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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

A COMPARITIVE STUDY AND ELECTION PROCESS OF UK, USA, CANADA AND AUSTRALIA.

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Abstract- India is the largest democracy in the world. Elections are the most integral and important part of politics in a democratic system of governance. True democracy can function only when elections to the offices of power are held in a free and fair manner. The issue of electoral reforms is a very important and often-heard topic in Indian Polity. Elections are vital as they always decide who finally will be representing the people in a democracy. In a democracy, an electoral system converts votes into seats, allowing for the election of a government by the people. In the presidential election in the United States, a candidate must win the total number of seats, also known as Electoral College votes, rather than the total number of votes cast nationwide.

Initially, the political system of India, it received from the Britishers in 1947 had number of flaws. The establishment of a stable political system, which included the simulation of an electoral process, was one of the primary issues. The United States, like India, uses the First Past the Post (FPTP) System, which is a British legacy, is also used in India. However, Dr. B. R. Ambedkar and the other constitution authors chose it over other existing election systems as the best system for a country like India. In FPTP system. Regardless of the number of candidates running, the person who receives the most votes wins, even if the margin is only one vote.

Keywords- Democracy, Electoral Reforms, FPTP system, international mapping, Electoral College.

- 1. Introduction**- Election is the certified filtering process of selection a person for public position or officials approve or refuse a political proposing by voting .it is important to comprised between the form and the substance of elections. sometimes electoral forms are attending but the substance of an election is last, as when balloter do not have a free and brilliant decision between at least two different choices. The mass countries hold elections in at least the official sense but in many of them the election is not qualified comparison.

India divided and comprise in political unit includes dominion ,or sovereign with a representative government governed by the constitution of India, which divide the energy distribution among the sovereign government and nation is the conventional head of India and the sovereign person of our country India is territorial and zonal diverge in to state and union territories and each states has a chief minister who is the leader of the party or political proposing union having a representative majority in the national elections to the Lok-Sabha which exercise most executives powers for matters that require country wide warmth , attachment under a federal government.

Elections are vital as they always decide who finally will be representative the people in a democracy. In a democracy, an electoral system converts votes into seats, allowing for the election of a government by the people. In the presidential election in the United States, a candidate must win the total number of seats, also known as Electoral College votes. It has been 73 years since India first appeared on the international map as an independent nation. At first, the political system it received from the Britishers in 1947 had a number of drawbacks. The establishment of a stable political system, which included the simulation of an electoral process, was one of the primary issues. The majority vote system, popularly known as ‘first-past-the-post,’ is used to elect MPs in the United Kingdom. Countries like Canada and New Zealand, for example, have similar election systems. It is more common in countries where the legal system is founded on Anglo-Saxon law

2. ELECTION PROCESS OF INTERNATIONAL COUNTRIES-

- (1) **Electoral System of United Kingdom (UK):** - The majority vote system, popularly known as 'first-past-the-post,' is used to elect MPs in the United Kingdom. Countries like Canada and New Zealand, for example, have similar election systems. It is more common in countries where the legal system is founded on Anglo-Saxon law. The United Kingdom is currently divided into 650 constituencies, each of which sends one MP to Westminster. As a result, 650 mandates are available for appointment. The candidate who receives the most votes in a certain constituency is declared the winner. It is vital to note that it makes no difference if the individual with the most votes does not have a majority of votes. As a result, even if a candidate receives just 25% of the vote, the constituency can still be won.

Elections to the House of Commons of the United Kingdom (often referred to as " general elections & quot;), elections to devolved parliaments and assemblies, local elections, mayoral elections, and elections to the Police and Crime Commissioner are the five forms of elections in the United Kingdom. There may be by-elections within each of those categories. Elections are held on Election Day, which is a Thursday in most cases. All five forms of elections are held after specified periods since the passage of the Fixed-term Parliaments Act 2011.

- (2) **Electoral System of United State (USA):** - Elections are held in the United States for federal, state, and local government leaders. The president of the United States is elected indirectly by the people of each state through the Electoral College at the federal level. Today, these electors almost always vote according to their state's popular vote. The people of each state elect all members of the federal legislature, the Congress, directly. At the state level, there are numerous elected offices, with each state having at least an elective governor and legislature. At the local level, there are elected offices in counties, cities, towns, townships, boroughs, and villages, as well as special districts and school districts that may exist outside of county and municipal limits.

