

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

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

**Tuesday, the 18<sup>th</sup> day of December 2018**

**O.P.No.62/2017**

Petitioner : Shaji Pynadath,  
S/o P.K.Mathoo, Pynadath House,  
Vandiperiyar.P.O.,  
Idukki District,  
PIN: 685 533.  
Member, Ward No.08,  
Azhutha Block Panchayat

**(By Adv. Vinod)**

Respondent : Liziyamma Jose,  
W/o Jose,  
Chakkalayil House,  
Kanayankavayal P.O.,  
Peruvanthanam,  
Idukki District. PIN: 685532.  
Member, Ward No.11,  
Azhutha Block Panchayat

**(Adv. Cherunniyoor P.Sasidharan Nair)**

This petition having come up for hearing on the 14<sup>th</sup> day of **December 2018**, in the presence of **Adv.Vinod** for the petitioner and **Adv.Cherunniyoor P.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 Azhutha Block Panchayat and also for declaring her 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. The petitioner was elected as the candidate of Indian National Congress (INC) and the respondent was elected as the candidate of Kerala Congress (M) [KC(M)]. The Kerala Congress (M) contested the election in Azhutha Block Panchayat as part of United Democratic Front (UDF) coalition. The Indian National Congress (INC), and Revolutionary Socialist Party (RSP) are the other constituents of UDF. There are 13 wards (seats) in Azhutha Block Panchayat and out of 13 seats the Indian National Congress (INC) got 6 seats and one seat each was won by Kerala Congress (M) [KC(M)] and Revolutionary Socialist Party (RSP). The CPI(M) secured the remaining five seats. As the UDF got majority by securing 8 seats it formed the Panchayat board. Smt.Jessy Jacob of Indian National Congress was elected as the President

of the Block Panchayat and one Sudhakaran Neelambaran was elected as the Vice President. Later, the respondent and Sudhakaran Neelambaran of the Revolutionary Socialist party joined with the five members of the rival LDF and moved a no confidence motion against the Block Panchayat President Smt.Jessy Jacob and the motion was tabled for discussion on 19.10.2017. The motion was carried with the support of the respondent and Shri.Sudhakaran Neelambaran. When the KC(M) party questioned the action of the respondent she admitted her guilt and apologized for the same and assured that she would obey the direction of the party in the election of the new President.

3. Thereafter, fresh election to elect the new President was scheduled to be held on 27.11.2017. The District President of Kerala Congress (M) Idukki District Committee issued whip to the respondent directing her to vote in favour of the UDF candidate Smt.Alice Sunny. When the whip was tendered directly she refused to accept the same. Thereafter the whip was affixed on the front door of the respondent's house. The whip was sent by registered post also. Knowing the contents of the matter the respondent purposefully refused to accept the postal article and got the same returned. The respondent had sufficient knowledge about the contents of the whip. But she chose to violate the direction of her party and she herself stood as a candidate for the post of the President against the candidate of her party

and political front. The respondent was elected as the President with the support of the rival LDF members. She acted against the interest of KC(M) party and caused the defeat of the nominee of UDF her political front. By doing so the respondent voluntarily abandoned her membership from Kerala Congress (M). She is now in the LDF camp. By violating the whip issued by her party and acting against the interest of her party the respondent committed defection and thereby she 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.

4. The respondent filed counter statement contending as below. The petition is not maintainable. It is true that the petitioner and respondent are elected members of Azhutha Block Panchayat as stated in the petition. There was an agreement between the KC(M) and UDF regarding sharing of the Presidentship of the Block Panchayat and as per that the Presidentship was allotted to the Indian National Congress for the first three years and to the Kerala Congress (M) for the remaining period. But the Indian National Congress later went out from the Agreement. Now Kerala Congress (M) has no connection with the UDF or INC. From 2017 onwards the respondent is part of LDF and hence she joined with LDF to move a no confidence motion against the President Smt.Jessy Jacob. The Kerala

Congress (M) party has no objection in presenting the no confidence motion against the President and also for contesting against the UDF candidate in the President election. There was no whip as alleged and the respondent never disobeyed or defied the whip of the party. She acted as per the instructions of her party leaders and she did not violate the direction of her party. Respondent did not act against the interest of her party and she did not abandon her membership in Kerala Congress (M). There is no merit in the petition and hence it is only to be dismissed.

5. The evidence in this case consists of the oral testimonies of PWs1 to 4, RWs1 to 3 and Exts.A1to A13.

6. Both sides were heard.

7.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 her membership in Kerala Congress (M) [KC(M)] as alleged?

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

(6) Reliefs and costs?

