
Proposed Right to Recall DEO (District Education Officer)

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[comment : This RTR-DEO law-draft can be printed by any Chief Minister in the State Govt's Gazette. The CM would not need permission of Assembly or Parliament.

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This draft has 3 parts -

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Part - I : Basic instructions for citizens

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Part - II : Summary of the procedure given in the draft

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Part - III : Instructions for Officers and comments

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Important clauses are – (1.2) , (1.3) , (1.5) , (8) , (10) . In the opinion of authors of this law-draft, other clauses are not critical and mere common sense.]

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Part - I : Basic instructions for citizens

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(1) Approving DEO candidate, or approving existing DEO :

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(1.1) If a parent (i.e. a voter who has child below age of 17 years) wishes to replace DEO of his District, then that parent can visit office of Patwari (or Talati or Village Officer), any day to approve a candidate. There will be no specific date, time duration or time limit.

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(1.2) At Patwari's office, the parent will need to pay Rs 3 fee. And then parent can approve at most five candidates who wish to be DEO. The citizen may also approve existing DEO if he wishes existing DEO to continue, for free. The approvals will come on CM's website and will become visible to all. So approval filing is open and not confidential.

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(1.2.a) Fee will be Re 1 for BPL card holder.

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(1.2.b) comment : if a parent is approving existing DEO, then he can approve 4 other candidates at most. If the parent isnt approving existing DEO, then he can approve 5 candidates at most.

- (1.3) The citizen can cancel the approvals of any candidate he has approved any day by visiting office of Patwari.
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- (1.4) A citizen can approve or not approve a candidate – there will be no ranking
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- (1.5) The approval will remain valid till citizen cancels it, or when citizen's name is removed from the voter list.
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- (1.6) The citizen may file / cancel his approval via ATM like device at Patwari's office, bank ATM, SMS or mobile app, as and when CM makes this facility available.
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- (2) Later addition of Range Voting System : In future, the CM may or need not set up an additional system where in a parent may give marks to candidate between -100 (minus hundred) and 100. When such system comes, a parent may give marks to all or some of the candidates. Not giving marks to a candidate will be taken as giving zero marks to him. If a parent finds range voting system complicated, then he may continue to use approvals only.

Part - II : Summary of the procedure give in the draft

- (3) comment : summary of whole law-draft
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- (3.1) Any citizen can approve upto 5 candidates, and may also approve existing DEO, anyday and cancel approvals anyday
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- (3.2) When approval of any candidate exceeds approvals of DEO AND approval of that candidate is over 35% of ALL parents in that district and is 2% more than approvals of existing DEO, then the CM may or need not appoint that candidate as new DEO. The decision of CM will be final.
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- (3.3) The voters of State can suspend RTR DEO procedure in a district for 4 years using explicit majority of voters. And the voters of India can suspend RTR DEO procedure in any District / State using explicit majority of voters.

Part –III : Instructions for Officers and comments

- (4) what is comment : The comments are not part of actual code of this legislation draft. The activists and voters may use comments to understand the draft. And Jurors may use comments as a reference to

decide a case. But the comments are NOT binding on anyone.

(5) (5.1) The word parent here would mean a registered voter in a District who has one child between the age of 0 and 17 years. In RTR-DEO, only parent can file approval.

(5.2) The DC (DC = District Collector) would prepare and maintain the list of parents in District using guidelines made by CM. Till the list is made, any voter between the age of 23 years and 45 years will be taken as a parent.

(5.3) The word “may” does not imply any moral-legal binding. It clearly means “may” or “need not”.

(6) Candidature for DEO

(6.1) If any person has a graduation degree, and is eligible to contest Loksabha election, then he is eligible to become DEO. If such a person comes to DC and wishes to be registered as a replacement of existing DEO, then the DC shall accept form, with a fee equal to deposit of MP election

(6.2) The form that the candidate will need to fill will be same as Loksabha form. DC will verify the form within 7 days and accept or reject it.

