

# ELECTORAL REFORM: A CASE FOR PROPORTIONAL REPRESENTATION



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The majoritarian or first-past-the-post electoral system that Pakistan had inherited from the British colonial masters overwhelmingly worked against the very basic concept of democracy and miserably failed to provide representation to most voters. This short essay is an attempt to provide evidence that this system has not only reinforced existing inequalities but also is inherently unjust and unfair. Even the electoral reforms that were introduced in 2017 by Parliament failed to make any positive impact. Rather, the system has seriously damaged Pakistan's economy, polity, and justice system. Therefore, it is imperative to replace it by a better electoral system: one that is more representative, democratic, responsive, just, and fair.

## FAILED ELECTORAL REFORMS

In 2017, Pakistan's Parliament unanimously enacted the Elections Act, 2017. The Election Commission (ECP) was radically empowered and lots of funds were allocated to build its capacities. However, today it seems that neither the ECP used its powers to guard its autonomy from the unlawful interference of the permanent establishment and powerful politicians, nor is there any evidence of improved workings of the ECP. For instance, despite clear orders of the Supreme Court, the ECP refused to hold general elections for the Punjab Assembly on 14th May. Moreover, in the wake of dissolution of the National Assembly in early August 2023, it refused to meet the President for consultation to fix the date for general elections, which deepened the crisis further.

The ECP also seems to have failed to utilise the favourable environment that had emerged in the wake of the Lawyers' Movement in 2007 to restore the higher judiciary, ensure the presence of assertive media and civil

society, and empower election observation networks and rights-based groups to create space for its autonomy. Instead, the ECP tried to co-opt the election observation groups by involving them in joint projects. In this regard, some known NGOs were tasked to write reports for the ECP, and certain donors appear to have facilitated this blatant conflict of interest as well. As the checks on the ECP weakened, its performance – which has always been poor – further deteriorated.

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Perhaps it has happened because the political elite was not actually interested in reforming power dynamics. It is no wonder there has been no substantial reform efforts, such as those that would have broadened quality and deepened social roots of democracy. These were not even considered for discussion during the negotiations of the electoral reform bill.

## MISSING SUBSTANTIVE REFORMS

■ Definitions. Interestingly, the Elections Act, 2017 provides definitions of almost every term that is being mentioned in the act, except two: freeness and fairness of elections. Linked to these is the definition of the concept of 'conflict of interest' – which has also not been defined in the elections act.

■ Term limits. Although term limits for public offices are not fixed in many democracies, very often leaders in these countries would resign from the office should they face dwindling support from their own parties. Therefore, pathways for new leadership are in place. On the other hand, in Pakistan due to absence of term limits, dynasts and sycophants have consolidated their stranglehold over the polity.

Therefore, term limits must be introduced for the offices of Prime Minister, President, and Chief Minister, etc.

■ Conflict of interest. In Pakistan, it is not mandatory for MPs to disclose their interests except in making their liabilities and assets public. Nor is there any restriction on having immediate family members in assemblies and the Senate simultaneously. As a result, almost every former Prime Minister, Chief Minister, most of the Presidents, every third MP and Senator have had between two to five family members in assemblies. This concentration of political power in a few hands is not only a violation of Articles 3 and 38 of Pakistan's Constitution but also a major cause of poor governance and democracy deficit.

■ One fee – one-candidate and 266 contest. Isn't interesting that under the law a candidate can contest elections from all the constituencies of the assembly, but s/he can keep only one seat. The result is that after almost every general election, dozens of by-elections have been held. It has been causing not only huge economic losses to the exchequer but also damaging delays in the formation of governments as well as deteriorating levels of trust in the electoral processes and leadership. This practice must be terminated.

■ Direct elections. Almost half of Pakistan's Parliament and one-fifth of provincial assemblies consist of indirectly elected members. Though Section 206 of the Elections Act demands of political parties to select candidates for elective offices "through a transparent and democratic procedure", these have never actually been implemented. Moreover, it can't be left to the whims of the party leader. There is an urgent need to introduce direct mode of election for every member of every assembly and the Senate. Since this has not happened, standards of elections and the overall quality of democracy continued to decline.

