

**DIRECT V. INDIRECT ELECTION: A CRITICAL ANALYSIS OF IMPACT OF
DIRECT AND INDIRECT ELECTIONS ON DEMOCRACY**

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Abstract

Elections are important to democracies and impact democracy too. This research presents a comparative analysis of the impact of two types of election viz. direct and indirect, on democracy by taking into consideration the election models followed in India, the U.S, the U.K, Switzerland, Canada and Japan. Section I deals with the nature, classification and significance of elections whereas in Section II the types of election procedure followed in the above nations have been represented in tabular form. Section III contains the crux where a critical comparative analysis of impact of elections on democracy has been outlined followed by conclusion and an ideal situation where certain necessary modifications have been suggested.

Keywords – Democracy, Election, Direct Election, Indirect Election, Right To Recall, Referendum

Introduction

It is a fact that, *“Elections without Democracy is possible but Democracy without elections is impossible.”* Elections are the formal process of selecting a person for an official or Constitutional position in a Democracy. For a common man, Election refers to a day when they go to a designated polling booth to cast their votes in favor of a person who they believe represent their interests at the helm of power. Elections are a constant for all Democracies but the modes and methods vary from one Democracy to another.

This research deals with the two major types of elections viz. Direct and Indirect, followed around the world and strives to analyze the impact of these two types of elections on Democracy. For analysis purpose, the election procedures followed in six major democracies

around the world have been taken into consideration. These Six are India, the U.S, the U.K, Switzerland, Japan and Canada.

Review of Literature

1. In this journal article¹, the author has analyzed the indirect effects of introducing direct election to the US Senate through the 17th Constitutional Amendment where he has highlighted how federalism is adversely impacted because of direct elections. This paper has been used as a reference to outline the merits of indirect election in the present research.
2. In this Journal article², the authors have used American National Election Studies data for analyzing and concluding that direct democracies do increase the political knowledge and participation among voters. This paper has been used indirectly in the present research to analyze the impact of direct elections on democracy.
3. In this document³ Elliot Bulmer on behalf of International IDEA Constitution, discusses all the important aspects of direct democracy. This document has been used to understand and delineate the pros and cons of direct democracy as well as its various forms practiced all over world.
4. In this Journal Article⁴, the author has traced the link between elections, democracy and rule of law. It has been used in the present research to understand the link between election and democracy and suggest measures of reform w.r.t various countries wherever felt so.
5. In this Journal article⁵ Aurel Croissant has examined the role of the electoral system as an element of consensus and majoritarian democracy in seven Asian countries. This article has been used in the present research for advanced understanding of the electoral process followed in Japan.

¹ Vikram D. Amar, *Indirect Effects of Direct Election: A Structural Examination of the Seventh Amendment*, 49 VANDERBILT LAW REVIEW 1347 (1996) <https://scholarship.law.vanderbilt.edu/vlr/vol49/iss6/1>

² Caroline J. Tolbert, et al. "Enhancing Civic Engagement: The Effect of Direct Democracy on Political Participation and Knowledge." 3, SP&PQ, SAGE PUBLICATIONS, INC., 23 (2003), <http://www.jstor.org/stable/40421477>

³ Elliot Bulmer, "Direct Democracy International IDEA Constitution-Building Primer 3", 2, INTNAT. IDEA (2017) Stockholm

⁴ Guy Goodwin-Gill, "Elections, Democracy, the Rule of Law and International Law." 13, AUS. I.L.J, HEINONLINE, 11, (2006) <http://heinonline.org/HOL/P?h=hein.journals/austintlj2006&i=15>

⁵ Aurel Croissant, "Majoritarian And Consensus Democracy, Electoral Systems, And Democratic Consolidation In Asia" 26, ASIAN PERSPECTIVE, LY. R. PUB., 5, (2002) <http://www.jstor.org/stable/42704359>

Research Questions

1. What are direct and indirect elections?
2. What kind of election procedures are followed to various forums in the selected 6 countries?
3. What are the advantages and disadvantages of direct elections and indirect election?
4. How Right to recall and referendum impact democracy?

Research Objectives

1. To examine meaning, nature and significance of Direct and Indirect elections in a Democracy
2. To find out the type of election procedure followed to different forums in India, the U.S, the U.K, Switzerland, Japan and Canada
3. To compare and critically analyze the impact of direct and indirect elections on Democracy

Research Methodology

The present research is carried out through Doctrinal method using secondary sources of information available as articles and research papers, reports over internet. The research doesn't take into account the pros and cons of direct and indirect democracy. No judicial decisions or sections or articles or procedures have been mentioned as it is a factual comparative study limited to impact of direct and indirect elections.

