

Haryana Government's Right
To Recall Law
Vs
Right To Party's
Vote Vapsi Sarpanch Law

**Haryana Government's Proposed
Right to Recall Sarpanch Law is
More Dangerous than
Demonetization / GST / Lockdown**

SOLUTION : Right To Recall
Party's Vote Vapsi Sarpanch Law

*Raja must be Praja-adheen(ruled by citizens). Else he will rob the citizens, & the nation
will be destroyed. – Satyarth Prakash & AtharVed*

The Haryana's RSS government is introducing a law called the Right to Recall Sarpanch. Unfortunately, as of October 2, 2020, the Haryana government has not yet made the draft of this law public. From the details that have emerged from the media, it appears that this is a meeting or signature-based **negative** Right to Recall law. Due to the process being purely one of **rejection**, when a recall happens, the Sarpanch's seat will become

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vacant, and it will remain vacant until the next election is held. In our opinion, since voters only have the option to reject, the law proposed by the Haryana government will increase instability, worsening the administration.

In this chapter, a **positive** draft law for the recall of Sarpanch proposed by the Right to Recall Party (RRP) is presented. Our proposed law is based on the Vote Vapsi Passbook,

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and under this law, the Sarpanch will not be dismissed until a majority of voters elect another person as Sarpanch. Thus, the law proposed by RRP will not bring instability to the administration but will instead bring improvements. The Vote Vapsi Sarpanch law is proposed by RRP, while the Right to Recall Sarpanch law is being introduced by the RSS-supported Haryana government. Below is a comparative analysis of both laws.

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#	BJP's Right to Recall Sarpanch Law	RRP's VoteVapsi Sarpanch Law
Process of initiating the removal of the Sarpanch	The right to initiate the process of recalling the Sarpanch has been jointly given to the 'Gram	Any voter can appear at the Patwari (Talati) office on any day to register or

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Sabha,' not
to individual
voters. If
33% of the
total voters
in the Gram
Sabha of
any
Panchayat
gather and
pass a no-
confidence

cancel their
approval for
removing
the current
Sarpanch
or for
appointing
another
candidate
as
Sarpanch.
Voters can

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motion

against the

Sarpanch

through their

signatures, a

recall

election will

be held in

that

particular

Gram

Panchayat.

also

register

their

approval

via SMS or

a mobile

app. A

recall

election will

only be

held if a

candidate

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	for the Sarpanch position receives more approvals than both the votes received by the current Sarpanch and the
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	approvals the current Sarpanch has obtained; otherwise, recall elections won't happen.
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Comparison	<p>a) To pass a no-confidence motion, 33% of the village voters need to gather. During such a pre-arranged assembly, situations</p>	<p>a) To remove the Sarpanch and approve the appointment of another individual as the Sarpanch, voters do not need to</p>
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can escalate
from debates
to violent
clashes. This
can lead to
the
disruption of
harmony in
the village
and incidents
of caste-
based

attend any
gathering or
meeting.
Voters can
provide
their
consent by
visiting the
Patwari
(Talati)
office at
any time or

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	animosity.	by sending an SMS from their verified mobile phone to record or cancel their approval.
	b)In villages, most people do not know	b)The entry of the approved

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how to sign,
and the
government
also has no
record of
signature
verification.
Therefore,
the Sarpanch
can file a
petition in
court stating

vote will be
recorded in
the Vote
Vapsi
Passbook,
and the
voter will
receive an
SMS
confirmatio
n. Due to
the verified

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the proposal
is forged,
which may
halt the recall
process.

system of
physical
verification
by the voter
at the
Patwari(Tal
ati) office to
give
approval,
the
possibility
of fraud in

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		<p>this process is very almost negligible.</p>
	<p>c) Since the power to verify the credibility of a no- confidence proposal lies with the BDO</p>	<p>c) Any approvals entered by voters will be publicly declared by the Patwari(Tal</p>

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(Block Development Officer),	ati) every
when the	Monday. If
government	any
decides to	fraudulent
remove any	approvals
Sarpanch,	are
they can	recorded,
initiate a	they can be
forged recall	promptly
election. If	investigated
	due to the
	open public

