

Proper Electoral System for Sri Lanka: Lessons Learnt from the German Representation System

P.L.T. Purasinghe¹

¹Senior Lecturer and H.O.D, Department of Political Science, University of Jayawardanapura, Sri Lanka

***Corresponding Author:**

P.L.T. Purasinghe

Email: tpurasinghe@yahoo.com

Abstract: Post independent Sri Lanka has experienced two main electoral systems as simple majority system and proportional system. Advantages as well as disadvantages could be identified in both the systems. Nevertheless there is a powerful criticism towards the weaknesses of the proportional system implemented in Sri Lanka at present. The discussion for a hybrid system including the advantages of both simple majority system and proportional system spread in various fields in Sri Lankan society during the past period. By analyzing the different view points on the present electoral system the paper tries to identify most appropriate electoral system for Sri Lanka.

Keywords: Electoral systems, Sri Lanka, Simple majority system, Proportional system, Hybrid system.

INTRODUCTION

There are three constitutions implemented in Sri Lanka after the independence. They are respectively the Soulbury constitution in 1947, 1st republican constitution in 1972, and 2nd republican constitution in 1978. Soulbury constitution and 1st republican constitution were cabinet constitutions. The methods of selecting representatives to the legislature through these two constitutions were simple majority system. Through the 2nd republican constitution in 1978 cabinet system was abolished and hybrid executive system or presidential-cabinet system was established and proportional system was introduced as the way of selecting representatives to the legislature. Advantages as well as disadvantages could be identified in simple majority system and proportional system implemented in Sri Lanka. There is a powerful criticism towards the weaknesses of the proportional system implemented in Sri Lanka at present. Therefore a discussion for a hybrid system including the advantages of both simple majority system and proportional system spread in various field in Sri Lankan society during the past period.

The History of Simple Majority System in Sri Lanka

In Sri Lanka was first exercised under the Crew- McClum government reform. According to this reform four representatives on racial base should be elected in limited franchise. Election for this was held in three days. Accordingly elections were held on 16. 11. 1911 to appoint the two rural and urban representatives on 12. 12. 1911 to appoint the Burgher representative and on 13. 12. 1911 to appoint the educated Sri Lankans representative for this simple majority system was used.

In this election the vote is used only by a limited number of voters in the population such as 4% [1]. The representation based on electorates' was started in Sri Lanka in 1920. In the election held in 1921 under the Manning reform constitution, ten members of constitutional council based on administrative provinces in Sri Lanka and on member of Colombo city were appointed under the simple majority system. In addition to that five representatives were appointed on behalf of different communities based on simple majority system [2]. Under the second Manning reform constitution or Devonshire reform using the simple majority system. 34 representatives were appointed and 23 out of them based on electorates and the rest on behalf of community were set apart. In this election due to loosening of equalization of franchise 4% of the population lost their voting right [3]. A system of complete regional representation based on simple majority representation and universal adult franchise was introduced under the Donoughmore constitutional reforms. According to it Sri Lanka was divided into 50 electorates and the representative from each electorate was elected [4]. Under the Soulbury constitution too simple majority representation was exercised. According to it the number of representatives for the House of Representatives was decided as one for the population of 75000 and one for 1000 square miles [5]. Under the first republican constitution in Sri Lanka in 1972 to the simple majority representation system was exercised further [5].

Weaknesses of Simple Majority System

Many people accused that the public opinion show in national level through the simple majority

representation system is represented in disorderly manner in the legislature. In order confirm that, they pointed out the anomaly in the representation of the will of the voter towards each political party. The results of every election held from 1947 till 1977 have confirmed it. In analyze of the results of general elections in former periods. It is clear that the serious differences between the proportion of the will be shown by voters for each parties and the number of seats won by each political party reduced to 10%. It is apparently clear when the results of the elections in 1947 and 1952 are taken.

But it is clear that there were serious disorders in the representation of the peoples will in elections in 1970 and 1977

Results of the general election in 1970

Party	no of vote's %	seats	% of seats
U.N.P	37.91	17	11.25
S.L.F.P	36.86	91	60.25

Results of the general election in 1977

Party	no of vote's %	seats	% of seats
U.N.P	50.25	140	83.33
S.L.F.P	29.72	08	4.76

(Source – Report of Election Department, 1970, 1977)

In the analysis of these election results, what is clear is that there is a serious disorder of the representation of parties in parallel to the number of votes taken by each party.

