IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 08TH DAY OF DECEMBER 2020 / 17TH AGRAHAYANA, 1942

WP(C).No.27237 OF 2020(D)

PETITIONER:

M.J.PAPPACHAN MASTER
AGED 68 YEARS
S/O. JOSEPH, MADAPPATT HOUSE,
KOLAYAD POST, KANNUR DISTRICT,PIN-670 650

BY ADV. SRI.P.K.RAVI SANKAR

RESPONDENTS:

1 **STATE ELECTION COMMISSION, KERALA**
'JANAHITHAM', TC 27/6(2),VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033

2 **DISTRICT COLLECTOR,**
KANNUR-670 001

3 **DISTRICT POLICE CHIEF,**
KANNUR-670 001

4 **RETURNING OFFICER,**
PERAVOOR BLOCK PANCHAYAT, PERAVOOR POST,
KANNUR DISTRICT, PINCODE-670 673

5 **STATION HOUSE OFFICER,**
PERAVOOR POLICE STATION, PERAVOOR POST,
KANNUR DISTRICT, PINCODE-670 673

6 **STATION HOUSE OFFICER,**
KANNAVAM POLICE STATION, KANNAVAM POST,
KANNUR DISTRICT-670 650

SRI KP HARISH SR GOVERNMENT PLEADER
SRI MURALI PURUSHOTHAMAN, SC, K.S.E.C

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.12.2020, ALONG WITH WP(C).27256/2020 & CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 08TH DAY OF DECEMBER 2020 / 17TH AGRAHAYANA, 1942

WP(C).No.27256 OF 2020(F)

PETITIONERS:

1 **MANOJ ANIYARATH**
AGED 47 YEARS
S/O. RAMU A., KANNA VEEDU, KAITHERI POYIL,
PATHIRAYAD P.O., PINARAYI S.O., KANNUR-670641.

2 **SAKARIYA MASTER,**
AGED 40 YEARS
S/O. MUHAMMED P.P. ZAIN, ANJARAKANDY P.O.,
KEEZHALLUR, KANNUR-670612.

3 **ALORA MADHUSOODANAN,**
AGED 57 YEARS
S/O. KUNHIKANNAN, RIDHUN NIVAS, MUNDAMOTTA P.O.,
PATHIRIYAD, PINARAYI S.O., KANNUR-670741.

4 **LEENA N.C.,**
AGED 45 YEARS
W/O.HAREENDRAN M.C., KUYYALIL HOUSE, KALLAYI,
ANJARAKANDY, PADUVILAYI, KEEZHALLUR,
KANNUR-670612.

5 **K.REVATHY,**
BENNIVAS, VENMANAN, P.O.ANJARAKANDY, KANNUR.

BY ADVS.
SRI.M.RAMESH CHANDER (SR.)
SMT.K.A.SANJEETHA
SRI.BALU TOM

RESPONDENTS:

1 **DISTRICT COLLECTOR**
KANNUR-670001.

**2 DISTRICT POLICE CHIEF,
KANNUR-670001.**

**3 CIRCLE INSPECTOR OF POLICE,
KUTHUPARAMBA POLICE STATION, KANNUR-670643.**

**4 RETURNING OFFICER,
VENGAD GRAMA PANCHAYAT, KANNUR-670612.**

**5 STATE ELECTION COMMISSIONER,
JANAHITHAM, T.C.27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695001, REPRESENTED BY ITS
SECRETARY.**

**SRI BIMAL K NATH SR GOVERNMENT PLEADER
SRI MURALI PURUSHOTHAMAN, SC, K.S.E.C**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.12.2020, ALONG WITH WP(C).27237/2020(D)& CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 08TH DAY OF DECEMBER 2020 / 17TH AGRAHAYANA, 1942

WP(C).No.27280 OF 2020(H)

PETITIONERS:

1 K.T.ELDHOSE
AGED 60 YEARS
S/O.K.P.THOMAS, KAKKASSERY HOUSE, MATOOR,
KALADY - 683 574, ERNAKULAM DIST.

2 SUJA ELDHOSE
AGED 50 YEARS
W/O.K.T.ELDHOSE, KAKKASSERY HOUSE, MATTOOR,
KALADY - 683 574, ERNAKULAM DIST.

BY ADVS.
SMT.JEENA JOSEPH
SRI.G.DAMODARA PANICKER

RESPONDENTS:

1 SUB INSPECTOR OF POLICE
KALADY POLICE STATION, KALADY,
ERNAKULAM DIST., PIN - 683 574.

2 RETURNING OFFICER
KALADY GRAMA PANCHAYATH AND SPECIAL TAHASILDAR (LA)
NH NO.II, MINI CIVIL STATION, ALUVA, PIN - 683 101.

3 STATE ELECTION COMMISSION
REPRESENTED BY THE SECRETARY, CORPORATION OFFICE
BUILDING COMPLEX, LMS JUNCTION,
THIRUVANANTHAPURAM, PIN - 695 001.

