

PROPOSED CONSTITUTIONAL AND OTHER REFORMS FOR SRI LANKA

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1. EXPLANATORY NOTES

1.1. The nature of this document

1. Section 1 (this section) consists of explanatory notes pertaining to the various sub-sections that comprise the constitution. The constitutional proposals proper start with section 2.
2. While this document is written to resemble a constitution, details irrelevant to the major reforms are omitted while certain details that are traditionally not included in a constitution may be interspersed within the articles. Some clauses are written for clarity and not legal precision.

1.2. Principles

1. These proposals are based on the following principles.
2. SEPARATION OF POWERS. The power of legislature, executive and judiciary shall be kept separate from each other and no more than one of these powers shall be vested in any one person or entity.
3. RULE OF LAW. These proposals aim to establish the supremacy of the rule of law rather than the rule of politicians. The power of government shall arise from the law, rather than from those who comprise the government.
4. BLINDNESS TO RACE, RELIGION, GENDER, CASTE. Any attempt to mention any 'group', majority or minority, within the constitution or in laws, will immediately raise the question of which groups are eligible and which groups are not. As the number of potential 'groups' is very large, this is not a fair or practical measure of recognizing differences between people. The demands for recognition by groups will never cease. Therefore no written law shall mention any such group by name.
5. RECOGNITION OF INDIVIDUAL RIGHTS INSTEAD OF GROUP RIGHTS. The fundamental rights will recognize each individual's differences in opinions, beliefs, cultural preferences and lifestyle, whether he shares them with a larger group or not. No affirmative action or racial quotas will be entertained.
6. SECULARISM. Religion is recognized as a private matter in which neither the law nor the government shall intervene in any way; nor shall religion intervene in the operation of the state or the law in any way.
7. NATURE OF THE CONSTITUTION. The constitution is first a document that limits the powers of government and second a document that describes its function. The constitution is considered to be the contract between the people and the government

under which the former turns over its right to use force to the latter in the interest of an orderly society.

8. **FUNDAMENTAL RIGHTS.** Fundamental rights as mentioned in the constitution are primarily contractual limits to the exercise of the government's exclusive right to use force. Such rights are fundamental and are not abolished by their mere removal from the constitution.
9. **ABUSE OF POWER.** All forms of power, if not reigned in, have a natural tendency to be abused. A constitution must, first and foremost, provide for the means to limit such abuse by limiting its concentration. In addition to the separation of powers and fundamental rights, the constitution shall discourage career politicians by limiting terms and setting qualifications.
10. **THE SPECIFICITY OF SAFEGUARDS** provided in the constitution against a certain type of abuse should be proportional to the likelihood of that abuse in the society in question. For example, if there is a tendency toward dynastic rule or favoritism, specific prohibitions against the appointment of family members should be instituted and the penalties for violation should be appropriately severe. If the tendency toward military rule is high, the nature of civilian oversight of the military should be mentioned more specifically.

1.3. Notes on the Parliament

1. Two houses of parliament are setup for balance of power within the legislature. This reduces the possibility of a single parliament with a large majority acting against the best interests of the people (e.g. by following a party agenda). Each house will act as check-and-balance against the other.
2. A reduced term discourages career politicians and allows the electorate to reward or penalize its representatives and their parties for their performance every two years. Whether this should be two or four years (equal to the president's term) is open to debate.
3. The practicality of increased elections due to shorter terms is addressed by the general election system explained later.
4. The senate is a conservative foil against runaway or radical populism, to which the national assembly is more vulnerable. It is also meant as a legislative supplement for those types of complex decisions that require a level of expert knowledge or analytical skill that members of the national assembly may not be equipped with.
5. Where the national assembly is for regional representation, senators will be distinguished members of society elected by national vote and representing non-geographical constituencies. Since this constitution does not allow for the explicit mention of any

religious or ethnic group, such groups can make their voices heard by voting for senators who represent their interests. This will allow for any significant interest, even when it does not carry the name of a 'major' religious or ethnic group or not concentrated in any geographic region.

