



Democracy in Contrast: A Comparative Study of India and US Elections

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ABSTRACT

2024 is not just an election year, It's perhaps the election year. Over 64 countries in the world, nearly a whopping 49% of the world's population will be heading to the electoral polls casting their votes to a person who is going to govern them for years to come¹. Among these 64 countries two of the most populist nation in the world, India and US will be holding their elections as well. India a country of 1.42 billion population and a contribution 7.51%² of world's GDP will be electing their country's prime minister` this year. US a country that had its constitution even before India will be electing their president this year as well. This research paper is aimed to study the fascinating contrast and similarities in the electoral process between US's presidential election and India's parliamentary system of election. Contrast it might the research paper also aims to critically study the challenges faced by both the democracies in conducting elections by highlighting the key problems.

Keywords – Election, Presidential, Parliamentary, challenges, key problems

1. Introduction

Every country has a piece of paper known as the constitution, they are either written or unwritten but it always been the supreme law that dictates over all the other laws in existence of that country. So it comes of no surprise that the laws relating to the elections are indeed laid down in the constitution providing for the process that to be followed in holding a fair and free election. India's constitution popularly known for being one of the lengthiest has laid down its own set of guidelines for the election of prime minister and US a country with one of the oldest constitution in the world has its own set of guidelines for the election of the president as well. But to understand the constitutional provisions and general concept of it, it's inevitable that we must understand the structure of the government body it applies to. So going ahead with the research paper, the form of government that is run by each country will be discussed to an understanding first before going ahead with the constitutional provisions and the general manner how they are formally conducted in both the states.

2. Forms of Government

As the name suggest a form of government means the structure and organization of the government. A form of government defines how a country's government operates through different channels and through different heads. Like mentioned above US runs a presidential form of government whereas India runs a parliamentary forms of government.

The presidential form of government is purely based on the principle of separation of power between the executive and legislative. In this system the head of the state is the real executive and unlike parliamentary form of government he is merely not a ceremonial head or nominal head. In the United States of America, the presidency office is the chief executive office and the president is the chief executive of the country. He is directly elected by the people for fixed tenure of 4 years.

The parliamentary form of government emerged from the Great Britain and this form of government is known for the close relationship between the executive and legislative. The word "parle" is a French word which means "talk" and it is because parliament is the place where people talk about affairs of the nation. The Indian constitution establishes a parliamentary form of government following the British model in toto. The essences of this parliamentary form of government is that the executive is responsible to the legislature. The president is the constitutional head with nominal powers whereas the prime minister is the real head with chief executive powers.

¹ <https://time.com/6550920/world-elections-2024/>

¹ <https://www.statista.com/statistics/271328/indias-share-of-global-gross-domestic-product-gdp/>

So, now having a basic understanding about the structure of both government, moving ahead we will be briefly discussing about the electoral process and the constitutional provision accompanying the same.

3. The constitutional provision and the general manner on how the elections are conducted

As mentioned briefly about constitution how it is the supreme law that dictates over other law, now we will dive deep into the constitutional provisions in regards to election of president in the US and election of prime minister in India.

3.1. Election of the president of the United States of America

The article II of the US constitution deals with the sections providing for the president of the US. As per the article II, section 1, clause 5³ the president:

- Be a natural-born US citizen
- Be at least 35 years old
- Have been the resident of the united states for 14 years

The executive power of the president is given through the virtue of section 1 of the same article II and he holds the office for a term of 4 years. So, it comes of no surprise that every 4 years there will be an elections held for the president of USA and this happens in a 5 step process:

1. Primaries and caucuses
2. National conventions
3. Election campaigning
4. General Election
5. Electoral college

1. Primaries and caucuses

Primaries and caucuses is the beginning stage to an election where the presidential nominees try and win over the members of the political party they belong to, the objective might be the same but they differ in how the nomination is conducted. In primaries the party members vote for the best candidate who will represent them in the general elections. In caucuses the party member select their best candidate through a series of discussion and votes. Even though the process of nomination seems similar they still fundamentally differ in who runs them. Primaries are directly run by the state and political parties whereas caucuses are only run by the political parties alone with no oversight from the state.