SRI BIMAL K NATH SR GOVERNMENT PLEADER
SRI MURALI PURUSHOTHAMAN, SC, K.S.E.C

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.12.2020, ALONG WITH WP(C).27237/2020(D)& CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 08TH DAY OF DECEMBER 2020 / 17TH AGRAHAYANA, 1942

WP(C).No.27284 OF 2020(I)

PETITIONERS:

1 **UMESHAN T.V.**
AGED 46 YEARS
S/O.LATE M.V.KANNAN, KAILASAM, THAIKADAPPURAM,
KASARAGOD DISTRICT, PIN - 671 314.

2 **K.V.GEETHA**
AGED 44 YEARS
D/O.VENKITESHA RAO, AMMU NILAYAM,
NEEROZHUKKUL, PATTENA, NILESHWAR, KASARAGOD
DISTRICT, PIN - 671 314.

3 **PRIYA M.**
AGED 38 YEARS
W/O.GIREESH, PRIYA NIVAS, PANDIKOTTE,
PUTHARIYADUKKAM, NILESHWAR,
KASARAGOD DISTRICT, PIN - 671 314.

4 **SREEJA B.C.**
AGED 41 YEARS
D/O.BHAGEERATHAN, AMBOOTTY VALAPPIL, POOVALAM KAI,
PUTHARIYADUKKAM, NILESHWAR, KASARAGOD DISTRICT,
PIN- 671 314.

5 **PADMIAVATHI E.N.**
AGED 60 YEARS
W/O.DHANANJAYAN, MANAYATH HOUSE, PALLIKKARA,
NILESHWAR, KASARAGOD DISTRICT, PIN - 671 314.

6 **GIREESHAN P.V.**
AGED 55 YEARS
S/O.PADMANABHAN GURUKKAL, GIRISHREE, PAZHANETHI,
PEROLE, NILESHWAR, KASARAGOD DISTRICT,
PIN- 671 314.

7 BHASKARAN K.
AGED 70 YEARS
S/O.AMBADY, KANNARUVATH HOUSE, KARYAMKODE,
CHATHAMATH, NILESHWAR, KASARAGOD DISTRICT,
PIN - 671 314.

8 PUSHKARAN P.
AGED 62 YEARS
S/O.LATE AMBADY P.V., SREEVALSAM, MUNDEMMAD,
KOTTAPPURAM, NILESHWAR, KASARAGOD DISTRICT,
PIN - 671 314.

9 SOUDHAMINI K.
AGED 62 YEARS
W/O.V.V.MADHAVAN, S.M.HOUSE, PALLIKKARE, NILESHWAR,
KASARAGOD DISTRICT, PIN - 671 314.

10 SREEJITH
AGED 47 YEARS
S/O.UNDACHI K., KARUVACHERY, NILESHWAR, KASARAGOD
DISTRICT, PIN - 671 314.

BY ADVS.
SRI.K.V.SREE VINAYAKAN
SHRI.COLIN ALEX

RESPONDENTS:

1 STATE ELECTION COMMISSION,
REPRESENTED BY THE SECRETARY, CORPORATION OFFICE
BUILDING COMPLEX, LMS JUNCTION, THIRUVANANTHAPURAM.

2 THE DISTRICT COLLECTOR
(DISTRICT ELECTORAL OFFICER), KASARAGOD - 671 121.

3 THE RETURNING OFFICER
NILESHWAR MUNICIPALITY, DEPUTY DIRECTOR OF
AGRICULTURE, PRINCIPAL AGRICULTURAL OFFICE,
KASARAGOD, VIDYA NAGAR, KASARAGOD - 671 121.

4 THE DISTRICT POLICE CHIEF
VIDYA NAGAR, KASARAGOD - 671 121.

5 THE INSPECTOR OF POLICE
NILESHWAR CIRCLE, KASARAGOD DISTRICT - 671 314.

6 THE SUB INSPECTOR OF POLICE
NILESHWAR POLICE STATION, NILESHWAR,
KASARAGOD DISTRICT - 671 314.

SRI BIMAL K NATH SR GOVERNMENT PLEADER
SRI MURALI PURUSHOTHAMAN, SC, K.S.E.C

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.12.2020, ALONG WITH WP(C).27237/2020(D)& CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 08TH DAY OF DECEMBER 2020 / 17TH AGRAHAYANA, 1942

WP(C).No.27299 OF 2020(J)

PETITIONER:

SHABANI A.P.
AGED 49 YEARS
D/O.A.K.P.MAMMOOTTY, NAJATH, PALLIPRAM,
PERINGADI P.O., KANNUR DISTRICT - 673 312
CANDIDATE IN WARD NO.8 OF THE NEW MAHE GRAMA PANCHAYAT.

BY ADVS.
SRI.AHAMMED SAHEER M.A
SRI.MUHAMMED YASIL

RESPONDENTS:

1 **THE STATE ELECTION COMMISSIONER**
KERALA STATE, TC 27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM, PIN - 695033.

2 **THE DISTRICT POLICE CHIEF**
NEAR COLLECTORATE, KANNUR - 670002.

3 **THE DISTRICT COLLECTOR/DISTRICT ELECTORAL OFFICER**
COLLECTORATE ROAD, THAVAKKARA, KANNUR - 670 002.

