
(2025) 10 KL CK 1333
In the High Court Of Kerala
Case No : Writ Petition (C) No. 40300 Of 2025

Balachandran V.V

APPELLANT

Vs

Kerala State Election Commission

RESPONDENT

Date of Decision : 29-10-2025

Acts Referred:

Constitution of India, 1950 — Article 226, 243E, 243E(3)(a), 243U(3)(a)
Kerala Panchayat Raj Act, 1994 — Section 45, 70
Kerala Municipality Act, 1994 — Section 101
Kerala Panchayat Raj (Conduct of Election) Rules, 1995 — Rule 39(1)

Citation : (2025) 10 KL CK 1333

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

Advocate : Jeleetta Gregory, Deepu Lal Mohan, Jessy S Salim

Final Decision : Disposed Of

Judgement

P.V. Kunhikrishnan, J.

1. The main apprehension raised in these writ petitions is that not all voters may be able to cast their votes at the polling booths set up by the Election Commission for the ensuing Local Self Government Institutions election 2025 in Kerala within the statutory time allotted for polling. I will discuss it in detail in this judgment.

2. In a democracy, if a voter reaches the polling booth but leaves the polling station without casting his vote upon seeing a long queue of voters, that is the death knell of democracy and reflects nothing but the failure of democracy. Long queues can be a barrier to voting, especially for those with limited time, mobility, or resources. The long wait may be due to inadequate polling booth infrastructure, insufficient staff, or poor management. In such situations, the voters may feel frustrated or disenchanted with the democratic process, leading them to abandon their right to vote. That is why I said that if such an apprehension arises in the mind of a single voter who is coming to a polling

booth, that will be the death knell of democracy.

3. First, I will narrate the facts in these two cases. WP(C) No.34746/2025 is filed by a 77-year-old senior citizen who is ambitious to cast his vote in Ward No.12 [part 1] of Velloor Grama Panchayat, Kottayam District. According to the petitioner, he and his family, consisting of more than 100 voters, are registered in the said electoral ward. The grievance of the petitioner arises from the decision of the State Election Commission, as evident from Ext.P3, which restricts each polling station to only one polling booth and leaves the system of auxiliary booths unmentioned. According to the petitioner, in local body elections, every voter has to cast three votes, and therefore, in a station with 1,000 voters, effectively 3,000 votes are to be polled. It is submitted that practical experience shows it is not possible to complete such polling within 12 hours if only one booth is provided, which may result in the denial of the right to vote for a large section of the electorate. It is stated that the petitioner, being a senior citizen with health issues, and similarly placed voters, including women, aged persons, and differently abled citizens, would be put to severe hardship and discrimination if this procedure is adopted by the Election Commission. The petitioner submitted Ext. P2 representation to the election commission, but there is no response. Hence, WP(C) No.34746/2025 is filed.

4. The petitioner in WP(C) No.40300/2025 is an active politician and a resident of Porkulam Grama Panchayat in Thrissur District. He is also the President of Porkulam Mandalam Congress Committee in Porkulam Grama Panchayat. The petitioner is aggrieved by the reduction in the number of polling booths due to the Election Commission's cap of 1200 voters per polling booth, which, according to him, is contrary to the provisions of Section 45 of the Kerala Panchayat Raj Act, 1994. The reduction in polling booths will result in hardship for the voters in exercising their franchise during the Panchayat Election, is the submission. According to the petitioner, the primary duty of the Election Commission is to make arrangements for free and fair elections, and the authorities are bound to provide a sufficient number of booths, especially for senior citizens and differently-abled persons who would be most affected by overcrowding. Hence, this writ petition is filed with a prayer to issue a direction to the respondents to take immediate steps for allotting extra polling booths or auxiliary polling booths in each ward of the Porkulam Panchayat, proportionate to the number of voters in each ward.

5. Heard Advocate Kaveri S Thampi and Advocate Jeleetta Gregory, the learned counsels for the petitioners and Advocate Deepu Lal Mohan, the learned Standing Counsel for the State Election Commission. I also heard the learned Government Pleader.

6. The counsel for the petitioners reiterated the contentions raised in these writ petitions. The Standing Counsel appearing for the Election Commission argued the matter on the basis of the statement filed on behalf of the respondents. The Standing Counsel submitted that the present term of all Local Self Government

