

First Past the Post Method – A Cure or Worse than a Disease

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ABSTRACT

India uses First past the post method for electing the members of Lok Sabha. This system has been practiced from centuries but in a present scenario this system is creating discrepancies. This system is neither providing fair representation nor preventing coalition. Therefore, there is a requirement to reform the system for strengthening and restoring the faith of people as after 16th Lok Sabha after seeing the result it was denigrated. India is now ready to shift to another electoral system, unlike previous years, as now literacy rate has been increased, political awareness has also increased because of increasing participation. An alternative methods are scrutinized in this research paper which can be adopted. But due to the flaws in that system too, it would not be as effective as an election system should be. Finally, an alternative was found which is the mixture of first past the post method and proportional representation known as “mixed member proportion.” This is a German model which can be practiced in India. There are a few drawbacks in this system also but through some modification this system can be effective in India. This paper highlights its advantages and it will conceal all the limitation of first past the post method.

Keywords- Election, First Past the Post Method, Discrepancies, Alternative Method, Mixed Member Proportion

INTRODUCTION

According to the Preamble, India is a democratic and republic nation. Here all the citizens have the right to vote and elect their representative according to their preference, and nobody is empowered to refrain any citizens of India from enjoying these rights. So, in this kind of country election becomes mandatory for smooth functioning, and also elections are the heart to a democracy. The power has been endowed in the Election Commission, consists of Chief Election Commissioner and other Election Commissioner to direct, control, and manage the whole election process as well as to conduct impartial elections to the Parliament, Legislature of every State and to the offices of Vice President and President. So, an electoral process system is handled by an Election Commission. This system is widely categorized into two parts (1) election which is conducted for the member of Lok Sabha, State Assemblies and Union Territories’ Assemblies are direct elections that are based on territorial constituencies, and for this India uses the First past the post method. (2) For the election of President, Vice President, members of the Rajya Sabha, and members of Legislative councils, the proportional representation utilizing a single transferable method is practiced in India.¹

But the first past the post system adopted from the Westminster model leads too many difficulties. The winning candidate is decided only through the majority of votes they got among the competitors irrespective of voting percentage. Unambiguously, it has been seen that the candidates win the elections, but the votes are less than 35 percent of total votes. Still, the candidate will represent the constituency with lesser votes. There is no bar to get at least 50 percent of total votes hence, this kind of system is partial and lacks fair representation.² This is an advantageous situation for political parties because it becomes unimportant for them to appeal on a wider stage, they can easily accumulate votes by targeting a specific community based on regionalism, caste, and work towards their advancement so, in return, they can gather the votes. This creates exploitation for minority and

¹ https://rajyasabha.nic.in/rsnew/rsat_work/archive/chapter-3.pdf

² The Many Faces of Strategic Voting- Tactical Behaviour in Electoral System Around the World, edited by Laura B. Stephenson, John H. Aldrich, Andre Blais.

smaller groups and their progress is hampered.³ Deplorably, this system persuades the political party to compose their policy and campaign based on regionalism, caste, and communal to attract the majority of votes and hostile to other groups. This kind of system mainly operates where there are a restricted number of parties or it will be successful mainly in communion with a two - party system.⁴

STATEMENT OF PROBLEM

First past the post system, this method refrains from promoting democracy. Instead encourages domination by a prominent political party and creates the nature, where there is “suppression and regression” of the minority political party and their views. Proportional Representation also has drawback like it promotes a coalition government hence, sometimes leads to instability. Therefore, adopting this system will also not be constructive in India due to the mass population. So, is there any alternative method that is more effective which ensures that MPs stand for the public welfare in the Parliament.

Considering the increase in the number of frivolous crimes in the election process will the first past the post method system likely in favour of people’s welfare? This paper seeks to bring clarity about the electoral systems and its drawback which will be answered in due course.

RESEARCH QUESTIONS

The following questions are sought to be answer by the research undertaken.

