

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

**PRESENT: SHRI.K.SASIDHARAN NAIR, STATE ELECTION COMMISSIONER**

**Tuesday, the 19<sup>th</sup> day of May 2015**

**O.P.Nos.96/2014, 97/2014, 98/2014 AND 99/2014**

**O.P.No.96/2014**

Petitioner : T.Viswanathan,  
S/o Teethan, Thekinchirakalam,  
Nenmeni P.O., Kollengode,  
Palakkad District.  
Member, Ward No.07,  
Kollengode Grama Panchayat.  
**(By Advs. Hashim Babu.M & Sajitha.S)**

Respondent : K.C.Vijaya Kumari,  
Member, Ward No.03,  
Kollengode Grama Panchayat,  
Palakkad District.  
**(By Advs. R.Manikantan & Geetha)**

**O.P.No.97/2014**

Petitioner : T.Viswanathan,  
S/o Teethan, Thekinchirakalam,  
Nenmeni P.O., Kollengode,  
Palakkad District.  
Member, Ward No.07,  
Kollengode Grama Panchayat.  
**(By Advs. Hashim Babu.M & Sajitha.S)**

Respondent : Nazeema,  
Member, Ward No.13,  
Kollengode Grama Panchayat,  
Palakkad District, PIN 678 506.

**(By Advs. R.Manikantan & Geetha)**

**O.P.No.98/2014**

Petitioner : T.Viswanathan,  
S/o Teethan, Thekinchirakalam,  
Nenmeni P.O., Kollengode,  
Palakkad District.  
Member, Ward No.07,  
Kollengode Grama Panchayat.

**(By Advs. Hashim Babu.M & Sajitha.S)**

Respondent : Prathiba,  
Member, Ward No.17,  
Kollengode Grama Panchayat,  
Palakkad District, PIN 679 506.

**(By Advs. R.Manikantan & Geetha)**

**O.P.No.99/2014**

Petitioner : T.Viswanathan,  
S/o Teethan, Thekinchirakalam,  
Nenmeni P.O., Kollengode,  
Palakkad District.  
Member, Ward No.07,  
Kollengode Grama Panchayat.

**(By Advs. Hashim Babu.M & Sajitha.S)**

Respondent : R.Padmanbhan,  
Member, Ward No.16,  
Kollengode Grama Panchayat,  
Palakkad District, PIN 678 506.

**(By Advs. R.Manikantan & Geetha)**

These petitions, having come up for hearing on the 26<sup>th</sup> day of March 2015, in the presence of Advs. **Hashim Babu & Sajitha.S** for the petitioner and Advs. **R.Manikantan & Geetha** for the respondents and having stood over for consideration to this day, the Commission passed the following.

### **COMMON ORDER**

These are petitions filed under Section 4 of the Kerala Local Authorities (Prohibition of Defection) Act for declaring that the respondents have become subject to disqualification for being members of Kollengode Grama Panchayat. Since these petitions have been filed by a common petitioner and common questions of law and facts arise for consideration in all these cases, they have been taken up jointly as per order on I.A.No.166/2014 and O.P.No.96/2014 is treated as the main case.

2. Common allegations are raised by the petitioner in all these cases which are in short as follows,- The petitioner and respondents contested the election in various wards of Kollengode Grama Panchayat as candidates of Indian National Congress in the election held in October 2010 and they were elected as members. The strength of the Panchayat is 18, out of which 9 members belong to Congress and 9 members belong to LDF, the split up being 8 CPI(M) and one CPI. In the election to the post of President and Vice President

after the General Election, the UDF consisting of Indian National Congress and the LDF consisting of CPI(M) and CPI secured 9 votes each and in the draw of lots, the respondent in O.P.No.98/2014 was elected as President and Sri.K.Guruvayoorappan belonging to Indian National Congress was elected as Vice President. The respondents entertained hostility towards the Vice President and they colluded with the LDF members and taking advantage of the difference of opinion in the UDF, LDF members submitted no confidence motions against the President and Vice President. The DCC President convened the meeting of the Congress parliamentary party and it was decided that all members belonging to Congress party should defeat the motions scheduled to be held on 27.06.2014 and the DCC President issued whip to all the Congress members in this regard. However the respondent in O.P.No.98/2014 resigned from the post of President on 27.06.2014. Her resignation was against the party direction. The no confidence motion moved against the Vice President was carried with the support of these respondents and the LDF members. The election to the post of President and Vice President was decided to be held on 24.07.2014. The Congress parliamentary party meeting was convened at the DCC office in the presence of the DCC President with notice to all members. In the said meeting the respondent in O.P.No.98/2014, who was the only eligible candidate for the post of President being reserved to a woman belonging to scheduled cast, expressed

her unwillingness to contest to the post of President and so the Congress party decided not to support any candidate in the President election. In the election to the post of Vice President, Sri.K.Guruvayoorappan was unanimously decided as the candidate and the DCC President issued whip to all the members of Congress party to vote in favour of Sri.K.Guruvayoorappan and it was also directed in the whip not to support any candidate in the election to the post of President. The whip issued by the DCC President was affixed in front of the houses of the respondents. In the election to the post of President held on 27.06.2014, contrary to the decision of the party, the name of the respondent in O.P.No.98/2014 was nominated by the respondent in O.P.No.99/2014 and supported by the respondent in O.P.No.97/2014. Smt.Radha Pazhanimala was the official candidate of LDF in the said election. With a view to help the LDF candidate, the respondent in O.P.No.99/2014 did not sign in the nomination paper and so the nomination of the respondent in O.P.No.98/2014 was rejected and the LDF candidate was declared elected. In the election to the post of Vice President, Sri.K.Guruvayoorappan was the official candidate of Indian National Congress and whip was given to the members of the Congress party. But defying the direction and decision of the party, the respondent in O.P.No.99/2014 was proposed by the respondent in O.P.No.98/2014 and an LDF member seconded him and he was elected with the support of LDF members. Thus these

respondents have voluntarily given up their membership from the party and thereby committed defection. On account of the action of these respondents, the Congress party lost power in this Panchayat. Becoming Vice President with the support to the LDF in the election is against the declared policy of the Indian national Congress. Since the respondents have voluntarily given up their membership by violating the instructions of the Congress party they are not entitled to continue as members of Kollengode Grama Panchayat. Hence these petitions.