The Electoral College of the United States is a body of presidential electors established every four years by the Constitution for the sole purpose of electing the president and vice president. Each state appoints electors, who are equal in number to its congressional representation, according to the methods outlined by its law (senators and

representatives). Federal officeholders are not eligible to vote. To elect the president and vice president, an absolute majority of 270 or more electoral votes is necessary of the current 538 electors. If no candidate receives an absolute majority, the United States House of Representatives and the United States Senate hold a contingent election to pick the president and vice president, respectively.

(3) **Electoral System of Canada:** - Canada is a federal country that uses the single-member plurality (SMP) system at both the national and provincial levels, while the SMP system is currently under criticism, particularly at the provincial level. The candidate who receives the most votes in a riding gets a seat in the House of Commons and is the member of Parliament for that constituency (MP). The governor-general requests members of Parliament to form a government, which is usually led by the party with the most seats in Parliament; the leader of such party is usually named Prime Minister. It is not necessary to have an absolute majority of the electorate, and this is rarely attained. As a result, for the most of Canada's history, power has been held by one of two parties. The Official Opposition is the party whose candidates win the second-largest number of seats.

A political party, according to the Canada Elections Act, is an organization whose primary aim is to participate in public affairs by endorsing one or more of its members as candidates and supporting their election to the House of Commons. Political parties that meet this criterion can register with the Chief Electoral Officer to achieve official status and eligibility for monetary and other advantages under the Act.

(4) **Electoral System of Australia:** - Australia is a pioneer in the field of democracy. Australia was one of the first countries to implement universal suffrage, instant runoff voting and secret ballot voting. Compulsory voting was first recommended by Alfred Deakin at the turn of the twentieth century, in keeping with the ideal of a fair, expansive democracy. Deakin was the Commonwealth's second Prime Minister and a member of the Protectionist Party. In Australia, the political structure resembled a two-party system, with the Labor Party on the left opposing multiple coalition groups on the right. The main source of disagreement between the parties was economic, with working-class voters and the Labor

Party favoring greater government and progressive programs in comparison to upper-class people and the coalition parties.

In 1914, Queensland became the first state in Australia to introduce a compulsory voting system. The program was established by the Liberal Party government of Digby Denham, who believed that the opposition Labor Party was superior at "getting out the vote." Other Australian states soon followed suit, introducing compulsory voting in state elections at various times. In 1926, Victoria was followed by New South Wales and Tasmania, New South Wales and Tasmania in 1928, Western Australia in 1936, and South Australia in 1941. In 1924, compulsory voting was adopted for national elections. Except in Queensland, where the Labor Party initially opposed the concept, compulsory voting was overwhelmingly supported by all political parties at the national and state levels¹

3. **REGISTRATION AS A VOTER**:- In England, anyone who will be 18 or older on polling day² and who is a national of the United Kingdom (all forms of British nationality except British protected persons, the European Union living in the UK, the Republic of Ireland, or a Commonwealth country (including Fiji, Zimbabwe, and the entirety of Cyprus) can apply to the electoral registration officer in the local authority area where they reside with a 'considerable degree of permanence can apply.

Those who meet the nationality requirements (as stated in the previous paragraph) in Scotland and Wales, or only in Scotland who otherwise hold leave to remain (limited or indefinite) in the UK³, who will be 16 or older on polling day can register to vote, as the voting age in the Scottish Parliament and the Senedd, as well as local elections in both countries, is 16. Voters under the age of 18 in Scotland and Wales, on the other hand, are not allowed to vote in European Parliament and general elections in the United Kingdom. If a person is going to be away for a while, they can still register at their regular address (for example, away working, on holiday, in student accommodation or in hospital). A person with two addresses

¹ Fowler, Anthony. "Electoral and policy consequences of voter turnout: Evidence from compulsory voting in Australia." *Quarterly Journal of Political Science* 8.2 (2013): 159-182.

² Representation of the People Act 1983, Section 4(5).

³Available at: <https://www.gov.scot/news/right-to-vote-extended/>

(for example, a university student who lives at home during the vacations and has a term-time address) may be entitled to register to vote at both addresses as long as they are not in the same electoral area (though an elector can only vote once in any single election or referendum).

Furthermore, applicants who are Commonwealth citizens must either have or not require leave to enter or remain in the UK on the date of their application, and no applicant may be a convicted person detained in prison or a mental hospital (or unlawfully at large if they would otherwise have been detained), or a person found guilty of certain corrupt or illegal practises.⁴

From 1949 to 2014, a minimum of three months of residency in Northern Ireland was required for registration. The Northern Ireland (Miscellaneous Provisions) Act 2014 repealed this provision. By declaring a local connection, remand inmates, voluntary patients in mental hospitals, and those without a fixed address can register to vote. Members of the HM Forces and their immediate families can register as service voters by submitting a service declaration based on their most recent UK address. British people (but not other types of British nationals) living abroad can register as overseas voters if they have been on the Electoral Register in the UK for the previous 15 years.

