

NLUO LAW JOURNAL

ISSN: 2348-8913



Volume VII

2020

Special Issue on Election Laws

ARTICLES

India's Electoral Legal System: Need for Structural Reform

–*Krishan Mahajan*

Elections and Election Commission of India: A Contemporary Evaluation

–*Afroz Alam*

Significance of the Ballot System in the Indirect Elections in India: with Special Reference of Rajya Sabha

–*Uday Shankar & Ashok Vardhan Adipudi*

Validating Democracy Through Proportional Electoral System

–*Ayaz Ahmad*

An Integrated Approach to Resolve the Crisis of Defection in India

–*Chirag Balyan*

First Past the Post System and its Limitations: A Case for Proportional Representation in India

–*Parth Sharma*

Evaluating Criminal Disenfranchisement in India

–*Abhijit Anand & Tapan Vahal*

Violations of Model Code of Conduct and Accountability of Election Commission of India

–*Neelesh Shukla & Hartej Singh Kochher*

Electrifying the Scourge Over Electoral Corrupt Practices

–*Shivani Puri & Prateek Kumar*

E-Bonds: Code Anonymous in Indian Elections

–*Vrinda Bhardwaj & Kumar Mangalam*

Breaking the Shackles: Recognising Election Manifestos as Legitimate Expectations

–*Omkar Upadhyay*

CASE COMMENTS

Contextualizing Religious Politics and Elections in India: Judicial Discourse in *Abhiram Singh v. C.D. Commachen*

–*Yogesh Pratap Singh & Siddharth Panda*

A Missed Chance to De-Criminalise Indian Politics: A Comment on *Manoj Narula v. Union of India*

–*Nikita Pattajoshi & Swayamsiddha Mishra*

BOOK REVIEWS

Navin Chawla, "Every Vote Counts: The Story of India's Elections"

–*Rajat Solanki & Nidhi Chauhan*

Alok Shukla, "Ambush: Tales of the Ballot"

–*Deban Satyadarshi Nanda*

EBC

India's leading law information provider

FIRST PAST THE POST SYSTEM AND ITS LIMITATIONS: A CASE FOR PROPORTIONAL REPRESENTATION IN INDIA

—Parth Sharma*

"I mean to diminish no individual, institution or phase in our history when I say that India is valued the world over for a great many things, but for three over all others: The Taj Mahal, Mahatma Gandhi and India's electoral democracy."

—Gopalkrishna Gandhi (2013)

ABSTRACT

India has opted for an electoral system which is called First Past the Post System (FTTP) or Single Member Plurality System (SMPS) to elect members of Lok Sabha. India inherited the system being a British colony. It was considered easy to administer and compatible with parliamentary system. Most importantly, it was considered easy to understand for a vast majority of illiterate voters. The present article evaluates how FTTP has failed miserably to provide expected results. The article finds that FTTP has given bigger parties a disproportionate share in India's lower house, it has given a fillip to "vote bank politics" and it has led to under representation of minorities. The article underscores there is an urgent need for transiting from FTTP to Proportional Representation (PR).

1. INTRODUCTION

India proudly claims itself to be the world's largest democracy. It is one of the very few countries in the third world which could claim to have a stable democracy right from the time of independence. India stands in stark contrast with its neighbours, where democratic regimes have been alternated with army rules. India has seen fair and independent elections based on universal adult franchise, thus ensuring one-man one-vote one-value one of the basic prerequisites of a procedural democracy, thanks to

* The Author is Assistant Professor, School of Law, UPES, Dehradun.

its robust election commission. However, one needs to ponder whether India's claims to democracy are valid given the level of socio-economic inequalities that are prevailing in the country. It has been said, "The institutional mechanisms of the Republic of India are super imposed on a social system that is dominated by the hierarchical logic of castes and therefore seems a priority largely incompatible with the individualistic and egalitarian values of democracy".¹ Dr Ambedkar, the chief architect of India's constitution also quite categorically pointed to this contradiction and said:

"On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics, we will be recognizing the principle of one-man one vote and one vote, one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man, one value".²

Political scientists, lawyers, policy makers have delved into the various challenges posed to India's democracy. However, there is one area, which has caught limited attention is India's electoral system. Electoral system of a country outlines the rules for the conduct of elections. Elections are actually "democracy in practice". It is the electoral system, which decides how voter preferences would be translated into seats and ultimately into policies. Thus, the electoral system is the bedrock upon which legitimacy of the government rests. The question of whether a country is a mere procedural democracy or a substantive one rests on how effective an electoral system is in translating common people choices into policies. The present paper investigates this pertinent issue. The article is divided into three sections. First section analyses what is first past the post system and what were the rationales behind India adopting the First Past the Post system. The second section discusses the various anomalies that are inherent to this system. The third section highlights why India should adopt Proportional Representation.

1. Christophe Jaffrelot, *India's Silent Revolution: The Rise of The Lower Castes in North India* (8th impr, Permanent Black 2003).
2. Rodrigues Valerian, *The Essential Writings of B.R Ambedkar* (Rodrigues Valerian ed, 11th edn., Oxford India Paperback 2012).

2. FIRST PAST THE POST: AN UNDERSTANDING

India has opted for First Past the Post system (FPTP) or the Single Member Plurality System (SMPS), simply known as the majoritarian system. Article 81 of the Indian Constitution provides for FPTP. In this type of electoral system, the entire population is divided into constituencies with more or less equal number of voters. Only one candidate can be elected from each constituency. A candidate, which gets the highest number of votes, is declared elected. In FPTP in order to be declared elected, all you need is one more vote than your nearest rival. Supposedly, there are 100 eligible voters in a constituency and if there are four contestants who are contesting election from that constituency. If candidate X receives 30 votes, candidate Y receives 26 votes, candidate P receives 24 votes and candidate Q receives 20 votes. Candidate X would be declared elected simply based on plurality of votes. In a FPTP, it happens quite often that the winning candidate is not able to amass 50 per cent of the votes polled. This system creates an “anomaly because the interests of the majority of the electorate do not find expression and representation in the elected body.”³ However, despite these limitations India opted for FPTP.

Constituent assembly members while drafting the constitution had a choice between FPTP and proportional representation. They heatedly debated over the issue as the future of our democracy rested on it. In the ensuing debate, two schools of thought emerged. People who were favouring FPTP like M. Ananthasayanam Ayyangar and Dr BR Ambedkar. The other school like Kazi Syed Karimuddin, KT Shah, Mahboob Ali Baig favoured a system of proportional system.

The people, who favoured “Proportional Representation” said it better represented popular will and was a better way of representing minorities. Karimuddin categorically pointed out that how “FPTP caused the religious minorities in Ireland to be disenfranchised and unrepresented”.⁴ The FPTP supporters cited India’s illiteracy and administrative convenience as reasons for it. Ayyangar was against proportional representation because of these two reasons. “First, as certain constituencies have a large population, its implementation becomes impractical and administratively

3. Mishra Satish, “The Shift to Proportional Representation: Is it Time for India?” <<https://www.orfonline.org/research/the-shift-to-proportional-representation-is-it-time-for-india/>> accessed 24-4-2020.

4. R. Kruthika, “Does the First-Past-the-Post System Still Make Sense for India?” (*The Wire*, 29-5-2019) <<https://thewire.in/ernment/india-elections-first-past-the-post>> accessed 24-4-2020.

difficult. Second, he believed that this system was too “advanced” for our nation which had a poor literacy rate”.⁵ It has been said, “In a country such as India, with near one billion voters, the ease of administering voting in this system almost makes it the most viable model to follow”.⁶ Dr Ambedkar, emphasised that for the successful working of a parliamentary form of government a country requires a stable government and a proportional representation produces the opposite effect, i.e. fragmentation.

