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Chapter Three

ELECTION AND REPRESENTATION

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INTRODUCTION

Have you ever played chess? What would happen if the black knight suddenly started moving straight rather than two and a half squares? Or, what would happen if in a game of cricket, there were no umpires? In any sport, we need to follow certain rules. Change the rules and the outcome of the game would be very different. Similarly a game needs an impartial umpire whose decision is accepted by all the players. The rules and the umpire have to be agreed upon before we begin to play a game. What is true of a game is also true of elections. There are different rules or systems of conducting elections. The outcome of the election depends on the rules we have adopted. We need some machinery to conduct the elections in an impartial manner. Since these two decisions need to be taken before the game of electoral politics can begin, these cannot be left to any government. That is why these basic decisions about elections are written down in the constitution of a democratic country.

In this chapter we shall study the constitutional provisions regarding elections and representation. We shall focus on the importance of the method of election chosen in our Constitution and the implications of the constitutional provisions regarding impartial machinery for conducting elections. We shall also look at some suggestions for amending the constitutional provisions in this respect. After reading this chapter, you would understand:

- *different methods of election;*
- *the characteristics of the system of election adopted in our country;*
- *the importance of the provisions for free and fair elections; and*
- *the debate on electoral reforms.*

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ELECTIONS AND DEMOCRACY

Let us begin by asking ourselves two simple questions about elections and democracy.

- Can we have democracy without holding elections?
- Can we hold elections without having democracy?

Let us have a discussion in the classroom on both these questions by using examples from whatever we have learnt so far in the previous classes.

READ A CARTOON

17 February 1957

Shankar. Copyright: Children's Book Trust.

They say elections are carnival of democracy. But this cartoon depicts chaos instead. Is this true of elections always? Is it good for democracy?

The first question reminds us of the necessity of representation in a large democracy. All citizens cannot take direct part in making every decision. Therefore, representatives are elected by the people. This is how elections become important. Whenever we think of India as a democracy, our mind invariably turns to the last elections. Elections have today become the most visible symbol of the democratic process. We often distinguish between direct and indirect democracy. A direct democracy is one where the citizens directly participate in the day-to-day decision-making and in the running of the government. The ancient city-states in Greece were considered examples of direct democracy. Many would consider local governments, especially gram sabhas, to be the closest examples of direct

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democracy. But this kind of direct democracy cannot be practiced when a decision has to be taken by lakhs and crores of people. That is why rule by the people usually means rule by people's representatives.

In such an arrangement citizens choose their representatives who, in turn, are actively involved in governing and administering the country. The method followed to choose these representatives is referred to as an election. Thus, the citizens have a limited role in taking major decisions and in running the administration. They are not very actively involved in making of the policies. Citizens are involved only indirectly, through their elected representatives. In this arrangement, where all major decisions are taken by elected representatives, the method by which people elect their representatives becomes very important.

The second question reminds us of the fact that not all elections are democratic. A large number of non-democratic countries also hold elections. In fact non-democratic rulers are very keen to present themselves as democratic. They do so by holding election in such a way that it does not threaten their rule. Can you think of some examples of such non-democratic elections? What do you think would distinguish a democratic from a non-democratic election? What can be done to ensure that elections in a country would be conducted in a democratic way?

This is where constitution comes in. The constitution of a democratic country lays down some basic rules about elections. The details are usually left to be worked out by laws passed by the legislatures. These basic rules are usually about

- Who is eligible to vote?
- Who is eligible to contest?
- Who is to supervise elections?
- How do the voters choose their representatives?
- How are the votes to be counted and representatives elected?

What is the need of writing these rules in the constitution? Why can't these be decided by the Parliament? Or by all the parties before every election?

Like most democratic constitutions, the Constitution of India answers all these questions. As you can see, the first three questions are about ensuring that elections are free and fair and can thus be called democratic. The last two questions are about ensuring a fair representation. In this chapter you will consider both these aspects of the Constitutional provisions about elections.

Activity

Collect newspaper clippings about elections in India and any other country. Classify the clippings in the following categories:

a. System of representation
b. Voter eligibility
c. Role of the Election Commission.

If you have access to internet, visit the websites of the Election Commission of India

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Election System in India

You may have noted above a reference to different methods or the systems of elections. You may have wondered what these were all about. You may have seen or read about different methods of electioneering or campaigning in the elections. But what are different methods of elections? There is a system of conducting elections. There are authorities and rules about do's and don'ts. Is that what election system is all about? You may have wondered why the constitution needs to write down how the votes are to be counted and representatives elected. Isn't that very obvious? People go and vote. The candidate who gets highest votes gets elected. That is what elections are all over the world. Why do we need to think about it?