- (1) Does First past the post method system impede the development of the minority political party and their views?
- (2) Though this system is simple, easy to comprehend for voters, and also practiced in many countries, but whether this system is allowing the voters to choose according to their preferences? Or it endorses tactical voting?
- (3) Whether this system can be replaced by Proportional Representation for fair representation?
- (4) Will the alternative method have a positive or negative effect and will it cover all the drawbacks of First past the post method. ?

RESEARCH OBJECTIVES

Through a doctrinal study involving the use of empirical research methodology, it is endeavoured to prove the hypothesis postulated regarding the questions posed at the beginning of the research paper.

Hypotheses:

The power of the dominant parties obstructs the development as a whole because the smaller parties will have no influence over policy-making and the remote regions will be unrepresented.

The overall impact of this system is negative. After all, they are not winning by the majority of votes cast by the public, they are coming in powers because they accumulated more votes than compared to other parties. In this system, voters do not vote for a political party because they support them, but they do to prevent other parties from winning.

Proportional representation system will be more adequate in the country like India because it will allow representation for smaller parties in the legislature and it will cease the exaggeration of regional differences and there will be diversification of opinions and solutions to the problems. As there are drawbacks in this system too so, another method should also be scrutinized.

Alternative voting, Proportional voting, Mixed system, are some of the electoral systems which can be more beneficial in the current scenario rather than the First past the post method.

LITERATURE REVIEW

The authors in their paper have considered the difficulties which are faced due to First past the post method. Firstly, in this paper the advantages of first past the post system are discussed. This system brings more stability,

³ Accountability to Citizens in the Westminster Model of Government More Myth Than Reality, W.T. Stanbury, February 2003.

⁴ Alina Rocha, Why Electoral System matters: an analysis of their incentive and effect, (2009).

the election results are unambiguous, and both the MPs and the party is accountable for their illegal and erroneous activities to the voters. But this present system needs to reform because this system is beneficial when only two parties are competing, and it neglects the third parties participation. The authors recommended to adopt an alternative system of voting where the winning candidate need 50 percent plus one vote (50% + 1 vote). The justification for this was that it will be beneficial in a long run, it will provide stability and the candidate will win by the majority of votes also the smaller parties can make alliances so their interest is also safeguarded. The voter will get the preferences to select and will limit the wastage of votes. So, an increase in participation of voters.

The author in this paper explained the issues which is present in the electoral system. The citizens have the right to elect their representatives, but whether this right is freely practiced or it involves the strategic and tactical voting practice. The issue related to the electoral system is Majority System. As the candidate wins without the majority of votes it leads to divisive politics in the society and exploitation of smaller parties by a dominating single party, who won the election with less than 50 percent of votes. Another issue is criminalization of politics. According to research, it was found that in the 16th Lok Sabha, 53 members out of 543 were charged with serious criminal cases. But the voters did not have any option but vote for them. Criminal charges against BJP MPs were 35 percent, still, they had maximum seats in the Parliament because the voters used a tactical method of voting and voted for them as they knew that there is a very low possibility of other candidates winning the election. So, they recommended to change the present system and replaced it by above 50% of votes to win the election.

RESEARCH GAP

After examining these articles an unambiguous statement can be made that, all the authors were against the first past the post method. The research gap in all this paper was that the author knew the reform is needed, but which electoral system should be adopted considering the factors of India are not answered. The first and second paper's author considered adopting 50% + 1 vote to win an election but it has the similar disadvantages like first past the post method. Still, there will be a single dominating party and the majority cannot be attained without a coalition. They did not scrutinize the mixed member proportion, they rejected because the Law Commission did so. So, in the present research paper, the Author has considered mixed member proportion as an alternative of First past the post method.

ANALYZING DIFFERENT METHODS OF VOTING

Many countries who were practicing First past the post method changed their electoral system into Proportional representation, Alternative Voting, Mixed member proportional system. Firstly, let us examine whether this change was effective and was in favour of public welfare. And if the answer is affirmative, then India should also change their system for effective government and enhancing national, international development.

