

Introductory Note

This 'Constitution of Anyland' is an experiment in the drafting of a 'generic minimal constitution'.

The aim is to produce a Constitution that is not specific to any one country and does not embed any particular tradition or values beyond a mere procedural commitment to liberal-democracy.

The Constitution of Anyland would establish the basic institutions of a unitary and proportional parliamentary democracy in their most simple, practical and universal form, and would enshrine a standard set of fundamental rights based on the European Convention and its protocols. It is intended to provide a 'short-cut' to democratic constitutionalism, lowering the 'start-up costs' for countries that are transitioning to independence or are undergoing a democratisation process. It enables such states to adopt a workable (if skeletal) democratic constitution with a minimum of fuss or disagreement.

The hypothesis behind this project is that if we keep to the essentials, and to essentials alone, a workable Constitution, necessary for the purpose of establishing a constitutional parliamentary liberal-democracy, need not be difficult nor time-consuming to develop. The essentials have been honed by centuries of institutional evolution and conform to generic, tried and tested patterns. Everything difficult, divisive or contentious, or which can safely be left to sub-constitutional legislation, is omitted; by excluding these points of contention from the Constitution, they are prevented from becoming obstacles to the establishment of a democratic constitutional order.

The deliberate avoidance of symbolic and substantive content means that Anyland could develop in various ways, without needing constitutional amendment, and without the Constitution being a matter partisan controversy. Based on this Constitution, Anyland could be strictly *laic*, adopt an accommodationist approach to religious pluralism, or have an established national religion, even with religious courts. It could adopt the neo-liberal agenda of deregulation, privatisation and tax cuts for the rich, or could pursue a form of social democracy, with extensive public ownership and generous social provision funded by progressive taxation. It could concentrate power at the centre, or could devolve substantial powers to strong regional councils so as to accommodate the wishes of national minorities within it. All these hotly-contested issues could be resolved at the sub-constitutional level of ordinary parliamentary politics – enabling people, parties and groups on different sides of all these divides to give pragmatic support to the Constitution, and to the democratic decision-making process, even while they disagree on ideology, ends and purposes.

Conversely, this generic Constitution need not be used in its 'bare' state. It may also be used as a basis on which those engaged in making a constitution for a particular country, with particular values or issues of first-order significance, can build. Having provided a clear framework for the institutional provisions, it enables constitution-makers to concentrate their consensus-building efforts on those symbolic or substantive elements that may be deal-breakers for certain actors.

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Constitution of Anyland

Chapter 1: State, Constitution and Citizenship

(1) Foundations of the State

Anyland is a free and independent state. Its form of government is a parliamentary democracy. Sovereignty belongs to the whole people.

(2) Constitution is Supreme Law

(a) This Constitution is the supreme and fundamental law of Anyland.

(b) Any Act of Parliament, treaty, order, regulation, or other instrument, which is incompatible with this Constitution shall, to the extent of incompatibility, be void.

(3) Citizenship and Franchise

(a) Conditions for the acquisition of citizenship by birth, marriage or naturalization, for the loss or renunciation of citizenship, and for the holding of dual citizenship, shall be determined by law.

(b) All citizens, having reached the age of 18 years, shall be entitled to vote in elections to Parliament and local Councils, and in referendums; provided, that persons serving a custodial sentence for a criminal offense, or under guardianship for mental incapacity, may be excluded from the franchise by Act of Parliament.

Chapter 2: Fundamental Rights and Freedoms

(1) Protection of rights and freedoms

The provisions of this Chapter shall have effect for the purpose of guaranteeing the fundamental rights and freedoms of all citizens of Anyland and of all other persons subject to the jurisdiction of its courts.

(2) Right to life

(a) Everyone's right to life shall be protected by law.

(b) Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary: (i) in defence of any person from unlawful violence; (ii) in order to effect a lawful arrest or to prevent escape of a person lawfully detained; (ii) in action lawfully taken for the purpose of quelling a riot or insurrection.

(3) Prohibition of torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

(4) Prohibition of slavery and forced labour

(a) No one shall be held in slavery or servitude.

