

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

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

Wednesday, the 5th day of February 2014

O.P.Nos.101/2012, 102/2012, 103/2012 & 104/2012

O.P.101/2012

Petitioner : Telma John,
W/o John Fernandez,
Residing at Suja Bhavan, Thumba,
Pallithura P.O., PIN 695 586.
Member, Ward No.12,
Kadinamkulam Grama Panchayat,
Thiruvananthapuram.

(By Adv.A.Santhoshkumar)

Respondent : Blaisy Dixon,
Member, Ward No.16,
Kadinamkulam Grama Panchayat,
Thiruvananthapuram.

**(By Advocates Cherunniyoor
P.Sasidharan Nair & Kallambalam
S.Sree kumar)**

O.P.No.102/2012

Petitioner : Telma John,
W/o John Fernandez,
Residing at Suja Bhavan, Thumba,
Pallithura P.O., PIN 695 586.
Member, Ward No.12,
Kadinamkulam Grama Panchayat,
Thiruvananthapuram.
(By **Adv.A.Santhoshkumar**)

Respondent : Tavarathu Reeta Dadly,
Member, Ward No.14,
Kadinamkulam Grama Panchayat,
Thiruvananthapuram.

(By **Advocates Cherunniyoor
P.Sasidharan Nair & Kallambalam
S.Sreekumar**)

O.P.No.103/2012

Petitioner : Telma John,
W/o John Fernandez,
Residing at Suja Bhavan, Thumba,
Pallithura P.O., PIN 695 586.
Member, Ward No.12,
Kadinamkulam Grama Panchayat,
Thiruvananthapuram.
(By **Adv.A.Santhoshkumar**)

Respondent : Telma Nelson,
Member, Ward No.13,
Kadinamkulam Grama Panchayat,
Thiruvananthapuram.

(By **Advocates Cherunniyoor
P.Sasidharan Nair & Kallambalam
S.Sreekumar**)

O.P.No.104/2012

Petitioner : Telma John,
W/o John Fernandez,
Residing at Suja Bhavan, Thumba,
Pallithura P.O., PIN 695 586.
Member, Ward No.12,
Kadinamkulam Grama Panchayat,
Thiruvananthapuram.

(By Adv.A.Santhoshkumar)

Respondent : Lekshmi Kumari. M,
Member, Ward No.09,
Kadinamkulam Grama Panchayat,
Thiruvananthapuram.

**(By Advocates Cherunniyoor
P.Sasidharan Nair & Kallambalam
S.Sreekumar)**

These petitions having come up for hearing on **15th day of January 2014**, in the presence of Advocate **A.Santhoshkumar** for the petitioner and Advocates **Cherunniyoor P.Sasidharan Nair & Kallambalam S.Sreekumar** 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 (1) of the Kerala Local Authorities (Prohibition of Defection) Act for declaring that the respondents have

become subject to disqualification for being members of the Kadinamkulam Grama Panhayat. Since common questions of law and facts arise for consideration in all these cases, they have been taken up together as per order in I.A No. 162/2013 and O.P. 101/2012 has been treated as the main case.

2. The common petitioner has raised common allegations in all these cases which are, in short, as follows:- The petitioner and respondents are members of Kadinamkulam Grama Panchayat. They contested in the General Election held in October, 2010 as candidates of Indian National Congress and were elected as members of the above Grama Panchayat. The Kadinamkulam Grama Panchayat consists of 23 wards. The Indian National Congress alone secured 11 seats. 2 members belonging to Muslim League also was elected. The CPI(M) secured 8 seats and CPI found victory in one seat. One PDP member also was elected. Consequent to the election, the District Congress Committee President convened a meeting of the Congress party members on 06.11.2010 and in that meeting Shri.K.P.Retnakumar was elected as the parliamentary party leader, Shri.M.S.Justine was elected as Deputy leader and the petitioner was elected as the whip of the party. It was also decided to elect the petitioner as the President of the Panchayat and Shri.K.P. Retnakumar as the Vice President. The UDF consisting of 11 members belonging to Congress party and two members belonging to Muslim League secured majority and thus the petitioner was elected