4 **PRESIDING OFFICER**
WARD NO.8 OF NEW MAHE GRAMA PANCHAYAT BOOTH NO.1,
PALLIPRAM L.P.SCHOOL, NEW MAHE, KANNUR - 673 312.

5 **SAJEEVAN**
AGED 49 YEARS, S/O.NAANU, PUNNOND VEED,
PERINGADI P.O., KANNUR DISTRICT - 673 312.

6 **ANILKUMAR**
AGED 45 YEARS, S/O.BHASKARAN, KUNNATH HOUSE,
PERINGADI P.O., KANNUR DISTRICT - 673 312.

SRI K.P.HARISH, SR GOVERNMENT PLEADER
SRI MURALI PURUSHOTHAMAN, SC, K.S.E.C

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.12.2020, ALONG WITH WP(C).27237/2020(D) & CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 08TH DAY OF DECEMBER 2020 / 17TH AGRAHAYANA, 1942

WP(C).No.27368 OF 2020(U)

PETITIONER:

ZEENATH ABDUL SALAM
AGED 53 YEARS
W/O.ABDUL SALAM, FOUSIYA MANZIL ROAD, AVK NAIR ROAD, THALASSERY, KANNUR DISTRICT - 670 101
CANDIDATE IN WARD NO.10 OF THE THALASSERY MUNICIPALITY.

BY ADVS.
SRI.MUHAMMED YASIL
SRI.M.A.AHAMMAD SAHEER

RESPONDENTS:

1 **THE STATE ELECTION COMMISSIONER**
KERALA STATE, TC 27/6(2), VIKAS BHAVAN P.O., THIRUVANANTHAPURAM, PIN - 695 033.

2 **THE DISTRICT POLICE CHIEF**
NEAR COLLECTORATE, KANNUR - 670 002.

3 **THE DISTRICT COLLECTOR/DISTRICT ELECTORAL OFFICER**
COLLECTORATE ROAD, THAVAKKARA, KANNUR - 670 002.

4 **THE STATION HOUSE OFFICER**
THALASSERY POLICE STATION, THALASSERY, KANNUR DISTRICT, PIN - 670 101.

5 **PRESIDING OFFICER**
WARD NO.10 OF THALASSERY MUNICIPALITY, BOOTH NO.1- MES BAVA HIGHER SECONDARY SCHOOL, KUZHIPANGAD, KANNUR - 670 101.

6 **RASHID**
AGE NOT KNOWN, R/AT FATHIMA VILLA, OPP. RAILWAY STATION, THALASSERY, KANNUR - 670 102.

SRI BIMAL K NATH SR GOVERNMENT PLEADER
SRI MURALI PURUSHOTHAMAN, SC, K.S.E.C

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.12.2020, ALONG WITH WP(C).27237/2020(D)& CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 08TH DAY OF DECEMBER 2020 / 17TH AGRAHAYANA, 1942

WP(C).No.27389 OF 2020(W)

PETITIONER:

N.V.MADHUSOODANAN
AGED 52 YEARS
NAYANA VEETTIL, S/O.GOVINDAN U., ERAMAM P.O.,
KANNUR DISTRICT - 670 306.

BY ADVS.
SRI.M.PROMODH KUMAR
SMT.MAYA CHANDRAN

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HOME AFFAIRS, SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

2 **STATE ELECTION COMMISSION OF KERALA**
REPRESENTED BY ITS SECRETARY, CORPORATION OFFICE COMPLEX, LMS JUNCTION, PALAYAM,
THIRUVANANTHAPURAM - 695 033.

3 **DISTRICT COLLECTOR (AS A DISTRICT ELECTION OFFICER)**
CIVIL STATION, KANNUR - 670 002.

4 **RETURNING OFFICER**
KANNUR DISTRICT PANCHAYAT, KADANNAPALLY DIVISION,
CIVIL STATION, KANNUR - 670 002.

5 **STATION HOUSE OFFICER**
PERINGOME POLICE STATION, PERINGOME,
KANNUR DISTRICT - 670 353.

6 **C.SATHYAPALAN**
AGED 55 YEARS, S/O.APPU, LDF CONVENOR OF DISTRICT PANCHAYAT ELECTION, PERINGOME,
KANNUR DISTRICT - 670 353.

SRI K.P.HARISH, SR GOVERNMENT PLEADER
SRI MURALI PURUSHOTHAMAN, SC, K.S.E.C

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.12.2020, ALONG WITH WP(C).27237/2020(D)& CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 08TH DAY OF DECEMBER 2020 / 17TH AGRAHAYANA, 1942

WP(C).No.27397 OF 2020(Y)

PETITIONER:

MUJEEB RAHMAN .K.P
AGED 42 YEARS
S/O. MOIDEEN KUTTY, RESIDING AT K.P.HOUSE,
P.O.KURUMATHUR, KANNUR-670142.

BY ADVS.
SRI.ABDUL RAOOF PALLIPATH
SRI.K.R.AVINASH (KUNNATH)

RESPONDENTS:

1 **ELECTION COMMISSION,**
KERALA JANAHITHAM, T C 27/6(2), VIKAS BHAVAN,
THIRUVANANTHAPURAM-695033, REPRESENTED BY STATE
ELECTION COMMISSIONER.

