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Recall of Elected Representatives: Should India Adopt the Western Recall Model?

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ABSTRACT

The recall of elected representatives has come to be recognised as an important democratic reform, capable of improving the accountability of a representative system of government. The procedure allows the electorate to depose an elected representative, through a democratic process, before the expiry of the constitutionally sanctioned term of office. Advocates see recall as a way of reinforcing accountability, responsiveness and citizen participation, while opponents fear that it may erode the autonomy of the representative, fuel populism and cause political instability. The question has acquired particular relevance in the Indian context because of concerns about corruption, the criminalisation of politics, the weakening of public institutions, the decline of trust in those institutions and the inadequacy of periodic elections as the sole instrument of democratic accountability. Although the Constituent Assembly of India considered the question and did not carry a recall provision into the Constitution, the issue has retained its importance in debates on electoral reform. This paper analyses the nature of recall and its history, theory and constitutional implications. It also considers the arguments advanced in support of recall and examines whether the adoption of a Western recall model would assist Indian democracy.

Keywords: Recall, Representative Democracy, Electoral Accountability, Popular Sovereignty, Electoral Reform, Democratic Participation, India

I. INTRODUCTION

Democracy derives its legitimacy from the idea that political power emanates from the people themselves and ultimately rests in their hands. In modern representative democracies, involving citizens in every decision taken by the government is impossible, both practically and administratively. Citizens therefore choose representatives whose task is to represent them and to act for them in governance. Elections become the principal means through which citizens can control those who hold office. One key difficulty presents itself once representatives have been elected. Although citizens have the right to elect their representatives, they do not necessarily

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have any means of removing them before the expiry of their tenure, even where those representatives are ineffective or corrupt, or fail to live up to their campaign promises.¹

In India, where legislators and members of Parliament ordinarily serve a term of five years, such a situation may prove significant. Voters who are dissatisfied with the performance of the government can do little but wait for the next electoral cycle, at which they may voice their grievances through democratic channels. This has given rise to the question whether periodic elections are sufficient to secure democratic accountability, or whether something more is required to keep representatives continuously responsive.

The interest in recall is associated with broader changes taking place in democratic societies. Modern citizens want more than representation alone; they want responsiveness, transparency and accountability from those who govern them. Political scandals, allegations of corruption, unfulfilled election promises and an impression that government is unresponsive have led to a loss of confidence in democratic institutions in several countries. In such conditions, citizens perceive that elected representatives are accountable only at the time of elections and that, once in office, they become immune to public criticism. This perception leads citizens to demand changes in the system that would allow closer control over the conduct of political representatives. Recall is suggested as one such change, since it enables citizens to initiate proceedings for the removal of a representative before the end of the term.²

Advocates of recall say that it makes the representative system more democratic, since representatives are then held responsible at all times and not only at elections. Opponents argue that it can reduce government to a process controlled by short-term public opinion and continuous campaigning.

The question takes on particular significance in the Indian constitutional context. India is not only the largest democracy in the world but also one of the most diverse in social, cultural and political terms. In the years since independence, the Indian constitutional system has proved very successful in conducting regular elections and in transferring power peacefully. Continuing concerns about corruption, the criminalisation of politics, the poor performance of elected officials and increasing public distrust have nonetheless prompted commentators to examine

¹ Gaurav H. Tandon, *The Right to Recall: A Critical Assessment for Strengthening Indian Democracy* (2025) (unpublished manuscript), <https://www.researchgate.net/publication/394744051>.

² Pierre-Etienne Vandamme, *Can the Recall Improve Electoral Representation?*, 2 FRONTIERS POL. SCI. art. 6 (2020), <https://doi.org/10.3389/fpos.2020.00006>.

the option of recall once again. This demand was felt particularly strongly during the anti-corruption movement.³

At the same time, the history of the Indian Constitution indicates a reluctance to adopt such mechanisms. No recall provision was included in the Constitution, despite debate on the question, because of concerns about political stability and about the working of democracy in the early years of the Republic.⁴ Any consideration of recall today must therefore take into account not only the merits of the mechanism but also its suitability for the Indian Constitution and for Indian elections. This paper undertakes that task.