The 15-year period begins when they are no longer included on the electoral roll, not when they relocate to another country. British nationals who migrated overseas before turning 18 can still register, as long as they wait 15 years from the day their parent(s)/guardian's name disappeared from the Electoral Register. Overseas voters can only vote in European Parliament and UK Parliamentary elections in the constituency of their last registered UK address (or the last registered UK address of their parent(s)/guardian, if they went abroad as a minor). British residents who are temporarily abroad do not need to register as overseas electors; instead, they can register to vote at their customary UK address.

Crown servants and British Council employees (as well as their spouses who live abroad) working in a position outside the UK can register and vote in all UK elections by signing a

⁴ Representation of the People Act 1983, Section 173.

Crown Servant declaration. If an individual's safety (or that of any other person in the same household) would be jeopardized if his or her name and address were made public on the Electoral Register, he or she can register as an anonymous elector, but the application must be accompanied by a relevant court order, injunction, or attestation from a chief police officer or Director of Social Services.

The Representation of the People Act 1918, which limited the vote to British subjects, has left Commonwealth and Irish citizens with the ability to vote. The people of Ireland — then part of the United Kingdom of Great Britain and Ireland — and all other regions of the British Empire were considered "British subjects" at the time. Despite the fact that most of Ireland (see Ireland Act 1949) and the majority of the colonies became independent states, their inhabitants who live in the United Kingdom still have the right to vote. Members of the Royal Family who are not members of the House of Lords (including peers who lost their ability to sit as a result of the House of Lords Act 1999) are able to vote in theory, but very rarely do so in practice.

4. **PROCEDURE FOR REGISTERING**: - Electoral registration in the United Kingdom is also a topic worth exploring. Most electors in the United Kingdom are enrolled during the annual canvass, which is required to be conducted every year between August and November by electoral registration officers. All households are sent canvass forms, which must be returned or a fine of £1000 may be enforced.⁵ One person in the household must validate the information of all existing electors, including adding or removing persons who have moved in or out and are entitled to vote.

Instead, the rolling registration system is used between December and early August. Individual applications must be made using registration forms accessible from local electoral registration officers or the Electoral Commission's website (unlike annual canvass forms, which require one person to register all eligible members in a household). Although no proof

⁵ Representation of the People Regulations 2001, Regulation 23(3) (in England and Wales); Representation of the People (Scotland) Regulations 2001 (in Scotland).

of identification or address is required when filing an application, the electoral registration officer may ask for additional information about the applicant's age, nationality, residency, and whether or not they are disqualified, as well as proof of age and/or nationality. Application forms can be sent, faxed, or emailed as a scanned attachment to the local electoral registration officer.⁶

As part of the government's Digital by Default initiative, voters in England and Wales can now register to vote online as of June 2014. Special category voters do not participate in the annual canvassing process. Instead, they can apply at any time throughout the year and must renew their electoral application on a regular basis (every one year for overseas electors and voters with a declaration of local connection and every three years for service voters). When an electoral registration official receives an application, he or she must add it to a list of applications (unless they are applications to register as an anonymous elector). Any other elector may raise an objection to an application during the five-day period while the list is open for view. If the electoral registration officer believes there are legitimate integrity concerns about the

5. **ELECTORAL REGISTER:** - The electoral registration officer compiles an Electoral Register for each district council or unitary authority, which lists all registered electors. Every ordinary elector's name, qualifying address, and electoral number are recorded in the Electoral Register, as well as the names of special category electors (such as service voters) and the electoral number of anonymous electors. The date of birth of any elector who was under the age of 18 at the time of registration shall also be printed. The Electoral Register of each district is separated into distinct registers for each polling district.⁷

Because each voter's franchise varies, various markers may be placed next to their names to indicate which elections they are eligible to vote in. Nationals of the European Union who are not Commonwealth or Irish citizens have their entry preceded with G (meaning they can

⁶ Representation of the People Regulations 2001, Regulation 6.

⁷ Representation of the People Regulations 2001, Regulation 38.

only vote in local government elections) or K (meaning they can vote in national elections) (meaning they can only vote in European Parliamentary and local government elections). Foreign electors have the letter F affixed to their name, indicating that they can only vote in European and UK Parliamentary elections. House of Lords members who live in the United Kingdom are prefixed with the letter L, indicating that they can only vote in European Parliamentary and local government elections, whereas peers who live abroad are prefixed with the letter E, indicating that they can only vote in European Parliamentary elections.

