



Petition to Poll Results

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Why in News

Recently, the West Bengal Chief Minister has filed **an election petition** in the Calcutta High Court challenging the **Assembly election result** of Nandigram constituency.

Key Points

- **Election Petition:**
 - The **Election Commission's role ends with the declaration of results**, after that, an **election petition is the only legal remedy** available to a voter or a candidate who believes there has been malpractice in an election.
 - Such a person **can challenge the result through an election petition submitted to the High Court** of the state in which the constituency is located.
 - Such a petition **has to be filed within 45 days from the date of the poll results**; nothing is entertained by courts after that.
 - Although the **Representative of the People Act (RP Act) of 1951** suggests that the High Court should try to conclude the trial within six months, it usually drags on for much longer, even years.
- **Grounds on which Election Petition be Filed (Section 100 of the RP Act):**
 - On the day of the election, the **winning candidate was not qualified** to contest.
 - The winning candidate, his poll agent or any other person with the consent of the **winning candidate has indulged in a corrupt practice**.
 - Improper acceptance of the nomination of the winning candidate or **improper rejection** of a nomination.
 - **Malpractice in the counting process**, which includes improper reception, refusal or rejection of any vote, or the reception of any vote which is void.
 - **Non-compliance with the provisions of the Constitution or the RP Act** or any rules or orders made under the RP Act.

- **If Verdict is in favour of the Petitioner (Section 84 of the RP Act):**
 - The petitioner may ask that the **results of all or the winning candidates may be declared void.**
 - In addition to that, the **petitioner may also ask the court to declare her** (in case the petition is filed by a candidate) or any other candidate as the winner or duly elected.
 - So the verdict on an election petition, if found in favour of the petitioner, **may result in a fresh election or the court announcing a new winner.**
- **History of Election Results Declared Void:**

The most famous being the **Allahabad High Court verdict of 1975** which set aside **Indira Gandhi's election** from Rae Bareli constituency, four years earlier, on grounds of corrupt practice.

Provisions under RP Act 1951

- It **regulates the actual conduct** of elections and by-elections.
- It provides **administrative machinery** for conducting elections.
- It deals with the **registration of political parties**.
 - **Section 123 of the RP Act** has a detailed list of what amounts to corrupt practice, including **bribery, use of force or coercion, appeal to vote or refrain from voting** on grounds of religion, race, community, and language.
- It **specifies the qualifications and disqualifications** for membership of the Houses.
- It provides **provisions to curb corrupt practices** and other offences.
- It lays down the **procedure for settling doubts and disputes** arising out of elections.

Source: IE