6. A legislature of 225 members may be too large for a population of 20 million. Therefore the parliament is setup such that the national assembly will have about 100 members (based on how many regions of 100,000 voters exist) and the senate will be limited to 45 members.
7. The senate, as a more stable and experienced body, shall have a term of six years. One third, or 15 members of the senate will be replaced every two years. This is to ensure a gradual transition of power and to allow the electorate to provide feedback every two years. A gradual transition would reduce the problems caused by a complete policy reorientation that may otherwise take place every six years.
8. The qualifications for a senator will be to ensure his level of distinction and ability, while discouraging career politicians.
9. Each voter will have a voting 'load' as follows:
 - i. Two preferential votes for national assembly representative every two years
 - ii. Three votes for senators every two years
 - iii. Two preferential votes for regional governor every four years
 - iv. One vote for president every four years
10. The higher the level of effort required for participation in the political process (the number of elections to be attended), the less motivated the average citizen is likely to be. Therefore a general election system will be put in place: except under extraordinary circumstances, there will be no more than one general election every two years.
11. During each election, each voter will mark his national assembly and senate votes in two separate ballot papers. There will be additional ballot papers for governor and president every four years. Therefore each voter will be required to cast an average of six votes during every general election, which will be held every two years.
12. Bills are introduced to both houses simultaneously to reduce the likelihood of 'legislative ping-pong' or a locked parliament. If a bill fails to pass one house or both houses return the bill with different recommendations, the burden shall be on the submitter to amend it in such a fashion to make it acceptable to both houses.
13. Members of parliament are representatives for the purpose of voting and shall have no powers other than legislative. They will not be able to issue any orders to any branch of

government, including law enforcement bodies. They shall not interfere in the operation of their regional governments.

14. But as a chairman of a special committee, a member of parliament will be able to request reports from, or summon any member of the executive branch excluding the president.

1.4. Notes on the Executive

1. Justification for executive presidency: Matters that require immediate attention (and cannot wait for a parliamentary session) must be addressed by an office with sufficient power to do so. Policy continuity: the president and his cabinet are expected to maintain policy continuity of the state while power shifts may occur in the parliament.
2. Limits are set to presidential powers by means of constitutional limits, judicial review and the possibility of a resolution of no confidence. The president is not immune from suit.

1.5. Notes on Regions

1. A two-tier government with a second tier consisting of a large number of small regional units is chosen. This unit is termed a 'region' in this document, but it may be called an electoral district, division, precinct or any other appropriate name.
2. As much executive and judicial power as possible is turned over the regional governments while legislative power is retained by the central legislature. This, coupled with the small size of the regional unit (an electorate of 100,000) provides for a measure of regional autonomy while making secession impractical.
3. Attempts to elect a regional legislature by popular vote would further complicate the election process and reduce voter participation in the entire election process.
4. A jury-like body of twenty qualified citizens is chosen by lots for the regional council. The random selection process is viable as this body does not serve in a true legislative capacity but as a decision making and reviewing body that supplements and balances the powers of the governor.
5. The regional council acts through secret ballots in order to reduce to possibility of intimidation by third parties.

1.6. Notes on Regional Governor

1. The governor has decision making power within the region, but subject to approval of the regional council.
2. The governor is forbidden to influence or interact with the council in any way outside of formal meetings and written requests.

1.7. Notes on the Civil Service

1. A national pool will be established by means of competitive examination by a central government body, and regional councils will select candidates from this pool.
2. Once appointed, a civil servant cannot be removed unless both the governor and the regional council agree.

1.8. Notes on Revenue

1. Regions shall be granted with financial autonomy by allowing them to collect taxes. A percentage will be retained while a percentage will be transferred to the central revenue service for central government expenditures.
2. The need for regional governments to request funding from the central government will be minimized.
3. Large central government facilities such as airports will be funded and maintained by the central government.

1.9. Notes on the Department of Government Invigilation

1. A far more independent and powerful organization shall replace the current bribery and corruption commission.
1. The department of invigilation shall have the following branches
 - i. The office of records
 - ii. The auditor's office
 - iii. The office of public evaluations
 - iv. The office of investigations
 - v. The office of prosecution
 - vi. The office of operations

1.10. Notes on the Concurrent Exercise of Powers by the Central and Regional Governments

1. The following powers shall be reserved by the central government: the power of legislature; matters relating to national security; administrative matters of an inter-regional nature that regional governments are unable to arbitrate amongst themselves.

2. The following powers shall be reserved by local governments except under an emergency: all matters of administration of a regional nature; maintenance of public property and government services; law enforcement; revenue collection.

2. NATURE OF THE STATE

2.1. The Republic

1. The state shall be known formally as The Republic of Sri Lanka.
2. The nation of Sri Lanka shall be recognized as multi-ethnic, multi-cultural and multi-religious. The government of Sri Lanka and the Law of Sri Lanka shall be effectively blind to these differences and shall neither prejudice nor favor any citizen on the basis of the same.
3. Sri Lanka shall be a singular, sovereign state with a central government and regional governing bodies. All citizens of Sri Lanka shall be subjected to a single code of Law.
4. For the purpose of governance, Sri Lanka shall be divided into geographically contiguous regions, each consisting of a voting population of approximately one hundred thousand. The region shall be the local political unit. The central government and regions shall make up the two tiers of the government. Districts and provinces shall be purely geographic divisions.

