

BEFORE THE KERALA STATE ELECTION COMMISSION,  
THIRUVANANTHAPURAM

PRESENT: SHRI. A. SHAJAHAN,  
STATE ELECTION COMMISSIONER

Tuesday, the 7<sup>th</sup> day of October, 2025

O.P. No.48 of 2024

Petitioner : Sri. T. K. Sajeev,  
Thulasi Bhavan,  
kaviyoor P.O.,  
Thiruvalla  
Pathanamthitta District  
  
(Member, Ward No. 01,  
Kaviyoor Grama Panchayath)

(Adv. Krishna Prasad S. R.)

Respondent : 1. Sri. Dineshkumar M. D.  
Meleppurath House,  
Kottoor P.O,  
Thiruvalla  
Pathanamthitta District - 689582

(Member, Ward No.04,  
Kaviyoor Grama Panchayat)





: 2. Smt. Sreeranjini A. Gopi,  
Thekkethil,  
Kaviyoor P.O,  
Thiruvalla  
Pathanamthitta District - 689582

(Member, Ward No.07,  
Kaviyoor Grama Panchayat)

: 3. Smt. Sindhu R. C. Nair,  
Illikkunnil,  
Kaviyoor P.O,  
Thiruvalla  
Pathanamthitta District - 689582

(Member, Ward No.08,  
Kaviyoor Grama Panchayat)

(Adv. D. R. Rajesh)

## ORDER

This is a petition filed by the petitioner under section 36 of the Kerala Panchayat Raj Act, 1994 alleging that respondents have incurred disqualification as provided under section 35 (1) (p) of the Kerala Panchayat Raj Act, 1994 and thereby disqualified from holding the office of elected members of Ward No. 4,7 and 8 of the Kaviyoor Grama Panchayat.

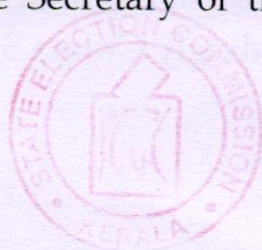
2. The petitioner's case in brief is as follows: - Petitioner herein is an elected member of ward No.10 of the Kaviyoor Grama Panchayat. He was contested and elected as an independent candidate in General Election to local self-government institutions held in 2020. Petitioner is a registered voter of ward No.8 of the same Grama Panchayat. Respondents 1 to 3 are elected members of ward No.4,7,8 respectively, who were contested and





elected as candidate of BJP political party. 1st and 2nd respondents are now holding the posts of President and Vice President respectively of the Panchayat.

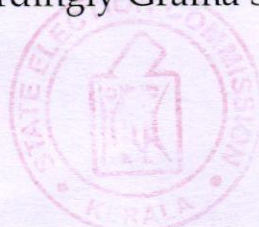
3. The allegation in the petition is that while so, they failed thrice consecutively to convene the meeting of the Grama Sabha, due once in three months, of which they are Conveners and therefore acquired disqualification as provided under section 35 (1) (p) of the Kerala Panchayat Raj Act. According to the petitioner, the last Grama Sabha convened in the panchayat for ward No.9,10,11,12,13 was on 14.12.2023, for ward No.2,5,6,7,8 on 15.12.2023 and for ward No.1,3,4,14 on 17.12.2023. Thereafter no Grama Sabha was convened in the Kaviyoor Grama Panchayat for more than 9 months.
4. Petitioner being a duty bound member of the said Grama Panchayat had time and again brought the same to the notice of the 1st respondent, who is the President of the Panchayat. But 1st respondent did not care to discharge his statutory duty of convening the Grama Sabha for wards. Thereafter petitioner submitted a registered letter to the 1st respondent on 11.09.2024 requesting him to convene Grama Sabha. Respondents have the statutory duty to convene Grama Sabha as provided under section 3 of the Kerala Panchayat Raj Act.
5. The 3rd respondent is an elected member of ward No.8. The petitioner is a voter of ward No.8 and in that capacity, he had pointed out the delay in convening Grama Sabha to the 3rd respondent also. However, 3rd respondent failed to convene the Grama Sabha for ward No.8 after 17.12.2023. As a voter of ward No.8 petitioner is aggrieved by the default of the 3rd respondent in this regard.
6. Petitioner relies on rule 4 of the Kerala Panchayat Raj (Procedure by convening and conducting the meetings of Grama Sabha) Rules, 1995, which provides that the President shall, in consultation with the Convener of Grama Sabha concerned, fix the date and the time between 8 am and 6 pm and the Secretary of the Panchayat concerned shall





