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ROLE OF RIGHT TO RECALL IN REDUCING VOTER APATHY: AN ANALYTICAL AND COMPARATIVE STUDY IN THE INDIAN CONTEXT

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Abstract

Voter apathy' i.e. voter apathy has become a serious problem in Indian democracy, which directly raises questions on the credibility of our governance. Many times, people stay away from elections because they feel that their representatives will not listen to them after winning. This article considers a directly democratic option such as 'Right to Recall' to reduce this distance. Looking at the Panchayat level experiences of America, Switzerland and India, it has been argued that if we implement it at the national level with some concrete security rules and digital technology, then public confidence can be rekindled in democracy. This may prove to be not just a right, but a modern way to hold leaders accountable and re-energize voters.

Keywords: *Right to Recall, Voter Apathy, Electoral Accountability, Direct Democracy, India, Constitutional Amendment*

I. Introduction

The real strength of any democracy is judged not just by the elections held from time to time, but by how effective public participation is and how aware the elected representatives are of the needs of the people of their area. India, the world's largest democracy, is grappling with some strange contradictions in this matter. While on one hand there is huge enthusiasm and record-breaking crowd during voting in some states of the country, on the other hand there remains a strange laziness and indifference towards voting, especially in big urban areas, which is a part of the democratic process. Shows a huge gap¹. During the general elections of the year 2019, around 67.4 percent turnout was recorded at the national level, which is seen as an

¹Election Commission of India, Statistical Report on General Elections to the House of the People (ECI 2019) <https://eci.gov.in/statistical-reports/> accessed 12 March 2024.

extraordinary precedent or new record in the pages of Indian electoral history. This broad participation of citizens in the democratic process was not only encouraging, it set a new standard, surpassing all previous records of voting, But behind this overall data emerges a different picture of the public base; If we analyse the data, it can be seen that there was a huge gap between the residents of villages and towns and the participation of people from different economic classes of society². International comparative figures show that despite the improvement in voter turnout in India, a deep frustration exists among voters. The main reasons for this frustration are the increasing dominance of select influential sections over politics, unfulfilled promises made by political parties and structural obstacles coming in the way of participation in the electoral process, which somehow highlight the disillusionment of the common people towards democracy³.

The basic ideal of democratic theory lies in the notion that the real right to sovereignty rests with the people, which they exercise from time to time through elections. This 'Schumpeterian' concept of democracy is based primarily on a limited or timely form of competition and public participation among the elite, where the common people demonstrate their power only on voting occasions⁴,

This article proceeds in eight parts. Part II maps the theoretical contours of voter apathy and its causes in India. Part III analyses the conceptual and doctrinal foundations of the right to recall. Part IV surveys the legislative framework at the sub-national level in India. Part V conducts a comparative survey of recall mechanisms in the United States, Switzerland, Venezuela, and Ecuador. Part VI critically examines the constitutional feasibility of recall at the national and state legislative levels, engaging with the basic structure doctrine and rights-based objections. Part VII proposes a normative model for calibrated recall legislation in India. Part VIII concludes.

II. Voter Apathy in India: Conceptual Framework and Empirical Contours

A. Defining Voter Apathy

From the point of view of political science, 'voter apathy' i.e. Voter Apathy is not limited to

²Yogendra Yadav, "Electoral Politics in the Time of Change: India's Third Electoral System, 1989-99" (1999) 34(34-35) Economic and Political Weekly 2393.

³International Institute for Democracy and Electoral Assistance (IDEA), Voter Turnout Database (IDEA 2023) <https://www.idea.int/data-tools/data/voter-turnout> accessed 15 March 2024.

⁴Mark N Franklin, *Voter Turnout and the Dynamics of Electoral Competition in Established Democracies since 1945* (Cambridge University Press 2004) 12-15.

sitting at home only on election day. It involves two main aspects: the first is behavioural non-participation, where citizens do not go to vote; and the second is ideological alienation, in which even if a person votes, his attitude towards political processes remains completely neglectful and indifference. In simple words, it shows a lack of both active participation and mental engagement towards democracy.⁵ According to Down's Rational Choice Model, or Rational Choice Theory, a citizen decides to vote only when he sees that the potential benefits or benefits of voting outweigh the time and labour spent on it. If this analysis shows that abstinence is more beneficial than voting, voters do not participate in elections. This issue is considered a 'rational voting break' rather than an irrational indifference, as it is the result of a conscious and well-thought-out decision.⁶ Norris, however, did not see indifference as a reluctance of ordinary people; rather he interpreted it through the concept of 'critical citizens' or 'conscious citizen'. According to him, these people are deeply convinced of democratic values but are extremely dissatisfied with the inefficiency or effectiveness of the current institutional structure. That is, they are not averse to democracy, but rather seek reform of the system.⁷ The situation of those who do not vote in India actually reflects their deep dissatisfaction with the system more than political apathy. It is evident from various surveys that the absence of to these voters is not due to lack of interest in politics, but due their distrust of candidates and political parties. They are not far from the process, but rather they are disappointed with the choices that are currently being offered to them.

Powell's approach views elections as a forceful vehicle of mass-control, where they create a clear distinction between two main categories. According to him, there are some elections which actually fix accountability and ensure real influence of the public on power, whereas on the contrary, some elections are just a 'custom' whose purpose is only to make the existing regime appear legitimate, and not to make it accountable to the public. Thus, this analysis of them provides an important yardstick of measuring the depth of democratic processes and their effectiveness⁸. This critical analysis by Leifert sheds a deep light on the inequalities of participation in established democracies. According to him, groups with low incomes and limited education are systematically left behind in the electoral process, making their presence negligible. The result is that democratic policies and their outputs naturally lean in favour of

⁵Philip E Converse, "The Nature of Belief Systems in Mass Publics" in David E Apter (ed), *Ideology and Discontent* (Free Press 1964) 206.

⁶Anthony Downs, *An Economic Theory of Democracy* (Harper & Row 1957) 260-276.

⁷Pippa Norris, *Democratic Phoenix: Reinventing Political Activism* (Cambridge University Press 2002) 17.

⁸G Bingham Powell Jr, *Elections as Instruments of Democracy: Majoritarian and Proportional Visions* (Yale University Press 2000) 3-7.

classes that are already privileged and well-off. This situation makes clear that electoral participation is directly related to the equitable distribution of policies⁹. In the context of India, this structural criticism highlights how electoral apathy among marginalized communities ultimately further strengthens the dominance of the elite class. When the deprived section of the society, frustrated with the system, distances themselves from voting, the control of influential groups over power deepens. This results in a vicious circle of disillusionment and lack of political participation, from which it is extremely difficult to get out.

B. Causes of Voter Apathy in the Indian Context

There are many solid reasons behind voter apathy in India, out of which mainly four factors have been identified. The most prominent among these is the issue of 'lack of representation'. In fact, there seems to be a deep gap between the big promises made before the elections and the actual performance after winning the elections. When the public sees that their elected representatives are not living up to expectations, a 'crisis of confidence' arises between them. This same mistrust ultimately disillusions' them with the process of future voting and moves them away from democratic participation¹⁰. Secondly, some basic and structural obstacles of our society become obstacles in the path of weaker sections. These include serious issues like logistical problems of movement, migration for work, threats arising from caste discrimination and non-registration on government papers, which collectively serve to cut off disadvantaged groups from the mainstream¹¹. Thirdly, the structure of our election system is also a big challenge. The 'first-past-the-post' (FPTP) system adopted in India sometimes discourages voters, as a candidate can win in multi-cornered contests even by getting less votes like just twenty percent. When decisions are taken with such a small number of votes, the common citizen begins to feel less important about his personal vote, which leads to a decline in both his participation and enthusiasm in democratic processes.