Weaknesses peculiar to simple majority representation system in Sri Lanka were commonly seen. The main fact was that the MP appeared for the narrow needs of voters. Owing to the close relationship built naturally between the voters the representatives in the simple majority system, representatives are completed to act according to racial, religious or regional narrow desires of voters. There are number of occasions were the ability of working after thinking well, foreseeing the future under a common and national foundation has been lost. The resent for this is that a representative who works against the desires and wishes of voters is unable to take the favor of voter to be elected again. In this situation, simple majority system helped to develop racial languages and religious discriminations in Sri Lanka where there is a multi-racial and religious society.

Strengths of the Simple Majority System

It cannot be said that simple majority system should completely be rejected, under this system the voter directly know who his representative is, and at the same time representative too definitely knows which

group of voters he represents. Therefore a direct relationship is built between the two parties. The final result of it is that representatives cannot avoid his responsibility for his voters. There are two others reasons for this as the electorate becomes small and the risk of building another party as a third power under the simple majority system. Under the simple majority system a person and privacy can follows some important activity. Accordingly when nominations are given by political parties an attention should be drown to privacy, otherwise there was a possibility for someone to win after contesting independently. Therefore, in elections candidature cannot be offered arrogantly only to persons who are partial to the leadership of political parties. Through this system the domination of the leaders of political parties became limited. As a result of offering the candidature according to the will of party leaders there were occasions where candidates of opposing parties won. Simple majority system contributes to minimize the differences in the development between the city and the village in an undeveloped state. The prior need of voters with less political awareness in the electorate is to get regional infra-structure facilities developed for this they expect more contribution of the representative they elect and send to the legislature. If the representative does not extend his/ her contribution to satisfy is task, he will be defeated in the next election.

The Proportional Representation System in Sri Lanka

Whatever the advantages there were in simple majority system a proportional representation system was introduced through the second republic constitution exercised in 1978 in Sri Lanka. The committee appointed to make the constitution for it pointed out the reason that contemporary representation system did not represent the people's will in proper manner in the legislature.

According to the second republic constitution in Sri Lanka the number of seats in the parliament which is the legislature became permanent as 225 out of which 29 seats are distributed proportionally to the number of seats won by each political party in the whole Island. The suitable MPs for this are named by the applicable political party. 36 seats out of the rest 196 are set apart as four for one province. The rest 160 seats are distributed among electorates according to the voters' proportion. Eventually, on the criteria of the constituency determination commission seats reserved for a province are given away among the electorates in the province. By this the number of seats entitled to an electorate is decided [6].

Weaknesses in the Proportional Representation System

As 4 seats are set apart for a province and distributed among electorates in the province the weaknesses that were there in the simple majority system in exercised in Soulbury and first republican

constitutions were highlighted again, that is representatives are not appointed according to the proportion of voters. It becomes clear when observing the number of representatives for electorates and registered number of voters in the election held in 2015.

Electorates	No of voters	No of seats	no of voters represented a seat
Colombo	1,586,598	19	83,505
Wanni	253,058	06	42,176

(Source – Report of Election Department, 2015)

The system of appointing representatives to the legislature under the second republican constitution in Sri Lanka too was not proportional. The two reasons influenced this situation. That is due to a bonus seat to the party that obtain the majority of vote and remove the parties from the competition that take less voters than 5%. How the election result become disorder

owing to a bonus seat given to the party that got majority of votes can be made clear with the election result of Galle electorate. Decision of the number of representatives according to the prevailing system,

Electorate division - Galle
Election - General election 2015

Party	votes obtained	Bonus	i Choice	Balance	ii Choice	Total
U.N.P	265,180	–	03	60,022	01	04
U.P.F.A	312,518	01	04	38,974	01	05
J.V.P	37,778	–	–	–	–	–
Others	8,735	Left out of the concept				
Total	624,211	01	07	–	02	09

5% from valid votes - 31,210
Applicable no of votes - 615,476
Resultant variable - $615,476/9 = 68,386$
(Source – Report of Election Department, 2015)

Decision of the number of representatives in a real proportion all system according to this election.

Party	votes obtained	i Choice	Balance	ii Choice	Total
U.N.P	265,180	04	15,496	--	04
U.P.F.A	312,518	05	413	--	05
J.V.P	37,778	--	37,778	01	01
Others	8,735				
Total	624,211	09	--	01	10
Resulting number	$624,211/10 = 62,421$				

Proportional representative system has again been collapsed because of the rejection of representatives that cannot get the minimum number of vote to 5% in an election, at the same time the representation system to the small parties has been rejected. Under the prevailing proportional system as open list system is exercised and electorate is large candidates in election have to spend a large sum of money in order to win the preference of voters. In this situation the candidates who are politically immature but can spend money excessively to propaganda and those who became popular in other ways can win. It is a very big disturbance to make the legislature a healthy political institute.

