



ELECTION LAWS AND ELECTORAL REFORMS IN INDIA AND U.K.

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ABSTRACT

This paper examines the election laws and electoral reforms in India and the United Kingdom, highlighting their evolution, current frameworks, and ongoing challenges. India, the world's largest democracy, operates under a legal structure largely defined by the Representation of the People Act, 1951, and is overseen by the Election Commission of India. The Indian electoral system, based on the First-Past-The-Post (FPTP) model, has undergone significant reforms to address issues of transparency, voter fraud, and campaign finance, including the introduction of electronic voting machines (EVMs) and Voter Verifiable Paper Audit Trails (VVPATs).

In contrast, the United Kingdom's electoral system, rooted in centuries-old traditions, is regulated by laws such as the Representation of the People Acts and the Political Parties, Elections and Referendums Act, 2000. While the UK also employs the FPTP system, it faces criticism for not reflecting the proportionality of votes. Recent reforms in the UK have focused on improving voter registration, addressing electoral fraud, and debating alternative voting methods like the Single Transferable Vote (STV) to enhance democratic representation.

The study identifies both similarities and divergences in the electoral processes of these two democracies, emphasizing the impact of their respective legal frameworks on electoral integrity and democratic participation. It also explores ongoing debates and proposed reforms aimed at enhancing the inclusiveness, fairness, and transparency of elections in both nations.

Introduction

The framers of the Indian Constitution chose the parliamentary system, inspired by the British model, for its suitability in governing India's diverse society. The Indian electoral system effectively reflects the democratic aspirations of its varied population by conducting free and fair elections

across the country, ensuring every eligible citizen can participate. This commitment to representative governance and inclusivity is upheld by the Election Commission of India (ECI), which oversees and manages the electoral process to prevent undue influence and coercion. Indian citizens have the authority to elect their representatives and form or

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change their government. India blends aspects of consensus democracy with the British system, in contrast to the disproportionate FPTP majority system in the U.K. 79 of the 543 Lower House seats are set aside for the SC and ST groups in order to guarantee proportional representation.

While the British electoral system has led to political concentration, with no party receiving more than 50% of the votes since World War II yet securing a majority of seats, India's use of the same FPTP system has produced varying results. In the U.K., voters select individual candidates in single-member districts, reducing the distance between voters and candidates.¹ Consequently, the Election Commission of India (ECI) was established to oversee, direct, and manage the electoral process, safeguarding the democratic principles by preventing any undue influence or coercion.² The British electoral system operates within class-specific divides and economic prosperity, demonstrating societal trust as the foundation of a well-functioning democracy. This trust allows the use of the highly disproportionate FPTP system. One important but frequently disregarded component of Great Britain is the interaction between England and other regions. On the other hand, ethnic and religious conflicts, a long-standing caste system, and India's enormous racial and linguistic variety make for extraordinarily difficult circumstances for democratic elections. The dissatisfaction of excluded and suppressed groups combined with regional conflicts provides particular circumstances for elections in India. In the U.K., electoral law varies for different elections and referendums, with no single set of rules. The U.K. Electoral Commission encourages consistency

through guidance and monitoring but lacks the authority to issue instructions. In contrast, the poll Commission in India has the exclusive power to oversee elections, manage them, and respond to concerns once poll dates are announced.

The U.K.'s Electoral Commission does not directly administer elections, which are managed by Returning Officers in a decentralized system. Electoral reform has been debated in the U.K., with parties like the Liberal Democrats advocating for proportional representation. Since 1983, numerous changes to electoral law, such as postal voting and the creation of the Electoral Commission, have led to a complex legal framework. Independent Commissions in 1998 and 2003 examined electoral reform. After the 2005 election, which saw Labour win with the lowest national vote share for a majority government, public attention on reform increased. The Make Votes Count Coalition and a petition by The Independent newspaper called for a more proportional system. A 2011 referendum on voting reform resulted in voters overwhelmingly choosing to retain the current system. The Law Commission reviewed electoral law in 2011 and recommended including it in the 11th programme of law reform.

Statement of Problem

- The ECI and the judiciary strive to establish democratic values by ensuring fair elections and maintaining the integrity of the electoral process, the persistence of corrupt practices highlights ongoing challenges. These challenges include vote-buying, misuse of government resources, manipulation of voter rolls, and other forms of electoral fraud,

which continue to undermine the true spirit of democracy. Addressing these issues requires continuous efforts, stricter enforcement of laws, and increased public awareness to uphold the sanctity of the electoral process.