2.2. Language

1. Sinhalese and Tamil shall be the official languages of the republic and English shall be the official Common Language.
2. School children are required to learn at least one official language and the common language.
3. Government employees are required to be proficient in at least one official language and the common language.

3. FUNDAMENTAL RIGHTS & LIMITS TO GOVERNMENT

In this context, 'government' shall refer to all three branches of government, namely the executive, the legislature and the judiciary.

3.1. Laws

1. Government shall not pass laws concerning thoughts or beliefs; only observable actions shall be the subject of laws.
2. No person shall be held legally accountable for an act that was not an offense at the time of committing.

3.2. Life

1. No person, organization or agent of government shall deprive any person of life, liberty or property, except by due process of law.
2. No person shall be required to serve in any capacity against his will, except when convicted of a crime and sentenced to do so by a court of law.

3.3. Property

1. Government shall not confiscate private property. All private property acquired by the government must be done so with written consent from the owner, after payment of the amount demanded by the owner.
2. Government shall draw no more than one third of any private entity's income in the form of taxes.
3. Government shall draw no taxes from any person while his basic sustenance is in jeopardy.

3.4. Universal Suffrage

1. All citizens of age twenty one or above shall be eligible to vote.
2. Government shall not abridge a citizen's right to vote on the basis of race, beliefs, gender, caste or economic condition.

3.5. Religion, Beliefs and Ethnicity

1. Government shall not pass laws mentioning any ethnic group, religion, religious belief or religious establishment by name.
2. In any contention between religion and the Law, the Law shall take precedence. In any contention between culture and the Law, the Law shall take precedence.
3. Government funds or resources shall not be dispensed in specific favor of, or against, any religion, religious belief or religious establishment.
4. All government services shall be made equally available to all persons without consideration of religion, belief or ethnicity.

3.6. Freedom of Speech

1. Government shall not abridge a person's right to free speech.
2. Government shall not abridge the freedom of the press or any such medium.
3. Government shall not abridge the right of people to peaceably assemble.

4. Government shall not suppress the expression of grievances against it by the people.

3.7. Privacy

1. Government shall neither enter nor search private property without a court order, except for emergency rescue purposes.
2. Government shall not view, monitor or confiscate private records, written materials or communications without a court order.
3. No person shall be required to incriminate himself in any legal proceeding.

3.8. Transparency

1. Government shall make all of its records readily available to all citizens, except those that breach confidentiality or national security. All proposals, deliberations, decisions and expenditures shall be made available to the public in detailed written form. Transcripts and accounts shall be made available as soon as they are produced.

3.9. Separation of Powers

1. No one person holding an office in one of the three branches of government, namely the Judiciary, the Legislature or the Executive, shall simultaneously hold a second office in another branch.
2. Government agents with the power to appoint others shall under no circumstance appoint members of his/her immediate or extended family to any office.

4. THE LEGISLATURE

4.1. The Parliament

1. The parliament shall consist of two houses, namely the National Assembly and the Senate.
2. The National Assembly shall consist of one representative from each region. Voting residents of each region shall elect their representative for the National Assembly. A member of the National Assembly shall have a term of two years.
3. A member of the National Assembly must be a citizen of at least twenty five years of age, a resident of the respective region for no less than five years and must remain a resident of that region for the duration of his term.
4. The Senate will consist of forty five members. Each member shall be elected by national vote and shall have a term of six years.