Every year on the 1st of December, following the yearly canvass period, the register is published (unless there has been an election during the annual canvass period between 1 July and 1 December, in which case the publication date is 1 February in the following year). Because the Police and Crime Commissioner elections took place on November 15, 2012, the yearly canvass in England and Wales (excluding London) took place between July and October, and the Electoral Register was issued on October 16. During the 'rolling registration' period, which runs from January to September, notifications of adjustment are published on the first working day of each month to add, remove, or amend names. To fix any clerical errors or to execute any court rulings, notices of alteration are also published 5 working days before an election at any time of the year and just before the closing of poll at any election. The electoral registration officer must notify anyone who is added or removed from the register, with the exception of a deceased elector who is removed from the register.⁸

The Register is available in two versions: the entire registry and the modified register. The full register can only be inspected under supervision at the local electoral registration officer's office, and it must be provided free of charge to the district's returning officer, the British Library, the Electoral Commission, the Office for National Statistics (only English and Welsh Registers), the General Register Office for Scotland (only Scottish Registers), the National Library of Wales (only English and Welsh Registers), the National Library of Scotland (only Scottish Registers), the National Library of Wales (only English and Welsh Registers), the National Library of Scotland Electoral registration officers sell the altered register for a fee,

⁸ Representation of the People Regulations 2001, Regulation 36(2)(b).

and it can be used for any reason. By notifying their local electoral registration official, voters can opt out of appearing in the revised register.

6. **CANDIDATE SELECTION FOR THE HOUSE OF COMMONS:** - Almost any registered voter can run for parliament, as long as they can submit nomination forms signed by 10 people from the seat they want to represent, as well as a £500 deposit (which is returned to the candidate after the election if they poll more than 5 percent of the vote). It is the responsibility of political parties to choose candidates to run for office, and each party has its own methods. Political party officer," or someone authorized in writing by the nominating officer, according to the Registration of Political Parties Act 1998. The three main parties, the Conservatives, Labour, and Liberal Democrats, all have candidate lists that have been authorized officially.⁹
7. **CONSTITUENCY ORGANIZATIONS:** - A number of organizations have held open parliamentary primaries. A Constituency Association must select a candidate using the guidelines set by the Conservative Party's Committee on Candidates of the Board of Directors, and from a list produced by the Committee on Candidates of the Board of Directors (in England, Wales, and Northern Ireland). Candidates apply to the Conservative Central Office to be added to the authorized list of candidates; some candidates will be able to run for any seat they want, while others will be limited to specific seats. Deselection of a Conservative MP can only be done in a special general meeting of the local Conservative association, which can only be called if a petition of more than fifty members is signed¹⁰
8. **CONCLUSION:** - Elections are vital as they always decide who finally will be representing the people in a democracy. In a democracy, an electoral system converts votes into seats, allowing for the election of a government by the people. In the presidential election in the United States, a candidate must win the total number of seats, also known as Electoral College votes, rather than the total number of votes cast nationwide. It has been 73 years since India first appeared on the international map as an independent nation. At first, the political system

¹⁰ Colomer, Josep M. (2013). Personal Representation: The Neglected Dimension of Electoral Systems. European Consortium for Political Research.

it received from the British in 1947 had a number of flaws. The establishment of a stable political system, which included the simulation of an electoral process, was one of the primary issues.

The United States, like India, uses the First Past the Post (FPTP) System, in which the 'candidate who receives the greatest number of valid votes' is declared elected in an electoral constituency or seat. Votes are translated into seats for a political party or independent candidates in India's electoral system. The FPTP System, which is a British legacy, is also used in India. However, Dr. B. R. Ambedkar and the other constitution authors chose it over other existing election systems as the best system for a country like India. The simplest election system is the first-past-the-post (FPTP). Regardless of the number of candidates running, the person who receives the most votes wins, even if the margin is only one vote.

Many countries, including Belgium, Denmark, Greece, Italy, Norway, Spain, Israel, and Russia, have already adopted the proportional system. It's an electoral method that aims to elect a member of council of states, Legislative Councils and the President of India that reflects the public's total support for each political party. The FPTP system, often known as the majority system, effectively promotes powerful parties while penalizing weaker ones by allocating representation of an entire constituency to a single candidate, who is usually elected with fewer than half of the votes cast. Proponents of proportional representation say that the objective of elections is to reach a consensus on how a country should be governed, and that decisions are acceptable if the assembly represents the country's complete range of opinion. To achieve a proportional representative electoral system, there are three options: Method of a Single Transferable Vote (STV), Party list System and the Additional Method System.