

**BEFORE THE KERALA STATE ELECTION COMMISSION,  
THIRUVANANTHAPURAM**

**PRESENT: SHRI.V.BHASKARAN, STATE ELECTION COMMISSIONER**

**Wednesday, the 27<sup>th</sup> day of February 2019**

**O.P.No.27/2018**

Petitioner : BinuThankappan,  
S/o R.Thankappan,  
PuruthiparaPerunthottathilVeedu,  
Vazhichal, Kuttamala.P.O.,  
Thiruvananthapuram District.  
PIN: 695 505.  
Member, Division No.10,  
AmbooriGrama Panchayat

**(By Adv. KallambalamS.Sreekumar)**

Respondent : ChiraykoduVijayan,  
MekkekaraVeedu,  
Vazhichal, Kuttamala P.O.,  
Thiruvananthapuram District.  
PIN: 695 505.  
Member, Division No.11,  
AmbooriGrama Panchayat

**(Adv. S.V.Premakumaran Nair &Sreejith P.S)**

This petition having come up for hearing on the 19<sup>th</sup> day of **February 2019**, in the presence of Adv. **KallambalamS.Sreekumar** for the petitioner and **Adv.S.V.Premakumaran Nair &SreejithP.S.**for the respondent and having stood over for consideration to this day, the Commission passed the following.

## **ORDER**

This is a petition filed under Section 4 of the Kerala Local Authorities (Prohibition of Defection) Act for declaring that the respondent committed defection and hence disqualified to continue as member of Amboori Grama Panchayat and also for declaring him as disqualified to contest as candidate in any election to the local body for a period of six years.

2. The petitioner's case in brief is as below:- The petitioner and respondent are elected members of Amboori Grama Panchayat in the election held in November 2015 and both of them contested and were elected as the candidates of Indian National Congress (INC). There are 13 wards in Amboori Grama Panchayat and out of which the Indian National Congress (INC) got 5 seats, LDF got 6 seats and the remaining two seats were won by the BJP. The LDF formed the Panchayat board and Shri.B.Shaji and Smt.Anitha were elected as the President and Vice President respectively. Later the members of Indian National Congress including the respondent moved a no confidence motion against the President and Vice President and the motion was tabled for discussion on 26.05.2018. The DCC President issued whips to all the elected members of Indian National Congress directing them to attend the meeting and to vote in favour of the motion. The respondent was intimated about the decision and stand of the party in the matter directly. Though he had sufficient knowledge about the direction of

his party he disobeyed the direction and abstained from attending the meeting. He colluded with the members of the rival Left Democratic Front and defied the whip issued by his party. By doing so the respondent voluntarily abandoned his membership from Indian National Congress. By violating the whip issued by his party and acting against the interest of his party the respondent committed defection and thereby incurred disqualification under Section 3(1)(a) (wrongly typed as 3(1)(c) in the petition) of the Kerala Local Authorities (Prohibition of Defection) Act. The petitioner seeks a declaration to that effect.

3. The respondent filed counter statement contending as below. The petition is not maintainable. It is true that the petitioner and respondent contested the election and were elected as the candidates of Indian National Congress. It is also true that the respondent signed in the notice of no confidence motion against the President and Vice President of Amboori Grama Panchayat. The respondent did not receive any whip from the DCC President as alleged. He had no knowledge about any direction of his political party. He has not violated any of the direction of his party. The respondent is suffering from various diseases including hypertension, diabetics and heart problem and he has been under continuous treatment. On 24.05.2018 he had a chest pain and was admitted in NIMS Hospital, Neyyattinkara as inpatient. He was under the bonafide belief that he could attend the meeting on 26.05.2018

convened for discussing the no confidence motion. But he could not recover from the illness and the petitioner was aware of the above facts. It was because of his illness the respondent could not attend the meeting on 26.05.2018. There was no willful abstention from his side. The respondent did not do any act of defection and he did not abandon his membership in Indian National Congress. There is no merit in the petition and hence it is only to be dismissed.

4. The evidence in this case consists of the oral testimonies of PWs1 to 4, RW1, RW2 and Exts.A1to A4, B1, X1and X2.

5. Both sides were heard.

6.The following points arise for consideration;

- (1) Whether the petition is maintainable?
- (2) Whether the respondent has disobeyed the direction of his political party as alleged?
- (3) Whether the respondent has voluntarily given up his membership in Indian National Congress as alleged?
- (4) Whether the abstention of the respondent in the meeting held on 26.05.2018 stated in the petition is justifiable?
- (5) Whether the respondent has committed defection as provided under Section 3(1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act as alleged?