as President and Shri.K.P.Retnakumar was elected as Vice President of the Panchayat. While so, on 10.09.2012, these respondents along with certain others moved a no confidence motion against the President and it was tabled for discussion on 24.09.2012. The Thiruvananthapuram District Congress Committee President gave whip dated 15.09.2012, to all the Congress members directing them to abstain from the meeting on the no confidence motion. The petitioner as whip of the parliamentary party also issued direction to all Congress members to abstain from the said meetings. The direction of the DCC President and the petitioner were sent by registered post on 17.09.2012 from the office of the District Congress Committee. The copy of the whip was served to the Secretary of the Panchayat. Further the directions of the political party were affixed in front of the houses of the respondents in the presence of two witnesses. In the meeting on the no confidence motion, the respondents by defying the direction issued by the DCC President voted in favour of the no confidence motion along with the CPI(M) and CPI members and thus the no confidence motion was carried. The respondents had dis-obeyed the direction and decision of the political party and out seated the petitioner from the post of President with the support of the LDF members and thus they have voluntarily abandoned their membership from the party. The respondents by their act of moving and voting in favour of the no confidence motion against the direction and decision of the

political party by joining along with the LDF members had committed defection and so they are liable to be disqualified for being members of the Kadinamkulam Grama Panchayat. Hence these petitions.

3. The respondents have taken a common contentions in all these cases which are in brief, as follows:- The petitions are not maintainable either in law or on facts. It is true that the petitioner and respondents were elected as members belonging to Congress party. The allegations that Shri.K.P.Retnakumar was elected as Parliamentary party leader and the petitioner was elected as whip are totally false. No such meeting was convened as alleged. It is true that the respondents moved a notice of no confidence motion against the President on 10.09.2012. The said no confidence motion was given as per the instruction of their political party. Since there were several complaints including corruption against the President, the Congress party took a decision to remove the petitioner and Shri.K.P.Retnakumar from the post of President and Vice President and the said decision was duly communicated to them and they were directed to resign from the respective posts. In spite of such direction they did not resign. Then the Mandalam Committee and Block Committee of the Congress party took decision to remove the petitioner from the post of President and it was communicated to the District Congress Committee, Thiruvananthapuram and thereupon the District

Congress Committee also took a decision to remove the petitioner from the post of President. The decision to move the no confidence motion was taken by the Mandalam Congress Committee and it was communicated to the Block Committee and the Block Committee after discussion with the District Congress Committee directed these members to move the no confidence motion against the petitioner. The Thiruvananthapuram DCC President had never issued any instruction to the respondents to abstain from the meeting on the no confidence motion. The elected DCC President at that time was Shri.V.S.Sivakumar and he had never issued any direction to the respondents. The allegation that whip was given to the respondents in respect of the no confidence motion is totally false. The allegation that the petitioner had issued whip to the respondents also is false. The petitioner has no authority to issue any whip to the Congress members. The further allegation that the DCC President had issued whip to all the Congress members is not true. The decision to move the no confidence motion was taken by the party. It is the petitioner and some others who had voluntarily given up their membership from the party and not complied with the direction of the party. The respondents have never dis-obeyed any decision or direction of the party and they did not join with any LDF members as alleged. The allegation that the respondents have voluntarily given up their membership from the party is totally

false. The respondents are active members of the Congress party. The petitions are false and vexatious and they are only to be dismissed.

4. The evidence consists of the oral depositions of PWs1 and 2, RWs 1 to 4 and Exts.P1 to P13, and R1.

5. Both sides were heard.

6. The following points arise for consideration;

- (i) Whether the petitions are not maintainable?
- (ii) Whether the respondents have moved the no confidence motion against the petitioner who was the President of the Panchayat as decided by the Congress party?
- (iii) Whether the respondents have voluntarily given up their membership from the party as alleged?
- (iv) Whether the respondents have become subject to disqualification as provided by Section 3(1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act?
- (v) Reliefs and costs?

