



भारत निर्वाचन आयोग

By Speed Post/E-mail

**ELECTION COMMISSION OF INDIA**

निर्वाचन सदन,  
अशोक रोड, नई दिल्ली-110001

Nirvachan Sadan,  
Ashoka Road, New Delhi-110001

**No. 495/WB-LA/ES-II/2026**

**Dated : 2<sup>nd</sup> May, 2026**

To

The Chief Electoral Officer,  
West Bengal,  
Kolkata.

**Subject :-** General Election to Legislative Assembly of West Bengal, 2026 – Forwarding of Order of the Commission on declaration of poll as void and conduct of fresh poll in all the polling stations in 144-Falta AC of West Bengal – regarding

Sir,

I am directed to forward herewith the Commission's Order of even number dated 02.05.2026, on the subject cited above and to state that the same may be published in an extraordinary issue of the State Government Gazette immediately.

2. You are requested to inform the Stakeholders and all other concerned authorities about the directions of the Commission.
3. You are also requested to take necessary action in accordance with the Commission's Order.

Yours faithfully,

**(SHAKTI SHARMA)  
UNDER SECRETARY**



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**Dated : 2<sup>nd</sup> May, 2026**

**Subject :-** General Election to Legislative Assembly of West Bengal, 2026 – Declaration of poll as void and conduct of fresh poll in all the polling stations in 144-Falta Assembly Constituency of West Bengal under Sections 58 and 58A read with section 135A of the Representation of the People Act, 1951 – regarding

**ORDER**

The Election Commission of India, vide its Press Note dated 15.03.2026, announced the schedule for the General Election to the West Bengal Legislative Assembly, 2026;

2. The Governor of the State of West Bengal by notification issued under sub-section (2) of section 15 of the Representation of the People Act, 1951 and published in the Gazette of West Bengal on 02.04.2026, called upon 142 Assembly Constituencies, including 144-Falta Assembly Constituency in the State of West Bengal to elect a member for the said Constituency for the purpose of constituting a new Legislative Assembly in the state.
3. In pursuance of the provisions of the Representation of the People Act, 1951, the Election Commission of India vide Notification dated 02.04.2026 appointed, with respect to the said election for 144-Falta Assembly Constituency, the 29<sup>th</sup> day of April 2026 as the date on which a poll shall, if necessary, be taken.
4. Poll was accordingly taken on 29<sup>th</sup> day of April 2026, as scheduled, at all the 285 polling stations including auxiliary polling stations in 144-Falta Assembly Constituency.
5. On 29.04.2026, during the course of polling, several media reports and television broadcasts reported that black adhesive tape/plastic material had been affixed on the Ballot Unit buttons corresponding to a particular political party in multiple Polling Stations of 144-Falta Assembly Constituency. Further, several complaints were also received by the Commission from political parties alleging voter intimidation, booth capturing and tampering of Ballot Units/EVMs.
6. After completion of polling on 29.04.2026, post-poll scrutiny of election records, including Form-17A and connected documents, was conducted on 30.04.2026 at Diamond Harbour Women's University by District Officer, Minority Affairs, South 24 Parganas & Returning Officer, along with the General Observer of 144-Falta Assembly Constituency. The observation of Returning Officer and General Observer are as below:-

*Subject: K. Mishra*

“The Observer has personally visited Polling Stations like 170, 171, 06, 22, 235 and 177 and was completely in the rounds around the AC various places observing the poll process. The RO, ARO and Observer together went to polling station number 06-Bankuntala FP school and observed that the poll process was peaceful and made entries in the visitor’s registers also. That was verified and scrutinized today in the scrutiny also. It applies to the other polling stations as well. There were allegations of affixing tape and scent, ink etc. but these acts whether happened or not but we can be certain that they never interfered in the process of ensuring free, secret, peaceful poll. That much is certain from the scrutiny of the documents like proceeding officers diary, 17A and certain other supporting documents”

7. In view of the gravity and magnitude of the complaints received during polling, the District Election Officer-cum-District Magistrate, South 24 Parganas and the Special State Observer reached Diamond Harbour Women’s University, the scrutiny venue examined the complaints, viewed available video footage and submitted a detailed report dated 01.05.2026 through the Chief Electoral Officer, West Bengal. The findings recorded in the said report are as follows :-