1. PROPORTIONAL REPRESENTATION

In Proportional representation, the political party is assigned the seats in the Lok Sabha in proportion to its shares of votes. **For e.g.** if the party won 20 percent of votes then they should be designated with 20 percent of seats in the Lok Sabha. This system is practiced for election of the members of Rajya Sabha and the member of the Legislative councils.

Comparison between first past the post method and proportional representation

The following are the changes which can be brought by adopting the Proportional Representation system. This system promotes fair representation against the plurality/ majority system. Minor parties and women participation will have a considerable amount of value unlike in first past the post method.⁵ There will be diversity as the concept of inclusion is fulfilled in this system, as more parties are involved there can be expansion of policies for advancement, more prospects towards solving the issues. As the candidate requires the majority of votes, the candidates requires to make wider appeal. The policy based on a specific region or clan will be futile, therefore, the minorities interest will not be neglected and the candidate cannot be hostile to any group. So, politics based on a regionalism, a clan, and communal will be denigrated.⁶ Another reason is limited votes will go waste. Almost all the votes cast through this system will be beneficial in selecting a candidate. This creates motivation for the voters to participate as their input can create a significant change. Also, voters will cease tactical voting and will cast the votes for the ones they support.⁷ The government appointed by this

⁵ The Shift to Proportional Representation, Is it time for India, Satish Mishra, 2018.

⁶ Ace project, The Electoral Knowledge Network, <https://aceproject.org/ace-en/topics/es/onePage>

⁷ The Companion, <http://thecompanion.in/towards-making-democraticsystem-proportional-representation/>.

method is more efficient than those elected by First past the post method. The justification for this is that in Proportional representation there is an alliance of governments hence, it becomes coherence in policymaking and other vital matters, more stability is witnessed which allows for national improvement.⁸ Also, it will bring the nation together and the policy, campaign, and whole politics based on communal, clan, caste will be prohibited also, the exaggeration of regional difference will be refrain in this system as the parties need to make a wider appeal to attract votes.

New Zealand – Changed to Proportional Representation

In the years 1978 and 1981 the Labour party won more support and votes in comparison to the National Party Government (NPG), but in both the year, NPG won more seats in the Parliament. The one who achieved the third position won a maximum of 3-5 seats. This unequal treatment and unfair representation were due to First past the post method. So, in the year 1996, they adopted a mixed member proportional system. There was an increase in the number of participation of voters, the election result was found fair, therefore it resulted stability in the government. Again in the year 2011 a survey was conducted, where the citizens were asked to select between mixed member proportion or others system like alternative voting, supplementary member, first past the post method. The citizens selected the mixed member proportion because it was ensuring fair presentation, no tactical voting, limitation towards wastage votes, and more stability. They found this system flexible and women's participation also increased throughout 10 years. The only drawback they were facing was the coalition government still the citizens found this system more effective than first past the post method.⁹

2. ALTERNATIVE VOTING SYSTEM

In this system, voters need to cast their vote and rank the candidates according to their preferences. For e.g. If the voter supports "A" candidate then marking them as 1, furthermore, they need to mark 2 for their second preference and so on. Directly, the one who received 50 percent plus one will win the election. But if this majority vote is not attained then the candidate with the least vote will be eliminated and in his ballot whichever candidate has received the second preference, the vote will be transferred to them. In this way, it will continue and the candidate who will received the majority of the vote will acquire the seat. This system has the same kind of advantage as in Proportional Representation.

Papua New Guinea – Changed to Alternative Voting.