publish the place, date and time of the meeting, by affixing notice in appropriate public place etc.

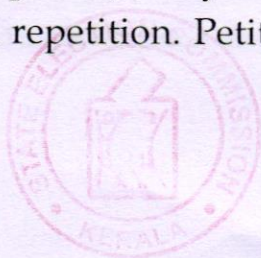
7. According to the petitioner it is the duty of the 1st respondent to convene the Grama Sabha as provided under section 3 of the Act. At the same time, it further alleged that 2nd and 3rd respondents have taken no effective steps from their side to convene the Grama Sabha of their wards since 17.12.2023 till date and as such respondents 1 to 3 are liable to be declared as disqualified under section 3 (1) (p) of the Act.
8. The respondents' case in brief is as follows:- It is true that respondents 1 to 3 are elected members of Kaviyoor Grama Panchayat and among which respondents 1 and 2 are the President and Vice President respectively of the Panchayat. In order to attract the penal provisions of section 35 (1) (p) there must be a failure of convening Grama Sabha for three consecutive times. As per section 3 (3) of the Act Grama Sabha shall meet at least once in three months at the place, date and time fixed by the Convener of the Grama Sabha in consultation with the President of the Panchayat. The nine months period under question commences from December, 2023 and ends in September, 2024. However, there was a clear ban of convening Grama Sabha for two months viz. from 1st April, 2024 to 31.05.2024 as Model Code of Conduct was in force in connection with General Election to the Lok Sabha. Thus, the period within which the Grama Sabha is to be called stands extended from September, 2024 to November, 2024. Respondents conducted General Grama Sabha during the month of September, 2024.
9. Further, as a matter of fact Grama Sabha was called and conducted in the month of August, 2024 as part of the *Mahathma Gandhi Deshiya gramina thozhil Urappu Padhathi* and for Social Auditing for the works carried out. Reckoning from the said date there is no failure on the part of respondents to convene the meeting of Grama Sabha for 9 months in order to attract disqualification under section 35 (1) (p) of the Act. The Panchayat committee collectively took a decision to call and conduct Grama Sabhas and accordingly Grama Sabhas had been convened in all





the wards of Kaviyoor Grama Panchayat during the period from 26.09.2024 to 30.09.2024.

10. Respondents admitted that third Grama Sabha ought to have been convened in the middle of September, 2024. In fact, Panchayat had taken a decision in August, 2024 itself to call Grama Sabha for beneficiary selection etc. But the District Planning Committee approval was made available only by 29.08.2024, as it consumes a lot of time for selecting beneficiaries and giving preference. It takes at least a month time to call Grama Sabha. Moreover, the Convenors had to be contacted by the President for fixing the date for each ward, making himself available for it. The decision to call Grama Sabha was taken on 23.08.2024. However, it was Onam holidays for a period from 14.09.2024 to 18.09.2024. Therefore, Grama Sabha convened in all the wards of Kaviyoor Grama Panchayat for a period from 26.09.2024 to 30.09.2024. Petition is ill motivated and to wreak political vengeance to the respondents.
11. The evidence in this case consists of oral testimonies of PW1 and RW1 and the documents, Ext. A1 to A9 and Ext.B1 to B13.
12. Both sides were heard.
13. Based on pleadings, the following points arise for consideration, namely;
  - (i) Whether 1st respondent, who is the President of the panchayat has acquired a disqualification under section 35 (1) (p) of the Act on his alleged failure to convene Grama Sabha in all the wards of Kaviyoor Grama Panchayat?
  - (ii) Whether respondents 1 to 3 have acquired a disqualification under section 35 (1) (p) of the Act on their failure to convene Grama Sabha in the wards represented by them viz.ward No.4,7,8 respectively under section 3 (3) of the Act?
  - (iii) Whether petition is filed with intention to wreak political vengeance to the respondents as alleged?
14. Point No. (i) to (iii);- As common questions of law and facts are arise for consideration on these points, they are considered together for convenience and to avoid repetition. Petitioner herein is admittedly an