- (6) Whether the petitioner is entitled to the declaration prayed for?
- (7) Reliefs and costs?

7. **POINT No.(1)**: In the counter statement the respondent among other things raised a contention that the petition is not maintainable. But except making a vague statement in the counter statement there is nothing from his side to show that the original petition is not maintainable.

8. Indisputably, the petitioner and respondent are elected members of Amboori Grama Panchayat and they were elected as the candidates of Indian National Congress. As the LDF got more seats it formed the Panchayat board. While so the elected members of Indian National Congress in Amboori Grama Panchayat including the respondent moved a no confidence motion against the President and Vice President and the motion was tabled for discussion on 26.05.2018. It is stated that the DCC President, Thiruvananthapuram District issued written direction to the INC members including the respondent directing them to attend the meeting and vote in favour of the motion and the whips were served on all the members including the respondent. But the respondent, the petitioner contends, violated the whip and he deliberately abstained from attending the meeting on 26.05.2018. The respondent colluded with the rival political parties and acted against the interest of his party. According to the petitioner, the respondent by violating the direction of his party and acting against the interest of his party committed defection and

thereby incurred disqualification as provided under Section 3 (1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act.

9. Contention of the respondent on the other hand is that there was no whip from his party and there was no violation of the whip also. He could not attend the meeting on 26.05.2018 as he was hospitalized due to chest pain and other illness. His absence in the meeting on 26.05.2018 was due to his illness and the abstention was not deliberate. To him he did not commit any act of defection incurring disqualification.

10. It may be noted that the original petition is filed under Section 4(1) of the Kerala Local Authorities (Prohibition of Defection) Act. As per Section 4(1) of the Act, if any question arises as to whether a member of the local authority has become subject to disqualification under the provisions of the Act a member of that local authority or the political party concerned or a person authorized by it in this behalf may file a petition before the State Election Commission for decision.

11. Ongoing through the contentions of the party it can be seen that a question arises as to whether the respondent has become subject to disqualification as provided by Section 3 (1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act. Admittedly the petitioner is a member of the local authority in which the respondent is also a member. The petitioner being a member of the local authority, is entitled to file this petition as per law. As this petition is filed by a competent person within the time limit and a question arises

as to whether the respondent has become subject to disqualification as provided by Section 3 (1) (a) of the Kerala Local Authorities (Prohibition of Defection) Act, this petition is held to be maintainable. Point is answered accordingly.

12. **POINT Nos.2 to 7:** Case of the petitioner as stated above is that the respondent committed defection by acting against the interest of his party and also by defying the direction of his party and thereby he incurred disqualification under Section 3 (1) (a) of the Kerala Local Authorities (Prohibition of Defection) Act. The petitioner and respondent are elected members of Amboori Grama Panchayat and admittedly both the petitioner and respondent were elected as the candidates of Indian National Congress. Ext.X2 register showing the party affiliation of the petitioner and respondent also would show the said fact. Ext.X2 register was produced by PW4, the Secretary of Amboori Grama Panchayat.

13. There are 13 wards (seats) in Amboori Grama Panchayat and out of which the Indian National Congress (INC) got 4 seats as per Ext.X2 register. The LDF got 6 seats and BJP secured 2 seats. The remaining one seat was won by an independent without the support of any political parties. As the LDF got 6 seats it formed the Panchayat board and Shri.B.Shaji and Smt.Anitha were elected as the President and Vice President respectively. While so the members of Indian National Congress including the respondent, it is stated, moved a no confidence motion against the President and Vice President and it was tabled for discussion on 26.05.2018. According to PW1,

the petitioner the DCC President, Thiruvananthapuram District issued whip to all the elected members of Indian National Congress directing them to attend the meeting and vote in favour of the motion. Ext.A1 is the copy of the whip issued to the respondent and it was served on him directly. Copy of the whip was given to the Returning Officer also and Ext.A2 is the copy of the said whip containing the acknowledgment of the Returning Officer. Though the respondent accepted the whip and was aware of the decision and stand of his party in the no confidence motion he chose to disobey the whip. The respondent deliberately abstained from attending the meeting held on 26.05.2018. As there were no sufficient members to carry the motion it was not carried, it is further contended. Exts.A3 and A4 are the minutes of the meeting regarding the no confidence motion against the President and Vice President respectively. According to PW1 the respondent colluded with the members of rival political parties and willfully abstained from attending the meeting and thereby he betrayed his political party. The respondent disobeyed the whip and acted against the interest of his party and thereby committed defection, PW1 further states.