7. **POINT No.(i)**: These petitions are filed under Section 4 (1) of the Kerala Local Authorities (Prohibition of Defection) Act, for short the 'Act', for declaring that the respondents have become disqualified to continue as members of the Kadinamkulam Grama Panchayat. According to the common petitioner the respondents have moved and supported a no confidence motion against the President belonging to their own party against the direction and decision of the

political party and thus committed defection. The respondents would contend that they moved the no confidence motion on the basis of the decision of their political party. Section 3(1)(a) of the Act states that if a member of a local authority belonging to any political party voluntarily gives up his membership from the political party, or votes in favour of a no confidence motion against the direction of the political party, he shall be disqualified for being a member of that local authority. As per **Section 4(1)** of the Act when such a question arises it is to be decided by this Commission. **Section 4(1)** of the Act reads as follows,-

“4.Decision on question as to disqualification on ground of defection, (1) 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.”

8. No doubt a question arises in these cases as to whether the respondents have become subject to disqualification under Section 3(1)(a) of the Act. These petitions have been filed by a member of the same local authority in which these respondents also are members. As per Rule 4A(2) of the Kerala Local Authorities (Disqualification of Defected Members) Rules, such petition is to be filed within 15 days from the date of arising the cause of action. These petitions

are filed within 15 days from the date on which the no confidence motion against the petitioner was carried. No contentions are raised by the respondents to show that these petitions are not maintainable. From the facts and evidence I find that these petitions are maintainable. The point is answered in favour of the petitioner.

9. **POINT Nos. 2 to 5:** Since common questions of law and facts arise for consideration in all these points, for brevity and convenience, they are taken up together. Certain facts are not in dispute. The petitioner and respondents contested the election in various wards of Kadinamkulam Grama Panchayat as candidates of Indian National Congress in the General Election held in October 2010 and they were elected as members. Exts.P1 series are the declarations submitted by the respondents showing the political affiliations as provided by Rule 3(3) of the Kerala Local Authorities (Disqualification of Defected Members) Rules and Exts.P2 series are the copies of the register prepared on the basis of Exts.P1 series maintained at the Panchayat as provided by the above Rules. From the above documents also it is found that the respondents were elected as members belonging to Congress party. As per the decision of the parliamentary party convened on 06.11.2010, the petitioner was decided as the candidate for the post of President and Shri.K.P.Retnakaran was decided for the post of Vice President. Ext.P3 is the copy of the minutes of that meeting. Of

course the respondents would deny regarding such a meeting. However the respondent in O.P.No.104/2012 is found to be a participated in that meeting. So I do not find any reason to dis-believe Ext.P3. In this meeting the petitioner was elected as the whip of the parliamentary party also. Consequent to Ext.P3, the petitioner was elected as President of the Panchayat.

10. While so the respondents along with some others moved a no confidence motion against the President and that was tabled for discussion on 24.09.2012. Ext.P4 is the notice issued by the Block Panchayat Secretary regarding the meeting convened for discussing the no confidence motion.

11. The petitioner as PW1 has deposed that the DCC President had convened a meeting of the Congress members on 15.09.2012 and in that meeting only five members along with the petitioner attended. These respondents did not attend that meeting. According to PW1 it was decided in that meeting that the Congress members should not attend the meeting on the no confidence motion and that the DCC President issued direction in this behalf to all the members of the Congress party. Exts.P7 series are stated to be the copies of the directions sent to the respondents and according to PW1 these directions were sent by registered post. Exts.P8 series are stated to be the postal receipts in relation to sending of the said directions to the respondents. From Exts.P7 series it is found that the said directions were sent from DCC office on 17.09.2012. PW1 has