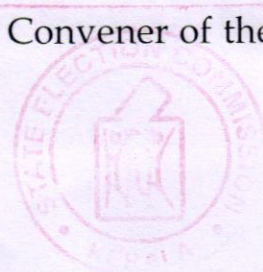
elected member of ward No.10 of the Kaviyoor Grama Panchayat. The respondents are elected members of ward No.4,7 and 8 of the same Grama Panchayat. The case against respondents is that they failed to convene the Grama Sabha for a period from December, 2023 to September 2024 and thereby acquired disqualification under section 35 (1) (p) for their failure to convene to Grama Sabha for thrice consecutively. Section 3 (3) of the Act mandates that Grama Sabha shall meet at least once in three months at the place, date and time, fixed by the Convener of Grama Sabha. As an elected member of Kaviyoor Grama Panchayat, petitioner is having *locus standi* to file the petition under section 36 of the Act for determining the disqualification of the respondents.

15. The main contention advanced by the petitioner that 1st respondent, who is the President of the Panchayat, failed to convene the meeting of Grama Sabha for a period from December, 2023 to September 2024. In the said background, it is appropriate to examine whether a President of the Panchayat is liable for disqualification under section 35 (1) (p) for his alleged failure to convene the Grama Sabha as stipulated under section 3 (3) of the Act.
16. The substantive provisions dealing with convening of Grama Sabha are as follows;-

"3. **Grama Sabha.**- (1) For the purposes of this Chapter, each constituency of a village panchayat may be specified as a village under clause (g) of Article 243.

(2) All persons whose names are included in the electoral rolls relating to a village panchayat comprised within the area of a village panchayat shall deemed to be constituted as Grama Sabha of such village;

(3) Grama Sabha shall meet at least once in three months at the place, date and time, fixed by the Convener of Grama Sabha in Consultation with the President and the Convener of the Grama Sabha shall intimate





the details of the meeting to the Grama Sabha members by a public notice and to such meetings, the Convener of Grama Sabha shall, compulsorily invite the members of the Block Panchayat, District Panchayat and the Legislative Assembly representing the area of the Grama Sabha."

.....

(4) The member of a Village Panchayat representing the constituency comprised in the area of a village shall be the Convener of that Grama Sabha;

.....

(5) Every meeting of the Grama Sabha, shall be presided over by the President of the Village Panchayat or his absence, the Vice President or in the absence of both of them by the Convener of Grama Sabha.

....."

The related penal provision is contained in section 35 (1) (p) of the Act, which reads as follows; -

"35. **Disqualification of members.** - (1) Subject to the provisions of Section 36 or Section 102, a member shall cease to hold office as such, if he-

.....

(p) has failed, thrice consecutively, to convene the meeting of the Grama Sabha, due once in three months, of which he is the Convener;"

It is very well clear from the provisions of section 3 (4) of the Act that elected member of the panchayat representing the constituency is the Convener of the Grama Sabha. As per the related penal provision contained in section 35 (1) (p), the Convener of the Grama Sabha would



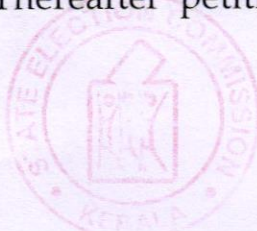


acquire the disqualification on his failure to convene Grama Sabha thrice consecutively.

