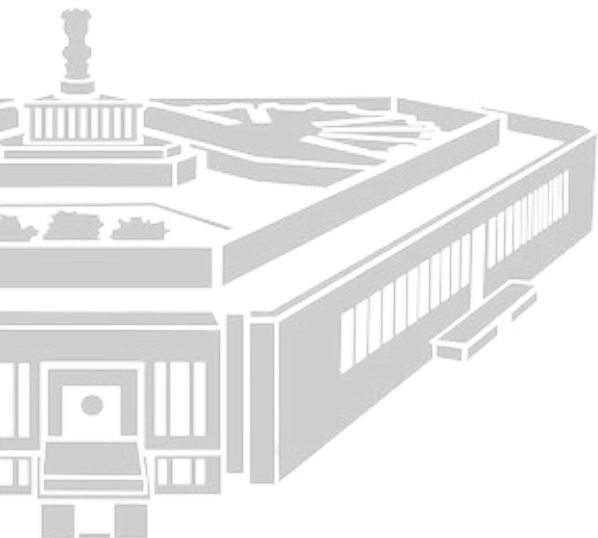


The Parliamentarian's Handbook

on

Pre-Legislative Consultation Process



September 2024

Civis

About the Publisher

This Handbook has been written and produced by Civic Innovation Foundation 'Civis,' an independent, non-profit organisation working to support governments in gathering relevant feedback on policy decisions from impacted communities - using a range of civic technology tools and tailor-made solutions. Civis has worked on 645+ laws to date, and has a reach in 710+ cities and towns in India.

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The legislative process in India is the cornerstone of its democratic governance, ensuring that laws are created through a structured and representative system. From the initial drafting of a bill to its final enactment, each stage is designed to provide opportunities for scrutiny, debate, and refinement, ensuring that the laws passed are inclusive and effective for all of India's citizens.

One critical aspect of ensuring our laws are well-considered is the pre-legislative consultation. Pre-legislative consultations are a proactive measure to gather insights, opinions, and expertise from a diverse range of stakeholders during the drafting stage of a bill, before it is even introduced in Parliament. It enhances the quality of legislation by incorporating practical insights and evidence-based inputs, helps identify potential issues and areas of contention early on, and fosters greater transparency and public trust in the legislative process.

The purpose of this handbook is to provide Members of Parliament (MPs) with a comprehensive understanding of the pre-legislative consultation process in India. Through our research, we aim to highlight its importance in ensuring effective legislation, outline the current practices and challenges, and offer recommendations for enhancing the consultation process.

This handbook seeks to empower MPs with the knowledge and tools necessary to leverage the pre-legislative consultation process, thereby strengthening India's democratic framework.



