

## Identity Politics and Proportional Representation

*..... does it follow the minority should have no representatives at all? Because the majority ought to prevail over the minority, must the majority have all the votes, the minority none? Is it necessary that the minority should not even be heard? Nothing but habit and old association can reconcile any reasonable being to the needless injustice. In a really equal democracy, every or any section would be represented, not disproportionately but proportionately.*

*John Stuart Mill in Representative Government ( 1861)*

Politics of identity is one of the defining features of the Indian democracy. Politics of identity can be an important process through which various sections, which were hitherto marginalized, are empowered. However, politics based on identity can also generate hatred resulting in vitiating of the democratic space and social strife. Quite often we blame politicians for indulging in identity based politics and the hatred it generates. But rarely do we pause for a while and try to locate systemic causes for the increasing polarization in our society. We need to examine whether our electoral system is appropriate enough to generate accommodative tendencies in our society. Look around and ask an honest question - does our polity promote harmony or division? The events in Punjab, Kashmir, North-East, and communal violence in the past two decades bear testimony to the fact that our society is increasingly becoming intolerant and unaccommodative.

Yes, there are many flaws in our society and polity. But we have inherent self-correcting instincts and mechanisms to restore balance and sanity in times of crisis. Even the carnage in Gujarat invited strong criticism and resistance from our own society. We do not need to be lectured by the rest of the world. Judging India by Gujarat of 2002, or Delhi of 1984 alone is extremely short-sighted and unwise. It is akin to condemning the United States on the basis of the Los Angeles riots in 1993 after the predominantly white jury acquitted the policemen who brutally attacked Rodney King for minor traffic violations despite conclusive videotaped evidence of the assault. Every society has its warts, and what matters is how honestly and courageously it deals with them.

But there is an important issue which cannot be ignored. The fact is, Gujarat and Delhi riots and killings have been a part of our contemporary history. Communal polarization and rising prejudice are evident everywhere. Several young, educated persons with seemingly stable and normal background are part of right wing religious organizations and terrorist networks, or are sympathizers providing logistical support and succour. Clearly an overwhelming majority of the minorities feel and respond as Indians in all situations. But a small minority, in different religious groups, is alienated and seething with anger. Why? Is it because of religion, or social discrimination, or the nature of our politics? If this question is not addressed with candour and sensitivity, we cannot promote

peace or social cohesion. Let me illustrate the argument with specific reference to representational opportunities that are available to Muslims in Indian politics.

True, religion and historical baggage have played a role in distancing Hindus and Muslims from another. But centuries of peaceful coexistence and cultural and social intermingling have created a diverse and yet unified society. There is ample evidence of this. Nor is there any overt discrimination by the Indian State. Muslims are certainly less educated and are poorer than caste Hindus. But by many parameters like sanitation and housing they are better off. Studies have conclusively established that bigamy among Muslims is actually less common than among Hindus and Jains. True, birth rates among Muslims are higher than among others. This is partly the result of poverty, but cultural preferences do play a role. But Bangladesh, Indonesia, Malaysia and Turkey proved that Islam does not oppose birth control. And with all our failings, constitutional values are still intact, and there is no discrimination against minorities by the State.

And yet, there is something wrong which promotes violence based on ethnicity and religion. The culprit is the political process. The first-past-the-post (FPTP) system we adopted ensured that scattered minorities like Muslims will never get political representation due to them. In the first-past-the post system (FPTP) we adopted from Britain, the candidate who wins most number of votes in a constituency is elected, and all other votes for the losing parties do not count. There are no prizes for runner-ups. Therefore, parties have no choice but to opt for “winnable” candidates, who invariably dominate the political fiefdoms. FPTP system thus led to several unhappy consequences. First, parties are forced to go for those candidates, however undesirable, who will somehow get elected. Second, candidates are forced to resort to vote buying and rigging in order to overtake the rivals. The overall electoral verdict is still fair, because there is a system of compensatory errors at work, whereby the malpractices of one party are neutralized by the rival party. But these distortions necessarily mean that honest, decent and public-spirited candidates have no realistic chance of being nominated or elected. That is why outstanding politicians like Manmohan Singh, Arun Jaitley or Arun Shourie have to be elected to the Rajya Sabha!

Third, FPTP has led to overrepresentation of social groups with concentrated populations, and under-representation of scattered minorities. The political hegemony of a few caste groups is thus perpetuated. There are only a handful of constituencies in India in which Muslims are dominant. Muslims never got their due representation, and therefore ghettoization, vote-bank politics, strategic voting and communal polarization became the inevitable consequences. Reservation of constituencies for Dalits too did not help, because the Dalit candidates have to depend on the local dominant groups for their political survival.

Once a significant minority is denied its due representation, political ghettoization is inevitable. Whenever a community feels isolated in this manner, it is the obscurantist elements and religious bigots who define its identity. Inadequate political representation thus acquires a communal colour; and obscurantists become the interlocutors for the whole community, with 'religion in danger' as the rallying slogan. Parties, whose objective is to maximize their electoral gains, use this insecurity to their advantage. Politics of tokenism and vote-bank mobilization on sectarian grounds become the norm. The real issues of development and economic opportunities take a back seat. The resultant strategic voting and hate politics lead to communal polarization. Mobilization of

one religious group inevitably invites counter mobilization. In short, given our social conditions and political realities, FPTP has accentuated communal divisions. Every incident is blown out of proportion, and the 'eye for an eye' approach leads to blind rage and manufactured hatred. This is what Delhi in 1984 and Gujarat in 2002 witnessed.