3. The respondents have filed objections raising common contentions which are briefly, as follows,- The petitions are not maintainable either in law or on facts. The petition is hopelessly barred by limitation. It is true that these respondents are belonging to Congress party. It is also true that the respondent in O.P.No.98/2014 was elected as President and Sri.K.Guruvayoorappan was elected as Vice President. The allegation that the respondents were not in good terms with Sri.K.Guruvayoorappan and that the respondents had colluded with the LDF are totally false. It is also true that the no confidence motions were moved by LDF against the President and Vice President. But the allegation that the meeting of the Congress Parliamentary party was convened at the office of DCC President and that the meeting was presided over by the DCC President are false. The further allegation that the DCC President had given direction on

21.06.2014 to defeat the no confidence motions which was scheduled for discussion on 27.06.2014 is not true. The respondents were not given any such direction and they were not aware of such a parliamentary party meeting. It is true that the respondent in O.P.No.98/2014 resigned from the post of President. But it was not against the decision of the party. The no confidence motion moved against the Vice President was carried. There were lots of allegations against the Vice President. The election to the post of President and Vice President was scheduled on 27.06.2014. The allegation that Congress parliamentary party meeting was convened at the DCC office in the presence of DCC President is totally false. These respondents were not given any such directions. The allegation that the party had decided the respondent in O.P.No.98/2014 as candidate to the post of President and she declined to accept the same and so the party decided not to support any candidate in the said election and that Sri.K.Guruvayoorappan was decided for the post of Vice President are false. No such decision was taken as alleged Sri.K.Guruvayoorappan was not decided as a candidate to the post of vice President and no whip was communicated to these respondents. These respondents are not aware of any whip said to have been issued by the DCC President. In the election to the post of President the respondent in O.P.No.98/2014 was nominated and nomination paper was filed. The allegation

that it was contrary to the decision of the party is incorrect. The further allegation that Sri.K.Guruvayoorappan was official candidate of Congress party for the post of Vice President and whip was issued by the DCC President are false. There was no official candidate to the post of Vice President for the party. Two persons belonging to Congress party contested to the post of Vice President and as there was no direction from the party regarding the official candidate, the respondents voted as per their conscience. The allegation that the respondents have voluntarily abandoned their membership from the party is totally false. The allegation that sharing of power with the support of LDF is against the declared policy of the National Congress party is not fully correct. The respondents have not committed any defection. Since there was no specific direction either in general or in particular, the respondents voted as per their conscience and they have not become subject to disqualification as alleged. Hence the petitions deserve only dismissal.

Upon the above pleadings the following issues were settled for trial.

- (i) Whether the petition is barred by limitation?
- (ii) Whether the petition is not maintainable?
- (iii) Whether the respondent was served with whip by the DCC President directing to vote against the no confidence motions moved against the President and Vice President which was tabled for discussion on 27.06.2014?



- (iv) Whether the respondent supported the no confidence motion moved against the Vice President by defying the decision and direction of the Congress Party?
- (v) Whether the DCC President had given whip to the respondent directing to vote in favour of Sri.K.Guruvayoorappan to the post of Vice President?
- (vi) Whether the respondent had acted against the decision and direction of the Congress party in the election to the post of Vice President?
- (vii) Whether the respondent has become subject to disqualification as provided by Section 3(1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act?
- (viii) Reliefs to costs?

4. The evidence consists of the oral depositions of PWs1 to 3, RWs1 to 4 and Exts.P1 to P17 and X1 to X6.

5. Both sides were heard

7. **ISSUE No.(i)** : These are petitions filed under Section 4 of the Kerala Local Authorities (Prohibition of Defection) Act, for short the 'Act'. Section 4(1) of the Act states that if any question arises as to whether a member of a local authority has become subject to disqualification under the provisions of this Act, a member of that local authority or the political party concerned or a person authorized by it in this behalf can file a petition before the State Election Commission for decision. According to the common petitioner the respondents had aligned with the LDF members on account of which the LDF members

moved no confidence motion against the President and Vice President and by violating the decision and direction of the Congress party, the respondent in O.P.No.98/2014 resigned from the post of President and the no confidence motion against the Vice President was carried with the support of these respondent and in the subsequent election to the post of President and Vice President, the respondent in O.P.No.98/2014, who was the only eligible candidate to the post of President being reserved to a woman belonging to scheduled cast, declined to contest and so the Congress party decided not to vote for any candidate in that election and in the election to the post of Vice President Sri.K.Guruvayoorappan, who was ousted by way of the no confidence motion, was decided as the official candidate and whip was given to all the members in this behalf and by violating the said decision and direction of the Congress party, these respondents colluded with the LDF members and thereby enabled an LDF members to become the President and the respondent in O.P.No.99/2014 was elected as Vice President by defeating the official candidate. The respondents would contend that no decision was taken by the party that the respondent in O.P.No.98/2014 should not resign and that all the allegations raised by the petitioner have been denied and they would state that no whip was served to them in respect of the elections to the post of President and Vice President and that they have not committed any defection. Section 3(1)(a) of the Act deals with

defection in respect of members belonging to political party and as per this provision, if a member of a local authority belonging to any political party voluntarily gives up his membership of such political party, or if he, contrary to any direction issued by the party or by a person authorized by it in this behalf, votes or abstains from voting, in an election to the post of President, Vice President etc., or on a no confidence motion he shall be disqualified for being a member of that local authority. So whether the respondents have become subject to disqualification as provided by Section 3(1)(a) of the Act is issue on hand and as this question arises for consideration, the Commission has to decide the same as provided by Section 4 of the Act. These petitions are filed by a member of the same local authority and so his competency cannot be disputed.