Fur and Putnam's comparative framework makes it clear that the growing public dissatisfaction with democracy is not the result of any cultural inclinations or outdated traditions, but is directly linked to the functionality of democratic institutions and the failures of their performance. According to his analysis, people are turning away from the system not because

⁹Arend Lijphart, "Unequal Participation: Democracy's Unresolved Dilemma" (1997) 91(1) American Political Science Review 1.

¹⁰M P Singh and Rekha Saxena, India's Fragmented Party System (Cambridge University Press 2011) 45-67.

¹¹Association for Democratic Reforms, Report on Electoral Participation (ADR 2022) <<https://adrindia.org>> accessed 10 March 2024.

their culture has changed, but because government and public institutions are proving incapable of fulfilling their responsibilities and living up to expectations¹². Looking at it in the context of India, it becomes clear that voter apathy is not a permanent cultural characteristic, but it is merely a timely response to the failures of democratic institutions. This simply means that this situation can be changed through appropriate institutional reforms. In this perspective, 'Right to Recall' i.e. the right to recall representatives becomes extremely important. If citizens were to believe that their vote was not limited to the appointment of a representative, but that it was a continuing accountability relationship that could be terminated if the representative betrayed them, their logical and ideological incentive to participate in the electoral process would be vastly enhanced¹³.

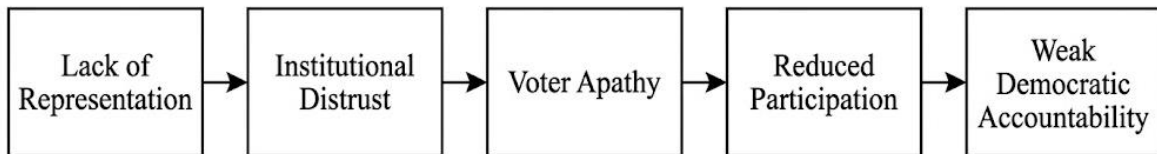
Phillips' theory of politics of presence further strengthens the argument that mere involvement in formal processes is not enough for an effective representation. Instead, infrastructural systems are needed that can ensure that representatives remain continuously accountable to the needs of their public. In fact, real representation is meaningful only if it creates active sensitivity in the system by not being limited to just the paper process¹⁴. When we make their lack of accountability for representatives economically or politically overwhelming, the right of repatriation' (Right to Recall) serves to practically implement the 'principle of presence' in the framework of democracy. In simple words, this system ensures that elected representatives remain responsible to the public not only on paper but also on the ground, as their inaction becomes a direct risk to their position. This process provides a strong and essential dimension to public participation within democratic institutions.

¹²Susan J Pharr and Robert D Putnam (eds), *Disaffected Democracies: What's Troubling the Trilateral Countries?* (Princeton University Press 2000) 10.

¹³Lowell Field and John Higley, *Elitism* (Routledge & Kegan Paul 1980) 32-45; cf Pradeep Chhibber and Irfan Nooruddin, "Do Party Systems Matter?" (2004) 36(1) *Comparative Political Studies* 152.

¹⁴Anne Phillips, *The Politics of Presence* (Oxford University Press 1995) 6; see also Hanna Pitkin, *The Concept of Representation* (University of California Press 1967) 209.

PROCESS OF POLITICAL APATHY AND ACCOUNTABILITY DEFICIT



PROCESS OF ACCOUNTABILITY RESTORATION AND THE RIGHT TO RECALL

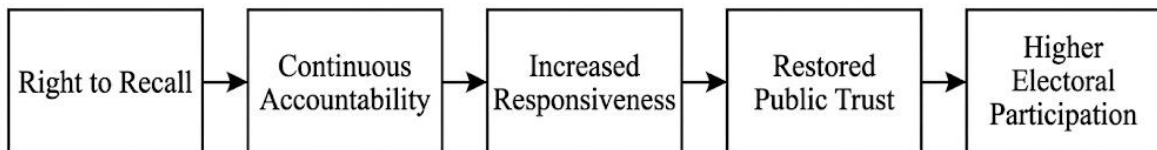


Fig. 1. Conceptual Framework Linking Voter Apathy, Accountability Deficits, and the Right to Recall

III. The Right to Recall: Conceptual and Doctrinal Foundations

A. Theoretical Underpinnings

The ideological roots of the right to recall or to recall' are deeply rooted in classical republican doctrine (classical republican theory). Basically, it is based on the assumption that the mandate that any public official receives is as a confidant or justiciar (fiduciary). This simply means that the public, which is the real owner, has the power to revoke that trust or mandate if it finds that it has been violated. Thinkers like Thomas Cronin have put this right, along with the 'initiative' and 'referendum', in the category of tools of direct democracy that are aimed at supporting representative government, not eliminating it, but it more accountable. To give¹⁵. Spivak's landmark survey underlines that the emergence of provisions for 'recall' (recall of public representatives) in US state constitutions did not occur by chance. In fact, these rules were implemented as concrete solutions to these problems in the late nineteenth and early twentieth centuries when corruption and elite class dominance in legislatures was at its peak. That period of history seems to be in deep harmony with the current Indian scenario and the public concerns there, where the need for political reforms is being felt more than ever¹⁶.

In the constitutional and theoretical context, the right to withdraw the public representative or 'right to recall' essentially creates three fundamental conflicts. First, it makes a distinction

¹⁵Thomas Cronin, *Direct Democracy: The Politics of Initiative, Referendum and Recall* (Harvard University Press 1989) 125.

¹⁶Joshua Spivak, *Recall Elections: From Alexander Hamilton to Gray Davis* (University Press of Colorado 2011)3-18

between 'compulsory mandates' (where representatives follow the direction of electors) and 'free mandates' (where representatives exercise their own judgment). The concept originated in Burke's famous 1774 "Letter to the Electors of Bristol". Second, it creates a theoretical conflict between participatory forms of democracy and representative forms. Finally, the balance between ensuring political responsibility and maintaining the stability of governance creates a big question mark or tension in that area as well.

Robert Dahl's polyarchy theory holds a sine qua non for democratic legitimacy. According to him, any governance system can be considered truly democratic when the elected representatives there are completely sensitive and accountable to the wishes of the people and their priorities. In simple words, the significance of democracy lies in the fact that the people running the government listen to the voice of the citizens and take decisions according to their needs¹⁷. The process of recall is actually an effective mechanism of accountability, which curbs the public representatives even after the elections and ensures their activism. In a country like India, where a five-year long electoral cycle often creates a huge void of accountability between two elections, this mechanism becomes even more important. It works in the same way as the provision of punishment in the society helps in preventing crimes. Even if recalls are rarely used, a genuine and credible fear of removal from office is enough of an incentive to make leaders constantly aware and responsive to the wishes of the public.

B. Conceptual Variants of Recall

Analysing comparative constitutional practices, at least three conceptual forms of 'recall' (reclamation of representative) emerge. The first and most prominent of these forms is the 'petition-inspired popular recall'. Under this system, if a certain number of voters petition a representative, a special ballot is held in that constituency. Thereafter, the entire electorate decides, through a vote, whether to retain or remove that representative from his or her position. This model is especially prevalent in American states¹⁸. The second type is of legislative or party-based 'recall' (withdrawal), in which the representative's party or the Legislature itself can initiate the process of removing him from office. This arrangement appears to be very similar to the anti-defection framework implemented under the Tenth Schedule of the Constitution of India, although it operates on a different ideological logic and normative

¹⁷ Anne Phillips, *The Politics of Presence* (Oxford University Press 1995) 6; see also Hanna Pitkin, *The Concept of Representation* (University of California Press 1967) 209.