Elections in a Democracy: Meaning, Nature, classification and Significance

Meaning and Nature of Elections

The dictionary defines Election as *“a process of where people choose a person or a group to represent their interests while holding a position.”*⁶ Elections have a long history and are one of the oldest political institutions in majority of politics. Elections are the ubiquitous phenomenon happening in all democracies and sometimes even in Authoritarian regimes. Free and fair Elections are the symbol of Democratic process, for Democracy draws its

⁶ Election, COLLINS, <https://www.collinsdictionary.com/dictionary/english/election> (Last visited Jan 28th, 2022)

powers from the people and election is the process through which this power is drawn and vested in a body called the Government which exercises this power in their favor.

Types of Elections

Speaking in general, Elections are of two types based on the fact as to who cast vote to choose viz.

1. Direct Elections- Here, the voters from a particular constituency cast their votes to elect one or more representative from that constituency to the either or both Houses of Parliament or State Legislature or Local bodies.
2. Indirect Elections – Contrary to direct elections where citizens cast vote to choose their representative, in indirect elections the elected representatives choose on behalf of the citizens by casting their votes. For e.g. the election of the President in India or USA

Further, depending on the forum and the area in which elections take place, there are three types of elections

1. General Elections – Elections that are held for the entire nation or states at periodic intervals are called general elections.
2. By-Elections – This type of elections are held to fill up vacancies created by exigencies like death, disability or resignation of the incumbent elected representative.
3. Local Elections- As the name suggests, these kinds of elections are generally held at the local levels like Municipalities or Panchayats .

Significance of Elections

1. Free and Fair Elections are an **important tenet of Constitutionalism** for they ensure **accountability of the representatives** for their performance. Representatives are not allowed to be in power forever and through periodic elections voters keep them under check.
2. Elections serve as **forums for expressing public opinion** through various political debates.

3. In order to express opinion on any matter, knowledge on the subject matter is must. Therefore, election **enhances the political knowledge of the citizens** and helps them make informed choices.
4. It would not be wrong to say Political parties are the breathing space in a democracy who represent various aspirations and demands of diverse communities. Elections **provide legitimacy to these political organizations** and in turn bring political and social integrity.
5. Elections, on a holistic context, **recognize the importance of ordinary citizens and provide them with a sense of empowerment** in a democratic set-up.

Types of Election Procedures followed in Democracies around the World

In order to gauge the impact of elections on democracy, six democratic nations viz. India, the U.S, the U.K, Switzerland, Japan and Canada and the election procedure followed in them are taken into consideration in this research. The reasons behind specifically selecting these six nations are as follows:

- All the Six countries are Established Democracies with Written or Unwritten Constitutions and general elections happening after every 4 or 5 years.
- While three of them are Constitutional Monarchies viz. the U.K, Japan and Canada, the rest three are affirmed Republics viz. India, the U.S and Switzerland.
- Most of these countries follow an amalgamated model of Direct and Indirect Elections with Switzerland having the distinct recognition of following direct democracy.
- Finally, these six countries are situated in three different geographical locations viz. Asia, Europe and North America and therefore in a way represent the world.

Type of Elections held to the Legislature, Executive and Local level authorities in various Countries⁷

Name of the Country	Head of the State	Head of the Government	Upper House	Lower House	Local level Govt.

⁷ Source - *Elections by Country*, WIKIPEDIA, https://en.wikipedia.org/wiki/Elections_by_country (Last visited Jan 22nd, 2022)

1. Canada	Monarchy	Election by lower house of legislature	Nominated for life (Senate)	Direct Election (House of Commons)	Only Federal and Provincial Governments there
2. India	Indirect Election (President elected through electoral college)	Election/Selection by members of the lower house	Indirect Elections (Proportional representation through single-transferable votes) (Council of States)	Direct Elections (House of People)	Direct Elections
3. Japan	Monarchy	Election by lower house of Legislature	Direct Election (House of Councillors)	Direct Election (House of representatives)	Direct Elections
4. Switzerland	Election by Legislature	Election by Legislature	Direct Elections (National Council)	Direct Elections (Council of States)	Direct Elections
5. The UK	Monarchy	Election by Legislature	Hereditary Appointments and	Direct Elections (House of	Direct Elections

6. The USA	Indirect Elections, voting by electoral college	Direct Elections (Senate)	Indirect elections (House of Lords)	Direct Elections (House of Representatives)	Direct Elections
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A Peculiar Trend: In India, elections to local bodies are direct where people choose themselves the Head of Local Bodies, whether Mayor or Sarpanch. However, recently in few States a system consisting of combination of direct and indirect elections to urban local bodies is practiced where people elect the Corporators who in turn elect the Mayor. The States are Madhya Pradesh, Rajasthan, Punjab, West Bengal and Odisha. Recently a new State, Chhattisgarh has opted for indirect election of Mayor for its urban Municipality polls. In fact, it has been conducted successfully in 2020. Despite the fact that it has been touted as a gamble by the Congress party to win seats in local polls, still it's a new experiment and a new chapter in history of elections in world's largest democracy which can't be ignored.⁸

Direct V/S Indirect Elections: Impact on Democracy

Free and Fair elections are one of the fundamental features of a Democracy. In this context, both Direct and Indirect elections are followed in a democracy. In order to assess the impact of both the types of election on democracy it would be wise to analyze the merits and demerits associated with each one of them.

