

Note: This is a modelling, done based upon analysis of existing facts and evolving reasoning, as to how the 'Government' and 'Constituents of Governance' are likely to behave and function 'influenced by normal human attributes' under different 'probable conditions' and does not imply projection or criticism of 'any particular government system or person in the world'. Any explanation in this 'coinciding with any working Government system' shall be an unintentional coincidence only.

Justice System and Government:

The justice system in many countries is an organ of the Government for providing justice to the people. And obviously the definition of justice in such case is given only by the Government. This may correspond to the CEJ model because OEJ will follow the principle that the justice exists for the WAL. In the development of such system primarily it is considered that Government is above all, a group monitoring the position of public grievances and directing the agencies below them to impart justice to the people. As the justice system would be considered as an organ of Government, it is presumed that the origin of public grievances would be the differences amongst themselves, the constituents of the society and Government has to play the role of the 'monkey' to resolve dispute of two 'cats'. In the earlier government and governance models it has been emphasized that the individuals in government are all human and common people, thus are driven by the good or bad attributes of the human brain. With administrative power, control over all checking and **power dissipating agencies (PDA), the people in the government have much higher possible exhibit of their supremacy.** Therefore, looking at the model of Government (MOG, OIG) and 'Managers of Governance' system (MGG), it seems evident that the government may tend to switch over to 'master format', which represents undemocratic and unconstitutional values, and MGG system may get transformed to different form gradually and may finally behave like a selfish group. And even Government may also tend to behave like a criminal supported group (to be explained along with MS format).

If Government changes their form from a public serving groups to selfish groups mode and deviate from providing justice to citizens, the judiciary being a part of Government system and basically not having designed to handle the situations of Government changing its course, would fail to provide justice to the people. Especially under the circumstances when the government would change its course from 'sincere genuine service provider to people' there will be lot of differences between common citizen and government and justice system with CEJ philosophy and government control would not work for the interests of citizen.

When the orientation of Government would change from 'citizen welfare' transforming into a master, the citizen would react claiming their right of getting 'citizen welfare like behaviour' from the government and would lead to conflicts between citizen and government. If such cases would go to the court, judiciary being under Governments control, may behave in a manner to discourage citizen.

If the departmental promotion of a 'justice deliverer' JD, is in the hands of Government's organs/units and Political group, the decisions of cases involving the Government as a party in judiciary would certainly be influenced by this control. Thus the judiciary would not be a 'justice delivery system' in the form, justice is looked at by the people (WAL in this case) but only be delivering decision in the form and manner in which the Government would feel like justice to be. One may argue that this analogy may not be universal since there may be good people in the government also but

the fact remains that no government people GPP would like to set a precedence of judiciary or JDS prevailing upon GPP.

Once 'justice system' gets into the form of delivering only decisions and not 'justice', may be originating from the cases involving government as a party, this would provide flexibility and bad habit to the 'JDS' to take the 'citizen concern' casually. **Thus government control on JDS would gradually decay in values and reach a point to hardly deliver justice in a CEJ justice delivery system.**

With possible master slave governance formation of the Government and the society, cadre based working of MGG system, leaving people to undemanding, helpless and poor state, low CEAK level, and possibility of political and managerial Groups turning towards selfish and criminal orientation group, **the role of JDS becomes very important becoming the most potent tools to restrict such 'masterism'.** And media must support common helpless citizen.

To impart true justice to the people and to check the group transformation in the MGG and political groups, it is very important that justice system is free of 'Government control and political leaders/system influence' as in most cases government is formed by 'political parties and political people'. Thus **the justice system should work directly under the Independent constitutional entity ICE, away from both politicians (turned government actors) and MGG.**

As discussed previously, **justice is an absolute term, independent, solo, non-aligned, glowing like sun to spread light in all directions equally (or more appropriate to say that removing darkness from all directions equally).** So there should not be any obstruction in any direction to prevent its light to spread. And if it is done, the light of justice would have this common characteristics of light, that the shadow of the obstruction would be formed, visible to everybody. Thus the light to emanate from the judicial system. **This supports that primarily justice system should be the producer and owner of the laws, and not the Government or the MGG system, but Government being the prime constitutional body may carry out the process of scrutiny and approval.** Thus in this model the ministry of law can be agency to peruse the Government to render decisions, whatever required, conforming to the norms of constitution, instead of the role of acting as Government's representative.

However, the important point to deliberate about is, how justice system can be the producer and owner of laws depriving the Government from this privilege. Therefore, the judicial system would be a different model. Since 'judicial' term represents a group or a branch of operation of the Government, the new system would be called 'justice system'. Since justice is an absolute term representing truth, correct and right, **it would also cover the monitoring and checking of Government and MGG system to prevent its probable shift from 'nation's benefit' to 'self benefit' form. So there would be different set of laws for GP.** This would again support for justice system to be under ICE only.

It would be necessary that the Justice system and its constituents are independent, thus it should be a different service. In many countries it is a separate service, but 'JDS' is under the control of both Government and MGG system which is undesirable. As explained separately the justice system including Election Commission (DAU) should be

under other constitutional entity i.e. the ICE, bringing the highest body of a democracy into an active participating domain, independent from the Government.

Functions of Justice System for Governance by Government

As elaborated separately, there should be an 'independent constitutional entity' to monitor the working of Government and other constituents. **DAU is the agency which would grant the membership of Parliament or Legislative assembly etc to an individual with the sole objective of 'Public and Nation's Service'**, which would further provide entitlement to become 'member of government'. However, since this membership is temporary for a time period, and confer upon duties and liabilities onto the member, this should better be called 'licensed membership'. Thus monitoring of the working of MOG, OIG, PL shall be the responsibility of DAU. It would be the duty of monitoring the working and behavior of members including behavior in public, **remind them and caution them for their actions contrary to the laid down norms and objectives, on its public domain, and refer the incidents to JDS if need to be examined in details.** The JDS as duty to the nation, would monitor the members through DAU/ICE, and may ask DAU, even if the incident not referred by DAU, to consent to start investigating into the incident/ case.