(b) No one shall be required to perform forced or compulsory labour.

(c) For the purpose of this Article the term forced or compulsory labour' shall not include: (i) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Chapter, or during conditional release from such detention; (ii) any service of a military character or, in case of conscientious objectors in countries where they are recognized, service exacted instead of compulsory military service; (iii) any service exacted in case of an emergency or calamity threatening the life or well-being of the community; (iv) any work or service which forms part of normal civic obligations.

(5) Personal liberty

(a) Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: (i) the lawful detention of a person after conviction by a competent court; (ii) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law; (iii) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so; (iv) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority; (v) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts, or vagrants; (vi) the lawful arrest or detention of a person to prevent his effecting an unauthorized entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

(b) Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and the charge against him.

(c) Everyone arrested or detained in accordance with the provisions of paragraph (a)(iii) of this Article shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

(d) Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

(e) Everyone who has been the victim of arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation.

(6) Right to a fair trial

(a) In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly by the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

(b) Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

(c) Everyone charged with a criminal offence has the following minimum rights: (i) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him; (ii) to have adequate time and the facilities for the

preparation of his defence; (iii) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require; (iv) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him; (v) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

(7) No punishment without law

No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

(8) Respect for private and family life

(a) Everyone has the right to respect for his private and family life, his home and his correspondence.

(b) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

(9) Freedom of thought, conscience and religion

(a) Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

(b) Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedoms of others.

(10) Freedom of expression

(a) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent the State from requiring the licensing of broadcasting, television or cinema enterprises.

(b) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

(11) Freedom of assembly and association

(a) Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

(b) No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

(c) This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

(12) Right to marry

(a) Men and women of marriageable age have the right to marry and to found a family, according to the laws governing the exercise of this right.

(b) Spouses shall enjoy equality of rights and responsibilities of a private law character between them, and in their relations with their children, as to marriage, during marriage and in the event of its dissolution. This Article shall not prevent the State from taking such measures as are necessary in the interests of the children.

(13) Protection of Property

(a) Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

(b) The preceding provisions shall not, however, in any way impair the right of the State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

(14) Right to education

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

(15) Prohibition of imprisonment for debt

No one shall be deprived of his liberty merely on the ground of inability to fulfil a contractual obligation.

(16) Freedom of movement

(a) Everyone lawfully within the territory of the State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

(b) Everyone shall be free to leave the territory of the State.

(c) No restrictions shall be placed on the exercise of these rights other than such as are in accordance with law and are necessary in a democratic society in the interests of national security or public safety, for the maintenance of public order, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

(d) The rights set forth in paragraph (a) may also be subject, in particular areas, to restrictions imposed in accordance with law and justified by the public interest in a democratic society.

(17) Prohibition of arbitrary expulsion

(a) No citizen of Anyland shall be expelled, by means either of an individual or of a collective measure, from the territory of Anyland, nor deprived of the right to enter the territory thereof.

(b) Collective expulsion of aliens (that is, persons who are not citizens) is prohibited.

(c) An alien lawfully resident in Anyland shall not be expelled therefrom except in pursuance of a decision reached in accordance with law and shall be allowed: (i) to submit reasons against his expulsion; (ii) to have his case reviewed; and (iii) to be represented for these purposes before the competent authority or a person or persons designated by that authority.

(d) An alien may be expelled before the exercise of his rights under paragraph (b) of this Article, when such expulsion is necessary in the interests of public order or is grounded on reasons of national security.

(18) Right of appeal in criminal matters

(a) Everyone convicted of a criminal offence by a tribunal shall have the right to have his conviction or sentence reviewed by a higher tribunal. The exercise of this right, including the grounds on which it may be exercised, shall be governed by law.

(b) This right may be subject to exceptions in regard to offences of a minor character, as prescribed by law, or in cases in which the person concerned was tried in the first instance by the highest tribunal or was convicted following an appeal against acquittal.

(19) Compensation for wrongful conviction

When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed, or he has been pardoned, on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to the law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

(20) Right not to be tried or punished twice

(a) No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he has already been finally acquitted or convicted in accordance with the law and penal procedure.