further deposed that in her capacity as the whip of the parliamentary party she had sent directions to the respondents requiring them to keep away from the no confidence motion and the copies of those directions are marked as Exts.P6 series and Exts.P5 series are the postal receipts regarding sending of the same. PW1 has also deposed that since the respondents refused to accept the directions issued by the DCC President, such directions were affixed in front of their houses in the presence of two witnesses and Exts.P10 series are the copies of such directions said to have been affixed in front of their houses. Admittedly the respondents participated in the meeting convened for discussing the no confidence motion and voted in favour of the said motion. Ext.P11 is the copy of the minutes of the meeting on the no confidence motion. From Ext.P11 it is found that the respondents and the LDF members supported the no confidence motion and thus it was carried. Ext.P12 is the Malayala Manorama daily dated 25.09.2012 containing a report regarding the passing of the no confidence motion against the President and Ext.P12 is the Malayala Manorama daily dated 27.09.2012 containing a report that the respondents were expelled from the Congress party due to their conduct of supporting the no confidence motion moved against the President. Even though PW1 has been cross-examined that length, nothing has been brought out to discredit her evidence.

12. PW2 was the then DCC President. He has deposed that as Sri.V.S.Siva Kumar who was the DCC President became a member of the Legislative Assembly the charge of the DCC President was given to him and he continued as DCC President up to 28.09.2012. PW2 has further deposed that these respondents moved a no confidence motion against the President of the Panchayat and thereupon he convened a meeting of the Congress members of that Panchayat on 15.09.2012 at the DCC Office and in that meeting these respondents did not turn up. He has further deposed that directions were issued to these respondents stating that they should not attend the meeting on the no confidence motion and those directions were sent by registered post to these respondents. Exts.P7 series and P8 series are the said directions and the postal receipts evidencing sending of the same. PW2 has further deposed that his directions also affixed in front of the houses of these respondents and Exts.P10 series are the records relating to the same. According to PW2 the respondents defied his direction and voted in favour of the no confidence motion along with LDF members and as they had dis-obeyed his direction the respondents were expelled from the party. Ext.P12 is stated to be the press release regarding expulsion of the respondents from the Congress party. In cross-examination PW2 has deposed that he was having the charge of DCC President for three months after Shri.V.S.Siva Kumar was elected to the assembly and thereafter he

was functioning as DCC President till Shri.Mohan Kumar became the DCC President. It was suggested to PW2 in cross-examination that he was misled to send the directions to the respondents and he denied the same.

13. The definite case of the respondents is that they had moved the no confidence motion on the basis of the decision of the Congress party. The respondent in O.P.No.101/2012 has been examined as RW1. He has admitted that after the General Election, the petitioner was elected as the President as per the decisions of the Congress parliamentary party, Congress Mandalam Committee and Block Committee. He has further deposed that the Mandalam Committee and Block Committee had taken decision to remove the petitioner from the post of President and it was communicated to the District Congress Committee and the UDF parliamentary party also decided to remove the petitioner and to elect another person from UDF as President and it was based on such a decision that the no confidence motion was moved against the petitioner. RW1 has also denied to have received any direction from the DCC President stating that the respondent should not attend the meeting on the no confidence motion. RW1 has admitted that PW2 was then holding the charge of DCC President and according to RW1, PW2 was misled in issuing the direction and also that certain documents were thus falsely created. In cross-examination RW1 has admitted that out of the 11 Congress members, only these respondents had

voted in favour of the no confidence motion moved against the petitioner. RW1 has also admitted in cross-examination at Page-4 that all the LDF members also voted along with the respondents in favour of the no confidence motion and thus it was carried. RW1 has further stated in cross-examination that the DCC President had not issued any direction to vote in favour or against the no confidence motion and according to RW1 the no confidence motion was moved on the instruction of the Mandalam Committee and Block Committee. RW1 has categorically admitted at Page-5 of his deposition that the respondents did not obtain the consent or instruction from the DCC President for moving the no confidence motion against the President. RW1 has further deposed that the President of the Mandalam Committee or Block Committee has not given any written instruction for moving the no confidence motion. RW1 has also admitted that the postal receipts contain the correct addresses of the respondents. RW1 has also admitted that the no confidence motion was carried with the support of the LDF members.