Institutions in Kerala (except Mattannur Municipality) is due to expire on 20.12.2025. Therefore, by the mandate of constitutional provisions, elections to constitute Panchayats and Municipalities are to be completed before the expiry of the duration of the present term of all local bodies. The Standing Counsel also submitted that in the light of Section 45 of the Kerala Panchayat Raj Act and Section 101 of the Kerala Municipality Act, the State Election Commission has issued guidelines to all District Election Officers in the matter of setting up of polling stations. Ext.R1(a) produced along with the statement filed in WP(C) No.34746/2025 is relied on. According to the Standing Counsel, as per Ext.R1(a), polling stations are to be identified and finalized, and accordingly, the Secretary of Grama Panchayat, Municipal Council and Municipal Corporation concerned were entrusted with the duty of identifying polling stations for constituencies/wards in accordance with the guidelines provided in Ext.R1(a) and to prepare a list of polling stations thus. It is submitted that, as per Ext.R1(a) guidelines, the secretaries of the local body concerned ought to convene a meeting of political parties and to secure concurrence for the list of polling stations and also that the minutes of the meeting are to be recorded. The list of polling stations is to be submitted for approval in the Performa provided in Ext.R1(a) before the District Election Officer concerned, along with the certificate certifying that the list of polling stations has been prepared after field verification, is the submission. It is submitted that as per Ext.R1(a) guidelines, the State Election Commission had directed setting up a polling station for a group of voters not exceeding 1300 in the case of a Panchayat constituency and 1600 in the case of a Municipality ward and it was also directed to ensure that a polling station is located within a radius of 2km from the residence of a voter. But, it is submitted that pursuant to the summary revision of the electoral roll of local self government institutions in the State and publication of the final electoral roll on 02.09.2025, as per Ext.P3 in WP(C) No.34746/2025, the State Election Commission, on assessment of the statistics of voters available as per the final electoral roll published on 02.09.2025, issued additional directions to the District Election Officers concerned for rearranging the polling stations, wherein it has been directed to provide a polling station for a group of voters not exceeding 1200 in the case of a Panchayat constituency and 1500 in the case of Municipality ward. Further, it is submitted that, if the number of voters in a constituency/ward exceeds 1200/1500, more polling stations will be set up in the constituency/ward by bifurcating or trifurcating the electoral roll into different parts so that no voter would have to travel more than 2 km to reach the polling station, is the submission. It is also submitted that the State Election Commission has determined the voter count as 1200, of a polling station where three-tier Panchayat elections are held, after duly assessing the time lag for recording a vote by a voter, and hence the petitioner's apprehension that, considering the present voter count, it is not possible to complete polling within the hours of polling statutorily fixed under Section 70 of the Kerala Panchayat Raj Act is baseless, is the submission. It is also submitted that the proviso to Rule 39(1) of the Kerala Panchayat Raj (Conduct of Election) Rules, 1995 specifically

mandates that all electors present at the polling station before it is closed have to be given necessary identity slips by the Presiding Officer, and they shall be allowed to cast their votes. The Standing Counsel also submitted that the voter count for a polling station during the 2015 General Election to local bodies was 1,100 for the Panchayat election and 1,500 for the Municipality election, and the hours for polling during the 2015 General Election were from 7:00 AM to 5:00 PM. During the 2020 General Election to local bodies, even with the introduction of safety protocols due to the COVID-19 Pandemic, such as social distancing, use of face masks, application of sanitiser, wearing of PPE Kit, etc., the voter count per polling station was 1200 for the Panchayat election and 1500 for the Municipality election, is the submission. It is also submitted that, as per the amended Section 70 of the Kerala Panchayat Raj Act, the hours of polling are extended by one hour, i.e., from 7:00 AM to 6:00 PM. Hence, it is submitted that the Election Commission has made all arrangements for the voters to cast their votes, and therefore, no apprehension from the side of the petitioners is necessary.

7. This Court considered the contentions of the petitioners and the Standing Counsel for the Election Commission. Section 45 of the Kerala Panchayat Raj Act, 1994 is extracted hereunder:

"45. Provision of polling stations. - The District Election Officer shall, with the previous approval of the State Election Commission, provide sufficient number of polling stations for every Panchayat within his jurisdiction, and shall publish in such manner as the State Election Commission may direct a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided."

8. Section 101 of the Kerala Municipality Act, 1994 is also extracted hereunder:

"101. Provision of polling stations.- The District Election Officer shall, with the previous approval of the State Election Commission, provide sufficient number of polling stations for every Municipality within the area of his jurisdiction, and shall publish in such manner as the State Election Commission may direct, a list showing the polling stations so provided and the polling areas or group of voters for which they have respectively been provided."

9. It is true that the statute does not prescribe any specific norm for fixing the number of polling stations, except that there should be a sufficient number of polling stations for every Panchayat and Municipality and that the list of polling stations shall be published with the previous approval of the State Election Commission. According to the statement filed by the State Election Commission, one polling station is provided for a group of voters not exceeding 1,200 in a Panchayat constituency and 1,500 voters in a Municipality ward. It is submitted that if the number of voters in a constituency/ward exceeds 1200/1500, as the case may be, more polling stations will be set up in the constituency/ward by bifurcating or trifurcating the electoral roll into different parts, is the submission.