Strength of Proportional System

Several advantages under the proportional system introduced to Sri Lanka are briefly as follows.

- Ability for various community groups to get a representation because of proportional system. (open; list system)
- MP can act independently as the relationship between the MP and the people become distant.
- People who do not like the election politics but can do a great service to the country can be made partner of the government under the national list.

- As there are no by election the wealth spent for them can be used for development activities.

What Is the Most Electoral System for Sri Lanka

What is suitable for Sri Lanka as a government based on unity different from cabinet, semi president or presidential government is a system of collective executive government exercised is Switzerland at present Donoughmore pattern government exercised in Sri Lanka in 1931. In such a government in an election the leadership can be offered to the leader of the party that gets majority of seats and nationally important field such as security foreign affairs can be compulsorily handed over to him. The number of other ministries should be permanents and boards that belong to them should also be permanent. When these ministers are distributed the number of ministers can be given away among the political parties proportionality to the number that each party represents. The MP that is entitled that the minister ships and be decided by the party. In order to decide the ministry given to the minister the specialty of person should be taken in to consideration under a scientific foundation.

Alternative Representational System

When proposing an election system for Sri Lanka several basic reasons can be founded.

- Keeping the number of seats in the legislature limited to 225 further.
- Continuing the electorate system to satisfy regional need.
- Further continuing the proportionality between peoples will and representation.
- Giving a representation to small parties.

Mixed representation system can be on the system that can be submitted for this. This system is exercised at present in states such as German, new Zealand, Lesotho.

German Representation System

German legislature is known as ‘Bandestag’ the system of electing representatives for this is known as Mix member proportional representation” according to this, a dual election system has been introduced. According to this elections system, half of the numbers of representatives elect in the election are appointed based on electorate under the simple majority system. The rest part is distributed among the parties proportionally to the number of votes taken by each party in the national level and the minister ships are offered respectively to the candidates list presented by the party before the election, but only the parties that obtained more than 5% of the total number of valid votes in the national level are entitled to MP posts. That this situation has contributed to disable all the minor parties and develop all the major parties. If the parties

that obtained more than 5% in the national level or won more than tree (03) electorates did not get seats in national level. Numbers of seats are offered by the name of “overhang votes” proportionally to the votes obtained. This is not a permanent number [8].

Year	no of overhang seats
1998	13
2002	05
2005	16
2009	24
2013	32

According to this in the German legislature the Number of members is not permanent. It was 630 according to the election in 2013.

Composition of the Legislature

The number of whole representatives in the legislature should be 225 out of which it is suitable to select 210 in an election. Half the number of these 210 representatives should be appointed under the simple majority system. According to the electorate based on regional voters’ proportion and quantity of squire miles in the land (one seat for 1000 square miles/ squire 2560 Km). It is suitable to seat to rest part based on electorate districts under the real proportional system. The balanced number of MP’s should be selected from the national list. Regarding to the simple majority system and proportional system, a similar number of MP’s were proposed under the foundation of selecting representatives to the German legislature., but it is proposed to select representatives based on electorate without selecting on national basis because still voters and candidates in Sri Lanka political society do not work on national base. Therefore if there is a system of selecting proportional representatives on national level, most probably the majority of these representatives may be appointed in one region. No one may be selected from some electorate districts. There shouldn’t be overhang seats as in Germany because the numbers of seats are limited only to 225.

Decision of Number of the Seats in an Electorate District under Simple Majority System

When counting the number of seats for an electorate district under the prevailing system. Firstly the total number of votes should be divided by 80 () the reason for this is that 25seats are reserved for the island as one for 1000 square miles/ for 2650 Km squire then the complete number can be mentioned as “proportion of votes representing electorate district” after that when the number of votes in each electorates district are divided by this “proportion of votes representing electorate districts. If there is a balance the way how this balance handled is mentioned below. By mean of this proportion of votes representing electorate districts

the total number of seats in the entire Electorate district determined as mentioned above can be below 80. On such occasions titled for balanced seats should be distributed among electorate districts as one electorate district to have one seat according to the way of ascending in the balanced voters.

Eventually according to the quantity of square miles, seats entitled to the province should suitably be distributed to among electorate districts. According to these criteria after deciding the number of seats belong to electorate district, electorate district should be divided in electorate division in order to select one representative for these numbers of seats. In the way of activities followed when dividing this electorate division an independent commission for making limits of electorate division (page 15) should be appointed to perform transport facilities in the electorate division location and features of the land enlist similar number of voters to an electorate division as far as possible. This commission can take the example of activities of the (page 15) commission of electorate's division criteria which were there in the age of soulbury and republican constitution.

