

ITEM NO.1
[For orders]

COURT NO.3

SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) NO.11295 OF 2011

SRI MARTHANDA VARMA AND ANR.

Petitioner(s)

VERSUS

T.P. SUNDARA RAJAN AND ORS.

Respondent(s)

WITH SLP(C) NO. 12361 of 2011
SLP(C) NO. 17081-17082 of 2011

Date: 22/09/2011 This Petition was called on for order today.

For Petitioner(s) Mr. K.K. Venugopal, Sr. Adv.
Mr. Parameswaran Nair, Adv.
Mr. Gopal Sankaranarayanan, Adv.
Mr. Shyam Mohan, Adv.
for Mr. B.V. Deepak, Adv.
M/s. T.T.K. Deepak & Co., Adv.

Mr. M.K.S. Menon, Adv.
Mr. Robin V.S., Adv.
Ms. Asha Gopalan Nair, Adv.

For Respondent(s) Mr. Vipin Nair, Adv.
Mr. P.B. Suresh, Adv.
Mr. Vivek Sharma, Adv.
for M/s. Temple Law Firm, Adv.

Mr. Sanand Ramakrishnan, Adv.
Mr. V. Ramasubramanian, Adv.
Mr. C.K Sasi, Adv.
Mr. Sajith P., Adv
Ms. Usha Nandini V., Adv.
Mr. Biju P. Raman, Adv.

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Mr. Nishe Rajen Shonker, Adv.

Mr. R. Sathish, Adv.

Mr. Balaji Srinivasan, Adv.
Mr. A.K. Vasanth, Adv.
Mr. B.D. Vivek, Adv.
Ms. Madhusmita Bora, Adv.
Mr. Abhishek Garg, Adv.
Ms. Jaikriti S. Jadeja, Adv.

Mr. Liz Mathew, Adv.
Ms. Sana Khan, Adv.

Hon'ble Mr. Justice R.V. Raveendran pronounced the order of the Bench comprising of His Lordship and Hon'ble Mr. Justice A.K. Patnaik.

The interim report dated 17.8.2011 of the Expert Committee and the additional information submitted on 12.9.2011 have been examined. Having considered the said report and the submissions of the parties, interim directions are issued in terms of the signed order.

List the matter after three months for the next Interim Report of the Expert Committee and for final disposal.

(Ravi P. Verma) (M.S. Negi)
AR-cum-PS Court Master
[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.11295 OF 2011

Sri. Marthanda Varma & Anr.Petitioners

Vs.

T. P. Sundara Rajan & Ors.Respondents

With

SLP (C) No.12361 of 2011
SLP (C) Nos.17081-17082 of 2011

O R D E R

R. V. Raveendran J.

We have examined the interim report dated 17.8.2011 of the Expert Committee and the additional information submitted on 12.9.2011. Having considered the said report and the submissions of the parties, the following interim directions are issued:

SECURITY MEASURES

1.1) The Expert Committee has identified thirteen

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security issues and suggested sixteen security measures to be put in place. A copy thereof has already been made available to the State Government and the Temple Administration. The state government has submitted the Security Technical Committee Report putting forth an Integrated and Multi-Layered Security System for the Temple, for our perusal. In view of security concerns, we do not propose to extract either the security issues raised or the security measures suggested by the Expert Committee or the secured measures proposed by the state government.

1.2) The state government has submitted that it has the

expertise and capability to provide the necessary security measures; and it is ready and willing to provide the same at its cost. The state government has assured that it would spare no effort or cost to provide the best security cover and has stated that there is no need to indent the service of any central security force like CRPF as suggested by the Expert Committee, for strengthening the security. Having examined the Security Technical Committee Report furnished by the state government and its assurance to put in place an Integrated Multi-layered Security System for the Temple in a time-bound manner, we are satisfied that the state government would be in a position to execute the security plan. There is no need for the state government to

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requisition the services of any central security agency.

1.3) The state government shall take note of the sixteen

security measures that have been suggested by the Expert Committee in its Interim Report dated 17.8.2011 and promptly implement the Integrated Multi-layered Security

System explained and suggested in its Security Technical Committee Report. In implementing the security system, the state government will take note of temple traditions, customs and practices, and accommodate the views of the temple administration as far as possible and feasible.