## ILLS OF FIRST-PAST-THE-POST ELECTORAL SYSTEM

### DISTORTION OF PEOPLE'S WILL.

In contrast to proportional representation (PR), the First-Past-the-Post (FPTP) electoral system does not consistently translate popular votes into seats proportionately. This discrepancy has the potential to distort the people's will by denying a party or parties their rightful share of seats. Such distortions have been frequent occurrences in Pakistan's elections. For instance, during the 1990 elections, the IJI coalition, formed by the ISI, secured 37.4% of the polled votes but claimed 51% of

the seats. In contrast, its closest rival, PPP-PDA, received 37% of the votes but only obtained 21.4% of the seats. Notably, in the 1988 elections, PPP garnered 38.5% of the polled votes, translating to 45.5% of the seats. However, in 1990, despite a minimal 1.7% drop in the share of polled votes, PPP's seat allocation plummeted by 21.4%. The inherent unfairness of the FPTP system is evident, raising concerns about its impact on both the electorate and political parties. This inequality fosters suspicion and diminishes trust in the electoral processes. Refer to Table I for detailed information.

Table I. Distortions Between Popular Vote and Seats

Party	1988		1990		1993	
	Votes	Seats	Votes	Seats	Votes	Seats
PPP	7.5M (38.5%)	93 (45.5%)	7.8M (36.8%)	44 (21.4%)	7.5M (37.8%)	86 (42.5%)
IJI	5.9M (30.2%)	54 (26.4%)	7.9M (37.4%)	105 (50.9%)	7.9M (39.9%)	73 (36.1%)

## ALIENATION AND LEGITIMACY CRISIS

The issue of low voter turnout in elections can be analysed from two closely linked perspectives. Firstly, it may be attributed to the lack of trust among the people in political parties and/or the electoral system, leading to a legitimacy crisis. Over the decades, Pakistan has consistently witnessed one of the lowest voter turnouts globally. While every 'elected' government may have held legal legitimacy, it often lacked social legitimacy due to a limited support base. This vulnerability made each successive government susceptible to opposition interference and undemocratic pressures. The citizens of the country, more often than not, assumed a passive role. Since the 1988 general elections, the average voter turnout has been 44.5%. Notably, in the last four general elections, around 20% of constituencies recorded a turnout of less than 25%. Survey results indicate that a significant number of respondents express sentiments such as "all contesting candidates and parties are the same, and already tested", or "our vote would not make any difference". This prevailing skepticism contributes to a sense of alienation and exacerbates the legitimacy crisis.

Furthermore, on average, every leading party that has formed the government post-election has never secured more than 35% and 15% of the polled and registered voters, respectively. When considering the share of the victors in the adult population, it has consistently been less than 10%. This prompts the argument that the so-called largest political parties are, in reality, quite

small. This circumstance should ideally pave the way for new parties to emerge. However, due to the majoritarian system and its manipulation, dynastic monopolies have been established in nearly every constituency. Consequently, creating new parties within the existing electoral framework has become exceedingly challenging, unless backed by establishment support. As indicated in Table 2, almost one-third of Members of Parliament (MPs) secured less than 40% of the polled votes, while 95% of MPs received less than 40% of the registered votes. Refer to Table 2 and 3 for a comprehensive breakdown.

Table 2. Percentage Share of Ruling Party/Coalition in Registered and Polled Votes

Share in	2018	2013	2008	2002	1997	1993	1990	1988	Average
Turnout	52%	55%	44%	42%	35%	40%	45%	43%	44.5%
In registered votes	16%	17%	13%	10%	16%	15%	17%	16%	15%
In polled votes	31%	32%	31%	24%	46%	38%	37%	38%	35%

Source: Compiled by PATTAN from the ECP's datasets.

Table 3. Average Share of Winning Candidates of NA in Last Three General Elections

Percentage of votes obtained by winners	No of constituencies (polled votes)	No of constituencies (registered votes)
50 % & above	89	2
40% - 49%	100	8
30% -39%	58	49
20% - 29%	21	49
Up to 19%	7	88

Source: Compiled by PATTAN from the ECP's datasets.

