

CONSTITUTIONAL AND STATUTORY FRAMEWORKS OF ELECTORAL MANAGEMENT: A COMPARATIVE STUDY OF ELECTION COMMISSIONS IN INDIA, THE UNITED KINGDOM, AND THE UNITED STATES

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ABSTRACT

Electoral management bodies constitute the institutional backbone of democratic governance. Their independence, legal foundation, administrative capacity, and operational autonomy determine the legitimacy of electoral outcomes. This research paper undertakes a comparative study of the constitutional and statutory frameworks governing election commissions in India, the United Kingdom, and the United States. While India follows a centralized constitutional model with a permanent Election Commission, the United Kingdom and the United States adopt predominantly statutory and decentralized mechanisms. Through an examination of constitutional provisions, legislative enactments, institutional design, and judicial interpretations, this paper analyses how differing political traditions and constitutional philosophies shape electoral governance. The study highlights structural disparities, functional strengths, and democratic vulnerabilities inherent in each model, and argues that India's constitutional embedding of electoral management provides greater legal protection for electoral independence than the Anglo-American statutory approaches.

Keywords: *Election Commission of India; Electoral Commission of the United Kingdom; Federal Election Commission; Electoral Management; Comparative Constitutional Analysis.*

1. INTRODUCTION

“Democracy alone, of all the forms of government, enlist the full force of men’s enlightened will.... It is the most humane, the most advanced and, in the end, the most unconquerable of all forms of humane society.....”

Franklin D. Roosevelt¹

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¹ Franklin Delano Roosevelt: 32nd President of the United States (1933–1945), available at: <https://www.google.co.in/search?q=Franklin+D+Roosevelt> (last visited on May 12, 2025).

Free and fair elections are recognized as the cornerstone of democratic legitimacy.² The legitimacy of a government in a representative democracy fundamentally depends upon the credibility and transparency of its electoral process. An independent electoral management body is indispensable to ensure that elections are conducted impartially, efficiently, and in accordance with the rule of law.³

Electoral governance involves not only the technical conduct of elections but also the regulation of political parties, campaign finance, voting rights, delimitation of constituencies, and dispute resolution.⁴ Different constitutional systems have adopted varied structures to manage elections. Some systems constitutionally entrench an independent commission, while others rely on statutory agencies or political appointees accountable to the executive.

India, the United Kingdom, and the United States represent three distinct constitutional traditions i.e. post-colonial constitutionalism, parliamentary sovereignty, and federal presidentialism respectively. Their approaches to electoral management bodies reflect their unique historical evolution, political culture, and constitutional philosophy.

This paper undertakes a comparative analysis of the Election Commission of India (ECI), the Electoral Commission of the United Kingdom, and the multi-layered electoral authorities in the United States to understand how constitutional and statutory frameworks affect electoral independence, accountability, and democratic legitimacy.

2. RESEARCH METHODOLOGY

The present research adopts a comparative, doctrinal, qualitative and normative research methodology to examine the constitutional and statutory foundations of electoral management authorities in India, the United Kingdom, and the United States. The purpose of this methodological design is not merely descriptive, but analytical and evaluative, seeking to assess how the varied constitutional architectures and statutory frameworks shape the independence, accountability, and functional effectiveness of these election management bodies.

² Austin Granville, *Democracy and Its Crisis* (Harvard University Press, 2017).

³ B L Hansaria, *The Constitution of India: A Commentary*, Vol. 2 (Universal Law Publishing 2017).

⁴ Lisa Handley & Richard L Hasen, "Electoral Governance and the Regulation of Political Competition" 10 *Election L J* 345 (2012).

3. OBJECTIVES OF THE STUDY

1. To examine the constitutional and statutory foundations of the Election Commission of India (ECI), the Electoral Commission of the United Kingdom (UKEC), and the Federal Election Commission (FEC) of the United States.
2. To analyse the organizational structures, powers, and functions of these electoral bodies, with emphasis on their role in ensuring free and fair elections.
3. To compare the degree of independence and autonomy enjoyed by each commission, particularly in relation to the executive and legislative branches of government.
4. To identify similarities and divergences in electoral management across the three democracies, highlighting the influence of constitutional traditions and political systems.
5. To assess the accountability mechanisms that regulate the functioning of these commissions, including judicial review, legislative oversight, and transparency requirements.

4. ELECTIONS IN INDIA

The framers of the Indian Constitution placed great importance on an independent electoral mechanism for conducting elections, which is evident from multiple reports produced by the Constituent Assembly committees. They prescribed the following:

- a) Universal adult suffrage must be established by the Constitution.
- b) Elections should be conducted in a free, secret, and periodic manner.
- c) An independent commission should oversee the election process, established under Union law⁵.