¹⁸California Constitution, art II, s 13; California Elections Code, ss 11000-11167 (West 2023).

basis¹⁹. The third way is tribunal-arbitrated withdrawal, which requires a quasi-judicial finding on substantive grounds such as dereliction of duty or misconduct to remove a representative. A glimpse of this special system can be seen in some Indian Panchayat Acts, where the dismissal of elected members is not based only on the will of the public but is based on the test of legal scrutiny and judicial standards.

At the center of this study is the prevalent form of popular recall, which gives a certain section of the electorate the right to force a representative to vote whether he holds office or not. This arrangement directly serves to remove voter apathy, as it makes citizens a continuously active part of the regime rather than a silent spectator who votes once in just five years. Through this, the general public has a solid institutional power even in the period between elections, which keeps them responsive and aware in the system.

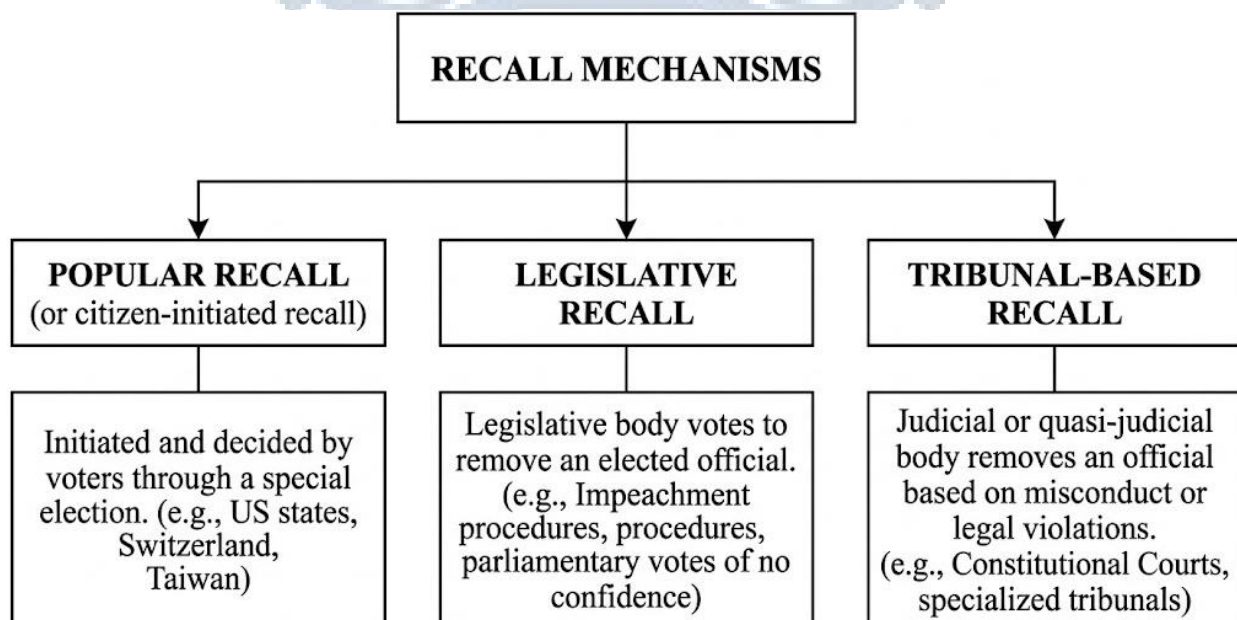


Fig. 2. Typology of Recall Mechanisms in Comparative Constitutional Systems

IV. The Recall Mechanism at the Sub-National Level in India

A. Panchayat-Level Legislative Framework

In India's current constitutional and legal framework, the 'withdrawal' or recall of public representatives at the local self-government level is quite old. Originally, the Panchayati Raj system was made mandatory by the 73rd Constitutional Amendment of 1992, paving the way for it. Based on this legal power, several states of the country have implemented provisions to

¹⁹Anti-Defection Law: Constitution of India, Tenth Schedule (inserted by Constitution (Fifty-Second Amendment) Act 1985); *Kihoto Hollohan v Zachillhu* AIR 1993 SC 412.

remove elected members of Gram Panchayats, Panchayat Samiti and even Zilla Parishads from their posts. The role of Madhya Pradesh is particularly significant in this regard. They were given the statutory right to withdraw panchayat representatives as the country's premier states through the 'Panchayat Raj and Gram Swaraj Act' of 1993, which was later consolidated by passing amendments²⁰.

After the Rajasthan Panchayat Raj Act of 1994 was amended in 2000, a special provision was added to remove elected representatives from office. According to this rule, it is possible to depose the sarpanch or ward members of a village panchayat on the basis of direct voter opinion. However, to implement this, the support of at least two-thirds of the total voters of the respective areas is required. The entire process is carried out in a specially organized meeting and it also carries out certain administrative precautions or safeguards to ensure legal protection²¹. States like Bihar, Chhattisgarh and Uttarakhand have also implemented almost similar legal provisions, although there are some fundamental differences in terms of eligibility limits and procedural modalities. Changes have been made in the rules of these states as per the local needs so that the work can be completed easily at the administrative level²². An important feature of the Uttarakhand Panchayati Raj Act 2016 is that it seeks to strike an accurate balance between accountability and sustainability of governance. Under this, to start the process of recall of public representatives i.e. 'recall', it is mandatory not only to have a minimum support of the voters, but also to set a 'cooling-off' period (minimum time limit) of twelve months from the date of election. Has been done. This provision ensures that elected representatives have adequate opportunity to work and that administrative stability is not affected by repeated political disruptions.

B. Practical Experience and Empirical Assessment

The ground experience of these Panchayat-level 'Right to Recall' provisions has been quite volatile. The 2022-23 annual report of the Ministry of Panchayati Raj confirms that although the process of removing delegates was initiated in many states, success in actually removing them from office has been achieved in very few cases. This is mainly due to the extremely difficult conditions set for voting and the practical challenges faced in uniting large majorities

²⁰Panchayati Raj Acts: Madhya Pradesh Panchayat Raj evam Gram Swaraj Adhiniyam 1993 (as amended 2001), s 19A; Bihar Panchayat Raj Act 2006, s 16; Chhattisgarh Panchayat Raj Adhiniyam 1993, s 18.

²¹Rajasthan Panchayati Raj Act 1994, s 16A (inserted by Amendment Act 2000); cf Priya Deshingkar and John Farrington (eds), *Circular Migration and Multilocational Livelihood Strategies in Rural India* (Oxford University Press 2009) 78.

²²Uttarakhand Panchayati Raj Act 2016, s 15; for a critical assessment see Geetanjali Kumari, "Recall of Elected Representatives at Panchayat Level in India" (2017) 6(2) *Journal of Political Sciences & Public Affairs* 1.

among the scattered population of rural areas²³. Reviewers believe that this process of ensuring accountability is often used as a weapon to manipulate factional politics or caste equations rather than actual reform. This situation points to the serious risk that if provisions such as the 'recall' (reclamation of the representative) are not correctly outlined, they could further fuel political instability rather than dispel voter apathy.

