

## SYSTEMS OF REPRESENTATION

MODERN democracy is generally representative democracy. The institutions of the Initiative and the Referendum play only a minor part in democratic decisions most of which are taken by the legislature on behalf of the people. The setting up of a truly representative legislature is, therefore, of the greatest importance for the success of democracy.

Until the late nineteenth century, however, the question of representation received little attention at the hands of statesmen and political thinkers. Political discussions centred on the merits of democracy as a form of government and the safeguards necessary for protecting the people from over-government. It is only in recent years that it has been realised that the form of representation has far-reaching political consequences, sometimes affecting the very foundations of democratic government. Here a brief account of the various forms of representation is given, with particular attention to the system of proportional representation.

### SINGLE-MEMBER CONSTITUENCIES

Under this system the country is divided into as many constituencies as there are seats to be filled and each constituency returns one member. Among the candidates contesting a seat the one securing the largest number of votes is declared elected.

This system has had a long history behind it and has been adopted by most countries of the world at one time or the

other. While it is now losing its hold in many countries, it is still the main basis of representation in Great Britain, Canada, South Africa and the U.S.A. Although there are many front-rank political thinkers who prefer it to any of the alternatives suggested, the working of the system has brought to light many shortcomings and the volume of opposition to it has been increasing.

The system has been subjected to criticism mainly from three angles:

(1) The very assumption on the basis of which it is defended, namely, that interests within any given region are fundamentally unified and that they vary from region to region, has been questioned. It has been suggested by some that representation should be of economic groups and not of territorial groups. Others have suggested that representation should be on the basis of religion and culture.

(2) The second line of criticism is based on the principle that all minority groups, whether they be political, economic, or cultural, have a right to be represented in the legislature in proportion to their electoral strength. Under the system of the single-member constituency, the minority parties, more often than not, would be grossly under-represented. The number of seats a minority party captures depends, not upon the support it has in the country at large, but upon the concentration of its electoral strength in particular constituencies. For instance, to capture 25 per cent of the seats in the legislature, a party must have sufficient support to win seats in 25 per cent of the constituencies; but if its supporters are diffused, it may not capture even one seat, even though it polls 25 per cent of the votes in all the constituencies put together.

(3) The third line of criticism is that it does not even ensure always the success of the majority party. First, within the constituencies, if there are three or more candidates for a seat, the successful candidate is often elected only by a



relative and not an absolute majority of the votes. It is by no means certain that if the contest had been confined to the winning candidate and the most leading of the defeated candidates the former would have won. Secondly, sometimes, even when there are only two major parties, the party which has polled a smaller number of votes than the other in the country at large is returned to power. Such an anomaly would arise more frequently when there are three well-organised parties. Thirdly, when two parties are more or less equally balanced, a small group of voters who can turn the balance to the benefit of either of the parties will command power quite disproportionate to its number. The influence that Jewish votes have on the foreign policy of the U.S.A. is a case in point. The Jews form only about three per cent of the population of the country.

Recent discussions regarding the forms of representation centre on the above defects and various suggestions have been made to remedy them.\*

## MAJORITY PREFERENTIAL VOTING SYSTEMS

Various forms of voting are devised to ensure that every person returned to the legislature by a single-member constituency really commands the confidence of the majority in his constituency.

(1) *The Second Ballot*—Under this system two election days, with an interval of a week or two, are fixed. If in the first election one of the candidates secures a majority of the votes cast, he is declared elected. Otherwise, a second ballot is taken and voting is confined to the two candidates who in the

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\* There is another system of voting which suffers from all the shortcomings of the single-member constituency system. Under this, in a multi-member constituency, the voter is given as many votes as there are seats to be filled and he cannot give more than one vote to one candidate. This is known as the block vote or the compulsory distributive vote.

first election obtained most votes. Sometimes, as in the case of the election of candidates for the office of the President by the national conventions of the great political parties of the United States, successive elections are held with a view to eliminating the weakest of the candidates until one of them polls an absolute majority of the votes cast.

(2) *The Alternative Vote*—This seeks to achieve the same object as the second ballot without the trouble of a second election. Under this system the voter is required to mark his choice in the order of preference. The count is on the basis of the Hare System of the single transferable vote to be described later.