8. **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 Kerala Congress (M)[KC (M)]. Out of the 13 divisions (seats) in Azhutha Block Panchayat the UDF coalition consisting INC, KC(M) and RSP got 8 seats and the CPI(M) led LDF got the remaining 5 seats. As the UDF got majority it formed the Panchayat board. Smt.Jessy Jacob of Indian National Congress was elected as the President and the RSP nominee Shri.Sudhakaran Neelambaran as the Vice President. The CPI(M) members along with the respondent and the member of RSP later moved a no confidence motion against the President of the Block Panchayat. The motion was tabled for discussion on 19.10.2017 and it was carried with the support of the respondent. When the party of the respondent questioned the said act of the respondent, it is stated, she admitted her mistake and assured to obey the direction of the party in the President election. Thereafter fresh election to elect the President was scheduled to be held on 27.11.2017.

9. According to the petitioner the KC(M) party and the UDF decided to nominate Smt.Alice Sunny as the candidate for the post of the President. Though the District President of the KC(M) issued whip to the respondent directing her to vote in favour of Smt.Alice Sunny she violated the

direction. The respondent did not care to obey the direction of her party. Defying the direction issued by the District President of her party she herself stood as a candidate for the post of the President against Smt. Alice Sunny, her own party nominee. With the support of the members of the rival front LDF the respondent became the President defeating Smt. Alice Sunny. By doing so, the respondent committed defection and incurred disqualification as provided under Section 3(1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act, it is further contended. The respondent denied the allegations. According to her there was no whip from her party and there was no violation of the whip also. To her she did not commit any act of defection incurring disqualification. It is also her contention that the petition is not maintainable. But though such a contention is raised in the counter statement, it is to be stated that there is nothing on her 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:** According to the petitioner the respondent committed defection by acting against the interest of her political party and also by disobeying the direction of her political party and thereby she incurred disqualification under Section 3 (1) (a) of the Kerala Local Authorities (Prohibition of Defection) Act. 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 Kerala Congress (M). Further, Exts.A1 and A2 also would show the said fact. Ext.A1 is the declaration given by the respondent to the Secretary of Block Panchayat after her election as a member, declaring her party affiliation. Ext.A2 is the

copy of the register showing the party affiliation of the respondent. Exts.A1 and A2 would show that the respondent was elected as the candidate of KC(M).

12. There are 13 divisions (seats) in Azhutha Block Panchayat. In the election UDF consisting INC, KC(M) and RSP got majority by winning 8 seats. Among the constituents of UDF six seats were won by INC and one seat each by KC (M) and RSP. The CPI(M) got the remaining 5 seats. As the UDF got majority it formed the Panchayat board and Smt.Jessy Jacob from Indian National Congress was elected as the President of the Block Panchayat and Shri.Sudhakaran Neelambaran a nominee of RSP as the Vice President. While so, the LDF members along with the respondent and the RSP member moved a no confidence motion against the President Smt.Jessy Jacob and it was tabled for discussion on 19.10.2017. The motion when put to vote was carried and Smt.Jessy Jacob was removed from the post. Though the respondent was supposed to vote against the motion she voted infavour of the motion and her said act is against the interest of her party KC(M) and UDF. It is further stated that her party sought explanation from her and she apologized for the mistake. As this case is not related to her voting in the no confidence motion no further discussion is required on that aspect.

13. This case is for the alleged act of defection on the part of the respondent at the time of election of the President held on 27.11.2017.

Consequent to the passing of the no confidence motion the post of the President fell vacant. Election to elect the President was scheduled to be held on 27.11.2017. Ext.A3 is the election notice issued by the Returning Officer for that. It is stated by PWs 1 and 2 that the UDF decided to nominate Smt.Alice Sunny as the candidate for the post of President. PW1 is the petitioner and PW2 is the District President of KC(M) Idukki District Committee.

14. It is stated by PW2 that he has issued whip to the respondent directing her to vote in favour of Smt.Alice Sunny for the post of President and Ext.A4 is the copy of the said whip. As the respondent refused to receive the whip when tendered directly the whip was sent to the respondent by registered post both in her residential address and official address. The respondent deliberately refused to accept the whip sent to her by post and got the same returned, PW2 further states. Ext.A8 and 9 are the returned postal articles. It is further stated that the whip was served by affixture also. PWs3 and 4 are the witnesses who went to the house of the respondent and affixed the whip on the front door of the respondent's house. Ext.A13 is the copy of the whip with the report regarding the affixture. Exts.A5 to A7 are the photos taken after the affixture of the whip. The respondent was aware of the issuance of the whip and decision of the party in the President election. Instead of obeying the direction of her party she chose to defy it and she herself stood as a candidate of the rival

LDF front for the post of the President against Smt.Alice Sunny, the nominee of her own party and coalition. She defeated Smt.Alice Sunny with the support of LDF members and became the President. Ext.A10 copy of the minutes would reveal the said fact, it is further stated.