17. In this context it is pertinent to examine the provisions of rule 4 of the Kerala Panchayat Raj (Procedure for convening and conducting the meeting of the Grama Sabha) Rules, 1995 framed under section 3 of the Act, which reads as follows; -

**"4. Date and time for the meeting of Grama Sabha.-**The President of the Village Panchayat shall, in consultation with the Convener of the Grama Sabha concerned, fix the date and time between 8 am and 6 pm and the Secretary of the Village Panchayat concerned shall publish the place, date and time of the meeting, so fixed, by affixing notice in appropriate public places, government offices, schools in the area of the Grama Sabha and in the office of the Village Panchayat. The Convener concerned shall try to inform the members of the Grama Sabha the place, date and time of the meeting and cause them to attend the meeting."

18. On the harmonious construction of the Act and Rules framed thereunder makes it clear that the primary obligation to convene the Grama Sabha of his constituency is with the Convener of Grama Sabha, who is none other than the elected member of the constituency. At the same time Panchayat President has a corresponding duty to cooperative with the move by giving date and time for the meeting and to generally preside over the meeting. However, section 35 (1) (p) is not intended to disqualify the President of the panchayat on his alleged failure to call, convene and conduct the Grama Sabha as provided under section 3 of the Act.
19. The next question is whether 1st respondent caused any delay in his capacity as President of the Panchayat in giving date and time for convening the meeting, when it moved by the petitioner. According to the petitioner despite frequent requests made by him, 1st respondent did not care to convene the Grama Sabhas of his panchayat, including ward No.10 represented by him. Thereafter petitioner issued Ext.A2 letter





dated 11.09.2024 by registered post to the 1st respondent calling upon him to convene the Grama Sabha. Ext.A3 is the postal receipt in proof of despatch of Ext.A2 letter. Ext.A4 is the proof that Ext.A2 letter was delivered to the 1st respondent on 13.09.2024. It is evident from Ext.A1 and A8 that the last Grama Sabha was held in ward No. 10 on 14.12.2023. There is no evidence adduced by the petitioner that he had requested the President to fix a date and time for convening the Grama Sabha beforehand, till 13.09.2024, the date when 9 months period expires. During the cross examination of 1st respondent as RW1, petitioner has not even put a suggestion in this regard to him. Therefore, there is no evidence on record that delay in conducting the Grama Sabha is attributed to the conduct of the 1st respondent. Petitioner himself has not taken any steps to convene the Grama Sabha till 13.09.2024 as provided under section 3 (3) of the Act. It can be inferred that the present petition is an attempt to resist any probable action against the petitioner under section 35 (1) (p) of the Act.

20. Further, Ext B5 would shows that Panchayat Committee has taken a decision on 23.08.2024 to convene Grama Sabha after Onam festival. It is only thereafter 1st respondent has received the Ext.A2 letter from the petitioner on 13.09.2024. Thereafter there was continuous holidays from 14.09.2024 to 17.09.2024 in connection with Onam festival. 18.09.2024 was local holiday for the panchayat area on account of Aranmula Boat Race. In the meeting of panchayat committee held on 20.09.2024, it has taken a decision to convene the Grama Sabha for all the wards of Kaviyoor Grama Panchayat at different dates from 26.09.2024 to 30.09.2024. Ext.B2 is the minutes of the said meeting. Ext.B3 series are the meeting notices of Grama Sabha meetings of ward No. 4 and 7 held on 29.09.2024.
21. The definite case of the petitioner is that respondents 1 to 3, in their capacity as elected members of ward No.4,7 and 8 respectively, failed to convene the meetings of Grama Sabha of their respective wards for a period of December, 2023 to September, 2024. In the objection





respondents have taken a case that there is clear ban of convening Grama Sabha for a period from 01.04.2024 to 31.05.2024 as Model Code of Conduct was brought in force consequent to the announcement of General Election to Lok Sabha. Respondent in cross examination as RW1 clarified the point that

"(Q) പെരുമാറ്റ ചട്ടം നിലവിലുള്ളപ്പോൾ ഗ്രാമ സഭ കൂടാൻ പാടില്ലായെന്നു ഒരു നിർദ്ദേശവും ഇലക്ഷൻ കമ്മീഷൻ നൽകിയിട്ടില്ല എന്ന് പറയുന്നു.