2. National Convention

The objective of a national convention is to select a presidential and vice presidential candidate. Based on the vote they receive in the primaries or caucuses, the nominees are awarded with delegates who will vote for them in the national convention to confirm their choice of candidate. The candidate also chooses a running mate, i.e. vice presidential candidate.

3. Election campaigning

Election campaigning takes place after the nominee of each political party is chosen. This is when candidates go around the country expressing their views and visions try wining the hearts of the general public. Election campaign can happen in form of rallies, debates and advertisement.

4. General elections

During general elections, people across every state vote for their favoured presidential candidate by going to the polls and casting their votes. However, the process does not end there because people are not directly voting for the president; instead, they are voting for individuals known as electors.

5. Electoral college

As established above the president is elected indirectly through someone known as electors, each state gets certain number of electors based on its representation in congress. Who and how electors will be chosen differs from state to state. In total it's there consist 538 electors and candidate who gets more than half i.e., 270 wins.

In conclusion, the President of the United States is elected indirectly through a complex five-step process. This begins with step one, wherein the candidate seeks to win the support of their political party members for nomination, followed by eventual election by an electoral college.

³ <https://constitution.congress.gov/constitution/article-2/#article-2-section-1-clause-5>

3.2. Election of the prime minister of India

As per article 74 (1) of the constitution of India the prime minister is the head of the council of ministers and according to article 75 (1) the prime minister shall be appointed by the president of India. So reading about these articles provided in the constitution and reading news about elections that is coming up, question comes to our head i.e. is the prime minister elected or appointed? To give answer to this question we must understand that for the election of prime minister we have adopted the same convention that of England. One of the well-established convention is that leader of the majority party of the lower house is the prime minister and as per article 75 (3) of the Indian constitution the council of minister is collectively responsible to the house of people i.e., the lok sabha. So, interpreting all this information it is clear that the president's power to appoint the prime minister is limited, it is more so over a formality when it comes to it i.e. the president merely chooses the leader of the majority (more than 50%) ruling party of lower house to become the prime minister of India. Second take away about election of the prime minister is that he is elected indirectly by the people. Although he is elected directly by the lok sabha (house of people), the member of the lok sabha are directly elected by the people.

Tenure of prime minister is not constitutionally fixed, but they typically coincide with that of the members of lok sabha i.e. 5 years, but this tenure is not absolute. The prime minister holds the office during the pleasure of president, this means the president can remove the prime minister if he chooses to, but however this removal shall be according to the provision given under the constitution. Also the tenure prime minister is shortened when he fails to have absolute majority of the Lok Sabha, in which case the ministry must resign.

Eligibility of prime minister is again not expressly mentioned in the constitution, it is described as *primus inter pares* (first among equals)⁴. The criterion for eligibility hence is –

- Be a citizen of India
- Be a member of parliament. If a person has been chosen to become the prime minister of India and he is not a member of parliament, he shall within 6 months become a member of parliament.
- He shall be above 25 years if he a member of Lok Sabha or above 30 years if he a member of Rajya Sabha.
- He shall not hold any office of profits.

So in brief conclusion the prime minister of India is elected indirectly through the member of Lok Sabha who shall meet the eligible criterion to become the prime minister of India.

So now having an understanding of election conducted in both states going ahead we will be discussing about the contrast and the similarities in both the elections.

4. The similarities and contrast in election between India and US

The similarities

Both countries being a democratic government give right to their citizens to vote and elect their representative. Both countries are also similar when it comes to having an independent and autonomous electoral body to conduct election.

The contrasts

Political parties

US is prominently known for its two major political parties namely, the Democratic Party and the Republican Party. They stand different to one another for their different perceived ideologies and this often becomes a topic of debate during the general elections debate.

But in contrast India has multiple political parties that operate both on a national and state level, but there are a total of 7 national political parties and among them there are only two parties that majorly operate, they are namely, Indian National Congress (INC) and the Bharatiya Janata Party (BJP). Again the parties are separated by their perceived ideologies.

