

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.

### **Completeness of Laws and Rules:-**

- 1. It is better not to have a law than having an ineffective and manipulating law as once 'unlawful' forces get into the habit of breaking laws because of its inherent loop holes/deficiencies, they start breaking more laws and presents an example and precedence to many others to break the laws.**
- 2. Activities which are controlled under some 'rule and law' are still being performed in a large way in a manner contradicting to the 'rules or the laws'**
- 3. 'Laws and Rules' basically would be required to handle a particular adverse situation for securing overall interests of the citizen and need to be designed to serve its purpose.**
- 4. Laws and Rules must describe 'Objectives'**
- 5. DAVM Goals must be associated with Laws and Rules**
- 6. Laws and Rules must describe Actors/Co-actors and their roles**
- 7. Results of compliance of the 'Laws and Rules' should be highlighted in terms of benefit to the society**
- 8. Laws and Rules must describe 'Punishment on non-compliance/unlawful'**
- 9. Implementation/Enforcement agencies/machinery and authorities of government should be clearly identified with roles and responsibilities/RAA**
- 10. Crime registration: procedure for receipt of report of law breaking/torture/distress from the victim should be clearly specified**
- 11. the punishment to the law implementing agencies and authorities, if exhibit MUBI-dity**
- 12. Methodology for measuring the level of implementation**
- 13. Assessment of manipulation. The possible manipulation of the 'Laws and Rules' by the citizen and also by the government authorities**

Every government in the process of governance makes 'rules and laws' as narrated in the chapter 'Rules & laws'. However, **it is a very common picture in most of the countries that the activities which are controlled under some 'rule and law' are still being performed in a large way in a manner contradicting to the 'rules or the laws'**. It therefore, is evident that while making a 'rule or law' (ROL), some basic considerations to be ensured to make the 'Laws and Rules' effective and purposeful. **A 'Laws and Rules' basically would be required to handle a particular adverse situation for securing overall interests of the citizen and need to be designed to serve its purpose.**

Some basic parameters which would necessarily constitute a 'Laws and Rules' may be as under:

- 1) **Objective: The objective of the making of 'Laws and Rules' should be very clearly mentioned. The objective should express the details of situation, quantum of problem, bad effects envisaged and how the 'Laws and Rules' would help.** It would be in the form of an analysis to prove that objectives are correct and these objectives would not contradict any other system.
- 2) **DAVM goals should be associated with the law.** If the law has been made to control rapes, it should be clearly mentioned that there should not be a case of rape which is not solved in one month time and the culprit is arrested. The target would also cover that not a single case of rape would go, unrecorded. **If such DAVM goals are made along with the 'Laws and Rules', the direction of enforcement is set. The agencies which have responsibility of materializing and transforming the laws in the field into action,** would be bound by the law itself to make the laws effective to help the citizen and resulting an end to the problem.
- 3) **Actors/co-actors and their roles:** It should be very clearly identified in the 'Laws and Rules' that which agencies/GPP are involved in the process and who are the authorities answerable for the implementation. **Without this, the methodology of implementation of 'Laws and Rules' would remain grossly incomplete and the 'Laws and Rules' would remain on papers. The role and responsibility of different associated units shall make them accountable to pick up their role themselves and act rather than waiting for different circulars to come for methodology of implementation which may even have some contradictions to the law itself, which even the law makers, the government, may sometime like to keep.**
- 4) The results of compliance of the 'Laws and Rules' should be highlighted in terms of benefit to the society (or other stake holders). **The review of these benefits intermittently would also reveal the effectiveness of the 'Laws and Rules'.** Provision of **six monthly review of the effectiveness of the law should be contained in the law alongwith procedures of evaluation of effectiveness.**
- 5) **Punishment on non-compliance/unlawful :** There is no doubt that this provision must be covered to cause disincentive to the non-law abiding people from breaking laws and do unlawful things. The provisions of punishment should be 1:1 basis. **It implies that the same punishment would be due to the culprit for any particular crime all over and in all such cases. No if and buts. No provisions that subject to something, the justice system becomes 'sympathetic' and relax the punishment in any particular case.** It has been elaborated in other chapter that provisions of 'DISCRETION' implant corruption. So all cases of 'particular crime' would assert 'same punishment' invariably.
- 6) The Enforcement/implementation agencies/units/machinery and authorities of government should be clearly identified with the 'Laws and Rules'. The authorities need to be assigned responsibility and accountability regarding