II. CONCEPT AND MEANING OF RECALL

The recall of elected officials may be described as a democratic procedure that gives voters the right to remove an elected official before the end of the term of office. Recall differs from an election in that elections take place at fixed intervals and decide who will hold public office, whereas recall determines whether an existing holder of an office should retain it. In most jurisdictions where recall operates, the first step in the process is the presentation of a petition by voters. Once a prescribed number of eligible voters endorses the petition within a set period, a recall election or referendum is held.⁵

Recall thus serves as a distinct democratic instrument that complements periodic electoral democracy. The reasoning behind it is that the legitimacy of democracy operates not only at the time of elections but throughout the term of representation. Citizens who have conferred power upon representatives should, according to supporters of recall, be able to revoke it.

It is important to distinguish recall from other constitutional means of removing public officials. Impeachment ordinarily originates in the legislature and is normally confined to particular kinds of misconduct described in the Constitution. Similarly, a motion of no confidence operates in parliamentary democracies and allows legislators to withdraw support from a government or a minister. The difference is that recall is citizen-initiated rather than institution-initiated.⁶

It is this characteristic that leads recall to be associated with direct democracy. A number of scholars have contended that the description is misleading. According to Pierre-Etienne Vandamme, recall is better treated as an instrument of “empowered representative democracy” rather than of direct democracy, since it neither abolishes representation nor transfers law-

³ Karthik Shiva, *The Question of Electoral Recall in India: Panacea or Pandora's Box?*, 8(1) PRAGYAAN: J.L. 61 (2018).

⁴ Tandon, *supra* note 1.

⁵ Vandamme, *supra* note 2.

⁶ *Id.*

making power directly to citizens, but seeks to perfect the working of representative institutions through greater accountability and responsiveness.⁷ Recall therefore operates within the system of representative democracy and should be seen as a corrective to it.

The concept of recall is linked to the democratic theory of accountability and to popular sovereignty. Democratic government rests on the assumption that representatives are vested with power to act on behalf of citizens. Since sovereignty lies with the citizens, representatives should remain answerable to them at all times and not only during occasional elections. Recall seeks to make that principle operative by giving citizens a means of enforcing accountability. It encourages representatives to attend more closely to the problems of citizens, deters corruption and cultivates good conduct in public office.⁸

Recall is also perceived as an instrument for correcting electoral error. The electoral process is not infallible. Citizens may vote for a candidate on insufficient information, on false assurances, in the grip of temporary political passion, or on a mistaken assessment of character and ability. Recall offers citizens a means of reconsidering that choice without waiting until the end of the mandate of the representative. Its use may therefore be regarded as an extension of electoral democracy.

Despite its democratic character, recall remains controversial, because it raises significant questions about the nature of representation itself. Representative democracy implies a degree of freedom for representatives, who must have a margin within which to exercise independent judgment in the best interests of citizens. Political theorists and modern constitutionalists assert that representatives cannot operate as delegates who automatically execute popular wishes. They must instead be able to form judgments on complex questions and, at times, to take unpopular decisions.⁹

Critics contend that recall may threaten this autonomy, since officials would remain permanently under the influence of public opinion. The threat of recall may lead elected representatives to resort to populist measures rather than take difficult but necessary decisions. The debate about recall therefore concerns not only electoral procedure but constitutional principle. A democratic society faces an important question: should representatives act according to the opinion of the people, or retain some freedom to reach their own decisions?

⁷ Vandamme, *supra* note 2.

⁸ Tandon, *supra* note 1.

⁹ Jonathan White & Lea Ypi, *Recalling Representatives*, in *THE FUTURE OF DEMOCRACY* (Nadia Urbinati & Michele Battini eds., Feltrinelli 2020).