There is no doubt that the second is to be preferred to the first as it avoids the necessity of a second ballot. The above forms of voting generally ensure that successful candidates do command the confidence of a majority in their constituencies. But they do not remedy the other defects of the system of the single-member constituency: they do not protect the minorities; they do not prevent a party polling a lesser number of votes in all the constituencies put together from getting a larger number of the seats; they do not also prevent the major parties from being held to ransom, as it were, by small groups of voters holding the balance in the constituencies.

### GERRYMANDERING AND PROTECTION OF MINORITIES

Gerrymandering may be defined as the drawing of electoral districts in such a way as to favour one political interest or the other. The term itself has unhappy associations. In 1812, in the State of Massachusetts in the U.S.A., Governor Elbridge Gerry saw that the electoral districts were drawn in such a way that his party, the old Republican party, profited most from it; as a result, his party won 29 seats in the Senate with only 50,164 votes, while the opposite party, the Federalists,



won only 11 seats with 51,766 votes. This device has sometimes been employed for quite legitimate purposes, such as the protection of minorities. But it can be of help only to minorities which are concentrated and not diffused. The chances of its misuse are, however, great.

## PROPORTIONAL REPRESENTATION

In general, "the term proportional representation is used to designate the various electoral devices which aim to secure a legislative body reflecting with more or less mathematical exactness the strength of the groups in the electorate". There are different forms of it and they all aim at securing adequate representation for the minorities. Under this system, it is claimed that any interest or group, whether it be economic, religious or political, would secure representation in proportion to the support it has among the electors. The system is highly elastic and can satisfy the claims of diverse interests. Protection will be given as long as, and only as long as, a group of electors large enough to claim a representative wants it. This system, it is further claimed, offers a remedy for all the defects of the system of the single-member constituency to which reference has already been made.

The various forms of proportional representation may now be considered:

### (1) THE NON-TRANSFERABLE VOTE

Electoral devices under proportional representation may be classed under two broad headings: (1) proportional representation with the non-transferable vote; and (2) proportional representation with the single transferable vote. The basis of distinction lies in the transferability or otherwise to others of the vote or votes cast to particular candidates.

There are mainly three types of the non-transferable vote: (a) the limited vote; (b) the single non-transferable vote;

and (c) the cumulative vote. Multi-member constituencies are essential in all the three cases. Under the limited vote a voter has two or more votes, but less than the number of candidates to be elected by the constituency. The single non-transferable vote is a special form of the limited vote. Each voter is allowed to vote for only one candidate while there is more than one seat to be filled, and the candidates who receive most votes are declared elected. Under the cumulative vote the voter has as many votes as there are candidates to be elected from the constituency, but he may distribute them among the candidates in any manner that he sees fit: he may give all his votes to one candidate or distribute them among several candidates.

All the three systems are intended to secure protection to the minorities. In a three-member constituency, for instance, if 25 per cent of the electors *plus* one join together and vote for one candidate of their own choice, they can be sure of his being returned, both under the single non-transferable vote and the cumulative vote. Both systems, however, suffer from two defects: (1) since the votes are not transferable, votes cast on defeated candidates do not help in the return of a member; (2) it can never be said that a party secures seats in proportion to the votes cast in its favour within the constituencies and the country at large. The number of seats a party captures in an election depends on the correctness with which it has gauged the support it commands in each of the constituencies, and set up the right number of candidates on its behalf.\*

As between the single non-transferable vote and the cumulative vote, the former is simpler and better suited to the needs of an illiterate electorate. But the latter is preferred by party organisers as it makes the work of organising the

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\* Harold F. Gosnell, Article on Proportional Representation in the *Encyclopaedia of Social Sciences*. Vol. XII.



electorate easier. Under the single non-transferable vote, a party which has put up candidates for more than one seat in a constituency must divide the constituency into as many geographic units as it has set up candidates and instruct the electors in each unit to vote for a particular candidate. To illustrate the point by an example: Burdwan district in Bengal, we shall say, has been formed into a multi-member constituency with four seats. A party, hopeful of securing only two seats, has to estimate the probable number of its supporters in the different parts of the district and group the sub-divisions and *thanas* into two blocks, each block being instructed to vote for one of the two party candidates. Any gross miscalculation in the estimate of the distribution of its supporters might seriously affect its electoral chances. Under the system of the cumulative vote, this difficulty of forming electoral blocks is avoided. A party will merely have to tell its followers: "Each of you has four votes: give two to candidate A and two to candidate B, both of whom have been set up by the party". In practice the difference in the form of voting often produces different results.