14. PW3 is the DCC President, Thiruvananthapuram District. It is stated by him that he has issued whips to all the elected members of Indian National Congress directing them to attend the meeting on 26.05.2018 and to vote infavour of the no confidence motion against the President and Vice President and Ext.A1 is the copy of the whip issued to the respondent. He



entrusted the whips to PW2 the Mandalam President to serve the same to the members and it was PW2 who served the whips directly to the members including the respondent. The respondent accepted the whip and put his signature with date on the copy of the whip acknowledging the receipt of the whip. PW3 produced the copy of the whip containing the acknowledgment and the same is marked as Ext.X1. The respondent, PW3 further states, violated the whip and abstained from attending the meeting on 26.05.2018 to help the rival LDF and thereby he acted against the interest of his party. Evidence of PW2 is on the same lines. PW2 is the President of AmbooriMandalam Congress Committee. It is stated by him that PW3 handed over the whips to him to serve the same on the members and accordingly he served the whips to all the members directly including the respondent. The respondent accepted the whip and put his signature in the copy of the whip acknowledging the receipt of the whip. PW2 handed over the acknowledged copy of the whip to PW3 DCC President.

15. Evidence of RW1, the respondent is that no whip was issued by his party and served on him and that his absence on 26.05.2018 was not willful. According to RW1 his abstention on the above meeting on 26.05.2018 was on account of his illness. To him he is a heart patient and on the evening of 24.05.2018 he felt chest pain and was admitted in NIMS Hospital, Neyyattinkara and he was discharged from the hospital only in the morning of 27.05.2018. It was only on account of his illness and hospitalization he could

not attend the meeting on 26.05.2018. According to him he did not do any act of defection. To support the case of illness the respondent relies on Ext.B1 discharge summary and the evidence of RW2. RW2 is a Cardiologist working in NIMS Hospital, Neyyattinkara. Regarding Ext.B1 and the evidence of RW2 Doctor I shall discuss a little later.

16. Submission of the learned counsel for the petitioner is that the respondent colluding with the rival parties disobeyed the direction of PW3, the DCC President and thereby committed defection. By doing so the respondent acted against the interest of his political party and acting against the interest of his political party alone is sufficient to hold that the respondent has voluntarily given up his membership from the party and he is disqualified. Contention of the learned counsel for the respondent on the other hand is that no whip was issued and served on the respondent directing to vote in favour of the motion. The respondent could not attend the meeting on 26.05.2018 only on account of his illness and hospitalization. His absence on 26.05.2018 was not willful and hence the question of invoking Section 3 (1)(a) of the Act in this case does not arise, the counsel further submits.

17. The Kerala Local Authorities (Prohibition of Defection) Act was enacted to prohibit defection among members of local authorities in the state and to provide for disqualification of the defecting members of the local authorities. Section 3 of the Act deals with disqualification on the ground of defection. Section 3(1)(a) is the relevant provision in this case and it reads as

below:- If a member of local authority belonging to any political party voluntarily gives up his membership of such political party, or if such member, contrary to any direction in writing issued by the political party to which he belongs or by a person or authority authorized by it in this behalf in the manner prescribed, votes or abstains from voting. (i) in a meeting of Municipality, in an election of its Chairperson, Deputy Chairperson, a member of standing committee or the Chairman of a standing committee; or

(ii) in a meeting of a Panchayat, in an election of its President, Vice President, a member of a Standing Committee;, or the Chairman of the Standing Committee; or in a voting on a no-confidence motion against any one of them except a member of a Standing Committee.

18. Section 3(1)(a) of the Act has two parts. The first part is attracted when a member belonging to any political party voluntarily gives up his membership of such political party and second part comes in to play when such member violates or disobeys the direction issued by the political party or a person authorized by it in this behalf. As per clause (iva) of Section 2, a direction in writing means a direction in writing signed with date, issued to a member belonging to or having the support of a political party, by the person authorized by the political party from time to time to recommend the symbol of the said party for contesting in election, for exercising the vote favourably or unfavourably or to abstain from voting.