(Ans) അക്കാലത്ത് വ്യക്തിഗത ആനുകൂല്യങ്ങൾ നൽകുന്നതിനുള്ള തീരുമാനമെടുക്കേണ്ട ഗ്രാമ സഭയാണ് വിളിച്ചുചേർക്കേണ്ടിയിരുന്നത്. അതുകൊണ്ടാണ് ഗ്രാമ സഭ വിളിച്ചുചേർക്കാതിരുന്നത്."

(i) Model Code of Conduct is meant to restrain the activities of party in power from giving favours that tends to influence the voters and thereby breach level playing field of other candidates, during the period from the date of announcement of election till the conclusion of the poll. The above statement of RW1 seems valid explanation for not convening Grama Sabha during the period in which Model Code of Conduct was in force.

22. It has come out in evidence that Grama Sabha meetings were convened in August, 2024 as part of Mahatma Gandhi Deshiya gramina thozhil Urappu Padhathi and for Social Auditing of the work in connection with thozhil Urappu Padhathi. Ext.B1 series are the meeting notices of the said Grama Sabha meetings of ward No. 4 and 7 held on 27.08.2024. Though RW1 has been cross examined in length by the Counsel for the petitioner, he failed to discredit the testimony of former. Further, Ext.A6 series Minutes (page 38) dated 27.08.2024 would shows that 2nd respondent convened the Grama Sabha of her ward on 27.08.2024. Further, Ext.A6 series Minutes (page 37) would shows that 3rd respondent convened Grama Sabha of her ward on 27.08.2024. Though petitioner has taken a case that the grama sabhas convened in the month of August, 2024 in connection with thozhil Urappu Padhathi would not come under Grama





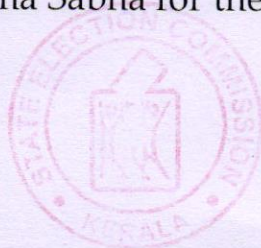
Sabha for the purpose of section 3A of the Act and he has not produced any material to substantiate his case. Therefore, contention of the petitioner that respondent failed to convene the Grama Sabha for a period of December, 2023 to September, 2024 and thereby acquired a disqualification under section 35 (1) (p) of the Act is untenable.

23. Petitioner has taken a further case that 1st respondent delayed to convene the Grama Sabha even after receipt of request made by him. In cross examination of RW1 he deposed before the Commission that

"(Q) 9 മാസക്കാലാവധിക്കുള്ളിൽ ഗ്രാമ സഭ കടന്നു കഴിഞ്ഞു കാണിച്ച് ഹർജ്ജികക്ഷി എനിക്ക് കത്തയച്ചിരുന്നു. സെപ്റ്റംബർ 13 നു എനിക്ക് ലഭിക്കത്തക്ക രീതിയിലാണ് ഹർജ്ജിക്കാരൻ കത്തയച്ചത്. 14 മുതൽ 18 വരെ പഞ്ചായത്തിൽ അവധിയായിരുന്നു. സെപ്റ്റംബർ 20-നു ചേർന്ന ഭരണസമിതി യോഗമാണ് ഗ്രാമ സഭ തീയതി നിശ്ചയിച്ചത്. എല്ലാ യോഗത്തിലും പങ്കെടുത്ത ഹർജ്ജിക്കാരൻ രജിസ്റ്റേർഡ് പോസ്റ്റിൽ എനിക്ക് കത്തയച്ചത് ദുരുദ്ദേശപരമാണ്.

