

(2020) 12 KL CK 0112

In the High Court Of Kerala

Case No : Writ Petition (Civil) No. 26407 Of 2020 (A)

Augustine Antony And Ors

APPELLANT

Vs

District Collector And District Election Officer And Ors

RESPONDENT

Date of Decision : 07-12-2020

Acts Referred:

Kerala Panchayat Raj Act, 1994 — Section 40A
Kerala Municipalities Act, 1960 — Section 96A

Citation : (2020) 12 KL CK 0112

Hon'ble Judges : Raja Vijayaraghavan V, J

Bench : Single Bench

Advocate : Blaze K. Jose, Judy Jose, Urmila Zacharia, K P Harish

Final Decision : Disposed Of

Judgement

1. A Society registered under the Charitable Societies Act was formed in the name and style as "Twenty 20 Association" by residents of

Kizhakkambalam Grama Panchayat with the avowed objective of promoting the overall economic and social development of the Kizhakkambalam

Grama Panchayat. They then ventured into politics and formed a political party by name "Twenty 20 party". The 1st petitioner is the General

Secretary of the Twenty 20 party and the petitioners 2 to 6 are the residents of Ward numbers 5, 6, 7, 8 and 11 respectively of the Panchayat.

2. The petitioners assert that the Society adopted various innovative measures with intent to promote the economic, social and welfare activities of the

residents of the Panchayat and being impressed with the work done by the Society, the Twenty 20 party was able to garner majority in the previous

elections held to the local bodies. The candidates of the Twenty 20 party have submitted their nominations to the LSGI election to be held in

December, 2020. Their grievance is that respondents 5 to 9, who are the local leaders of various political parties are raising threats to the voters as

well as the candidates put up by the Twenty 20 party. They contend that the party respondents have openly declared that the petitioners as well as the

new voters enrolled by them in the various Wards will not be allowed to cast their vote in the ensuing election to the panchayat.

3. Seeking intervention by the law enforcement agencies to protect the life of the petitioners and other voters and to ensure that the election is held in

a free and fair manner they have submitted Ext.P3 complaint before the respondents 1 to 4. The grievance of the petitioners is that no action has been

taken by the respondents. It is in the said circumstances that the petitioners have approached this Court seeking police protection to the life of the

petitioners and the voters in ward Nos. 5, 6, 7, 8 and 11 covered in the voters list to enable them to reach the polling station and to cast their valuable

vote.

4. 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 the free and fair conduct of the 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.

5. The learned Senior Government Pleader, on instructions, submitted that the complaint lodged by one K.M.Joseph was received by the official

respondents and after registering the same, the respondents 5 to 9 were summoned to the police station and their statements were recorded. The party

respondents have stated that they have no intention to intimidate any voter or to involve in any anti democratic activities. Sufficient warning has been

given to the said respondents to refrain from involving any unlawful activity or election malpractice. The District Police Chief has taken measures to

segregate the 82 booths within the limits of Kunnathunadu police station into five different groups for efficient patrolling and to avoid any untoward

incidents. Five group patrolling teams have been arranged to ensure that the election proceedings are held in a free and safe manner. Enough number

of police personnel have been deployed to patrol the whole area during the days leading to the election and on election day. It is also stated that a

striker party has been ordered to be present on the date of polling.

6. I have considered the submissions. It appears from the statement that all necessary steps have been taken by the official respondents to ensure that

peace and calm prevail at Kizhakkambalam during election day. No efforts shall be spared to ensure that the voters as well as the candidates feel safe

to travel to the polling station on election day without any fear or threat. Insofar as the maintenance of law and order in Ward Nos. 5, 6, 7, 8 and 11

covered in Ext.P3 voters list are concerned, I record the undertaking of the learned Government Pleader that all steps shall be taken to prevent any

incidents of violence or election malpractice on election day. If the petitioners or any other candidate/voter seeks individual protection for life, the 3rd

respondent shall consider the same and if the threat perception is considered real, the protection for life as prayed for shall be provided.

This petition is disposed of with the above directions.