The Right to Recall

What is a recall election?

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- A recall election (also recall referendum) is a procedure by which voters can remove an elected official from office through a direct vote before their term has ended.
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- Recalls, which are initiated when sufficient voters sign a petition, have a history dating back to the ancient **Athenian democracy** and are a feature of several contemporary constitutions.
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- It has been in place in Canada's Legislative Assembly of British Columbia since 1995.
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- In the United States, several states allow for recall on specific grounds such as misconduct or malfeasance.
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India and Right to Recall:

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- This is not a new concept for India. The concept of **"Rajdharma",** wherein the lack of effective governance was a cause for removal of a king, has been spoken about since the Vedic times.
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- M.N. Roy, in 1944, proposed a shift to a decentralised and devolved form of governance, allowing for representatives to be elected and recalled.
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- **The ROPA, 1951,** only provides for "vacation of office upon the commission of certain offences and **does not account for general incompetence** of the representatives or dissatisfaction of the electorate as a ground for vacation".
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- Nearly a decade ago, Lok Sabha Speaker Somnath Chatterjee sought the introduction of a system of a “Right to Recall” of a legislator to ensure accountability.
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- The Right to Recall also exists at local level bodies in Madhya Pradesh, Bihar and Chhattisgarh.
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- There exists no recourse for the electorate if they are unhappy with their elected representative.
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What are the advantages?

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- **A free and fair election is a right** of the citizens of the country. When their elected representatives no longer enjoy the confidence of the people, the people must have a right to remove them.
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- Right to Recall is a right that would act as a significant **check on corruption** along with ongoing criminalisation of politics.
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- Studies highlight that elected representatives who are not up for election behave differently to those who are.
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- The true idea of democracy can only be achieved on this edifice of accountability for politicians.
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- Having a process to recall **could also limit campaign spending,** as morally skewed candidates weigh the risk of being recalled.
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- This right would help **engender direct democracy** in our country, broadening access and raising inclusiveness.
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- To deepen democracy, the right to recall must be given hand in hand with the right to vote.
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What could be done?

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- However, due care must be taken in the introduction of legislation associated with such laws.
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- To encourage the process of the right to recall, **legislative change is needed** which seeks to introduce recall petitions, for elected representatives in the Lok Sabha and in Legislative Assemblies.
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- It is necessary to ensure that a recall process is not frivolous and does not became a source of harassment to elected representatives.
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- Thus, the process should have several **built-in safeguards** such as an **initial recall petition** to kick-start the process and electronic-based voting to finally decide its outcome.
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- Furthermore, it should ensure that a representative **cannot be recalled by a small margin of voters** and that the recall procedure truly represents the mandate of the people.
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- To ensure transparency and independence, **chief petition officers** from within the Election Commission should be designated to supervise and execute the process.
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Source: The Hindu

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