Right To Recall Legislators

Recall is a process whereby the electorate has the power to remove the elected officials before the expiry of their term.

Why to go for RTR?

- Enhance vertical accountability - At present, no recourse for the electorate if they are unhappy with their elected representative.
- Decrease role of Money power - morally skewed candidates would weigh the risk of being recalled.
- International experience - in place in Canada’s Legislative Assembly of British Columbia since 1995. In US, some states allow on specific grounds such as misconduct or malfeasance.
- Logic and justice - Like election, people should also have the power to remove the representatives.

Way Forward

There is a need to evolve a unique model suitable to our needs, by learning from the rich experience at the local level, which does not threaten the political stability.

RTR can be introduced with adequate safeguards. For ex-a proposal for RTR would be initiated only after two years of election etc.

Possible Challenges with RTR at State and National Level

- De-stabilise - Former CEC S.Y. Quraishi is not in favour - it will “destabilise” the country as wherever there is discontent, people will start recalling.
- Election fatigue - by recalling/rejecting the candidates and having another election may cause cause election fatigue & lower voter turnout.
- Political tool - It could be misused especially in places such as Kashmir and North-Eastern states.

Issues with RTR at Local Level

- RTR in MP (RTR is operational for the past 16 years) revealed functional problems.
- Grounds for recall were arbitrary.
- Signature verification procedure by the district collector was unsatisfactory.
- New voters who participated in recall elections had not voted in the general elections.

Overall, mixed impressions about the impact of the reform in MP.

Since 2000, 33 recall elections held at the municipal level in the state, incumbent was recalled in 17 instances and not recalled in 16.

Provisions for RTR at Municipal Level in India

- Section 47 (recall of President) of the Chhattisgarh Nagar Palika Act 1961.
- Section 53 of the Rajasthan Municipalities Act, 2009 was amended 2011 as the Rajasthan Municipalities (Amendment) Bill, 2011.
- Section 17 of Bihar Municipal Act, 2007.
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PROVISIONS FOR RTR AT MUNICIPAL LEVEL IN INDIA

- Right To Recalls - Since 2000, 33 recall elections held at the municipal level in the state, incumbent was recalled in 17 instances and not recalled in 16.