8. The respondents have taken a contention that the petitions are barred by limitation. Of course the petitioner has alleged two instances, (1) the no confidence motion moved against the President and Vice President and (2) the election to the post of President and Vice President. Of course the petitioner could have filed petitions as and when the no confidence motion against the Vice President was carried. But that cause of action is only optional and not compulsory. As per Rule 4(A)(2) of the Kerala Local Authorities (Disqualification of Defected Members) Rules a petition is to be filed within 30 days from the date on which the cause of action arises. In the case on hand these

petitions are filed immediately after the date on which the election to the post of President and Vice President were held. It is for the political party or the members of a local authority to decide as and when a petition under Section 4(1) of the Act is to be filed. The DCC President as PW2 has stated that after passing the no confidence motion there was an attempt at party level to settle the issue and so they gave another chance to the respondents to obey the party decision. But they allegedly acted against the decision and direction of the party in the election to the post of President and Vice President these petitions were filed. The question of defection is a recurring cause of action and it is not necessary that a member or a party should file the petition whenever an instance of alleged defection occurs. The decision in **G.Viswanathan V. Speaker of Tamilnadu (1996 SCC (2) 353)** is relevant in this context the relevant portion reads;

*“It appears that since the explanation to paragraph 2(1) of the Tenth Schedule provides that an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member, such person so set up as a candidate and elected as a member, shall continue to belong to that party. Even if such a member is thrown out or expelled from the party, for the purposes of the Tenth Schedule he will not cease to be a member of the political*

*party that had set him up as a candidate for the election. He will continue to belong to that political party even if he is treated as 'unattached'. The further question is when does a person 'voluntarily give up' his membership of such political party, as provided in paragraph 2(1)(a)? The act of voluntarily giving up the membership of the political party may be either express or implied. When a person who has been thrown out or expelled from the party which set him up as a candidate and got elected, joins another (new) party, it will certainly amount to his voluntarily giving up the membership of the political party which had set him up as a candidate for election as such member."*

9. So the settled position is that a member belonging to a political party is bound to follow the direction and decision of the party despite his expulsion from the party. Since the petitions are filed consequent to the alleged violation of the direction and decision of the Congress party regarding the election to the post of President and Vice President by these respondents within the prescribed period and a question arises as to whether the respondents have become subject to disqualification or not and as the petitioner is competent to file these petitions, I find that the petitions are maintainable. The issues are answered accordingly.

10. **ISSUE Nos.(iii) & (iv):** Certain facts are not in dispute. The petitioner and respondents were elected as members belonging to Congress party from various wards of Kollengode Grama Panchayat in the General Election held in October 2010. Exts.P1 series are the declarations submitted by the respondents as provided by sub Rule (2) of Rule 3 of Kerala Local Authorities (Disqualification of Defected Members) Rules, wherein they have stated that they were elected as members belonging to Congress party. Ext.P2 is the copy of the register maintained by the Panchayat under Sub Rule (1) of Rule 3 of Kerala Local Authorities (Disqualification of Defected Members) Rules. From this record it is found that out of the 18 seats, Congress party secured 9 seats, CPI(M) 8 seats and CPI one seat. In the election to the post of President and Vice President held immediately after General Election, the candidates of LDF and UDF secured 9 votes each and in the draw of lots the respondent in O.P.No.98/2014 belonging to Congress party was elected as President and Sri.K.Guruvayoorappan, also belonging to Congress party, was elected as Vice President. While so the LDF members moved a no confidence motion against the President and Vice President, the copies of which are marked as Exts.P4 and P5. The said motions were tabled for discussion on 27.06.2014 at 10.30 am and 2 pm respectively and Exts.P6 and P7 are the notices issued by the authorized officer to Sri.K.Guruvayoorappan. Immediately before taking up the motion against the

President for discussion, the respondent in O.P.No.98/2014 resigned from the post of President and Ext.P9 is the copy of the minutes of the meeting convened for discussing the no confidence motion. In Ext.P9 it is stated that as the President had resigned at 10 am and it was accepted by the Secretary of the Panchayat, the no confidence motion was not taken up for discussion. However the no confidence motion moved against the Vice President was taken up for discussion at 2pm and these respondents along with the members belonging to LDF had voted in favour of the said motion and thus it was carried. Ext.P10 is the copy of the minutes of the said meeting and thus the post of President and Vice President became vacant.

11. The common petitioner would allege that consequent to the notices given to the authorized officer by the LDF members expressing want of confidence in the President and Vice President, the DCC President had convened the parliamentary party meeting of the Congress members and it was decided to defeat the motions by keeping away from its discussion and voting and whip was given by the DCC President to all the members belonging to Congress party and that by violating the said decision and direction of the Congress party, the respondent in O.P.No.98/14 purposely resigned from the post of President and then all these respondents aligned with the LDF members and supported the no

confidence motion moved against the then Vice President and ousted him from that post.

12. The petitioner has been examined as PW1. He has deposed that after receiving the notices issued by the authorized officer regarding the no confidence motions the Congress party decided to defeat the motions and the DCC President had issued whip to all the members directing them to keep away from the discussion and voting on the no confidence motions and Ext.P8 is the copy of the whip given to the Secretary of the Panchayat. PW1 has further deposed that before taking the no confidence motion for discussion on 27.06.2014, the respondent in O.P.No.98/2014 resigned from the post of President in defiance of the direction and decision of the Congress party and in the voting on the no confidence motion moved against the Vice President, all these respondents supported the said motion along with the LDF members and ousted the Vice President. Though PW1 has been cross-examined at length, nothing has been brought out to discredit his testimony. The DCC President was examined on Commission as PW2. He also has deposed that after the general election the respondent in O.P.No.98/2014 who was the only eligible member in Congress party to contest for the post of President was elected as President as per the decision of the party and Sri.K.Guruvayoorappan was elected as Vice President. He would further depose that no confidence motions were moved against the



