

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 in the world'. Any explanation in this 'coinciding with any working Government system' shall be an unintentional coincidence only.

The Independent Constitutional Entity

ICE/ICONE-Independent Constitutional Entity; SICE-ICE in states/regions

1. **Government people, having enormous powers, if unchecked, may have high probability to change over from 'selfless group' to 'selfish group'. The government people with background of 'political party' may have still higher probability.**
2. **Separate Independent constitutional entity (ICE/ICONE) is necessary which has the responsibility of monitoring and examining the working of the Government, but at the same time neither has a possibility of a shift to selfish attribute nor does directly interfere in the working of the Government**
3. **The ICE/ICONE would not have the powers of the government but would have means and constitutional authority to continuously evaluate, declare and notify/propose necessary correction, if required. ICE/ICONE should be away from an active role in the process of Government decision making**
4. **The ICE/ICONE would exercise necessary checks, from outside, screen behavior of Government and GPP, evaluate, declare the behaviors and performance to ensure that Government (People) do not behave in selfish manner and gets into MS governance,**
5. **ICE/ICONE would play the role of an active monitor/checker on behalf of the citizen ICE/ICONE would be free to question and establish credibility or fraudulence of the government working and decisions**
6. **The DAU, democracy assurance union, the investigating bodies/units and Justice System shall have to be put under ICE/ICONE's control directly to enable it to fulfill its obligations. Under Government's control these may be misused for Selfish goals by GPP.**
7. **Government must specify DAVM objectives /goals and places progress of all schemes as envisaged regularly on timeline so that the money spent can be linked to the availed facilities by citizen**
8. **Endeavour of the ICE/ICONE to analyze the government and GPP rating, validating it and monitoring for government consistency for realizing it and making it public.**
9. **ICE/ICONE must notify publicly that all past 'political affiliations and inclinations' have been made 'nullified'. The constitution must also restrict**

ICE/ICONE from contesting elections for five years after leaving the position of ICE/ICONE.

- 10. The ICE/ICONE may examine the government's GOSIP, comment and assign 'score/Rate' and not necessarily approve. The most important part would be that ICE/ICONE points should be placed on public domain by the government. Government proposal must be in the DAVM form and ICE/ICONE remarks, if any should also be DAVM and speaking.**
- 11. If GOSIP brings undesired results to the nation, only Government would be answerable to it**
- 12. Keeping 'Election piloting unit' DAU under 'government and administrative' (GOE and GOS) system is undemocratic decision as this would underrate the constitutional importance of DAU and turn it into a passive entity.**
- 13. ICE/ICONE to ensure that DAU functions should not cease with the elections but ICE keep continuous vigil, through DAU, over the actions and behavior of the elected OIG, political parties and leaders of political parties PL.**
- 14. ICE/ICONE may have separate panel of experts hired from outside, to analyze government decisions and shall participate in the process of investigations also based upon random selection procedure.**
- 15. If government does not assign score/rating with their GOSIP, the ICE/ICONE may return or may assign a 'rating/score' by itself.**
- 16. ICE/ICONE would examine**
 - 1.do the government specify DAVM objectives and goals so that the money spent can be linked to the availed facilities by citizen**
 - 2.Do the government places progress of all schemes as envisaged in planning against what achieved in reality, regularly on timeline**
- 17. Experts panel, appointed by ICE/ICONE to evaluate GOSIP, shall be free to debate and present viewpoint irrespective of ICE observations and even if the GOSIP is already accepted by ICE/ICONE. Rating of the GOSIP should be decided before it is implemented**
- 18. The procedure for deciding rating of a plan or policy GOSIP, namely citizen rating, national rating and professional rating shall be first announced by the government and later substantiated by ICE/ICONE after the expert's feedback.**
- 19. An organ under ICE/ICONE should be assigned the very important job of evaluating government's GOSIP for spending nation's resources. Let we name this unit as 'Reviewer of Governments Spending of (nation's)Resources' or 'Government Spending of Resources Reviewer' -GSRR.**

20. GSRR will announce any scheme, plan or project announced by the Government as 'MUBI scheme or plan or project' if it was not announced along with DAVM objectives and goals on timeline

21. GSSR responsible for:

(i) Structure standards, criteria, norms, rules, performance rating and measurement procedure/techniques for the functioning of all government/public services

(ii) Set record maintenance procedures for performance assessment of GOSIP

(iii) Monitor GOS group/MGG system

(iv) Monitor and review Government machinery/decisions/notifications for maintaining correct, accurate and genuine statistics and statistics to be notified by government along with procedure/calculations every two months.