- During polling on 29.04.2026, several complaints were received through the Integrated Command and Control Room, Complaint Management System (CMS), representations from political parties/candidates and media reports alleging:
  - application of black adhesive tape/perfume on Ballot Unit buttons of EVMs in favour of/against particular political parties;
  - intimidation and obstruction of voters; and
  - physical, unauthorized and illegal presence of political party cadres inside Polling Stations.
- Upon reaching the scrutiny venue at Diamond Harbour Women’s University, Special Observer and District Election Officer found that Returning Officer (RO), had already completed scrutiny in the presence of the General Observer and submitted a report stating that there was no vitiation of the poll process. Upon examination of the scrutiny report, it appeared that the RO and General Observer had relied primarily on the Presiding Officer’s Diary and other prescribed election documents but had not considered complaints received on poll day or examined video footage from the polling stations.
- Soon thereafter, one of the contesting candidate from the said constituency and his election agent appeared and alleged that:

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- they had not been served written notice of scrutiny as required under ECI instructions;
  - only e-mail and WhatsApp communication had allegedly been made;
  - such omission was deliberate.
  - They also submitted a complaint addressed to the Police Observer by the President of the concerned Political Party's Diamond Harbour Organizational District, alleging application of black tape on ballot unit buttons, EVM tampering, booth interference in multiple polling stations under 144-Falta Assembly Constituency.
- Special Observer and District Election Officer directed the RO to produce video footage from the polling stations. However: several chips allegedly contained no recordings, some chips reportedly contained footage of Bihar elections, several cloud recordings were either unavailable or available only intermittently.
  - The Special Observer and District Election Officer noted a clear pattern of missing or unavailable recordings. The Police Observer informed the Special Observer that an atmosphere of fear prevailed in several areas; black tape had indeed been applied on ballot unit buttons in certain polling stations; in one polling station, tape had been recovered and an FIR lodged.
  - The District Election Officer (DEO), South 24 Parganas, also confirmed receipt of similar complaints from several areas of the constituency.
  - They thereafter examined Complaint Management System (CMS), Action Taken Reports (ATRs) and available cloud footage. Footage from 13 polling stations was downloaded and reviewed in detail. The examination revealed large-scale procedural violations, repeated companion voting, unauthorized entry into voting compartments, polling officials and polling agents entering voting compartments, false voting, intimidation of voters, missing or manipulated footage, non-compliance with secrecy of voting, unreliable or untruthful ATRs, widespread allegations of black tape/perfume being applied on ballot unit buttons.
  - The Special Observer and District Election Officer have examined the webcasting of the following polling stations and found that :-

<b>Polling Station Nos.</b>	<b>Findings from Video Footage / Records</b>
78, 80, 144, 160, 227, 228, 229, 233, 234, 235, 236, 237,	No complete video feed available for verification. ATRs of RO themselves indicated tampering of Ballot Units. Large gaps in footage. Multiple instances of voters' companions casting

*Subject Kr. Mishra*

238, 239, 240, 241, 242, 243, 244, 246, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261	votes, unauthorized persons entering voting compartments, polling officials entering compartments repeatedly, and procedural violations.
78, 80, 182	PS 78: Video footage missing for multiple time periods. Voters' companions cast votes; unauthorized person entered voting compartment. PS 80: 3rd Polling Officer repeatedly entered voting compartment and instructed voters; polling agent accompanied Presiding Officer into polling station; companion voting observed.
160	Multiple instances of companions casting votes on behalf of electors at different times.
229	No video footage available from start of poll till 3:41 PM.
144, 227, 231	PS 144: Polling officials repeatedly entered voting compartment; multiple persons inside compartment simultaneously. PS 227: Video unavailable from 7:22 AM to 1:39 PM; companions casting votes. PS 231: Missing clips during several intervals; companions casting votes; unauthorized person instructing voter near voting compartment.
245	Companions casting votes repeatedly; polling officials absent at one point from polling station.
235	Video missing from 10:55 AM to 11:59 AM; same person repeatedly entered voting compartment; two voters simultaneously inside compartment; unauthorized person allowed into voting compartment.
232	Two voters inside voting compartment together; companions voting; polling agent cast vote on behalf of voter.
247	Same person repeatedly entered voting compartment multiple times; two persons simultaneously inside voting compartment.
224	Extremely large number of instances where companions cast votes on behalf of voters throughout the day; multiple persons inside voting compartment; same individuals appeared to vote multiple times; polling agent repeatedly approached compartment and cast votes on behalf of voters.
226	Video unavailable for long periods between 11:00 AM-1:12 PM and 1:18 PM-4:43 PM.
230	Video footage missing from 11:00 AM to 2:30 PM; companions casting votes; unauthorized persons entering polling station.
225	Multiple instances of companions casting votes on behalf of electors.
161, 163	Video footage did not show any action by Sector Officer or Presiding Officer between receipt of complaint and ATR. ATRs appeared unreliable and untruthful.
182	Multiple instances of false voting by one woman and two men over extended periods during the day.
10, 76, 77, 99, 100, 118, 138, 140, 146, 156, 165, 186, 193, 218	RO failed to produce footage between 2:00 PM and 8:45 PM on 30.04.2026. Serious allegations of intimidation and voter obstruction remained unverified due to missing footage.