14. RW2 is the respondent in O.P.101/2012. She has deposed that the no confidence motion was moved as per the instruction of the Mandalam President and Block President. She has admitted that PW2 was then the acting DCC President. She has further admitted that out of the 14 persons who had voted in

favour of the no confidence motion only these respondents were belonging to the Congress party.

15. RW3 is the Kadinamkulam Mandalam President of Indian National Congress. He has stated that no instruction was received from the District Congress Committee for moving the no confidence motion. He has also stated that except these respondents, none of the Congress members had supported the no confidence motion. He has also admitted that he was suspended from the party by the DCC President for having joined with these respondents in moving the no confidence motion. RW3 has further stated that the DCC President did not give any instruction either to vote in favour or against the no confidence motion. RW4 was sought to be declared as hostile and he has not given any evidence in support of the respondents.

16. On an evaluation of the entire evidence, the following facts emerge,-

- (i) The Kadinamkulam Grama Panchayat consists of 23 wards.
- (ii) The Congress party found victory in 11 wards and IUML secured two seats.
- (iii) UDF thus secured majority and the petitioner was elected as the President.

- (iv) The respondents along with some others moved a no confidence motion against the President on 10.09.2012 and it was tabled for discussion on 24.09.2012 .
- (v) PW2 issued direction to all the Congress members including these respondents directing them to abstain from the meeting on the no confidence motion.
- (vi) The said directions were sent by post as seen from Exts.P7 and P8 as early as on 17.09.2012 in the correct addresses of the respondents and also were affixed evidenced by Exts.P9 series.
- (vii) As the said directions were sent sufficiently early by registered post in the correct addresses of the respondents, it can only be presumed that they were received by the respondents before the date of meeting on the no confidence motion.
- (viii) The version of RW1 that PW2 was misled in sending such directions would itself prove that PW2 had actually sent the same.
- (ix) In the discussion on the no confidence motion the respondents participated and they by violating the directions issued by the DCC President voted in favour of the said motion along with.

LDF members and ousted the petitioner from the post of President.

- (x) The respondents alone had aligned with the LDF members in supporting the no confidence motion moved against the petitioner.
- (xi) The contention of the respondents that the said no confidence motion was moved as per the decision of the Congress party is totally untenable. On the other hand the respondents had voted in favour of the no confidence motion against the decision and directions of the Congress party and they also aligned with LDF members in having ousted the petitioner who was the President of their own party.

17. Now the question that arises for consideration is whether the conduct of the respondents in having aligned with the LDF members in supporting the no confidence motion moved against their own party President defying the direction of the DCC President would constitute defection. Section 3 of the Act deals with disqualification on the ground of defection. Section 3(1)(a) of the Act is relating to a member belonging to a political party 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.”

18. This provision has two limbs. The first limb is attracted when a member of the local authority belonging to any political party voluntarily gives up his membership from the party and the second limb is attracted when such member votes or abstain from voting in the election to the post of President, Vice President, Chairman, Deputy Chairperson, Member or Chairperson of a standing committee or on a no confidence motion moved against any of them except a member of a standing committee defying the direction of the political party or a person authorized by it in this behalf. The direction contained in Section 3(1)(a) of the Act is to be given by the person authorized from time to time to recommend the symbol of the political party to such member. As far as Indian National Congress is concerned, it is the DCC President who is authorized to recommend the symbol for the candidates contesting in an election to the local authority. So PW2 was the competent person at the relevant time to issue direction to the members of the Congress Party of the local authority in relation to voting on a no confidence motion. PW2 has categorically stated that he had given direction to the respondents to vote against the no confidence motion moved against the President of their own party. It is settled law that the first limb of Section 3(1)(a) of the Act is attracted when a member belonging to any political party becomes disloyal to his party by voting against the direction or decision of the said party. It is also the settled position of law that even if no