III. HISTORICAL EVOLUTION OF RECALL

The idea that public officials must be accountable to the public at all times is not new. Measures resembling recall have appeared throughout history in early democratic societies in which citizens exercised varying degrees of influence over office holders. Although entirely different from present-day measures, these early arrangements reflected the fundamental premise that political power derives from the people, who may withdraw it once confidence is lost. Karthik Shiva writes that in ancient Athens certain of the systems in use made it possible for citizens to evaluate and remove public officials in defined circumstances, and that the Roman Republic offers a further example of an early democracy in which magistrates could be held answerable to the citizens.¹⁰ These examples are not equivalent to modern recall, but they show how early democratic societies approached accountability.

The modern development of recall is closely linked to the democratic reforms of the nineteenth and twentieth centuries. In this period there was a growing desire among people to participate in the process of governance, which produced instruments of participation such as referendums, initiatives and recall elections. It was claimed that representative institutions had become disconnected from those whom they represented, and that additional means were needed to strengthen democracy and to give the population greater control over its politicians. Recall became especially popular in some states because of concerns about corruption, political patronage and unresponsive governance.¹¹ Over time, the use of recall spread to many political systems, including those of the United States, Europe and Latin America.

The recent popularity of recall rests on public distrust of representative institutions. In many democracies today, citizens express discontent with representatives whom they find unresponsive to public concerns and unduly beholden to party politics, special interests and the bureaucracy. Democratic reformers have accordingly proposed means by which the people may supervise their representatives more closely. Recall has proved to be one such method, since it appears to combine representation with citizen involvement.¹² History nonetheless shows that the efficacy of recall depends largely on institutional design. Those who have introduced recall have done so through different procedures governing the number of signatures required, waiting periods, permissible grounds and the replacement of the representative who is removed. These variations show that recall is far from being a single, identical mechanism; it is rather a malleable democratic tool whose effects depend on its institutional context.

¹⁰ Karthik Shiva, *supra* note 3.

¹¹ Vandamme, *supra* note 2.

¹² White & Ypi, *supra* note 9.

IV. RECALL IN INDIAN CONSTITUTIONAL THOUGHT

The recall of representatives occupies a distinctive place in Indian constitutional history, because it represents an inherent tension between accountability and stability. Although present-day deliberations may give the impression that recall is a new reform, its origins lie in earlier Indian political thought. In the pre-independence period, some political figures and reformers believed that a government could be truly democratic only if it incorporated not merely the right to elect but also the right to recall representatives who did not fulfil their mandate to act in the public interest. These arguments attracted greater attention during the period of constitution-making, when the question of how the institutions of independent India should be constituted became more pressing. Proponents of recall argued that the right to elect would mean little without the right to remove those representatives who were corrupt or inefficient, or who did not fulfil their mandates.¹³

The advocates of recall also contended that the device would enhance political education and civic responsibility and would require representatives to keep abreast of the public interest. In their view, democratic control should not be confined to elections alone but should operate continuously during the tenure of office.

No recall provision was, however, carried into the Constitution. An amendment to that effect was moved in the Constituent Assembly by Shri Lakshminarayan Sahu on 18 July 1947 and was withdrawn after the reply of Sardar Vallabhbhai Patel; the Assembly did not vote it down.¹⁴ Patel's objection rested on the honour and the responsibility of the elected member rather than on the machinery of removal. He said that he did not see why such a provision should be made and that the matter "should be left to the honour of the member elected", that "[a] wise member will always keep his finger on the pulse of his constituency", and that "for some such bad instances we should not disfigure our Constitution".¹⁵ It has also been suggested that Dr. B.R. Ambedkar and other members were apprehensive about provisions that might disrupt representation and cause political instability. The prevailing view was that democracy in India required continuity and stability rather than disruption between elections.

These apprehensions were not academic. The framers of the Constitution recognised the enormous diversity of the country and the fragility of its social and economic structures, together with widespread illiteracy and economic backwardness. In those conditions, they

¹³ Tandon, *supra* note 1.

¹⁴ CONSTITUENT ASSEMBLY DEBATES, Vol. IV, 18 July 1947 (amendment moved by Shri Lakshminarayan Sahu; reply of Sardar Vallabhbhai Patel; amendment withdrawn).

