



**RAMA
UNIVERSITY**

www.ramauniversity.ac.in

FACULTY OF JURIDICAL SCIENCES

COURSE: BALLB/BBALLB

SEMESTER SUBJECT:

ELECTION LAWS

SUBJECT CODE: BALLB

1004/BBALLB 1004

NAME OF FACULTY: PANKHURI SRIVASTAVA

Lecture-22



LECTURE 22: POLL: RELATED PROVISIONS

Chapter IV of Part V deals with the poll

56. Fixing time for poll.

The [Election Commission] shall fix the hours during which the poll will be taken; and the hours so fixed shall be published in such manner as may be prescribed: Provided that the total period allotted on any one day for polling at an election in 9 [a Parliamentary or Assembly constituency] shall not be less than eight hours.

57. Adjournment of poll in emergencies.—(1) If at an election the proceedings at any polling station provided under section 25 or at the place fixed under sub-section (1) of section 29 for the poll are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station or such place on account of any natural calamity, or any other sufficient cause, the presiding officer for such polling station or the returning officer presiding over such place, as the case may be, shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by a presiding officer, he shall forthwith inform the returning officer concerned.

(2) Whenever a poll is adjourned under sub-section (1), the returning officer shall immediately report the circumstances to the appropriate authority and the Election Commission, and shall, as soon as may be, with the previous approval of the Election Commission, appoint the day on which the poll shall recommence, and fix the polling station or place at which and the hours during which the poll will be taken and shall not count the votes cast at such election until such adjourned poll shall have been completed. (3) In every such case as aforesaid; the returning officer shall notify in such manner as the Election Commission may direct the date, place and hours of polling fixed under sub-section (2).

1 [58. Fresh poll in the case of destruction, etc., of ballot boxes.—(1) If at any election,— (a) any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the presiding officer or the returning officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the poll at that polling station or place cannot be ascertained; or 2 [(aa) any voting machine develops a mechanical failure during the course of the recording of votes; or] (b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station or at a place fixed for the poll, the returning officer shall forthwith report the matter to the Election Commission. (2) Thereupon the Election Commission shall, after taking all material circumstances into account; either— (a) declare the poll at that polling station or place to be void, appoint a day, and fix the hours, for taking a fresh poll at that

polling station or place and notify the day so appointed and the hours so fixed in such manner as it may deem fit, or (b) if satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election or that 5 [the mechanical failure of the voting machine or] the error or irregularity in procedure is not material, issue such directions to the returning officer as it may deem proper for the further conduct and completion of the election. (3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.