



2025:KER:67524

DBP NO. 25 OF 2024

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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 12TH DAY OF SEPTEMBER 2025 / 21ST BHADRA, 1947

DBP NO. 25 OF 2024

IN THE MATTER OF TRAVANCORE, COCHIN, MALABAR DEVASWOM BOARDS
AND GURUVAYOOR DEVASWOM MANAGING COMMITTEE - REQUEST FOR ALLOWING
WHEEL CHAIRS INSIDE THE TEMPLE (NAALAMBALAM) TO FACILITATE
DIFFERENTLY ABLED DEVOTEES TO HAVE DARSHAN AT TEMPLES IN KERALA -
SUO MOTU PROCEEDINGS INITIATED ON THE BASIS OF A COMPLAINT DATED
04.02.2024 SUBMITTED BY CA T.SUGANDHI-REG:

PETITIONER:

SUO MOTU

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT, REVENUE
(DEVASWOM DEPARTMENT), SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 2 TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KOWDIAR
POST, THIRUVANANTHAPURAM, PIN - 695003
- 3 COCHIN DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, ROUND NORTH, THRISSUR,
PIN - 680001



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- 4 GURUVAYUR DEVASWOM MANAGING COMMITTEE
GURUVAYUR DEVASWOM, GURUVAYUR, REPRESENTED BY ITS
ADMINISTRATOR, PIN - 680101
- 5 MALABAR DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, HOUSEFED COMPLEX,
ERANJHIPALAM, KOZHIKODE, PIN - 673003

BY ADVS.

SHRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD

K.P.SUDHEER, SC, COCHIN DEVASWOM BOARD

SMT.R.RANJANIE, SC, MALABAR DEVASWOM BOARD

THIS DEVASWOM BOARD PETITION HAVING COME UP FOR ADMISSION ON
12.09.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**C.R.****JUDGMENT****K.V. Jayakumar, J.**

This DBP is registered suo motu on the basis of a complaint submitted by one T. Suganthi, dated 04.02.2022. In that complaint, she has narrated the difficulties faced by the physically challenged persons during their darshan in temples.

2. In her complaint, T. Suganthi narrated the difficulties she faced during her visit to the Sree Vadakkumnathan Temple at Thrissur on 01.02.2024. The temple authorities insisted that she leave her wheelchair at the outer entrance and informed her that wheelchairs are not permitted inside the Nalambalam of the temple.

3. T. Suganthi is a Chartered Accountant by profession and a physically challenged woman who is unable to move without a wheelchair, both her legs having limited mobility due to poliomyelitis.

4. The request made by her is to permit the use of wheelchairs within the Nalambalam of temples so that differently-abled devotees may have proper darshan. Taking note of the grievance, this Court, by order dated 27.03.2024, appointed Adv. V. Ramkumar Nambiar as Amicus Curiae to assist in the matter.

5. On 13.11.2024, the learned Amicus Curiae submitted an interim report incorporating various suggestions to ensure smooth darshan for differently



abled devotees. The suggestions forwarded by the Amicus Curiae essentially are as follows

- A. Every major temple shall, as far as practicable, provide a minimum of three to five wheelchairs to facilitate proper darshan for persons with disabilities who intend to visit the temple.
- B. Wheelchairs personally belonging to visitors with disabilities may be restricted from entry into the inner precincts of the temple if, in the considered view of the temple authorities, they do not meet the standards of cleanliness or hygiene prescribed for the sanctum.
- C. Each temple shall fix a specific day and time for darshan by persons with disabilities. Such schedule shall be published in widely circulated newspapers and prominently displayed at the temple entrance and other conspicuous locations.
- D. The temple authorities shall clearly display, at the entrance and in all public notices, the number of attendants or companions permitted to accompany a person with disability inside the temple.
- E. The temple shall provide trained personnel who are willing and available to assist persons with disabilities in obtaining proper darshan in a safe and dignified manner.
- F. The Devaswom or temple management shall clearly demarcate the areas within the temple up to which persons with disabilities are permitted access, ensuring such demarcation is reasonable and clearly



visible.

G. The temple authorities shall ensure that no obstruction or impediment is caused to the free and unhindered movement of persons with disabilities within the temple premises.