4.1 ELECTION COMMISSION OF INDIA

The founding fathers incorporated Part XV into the Constitution, specifically addressing elections.⁶ The Commission consists of the Chief Election Commissioner (CEC) and such number of other Election Commissioners as the President may determine.⁷ The CEC enjoys security of tenure comparable to that of a judge of the Supreme Court and can only be removed through a process of

⁵ Bhalla, "Election Mechanism", *Elections in India* (1973).

⁶ The Constitution of India, Part XV (Arts. 324–329A).

⁷ *Ibid.*, Art. 324(2).

parliamentary impeachment.⁸ This constitutional protection is designed to secure institutional independence.

Articles 325–329 further strengthen the democratic process by mandating universal adult franchise, prohibiting discrimination in electoral rolls, and barring judicial interference during the conduct of elections.⁹ Together, these provisions form a comprehensive constitutional framework for free and fair elections.

The Article vests in the Commission the “superintendence, direction and control” of elections to¹⁰:

- Parliament¹¹
- State Legislatures¹²
- The offices of the President and Vice-President.¹³

4.2 STATUTORY FRAMEWORK

In addition to constitutional provisions, India has two major legislative enactments:

- Representation of the People Act, 1950, that deals with the allocation of seats, delimitation, and preparation of electoral rolls.¹⁴
- Representation of the People Act, 1951, that govern the conduct of elections, election disputes, corrupt practices, and disqualifications.¹⁵

The ECI also derives authority from subordinate legislation, rules, and executive instructions such as the Model Code of Conduct (MCC), which regulates campaign behaviour. The Supreme Court has acknowledged the binding character of the MCC in order to preserve electoral fairness.¹⁶

4.3 JUDICIAL INTERPRETATION

⁸ *Ibid.*, Art. 324(5); The Constitution of India, Art. 124(4) (removal of Supreme Court judges).

⁹ The Constitution of India, Arts. 325–329.

¹⁰ The Constitution of India, Art. 324(1).

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*; The Constitution of India, Arts. 54–55 (Presidential election) and Art. 66 (Vice-Presidential election).

¹⁴ The Representation of the People Act, 1950, No. 43 of 1950.

¹⁵ The Representation of the People Act, 1951, No. 43 of 1951.

¹⁶ *Election Commission of India v. Union of India*, (1995) Supp (4) SCC 611; *S. Subramaniam Balaji v. State of Tamil Nadu*, (2022) 5 SCC 1 (observing the regulatory role of the MCC).

The Indian judiciary has consistently expanded and defended the autonomy of the ECI. In *Mohinder Singh Gill v. Chief Election Commissioner*, the Supreme Court held that Article 324 is a “reservoir of power” and allows the ECI to act where statutory law is silent in order to ensure free and fair elections.¹⁷

In *T. N. Seshan v. Union of India*, the Court rejected executive attempts to dilute the powers of the CEC and reaffirmed the independent constitutional character of the Commission.¹⁸ Thus, India demonstrates a deeply institutionalised model in which the election authority is structurally separated from ordinary political control.

In *Anoop Baranwal v. Union of India*, the Supreme Court held that the appointment of the Chief Election Commissioner should be done by a committee comprising the Prime Minister, the Leader of Opposition, and the Chief Justice of India, until Parliament enacts a law. This decision aimed to reduce executive dominance in appointments and enhance institutional neutrality.¹⁹

The decision have been modified by Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Office and Terms of Office) Act, 2023 that set up a This committee comprised the “Prime Minister, Leader of Opposition and a Union Cabinet Minister, nominated by the Prime Minister instead of the CJI of India.”²⁰

5. ELECTIONS IN THE UNITED KINGDOM (U.K.)

Unlike India and the United States, which embed their election-management framework within a written Constitution, the United Kingdom traditionally relies upon parliamentary sovereignty, statutory instruments, and constitutional conventions.²¹ The UK does not possess a single codified constitutional document. Instead, its constitutional architecture consists of various sources such as Acts of Parliament, judicial decisions, constitutional conventions, and authoritative academic writings.²² The regulation and supervision of elections in the United Kingdom have therefore evolved not through a constitutional mandate but through a complex web of statutory enactments and administrative practices.

¹⁷ *Mohinder Singh Gill v. Chief Election Commissioner*, (1978) 1 SCC 405

¹⁸ *T.N. Seshan, Chief Election Commissioner of India v. Union of India*, (1995) 4 SCC 611.

