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News: HC declares void election of Left front MLA in Devikulam

- Defeated UDF candidate's plea said **Raja didn't belong to Scheduled Caste and he was a Christian**; court observed that he was not qualified to fill a seat which was reserved for another community.
- According to Indian constitution, **a person who doesn't belong to Scheduled Caste cannot stand in election from seats which are reserved for Scheduled Caste and seats those are reserved for Scheduled Tribes.**

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 Bareilly constituency, four years earlier, on grounds of corrupt practice.