3. DEBATING THE ANOMALIES OF FPTP

Democratic processes in India have recently come under attack with the Electronic Voting Machine (EVM) controversy. Some of the regional political parties have raised the question of tampering of EVMs. Just after the clean sweep of BJP in UP in the 2017 Legislative Assembly elections, the opposition (SP, BSP combine) raised this issue and blamed BJP for manipulating the machines for their benefit. The controversy was again brought back to limelight by AAP after their loss in Punjab and Goa.⁷ However, even before questioning the authenticity and credibility of EVM’s, one needs to question the very electoral system on which India democracy rests. Electoral system simply consists of the rules that govern the conducts of elections. Donald Horowitz, one of the widely acknowledged scholars in his seminal essay on electoral systems has equated the fairness of an electoral system by its proportionality of seats to votes.⁸ In India right from the time of independence there has been a mismatch between the percentage of votes polled and number of seats won by the party in Parliament. Here one would like to draw attention towards 2014 General Elections. This election apart from spelling out the winner also threw some interesting subtexts. In this election, BJP was able to manage 282 seats with just 31 per cent vote share. For the first time in India’s history, a political party was able to manage more than half of the seats in India’s lower house with a meagre vote share of 31 per

5. R. Kruthika (n 4).

6. SY Quraishi, “Why India Needs to Change its Electoral Voting System” (*The Caravan*, 13-9-2017) <<https://caravanmagazine.in/vantage/why-india-needs-to-change-its-electoral-voting-system>> accessed 24-4-2020.

7. Pallavi, “The Many Claims of EVM Tampering in India - Elections News” (*India Today*, 21-1-2019) <<https://www.indiatoday.in/elections/story/the-many-claims-of-evm-tampering-in-india-1435638-2019-01-21>> accessed 28-4-2020.

8. Donald L. Horowitz and James B. Duke, “Electoral systems and their goals: A primer for decision-makers” (2003) 14 *Journal of Democracy* 115-227.

cent.⁹ The previous lowest was in 1967 when Congress won 283 out of 520 seats with 40.8. In 2014 general elections this 31 per cent vote share got translated into 282 seats i.e. 52 per cent seats in Lok Sabha. The FPTP was a key to BJP's fortunes in 2014 General Elections but it proved to be the worst nightmare for Congress. Congress share in Parliament was a meagre 44 seats with just 19.8 per cent vote share. Another comparison that is worth noting here is between 2009 and 2014 General Elections. In the 2014 General Election BJP won 282 seats, 52 per cent of the seats, with just 31 per cent of the vote share. By contrast, in 2009, the Congress managed just 206 seats, 38 per cent of the contestable seats, with 29 per cent of the vote share.¹⁰ Thus we can clearly state that there is absolutely no correlation between the vote share of a political party and the number of seats it gets in Parliament. One must not be under the opinion that this has been the case with BJP only. In fact, this has been the case with all elections since independence. The Congress dominated Lok Sabha in the 1950s, "but its vote share was only about 45 per cent. Even in Nehru's most successful General Elections, in 1957, when he led the Congress to a 75 per cent majority in the Lok Sabha, his party received only 47 per cent of all the votes polled".¹¹ The above mentioned data clearly is indicative of the fact that in India political parties which amass absolute majorities in Parliament often even do not get. This clearly falsifies the political narratives of monism, that is "Indira is India and India is Indira" and currently trending "Modi wave" that are often perpetuated do not hold value.

FPTP tends to favour parties, which have concentrated presence in a few constituencies, rather than political parties with dispersed votes over larger swathes of the country.¹² One could understand this via a

9. R. Kumar, Arun, "A Case for Proportional Representation" (*People's Democracy*, 2014) <https://peoplesdemocracy.in/2014/0525_pd/case-proportional-representation> accessed 2-5-2020.

10. Neelanjan Sircar, "The Numbers Game: An Analysis of the 2014 General Election" (*Center for the Advanced Study of India*) <<https://casi.sas.upenn.edu/iit/nsircar>> accessed 26-4-2020.