Despite this, there is strong evidence that the provisions of 'recall' (recall of the representative) have brought about a change in the way local public representatives work and their mindset. Studies conducted on the governance of states where such a system is in place at the Panchayat level show that compared to other states, the Sarpanch and Ward members here are not only more present in the Panchayat meetings, but they are also more present in the Panchayat meetings. They have also been found to be much more sensitive and active towards the problems and complaints of their people²⁴. Although it is certainly a challenging task to establish a cause-effect relationship without controlled experiments, these findings reinforce the idea that the process of 'recall' plays an important role in strengthening accountability. Plays. In simple words, the data obtained gives a concrete indication that the right to recall public representatives can prove to be an effective means of increasing transparency and accountability in governance.

C. Recommendations by Law Commission and Administrative Reforms Commission

The Law Commission of India's 170th Report on Electoral Reforms of the Year 1999 had analysed in depth the possibilities of Right to Recall (right to recall representatives) at the parliamentary level, along with other important proposals. The Commission gave limited support to the launching of a preliminary study or pilot project at the State Assembly level considering this concept, but made it a sine qua non for it to first develop a sound and secure procedural mechanism so as to prevent abuse of this right²⁵. Special emphasis was placed on the system of 'recall' (right of recall) within the electoral reforms proposed in 2004 by the Election Commission of India. The Commission marked it as an extremely effective and useful tool for fixing accountability. However, in view of the practical challenges coming in the way of implementing this system, it was made clear that it would require a comprehensive amendment to the Constitution. At the same time, the Commission also cautioned that there is

²³Ministry of Panchayati Raj, Annual Report 2022-23 (Government of India 2023) 22-28 <<https://panchayat.gov.in/en/annual-reports>> accessed 5 March 2024.






²⁴Ashok Pankaj, "Right to Recall Elected Representatives in India: Issues and Challenges" (2014) 4(2) International Research Journal of Social Sciences 52.

²⁵Law Commission of India, Electoral Reforms (170th Report, 1999) paras 2.17-2.22.

a strong possibility of this power being misused due to political malice, which will require strict security standards to prevent it²⁶. The issue has been raised periodically on the legislative floor through private member bills in Parliament, particularly the Right to Recall Bill 2012', but the reality is that these efforts never took the form of legislation. The main reason behind this is probably the natural hesitation of the present public representatives, which prevents them from bringing themselves under the ambit of stricter accountability. This is the reason why such important changes remain limited to discussions and do not take concrete legislative form²⁷.

V. Comparative Survey: Recall Mechanisms in Selected Democracies

Fig. 3. Comparative Overview of Recall Mechanisms in Selected Democracies

Selected Democracies	Recall Availability	Governmental Level	Initiation Process	Outcome
 India <small>NO NATIONAL RECALL</small>	None (Proposed bills, no national implementation)	Local/Panchayat (Some states)	Varies by state ; usually petition or resolution	Loss of office ; seat declared vacant <small>NO NATIONAL RECALL</small>
 United States	Varies by State (No Federal Recall)	State, Local (Varies widely)	Validated petition (signature thresholds based on previous turnout)	Special recall election ; loss of office if majority vote is achieved
 Switzerland	Widespread (Canton Level)	Cantonal, Local	Legal petition required by citizens (e.g., 2% to 10% of electorate)	A cantonal vote (often combined with general election); immediate dismissal of officials if passed
 Venezuela	Constitutional Right (Since 1999)	National, Regional, Local (All levels)	Citizen petition (>20% of electorate), after half of the official term is served	Revocation of mandate ; early presidential/official elections if approved by required majority
 Ecuador	Constitutional Right (Since 2008)	National, Local (Including President)	Citizen initiative (>10% of voters for national; 15-20% for local)	Revocation of mandate ; early replacement election

A. The United States

The United States presents the most extensive and documented experience of the process of 'recall' (popular return) at the sub-national level worldwide. Currently, state-level officials in nineteen states in the U.S. are permitted to be recalled or removed from their positions. Among all these states, California's administrative structure is considered the most prominent and strong in this context²⁸. The 2003 ouster of California Governor Gray Davis and replacement

²⁶Election Commission of India, Proposed Electoral Reforms (ECI 2004) para 4.7; see also National Commission to Review the Working of the Constitution (n 13) para 4.18.2.

²⁷Constitution (One Hundred and Twenty-Ninth Amendment) Bill 2013 (lapsed); Right to Recall Bill 2012 (Private Member Bill introduced by Rajeev Chandrasekhar in Rajya Sabha).

²⁸ Law Commission of India, Electoral Reforms (170th Report, 1999) paras 2.17-2.22.

of Arnold Schwarzenegger is a strong political example. This incident clearly proves that whenever the method of withdrawing the public representative through 'recall' or referendum is implemented, it can lead to very dramatic political changes. Not only this, this process creates a stimulus among voters that activates even the generally apathetic or apolitical population. For example, about 61 percent of voters participated in that special election in 2003, which is much higher than the previous general governor election. This suggests that this direct power or recall mechanism to change representatives itself plays a very influential role in increasing the spontaneous participation of the people²⁹.

At the federal level, no legal right exists to recall (recall) members of the U.S. Congress midway through their terms. In fact, the United States Constitution does not provide for any arrangement or procedure through which the public can vote to remove their lawmakers from office midway. Courts on this subject have also made it clear from time to time that states have no constitutional power or jurisdiction to impose 'recall' provisions on federally elected officials³⁰. This distinction between the federal and state levels is of considerable importance for the ongoing debate in the Indian context. This makes clear that even in areas where the tradition of right-to-recall (refunding of representatives) has been quite strong, this mechanism has been restricted to the sub-national or local level only. This reflects a kind of institutional caution and wisdom towards the possible instability that could result from the application of this system at the national level, so that there is no adverse impact on the main democratic structure of the country.

B. Switzerland

Switzerland has a unique form of direct democracy which is famous for its prevalence all over the world. The political system here not only promotes referendums and civic initiatives (initiates) at the federal level, but also at the regional or cantonal level gives the public the special right to recall elected representatives i.e. 'recall'. Can use the provisions. This framework of democracy focuses power directly in the hands of citizens, ensuring transparency and an highest level of public participation in governance³¹. Switzerland's experience teaches us that direct democratic instruments are truly effective only if they are linked to a culture of

²⁹Craig M Burnett and Vladimir Kogan, "Ballot (and Voter) Exhaustion under Instant Runoff Voting" (2015) 34(1) Electoral Studies 35; see also Shaun Bowler and Todd Donovan, "Direct Democracy and Political Parties in America" (2006) 4(2) Party Politics 135.

³⁰ Constitution (One Hundred and Twenty-Ninth Amendment) Bill 2013 (lapsed); Right to Recall Bill 2012 (Private Member Bill introduced by Rajeev Chandrasekhar in Rajya Sabha).

³¹Constitution of Switzerland, art 138-142; Andreas Auer, "The People Have the Last Word: Citizens' Initiatives as a Corrective to Representative Democracy" (2016) 22(3) European Public Law 495.

civic deliberation and have an institutional framework that can prevent the oppression of minorities by the majority. The most important lesson of the Swiss model in the Indian context is that before activating any mechanism of direct democracy, it is essential to have a process of in-depth discussion on it. For example, a system like 'recall' (recall of a representative) should not be used as a means of removing political factionalism or mutual rivalry, but should be used only when it is a real and concrete way to rectify the failure of representation. Emerged as corrective steps³².

