

**LIX****Bill No. XCVII of 2024**

*A Bill further to amend the Representation of the People Act, 1951.*

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2024.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and commencement.

Interpretation

2. In section 2 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in sub-section (1),—

(a) after clause (bb), the following new clause shall be inserted, namely:—

“(bc) “constituency” means the Parliamentary constituency or the Assembly constituency, as the case may be;”;

(b) after clause (e), the following new clause shall be inserted, namely:—

“(ea) “member” in reference to PART VB means a Member of the House of the People or the Legislative Assembly of a State, as the case may be”;

(c) after clause (h), the following new clauses shall be inserted, namely:—

“(ha) “recall” means removal of an elected candidate during his or her term by the electorate.”

“(hb) “recall petition” means a petition calling for vacation of the seat of a Member of the House of the People or the Legislative Assembly of a State, as the case may be;” and

(d) after clause (i), the following new clause shall be inserted, namely:—

“(ia) “Speaker” means the Speaker of the House of the People or the Legislative Assembly of a State, as the case may be;”

Insertion of new Part VB.

3. After PART VA of the principal Act, the following PART and sections thereunder shall be inserted, namely:—

#### “PART VB

##### RECALL OF REPRESENTATIVES

Initiation of recall process for a member.

**78C.** (1) Any elector of a particular constituency, if not satisfied with the performance of the elected member of that constituency, may file a recall petition, signed by not less than one-fourth of the total number of electors of that constituency, with the Speaker in such manner as may be prescribed.

(2) Subject to the provisions of sub-section (1), no process of recall of a member shall be initiated—

(i) within a period of two years from the date of election of that member; or

(ii) if that member was elected in a bye-election and one-half of the period of tenure of such member has not expired; or

(iii) before the expiry of a period of six months from the date of submission of an earlier recall petition; or

(iv) within a period of six months prior to the polling day for the next general election for the purpose of constituting a new House of the People or a new State Legislative Assembly, as the case may be; or

(v) if that member is already subject to a recall petition process.

*Explanation.*—For the purpose of this section, the expression “member is already subject to a recall petition process” means the period beginning with the reference of the recall petition by the Speaker to the Election

Commission and ending with the notification by the Speaker of the outcome of the petition.

**78D.** (1) The Speaker shall, as soon as possible, after confirming the genuineness of the recall petition filed under section 78C refer the recall petition to the Election Commission, within thirty days, for verification and signing by the electors of the respective constituency of the concerned Member against whom the recall petition is filed and that the recall petition is not *prima facie* frivolous.

Verification of signatures on recall petition.

*Explanation.*—For the purpose of this section, it is clarified that the Speaker shall not entail a review of the merits of the recall petition or decide as to whether that member should be recalled or not, but shall instead limit his review to decide whether the petition has been filed by an eligible person, whether it bears the requisite number of signatures and whether it sets out in detail, reasons for recall of the member.

(2) The Election Commission shall, on receipt of recall petition from the Speaker, initiate the verification process for authentication of the signatures on the recall petition in such manner as may be prescribed:

Provided that the verification process for authentication of signatures shall be completed within a period of thirty days from the date of receipt of the recall petition from the Speaker.

**78E.** (1) The Election Commission shall, if satisfied about the genuineness of signatures on the recall petition, designate one of its officials to be the Recall Election Officer with respect to the concerned recall petition.

Appointment of Recall Election Officer and other employees.

Provided that if the Election Commission is not satisfied about the genuineness of the recall petition or on scrutiny finds that it does not fulfill the stipulated criteria for admission, the said recall petition shall be deemed to be rejected and the Election Commission shall notify the rejection of the recall petition along with reasons therefor.

(2) The Recall Election Officer shall be responsible for conducting the recall election as per the procedure given under section 78F.

(3) The Election Commission shall provide the Recall Election Officer with such number of employees and funds as may be necessary for the purposes enumerated under Sections 78F, 78G.

**78F.** (1) The Recall Election Officer shall, within ten days of the receipt of a recall petition, by way of a notification, specify—

Procedure for signing the recall petition

(a) a place or places where the recall petition shall be made available for signing by the electors; and

(b) the designated day on and the time duration upto which the recall petition shall be made available for signing to the electors:

Provided that the Recall Election Officer shall not specify more than ten places within the constituency for signing the recall petition:

Provided further that, in extraordinary circumstances, the Recall Election Officer may specify more than ten places within the constituency for signing the recall petition, after presenting in writing the detailed reasons thereof, to the Election Commission and the Speaker:

Provided also that in specifying the number of places where the recall petition shall be made available for signatures, due consideration shall be given to the size and population of the constituency of the concerned member, against whom the recall petition has been filed.