Role of election board

Both the electoral board are autonomous bodies, but they differ in their role and functions. US has namely two federal bodies that manage in conducting election in both central and state level, US Election Assistance Commission (EAC) created under Help America Vote Act of 2002 supports the state and local elections and Federal Election Commission (FEC) is confined to setting up campaign finance regulation, also involves in overseeing the enforcement of donation restrictions, setting limits, and supervising the allocation of public funds for presidential campaigns⁵.

On the other hand India's autonomous regulation body Election Commission of India (ECI) is responsible for administering elections in both union and state, also yielding more power in regards to conducting the election. The Election Commission of India (ECI) body gets his power from Article 324 of The Constitution of India, thereby giving security and autonomy of not being removed than according to provision given under this article. Election

⁴ <https://politics.stackexchange.com/questions/80302/eligibility-criteria-to-become-the-prime-minister-of-india-and-what-is-office-o>

⁵ <https://www.usa.gov/agencies/federal-election-commission>

Commission of India (ECI) regulated in setting up the elections. Counting votes, setting up finance regulation, also Utilizing the assistance of police or domestic military forces to ensure the voting process proceeds without incidents to the best of their ability.

Voting procedure

United States has a flexible voting system providing more than one method for the citizens to cast their vote, for instance a voter can vote via polling booth and in case absentee ballots it can be done via mail.

Electronic Voting Machines (EVMs) are placed in private polling booth room for the voter to cast his vote and absentee voting can be done via postal booths according to the guidelines provided by the Election Commission of India (ECI).

Now having a comprehensive understanding of the election process of both the democracies and also being familiar with similarities and differences, going forward the research paper will discuss on the challenges faced in each of the democracy in conducting such elections.

5. Challenges faced in conducting elections

One of the most important thing in an election is integrity, without integrity the idea of fair and free election is non-existent. The integrity is compromised in many ways including voter intimidation & Coercion, vote buying & selling, ballot frauds and the most important among all, the influence of rich money i.e. political campaign donations. Both U.S. and India are not shy to this issue as both the countries owe themselves to ambiguous guidelines and loopholes allowing political parties to enjoy the access of huge sums of money.

Federal Election Commission (FEC) of US regulates and limits the campaign contribution that candidates can receive under Federal Election Campaign Act. For instance the candidate can utilize his own funds without any limit but he is bound disclose that Federal Election Commission (FEC). Federal Election Campaign Act provides for guidelines of what is personal fund and what is not. The Federal Election Campaign Act also provides for contribution limit that individual and organizations that can contribute to their candidate. Federal Election Campaign Act requires to again report about the donation source and the expenditure receipts to the FEC. Besides all these transparency and regulation there still stems the issue of Dark Money in elections. Dark money denotes to political donations originating from contributors whose identities remain undisclosed. This form of funding can wield substantial sway over elections, especially when channelled through "independent expenditure" entities, often known as Super PACs, which are legally empowered to receive and expend limitless contributions. For instance the 2020 US elections accounted for about billion dollars in dark money. Though corporates are not allowed to donate to candidates they are free to donate to Super PACs. Although Super PACs are legally restricted from coordinating their actions with candidates or political parties, there frequently exists ambiguity between independent expenditures and coordinated endeavours. This ambiguity raises doubts regarding the efficacy of enforcement mechanisms and the integrity of the electoral system.

On the other hand India is not shy of the issue of campaign financing and political funding itself. Again the issue of unlimited resource through political donations cripple the integrity of elections. The trending issue of electoral bond being struck down by Supreme Court was a necessary cleanse to the political funding scheme that existed prior. By striking it down the issue of anonymity of donors and undue influence of wealthy donors in election has been tackled thereby restoring a sense of integrity in elections and transparency to the citizens.

6. Conclusion

While both nations operate under the principles of representative democracy, their electoral systems diverge significantly in terms of organization, financing, and voter participation. The United States' presidential system features a winner-takes-all approach with a strong emphasis on individual candidates and political parties, whereas India's parliamentary system prioritizes coalition-building and proportional representation. Moreover, campaign financing in both countries presents challenges related to transparency, corporate influence, and the role of money in politics. Despite efforts to regulate campaign finance, issues such as the use of electoral bonds in India and the influence of Super PACs in the United States underscore the ongoing need for reform to ensure fairness and integrity in the electoral process