President and Vice President by LDF members and he convened a meeting of the Congress parliamentary party members and eight members out of 9 UDF members participated in that meeting and it was decided that all the Congress members should abstain from attending the discussion and voting on the no confidence motion and whip was given to all such members during the meeting itself and they had endorsed the same in the minutes of that meeting which is marked as Ext.X1. From Ext.X1 it is found that except the respondent in O.P.No.99/2014 all other Congress members attended the meeting held at DCC office on 21.06.2014 and the DCC President also was present in that meeting and the above respondents also were parties to the said decision as seen from the minutes of the same. It is further seen that the respondent in O.P.No.99/2014 had given a letter dated 21.06.2014 to the DCC President stating his inability to attend the proposed meeting on 26.06.2014 and he also undertook to abide by the decision and whip of the DCC President. Ext.X1(a) is the copy of the said letter given by the said respondent. PW2 has further deposed that even though the decision taken in the Congress parliamentary party as well as by the party was that all members should abstain from attending the discussion and voting on the no confidence motions and whip was served to all these respondents, by violating the said decision and direction the respondent in O.P.No.98/2014 resigned from the post of President and all the respondents supported the no confidence motion

moved against the then Vice President. Though PW2 has been cross-examined at length, nothing has been brought out to discredit his evidence. The respondents have been examined as RWs1 to 4. All of them have stated that the Congress parliamentary party meeting of this Panchayat was not convened at the DCC office on 21.06.2015 and no whip was served to them. They have also stated that most of the Congress workers were against the Vice President in his arbitrary functioning and so when no confidence motion was moved against him, as no whip was received by these respondents from the DCC President, they voted according to their conscience. In cross-examination RW1 has admitted that the respondent in O.P.No.98/2014 was elected as President and Sri.K.Guruvayoorappan was elected as Vice President as per the direction and decision of the Congress party. She has also admitted that no complaint was given to the District Congress Committee against the functioning of Sri.K.Guruvayoorappan till 27.06.2014 on which date the no confidence motion was taken up for discussion. She has denied the signature appearing against her name in Ext.X2. She has admitted that she along with other respondents has voted in favour of the no confidence motion moved against the Vice President and that was done as per their conscience. She has also admitted that the said no confidence motion was moved by the LDF members. She has further admitted that there was no direction from the Congress party to oust the Vice President

by supporting the no confidence motion. RW2, the respondent in O.P.No.97/2014 has stated that there is similarity in the handwriting and signature appearing in Ext.X2 with her handwriting and signature. She also has admitted that she voted in favour of the no confidence motion which has brought by the LDF against the Vice President. She has further stated that she did not enquire about the stand of the Congress party in respect of the no confidence motion moved against the Vice President. RW3, the respondent in O.P.No.98/2014 has admitted in cross-examination that she supported the no confidence motion and ousted the Vice President by voting in favour of the said motion along with the LDF members. She also has stated that she did not enquire about the stand of the Congress party in respect of the no confidence motion moved against her and that she had resigned from the post of President as per her own decision. She has categorically admitted at Page 3 of deposition that she had voted in favour of the no confidence motion against the direction of the party. But subsequently she stated that the Congress party did not give any direction. RW4 has denied having given Ext.X1(a) and according to him no such letter was given by him to the DCC President.

13. From the evidence and materials on record, as discussed above, it is clearly found that consequent to the no confidence motion moved by the LDF members against the President and Vice President, the Congress parliamentary

party meeting was convened by the DCC President at his office on 21.06.2014 and except the respondent in O.P.No.94/2014 all other Congress members participated in that meeting and it was decided that all the Congress members should abstain from attending the meeting scheduled for discussion on the no confidence motions so as to defeat the same and all these respondents except the respondent in O.P.No.99/2014 had affixed their signatures below the said decision recorded in Ext.X1(a). It is further seen that the respondent in O.P.No.99/2014 had given Ext.X1(b) letter stating his inability to attend the meeting convened on 21.06.2014 and agreeing to abide by the decision taken in such meeting. The fact that the said no confidence motions were moved by the LDF members against the President and Vice President belonging to Congress party cannot be overlooked. The further fact that the Congress members and the LDF members are equal in members and anyone member of either group can decide the fate of the governing body also cannot be overruled. It was by sheer luck that the respondent in O.P.No.98/2014 as well as Sri.K.Guruvayoorappan, both belonging to Congress party were elected by draw of lots. So when no confidence motions were moved against them, the Congress members should have been very vigilant in defeating the said motions either by abstaining from voting or by voting against the said motions. However the respondent in O.P.No.98/2014 resigned from the post of President which definitely was to

overthrow the Congress rule in the Panchayat. She has admitted that there was no direction from the Congress party to resign from that post. Her resignation was definitely on account of a prior conspiracy with the LDF members. This is further borne out by the conduct of the respondents including the former President in having supported the no confidence motion moved by the LDF members against the Vice President and ousting him from that post. The fact that all these respondents were served with whip issued by the DCC President directing them to vote against the no confidence motion and that they were fully aware of the decision of the Congress party in respect of the said motions cannot be doubted. It is clearly found that these respondents had defied the direction of the DCC President to abstain from voting on the no confidence motion moved against the President and Vice President and this is clear from the conduct of the respondent in O.P.No.98/2014 in having resigned from the post of President and all the respondents in having supported the no confidence motion moved against the then Vice President. The issues are answered accordingly.