The justice system of a nation would be aimed at specific social, administrative and constitutional objectives. The functions of this 'justice system' would be:

(i) To frame different set of more stringent laws for Government representatives, HOG, MOG, OIG, MLA, MLC, Political parties and representatives PL, for serious offences and when required apply and punish.

(ii) The formation of new laws need approval of the parliament but preparation of draft of a law and practical application is to be with Justice System. Justice system would ensure completeness of the laws and fill up gaps with the government or otherwise return to government to make complete law.

(iii) Of its own, JDS should take action to decide the cases of MOG, OIG, PL fast and sincerely. JDS need to establish such norms and make it public.

(iv) All details after decision in cases involving MOG, OIG, PL should be placed on public domain.

(iv) 'Code of government responsibilities' shall be initiated by 'justice system' and to be established with approval of government and ICE. The proposal should be approved by government/ parliament/ State Legislative Assembly in six months and till such time the initial proposal shall be constitutionally acceptable. Similarly 'code of public service and ideal behavior' by GPP to be framed and notified by JDS

v) Frame laws for fixing Government responsibility for progress, accountability, social parity, transparency etc. based upon 'code of the nation' or 'Code of Government responsibilities' to the citizen in consultation with ICE. If government does not initiate within four months of formation of the government, Justice System should initiate. The term Government would include MOG and OIG.

(vi) Frame laws for fixing responsibility of OIG (MP, MLA, MLC, District/village Elected Government Representative) 'for progress, honesty, accountability, social parity etc. based

upon 'code of the nation' or 'Code of Government responsibilities' to the citizen in consultation with ICE. If government does not initiate within four months of formation of the government, Justice System should initiate. The term Government would include MOG and OIG.

(vii) Decide 'code of Government Responsibilities' toward the citizen. It would need parliament approval but every thing else viz preparation, processing, monitoring etc., should be the responsibility of the justice system.

(viii) Decide 'code of responsibilities for OIG (MP, MLA, MLC, District/village Elected Government Representative)' towards the citizen. It would need parliament approval but everything else viz preparation, processing, monitoring etc., should be the responsibility of the justice system.

(ix) Undertake review of structure of laws every five year for any change if required. In between structure new laws if required. The methodology for this would be preparing the draft of 'new law' with justification and necessity, specifically covering the 'enforcement media and procedures and submit to Government/ parliament. The amendments if any would be done by parliament together with justice system. The government can also initiate 'making of a law' however, get initiated by Justice system, finalize with ICE and justice system and the parliament.

(x) Assess the government performance against prescribed laws at regular intervals. The self assessment can also be made by the Government and sent to ICE/ Justice system.

(xi) Assign 'code of impartial public behavior' for Media and 'news papers' jointly with DAU. Different news papers would make self assessment against the criteria every three month and made the findings public.

(xii) The laws would be placed claiming the public services would be called 'national services'. Any national service would be assigned to any eligible MMG which would be accepted and carried out.

(xiii) The anti-parliament and anti-social behaviors of 'high status government and political (public) representatives' HOG MOG OIG PL would be governed by different laws and procedures much stringent than laws for common people, which would be designed by Justice system finalized jointly with government/ parliament.

(xiv) All laws shall be available in an understandable form on a public domain. The making of a law will be an open exercise for the citizen.

(xv) The disputes of criminal and unconstitutional nature resulted by the Government or its constituents to the citizen to be decided by Justice system as a responsibility to the people/ citizen and nation.

(xvi) The disputes and the cases between two citizens of criminal or social nature to be resolved for RCHOL and punishment decided.

(xvii) Code of conduct for Justice system for all players and co-players, to be structured and deviation would effect performance index of the constituents.

(xviii) DAU to structure code of conduct for a political party and a political leader and advise to DAU/ ICE. This would be implemented in legal form by Justice system.

The most important aspect which must be clarified is that 'JDS' shall structure the 'laws, codes, rules, parameters to assess RAA' etc and notify. It would further 'monitor the behavior, compliance, disobedience' of set parameters by Government organs and notify. It would not open a case as done in 'normal judiciary mechanism' regarding these and 'process' for a decision with arguments, counter arguments and so on.

Out of the above primarily only one activity at S.No. 16 is being performed by Justice system. This alone can reflect the democratic Index of the nation from the citizen point of view.

The remaining functions are normally non existent or being performed in a manner which is neither transparent nor fair to justify its purpose being served for which those are developed and designed.

To prevent this justice system to work as cadre, there would be change of positions at higher level. 25%-50% of the members associated in activities, mainly pertaining to monitoring of functioning of Government in the selfless manner, or structuring of laws and codes to make them most effective in achieving its purpose, may be the guest members from outside, like non political and non controversial national servants, military officials, lawyers, engineers, doctors, businessmen, experts in various fields etc. There could be a committee of these people which can examine any suggestion coming from government or outside. The accuracy of language and words may not be as important to waste a lot of time as it would be the transparency as once everything is in public domain, public can decide right or wrong itself. **And whether it is MGG System, judiciary or public, no decisions should be just based upon emotions. Any body putting up point of view must support with rational and reasoning and figures/data and not hypothetical apprehensions like 'speculations about misuse'.**

If it is not a compulsion for MOG, OIG, PL, GP that their statements shall be supported by 'figures, logic and rational, derivations and convergence', they will deliver statements 'without reasoning and logic, hypothetical based upon presumptions and only literary/ poetic' leading to inconclusive outcome.