15. Case of RW1 is that she did not commit any act of defection inviting disqualification. There was no whip as alleged and no whip was served also. The respondent contested against the UDF nominee Smt.Alice Sunny as per the instructions of the leaders of KC(M) and that there was no decision by the party to vote infavour of Smt.Alice Sunny. As there was no direction from the party she stood as a candidate and contested for the post of the President, the respondent further contends. RW2 is the President of KC(M) Peerumedu Mandalam Committee. The respondent examined him to say that there was no decision by the party to support the INC nominee in the President election and hence the respondent joined with LDF in the President election. It is to be stated here that he speaks against the evidence of PW2 the District President who is competent to issue whip to the respondent.

16. Submission of the learned counsel for the petitioner is that the respondent stood as a candidate of rival political parties against the nominee of her party and coalition in the President election defying the direction of PW2 the District President of her party and thereby she committed defection. By doing so the respondent acted against the interest

of her own political party and acting against the interest of her political party is sufficient to hold that the respondent has voluntarily given up her membership of her party and hence she is disqualified to continue as a member of Azhutha Block Panchayat, the counsel further submits. Contention of the learned counsel for the respondent on the other hand is that there was no whip/direction from the KC(M) to support Smt.Alice Sunny in the President election and no whip was issued and served on her directing to vote infavour of Smt.Alice Sunny. The respondent did not do any act attracting the provisions of defection, the counsel further contends.

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. 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. Admittedly the District President KC(M) is the competent person to issue whips to the elected members of Kerala Congress (M) in the local authority of Idukki District. RW1 admitted that she is bound by the direction of the District President of her party. PW2 the District President has clearly stated about the issuance of the whip in this case to the respondent directing her to vote in favour of the UDF nominee Smt. Alice Sunny in the President election held on 27.11.2017. Ext.A4 is the copy of the whip. It is in

evidence that the whip was sent to the respondent by registered post both in his residential and official addresses and the same was returned unserved as the respondent refused to accept the same. According to PWs1 and 2 the respondent intentionally got the same returned. Exts.A8 and A9 are the returned postal covers and the same would show that the same were sent to the respondent in her correct address. They were sent to the respondent sufficiently early ie., on 20.11.2017. The postal endorsements in Exts.A8 and A9 would show that the respondent refused to accept the same.

20. It is admitted by RW1 that address shown in Ext.A8 is her residential address. The address shown in Ext.A9 is certainly her official address. RW1 has a contention at the time of evidence that she is not residing in that house for the last 5 years and she is now residing in a rented house. To support that contention she has examined RW3. According to RW3 the respondent is now residing in a house let out by him. There is a rent deed for that and it was executed in his favour by the respondent's husband. Strangely enough, the alleged rent deed is not produced in this case. It may be noted that the address of the respondent in the original petition is in the same address as shown in Ext.A8 postal cover and notice in the original petition was issued to the respondent in the same address and it was served on her. Nowhere in the objection statement the respondent has a case that she is not residing in the address shown in the petition or that she is residing in a rented house or her house was rented out to

anybody. Further, the respondent's case of residing in a rented house comes for the first time only in the cross-examination. In the chief affidavit of RW1 her case is that the house shown in the original petition, Exts.A8 and A5 to A7 photos was rented out and she is residing in another house. To whom and when she rented out her above house is not known. No such case we find anywhere in her objection statement. Case of taking a house on rent and letting her own house on rent were not there in the objection statement. It can only be the result of an afterthought as contented by the learned counsel for the petitioner.

21. The contention of the respondent that she is not residing in the address shown in the petition and Ext.A8 is not at all believable. Exts.A8 and A9 would show that the whips were sent to the respondent by registered post in her correct address sufficiently early and she 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.A4 well in advance and she refused to receive the whip to make out a defence in a case which she anticipated against her. The evidence and circumstances in this case would only lend to support to the said contention. 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 her.

22. 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 3 and 4 and Ext. A13 report along with Exts.A5 to A7 photos would reveal 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. After affixture of the whip photos of the same were also taken and Exts. A5 to A7 are the said photos. It is admitted by RW1 that the house shown in Exts.A6 and A7 photos is her house. Her presentcase is that she is not residing there for the last five years. The said aspect was already considered above and found against. There is no material to show that the respondent is not residing in the house shown therein as claimed by her. When we consider the evidence of PWs 3 and 4 together with Exts.A5 to A7 photos it can be seen that the case of affixture put forward by the petitioner is also proved in this case. There is nothing to think otherwise.