(2) The Recall Election Officer, while specifying the place or places under clause (a) of sub-section (1), shall ensure that—

(a) all electors entitled to sign the recall petition have such reasonable facilities for signing it as are practicable in the circumstances; and

(b) as far as practicable, every place where the recall petition is made available for signing is accessible to senior citizens, persons with disabilities, transgenders as well as other socially deprived sections of the society:

(3) The Recall Election Officer, shall also specify the days on which an eligible voter, who is unable to be physically present at the designated place(s) on the designated day, shall be able to sign the recall petition by means of postal ballot.

Public Notice  
for signing on  
the recall  
petition.

**78G.** (1) The Recall Election Officer shall, within a period of ten days after specifying the places and the days under sub-section (1) of section 78F,—

(a) **issue a public notice containing details of the designated places, day on and time during which every elector eligible to vote in the constituency may sign on the recall petition as well as the details for signing by means of postal ballot;**

(b) **cause such notice to be printed in all the leading newspapers circulated in the constituency; and**

(c) **cause such notice to be put up on the notice board of all the Courts, Government offices and institutions in the constituency.**

Eligibility of  
electors.

**78H.** Every elector of the constituency of the concerned Member, in respect of whom the recall petition has been filed, shall be eligible to sign the recall petition:

Provided that if any eligible elector is unable to be physically present at the designated place(s) on the designated day, he may sign the recall petition by means of a postal ballot and every such postal ballot shall be deemed to be the signature of the elector on the recall petition.

*Explanation:* For the purposes of this section, every person of the said constituency, who is eligible to vote in accordance with the Constitution of India as on the date of recall election, shall be eligible to sign the recall petition.

Process of  
counting.

**78I.** (1) The Recall Election Officer shall, without any delay, and within a period of not more than fifteen days after the end of the signing period, cause the signatures including the postal ballots, to be counted and forward the result of counting to the Speaker.

(2) A recall petition of a member shall be deemed to be a successful recall petition for the purposes of this Act, if it is signed under Section 78H by such number of electors, which is not less than two-third of the number of valid votes which that member was polled in his respective election.

(3) The Speaker shall, within twenty-four hours of the receipt of the result of counting under sub-section (2), notify the result to the general public in such manner as may be prescribed.

**78J.** The member, in respect of whom the recall petition was filed, upon notification of the successful recall petition under sub-section (3) of section 78J, shall be deemed to have vacated his seat in the House of the People or Legislative Assembly of a State, as the case may be.

Vacation of seat by a recalled member.

**78K.** When as a result of a successful recall petition, a seat in the House of the People or the Legislative Assembly of a State, as the case may be, is duly vacated under section 78K, the Election Commission shall cause a bye-election to be held to fill the vacant seat in such manner as may be prescribed under Part IX of the Act.

Filling up of a vacant seat of a recalled member.

Provided that the elected member who has been recalled, shall be not be entitled to participate in the bye-election for the remaining term.

**78L.** Whoever,—

(a) tampers with or forges any of the signatures including on the initial recall petition submitted to the Speaker; or

(b) signs the same recall petition more than once; or

(c) either directly or through an agent, gives bribe by way of gift, offer or promise any gratification to any person with a view to directly or indirectly induce such person to sign or refrain from signing a recall petition; or

(d) receives, either directly or through an agent, by way of gift, offer or promise any gratification, either himself or through an agent, from any person in respect for signing or refraining from signing a recall petition,

Offence for giving a frivolous recall petition

shall be punishable with imprisonment for a term which may extend upto five years or with a fine which may extend upto rupees ten lakh or with both.

*Explanation*—For the purposes of this section, the term “gratification” shall not be restricted to pecuniary gratifications or gratifications estimable in money and shall include all forms of entertainment and all forms of employment for reward.

**78M.** Notwithstanding anything contained in the above provisions, the pendency of a recall petition against a member shall not affect the rights of the said member and will not deter the duties of the said Member, who will be bound by the oath of his office.