C. Venezuela and Ecuador

The example of the countries of Latin America provides us with an important but cautionary perspective to understand the functioning of recall mechanisms (removal procedures) within presidential and semi-presidential systems, especially in areas where the institutional framework is not as strong. In the same vein, a provision for a referendum to recall the President under article 72 was included in Venezuela's 1999 Constitution. The first practical application of this constitutional power was seen in the year 2004, when it was activated against then-President Hugo Chavez³³. Although the referendum ultimately further strengthened Chavez's regime, the entire process clearly showed what a tremendous ability the power of 'recall' (calling a withdrawal) has to mobilize the public—, evidenced by more than 70 percent turnout. Additionally, the development also highlighted that in societies where institutional distrust is deeply rooted, such steps further intensify polarization, dividing the public into two factions. A very special and stringent rule called Revocatory del Mandato (Revocatory del Mandato) was included in Ecuador's 2008 Constitution. This provision actually gives the public the power to remove their elected representatives from office before the completion of their term. Most importantly, the law is not for any one position, but applies equally to all elected officials, from members of the National Assembly to the President of the country³⁴. The Ecuadorian experience clearly shows the risk where the 'recall' (right of recall) can be abused by the governing majority against opposition legislators. This concern becomes even deeper in the context of India, because party discipline is extremely strict here and the executive dominance is very high. In such a situation, if any recall system is implemented in India, it is mandatory

³²Christoph Moser, "The Recall Mechanism in Swiss Cantons: Historical and Contemporary Perspectives" (2013) 39(3) Swiss Political Science Review 423.

³³Constitution of the Bolivarian Republic of Venezuela (1999) art 72; Fernando Coronil, "State Reflections: The 2002 Coup against Hugo Chávez" in Jonathan Eastwood (ed), *The Social History of Latin America* (Palgrave 2006) 64.

³⁴Constitution of Ecuador (2008) art 105-107; Political Database of the Americas, Ecuador: Constitutional Provisions on Revocatoria del Mandato (Georgetown University 2010).

to include concrete structural safeguards that can prevent it from being used due to political malice or personal interest.

D. Germany: A Contrasting Model

Germany's Basic Law (Grundgesetz) explicitly prohibits the recall of members of the Bundestag: Article 38 guarantees that members are representatives of the whole people, not bound by orders or instructions, and are subject only to their conscience³⁵. This "free mandate" principle, which traces to the Burkean conception of parliamentary trusteeship, stands in deliberate contrast to both the imperative mandate tradition and contemporary recall proposals. Germany's rejection of recall has not prevented high voter participation in federal elections, suggesting that accountability mechanisms other than recall — including strong party accountability, intra-party democracy, and robust media scrutiny — may achieve similar ends³⁶. The German experience thus cautions against treating recall as a necessary condition for electoral engagement, while not ruling out its potential as a supplementary instrument.

4.1. COMPARATIVE TABLE NO. 1

S. NO.	Country	Arrangement of Right to Recall	Brief description of the Procedure	Impact characteristic
1.	India	Not implemented at the national level, but at the Panchayat level in some states.	In some states, the removal of Panchayat representative can be done through a motion by voters.	Efforts to increase accountability at local level, but not at higher level.
2.	USA	Implemented at several states.	Voters demand recall election through signature drive.	It is considered an effective means of increasing the accountability of public representatives.

³⁵Grundgesetz (Basic Law) art 38; Federal Electoral Act (Bundeswahlgesetz) 1956 (Germany) s 49b.

³⁶Yannis Papadopoulos, "Problems of Democratic Accountability in Network and Multilevel Governance" (2007) 13(4) European Law Journal 469.

3.	Switzerland	Implemented at some states.	The right to citizens removing a representative through a referendum or signature.	Due to the tradition of direct democracy, citizen participation is more visible.
4.	Venezuela	Provisions in the Constitution	Recall referendums may be held for many elected positions, including the presidency.	Right to citizens to make direct representation of the government.
5.	Canada	Limited provisions in some provinces	Voters can initiate the process of removing a representative by submitting a sufficient number of signature.	Attempts were made to promote political accountability.

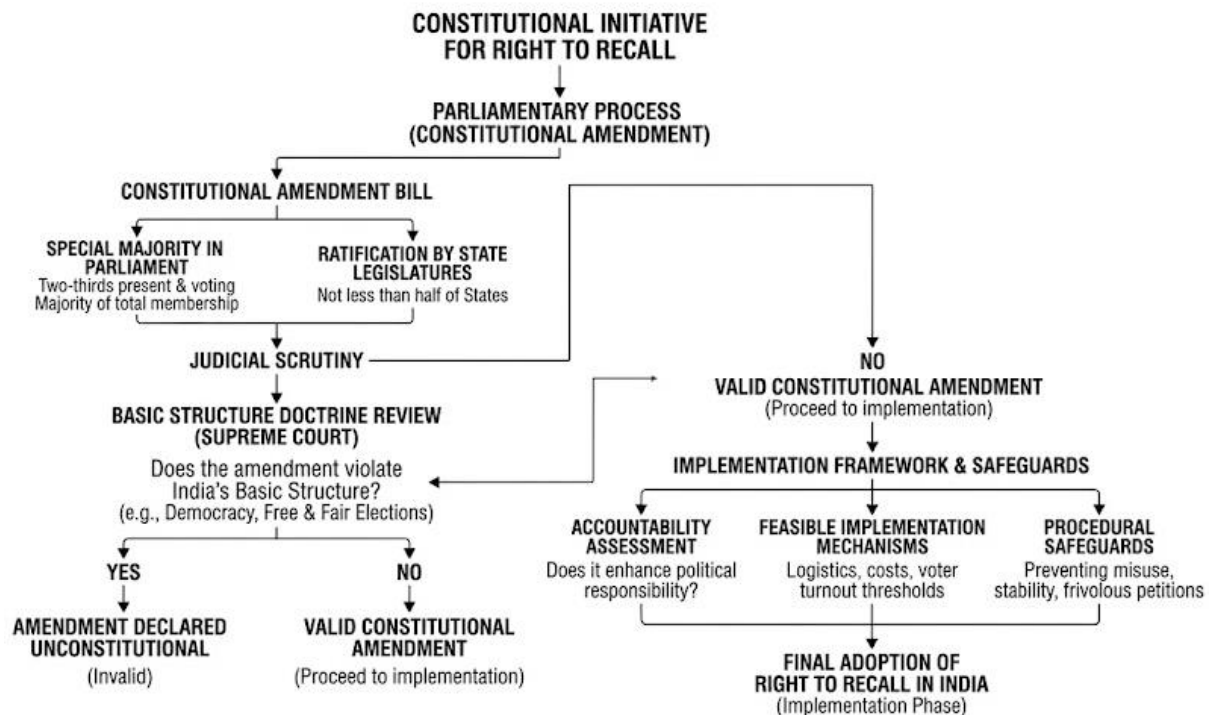
4.2. COMPARATIVE TABLE NO. 2

BASIS /CRITERIA	RIGHT TO RECALL	VOTER APATHY	ANALYTICAL COMMENTARY
ROOT MEANING	The public has the right to remove an elected representative from office before the completion of their term if they fail to live up to expectations.	A situation in which voters take no interest in elections and political processes, or abstain from voting.	The Right to Recall enhances active participation, whereas voter apathy diminishes it.
IMPACT ON DEMOCRATIC PARTICIPATION	Encourages citizens to remain continuously engaged in the political process.	Voters are not active solely during elections, which weakens democracy.	If the right to recall exists, citizens maintain oversight over their representatives.
ACCOUNTABILITY OF PUBLIC REPRESENTATIVES	Representatives know that the public can remove them if they are dissatisfied; therefore, they remain more accountable.	A lack of accountability erodes public trust.	A system of accountability can serve as a means to reduce voter apathy.