6. The 2nd respondent Travancore Devaswom Board has filed a counter affidavit contending that the temples of Travancore were constructed and maintained in different varieties of architectural styles. 'Garbha Graham' of the temple is considered as the head of the deity and from there the Gopuram is considered as padam (feet). The devotees enter the temple through the Gopuram (padam), after saluting the deity's padam. It is contended that without Gopuram, there will be a boundary in the concept of a Gopuram. The construction of a temple is completely based on 'Vastu Shathra' and 'Thantra Shasthra'. The subtle body (sushmasareeram) of the deity is considered as 'Bimba'. The structure of the temple includes many portions starting from Nalambalam, Garbhagraham etc. The Nalambalam or any other part of the temple should not be rifted or cut under any circumstances.

7. The learned counsel for the Travancore Devaswom Board, Sri. G. Biju, submitted that according to Tantra Shastra the vehicle of deity alone is permitted inside the Nalambalam.

8. The learned counsel submitted that there are 1,250 temples under the Travancore Devaswom Board. Each temple has its own peculiar features, and the customs and rituals of each temple are different. Moreover, it is submitted that the



temples are situated in different terrains, i.e., some are situated amidst dense forest and some surrounded by water bodies, and others are on the top of rocks. Therefore, the Travancore Devaswom Board is not in a position to issue a common order for all the temples with regard to the issue of permitting the wheelchair inside the Nalambalam.

9. The 3rd respondent, Cochin Devaswom Board, has also filed a counter affidavit stating that the Cochin Devaswom Board has issued Annexure R3(a) Circular dated 25.04.2024, directing the Devaswom Commissioner to take necessary steps to ensure proper darshan for differently abled devotees inside the temple and for the use of wheelchairs.

10. The 4th respondent, Guruvayoor Devaswom Board, has also filed a counter affidavit. It is contended that the Thanthri opined that inside the Nalambalam at Guruvayoor temple, the passage for worshipping the idol is very narrow and it is difficult to bring the wheelchair through this narrow passage. In this narrow passage, a 'Balikallu' is also placed based on the 'Thanthrikavidhi' and it is not possible to carry a wheelchair over this 'Balikallu' since it is against the temple rituals. Further, the temple is constructed based on 'Kshetravastu' and is not possible to dismantle the temple construction to accommodate wheelchairs. Moreover, if wheelchairs are allowed inside the temple, it will affect the entire queue system, and the devotees standing in the queue would suffer inconveniences.

11. It is further submitted that if differently abled persons in wheelchairs



with certain medical conditions are permitted inside the temple, there is a chance of excretion or discharge of any wound may fall onto the inner precincts of the temple which will affect the purity of the temple.

12. The learned counsel for the 4th respondent further submitted that 19 wheelchairs have been arranged by the Guruvayoor Devaswom, and ramp facilities have been provided to allow wheelchairs up to the Vathilmadam.

13. The 5th respondent, Malabar Devaswom Board, has filed a counter affidavit contending that the Board cannot arrive at a common decision or formulate any common guidelines applicable to all the temples since the construction of temples is in accordance with the strict compliance of measurement, having regard to the traditional architecture and preserving the culture and archaeological features, which make impossible for the entry of wheelchairs into the Nalambalam. Moreover, the final decision as to whether the wheelchairs can be permitted inside the Nalambalam is that of the Thanthri of each temple.

14. We have carefully considered the materials on record and submissions of the counsel in the court.

15. Before further discussion it may be useful to consider the relevant provisions of the Constitution of India and the statutory provisions. Article 25 of the Constitution of India reads thus:

"25. Freedom of conscience and free profession, practice and



propagation of religion

(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I.—The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion.

Explanation II.—In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.”

16. Article 25 of the Constitution guarantees the fundamental right to everyone the liberty to freely profess, practice and propagate their religion, subject to public order, health, morality and other constitutional provisions.

