

283

M. R. MASANI

In my opinion, the chief drawback of the present electoral system is the system of representation which we took from the British when we drafted our Constitution. All the other defects, such as excessive expenditure, misuse of administrative power and facilities, the procedures in regard to the polling and counting of votes, are peripheral. Even if reforms are carried out, I do not believe there would be any material improvement in the situation so long as we do not discard the archaic electoral system we copied from the U.K.

The British electoral system is based on single member constituencies and, as with race horses on a race course, that candidate wins who is "first past the post". This system worked reasonably well in Britain when there were only two parties, but it has noticeably broken down since 1974 when three parties contested the elections and it has failed to provide a majority to any one party or provide a stable government to Britain.

In India this system has led to a caricature of democracy for the past twenty-five years. If the record is to be judged by the extent to which the government of the country has reflected the views of the electorate, the conclusion cannot but be a dismal one. For the entire period from 1950 to date, one particular political party has been in office in New Delhi, the Union capital. That same political party, has, with some exceptions, been in office in most of the States of the Indian Union without a break.

What is particularly shocking is that in no single General Election to Parliament has this party enjoying a monopoly of power been able to secure even a bare majority of the votes cast

and yet, throughout this period, with the exception of four years from 1967 to 1970, that party has enjoyed a majority of more than two-thirds of the seats in the Lok Sabha. Here are the official figures, general election by general election:

	<u>Congress Votes (Percentage)</u>	<u>Congress Seats (Percentage)</u>
1952 Parliamentary Elections	45	74.4
1957 Parliamentary Elections	47.4	75.1
1962 Parliamentary Elections	44.7	73
1967 Parliamentary Elections	40.9	54.4
1971 Parliamentary Elections	43.5	67.9

This distortion of the popular will is shocking enough but it becomes even more unacceptable when it is recalled that those who voted in these elections were just a fraction of the entire electorate. Thus, to take the last General Elections, namely those of 1971, when the ruling party was reported in the press to have obtained "a massive mandate", the figures published by the Election Commission show that only around 54 percent of the electorate cast their votes and that, of these, 43.5 percent voted for the Congress Party. The nett result of this turns out to be that the percentage of the electorate who voted for the ruling party did not exceed 24. To put it another way, only one out of four Indians of voting age cast his or her vote for the ruling party which, nonetheless, obtained 67.9 percent of the seats in the Lok Sabha, thus being in a position, which it misused in due course, to enact Amendments to the Constitution such as the 24th and 25th Amendments which undermined the Fundamental Rights of the citizen,

the veto power of the President and the independence of the Judiciary.

The record of the Indian electoral system has so far violated every sound principle of elections. It is not a majority of the electorate but a minority which has monopolised political power. The votes of the electors have not enjoyed equal weightage since it has taken the Congress Party a much smaller quota of votes to get a member elected to Parliament than that required by various opposition parties to get a seat. Finally, the votes of literally millions of voters have been utterly ineffective and wasted and large numbers of voters have in effect been disfranchised.

I had tried in the relevant committee of the Constituent Assembly and in the plenary session to get agreement on some system of Proportional Representation such as is embodied in almost all Constitutions framed in the Twentieth Century, but I failed. The argument used against me was that if we adopted the British electoral system, we would get a two-party system. My plea that the electoral system does not have any impact on the number of parties was brushed aside.

The experience of the past twenty-five years has shown that this system has failed to create any approximation to a two-party system. It has not even reduced the number of parties, judging by reports of the Election Commission of India, which show that recognised parties functioning on the national plane even now exceed half-a-dozen.

The fact is that the number of parties in a country depends not on the system of elections but on the national temperament. We in India do not share the Anglo-Saxon capacity for compromise. On the other hand we, like the Latins, are inclined to split and splinter. The combination of the British electoral system and the existence of several parties has led to the will of the people being flouted for twenty-five years on end. This intolerable situation should immediately be brought to an end.

Of the various alternatives available, such as multi-member constituencies with the Single Transferable Vote or the Cumulative Vote, the List System, and the Second Ballot, the Committee on Electoral Reform appointed by Jayaprakash Narayan of which I was a Member, commended a mixed system such as that which prevails in the Federal Republic of Germany. According to this system, half the members of the Bundestag are elected, exactly as in India, by the single member constituency. The remaining half of the seats, however, are so distributed between the Lists of candidates published by the three recognised parties as to correct any distortion or misrepresentation of the popular vote that has taken place during the first phase of the elections. The main attraction of this system is that it combines the advantage of a representative parliament fairly reflecting the trends of public opinion with that of maintaining the nexus between a member of the legislature and his constituency and permitting the existence of independent candidates.

The results of the mixed system in Germany are incontestably good. Far from resulting in a proliferation of parties, the system has thrown up three strong, stable parties, namely the Christian Democratic Party, The Free Democratic Liberal Party and the Social

Democratic Party. It has also had the advantage of providing a stable government. For nearly two decades there was only one Government, namely, a coalition of the Christian Democratic Party, led by Dr. Adenauer, with the Free Democratic Party. Later there have been equally stable coalitions first between the Christian Democrats and the Social Democrats and at present between the Social Democrats and the Free Democrats. The administration provided by these three coalitions has not only given stable government but has provided strong leadership which has successfully created the German 'miracle', performed a drastic currency reform and pursued a consistent foreign policy.

The attraction of this system for our country is that it would not disturb our single member constituencies or the method of marking our ballot papers and would not involve any increase in the size of the Lok Sabha. If, as suggested by our Committee, two-thirds of the seats are filled by single member constituencies and one-third elected from party Lists, the only change necessary would be that the size of the present parliamentary constituency would have to be increased by fifty per cent.

The need for a campaign to educate public opinion on this subject is underlined by the conclusion of a monthly survey recently published by the Indian Institute of Public Opinion in Delhi which discloses that no less than twenty percent of all MPs and MLAs had never even heard of Proportional Representation ! The extent of ignorance on this issue that must prevail among the wider public can easily be imagined.