¹⁵ *Id.* (statement of Sardar Vallabhbhai Patel).

considered that recall could be used against rival political groups, could create unnecessary political tension and could undermine the legitimacy of the democratic process. The Constitution therefore adopted periodic elections as the instrument of democratic accountability and made no provision for recall.

The rejection of recall at the time of framing did not end the debate. There has been a continuing demand for a right of recall in Indian political discourse since independence. Political activists, social reformers and some civil society organisations have called for such a provision in order to address corruption, the criminalisation of politics and a lack of faith in representatives. The anti-corruption movement of the twenty-first century gave impetus to these demands, and dissatisfaction with the perceived unresponsiveness of government motivated calls for institutional reform capable of strengthening accountability.¹⁶

Recall came increasingly to be viewed as a means by which citizens could exercise direct control over representatives who did not discharge their duties. The Representation of the People (Amendment) Bill, 2016, a private member's bill introduced in the Lok Sabha which lapsed without being taken up, illustrates the place of the question in the contemporary debate on electoral reform in India.¹⁷ Although such measures have not resulted in any change in the law, they show the continuing importance of the issue.

V. THE WESTERN RECALL MODEL AND COMPARATIVE EXPERIENCE

Recall in its modern form is associated principally with Western democracies, and especially with the United States, where recalls have taken place in a number of states and in smaller units of local government. Proponents cite the American experience as an example of the successful operation of recall within a representative democracy. In most American jurisdictions the process begins with the collection of signatures from a prescribed percentage of registered voters in favour of removing a particular official. Once the threshold is met, a recall election follows, at which the electorate decides whether the representative remains in office. One of the most discussed instances of recall in the United States was the removal of Governor Gray Davis of California on 7 October 2003, on which he was succeeded by Arnold Schwarzenegger. The successful recall of a sitting governor through a democratic process demonstrated the capacity of citizens to control elected officials directly and outside the regular electoral cycle. Proponents regarded that episode as a sign that recall could serve as a sound democratic means of controlling political leaders.

¹⁶ Karthik Shiva, *supra* note 3.

¹⁷ The Representation of the People (Amendment) Bill, 2016 (private member's bill introduced in the Lok Sabha by Feroze Varun Gandhi, M.P.); the Bill lapsed.

Recall is not confined to the United States. Recall procedures exist in Latin America, in Europe and in other parts of the world. Countries such as Peru and Bolivia, and some jurisdictions in Europe, use recall at various levels of government. In some systems recall targets a particular elected official; in others it enables an entire representative body to be dissolved. Vandamme records collective recall systems in Latvia, Slovakia and six Swiss cantons, where citizens have the power to trigger the dissolution of legislative bodies.¹⁸ Recall can therefore take various forms according to the constitutional and political environment. There have also been attempts to introduce intra-party recall within political parties, permitting the removal of representatives by their own members.

Comparative experience shows that the more successful recall systems are those that include substantial procedural protections. Signature thresholds, waiting periods, limits on repeated recall attempts and a requirement of independent verification are common devices used to ensure that the process is not abused. As scholars point out, what matters to the success of a recall procedure is not the fact of its adoption but the context in which it operates.¹⁹ Countries that have adopted recall without adequate protection have encountered difficulties such as political polarisation, strategic abuse by opponents and excessive electoral instability. Systems with stringent procedural requirements have generally been better able to strike a balance between accountability and stability.

VI. ARGUMENTS AGAINST RECALL

Although recall appears to be a democratic process, notable criticisms have been raised against it by legal scholars and political theorists. One of the most frequently cited concerns the effect of the procedure on the independence of representatives. Contemporary representative systems assume that elected officials enjoy sufficient independence to form judgments in the public interest.²⁰ The role of a representative is understood to involve more than responding to public opinion; it requires consideration of complex problems of policy, an assessment of their consequences and the making of trade-offs between competing interests. Critics believe that the possibility of recall might compromise that independence by placing representatives under constant pressure. A representative who fears recall is less likely to pursue policies that are unpopular at a given moment but necessary in the long term.

