

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

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

**Wednesday, the 30<sup>th</sup> day of November 2016**

**O.P.Nos.96/2015&97/2015**

**O.P.No.96/2015**

Petitioner : M.A.Sunnopan,  
S/o Ayyappan, Marathomtharaveedu,  
Korapadam, Kothadu P.O.,  
Ernakulam District.  
Member, Ward No.6,  
KadamakkudiGrama Panchayat

**(By Advs.M.HashimBabu&Sajitha.S)**

Respondent : A.G.Mathew,  
S/o George, Attulliveedu, Moolampali.  
P.O., Ernakulam District.  
Member, Ward No.9,  
KadamakkudiGrama Panchayat

**(By Adv. Fathahudeen.M)**

**O.P.No.97/2015**

Petitioner : M.A.Sunnopan,  
S/o Ayyappan, Marathomtharaveedu,  
Korapadam, Kothadu P.O.,  
Ernakulam District.  
Member, Ward No.6,  
KadamakkudiGrama Panchayat

**(By Advs. M.HashimBabu&Sajitha.S)**

Respondent : M.F.Prasad,  
S/o Francis, Muzhangumthara,  
KothdP.O., Ernakulam District.  
Member, Ward No.7,  
KadamakkudiGrama Panchayat

(By Adv. Fathahudeen.M)

These petitions having come up for hearing on the 25<sup>th</sup> day of November 2016, in the presence of Advs. **M.HashimBabu&Sajitha.S** for the petitioner and Adv.**Fathahudeen.M** for the respondents and having stood over for consideration to this day, the Commission passed the following.

### **COMMON ORDER**

These two petitions are filed under Section 4 of the Kerala Local Authorities (Prohibition of Defection) Act for declaring that the respondents have committed defection and hence disqualified to continue as members of KadamakkudiGrama Panchayat and also declaring them as disqualified to contest as candidates in any election of the local body for a period of six years from the date of the order.

2. As the questions of law and facts involved in both the petitions are common, they were taken up together treating O.P.No.96/2015 as the main case.

3. Petitioner's case in brief is as below:- The petitioner and respondents are elected members of KadamakkudiGrama Panchayat in Ernakulam District in the election held in November 2015 and they are elected as candidates of Indian National Congress. There are 13 wards in

Kadamakkudi Grama Panchayat and out of which the Indian National Congress has got 5 seats. The LDF secured 5 seats – CPI(M)-2 and CPI-3. The BJP won 2 seats and one seat was won by an independent. As the independent member offered his support to the Indian National Congress, it decided to form the Panchayat board. Election to the office of the President and Vice President was scheduled to be held on 19.11.2015. In consultation with the parliamentary party the DCC nominated the petitioner as the President candidate and Smt. Treasa Manual as the Vice President candidate. The DCC President issued whip to the elected members of Congress to vote in favour of the petitioner Shri. M.A. Sunnopan and Smt. Treasa Manual. The whips when tendered the respondents returned the same after reading the contents.

4. In the election meeting on 19.11.2015 the Returning Officer has explained the process and mode of voting to the members, before the election. It was specifically instructed that “X” mark alone is valid and not to put “√” mark in the ballot paper. The petitioner was proposed as the President candidate on the side of the Indian National Congress and the LDF proposed the name of Smt. Salini Babu. Defying the directions of their political party Indian National Congress the respondents purposefully made their votes invalid by putting “√” mark in the ballot paper with a view to support the LDF candidate Smt. Salini Babu. The BJP abstained from voting. The petitioner got 4 votes including that of the independent. As the LDF candidate got 5 votes she was

declared elected. The LDF candidate Smt.SaliniBabu was elected with the silent support of the respondents. In the afternoon of that date, election to the office of the Vice President was held and the respondent adopted the same method to defeat the Indian National Congress candidate Smt.Treasa Manual. Smt.SindhuShaju was the candidate of the LDF. The respondents purposefully made their votes invalid two times – one at the time of the President's election and the other at the time of Vice President election, defying the direction of the party. They disobeyed the direction of the party and betrayed the party and the electorate. Casting of invalid votes against the Presidential and Vice Presidential candidates proposed by their party Indian National Congress and preventing the party from coming to power in the Panchayat is nothing but defection. The acts and conduct of the respondents amount to voluntarily giving up their membership of their party and thereby they are disqualified to contest the election for a period of six years. Hence these petitions.