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the
government
wishes to
retain the
Sarpanch,
they can also
delay a
genuine
recall petition
under the
pretext of
conducting

nature of
approvals
being
declared
weekly.
This
process is
credible
due to the
double
verification,
unlike

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	an investigation.	signatures. Therefore, no party can dismiss it.
Procedure of Recall Election	In the recall election, voting will only be on this question: whether the	In the recall election, the names of those 10 candidates will also be

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current sarpanch should be removed or not. The names of other candidates for the sarpanch position will not be on the	on the ballot / EVM who have received the highest number of approvals from the voters, so that voters can vote for
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	ballot or EVM.	the candidate they want to make sarpanch.
Removal of Sarpanch	If in the recall election, 60% of the total registered voters in the panchayat's	If in the recall election, any candidate receives

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voter list vote
to remove
the
sarpanch,
then the
current
sarpanch will
be ousted.

51% of the
total votes
of the
panchayat,
then the
term of the
current
sarpanch
will end,
and the
candidate
receiving

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		<p>51% of the votes will become the new sarpanch. (Please refer to Section 6.2 for details.)</p>
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a)In the RSS's draft, only the process of rejecting the sarpanch is outlined. Whenever a recall is successful, the sarpanch's

a) In the RRP law, the sarpanch will only be removed when a majority of the voters in the gram panchayat vote for

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seat will be vacated. The seat will remain vacant until fresh elections are held in the panchayat and a new sarpanch is elected.

another candidate to become the sarpanch. If any candidate does not receive a majority, the current sarpanch

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will not be removed. Therefore, the sarpanch's seat will never be vacant at any point of time under this law.

b) Fresh

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elections will be conducted later to elect a new sarpanch, and voters will need to come again to cast their votes.

b) In the recall election, voters will elect a new sarpanch. Therefore, voters will not need to come again to cast their votes once

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		the new sarpanch is elected in the recall election.
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(1) **Flaws & Side effects of BJP's Right to Recall Law –**

1. **Instability** will arise in the administration of panchayats, and the commons will see the Right to Recall by voters as a flawed process.
2. There will be a reduction in the political influence of the Sarpanch in

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the village panchayats, and as a result, the political influence of MLA (legislators), and ministers will increase in these village panchayats.

3. The current position of the Sarpanch will weaken, and government control over it will increase. This will also result in a decrease in the power of the voters in the gram panchayat.

Below, we have illustrated through some practical examples how the proposed BJP's Right to Recall will

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weaken the position of the Sarpanch in the village panchayat, thereby increasing the power of MLA(legislator), ministers, and government officials. This will adversely affect the local activists, voters, and the Sarpanch's position, deteriorating the administration.

(1.1) Let's consider a scenario where a Sarpanch is an honest person and refuses to obey an unjust wrong order from a MLA(legislator).

Alternatively, imagine that the

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Sarpanch declines to pay a bribe from collected funds to the legislator.

In such a situation, the legislator could take the following steps :-

1. The MLA(legislator) will contact those activists, leaders, and candidates in the village who are interested in becoming the Sarpanch or who lost elections against a particular Sarpanch previously.

2. The MLA(legislator) can also instruct the Village Secretary, Block Development Officer (BDO), and

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Tehsildar to take steps in this direction.

3. The opposition group of the Sarpanch can request the BDO to initiate a no-confidence motion by arranging meetings or obtaining signatures, whether genuine or forged, from the voters' names.
4. Under the MLA's (legislator) direction, the BDO can declare the motion, whether correct or incorrect, valid and announce an election.