A second concern is the threat of political instability. Representative democracy requires a measure of stability in the conduct of public affairs. Frequent recourse to recall may affect that

¹⁸ Vandamme, *supra* note 2.

¹⁹ Vandamme, *supra* note 2.

²⁰ White & Ypi, *supra* note 9.

stability by producing a condition of continuous campaigning. Instead of concentrating on the implementation of policy, elected officials might spend much of their time defending themselves against possible recall initiatives.²¹ The difficulty may be especially acute for a large and plural democracy such as India, given the administrative complexity of the country. Critics therefore believe that recall may in the end weaken rather than improve democratic governance.

A related objection concerns the potential for misuse by political opponents. Although recall is designed as a citizens' initiative, opposition parties and interest groups ordinarily possess the means required to mount recall campaigns. The device may accordingly be employed as a strategy by which a losing party seeks to undo the result of an election. Empirical findings from particular jurisdictions indicate that recalls are at times driven by partisan politics rather than by public discontent.²² Recall may also pose a threat to representative democracy through the danger it creates for representatives of minorities. In democratic governance, the protection of minority rights must be given priority alongside accountability to majority demands.

VII. SHOULD INDIA ADOPT THE WESTERN RECALL MODEL?

The question whether India should adopt the Western practice of recall deserves close analysis from both a democratic and a practical perspective. There are compelling reasons in favour of recall. Serious problems of corruption, political defection, the criminalisation of politics and a lack of trust in representative institutions persist in India. Recall would offer citizens an opportunity to control their representatives and to strengthen democratic accountability.²³ It would require representatives to act more responsibly towards the public interest, to conduct themselves ethically and to observe the principle that political power belongs to the people.

The distinct political and constitutional context of India nonetheless poses serious impediments to the working of recall. With its vast population, diverse society and complex electoral process, India differs greatly from most Western countries in which recall provisions have operated successfully. The first-past-the-post (FPTP) electoral system frequently results in members of Parliament winning election without an absolute majority of the votes cast. In that situation, a recall petition might be initiated by a minority of the electorate.²⁴ The intensity of political rivalry in Indian elections also raises the question whether a recall provision would be used strategically against rival political parties.

²¹ Tandon, *supra* note 1.

²² Vandamme, *supra* note 2.

²³ Tandon, *supra* note 1.

²⁴ Karthik Shiva, *supra* note 3.

A more nuanced position is therefore neither to accept nor to dismiss recall entirely. India could design a limited recall procedure with a specific set of safeguards. These might include high signature requirements, minimum intervals between successive recalls, limits on repeated attempts, independent mechanisms of verification and a right in the representative to answer the allegations made.²⁵ The object would be to preserve the advantages of recall while avoiding its misuse. Rather than adopting the Western model as it stands, India would need to develop a suitable design of its own.

VIII. CONCLUSION

The ability of citizens to recall their elected representatives is among the more significant proposals for improving accountability within a representative system of government. Recall rests on the principle of popular sovereignty and is intended to bridge the interval between two elections by allowing citizens to remove representatives whose performance no longer satisfies them. Comparative experience suggests that recall can improve accountability and responsiveness and can give citizens a greater sense of control over public institutions.²⁶ There are, nonetheless, serious dangers associated with its introduction, including instability, populism and partisan abuse.

These considerations are reflected in the Indian case. While the framers of the Constitution chose continuity over recall, later political developments have repeatedly produced arguments in favour of stronger instruments of accountability. Corruption, deficiencies of governance and the erosion of public trust give strong reasons to revisit the question. The introduction of a Western recall procedure without modification would not, however, be appropriate to Indian circumstances. Experience shows that the success of a recall procedure depends not merely on its existence but on the mechanisms of its operation.²⁷

The principal issue is therefore not whether accountability should be improved but how it should be improved. A properly designed recall procedure may become one of the means of enhancing the responsiveness of democracy without disturbing political stability.

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