14. **ISSUE No.(v):** The election to the post of President and Vice President were held at 11am and 2pm respectively on 24.07.2015. Exts.P11 and P12 are the notices issued to Sri.K.Guruvayoorappan by the Returning Officer in respect of such elections. PW1 has stated that the DCC President had convened a meeting of the Congress parliamentary party members at his office on 21.07.2014

to take decision regarding the candidates for the above post. PW1 would further depose that the respondent in O.P.No.98/2014 who was the only eligible candidate among the Congress members to contest for the post of President, being reserved for Scheduled Caste woman refused to contest as candidate and thereupon it was decided that the Congress members should abstain from attending the meeting convened for election to the post of President and Sri.K.Guruvayoorappan was decided as the candidate for the post of Vice President. PW1 has also deposed that the DCC President had issued whip stating the above facts and Ext.P13 is the copy of the whip given to the Secretary of the Kollengode Grama Panchayat in this regard. PW1 would further depose that since these respondents did not receive the whip the Congress Mandalam President was authorized to serve their whip by affixture and Ext.P14 series are stated to be the copies of the whip so served to the above respondents by affixture. PW1 would further depose that in the election to the post of President held on 24.07.2014, the respondent in O.P.No.99/2014 proposed the name of the respondent in O.P.No.98/2014 and seconded by the respondent in O.P.No.97/2014 and as the proposer did not affix his signature in the nomination paper, the nomination of the respondent in O.P.No.98/2014 was rejected and thus the candidate belonging to LDF was unanimously elected as President. Ext.P15 is the copy of the minutes regarding the President election. PW1 has further

deposed that in the election to the post of Vice President, the respondent in O.P.No.99/2014 contested against the official candidate Sri.K.Guruvayoorappan and that respondent was proposed by the respondent in O.P.98/2014 and seconded by a member belonging to LDF and all the LDF members along with the respondents in O.P.Nos.98/2014 and 99/2014 voted in favour of the respondent in O.P.No.99/2014 and thus he was declared elected. PW1 has further deposed that Sri.K.Guruvayoorappan secured 5 votes, all belonging to Congress party and the respondent in O.P.No.99/2014 secured 10 votes out of which 8 votes are belonging to LDF. Two votes were declared invalid and one member abstained from voting. Ext.P16 is the copy of the minutes regarding the said election. The above facts deposed by PW1 are not seriously disputed in cross-examination.

15. PW2 the DCC President has stated that before the election to the post of President and Vice President, he convened the Congress parliamentary party meeting in his office and 8 members belonging to UDF participated in that meeting and the respondent in O.P.No.99/2014 informed him that he will come to the Panchayat office. PW2 has further deposed that even though these respondents had supported the no confidence motion moved against the Vice President, the internal issues were settled at the instance of party leadership and it was thereafter that the above parliamentary party meeting was convened by him.

He would also depose that in the meeting it was suggested that the respondent in O.P.No.98/2014 should contest for the election to the post of President and Sri.K.Guruvayoorappan should contest to the post of Vice President and as the respondent in O.P.No.98/2014 was unwilling to stand as a candidate, it was decided that the Congress members should abstain from attending the election to the post of President. Ext.X2 is stated to be the minutes of the said meeting. PW2 has further deposed that the respondents in O.P.Nos.96/2014 to 98/2014 were present in the meeting and they went out without putting their signatures in the minutes. PW2 has also deposed that though the respondent in O.P.No.98/2014 stated that she is unwilling to stand as a candidate in the President election, she submitted nomination and it was rejected due to the reason that the proposer who was the respondent in O.P.No.99/2014 did not affix his signature therein. PW2 has also deposed that in the election to the post of Vice President, the respondent in O.P.No.99/2014 contested against the official candidate of Congress party and he along with the respondent in O.P.No.98/2014 voted in his favour along with LDF members and thus the said respondent in O.P.No.79/2014 was elected. PW2 has further deposed that in the election to the post of President and Vice President, he had issued whip to all Congress members and the Mandalam Congress President Sri.Bhaskaran was authorized to serve the whip to these respondents and he had served the same by affixture. Of



course the respondents have denied issuance of whip to them as well as knowledge regarding the decision to abstain from attending the election to the post of President and also feigns ignorance regarding the selection of Sri.K.Guruvayoorappan as a candidate for the post of Vice President. I do not find any reason to disbelieve the evidence given to PW2 in these cases.

16. PW3 has deposed that he was the Kollengode Congress Mandalam President and that the DCC President who issue whip to these respondents authorized him to serve the same and he served the whip of these respondents by affixture. Exts.X3 to X6 are the office copies of such whips. In cross-examination PW3 has deposed that these records were kept in the Congress Mandalam Committee office. Ext.P14 series also are the copies similar records. The respondents as RWs1 to 4 have deposed that no parliamentary party meeting was convened before the election to the post of President and Vice President and that no decision was taken to abstain from attending the election to the post of President or to elect Sri.K.Guruvayoorappan as Vice President and no whip was served to these respondents either by affixture or otherwise. RW1 has deposed that in the election to the post of President, the nomination given by the respondent in O.P.No.98/2014 was rejected. She further states that Sri.Guruvayoorappan did not contest as official candidate for the post of Vice President. In cross-examination RW1 has deposed that the only eligible

candidate for the post of President among the Congress members was the respondent in O.P.No.98/2014 and among the LDF member one Radha Pazhanimala was the only such eligible candidate and that the LDF candidate was declared elected as unopposed as the nomination of the respondent in O.P.No.98/2014 was rejected. RW1 has further stated that the nomination of the respondent in O.P.No.98/2014 was rejected for want of signature of proposal the respondent in O.P.No.99/2014 who was the proposer. RW2 has categorically admitted at Page 11 of her deposition that the respondent in O.P.No.99/2014 had contested for the post of Vice President against the official candidate of Congress party, Sri.K.Guruvayoorappan. RW2 has further stated that the name of the respondent in O.P.No.99/2014 was proposed by the respondent in O.P.No.98/2014 and seconded by a CPI(M) member. She has also deposed that she had voted according to conscience. RW3 has stated that she had submitted the nomination for the post of President on 24.07.2014 and her nomination was rejected. In cross-examination she has deposed that except herself there was no eligible candidate among the Congress members to contest for the post of President. She has admitted that the respondent in O.P.No.99/2014 had contested to the post of Vice President against Sri.K.Guruvayoorappan and with the support of LDF members he won the election. She has admitted that she has been suspended from the party pursuant to this election. RW4 the respondent in

O.P.99/2014 has admitted in cross examination that he was elected as Vice President with the votes of CPI(M) members and these respondents. He has also admitted that the Congress party is not informing him any official functions and so he is not attending any such functions. To the suggestive question as to whether he was ready to resign from the post of Vice President his answer is that if his membership is restored he is willing to resign from that post.