2 **THE DISTRICT COLLECTOR, KANNUR,**
COLLECTORATE, KANNUR-670001.

3 **THE DISTRICT POLICE CHIEF,**
KANNUR-670001.

4 **THE DEPUTY SUPERINTENDENT OF POLICE,**
TALIPARAMBA, KANNUR-670141.

5 **THE CIRCLE INSPECTOR OF POLICE,**
TALIPARAMBA POLICE STATION, KANNUR-670141.

SRI K.P.HARISH, SR GOVERNMENT PLEADER
SRI MURALI PURUSHOTHAMAN, SC, K.S.E.C

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.12.2020, ALONG WITH WP(C).27237/2020(D)& CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 08TH DAY OF DECEMBER 2020 / 17TH AGRAHAYANA, 1942

WP(C).No.27415 OF 2020

PETITIONERS:

1 MANJU APREM @ MANJU DINESH MUNJANATTU,
AGED 28 YEARS
W/O.BINESH M.J., MUNJANATTU HOUSE, PACHAANI,
THIMIRI P.O., KANNUR DISTRICT-670581.

2 BINESH M.J.,
AGED 40 YEARS
S/O.JOSEPH, MUNJANATTU HOUSE, PACHAANI,
THIMIRI P.O., KANNUR DISTRICT-670581.

3 BIJU GEORGE,
AGED 45 YEARS
S/O.VARKEY, ELAMPURAYIDATHIL HOUSE, PACHAANI,
THIMIRI P.O., KANNUR DISTRICT-670581.

4 SAJU.E.T.,
AGED 43 YEARS
S/O.THOMAS, ELAMPURAYIDATHIL HOUSE, PACHAANI,
THIMIRI P.O., KANNUR DISTRICT-670581.

BY ADVS.
SRI.SUNIL V.MOHAMMED
SRI.VIMAL KUMAR.A.V.
SMT.AJITHA APPU
SMT.M.S.NEETHUMOL
SHRI.AADIL SHAH A.S.

RESPONDENTS:

1 THE KERALA STATE ELECTION COMMISSION,
CORPORATION OFFICE COMPLEX, LMS JUNCTION, PALAYAM,
THIRUVANANTHAPURAM-695033.

2 THE DISTRICT COLLECTOR/DISTRICT RETURNING OFFICER,
KANNUR DISTRICT-670001.

**3 THE DISTRICT POLICE CHIEF,
KANNUR DISTRICT-670001.**

**4 THE CIRCLE INSPECTOR OF POLICE,
ALAKKODE POLICE STATION, THALIPARAMBA,
KANNUR DISTRICT-670571.**

**5 M.S.MINI,
MEMANA HOUSE, THIMIRI P.O., KANNUR DISTRICT-670581.**

**6 P.M.MOHANAN,
KAZHUKKAL, CHITTADI P.O., KANNUR DISTRICT-670571.**

**7 JOY KONNAKKAL,
AMNAMKUKAM, CHAPPARAPADAVU P.O.,
KANNUR DISTRICT-670581.**

**SRI KP HARISH SR GOVERNMENT PLEADER
SRI MURALI PURUSHOTHAMAN, SC, K.S.E.C**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.12.2020 ALONG WITH WP(C).27237/2020(D)& CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

[WP(C).Nos.27237/2020, 27256/2020, 27280/2020, 27284/2020, 27299/2020, 27368/2020, 27389/2020, 27397/2020 & 27415/2020]

These writ petitions have been filed by Candidates/election agents raising apprehensions of threats and violence by the rival party workers on the days leading to the election to the Local Self Government Institutions in the State of Kerala. In these Writ Petitions filed on the eleventh hour, the petitioners bemoan that they are facing grave threats to life on their person. They assert that they would not be permitted to canvas for votes due to the incessant threats raised against them. In all these cases, the petitioners assert that their opponents, who owe allegiance to the party in power, would get support from the executive machinery of the State and neither them nor their party workers will be permitted to approach the voters and convince them in a free manner. They contend that there would be violence on polling day and there is a reasonable possibility of their booth agents as well as the voters being threatened and obstructed. According to them, if the atmosphere in and around the polling booth is not peaceful, it would prevent voters from venturing out and casting their vote. In some of the writ petitions, the petitioners contend that their constituency is politically very sensitive and there have been incidents of poll violence during the last elections. According to them, technology has progressed to such an extent that it is perfectly possible for the Election Commission to set up cameras in and around the polling booth and

carry out webcasting which would dissuade the troublemakers from interfering with the election process. In some of the writ petitions, directions are sought to be issued to the Election Commission to ensure that impersonation of voters and casting of bogus votes are avoided. They also request that enough contingent of law enforcement officers be deployed to maintain peace and calm in and around the polling stations so that the voters can exercise their franchise and elect their person of choice.