(b) The provisions of the preceding paragraph shall not prevent the reopening of the case in accordance with the law and penal procedure, if there is evidence of new or newly discovered facts, or if there has been a fundamental defect in the previous proceedings, which could affect the outcome of the case.

(21) Prohibition of death penalty

The death penalty shall be abolished. No one shall be condemned to such penalty or executed.

(22) Right to an effective remedy

Everyone whose rights and freedoms as set forth in this Chapter are violated shall have an effective remedy before the national courts, notwithstanding that the violation has been committed by persons acting in an official capacity.

(23) Freedom of Information

Every person shall have the right of access to official information. The right of access to official information can only be restricted by law to the extent necessary, in a democratic society, for the purpose of protecting personal privacy, national security or diplomatic confidentiality, or for ensuring the due process of judicial proceedings.

(24) Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Chapter shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

(25) Restriction of rights during emergencies

(a) In time of war or other public emergency threatening the life of the community, Parliament may enact emergency laws restricting the rights and freedoms guaranteed by this Chapter, to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

(b) No derogation from Article 2 of this Chapter, except in respect of deaths resulting from lawful acts of war, nor from Articles 3, 4, 7, 20, or 21, shall be made under this provision.

(c) A law providing for declaration of states of emergency, or for the restriction of any right or freedom under this Article, must be passed on its final reading by a two-thirds majority of the members of Parliament.

(d) A law concerning the restriction of rights or freedoms enacted under this Article shall remain in effect for six months, but may be renewed for a further period of six months by a two-third majority vote of the members of Parliament.

(26) Limitations on restrictions on rights

None of the rights or freedoms guaranteed in this Chapter shall be subjected to any restriction or limitation other than as expressly provided, nor shall any such restriction or limitation be applied for any purpose other than that expressly prescribed.

Chapter 3: Parliament

(1) Powers and Duties of Parliament

(a) As the representative assembly of the people, Parliament, in accordance with this Constitution, enacts and repeals laws, declares war, authorises the mobilization and deployment of the armed forces, ratifies treaties and international agreements, levies taxes, approves budgets, and appoints, scrutinizes, and dismisses the Government.

(b) For specified purposes, Parliament may delegate the authority to make regulations, having the force of law, to Ministers and other public authorities. Except as otherwise provided by law, regulations shall be laid before Parliament for at least 30 days before they come into effect, and during this time any proposed regulation may be vetoed by a simple majority resolution, on the recommendation of an appropriate select committee. Parliament may not delegate legislative authority concerning the levying of taxation, the creation of new criminal offences, the personal rights of citizens, the principles of civil or criminal law, or the administration of justice; and no regulation shall ever amend, repeal, or suspend, an Act of Parliament.

(2) Composition and Election of Parliament

(a) Parliament shall consist of one hundred and fifty members, or such greater number of members (but not exceeding three hundred) as may hereafter be determined by law.

(b) Members of Parliament shall be elected by the people, according to law, by direct, secret and equal suffrage. Parliamentary elections shall be conducted using a system of proportional representation that ensures: (i) parliamentary seats are distributed to each party in proportion to the number of votes cast for the lists or candidates of that party, subject to a nationwide minimum threshold not exceeding 4% of votes cast; and (ii) the geographical divisions of the country are represented in proportion to their population.

(c) Every person eligible to vote in parliamentary elections, who is at least 21 years of age, subject to rules as to residency and nomination process as may be prescribed by law, shall be eligible for election to Parliament. Provided, that no person holding any executive, administrative, military, diplomatic or judicial office (other than Ministerial office) may be elected to Parliament unless they resign from the incompatible office.

(d) Parliament shall have the authority, subject to this Constitution, to enact laws for the free and fair conduct of elections, including rules for the registration of political parties, party and campaign finances, the regulation of political broadcasting, and the prevention of corruption. Parliament shall establish by law a non-partisan Electoral Commission to oversee the conduct of elections and to advise Parliament on matters of electoral law.