5. The respondents filed statement of objections raising common contentions which in brief are as below,-The petitions are not maintainable. There was no whip as alleged. No whip was issued and served and allegation to the contra of false. False reasons are stated in the petition to disqualify the elected members. There is no cause of action. It is true that a parliamentary party meeting of all the five elected members of Indian National Congress was convened under the Presidentship of the Mandalam Committee President of Indian National Congress, Shri.GeorgeChammini. In the meeting three

members proposed the name of the petitioner Shri.Sunnopan as a candidate for the Presidentship and two members proposed the name of M.F.Prasad. As no unanimous decision could be taken the committee decided to report the matter to DCC and await the decision of DCC or its president in the matter. But no committee was convened by the DCC and no decision was intimated to any of the members including the respondents. As there was no decision to vote in favour of the petitioner and Smt.TreasaManual there is no violation of whip or voluntary giving up of membership. Further, the respondents voted in favour of the petitioner and Treasa Manual, the candidates for the posts of President and Vice President respectively as they are members of Indian National Congress. But mistake they put “√” mark instead of “X” mark in the ballot paper. The respondents did not support the LDF candidate. It is not correct to say that the respondents refused to accept the whips. There was no whip and no occasion to refuse the whip. No whip was communicated to the Panchayat Secretary also. There was no decision to field the petitioner and Smt.Treasa Manual as the candidates for President and Vice President. The respondents did not commit any defection. The petitioner is not entitled to get any relief in the petitions and hence the same are to be dismissed.

6. The evidence in these cases consists of the oral testimonies of PWs1 to 4, RWs1 to 3 and Exts.A1 to A11.

7. Both sides were heard.

8.The following points arise for consideration;

- (1) Whether the petitions are maintainable?
- (2) Whether the respondents have disobeyed the decision and direction of the Indian National Congress as alleged?
- (3) Whether the respondents have committed defection as alleged?
- (4) Whether the respondents have voluntarily given up their membership in the Indian National Congress as alleged?
- (5) Reliefs and costs?

9. **POINT No.(1)**: These petitions are filed under Section 4 of the Kerala Local Authorities (Prohibition of Defection) Act. The petitioner seeks declaration that the respondents have committed defection and hence they became disqualified to be the members of Kadamakkudi Grama Panchayat and also from contesting as candidates in any election to local body for a period of six years.

10. The petitioner and respondents are elected members of Kadamakkudi Grama Panchayat in the election held in November 2015 and they are elected as candidates of Indian National Congress. There are 13 wards in Kadamakkudi Grama Panchayat and out of which the Indian National Congress secured 5 seats. The LDF secured 5 seats – CPI(M)-2, CPI-3. The BJP won 2 seats and the remaining one seat went to an independent. After the election, election to the office of the Panchayat President and Vice President was scheduled to be held on 19.11.2015. According to petitioner the parliamentary

party meeting of the Indian National Congress decided to nominate the petitioner Shri.Sunnopan and Smt.Treasa Manual as the candidates for the posts of the President and Vice President respectively. But in the election held on 19.11.2015 the respondents did not vote in favour of the petitioner and Smt.Treasa Manual and they deliberately made their votes invalid defying the decision and direction of the party. Because of their above acts the rival LDF candidates became the President and Vice President of the KadamakkudiGrama Panchayat. According to the petitioner the respondents committed defection and they voluntarily gave up their membership in the party by making their votes invalid and thereby supporting the LDF candidates, defying the decision of their political party.

11. Respondents deny the allegations. According to them they did not violate any direction of the party as alleged. No whip was issued to them. It is true that their vote became invalid. But it was a mistake. Instead of putting "X" mark against the names of the petitioner and Smt.Treasa Manual they put "√" mark by mistake. They did not do any act inviting disqualification as alleged, the respondents further contend. It is also their contention that the above petitions are not maintainable.