11. Rajagopalan Shruti, "Opinion | First-Past-the-Post Elections and their Perplexities" (*Live Mint*, 1-4-2020) <<https://www.livemint.com/opinion/online-views/opinion-first-past-the-post-elections-and-their-perplexities-1554134816044.html>> accessed 23-4-2020.

12. Nalini Singh, "The First-Past-the-Post System Leads to Exclusion of over Half the Voters from the Power Structure" (*The Indian Express*, 20-4-2019) <indianexpress.com/article/opinion/columns/maneka-gandhi-muslim-votes-half-mps-half-votes-5685082/> accessed 2-5-2020.

comparison between Bahujan Samaj Party (BSP) and Trinamool Congress performance in 2014 elections. In the 2014 General Elections (BSP), failed to get a single seat in the Lok Sabha despite having national vote share of 4.2 per cent. On the other hand, parties with much lower vote shares, i.e. won a considerable number of seats—the Trinamool Congress won 34 seats.¹³ Further, "Biju Janata Dal, the fifth largest party in terms of seats after BJP, Congress, AIADMK and TMC, got 20 seats although it stands much lower on the vote share tally at 14th position with 1.7 per cent share".¹⁴

FPTP allows formation of governments with less than 50 per cent of votes. This has been the case in most of the Lok Sabha elections since independence. Never in the history of India's elections vote share of any party have ever crossed 48 per cent but they have always managed to grab seats disproportionately in India's lower house. This often undermines the legitimacy of the government as governments are formed with minority support. The existing electoral system often leads to wasting of a lot of votes. Votes which are cast for losing candidates and those cast for the winning ones too. Thus, "the votes cast for all except the winner are wasted in that they had no effect on the result, but in fact the figure for such ineffectual votes is even larger, because a plurality of only one vote is needed to win a seat under the FPTP system. Any more votes cast for the winner are superfluous".¹⁵

FPTP induces certain compulsions it forces political parties to distribute tickets keeping in mind the caste considerations of the constituency in mind. Apart from being the most dominant factors determining voting behavior, it is quite convenient for political parties to mobilize a few dominant castes in order to acquire a majority in a constituency. As in FPTP all you need is one more vote than your nearest rival the struggle for marginal votes become very important. In such a scenario, political parties flourish over manipulating primordial loyalties like caste, religion and region. Or they thrive on freebies, population and purchasing of votes in politics.

13. Quraishi (n 6).

14. PTI, "Election Results 2014 : Parties Gain Vote Share but Lose Seats" (*Economic Times*, 17-5-2014) <<https://economictimes.indiatimes.com/news/politics-and-nation/election-results-2014-parties-gain-vote-share-but-lose-seats/articleshow/35252350.cms>> accessed 2-5-2020.

15. Arvind Sivaramakrishnan, "Between Formal and Substantive Legitimacy" (2014) 49 EPW <<https://www.epw.in/node/129429/pdf>> accessed 20-4-2020.

FPTP tends to influence the voting behaviour of individuals. A voter while casting his vote gets affected by a host of permutations and combinations like caste, religion, honesty and integrity of the candidate, his vision for the constituency he is representing, the political party which he belongs to, etc. Of all these factors, one factor, which outnumbers all other considerations, is which party he or she belongs to. What is the probability of his party winning the election? It is said, "even when better candidates or parties are available, voters all over the world hate to see their votes "wasted" on sure losers. In FPTP, usually the two dominant candidates/parties alone matter; and all behave similarly to get marginal votes". Thus by default what FPTP does is that it directly or indirectly favors dominant parties and their respective candidates.

