

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

PRESENT: SHRI.V.BHASKARAN, STATE ELECTION COMMISSIONER

Friday, the 14th day of December 2018

O.P.No.52/2017

Petitioner : ShajiPynadath,
S/o P.K.Mathoo, Pynadath House,
Vandiperiyar.P.O.,
Idukki District,
PIN: 685533.
Member, Ward No.08,
AzhuthaBlock Panchayat

(By Adv. Vinod)

Respondent : SudhakaranNeelambaran,
S/o Neelambaran,
Kanisheriveedu, Vagamon P.O.,
Idukki District.PIN: 685503
Member, Ward No.01,
AzhuthaBlock Panchayat

(Adv. CherunniyoorP.Sasidharan Nair)

This petition having come up for hearing on the 30th day of **November 2018**, in the presence of **Adv.Vinod** for the petitioner and **Adv.CherunniyoorP.Sasidharan Nair** 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(1) of the Kerala Local Authorities (Prohibition of Defection) Act for declaring that the respondent committed defection and hence disqualified to continue as member of AzhuthaBlock 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 Azhutha Block Panchayat in the election held in November 2015. Petitioner was elected from ward No.8 as the candidate of Indian National Congress (INC) and respondent was elected from ward No.01 as the candidate of Revolutionary Socialist Party (RSP). In Azhutha Block Panchayat the contest was mainly between United Democratic Front (UDF) and Left Democratic Front (LDF). The Indian National Congress (INC), Kerala Congress (M) [KC(M)] and Revolutionary Socialist Party (RSP) are the constituents of UDF coalition in Azhutha Block Panchayat. There are 13 wards (seats) in AzhuthaBlock Panchayat and out of 13 seats the Indian National Congress (INC) got 6 seats and one seat each by Kerala Congress (M) [KC(M)] and Revolutionary Socialist Party (RSP). The CPI(M) secured the remaining five seats. Thus the UDF got a total of 8 seats and LDF got 5 seats. As the UDF got majority it formed the Panchayat board.

Smt.Jessy Jacob of Indian National Congress was elected as the President of the Block Panchayat and the respondent as the Vice President.

3. Later, the respondent along with Smt.Lisiyamma Jose belonging to Kerala Congress (M) joined with LDF members and moved no confidence motion against the Block Panchayat President Smt.Jessy Jacob and the motion was tabled for discussion on 19.10.2017. The District Secretary of the RSP Idukki District Committee issued whip to the respondent directing him to attend the meeting and to vote against the no confidence motion. When the whip was directly tendered to the respondent he refused to accept the whip. Thereafter, the whip was affixed on the residence of the respondent. Besides, the whip was sent to the respondent by registered post also. Knowing the contents of the matter the respondent purposefully refused to accept the postal article and got the same returned. Copy of the whip was sent to the Secretary, Azhutha Block Panchayat also, by registered post. But On 19.10.2017 when the no confidence motion came up for discussion the respondent colluded with the LDF members and supported the motion disobeying the direction of his party. He voted in favour of the motion and the motion was carried. The respondent was fully aware of the whip and the stand of his party. But he intentionally defied the decision and direction of his party.

4. The respondent acted against the interest of his party and coalition. By doing so he voluntarily abandoned his membership from Revolutionary

Socialist Party. To act against the party and voting against the will of the party is disloyalty. The above conduct amounts to defection and thereby he incurred disqualification as provided under Section 3(1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act. The petitioner seeks a declaration to that effect.

5. The respondent filed counter statement contending as below. The petition is not maintainable. The respondent along with others were expelled from the party on 03.10.2017. After the expulsion the party cannot give any direction to any member. It is true that the respondent was elected as Vice President and Smt.Jessy Jacob was elected as the President of Azutha Block Panchayat. It is also true that the respondent signed in the no confidence motion against the President. There was no whip as alleged and the alleged whip was not served also as alleged. The District Secretary of RSP Idukki District Shri.Baby was elected not as per the bylaw of the party. Respondent voted in favour of the no confidence motion according to his conscience. He did not disobey the direction of his party. The respondent did not join in LDF and he did not act against the interest of the party and he did not abandon his membership in RSP. He was expelled from the party for other reasons. There is no merit in the petition and the petitioner is not entitled to get any relief in the original petition.