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5. If the Sarpanch goes to court, in most cases, MLAs(legislators), ministers, etc., can influence the judge through bribery or other means, and then the judge may either not accept the Sarpanch's appeal or keep it pending for years. Now, let's assume that a Sarpanch has become completely corrupt or ineffective, and the majority of the voters in the village want to remove the sarpanch from office. However, it's possible that there is a strong

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alliance between the sarpanch and the local MLA(legislator), and the sarpanch allocates a significant portion of the corrupt funds to the MLA(legislator)or the legislator might have a vested interest in keeping the sarpanch in power. In such a scenario, recalling the sarpanch could become quite difficult. How? Because if 3/4th of the voters pass a no-confidence motion against the sarpanch in the gram sabha, the legislator can ask the Block

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Development Officer (BDO) to file a petition challenging the motion in a higher court. Then, the BDO can delay the petition for months under the guise of investigation, or dismiss it as fraudulent! This way, the legislator's favoured sarpanch may never have to face a recall election!! Actually, elections for MLA(legislator) and MPs are conducted under the banners of 4-5 major political parties, but the elections for sarpanches do not use party names. Due to this

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reason, the control of major political parties over sarpanches is quite weak. Sarpanches contest and win elections based on their local popularity. They do not need to take tickets from any party to contest elections, nor do they depend on any big leader/ MLA(legislator) /minister to win elections. Now, the big leaders of major parties want to increase their influence over sarpanches, and this law can fulfill their objective.

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The **Haryana government** has structured the process of recall elections in such a way that, it will strengthen the grip of senior leaders/politicians over sarpanches. If any sarpanch does not comply with the wishes of MLAs(legislators) /ministers, they may face threats from them to initiate the recall process through the BDO. Gradually, almost all sarpanches could fall under the influence of legislators and start following their orders, whether

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right or wrong, against the interests of the voters.

In the Right to Recall Party's proposed **Vote Vapsi** law , voters do not need to gather in a gram sabha to collectively pass the proposal.

Voters can express their consent by being present with their Vote Vapsi Passbook on any day at the Patwari's office(Talati) or through SMS/app. If a candidate for the sarpanch position receives more approvals than the current sarpanch,

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then a recall election will be conducted; otherwise, it won't. This decision will be directly made by the voters, not by the BDO/government. Essentially, the BJP's law reduces the power of sarpanches and voters while increasing the power of MLAs(legislators) /government, whereas the **Vote Vapsi** law enhances powers / control in the hands of voters.

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(1.2) Let's assume that in a village panchayat, there are 5,000 voters, and in an election for the Sarpanch, 4,000 votes are cast. The candidates receive the following votes:

X-1500 Votes , Y - 1200 Votes, Z - 1000 Votes, Other candidates 300 Votes.

In this situation, X becomes the Sarpanch. However, it's noteworthy that the Sarpanch who won received a total of $1200+1000+300 = 2500$ votes against them. In this way, out

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of the 4000 voters in the village panchayat, 2500 voters did not vote for X to become Sarpanch.

Additionally, there are 1000 voters who did not vote for any candidate at all. It's possible that among these 1000 voters, many may not have supported X either.

The proposed law by the BJP states that if 60% of the total voters in a panchayat vote against the current Sarpanch in a recall election, then

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the current Sarpanch will be removed from office.

1. In this situation, when a recall election occurs in the mentioned panchayat, since 3500 voters, which is 70% of the panchayat's total voters, do not support the current Sarpanch (X), they can vote to remove X from office. In this scenario, the Sarpanch's seat will remain vacant until new elections are held for the Sarpanch's position again.

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2. When new elections are held for the Sarpanch, there is a high likelihood that X will win again. This is because out of the total 5,000 voters in the panchayat, 1500 voters support X. Therefore, in the new elections, the votes among the remaining candidates will be divided, and X is likely to receive the highest number of votes again.

In other words, according to the proposed law by the BJP, a Sarpanch can be removed even if they have

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received the highest number of votes. This is a negative process that solely allows voters to reject the incumbent Sarpanch.

On the contrary, under the proposed **Vote Vapsi** law by RRP , a Sarpanch will only be ousted if at least 51% of the voters vote for another candidate to become Sarpanch. If voters do not give a majority to any other candidate, the incumbent Sarpanch will not be recalled, and the seat will not remain vacant. This is because

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the RRP's **Vote Vapsi** law involves a positive process where a majority vote is required to replace the current Sarpanch.

Why has the Haryana government implemented such a negative law called "Right to Recall" for the Sarpanch's position?