5. A member of the Senate must be a citizen of at least thirty five years of age; must possess at a minimum, a recognized bachelor's degree or equivalent educational qualification; must possess no less than ten years of employment experience in a capacity other than political office.
6. One third of the Senate shall be elected every two years. After the first election following the ratification of this article, senators shall be divided into three equal groups by means of drawing lots. The first group shall be required to vacate their seats after serving two years; the second group shall be required to vacate their seats after serving four years; the third group shall serve all six years. Following the second election, each group of senators shall serve six years.
7. A general parliamentary election shall be held every two years. Each voter shall be eligible to cast two votes in favor of two National Assembly candidates representing his region and three votes in favor of three Senate candidates of his choice. The votes for the National Assembly candidate shall consist of a first preference and a second preference.
8. The National Assembly representative elected for a region shall be the candidate with an absolute majority of first preference votes. If no candidate has an absolute majority of first preference votes, the candidate with an absolute majority of second preference votes shall be elected. If no candidate has an absolute majority of either first or second preference votes, the candidate with a simple majority of first preference votes shall be elected.
9. Fifteen senators shall be elected during each general election. The first fifteen in terms of the number of votes received shall be elected.
10. Bills shall be introduced to both houses simultaneously. A bill shall be signed into law once it passes both houses with a simple majority.
11. Both houses may separately deliberate on bills and take one of the following actions: pass the bill as it stands; reject the bill; return the bill to the originator with recommended amendments and resubmission.
12. Members of both houses of parliament shall receive compensation for the duration of the term.
13. No member of parliament shall issue any order or directive to any branch of government, except when exercising explicitly granted powers as a chairman of a special committee.

5. THE EXECUTIVE

5.1. The President

1. The executive power of the state shall be vested in the president. The president shall be the head of state, director of cabinet, commander in chief of the armed forces and director of foreign policy. He is charged with the duty of faithfully executing the constitution and the laws of Sri Lanka and shall have purview over all branches of the executive except otherwise barred by the constitution or the Supreme Court.
2. The president shall be directly elected by the people and shall have a term of no more than four years.
3. The president shall have two vice presidents of his choice, selected and declared to the public before the time of election. Election of a presidential candidate shall automatically elect his declared vice presidents. The vacancy of a vice president at any time after election shall be filled by an absolute majority vote in both houses of parliament.
4. Executive orders of the president shall be subject to judicial review by the Supreme Court and may be declared unconstitutional by the Supreme Court.
5. The president at no time exercise any powers reserved by either the legislature or the judiciary and shall not issue any directives to either.
6. No person who has held the office of president for more than eight years or two terms shall be eligible for presidency.
7. The president may be removed from office by a resolution of no confidence passed by a two thirds majority in both houses of parliament.
8. The executive branch under the president and the vice presidents shall consist of departments headed by department secretaries. A department shall be established or abolished only by an act of parliament.
9. Should the office of the president become vacant before the end of a term, either by death, resignation, impeachment or impairment, the two houses of parliament shall convene in joint session and elect a president for the remainder of the term.

6. THE JUDICIARY

1. The judiciary shall consist of a Supreme Court, district courts, district courts of appeal and regional courts.
2. Appointment of Supreme Court justices shall be by vote of the senate.

3. A Supreme Court justice shall remain in office unless vacated by death, resignation or dismissal.
4. Dismissal of a Supreme Court justice shall require a two thirds majority of either house of parliament.

7. REGIONS

7.1. The Nature of Regions

1. A region shall consist of a geographically contiguous area with a voting population of approximately one hundred thousand. Region boundaries shall be determined by the parliament. Region boundaries may be adjusted, new regions may be created or existing regions may be merged on the basis of census results.
2. Each region shall have administrative and financial autonomy from the central government and shall have the right to conduct its own affairs insofar as it abides by the constitution of the republic and the law as passed by the parliament.
3. The law as passed by parliament shall apply to all residents of all regions.
4. Each region shall send one representative to the National Assembly, elected as specified under 2.1.

7.2. Regional Council

1. Each region shall have a decision making body of twenty citizens, called the regional council. Decisions and recommendations of the regional governor shall be subject to approval by the regional council.
2. Council members shall be randomly chosen by lots from among resident citizens of no less than twenty five years of age. No person who is not of sound mind as determined by a physician, who has not completed secondary education, who has been convicted of a violent crime or fraud, who already holds a political office shall be eligible for selection to the regional council.
3. A selected person who is unable or unwilling to serve in the council shall present his reasons to the presiding council and should the council accept the reason given, may be excused from council duty.
4. A regional council member shall have a term of six months. Approximately one third of the council will be replaced every two months in a manner similar to the one used in the senate.
5. A council member shall not be absent from any meeting of the council without being able to show just cause. Employers of council members shall grant such leave as required for

attendance of council meetings. Should an employer require the presence of such an employee on urgent business in such a way that it clashes with scheduled council meetings, the employer may notify this to the council in writing. A council member may, after showing just cause, request to be dismissed from the council for the remainder of his term. All requests mentioned above are subject to consent of the remaining members of the council, which shall be determined by a majority vote amongst them. Every council member is expected to maintain an attendance of eighty percent during his term.