17. On a careful scrutiny of the above evidence and materials on record it is clearly found that these respondents along with the LDF members had entered into a conspiracy to oust the Vice President Sri.K.Guruvayoorappan and as a sequel to the same the LDF members moved the no confidence motions against the President and Vice President and by violating the direction and decision of the Congress party, the respondent in O.P.No.98/2014 resigned from the post of President and then all these respondents voted in favour of the no confidence motion along with the LDF members and thus ousted the Vice President. Thereafter in the election to the post of President and Vice President, these respondents along with the LDF members designed a plot whereby a member belonging to LDF was elected as President and the respondent in O.P.No.99/2014 became the Vice President by defeating the official Congress candidate and all these were done by disobeying the decision and direction of the Congress party. Ext.X2 which is the minutes of the meeting convened by the DCC President in

respect of the election to the post of President and Vice President would reveal that the decision of the party was to abstain from the meeting convened for electing the President and Sri.K.Guruvayoorappan was decided as the candidate for the post of Vice President and from the evidence of PW3 and Exts.P14 series it is clear that the whip issued by the DCC President in this regard was communicated to all the respondents by way of affixture and that the respondents were fully aware of the above decision and direction of the DCC President. The issue is answered accordingly.

18. **ISSUE Nos.(vi) to (viii):** The common petitioner has highlighted two instances, (1) the resignation by the respondent in O.P.No.98/2014 from the post of President along with ouster of Sri.K.Guruvayoorappan from the post of Vice President by supporting the no confidence motion along with the LDF members on disobeying the direction of the DCC President and (2) supporting the LDF candidate in the election to the post of President and the respondent in O.P.No.99/2014 becoming the Vice President by defeating the official candidate of Congress party in liaison with the LDF members, which also by disobeying the direction and decision of the party. I have already found, while deciding the other issues, that these respondents had colluded with the LDF members in ousting the Vice President Sri.K.Guruvayoorappan by supporting the no confidence motion moved against him and allowing the LDF member to become

the President and also the respondent in O.P.No.99/2014 becoming the Vice President by defeating the official candidate which all were done in defiance of the direction and decision of the Congress party. The petitioner has taken up both grounds under Section 3(1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act in these cases. Section 3(1)(a) of the Act is relevant in this context and it reads as follows,-

*“3. Disqualification on ground of Defection,-*

*1)Notwithstanding anything contained in the Kerala Panchayat Raj Act, 1994 (13 of 1994), or in the Kerala Municipality Act, 1994 (20 of 1994), or in any other law for the time being in force, subject to the other provisions of this Act.*

*(a)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 an voting on a no-confidence motion against any one of them except a member of a Standing Committee.*

*he shall be disqualified for being a member of that local authority.”*

19.I have already found that the DCC President had given direction to these respondents in respect of the no confidence motion moved against the President and Vice President and also in relation to the election to the post of President and Vice President. In this context clause (iva) of Section 2 of the Act as amended by Act 6/2013 which came into force on 17.01.2012 is important and it reads as follows,-

*“(iva) “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 symbol to the candidates of the said political party for contesting in the election, for exercising the vote favorably or unfavorably or to abstain from voting.”*

20. Admittedly PW2 is the person authorized to recommend symbol to the candidates of Congress party contesting in the election to the local bodies. RW1 has stated in cross-examination that PW2 in his capacity as the DCC President had recommended symbol to her to contest as a candidate in the election to Kollengode Grama Panchayat in ward No.3 and she would also admit that she had won the election by defeating a CPI (M) candidate. So admittedly PW2 had recommended symbol to these candidates for contesting in election in various wards of Kollengode Grama Panchayat. Therefore he is the competent person to issue direction to these respondents in an election to the post of President and Vice President etc or on no confidence motions. A copy of the direction so issued by PW3 was given to the Secretary of the Panchayat in compliance of Section 3(2) of the Act. As per Rule 4(2) of the Kerala Local Authorities (Disqualification of Defected Members) Rules, a direction in writing is to be sent either by registered post with acknowledgment due or served directly on receiving acknowledgment or served by affixture. In these cases the direction give by the DCC President regarding the no confidence motion was given to the respondents in O.P.Nos.96/2014 to 98/2014 directly and they had acknowledged the receipt of the same by affixing their signatures in Ext.X1 minutes and the respondent in O.P.No.99/2014 had agreed to obey the decision taken in the meeting convened by the DCC President on 21.06.2014 as seen from Ext.X1(a).

It has come out in evidence that they were fully aware of the direction of the DCC President that the Congress members should abstain from attending the discussion and voting on the no confidence motions. The direction of the DCC President in respect of the subsequent election to the post of President was that the Congress members should abstain from that election meeting and the direction in respect of the election to the post of Vice President was that all the Congress members should vote in favour of Sri.K.Guruvayoorappan who was decided as the official candidate. The above direction was served to these respondents by affixture. The fact that the respondents had designed a plot aligning with LDF members to oust the Vice President Sri.K.Guruvayoorappan by way of a no confidence motion and in execution such a design the respondent in O.P.No.9;8/2014 had resigned from the post of President in defiance of the direction and decision of the Congress party and then enabled an LDF member to become the President and then paved way for the respondent in O.P.No.99/2014 to become Vice President by defeating the official candidate of Congress party. Whether the above conduct of the respondents spanning over a period as stated above would attract defection as provided by Section 3(1)(a) of the Act deserves consideration.