(Q) ഹർജ്ജിക്കാരൻ കത്തയച്ചാലും ഇല്ലെങ്കിലും 9 മാസത്തിനുള്ളിൽ ഗ്രാമ സഭ വിളിച്ചുചേർക്കേണ്ട ഉത്തരവാദിത്വം പഞ്ചായത്ത് പ്രസിഡന്റ് എന്ന നിലയിൽ താങ്കൾക്കില്ലേ? (Ans) ഗ്രാമ സഭ വിളിച്ചു ചേർത്തിട്ടുണ്ട്. അടിയന്തിര കമ്മിറ്റിയായതിനാൽ 20.09.2024-നു കൂടിയ യോഗത്തിന്റെ നോട്ടീസ് 19.09.2024-നാണ് നൽകിയത്. 20 -ാം തീയതി തിരുമാനമെടുത്തിട്ടു 26 മുതൽ 30 വരെയാണ് ഗ്രാമ സഭ കൂടിയത്."

24. As already discussed, the primary obligation to convene Grama Sabha vests with the elected member of the Panchayat and as such the above admission of RW1 in the cross examination to the contrary has no relevance. Even if there is any delay of the part of President of the panchayat in convening Grama Sabha, the provisions of section 35 (1) (p) exculpate him from penal consequences in this regard. It further seems that upon Ext.A2 request respondents have not committed any default in convening the Grama Sabha for their respective wards.





25. It is the case of the petitioner that no Grama Sabha meetings were convened in all the 14 wards of Kaviyoor Grama Panchayat during the period from December, 2023 to September, 2024. From the above discussion is found that petitioner himself is one of the culprits. However, he has targeted only the respondents, particularly 1st respondent. It is the case of the respondents that petitioner filed this petition only to wreak political vengeance against the respondents. On going through the evidence on record it appears that there is substance in the above contention of the respondents.
26. From the available evidence on record, it is not possible to say that the respondents have incurred the disqualification put forward against them. The petitioner failed to make out a case under section 35 (1) (p) of the Kerala Panchayat Raj Act. Therefore, I hold that the respondents have not ceased to be a member of Kaviyoor Grama Panchayat as alleged. Points answered accordingly.

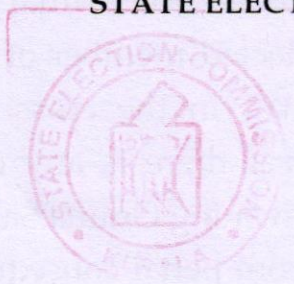
In the result, the original petition is dismissed.

Pronounced before the Commission on the 7<sup>th</sup> day of October 2025.

Sd/-

A. SHAJAHAN

STATE ELECTION COMMISSIONER





## APPENDIX

### Witness examined on the side of the Petitioner

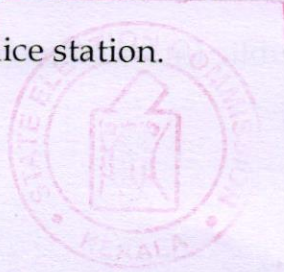
PW1 - Sri. T. K. Sajeew

### Witness examined on the side of the Respondent

RW1 - Sri. Dineshkumar M. D.

### Documents produced on the side of the Petitioner

- A1 - Copy of the minutes of meeting of panchayat committee held on 05.12.2023, Kaviyoor Grama Panchayat.
- A2 - Request submitted by Sri. T. K. Sajeew, member and convenor for convening Grama Sabha of 10<sup>th</sup> ward Kaviyoor of panchayat.
- A3 - Postal receipt addressed to Secretary Kaviyoor Grama Panchayat and M. D. Dinesh Kumar, President Kaviyoor Grama Panchayat.
- A4 - Attested copy of SMS showing postal article EL 557916107IN delivered to Sri. Peter John.
- A5 - Letter No. 400338/GGRI12/General/2024/3919/(1) dated, 04.12.2024 of State Public Information Officer Kaviyoor Grama Panchayat.
- A6 - Copy of minutes of Mahatma Gandhi National Rural Employment Scheme social audit- Grama Sabha meetings of Kaviyoor Grama Panchayat.
- A7 - Copy of Police complaint given by Sri. C. K. Sajeew, member Ward 10, Kaviyoor Grama Panchayat to Station House Officer Thiruvalla, Police station.