(3) Terms of Office and Dissolution

(a) Parliament shall, subject to the provisions of this Article, be elected for a fixed term of four years, with a general election of members taking place on the fourth anniversary of the previous general election; and, unless otherwise prescribed by this Constitution, the Presiding Officer shall dissolve Parliament forty days before a general election is due.

(b) A premature dissolution of Parliament may be ordered by the Presiding Officer: (i) if a two-thirds majority of the members of Parliament, by resolution, request dissolution; or (ii) if a Prime Minister has not been elected within thirty days after the first meeting of Parliament following a general election, or within thirty days of the death, resignation or removal of the former incumbent Prime Minister. If Parliament is dissolved under this paragraph, a general election shall take place forty days after the date of the dissolution.

(c) During a time of war or public emergency, Parliament may, by a two-thirds majority vote, postpone general elections for up to six months; this may be renewed, if conditions do not permit the peaceful conduct of a general election, for a further six month period.

(4) Resignation, Removal, Vacancies

(a) Members of Parliament may resign from office, on grounds of illness or incapacity, or for compassionate reasons, by submitting a letter of resignation to the Presiding Officer.

(b) Members of Parliament may be removed from office, on grounds of negligence or gross misconduct, by a vote of censure passed by a two-thirds majority of their peers.

(c) Parliament shall provide by law for the filling of such vacancies as may arise between general elections by the death, resignation or removal of a member. Parliament may act notwithstanding vacancies in its membership, provided a necessary quorum is present.

(5) Sessions of Parliament

(a) Parliament shall determine its own sessions and adjournments; provided, that it must assemble within fourteen days after each general election, and it must assemble each year for a regular session of at least 90 days.

(b) The Presiding Officer shall summon extraordinary sessions, whenever he/she deems it necessary, or if so demanded by the Prime Minister, or by one-third of the members of Parliament.

(6) Officers and Bureau

(a) Parliament shall elect from among its members a Presiding Officer and two Deputy Presiding Officers to convene its sessions and enforce its rules of procedure. They shall be elected as the first item of business after a general election, and whenever a vacancy occurs, by secret ballot and by an absolute majority vote.

(b) The Presiding Officer, and the Deputy Presiding Officers when in the chair, must perform their duties in a strictly non-partisan manner.

(c) There shall be a Parliamentary Bureau, consisting of the Presiding Officer, the Deputy Presiding Officer, and one Member of Parliament nominated by each party or part group having at least ten members of Parliament, to prepare Parliament's agenda and order of business, and to manage Parliament's staff, buildings, facilities, security and budget.

(7) Parliamentary Procedure

(a) Parliament shall, on the proposal of the Parliamentary Bureau, adopt its own rules of debate and procedure. These rules shall ensure, *inter alia*: (i) the rights of all members to contribute to debates, to introduce bills and move amendments, and to direct questions to Ministers for written or oral answer; (ii) the appointment of committees, chosen by proportional representation, to oversee the Government and scrutinise legislation; and (iii) provision for committees to conduct public hearings, and to summon witnesses and other evidence, and to commission reports on any matter for presentation to Parliament.

(b) Legislative bills may be introduced by the Government or by members of Parliament; provided, that 'money bills' (those concerning finance, taxation, or appropriations), may be introduced only by a Minister on behalf of the Government. The question of which bills are money bills, in case of controversy, shall be decided by the Presiding Officer.

(c) All bills shall be subject to three readings in Parliament, and shall be referred to an appropriate committee for detailed consideration and scrutiny before the third reading.

(d) If a bill is approved by Parliament, on its third reading, it shall be promulgated as law by the Head of State, within thirty days, on the countersignature of the Presiding Officer.

(e) Except when specified by this Constitution, or by Parliament's rules of debate and procedure, all questions in Parliament shall be settled by a simple majority of votes cast.

(f) One-third of the membership of Parliament shall constitute a quorum for the conduct of public business; the quorum for the third reading debate on a legislative bill, or for the vote on a treaty or declaration of war, shall be one-half of the membership of Parliament.

(g) Parliament and its committees shall be open to the public and press, unless a closed session is authorised, by a two-thirds majority vote, on the grounds of military secrecy or diplomatic security.