From the year, 1964-1975, this country was practicing the Alternative Vote system. But later they converted their electoral system into First past the post method in the year 1975 and continued this till the year 2002. They changed the Alternative Vote method because this the system was ineffective in their country as they borrowed it from Australia and due to multicultural society, securing a majority of votes which is required in this system was unattainable. So to overcome these, they converted into First past the post method. But this system was also unmanageable for them. As in this system there is no requirement of a majority of votes but the dominance of a single party increased and this lead to corruption, money politics, and muscle power. The result of this system was incredible. Almost all the MPs elected in the Parliament attained only 20 percent of votes. Parliament was divided into clans and public interest was diminished. Tactical voting increased and instability was worse than Alternative Vote method. Therefore, again in the year 2003, they reintroduced the "limited" preferential voting.¹⁰

3. MIXED MEMBER PROPORTION

The other system which is developing and countries are attracted towards is mixed member proportion. This is a German model. In this system, there will be a combination of two electoral system, i.e. plurality / majoritarian and proportional representation electoral system. So, in this voters need to cast two votes The 1 votes will be cast for selecting a candidate in the constituencies through First past the post method and 2 votes in the same ballot paper will be cast for selecting a party through Proportional representation. The 2 vote will be decisive as it will determine the power of a party in the parliament. So, through the first vote, the elector will select the local candidate whom they support as MPs. In this system, there is an option of crossover voting. So, voters can mark

⁸ People's Democracy, 12 November 2017, http://peoplesdemocracy.in/2014/0525_pd/caseproportional-representation.

⁹Electoral System Design: The New International IDEA Handbook, New Zealand: Learning to live with Proportional Representation, Nigel S. Roberts.

¹⁰ Electoral Incentive for Inter-Ethnic Accommodation, Ben Reilly.

their local representative, for the work they have done for their development and later they can determine which party they want to support.¹¹

REASON TO CHANGE THE FIRST PAST THE POST METHOD

In the 8th Lok Sabha election, which took place in the year 1984 a tragic victory was witnessed by India. The Congress party secured 48 per cent of votes. So, they acquired 415 out of 543 constituency seats. Nearly, 80 percent of seats were triumph by the Congress party. Whereas the Bhartiya Janta Party (BJP) earned 7.4 percent of votes still, they were accountable for only 2 seats. Clear discrepancy and unfair presentation are scrutinized. Without attaining 50 percent of votes still, the congress party won 80 percent of seats. This divergence is due to First past the post method. Where the candidate prevails if they opted the majority of votes among the other competitors. There is no compulsion to at least get 50 percent plus one of votes.¹²

But during that time expertise and commissions like The Goswami Committee on Electoral Reforms (1990), The Indrajit Gupta Committee (1998) scrutinized this system and were not in favour of reforming this system. According to their judgement, other electoral methods are impracticable in a country like India, due to the massive population. So, they reviewed the expedient of the First past the post method. So, this method was considered as simplest and easy to comprehend, the choices for voters are evident, the outcome of the election to calculate is uncomplicated.¹³ The other beneficial point is that it guarantees one representative for each constituency, therefore stability is substantiated in this method and for any erroneous action, the representative can be made accountable. There will be a single government, so, it will be unruffled to govern. Also, this system maintains the link between the MPs and the communities and, individual. The candidate becomes the voice and can represent the interest of their constituencies.¹⁴ Some people criticize this system for dominating over a minor party, but if a minor party comes into power then there will be disintegration which will lead to an unstable and less secure government.

This was the most effective method according to the constitutional experts but again in the year 2014, the inconsistency of the first past the post method was witnessed. In the 16th Lok Sabha election, the Bahujan Samaj Party (BSP) procured the third highest shares of votes (4.2 percent), after Bhartiya Janata Party (31.3 percent) and Congress (19.5 percent), but still, did not captured even a single seat in the Lok Sabha. Whereas, the other political parties like Trinamool Congress won 34 seats but they secured only 3.9 percent. So, this kind of situation is possible in the First past the post method because the candidate is solely appointed based on the majority votes received. Bhartiya Janata Party only attained 31.3 percent of votes but they accomplished 201 seats in the Lok Sabha.¹⁵ Hence, to resolve this arbitrariness a reform is needed in the electoral system therefore, the further paper analysis different system which will be effective in India.

CRITICAL ANALYSIS

Following are the reasons due to which the First Past the Post Method is an ineffective election system

In the 2014 election, the result was prejudiced and this was due to first past the post method. In this system there is no requirement of the majority of votes for a candidate to win an election the only condition is to attain the majority of votes among the other competitors. So, even if a candidate secures less than 50 percent of the vote still he/she will get hold of the majority of seats in the Lok Sabha.

