

Constitution for a Free India

Preamble

The people of India, wishing to live in peace with the extended human family of the world as equal partners, adopt this constitution for guiding their domestic and foreign affairs. The various states of India, namely, . . . , and the union territories of . . . thus agree to form a federation to abide by a common set of guiding principles of human freedom, equality and dignity to promote the material and non-material wellbeing and prosperity of all citizens of India.

The people of India as the principals agree unanimously through this constitution to empower as their agents governments at the national and state levels which shall carry out the legitimate wishes of the people as expressed by their political choices in elections. The governments at the national and state levels as agents of the citizens are empowered through this constitution to serve defined ends, those of protecting the rights and freedom of citizens, as enumerated in this constitution, from any violations, private or public. All laws of India shall be made within the constraints this constitution imposes on the legislature.

Article 1 Equality before the Law

1. India shall be a constitutional republic in which all citizens shall be equal before the law irrespective of any group affiliation, religion, caste, language, sex, sexual orientation, or any other distinctions.
2. Quotas, reservations, and other forms of discrimination among citizens is expressly forbidden.

Article 2 Sovereignty of the Constitution

1. The constitution shall be the supreme law of the land and no law shall be made by any legislative body within India that contradicts the constitution.
2. The National and State governments derive their authority from the constitution, and serve at the pleasure of the citizens of the nation, and the residents of the states and union territories. The citizens shall exercise control over the working of the governments through elections and through specific legislative, executive and judicial mechanisms.

Article 3a Citizenship

1. Persons born in the geographical region of India are natural-born citizens of India.
2. Citizenship may be relinquished by an Indian upon becoming a citizen of a foreign nation.
3. Naturalization of foreign born people shall be allowed according to prevailing law.
4. Naturalized citizenship may be revoked according to prevailing laws.
5. Naturalized citizens shall not have the right to vote in state or national elections, or be elected to the offices of the prime minister, or head any of the national and state government executive agencies.

Article 3b Basic Rights of Citizens

The constitution guarantees all citizens the following:

1. The right to travel, settle, buy property, trade and engage in any legitimate activity in any state within India.

2. The right to private property, to dispose of their property, and enjoy their inherited property as they wish without government interference.
3. The right to be secure in their home, and to not be subject to unlawful search, seizure, and surveillance by the government without a warrant.
4. The right to due process in a court of law.
5. The right to assemble peaceably unarmed without seeking government permission or approval.
6. The right to lawful occupation, profession and trade without seeking government permission.
7. The right to form and/or join lawful associations, including political parties, without seeking permission from the government.
8. The right to establish private educational institutions without seeking permission from the government.
9. The right to privacy of correspondence, mail and telecommunications.
10. The right to petition the government for redressal of grievances.
11. The right to challenge any law passed by the government, at the supreme court for national laws and in the appropriate high court for state level laws. The decision of the court shall be final and binding on all parties.
12. The right to all information that the government has except for those that have national security implications.
13. All domestic artificial persons shall have the same basic rights enumerated in this article.

Article 4a Enumerated Duties of Central Government

1. Provide for external security through armed forces.
2. Provide for internal security through a police force which shall have powers to enforce the national laws that supercede state laws.
3. Provide an independent judiciary through a set of national courts.
4. Raise direct and indirect taxes for funding the lawful

duties of the government.

5. Maintain a balanced budget unless extraordinary circumstances allow deficit financing to the extent that is allowed by law.
6. Maintain a stable currency through an independent central bank.
7. Protect the rights of all citizens as enumerated in Article 3b.
8. Resolve disputes that arise between states.
9. All information related to national governments expenditures must be published and made accessible to citizens by default.
10. Maintain bilateral friendly relations with foreign governments through embassies and consulates.
11. The national government shall not be involved in any endeavours, commercial enterprises or activities other than those specified in this article.

Article 4b Enumerated Duties of State Governments

1. Provide internal security through a police force which shall enforce state laws.
2. Provide an independent judiciary through a set of state courts.
3. Protect the rights of all residents of the state as enumerated in Article 3b.
4. Raise direct and indirect state taxes for funding the lawful duties of the state.
5. Fund the provisioning of public goods such as public access roads, water, sanitation, public primary health services, primary and secondary schooling.
6. All information related to the state governments expenditures must be published and made accessible by default.
7. The state governments shall not be involved in any endeavours, commercial enterprises or activities other than those specified in this article.
8. Create and fund independent agencies for regulating commercial activities within the state.

Article 5a Restrictions on Central & State Governments

1. Governments shall pass no laws that discriminate among citizens based on any criterion such as religion, sex, caste, language, or any group affiliation.
2. Governments shall not engage in the financing, production, and distribution of goods and services that are otherwise produced by commercial enterprises and for-profit firms.
3. Governments shall not engage in the provisioning of goods or services, private or public.
4. The central government shall not redistribute any tax revenue between states.
5. No government shall pass any law restricting the freedom of speech of any individual, group or of the press.
6. No government shall pass any laws promoting any religion.
7. No government shall pass any laws, civil or criminal, that apply only to some identified or particular person, persons, group or groups. All laws shall be applicable to all citizens equally and without discrimination.
8. No government shall pass any laws requiring citizens

to seek permission from any governmental agency for any lawful activity, including any commercial activity provided all applicable laws are observed.