12. The respondents though contended in the counter statement that the petitions are not maintainable there is nothing from their side to show that the above petitions are not maintainable.

13. As per Section 3(1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act, if a member of a 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 or by a person or authority authorized by the party in this behalf votes or abstains from voting, in an election to the post of President, Vice President or on a no confidence motion moved against them, he shall become subject to disqualification for being a member of that local authority.

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

15. From the pleadings and evidence adduced in this case it can be seen that there arises a question as to whether the respondents became disqualified for being members of Kadamakkudi Grama Panchayat as provided by Section 3(1)(a) of the Act. These petitions are filed by a member of the same Panchayat of which the respondents also are members and these petitions are filed within the time prescribed under Rule 4(A)(2) of the Kerala Local Authorities (Disqualification of Defected Members Rules. Except stating that



these petitions are not maintainable there is no material from the side of the respondents to show that these petitions are not maintainable. As these petitions are filed by a competent person within the time limit and a question arises as to whether the respondents have become subject to disqualification as provided by Section 3(1)(a) of the Act these petitions are held to be maintainable. The point is answered accordingly.

**16. POINT Nos.2 to 5:** Case of the petitioner is that the respondents committed defection and hence he seeks a declaration that the respondents are disqualified to be the members of Kadamakkudi Grama Panchayat and also from contesting as candidates in the election to the local bodies for a period of six years. The petitioner and respondents, as stated above, are elected members of Kadamakkudi Grama Panchayat and admittedly they are elected as candidates of Indian National Congress. Exts.A1 to A3 declarations given by them after they were elected as member and Ext.A4 copy of the register showing the party affiliation also would show their political party as Indian National Congress.

17. There are 13 wards in Kadamakkudi Grama Panchayat. As stated above the Congress got 5 seats. The CPI(M) secured 2 seats, CPI 3 seats and BJP got 2 seats. One seat was won by an independent. As the Indian National Congress got 5 seats they decided to form the Panchayat board with the support of the independent member. The election to the posts of Panchayat President and Vice President was decided to be held on 19.11.2015. Parliamentary party meeting of the elected members of Indian National Congress was convened on

16.11.2015 to decide the candidates for the posts of President and Vice President. Ext.A10 is the minutes of the said meeting. In the parliamentary party meeting three elected members of Indian National Congress proposed the name of the petitioner for the post of President and two members proposed the name of Shri.M.F.Prasad, the respondent in O.P.97/2015. All the members proposed the name of Smt.Treasa Manual for the post of Vice President and there was no dispute over that.

18. It is stated that the parliamentary party at the end of the meeting decided to nominate the petitioner's name for the post of President and Smt.Treasa Manual for the post of Vice Presidentship subject to the decision of the District Congress Committee. It is further stated that the DCC concurred the decision of the parliamentary party meeting and whip was issued to all the members in the matter. The whips issued to the respondents when tendered were returned by them after reading the contents. Thereafter, according to PW1 whips were served to them by affixture. Thereafter when the meeting was held on 19.11.2015 for the election of the President and Vice President the respondents took a different stand from that of their party and committed disloyalty to the party to which they belong, by making their votes invalid to facilitate the defeat of their own party nominees and the success of the rival LDF candidates Smt.SaliniBabu and Smt.SindhuShaju. To PW1 the respondents deliberately made their votes invalid defying the decision of the party and by doing so they voluntarily gave up their membership in the party. It

was because of their above acts of disloyalty the rival LDF candidates became the President and Vice President of the Panchayat, PW1 further states.

19. PW2 is the President of Ernakulam DCC. He gave evidence supporting the case of the petitioner. It is stated by him that the parliamentary party meeting decided to nominate the petitioner Shri.Sunnopan as candidate for the Panchayat President and Smt.Treasa Manual for the post of Vice President and the same was approved by him. It is also stated by him that he has given direction to the elected members through the office bearers of Vypin Block Congress Committee to vote the petitioner and Smt.Treasa Manual. The Vypin Block Congress Committee Vice President issued whips to all the members.