2. In some of the writ petitions, the Election Commission has not been arrayed as a respondent as the prayer is only for police protection. In the cases wherein, the Election Commission has been arrayed as a respondent, statements have been filed narrating the steps taken by the Election Commission to ensure a transparent, fair and trouble free election. Since some of the candidates asserted that the booths are hypersensitive, the Election Commission was directed to file the list of booths that they have categorised as sensitive and hypersensitive. In the statement, which has been filed, it has been stated inter alia as follows:

> "2. There are 2,76,20493 voters in Kerala for the Local Self Government Institutions election. There are 21900 constituencies in Kerala with 34710 polling booths.
>
> 3. Maintenance of law and order even during the period of election is a sovereign function, which belongs to the exclusive realm of the State.
>
> 4. State Election Commission has taken all steps for the conduct of a free and fair election. Meetings were held with the Chief Secretary of the State, State Police Chief and other top police officials, District Collectors and other senior officers of the State. The State Election Commission has been informed that all steps are being taken by the police to ensure a free and fair election.

5. Senior officials of the Government have been nominated as Observers in consultation with the Government for overseeing/observing the election in terms of Section 40A of the Kerala Panchayat Raj Act and Section 96A of the Kerala Municipality Act. The Observers have been given instructions to keep close watch of sensitive areas including polling stations and other areas which they deem fit.

6. To ensure free and fair election, the Polling Stations/locations which are vulnerable to law and order have to be identified by the police. After the vulnerability mapping, measures to maintain law and order has to be taken by the police. The situation will be reviewed day by day.

7. Deployment of additional police force, videography, web casting etc. will be undertaken as situations warrant. District election officers (District Collectors) will take steps for videography of polling booths on the basis of vulnerability assessment of the Polling Stations/locations by police and on being notified by the police.

8. Sufficient police forces will be deployed in sensitive areas to meet law and order problems. Special care and attention will be taken by the Police in sensitive areas to provide adequate security measures to the electorate and the polling officials for the smooth conduct of election in a peaceful atmosphere.

9. Strict instructions have been given to the police officials to take stringent and instantaneous action in accordance with law to prevent bogus voting, impersonation, booth capturing and other electoral offences. Any attempt to traverse the tranquility in order to take advantage from countermanding election or any attempt to interfere with the smooth process of election will be dealt with seriously by the police. Appropriate and immediate remedial action will be taken in accordance with law to defeat such despicable situations.

10. Thus every step is being taken by the State Election Commission with the assistance of the State machinery and police to ensure a free and fair election. The police have been instructed to provide adequate protection to voters, polling agents of all political parties and candidates

and to assist the election machinery to ensure, safe, fair and free poll. The arrangements will be reviewed each day with the assistance of the police."

3. Sri. Murali Purushothaman, the learned standing counsel submitted that out of total number of 34710 polling booths, 1800 polling booths have been identified as hypersensitive. In those polling booths, webcasting facilities have been arranged and the proceedings are webcasted live to the offices of the Election Commission, District Electoral Officer as well as the police authorities. The remaining 1100 polling booths have been identified as sensitive and in those booths, videography will be provided. In other polling booths which have not been identified as sensitive or hypersensitive, the Election Commission has made arrangements to provide accredited videographers whose services can be availed by the candidates or their election agent at the expense of the person who makes a request to the District Collector. It is further submitted that the Election Commission have issued directions to the State to deploy enough police personnel to ensure that no obstruction is caused to the voter or the candidate by any antisocial element. The Commission has been informed by the State that enough police personnel would be deployed to ensure a free and fair election. He would further state that the District Election Officers are the District Collectors themselves and they will be monitoring every stage of the election and if situation so warrants, additional police force, videography, webcasting etc. will be undertaken. The evaluation will be done on the basis of the vulnerability assessment and on the basis of the opinion of the election observers appointed in

terms of Section 40A of the Kerala Panchayat Raj Act and 96A of the Municipality Act. He would further point out that as the voters will be permitted to vote only on the basis of the Election ID and as their name and photograph will be there in the voters slip issued by the Election Commission and hence, the chance of impersonation and bogus voting would be practically nonexistent.

4. Sri. Bimal K. Nath and Sri. K.P.Harish, the learned Senior Government Pleaders, submitted that though the election is being held under the supervision of the Election Commission, all support as required by the Commission has been extended by the State. The District Election Officers as well as the observers and other high level officers of the State are closely monitoring the election and as and when fresh inputs are received, the concerned officers shall initiate action and ensure that no person or group of persons interfere with the free and fair conduct of the election. In the event of any deficiency or irregularity being pointed out by the Election Commission, the same would be corrected and no effort shall be spared. It is further submitted that if any of the candidates or their election agent faces any threat while canvassing the votes, it is for them to bring the fact to the notice of the Superintendent of Police concerned and the said officer shall look into the issue and if the threats are found genuine, they shall ensure that the lives of the candidates and their agent are protected. In those petitions where complaints have been lodged before the local police or the superior officers, the complaints shall be looked into and if the threat is found genuine, enough protection shall be granted upto the date of election so that they can canvas votes and reach the voters in a threat free manner.

5. I have carefully considered the submissions advanced and have meticulously gone through the statement as well as the records made available.