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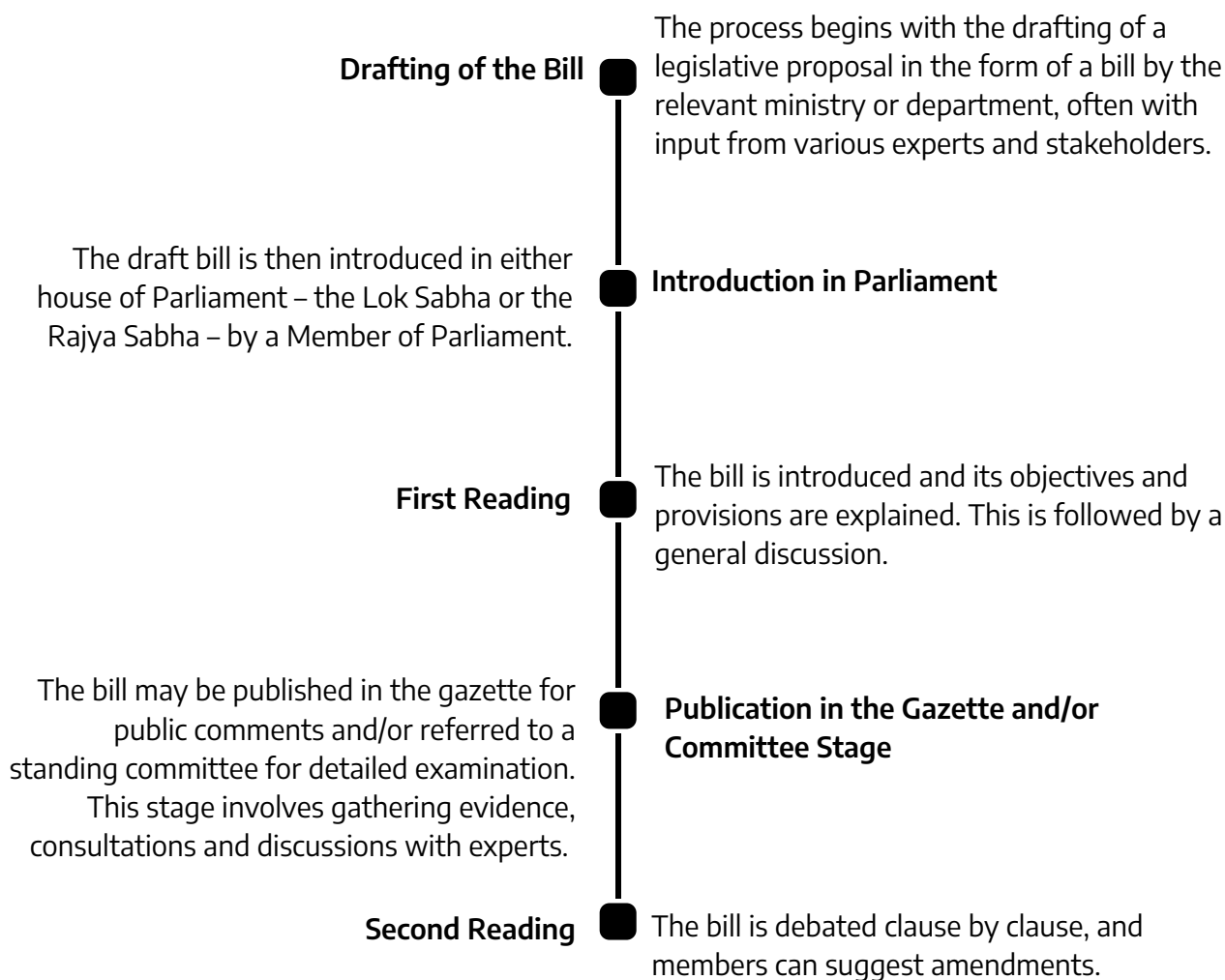
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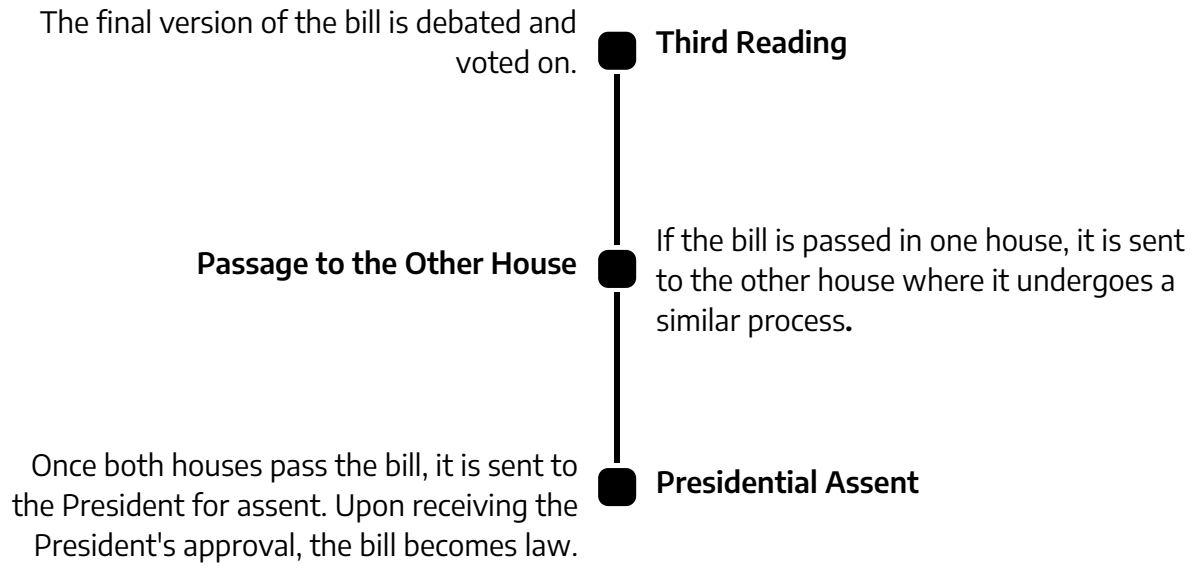
1.