However, if 1,200 and 1,500 persons are taken as the cap on the number of voters in one polling station in the panchayat and municipality, respectively, and if all voters were to come and cast their votes, would it be practical to give time for voters to exercise their right to vote? That is the question. Admittedly, for elections to Panchayat wards, a voter has to cast three votes. The election time, as per statutory provision, is from 7:00 AM to 6:00 PM. That means 11 hours are given for voting. 11 hours means 660 minutes (11 hours x 60 minutes). Admittedly, there will be 1200 voters at each polling station in a Panchayat. If 660 minutes are given to 1,200 voters, each voter will get only 30–40 seconds to cast their vote (660/1200). The situation in a booth attached to the Municipality will also be the same. The Election Commission assumes that not all 1,200 voters will come to cast their vote, which is a common practice in earlier elections. Such an assumption is not acceptable in a democratic election. The Election Commission should expect that all 1200/1500 voters allotted to the polling booth of the Panchayat and Municipality will come to cast their vote, and necessary arrangements should be provided. As far as the voting procedure is concerned, when voters enter the booth, they must be identified, sign the register, and cast their vote at the voting machine. It is practically impossible for a voter to cast a vote after following the above procedure within 30 to 40 seconds. Therefore, 1200/1500 voters per booth in the Panchayat and Municipality is not practicable.

10. But whether this Court can interfere with it now is the question. As stated by the Election Commission, the present term of all Local Self Government Institutions in Kerala is due to expire on December 20, 2025. Going by the mandate of Article 243-E(3)(a) and Article 243-U (3)(a) of the Constitution of India, elections to constitute Panchayats and Municipalities are to be completed before the expiry of the duration of the present term of all local bodies. The Apex Court in *Kishansing Tomar v. Municipal Corporation of the City of Ahmedabad and others* [(2006) 8 SCC 352] held that it is mandatory under Article 243-E of the Constitution of India to see that the Panchayats are constituted before the expiry of their duration of 5 years. In *AKM Hassan Uzzaman v. Union of India* [(1982) 2 SCC 218], the Apex Court observed like this:

"Though the High Court did not lack the jurisdiction to entertain the Writ Petition and to issue appropriate directions therein, no High Court in the exercise of its powers under Article 226 of the Constitution should pass any orders, interim or otherwise, which has the tendency or effect of postponing an election, which is reasonably imminent, and in relation to which its writ jurisdiction is invoked. The imminence of the electoral process is a factor which must guide and govern the passing of orders in the exercise of the High Court's writ jurisdiction. The more imminent such process, the greater ought to be the reluctance of the High Court to do anything, or direct anything to be done, which will postpone that process indefinitely by creating a situation in which the Government of a State cannot be carried on in accordance with the provisions of the Constitution. ... The High Courts must observe a self-imposed limitation on their power to act under Article 226, by refusing to pass orders or give directions which will inevitably result in

an indefinite postponement of elections to legislative bodies, which are the very essence of the democratic foundation and functioning of our Constitution."

(underline supplied)

11. In the light of the above judgment of the Apex Court and in the light of the fact that the elections are to be completed before 20.12.2025, I am forced to say that this Court cannot interfere now, which will affect the election itself. If this Court interfere at this stage and issues a direction to allot additional booths, it will interrupt, obstruct and delay the election process. For that reason alone, I will not interfere. But the grievance raised by the petitioners is very serious. In future elections, the State Election Commission should seriously consider this and arrange a sufficient number of polling booths to ensure that all voters have adequate time to cast their votes. The Election Commission cannot assume that all voters will not come to cast their vote, and therefore, a 1200/1500 voter cap can be fixed in one booth. The Election Commission should make the necessary arrangements in the future, expecting that all voters will come to cast their votes and they will have sufficient time to cast their vote.

12. But I cannot stop there, and some directions are necessary. The commission should take the steps required to ensure that voters cast their votes without difficulty in the upcoming election. The Election Commission should see that a queue management system with seating arrangements is made for all voters. It should be arranged in all polling booths in the state for the 2025 election itself. Almost all booths are arranged in schools and educational institutions. Therefore, benches or chairs can be arranged for sitting in the queue system itself. Those who want to sit can sit, and those who want to stand should also be allowed to do so without changing the queue system. Drinking water should be provided to voters whenever necessary. The voters are the superstars of democracy. Therefore, they should be respected and treated well in the booth.