(8) Parliamentary Privileges

(a) All members of Parliament shall enjoy: (i) freedom of speech and debate in Parliament, subject only to Parliament's own rules of debate and procedure; (ii) exemption from the law of defamation for anything spoken or written in the course of their parliamentary duties; and (iii) freedom to vote according to their consciences.

(b) Members of Parliament shall enjoy immunity from arrest and imprisonment during the sessions of Parliament, unless such immunity is waived by the Parliamentary Bureau.

(c) Members of Parliament shall receive a salary, and office and travel allowances, as prescribed by law; but no law to increase in such salary or allowances shall apply to those members who were first elected to Parliament before the law comes into effect.

(9) Register of Interests

There shall be a public register of members' interests, in which all private and business interests of members, including any gifts, donations or contracts, must be recorded. No member may vote on any issue in which he has a conflicting private or business interest.

Chapter 4: Head of State

(1) Functions of Head of State

(a) The Head of State is the highest representative of the State. He accredits and receives diplomatic representatives, awards civic honours, grants pardons, serves as ceremonial commander-in-chief of the armed forces, formally appoints the Prime Minister elected by Parliament, receives his resignation, signs the promulgation of laws, and performs such other civic and ceremonial duties as may be entrusted to the Head of State by law.

(b) Except as otherwise provided by this Constitution or by law, the Head of State shall act only on the advice of the Government, and with the counter-signature of the Prime Minister or another Minister. The promulgation of laws, the appointment of the Prime Minister, and the receipt of his resignation, are counter-signed by the Presiding Officer.

(c) The Head of State shall meet regularly with the Prime Minister and shall be kept informed of matters of state, but shall not take part in meetings of the Government.

(2) Appointment and Terms of Service

(a) The Head of State shall be elected by Parliament, by secret ballot, for terms of five years. His salary, official household, terms of service, immunity, and tenure, and all incidental matters pertaining to the office of Head of State, shall be prescribed by law.

(b) The office of Head of State is incompatible with membership of Parliament and of the Government, with all other public offices, and with membership of any political party.

Chapter 5: Government

(1) Executive Authority

The executive authority of the State shall be vested in the Government. Subject to the Constitution and the laws, the Government shall determine all matters of foreign and domestic policy; it shall direct the administration, conduct foreign relations, manage public finances, and ensure that the laws are duly implemented and enforced. It may prepare draft legislation, resolutions, and other measures, to lay before Parliament.

(2) Composition of the Government

(a) The Government shall consist of the Prime Minister, the Deputy Prime Minister, and Ministers responsible for the various administrative departments as prescribed by law.

(b) The total number of persons holding ministerial office (including the Deputy Prime Minister, Junior Ministers, and Ministers without Portfolio) shall not at any time exceed one-fifth of the membership of Parliament.

(3) Formation of the Government

(a) The Prime Minister shall be elected by Parliament, from amongst the members of Parliament, by a simple majority vote, and formally appointed by the Head of State.

(b) The election of a Prime Minister must be completed within thirty days of the first meeting of Parliament following a general election, and within thirty days of the death, resignation or removal of the former Prime Minister; if a Prime Minister has not been elected and appointed during this period, Chapter 3, Article 3, para. (b)(ii) shall apply.

(b) The other Ministers, including the Deputy Prime Minister, any Junior Ministers, and Ministers without Portfolio, shall be appointed by the Prime Minister from amongst the members of Parliament.

(4) Functioning of the Government

(a) The Prime Minister, or in the absence thereof the Deputy Prime Minister, summons and presides over the meetings of the Government, and ensures the implementation of Government decisions.

(b) All orders, regulations, writs, and other instruments, issued by or on the authority of the Government, shall be signed by the Minister who is responsible for their execution.

(5) Responsibility and Resignation of the Government

(a) The Government shall be responsible to Parliament for the policy and administration of the State. If the Parliament, by an absolute majority, passes a vote of no-confidence in the Government, the Prime Minister shall submit its resignation to the Head of State within three days. If the resignation of the Government has not been submitted and received within three days, then the Government is *ispo facto* removed from office.