20. As the respondents made their votes invalid disobeying the decision of the party and direction of the party and facilitated the success of rival candidates they were expelled from the party by issuing Ext.A11 letter, PW2 further states. PW3 is the Vice President of Vypin Block Congress Committee who issued the whips in these cases to the elected members of Indian National Congress including the respondents. Ext.A5 is the copy of the whip. As the respondents returned the whip after reading the contents, whips were affixed on the wall of their respective houses and Exts.A6 and A7 are the copies of the whips issued to them. PW4 is the Secretary of KadamakkudiMandalam Committee and he was examined to prove the above affixture of the whips. According to him he was present with PW3 while affixing the whips and he was a witness to that.

21. Case of the respondents as stated above is that they did not do any act inviting any disqualification. There was no whip from the party and therefore the violation of the same does not arise. It is also their case that they cast their vote in favour of the petitioner and Smt. Treasa Manual in the election. But by mistake they put “√” mark against the names of the petitioner and Smt. Treasa Manual instead of putting “X” mark. It was only a mistake. From the side of the respondents RWs 1 to 3 were examined. RW1 is the respondent in O.P.No.97/2015, RW2 is the then President of Vypin Block Congress Committee and RW3 is the President of KadamakkudiMandalam Congress Committee.

22. Now let us verify whether the respondents committed any acts of defection envisaged under Section 3 (1)(a) of the Kerala Local Authorities (Prohibition of Defection) Act. Section 3(1)(a) of the Act has two limbs. The first limb is attracted when a member belonging to any political party voluntarily gives up his membership of such political party and second limb comes in to play when such member violates or disobeys the direction issued by the political party or a person authorized by it in this behalf. As per clause (iva) of Section 2, a direction in writing means a direction in writing signed with date, issued to a member belonging to or having the support of a political party, by the person authorized by the political party from time to time to recommend the symbol of the said party for contesting in election, for exercising the vote favourably or unfavourably or to abstain from voting.

23. To attract the second limb there must be violation of the written direction issued by the competent authority in the party. But in these cases the alleged violation will not come within the ambit of second limb. Admittedly the whip in this case was issued by the Vice President of Vypin Block Congress Committee in his letter head. He has no authority to issue such a whip as per Rules. The authority to issue whip to the respondents in these cases is PW2 DCC President. Exts.A5 and A6 were not issued by PW2 and were not in his letterhead also. As the whips in these cases were issued not by the competent authority and not in the manner prescribed, the whip issued in these cases cannot be said to be valid and proper even though it is in evidence that the respondents were aware of the whips. As there was no proper whip it cannot be said that there is violation of the whip. Anyway that is not the case with regard to the first limb.

24. It is a fact that the respondents are elected candidates of Congress party and they are bound by the decision of their party. They must be loyal to their party and they cannot act against the interest of their party. It is a matter of admission that a parliamentary party meeting of the elected members of Congress party was held on 16.11.2015 to decide the party candidates for the posts of President and Vice President of Kadamakkudi Grama Panchayat and discussions were made in the meeting. RWs 1 to 3 were present in the meeting and participated in the discussion. Exts.A10 is the minutes of the meeting. Respondents Shri.A.G.Mathew and Shri.M.F.Prasad were signatories' No.3 and

5 in Ext.A10 minutes dated 16.11.2015. According to RW1 no decision to nominate the petitioner for the post of President and Smt.Treasa Manual for the post of Vice President was taken in the said parliamentary party meeting and the matter was to be decided by the DCC. But Ext.A10 would show that a decision was arrived at in the parliamentary party meeting regarding candidature of the petitioner and Smt.Treasa Manual. It was also decided in the meeting that the decision of the parliamentary party meeting would be subject to the final approval of the DCC leadership. It is in evidence that the DCC President has approved the said decision of the parliamentary party. No different decision was taken by the DCC and the evidence of PW2 would show the said fact. The respondents also have no case that the DCC has taken a different decision other than the one in Ext.A10. Their case is that no decision was taken by DCC which is disproved by the evidence of the DCC President himself.