- The legal framework must be clear, comprehensible, and transparent, effectively addressing all aspects of the electoral system to guarantee democratic elections. This entails eliminating ambiguities, ensuring that regulations are easily understood by all stakeholders, and promoting transparency in electoral processes to build trust and uphold democratic principles.
- The present studies emphasize this very approach to reflect on the problem of the implementation of electoral reforms. The aim is to comparatively study and relay on UK electoral laws wherein certain practices and improvements can adopt in India. Through this comparative analysis, the researcher can offer recommendations and prescriptions to ensure the conduct of the free and fair election, which is the hallmark of democracy.

Research Limitations

1. Perceptions of this research may vary among people, Subjectivity in interpreting the impact of reforms can pose challenges for analysis.
2. This study requires an interdisciplinary approach, involving political science, law, sociology, and economics. This research

may have difficulties in integrating diverse perspectives.

3. The scope and limitation range of the present research extends to understanding the importance of elections in a democratic polity. The study is limited to analyzing the role of the Election Commission of India in conducting free and fair elections in India. On the related note, the research critically analysis the various electoral corrupt practices and reforms introduced in India and the UK.

Research Methodology

1. The methodology adopted by the researcher in this work is purely doctrinal. The research study is critical, analytical, comparative as well as descriptive in nature. Further, the researcher for the purpose of the study has relied on various sources of information, both primary and secondary sources, including Constitutional Law, Election Laws, Political science, relevant enactments, and statutory provisions. The problems and challenges have been mainly studied through the examination of government reports of various Committees like Election Commission reports, Law Commission reports, and also of different available international electoral standard guidelines.
2. The researcher has made reference to secondary sources like articles published in various journals, judicial pronouncements, commentaries, books from the law library, magazines, newspapers, and websites, etc.

Uniform mode of citation has been adopted in entire research work by the researcher.

3. This research synthesizes findings from legal research into a coherent analysis. Draw conclusions about the effectiveness, gaps, or areas for improvement in electoral laws and doctrines. Provide recommendations based on legal analysis and research outcomes.

Meaning And Purpose of Elections

The Collins English Dictionary defines 'election' as 'a process in which people vote to choose a person or group of people to hold an official position. Elections are the backbone of any democratic set up in the world, allowing people to exercise their choice of electing representatives by means of voting every four or five years.³ However, people have to wait till next election to change their alternatives to the previously chosen representatives. Election enables the voters to participate in the political events of the state and exercise their political rights. The term election derived from the Latin word "Eligere," which means to choose or to pick out or to select. Voting was used in ancient Greece and Rome to select Roman emperors and holy Popes.

Holding regular elections is one of the essential features of a democratic policy. The conduct of free, and fair elections is boon to the democratic system. The choice of candidates is a fundamental feature of the democratic setup, but unfortunately, people do not have a limited choice as they have to

choose from the candidates available. Most shades of political opinions on the best practices as described by psephologist⁴ include various 'good purposes' fitted for which elections have to be instituted. Some of the desirable purposes for which elections have to be conducted, that include:

Purposes of Election

1. To form an elected body that mirrors the predominant views and opinions of the electorate.⁵
2. To choose a government that aligns with the desires of the majority of the voters.
3. To select representatives whose personal attributes are most suited to aiding the effective functioning of the government.
4. To choose a robust and stable government.
5. To ensure the right to free, fair, and equal elections and to maintain the integrity of the democratic process, a systematic and orderly system must be established.
6. To promote public participation in governance and to show sufficient community support for parties by allowing voters to affiliate with the party of their choice.
7. To ensure the registration of voters, the preservation of voter registration, and the maintenance of citizens' voter details in the electoral records.
8. To provide a means for political parties and independent candidates, who have demonstrated significant community support, to qualify for listing on the general election ballot.

9. To ensure the orderly and fair selection of party nominees through primary elections or political party conventions and the filling of vacancies among such nominees.
10. To certify election results and resolve election contests.
11. To impose criminal penalties and civil liabilities for violations of election laws.
12. To address all other matters related to the electoral process, as set forth herein.