(b) If the Parliament passes a vote of no-confidence in particular Minister (other than the Prime Minister), the said Minister shall within three days submit his resignation to the Prime Minister, and the Prime Minister shall nominate another person to take his place.

(6) Caretaker Governments

Following a general election, or the resignation or removal of the Government, the incumbent Ministers shall continue to serve in a 'caretaker' capacity until a new Prime Minister is duly appointed; if the Prime Minister dies in office, or is incapacitated, the other Ministers shall likewise continue, under the leadership of the Deputy Prime Minister. A 'Caretaker Government' shall perform only such routine or emergency operations as are necessary to maintain the proper functioning of State institutions.

Chapter 6: Judiciary

(1) Organisation of the Judiciary

(a) The judicial branch of the State consists of the Supreme Court, one or more appellate courts, and such other civil and criminal courts, and courts of special jurisdiction, as may be established by law.

(b) The Supreme Court shall have final appellate jurisdiction concerning all questions of constitutional rights, or concerning the constitutional validity of any law, or concerning a point of law of general public interest. The organisation and jurisdiction of other courts shall be determined by law.

(2) Appointment of Judges

(a) The judges of the Supreme Court and of the appellate courts shall be appointed by the Judicial Service Commission. The Judicial Service Commission shall consist of nine members: (i) the Minister of Justice shall be the chairman of the Commission; (ii) four members of the Commission shall be lay members, elected by Parliament; and (iii) four members shall be chosen from amongst the higher judiciary, or professors of law, by the existing members of the Supreme Court and appellate courts. Parliament shall further provide by law for the organisation and functioning of the Judicial Service Commission.

(b) The judges of other courts shall be appointed by the Minister of Justice according to such rules and procedures as the Judicial Service Commission shall prescribe; provided, that no-one shall be appointed to any judicial office who is not qualified according to law.

(3) Tenure of Judges

(a) Judges may not be removed from office except on grounds of incapacity, neglect of duty, or misconduct, by means of a resolution introduced by the Minister of Justice, on the advice of the Judicial Service Commission, and approved by a two-thirds majority of the members of Parliament. The Judicial Service Commission may suspend a judge, on full pay, pending investigation and the resolution of his case by parliamentary decision.

(b) Judges may not be transferred against their will. Transfer to a higher court shall be deemed a new appointment and shall be subject to the ordinary appointment process.

(c) Judges of the Supreme and appellate courts shall retire at the age of seventy-five years of age, and judges of other courts at sixty-five years of age. Premature retirement may be granted by the Judicial Service Commission on grounds of illness or incapacity.

(4) Independence of the Judiciary

(a) All courts shall be independent and are subject only to the Constitution and the law.

(b) All judicial offices are incompatible with membership of Parliament and of the Government, with all other public offices, and with membership of any political party.

(c) The salaries of judges shall be determined by law, introduced by the Minister of Justice after consulting the Judicial Service Commission, but no law to diminish the salary of any incumbent judge shall be enacted.

(5) Public Prosecutions

The organisation, powers and duties of the Public Prosecutions service, and the rules concerning the appointment and tenure of the Director of Public Prosecutions, shall be determined by law; provided, that the office of a Public Prosecutor is incompatible with membership of Parliament and of the Government, with all other public offices, and with membership of any political party.

Chapter 7: Miscellaneous, Fiscal and Administrative Provisions

(1) Financial Provisions

No new taxes shall be imposed, nor existing ones modified, except by law or under such conditions as law may prescribe; and no public money shall be expended, nor shall the State incur any public debt, except as authorized by law. The Government shall prepare the budget for each fiscal year and submit it to Parliament its consideration and decision.

(2) Civil Service

The administrative officials of the State shall be organised as a permanent, professional and non-partisan civil service. Parliament shall provide by law for the establishment of an independent Public Service Commission, which shall be responsible for the selection, promotion, pay, conditions of service, and discipline, of the civil service according to law.