POLITICAL BELIEFS	The public believes that they possess the means of control.	The public believes that they possess the means of control.	Increased trust leads to increased political participation.
POTENTIAL IMPACT ON VOTER TORNOUT	Citizens can participate more actively in elections and political activities	Voter turnout may decline because people feel that the impact of their vote is limited.	The recall system instills in people the sense that their vote and decisions are significant.
POLITICAL AWARENESS	Citizens need to keep a watch on the actions of their representatives.	Due to apathy, political knowledge and awareness remain low.	Increased awareness strengthens democratic culture.
THE QUALITY OF DEMOCRACY	Democracy can become more accountable through public participation and control.	Democracy remains merely formal, while genuine public participation declines.	A recall system can make democracy more participatory.

VI. Constitutional Feasibility of Recall at the National and State Legislative Levels in India

Fig. 4. Constitutional Decision Framework for Adoption of Right to Recall in India



A. The Basic Structure Obstacle

The biggest constitutional obstacle in the way of parliamentary 'Right to Recall' in India is

linked to the 'infrastructure principle' (Basic Structure Doctrine). The Supreme Court of India has clearly ruled that certain features of the Constitution are so essential to its original form that any amendment made by Parliament which seeks to abolish or replace them will be void from the beginning. (void ab initio) will be considered. Under this principle, the integrity of the parliamentary system and democracy has been safeguarded, thereby challenging any changes that go against the basic spirit of the Constitution³⁷. The question is whether parliamentary democracy, present in the Constitution of India, includes the Berkin 'free mandate' as a structural element that cannot be amended. In simple words, does the Indian constitutional framework adopt Edmund Burke's idea where a representative is not merely a puppet of the will of his voters, but is free to decide in his conscience and conscience, and is this characteristic of our Constitution? Part of the 'fundamental structure' that Parliament cannot change.

S. R. In the landmark case of *Bombae v. Union of India* (1994), the Supreme Court, while interpreting the Constitution, made it clear that federalism, secularism and the form of the democratic republic are an integral part of the basic structure of the Indian Constitution. This important decision of the Court established that the Central Government cannot use its powers to arbitrarily eliminate the autonomy of the states, because the federal structure is the basic soul of our democracy. At the same time, secularism was considered an essential element and it was ensured that governance remained equal and fair to all citizens rather than having an inclination towards any particular religion. This decision further strengthened the constitutional norms in Indian politics³⁸. In the landmark case of *Indira Nehru Gandhi vs. Raj Narayan* (1975), the judiciary had clearly stipulated that free and fair elections are an essential part of the basic structure of the Indian Constitution i.e. the 'basic structure'. In this context it can be argued that the 'recall mechanism' (the system of recall of public representatives), instead of violating the principles of free and fair elections, actually further empowers electoral accountability. When voters have a direct right to hold their representatives accountable, it further strengthens the democratic structure rather than weakening it.

A deep-rooted argument connected with the framework of the Indian Constitution is that the basic premise of our parliamentary system is the collective accountability of the Council of Ministers to the legislature, as made clear in Article 75 (3). The framers of the Constitution

³⁷*Shankari Prasad Singh Deo v Union of India* AIR 1951 SC 458; *Kesavananda Bharati v State of Kerala* (1973) 4 SCC 225 (basic structure doctrine).

³⁸*S R Bommai v Union of India* (1994) 3 SCC 1 (federalism as basic structure); *Indira Nehru Gandhi v Raj Narain* AIR 1975 SC 2299 (free and fair elections as basic structure).

deliberately chose this model rather than the presidential system so that Parliament remained the centre of accountability. If we add to this a system like 'direct recall' (withdrawal of representative by the public), it may not only disturb the constitutional balance but will also be contrary to the basic spirit which was thoughtfully adopted by the Constituent Assembly. To summarize, our Constitution is more committed to legislative and collective accountability rather than direct referendum (plebiscitary) based accountability, so that stability in governance is maintained.³⁹ Any recall framework or mechanism should be constructed in such a way that it enhances and harmonizes with the dignity of our constitutional structure, rather than undermining or circumventing it. Primarily, the purpose of any such system should be to act as a complement to the existing democratic structure, so that transparency of governance is maintained and public interest is kept paramount without any compromise with the fundamental principles of the Constitution.

B. Fundamental Rights Dimensions

The legal approach to voting rights in India is quite interesting. Although technically not classified as a fundamental right under the Constitution, judicial interpretations have recognized it as an important constitutional right. In particular, the combined reference to Article 19 (1) (a) and the Representation of the People Act, 1951 makes it clear that voting is an extension of freedom of expression itself, which ensures the participation of the citizen in a democratic framework⁴⁰. In the landmark case of *People's Union for Civil Liberties vs. Union of India* (2003) the Hon'ble Supreme Court clearly enunciated that the right to vote is not merely a procedural power but also includes the antecedents of the contesting candidates and their background. The right to know deeply is also automatically inherent. This important decision of the apex court laid emphasis on democratic transparency and ensured that an informed voter has every right to be informed about the criminal history, educational qualification and financial position of his representative, so that the foundation of democracy becomes stronger and more accountable. Could⁴¹. logical extension of this argument—which is strongly presented by supporters of withdrawal (recall)—is that it is not enough to simply vote for meaningful electoral participation. Along with this, it is also necessary to have the right that if a public representative violates the trust and conditions on the basis of which he was elected, then the

³⁹Constituent Assembly Debates (CAD), Vol VII (Lok Sabha Secretariat 1948-49) 11 November 1948, B R Ambedkar's statement on parliamentary accountability.

⁴⁰Constitution of India, art 19(1)(a); *Subramanian Swamy v Union of India* (2013) 6 SCC 1, [17]-[23].

⁴¹*People's Union for Civil Liberties v Union of India* (2003) 4 SCC 399 (right to know about candidates); *Union of India v Association for Democratic Reforms* (2002) 5 SCC 294.

voters should have the power to withdraw the mandate assigned to him. Essentially, democracy is only complete if the public has a solid choice to ensure accountability.

In the important case of *Lok Pahlaria vs Union of India* (2018), the Supreme Court laid special emphasis on the fact that accountability of public representatives to their voters should not be limited to elections only, but it is a continuous process. The court clearly believed that it is mandatory for elected members to remain transparent and accountable to the public throughout their tenure⁴². These threads of judicial discourse, although not directly establishing the right to 'recall', still provide the basic principles necessary for a constitutionally sound 'recall framework'. It is important to understand that any such framework has to meet the juridical criterion of Article 19 (1) (a) and Article 21 in terms of the interests of the representative. If a recall procedure is adopted that lacks procedural safety standards and that exposes representatives to the risk of malevolent or politically motivated expulsion, it may be considered a violation of the fundamental right to hold public office.

