dated 28.09.2018 passed by this Hon'ble Court in Writ Petition (Civil) No. 373 of 2006.
 20. That the present Application for Directions has been filed bona-fide and to further the ends of justice.

PRAYER

It is, therefore, most respectfully prayed that, in the interests of justice, this Hon'ble Court may be graciously pleased to:

- a. Pass appropriate directions granting further time to implement the Judgment dated 28.09.2018 passed this Hon'ble Court in Writ Petition (Civil) No. 373 of 2006;
- b. Pass any other or further orders as may be deemed fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY

FILED ON: 19/11/2018

Filed by

P.S.SUDHEER
Advocate for the Applicant