19. It is not in dispute that the respondent was elected as the candidate of Indian National Congress and he is bound by the decision of his party. PW3 DCC President is the competent person to issue whip to the elected members of Indian National Congress and RW1 has no case that PW3 is not the competent person to issue whip to him. His case is that no whip was issued in this case and served on him. But the evidence of PWs 1 to 3 and Ext.A1 would show otherwise. PW3 is the DCC President who issued Ext.A1 whip in this case directing the members of Indian National Congress to attend the meeting on 26.05.2018 and to vote infavour of the no confidence motion. He is the competent person to issue whip and directions to all the members including the respondent in such matters. PW3 has clearly stated about the issuance of Ext.A1 whip and entrustment of whips to PW2 Mandalam President to serve the same to all the members. I do not find anything in this case to disbelieve the evidence of PW3, the DCC President. So the contention of the respondent that no whip was issued in this case cannot be accepted.

20. Now let us verify whether the whip was communicated in this case. It is stated by PW3 that he has entrusted the whips to the Mandalam President to serve the same to the members of Indian National Congress including the respondent. The President of AmbooriMandalam Congress Committee was examined as PW2 and he has clearly stated that he has served whip on the respondent and accepting the whip the respondent put his signature on the

copy of the whip acknowledging the receipt of the whip. It is also stated by PW2 that he has handed over the acknowledged copy to PW3 DCC President. There was no cross-examination from the side of the respondent on this aspect of signing acknowledgment by the respondent, when PW2 was examined in this case. There was not even a suggestion that the respondent did not put his signature acknowledging the receipt of the whip. Nowhere in his chief affidavit also RW1 has any complaints against Ext.X1 acknowledgment. He did not even refer Ext.X1 in his chief affidavit. PW2 handed over the copy of the whip containing the acknowledgment of RW1 to PW3 DCC President and it was PW3 who produced Ext.X1. There was not even a suggestion to PW3 that Ext.X1 was created by him for the purpose of this case, when he was cross-examined. Ext.X1 is to be considered in that background.

21. It may be noted that in his anxiety to deny the signature in Ext.X1 RW1 at one stage even denied his signature in his chief affidavit when it was shown to him. A mere comparison of the admitted signatures of the respondent in his vakkalath, counter statement and his deposition with the signature in Ext.X1 would reveal that the signature in question found in Ext.X1 is similar to the above admitted signature of the respondent. The contention of RW1 in the cross-examination that there is difference is without any basis and is put forward only to save his face. There is no necessity for PW3 DCC President to forge the signature of RW1 for the

purpose of this case. Further, RW1 has no such case also. The contention of the respondent that the whip was not communicated to him is not believable under the above facts and circumstances. The respondent was very well aware of the existence of the whip and direction of his party to vote in favour of the no confidence motion. Admittedly the respondent did not attend the meeting on 26.05.2018 and vote in favour of the motion as per the whip issued.

22. The next question there to be considered is whether the absence of the respondent in the meeting on 26.05.2018 is justifiable. Contention of RW1 is that he could not attend the meeting on 26.05.2018 on account of his illness. To him he is a heart patient and he is suffering from hypertension and diabetics. On the evening of 24.05.2018 it is stated that he felt chest pain and he was taken to NIMS Hospital, Neyyattinkara and admitted there. Submission of the learned counsel for the petitioner is that the case of illness put forward by the respondent is false and the same is put forward to have a defence in this case and to escape from the liability of disqualification. According to him the respondent abstained from attending the meeting on 26.05.2018 at the instance of the members of the LDF to help the LDF. The respondent was not suffering from any illness as alleged and Ext.B1 document is created for the purpose of this case, the counsel further submits.