6. The council shall have a quorum of fifteen.
7. The council shall meet no less than once a week.
8. Council decisions shall be by absolute majority. All decisions shall be by secret ballot except in instances where the majority of the council feels that the vote should be open.
9. The council shall elect a chairman immediately after any change of no less than six members. Any number of candidates for chairman may be nominated. Each council member shall cast a first and a second preference vote. Selection of chairman shall be by absolute majority of first preference votes. If there is no absolute majority of first preference votes, selection shall be based on an absolute majority of second preference votes. If neither has an absolute majority, selection shall be based on a simple majority of first preference votes.
10. The chairman shall maintain order during council meetings.
11. Members of the council shall be compensated for their time.

7.3. Governor

1. Executive power over the region shall be vested in the governor.
2. The governor shall be elected by preferential vote in a manner similar to the national assembly representative. The governor shall have a term of four years.
3. All decisions made by the governor shall be subject to approval or veto by the regional council. The governor shall submit his decisions to the council in writing only.
4. If a decision requires urgent action before the next scheduled council meeting, the governor may decide to act on his discretion. The council shall approve or disapprove such actions ex post facto. During extraordinary circumstances, the governor may call emergency meetings of the council to approve an urgent matter.
5. The governor may dissolve the regional council no more than once during his term.
6. No family member, employer or employee of the incumbent governor shall be eligible to sit in the council.

7. The governor shall neither directly nor indirectly interact with any member of the regional council except to transmit decisions and recommendations in writing.
8. The regional governor is not bound by law to follow directives issued by any person or body other than the regional council, the regional and district courts and the Supreme Court.

7.4. Regional Courts

1. Each region shall have no less than one court of law. Verdicts of the Supreme Court shall be superior to those of the regional courts in every way.
2. Each region shall have a chief magistrate, elected by the regional council from a national pool of qualified magistrates established by a selection committee attached to the Supreme Court.
3. The regional council shall select only those candidates who have expressed a willingness to serve in that region.
4. The chief magistrate shall remain in office unless vacated by resignation, voluntary transfer, death, promotion, dismissal or transfer due to disciplinary action.
5. Disciplinary action against a regional chief magistrate may be taken by a panel of judges attached to the Supreme Court.
6. A chief magistrate may be removed from his post and returned to the national pool by a unanimous decision of the regional council. Such a remove shall carry no penalties.
7. Each district shall have a district court and a district court of appeals.
8. Matters of inter-regional jurisdiction shall be referred to the district court of the district to which the regions in question belong.
9. The district appeals court shall have appeal jurisdiction over decisions rendered by regional courts within the district or the district court.

8. ELECTIONS

8.1. Conduction of elections

1. Each region shall be entitled to conduct its own election activities under the supervision of the department of government invigilation (see relevant section).
2. A general election shall be held every two years, on the same day in all regions.

3. Every two years, voters shall cast two preferential votes in favor of a national assembly representative and three votes for senators. Votes for senators and representatives shall be cast on two separate ballot papers.
4. A presidential election shall be included in the general election every four years. The vote for president shall be cast on a separate ballot paper.
5. An election for regional governor shall be included in the general election every four years, but not on the same year as a presidential election. The vote for governor shall be cast on a separate ballot paper.
6. Each region shall have a choice of using either hand counted paper ballots, machine counted paper ballots that employ optical mark recognition or electronic voting machines that print voter-verifiable paper trails. All voting methods are required to have a paper trail that can be hand counted if necessary. All voting methods are subject to inspection and approval by the department of invigilation.

9. THE POLICE

9.1. The Police Commission

1. There shall be a central police commission charged with the formulation and enforcement of the rules and regulations by which all police personnel of Sri Lanka must adhere.
2. Decisions of the police commission are subject to review by both the parliament and the Supreme Court.
3. Members of the police commission shall be chosen by the senate and shall remain in office until vacated by resignation, death or dismissal.
4. Dismissal of a member of the police commission shall require a two thirds majority of either house of parliament.

9.2. Regional Police

1. Each region shall have the right to maintain its own police force commanded by a regional chief of police.
2. All regional police personnel shall adhere to a single set of rules and regulations formulated by the police commission and the parliament.
3. The regional police chief shall be chosen by the regional council from a national pool of qualified candidates chosen by the central police commission.