6. The 73rd and 74th Constitutional Amendments were passed by Parliament in December, 1992 and it was through these amendments that two new parts were added to the Constitution. The 73rd Amendment added Part IX titled "The Panchayats" and 74th Amendment added Part IXA titled "The Municipalities". The Local bodies–'Panchayats' and 'Municipalities' came under Part IX and IXA of the Constitution after 43 years of India becoming a republic. The Panchayats and Municipalities are "institutions of self-governments" and their seats are filled up in a democratic manner by direct elections.

7. From the records made available it appears that there are about 1200 local governments in Kerala, which includes 941 Grama Panchayats, 152 Block Panchayats, 14 District Panchayats, 77 Taluks, 87 Municipalities and 6 Municipal Corporations. The local bodies are responsible for implementation of various Centrally-sponsored, State-funded, and Externally-aided schemes for poverty alleviation, employment generation, sanitation, capacity building, women's social and economic empowerment apart from provision of basic amenities and services. In other words, under the Constitutional scheme, for a more effective development at the grassroot level, vast powers are granted to the local self government institutions. It is because of the effective involvement of well meaning people in the grassroot level that the Public Affairs Index published a few months back indexing the entire States in the country revealed that Kerala is the best-governed State. It needs no reiteration that it is in the interest of the citizenry that elections

to the local body are conducted in a free and fair manner and well meaning candidates, who are honest and competent, with integrity and good conscience, get elected to the local bodies. It is in order to effectuate the said purpose that an independent Election Commission has been constituted in each of the States in the Country for superintendence, direction and control of the electoral rolls. The duty cast upon the Election Commission to conduct and manage the election with the aid of the State Government machinery is onerous.

8. From the statement filed by the Election Commission, I am satisfied that the Election Commission, being fully aware of its responsibilities, have taken all measures possible to conduct the election in a free and fair manner. It is the duty of the officers of the State with particular emphasis to the police officers to aid the Election Commission to carry out its onerous responsibilities and to act with great alacrity and diligence. If both these stakeholders do their duty without fear and favour and in an unbiased manner, the citizenry will have continued faith in the democratic process and they shall make their way to the polling booth on election day and cast their votes so that the democracy in this country may thrive.

Police protection to the candidates and their election agents.

9. In the writ petitions, the petitioners seek for assistance of the police to do canvassing without any threat or violence. The learned Government Pleaders have submitted that the entire might of the police in the State have been deployed to ensure that elections are held freely and fairly. From the statistics it appears that about 1.68 lakhs persons have submitted nominations. It would not be possible for the police to extend protection to each and every candidate. However,

in those petitions, wherein the candidates or their election agent have submitted complaints complaining of threat before the police, the Superintendent of Police of the area shall take note of the threat perceptions and grant protection to the candidates and their agents. I have already recorded the submission of the standing counsel appearing for the Election Commission as well as the learned Senior Government Pleaders that no effort shall be spared to ensure a state of peace and calm in and around the polling booths on election day so that the voters can exercise their franchise in a free and fair manner.

Facility for webcasting and video recording of election proceedings

10. In most of the writ petitions, the petitioners have sought for videography of the election proceedings. The learned standing counsel has filed an additional statement wherein it is stated that 1800 polling stations have been identified as hypersensitive and in all those polling stations, webcasting facilities are being undertaken. 1100 polling stations are identified as sensitive and in all those polling stations, the Election Commission has already arranged for videography. Since the Election Commission has taken the decision to identify the polling booths on the threat perceptions and intelligence reports given by the police, this Court will not be justified in interfering with the discretion of the Election Commission and the high level officers of the State in that regard. Though ideally, videography ought to have been provided in all booths due to the resource limitations it would not be possible to undertake such an activity. However, the Election Commission has identified accredited videographers and the candidates will be at liberty to approach the District Electoral Officer and on

payment of necessary fees by the person as authorised by the candidate or his election agent, the Commission shall permit videography to be carried out. I also record the submission of the learned standing counsel appearing for the Election Commission that the categorisation of polling booths as sensitive or hypersensitive at this point of time is not final and inputs are taken every day upto the date of polling and if new threat perceptions or incidence of violence or any election malpractice is detected, those polling booths may be categorised as sensitive or hypersensitive. I am of the view that the undertaking given by the Election Commission before this Court would serve the purpose and no further directions are warranted.

Maintaining peace and tranquility on election day

11. In some of the writ petitions, the petitioners have sought for deployment of enough police personnel in and around the polling stations so that an atmosphere of calm is maintained there. They also say that on previous instances there have been incidents of violence. The learned standing counsel appearing for the Election Commission has emphatically stated before this Court that as per their directions, enough number of law enforcement officers specially trained for this purpose have been posted and they are satisfied with the arrangements made by the State. The learned Government Pleader has assured this Court that no efforts shall be spared to secure a state of calm in and around the polling stations so that the voters exercise their franchise with apprehension or fear. At the same time, it cannot be forgotten that even the Election Commission have categorised as many as 2900 polling stations as sensitive out of which 1800

stations are hypersensitive. In such polling stations, the administration shall take a zero tolerance stand on election malpractices and violence and enough police personnel shall be posted to ensure that not a single voter is deprived of his rights to exercise his/her franchise. Even in polling stations which have not been categorised as sensitive and in those cases wherein the candidates or the election agents are before this Court in these writ petitions, enough number of police personnel shall be posted to rule out any incidents of violence or election malpractice.