According to a study, “countries that use PR do have higher average turnouts than those that don't.” For instance, in advanced democracies, PR countries range of turnouts was between 65% and 91%, while in FPTP systems it was between 56% and 65%. Perhaps, simply because voters in PR system know their ballots will not be wasted.

## DENIES REPRESENTATION TO MAJORITY.

A electoral system that fails to provide representation to a majority of the polled votes is likely to exacerbate feelings of alienation. In contrast to Western countries where Members of Parliament (MPs) typically serve every individual in their constituency impartially, in Pakistan, MPs often demonstrate bias by favoring or punishing specific polling areas, biradris, and clans based on their voting patterns. Although there may not be comprehensive empirical studies on this issue, an abundance of anecdotal information and our extensive experience working with numerous communities substantiates this observation. Furthermore, the percentage of unrepresented electorates is considerably higher than those who are represented. On average, in the last four general elections, 55% of the polled votes lacked any representation, meaning a majority of the polled votes did not translate into political power. A province-wise breakdown indicates that in the last two elections, the percentage of unrepresented electorates was nearly 70%.

Table 4. Percentage of Voters Having No Representation

Election year	Degree of deprivation
2018	57%
2013	60%
2008	50%
2002	53%
Average	55%

Source: Compiled by PATTAN from the ECP's datasets

## ENCOURAGES RIGGING AND CORRUPT PRACTICES

The majoritarian electoral system, where a candidate can secure victory by a single vote, creates a substantial incentive for rigging and corrupt practices. This is particularly pronounced in a country like Pakistan, where corruption is prevalent, and multiple inequalities are both deep and widespread. PATTAN has identified 163 methods of rigging, and candidates tend to

<sup>11</sup><https://www.electoral-reform.org.uk/does-proportional-representation-lead-to-higher-turnout/>

deploy these tactics across various polling areas. For example, by manipulating five voters or ballots in 10-20% of the total polling booths, a candidate can significantly increase the probability of winning. It is noteworthy that since the 2002 elections, the percentage of rejected ballots has been on the rise. In the 2018 elections, more than 60 National Assembly constituencies had a margin of victory less than the number of rejected votes. Additionally, approximately 50 candidates secured National Assembly seats with a margin of victory of less than 5,000 votes, while dozens of Members of Parliament (MPs) obtained less than 10% of the polled votes.

## **SOCIO-POLITICAL IMPACT OF FPTP**

### **PERPETUATES POVERTY, INEQUALITY, AND MARGINALISATION**

The prevalence of vote-buying, a phenomenon on the rise since the 2002 elections, became even more widespread in the elections following the COVID-19 outbreak, largely fueled by increasing poverty. Notably, high-profile scandals related to vote-buying in Pakistan's Senate elections contributed to the broader acceptance and practice of this electoral malpractice. It's interesting to observe that, unlike economic growth that often fails to trickle down, vote-buying tends to flow downward, particularly affecting slums in cities and towns more than rural areas. In rural settings, traditional networks, land ownership, and muscle power play a significant role. In essence, reinforcing existing disparities has been a key strategy for the elite to maintain control and hegemony over electoral constituencies.

### **ENCOURAGES DYNASTIC MONOPOLIES**

While efforts are made globally, including in Pakistan, to end monopolies through anti-trust laws and regulatory structures, the political arena has largely been exempt. The majoritarian system has allowed powerful landed and business elites to effectively 'monopolise' electoral constituencies, leading to the capture of political power. Many of these elites have become 'electables', and it is not coincidental that each electable is likely to have a substantial captive vote-bank and the support of state officials. This arrangement often results in elected individuals aligning with the establishment's instructions rather than adhering to their party's decisions. In a highly unequal and unjust society like Pakistan, the majoritarian system appears to provide more opportunities for

manipulation and rigging compared to a proportional representation system, as evidenced by recent defections of so-called electables from PTI.