17. In order to protect the rights of the persons with disabilities and to empower such a section of people, the Rights of Persons with Disabilities Act, 49 of 2016 (“RPwD Act” for the sake of brevity) was enacted. The Act came into force on 19.04.2017. The object of the Act is to give effect to the United Nations Convention on the Rights of Persons with Disabilities. The aforesaid Convention



lays down the following principles for empowerment of persons with disabilities;

- (a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- (b) non-discrimination;
- (c) full and effective participation and inclusion in society;
- (d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) equality of opportunity;
- (f) accessibility;
- (g) equality between men and women;
- (h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities;"

18. At this juncture it may be useful to refer to the important provisions of the RPwD Act.

"2(s) person with disability" means a person with long term physical, mental, intellectual or sensory impairment which, in inter-action with barriers, hinders his full and effective participation in society equally with others;"

2(w) "public building" means a Government or private building, used or accessed by the public at large, including a building used for educational or vocational purposes, workplace, commercial



activities, public utilities, religious, cultural, leisure or recreational activities, medical or health services, law enforcement agencies, reformatories or judicial foras, railway stations or platforms, roadways bus stands or terminus, airports or waterways;

2(x) "public facilities and services" includes all forms of delivery of services to the public at large, including housing, educational and vocational trainings, employment and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation;

3. Equality and non-discrimination.— (1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.

(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

(4) No person shall be deprived of his or her personal liberty only on the ground of disability.

(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities."

4. Women and children with disabilities.—(1) The appropriate Government and the local authorities shall take measures to ensure that the women and children with disabilities enjoy their rights equally with others.

(2) The appropriate Government and local authorities shall ensure that all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability."

5. Community life.—(1) The persons with disabilities shall have the right to live in the community.



(2) The appropriate Government shall endeavour that the persons with disabilities are,—

- (a) not obliged to live in any particular living arrangement; and
- (b) given access to a range of in-house, residential and other community support services, including personal assistance necessary to support living with due regard to age and gender.

6. Protection from cruelty and inhuman treatment.—(1) The appropriate Government shall take measures to protect persons with disabilities from being subjected to torture, cruel, inhuman or degrading treatment.

(2) No person with disability shall be a subject of any research without,—

(i) his or her free and informed consent obtained through accessible modes, means and formats of communication; and

(ii) prior permission of a Committee for Research on Disability constituted in the prescribed manner for the purpose by the appropriate Government in which not less than half of the Members shall themselves be either persons with disabilities or Members of the registered organisation as defined under clause (z) of section 2.

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24. Social security.—(1) The appropriate Government shall within the limit of its economic capacity and development formulate necessary schemes and programmes to safeguard and promote the right of persons with disabilities for adequate standard of living to enable them to live independently or in the community:

Provided that the quantum of assistance to the persons with disabilities under such schemes and programmes shall be at least twenty-five per cent higher than the similar schemes applicable to others.

(2) The appropriate Government while devising these schemes and programmes shall give due consideration to the diversity of disability, gender, age, and socio-economic status.

(3) The schemes under sub-section (1) shall provide for,—



(a) community centres with good living conditions in terms of safety, sanitation, health care and counselling;

(b) facilities for persons including children with disabilities who have no family or have been abandoned, or are without shelter or livelihood;

(c) support during natural or man-made disasters and in areas of conflict;

(d) support to women with disability for livelihood and for upbringing of their children;

(e) access to safe drinking water and appropriate and accessible sanitation facilities especially in urban slums and rural areas;

(f) provisions of aids and appliances, medicine and diagnostic services and corrective surgery free of cost to persons with disabilities with such income ceiling as may be notified;

(g) disability pension to persons with disabilities subject to such income ceiling as may be notified;

(h) unemployment allowance to persons with disabilities registered with Special Employment Exchange for more than two years and who could not be placed in any gainful occupation;

(i) care-giver allowance to persons with disabilities with high support needs;

(j) comprehensive insurance scheme for persons with disability, not covered under the Employees State Insurance Schemes, or any other statutory or Government-sponsored insurance schemes;

(k) any other matter which the appropriate Government may think fit.

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40. Accessibility.—The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications,



including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas.

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45. Time limit for making existing infrastructure and premises accessible and action for that purpose.—(1) All existing public buildings shall be made accessible in accordance with the rules formulated by the Central Government within a period not exceeding five years from the date of notification of such rules;

Provided that the Central Government may grant extension of time to the States on a case to case basis for adherence to this provision depending on their state of preparedness and other related parameters.

(2) The appropriate Government and the local authorities shall formulate and publish an action plan based on prioritisation, for providing accessibility in all their buildings and spaces providing essential services such as all primary health centres, civil hospitals, schools, railway stations and bus stops.”

19. It is pertinent to note that Section 3 of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Act, 1965 envisages that the places of public worship to be open to all sections and classes of Hindus.