The Right to Recall Party proposed a law in 2001 to bring the Right to Recall over Sarpanch. Over the past 20 years, Recallists across the country have been informing citizens

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about this draft law and urging the government to implement it.

Additionally, the Right to Recall Party has proposed drafts to bring Prime Minister, Chief Minister, District Police Chief, Chief Justice of the Supreme Court, and others within the ambit of the Vote Vapsi Passbook(Right to Recall). All these proposed laws by the Right to Recall Party involve a positive process. The demand for these laws has increased so much that despite

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minimal coverage in mainstream media, 16 candidates from across the country contested elections in 2019 under the Right to Recall Party to implement these proposed laws. Since 2019, the demand for these draft laws has been growing rapidly. Therefore, the RSS has taken this step to break the demand for better drafts of Right to Recall proposed by the Right to Recall Party and us. The RSS's Right to Recall Law's enactment will have a very negative

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impact in the villages & hence as a result, citizens will start

seeing the words Right to Recall Party and Right to Recall negatively. So now, it is a big responsibility for the Recallists to inform each citizen about the draft of Right to Recall so that the citizens can understand the difference between **negative** Right to Recall and **positive** Right to Recall.

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**(2) Right to Recall Party's Proposed
VoteVapsi Sarpanch Law draft
#OpposeRSSRtrSarpanch,
#SupportRrpVVP Sarpanch, #Rrp28**

Comments are not part of this law.

*Citizens and officials can use
comments for guidance purposes.*

(I) Instructions for Citizens -

1

Within 30 days of publication in the
gazette of this law, every voter in
the state will receive a Vote Vapsi
passbook. The head of the gram

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panchayat, that is the Sarpanch, will be within the ambit of this passbook.

1

So, if you are not satisfied with the work of the Sarpanch and wish to bring another person, you can visit the Patwari's office(Talati) on any day and register your approval for any other candidate.

2

You can also register your

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approval via SMS or mobile app.

3

You can give your approval or cancel it on any day. Your approval entry will be recorded in the Vote Vapsi passbook.

2

If your name is on the state's voter list and you want any partial or complete changes under any section of this law, you can submit an affidavit at your district

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collector's office. The collector will accept the affidavit, charging a fee of Rs. 20 per page, and scan it & upload in the Chief Minister's website.

(II) Instructions for Officers -

Application by Sarpanch

Candidates: After the completion of the Sarpanch election, if any voter of the Panchayat wishes to become the Sarpanch, they can visit the Tehsildar's office on any

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day and submit their application. The Tehsildar will accept the application for Sarpanch after receiving the deposit amount as specified.

1

Once the application is submitted, if the candidate withdraws their application, the fee will not be refunded.

2

The Tehsildar will scan the affidavit and publish it

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publicly on the District Collector's website. They will also issue a specific serial number to the candidate.

4 Any citizen can visit the Patwari's office(Talati) on any day with their Vote Vapsi passbook or voter identification card to register their approval for any candidate for Sarpanch. The Patwari(Talati) will enter the voter's approval in their

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computer and the Vote Vapsi passbook, issuing a receipt. The Patwari(Talati) will also publicly announce the voter's approval on the district website along with the names of the candidates and their voter identification card numbers. A voter can approve a maximum of 5 individuals of their choice.

1	To register an approval (yes), voters will pay a fee of ₹ 3. For BPL
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cardholders, the fee will be ₹ 1. If the approval is registered via SMS, the fee will be 50 paisa for all voters.

2

If a voter decides to cancel their approval, the Patwari(Talati) will cancel one or more names without charging any fee. There will also be no fee for cancelling approval via

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SMS or mobile app.

3

On the 5th of each month, the Collector will publish a count of approvals received by the last day of the previous month from all candidates. The Patwari(Talati) will display the approvals received in their area every Monday.

Comment: The Collector

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	can establish a system where voters can register their approval via SMS / app.
	<i>Range Voting: The Chief Minister can establish a system where voters can assign a score between (-)100 to (+)100 to any candidate. If a voter only registers an approval yes, it will be considered as a</i>

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score of 100. If a voter does not register their approval, it will be considered as a score of zero. However, if a voter assigns a score, only the score given by the voter will be valid. This process of range voting is superior to the approval system and provides a defence against Arrow's Useless

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Impossibility Theorem.