¹⁹ *Anoop Baranwal v. Union of India*, (2023) 4 SCC 1

²⁰ *Ibid.*

²¹ A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (10th ed. 1959) (classic formulation of parliamentary sovereignty).

²² *Ibid.*; *R. v. Secretary of State for the Home Department, ex parte Northumbria Police Authority*, (1989) 1 QB 26 (recognising prerogative powers alongside statute).

5.1 CONSTITUTION OF THE ELECTORAL COMMISSION

The major turning point in the modern British electoral system came with the enactment of the Political Parties, Elections and Referendums Act, 2000 (PPERA), which formally established the Electoral Commission of the United Kingdom as an independent, non-departmental public body.²³ Before this, the administration of elections was largely scattered across local authorities, with no centralised supervisory mechanism to regulate political finance, campaign practices, or electoral integrity.

The UK model is fundamentally decentralised but statutorily supervised. Local authorities conduct elections; the Electoral Commission regulates elections; and Parliament legislates the framework. This structure embodies the British constitutional tradition of pragmatic institutionalism “a flexible, parliament-controlled, and statute-driven system”.²⁴

By the 1990s, concerns arose regarding campaign finance, political funding irregularities, and lack of transparency. These concerns led to the recommendations of the Committee on Standards in Public Life (Nolan Committee). On the basis of its fifth report, Parliament enacted PERA, 2000, establishing the Electoral Commission²⁵.

5.2 ROLE OF THE ELECTORAL COMMISSION

Sections 1 to 4, in addition to Annexes 1 and 2, contemplate the formation of the Electoral Commission, the Presidential Group, and the Cluster of Parliamentary Parties under the Political Parties, Elections and Referendums Act, 2000.²⁶ It has three primary objectives:

- To regulate political parties and their financial affairs
- To oversee the conduct of elections and referendums
- To promote public awareness of democratic processes

Under the Act, the Commission is an independent corporate body. Although its members are appointed by the Crown following an address from the House of

²³ *Political Parties, Elections and Referendums Act 2000*, c. 41 (UK).

²⁴ Rodney Brazier, *Constitutional Practice: The Foundations of British Government* (3rd ed. 1999).

²⁵ Committee on Standards in Public Life, *The Funding of Political Parties in the United Kingdom* (Fifth Report, 1998).

²⁶ *Political Parties, Elections and Referendums Act, 2000*, c. 41, ss. 1–4 & Schs. 1–2 (U.K.).

Commons, in practice the appointments occur on the recommendation of the Speaker's Committee, ensuring a degree of parliamentary oversight²⁷.

The Commission is accountable not to the executive government but to Parliament through this committee. This arrangement is designed to protect its institutional independence from political interference.

The Vote Administrators must be appointed by His Majesty after addressing the House of Commons.²⁸ The procedure for their appointment also requires consultation with the heads of every registered political party and at least two House of Commons associates.²⁹ The number of administrators will be from five to nine.³⁰

5.3 JUDICIAL INTERPRETATION

British courts have traditionally exercised judicial restraint in electoral matters because of the doctrine of parliamentary supremacy. However, judicial intervention has increased, especially in human rights-based and procedural challenges.

In *R (on the application of Moohan) v Lord Advocate*, the prisoners challenged their exclusion from voting in the Scottish independence referendum. The Supreme Court upheld the ban but engaged deeply with democratic principles and political rights under the European Convention on Human Rights³¹.

In *Chester and McGeoch v United Kingdom (2013)*, the European Court of Human Rights ruled that the UK's blanket ban on prisoners voting violated Article 3 of Protocol 1 of the ECHR, creating a tension between British sovereignty and international obligations³².

However, a crucial limitation exists that the UK Electoral Commission does not directly conduct elections. The actual administration is carried out by Returning Officers and Electoral Registration Officers at the local authority level. This makes the UK system unique that the Commission regulates but does not administer.

²⁷ *Ibid.*, § 2(4); House of Commons, *The Speaker's Committee on the Electoral Commission*, Annual Reports.

²⁸ Political Parties, Elections and Referendums Act 2000, c. 41, § 3(1).

²⁹ Political Parties, Elections and Referendums Act, 2000, c. 41, § 3 (U.K.).

³⁰ *Ibid.*, Sch. 1, para. 1 (establishing the permissible composition of the Commission).

³¹ *R (Moohan and Another) v. Lord Advocate*, [2014] UKSC 67 (UK Supreme Court).