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Video footage unavailable from 11:05 AM to 1:15 PM, 1:28 PM to 1:38 PM and 3:04 PM to 3:22 PM. Observer noted atmosphere of fear even among election officials.
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8. Special Observer and District Election Officer observed that there were sufficient grounds to conclude that the poll process in several Polling Stations of 144-Falta Assembly Constituency was vitiated due to alleged application of black tape/perfume on Ballot Unit buttons. Their observations are summarized below:-

- a. Written notice of scrutiny, as required under ECI instructions, could not be shown to have been duly served upon the candidates.
- b. The RO and General Observer conducted scrutiny in the absence of a candidate who had raised several complaints, resulting in non-consideration of those complaints.
- c. Scrutiny was conducted mechanically and hurriedly by relying mainly on official records without proper examination of video footage. Examination of available footage revealed serious procedural violations attracting Section 58(b) of the Representation of the People Act, 1951.
- d. Despite several complaints received during polling on 29 April, detailed examination of events in the affected Polling Stations was not undertaken.
- e. ECINet poll percentage data showed that a substantial percentage of votes had already been cast before complaints were acted upon, indicating compromise of poll integrity. The 60 affected Polling Stations involved 53,967 electors.
- f. Considering the history of violence and intimidation and the partial/non-availability of footage, there appeared to be deliberate interference with the poll process.
- g. The 60 affected Polling Stations constituted over 21% of the total Polling Stations and involved 22.82% of the electorate. The Observer concluded that booth capturing, within the meaning of Section 135A of the Representation of the People Act, 1951, had taken place.
- They further opined that similar incidents may have occurred in other Polling Stations as well and that large-scale booth capturing had materially affected the election process. Accordingly, counting of votes was stopped under Section 20B(2) of the Representation of the People Act, 1951 and the matter was referred to the Election Commission of India for appropriate action under Sections 58A and 64A of the Act.

9. In the above mentioned report, it has been explicitly mentioned that the Polling Button on the Ballot Units of the Electronic Voting Machines (EVMs) were found masked with Black Masking Tapes. As a result of this, it was not possible for the electors to cast vote in favour of the candidate of his choice. While remedial steps were taken upon receipt of complaints, a substantial percentage of polling had already taken place by then as 17.14% votes had been cast by 9 am; 38.33% by 11 am; 58.04% by 1 pm; 74.86% by 3 pm and 86.71% by 5 pm. The Complaints were received between 01:15 PM to 04:10 PM and Action Taken Reports were sent at various periods after that.

10. As per the above report, Electronic Voting Machines (EVMs) in as many as 60 polling stations were found to have been tampered with in the above noted manner. These 60 Polling Stations amounted to 21% of the total number of Polling Stations in the Constituency,

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i.e. 285 Polling Stations. As many as 22.82% electors, i.e. 53967 out of the total 236444 electors were enrolled for voting at these Polling Stations. Therefore, this tampering with the EVMs had compromised the integrity of the votes recorded and made it impossible to ascertain the mandate of the electorate. Moreover, the reports have also indicated that the possibility that similar events have happened in other Polling Stations also cannot be ruled out as video footage for most of the polling stations were either not available or available with intermittent periods of time.

11. The above mentioned report has also pointed out that the Polling Button on the Ballot Units of the Electronic Voting Machines (EVMs) were found to have been marked with perfumes to identify the electors who voted for a particular candidate fielded by a particular party.