## **ABHORS ORGANISED POLITICAL PARTIES AND SOCIAL MOVEMENTS**

Dynastic monopolies, formed through the majoritarian system, are inclined to view independent social movements, organised labor unions, and a free media as threats to their interests. These entities have the potential to hold them accountable and provide services to the public. Mainstream political leaders, instead of earnestly running membership campaigns or organising their parties, often opt for maintaining control. Parties typically establish various wings (labour, youth, women, etc.), and those who become active are often co-opted by appointing them as office bearers of these wings. This practice has led to the corruption of leadership in social movements, contributing to the weakening of civil society in Pakistan and reinforcing the stranglehold of the super-rich and the establishment—an oversight on the part of the state.

## **CRIMINALISES THE POLITY AND BREEDS ELECTORAL VIOLENCE**

Zahid Hussain contends that politics and crime share a symbiotic relationship, both driven by the common motives of acquiring money and power. The majoritarian electoral system appears to provide an environment conducive to criminals joining political parties, and once elected, they may leverage support from law enforcement agencies. Furthermore, the attainment of political power can, in some cases, encourage even otherwise law-abiding politicians to engage in criminal activities. India and Pakistan serve as pertinent case studies, with instances like the Baidia Town factory inferno and decades of target killings in Karachi by a political party illustrating the consequences. When the system fails to deliver, it erodes people's trust in state institutions, potentially leading to anarchy.

## **ENDANGERS THE SOCIAL CONTRACT.**

Article 3 of Pakistan's Constitution explicitly rejects exploitation, promising the elimination of all forms of exploitation and the gradual fulfillment of the principle "from each according to his ability to each according to his work". Additionally, Articles 37 and 38 guarantee social justice and aim to prevent the concentration of wealth and means of production and distribution in the hands of a few. Article 25 ensures the equality of



citizens. However, fifty years on, the opposite has occurred in Pakistan. A significant majority of citizens have become subjects, coerced to be loyal and obedient to landlords, employers, and the state, while being denied rights and justice. Calls for a new social contract have emerged, suggesting that if the state and dynastic monopolies fail to uphold the social contract (Constitution) in both letter and spirit and resist reform, the country could face chaos.

## PERFORMANCE AND NEUTRALITY OF THE ELECTION COMMISSION

Given that power dynamics have wreaked havoc at various stages of electoral processes, including the functioning of the Election Commission of Pakistan (ECP), its neutrality, professionalism, and efficiency have been significantly compromised. As the saying goes, "the test of the pudding is in the eating," an examination and analysis of the information and statistics available on the ECP website are likely to diminish readers' trust in the ECP's professional conduct.

## CONCLUSION

In a highly unequal and unjust society like Pakistan, the majoritarian system, wherein a candidate can secure victory by just one vote, offers a substantial incentive for powerful, super-rich, and well-connected parties and candidates to manipulate election outcomes more than the proportional representation (PR) system. Consequently, both Members of Parliament (MPs) and political parties lack the motivation to address and reduce inequalities or invest in human capital. Based on ample empirical evidence, the following conclusions can be drawn:

- Reform efforts have proven ineffective, as past initiatives have failed to make any discernible difference.
- On its own shortcomings, the majoritarian system is deemed worthy of being retired.

## RECOMMENDATIONS

Firstly, there is an urgent need to raise public awareness regarding the extent of damage inflicted by the majoritarian system. While I am convinced of the inherent undemocratic, unjust, and unfair nature of the current electoral system, concrete evidence to support this assertion requires further research. The findings of such research must be made public to stimulate further debate and eventually reach a consensus.

Secondly, there is a need to develop a proportional representation (PR) system that is user-friendly and conducive to achieving true democratic, responsive governance, ultimately dismantling dynastic monopolies.

Thirdly, fostering social ownership is of paramount importance. Consequently, the establishment of a platform comprising the intelligentsia, civil society, like-minded individuals, and willing partners such as political parties and social movements is crucial. Organizing mock polling, utilizing PR methods, is a practical step forward. With numerous special interest associations in the country regularly conducting elections, efforts could be made to convince them to adopt the PR system or preference voting methods for their own elections.

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