13. Before concluding, this Court has to take note of another difficulty faced by the voters. Nowadays, in all polling booths, there will be long queues to cast their votes. Some voters may skip their right to vote after seeing long queues at polling booths for various reasons. That is why I said at the earlier stage itself that if a single voter decides to leave the polling booth without casting a vote upon seeing the long queue, that would be a massacre to democracy. The technology has improved significantly now. This Court requested Mr Ishaque K.V., Principal Technical Officer, IT Technical Cell, High Court of Kerala, to find out whether anything can be done to reduce the voters' queue by creating a mobile application. He submitted a proposal to implement the Voter Queue Monitoring and Management System. It will be better to extract the same:

"Proposal for Implementation of Voter Queue Monitoring and Management System

During elections, voters often face long waiting times at polling stations. Senior citizens, women, persons with disabilities, and working individuals face particular difficulty due to these delays. Many voters cannot know in advance how crowded

their polling station is, causing inconvenience and sometimes discouraging them from voting. To address this, it is proposed to implement a Voter Queue Monitoring and Management System that allows voters to see real-time queue information before reaching the polling booth.

The main objective is to make the voting process easier, transparent, and convenient. By providing real-time queue information, voters can plan their visit, avoid overcrowding, and vote without undue hardship. The system will also help election staff manage crowds effectively and maintain smooth polling operations.

1 Data Entry at Polling Booth Level

A mobile app(Google Play Store (Android) and Apple App Store (iOS)) shall be provided to designated polling booth staff for updating queue information. The appointed officers will:

Enter the details of each voter while they join the queue

Update the count when a voter completes voting, which may be done by another officer inside the booth after the voter has finished voting.

2 This ensures that the public-facing app and website display accurate, real-time information. Only authorized booth staff will have access to this data-entry function to maintain security and prevent misuse.

3 Mobile App and Web App for Public Use To provide easy access to queue information for voters:

Mobile App and Web App:

A mobile application will be made available on Google Play Store (Android) and Apple App

Store (iOS).The same information will be available via the Election Commission website via web application

Voters can open the app and either enter their Voter ID number or select their District ? Local Body (Corporation/Municipality/Panchayat) ? Ward ? Polling Booth.

The app will display:

? Number of people currently waiting in the queue.

? Approximate waiting time, calculated from previous voter data and current voting pace.

? Last updated time, to show how recent the information is.

? The system will also calculate approximate waiting time using historical data from that booth and current real-time updates.

? Display an average time each voter takes to vote in a particular booth.

This helps voters estimate waiting time more accurately and plan their visit better.

4 Notification Alerts

? Voters can select one or more polling booths where they want to receive updates.

? Once selected, the system will send push notifications or SMS alerts when:

? The queue length decreases or increases at that booth.

? The booth becomes less crowded, allowing the voter to plan their visit conveniently.

? Voters can change or cancel their notification preferences anytime through the app or website.

5 Multi-Language Support

? Provide the app and website in multiple local languages so everyone, including rural voters, can access it easily."

14. I record my deep appreciation to Mr Ishaque K.V., Principal Technical Officer, IT Technical Cell, High Court of Kerala, for submitting such a proposal within two days, when I requested him. I am of the considered opinion that the State Election Commission should consider developing such a mobile application in consultation with the stakeholders. The above proposal need not be adopted if better proposals are available. I extracted the above proposal only to show that it is possible to develop such an app. Before visiting the booth, voters should be aware of the queue length at each polling station so that they can start from their house after verifying the number of people in line. That will reduce the queue system and ensure that all voters can cast their vote without wasting time standing in long queues at the polling station. It will be an innovative move by the Election Commission if adopted. Keralites are the forerunners in all such innovative measures. Let the Kerala State Election Commission take the initiative to create such a Mobile App so that every voter can start from their home and reach the polling station, after verifying the number of people in the queue in front of each polling booth. Therefore, the creation of the application will be undertaken immediately, in consultation with stakeholders, by the State Election Commission for the upcoming election itself.

15. This court observed about the history of democracy in *Peter Myaliparampil v. Union of India and Another* [2022 (1) KHC 87], like this:

"15. The beauty of the Indian democracy is described by our Father of Nation - Mahatma Gandhi in a beautiful manner. I heard this story from a speech of a public speaker, which is available on the internet. When a small child asked Bapuji about the definition of democracy, Bapuji replied to the child saying that democracy is a running race and who became first will lead the country. But,

Bapuji also reminded that if there is no loser, there is no winner and the winner should always remember that if there is no loser, he will not become the winner. What a beautiful interpretation of democracy.”

The spectators of the above running race are the voters who cast their votes in the election. Their applause should be expressed by exercising their right to vote. If all the voters clap and encourage the contestants, and, of course, if they extend their congratulations to both the winners and losers, that will truly reflect the beauty of our democracy and serve as a salute to our Father of the Nation, Mahatma Gandhi. Therefore, the State Election Commission shall ensure that the directions in Paragraphs 12 and 13 of this judgment are implemented forthwith, so that all voters are able to exercise their right to vote in the ensuing election.

With the above directions and observations, this writ petition is disposed of.