Prevent electoral malpractices such as impersonation and bogus voting

12. The grievance regarding impersonation and bogus voting though raised by the petitioners, such a possibility would be non existent as the issuance of valid voter IDs and the availability of the photograph of the voter in the voters slip and the provisions of the Act with regard to identification of voters would obliterate such issues. I also record the submission of the learned standing counsel appearing for the Election Commission that all measures have been taken to avoid bogus voting and impersonation and the provisions and other guidelines shall strictly be enforced. The videography and webcasting would also dissuade such impersonators from committing election malpractices.

13. Before parting I would like to reiterate the observations of their Lordships of the Division Bench of this Court in **Reghunath K.M. v. Inspector General of Police and Ors.** [2011 (3) KHC 614], when it said that peaceful polling and free and fair elections cannot merely be left to the Election Commission

or the police. It is for the members of the polity to realize the importance of exercise of franchise and to act with the sense of responsibility. This would include the political parties, their leaders and workers.

14. The petitioners are directed to produce a copy of the judgment before the District Police Chief concerned in those cases wherein they have sought for police protection for their lives. If their grievance is found genuine, the officer shall provide them effective protection from any threat or harassment as apprehended.

These writ petitions are accordingly disposed of recording the submissions of the learned standing counsel appearing for the Election Commission and the learned Government Pleaders and with additional directions which have been issued by this Court. This Court expects that the undertaking given before this Court shall be adhered to strictly so that elections to the LSG Institutions can be held in a free and fair manner.

Sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

PS

APPENDIX OF WP(C) 27237/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE REPRESENTATION DATED 3.12.2020 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT**

RESPONDENTS' EXHIBITS:

NIL

APPENDIX OF WP(C) 27256/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**PHOTOSTAT COPY OF THE COMPLAINT GIVEN TO THE 2ND RESPONDENT ON 2.12.2020 BY THE CONVENOR UDF, VENGAD PANCHAYAT COMMITTEE.**
EXHIBIT P2	**PHOTOSTAT COPY OF THE NEWS ITEM CAME IN THE MALAYALA MANORAMA DAILY DATED 3.12.2020.**
EXHIBIT P3	**PHOTOSTAT COPY OF THE NEWS ITEM CAME IN THE CHANDRIKA DAILY DATED 4.12.2020.**
EXHIBIT P4	**PHOTOSTAT COPY OF THE REPRESENTATION FILED BY 1ST PETITIONER BEFORE THE RESPONDENTS 1 TO 4 ON 2.12.2020.**
EXHIBIT P5	**PHOTOSTAT COPY OF THE REPRESENTATION FILED BY 2ND PETITIONER BEFORE THE RESPONDENTS 1 TO 4 ON 2.12.2020.**
EXHIBIT P6	**PHOTOSTAT COPY OF THE REPRESENTATION FILED BY THE 3RD PETITIONER BEFORE THE RESPONDENTS 1 TO 4 ON 2.12.2020.**
EXHIBIT P7	**PHOTOSTAT COPY OF THE REPRESENTATION FILED BY 4TH PETITIONER BEFORE THE RESPONDENTS 1 TO 4 ON 2.12.2020.**
EXHIBIT P8	**PHOTOSTAT COPY OF THE RECEIPT GIVEN BY THE POLICE FOR HAVING RECEIVED THE REPRESENTATION OF THE 1ST PETITIONER ON 2.12.2020.**
EXHIBIT P9	**PHOTOSTAT COPY OF THE RECEIPT GIVEN BY THE POLICE FOR HAVING RECEIVED THE REPRESENTATION OF THE 2ND PETITIONER ON 2.12.2020.**
EXHIBIT P10	**PHOTOSTAT COPY OF THE RECEIPT GIVEN BY THE POLICE FOR HAVING RECEIVED THE REPRESENTATION OF THE 3RD PETITIONER ON 2.12.2020.**
EXHIBIT P11	**PHOTOSTAT COPY OF THE RECEIPT GIVEN BY THE POLICE FOR HAVING RECEIVED THE REPRESENTATION OF THE 4TH PETITIONER ON 2.12.2020.**

RESPONDENTS' EXHIBITS:

NIL

APPENDIX OF WP(C) 27280/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE PHOTOCOPY OF THE CANDIDATE IDENTITY CARD ISSUED BY THE 2ND RESPONDENT RETURNING OFFICER TO THE 1ST PETITIONER.**
EXHIBIT P2	**TRUE PHOTOCOPY OF THE CANDIDATE IDENTITY CARD ISSUED BY THE 2ND RESPONDENT RETURNING OFFICER TO THE 2ND PETITIONER.**
EXHIBIT P3	**TRUE PHOTOCOPY OF THE LIST OF CANDIDATE CONTESTING IN THE WARD II PUBLISHED BY THE 2ND RESPONDENT RETURNING OFFICER.**
EXHIBIT P4	**TRUE PHOTOCOPY OF THE LIST OF CANDIDATE CONTESTING IN THE WARD I PUBLISHED BY THE 2ND RESPONDENT, RETURNING OFFICER.**
EXHIBIT P5	**TRUE PHOTOCOPY OF THE VOTERS LIST PUBLISHED BY THE 2ND RESPONDENT AS AGAINST THE WARD NO.I (DIVISION 1 AND 2)**
EXHIBIT P6	**TRUE PHOTOCOPY OF THE VOTERS LIST PUBLISHED BY THE 2ND RESPONDENT AS AGAINST THE WARD NO.II (DIVISION 1 AND 2).**
EXHIBIT P7	**A TRUE PHOTOCOPY OF THE COMPLAINT DATED 3/12/2020 GIVEN BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT.**
EXHIBIT P8	**A TRUE PHOTOCOPY OF THE COMPLAINT DATED 3/12/2020 GIVEN BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT.**
EXHIBIT P9	**TRUE PHOTOCOPY OF THE COMPLAINT PREFERRED BEFORE THE 2ND RESPONDENT DATED 3/12/2020 BY THE 1ST PETITIONER.**
EXHIBIT P10	**TRUE PHOTOCOPY OF THE COMPLAINT PREFERRED BEFORE THE 2ND RESPONDENT DATED 3/12/2020 BY THE 2ND PETITIONER.**

RESPONDENTS' EXHIBITS:

NIL

APPENDIX OF WP(C) 27284/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**THE TRUE COPY OF THE REPRESENTATION SUBMITTED ON BEHALF OF THE PETITIONERS HEREIN BEFORE THE 2ND RESPONDENT DATED 01/12/2020.**

RESPONDENTS' EXHIBITS:

NIL

APPENDIX OF WP(C) 27299/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**A TRUE COPY OF THE COMPLAINT DATED 05/12/2020 SUBMITTED BEFORE THE 1ST RESPONDENT.**
EXHIBIT P2	**A TRUE COPY OF THE COMPLAINT DATED 05/12/2020 SUBMITTED BEFORE THE 2ND RESPONDENT.**
EXHIBIT P3	**A TRUE COPY OF THE COMPLAINT DATED 05/12/2020 SUBMITTED BEFORE THE 3RD RESPONDENT.**
EXHIBIT P4	**A TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT FROM THE 2ND RESPONDENT.**

RESPONDENTS' EXHIBITS:

NIL

APPENDIX OF WP(C) 27368/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**A TRUE COPY OF THE COMPLAINT DATED 01/12/2020 SUBMITTED BEFORE THE 4TH RESPONDENT.**
EXHIBIT P2	**A TRUE COPY OF THE LETTER DATED 03/12/2020 SUBMITTED BEFORE THE 1ST RESPONDENT.**
EXHIBIT P3	**A TRUE COPY OF THE POSTAL RECEIPT.**
EXHIBIT P4	**A TRUE COPY OF THE COMPLAINT DATED 03/12/2020 SUBMITTED BEFORE THE 2ND RESPONDENT.**
EXHIBIT P5	**A TRUE COPY OF THE COMPLAINT DATED 03/12/2020 SUBMITTED BEFORE THE 3RD RESPONDENT.**

RESPONDENTS' EXHIBITS:

NIL

APPENDIX OF WP(C) 27389/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 5TH RESPONDENT, DATED 02/12/2020.**
EXHIBIT P2	**TRUE COPY OF THE FIRST INFORMATION REPORT, DATED 23/04/2019 IN CRIME NO.125/2019 OF PERINGOME POLICE.**

RESPONDENTS' EXHIBITS:

NIL

APPENDIX OF WP(C) 27397/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE CHIEF AGENTS IDENTITY CARD.**
EXHIBIT P2	**TRUE COPY OF THE PETITION FILED BY THE PETITIONER DATED 23.11.2020 BEFORE THE 4TH RESPONDENT.**

RESPONDENTS' EXHIBITS:

NIL

APPENDIX OF WP(C) 27415/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE CANDIDATE'S IDENTITY CARD DATED 27.11.2020 ISSUED BY THE RETURNING OFFICER, TALIPARAMBA.**
EXHIBIT P2	**TRUE COPY OF THE APPOINTMENT OF THE 2ND PETITIONER AS ELECTION AGENT APPROVED BY THE RETURNING OFFICER, TALIPARAMBA ON 27.11.2020.**
EXHIBIT P3	**TRUE COPY OF THE COMPLAINT DATED 24.11.2020 SUBMITTED BEFORE THE 2ND RESPONDENT.**
EXHIBIT P4	**TRUE COPY OF THE COMPLAINT DATED 24.11.2020 SUBMITTED BEFORE THE 3RD RESPONDENT.**
EXHIBIT P5	**TRUE COPY OF THE COMPLAINT DATED 24.11.2020 SUBMITTED BEFORE THE 5TH RESPONDENT.**

RESPONDENTS' EXHIBITS:

NIL