23. It is stated by RW1 that he was taking treatment for his heart ailments from NIMS Hospital, Neyyattinkara for the last of four years. But there is

absolutely no material from his side to show that he was suffering from any ailments as alleged, prior to 24.05.2018 and was taking treatment for that. To support the case of illness put forward in this case the respondent relies on Ext.B1 and the evidence of RW2. As stated above Ext.B1 is the discharge summary and RW2 is a Senior Cardiologist working in Nims Hospital, Neyyattinkara. But Ext.B1 and the evidence of RW1 will not help the respondent in this case. Further, Ext.B1 is not the one signed and issued by RW2 doctor. It is stated by RW2 doctor that the signature found in Ext.B1 is not of his and he does not know whose signature Ext.B1 bears. The doctor who prepared Ext.B1 and signed is not examined in this case. Further, Ext.B1 and the evidence of RW2 would show that the respondent was not suffering from any serious illness which would disable him from attending the meeting in question on 26.05.2018. As per Ext.B1 the respondent was not having any serious problem. According to RW2 doctor a person having the complaints stated in Ext.B1 would normally be discharged on the next day itself. There was no abnormal situation in this case. All the tests were negative and his condition was normal.

24. Argument of the learned counsel for the petitioner is that the respondent was not suffering from any illness as alleged. Ext.B1 is created with a view to make out a defence in this case and to escape from the mischief of Section 3(1)(a) of the Act. The evidence and circumstances in this case would only lend support to the said contention. It has become a practice now to

somehow produce a medical certificate in cases like this to justify willful abstention. That cannot be encouraged. There must be convincing and believable evidence to show that the respondent was really in such a condition which disabled him from attending the meeting. No such thing we find in this case. From the available evidence it is not possible to say that the abstention of the respondent in the meeting on 26.05.2018 was not deliberate. The alleged illness is put forward only to make out a defence in this case as submitted by the learned counsel for the petitioner. Ext.B1 would show that the respondent was not having any illness disabling him from attending the meeting. His absence is not so innocent as projected by him. Nothing is brought out in evidence to show any disability preventing the respondent from attending the meeting. Culpability is there on his part in the matter and he is to bear its consequences.

25. Another argument put forward by the learned counsel for the respondent is that separate whips ought to have been issued in respect of the no confidence motion against the President and Vice President and the single whip issued in this case containing directions for both the motions against the President and Vice President is illegal. It is to be stated that there is no prescribed form for issuing whips by political party and there is no law stipulating issuance of separate whips when no confidence motion is moved against both the President and Vice President simultaneously. Specific directions are there in Exts.A1 and X1 directing the members to vote



infavour of the motions against both the President and Vice President and there is no illegality or impropriety in the issuance of the whip. Therefore the above contention is only to be ignored.

26. It may be noted that the respondent is a responsible elected member of Indian National Congress Amboori Grama Panchayat and he cannot act according to his whims and fancies. He is bound by the direction of his party and disobedience and acting against the interest of the party is nothing but disloyalty. The no confidence motion in this case was moved by the members of Indian National Congress including the respondent as per the decision of the party. The decision of the party to vote infavour of the no confidence motion against the President and Vice President was intimated to the respondent and he was directed to act as per the direction of the party by issuing whip to him by PW3. It is a fact that he has not complied the direction.

27. It may also be noted that as per Section 3(1)(a) of the Act a member can be disqualified if he has voluntarily given up the membership of the party to which he belongs or acts in defiance of a whip issued by that political party. It is the settled law that the disqualification for voluntarily giving up the membership of the political party to which he belongs is not dependent on any violation of the whip. It is not necessary to hold that the member has violated the whip in order to conclude that he has voluntarily given up the membership of the political party to which he belongs. The

grounds for disqualification under the first and second limbs of Section 3(1)(a) of the Act are distinct and are not interlinked as held in the decisions reported in **2009(2) KHC 839 (Biju R.S. and others V. Kerala State Election Commission and others)** and **2015 KHC 454 (Suryaprakash and others V. State Election Commission, Thiruvananthapuram and others)**. From the conduct of a member an inference can be drawn that he has voluntarily given up his membership from his political party. The abstention of the respondent noted above without justification is certainly in that category.

28. The object sought to be achieved by the Act is to prohibit defection among members of the Local Authorities and to provide disqualification for the defecting members. What is ultimately sought to be prevented is the evil of the political defection motivated by lure of office or other similar considerations which endanger the foundations of our democracy. It is settled law that if a member or a group of elected members of a political party takes a different stand from that of the political party as such and acts against the policies of the political party in which they are members, it is nothing but disloyalty. The moment one becomes disloyal by his conduct to the political party, the inevitable inference is that he has voluntarily given up his membership. The **Kerala Local Authorities (Prohibition of defection) Act**, derived its source from the *10<sup>th</sup> schedule to the Constitution of India*. While upholding the Constitutional validity of 10<sup>th</sup> schedule, the *Apex Court*