**enforcement of the 'Laws and Rules'.** For example in case of a rape, it should be clearly mentioned that DPH of the district shall be accountable for compliance of the law and action taken as mentioned in the law or it would be a dishonour registered on each case of 'rape' or such crimes.....

- 7) Registration procedure- **Crimes: The provision of CRAG Auto-generated crime reporting, should be available to the citizen. The procedure for receipt of report of law breaking/torture/distress from the victim should be clearly specified as this is the 'first and the most important' step for becoming the law effective.** The procedure should be made perfectly accessible without any procedural requirements and perfectly transparent by specifying the accountability of the agencies & authority implementing the laws.
- 8) **Other Public Complaints:** This aspect is covered in different chapters. However, as above, the procedures for **receipt of complaints should be made perfectly accessible without any procedural requirements and perfectly transparent by specifying the accountability of the agencies & authority implementing the Rules.**
- 9) **It is very important to mention/contain the punishment to the law implementing agencies and authorities, if exhibit MUBI-dity, or a deliberate relaxation has been provided by them to any law breaking person, thus bringing the government law enforcement authorities at par with the citizen which would be a measure of 'citizen empowerment'. If citizen are chargeable and punishable for breaking the law, the government authorities are also punishable 'against the same law' for permitting violation of the law.** In many countries, mainly with high MUBI governance system, government people permit unauthorized/illegal construction for driving personal benefits and when the problem becomes out of control, a separate guidelines are issued to demolish. Thus putting the citizen to a loss at both the occasions. Not only citizen, but the government is also a loser in this process. Normally the **government people/authorities are accountable to different departmental rules, which would not describe such violations in the field and which are too mild compared to the law itself** describing 'illegal constructions' and associated punishments to citizen. Thus a wide gap of responsibility and accountability between citizen and the government authorities for breaking the same law, which can be stated to be unethical without any prejudice. **The punishments to government people should be covered in the same law which applies to citizen and level of punishment to be harsher to the 'government people'.**
- 10) Methodology for measuring the **level of implementation** also should be covered in the law 'itself' to regularly monitor the after effects and achievements of the objectives. The **intelligence level of 'law enforcing people/unit/GPP' shall be very important characteristic which shall vary the level of implementation** at different places and in different environment. The **'precision of procedures' shall be another important aspect which will affect the implementation.** Thus **well elaborated checklists to be annexed to the law as minimum requirements** and for guidance and eligibility of government people being 'good' should

correspond to what 'more' he/she has 'supplemented' for making the law 'more effective' and not 'mere compliance of checklists'.

- 11) **Assessment of manipulation.** The possible manipulation of the 'Laws and Rules' by the citizen and also by the government authorities should be studied as many loopholes and deficiencies left and laws become totally ineffective as a lot of scope is left for manipulating the provisions of the law by the citizen or the government authority and making the law ineffective.

A rule of thumb would be that **it is better not to have a law than having an ineffective and manipulating law** as once the 'unlawful' forces gets into the habit of breaking the law because of its inherent loop holes; this habit makes the one to break more laws and presents an example and precedence to many others to go the same way.

**Annexure to law:**

1A) Loss-Benefit analysis- This is not required to be in the main body of law. A loss benefit analysis should be done to support the laws to identify the possible losses and ways to neutralize these. The losses both social and economical may be assessed and ways to neutralize may be studied