Introduction

1.1 Legislative Process in India: An Overview

The legislative process in India is a detailed and structured pathway through which proposed laws, or bills, are introduced, debated, and enacted. This process is enshrined in the Constitution of India and involves several stages:

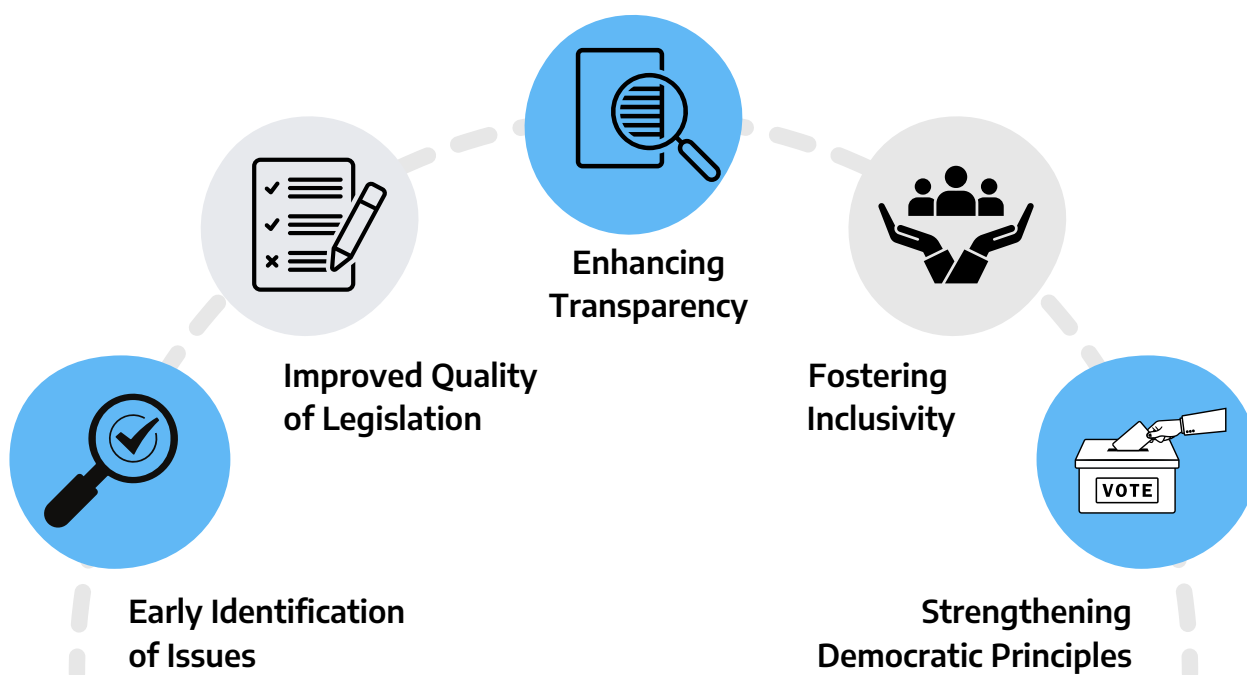




1.2 Importance of Pre-Legislative Consultations

Pre-legislative consultations are integral to ensuring that the legislative process is inclusive, transparent, and effective. They offer numerous benefits, including:

- **Early Identification of Issues:** Engaging with stakeholders early in the process allows for the identification of potential areas of contention and the addressing of these issues before the bill is introduced in Parliament.
- **Improving Quality of Legislation:** By incorporating feedback from diverse stakeholders, pre-legislative consultations help in identifying potential flaws and areas for improvement in the draft bill. This leads to more robust and well-crafted laws.
- **Enhancing Transparency:** Open consultations foster greater public trust in the legislative process by making it more transparent. Stakeholders feel more involved and are more likely to support the resulting legislation.
- **Fostering Inclusivity:** Pre-legislative consultations ensure that the voices of all relevant stakeholders, including marginalised and underrepresented groups, are heard and considered in the legislative process.
- **Strengthening Democratic Principles:** By facilitating broader participation and deliberation, pre-legislative consultations reinforce the democratic values of inclusiveness and accountability.



1.3 Purpose and Scope of the Handbook

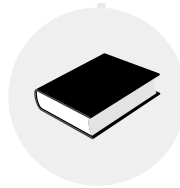
The purpose of this handbook is to equip Members of Parliament with a thorough understanding of the pre-legislative consultation process and its significance in the legislative framework of India.

The handbook is structured to provide:



A detailed explanation of the pre-legislative consultation process in India, including its evolution and current practices and an overview of the key stakeholders involved, such as government agencies, experts, civil society organisations, and other relevant groups.

Insights into the roles and functions of standing committees and joint parliamentary committees in the legislative process, with a focus on how they facilitate consultations, including a checklist of key questions to ensure robust and comprehensive consultations.



Case studies of successful consultative processes, highlighting positive outcomes and lessons learned.

An analysis of the common challenges faced in the consultation process and areas for improvement.





Recommendations for enhancing the effectiveness of pre-legislative consultations, including the potential benefits of enacting specific legislation to formalise the consultation process.

By providing this information, the handbook aims to empower MPs to engage more effectively in the legislative process, promote more informed and inclusive law-making, and ultimately contribute to the strengthening of India's democratic institutions.

2.