9. No government shall raise more revenues through taxes than are necessary for executing the primary functions of the government as enumerated in Articles 4a and 4b.
10. The regulation of industries and commerce shall be uniform and without discrimination among industries and firms.
11. No government shall expropriate private property without showing cause and without just compensation. Expropriation shall only be permissible pursuant to a law that determines the nature and extent of compensation.
12. All transfers and demogants that central and state legislatures shall be available to all citizens without discrimination.
13. Whistleblowers against government malfeasance shall be entitled to extraordinary protection by law.
14. Any government employee convicted of accepting bribes by an appropriate court shall be dismissed and penalized to the full extent of the law, and shall be ineligible to hold any public office thereafter.

Article 6 Education

1. No government shall interfere, prescribe curricula, impose onerous requirements on schools, or in any way dictate terms for the education of citizens.
2. No government shall provide financial support to any educational institution which imparts religious instructions.
3. Public financing of tertiary education shall be prohibited.
4. Need-based public financing of primary and secondary school education shall be permitted.
5. The national and state governments shall ensure that India is 100 percent literate within five years of adoption of this constitution.

Article 7 Charity and Assistance to the Needy

1. Only citizens shall have the right to make charitable contributions to any and all lawful causes, domestic or foreign. The central and state governments shall not interfere in these private charitable activities of citizens.
2. All persons in need shall be eligible for voluntary assistance from others in society without discrimination. Assistance to the needy in society shall be met by private domestic contributions and private domestic initiatives alone.
3. Charity towards the needy is a personal virtue which cannot be violated by third parties, and a right of the giver shall not be infringed by the central or state governments. Any coercion in charitable giving is expressly prohibited.
4. Charitable giving is not a political activity. No government shall engage in charitable giving.
5. Foreign private and public religious funds shall be prohibited.
6. Missionary activities, including charity, of all foreign and domestic agencies shall be prohibited.
7. In the event of natural disasters, foreign assistance

may be allowed but aid must be distributed among aid recipients without discriminating on the basis of caste, religion, or any other criteria.

Article 8 Elections

1. There shall be an Election Commission in charge of all national and state elections. It shall be headed by a national commissioner nominated by the prime minister and confirmed by the legislature for a maximum of two 5-year terms.
2. National and state level elections will be held only on the first Wednesday following the first Tuesday of October. Run-off elections, if required, shall be held on the following Wednesday.
3. National general elections and state elections shall be regularly scheduled every five years.
4. Mid-term elections shall be held in exceptional cases as determined by prevailing national and state laws.

Article 9a Structure of Central Government

1. The Prime Minister shall be the head of the national executive branch of the government.
2. The role of the prime minister shall be to uphold the constitution of India.
3. The prime minister shall serve for at most two consecutive terms of five years.
4. Anyone who has had a prime minister in his or her immediate family shall not be eligible to serve as the prime minister.
5. The prime minister shall be selected through direct voting in general elections by all citizens among candidates proposed by political parties that have at least 20 percent of the votes in the previous general election.
6. The prime minister must have more than 50 percent of the votes cast. Run-off elections shall be conducted if required to select the final candidate.
7. The prime minister shall choose at his or her own will those who will head the various executive agencies as stated in Article 12.

Article 9b Structure of State Government

1. The Chief Minister shall be the head of the executive branch of the state government.
2. The chief minister shall serve for at most two terms of five years.
3. Anyone who has had a prime minister or chief minister of any state in his or her immediate family shall not be eligible to serve as the chief minister.
4. The chief minister shall be selected through direct voting in state elections by all residents of the state among candidates proposed by political parties that have at least 20 percent of the votes in the previous state election.
5. The chief minister must have more than 50 percent of the votes cast. Run-off elections shall be conducted if required to select the final candidate.
6. The chief minister shall choose at his or her own will those who will head the various executive agencies as stated in Article 12.

Article 10 Branches of the Government

1. The government shall comprise of four branches,

namely, the Executive, the Judiciary, the Legislature and the Assembly. This four-branch structure will apply to the national and the state governments, with appropriate changes specific to the states.

2. The legislature shall have the sole right to make all laws, consistent with the constitution, that are required for the functioning of the government. The legislature shall have no powers to direct the judiciary, the executive and assembly branches.
3. The assembly shall make decisions regarding overall revenues and expenditures of the government. The assembly shall have no powers to direct the judiciary, the legislative and executive branches.
4. The executive shall carry out the duties of the government as required and permitted by the laws enacted by the national legislature, and within the budget that the assembly sets. The executive shall have no powers to direct the judiciary, the legislature, and the assembly.
5. Citizens convicted of any criminal charge shall not be eligible for membership in any branch of the government.
6. Non-citizens and naturalized citizens shall be ineligible for membership in the government.