³² *Chester v. United Kingdom; McGeoch v. United Kingdom*, App. Nos. 24029/07 & 14534/11, European Court of Human Rights, Judgment of 12 Nov. 2013.

6. ELECTIONS IN THE U.S.A.

U.S.A. was born in metamorphosis, opposing British colonialism. In July 1776, the Subsequent Continental Congress declared to the world that the American dominions are and of right must be free and autonomous states. Even beforehand, this Statement of Independence, seven of the dominions had instituted autonomous powers, and by 1777, all the states had adopted new constitutions except Massachusetts, which adopted its own in 1780. Benjamin Fletcher Wright, one of the keenest students of American legitimate past, reminds us that this incredible feat of constitution-making was unprecedented and remains unmatched in the history of present constitutionalism.³³

6.1 CONSTITUTIONAL FRAMEWORK GOVERNING ELECTIONS

The American Constitution addresses elections in a limited but significant manner, setting out the broad boundaries of authority between the Union and the states.

Article I, Section 4, Clause 1 provides that “*The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations...*”

This clause vests primary authority in state legislatures, while simultaneously empowering Congress to intervene when necessary. This dual structure allows for federal oversight but respects state autonomy³⁴.

6.2 FEDERAL STATUTES ON VOTING RIGHTS AND ELECTION OVERSIGHT

6.2.1 Voting Rights Act, 1965 (VRA)

The most significant federal intervention in election law is the Voting Rights Act, 1965, which aimed to eliminate racial discrimination in voting. Its key provisions include:

- Ban on literacy tests
- Federal oversight (preclearance) of discriminatory states

³³ Benjamin Fletcher Wright, *Consensus and Continuity, 1776–1787* 8 (University Press., Boston, 1958).

³⁴ U.S. Constitution, Art. I, § 4, cl. 1 (Elections Clause); see also *Arizona State Legislature v. Arizona Independent Redistricting Commission*, 576 U.S. 787 (2015) (interpreting state “Legislature” to include voter initiatives).

- Authority to appoint federal examiners

The Supreme Court initially upheld this Act in *South Carolina v Katzenbach*, describing it as a legitimate exercise of Congressional power to enforce the 15th Amendment³⁵.

However, in *Shelby County v Holder*, the Court invalidated the coverage formula for preclearance, significantly weakening the Act's effectiveness³⁶. States formerly subject to oversight were thereafter free to alter electoral laws without prior federal approval, leading to increased voter restriction measures.

6.22 Help America Vote Act, 2002 (HAVA)

Following the controversies of the 2000 Presidential Election (Bush v Gore), Congress enacted HAVA to modernise voting infrastructure and establish the U.S. Election Assistance Commission (EAC).

The EAC is responsible for issuing guidance, providing funds to states, and setting voluntary voting system standards. However, it cannot compel states to follow its recommendations, highlighting the limited nature of federal authority.³⁷

6.3 THE FEDERAL ELECTION COMMISSION

FEC is a separate commission formed by the FEC Act of 1971. The Commissions are instrumental in managing campaign finance for the federal elections of the United States.³⁸ Between 1907 and 1966, several laws were passed to restrict special interest influence by affluent interests, campaign expenses, and prevent misuse by requiring public disclosures.³⁹ Congress passed the FEC Act of 1971 in 1971 to control campaign finance.⁴⁰ Following the Watergate scandal, the Act of 1971 was amended in 1974 by Congress.⁴¹ Subsequent to the amendment, the FEC

³⁵ *South Carolina v. Katzenbach*, 383 U.S. 301 (1966).

³⁶ *Shelby County v. Holder*, 570 U.S. 529 (2013).

³⁷ Help America Vote Act of 2002, Pub. L. No. 107-252, 116 Stat. 1666 (2002).

³⁸ Federal Election Commission, *available at*: <https://www.fec.gov> (last visited on May 20, 2025).

³⁹ *Tillman Act of 1907*, Pub. L. No. 59-36; *Federal Corrupt Practices Act, 1925*, Pub. L. No. 68-506; *Labor-Management Reporting and Disclosure Act, 1959*, Pub. L. No. 86-257; *Campaign Contributions and Expenditures Act, 1966*.

⁴⁰ Federal Election Campaign Act of 1971, Pub. L. No. 92-225, 86 Stat. 3 (1972).