C. Article 368 and Constitutional Amendment

Implementing the 'Right to Recall' at the parliamentary level is not an ordinary legislative process, but will require a comprehensive amendment to the basic structure of the Indian Constitution. In particular, it will become imperative to make changes to articles 83, 84, 101 and 102 of the Constitution, since these are the provisions that determine such important aspects as the duration, qualifications and disqualifications of membership of Parliament. Without amending these constitutional clauses, it will not be possible to legally establish any new mechanism of removal of elected member's midway through their term of office⁴³. Representation of the People Act, 1951. Currently a provision for disqualification on the basis of defection already exists within the Tenth Schedule, which means that the theoretical framework of condition-based expulsion is already part of our mechanism. The main change here will only be that the power to initiate this process will no longer be limited to party decision makers only and will go directly into the hands of the wider electorate.

The *Rajbala v State of Haryana* (2016) decision, in which the Supreme Court upheld educational qualifications for panchayat elections as not violating fundamental rights, demonstrates the Court's general disposition towards permitting the legislature to prescribe

⁴²*Lok Pahlaria v Union of India* (2018) 4 SCC 699, [52]-[56] (accountability of elected representatives).

⁴³Constitution of India, art 368; for procedure see Subhash C Kashyap, *Constitutional Law of India* (Universal Law Publishing 2008) vol 2, 2345.

conditions for the holding of elective office⁴⁴. By analogy, conditions for the continuance in elective office — including the recall mechanism — may similarly fall within the legislature's constitutive power over electoral processes, subject to the basic structure limitation.

VII. Towards a Calibrated Recall Framework for India: A Normative Proposal

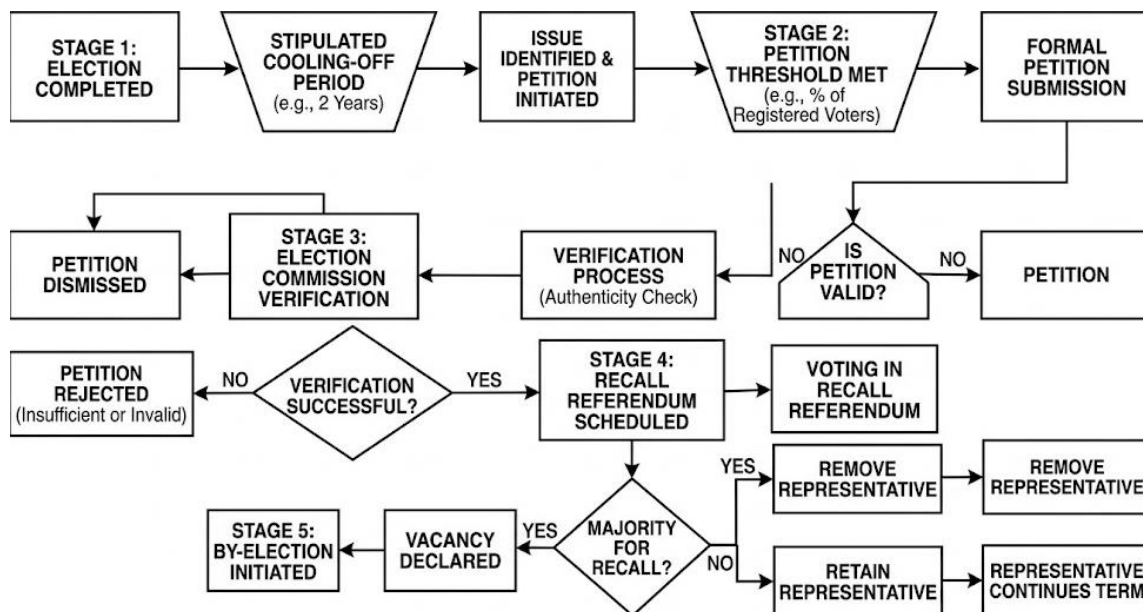


Fig. 5. Proposed Calibrated Right-to-Recall Framework for India

A. Design Principles

Based on the above analytical and comparative survey, this article suggests certain design principles for 'Right to Recall' as a pilot project at the State Assembly level. The main objective of this initiative is to test it by implementing it effectively at the state level first, so that it can be expanded to the national level in view of its experiences and success in future. First, it has implemented the requirements of categorical limitation (threshold). According to this, any petition based 'recall' (recall of the representative) process will be mandatory to fulfil the dual conditions. The first condition is that at least thirty-three per cent of the total registered voters in the constituency concerned must have signatures. The second condition is that at least fifty per cent of the valid votes cast during the actual recall referendum and one additional vote (absolute majority) must be obtained. This dual arrangement ensures that the procedure cannot be abused by a small faction or minority group, while also providing an accessible and effective

⁴⁴Rajbala v State of Haryana (2016) 2 SCC 445 (upholding educational qualification for panchayat elections does not violate fundamental rights).

alternative for the public in the event of serious representation failures⁴⁵.

The second important point is that of the 'mandatory cooling-off period', under which the process of recall (call back) should not be allowed to be initiated against any representative within the first eighteen months of his tenure. Similarly, if an earlier recall attempt was unsuccessful, no such action could be taken again for the twelve months following it. These time limits are necessary so that the provision of recall cannot be used as a weapon to continuously harass a representative. It also ensures that the elected representative has a reasonable opportunity to build up his legislative record and prove his functionality⁴⁶. This arrangement, adopted in the framework of many US states and some Panchayat laws in India, under which at least two years have been set for eligibility for removal (recall) of an elected representative, is actually a compromise between accountability and stability. Reflects the exact balance. This rule ensures that while on one hand the responsibility of the representatives towards the public remains intact, on the other hand there is no unnecessary instability in the governance system and the elected member gets adequate opportunity to show his work.

The third and most important aspect is that of independent institutional oversight. The entire process of recall should be overseen by the Election Commission of India, which has proven its institutional independence and administrative efficiency from time to time. The Commission should be empowered to immediately dismiss malicious petitions on the basis of preliminary investigation. At the same time, the Commission must also have the power to impose heavy fines on those who petition without any solid grounds, politically motivated, so as to effectively prevent the abuse of this democratic provision⁴⁷.

The fourth aspect concerns the safeguard of judicial review, within which the representative concerned must have full authority to challenge the validity of the recall petition in the High Court within a certain time limit. In this arrangement the Court will have the power to stay proceedings if a prima facie case of procedural irregularity or violation of fundamental rights arises. In fact, it strongly links the process of judicial intervention recall with India's constitutional commitment to the rule of law (rule of law) and the principles of protection of individual rights.

The fifth key point is that certain specific constitutional functionaries should be excluded from

⁴⁵National Commission to Review the Working of the Constitution (NCRWC), Report of the National Commission (Government of India 2002) vol 1, ch 4, para 4.18.

⁴⁶Second Administrative Reforms Commission (2nd ARC), Ethics in Governance (Government of India 2007) 4th Report, 63-65.

⁴⁷ *Rajbala v State of Haryana* (2016) 2 SCC 445 (upholding educational qualification for panchayat elections does not violate fundamental rights).

this process. Given the dignity of posts like Prime Minister, Speaker of Lok Sabha and elected judges and their important constitutional responsibilities, it is necessary to keep them free from the scope of 'recall' (call back). Even if they are included in it, it must require very stringent rules and high standards. This is necessary so as to prevent any attempt to destabilize our constitutional institutions or hinder their functioning by misusing this democratic instrument⁴⁸.