## (2) THE SINGLE TRANSFERABLE VOTE

The principle behind the single transferable vote is briefly this. Though the legislature is composed of hundreds of representatives and a constituency returns more than one representative, an elector cannot claim to have all of them as *his* representatives; he has a right to have only *one* of them as his representative. He can, therefore, have only one vote even in a multi-member constituency. But he must be sure that the person for whom he votes is returned; otherwise, he would in practice be denied one of the fundamental rights of democratic citizenship, *i.e.*, the right to be represented in the legislature. He cannot be certain of this if he has only one vote and can give this only to one candidate. If his

candidate is defeated, his vote would be a waste; if his candidate gets more votes than is necessary to secure his election, his vote would be superfluous and hence again a waste. This waste could be prevented by the adoption of the system of the single transferable vote. Under this system, the elector would have only one vote; but if his vote proves ineffective for either of the above two reasons, it is transferred to another candidate to help him to get elected. The number of votes that do not help in the election of a candidate is kept very low. The transfer of votes from one candidate to another is effected in one of two ways. Under the first, the elector votes for the candidates directly and individually; he has unfettered freedom to indicate his first choice and succeeding choices. This is the well-known Hare System, popularly known as the "single transferable vote". Under the second, each party presents a list of candidates for the acceptance of the electors. The elector votes primarily for a party; in voting for a party list, he accepts the order of preference previously determined by the party; even where he is permitted to express his preference for an individual candidate, he is not allowed to go outside the party list. This is known as the "List System of proportional representation". Both the systems are equally in vogue and popular.

(a) *The Single Transferable Vote (Hare System)*—Under this system, "the voter indicates his preferences among the various candidates, by marking his first choice and his succeeding choices with the appropriate numerals". For the purpose of the count all the ballots of a constituency are brought to a central place. There are four distinct stages in the count. There is, first, the fixing of the number of votes a candidate must get if he is to be considered elected beyond all reasonable doubt, or what is commonly called the fixing of the quota. There is, secondly, the counting of votes on the basis of the first choices of the electors. All those candidates who secure the quota that is fixed, or anything above it, are



declared elected. Thirdly, if there are seats yet remaining unfilled, the surplus votes, or votes in excess of the quota polled by the successful candidates, are transferred to the candidates still in the run on the basis of the second or succeeding choices of the electors. All those who with the help of these votes reach the quota are declared elected. Fourthly, if there are seats yet to be filled after the surpluses have been transferred, candidates who have polled the least number of votes are eliminated and their votes transferred to the candidates still in the run on the basis of their second or succeeding choices. This is done until all the seats assigned to the constituency are filled.

These four stages of the count are common to all the forms of the single transferable vote. Various technical devices have been developed to gauge the preferences of the electors with great exactitude and give effect to their real will. The degree of exactness required depends upon the size of the electorate. Where the electorate is small the form of the count must be such as to secure the greatest possible exactness, for even minor errors might greatly affect the results. Where the electorate is large, as would be the case in respect of national and municipal elections, the form of the count could be much more simple without materially affecting the results.

(b) *The List System*—Under this system each party presents a list of candidates in the order of preference it wants them to be elected. The elector may vote for any one of the party lists, but not for more than one. In voting for a party list he tacitly accepts the order of preference fixed by the party. In many cases, however, he is allowed to express his preference for any of the candidates included in a party list. Where this is done there is really an election within an election: the elector votes for a party and also for a particular candidate within a party list. Where it is desired that the elector should have maximum freedom in selecting the party candidate, the single transferable vote (the Hare System) is adopted.

The other forms of voting, such as the single non-transferable vote, can also be used.

The most difficult problem to be faced under this system is the apportionment of seats among parties in proportion to the votes polled by them. With the known technical devices it is possible to reach any degree of exactness that is considered politically desirable.

(c) *Vacancies*—The problem of vacancies is the same under both the Hare and the List Systems. The strictly logical procedure to fill a vacancy is to have an election by the same voters who elected the member whose seat has fallen vacant. But this cannot be done even if it were possible without violating the secrecy of the ballot. Therefore, the procedure that is generally adopted is to preserve the ballot papers which helped a candidate to win a seat and, if his seat falls vacant between two general elections, to select his successor on the basis of the succeeding choices marked on those ballot papers. The defect of the system is obvious; it is based on the results of the old election and it does not indicate in any way the changes in public opinion after it.