Importance of Election

The importance of elections in a democratic polity can be compared to the role of the heart in a body—essential for proper functioning. Key points highlighting the significance of elections are:

1. **Foundation of Democracy:** Elections are the cornerstone of democratic government.
2. **Justice and Freedom:** They ensure justice and freedom for all without discrimination.
3. **Creating Government:** Elections are designed to establish a popular, powerful, and effective government.
4. **Citizen Participation:** They provide citizens with the opportunity to voice their opinions and choose their government, enhancing self-respect and dignity.
5. **Barometer of Democracy:** Elections serve as a forum for public discussion and the expression of public opinion and ideology.
6. **Political Education:** They provide political education and training, encouraging active participation in national activities.
7. **Minority Representation:** Elections protect minority interests by ensuring representation in the legislature.

8. **Stability and Legitimacy:** They reinforce the stability and legitimacy of the political community, fostering socio-political integration.
9. **Accountability:** Elections make representatives accountable for their performance and conduct in office.
10. It contributes to the Constitution of the democratic government and enables the peaceful transfer of power.⁶

Characteristics of Elections

1. **Suffrage:** The issue of who has the right to vote is central to elections. The electorate typically does not include the entire population. For instance, many countries prohibit those under the age of majority from voting, and all jurisdictions have a minimum voting age. Suffrage generally implies voting rights only for citizens of the country, although additional restrictions may also be imposed.⁷
2. **Nomination:** In a representative democracy, a procedure is needed to manage nominations for political office. Often, appointments to office are facilitated through a pre-selection process within organized political parties.
3. **Electoral Systems:** Electoral systems are constitutional frameworks where votes are translated into political decisions. This involves counting votes using various systems and ballot types. Results are determined based on these tallies, and systems are generally either proportional or majoritarian.

4. **Scheduling:** Democratic officials must return to voters at regular, fixed intervals to seek a mandate to continue in office. Fixed election dates ensure fairness and predictability, allowing citizens to decide if their previous choices were good ones.
5. **Election Campaigns:** When elections are announced, politicians' campaign to influence voters. Campaigns can be formally organized or loosely affiliated, often using advertising. Political scientists often predict outcomes through forecasting methods.
6. **Voting Systems:**
 - **Parliamentary System:** Legislators are elected from the entire electorate based on party votes. The party's total votes determine the number of legislative seats, with the Prime Minister being the first on the party list. This system allows multiple parties to gain representation and is used in countries like England, Australia, and India. It provides accountability but lacks direct election of the head of government.
 - **Instant Run-off Voting (IRV):** Voters rank their choices, and if their first choice loses, their vote transfers to the second choice. This system helps third-party participation and is used in several nations and U.S. municipal elections.
 - **Fusion Voting:** Candidates can run under multiple party labels in one election, encouraging third-party participation. This system is notably used in New York State.
 - **Voting Equipment:** The 'Help America Vote Act' (HAVA) addresses electoral

issues in the U.S., allowing provisional ballots and protecting voters from wrongful removal from voting rolls.

Kinds of Democracy

There are mainly two types of Democracies:

- **Direct Democracy** - When the people themselves directly express their will on public affairs, the type of Government is called pure or direct democracy. The people participate directly by formulating laws by gathering in a mass meeting. It is a form of government where the community as a whole, directly or immediately, without agents or representatives, performs the functions of sovereignty. Historically stating, direct democracy was established in the ancient Greek city.⁸
- **Representative or Indirect Democracy** - In a representative or indirect democracy the will of the State is formulated and expressed not directly by the people themselves, but by their representatives to whom they delegate the power of deliberation and decision-making by electing them. Indirect or representative democracy is one in which the population assigns governing authority to the elected representatives through deputies periodically elected by themselves. In a representative democracy, the rule is that the people govern through its officials, while it legislates and controls the administration through its representatives. This type of Government was established in England in the seventeenth century. In

India, direct democracy was introduced in the Minto-Morley reforms of 1909⁴⁸ abolished later on. Today this system is seen in many countries like India, Japan, Sri Lanka, Canada, Australia, New Zealand, The United States of America, West Germany, Italy, France, Holland, Denmark, Sweden, Norway, Austria, and Belgium. In today's world, democracy is considered the best form of Government, one that India has adopted too.⁹

Democratic polity in UK and elections

The United Kingdom is a unitary state with devolution of powers that carried out within the framework of a parliamentary democracy under a Constitutional monarchy in which the monarch, [currently queen Elizabeth II (appointer-hereditary)], is the head of the state while the Prime Minister of the United Kingdom, [presently Boris Johnson (appointer - monarch)], is the head of government. Executive power exercised by the British governments of Scotland and Wales and Northern Ireland. The Legislative power is vested in the two chambers of the parliament of the UK, the House of Commons (lower house) and the House of Lords (upper house), as well as in the Scottish parliament and Welsh and Northern Ireland assemblies.

