
**RIGHT TO RECALL AND RIGHT TO FORFEITURE OF CANDIDATURE:
A CITIZEN-CENTRIC DEMOCRATIC ACCOUNTABILITY
FRAMEWORK FOR STRENGTHENING REPRESENTATIVE
GOVERNANCE IN INDIA**

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Article Received: 18 May 2026

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Article Revised: 06 June 2026

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Published on: 26 June 2026

DOI: <https://doi-org/101555/ijrpa.3594>

ABSTRACT

The legitimacy of representative democracy rests upon electoral consent and continuous public accountability. While democratic systems empower citizens to elect their representatives, they often provide limited mechanisms for citizens to evaluate or remove underperforming representatives between elections. This paper proposes two complementary democratic accountability mechanisms: the Right to Recall (RTR) and the Right to Forfeiture of Candidature (RFC).

The study argues that electoral democracy must evolve into participatory accountability democracy, where citizens retain meaningful oversight over elected officials throughout their tenure. Drawing upon democratic theory, comparative international experiences, constitutional principles, governance studies, and public accountability frameworks, this paper develops a conceptual model suitable for India.

The proposed framework seeks to strengthen public trust, improve responsiveness, discourage corruption, increase citizen participation, and reinforce democratic legitimacy while preserving political stability.

KEYWORDS: Right to Recall, Electoral Accountability, Democratic Reform, Citizen Participation, Public Governance, Political Ethics, Representative Democracy, India.

1. INTRODUCTION

Representative democracy assumes that elected officials act in the public interest throughout their tenure. However, democratic legitimacy cannot be confined solely to election day.

Across many democracies, citizens increasingly express concerns regarding:

- Political disengagement after elections.
- Declining responsiveness of representatives.
- Corruption and abuse of public office.
- Weak accountability mechanisms.
- Limited citizen influence between electoral cycles.

India faces similar challenges. While elections occur regularly and peacefully, many citizens perceive a widening gap between electoral promises and governance outcomes.

This paper examines whether democratic accountability can be strengthened through institutional reforms that provide citizens with structured mechanisms to review, recall, or disqualify elected representatives under defined circumstances.

2. THE DEMOCRATIC ACCOUNTABILITY DEFICIT

Electoral Authorization versus Continuous Accountability

Current electoral systems provide strong mechanisms for selection but weak mechanisms for mid-term accountability.

Citizens may choose representatives, yet they often lack meaningful institutional tools to evaluate performance before the next election.

Consequences of Accountability Deficits

- Reduced public trust.
- Political alienation.
- Governance inefficiencies.
- Increased opportunities for corruption.
- Declining citizen participation.

3. THE THEORETICAL FOUNDATIONS

Social Contract Theory

John Locke argued that political authority derives from the consent of the governed. If authority originates from citizens, citizens should retain mechanisms for oversight.

Popular Sovereignty

Jean-Jacques Rousseau emphasized that sovereignty ultimately resides with the people. The Right to

Recall can be interpreted as a practical expression of popular sovereignty.

Participatory Democracy

Modern democratic theorists advocate greater citizen involvement beyond periodic voting. RTR and RFC align with participatory democratic principles.

4. COMPARATIVE INTERNATIONAL EXPERIENCE

Switzerland

Several Swiss cantons permit forms of recall and direct democratic intervention. The Swiss experience demonstrates the feasibility of citizen oversight mechanisms.

United States

Multiple states permit recall elections. Notable examples include:

- California Governor Recall Elections.
- Local government recalls.
- School board recalls.

These mechanisms demonstrate that recall procedures can coexist with stable democratic institutions.

Taiwan

Taiwan has expanded recall rights significantly.

Citizen-led recall initiatives have become part of democratic accountability practices.

Venezuela

The Venezuelan Constitution includes provisions for recalling elected officials through referendums.

Canada

Certain provinces have experimented with recall legislation. Lessons highlight the importance of procedural safeguards.

5. THE RIGHT TO RECALL (RTR)

Definition

A citizen-driven mechanism allowing removal of elected representatives before the expiration of their term.

Objectives

- Accountability. • Responsiveness. • Citizen empowerment. • Improved governance.

Grounds for Recall

- Persistent neglect of constituency duties. • Failure to address public grievances. • Chronic absenteeism. • Significant loss of public confidence.

6. THE RIGHT TO FORFEITURE OF CANDIDATURE (RFC)

Concept

A democratic mechanism enabling citizens to seek disqualification of representatives engaging in severe ethical misconduct.

Possible Grounds

- Proven corruption. • Abuse of public office. • Anti-constitutional conduct. • Hate speech. • Deliberate incitement of social conflict.

Purpose

To protect democratic integrity and public trust.

7. PUBLIC COMMITMENT CHARTERS

This paper proposes mandatory Public Representative Commitment Charters (PRCC). Candidates should disclose:

- Development priorities. • Implementation timelines. • Constituency objectives. • Annual progress indicators.

The charters should be publicly accessible.

8. IMPLEMENTATION FRAMEWORK FOR INDIA

Constitutional Amendments

Potential amendments may be required to:

- Articles concerning legislative membership. • Election-related provisions. • Representation of the People Act.

Election Commission Oversight

The Election Commission of India may supervise:

- Recall petitions. • Signature verification. • Citizen voting processes.

Safeguards

To prevent misuse:

- High signature thresholds.
- Independent scrutiny.
- Evidence-based review.
- Judicial oversight.

9. EXPECTED BENEFITS

- Increased accountability.
- Improved governance quality.
- Greater citizen participation.
- Reduced political alienation.
- Enhanced democratic legitimacy.

10. RISKS AND LIMITATIONS

- Political instability.
- Misuse by rival groups.
- Frequent elections.
- Administrative costs.

These concerns can be mitigated through procedural safeguards.

11. POLICY RECOMMENDATIONS

12. Pilot Recall Systems at Local Government Levels.
13. Introduce Public Representative Commitment Charters.
14. Establish Annual Constituency Accountability Reports.
15. Create Citizen Performance Review Platforms.
16. Conduct Public Consultation on RTR and RFC reforms.

17. CONCLUSION

Democracy must continuously evolve to remain responsive to citizens.

The Right to Recall and Right to Forfeiture of Candidature represent innovative mechanisms for strengthening accountability without undermining democratic legitimacy.

The central proposition of this paper is that citizens who possess the authority to elect their representatives should also possess constitutionally regulated mechanisms to evaluate, review, and where necessary, remove those representatives who fail to uphold public trust.

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