⁴¹ Federal Election Campaign Act Amendments of 1974, Pub. L. No. 93-443, 88 Stat. 1263 (1974).

was established to govern contributions from the general public for election campaigns.⁴²

6.3.1 Composition

The provisions regarding the establishment of the FEC were added in 1974. Before that, there was no such machinery to control the election funding and elections in the U.S.A. The FEC consists of 6 commissioners appointed by the President of the America and confirmed by the U.S Senate. The Commissioners serve for six-year terms, not more than three of the same party, and are limited to one term in office. The Commission holds regular public meetings to consider the policy matters and executive sessions, which are closed to the public, to discuss the enforcement and other matters that must be kept confidential.⁴³

6.4 ELECTION ASSISTANCE COMMISSION

The Election Assistance Commission (EAC) assists state and local election officials in order to have accessible, accurate, and secure elections. The Commission creates guidelines to be in compliance with the provisions of the American Voting Aid Act, takes up guidelines for voluntary voting system, and acts as a national information center regarding the conduct of elections. The Commission also accredits the testing laboratories, certifies the voting systems, and audits the expenditure of the HAVA funds.⁴⁴

The Congress approved the HAVA Act of 2002 in response to the problems encountered in the 2000 presidential elections.⁴⁵ These issues, as well as the federal government's responses, can have a significant impact on intergovernmental relations. "It is clear that HAVA aims to change the relationship between the state and local communities by strengthening the role of states, especially the principal electoral officers, in their local governments."⁴⁶ HAVA assigns duties to existing

⁴² *Ibid.*; see also 52 U.S.C. § 30106 (establishing the Federal Election Commission).

⁴³ Federal Election Campaign Act, 1971, s. 310.

⁴⁴ U.S. Election Assistance Commission, *available at*: <https://www.usa.gov/federal-agencies/u-s-election-assistance-commission> (last visited on May 20, 2025).

⁴⁵ The Help America Vote Act of 2002, Pub. L. No. 107-252, 116 Stat. 1666 (2002).

⁴⁶ Deil S. Wright, "Federalism and Intergovernmental Relations: Traumas, Tensions, and Trends," *Spectrum: The Journal of State Government* 76 (Summer 2003), *available at*: <https://www.jstor.org/stable/4624734> (last visited on May 17, 2025).

agencies, creating a new one, the EAC.⁴⁷ HAVA Act 2002⁴⁸ provides for the evolution of EAC.⁴⁹

7. COMPARATIVE RELATIONSHIP BETWEEN ELECTION COMMISSIONS OF INDIA, U.K AND U.S.A

In United States, there is a two-party system. Typical examples contain the House of Representatives of the United States, whose associates are elected by a bulk poll in the constituencies of a solitary member. Propositions for electoral reform contain the investment of electoral funds for Residents United, the financing of residents 'and citizens' polls, the transparency of financing, instant runoff voting (IRV), and the financing of data by citizens. Social strata or residents, a new nationwide celebration shouted "Day of Deliberation" to aid voters expand a maximum date of structured discussions concerning setbacks and candidates, abolish the United States Electoral College or annul its encounter across the Nationwide Pact of Accepted Nationwide Voting, and enhance, among other things, access to the ballot. India possesses an extremely varied multiparty system.

There is a vast difference in the appointment of election commissioners in India and the USA. The government in power plays a vital role in appointing the election commissioners, because sometimes the Commission has been criticized due to its favourable conduct in favour of the appointing government. However, there is no criticism of this in the USA. The current electoral system in the United States is a product of the partisan struggles that occurred in the late 19th and early 20th centuries, during which the two dominant parties aimed to manipulate voting regulations for their own advantage. While voting access laws differed across states and regions, they generally embodied a collective belief that a two-party system was essential for maintaining stable governance. This had a significant impact on the evolution of electoral laws in the US.⁵⁰

The structure of the electoral management system in India has been a vital part of the country's framework since 1947, serving as a national mechanism that accommodates India's vast diversity.⁵¹ In contrast, the United States conducts elections primarily to regulate centralized authority, which has influenced the

⁴⁷ *Ibid.* Available at: <https://www.jstor.org/stable/4624734>(last visited on May 18, 2025).

⁴⁸ The Help America Vote Act, 2002, s. 201.

⁴⁹ U.S. Election Assistance Commission, Available at: <https://www.eac.gov/about-the-useac/>(last visited on May 18, 2025).

⁵⁰ *Ibid.*

⁵¹ Reports on the First General Elections in India, 1951–52 (Election Commission of India, New Delhi, 1955).

management and oversight of elections.⁵² The authority of the Electoral Commission (EC) in India is directly derived from the Indian Constitution,⁵³ and its power has been further reinforced in recent years through judicial rulings.⁵⁴ A significant aspect of its authority pertains to the bureaucracy.