Whenever we talk about the electoral reforms, we always find mention of increasing use of money and muscle power in elections. In the current Lok Sabha "out of the 539 winners analysed, 233 MPs have declared criminal cases against themselves. This is an increase of 44 per cent in the number of MPs with declared criminal cases since 2009".¹⁶ What is even more worrying is that "around 159 (29 per cent) winners this time have declared serious criminal cases including cases related to rape, murder, attempt to murder, kidnapping, crimes against women, etc."¹⁷ According to a report published by Association for Democratic Reforms (ADR), 90 per cent of our elected MPs are millionaires.¹⁸ There have been a plethora of commissions dealing with electoral reforms that have been formed from time to time. The first Commission to be constituted back in the 1990's was the Goswami Commission (1990). This was followed by the Vohra Commission (1993), The Indrajit Gupta Committee on State Funding of Elections (1998), The National Commission to Review the Working of the Constitution (2001), the ECI – Proposed Electoral Reforms (2004), Second Administrative Reforms Commission (2008). All these commissions gave

16. Acharya Mosiqi, "India's Newly Elected MPs: Almost 90 per cent are Millionaires and 43 per cent Face Criminal Charges" (*SBS hindi*, May 2019) <<https://www.indiatoday.in/elections/lok-sabha-2019/story/50-per-cent-mps-new-lok-sabha-criminal-records-1534465-2019-05-25>> accessed 27-4-2020. Wrong link

17. Anand Patel, "Nearly 50 per cent MPs in new Lok Sabha have Criminal Records - Elections News" (*India Today*, 1-5-2019) <<https://www.indiatoday.in/elections/lok-sabha-2019/story/50-per-cent-mps-new-lok-sabha-criminal-records-1534465-2019-05-25>> accessed 27-4-2020.

18. "Lok Sabha Elections 2019 Analysis of Criminal Background, Financial, Education, Gender and other Details of Winners" (*Association for Democratic Reforms*, 2019) <[Analysis_Report_of_Criminal_and_Financial_Background_Details_of_Winners_in_Lok_Sabha_2019_Elections.pdf](#)> accessed 30-4-2020.

recommendations for reducing increasing criminality and "money power" in politics but unfortunately this none of their recommendations has been incorporated into legislative action. This in turn is eroding people's faith and ultimately the very legitimacy of our democracy.

Here one must take into cue the fact that the electoral system of ours is also to be blamed for increasing use of money and muscle power in politics. "In FPTP, people rarely vote for the best candidate or party; they tend to vote for the second-worst party".¹⁹ Voters do not want to lose their vote on a candidate who stands very less or no chance of winning an election. Thus, many times it leads to the loss of a candidate in the political process of a country which in turn gets reflected in low voter turn outs. Thus, it is said that "as a general rule, the polling percentage in FPTP is 10-15 per cent lower than in proportional representation. If candidates stop buying votes, our polling percentage in many constituencies will be closer to 40 per cent, not 60 per cent".²⁰

Well one needs to ponder despite so many shortcomings in FPTP no political party ever raised a concern over the existing electoral systems barring some few.²¹ This silence can be explained by a simple fact that onus of reforming rests on the shoulder of the party who is getting benefitted by the current system. Shughart clearly states this paradox. He says that "a paradox of reform in parliamentary SMPS is that it must be initiated by the very party that was advantaged by the existing system – the party with the most seats in parliament".²² It is for this reason that reforming the existing electoral system is never on the political manifesto of a political party.

4. PROPORTIONAL REPRESENTATION SYSTEM

Proportional representation system is one of the most widely used electoral systems in the world. Internationally speaking proportional representation is preferred over FPTP across the world. A vast majority of

19. Jayaprakash Narayan, "A Call To Order" (*Outlook*) <<https://www.outlookindia.com/magazine/story/a-call-to-order/281641>> accessed 5-5-2020.

20. Narayan (n 19).

21. Express News Service, "JD(U) Says will Welcome 'Proportional Representation' in ovt at Centre" (*Indian Express*, 31-10-2019) <<https://indianexpress.com/article/india/jdu-says-will-welcome-proportional-representation-in-govt-at-centre-6095210/>> accessed 5-5-2020.

