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Is it Time to Change the Way We Elect Our MPs?

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The first-past-the-post system, once useful, now struggles to fit India's complex socio-political landscape. It is time for India to rethink its electoral system to better ensure fair representation for all its people, especially the minorities.

As India goes through the general election of 2024, the Congress party's manifesto, dubbed *Nyay Patra*, has attracted attention for its promises of progressive reforms and policies. However, on closer examination, the document reveals no real plan to reverse or prevent a repeat of the majoritarian excesses that the nation has witnessed in the past decade.

What India truly needs is a radical restructuring of its electoral process. This reform should entail a shift away from the current winner-takes-all system – the first-past-the-post system – to a more inclusive system of representation. This would be a proportional representation system, which would not only accommodate the socio-political and socio-economic diversity of India's vast electorate but also foster a more inclusive and representative democracy.

To cite just one example, the 2023 Rajasthan state assembly election starkly illustrated the deficiencies of the first-past-the-post system. The Bharatiya Janata Party (BJP) received 41.69% of the vote, which translated into 115 seats. The Congress secured 39.55% of the vote, but it translated into just 70 seats. A margin of 2.55 percentage points resulted in a huge difference of 45 seats, allowing the BJP to form the government in the state. This essentially negated the choice of a nearly equal proportion of the electorate.

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To be clear, we do not imply that this is a systemic failure of the first-past-the-post system. It is doing what it is expected to do: amplify the vote differential between the leading parties to ensure a single-party government.

Another flaw inherent in the current electoral system is how it effectively denies large numbers of voters any representation. In the 2014 general election, the Bahujan Samaj Party (BSP) had a vote share of 4.2% (22.8 million votes) – the third-largest after the BJP's 31.3% (170 million) and the Congress's 19.5% (105 million) – yet failed to win a single seat.

Under the first-past-the-post system, the BJP has been able to create a permanent lopsided majority in the Lok Sabha by capitalising on Hindutva ideology, the Ram Mandir *prana pratishtha*, abrogation of Article 370, and the Citizenship Amendment Act to reinforce its electoral base. The party benefits from there being a majority of Hindu voters in most parliamentary constituencies, which allows it to secure enough seats to form a government.

This strategy is further enhanced by the geographical dispersion of the minority vote. Muslims are a minority in 97% of the parliamentary constituencies and a majority in only 15 seats. Consequently, the BJP finds it advantageous to focus on appealing to the Hindu electorate, which is more evenly distributed across constituencies. So, the first-past-the-post system essentially disincentivises the BJP from appealing to all of the electorate.

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The impact of this electoral dynamic is evident in the composition of Parliament. For the first time, the ruling party had no Muslim parliamentarian in the last Lok Sabha. In addition, this phenomenon has ripple effects. Other political parties are compelled to adapt to the prevailing electoral landscape. The Congress, for example, has been very conservative in nominating Muslim candidates in the 2024 election: only 5.6% of its candidates are from the Muslim community, which comprises around 14% of the population.

When the Constitution was being drafted, a vocal minority of members of the Constituent Assembly expressed reservations about the first-past-the-post system, pointing to its inability to safeguard the rights of minorities if there was a brute majority. As a country that

had just witnessed the horrors of Partition, the members were interested in the idea of an “inclusive” electoral process. Given what the country had been through, the Muslim members of the assembly refrained from ardently voicing their concern for any reform that could be labelled “communal or divisive” or raise doubts about their nationalism.

In the debates of the Constituent Assembly, prominent Muslim leaders of the freedom struggle such as Maulana Hasrat Mohani and Abul Kalam Azad did not speak about the mode of elections. Interestingly, Maulana Mohani even opposed the reservation of seats for minorities, which was in the draft constitution, fearing it would perpetuate communal divisions.

Kazi Syed Karimuddin, a lawyer who later also became a member of Rajya Sabha, addressed the issue of the tyranny of the majority in democracies. He highlighted the flaws in the first-past-the-post electoral system, arguing for proportional representation with multi-member constituencies, using cumulative voting. He eloquently pointed out that the first-past-the-post system often resulted in a manufactured majority. A party secures an absolute majority in parliament though it has won only a minority of the popular vote. He cited historical examples such as the Conservative majority in the UK House of Commons in 1924, where the party had garnered only 48% of the votes. He also referred to US presidential elections, like those of Rutherford B. Hayes (1877–1881) and Benjamin Harrison (1889–1893), where the winners received fewer votes than their opponents.

In addition to electoral flaws, Karimuddin pointed out the rise of Hindu nationalism and the presence of organisations like the Rashtriya Swayamsevak Sangh (RSS). He underscored the historical failure of the first-past-the-post system to provide adequate representation to minorities, citing the example of South and West Ireland’s lack of parliamentary representation from 1855 to 1911. Karimuddin claimed that proportional representation was profoundly democratic and it brought people closer to “near equality” by not wasting anyone’s vote.

While the first-past-the-post system may have served its purpose initially, its inadequacies in accommodating the nuanced realities of India’s socio-political fabric have become increasingly apparent.

Kushal Talakshi Shah, an economist and a lawyer, supported Karimuddin’s argument for proportional representation, but with a single transferable vote. Mahboob Ali Baig, another member of the Constituent Assembly, proposed a similar amendment that said members of the Lok Sabha would be elected “in accordance with the system of proportional representation by means of a single transferable vote.” Another member of the assembly, Sardar Hukum Singh partially supported the amendments, saying, “Some method has to be devised by which the rights of minorities can be safeguarded and [...] this is the only method suggested in the amendments that can be considered”.

The proposed amendments were opposed on the grounds that they would reintroduce “separate electorates” through the backdoor, and that they were impractical with the level of illiteracy in the country. The most notable opponent was B.R. Ambedkar, who emphasised illiteracy in the country and doubted that the people would be able to cast two votes on the ballot.

While the first-past-the-post system may have served its purpose initially, its inadequacies in accommodating the nuanced realities of India’s socio-political fabric have become increasingly apparent. The time has come for the country to seriously reconsider its electoral system to address the flaws in it that have hindered the full expression of democratic principles and the equitable representation of its diverse populace. The first-past-the-post system, while sometimes providing stable governance, has increasingly marginalised significant segments of the electorate by suppressing their voice which rightfully deserves to be heard.

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