25. The learned counsel for the respondents has an argument that no meeting of the DCC was convened to take a decision and the DCC President has no authority to take a decision on his own. It is to be stated that the said contention is against their contention in their counter statement. It is clearly stated by the respondents in their counter statement that the final decision was left to be taken by the DCC or its President. That being the case the counsel cannot now contend that the DCC President was not authorised to take a decision in the matter. In the light of the evidence of PW2, Ext.A10 and the above circumstances it cannot be contended that the party has not taken any

decision regarding the candidate of the petitioner Shri.Sunnopan and Smt.Treasa Manual. The petitioner and Smt.Treasa Manual contested for the presidentship and Vice Presidentship respectively in the election held on 19.11.2015, as candidates of Indian National Congress and the respondents being elected as candidates of Indian National Congress cannot take a different stand from that of their party. Further, it is admitted by RW1 that he was aware of the Congress candidates at the time of election after receiving the ballot paper. It is also stated by him that the respondents are bound to vote the Congress candidates and that was why he cast his vote infavour of Shri.Sunnopan. RW3, the witness examined on the side of the respondents admitted that the respondents did not act as per the decision of Ext.A10. RW2 also stated that the respondents' above act of making their votes invalid was immoral.

26. Further, the respondents are responsible elected members of KadamakkudiGrama Panchayat and they cannot act according to their whims and fancies. They are bound by the decision of the party and disobedience and acting against the interest of the party is nothing but disloyalty. They were very well aware of the decision of the party to vote and elect the petitioner Shri.Sunnopan as Panchayat President and Smt.Treasa Manual as Vice President. But they ignored the decision of the party and made their votes invalid with a view to defeat their party's candidates and to ensure the success of the rival LDF candidates as submitted by the learned counsel for the

petitioner. RW1 admitted that the rival LDF candidates became the Panchayat President and Vice President only because of the above acts of the respondents.

27. Another argument of learned counsel for the respondents is that the intention of the respondents was to vote in favour of the petitioner Shri.Sunnopan and Smt.Treasa Manual. Instead of putting “X” mark against their names the respondents by mistake put “√” mark and their votes happened to become valid. There was no deliberate act on their part to make their votes invalid and hence it cannot be said that they have acted against the interest of the party inviting disqualification, the counsel submits. But it is to be stated that the evidence and the circumstances emanating therefrom would only militate against the said contention. Their making of the votes invalid cannot be termed as an innocent mistake as submitted by the counsel.

28. It is admitted by RW1 that the Returning Officer has explained the procedures regarding the election and the manner of voting. The members were asked to vote in favour of their candidates by putting “X” mark and not by “√” mark. Exts.A8 and A9 minutes in respect of the election to the President and Vice President would show the said fact. Despite the clear instructions the respondents put “√” mark and made their votes invalid and facilitated the success of LDF candidates Smt.SaliniBabu and Smt.SindhuShaju. It may be noted that election to the post of the President was in the morning and of the Vice President in the afternoon. In the election to the post of President in the morning the respondents put “√” mark against the name of the petitioner



Shri.Sunnopan instead of “X” mark and his vote was declared invalid. When election for the post of Vice President was held in the afternoon the respondents adopted the same method even after the further instructions from the Returning Officer regarding the voting including of putting “X” mark.

29. Even assuming that it was by mistake they put “√” mark in the President election held in the morning they would not have committed the same mistake by putting the same “√” mark when the election for the Vice President was held in the afternoon and that too for two times in the afternoon. Initially there were three candidates for the Vice Presidentship. The respondents cast their votes in the same manner by putting “√” mark as done in the morning and their votes became invalid. As the third candidate Smt.Indira got only two votes she was eliminated from the contest and election was conducted again. Then also the respondents cast their votes putting “√” mark against the name of Treasa Manual and made their votes invalid. The respondents made their votes invalid three times on that day as seen above. Exts.A8 and A9 minutes would show the said fact. Under the above circumstances it cannot be said that it was by mistake the respondents put “√” mark and their votes became invalid.

