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RIGHT TO RECALL AND ITS NEED TO CURRENT SOCIETY

Sreeram Vithal Poduri

Abstract: Recall is a procedure in which voters have the power to remove an elected official from office before the end of their normal term. The right to recall is definitely a democratic tool which ensures a greater accountability in the political system and can be a measure of electoral reforms. The right to recall is essentially a system and a tool to ensure that our elected representatives are more accountable and to advance the system of good governance by removing corrupt and ineffective officials. The right to recall is frequently cited as one of universal democracy's fundamental principles.

I. INTRODUCTION:

Recall is a procedure in which voters have the power to remove an elected official from office before the end of their normal term. The right to recall is definitely a democratic tool which ensures a greater accountability in the political system and can be a measure of electoral reforms.

The world's new and emerging democracies look to India, the world's largest democracy, as a model. The founding fathers of the Indian constitution selected parliamentary democracy as the ideal model for a large and diverse nation like India. The Indian people are guaranteed political justice by the constitution. Consequently, the election is free and fair. It's safe to say that the Right to Recall idea was not new in India. It was referred to as a "Rajdharm" in the Vedas. Rajdharm refers to the removal of a king when he fails to exercise proper authority over his kingdom.

In Indian democracy, the issue of recalling elected representatives has been around for a long time; Even the Constituent Assembly (Sardar Vallabhbhai Patel on July 18, 1947, as part of a proposal to amend the power to recall) debated it. In 1944, Manabendra Nath Roy proposed decentralizing government and allowing representatives to be recalled during their terms. Somnath Chatterjee also agreed with M. N. Roy that an elected person's responsibility necessitates the right to recall.

The belief that the Right to Recall must go hand in hand with the Right to Elect and that voters must have a recourse in the event of a mishap was at the center of debate over Article 8A (3) (Loknath Misra proposed an amendment to Article 8A (3) on November 29, 1948). This Amendment was rejected by Dr. Ambedkar. Despite the fact that some members believed that recall would encourage voters to think and assist in political education (Debate on July 18, 1947 in Constituent assembly debates:2009 Official Report) Other members argued that a recall provision at the infancy of Indian democracy would be inappropriate. It was feared that recall would make candidates unnecessarily the targets of political rivalry and turn the constituencies into a battlefield.

In addition, India adopted a democracy in which Parliament removes elected officials. This is a reality that individuals choose the delegate yet the workplace of term of delegate isn't with the decision of individuals. It's odd to think that elected representatives are first and foremost members of political parties. Representatives are chosen for their affiliation with a particular political party. It is possible to assert that their dedication and work are of no significance. The head of the political party chooses the candidates for election. In most cases, the candidate selection process does not adhere to a particular party's guiding principles. The public's choices should be taken into account by the political party when selecting candidates for an election. When choosing a candidate for the election, the people's choice should come first. The foundation of a free and fair election is the consideration of a public choice in candidate selection.

The 1951 Representation of Peoples Act also includes the Right to Recall. However, in the event of dissatisfaction or incompetence on the part of the elected official, there is no recall provision in the Representation of Peoples Act of 1951. In the event of a specific offense, there is only a small provision regarding the vacant seat. In 2016, Varun Gandhi presented the "Representation of the People (Amendment) Bill," which would allow MPs and MLAs to be removed from office if they fail to perform their responsibilities.

The Right to Recall is mentioned in the 1951 Representation of Peoples Act (RPA). Incompetence or electorate dissatisfaction are not considered grounds for recall or vacation under RPA. It only says that the office will be taken away if the particular crime is committed. The "Representation of the People (Amendment) Bill" was introduced by Varun Gandhi in the Lok Sabha in 2016 with the intention of recalling MPs and MLAs for non-performance. As of now, right to review exists in the neighbourhood collections of Bihar, Madhya Pradesh and Chhattisgarh.

➤ Advantages of Recall:

- In a democracy, it grants the authority to guarantee a person's vertical accountability.
- Political activity would become less punishable.
- Facilitate direct democracy and increase inclusiveness.
- The representative would keep his election promises because he was worried that if he didn't, he might be kicked out.
- The free and fair political race is the actual embodiment of the majority rules system. Who should be elected and who can be removed should be decided by the people based on their confidence in the elected official.
- The right to recall and the right to vote must go hand in hand in order to strengthen democracy.
- Because they will always be afraid of being recalled, candidates will be less likely to spend millions of dollars on election campaigning.