Article 11a Judiciary

1. The Supreme Court shall comprise of 11 judges, nominated for life by the prime minister and confirmed by the National Legislature.
2. Supreme court justices shall interpret the constitution and decide on the constitutionality of laws passed by the national and state legislatures. It shall be the final arbiter of the constitutionality of national and state laws.
3. Each state of the union shall have State High Courts and district courts.
4. State courts shall hear criminal and civil cases.
5. State courts shall decide cases within five years for criminal cases and within three years in civil cases.

Article 11b National Assembly

1. The national assembly shall be headed by “the Speaker of the Assembly” who shall be elected by the members of the assembly. The speaker shall be a member of the assembly and must have 50 percent of the votes cast. Run-off elections shall be held if required.
2. Members of the national assembly will be elected by the citizens of “assembly districts” comprised of at most 2 million voters. Members shall receive not less than 50 percent of the votes cast. Run-off elections shall be held if required.
3. The national assembly shall set the national tax rates to raise revenues and set the total budget of the national executive.
4. The national assembly shall present the budget on March 30th of every year.

Article 11c National Legislature

1. The national legislature shall create all necessary laws that are required for the governance of the nation.
2. All laws shall have a sunset clause of at most 10

years.

3. The national legislature shall be headed by “the Speaker of the Legislature” who shall be elected by the members of the national legislature.
4. Members of the national legislature will be elected by the citizens of each state.
5. Each state shall elect 10 members.
6. Candidates for members of the national legislature must be distinguished residents of the state, must have above-average educational qualifications, have made extraordinary contributions in some field, and have demonstrated the ability to work for the public good.

Article 11d National Executive

1. The national executive shall be headed by the prime minister.
2. The prime minister shall appoint at his or her discretion the head of the agencies of the national executive listed in Article 12 and subject to the approval of the national legislature.
3. The head of the agencies shall not be members of the other branches of the government.
4. The prime minister will allocate among the various agencies the total budget set by the national assembly for the fiscal year.
5. The prime minister shall refer to the national assembly for any changes in the total budget.

Article 12 National Executive Agencies

1. The National Defence Agency shall be entrusted with defence against external threats. It shall be headed by the Chief of Army Staff who shall be appointed by and serve at the pleasure of the prime minister.
2. The National Law Enforcement Agency shall be entrusted with domestic law and order. It shall be headed by the National Police Chief who shall be appointed by and serve at the pleasure of the prime minister.
3. The Domestic Affairs Agency shall have as its subunits agencies be entrusted with the regulation of commercial enterprises, trade, industries, and other economic activities as required by the law passed by the legislative branch. It shall be headed by the Chief of Domestic Affairs who shall be appointed by and serve at the pleasure of the prime minister.
4. The Foreign Affairs Agency shall be entrusted with all matters of foreign relations. It shall be headed by the Chief of Foreign Affairs who shall be appointed by and serve at the pleasure of the prime minister.
5. The National Administrative Agency shall maintain a bureaucracy required for the needs of the national executive branch of the government and all its agencies. It shall be headed by the Chief Administrative Officer who shall be appointed by and serve at the pleasure of the prime minister. The CAO will appoint all office holders from the pool of qualified citizens without discrimination.

Article 13 Government Revenues and Expenditure

1. The assemblies of the central and state governments shall raise direct and indirect taxes, as allowed by

law created by the national and state legislatures, to meet the expenditures of the national and state executives for authorized activities as specified in Articles 4a and 4b.

2. Confiscatory taxes shall not be imposed by any legislature.
3. No government shall have the discretion to make transfers of tax revenues for purposes other than those specified.
4. The central and state governments shall not accept any financial assistance from any foreign government.
5. The government must publish and make accessible all information relating to the costs of government.
6. All costs of salaries and other perquisites of all government employees must be published and made accessible for the citizens’ information.

Article 14 Transition

1. This constitution shall supersede all previous Indian Constitutions.
2. All laws that were made by the British Colonial government shall be void within five years of the adoption of this constitution.
3. All national and state laws, acts and statutes from the period 1947 through to the year of adoption of this constitution shall be reviewed for consistency with this constitution.
4. Within five years of the adoption of this constitution, where appropriate, new acts, statutes, and laws consistent with this constitution shall be passed by the appropriate legislative bodies at the central and the state levels to replace those that are inconsistent with this constitution.
5. Within five years of the adoption of this constitution, the national and state governments shall complete divestiture from all activities and enterprises not expressly allowed by the constitution. The liquidity acquired shall be used to retire public debt.

Article 15 Amendments to the Constitution

1. All constitutional amendments shall require a 80 percent vote by the central legislature and must pass 75 percent of the state legislatures by 50 percent votes.
2. Amendments may be proposed by citizen or group. Provided the proposed amendment has the support of 10 percent of the citizens eligible to vote, the legislature must vote on the proposed amendment.
3. This constitution shall be replaced only through a referendum that has the support of 80 percent of the citizens eligible to vote.