22. If ICE/ICONE joins GPP, for irregular act, it would 'RATE' a GOSIP high, which in fact would be low, and take 'discredit' for actions for which 'government' responsible. ICE/ICONE shall have least interest in such situation knowing that it would now be 'owning' the misdeeds of government.

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In a democratic governance, the Government is formed by the government people (GPP) coming from the masses as per the provisions of the COG/constitution and becomes main source of governance of the nation. As seen in **other models**, **these human being (after all GPP are human being) are driven by the normal attributes of a human, may gradually tend to change over from selfless group to selfish group.** In case of MS governance model if in force in a country, government becoming a selfish group is a prevalent possibility. The government has all the powers and if the most powerful becomes a selfish group, the nation's progress would reverse. This has been discussed in details in governance models explaining how MS governance model emerges. So there has to be an inbuilt mechanism in the COG and in the governance structure to check, assess and to prevent this transformation of Government from selfless group to selfish group. **The likely hood of formation of zero value justice system and MADISM media/madiak is almost certain in the MS mode of governance.** Once a government has moved away from the ideal governance, there is no likely hood of recovery and return to the ideal governance

It is also evidenced in other chapter that in case low intelligence prevails at the top, it would tend to turn everybody else 'low intelligent' for its survival.

Therefore, **a separate constitutional entity is necessary which has the responsibility of monitoring and examining the working of the Government, but at the same time neither**

has a possibility of a shift to selfish attribute nor does directly interfere in the working of the Government. Let this be called as non government constitutional entity or **independent constitutional entity (ICE/ICONE)**. As COG/constitution would be the basic document and holy book for establishing governance in a nation, the prime objective and **responsibility of ICE shall be to ensure 'rule of COG' is enforced and also the emergent conditions on account of failure of the government or otherwise are handled.** The rule of COG and nation's interest normally would be driven by the government, however, as long the human in government behaves in a selfless manner and Non-MS government/governance prevails. But, due to human attributes if the government people, driving powers from the COG, behaves in selfish manner and gets into MS governance, the ICE would exercise necessary checks, from outside, screen their behavior, evaluate, declare the behaviors and performance and propose necessary correction. The ICE would not have the powers of the government but would have means and **constitutional authority to continuously evaluate, declare and propose necessary correction, if required.**

In many countries, such constitutional position is non-existent or made totally inactive and passive. In some countries the position of 'President, king, lord.....' exist defining as the constitutional head as per the constitution but made totally passive, perhaps because of the fear that the Government would become powerless or may be with apprehension that it would check the behavior of the Government constituents, whenever they are wrong (or intend to be wrong) and control their actions.

However, **this position is good for being the other 'Independent constitutional entity' in its active incarnation.** Such equivalent positions if not available in a system, can be created. The mode of selection of this position ICE is not so important and can be appointed by parliament by elections. What is **important is that rather than keeping this important and influential position 'passive', it should be made 'responsible, active and intuitive'.**

The ICE would thus be above the DAU, democracy assurance union, the investigating bodies, parallel controlling the intelligence departments related to nation's security, Justice System. **The DAU, investigating bodies and justice system should be free of the control of government, HOG, MOG, OIG and MMG for its sincere and genuine reporting to ICE.**

The ICE would have its independent office and overview and supervise the Justice system, the entire process and system of selection of appropriate people through the process of elections. These wings therefore, should be free of the direct influence of the Government and the administrative group MGG.

It is necessary to examine the possible transformation of the ICE, or the Justice System or DAU (democracy assurance union) in a manner that it provides disadvantage to the people.

The ICE ideally would be a selfless entity, since not directly involved in the government decisions, it primarily would not have incentive for its conversion into a selfish group.

The position of ICE, itself has power, recognition and influence being at the position of 'monitor' of the government. The ICE should not have urge to accumulate money and we would analyze further that why the ICE would not have urge to have more and more wealth. The ICE would not, preferably, be a political leader who would look for election expenditure or political tie ups etc. Therefore, the undesired level of urge for more money would not have firm reasoning.