6. The evidence in this case consists of the oral testimonies of PWs1 to 4, RWs1 to 3 and Exts.A1to A19 and B1 to B7.

7. Both sides were heard.

8.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 committed defection as provided under Section 3(1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act as alleged?

(4) Whether the respondent has voluntarily given up his membership in Revolutionary Socialist Party (RSP) as alleged?

(5) Whether the petitioner is entitled to the declaration prayed for?

(6) Reliefs and costs?

9. **POINT No.(1)**:The petitioner and respondent are elected members of Azhutha Block Panchayat in the election held in 2015. The petitioner was elected as the candidate of Indian National Congress (INC) and the respondent as the candidate of Revolutionary Socialist Party (RSP). There are 13 divisions (seats) in AzhuthaBlock Panchayat and out of that the Congress led UDF coalition got 8 seats and CPI(M) led LDF secured the remaining 5 seats. Among the constituents of UDF the Indian National Congress got 6 seats, KC(M)andRSPwon one seat each. As the UDF got majority it

formed the Panchayat board. Smt.Jessy Jacob of Indian National Congress was elected as the President and the respondent, a nominee of the RSP as the Vice President. While so the CPI(M) members along with the respondent and another member of KC(M) moved a no confidence motion against the President of the Block Panchayat and it was tabled for discussion on 19.10.2017. Though the District Secretary of RSP issued whip to the respondent directing him to vote against the motion he violated the direction of his party. The respondent voted infavour of the motion along with the members of rival parties and the motion was carried. According to the petitioner the respondent by disobeying and defying the direction of his party committed defection and incurred disqualification as provided under Section 3 (1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act. The respondent denied the allegations. According to him there was no whip from his party and there was no violation of the whip also. To him he did not commit any act of defection incurring disqualification. It is also his contention that the petition is not maintainable. Though a contention is raised in the counter statement regarding the maintainability, it is to be stated that there is nothing on his side to show that the petition is not maintainable.

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 6:** Case of the petitioner is that the respondent committed defection by acting against the interest of his political 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. As stated above, the petitioner and respondent are elected members of Azhutha Block Panchayat. It is a matter of admission that the petitioner was elected as the candidate of Indian National Congress and the respondent as the candidate of Revolutionary Socialist Party. Further Exts.A1 to A3 also would show the said fact. Ext.A1 is the declaration given

by the respondent to the Secretary of Block Panchayat after the election declaring his party affiliation. Ext.A3 is the copy of the register showing the party affiliation of the respondent. Exts.A1 and A3 would show that the respondent was elected as the candidate of RSP. Ext.A2 is the copy of the register showing the party affiliation of the petitioner.

13. There are 13 divisions (seats) in Azhutha Block Panchayat and the UDF got majority by securing 8 seats. As the UDF secured majority it formed the Panchayat board and Smt.Jessy Jacob from Indian National Congress was elected as the President and the respondent, a nominee of RSP as the Vice President. Later the LDF members along with the respondent and the KC(M) member moved a no confidence motion against the President Smt.Jessy Jacob and it was tabled for discussion on 19.10.2017. Ext.4 is the copy of the notice issued to the members regarding that. According to PW1, the petitioner the District Secretary of RSP Idukki District Committee issued whip to the respondent on 12.10.2017 directing him to attend the meeting and to vote against the no confidence motion and Ext.A5 is the copy of the said whip. As the respondent refused to accept the whip when tendered directly the whip was sent to the respondent by registered post on 12.10.2017. Ext.A7 is the postal receipt for that. Copy of the whip was sent to the Secretary Azhutha Block Panchayat also, the Returning Officer and the State Secretary of RSP by registered post. Exts.A8 to A10 are the postal receipts for that. Further, it is stated, the whip was served by affixture also. Ext.A18 is the report

regarding the affixture containing the signatures of the witnesses for affixture. Exts.A6 and A6(a) are said to be the photos taken after affixture of the whip on the front door of the respondent's house. As the respondent refused to accept the whip sent by registered post the same was returned unserved. According to PW1 the respondent deliberately got the same returned. Ext.A11 is the returned postal article. The postal endorsement on the cover would show that the addressee refused to accept the postal article. Though the respondent was aware of the stand of his party to be taken in the no confidence motion, he chose to disobey the same. He supported the motion moved against the nominee of UDF, his own political coalition. The respondent along with the rival LDF members supported the motion and it was carried and the President Smt.Jessy Jacob was unseated from the post. Ext.A14 is the copy of the minutes of the meeting held on 19.10.2017. The respondent disobeyed the direction of his party and by doing so he committed defection, it is further contended.