Clearly, given the diverse nature of our society, and the relative poverty and ignorance prevailing, FPTP system has accentuated our problems and led to a deep political crisis. Our familiarity with British institutions and practices made us accept FPTP as the only natural electoral system. But only 10 countries – Bangladesh, Canada, India, Malaysia, Nepal, Pakistan, Philippines, UK, US, Zambia – follow FPTP system in single-member constituencies. Even Australia (alternative vote) and New Zealand (proportional representation), though former British colonies, have different systems. In fact, 43 functioning democracies have other systems of election. Of these, 36 countries follow proportional representation (PR). PR is a system by which a party's overall voting percentage determines its representation in legislature.

PR differs from FPTP in three critical ways. First, the party's image and platform determine the outcome. Therefore, the party does not have to depend on local fiefdoms and crime lords for success. Honest and decent candidates can be nominated by the party in the list. Second, electoral success does not depend on the plurality of votes in any constituency, and all votes polled in favour of a party in a whole state or country count. Therefore, there is no incentive to spend exorbitant sums to buy votes locally. Third, scattered minorities will get representation as their overall vote counts, even though they may not have concentrated pockets of influence. PR thus radically alters the nature of elections and removes many distortions plaguing our democracy. When Gandhiji and Ambedkar had their famous disagreement on Dalit representation, they both were looking for a solution within the familiar British model. Reservation of Constituencies was the resultant compromise whereas PR would have met the requirements of all!

Even now, India is stuck with FPTP despite the fact that UK itself is embracing PR. European Parliament members in UK, and regional parliaments in Scotland, Wales and Northern Ireland are all elected through PR! Macaulay's prophesy that Indians would be the last surviving Englishmen has come true in a strange way!

We need to break out of this vicious cycle. FPTP system must give way to some form of proportional representation, enhancing legitimacy of our political process. Once Muslims and other scattered minorities are secure through fairer representation, ghetto politics will be replaced by enlightened self interest. The progressive elements will find voice, and liberty and opportunity, not insecurity and siege mentality, will be the dominant features. It cannot be our argument that FPTP in itself is the cause of communal violence and terrorism. But in a sane society the electoral system must bring the best out of people, and counter prejudice and bigotry. Instead FPTP accentuated our worst divisions.

Certainly there are problems in PR too. First, party leaders will become all-powerful if they are allowed to determine party candidates' lists. Even now, with party whip and nomination of candidates by party bosses, the legislators have no voice. Two institutional checks will enhance the freedom of action of legislators.

- The choice of candidates in the party list/ constituency should be made by the party members or their elected delegates through secret ballot. This procedure

should be sanctified by law. Then legislators will not be dependent on the party bosses' mercy.

- The whip and anti-defection provisions should apply only to votes which affect the survival of government. On all other issues, legislators must be free to vote without fear of disqualification.

Therefore choice of candidates and their order of appearance on the list must be based on voting by members or their delegates in each region or district. Second, given our diversity and primordial caste loyalties, in PR system there is a danger of every caste forming a party and fragmenting our polity. In the post-mandal India, this is highly probable. The apprehensions that candidates might appeal to narrow range of interests is valid. It is precisely for this reason that there is need to have thresholds of, say 10 % of votes in a state, for parties to get their quota of seats. This threshold will make it difficult for political parties to advocate divisive ideologies, as there is little incentive to do so. In fact, with 10% threshold, the number of recognized parties will reduce, not increase. PR will reward widespread support, and small, concentrated groups will have to coalesce to become a viable political force. Hence, the fears of balkanization, as some point out, are not well founded. Third, in PR the link between a territorial constituency and a member will disappear. Hence, there is a need to have institutions/persons to address the needs at the local level. We need to remember that there are three levels in our federal structure - Union, state and the local governments. It is the duty of the local governments to take care of the local needs of the people. The problem that we are facing today is because the MLA is busy addressing the sanitation problems at the ward level, instead of focusing on policy making and implementation pertaining to critical sectors such as health, education and law and order. However, it is true that the bond between a constituency and its representative should be preserved. That is possible by a mixed system in which 50% of the members are elected from territorial constituencies under FPTP system, and the rest of the seats filled from party lists in a compensatory manner, so that the final composition of legislature reflects the parties' voting percentages. This is the mixed system based on plurality and corrective PR, as practised in six countries – Bolivia, Germany, Italy, Mexico, New Zealand and Venezuela. There will be two votes – one for a candidate, and another for a party.

This is not to say that PR is answer to all the ills that are afflicting our society, but it would be definite step forward. As Popper once said “in all, what is needed is an optimum, not an absolute.” If you examine the political discourse that is prevalent today, we are treating the FPTP system as a sanctimonious principle, which should not be questioned even in our dreams. Hence the adherence to FPTP system has become almost like an authoritarian intellectual tradition. It is time to remove the veneer of sanctity attached to FPTP and examine it critically. The fact that the current electoral system of FPTP is engendering identity based conflicts needs to be recognized, and the alternative model of Proportional Representation has to be introduced in some form to enhance representational legitimacy, as well as eliminate the distortions of our political process.

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