Pendency of recall petition not to affect the rights and duties of the member.

**78N.** Every recall petition shall be disposed of within a maximum period of sixty days, beginning from the date of filing till the date of outcome of the said recall petition.”

Time limit for final disposal of recall petition.

4. In section 169 of the principal Act, after clause (hh), the following new clause shall be inserted, namely:-

Amendment of section 169.

“(hhh) the manner of filing a recall petition, verification process for authentication of the signatures on the recall petition and notification of the result of counting of signatures on recall petition;”

## STATEMENT OF OBJECTS AND REASONS

The Bill underscores that citizens deserve direct mechanisms to hold underperforming representatives accountable. As per the proposed provisions, if a minimum of one-fourth of a constituency's electorate is dissatisfied with the performance of their elected Member of Parliament or of a State Legislative Assembly, they can initiate a recall petition. Further, on receiving the signatures and consent from two-third of the valid votes which that member was polled in his respective election, the concerned member may be removed from his or her tenure. More so, the proposed amendment tends to penetrate awareness across the masses and equips the citizens with right to recall their votes. It is widely observed that electors after casting their votes, are usually oblivious about the future outcome till the next elections, however the introduction of the right to recall shall instill a sense of agility amongst the electors to participate in the democratic process with alacrity. This measure responds to growing demands for participatory governance and aims to bridge the trust deficit between elected representatives and their constituents. By empowering citizens with the right to recall, the Bill proposes a fundamental shift towards a more accountable political framework in India, aligning with democratic principles and reflecting citizens' rights to ensure their representatives act in their best interests.

Globally, the right to recall has been effectively incorporated in several democratic countries, demonstrating its utility in strengthening representative accountability. Notable examples include Switzerland and the United States. In Switzerland, local recall laws empower citizens to remove office-bearers based on performance criteria. Similarly, in the U.S., several States allow the recall of officials, with specific processes defined for elected representatives across state and local governments. These examples demonstrate how the right to recall can serve as a check on power and ensure that representatives adhere to their mandates. Through this Bill, India aspires to emulate such best practices, introducing a recall mechanism suited to the country's unique democratic and political landscape.

This Bill seeks to empower Indian citizens by allowing them the right to recall their elected representatives under specific conditions. This initiative is rooted in the principle of enhanced accountability, ensuring that elected members maintain a high standard of integrity and performance throughout their tenure. Currently, Indian citizens lack direct recourse if their elected officials fail to fulfill their duties satisfactorily, resulting in a democratic deficit. This Bill addresses this gap by proposing the right to recall, which would reinforce citizens' voices and re-establish faith in representative governance.

A distinctive feature of the proposed amendment is the provision for a postal ballot for signing on recall petition in case an eligible elector is not able to be physically present at the designated place(s) in his constituency on the designated day. This will ensure that no eligible elector misses out on the opportunity to participate in the process of recall of a member. Every eligible elector within the concerned constituency can participate in the recall election *via* postal ballot, making the process more inclusive and ensuring maximum participation.

In conclusion, the proposed Bill seeks to introduce a recall mechanism that reinforces the accountability of elected representatives in India, and serves to deter the underperformance, mismanagement, corruption or apathy of the

elected representatives. By setting out stringent requirements and a systematic approach to initiate recall petitions, verification of signatures, and conduct of recall elections, the Bill upholds democratic values while providing practical safeguards against potential misuse. The inclusion of the postal ballot system further ensures the integrity of recall elections, making the process fair, accessible, and credible.

Hence this Bill.

RAGHAV CHADHA

## FINANCIAL MEMORANDUM

Clause 3 of the Bill *inter alia* provides that the Election Commission shall provide the Recall Election Officer with such number of employees and funds as may be necessary for the conduct of recall election and that the Recall Election Officer shall issue public notice specifying the places and day designated for signing the recall petition and cause such notice to be printed in all the leading newspapers in the constituency and to be put up on the notice board of all the Courts, Government offices and institutions in the constituency.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. As the expenditure to be incurred would depend upon the number of recall petitions filed, it is not possible at this stage to give the exact amount of recurring expenditure which would be involved out of the Consolidated Fund of India.

No non-recurring expenditure is however, likely to be involved.

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**P.C. MODY,**  
*Secretary-General.*