21. 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 an elected member or a group of 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 considering 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 incurse 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.”*

In ***Jancy Chandy Vs. Jose Puthenkala (2006 (4) KLT 116)*** the Division Bench of the Hon’ble High Court has held as follows:-

*“Politics without principle is one of the seven capital sins to be deprecated, according to the Father of our Nation, Mahatma Gandhi. Political defection is one of the grave*

*vices in that group. In the statement of objects and reasons for the Fifty – second Amendment to the Constitution introducing Tenth Schedule in order to prevent frequent political defections, it is stated as follows:-*

*“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”.*

22. It is settled law that if a member was instrumental in voting and carrying the no confidence motion against his own party member without the decision or direction of the party, it is to be concluded that the member had voluntarily given up his membership of the political party to which he belonged. This position is clarified in the decision **in Biju R.S. Vs. Kerala State Election Commission (2009(3) KLT 29) and at Para 17** it has been held as follows,-

*“17. Under the Act, a member can be disqualified if he has voluntarily given up the membership of the political party to which he belongs or acts in defiance of a whip/direction issued by the political party. Disqualification for voluntarily giving up the membership of one’s party is not dependant on the violation of the whip. The intention of the Act is that the member who has*

*violated the whip or has abandoned the membership of the political party to which he belongs shall be disqualified. It is not necessary to hold that the member has violated the whip in order to hold that he has voluntarily abandoned the membership of his political party. The grounds for disqualification are distinct and are not interlinked. Therefore even if this Court were to hold that the petitioner before the Commission has not proved that PW2 has issued and served on the writ petitioners a direction regarding the voting on the no confidence motions that there tabled on 14.05.2008, the Commission was justified in holding that the petitioners have voluntarily abandoned their membership in the Indian National Congress.”*

The above decision has been confirmed by the Division Bench of the Hon’ble High Court in Writ Appeal No.795/2009.

23. It cannot also be doubted 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 and decisions of that political party, it is nothing but disloyalty and the moment one becomes disloyal by this conduct to the political party it could be construed that he has voluntarily given up his membership as provided by Section 3(1)(a) of the Act. In **Muhammed**

**Kunhi.B. Vs. K.Abdulla (2010 (4) KLT 736) this position has been clarified at Para 24 as follows,-**

*“ 24. The conduct of the members being important, going by the decision of the Apex Court in Ravi S.Naik’s case, the conduct of the petitioners herein in signing the no confidence motion along with the members of the BJP, voting in favour of the no confidence motion against the 1<sup>st</sup> respondent, a member of the very same political party and the then Vice President who belonged to the UDF and voting against the candidates of the UDF in the subsequent election and the conduct of the petitioner in WP (C) No.28051/2010 in contesting and getting elected as President against the nominee of the UDF, will squarely attract the vice of disqualification and are sufficient to imply that they have voluntarily given up membership of the political party which set them up as candidates in the election.”*

24. The respondents have taken a contention that since they did not receive any whip from the DCC President they had voted in favour of the no confidence motions moved against the Vice President in accordance with their own conscience. They would also contend that in the election of the post of President and Vice President they were not informed of any direction said to have been

issued by the party and so in that election also they had voted according to their conscience. I have already found that the respondents were fully aware of the decision and direction of the party regarding the stand to be taken in respect of the no confidence motion as well as in the election to the post of President and Vice President and that these respondent in liaison with LDF members had acted against the direction, decision and policy of the Congress party. Their contention that they had acted according to their conscience in both instances cannot stand to legal scrutiny. In the celebrated decision in **V.V.Varghese V. Kerala State Election Commission (2009 (3) KLT 1)** it has been held at Para 9 as follows,-

*“9. The learned Senior Counsel Sri.Ramakumar contends that in modern democracy the elected member is free to vote according to his conscience, in the absence of a specific whip, particularly in view of the modern trends in democracy – intra party groups. We are afraid, the court will not be justified in taking judicial notice of such developments and in re-writing the law. The court shall only analyse the facts and decide the case in accordance with law and upholding the spirit of laws. The law, as it stands now, is unambiguously clear that one has to be loyal to his*

*political party. The situation would be different if the political party itself, taking note of such strange realities, permits the elected members to cast conscience vote. In such situations the whip itself is for decision by the individual concerned according to his conscience. The Oxford dictionary defines conscience to mean “the part of your mind that tells you whether your actions are right or wrong”. In the absence of a specific whip for conscience vote, an elected member, under law, is entitled and liable to cast only a conscious vote, being aware of the consequences of his decision, in terms of Section 3 of the Kerala Local Authorities (Prohibition of Defection) Act, 1999 on disqualification on the ground of defection on account of voluntarily giving up membership in the political party. Conscience vote is hence a matter of express whip in the absence of which an elected member is bound by the policies of his political party and he can cast only a conscious vote. That is nothing but an expected expression of his obligation to the political*

*party and responsiveness to the people, by doing things carefully and correctly and if not the conduct would amount to betrayal of the political conscience which is impermissible under law. According to Harry S. Truman “democracy is based on the conviction that man has the moral and intellectual capacity, as well as the inalienable right, to govern himself with reason and justice”. The reason and justice are the two mandates of the conscious vote under S.3 of the Act. There is no case that the political party in which they belonged had given them the whip to vote according to their conscience.”*

25. In the light of the above decision and the attending facts and circumstances I hold that the conduct of the respondents was totally unbecoming of loyal members of Congress party and such conduct was nothing but disloyalty towards the party. The respondents would try to rely on the decision in **K.M.Joseph V Babychan Mulangassery (2015(1)KHC 111)** to canvas for the position that their conduct in respect of the no confidence motion as well as in the election to the post of President and Vice President cannot be treated as a ground to conclude that they have become disloyal to the political party. It is true that in



the above decision it has been held that there no material to prove that the Congress members are bound as per bye-laws of that political party to obey the instructions of the DCC President and that giving up of membership is to be determined on appreciation of the materials on record and merely that certain members had moved no confidence motion against their own party members without the knowledge and Congress party or the DCC President will not amount to voluntarily giving up their membership of the party. In the said case the Congress members had no occasion to align with the LDF members and they of their own strength got the no confidence motions moved against the President belonging their own party passed and it was without the help of any rival political parties. However in the present cases both LDF and UDF members were having equal members and without aligning with LDF members these respondents could not have paved the way for ousting the Vice President or for electing the respondent in O.P.No.99/14 as Vice President. The facts of the present cases are not similar to the facts involved in K.M.Joseph's case. In this context the decision in Writ Appeal No.1854/2014 and connected cases dated 04.03.2015 which distinguished K.M.Joseph's case would squarely apply to the facts of these cases.