Decisions of the Numbers of Seats in an Electorate District under Proportional System

When deciding the number of votes entitled to an electorate district according to list system under the prevailing proportional system. First the number of voters should be divided by 105. Then the perfect number can be mentioned as "proportional representation ratio of voters" after that number of seats similar to the perfect number that comes when the number of votes in each districts are divided by proportional voters a similar number of seats to the perfect number should be reserved for this electorate district. If there is a balance after dividing the number of voters in the electorate district, how this balance should be handled is mentioned below. By means of the proportion of voters in the proportional system the total number of all the Electorates districts can be below 105. On such occasions the title for the balance seats should be distributed among electorates districts according as one as electorate district should have one seat in the way of descending of the balance of voters.

The way of Presenting Nominations for an Election

General election should be held under the simple majority system. There for each electorate candidates representing political parties and independent candidates can contest. Every recognized political party should present a list of candidates applicable to proportional system for electorate district. The number of candidates of it should be similar to the number of MP's that should be appointed proportionally and additional three. Though independents can be presented at electorate level,

independent candidates list cannot be presented to be elected under proportional system. Every political party should present a list of 15 candidates who are appointed from national list

Counting the Votes

First the votes should be counted in each electorate level under the simple majority system. The candidate who gets the majority of votes will be the winner. After that the votes obtained by recognized political parties in electorates belonged to each electorate district should be collected based on electorate districts. Then the seats are offered to parties proportionally to the number of votes that each party got. Posts of MP's should be given respectively to the names of persons expected to be appointed according to the proportional system. Presented on electorate district basis for this open list should be used. When proportional system is exercised there are several steps to avoid the weaknesses under the prevailing system in Sri Lanka.

- The continue the present electorates as they are (it is suitable to continue this system further as there are no objections, and racial and divisional needs are taken in to consideration)
- To abolish the bonus seat system, (it has been pointed out that the reason for the election results in 2015 to be disordered was these bonus seats.)
- To remove the need of obtaining some minimum number of votes from the total valid number of the votes in the electorate to get a representation of the legislature, (in the general election in 1989 held in Galle electorates united socialism alliance lost a seat because of the proposal of this quota of votes. It is mentioned above)
- Abolition of closed list system in the proportional system alias preference system. (though proportional system alias list system is more democratic many in favorable result can be seen due political culture in Sri Lanka)

National List

Fifteen seats should be reserved be national list from which 12 seats should be divided proportionally among parties passed on the number of votes taken by the each party in the whole island. The balance three seats are suitable to be reserved according to the descending for parties that did not get a representation after contesting in the election. Through this experts in various fields can be joined to the governance and opinions of small parties can be represented in the legislature.

Filling Vacancies

Due to death or resignation of an MP's seats in the legislature can be emptied. The steps that can be taken on such an occasion are as follows.

- When an MP seat becomes empty under the simple majority system in electorate level, a new MP should be selected after holding a by election for the electorate of this seat.
- When an MP seat becomes empty under the proportional system in an electorate, the first candidates among those who were not elected in the candidate list in that party should be appointed as the succeeded MP
- When a seat in the national list become empty, the responsibility of appointing the appropriate succeeded goes to the secretary of the respective party.

Women Representation

There is a powerful accusation that there is no sufficient women representation in the legislature according to male female education level. It is not a solution to give opportunities for many numbers of women to contest for electorates because the candidate's ship only does not give them victory to have a representation in the legislature. The best thing that should be done to increase the women representation is to make a nomination list in a way of putting one male name after the female name or vice versa in the closed list of candidates under the proportional system based on electorate districts and not to change the order of names in the list later. The women representation can be raised up to about 25%.

Constituency Determination Commission

Constituency determination commission should be appointed in every five years electorate limits should be determine by this commission and also the number of MP's for electorate district should be decided for this registered list of voters can be used. When dividing electorates the transport facilities in this area, its land marks social equality or variety of its people should be taken into consideration. If some conflict of opinion comes out among the members of the constituency determination commission, conclusions should be reached according to the decision of its majority.

CONCLUSION

The paper finds that there is a strong criticism towards the weaknesses of the proportional system implemented in Sri Lanka at present. Nevertheless simple majority system is not fitting to the Sri Lankan context due to possible disadvantages. A hybrid system including the advantages of both simple majority system and proportional system can be an ideal initiative to cater the different interest of a pluralistic society. Hence German representation system can be

utilized as role model in the process of developing a electoral system for Sri Lanka.

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