5

Condition for Sarpanch's Recall Election:

If a candidate for the Sarpanch position receives such a number of approvals

(5.1)

If the current Sarpanch receives more approvals

(5.2a)

These approvals must exceed the votes received by the current Sarpanch in

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the previous elections and this surplus should be equal to 10% of the total number of registered voters in that constituency. Alternatively,

(5.2b)

These approvals must constitute more than 51% of the total voters listed in the electoral roll of that particular Panchayat.

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	<p>If the above conditions are fulfilled, the Chief Minister will issue orders to conduct a vote recall election.</p>
	<p>Clarification: Assume there are a total of 5000 voters in a Panchayat, and in the previous election, the current Sarpanch received 1500 votes. A</p>

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recall election will only occur if a candidate receives at least $1500 + 500 = 2000$ approvals. Here, 500 represents 10% of the total voters, added to the previous vote count of 1500. If any candidate receives more than 2000 approvals, a recall election will be initiated. However, if no candidate receives

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more than 2000
approvals, then there will
be no recall election.

6

Process of Sarpanch's Recall Election:

If the condition specified in section (5) is fulfilled, then re-elections will be conducted. The following procedure will be followed for the re-election:

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(6.1)

The ballot will list the names of a total of 11 candidates, with the current incumbent (present) Sarpanch's name listed first. The remaining 10 candidates (+ NOTA) will be those who received the highest number of approvals as candidates for Sarpanch. The incumbent Sarpanch

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will be allocated the same symbol that was assigned to them in the previous election. The names of the remaining 10 candidates will be placed on the ballot paper in order of preference. The candidate who received the most approvals will have their name placed sequentially higher on the ballot paper,

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while the candidate who received fewer approvals will have their name placed lower. Once the announcement of re-elections is made, a candidate cannot withdraw their name.

(6.2)

If in the re-election a candidate receives enough votes that satisfy either of the following

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conditions, then instead of the incumbent Sarpanch, that particular candidate will be appointed as Sarpanch:

(6.2.1)

If any candidate receives 51% of the votes from all registered voters in the Panchayat's electoral list (all, not just those who voted), or

(6.2.2a)

If any candidate receives

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the highest number of votes, and

(6.2.2b) if any candidate receives more votes than the incumbent Sarpanch received in the previous election from the total registered voters in the Panchayat's electoral list, which is 10%.

Clarification 1: Assume that in a panchayat's

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voting area, there are a total of 5,000 voters. In the previous election, the current sarpanch received 1,500 votes. Therefore, the new sarpanch candidate must secure at least $1,500 + 500 = 2,000$ votes. Since the total voters here are 5,000, hence its $10\% = 500$ has been added to 1500. Now

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suppose some other candidates get 1800 votes & the existing incumbent Sarpanch gets 1400 votes, then too the existing Sarpanch shall be retained.

Clarification 2: Suppose there are 5,000 voters in a panchayat, and the current sarpanch received 3,500 votes in the

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previous election.

However, in the recall election, if a candidate receives 2,600 votes and the current sarpanch receives 2,400 votes, the current sarpanch will be removed from office. This is because the condition to receive more than 51% of the votes, as stated in (6.2.1), has been fulfilled.

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(6.3)

After the general election for the sarpanch or by-elections, all candidates' approvals will be nullified. Whether the vote vapsi election is successful or unsuccessful, in both

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scenarios, all candidates' approvals will be nullified. If the recall election is successful, approvals will be nullified, and if it fails, approvals will remain the same.

7

An Additional process for a co-election for the sarpanch:

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(7.1) Whenever there is a panchayat election in the district, a separate ballot box will also be kept in the polling booth for the election of the sarpanch, so that voters can decide whether they want to retain the current sarpanch or not. The Chief Minister and all voters of the state can request the

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State Election

Commissioner that

whenever there is an

election for a Member of

Parliament (MP) or

Legislative

Assembly(MLA), a

separate ballot box should

also be kept in the polling

booth for the election of

the sarpanch.