*in KihotoHollohanVs.Zachillhu (1992) Supp.2 SCC 651*” observed as follows:-

“A political party goes before the electorate with a particular programme and it sets up candidates at the election on the basis of such programme. A person who gets elected as a candidate set up by a political party is so elected on the basis of the programme of that political party. .... ..If a member while remaining a member of the political party which had set him up as a candidate at the election votes or abstains from voting contrary to any ‘direction’ issued by the political party to which he belongs or by any person or authority authorized by it in this behalf, he incurs disqualification. .... A political party functions on the strength of shared beliefs. Its own political stability and social utility depends on such shared beliefs and concerted action of its members in furtherance of those commonly held principles. Any freedom of its members to vote as they please independently of the political party’s declared politics will not only embarrass its public image and popularity but also undermine public

confidence in it which, in the ultimate analysis, is its source of sustenance-nay indeed its survival. ....To vote against the party is disloyalty. To join with others in abstention or voting with other side smacks of conspiracy.”

29. A member belonging to a political party has to be loyal to his party and the moment he becomes disloyal he would become subject to disqualification on the ground of voluntarily giving up his/her membership from the party. It is found that the respondent's party issued whip to him to attend the meeting on 26.05.2018 and to vote in favour of the no confidence motion against the President and Vice President and he was aware of the whip. But he chose to defy the direction and abstained from attending the meeting. It is found above that the reasons stated by him for his absence is not believable. His abstention was deliberate and it is not justifiable. The conduct of the respondent abstaining from attending the meeting on 26.05.2018 defying the direction of his party would clearly demonstrate that he became disloyal to the party which elected him as a member of Amboori Grama Panchayat. The above acts would amount to defection inviting disqualification under both the limbs of Section 3(1)(a) of the Act as alleged and the case put forward by the petitioner against the respondent is clearly established. According to Father of Nation Mahatma Gandhi politics without principle is one of the grave vices in that group. The menace of

defection is, certainly, to be curbed. The evil of political defections has been a matter of national concern. If it is not combated, it is likely to undermine the very foundations of our democracy and the principles which sustain it.

30. From the above facts and circumstances it can be seen that the respondent has committed defection and he has voluntarily given up his membership of the party which elected him as member, as provided by Section 3(1)(a) of the Act and therefore he became subject to disqualification for being a member of Amboori Grama Panchayat. Points are answered accordingly.

In the result, the petition is allowed and the respondent is declared as disqualified for being member of Amboori Grama Panchayat as provided by Section 3(1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act. The respondent is further declared as disqualified from contesting as a candidate in an election to any local authorities for a period of 6 years from this date, as provided by Section 4(3) of the Act.

Considering the circumstances of the case the parties are directed to bear their respective costs.

Pronounced before the Commission on this the 27<sup>th</sup> day of February 2019

Sd/-

**V.BHASKARAN,  
STATE ELECTION COMMISSIONER**

**APPENDIX**

**Witnesses examined on the side of the petitioner**

PW1 : Shri.BinuThankappan  
 PW2 : Shri.Thomas  
 PW3 : Shri.Sanal  
 PW4 : Shri.Krishna Kumar  
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**Witnesses examined on the side of the respondent**

RW1 : Shri.Vijayan  
 RW2 : Dr.MadhuSreedharan

**Documents produced on the side of the petitioner**

A1 : Copy of the whip issued by the DCC  
 President, Thiruvananthapuram District to  
 Shri ChirayakoduVijayan dated 21.05.2018  
 A2 : Copy of the whip given to the Returning  
 Officer dated 21.05.2018  
 A3 : Copy of the minutes of the meeting regarding  
 the no confidence motion against President  
 A4 : Copy of the minutes of the meeting regarding  
 the no confidence motion against Vice  
 President

**Documents produced on the side of the respondent**

B1 : Discharge summary issued to Shri.Vijayan  
 fromNimsHospital, Neyyattinkara

**Documents produced on the side of the witness**

X1 : Copy of the whip issued by the DCC  
 President, Thiruvananthapuram District to  
 Shri ChirayakoduVijayan dated 21.05.2018

X2 : Register showing the party affiliation of the members of Amboori Grama Panchayat

Sd/-  
V.BHASKARAN  
**STATE ELECTION COMMISSIONER**

//True Copy//