Other methods of filling a vacancy have been advocated and practised. Vacancies are filled by election by the whole of the multi-member constituency or by election by all the rest of the members of the legislature. These would favour the majority party and are inimical to minority interests. There are a few methods which seek to protect the latter.

- (1) The electors of the wards in which the member whose seat has fallen vacant polled the largest proportion of first choice votes may be allowed to vote at a bye-election.
- (2) The party to which the member belongs or the persons who nominated him at the time of the general election may be allowed to select his successor. Sometimes, the legislature by convention elects a person to fill a vacancy from among the members of the party to which the member whose seat has fallen vacant belonged.
- (3) Although this suggestion does not



appear to have been made earlier, every member of the legislature may be required to nominate two persons as his successors in case of his death or resignation; freedom may be given to the members to change their nominees at any time. This procedure would be particularly useful in respect of non-party or independent members.

### (3) THE SINGLE-MEMBER CONSTITUENCY AND THE SINGLE TRANSFERABLE VOTE

Of the various forms of representation discussed above, controversy has centred on the relative merits of the single-member constituency with plurality voting and proportional representation of the Hare or the List variety. The case against the single-member constituency has been considered already and it is strong. But the case against proportional representation is by no means weak or unworthy of consideration. Of the objections levelled against it and the answers given may be mentioned some.

The first objection is that the system cannot be easily understood by the voter or easily worked by the returning officer. Where there is a literate electorate the advocates of proportional representation reply that there is not much substance in this objection. As for the returning officer, he would be educated enough to understand the rules prescribed for the count and observe them strictly. The persons that ought to know the full significance of the system are the legislators; since the forms of proportional representation are many, they must understand the political implications of each one of the forms and select the one best suited to the needs of the country. In a country like India the problem of illiteracy among the electors would, however, have to be faced.

The second objection is that constituencies under the system are unwieldy; and as a result the electoral expenses

of candidates are very great and the personal touch between electors and their representatives is lost. To this, the advocates of proportional representation reply that electoral expenses can be reduced and the difficulty of canvassing support minimised by effective co-operation among the candidates of the same party. In the case of small minority parties much depends on the intimacy of the contact they have maintained in the period before the election. Again, they urge, unless the constituency is too big it should not be difficult for a member to keep in touch with his constituents. The press, the radio and the rapid means of communication available today should go a long way in helping the member in his task.

The third objection is that no satisfactory system of bye-election under the system has been suggested and a very valuable instrument to gauge the trend of public opinion between two general elections is lost. The advocates of proportional representation reply that this is only of minor importance and ought not to be pressed.

The fourth objection is that its effect on the party system is particularly disastrous. It gives birth to a multiplicity of parties, each party being wedded to one pet object or the other. Since the minor parties are sure of being returned with the support of their own limited following, they have no incentive to coalesce with other parties with similar ideologies. Where the system of parliamentary government prevails, the Cabinet is formed after a good deal of mutual bargaining and the association is purely temporary. There is no strong bond binding together the parties which form the coalition government. As a result, no clear-cut policies are evolved; legislation is ineffective; the executive government is weak and unstable. There is a striking contrast between the fixed determination of each of the parties to realise its objective and the unstable vacillating character of the executive government. This provides the right background for the rise of dictatorship or of a strong bureaucracy.



The advocates of proportional representation, however, observe that no such generalisation is warranted. Countries without proportional representation, such as France, have not escaped from multiplicity of parties or weak government, and countries with proportional representation like Ireland (Eire) do not suffer from these evils.

But it appears that the system of proportional representation is not an integrating force compelling the smaller units to combine together to form larger ones for the purposes of effective political action; by making it possible for small parties to function effectively, it encourages them to maintain their individuality even at a high cost. Where the social forces are strongly in favour of two parties, its disintegrating influence is not felt, *e.g.*, in Ireland, or as it might be the case in Great Britain. But where the tendency is otherwise it accentuates the situation, *e.g.*, in Germany under the Weimar Constitution. A country which has no strongly developed parties stands more to lose by the adoption of proportional representation than a country which has two strongly developed parties that cannot be easily broken up.

There is, however, general agreement even among the critics of proportional representation that the application of the system is a necessity in the case of countries with self-conscious racial or communal minorities.