In order that the ICE does not have urge to accumulate wealth, it should not have political aspirations. The first desirable condition stands that it should not have any 'political affiliation in its history. As normally it would be difficult, it would be necessary **that the ICE must notify publicly that all past 'political affiliations and inclinations' have been made 'nullified'.** The **constitution must also restrict ICE from contesting elections for five years after leaving the position of ICE.**

It may also be possible (and to be examined) that ICE would mix up with the Government to take a decision in which GPP can be benefited and thus share of benefits can go to it. This being an important scenario, thus need to be discussed. This would happen if ICE is made the approving authority of a Government proposal and thus becomes a 'stake holder' in the process. **The ICE therefore, should be away from an active role in the process of Government decision making.** However, ICE would endorse its apprehensions if any, along with the acknowledgement of the Government proposal leaving Government to review its applicability and necessity. **The most important part would be that ICE points should be placed on public domain by the government.** The most important change is that the **justice system would be under the ICE which would keep a track of such apprehensions by the ICE** in the actions by the Government. **The Government proposal must be in the DAVM form and ICE remarks, if any should also be DAVM and speaking.** The proposal returned once and then accepted next time is OK, an 'acceptance with observations'. If the ICE apprehensions are overlooked and consequences emerging out of the same are not favoring to the nation, then the Government would be answerable to the 'ICE' directly or through 'Justice system' and through DAU in terms of assessment of selfless behavior of HOG, MOG, OIG, PL. **A system for assessment of the results of the proposed plans of the government would need to be developed by ICE, jointly with justice system and JDS, if necessary, and such assessments shall be returned to government for its appreciation.**

If a proposal has been accepted by ICE without any comments and later **if GOSIP brings undesired results to the nation, only Government would be answerable to it.** However, losing the honour and dignity associated with the position of 'top in nation' would prevent ICE to be 'only signing' entity without critically examining the proposal. Thus **ICE would neither have inclination of getting aligned to the Government nor the fear of sharing the responsibilities of the activities** of the government which may act misaligned to the duties, especially if a temporary group of politicians. Thus the 'ICE' would have incentive to work with due transparency and fairness.

As examined in the chapter of 'Democratic Assurance union', it has been brought out that **keeping 'Election piloting unit' DAU under 'political and administrative' (GOE and GOS)**

system is one of the most undemocratic decisions as this would totally underrate the constitutional importance of DAU and turn it into a passive entity.

It produces the most undesirable situation in which **'the DAU human elements are part of the MGG cadre', also gets close to the Politician, HOG, MOG, OIG and depend upon them for career progression, and starts following undemocratic and anti-citizen practices**, become passive, and practice all misdeeds of politics and election process as narrated in the DAU model.

This has already been discussed separately and not detailed now. The DAU organization must be removed from the influence of 'MGG setup and System' and the political group and the Government. Ideally it should work under 'ICE' like justice system. **DAU functions should not cease with the elections but continuously keep vigil over the actions and behavior of the elected OIG (members of legislative houses...etc), political parties and leaders of political parties PL.** The Government many times try to support the political gains even if coming out of substantial loss to public and such situations can be challenged by 'ICE' through 'Justice system' and DAU, making Government to act. As the DAU also deals with the political parties directly its structure and **modus-operandi should be changed to make it suitable to check and examine the behaviors of the political parties and politicians also**, those who are not in Government.

The **other organizations which should be under the ICE are the agencies empowered to investigate.** The explanation is just similar to the case of DAU. If investigation agencies have anything to depend upon the government HOG, MOG, OIG, PL (the politicians), and MGG the bureaucracy, these will be misused by them in return to gains, the government people may provide to the investigation agencies people. Being small in size, these agencies may not be with permanent incumbents because of involving promotion etc, but once a person is in these organizations, simply by virtue of its being under the control of the ICE, **the complexion of their response towards government would be governed by different set of rules & regulations.** It would not be out of place **to have a separate organization under 'ICE' with such organizations in different regions/states.** This would increase the size of organization to take care of personal aspects of promotions etc. for the people working under ICE.

It is not at all desirable that the 'investigating agencies' are under the 'government's System' GOE and GOS which would make it puppet which further would encourage the MS governance.

The investigation set up would have separate panel of experts hired from outside, to analyze government decisions and shall participate in the process of investigations also based upon random selection procedure.