There are notable differences between the Indian and American systems. For instance, India adopts a centralized model for electoral management⁵⁵, while the U.S. system is more decentralized.⁵⁶ Additionally, the EC in India has a positive mandate not only to oversee elections and regulate campaigns but also to enhance voter access.⁵⁷ It is tasked with creating and maintaining voter lists to ensure that all eligible individuals are included.⁵⁸ Unlike its American counterpart, the EC actively collaborates with civil society organizations and prioritizes maximizing voter participation⁵⁹, despite some ambiguities regarding voter turnout in recent elections in both countries.⁶⁰

In India, the EC possesses unique powers such as the ability to confiscate weapons temporarily and to make proactive arrests in certain social groups to maintain order, which may pose challenges in the U.S. context. While the EC's permanent staff is relatively modest, it has the legal authority to mobilize personnel during election campaigns, overseeing a workforce of nearly 11 million, independent from both state and central governments.⁶¹ The EC also enforces the Model Code of Conduct (MCC), which helps curb the excessive influence of the ruling government in elections and regulates electoral conduct during campaigns.⁶²

In the USA, the Federal Election Commission was established in 1974 and the Election Assistance Commission in 2000, but in India, the Election Commission was established in 1950. The ECI is an independent constitutional body that has

⁵² Federal Election Campaign Act of 1971, 52 U.S.C. §§ 30101–30146 (U.S.).

⁵³ The Constitution of India, art. 324.

⁵⁴ *Election Commission of India v. State of Haryana*, (1984) 3 SCC 469.

⁵⁵ Representation of the People Act, 1950, No. 43 of 1950.

⁵⁶ U.S. Constitution, art. I, s. 4, cl. 1.

⁵⁷ Representation of the People Act, 1951, No. 43 of 1951, s. 13B.

⁵⁸ *Ibid.* s. 15.

⁵⁹ Jagdeep S. Chhokar, The Citizen's Right to Know: Electoral Reforms – Key to Effective Democracy, *available at*: <http://www.liberalindia.com/freedomfirst/ff454-01.html> (last visited Sept. 28, 2025).

⁶⁰ Ashok Lahiri, Voter Turnout in India: Trends and Patterns, *Economic and Political Weekly*, Vol. 56, No. 12 (2021).

⁶¹ S.Y. Quraishi, *An Undocumented Wonder: The Great Indian Election* 43 (Rupa Publications, New Delhi, 2014).

⁶² Election Commission of India, *Model Code of Conduct for the Guidance of Political Parties and Candidates* (ECI, New Delhi, 2019).

been established so that it can be insulated from outside influence. However, in the case of the electoral machinery in the USA, these have been established under the Election Campaign Act of 1971 and the HAVA Act of 2000. There are many challenges before the ECI in conducting free and fair elections because of the population of India. The population of the USA is tiny in comparison to India. It is tough for the ECI to conduct impartial elections in the most popular democratic country in the world. In some cases, the Commission plays a proactive role.⁶³ The ECI plays a vital role in enforcing the MCC, which is very important in establishing the purity of elections in the country. However, in the USA, there is no such MCC to enforce. The power and functions of the electoral machinery in the USA have been well defined, but it is not the case with the ECI. The ECI has to exercise its discretion powers to achieve its constitutional goal, i.e., to establish the purity of elections. Both India and the U.S. have independent election authorities responsible for conducting elections.⁶⁴ However, these organizations have limited control and primarily focus on establishing campaign finance rules. In contrast, the Election Commission of India (ECI) holds greater authority, as it manages the election process, vote counting, financial regulations, and coordinates with police and domestic military forces to ensure a smooth and incident-free voting experience.⁶⁵

The Election Commission has no permanent staff to conduct the elections in India. The Constitution provides that the President or the Governor shall provide the necessary staff for conducting the functions of the Election Commission.⁶⁶ But in comparison with the electoral machinery in the USA, the Commissions have permanent staff for the conduct of the elections. The United Kingdom employs a highly disproportionate majority electoral system.⁶⁷ India incorporates aspects of this British system into its democratic framework through the 543 electoral districts in the Lok Sabha, with 79 seats designated for Scheduled Castes and Scheduled Tribes.⁶⁸ The British electoral system has encouraged political consolidation due to its proportional representation. Since the conclusion of World War II, no party

⁶³ *Ibid.*

⁶⁴ The Constitution of India, art. 324; U.S. Constitution, art. I, § 4, cl. 1.

⁶⁵ Representation of the People Act, 1951, No. 43 of 1951, ss. 13B, 20–21; Election Commission of India, *Manual for Conduct of Elections* (ECI, New Delhi, 2019).

