

## Chapter-43

### ELECTORAL STATISTICS

**43.1** India is a constitutional democracy with a parliamentary system of government, and at the heart of the system is a commitment to hold regular, free and fair elections. These elections determine the composition of the Government, the membership of the two houses of parliament, the state and union territory legislative assemblies, and the Presidency and vice-presidency. Elections are conducted according to the constitutional provisions, supplemented by laws made by Parliament. The major laws are Representation of the People Act, 1950, which mainly deals with the preparation and revision of electoral rolls, the Representation of the People Act, 1951 which deals, in detail, with all aspects of conduct of elections and post election disputes.

**43.2** The Election Commission of India is an autonomous, quasi-judiciary constitutional body of India. Its mission is to conduct free and fair elections in India. It was established on 25 January, 1950 under Article 324 of the Constitution of India. Since establishment of Election Commission of India, free and fair elections have been held at regular intervals as per the principles enshrined in the Constitution, Electoral Laws and System. The Constitution of India has vested in the Election Commission of India the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State and to the offices of President and Vice- President of India. The Election Commission is headed by the Chief Election Commissioner and other Election Commissioners. There was just one Chief Election Commissioner till October, 1989. In 1989, two Election Commissioners were appointed, but were removed again in January 1990. In 1991, however, the Parliament of India passed a law providing for the appointment of two Election Commissioners. This law was amended and renamed in 1993 as the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Amendment Act 1993. The commission presently consists of a Chief Election Commissioner and two Election Commissioners, appointed by the president. The Chief Election Commissioner may be removed from his office in like manner and on the like grounds as a judge of the Supreme Court. Other Election Commissioner may be removed by the President on the recommendation of the Chief Election Commissioner.

**43.3** The Election Commission enjoys complete autonomy and is insulated from any kind of executive interference. The body also functions as a quasi-judiciary body in matters of electoral disputes and other matters involving the conduct of elections. The decisions of the body are liable for independent judiciary reviews by courts acting on electoral petitions. The Election Commission is responsible for planning and executing a whole amount of complex operations that go into the conduct of elections. During the elections, the entire Central (Federal) and State government machinery including para- military forces and the Police is deemed to be on deputation to the Election Commission which takes effective control of personnel, movable and immovable Government Properties it deems necessary for successful completion of the electoral process.

#### **Lok Sabha (House of People):**

**43.4** Lok Sabha is composed of representative of the people chosen by direct election on the basis of adult suffrage. The maximum strength of the House envisaged by the Constitution is 552, upto 530 members to represent the States, up to 20 members to represent the Union Territories and not more than two members of the Anglo-Indian Community to be nominated by

the President, if, in his opinion, that community is not adequately represented in the House. The total elective membership is distributed among the States in such a way that the ratio between the number of seats allotted to each State and the population of the State is, so far as practicable, the same for all States. The Lok Sabha at present consists of 545 members including the Speaker and two nominated members. Lok Sabha elects one of its own members as its Presiding Officer and she/he is called the Speaker. The speaker is assisted by the Deputy Speaker who is also elected by Lok Sabha. Membership of the Lok Sabha requires that the person must be a citizen of India, aged 25 or over, mentally sound, should not be bankrupt and has no criminal procedures against him/her. For reserved seats one should be member of the scheduled castes and/or tribes.

### **Rajya Sabha (Council of States):**

**43.5** Article 80 of the Constitution lays down the maximum strength of Rajya Sabha as 250, out of which 12 members are nominated by the President and 238 are representatives of the States and of the two Union Territories. The present strength of Rajya Sabha, however, is 245, out of which 233 are representatives of the States and Union territories of Delhi and Puducherry and 12 are nominated by the President. The members nominated by the President are persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service. The Fourth Schedule to the Constitution provides for allocation of seats to the States and Union Territories in Rajya Sabha.

### **Vidhan Sabha (State Legislative Assembly):**

**43.6** The Vidhan Sabha also known as Legislative Assemblies are the lower houses of state legislature in the States of India. Members of a Vidhan Sabha are direct representatives of the people of the particular State as they are directly elected by an electorate consisting of all adult citizens of that state. Its maximum size as outlined in the Constitution of India is not more than 500 members and not less than 60. However, the size of the Vidhan Sabha can be less than 60 members through an Act of Parliament, such is the case in the states of Goa, Sikkim and Mizoram.

### **Vidhan Parishad (State Legislative Council):**

**43.7** The Vidhan Parishad (Legislative Council) forms a part of the state legislatures of India. In six of India's 28 States (Uttar Pradesh, Bihar, Karnataka, Maharashtra, Jammu and Kashmir and Andhra Pradesh), the Legislative Council serves as the indirectly- elected upper house of a bicameral legislature. The strengths of the Legislative Assemblies of the States and Union Territories has been mentioned in Third Schedule of the Representation of the People Act, 1950 amended from time to time and the special Acts/Rules enacted in respect of the particular State and Union Territories thereafter.

**43.8 Latest Development : None of the Above (NOTA) Option :** None of the Above (NOTA), also known as "**against all**" or a "**scratch**" vote, is a ballot option in some jurisdictions or organizations, designed to allow the voter to indicate disapproval of all of the candidates in a voting system. It is based on the principle that consent requires the ability to withhold consent in an election.

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**References:**

1. Election Commission of India.
2. Rajya Sabha Secretariat.
3. Ministry of Law & Justice.