22. Rekha Diwakar, "The Workings of the Single Member Plurality Electoral System in India and the Need for Reform" (2018) 4 *Asian Journal of Comparative Politics* 1.

countries have opted for a mix of “winner takes it all”/FPTP/SMPS and PR system. Unlike FPTP, PR system requires multimember constituencies. PR systems are further subdivided into two categories- Hare system or Single Transferable Vote (STV) system and List system.

Under a “hare system” unlike a “FPTP” a voter doesn’t vote for only one candidate but for all the members of a multimember constituency in order of his preference. Again, unlike in FPTP, a person to be declared elected needs to achieve a “Quota” not just plurality of votes. The following formula is used to obtain a quota “Any candidate receiving the necessary quota of first-preference votes—calculated as one plus the number of votes divided by the number of seat plus one—is awarded a seat”.²³ Further, it must be noted that “in the electoral calculations, votes received by a winning candidate beyond their quota are transferred to the other candidates according to the second preference marked on the ballot”.²⁴ The candidate who reaches the requisite quota first is declared elected and is assigned a seat. This process is repeated until the time all the remaining seats are filled. Here one must take into account the fact that STV or Hare system stresses upon candidates not parties.²⁵

Under a list system, a voter chooses from amongst the list provided by the political parties. The two most commonly used list systems are the “closed list” system and the “preferential” system. “In a closed list system, the party determines the sequence of candidates on the list during the candidate selection process and voters cannot change it”.²⁶ Preferential voting “allows voters to express a preference for one or more candidates on the list. The aggregate voter preferences decide the final order of the list, which may end up being different from that initially indicated by the party”.²⁷ The seats that a party wins are allocated to its candidates in the order in which they appear on the party list.²⁸

As far as the seats allocation method is concerned in a list system usually, there are two types of methods, which are used - “highest average method” and “largest remainder method”. In the “highest average method”, in order

23. Mishra Satish (n 3).

24. *Ibid.*

25. *Ibid.*

26. Farmani Mostafa and Jafari Afshin, “A Comparative Approach to Study the Electoral Systems of Selected Countries” (2016) 2 International Journal Of Humanities And Cultural Studies 1913.

27. Farmani Mostafa and Jafari Afshin (n 26).

28. *Satish* (n 3).

to get a seat, parties must have the highest averages after the votes they received are divided by a particular sequence of numbers.²⁹ In the largest remainder methods, a quota that is a number of votes necessary for the allocation of one seat, is established.³⁰ Many countries have even adopted hybrid systems wherein half of the seats are elected via proportional representation and the half by majoritarian or FPTP in order to strike a balance between stability and proportionality.

5. DOES INDIA NEED TO ADOPT PROPORTIONAL REPRESENTATION?

Well, it has been said India opted for FPTP or single member plurality system or majoritarian system because of its familiarity with the system being a former British colony but are we unfamiliar with the system. One might argue that this is not correct. Principle of PR with STV have been adopted in elections such as those of Rajya Sabha, President, Vice President. Thus, we can clearly say that we have relevant experience as far as Proportional Representation is concerned. All one needs is a political will.

The other argument that is put forwarded to defend India’s current electoral system is stability. Dr BR Ambedkar, one of the founding members of our constitution and a chairperson of the Drafting Committee opined that a successful working of a cabinet government demands a stable majority, which could only be provided by FPTP. Proportional Representation produces an opposite effect that is fragmentation.³¹ If one considers India’s post-independence history, we would find that this has been the case from 1947-1990s in which a political party (Congress) dominated India’s political space barring a brief interregnum 1977-1980 when Janata Dal party came to power. Here one need to ponder that this period of stability was because of the electoral system in place or more to do with a Congress style of politics, which was accommodative, its charismatic leadership and its organisational strength. Here one must also take into account the role of historical factors, which were instrumental in maintaining its dominance at both Centre and States. Congress was India’s oldest party, which inherited India’s freedom struggle. All these host of factors were instrumental in ensuring stable governments at Centre for a long time.