Looking at the ICE and the government together, it would look like the configuration of a corporate with ICE as the chairman, PM as the MD and the MOG as the BOD. The chairman may not be having the reasons to interfere in to day to day working of the

company but have such powers, keeps a vigil on the working for being in the interest of the company. And if required the chairman has the powers to check and suggest corrections in the working of company's managers.

Whenever the government would produce a plan and put up a proposal, GOSIP, the government would declare its rating as per its weight for being important to the nation and the society/ citizen in terms of DAVM objectives and target.

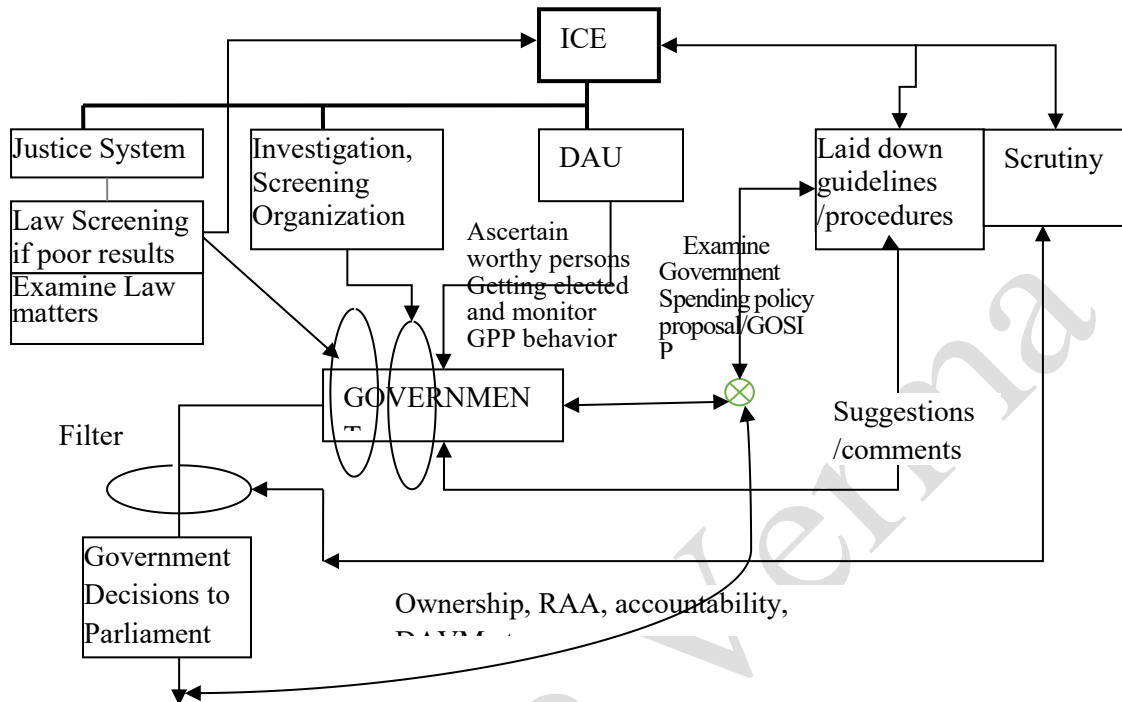
If government does not assign score/rating with their GOSIP, the ICE may return or may assign a rating/score by itself.

The analysis by ICE/experts would be in respect of completeness and competence of the proposals/policies/funds spending etc. and its accrued advantages not in general terms but by assigning the DAVM weight against different indices of citizen rating, national rating and professional rating.

It would be an Endeavour of the ICE to analyze the government rating, validating it and monitoring for government consistency for realizing it and making it public.

Investigations would be of two types: Immediate and long term.

For producing a visible impact of existence of ICE and its monitoring, there would be a procedure needed to impress upon the concerned MOG, OIG, PL senior MGG facing charges, that there is immediate action taken by ICE whenever the working of government MOG, OIG, PL becomes questionable for selflessness behaviour.



The immediate investigation filter will be exercised by ICE for the information of general public, by using a panel of experts for commenting upon the policy of the government being passed in the parliament and implemented and if any change government can perceive during execution. The **experts panel shall be free to debate and present viewpoint irrespective of ICE observations and even if the GOSIP is already accepted by ICE**. Government would however, be free to go ahead with a policy, but the **rating of the GOSIP shall be decided before it is implemented. The procedure for deciding rating of a plan or policy GOSIP, namely citizen rating, national rating and professional rating shall be first announced by the government and later substantiated by ICE after the expert's feedback**. The same procedure shall be applicable for any government spending proposed by the government or a government department. **It will be the duty of any government department to intimate the ICE regarding any policy or government money/resources spending proposal**. The similar procedure shall be followed by the state government to send advice to the ICE representative in state/region (ICE in states ie SICE).

