

(2024) 10 KL CK 0098

High Court Of Kerala

Case No: Writ Petition (C) No.36814 Of 2024

G.R. Ajith

APPELLANT

Vs

Returning Officer/Office
Inspector

RESPONDENT

Date of Decision: Oct. 18, 2024

Acts Referred:

- Kerala Co Operative Societies Rules 1969 Rule 35A(6)(n)(ix)

Hon'ble Judges: N.Nagaresh, J

Bench: Single Bench

Advocate: Nisha George, George Poonthottam, Anshin K.K, C.M. Nazar

Final Decision: Disposed Of

Judgement

N.Nagaresh, J

1. The petitioner is the President of Police Co-operative Society Limited, Thiruvananthapuram which is a Primary Co-operative Society. Election to the Managing Committee of the Society is scheduled to be held on 19.10.2024. It has come to the notice of the petitioner that the rival factions are

directing the voters to take photographs of the ballot paper after casting their vote, so as to ensure that the said members cast their vote in favour of

the rival panel.

2. Use of electronic devices inside the booth is not permitted in any election. However, the Returning Officers in Co-operative elections are permitting

the voters to carry electronic devices. Aggrieved by this, the petitioner has approached before this Court filing W.P.(C) No.35970 of 2024.

Considering the apprehensions raised by the petitioner and taking note of the fact that election is to a Co-operative Institution of policemen, this Court has passed a judgment directing State Co-operative Election Commission and the Returning Officer to prevent use of mobile phones for the purpose of communication or photography by the voters inside the polling booth and also directed the Director General of Police and the Commissioner of Police, Thiruvananthapuram City to ensure that there is no unnecessary gathering of persons near and around the polling station on the date of poll.

3. However, the respondent-Returning Officer is not appreciating the directions contained in Ext.P2 judgment passed by this Court. Even after Ext.P2 judgment, the Returning Officer is acting in an arbitrary manner favouring the rival faction. Considering the above mentioned facts, the petitioner has submitted a request before the respondent to videograph the entire polling process especially outside the polling station and inside the polling booth without compromising the secrecy of the election process. Matter being so, no confirmation has been received from the Returning Officer regarding the videography of the entire polling process and also with regard to the installation of cameras inside the polling booth to verify the use of mobile phones without compromising the secrecy of election process, contends the petitioner.

4. The petitioner approached this Court earlier filing W.P.(C) No.35970 of 2024. The said writ petition was disposed of by this Court directing that respondents 3 and 4 shall ensure that there is no unnecessary gathering of persons near and around the polling station on the date of poll. Respondents 1 and 2 were directed to prevent use of mobile phones inside the polling booth. It was also directed that voting should be permitted strictly following the requirements of Rule 35A(6)(n)(ix) of the Kerala Co-operative Societies Rules.

5. In the writ petition, the petitioner would contend that though this Court has passed orders in W.P.(C) No.35970 of 2024 restricting use of mobile phone within the polling booth for a fearless and free election, it is necessary that the entire election process is videographed. For that purpose, it is necessary that Returning Officer install cameras inside the polling booth to verify the use of mobile phones without affecting the secrecy of the

election to the Managing Committee of the Society. The Returning Officer should be directed to install CCTV cameras.

6. I have heard the learned counsel for the petitioner and the learned Standing Counsel representing the respondent.

7. Considering the fact that the election is going to be held in the Police Co-operative Society Limited, I am of the view that it would be only

appropriate that the election process is videographed appropriately.

In the circumstances, the writ petition is disposed of directing the respondent-Returning Officer to videograph the entire election process of the Police

Co-operative Society Limited, Thiruvananthapuram at the expense of the petitioner.