Therefore, disadvantage related to First past the post method system are (1) a single party will dominate hence, there will be an abandonment of smaller and minority groups. (2) Tactical voting will be involved, so, the voters will vote a candidate not because they support but because they want to exclude the other candidate from winning. (3) First past the post method stimulates political parties to make their policy or manifestation based on a hostile conception of regionalism, racism, and ethnicity. By making some commitments with a particular group that shares common, national, or cultural tradition, and then accumulating the votes from their side and neglecting the other regions. Hence this system is upholding regional fiefdoms. (4) The minority parties' views and ideologies will be suppressed and there will be lack of women participation. (5) Also, the other drawback of

¹¹ Joseph, T.M., Mixed Member Proportional System As An Alternative To The Indian Electoral System, 69, No. 1 The Indian Journal Of Political Science. 183 (2020).

¹² Know how the 16th Lok Sabha performed, The Economic Times, March 29, 2019 at A1.

¹³ Russell J. Dalton, Citizen Politics in Western Democracies (New Jersey, Catham Publishers INC. 1998). P 127.

¹⁴ First Past the Post on a Grand Scale, Vijay Patidar.

¹⁵ Neelanjan Sircar, The Number Game: An Analysis Of 2014 General Election, Centre for the advanced study of India (Sept. 13, 2020), <https://casi.sas.upenn.edu/iit/nsircar>.

this system is that it leads to an immense number of “wasted votes”. The votes which are given to the losing parties will have no value. So, in a way, it impedes the voter’s preference. (6) Dominance of a single party hampers diversity in legislation and in the Parliament hence, there is limited changes in the interest of the public which indeed lacks national development.

The absurdity is increasing therefore, there is a need for reform in the electoral method. So, there is an ongoing debate that India should shift from the first past the post method to proportional representation. So, will this change generate an effective, efficient, impartial system to fill the seats of the Lok Sabha.

Following are the reasons due to which Proportional Representation System will not be an effective method.

But there are many complications in this system in India for the election of members of the Lok Sabha. Here, the voters vote for the party and not for the candidate. So, the candidate can be restrained from many activities and the senior head or the party headquarters decides and implement through the use of these candidates. Therefore, the bosses of the political parties can exploit their power. Another disadvantageous point is that it becomes impossible to throw the party out, even if they conduct some erroneous events. The reason is that the government usually are coalitions, hence it is challenging to throw them out, despite weak electoral performances. This system encourages a coalition government which leads to instability, legislative congestion, distinctive opinion, and interests which in turn, creates conflicts. The constant interference makes it impossible for the parties to hold decisive and transformative decisions. Corruption and other erroneous activities carried out, then it would be trouble for ousting the individual independently also for any wrong individual will not be upheld accountable. In brief, there are two major disadvantages to use this system (1) Promotes coalition governments which will bring a discrepancy within the government, (2) the failure to provide strong geographical linkage between the MP and the MPs electorate.

So, political instability and less accountability will hindrance economic growth, national development, and will lead to an ineffective government. Hence, this system for the elections of members of the Lok Sabha will not be resourceful. As this system is not as simple as First past the post method and the cost included for this method compared to other methods is much higher. After acknowledging, the essential problems with First past the post method and Proportional Representative of voting, other methods should be observed.

Following are the reason due to which Alternative Voting System will not be an effective method.

This system will not be at all successful in India. The following are the reason for the failure of this system (1) the candidate will be unable to get the majority of votes because the voters cast their first preference votes to their own communal group, (2) More coalition will take place as to get second preference votes and this will affect the interest of the public, (3) Exploitation and corruption will be intensified for buying second preference votes, this was also witnessed by other countries who are using the Alternative voting method. (4) Once after receiving votes there can be a possibility that a dominant party ignores the minorities’ interest and women representation. (5) It does not eliminate wastage votes and also diversification of opinion will be restricted as there will be a single party who will govern, which will lead to hindrance in the development process. (6) This system will work where the literacy level is high, where preferences are made wisely without dishonest motive, also where resources are available in abundance. Proportional Representation will be more beneficial than this system because this system has the same drawback as first past the post method.

