

1. Right to Recall - Polity

A Rajya Sabha MP has proposed the "Right to Recall", a democratic mechanism empowering voter to remove non-performing representatives before their term ends to ensure accountability. While practiced in some countries and at India's local government levels, it lacks constitutional backing for MPs/MLAs due to concerns over political stability and potential misuse.

Recent Proposal - A Rajya Sabha MP has proposed introducing the Right to Recall in Parliament.
Core Argument - The proposal argues that voters should have the power to remove non-performing representatives before their term ends, ensuring continuous accountability.

Right to Recall

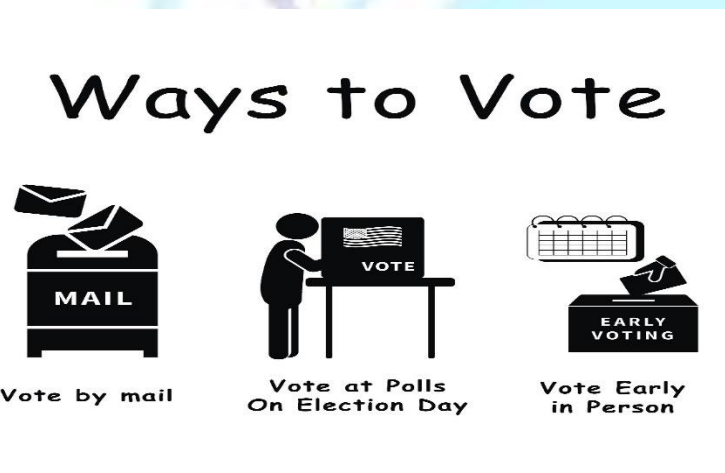
Definition - It is a democratic mechanism that empowers voters to remove an elected representative before the completion of their fixed term through a prescribed legal process.

Process

Initiation - Typically initiated by a recall petition supported by a specified percentage of voters in the constituency.

Voting - Followed by a recall vote (plebiscite).

Outcome - If a majority supports removal, the representative must vacate the office, triggering a fresh election.



Rationale Behind the Right to Recall

Enhancing Democratic Accountability -

It strengthens vertical accountability by ensuring elected representatives remain responsive to voter expectations throughout their tenure. It prevents representatives from becoming unaccountable once elected until the next election cycle.

Curbing Corruption and Non-Performance -

It acts as a strong deterrent against corruption, misconduct, or serious neglect of duty.

It serves as a mid-term corrective tool,

supplementing existing parliamentary mechanisms like no-confidence motions which are political rather than voter-driven.

Deepening Participatory Democracy

It aligns with the principle that sovereignty ultimately resides with the people. It allows citizens to directly intervene if they perceive their mandate has been betrayed or the representative has failed to deliver.

Global Status of Right to Recall

More than 20 countries provide some form of recall mechanism, though the scope and thresholds vary significantly.

Country / Region	Level of Implementation
United States of America	Available in many states for governors and local officials.
United Kingdom	Recall of MPs permitted under specific legal conditions (e.g., suspension from House, conviction).
Switzerland	Provisions exist in certain cantons (states).
Latin America (Venezuela, Peru, Ecuador)	Constitutional provisions allow for the recall of elected officials.
Japan and Taiwan	Recall provisions exist at different administrative levels.
Canada (British Columbia)	Recall mechanism exists for Members of the Legislative Assembly.

Provision of Right to Recall in India

National Level (MPs/MLAs)

No Constitutional Provision – The Indian Constitution does not provide for the recall of Members of Parliament (MPs) or Members of Legislative Assemblies (MLAs). Representation of the People Act, 1951 – This Act allows removal only upon disqualification (e.g., office of profit, defecting) or conviction for specified offences. It does not cover removal for non-performance or loss of voter confidence.

Local Level (Panchayats/Municipalities)

State-Level Provisions – Several states have incorporated recall provisions in their Panchayati Raj or Municipal Acts. States with Provisions – Madhya Pradesh, Chhattisgarh, Bihar, Rajasthan, and Jharkhand. Key Instance – In 2008, Chhattisgarh witnessed one of the first successful instances where three local body chiefs were removed through this statutory process.

Advocacy and Legal Directions

M.N. Roy's Proposal (1944) – Recommended the Right to Recall in his Draft Constitution of Free India. Envisioned a decentralized, partyless democracy where citizens could recall representatives who violated their mandate.

Jayaprakash Narayan's Advocacy (1974) – During the Total Revolution Movement, he vehemently demanded the Right to Recall. His goal was to enhance political accountability and curb corruption in India's representative democracy.

Judicial Observations

Mohan Lal Tripathi v. District Magistrate, Rae Bareilly (1993) – The Supreme Court upheld the constitutional validity of recall provisions at the local level. Observed that removal by the representatives of voters does not violate democratic principles.

Smt. Ram Beti v. District Panchayat Raj Adhikari (1998) – The Allahabad High Court emphasized the need for stringent safeguards to prevent political misuse of the recall provision. Suggested that recall decisions should ideally involve the direct participation of electors rather than just other elected members.

State of Madhya Pradesh v. Shri Ram Singh (2000) – The Supreme Court underlined the importance of a corruption-free and accountable governance framework. However, it also cautioned against mechanisms that might destabilize democratic functioning if not carefully regulated.

Conclusion

The Right to Recall strengthens accountability but requires strict safeguards to prevent instability, political misuse, and the erosion of representative democracy. Balancing voter power with the need for a stable government remains the primary challenge in its implementation.

Source – <https://www.hindustantimes.com/india-news/what-is-right-to-recall-pitched-by-aaps-raghav-chadha-in-parliament-and-how-many-countries-follow-it-101770827975348.html>