WORK PLAN

2.1) The Expert Committee has suggested 'Digital Archiving of Temple Antiques' (for short 'DATA') to achieve the following : (i) Recording of detailed information after examination and assigning an Antique Identification Number/Code; (ii) to store the information in a computerized Data Base; (iii) recording of a 3D image of the object and link it to the data base. The Expert Committee is permitted to implement the said 'DATA' procedure.

2.2) The Expert Committee has recommended appointment of

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Kerala State Electronic Corporation (KELTRON), a state government undertaking with technical expertise from Vikram Sarabhai Space Centre (VSSC), an unit of Department of Space, for implementing the work plan. Having regard to the security concerns and approval of the said agency by the state government, we accept the suggestion that the 'DATA' work should be executed by the said government undertaking instead of inviting tenders from private agencies.

2.3) KELTRON has estimated the cost of executing the work

to be Rs.3,16,35,000/- made up of Rs.1,65,35,000/- for hardware, Rs.40,00,000/- for software, and Rs.1,11,00,000/- for services and miscellaneous items. The cost appears to be very high and far exceeds the figures shown in the Interim Report. The feasibility of borrowing/hiring the

equipment can be considered. The software cost and servicing cost requires drastic reduction. However, KELTRON being a state government undertaking and VSSC, the technical expert being a unit of Department of Space, the Expert Committee may proceed to entrust the work to KELTRON after involving the state government in the process of negotiations relating to cost and the schedule of payment. We do not propose to approve the said price. As the state government has to bear the expenditure involved, it will take the final decision on the pricing after negotiations,

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in consultation with the Expert Committee. The state government shall nominate a Nodal Officer for this purpose, failing which the Secretary, Devaswom Department shall be the Nodal Officer.

TIME FRAME

3. The Committee has suggested time framework of one year to complete the entire work. Efforts shall be made to shorten the time schedule without sacrificing quality of work. To ensure that the time schedule is maintained, we request the state government to take appropriate decisions and release the required funds without any delay. The Expert Committee shall maintain constant supervision and follow up, to avoid delay.

KALLARA - B

4. The issue relating to opening of Kallara 'B' shall be considered after substantial progress is made in regard to documentation, categorization, security, preservation, conservation, maintenance and storage relating to the contents in the other Kallaras.

FUNDING

5.1) The committee has requested for sanction of an interim budget outlay of Rs.2,98,82,000/-. This will be considered by the state government and appropriate amounts shall be sanctioned and released. The Expert Committee shall ensure that the expenditure is kept to be the minimum and avoid any kind of wasteful expenditure. Having regard to the huge expenditure that is contemplated, the state government shall provide for appropriate accounting/audit assistance so that the fund utilization is economical, efficient and transparent.

5.2) The Temple Administration has expressed its inability to make any significant contribution towards the expenditure involved, having regard to its limited resources. However, having regard to its participatory status, the Temple Administration shall contribute Rs.25,00,000/- per year towards the funds required for completing the work plan and for security arrangements. The balance shall be contributed by the state government.

Miscellaneous

6.1) The Expert Committee may take all necessary steps for preservation and conservation of the contents of Kallaras.

6.2) Temple Administration shall identify a suitable space (keeping in view the security concerns and the temple traditions) for construction of a safety vault/storage space as per Reserve Bank of India norms in consultation with the Expert Committee and commence construction without delay.

6.3) To maintain confidentiality and avoid logistic problems, the Temple Administration shall make available an independent office space with proper security in the temple premises for the Overseeing Committee and the Expert Committee, for the duration of the project.

6.4) The Expert Committee has reported that the term of the office of the Coordinator Dr. Anand Bose, under the Central Government has come to an end on 20.9.2011. If his services are not extended by the central government, we request the state government to consider engaging his services as a Co-ordinator of the Expert Committee for a period of one year so that there will be continuity and co-ordination in the functioning of the Expert Committee.

6.5) The state government and the Temple Administration shall extend their full co-operation to the Overseeing Committee and the Expert Committee for execution of the DATA project and security measures.

6.6) The Expert Committee will take the approval of the Overseeing Committee before taking final decisions on matters of policy and execution.

7. List after three months for the next Interim Report of the Expert Committee and for final disposal.

.....J
(R. V. Raveendran)

.....J
(A.K. Patnaik)

New Delhi;
September 22, 2011.