Advantages of direct election vis-à-vis indirect elections

⁸ Ritesh Mishra, *Chhattisgarh to opt for indirect mayoral elections*, HINDUSTAN TIMES, (Oct 16th 2019, 01:33 AM) <https://www.hindustantimes.com/india-news/chhattisgarh-to-opt-for-indirect-mayoral-elections/story-1GFW00tbEz5B42JZrUlpSO.html>

- a) From a general perspective, direct elections give more priority to the people, the epicenter of power in a democracy, to choose whom they want to represent their interests
- b) Direct elections increase the interest of general mass in political affairs of state which is required to make informed decision
- c) Wide participation, represented through voter turnout, ensures that diverse interests would have contribution into the political process.
- d) Additionally, in direct elections, people choose their representatives but in indirect elections it is not the citizens but the elected representative who makes the choice, mostly based on party agenda.

Advantages of indirect elections vis-à-vis direct elections

However, in modern democracies with large and diverse populations, a direct election to all the forums is impossible because of financial and practical reasons. Therefore indirect elections help save expenses as well as time. In fact, indirect elections have a quite a number of advantages to its fame which are as follows:

- a) Indirect elections help promote federalism

Direct Elections are common to Lower houses in most of the countries. However, that's not the case with Upper houses. By giving States/Provinces/Units the power to elect members to Upper House, principles of federalism are upheld as States feel that they have a say in decisions concerning them and can select or reject them as per their specific needs.

- b) Indirect elections secure the principal of separation of powers

Also, indirect elections ensure that the same Party isn't in majority in both Houses thereby effectively preventing a situation where both organs, Legislature as well as Executive, remain under a particular party thus creating tyranny. In this way, it prevents concentration of power in a single group and ensures separation of power.

- c) Indirect elections bring into light the minority opinion essential in a democracy

Democracy, though touted as rule by majority, takes into consideration minority views also which in fact sets it apart from Authoritarian regimes where minorities are

no different than dumb creatures. Now, theoretically direct elections represent diverse interests, but reality presents a contradictory picture. Because

- As Voter turnout mostly does not cross 50% benchmark, it is not representative of the entire population of a country.
- Even in that 50%, only a particular class of citizens make up for majority. Ordinary citizens are often swayed by demagoguery and selfish interests such as class, religion or caste. They vote for candidates and parties who represent same ideologies as them. Their votes alone decide the representative but necessarily don't represent majority or minority interests per se.

On the other hand, in case of indirect elections to elect the Head of the State or members of Upper house, it is the representatives and not the citizens who make a choice. In case of representatives, there are representatives from various classes including minority communities also. Therefore any choice made by them would be more representative of the communities of the nation than voter turnout in direct elections, although this proposition is debatable.

Right to Recall, Referendum and their impact on Democracy

The right to recall (RTR) & its impact on democracy

Right to elect is essential to any election. But along with election of a representative, citizens should have the right to 'de-elect' also and from this argument stems the right to recall. The RTR confers on the eligible electorate of a constituency the right to recall their chosen representative by casting votes, similar to direct elections. Such a voting occurs when a recall petition is signed by at least one-fourth of the total number of electors in a particular constituency. RTR is not a modern concept and traces its roots to ancient Athens. Even in India, the Vedic scriptures have mentioned about recall where they have prescribed for removal of the king for lack of effective governance.

Merits associated with Right to Recall

If one has to count the positive effects of RTR, then it help exercise control by citizens over elected representatives thereby making them more accountable. It disciplines the behavior of elected representatives as it may prevent rampant defections and coerce representatives to fully consider the views of the constituency. One great impact is, it will prevent parties from

making spurious or ridiculous election promises in the manifesto as failure to fulfill them would definitely result in them being recalled by their constituency. It will help engage citizens with democracy and promote corruption free good governance.

Demerits associated with Right to Recall

However on the opposite hand, RTR would end up creating chaos and instability in the democratic regime as it would weaken the representatives and curtail their independence in turn, weakening democracy. Representatives would have to consider only narrow constituency related issues and not issues of national interests as they would be busy saving their seat or else would be recalled. Additionally, it would involve huge financial costs thus, adversely impacting state treasury.