whip is issued, if a member belonging to any political party votes in favour of a no confidence motion against the member of his own party that would constitute defection. In *Shiny Augustin Vs. Kerala State Election Commission (2010 (2) KLT (SN3)* it is held that even if no whip is issued, if a member was instrumental in moving voting and carrying the no confidence motion against another party member, it is to be concluded that the member had voluntarily giving up membership of the political party to which he belonged. This position is further clarified in the decision in **Biju R.S. Vs. Kerala State Election Commission 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.”

In Varghese V.V. Vs. Kerala State Election Commission (2009(3)KLT

1) it has been held by the Division Bench of the Hon,ble High Court as follows,-

“It is now settled law that in order to attract the disqualification on the ground of voluntary giving up membership in the political party, the elected member need not resign from the party. It appears the learned Single Judge had omitted to take note of the fact that the conduct of the revolting members was not the letter given to the Secretary to the Grama Panchayat to form a separate block; those members had in fact supported the no confidence motion moved by the rival political parties. Thus the inevitably inferential conduct was the shifting of loyalty. Loyalty to the party is the norm. To vote against the

party is disloyalty. The Father of our Nation had foreseen the possibility of such cancerous and endangering tendencies in the practice of democracy and hence only the Mahatma said that politics without principle is a vice. No doubt politics is an art. But the beauty of the art is lost when no value is attached to the art. It is to check erosion of the values in democracy the 10th Schedule to the Constitution of India and the Kerala Local Authorities (Prohibition of Defection) Act, 1999 were brought into force. Looking from that angle we find it difficult to agree with the dictum in Naseera Beevi's case. Not only that, there is no party as 'parliamentary party'. That expression only denotes the wing of the elected members of the political party. Therefore, if a member or a group of the elected members of the 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. In Nazeera Beevi's case the rebel group in the parliamentary wing of the political party concerned had not

only formed a separate group, but they had voted in favour of the no confidence motion moved by the rival political party. Thus, by their conduct of being disloyal to the political party in which they were members and by voting as they pleased independent of the political party's declared policy, they had incurred the disqualification."

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 1st 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.”

19. Thus on a careful analysis of the entire facts and materials on record, in the light of the settled position of law as pointed out above, I have no hesitation to hold that the respondents who had aligned with the LDF members and ousted the petitioner from the post of President by moving and supporting the no confidence motion against her by dis-obeying the decision and direction of the DCC President has become subject to disqualification as provided by Section 3(1) (a) of the Act. The points are answered accordingly.

In the result, the petitions are allowed and the respondents are declared as disqualified for being members of the Kadinamkulam 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 5th day of February 2014

**K.SASIDHARAN NAIR,
STATE ELECTION COMMISSIONER.**

APPENDIX

Witnesses examined on the side of the petitioner

- PW1 : Telma John,
 PW2 : M.Jerom

Witnesses examined on the side of the respondent

- RW1 : Blaisy Dixon
 RW2 : Reeta Dadly
 RW3 : Gopakumaran Nair
 RW4 : Francis Jaferson

Documents produced on the side of the petitioner

- P1(a) : Copy of the Register of oath of Kadinamkulam Grama Panchayat sword by Smt. Balisy Dixon.
 P1(b) : Copy of the Register of oath of Kadinamkulam Grama Panchayat sword by Smt. Lekshmi Kumari .M
 P1(c) : Copy of the Register of oath of Kadinamkulam Grama Panchayat sword by Smt. Telma Nelson.
 P1(d) : Copy of the Register of oath of Kadinamkulam Grama Panchayat sworned by Smt. Reeta Dadly.
 P2(a) : Copy of the Page showing the party affiliation of Smt.Balisy Dixon of the register showing the party affiliation of the members of Kadinamkulam Grama Panchayat.
 P2 (b) : Copy of the Page showing the party affiliation of Smt.Telma Nelson of the register showing the party affiliation of the members of Kadinamkulam Grama Panchayat.