⁶⁶ The Constitution of India, art. 324(6).

⁶⁷ Representation of the People Act, 1983, c. 2, U.K.; David Butler, *The British General Election of 2019* 34 (Macmillan, 2020).

⁶⁸ The Constitution of India, art. 330–332; Representation of the People Act, 1951, No. 43 of 1951, ss. 7–8.

has secured more than 50% of the popular vote, yet in every instance, one party has achieved an absolute majority in the House of Commons.⁶⁹

The British political landscape is characterized by multiple parties, with the Conservative Party and the Labour Party being the two predominant ones since the 1920s.⁷⁰ Prior to the emergence of the Labour Party, the Liberal Party was a significant competitor alongside the Conservatives.⁷¹ In contrast, India's political environment features a multitude of parties, complicating the process of conducting free and fair elections.⁷² Additionally, there are notable differences in voter populations between the UK and India, as organizing elections is less challenging in countries with smaller populations compared to larger ones like India.⁷³ India conducts its elections under a similar First Past the Post (FPTP) system as utilized in the UK.⁷⁴

In the U.K., personalization in politics has always been significant because voters choose individual candidates instead of party lists, doing so in single-member districts that reduce the distance between voters and candidates.⁷⁵ The British electoral system traditionally operates within the framework of class-based divisions, but it is also influenced by commercial prosperity (with exceptions in the 1960s and 1970s) and a strong national identity.⁷⁶ Despite its geographical isolation, Britain serves as an example of how societal values can underpin a functioning competitive democracy.⁷⁷ This environment allows for effective operation even within the highly disproportionate First Past the Post (FPTP) system.⁷⁸ One aspect often overlooked is the relationship between England and the other parts of Britain.⁷⁹

⁶⁹ David Butler & Gareth Butler, *Twentieth Century British Political Facts* 101–105 (Macmillan, 2000).

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² S.K. Mendiratta, *How India Votes – Election Laws, Practice and Procedure* 112–115 (New Model Impex, New Delhi, 2006).

⁷³ *Ibid.*

⁷⁴ The Constitution of India, art. 81; Representation of the People Act, 1951, s. 7.

⁷⁵ David Butler & Gareth Butler, *British Political Facts 1900–2000* 234–236 (Macmillan, 2000).

⁷⁶ Seymour Martin Lipset, *Political Man: The Social Bases of Politics* 122–130 (Anchor Books, 1960).

⁷⁷ David Marquand, *Parliament for the 21st Century* 45–47 (Oxford University Press, 2000).

⁷⁸ Representation of the People Act, 1983, c. 2, (U.K.).

⁷⁹ Vernon Bogdanor, *The British Constitution in the Twentieth Century* 89–92 (Oxford University Press, 2000).

Parameter	India	United Kingdom	United States
Primary Election Body	Election Commission of India (ECI)	Electoral Commission (EC)	No single national commission but multiple bodies :Federal Election Commission (FEC), Election Assistance Commission (EAC), State Election Authorities
Legal Basis	Constitutional: Article 324	Statutory: Political Parties, Elections and Referendums Act (PPERA) 2000	Hybrid: U.S. Constitution and federal statutes (FECA, HAVA)
Status	Independent Constitutional Authority	Statutory Non-Departmental Public Body	Highly decentralized system with federal and state division
Appointment of Members	President appoints CEC and ECs	Appointed by Crown on advice of Government and confirmed by Parliamentary Committee	FEC Commissioners appointed by President, confirmed by Senate; state-level officials often elected or appointed by political executives
Tenure & Removal	CEC removable by impeachment; ECs removable only on CEC recommendation	Fixed terms; removable by statute or government restructuring	FEC commissioners have fixed terms; state officials vary widely; often political
Scope of Powers	Very broad: supervision, direction, control of all elections (Art. 324)	Moderate: campaign finance, monitoring elections, political party regulation	Fragmented: campaign finance enforcement (FEC), election administration (states/local), standards support (EAC)
Control Over Election Process	Highly centralised and uniform nationwide	Mixed: EC advises, monitors; local authorities conduct elections	State-run elections: procedures differ across states; federal oversight minimal
Financial Independence	Budget routed through executive; no independent secretariat (reform issue)	Funding controlled by Parliament; subject to ministerial oversight after 2022 reforms	Federally funded agencies but vulnerable to political gridlock; state/local budgets vary
Role of Judiciary	Judiciary has expanded ECI's autonomy.	Courts defer to Parliament due to sovereignty doctrine	Courts play major role; decisions often politically divisive.
Handling of Political Parties & Campaign Finance	Regulates conduct and registration; limited enforcement on finances	Strong powers to monitor, audit, and penalise parties	FEC enforces federal campaign finance but deadlocks common; states vary
Strengths	Constitutional autonomy; centralised uniformity; strong judicial backing	Transparent funding oversight; professional regulatory body	Deep federal autonomy; experimentation with diverse voting models
Challenges	Executive influence in appointments; lack of statutory backing for MCC; no independent cadre	Ministerial influence (post-2022); limited enforcement capacity	Extreme fragmentation; partisan election administrators; gerrymandering; differing voting rights

Table 1.