23. It may be noted that the respondent is a responsible elected member of Kerala Congress (M) in Azhutha Block Panchayat and she cannot act according to her whims and fancies and that too against the direction of her own party in the President election. She is bound by the direction of her party and disobedience and acting against the interest of the

party is nothing but disloyalty. The decision of the party to vote and elect Smt. Alice Sunny as the President was intimated to the respondent and she was directed to act as per the direction of the party by issuing whip to her by PW2. But she defied the direction and stood as a candidate against the nominee of her party and UDF with the support of the rival front LDF and defeated the nominee of her own party and political front. The above acts of the respondent would only show that she has acted against the interest of her party.

24. 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 she has voluntarily given up the membership of the political party to which she 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 her membership from her political party.

25. 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 Kihoto Hollohan Vs.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.”

26. In the decision reported in 2008 (3) KHC 267 in (Faisal P.A. Vs. K.A.Abdulla Kunhi) 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.”

27. As stated above the respondent was elected as a member of Kerala Congress (M) party and she is bound by the decision of her party. She cannot act against the interest of her party. It is a matter of admission that the respondent contested as a candidate of the rival LDF front against the nominee of her party and the political front and became the President of the Block Panchayat defeating the nominee of her own party and political front. According to the learned counsel for the respondent there was no decision of the Kerala Congress (M) to support the UDF nominee and therefore the contest of the respondent with the support of the LDF members cannot be termed as against the interest of her party. It is evidence that PW2 the District President of Kerala Congress (M) issued

whip to the respondent directing her vote in favour of Smt. Alice Sunny, the nominee of UDF. But she violated and defied the direction of her party and stood as a candidate against the UDF candidate. Ext.A10 would show the said fact. Ext.A10 is the minutes of the election meeting held on 27.11.2017 for electing the President. The name of the respondent was admittedly proposed and seconded by the members of rival Left Democratic Front.

28. It is in evidence that on earlier occasion also there was instance of taking a different stand by the respondent from that of her political party. There was a no confidence motion moved against Block Panchayat President by the members of LDF. The respondent also joined in that motion and she supported the motion. It is stated by PW2 that the respondent apologized for that when the party questioned her above acts. The act of voting against the nominee of UDF despite the whip of PW2 is to be considered in that background also.

29. A member belonging to a political party has to be loyal to her party and the moment she 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 her party and to contest the nominee of her own party and political front with the support of the members of rival political party defying the direction of her party would clearly demonstrate that she

became disloyal to the party which elected her 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 under both the limbs of Section 3(1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act 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 she has voluntarily given up her membership of the party KC(M) which elected her as member, as provided by Section 3(1)(a) of the Act and therefore she 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 Azhutha Block 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 18<sup>th</sup> day of December 2018

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

**APPENDIX**

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

PW1 : Shri. Shaji Pynadath  
 PW2 : Shri.M.J.Jacob  
 PW3 : Shri.John Joseph  
 PW4 : Shri.Chacko V Arghese

:

**Witnesses examined on the side of the respondent**

RW1 : Smt.Liziyamma Jose  
 RW2 : Shri.Tom Thomas  
 RW3 : Shri.Joseph Joseph

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

A1 : Copy of the declaration in Form No.2 submitted by Smt.Liziyamma Jose, Member of Azhutha Block Panchayat

A2 : Copy of the Register showing the party affiliation of Smt.Liziyamma Jose, member of Kaduthuruthy Block Panchayat

A3 : Copy of the Notice No.A1-468/2015(8) dated 14.11.2017 issued by the Returning Officer to Shri.Shaji Pynadath

A4 : Copy of the whip issued by the President Kerala Congress (M) Idukki District

Committee to Smt. Liziyamma Jose  
dated 19.11.2017

- A5 : Photograph
- A6 : Photograph
- A7 : Photograph
- A8 : Returned postal article addressed to  
Smt.Liziyamma Jose
- A9 : Returned postal article addressed to  
Smt.Liziyamma Jose
- A10 : Copy of the minutes of the meeting of the  
election to elect the President, Azhutha  
Block Panchayat held on 27.11.2017
- A11 : Malayala Manorama daily dated  
28.11.2017
- A12 : Thejas daily dated 28.11.2017
- A13 : Copy of the report regarding affixture of  
whip

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

//True Copy//