We need to, because this question is not as simple as it appears to us. We have got so used to our system of elections that we think that there cannot be any other way. In a democratic election, people vote and their preference decides who will win the contest. But there

Activity

Hold mock elections in your class to elect four class representatives. Hold the election in three different ways:

- Each student can give one vote. The four highest vote getters are elected.
- Each student has four votes and can give them all to one candidate or split the votes among different candidates. The four highest vote getters are elected.
- Each voter gives a preference ranking to candidates and the counting follows the method of election of Rajya Sabha members described below.

Did the same four persons win the election in each of these methods? If not, what was the difference? Why?

can be very different ways in which people make their choices and very different ways in which their preferences can be counted. These different rules of the game can make a difference to who the winner of the game will be. Some rules can favour bigger parties; some rules can help the smaller players. Some rules can favour the majority community, others can protect the minorities. Let us look at one dramatic instance to see how this happens.

First Past the Post System

Look at the newspaper clipping.

नवभारत टाइम्स

राजनीतिक संस्करण

पहली बार कांग्रेस को तीन-चौथाई बहुमत

हेगड़े सरकार का इस्तीफा

Less than 50 per cent votes and more than 80 per cent seats! Isn't that unfair? How could our Constitution makers accept such an unfair system?

It talks of one historic moment in India's democracy. In the Lok Sabha elections of 1984, the Congress party came to power winning 415 of the 543 Lok Sabha seats – more than 80% of the seats. Such a victory was never achieved by any party in the Lok Sabha. What did this election show?

The Congress party won four-fifths of the seats. Does it mean that four out of five Indian voters voted for the Congress party? Actually not. Take a look at the enclosed table. The Congress party got 48% of the votes. This means that only 48% of those who voted, voted in favour of the candidates put up by the Congress party, but the party still managed to win more than 80% of the seats in the Lok Sabha. Look at the performance of other parties. The BJP got 7.4 per cent votes but less than one per cent seats. How did that happen?

Votes and seats won by some major parties in Lok Sabha Election of 1984

Party	Votes (%)	Seats
Congress	48.0	415
BJP	7.4	2
Janata	6.7	10
Lok Dal	5.7	3
CPI (M)	5.7	22
Telugu Desam	4.1	30
DMK	2.3	2
AIADMK	1.8	12
Akali Dal	1.0	7
AGP	1.0	7

This happened because in our country we follow a special method of elections. Under this system:

- The entire country is divided into 543 constituencies;
- Each constituency elects one representative; and
- The candidate who secures the highest number of votes in that constituency is declared elected.

It is important to note that in this system whoever has

more votes than all other candidates, is declared elected. The winning candidate need not secure a majority of the votes. This method is called the First-Past the Post (FPTP) system. In the electoral race, the candidate who is ahead of others, who crosses the winning post first of all, is the winner. This method is also called the Plurality System. This is the method of election prescribed by the Constitution.

Let us now go back to our example. The Congress party won greater share of seats than its share of votes because in many of the constituencies in which its candidates won, they secured less than 50% of the votes. If there are several candidates, the winning candidate often gets much less than 50% of the votes. The votes that go to all the losing candidates go 'waste', for those candidates or parties get no seat from those votes. Suppose a party gets only 25 per cent of the votes in every constituency, but everyone else gets even less votes. In that case, the party could win all the seats with only 25 per cent votes or even less.

Proportional Representation

Let us compare this to how elections take place in Israel that follows a very different system of elections. In Israel once the votes are counted, each party is allotted the share of seats in the parliament in proportion to its share of votes (see Box). Each party fills its quota of seats by picking those many of its nominees from a preference list that has been declared before the elections. This system of elections is called the Proportional Representation (PR) system. In this system a party gets the same proportion of seats as its proportion of votes.

In the PR system there could be two variations. In some countries, like Israel or Netherlands, the entire country is treated as one constituency and seats are allocated to each party according to its share of votes in the national election. The other method is when the country is divided into several multi-member

This is very confusing! How do I know who is my MP or my MLA in this system? Who would I go to if I have any work?

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What are three natural rights?

Answer:

- The right to life
- Right to liberty
- Right to property

Which can represent the common good of human beings?

Answer:

- To minimize air and water pollution in environment
- To maintain ecological balance
- To protect ozone layer
- To present the cutting of forests.

What are the limitations on the "Right to freedom of speech and expression ?

Answer:

Article 19 of Constitution of India guarantees six freedoms to the citizens of India. Freedom of speech and expression is one of them. This freedom can be enjoyed by speaking and writing alongwith the following limitations:

- Friendly relations with other countries.
- Contempt of court
- Morality and decency
- Security of the state.

Mention some rights which have not been granted to people by democratic states.

Answer:

- The right for unborn foetus
- The right to safe drinking water
- The right to information
- The right to get clean air.