The British Electoral Commission does not possess the manipulation to issue orders/instructions. Instead, it can advance coherence by accompanying and monitoring the presentation of vote bureaucrats and publishing reports on the management of ballot boxes. In India, after the dates of the polls are instituted, only the Electoral Commission has the manipulation to coordinate, receive, and report complaints until the completion of the elections. The central electoral body of the United Kingdom, the Electoral Commission, does not unilaterally order elections. In contrast, the United Crown possesses a decentralized management system. The

polls are administered by returning captains, alongside coordination and supervision.⁸⁰

The British Electoral Commission lacks the authority to issue orders or directives.⁸¹ Instead, it promotes consistency by assisting and overseeing the work of election officials and releasing reports on ballot box management.⁸² In India, once the election dates are set, only the Electoral Commission has the authority to handle, receive, and report complaints until the elections are concluded.⁸³ Conversely, the UK's central electoral body, the Electoral Commission, does not independently call for elections. Instead, the process is managed in a decentralized manner by returning officers, who are responsible for coordination and oversight.⁸⁴

9. CONCLUSION

A comparative analysis of the Election Commissions in India, the United Kingdom, and the United States reveals the significant impact of their constitutional and legal frameworks on the management of elections.⁸⁵ The Election Commission of India (ECI), which operates under the constitutional authority of Article 324⁸⁶, represents a centralized model that encompasses election oversight, campaign regulation, voter registration, and enforcement of the Model Code of Conduct.⁸⁷ This organization collaborates with civil authorities to ensure that elections are conducted fairly across a large and diverse population.⁸⁸

In contrast, the Electoral Commission in the United Kingdom functions as a statutory entity under the Political Parties, Elections and Referendums Act of 2000.⁸⁹ It has regulatory, advisory, and oversight roles but lacks the power to conduct elections, which are administered at a local level by returning officers.⁹⁰ Similarly, the Federal Election Commission (FEC) in the United States, established

⁸⁰ *Ibid.*

⁸¹ Political Parties, Elections and Referendums Act, 2000, c. 41, § 2–3 (U.K.).

⁸² Electoral Commission (U.K.), *Annual Report 2019–20* 12–14, available at: <https://www.electoralcommission.org.uk> (last visited Sept. 28, 2025).

⁸³ The Constitution of India, art. 324; Representation of the People Act, 1951, ss. 13A–13B.

⁸⁴ Electoral Commission (U.K.), *Administration of Elections: Guidance for Returning Officers* (2020), available at: <https://www.electoralcommission.org.uk> (last visited Sept. 28, 2025).

⁸⁵ S.K. Mendiratta, *How India Votes – Election Laws, Practice and Procedure* 112–115 (New Model Impex, New Delhi, 2006).

⁸⁶ The Constitution of India, art. 324.

⁸⁷ Representation of the People Act, 1951, No. 43 of 1951, ss. 13A–13B.

⁸⁸ Election Commission of India, *Manual for Conduct of Elections* (ECI, New Delhi, 2019).

⁸⁹ Political Parties, Elections and Referendums Act, 2000, c. 41 (U.K.).

⁹⁰ Electoral Commission (U.K.), *Guidance for Returning Officers* (2020), available at: <https://www.electoralcommission.org.uk>

by the Federal Election Campaign Act of 1971, mainly focuses on regulating campaign finance and disclosure, illustrating the decentralized nature of the federal system where states run their own elections.⁹¹ The study concludes that although all three commissions strive to maintain electoral integrity, their effectiveness is influenced by distinct legal frameworks, institutional structures, and political environments. India is characterized by centralized oversight, the U.K. by regulatory monitoring, and the U.S. by a federal and pluralistic approach, providing important insights for enhancing global electoral governance.⁹²

⁹¹ U.S. Constitution, art. I, § 4, cl. 1.

⁹² International Institute for Democracy and Electoral Assistance (IDEA), *Electoral Management Design: The International IDEA Handbook* 21–25 (International IDEA 2014)