(3) State Comptroller

(a) The State Comptroller shall oversee the management of the economy, the assets, the funds, and the administration of the State and of the Government offices, as well as any enterprise, institution, or corporation of the State, of the local authorities, or of other bodies or institutions that are subject to the oversight of the State Comptroller by law.

(b) The State Comptroller shall investigate the legality of the activities, the ethics, the proper administration, and efficiency, of the bodies being overseen, as well as any other matter that the State Comptroller deems necessary in the interests of good governance.

(c) The State Comptroller shall serve a term of seven years; he shall serve one term only.

(d) The State Comptroller shall be accountable to Parliament alone, and shall not be dependent upon the Government; the State Comptroller shall not be removed from his position except by decision of the Parliament with a two-thirds majority of the vote.

(e) Any body subject to oversight of the State Comptroller shall without delay, upon the request of the State Comptroller, provide information, documents, explanations, and any other material that the State Comptroller's office deems necessary to perform its duties.

(f) The State Comptroller shall investigate complaints filed by the public regarding bodies and individuals, as determined by statute or in accordance with the statute.

(g) The State Comptroller shall receive the same salary as a Judge of the Supreme Court and shall enjoy, during his term of office, the same privileges and immunities. The office of State Comptroller shall be incompatible with membership of Parliament and of the Government, with all other public offices, and with membership of any political party.

(4) Local Government

(a) The territory shall be divided into such sub-state administrative divisions as Parliament shall by law prescribe: these shall be collectively referred to as 'local authorities' and may include, *inter alia*, regions, provinces, cities and municipalities.

(b) The organisation of local authorities, their powers and responsibilities, and the modes of local government finance, shall be prescribed by law. Local authorities shall, subject to the law, have the right to manage their property, affairs and administration, and to enact their own by-laws and regulations in respect of matters devolved to them.

(c) Each local authority shall be governed by a Council, which shall be directly elected by the local people, by proportional representation, for terms of four years, in the manner prescribed by law. The law may also provide for the election of local executive officers.

(5) Armed Forces

The armed forces shall be responsible, under the command of the Government, for the defence of the State, its liberty, territory, Constitution, and for the defence of its interests under international law. The recruitment, discipline and administration of the armed forces shall be regulated by law. The military shall always be subject to the civil power.

(6) Consultative Referendums

In addition to binding referendums on constitutional amendments conducted under the terms of Article 9 of this Chapter, Parliament may provide by law for the holding of non-binding consultative referendums on proposed legislation, treaties, or any question of general policy, either at the initiative of Parliament or in response to a public petition.

(7) Oaths of Office

All members of Parliament, members of the Government, civil servants, police, military and diplomatic officers, local Councillors, and members of the judiciary, shall take an oath or affirmation of office in the following terms: *“I, being elected / appointed to the office of [name of office], do hereby solemnly swear / affirm that I will defend and uphold the Constitution of Anyland, and that I will perform my duties with honesty and integrity, to the best of my ability, in accordance with the Constitution and the law (so help me God).”*

(8) Economic, Social and Cultural Rights

The State hereby commits itself to the principles of the International Covenant on Economic, Social and Cultural Rights (1966) and to the progressive realisation of the rights therein enumerated; but such rights shall not be directly justiciable in any court, except to the extent that they are incorporated into domestic law by Act of Parliament.

(9) Constitutional Amendments

(a) A Revision Committee to consider and propose amendments to this Constitution may be established by a resolution of Parliament; the resolution shall specify the committee’s composition and terms of reference.

(b) The Revision Committee shall consider amendments and shall report to Parliament with its recommendations. An amendment proposed by the committee shall be adopted by Parliament if approved by means of a resolution passed a three-fifths majority of the membership of Parliament.

(c) If Parliament has approved an amendment in accordance with paragraph (b) of this Article, the amendment shall be submitted to the people for ratification or rejection by means of a national referendum, to be held on the same day as the next parliamentary general election.

(d) If a majority of the votes cast in the referendum held under paragraph (c) are in favour of the amendment, the amendment shall be duly ratified; the Head of State, with the counter-signature of the Presiding Officer, shall then promulgate the amendment as an integral part of the Constitution, and order it to be published in the official gazette.