The UK political system is the multi-party system, and since the 1920s, the two dominant parties have been the conservative party and the labour party. The liberal party was the other major political party, along with the conservatives. While coalition and minority governments have been an occasional feature of parliamentary politics, the

first-past-the-post electoral system used for general elections tends to maintain the dominance of these two parties.

The Constitution of the UK is not codified and is made up of Constitutional conventions; statutes such as EU Law. This system of government is known as the Westminster system.

Presently there are six types of elections in the United Kingdom:

1. Elections for the House of Commons of the United Kingdom commonly called general elections.
2. Elections to devolved parliaments and assemblies.
3. Elections to the European Parliament
4. Local elections
5. Mayoral elections
6. Police and Crime Commissioner Elections.

These categories may have by-elections as well as general elections. Elections are held on a day called the 'Election Day,' which is conventionally a Thursday. Since the passing of the Fixed-term Parliaments Act 2011 for the general elections, all six types of elections are held after fixed periods, though early elections to parliament and the devolved assemblies and parliaments can occur in certain situations.

The Origins of the UK Democracy

When the Parliament of the United Kingdom was first created by the Act of Union of 1800, which merged the old Parliament of Great Britain with the Parliament of Ireland, the electoral system for its House of Commons was different from the uniform system that exists today. Voting was by FPTP (first past the post system), a system in

which electors vote for as many candidates as there are seats to be elected, (so one in a single-member district, two in a two-member district, etc.), and the candidate(s) with the most number votes wins though the size of constituencies and the number of MPs elected by them, varied.¹⁰

The franchise was limited to around 400,000 male electors very different from what it is today. Constituencies were divided into counties and boroughs essentially, which is very different from what it is today. Virtually men owning land worth more than forty shillings were entitled to vote. In the boroughs, there were six different kinds of electoral qualifications, of which each borough used one or more. In some borough constituencies were nicknamed 'potwallopers' where the electorate ran into thousands, in others, the infamous 'rotten boroughs,' the electors could number as few as seven¹⁵

These inequalities were exacerbated by the extreme disproportionality of constituency apportionment, which had been largely unchanged since medieval times therefore. As a result, sparsely populated rural areas were grossly overrepresented, and new industrial centers underrepresented. Cornwall, for instance, was represented by forty-four MPs, while Birmingham, Manchester, and Leeds all lacked direct representation. Another system of 'plural voting' granted business owners, property owners, and some university graduates' eligibility to vote in more than one constituency, and thus able to cast multiple votes. In consequence, most constituencies got elected more than one MP. Although Scotland, Wales, and Ireland, all used

single-member districts, in England, each seat was represented by two MPs. It was a legacy of 1264 and the summoning of England's first parliament by Simon de Montfort, when each county had been asked to send two Knights, and each borough two Burgesses.

The inequalities of the electoral system were justified by the principle of 'virtual representation,' a doctrine according to which parliament represented not localities but interests. For instance, the hotchpotch of different franchises across the country worked to ensure that a healthy balance of different interests was represented in the House of Commons, meaning all groups were 'virtually' represented.

In 1831, the government introduced an electoral reform bill, and when this was narrowly defeated in the House of Commons, the general election was fought on the issue and returned a substantial Whig majority. However, the government's reform was measured again defeated, this time in the House of Lords, and the result was a protracted national political crisis, with significant and significant riots taking place across the country. Only after two more changes in government, the threat of more severe prevalent and widespread violence, and an agreement by the King to create new Whig peers, if necessary, was an electoral reform measure finally passed by both houses of parliament in the year 1832. It was this measure that soon became known as the Great Reform Act.

Although in 1832, the Great Reform Act had been presented by its advocates as a 'final settlement' of

the franchise question, it did the opposite of ending electoral reform as an issue. In the 1850s and 1860s, parliament debated six different reform bills. The radical working-class Chartist movement organized mass demonstrations and petitions in support of the 'People's Charter' a document comprising six demands which included:

1. Manhood suffrage,
2. The secret ballot,
3. An end to property qualifications to stand for parliament,
4. The payment of MPs,
5. Equal sized constituencies, and
6. Annual parliaments.

In the 1860s, the Reform League engaged in similar activism, and in 1866, after the failure of the Liberal government's Reform Bill, it brought over two hundred thousand demonstrators to Hyde Park. In 1867, a Conservative government, whose leading figure was Benjamin Disraeli, finally succeeded in passing the Second Reform Act. It more than doubled the electorate, by extending the Franchise Reform Bills were presented continuously in 1852, 1854, 1859, 1860, 1866, and 1867.