4. The regional police chief shall remain in office unless vacated by resignation, death, promotion, dismissal or transfer due to disciplinary action.
5. Disciplinary action against a regional police chief may be taken by the central police commission.
6. A regional police chief may be removed from his post and returned to the national pool by a unanimous decision of the regional council. Such a removal shall carry no penalties.
7. The regional police is required to comply with all court orders issued by the regional court.
8. All routine police operations in a region shall be under the purview of the regional police chief.
9. The regional police chief is required to transmit all reasonable requests from the governor to appropriate divisions under his purview. Any conflict between the police and the governor shall be referred to the regional court.
10. Officers of a regional police force are not required to comply with any order originating from any person or body other than its own regional command hierarchy, the regional court, the district courts and the Supreme Court.
11. A crime shall fall under the jurisdiction of the police force of the region in which the crime was committed. If the crime involves parties of more than one region, all police forces concerned are required to cooperate with the police force that has original jurisdiction. If an agreement cannot be reached, the chief of police with the original jurisdiction may request that the investigation be taken over by the central police agency, in which case a district court shall issue an order to all regional police forces concerned to turn over material to the central police, and shall grant the central police permission to carry out operations in the regions concerned.

9.3. The Central Police Agency

1. There shall be a central police agency charged with all police operations of a national or cross-regional nature.
2. The central police agency shall have a hierarchy separate from regional police forces and shall have no jurisdiction over any region or its police force except when granted by a court order.
3. The central police agency shall be headed by the chief of central police, who shall be answerable to the central police commission.
4. The central police agency shall be responsible for the instruction and training of all police personnel.

5. Upon request from a regional chief of police, the central police may be dispatched to a region to assist in operations.
6. In an emergency, the central police may be dispatched by executive order of the president.

10. TAXATION

10.1. Collection of Taxes

1. All local forms of revenue shall be collected by regional governments according to the national tax code. A percentage of revenue as determined by the parliament shall be transferred to the central government while the remainder shall be retained by the local government for its expenditure.
2. All taxes drawn from individuals shall be collected by the regional government under which he is a registered resident.
3. Unless otherwise stated, a business entity shall pay taxes to the government of the region it is registered under.
4. A business entity with more than half the revenue originating from outside its registered region shall pay taxes to the central government.
5. Each region shall have a regional office of finance, charged with collecting revenue, approving expenditure and maintaining accounts pertaining to the region.
6. The central government shall have a department of finance, charged with the collection of national revenue, approving of expenditure and maintenance of accounts of a national nature.

11. THE CIVIL SERVICE

11.1. Appointments

1. For each type of post, a national pool of civil servants and administrative staff shall be established by means of a competitive written examination. This examination shall be determined and administered by the civil service commission of the central government.
2. A person may qualify himself for any number of posts by passing the appropriate examinations.
3. Each qualified person shall provide the civil service commission with a list of regions he is willing to serve in.

4. When a vacancy arises within a region, the regional council shall select a short list of no less than three qualified and willing individuals from the national list and submit to the governor. The governor shall select from the list a person of his choice.
5. Civil servants and administrative staff shall remain in their posts unless vacated by resignation, voluntary transfer, death, promotion, dismissal or transfer due to disciplinary action.
6. The power to dismiss or take disciplinary action against staff shall be vested in the governor, subject to regional council approval.
7. Civil servants attached to national institutions shall be under the purview of those respective institutions.

12. THE DEPARTMENT OF GOVERNMENT INVIGILATION

12.1. Purpose

1. A department of government invigilation shall replace the bribery and corruption commission.
2. The department of invigilation shall be charged with the duties of continually monitoring all branches of government for abuse and corruption, evaluating the performance of government agencies and their employees, investigating complaints of abuse and corruption and the prosecution of government agents.
3. The department of invigilation shall have no jurisdiction whatsoever over private citizens or private entities that are not in the employ of the government.

12.2. Appointments

1. Officers of the department of invigilation shall be appointed by a special selection committee. This selection committee shall consist of two members appointed by the president, three members appointed by the national assembly, two members appointed by the senate and two members appointed by the Supreme Court.
2. Appointments made by the special selection committee shall be by majority vote.
3. The department of invigilation shall be headed by the commissioner of invigilation, selected by the special selection commission.
4. Once appointed, all officers of the department of invigilation shall remain in office unless vacated by resignation, death or dismissal.
5. Dismissal of the commissioner of invigilation shall require act of parliament.

6. Dismissal of any officer below the commissioner of invigilation shall require the consent of both the commissioner himself and the special selection committee.
7. Officers for the department of invigilation shall be selected from the national civil service pool.

12.3. The Office of Records

1. All government agencies shall be required to submit copies of their written records to the office of records of the department of invigilation. This shall include all accounts, minutes, reports and files. The office of records shall maintain a central archive of all such records.
2. All records of a public nature shall be open for examination by citizens. All records of a private or confidential nature shall be open to examination by authorized personnel within the department of invigilation.