14. Evidence of PW2 is on the same lines of PW1. PW2 is the District Secretary of the RSP, Idukki District Committee. He has clearly stated about the decision of the party on the no confidence motion and issuance of whip to the respondent. It is stated by him that he has issued Ext.A5 whip to the respondent directing him to vote against the no confidence motion. The whip was sent to the respondent by registered post and the respondent refused to accept the postal cover and got it returned. Ext.A11 is the returned postal

cover. Besides, the whip was served by affixture also, PW2 further states. PW3 and PW4 are the witnesses who went along with PW2 to affix the whip. It is stated by them that they went with PW2 to the house of the respondent and it was they who affixed the whip on the front door of the respondent's house and that they put their signatures in Ext.A18 report.

15. Case of RW1 is that he did not commit any act of defection inviting disqualification. There was no whip as alleged and no whip was served also. The respondent was expelled from RSP prior to 19.10.2017 the day on which the motion came up for discussion. The respondent voted infavour of the no confidence motion according to his conscience. He did not disobey any written direction of his party. There was no decision by the party to vote against the no confidence motion. As there was no direction from the party he supported the motion and it will not amount to abandonment of his membership in Revolutionary Socialist Party (RSP), it is further stated. RWs2 and 3 are the witnesses examined on the side of the respondent. RW2 is stated to be the Secretariat member of RSP Idukki District Committee and RW3 is an Executive member of RSP Idukki District Committee. According to them the important decision of the RSP in Idukki District are to be taken by the District Secretariat and there was no decision of the District Secretariat to issue a whip in this case. Here itself it is to be stated that both RWs2 and 3 stated that the District Sectary of Idukki RSP District Committee is PW2 Baby.

16. Submission of the learned counsel for the petitioner is that the respondent supported and voted infavour of the no confidence motion moved against the Block Panchayat President a nominee of his own political front UDF by defying and disobeying the direction of PW2, the District Secretary of his party and thereby committed defection. By doing so the respondent acted against the interest of hisown 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 of his political party and hence he is disqualified to continue as a member of Azhutha Block Panchayat, the counsel furthersubmits. Contention of the learned counsel for the respondent on the other hand is that there was no whip/direction from his party to vote against the no confidence motion and no whip was issued and served on him. It is also the submission that PW2 the District Secretary of RSP was elected not as per the bylaw of the party and hence he has no authority to issue direction to the respondent. Yet another contention of the counsel is that the respondent was expelled from the RSP prior to the meeting convened for discussing the no confidence motion and hence the direction if any issued by PW2 the District Secretary is not binding on the respondent.

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. This case relates to the voting on a no confidence moved against the President of the Panchayat.

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. To attract the second part there must be a proper whip and the whip should be communicated and there must be violation of the whip. It is in evidence that PW2 is the District Secretary of RSP Idukki District Committee. RW1 and his witnesses RWs2 and 3 also admitted the said fact in their evidence before the Commission. A vague contention is put forward by the respondent that PW2 was elected as Secretary not as per the bylaw of the party. But there is nothing from their side to show that PW2 is not the Secretary of RSP. On the other hand their evidence would show that PW2 is the Secretary of RSP Idukki District Committee. RW1 has further stated that it was PW2 District Secretary who recommended the official symbol of the RSP for the respondent at the time of election. As per Rule 4 of the Kerala Local Authorities (Disqualification of Defected Members) Rules the person authorised by the political party to recommend the official symbol to the candidate is the competent person to issue whip to the elected members of that party. The respondent contested and was elected as the candidate of RSP and it was PW2 who recommended the symbol of RSP to the respondent. So PW2 being the District Secretary of RSP is the competent person to issue whip to the respondent. PW2 has clearly stated about the issuance of the whip directing the respondent to vote against the no confidence motion and Ext.A5 is the copy of the whip.