20. The core issue involved in this case is whether the wheelchairs are to be permitted inside the Nalambalam of a temple so as to facilitate proper Darshan for differently abled devotees.

21. The learned counsel for the respondents would submit that there are certain practical difficulties in permitting the wheelchairs inside the Nalambalam of the temples. It is pointed out that the temples are constructed on the basis of Vasthusasthra, and there is no uniform architectural style. Moreover, the temples



are situated in different terrains "some of the temples are inside the forest, and some are on the top of rocks. In some other temples the space available inside the Nalambalam is very limited, and it may not be possible to move the wheelchair inside the Nalamabalam. It is also argued that the Thanthris expressed the view that only the vehicle (chariot, palanquin etc.) of the deity can be plied inside the Nalambalam.

22. We have carefully considered the materials placed on record and submissions made in the court.

23. The grievance of the complainant, T. Suganthi, is that more facilities should be provided to the differently abled persons for facilitating their right to worship.

24. The RPwD Act, 2016 envisages various provisions for the empowerment of persons with disabilities, ensuring equality of opportunity, accessibility, effective participation, and inclusion in society.

25. Article 25 guarantees every person the freedom to freely profess, practice, and propagate his/her religion. Section 3 of RPwD Act mandates that a person shall not be discriminated against on the ground of his disability and he/she shall not be deprived of his/her personal liberty on the ground of such disability. The section enjoins that the government shall take necessary steps to ensure reasonable accommodation for the person with disabilities.

26. Section 5 of the RPwD Act states that the Government shall endeavour to ensure the persons with disabilities are not isolated or segregated to



have the right to live in the community like everyone else.

27. Section 6 enjoins that the Government shall take measures to protect persons with disabilities from being subjected to torture, inhuman, or degrading treatment.

28. Upon a careful reading of the provisions of the Rights of Persons with Disabilities Act, 2016, we are of the considered view that, to give full effect to the guarantees of equality, dignity, and non-discrimination embodied therein, persons with disabilities must be afforded appropriate and reasonable accommodations and be accorded priority in access to facilities and services. Such measures are not a matter of charity but a statutory and constitutional mandate designed to secure substantive equality. The RPwD Act mandates that necessary steps are to be taken to ensure "reasonable accommodation" and "priority in access"—that reflects the Act's rights-based approach and the constitutional principle of substantive equality.

29. In the facts and circumstances of the case, and in the light of the relevant constitutional and statutory provisions, the Devaswom Board is duty bound to determine the manner in which persons with disabilities are to be accommodated so as to facilitate their darshan in each temple, taking into account the peculiar features and rituals of every temple. This issue assumes particular significance in the major temples (Mahakshethrams) under the control or supervision of the various Devaswom Boards.

30. Therefore, we deem it appropriate to dispose of this DBP with the following directions:



a) The respondent Devaswom Boards shall, in consultation with the respective Thanthris and other relevant stakeholders, determine the specific measures by which persons with disabilities can be accommodated so as to facilitate their darshan in each temple under their control.

b) The Boards shall decide, after evaluating the unique facts and circumstances of each temple, whether wheelchairs carrying persons with disabilities may be permitted inside the Nalambalam or other inner precincts, ensuring that the decision reflects the mandate of “reasonable accommodation” and “priority in access” under the Act.

c) The Boards shall also examine and decide whether a specific day or time can be fixed for providing darshan to persons with disabilities and shall widely publish any such schedule for public knowledge.

d) The Boards shall consider providing an option for advance booking or virtual-queue reservations to devotees with disabilities to ease their access and reduce waiting time.

e) The Boards shall take all additional measures necessary to give effect to the provisions of the RPwD Act, including but not limited to barrier-free access routes, assistance personnel, and any other facilities required to ensure a dignified and unhindered darshan.

f) These directions shall be complied with in letter and spirit, recognising that the rights of persons with disabilities flow from a constitutional guarantee and a binding statutory mandate.



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Decisions on each of the above shall be taken and broad guidelines be issued within four (4) months from the date of receipt of this judgment.

Sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

Sd/-

K. V. JAYAKUMAR

JUDGE

msp



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APPENDIX OF DBP 25/2024

RESPONDENT ANNEXURES

ANNEXURE R 3 (A) TRUE COPY OF ORDER NO. M5. 1683/2024 DATED
25/04/2024 ISSUED BY THE 3RD RESPONDENT