- P2 (c) : Copy of the Page showing the party affiliation of Smt.Lekshmi Kumari.M of the register showing the party affiliation of the members of Kadinamkulam Grama Panchayat.
- P2(d) : Copy of the Page showing the party affiliation of Smt.Thavrath Reeta Dadly of the register showing the party affiliation of the members of Kadinamkulam Grama Panchayat.
- P3 : Copy of the minutes of the meeting of Congress Parliamentary Party of Kadinamkulam Grama Panchayat held on 06.11.2010
- P4 : Notice No.A1.721/2012 dated 11.09.2012 of the Secretary, Pothencode Block Panchayat
- P5 (a) : Receipt of registered letter sent to Smt.Reeta Dadly
- P5 (b) : Receipt of registered letter sent to Smt.Blaisy Dixon
- P5 (c) : Receipt of registered letter sent to Smt.Telma Nixon
- P5 (d) : Receipt of registered letter sent to Smt.Lekshmi Kumari Amma
- P6(a) : Letter dated 15.09.2012 of Smt.Telma John, President, Kadinamkulam Grama Panchayat addressed to Smt.Blaisy Dixon
- P6(b) : Letter dated 15.09.2012 of Smt.Telma John, President, Kadinamkulam Grama Panchayat addressed to Smt.Reeta Dadly
- P6(c) : Letter dated 15.09.2012 of Smt.Telma John, President, Kadinamkulam Grama Panchayat addressed to Smt.Lekshmi Kumari Amma

- P7 : Copy of the letter of the President, DCC,
Thiruvananthapuram dated 15.09.2012, addressed to
Smt. Lekshmikumary Amma
- P7(a) : Copy of the letter of the President, DCC,
Thiruvananthapuram dated 15.09.2012, addressed to
Smt. Balisy Dixon
- P7(b) : Copy of the letter of the President, DCC,
Thiruvananthapuram dated 15.09.2012, addressed to
Smt. Reeta Dadly
- P8 : Receipt of Registered letter sent to Smt. Blaisy Dixon
- P8 (a) : Receipt of Registered letter sent to
Smt.Lekshmi Kumari Amma
- P8 (b) : Receipt of Registered letter sent to Smt. Reeta Dadly
- P8 (c) : Receipt of Registered letter sent to
Smt. Lekshmi Kumari Amma
- P9 : Copy of the letter dated 15.09.2012 of the President DCC,
Thiruvananthapuram, addressed to Smt.Shameem.I,
Secretary, Kadinamkulam Grama Panchayat
- P10(a) : Copy of the direction of the President, DCC
Thiruvananthapuram dated 15.09.2012 addressed to
Smt. Reeta Dadly
- P10(b) : Copy of the direction of the President, DCC
Thiruvananthapuram dated 15.09.2012 addressed to
Smt. Lekshmi Kumari Amma
- P10 (c) : Copy of the direction of the President, DCC
Thiruvananthapuram dated 15.09.2012 addressed to
Smt. Telma Nelson
- P10(d) : Copy the direction of President, DCC Thiruvananthapuram
dated 15.09.2012 addressed to Smt. Blaisy Dixon

- P11 : Copy of the Proceedings of the meeting to the discussion of
No Confidence Motion held on 24.09.2012
- P12 : Malayala Manorama daily dated 25.09.2012
- P13 : Malayala Manorama daily dated 27.09.2012

Documents produced on the side of the Respondent

- R1 : Copy of the Minutes of the meeting of Kadinamkulam
Grama Panchayat on 29.09.2012

**K.SASIDHARAN NAIR,
STATE ELECTION COMMISSIONER.**