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Expert Explains | On repolls, voided polls, adjournments: What EC can do in case normal polling process is disrupted

Although it is not usual for the normal electoral process to be disrupted, the detailed provisions in the electoral framework ensure that each vote is counted accurately, and that elections reflect the true will of the people.

Written by Ravi Mittal

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A view of a polling station that was damaged by a crowd during the first phase of the general election, in Khurai in Imphal East, Manipur, India, April 19, 2024. (REUTERS)

The Election Commission of India (EC), under Sections 58(2) and 58A(2) of the Representation of People Act, 1951 (RPA), declared void the poll on April 19, [in 11 polling stations of Manipur](#), and 8 polling stations of Arunachal Pradesh. Repolls were conducted on April 22 and April 24 respectively.

Elections were also adjourned in [Madhya Pradesh](#)'s Betul Lok Sabha constituency due to the death of a candidate on April 9. The polling, originally scheduled on April 26, will now be held on May 7.

India's election laws provide a framework for handling situations where the normal polling process is disrupted for any reason, including damage to EVMs, booth-capturing, natural disasters, or a candidate's death. The provisions for repolls, adjournments, and the voiding of polls ensure that the democratic process remains fair, transparent, and uninterrupted.

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Here is a quick rundown of some circumstances when the normal polling process is disrupted — and the options before the EC in each case.

Intentional destruction, taking away of EVMs

Under Section 58 of the RPA (‘Fresh poll in the case of destruction, etc., of ballot boxes’), the EC can declare the poll at a polling station to be void if:



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- a. an unauthorised person has unlawfully taken away any EVM;
- b. any EVM has been accidentally or intentionally destroyed, or lost, or damaged, or tampered with; or

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- c. a mechanical failure develops in any EVM during the recording of votes.

In such cases, the Returning Officer (RO) immediately informs the EC and the Chief Electoral Officer of the state about the relevant facts and material circumstances, after considering which, the EC can declare the poll void and formally fix the date and time for a new poll.

The contesting candidates or their election agents are then informed, in writing. A notice is also posted in public places along with an announcement by the beat of the drum in the polling area to inform the voters. All electors will be allowed to vote at the fresh poll. During the repoll, the voters' left middle fingers are inked to distinguish between the mark made during the original poll (on their left forefinger).

Booth capturing

Booth-capturing, defined in Section 135A of the RPA, includes all or any of the following activities by any person or persons:

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- a. seizure of a polling station, affecting the conduct of elections;
- b. taking possession of a polling station, allowing only his or their supporters to vote;
- c. intimidating or threatening any elector and preventing him from going to the polling station;
- d. seizure of a counting place affecting the counting of votes;

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- e. involvement of any person in government service in any of the above activities.

Booth capturing is punishable for a term of not less than one year, which may extend to three years for lay people, and not less than three years, extending to five years for government servants.

Under Section 58A ('Adjournment of poll or countermanding of election on the ground of booth capturing') in case booth capturing has taken place at a polling Station, the Presiding Officer of a

polling station immediately closes the Control Unit of EVM and detaches the Ballot Unit(s) from the Control Unit under Rule 49X of the Conduct of Election Rules, 1961.

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He then informs the RO, who reports the full facts to the EC through the fastest means of communication. The EC, based on the material facts, may

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- a. declare the poll at that polling station to be void and direct a fresh poll on a new date; or
- b. countermand the election in the constituency in case booth capturing has taken place in a large number of polling stations, or if it has affected the counting of votes.

Natural disasters, other disruptions to polling

The Presiding Officer of a polling station can adjourn the poll at a polling station under section 57(1) of the Representation of the People Act, 1951, in case of:

- a. a natural calamity like a flood, a severe storm;

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- b. non-receipt or loss or damage to essential polling materials like EVM, electoral roll etc;
- c. interruption or obstruction due to any riot or, open violence;
- d. non-arrival of the polling party due to obstruction or any other serious difficulty; or
- e. non-commencement of the poll within two hours from the scheduled time due to malfunctioning of EVM, or any other reason.

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After seeking the EC's approval on the date and hours, the adjourned poll will recommence from the stage at which it was left immediately before the adjournment. Contesting candidates or their agents are informed, and only electors who have not already voted before the poll was adjourned are permitted to vote.

Death of a candidate

As per Section 52 of RPA, amended in 1996, the poll shall be adjourned only in case of the death of a recognised political party's candidate. A "recognised political party" refers to either a recognised national party, or party recognised as a state party in the state concerned, for which the EC reserves a symbol under the Election Symbols (Reservation and Allotment) Order.

The above provision applies if the candidate with a valid nomination dies at any time after 11.00 a.m. on the last date for making nominations, until the commencement of the poll. The RO reports the fact to the EC and orders the adjournment of the poll to a date to be notified later by the Commission.

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The EC then calls upon the concerned political party to nominate another candidate for the said election in place of the deceased candidate. The political party must make the nomination within seven days. If the list of contesting candidates has already been published before the adjournment of the poll, a fresh list of contesting candidates is prepared and published, including the name of the candidate nominated in place of the deceased candidate.

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In Betul, the candidate's death occurred one day after the last day for withdrawing candidature. Therefore, the polls were adjourned. However, in the [Moradabad Lok Sabha constituency](#), the candidate died after voting, in which case a by-election will be held if he emerges as the winner of the seat after counting.

The author is the District Collector of Jashpur, [Chhattisgarh](#).

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