12.4. The Auditor's Office

1. The auditor's office of the department of invigilation shall be responsible for the auditing of all regional and central government accounts.
2. All individuals or entities that make payments to any government institution in the form of taxes or fees shall receive a signed receipt of payment from that institution. All payments made by any government institution to any individual or entity shall be accompanied by a signed receipt of payment issued by the recipient. Copies of all such receipts shall be sent to the office of records, from which the auditor's office shall retrieve the same for the purpose of verifying government accounts against them.

12.5. The Office of Public Evaluations

1. The office of public evaluations shall collect anonymous written feedback from all individuals who interact with government institutions.
2. Any citizen who visits a government office to make or receive a payment, to submit, receive or alter documents or government records or any service that involves the generation of a written record shall be entitled to receive a confidential feedback form.
3. The form will allow the citizen to rate the office or one selected employee in terms of competence, courtesy and conscientiousness on a scale of zero to three.
4. The form shall have the following tamper protection measures. Each form shall have two seals. The first seal may only be broken by the citizen and will expose the form. Once filled, he will apply the second seal and return the form to the office. All government offices are required to securely store such feedback forms and send them to the department of invigilation on a weekly basis. The second seal may only be broken by authorized personnel of the department of invigilation.

5. Each form shall consist of a unique number that is not visible when either of the seals is intact. This is to prevent forgeries without compromising citizen anonymity. The department of invigilation shall keep records of the numbers of the batches of forms issued to each government office. Upon their return, authenticity of the forms will be verified by means of these numbers.
6. Tabulation of feedback may be by optical mark recognition technology.
7. Representatives from different branches of the government have the right to be present when feedback forms are opened and tabulated at the department of invigilation.
8. All government employees are required to wear clearly visible identification badges to allow citizens to name them in feedback forms if they wish to do so.
9. The office of public evaluations shall issue the results to the office of investigation, the government offices and the public.
10. Heads of government offices are required to reward employees with good feedback and to investigate the reasons for poor feedback.

12.6. The Office of Investigations

1. The office of investigations of the department of invigilation is charged with the responsibility of examining the records collected by the office of records and the feedback collected by the office of public evaluations and launching investigations on the basis of the same.
2. The office of investigations shall be manned by a force of investigators, each of whom will have within their power to examine records collected by the department of invigilation, to launch investigations, to visit relevant government offices, question government employees and collect evidence.
3. The jurisdiction of the office of investigations shall include all government employees and institutions, including the parliament, the judiciary and the president.
4. An investigator of the department of invigilation shall have no jurisdiction over private citizens or entities unless granted by court order in relation to an investigation of a government employee.

12.7. The Office of Prosecution

1. The office of prosecution shall be manned by attorneys who are charged with the responsibility of initiating and conducting legal action against government employees on the basis of evidence collected by the office of investigations.

12.8. The Office of Operations

1. The office of operations of the department of invigilation is charged with the duties of conducting arrests, searches and other armed police operations against high ranking government officials and those in their employ; providing police protection for those who are under credible threat of abuse of government power; protecting the judiciary against undue influence and harm.
2. The office of operations shall receive jurisdiction in a case only when it is turned over by the police force with original jurisdiction or by a court order obtained from a district court or the Supreme Court.
3. Personnel of the office of operations shall be selected from the central police agency and shall be bound by the same rules and regulations as the central police agency.
4. The office of operations shall have no jurisdiction over private citizens or entities.

13. A PARTIAL LEGISLATIVE PROGRAM FOR THE FIRST ADMINISTRATION

13.1. Departments

1. Goal: streamlining of the bureaucracy and cutting costs.
2. The following departments shall replace the existing ministries: Defense, Commerce and Industry, Education, Health, Foreign Affairs, Roads and Transportation, Public Utilities and Services, Agriculture and Fisheries, Finance and Treasury, Interior, Housing and Development
3. Existing 'departments' shall be reorganized into agencies or authorities and restructured under the above government departments.

13.2. Need based subsidies

1. Goals: reduce government expenditures; give recipients of government subsidies an appreciation of the subsidized services; improvement of government services through more funding.
2. Blanket subsidies will be replaced with need-based subsidies for education and health.
3. The percentage of subsidization for the services provided by state schools, universities and hospitals shall depend on a person's financial status and shall be 100% for those in the lowest income brackets and 50% for the highest income brackets.