29. Farmani Mostafa and Jafari Afshin (n 26).

30. *Ibid.*

31. Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (First Edn., Oxford University Press 1999).

Had electoral systems being the reason behind Congress domination why there would have been an era of coalition politics in India post 1989. It has been said “since 1989, the Indian party system has fragmented, and in the seven national elections held during the period 1989 to 2009, SMPS failed to produce a single party majority government at the Centre, leading to a phase of large (comprising many parties) and for most parts unstable governments”.³² The current NDA is also a coalition of more than a dozen parties. Thus, one could safely conclude that electoral systems are not responsible for ensuring stability. Stability in turn, is determined by a complex interplay of different political parties. In a multi-cornered contest between different political parties, coalition is most likely to be the result irrespective of electoral systems in place.

One of the most common objections labelled against the PR systems is its complexity. No doubt, that in comparison to SMPS or FPTP, PR is more complex. However, can this be a valid reason for not implementing it 74 years after independence? One must not forget the fact that India was one of the few countries, which opted for Universal adult franchise at one go unlike even the so-called European Nations, which did not, extended its franchise to women as late as 1920s. Switzerland adopted universal adult franchise as late as 1971.³³ Even when India became independent, there was growing skepticism around the world whether India would survive as a democracy owing to its vast illiteracy and poverty. It was once said that democracy is a luxury for poorer nations. India proved to be an enigma for many foreign observers and successfully survived as a democracy. Here one must acknowledge the innovative role played by our Election Commission to rope in a vast mass of illiterate people in India’s democratic process like introduction of voting symbols with various political parties.³⁴ Introduction of election symbols allowed even illiterate people to recognise their respective candidates and the political party which they represent. Now the question arises for how long under the garb of illiteracy we are going to justify an unrepresentative parliament. Literacy rates in India has gone up from 18 per cent in 1951 to 74 per cent in 2019 elections.³⁵ Thus, literacy should not be the reason for not endorsing PR.

32. Rekha Diwakar, “The Workings of the Single Member Plurality Electoral System in India and the Need for Reform” (2018) 4 Asian Journal of Comparative Politics 2.

33. Aljazeera, “How the World Votes : 2019” (*Aljazeera*, 2019) <<https://interactive.aljazeera.com/aje/2019/how-the-world-votes-2019/index.html>> accessed 12-5-2020.

34. Christohe Jaffrelet (n 1).

35. R. Kruthika (n 4).

A very common criticism against PR is that it leads to proliferation of political parties.³⁶ Here one must notice that even the current electoral system has not been able to curb the menace of proliferation of political parties. In 2019, Lok Sabha elections there were as many as 610 political parties both regional and State that contested the elections and failed to win even a single seat in Parliament. Out of the above 610 parties as many as 530 got zero per cent vote share and 13 political parties won just one seat each in Lok Sabha.³⁷ In a proportional electoral system, at least this menace could be tackled, by imposing a threshold of five per cent votes to exclude parties from allocation of seats, just like Germany.³⁸ Thus, PR could possibly help in stopping mushrooming of political parties.

PR would lead to a better representation of minorities. As FPTP or SMPS does not allow fair representation of minorities.³⁹ The Muslim representation in the current Lok-Sabha stands at 27 out of 543 which amounts to roughly five per cent.⁴⁰ Thus clearly, they remain grossly underrepresented in the current Lok Sabha. This was the scenario even under first two Lok Sabha elections, which the so-called Congress was at the helm of affairs.⁴¹ In fact, Muslims representation has been hovering around five to seven per cent⁴² although they represent roughly 14 per cent of our population.

36. Bhanu Dhamija, “Why ‘Proportional Representation’ Would Hurt India’s Democracy” (*Huffpost*, 2017) <https://www.huffingtonpost.in/bhanu-dhamija/why-proportional-representation-would-hurt-india-s-democracy_a_23222533/> accessed 13-5-2020.