Mention two activities which cannot be claimed as a right by people.

Answer:

- Smoking
- taking banned drugs

Because medical research has prohibited drugs injurious to health, hence affect the relations with others.

What are the differences between rights and claims?

Answer:

- Rights are claims backed by disinterested desire whereas claims are demands backed by personal coercive of individual.
- Rights involve the goodness of one and all while claims focus on the personal welfare only.
- Rights receive a recognition but claims depend on its nature to be accepted or not.

What is the difference between constitutional rights and natural rights?

Answer:

- Natural rights have been given to individuals by nature or God whereas constitutional rights are the facilities, opportunities and liberties provided by the state to one and all.
- Natural rights are basic, natural and essential for human beings whereas constitutional rights are definite and enforceable by law.
- The examples of natural rights are right to life, liberty and property whereas constitutional rights are right to vote, to contest elections and to equality.

Mention any two important social-economic rights.

Answer:

- Every citizen is entitled to enjoy the right to work to earn one's own livelihood and the state provides opportunities to earn the resources.
- A welfare state guarantees right to its citizens to adopt the profession of whatever one likes and no one can be compelled to do the work which is not as per his choice.

How can we classify rights?

Answer:

Rights can be classified into the following two types:

(a) Moral rights are our moral senses which cannot be demanded or cannot be forced. Even if moral rights are violated, no legal action can be taken, i.e. to make children educated to look after parents, etc.

rights are violated, no legal action can be ta

(b) Legal rights are recognized by the state which are enforceable and can be classified as:

- Civil rights help to lead a secured social life, i.e. right to life and education.
- Political rights are given to the citizens by the state, i.e. right to contest election, right to vote, right to hold any public office, etc.
- Economic rights include right to work, to rest, to housing, to buy own property in any part of country and to possess any job or profession in the country.

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Rights

MCQ

1. Natural Rights are those which are given to us by —
   a. constitution b. Parliament
   c. God or Nature d. King

2. The constitution of a country provides the basis for
   a. Punishment of criminals
   b. Deplomatic relations with other countries
   c. Relationship between citizens.
   d. Governance of the country.

3. A Bill of Rights is enshrined in the —
   a. Preamble of the UNO
   b. Constitution of so many countries
   c. Human Rights of ~~US UNO~~ UNESCO
   d. Government ~~decon~~ documents of few countries.

4. In which year UN Human Right Declaration was passed.
   a. 10, Dec 1948 b. 10, Feb 1949

c. 1st May 1950 d. 21 July 1948

5. Who said. "Rights are those conditions of social life without which no man can seek to be himself at his best?
a. Austin b. Wilde
c. Green d. Laski

6. Which of the following is not a Fundamental Rights in Indian Constitution.
a. Right to Equality.
b. Right to property
c. Right to Freedom
d. Right against exploitation.

7. The provision to abolish untouchability is reflected in the Indian Constitution under —
a. Article - 14 b. Article 15
c. Article - 16 d. Article 17

8. Marx gave priority to —
a. Political Rights
b. Economic Rights
c. cultural Rights
d. None of these

9. Right to franchise is a
a. customary Rights
b. Political Rights
c. Moral rights
d. cultural rights

10. Right to liberty, or Right to Freedom is mentioned in Articles:
a. 19 to 20
b. 14 to 18
c. 25 to 28
d. 23 to 24

11. civil liberties and Political rights from the basis of a
a. Democratic Government
b. Monarchical rule
c. Totalitarian Government
d. Dictator rule

12. Rights are justified demands. Who said it?
a. Aristotle
b. Barkershake
c. Shiele
d. Laski

13. Civil Rights are given to the individual by :

a. Nature
b. God
c. The State
d. The people

14. The Natural Rights that was not advocated by the political theorists of the 17th and 18th centuries was the right to

a. Life
b. Liberty
c. information
d. property

15. What is the force behind Legal Rights ?

a. Force of Public opinion
b. Force of morality
c. Force of law
d. Force of nature

16. Article 18 of the Constitution of India deals with

a. Right against exploitation
b. Right to practice own religion
c. equality before law
d. abolition of Titles.

17. The political rights is the rights to
a. shelter b. sustainable development
c. ~~to~~ Livelihood d. Form Political Parties

18. The part of the Indian Constitution that proclaims India to be a ~~state~~ welfare state is —
a. Part - III b. Part - IV
c. Part - V d. Part IX

19. Liber means :—
a. Free b. No Freedom
c. Limited Freedom d. None of These

20. To which country J.S. Mill belonged?
a. Britain b. France
c. USA d. Switzerland

21. Identify the author of Hind Swaraj.
a. J.L. Nehru b. Dr. Radha Krishnan
c. Mahatma Gandhi d. Gokhale

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