RECOMMENDATION

MIXED MEMBER PROPORTION – AN ALTERNATIVE WHICH CAN BE ADOPTED

This system also has a few disadvantages which are as follows (1) there will be two kinds of MPs i.e. local and regional, so, both need to have a common goal for avoiding clashes. (2) The countries keep a threshold that is they put a benchmark percentage that a party needs to cross. So, in Germany, the party will qualify if the parties have received more than 5 percent of votes or 3 constituencies. So sometimes, if a party fails to qualify this then they will not be able to get seats from proportional representation seats.

But adopting Mixed Member Proportion will bring the following changes in India. The advantage will make an effective government, and it will conceal all the flaws of the proportion representation method as well as first past the post method. The following are the reason for adopting this system (1) Fair representation because the percentage of votes received will be converted into the seats, also, it will be effective because public interest will be secured through local-representation. (2) Here, a candidate they selected and the party they opted don’t need to be from the same party. Hence, this system will give authority to MPs to work independently for the enhancement of the people, represent the people, and be a voice for them in the Parliament. (3) Without being biased towards any party, voters can select their local representatives. This will be a combination of local MPs

with regional MPs, which will have a constructive impression and will lead to enhancement. (4) Women and smaller parties participate can be increased (5) the regional MPs to attained the votes will have to make a wider appeal, therefore, no party will be neglected and this system will eradicate the policies on the clan, regionalism. (6) This method will correctly solve the drawbacks of First past the post method and will preclude gerrymandering and strategic voting too. (7) There is no wastage of votes so, every single vote is countable which act as motivation for the voters to participate because it will have a great impact.

There are disadvantages in the mixed member proportion system also but India can accept this system if some modification is done. So, adopting a Mixed member proportion will eradicate the flaws of first past the post method. Hence, this system should be adopted. But for adopting this method a recommendation is that India require to strike off the threshold system which is practiced in Germany because keeping a benchmark will again stop the representative of minor groups. So, it will have a same kind of disadvantage as in First Past the Post System. Hence, there should be no threshold and seats should be allotted according to the votes received. Also, increase the number of seats in Lok Sabha for the effective functioning of this system. Increasing the seat will ensure the women and minor parties representation. The other measure that can be taken is making mandatory for political parties to ensure women's participation in the party list. This will cease the debate over Women Reservation Bill.

CONCLUSION

First past the post system is not a cure in the present situation instead it is a most delinquent system as it gives a majority to a single party who is not the choice of the majority of the voters. It is a disaster as it upheld more incongruities while allotting the seats. Hence, India needs reform. Mixed member proportion which is the combination of both first past the post method and proportional representation will be an effective method because it will balance each other drawbacks and India is well aware of both the system.

Given that the principle of constituency representation is deeply embedded in Indian politics, an electoral reform process, which abandoned that principle, would not easily take root. The advantage of German style system would be the maintenance of constituencies and FPTP contests, which select constituency representative. At the same time, it has its own mechanism to ensure proportionality between the percentage of votes polled and seats won by the parties.

The only concerning factor of the mixed member proportion system is that it will increase a coalition, but this is an unavoidable factor. It will also bring positive changes as it will lead to diversity in the Parliament as India is a multi-lingual, multi - cultural country, representation of every groups will bring more stability and coherence in policymaking. This system will conceal all the drawbacks of the First Past the Post method and will ensure fair, impartial representation. This system will be more effective because local representative will get autonomy to work for the betterment without being used by an affiliate party. So, it will safeguard the well-being and the interest of a public. The participation of voters will increase because an individual vote will also have a constructive amount of value. So initially, there will be obstacles as this system is complex than the previous one, but later this system will result in fair representation and will restore the faith of the citizens.

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