II. OBJECTIVE OF THE STUDY:

- a. The study includes collection of both primary and secondary data.
- b. The main objective of the study is to gather opinions of electorates (voters) about Right to Recall.
- c. The analysis of the research is made using graphs and charts.

III. SCOPE OF THE STUDY:

- a. Number of respondents were limited to 35.
- b. Respondents were of age group of above 18 (who were eligible for vote).
- c. All the respondents are Indian Citizens.

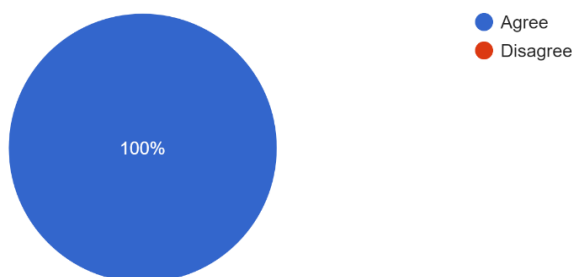
IV. DATA ANALYSIS AND FINDINGS:

A survey in form of questionnaire was floated in google form link to gather information regarding Right to Recall. Total number of respondents were 35.

Survey results are as follows:

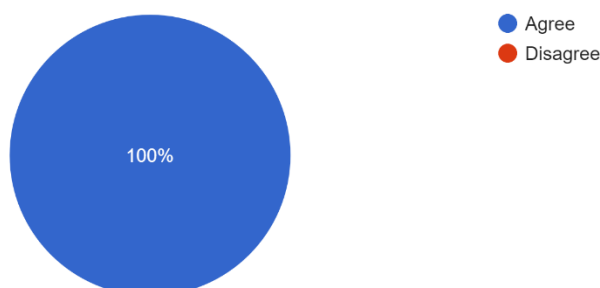
- a. Right to Recall states that if you are dissatisfied with the performance of your elected representative, you have the right to recall them and elect a new representative.

Recall system makes elected representatives accountable to public



Out of 35 responses 35 respondents agreed that Recall system makes elected representatives accountable to public

- b. This kind of right would be a significant check on corruption along with other measures such as the criminalization of politics.



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- c. Right to Recall states that if you are dissatisfied with the performance of your elected representative, you have the right to recall them and elect a new representative.

Should you as an electorate (Voter) needs Right to Recall?



Out of 35 responses 35 respondents mentioned that they need Right to Recall.

Some negative feedbacks in data collection:

- The Election Commission is put under additional strain as a result of right to recall.
- Additionally, it will put undue strain on limited resources like time, money, and manpower.
- The recall criteria, which are as follows: the disappointment of the electorate with the presentation of the applicant, is ambiguous and gives monstrous extension to abuse.
- The representative would be constantly under pressure to perform his duties in a particular manner.
- The length of time he would be serving the public is uncertain. It would be difficult to develop long-term plans and policies due to this uncertainty.
- Rivals in politics would demand a recall election on the basis of even the tiniest oversight made by the representative.
- In order to please people, representatives would continue to spend a lot of money.
- Political unrest will pervade the state, and politicians will be focused on preserving their seats rather than working toward development.
- The question of whether the right to recall will result in vertical accountability is contentious. For instance, vertical accountability has not necessarily improved throughout India due to the existence of local self-government.
- The right to recall is intuitive, but it fails the pragmatism test, so it must be rejected.
- Primarily, it causes an "excess" of democracy, which will impede legislators' independence.

V. CONCLUSION:

India is the largest democratic country in the world, where power lies with the people. But, due to loop holes in this democracy some of the greedy politicians involving in corruption, misuse of powers etc. To overcome this recall will definitely be a tool to avoid such malpractices. An additional team in election commission can be made to monitor recall system to reduce their burden of work. As per CISCO around 60% of population in India are using internet, hence online referendum or online voting can be adopted by educating people which reduces the cost of conducting referendum or voting process. In some cases, elected representatives come to power with many promises but don't fulfil or even work towards them. As electoral, we have to wait till end of 5 years which is illogical. Right to recall helps in removing non performing, unethical elected representatives. It should be implemented at panchayat and state legislative level immediately if not at MP level. Give voters two chances to recall and conduct an independent referendum by collectors (/magistrate). Once done, right to recall can't be issued for some period of time (say 2yrs). A rule must be made such that if an elected representative get recalled for more than certain times (say 3times), he/she should not be eligible for politics in his/her life time – this creates a feeling to work properly instead of thinking about his/her seat. In case of any false news regarding the elected representative in form of news or in any other social media platforms the action taken by law should be severe, which reduces false statements. Finally, when a job holder is answerable to his reporting head, why not the same applicable to politicians.

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