26. On an appreciation of the entire facts and materials on record, in the light of the settled position of law as discussed above, it is clearly found that the

conduct of the respondents in ousting the Vice President Sri.K.Guruvayoorappan by supporting the no confidence motion moved by the LDF members and then paving way for an LDF to become the President and the respondent in O.P.No.99/14 becoming Vice President with the help and support of the LDF members in defiance of the direction and decision of the Congress party is nothing but disloyalty to the party. Therefore the respondents are found to have committed defection under both the limbs of Section 3(1) (a) of the Act and therefore they are liable to be disqualified for being members of Kollengode Grama Panchayat. The issues are answered accordingly.

In the result, the petitions are allowed and the respondents are declared as disqualified for being members of Kollengode Grama Panchayat as provided by Section 3(1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act and they are also declared as disqualified for contesting as candidates 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.

The parties shall bear their respective costs.

Pronounced before the Commission on this the 19<sup>th</sup> day of May 2015

Sd/-  
**K.SASIDHARAN NAIR,**  
**STATE ELECTION COMMISSIONER**

**APPENDIX**

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

- PW1 : Sri.Viswanathan, Thekkanchirakalam, Nenmeni P.O.,  
Kollengode, Palakkad District.
- PW2 : Sri.C.V.Balachandran, Aswathi, Mainroad, Chalissery  
P.O., Palakkad District.
- PW3 : Sri.Bhaskaran, Thottankara, Mannarkundu, Kollengode,  
Palakkad District.

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

- RW1 : Smt.Vijaya Kumari, Vaniyar Street, Mettupalayam,  
Kollengode
- RW2 : Smt.Nazeema.S., Vardhamanzil, Cheerani, Kollengode.
- RW3 : Smt.Pratheepa, Melecheerani House, Payyalloor P.O.,  
Kollengode, Palakkad
- RW4 : Sri.Padnabhan, Varanattu padam, Payyalloor,  
Kollengode

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

- P1 : Copy of the declaration in Form No.2 submitted by  
Smt.Pradeepa.T
- P1(a) : Copy of the declaration in Form No.2 submitted by  
Sri.R.Padmanabhan
- P1(b) : Copy of the declaration in Form No.2 submitted by  
Smt.Nazeema
- P1(c) : Copy of the declaration in Form No.2 submitted by  
Smt.K.C.Vijaya Kumari
- P2 : Copy of the register showing the political

affiliation of the members of Kollengode Grama Panchayat

- P3 : Copy of the authorization letter issued by Sri.C.V.Balachandran, President, Palakkad District Congress Committee to allot the symbol to Smt.Prathibha.T
- P3(a) : Copy of the authorization letter issued by Sri.C.V.Balachandran, President, Palakkad District Congress Committee to allot the symbol to Smt.Nazeema
- P3(b) : Copy of the authorization letter issued by Sri.C.V.Balachandran, President, Palakkad District Congress Committee to allot the symbol to Sri.Padnabhan
- P3(c) : Copy of the authorization letter issued by Sri.C.V.Balachandran, President, Palakkad District Congress Committee to allot the symbol to Smt.Vijaya Kumari.K.C
- P4 : Copy of the notice to no confidence motion against Smt.T.Pradeepa, President, Kollengode Grama Panchayat
- P5 : Copy of the notice to no confidence motion against Sri.K.Guruvayoorappan, Vice President, Kollengode Grama Panchayat
- P6 : Registered letter No.481.12 dated 16.06.2014 issued by the Secretary, Kollengode Grama Panchayat
- P7 : Copy of the Registered letter No.481.12 dated 16.06.2014 issued by the Secretary, Kollengode Grama Panchayat
- P8 : Copy of the whip dated 21.06.2014 issued by Sri.C.V.Balachandran, D.C.C.President addressed to the Secretary, Kollengode Grama Panchayat

- P9 : Copy of the minutes of the meeting to no confidence motion against Smt.T.Pradeepa, President, dated 27.06.2014 Kollengode Grama Panchayat
- P10 : Copy of the minutes of the meeting to no confidence motion against Sri.K.Guruvayoorappan, Vice President, dated 27.06.2014 Kollengode Grama Panchayat
- P11 : Copy of the letter No.C6-4605/2014(1) dated 14.07.2014
- P12 : Copy of the letter No.C6-4605/2014(2) dated 14.07.2014
- P13 : Copy of the whip dated 21.07.2014 issued by Sri.C.V.Balachndran, D.C.C.President addressed to the Secretary, Kollengode Grama Panchayat
- P14 : Copy of the whip dated 21.07.2014 issued by Sri.C.V.Balachndran, D.C.C.President addressed to the Secretary, Kollengode Grama Panchayat
- P15 : Copy of the minutes of the meeting dated 24.07.2014 to elect the Preside of Kollengode Grama Panchayat
- P16 : Copy of the minutes of the meeting dated 24.07.2014 to elect the Vice President of Kollengode Grama Panchayat
- P17 : Copy of the minutes of the meeting dated 30.08.2014 to elect the Development Standing Committee Chairperson of Kollengode Grama Panchayat

**Documents produced on the side of the witnesses:**

- X1 : Minutes book of the meeting dated 26.06.2013 of Kollengode Grama Panchayat
- X1(a) : Copy of the letter dated 21.06.2014 given by Sri.R.Padnabhan, Member addressed to President,

## Kollengode Grama Panchayat

- X2 : Minutes book of the meeting of Kollengode Block Congress Committee
- X3 : Whip issued to Smt.Nazeema by the President, Palakkad District Congress Committee, Palakkad
- X4 : Whip issued to Smt.Pradeepa.T by the President, Palakkad District Congress Committee, Palakkad
- X5 : Whip issued to Sri.Padmanabhan.R by the President, Palakkad District Congress Committee, Palakkad
- X6 : Whip issued to Smt.Vijaya Kumari.K.C by the President, Palakkad District Congress Committee, Palakkad

Sd/-

K.SASIDHARAN NAIR,  
STATE ELECTION COMMISSIONER

//True Copy//