In 1870, a more successful experiment with proportionality was undertaken at the local level, where the Cumulative Vote was introduced for elections to the newly established School Boards. Education was a major flashpoint between Britain's different religious communities, and so the then Liberal government of William Gladstone was exceedingly concerned to make sure that all major religious groups would be able to secure representation on the school boards. In practice,

the Cumulative Vote worked largely as intended, since the main religious groups were generally represented on the boards. Nonetheless, it was not to remain a permanent feature of British politics, since it died with the abolition of school boards in 1902.

Democratic Polity in India and Elections

Elections constitute an essential element in the democratic process world over. They enabled citizens to intervene directly in the political process to select their rulers and express their policy preferences. Elections thus legitimized the power exercised by governments and made governments 'representatives,' and no political system can be considered truly democratic unless it holds periodic and free elections.¹¹

The elitist's view (An instrumentalist) of elections implies that elections are merely an arena in which periodically political elites struggle for power. This struggle is ruthless competition among political groups in which manifestos and promises are seen as mobilizing strategies and in which the voter is merely accepted as an intelligent partner in the political process. True, voters still have the option in most cases, of expressing their preferences through their votes but the experience of the past has shown that the voter, faced with limited choices, may opt for a candidate or party because it seems to be the lesser evil even though its performance when in office in the past has been poor. This has encouraged political parties to try and mobilize voters on a number of short-term issues rather than placing more fundamental issues and choices before them. The proclamation of India as a

sovereign democratic republic in the Constitution of India adopted in the year 1950 defines the democratic policy of India. The democratic structure in India follows the British parliamentary pattern embodying within itself fundamental rights to all citizens. The democratic polity in India consists of key actors in the national government that is the president, the council of ministers, the parliament, and the Supreme Court. India is a democratic republic in which the President of India is the head of state, and the Prime Minister of India is the head of government. India follows the dual polity system, i.e., a double government that consists of the Union government at the centre and state governments at the periphery. The Constitution defines the organizational powers and limitations of both central and state governments and is well-recognized, rigid, and considered supreme; i.e., the laws of the nation must conform to it. There is a bicameral legislature consisting of an upper house, the Rajya Sabha (Council of States), which represents the states of the Indian federation, and a lower house, the Lok Sabha (House of the People), which represents the people of India as a whole. The Lok Sabha has 545 members, and Rajya Sabha 256 members bring out the essence of democracy. Elections play a key role in getting members elected to the legislatures. Governments are formed through elections held every five years both at the union and state level, by parties that secure a majority of votes.

India had its first general election in 1951. It is a federation with a parliamentary system governed under the Constitution of India, which defines the

power distribution between the central government and the states. The President of India is the ceremonial head of the country and the supreme commander-in-chief for all defence forces in India. However, it is the Prime Minister of India, who is the leader of the party who exercises most executive powers.

India is regionally divided into States, and each State has a Chief Minister who is the leader of the party, or political alliance has won the majority in the regional elections called 'State Assembly Elections.' The respective State's Chief Minister has executive powers within the State and works jointly with the Prime Minister of India or his ministers on matters that require both State and Central attention. The President of India has the onus of ensuring maintenance of the 'rule of law' through his appointed governors in each State and on their recommendation can take over the executive powers from the Chief Minister of the State temporarily when the elected representatives of the State government have failed to create a peaceful environment and which has deteriorated into chaos. The President of India dissolves the existing State government if necessary, and a new election is conducted.

Elections in the Republic of India include

Elections for:

General- Elections (Lok Sabha): This is an important election that takes place once in 5 years to elect 543 members for the Lower house of the Parliament called the Lok Sabha.

A party needs 272 MPs to win in the elections to stake claim to form the Central Government. If a party doesn't have 272 MPs on its own, it can ally

with other parties to form a government. The Leader of the party/alliance takes oath as the Prime Minister.¹²

Members of Lok Sabha (House of the People)

or the lower house of India's Parliament are elected by being voted by all adult citizens of India who are eligible to exercise the adult suffrage, from a set of candidates who stand for elections in their respective constituencies. Every adult citizen of India can vote only in their constituency as every citizen will have his/her name registered in the electoral roll and confined to one constituency alone. Candidates who win the Lok Sabha elections are called 'Members of Parliament' and hold the position for five years or until the body is dissolved by the President on the advice of the council of ministers. The house meets in the Lok Sabha Chambers of the Sansad Bhavan in New Delhi, on matters relating to the creation of new laws, removing or improving the existing laws that affect citizens of India. Elections take place once in 5 years to elect 545 members for the Lok Sabha (Lower house).