(6.3) If form is rejected then Rs 2000 will be deducted and remaining deposit will be refunded. The candidate may submit form again.

(6.4) Upon acceptance, DC will issue a serial number and post replacement candidate's name and details on CM's website. The candidates can get their names removed by applying in writing.

(6.5) DC will register existing DEO, as candidate for free. The serial number of existing DEO will be 1.

(7) Citizen approving replacement candidate or existing DEO

(7.1) If a citizen comes in person to Patwari's office, pays fee as decided by CM, and approves at most five replacement candidates for DEO's position and / or if he approves existing DEO, then the Patwari would enter his approvals in the computer and would give receipt showing voter's voter-id#, date/time and the candidates he approved.

(7.2) If a parent comes to cancel his Approvals, Patwari will cancel one of more of his approvals without any fee. Cancellations will

also come on CM's website.

(7.3) comment : to explain approval – (i) The voter can approve anyday, and there is no time limit. And different voters can file approval anyday they like – not necessarily on same day or during any specific time interval. (ii) say a voter approves candidates A , B and C. Then approval counts of A, B and C will increase by 1. (iii) now anyday, voter may cancel any of the approval he has filed. Say he cancels approval of C. Then approval count of C will decrease by 1 and approval count of A and B will remain unchanged (iv) the voter can also approve any other candidate anyday. Say he approves D, in which case, approval count of D will increase by 1, and approval count of A and B will remain unchanged

(7.4) The Patwari will put approvals given by every citizen on CM's website with citizen's voter#, name and names of candidates he approved.

(7.5) CM may create a system which gives SMS notification to citizen on candidates he approved.

(7.5.a) comment : SMS mentioned above can be similar to SMS one gets when he makes a credit card transaction. So if someone is imposter as a voter, then voter will come to know immediately and can work to register complaint. Also, finger print and photo will reduce the chance of imposter.

(7.6) CM may provide equipment to Patwari to capture photo and finger print of citizen, and can give receipt with the citizen's finger print and photo.

(7.7) CM may create a system where in citizen can submit/change his approvals over ATM type machines placed at Patwari office, or via SMS from registered mobile or via internet or via mobile phone apps. CM will decide the charges. CM may work with banks to enable citizens to register approvals via existing ATMs).

(7.8) Approval filing is open and public i.e. each voter's approval of candidates will come on CM's website in a way anyone in world can see

(7.9) An approval filed by citizen will remain valid till citizen changes approval or citizen's name is removed from voter list. So approval count of candidate will increase when a citizen approves and will decrease only when a citizen cancels approval or citizen's name is removed from voter list.

(8) Condition for replacement of DEO : if

(8.1) a replacement candidate gets approval count over 35% of all (35% of ALL) parents in District AND

(8.2) his approval count is 2% (2% of all parents) more than approval count of existing DEO AND

(8.3) his approval count is highest of all

then, and then only, CM may or need not, remove existing DEO and appoint that candidate as the DEO.

(9) comment :

(9.1) The “35%” and “2%” mentioned in clause above is “35% and 2% of all parents in the parent list” respectively. e.g. if a district has say 20 lakh parents, then 35% and 2% would mean 700,000 and 40,000 respectively regardless of number of parents who have filed approval. And all three conditions, (8.1) , (8.2) and (8.3) should be fulfilled.

(9.2) Example - 1: Say a District has 20,00,000 parents. Say existing DEO has approval of say 500,000 parents. Then if one candidate has approval of 35% of 20,00,000 = 700,000 parents, then CM may or need not appoint him as DEO.

(9.3) Example - 2 : Say District has 20,00,000 parents. And say existing DEO has approval of say 800,000 parents. Then a candidate must have approval of $(800,000 + 2\% \text{ of } 20,00,000) = (800,000 + 40,000) = 840,000$ to for CM to appoint him as DEO.

