The Right to Recall

What is a recall election?

• 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.

• 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.

• It has been in place in Canada’s Legislative Assembly of British Columbia since 1995.

• In the United States, several states allow for recall on specific grounds such as misconduct or malfeasance.

India and Right to Recall:

• 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.

• M.N. Roy, in 1944, proposed a shift to a decentralised and devolved form of governance, allowing for representatives to be elected and recalled.

• 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”.

• 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.

- The Right to Recall also exists at local level bodies in Madhya Pradesh, Bihar and Chhattisgarh.

- There exists no recourse for the electorate if they are unhappy with their elected representative.

What are the advantages?

- **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.

- Right to Recall is a right that would act as a significant **check on corruption** along with ongoing criminalisation of politics.

- Studies highlight that elected representatives who are not up for election behave differently to those who are.

- The true idea of democracy can only be achieved on this edifice of accountability for politicians.

- Having a process to recall **could also limit campaign spending**, as morally skewed candidates weigh the risk of being recalled.

- This right would help **engender direct democracy** in our country, broadening access and raising inclusiveness.

- To deepen democracy, the right to recall must be given hand in hand with the right to vote.

What could be done?
• However, due care must be taken in the introduction of legislation associated with such laws.

• 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.

• It is necessary to ensure that a recall process is not frivolous and does not became a source of harassment to elected representatives.

• 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.

• 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.

• 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**