Rajya Sabha Elections (Upper House): Rajya Sabha is the Upper house, and the people do not directly elect its members. They are elected by an electoral college consisting of the Members of Legislative Assembly of the respective states. The term of the Rajya Sabha MP is 6-years, with 1/3 retire every two years.

State Assembly Elections: People directly elect their representatives for the Legislative assembly. The Total strength of each assembly depends on each State, mostly based on size and population, E.g.: Tamil Nadu has 234 MLAs while Delhi has

70 MLAs.

Similar to the Lok Sabha elections, the leader of the majority party/alliance takes oath as the Chief Minister of the State.

Local Body Elections: People directly elect their representatives for a smaller geographical area. There are different types of local bodies, like Corporations, Municipalities, Panchayats, etc. E.g., In Tamil Nadu Chennai, Coimbatore, Trichy, etc. are corporations, and they elect a Mayor and also Ward Councillors. A ward is typically a minimal geographical area. Unlike State and Central elections, people directly elect the Mayor. In most cases, the party which has majority Councillors will also hold the mayor post because of popular support. People generally vote based on parties, not on any individual.

Democracy and Parliamentary Form of Government

Since the area of research is concerned elections in democracy within a parliamentary form of government, a discussion on democracy, and the parliamentary form of govt is essential. Democracy belongs to the sphere of collective decision-making. It embodies the idea that such decisions, affecting an association as a whole, should be taken by all its members, and they should have equal rights to take part in such decisions. In other words, it entails the twin principles of popular control over collective decision-making and equality of rights in the exercise of that control.

The core definition of democracy is 'The rule of the people.' The word is derived from the ancient Greek, term which is 'demos' meaning people and

'kratos' meaning power, which implies, the people's power!' The reference to the people implies that in a democracy,¹³ all those within a country are equally entitled to participate in the ruling. Democracy has, therefore, sometimes been defined as a Government in which the will of the majority of qualified citizens prevails. The original type of democracy entailed direct decisions by the people by meeting in an assembly. In modern democracies, decisions are made by the representatives elected at intervals; hence, the rule of the people is indirect and is exercised through the accountability of the representatives to the electorate. Democracy is a system of Government in which all adult persons within the unit of the rule are entitled to participate equally in making general laws and policies.

As the sphere of human activity expanded, man's vision enlarged, and the urge for building civil society has spurred him towards democracy as it provides the widest participation of the common humanity not only in the decision-making process but in the Executive sphere as well. Conventionally we have come to call a State 'democratic' if its government is accountable to the people through competitive election to public office, where all adults have an equal right to vote and to stand for election and where civil and political rights are legally guaranteed. Democracy is valued for the following reasons:

- **Equality of citizenship** — it aims to treat all people equally. Everyone to count for one and none for more than one. The poor man's voice commands equal authority.
- **Meeting popular needs-** it is more likely

than other types of Government to meet the needs of ordinary people.

- **Pluralism and compromise-** it relies upon open debate, persuasion, and compromise. It presupposes diversity and plurality within society as well as equality between citizens.
- **Guaranteeing basic freedoms-** democracy guarantees basic freedoms like the rights of free speech and expression, of association with others, of movement, of security for the person.

Some of the salient features of the Indian Electoral System are as follows

(i) India has been divided into single-member territorial constituencies.

There used to be double member constituencies initially, but these are abolished. There are some reserved constituencies. They are also single-member constituencies.

(ii) Constituencies are delimited with the help of a Delimitation Commission, which is appointed after the census that takes place after every ten years. The result of the revision of constituencies is that the areas change from election to election. For example, some parts of West Delhi became part of South Delhi Constituency in the 1980 election.

(iii) There was a practice that the election for the Parliament and State Assemblies were held simultaneously. There used to be one general election. However, in 1971, elections to the Parliament were delinked from elections to the State Assemblies. The change had a tremendous effect. This has changed the voting behaviour of

the people. Earlier the voting behaviour used to be the same at the Centre and the State. It is not necessary for the people to have the same voting behaviour in the State Assembly election as it was at the time of the general election of Parliament.