(10) One person can become DEO of upto 5 districts in a State and upto 15 Districts across India. If he has become DEO via approvals of parents i.e. in each district he has approval of over 35% of all parents, then his salary and perks will be proportional to number of district he is DEO of. E.g. if he is DEO of say 7 districts in India, and he has approval of over 35% parents in 5 districts, then his salary will be five times the salary of DEO. But if a person is DEO of say 5 districts and in each District he has approval of less than 35% parents in 4 or all 5 districts, then his salary will be of one DEO only.

(11) Term limit : One person can be DEO of one District for atmost 8 years in a District in his lifetime. After that, he may become DEO of any other District or may serve on any other position in that District.

(12) No retirement benefits : if a person has become DEO via approval of parents, and is not part of Govt cadre, then he will not be eligible for any retirement benefits after his term ends due to term limit or

expulsion. If any other law or resolution passed by District / State / India may provide him retirement benefits. But this law doesn't create any provision of any retirement benefits.

(13) Salary of DEO brought in by approval of parents : Salary and perks of DEO brought in by approval of parents will be same as median salary of District Collectors in the Districts of the State irrespective of seniority and other considerations. DEO will not be eligible for any government housing or personal staff at home or government car or car driver, but he will get equivalent monetary amount. Decision of CM on this issue will be final. But all DEOs brought in by approvals of parents must get same salary from the State Government. And parents of District thru explicit majority may give additional salary to a DEO.

(14) How can CM appoint person approved by voters as DEO : The decision will be left to CM. CM may appoint him as OSD (OSD = Officer on Special Duty) and then appoint him as DEO. The decision of CM will be final

(S) Suspension of RTR-DEO by people of State or of people of India

(S.1) The voters (all voters, not just parents) of a State can suspend this RTR DEO procedure in a District, for 4 years, using a procedure, established by CM. The procedure should show that explicit majority of ALL voters (not just voters who voted or said YES / NO) in the state have approved the suspension. And suspension can be extended by voters for 4 more years, several times.

(S.2) The voters (all voters, not just parents) of India can suspend this RTR DEO procedure in a District or a State, for 4 years, using a procedure, established by PM. The procedure should show that explicit majority of ALL voters (not just voters who voted or said YES / NO) in India have approved the suspension. And suspension can be extended by voters for 4 more years, several times.

(S.3) comment : "S" stands for sovereignty. Any District level procedure can be suspended by explicit majority voters of State / India. And any State level procedure can be suspended by explicit majority voters of India.

(RV) Non binding directive for Range Voting :

A few weeks or months after this law has passed, ECI may or need not allow voters to submit marks between (-100 to 100) for each candidate or just submit approvals. If voter is submitting approval and not marks, then no approval will mean 0 marks and approval will mean 100 marks. But if voter is giving marks, then actual marks given by him will be counted. The candidates total marks will be sum

of all marks he got. And if candidate has 1 or more marks from over 51% of all voters, then system will ignore all his negative marks. The total marks of sitting MP will be higher of the two ---- [(votes he got * 67) , score he got after election] . And recall poll will happen when a candidates score is $(MP's \text{ score} + \text{voter population} * 100 / 10)$. And recall will happen as per clause-15. ECI may or need not implement this clauses, only after over 51% of all voters of India has specified YES using clause-CV.2. This procedure is called as Range Voting, and it is immune to so called AUIT (= Arrow's Useless Impossibility Theorem) . Range Voting is better than Approval Voting used here.

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(CV) Citizens' Voice:

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(CV.1) If any citizen residing anywhere in India wants any change in this law or has any complaint under this law, then he may submit an affidavit to DC's designated clerk and clerk will scan the affidavit on put on CM's website along with photo and details of the citizen. The clerk will charge Rs 30 per page. The clerk will issue serial number for the affidavit.

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(CV.2) If any citizen residing in the area covered by the Patwari wants to register his YES / NO on the affidavit submitted in above clause, then he can go to Talati's office and provide the serial number of the affidavit and his YES/NO on a form, and Patwari will enter his YES/NO for a fee for Rs 3 . The YES/NO shall come on CM's website along with citizen's voter-id, name, date etc

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----- end of Right to Recall DEO draft -----