37. NDTV, “610 Political Parties Won No Seat In Lok Sabha 2019 Elections” (2019) <<https://www.ndtv.com/india-news/610-political-parties-won-no-seat-in-lok-sabha-2019-elections-2048318>> accessed 13-5-2020.

38. Alam Aftab Mohd. Abbas Hoveyda, Kumar Ranjay, *Indian Government and Politics* (Pearson 2011).

39. Diwakar (n 22).

40. Wire Staff, “2019 Lok Sabha election results: Only 27 Muslim MPs elected to Parliament, none from the BJP” (*The Wire*, 2019) <<https://scroll.in/latest/924627/2019-lok-sabha-election-results-only-24-muslim-mps-elected-to-parliament-none-from-the-bjp>> accessed 13-5-2020.

41. Verniers Gilles, “Muslims’ under-representation in Parliament is not a consequence of the BJP’s rise” (*Hindustan Times*, 30-5-2019) <<https://www.hindustantimes.com/analysis/muslims-under-representation-in-parliament-is-not-a-consequence-of-the-bjp-s-rise/story-RAhku0p15Ru3d4A3hX1sAN.html>> accessed 13-5-2020.

42. Inda Today, “Fact Sheet: Muslim Representation in Parliament” (*India Today*, 2014) <<https://www.indiatoday.in/india/muslim-representation/story/fact-sheet-muslim-representation-in-parliament-184338-2014-03-10>> accessed 13-5-2020.

PR system will give a wider array of choices to voters “than any other electoral system, and parties also have an incentive to present a range of candidates in order to maximise the number of second and third preferences”.⁴³ Further this keeps a check on hate speeches which are very common elections. This happens because “candidates cannot risk alienating their own supporters with attacks on other candidates, because their own supporters may vote for the others as second or third preferences”.⁴⁴

PR also could go a long way in tackling “vote bank politics” in India because under the existing system a contestant can secure a victory with just managing 30 per cent of popular vote share in a given constituency. In such a scenario he likely to resort to appealing to so called primordial loyalties like caste, religion, ignoring long term developmental politics which concerns every section of the society. In a PR system like STV a contestant can win a constituency only when he achieves a given quota which is usually 50 per cent of popular votes or more thus he is likely to refrain from “vote” bank politics. Thus, a candidate is more tempted to resort to developmental politics.

6. CONCLUSION

PR system would give India a truly representative Parliament where there would be a direct correlation between the vote share of a political party and the seats it gets in parliament. This is one of the most important hallmarks of a successful electoral system. PR system is more likely to give legitimacy to the governments, as they would not be formed through minority support. It would give minorities a chance for fair share in Parliament as per their population. FPTP, which promotes “vote bank politics” at the cost of larger interest could be curbed by adopting PR system. As PR system makes it difficult for a contestant to win elections by minority votes and he has to take into consideration a vast cross section of social groups. A good electoral system is one, which adapts itself to changing times. FPTP was preferred over PR over the issue of stability. FPTP have not always yielded stability in the past it depends upon a lot of other factors also. Further we must acknowledge that fear of instability must not preempt us from compromising with the representative spirit of India democracy.

43. Sivaramakrishnan (n 15).

44. *Ibid.*

One needs to admit the fact that India has evolved over the years. The socio-economic political scenario that was prevailing at the Independence is no more there. For instance, the literacy rates have gone up from 18 per cent to 74 per cent. India who had a begging bowl image during the independence has changed. India today is fourth largest economy in terms of Purchasing Power Parity. Election Commission of India has huge amount of money at its disposal. Thus, it could be safe to conduct Lok Sabha elections based upon PR system. India's electorate have gained a long democratic experience. It is now ready to endorse PR system. In the light of the above mentioned arguments, one could safely conclude that we need to take a relook into our electoral system. An electoral system, which gives a political party seats in proportion to the votes polled can radically alter India's politics and can deepen India's democracy.