(iv) Unlike the U.S.A., in India, any one nominated by the political party or even an independent candidate may contest the election. It is true that political parties scrutinize the candidates carefully but not like the system established in the U.S.A. In the United States, there is a system of double election. Any person who expresses a desire to contest the election first, he has to contest election within his own party and then he faces a general election.

India has abolished the restricted franchise system adopted by the British, such as, property qualifications. India has adopted the Universal Adult Franchise System. All citizens of 18 years of age are given the right to vote irrespective of any consideration of caste, colour, creed, sex, religion or place of birth.

Internationally recognized principles and standards for free and fair elections

The Inter-Parliamentary Union regional organizations and parliamentary assemblies, and international and national non-governmental organizations on a direction from the United Nations Organization has adopted the following Declaration on Free and Fair Elections,¹⁴ and urges Governments and Parliaments throughout the world to be guided by the principles and standards set out therein:

1. **Free and Fair Elections-** In any State, the

authority of the government can only be derived from the will of the people as expressed through free and fair elections held at regular intervals based on universal, equal, and secret suffrage.

2. Voting and Elections Rights

- (a). Every adult citizen (as per the age decided and set in each country) has the right to vote in elections a non-discriminatory basis.
- (b). Every adult citizen has the right to access a competent, impartial, and non-discriminatory procedure for the registration of voters into the nation's electoral rolls.
- (c). No eligible citizen shall be denied the right to vote or be disqualified from registration as a voter, otherwise than in accordance with objectively verifiable criteria prescribed by law, according to the State's obligations under International Law.
- (d). Every individual who is denied the right to vote or to is registered as a voter shall be entitled to approach the competent jurisdiction to review such to seek justice.
- (e). Every voter has the right to access a polling station in order to exercise his or her right to vote.
- (f). Every voter is entitled to exercise his/her right equally with others and has a right that the vote shall not be tampered with. The secret ballot system is an absolute right and shall not be

restricted in any manner whatsoever

The Rights and Responsibilities of States

(i) The States' obligation to take the necessary legislative steps in accordance with the Constitutional mandate to guarantee the rights and provide an institutional framework for periodic and genuine, free, and fair elections, in accordance with their obligations under International Law, is paramount. The mandates that States should adhere to include:

- To establish a competent, impartial and a non-discriminatory process for the registration of voters and to establish clear criteria for the registration of voters, such as age, citizenship, and residence, and ensure that such provisions are applied without distinction of any kind;
- To provide for the free functioning of political parties, and to regulate the funding of political parties and electoral campaigns.
- To Initiate or facilitate national programs to educate people and to ensure that the population is familiar with the election procedures and issues

(ii) Besides, States should take the necessary policy and institutional steps in the establishment of a neutral, impartial, or balanced mechanism for the management of elections. States should also ensure:

- That those responsible for the various aspects of the election are trained and are non-partisan, and that voting procedures are established and made known to the public.¹⁵

- That the registration of voters, updating of electoral rolls should happen periodically.

(iii) States shall respect and ensure to uphold human rights within their respective territories.

Electoral Commission in U.K.

The main legislation governing the conduct of general elections in the UK¹⁶ are the

1. Representation of People Act - (RPA; adopted in 1983 and amended in 1985 and 2000),
2. The Political Parties, Elections and Referendums Act - (PPERA- 2000),
3. The Electoral Administration Act - (EAA- 2006),
4. The Political Parties and Elections Act 2009 - (PPEA- 2009).

There is also secondary legislation that governs elections, including statutory instruments, regulations, orders, and rules, in particular, the Parliamentary Elections Rules (PER) appended to the RPA. The two most recent legislative acts, the EAA and the PPEA were mainly elaborated largely in an attempt to address some of the shortcomings and loopholes that were identified in voter registration and postal voting procedures, as well as in reaction to allegations and confirmed cases of electoral fraud in previous elections.

Despite the exercise, differences exist in the legal framework for the conduct of elections in the constituent nations of the UK, in particular in Northern Ireland. In England, Scotland and Wales, the electoral process is conducted according to broadly similar principles such as the independence of Returning Officers (ROs),

household voter registration, and absence of an identification requirement at any stage of the process. In Northern Ireland, elections conducted according to different principles, which were brought about by the Electoral Fraud Act (EFA) of 2002¹⁷ including an election administration centralized under a Chief Returning Officer, individual voter registration, and requirements of voter identification before voting. The EC has noted these positive changes in Northern Ireland and has encouraged Parliament to consider the adoption of similar provisions to apply to UK-wide.