20. It is in evidence that the whip was sent to the respondent by registered post in his address. Ext.A7 is the postal receipt for that. Ext.A7 would show that the whip was sent to the respondent in his residential address on 12.10.2017. According to PW1 the respondent refused to accept the postal cover and got the same returned. Ext.A11 is the returned postal cover. The postal endorsement on Ext.A11 would show that the respondent refused to accept the said postal article. Ext.A11 would further show that the same was sent to the respondent in his correct address. It is admitted by RW1 that the address shown in Ext.A11 is his correct address and letters sent by post in that address would be delivered to him. Exts.A7 and A11 would show that the whip was sent to the respondent by registered post with acknowledgment due in his correct address sufficiently early and he refused to accept the same. According to the learned counsel for the petitioner, the respondent was aware of the issuance of whip by PW2 and the contents of Ext.A5 well in advance and he refused the whip sent by post to make out a defence in a case which he anticipated against him. The Counsel cannot be blamed for that argument as the evidence and circumstances in this case would only lend support to the said contention. The respondent has no case that Ext.A11 was not sent in his correct address. It is well settled that once a notice has been sent by registered post with acknowledgment due in correct address it must be presumed that the service has been made effective. There is nothing to rebut the said presumption in this case. As the whip was sent by registered post in correct

address and the respondent refused to receive the same it is to be taken that the whip was served on him. Copy of the whip was sent to the Secretary of Block Panchayat also as stipulated in Rule 4(2) of the Kerala Local Authorities (Disqualification of Defected Members) Rules.

21. Besides the mode of service by registered post steps have been taken in this case to serve the whip by affixture and it is in evidence that the whip was served by affixture also. Evidence of PWs 2 to 4 would show the said fact. It is clearly stated by them that they went to the house of the respondent and affixed the whip on the front door of the respondent's house. According to the respondent there was no affixture of whip on the front door of his house and the affixture might be on some other building. To counter Exts.A6 and A6(a) photos the respondent has produced Exts. B2 to B7 photos to contend that the affixture of whip was on some other building. But it is to be stated that the photographs produced from both sides will not take us anywhere. According to RW1 the building shown in Exts.B2 to 4 is his residential building and the alleged affixture was not on that building. It is to be stated that no decision is possible in this case only on the basis of the photographs produced in this case. At the same time the evidence of PWs 2 to 4 regarding affixture is convincing. There is no necessity for PWs2 to 4 to go to the house of somebody to affix the whip. I do not find anything in this case to disbelieve the version of PWs2 to 4 regarding the affixture of whip. Anyway no further discussion is required on that aspect as it is found above

that the whip was sent to the respondent by registered post and it is taken as served.

22. It may be noted that the respondent is a responsible elected member of Revolutionary Socialist Party in AzhuthaBlock Panchayat and he cannot act according to his whims and fancies and that too against the direction of his own party in the no confidence motion. He is bound by the direction of his party and disobedience and acting against the interest of the party is nothing but disloyalty. The decision of the party to vote against the no confidence motion was intimated to the respondent and he was directed to act as per the direction of the party by issuing whip to him by PW2. But he defied the direction and voted in favour of the no confidence motion moved against the nominee of his own political coalition. The above acts of the respondent would only show that he has acted against the interest of his party. He cannot take a stand different from that of his party.

23. 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.

24. 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 *10th schedule to the Constitution of India*. While upholding the Constitutional validity of 10th 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.”

25. In the decision reported in 2008 (3) KHC 267 in (Faisal P.A. Vs. K.A.AbdullaKunhi) it was held as follows,-

“Since the words voluntarily giving up membership of his political party is not to be equated with ceasing to be a member of his party by resignation, from the conduct of the petitioner if an inference can be drawn that he has voluntarily given up his membership of his political party, he is liable to be disqualified. From the facts noticed by the second respondent, it is evident that the petitioner had acted against the directions of his party leadership and that he was arraying himself with the rival coalition. These facts certainly justify the inference that the petitioner had voluntarily given up his membership in Indian Union Muslim League, although he had not tendered his resignation.”

26. As stated above the respondent was elected as a member of RSP and he is bound by the decision of his party. He cannot act against the interest of his party. It is a matter of admission that the respondent supported and

voted infavour of the no confidence motion moved against the nominee of UDF of which his party RSP is a constituent and she was unseated. The motion was moved by the members of rival front along with the respondent. It is admitted by RW1 that he did not enquire with his party regarding the stand to be taken in the no confidence motion. It is also admitted by him that even now RSP is a constituent of UDF and at the same time it is stated by him that he is not in UDF. The respondent cannot take a stand different from that of his party.