30. The evidence and circumstances would clearly show that the respondents have deliberately acted against the interest of their party by making their votes invalid and facilitated the success of the rival candidates of LDF in the election. They silently supported the LDF candidates. According to the learned counsel for the petitioner the respondents engineered the defeat of their

own party nominees colluding with LDF and it was because of their acts the LDF candidates could win the election. The evidence and circumstances would only support the said contention. It was the decision of the party to elect the petitioner Shri.Sunnopan as the President and Smt.Treasa Manual as Vice President. The respondents were aware of that. To make it appear that they cast their votes in favour of Congress candidates they adopted a clever method and made their votes invalid. But that cleverness will not absolve them from the consequences of their acts. They adopted the above method only to defeat their own party nominees and by doing so they voluntarily gave up their membership in their party.

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

Constitutional validity of 10<sup>th</sup> schedule, the *Apex Court in KihotoHollohanVs.Zachillhu (1992) Supp.2 SCC 651*” observed as follows:-

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

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

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

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

33. A member belonging to a political party has to be loyal to his party and the moment he becomes disloyal he would become subject to disqualification on the ground of voluntarily giving up his membership from the party. The conduct of the respondents in making their votes invalid to

facilitate the defeat of their own party nominee and the success of the rival party candidates would clearly demonstrate that they became disloyal to the party which elected them as members. Their above acts would amount to defection inviting disqualification and the case put forward by the petitioner is clearly established in both cases. I do not find anything in these cases to take a different view. According to the Father of Nation Mahatma Gandhi politics without principle is one of the grave vices in that group. The menace of defection is, certainly, to be curbed. The evil of political defections has been a matter of national concern. If it is not combated, it is likely to undermine the very foundations of our democracy and the principles which sustain it.

34. From the available evidence and the circumstances emanating there from it can be safely concluded that the respondents have committed defection and they have voluntarily given up their membership from the party which elected them as members as provided by Section 3(1)(a) of the Act and therefore they became subject to disqualification for being members of Kadamakkudi Grama Panchayat. Points are answered accordingly.

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

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

Pronounced before the Commission on this the 30<sup>th</sup> day of November 2016

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

**APPENDIX**

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

PW1	:	Shri.M.A.Sunnopan,
PW2	:	Sri.V.J.Poulose, DCC President, Ernakulam
PW3	:	Shri.T.A.Joly, Block Vice President, Vypin
PW4	:	Shri.K.P.Lovis, voter, 7 <sup>th</sup> ward, Kadamakudi Grama Panchayat

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

RW1	:	Shri. M.F.Prasad
RW2	:	Shri. K.G.Donomaster, Block Committee President, Vypin, INCI
RW3	:	Shri.GeorgeChammini, Block Congress Vice President, Vypin, INC

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

A1	:	Copy of the declaration in Form No. 2 filed by Shri.M.A.Sunnopan, Member, Kadamakkudi Grama Panchayat
A2	:	Copy of the declaration in Form No.2 filed by Shri.MathewAattathil, Member, Kadamakkudi Grama Panchayat

- A3 : Copy of the declaration in Form No.2 filed by Shri.M.F.Prasad, Member, Kadamakkudi Grama Panchayat
- A4 : Copy of the register showing the party affiliation of the members of KadamakudiGrama Panchayat
- A5 : Whip issued by the Vice President, Vypin Block Congress Committee dated 19.11.2015
- A6 : Whip issued by the Vice President, Vypin Block Congress Committee dated 19.11.2015 addressed to Shri.M.G.Mathew
- A7 : Whip issued by the Vice President, Vypin Block Congress Committee dated 19.11.2015 addressed to Shri.M.F.Prasad
- A8 : Copy of the minutes of the meeting to elect the President, KadamakudyGrama Panchayat held on 19.11.2015
- A9 : Copy of the minutes of the meeting to elect the Vice President, KadamakudyGrama Panchayat held on 19.11.2015
- A10 : Minutes Book of Congress Parliamentary Party KadamakkudyGrama Panchayat
- A11 : Copy of the letter dated 20.11.2015 of the President, DCC, Ernakulam District, addressed to Shri.M.F.Prasad and Shri.A.G.Mathew

Sd/-

**V.BHASKARAN**

**STATE ELECTION COMMISSIONER**

//True Copy//