B. Digital Infrastructure and Participatory Enhancement

India's rapidly growing digital public infrastructure, which includes important pillars like Aadhaar linked voter ID card, VVPAT system and NVSP portal, creates a strong technological base for conducting processes like recall petitions and referendums. Does. This framework could prove to be far more efficient and less costly than traditional paper processes. If the existing voter registration infrastructure of the Election Commission is accompanied by appropriate legislative permission and cyber security investments, a digital petition platform can be developed where verified voters can register signatures online through their digital identity⁴⁹. Digital participation mechanisms have a particular potential to reduce the barriers that currently inhibit active engagement between urban youth and migrant workers. In fact, these are the same demographic groups that see the highest rates of voter apathy, and bridging this gap through technology can not only make entry avenues easier for them, but also empower their presence in the democratic process can do⁵⁰.

C. The Apathy-Reduction Nexus

The role of 'recall' (right to recall) in reducing voter apathy can be most accurately understood through 'principal-agent theory'. In the present system, the 'principal' i.e. the voter has very limited means to curb or discipline his 'agent' i.e. representative in the period between elections. When no mechanism of accountability exists in the mid-term, the voter begins to feel structurally powerless. As a result of this powerlessness, the voter turning away from politics or becoming indifferent becomes a natural and rational reaction, which we can call 'rational disengagement'⁵¹. Introduction of recall system to an active participant in continuous liability

⁴⁸Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1966) 50-52; Soli Sorabjee and Arvind P Datar, Nani Palkhivala: *The Courtroom Genius* (LexisNexis 2012) 189.

⁴⁹Common Cause v Union of India (2017) 7 SCC 158 (NOTA and its democratic significance); see also Election Commission of India v State Bank of India (2024) (Electoral Bond Scheme).

⁵⁰ International Institute for Democracy and Electoral Assistance, *Digital Technologies and Political Participation* (IDEA 2018).

⁵¹ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1966) 50-52; Soli Sorabjee and Arvind P Datar, Nani Palkhivala: *The Courtroom Genius* (LexisNexis 2012) 189.

by converting voters from only contracted beneficiaries of a fixed term. Even if the system is not implemented in practice in any case, its existence sends a message to both public representatives and voters that accountability is not limited to paper, but exists as an effective and powerful process.

Laxmikant's argument that there is a huge lack of accountability in the Indian political system seems quite accurate. According to him, there is a deep disconnect (disconnect) between electoral cycles and the results of actual governance, which causes leaders to no longer be accountable to the public. On this basis it is concluded that it is not enough to rely solely on elections. We need additional structural means to strengthen the current accountability framework. It is essential to make the 'Right to Recall', making the legislative 'Question Hour' more effective and empowering institutions like Lokpal, so that democracy becomes accountable in the real sense instead of being limited to voting just once in five years. Could⁵². The National Commission to Review the Functioning of the Constitution itself has acknowledged that the greatest need of the day is to explore various mechanisms to make elected representatives continuously accountable to their voters. The Commission believes that ensuring such accountability is not a departure from constitutional principles, but rather an essential step towards fulfilling the basic constitutional vision of responsible government that was cherished by the framers of our Constitution⁵³.

D. Limitations and Counterarguments Addressed

This proposal acknowledges the many important counterarguments that need to be addressed. First, looking at the objection to sustainability, it can be argued that repeated recall proceedings can destabilize the government and hinder legislative work. However, this concern has been addressed by restricting the cooling-off period, specific limitation requirements (threshold requirements) and this mechanism to individual representatives only. Since the removal of a single representative does not, like a motion of no confidence, bring down the entire Government, this process ensures accountability without affecting the continuity of governance.

The second main argument is related to caste and communal supremacy. In a socially divided country like India, the system of 'recall' (recall of representative) can be used by dominant

⁵²M Laxmikant, Indian Polity (6th edn, McGraw-Hill 2017) 72.5-72.8; Subhash C Kashyap, Our Parliament (National Book Trust 2019) 220-221.

⁵³ National Commission to Review the Working of the Constitution. (2002). Report of the National Commission to Review the Working of the Constitution (NCRWC). Government of India.

castes as a weapon to intimidate or remove representatives of the minority community from office. This is not an imaginary fear, but a serious and concrete concern, which has been proved true by the experiences of recall at the Panchayat level in many states⁵⁴. This process operates through mandatory representation-sensitive boundary calculations. Under this, anti-discrimination rules similar to the electoral provisions of the Representation of the People Act, 1951 have been implemented. In particular, when a petition targets a representative of a Scheduled Caste, Scheduled Tribe or Other Backward Class (OBC) constituency, it becomes mandatory to follow highly nuanced scrutiny and stringent requirements so as to ensure fairness of the process.

The third main challenge concerns money power (money power). Critics argue that affluent and influential classes may finance 'recall' (return) campaigns in retaliation against public representatives who challenge their established economic interests. This situation can make the problem of money power already present in elections more acute. However, this risk can be addressed by imposing stringent expenditure restrictions on recall campaigns. These limits should be developed in line with the existing framework of the Representation of the People Act, 1951 and the Model Code of Conduct, so that the sanctity of the electoral process is maintained and it is prevented from becoming a weapon only of the rich.

The fourth argument is related to constitutional morality. Basu and Shukla have laid special emphasis on constitutional morality— which the Supreme Court has often used as a weapon to prevent excesses of majoritarianism— demanding that our governance systems respect the 'discursive foundations' of representative government. Respect (deliberative foundations). This simply means that the process of governing should not be limited to gathering instant public opinion or crowd choice, but it should mandate in-depth discussion and adherence to democratic values⁵⁵. Seen from the point of view of constitutional morality, the framework of 'calibrated recall'—, which includes fixed limits, judicial review and arrangements for in-depth deliberations, appears to be completely logical. This framework is important because on one hand it gives wide scope to the participation and activism of common citizens, on the other hand it also provides the necessary security cover to curb populist movements or uncontrolled mobocracy. In simple words, this system establishes a balanced synergy between the empowerment of civil rights and democratic norms.

⁵⁴ Ministry of Panchayati Raj. (2018). Status of Panchayati Raj Institutions in India. Government of India.

⁵⁵ Durga Das Basu, Introduction to the Constitution of India (23rd edn, LexisNexis 2019) 85; V N Shukla, Constitution of India (13th edn, Eastern Book Company 2017) A-108.

VIII. Conclusion

Voter apathy in India is not a permanent cultural problem, but rather a procedural reaction caused by a lack of accountability between elections. The right to recall' (Right to Recall) offers a strong constitutional solution to rectify this broken engagement between the representative and the public, ensuring continued accountability in representative relations. Although India has some early and incomplete experiences at the Panchayat level, legal examples from countries such as the US, Switzerland, Venezuela, Ecuador and Germany shed important light on both the possibilities of this system and the risks associated with it.

This article emphasizes that the system of 'recall' (return) for MLAs in India is not only legally and morally possible but also necessary. If initially limited to state legislatures and added safeguards such as stringent standards, time limits, independent monitoring and judicial review, it would further strengthen existing electoral accountability. This can be implemented effectively using India's advanced digital infrastructure. The special thing is that this structure does not weaken parliamentary sovereignty or constitutional values, but gives them new life. With a perfect design, it will ensure that the relationship between the public and their representatives remains real and vibrant throughout the term, not just limited to election day.

The real objective of this proposal is to reconnect the citizens who feel cut off from this system, especially the helpless youth of cities, migrant labourers' and economically backward societies, with the democratic process. This is an attempt to assure them that the cost of their voice is not limited to just a vote once in five years, but their participation in governance should be continuous. In a country as vast and diverse as India, this people-to-people engagement is not just an option to improve democracy, but an essential condition for maintaining the credibility and strength of our constitutional governance.

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