27. Another contention of the respondent's counsel is that the respondent was expelled from the party prior to the issuance of whip byPW2 and hence he is not bound by the direction of the party. Even assuming that the respondent was expelled from RSP as alleged it will not save him from the mischief of Section 3(1)(a) of the Kerala Local Authorities Prohibition of Defection Act. Merely for the reason that a person is expelled from the political party he does not cease to be a member of the political party that had set him up as a candidate for the election unless he is resigns by voluntarily giving up his membership as held in the decisions reported in **2015KHC 454 (Surya Prakash and Others V.Kerala State Election Commission, Tvm and others)** and **1996 KHC 704 (G.ViswanathanV.SpeakerTamilnadu Legislative Assembly)**. If the contention of the respondent that the decision and direction of the party is not binding on expelled member is accepted, an elected member can do any kind of anti-party activities to get expulsion and

when expelled he would escape from the rigor of the law which was intended to curb the evil of defection which has polluted our democratic polity.

28. A member belonging to a political party has to be loyal to his party and the moment he becomes disloyal he/she would become subject to disqualification on the ground of voluntarily giving up his/her membership from the party. The conduct of the respondent in violating the direction of his party and voting in favour of the no confidence motion moved against the nominee of his own political coalition, along with the members of rival party defying the direction of his party would clearly demonstrate that he became disloyal to the party which elected him as a member of Azhutha Block Panchayat. The above acts would amount to defection inviting disqualification as alleged and the case put forward by the petitioner against the respondent is clearly established. I do not find anything in this case to take a different view. 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.

29. 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 Azhutha Block Panchayat. Points are answered accordingly.

In the result, the petition is allowed and the respondent is declared as disqualified for being member of AzhuthaBlock Panchayat as provided by Section 3(1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act. The respondent is further declared as disqualified for 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 14th day of December 2018

Sd/-
V.BHASKARAN,
STATE ELECTION COMMISSIONER

APPENDIX

Witnesses examined on the side of the petitioner

PW1 : Shri. ShajiPynadath
PW2 : Shri.Baby.G
PW3 : Shri.Murukan
PW4 : Shri.Thankaraj

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Witnesses examined on the side of the respondent

RW1 : Shri.SudhakaranNeelambaran
RW2 : Shri.ShibuK.Thambi
RW3 : Shri.M.A.Lalichan

Documents produced on the side of the petitioner

- A1 : Copy of the declaration in Form No.2 submitted by Shri.SudhakaranNeelambaran, Member of Azhutha Block Panchayat
- A2 : Copy of the Register showing the party affiliation of Shri.ShajiPynadath, member of Kaduthuruthy Block Panchayat
- A3 : Copy of the Register showing the party affiliation of Shri.SudhakaranNeelambaran member of Kaduthuruthy Block Panchayat
- A4 : Copy of the notice No.A1-3395/2017 dated 06.10.2017 issued by the Secretary, Idukki District Panchayat
- A5 : Copy of the whip issued by the Secretary RSP Idukki District Committee to Shri. SudhakaranNeelambaran dated 12.10.2017
- A6 : Photograph
- A6(a) : Photograph
- A7 : Postal receipt dated 12.10.2017
- A8 : Postal receipt dated 12.10.2017
- A9 : Postal receipt dated 12.10.2017
- A10 : Postal receipt dated 12.10.2017
- A11 : Returned postal article addressed to Shri.SudhakaranNeelambaran
- A12 : Acknowledgement card addressed to the Returning Officer
- A13 : Acknowledgment card addressed to the Secretary, Azhutha Block Panchayat

- A14 : Copy of the minutes of the meeting held on 19.10.2017
- A15 : Mathrubhoomi daily dated 20.10.2017
- A15(a) : Report of Mathruboomi daily dated 20.10.2017 (relevant page No.3)
- A16 : MalayalaManorama daily dated 20.10.2017
- A16(a) : Report of MalayalaManorama daily dated 20.10.2017(relevant page No.5)
- A17 : Mangalam daily dated 20.10.2017
- A17(a) : Report of Mangalam daily dated 20.10.2017(relevant page No.4)
- A18 : Copy of the report regarding affixture of whip
- A19 : Notice dated 07.10.2017

Documents produced on the side of the Respondent

- B1 : Notice dated 30.09.2017
- B2 : Photograph
- B3 : Photograph
- B4 : Photograph
- B5 : Photograph
- B6 : Photograph
- B7 : Photograph

Sd/-
V.BHASKARAN
STATE ELECTION COMMISSIONER

//True Copy//