In the context of present research, certain states of the U.S namely Alaska, Georgia, Kansas, Minnesota, Montana, Rhode Island and Washington DC have provided its citizens the Right to Recall their elected representatives on the grounds of misconduct or misfeasance. Similarly Canada since 1995 and Switzerland have provided their citizens with right to recall representatives. The UK is trying to introduce statutes providing right to recall to its citizens. Japan affords its citizens the Right to Recall not only the elected representatives, but even the Public servants, subject to affirmation of its Parliament. In India, two states namely *Madhya Pradesh and Chhattisgarh*⁹ have provided right to recall to their citizens in election to local bodies. In fact, in 2008 three local body-chiefs were de-elected in the state of Chhattisgarh.¹⁰

Referendums and its impact on democracy

In a referendum citizens are given the choice to approve or disapprove a particular Amendment, statute or legislation by casting their votes in its favor or against it. The outcome may be obligatory or advisory. As to the impact of referendum on democracy, the major argument of its supporters is that it promotes a government by people. Citizens get the power to decide and legislate for themselves. There is minimum interference from the legislature or executive.

⁹ M.P & C.G Nagar Palika Act, 1961

¹⁰ Sonika Bajpeyee, *Right to Recall Elected Representatives: Whether viable in the Indian Scenario?*, 6, ILJ, (2007), https://www.indialawjournal.org/archives/volume6/issue_1/article8.html

However, one of the primary limitations associated with referendums is that it fails to protect or safeguard the interests of minority communities and encourages discrimination against them. Certain matters which may be vital for minorities remain utterly dependent on majority and might ultimately be disregarded. Secondly, referendums bypass executive and legislative procedures thereby undermining Procedural safeguards such as debates and legislative hearings which in turn make the task of judiciary difficult to review such laws.

In the present context, the UK has recently conducted the Brexit referendum in 2016 where the people of Britain opted for Britain to leave the EU. Similarly, in Switzerland which is the citadel of direct democracy in present day world, very recently Swiss people voted to legalize same-sex marriages in the country with 2/3rd majority.¹¹

W.r.t India, there have been demands for conducting referendum/plebiscite for Kashmir. However, the idea of including referendum was squarely rejected by our Constitutional framers because they believed that in a plural country like India, if referendums happen then majority would end up getting it their way and minority views would be ignored. Plus, taking into consideration the secessionist tendencies exhibited in past, the door to referendum could open to various unintended paths which may endanger the unity of this country and therefore not recommended. As per former Secy. General of Lok Sabha Mr. Subhash C. Kashyap, *“Referendum is an expression of views by the people at large. So every election is a referendum on the basis of agenda, policy, program and ideologies of the Parties concerned.”*

Conclusion & Suggestions

Elections; direct or indirect greatly impact democracy. On the face of it, direct elections tend to promote democracy in true spirit as it places the citizens at the center of the entire polity. However, in reality they fail to represent minority views which indirect elections do, albeit to a certain extent. Indirect elections also protect principals of federalism and separation of power though may not represent true interest of people. Therefore, a combination of both can yield better results in promoting democracy.

¹¹ Silke Koltrowitz, *Switzerland votes to make same-sex marriage legal by near two-thirds majority*, REUTERS, (Sept 21st, 2021, 2:55 AM) <https://www.reuters.com/world/europe/swiss-vote-allowing-same-sex-marriage-referendum-2021-09-26/>

An ideal situation

From a perusal of certain reports which gauge the impact of various factors upon viability and growth of democracy as well as the present research, two things are evident. Firstly, the voice of the citizens is given primacy in the formation of government via free and fair elections. Secondly, citizens in the above countries are largely satisfied with the existing method and manner of election to various forums in their respective countries. So there is no need for change in the existing method, whether direct or indirect, or to whichever forum it may be. However, certain minor changes may be introduced like

- 1) The inheritance based seat allocation in the House of Lords in the UK should be abolished considering it serves no purpose in a republic democracy to have inheritance based Lords in the Upper House which is supposed to represent interests of People at large.
- 2) Similarly, the system of being nominated for life to the Senate in Canada also needs certain rethinking as nomination for life removes accountability aspect from the equation which is essential in a representative based democracy where representatives have to be elected based on their accountability.
- 3) It is widely suggested nowadays, that considering the multi-party system in vogue in almost all democracies, the First Past the Poll system should be amended as now is the era of coalition governments and not majority party system, as exemplified in recently conducted elections in India and Canada.
- 4) Political parties, considering how important they are for democracy as well as elections, should be constitutionally recognized in all the countries of consideration so as to make them more responsible and hold them accountable, as the German Constitution has done.
- 5) RTR even though seems like a good option theoretically, but pragmatically it is not recommended in today's time. Instead, there should be mechanism to assess the elected representatives through some independent constitutional organization.

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