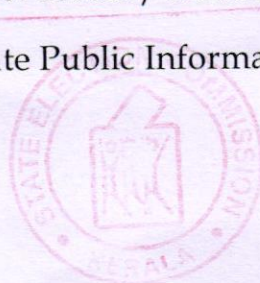




- A7(a) - Copy of receipt of complaint No. 15299050-2024-5-00713 submitted by T. K. Sajeev Member ward No. 10 Kaviyoor Grama Panchayat.
- A8 - Notices dated, 06.12.2023 and 23.09.2024 for convening Grama Sabha of ward No. 10 of Kaviyoor Grama Panchayat.
- A9 - Letter No. 96/RTI/24-25/T dated, 13.01.2025 of State Public Information Officer, Thiruvalla Police Station issued to T. K. Sajeev

**Documents produced on the side of the Respondent**

- B1 - Notices dated, 24.08.2024 for convening Grama Sabha of ward No. 04 and ward No. 07 of Kaviyoor Grama Panchayat.
- B2 - Copy of minutes of special meeting of panchayat committee, Kaviyoor Grama Panchayat held on 20.09.2024.
- B3 - Notices dated 23.09.2024 for convening Grama Sabha ward No. 04 and ward No. 07 of Kaviyoor Grama Panchayat.
- B4 - Copy of minutes No. RO.1/160/2024/DPC/DPO/PTA of District Planning Committee meeting held on 29.08.2024.
- B5 - Copy of minutes of ordinary panchayat committee meeting of Kaviyoor Grama Panchayat held on 23.08.2024
- B6 - Letter No. 112/RTI/24-25/T of State Public Information Officer, Thiruvalla Police Station dated, 20.03.2025.
- B7 - Letter No. SC2-5124/2024 dated, 12.12.2024 of State Public Information Officer and Secretary Ranni Pazhavangadi Grama Panchayat issued to Aneesh P.
- B8 - Copy of letter No. 400340/GGRI12/GPO/2024/3236/ (3) dated, 16.12.2024 of State Public Information Officer and Secretary





Kottangal Grama Panchayat, Pathanamthitta, to Aneesh P.

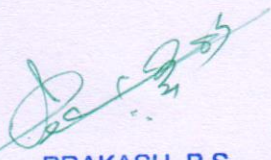
- B9 - Letter No. 400345/GGRI12/GPO/2024/3687/ (1)  
dated, 21.12.2024 of State Public Information Officer and Secretary  
Kuttoor Grama Panchayat, Pathanamthitta, to Aneesh P.
- B10 - Letter No. 400367/GGRI12/GPO/2024/3656(1) dated, 04.12.2024  
of Assistant Secretary Chittar Grama Panchayat, Pathanamthitta,  
to Aneesh P.
- B11 - Letter No. 400346/GGRI05/GPO/2024/4371(1) dated 18.12.2024 of  
State Public Information Officer Niranam Grama Panchayat,  
Pathanamthitta, to Aneesh P.
- B12 - Letter No. 400 352/GGRI12/GPO/2024/3447/ (2) dated, 14.12.2024  
of State Public Information Officer and Secretary Thottapuzhassery  
Grama Panchayat, Pathanamthitta, to Aneesh P.
- B13 - Copy of RTI submitted to State Public Information Officer,  
Office of District Joint Director, Pathanamthitta by Sri. Aneesh P,  
Pulimoottil, Puramattom.

Sd/-

A. SHAJAHAN

STATE ELECTION COMMISSIONER

//True Copy//

  
PRAKASH B.S  
PEN No : 101452  
SECRETARY  
State Election Commission  
Kerala, Thiruvananthapuram