4. All recipients of billable government services (e.g. education, health) shall be billed for the full cost. Subsidies may be claimed at the time of payment of bills to the local government by showing proof of income and assets.

13.3. Motor traffic

1. Goal: combating accidents and traffic inefficiency caused by incompetent drivers; combating corruption within the driving examination system
2. Driving examiners and instructors shall be made partially accountable for traffic violations and accidents caused by drivers by means of a point system. Based on the nature of the violation or accident, a number of points will be deducted from the instructor who instructed the driver and the examiner who granted his license.
3. Commercial driving instructors with a good score will be eligible for tax deduction while examiners with a good score will be eligible for a monetary bonus.
4. The aggregate scores of commercial driving instructors shall be made available to the public by the Roads and Transportation Department.

13.4. Littering

1. Goal: improve urban cleanliness and reduce cleaning costs.
2. All forms of littering within public property shall be prohibited.
3. No posters or bills shall be pasted on any public or private property without the explicit consent of the owner or the relevant authority.

13.5. School accreditation

4. Goal: allow the establishment of private educational institutions while minimizing the risk of fraud or poor curricula. Combat the financial and personal strain on students caused by a poor state education system supplemented by private tuition. A student should only have to attend one educational institution.
5. With appropriate accreditation from the board of accreditation of the department of education, any institution shall have the right to operate as a:
 - i. Primary school
 - ii. Secondary school
 - iii. University or technical college
6. The board of accreditation shall formulate and publicize a formal set of accreditation requirements including: required and prohibited content in syllabi, teaching methodologies, teacher qualifications etc., for each type of educational institution.

7. All accredited institutions shall be re-evaluated every two years.
8. Accreditation shall apply to government and private institutions alike.

13.6. School maintenance and funding

1. Goal: equalize the quality of education in public schools; specifically reduce the motivation for parents to compete for 'popular schools'.
2. Each region shall have the right to operate its own schools, subject to the criteria set by the board of accreditation of the department of education.
3. The department of education shall primarily serve as an accrediting and monitoring body and will not directly interfere with the administration of schools in regions. It will also be charged with the duty of training teachers.
4. A regional government is bound by law to maintain the same expenditure-per-student for all government schools maintained by it, i.e. no school shall receive favorable funding. 'Popular national schools' will be required to operate with the same funding-per-student as other schools. They may either scale down their expenditures or impose direct school fees on students to cover costs.
5. State universities shall be maintained by the central government. In addition, two or more regional governments may establish and maintain universities by means of joint funding.

13.7. Tax voting

1. Goal: give tax payer a say in how his taxes are spent by the government.
2. A personal income tax payer shall have the right to specify the usage for 20% of the taxes paid by him. 80% of personal income taxes collected shall be allocated to expenditures at the discretion of the government. The remaining 20% shall only be allocated for the purposes specified by the payers: e.g. defense, education, health, urban development, research, welfare etc. This percentage shall apply to both local and central government taxes.

13.8. Crime

1. The following premeditated crimes shall carry increased penalties: premeditated murder, rape, assault, threat of assault, possession of unlicensed firearms, carrying concealed weapons, theft of property, breaking and entering.
2. Abortion of a fetus within the first trimester shall be legalized. All such abortions will need to be reported to the department of health.
3. Vandalism of public property shall carry increased penalties.

14. CONCERNS PERTAINING TO THE PROPOSALS

1. If a region of 100,000 voters (total population may be higher) is too small to be governed by a local government, the size may be increased.
2. Interactions between the central and regional governments are not adequately defined in this document, especially the methods of arbitration when conflicts arise. It is assumed that the central government will not interfere in the administration of regions except when unavoidable.
3. If regions have complete administrative autonomy, the central government will not have sufficient power to execute nationwide policies and plans. Some sort of bargaining method should be established between the central and regional governments. Central government funding may be used as an incentive for regional compliance with central government programs and recommendations.
4. The problem of errant or recalcitrant regional governments needs to be addressed. The central government, possibly with the approval of the supreme court, should have some measure of emergency control over a region should the need arise.
5. The power of central government bureaucracies over the regions will need to be moderated by the courts, most probably district courts. No bureaucracy should have the powers of judge-jury-and-execution.
6. Both the central and regional governments may delegate administrative powers by establishing subsidiary bodies. The administration of regions will require more localized units. These need to be determined.
7. The composition of the special selection committee for the department of invigilation is open to some question. The selections should be made to minimize the likelihood of the department of invigilation serving any one specific interest group, be it a party, an ethnicity or a branch of government.