To maintain the basic spirit of democracy and presuming the rightful action being done in the interest of nation and citizen, by the elected PL and citizen becoming HOG, MOG, OIG, **the government is to be given right to take its own decisions**.

As explained in various chapters, there are **many important activities pertaining to Government working which are vague or poorly defined or even not defined at all**. This is

the way a Government would keep its inefficiency, hidden. As a government is made of 'human bodies', it may be an intentional action on part of them, **to avoid being questioned for their inactions, mistakes, foul plays achieving it by keeping laws, procedures, rules incomplete, unfocussed and ill illustrated.** One very important activity which is being lost in the mist of such anomalies is the performance assessment of the Government, and that too, in DAVM form. As in most of the government systems, the government is formed by picking up persons having background of a political party, the term 'government people' would invariably include the political leaders PL. Let us use term GPL covering both.

The analysis of the performance of the Government is must as the GPP have enormous constitutional powers and it is mandatory to consistently measure and prove that they are working in selfless manner. As explained in other chapter, DAU shall be the constitutional unit to check the GPP and PL against their constitutional behaviour. However, the government keep on declaring policies, schemes, projects for the citizen or the nation spending enormous amount of money. It is public money and 'Nation's resources' with first right of the citizen on it. **It is utmost important that the usefulness and performance of the government in respect of these spending, is evaluated. Or if not done so, the money may simply flow out to serve the personal interests of GPL under the fake cover of development, public welfare etc.**

Government is the most powerful constitutional entity and anything powerful works well in the interest of mankind and people so long as it follows the set trajectory and boundaries of welfare. If it changes the course, it just does the opposite. There must be therefore, means of continuous monitoring and corrections. **Government, more powerful, more such norms and monitoring needed.** Normally in Government systems, this field is not properly equipped. Surprisingly not even, so called, democratic government systems. **Why GPP would opt for it? If they permit such monitoring and control, they would be like common citizen.** So they would not enjoy the powers they have got. **That is why selfless behaviour is necessary for those who happen to acquire such 'unlimited powers'.**

The government keep on announcing schemes and plans involving spending huge amount of government money. **But do the government specify DAVM objectives and goals so that the money spent can be linked to the availed facilities by citizen? Do the government places progress of all schemes as envisaged in planning against what achieved in reality, regularly on timeline? So to exhibit selfless behaviour and to be sure of selfless behaviour by GPP and PL, such mechanism needs to be in place.** So there should be an 'Independent Constitutional Entity' (ICE) and a powerful constitutional body like government should be observed, monitored, screened by it. The ICE would have downward communication with the government and the citizen to convey its **observations on each government GOSIP and every three months. Its citizen communication front shall be its public domain.**

The government's actions of spending government resources is the most sensitive field. This alone can constitute change over of GPP from selfless to selfish. **An organ under ICE should be assigned the very important job of evaluating government's GOSIP for spending nation's resources. Let us name this unit as 'Reviewer of Governments Spending of**

(nation's) Resources' or 'Government Spending of Resources Reviewer' -GSRR. It will be even more important for ICE/GSRR to put all details on public domain to justify ultimate responsiveness to the citizen.

GSRR will announce any scheme, plan or project announced by the Government as 'MUBI scheme or plan or project' if it was not announced along with DAVM objectives and goals on timeline. The requirements of DAVM goals are elaborated in other chapter. GSRR have the following primary functions:

- I. **Structure standards, criteria, norms, rules, performance rating and measurement procedure/techniques for the functioning of direct public services (like police, Municipalities, land and property departments, works department, water supply, drainage, sewage disposal, cleanliness, floods prevention, crimes prevention, handling communal unrest by government,) with the Government and monitor implementation.** The methodology would be to prepare and forward the criteria and parameters by the concerned ministry and sent to ICE for modifying and implementing after the approval of the ICE within first six months of the government. After six months the GSRR proposed standards, criteria, norms, rules, performance rating and measurement procedure/techniques would get implemented automatically if government fails to finalize.
- II. **Set record maintenance procedures for performance assessment of GOSIP,** and public behavior of GPP, PL which should be transparent and available to public. The assessment criteria and monthly entries should be available to public.
- III. **Monitor GOS group/MGG system.** Every DH would prepare and make public targets, DAVM, every six months and submit report every three months regarding performance of police, Municipalities, land and property management departments, works department, water supply, drainage, sewage disposal, cleanliness, floods prevention, crimes prevention, handling communal unrest by government, use of allotted 'nation's resources' in DAVM results etc. The failure would be considered failure of the state Government DH and OIG (MEMBERS of Legislative houses) of the district. The GOSIP would be jointly owned by MP/ MLA and DH but anybody can announce it to public in DAVM form.
- IV. **Monitor and review Government machinery/decisions/notifications for maintaining correct, accurate and genuine statistics and statistics to be notified by government along with procedure/calculations every two months.** The statistics of social importance and social crimes should be maintained transparently by government validated by police department and making public.
- V. The laws would be placed the public services would be called 'government services'.
- VI Both ICE and SICE may not be having powers to stop the Government from implementing any policy or spending nation's resources/government resources but would have powers

to first bring every information to the public domain and then question and enquire if **there is any difference between the projected results and achieved results of the DAVM objectives and thereby assessing and notifying rating of the government.** ICE would call for regular feedback in the shape of regular progress statement for public. **ICE would decide the usefulness of the progress made in the form of citizen index and national index and highlight discrepancies if any.** The procedure would be followed till end of policy or the scheme etc.

The **ICE would play the role of an active regulator/checker on behalf of the citizen** and although government would be free to spend nation's money and resources, **the ICE would be free to question and establish credibility or fraudulence of the government working and decisions.** And **with Justice system and Investigation machinery, action if required for irregularities would be taken by ICE.**

This would prevent formation of these two entities in union. **With position of a checker/observer/ reviewer, the ICE would have to present government's deficiencies in GOSIP, public behavior and RAA to justify its existence.** With all the powers to select any person against 'no qualitative criteria' as 'ICE' by the government and with 'ICE' having no powers to check the actions of the government, the ICE, inspite of being 'constitutional head of the nation' (as the position of President, King,... in many countries) becomes only a honorary position without any real function and authority.

Let we examine different combinations of these two in ICE-Government matrix.

	ICE (G=Good; B=Bad)	Government (G=Good; B=Bad)	Remarks
1	G	G	No problem. The ideal situation
2	G	B	ICE would decide the rating of the government's decision. This would force the government/GPP to behave and act responsibly
3	B	G	This combination practically would be difficult Bad ICE would not be able to harm much to Government if it performs with due diligence to the citizen and nation.
4	B	B	This is the worst scenario. If it would happen, citizen and nation would get to such

			disadvantage that it may become difficult to recover.

The BB situation is critical and it is important to analyze this situation in details. The only motive of occurrence of this would be sharing of the benefits from nation's resources by ICE and government.

If it happens, the government would be at great disadvantage for taking all bad name, putting their reputation at stake as they would have to go to the public for elections and **face the low rating** by public. The ICE would get benefits without going for any direct loss of reputation. However, this situation would result low rating to the government against set DAVM targets and projected loss/ benefits, which an insincere ICE may artificially declared to be high. This would instantaneously reveal the ICE intentions of betraying the aspirations of the citizen and the nation. So the working of both government and ICE would be revealed automatically which would be the most powerful deterrent to both of them to have irrational and improper union. The DAU and justice system would be installed as 'processes' and 'procedures' and thus continuous misuse of these would not be possible as the working shall be guided by procedures. **It is therefore, most important to make laws and the procedure complete in case of Justice system and DAU.**

The other important factor would be that after driving undue benefits from nation's resources, the government would not share with the ICE, an authority which would be eating out their benefits but still having powers to question them and declare them 'unjustified'.

However, at the extreme, the **possibility of joining hands by ICE and the government for improper intention might occur if both have same political background or political alliance in background**. Such situation may be critically monitored by Media/madiak, though the chances of any loss to the interests of nation are **very rare** because of procedural responsibilities and accountability assigned to DAU, GSRR, JDS by way of transparency.

As per above philosophy, the above system would work well if the procedures are set in a manner that are self checking and self diagnostics to avoid any wrong cartel being formed between government and the ICE.

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