12. The State Observer, West Bengal has issued a direction in terms of Section 20B(2) of the Representation of the People Act, 1951 to the Returning Officer for 144-Falta Assembly Constituency to stop counting of votes and has further recommended re-poll in 144-Falta Assembly Constituency. The Chief Electoral Officer, West Bengal, while forwarding the aforesaid report, has concurred with the findings of the State Observer and the District Election Officer, South 24-Pargarnas and recommended the countermanding of the election in 144-Falta Assembly Constituency under section 58A of the Representation of the People Act, 1951.

13. The tampering of EVMs by applying Black Masking Tapes on the EVMs to prevent casting of vote in favour of a particular candidate and application of scent and ink etc. on the polling buttons of the Balloting Units of EVMs etc. constitutes a severe electoral offence and a subversion of the democratic process.

14. Section 135A of the RP Act, 1951, deals expressly with the offence of booth capturing and associated electoral violations. The explanation provided under Section 135A defines 'booth capturing' to include the seizure of a polling station, making polling authorities surrender the voting machines, and "doing of any other act which affects the orderly conduct of elections". The organized tampering of EVMs by the application of Black Masking Tapes and the unauthorised and illegal presence of political party cadres inside polling stations falls squarely under the purview of activities that vitiate the orderly conduct of the poll making it impossible to ascertain the mandate of the electorate.

15. Further, Section 58 of the Representation of the People Act, 1951, provides for a fresh poll in cases where voting machines are damaged, tampered with or where any irregularity in procedure is committed at a polling station to such an extent that the result of the poll cannot be ascertained. The provision empowers the Election Commission to declare the poll at such polling station void and to order a fresh poll after considering the material circumstances. The

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deliberate masking and obstruction of polling button of the candidate in EVM through Black Masking Tapes clearly constitutes tampering and procedural irregularity that vitiates the poll within the meaning of Section 58.

16. In addition, Section 58A of the Representation of the People Act, 1951, lays down the procedure for adjournment or countermanding of elections in cases of booth capturing. Section 58A mandates that where booth capturing has taken place at one or more polling stations in such a manner that the result of the poll cannot be ascertained, the Election Commission may declare a re-poll for the affected polling stations or, in cases involving a large number of polling stations, countermand the election in the entire constituency.

17. The large-scale tampering of EVMs and unlawful interference with the polling process as mentioned above, therefore, warrant immediate invocation of Sections 58 and 58A of the Representation of the People Act, 1951 by the Election Commission.

18. The Chief Electoral Officer, West Bengal vide his letter dated 01.05.2026 considered that report of the State General Observer, and District Election Officer and agreed with their findings. He further recommended countermanding of election in Falta Assembly Constituency under Section 58A of the Representation of the People Act, 1951. The Commission has taken into account the entirety of facts, reports, complaints and material available on record and has come to the conclusion that the poll conducted on 29<sup>th</sup> day of April 2026 from 144-Falta Assembly Constituency, West Bengal, has been seriously vitiated.

19. Therefore, the Commission in exercise of its plenary powers of superintendence, direction and control of elections vested in it by Article 324 of the Constitution of India read with powers conferred under Sections 20B, 58 and 58A of the Representation of the People Act, 1951, and all other powers enabling it in this behalf, hereby:

- i. Declares the poll held on 29.04.2026 in all polling stations of 144-Falta Assembly Constituency, West Bengal to be void;
- ii. Directs that a fresh poll shall be conducted in all polling stations of 144-Falta Assembly Constituency;
- iii. Fixes the following schedule for conduct of fresh poll in all polling stations of 144-Falta Assembly Constituency:

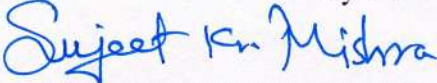
Sl. No.	Event	Date
1.	Date of Fresh Poll	21.05.2026 (Thursday)
2.	Hours of Poll	07:00 AM to 06:00 PM
3.	Date of Counting of votes	24.05.2026 (Sunday)

20. The Commission shall issue further suitable directions/measures and consequential steps, if any, for ensuring free and fair election in the said Constituency, separately.

*Sujeet K. Mishra*

21. Further in exercise of power conferred upon the Commission under Section 153 of the Representation of the People Act, 1951, and for the aforesaid reasons, the Commission hereby modifies the notification dated 02.04.2026 to the extent that the date for completion for election in respect of 144-Falta Assembly Constituency, West Bengal be read as 25.05.2026 in place of 06.05.2026.

By Order,

  
(SUJEET KUMAR MISHRA)  
SECRETARY