In the United Kingdom (UK), the arrangements for the conduct of elections and referendums are separate. In unitary countries like the UK, such vertical divisions of power and functions may be between different branch levels of the one national EMB (electoral management body), or between national and local EMBs. Local authorities implement the UK elections. Elections are administered locally in each lower-tier local authority, the polling procedure operated by the acting returning officer or returning officer, and the compiling and maintenance of the electoral roll by the electoral registration officer (except in Northern Ireland, where the Electoral Office for Northern Ireland assumes both responsibilities).

Electoral Reforms in UK

The Electoral Commission is the Election Commission of the United Kingdom, which is an independent body set up in 2001 by the British Parliament and it regulates party and election finance and sets standards for how elections

should run. The Electoral Commission was created following a recommendation by the fifth report of the Committee on Standards in Public Life.¹⁸ The Commission's mandate as set out in the Political Parties, Elections and Referendums Act 2000-(PPERA), and ranges from the regulation of political donations and expenditure by political parties and third parties through to endorsing superior participation in the electoral process. The Electoral Administration Act 2006 required local authorities to review all polling stations and to provide a report on the reviews to the Electoral Commissions. The Political Parties and Elections Act (PPEA) 2009 granted the Electoral Commission a variety of new supervisory and investigatory powers. It fills significant gaps in the Commission's current powers; the Act also provides a new range of flexible civil sanctions, both financial and non-financial, are presently proposed to extend to regulated donees as well as political parties. The Act also permitted the introduction of individual electoral registration in Great Britain and made changes to the structure of the Electoral Commission, including allowing for the appointment of four new electoral Commissioners who will be nominated by the political parties.

In 1832, Parliament passed a law changing the British electoral system. It was known as the Great Reform Act.¹⁹ It was a response to many years of people criticizing the electoral system as unfair. For example, there were constituencies with only a handful of voters that elected two MPs to Parliament. In these rotten boroughs, with

few voters and no secret ballot, it was easy for candidates to buy votes. Yet towns like Manchester that had grown during the previous 80 years had no MPs to represent them.

The right to vote in Parliamentary elections had been virtually unchanged from medieval times until the Great Reform Act of 1832. The qualifications to vote differed in the four nations of the United Kingdom, and within each country, the right to vote was different depending on where you lived. County voters had different qualifications for those in the boroughs, and each borough had its own requirements on eligibility. Not every borough had the right to return an MP. Registration of Parliamentary electors was not required (except in the Irish counties following the inclusion of Irish seats in the post-Union Westminster Parliament). Voters had to prove their right to vote before casting a public ballot. Secret ballots were not introduced until 1872.

The reforms of the nineteenth century started with the Great Reform Act of 1832, although this legislation only dealt with the position in England and Wales. Scotland and Ireland had separate pieces of legislation. The distinctions between county and borough voting qualifications were retained. The county vote was extended to include new categories but was still inked to property value. New uniform borough voting qualifications were created, although some of the ancient rights were retained.

Conclusion

Both India & UK have achieved credibility in terms of their democratic polity. Political parties

in democracy form the agency through which the success of election as a fair method of choosing a government can be claimed. Elections in India since the general election has been dynamic and vibrant. One of the important machineries devised in the Constitution of India is the creation of the election commission. The ECI has a mammoth task of conducting free & fair elections. Very often the ECI as a body is targeted by the electorate and the political parties for being unfair & not doing enough to curb electoral malpractices. The ECI has, over several elections were introduced various measures as part of electoral reforms & to curb corrupt practices & offences relating to elections. The judiciary in India has pronounced path-breaking judgments to reform the electoral process & uphold the basic features of a democracy. Elections in the UK have a long history commencing from 1689 Bill of Rights up to Early Parliamentary General Election Act 2019. It is a contrast to both the presidential system in the UK & the proportional representation seen in some European parliaments. Some of the corrupt & electoral practices in the UK are similar to that prevailing in India. There are several attempts made in the UK to introduce electoral reforms from the 1800 Act of Union to the Referendum Act 2011.

The conclusion that while some far-reaching reforms in the electoral processes were necessary, no major constitutional amendment was called for. The necessary correctives could be achieved by ordinary legislation modifying the existing laws or, in many cases, merely by

subordinate legislation and executive action. No system of politics can ensure a stable government or a government that rules for the benefit of the people. What is proposed here is an attempt to improve the work-ability of the system by removing the main hurdles, before it.

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