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(7.2) The procedure for the co-election will be exactly as described in section (6.2) for the recall election. In the co-election, the ballot will also list the names of a total of 11 candidates, with the current sarpanch's name listed first. The remaining 10 candidates will be those who have received

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the most approvals as candidates for sarpanch. The formula for determining victory or defeat will remain the same as specified in the recall election.

8

People's Voice

(8.1)

The District Collector will scan the affidavit along with the voter ID number of the voter and upload it

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		to the Chief Minister's website, charging a fee of Rs. 20 per page.
	(8.2)	If any voter wishes to register their support for any affidavit submitted under section 8.1, they can do so by paying a fee of Rs. 3 at the Patwari's office(Talati) to record their yes or no. The Patwari(Talati) will record

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this and make it public on the Chief Minister's website along with the voter's ID number.

Completion of the draft

Dear reader, please pay special attention: The process of recalling a Sarpanch outlined in the law is positive. This means a Recall Poll will ONLY be conducted if at least 51% of the total voters of the Panchayat approve replacing the

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current Sarpanch with someone else. This ensures the Sarpanch's seat is never vacant. The presence of a positive process prevents instability. However, the right to **remove / recall process alone causes instability in administration.**

(3) To cancel the negative law proposed by the RSS's Haryana government called "Right to Recall Sarpanch" & implement the

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positive Vote Vapsi Sarpanch law ,
please take the following steps:

(3.1) Please send a written order via postcard to the Chief Minister's office of Haryana demanding this law. Even if you are not a voter in Haryana, still you can send this postcard to the Chief Minister of Haryana. Write the following text in the postcard:

Chief Minister ,

Print "Vote Vapsi Sarpanch" law in the gazette -

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#OpposeRssRtrSarpanch,

#SupportRrpVvpSarpanch

**Kindly mention the address of
Haryana's Chief Minister in
Postcard or inland letter. Keep a
Xerox copy of your postcard
before sending it. If you are unable
to find a postcard, you can also
send an Inland Letter.**

*Raja must be Praja-adheen(ruled by citizens). Else he will rob the citizens, & the nation
will be destroyed. – Satyarth Prakash & AtharVed*

Chief Minister,

#Oppose RSS RTR Sarpanch

#Support RRP VVP Sarpanch

Date :

From :

Voter ID : ###

पते में
पिन कोड लिखें
WRITE PIN CODE
IN ADDRESS



Chief Minister's Office, Haryana,

Chandigarh

पिन PIN

1 6 0 0 0 1

(3.2) Make a register named “ My demand to the Prime Minister / Chief Minister ” . Keep the xerox copy of the postcard you have

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send in the register before putting it in the letterbox. Whenever you send a letter to the PM regarding any demand, keep the xerox copy of this in your register. This way, you'll have a record of the letters you've sent.

(3.3) If you are on Facebook, create an album in the name of “My demand to the Prime Minister / Chief Minister ”. Whenever you

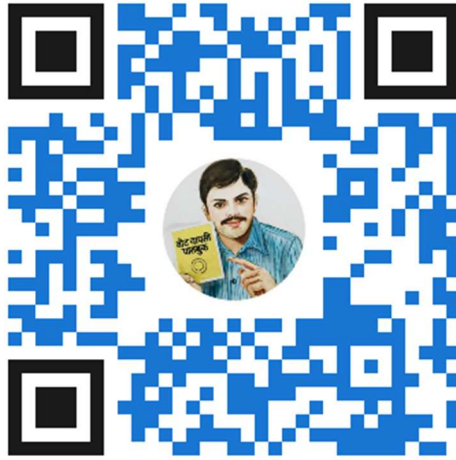
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send a letter to the PM / CM, keep the photo in this album.

(3.4) Tweet to the Chief Minister of Haryana: [#OpposeRssRtrSarpanch](#), [SupportRrpVvpSarpanch](#).

Kindly scan the QR Code to
download Full Manifesto -

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Post by –

VoteVapsiPassbook Jury KhaMBa Group

Website – RRPIndia.in & EVMHatao.com

Contact –

- 9892526735
- yaxitjury@gmail.com

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