Standing Committees & Their Role in the Legislative Process



Standing Committees are permanent committees constituted by Parliament. They play a crucial role in the legislative process by examining bills referred to them, reviewing the functioning of the executive, and scrutinising government policies and administration.



The concept of standing committees in India was institutionalised as early as during pre-independence times, recognising the need for more specialised and continuous legislative oversight. The main types of standing committees in the Indian Parliament include Departmentally Related Standing Committees (DRSCs), Financial Committees, and other Committees such as the Committee on Petitions, Library Committees etc.

Composition:

Standing committees typically consist of 30-45 members from both houses of Parliament, with proportional representation from different political parties. The members are nominated by the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha.

2.1 Role of Standing Committees

- **Detailed Examination of Bills:** Once a bill is introduced in either house of Parliament, it may be referred to a relevant standing committee for detailed examination. The committee reviews the bill, holds discussions with various stakeholders, and suggests amendments. This process often involves consultations with experts, civil society organisations, industry representatives, and the public to gather a wide range of perspectives and inputs.


- 
- 
- **Scrutiny of Government Policies:** Standing committees regularly review the policies and functioning of ministries and departments, ensuring accountability and transparency in governance. They may hold consultations with officials, experts, and affected parties to assess the impact and efficacy of government policies.
 - **Budget Analysis:** Financial committees, such as the Public Accounts Committee, the Estimates Committee, and the Committee on Public Undertakings, examine budgetary allocations, spending, and the financial performance of government departments and public sector undertakings. These committees often engage with stakeholders to understand the implications of budgetary decisions and gather feedback on resource allocation.

2.2 Joint Parliamentary Committees

Joint Parliamentary Committees (JPCs) are ad-hoc committees formed for a specific purpose and duration. They are constituted by a motion passed in one house of Parliament and agreed to by the other house. The primary function of JPCs is to investigate and report on specific issues or bills that require detailed examination.

JPCs are usually formed to address complex and significant issues that require a high level of scrutiny and coordination between both houses of Parliament. They provide a platform for bipartisan cooperation and facilitate a comprehensive examination of issues that may have far-reaching implications.

The consultation process within JPCs is a critical aspect of their functioning, as it ensures that the committees' investigations and recommendations are informed by a broad spectrum of perspectives and expertise.



Composition:

JPCs are composed of members from both the Lok Sabha and the Rajya Sabha. The number of members and the ratio of representation from each house and political party are specified in the motion constituting the JPC. They investigate specific issues or bills assigned to them, gather evidence, hold hearings, and prepare detailed reports with findings and recommendations. Their reports are presented to both houses of Parliament for consideration and action.

2.2.1 Significance of Joint Parliamentary Committees

- **In-depth Investigation:** JPCs conduct thorough investigations into specific matters, such as financial irregularities in government functioning, and issues of national importance. They gather evidence, summon witnesses, and hold hearings to uncover facts and make recommendations. This process typically involves extensive consultations with experts, stakeholders, and the public to ensure a comprehensive understanding of the issue.
- **Bipartisan Collaboration:** JPCs include members from both houses of Parliament and various political parties, promoting a collaborative approach to problem-solving and decision-making. They often conduct consultations with different groups to gather diverse viewpoints and build consensus.
- **Enhanced Oversight:** JPCs enhance parliamentary oversight by providing detailed reports on complex issues, helping Parliament make informed decisions. The consultation process in JPCs ensures that their recommendations are based on a thorough and inclusive examination of the issue at hand.

2.3 Consultation Process in Standing Committees and JPCs

1

Public Notices: Committees issue public notices inviting stakeholders, including citizens, organisations, and experts, to submit their views and suggestions on the bills or issues under consideration.

2

Written Submissions: Committees receive written submissions from various stakeholders, which are then reviewed and analysed.

3

Oral Evidence: Committees may hold public hearings where stakeholders are invited to present their views and answer questions. This allows for a more interactive and detailed examination of the issues.

4

Expert Consultations: Committees often consult experts and seek their opinions on technical and specialised matters. This helps in understanding the nuances and potential implications of the proposed legislation or issue.

5

Site Visits: In some cases, committees may conduct site visits to gather first-hand information and understand the ground realities related to the issue under consideration.

By following this structured consultation process, standing committees and JPCs ensure that their work is transparent, inclusive, and based on a thorough examination of all relevant factors. This enhances the quality of legislation and policy decisions, ultimately contributing to better governance and more effective democratic functioning.

3.

Importance of Consultations in Parliamentary Committees



Ensuring Thorough Examination of Bills and Amendments

Pre-legislative consultations are crucial for the thorough examination of bills and amendments. These consultations allow for a comprehensive review of proposed legislation, ensuring that potential issues and areas for improvement are identified early.

By engaging with a diverse range of stakeholders, committees can gather valuable insights and feedback that help refine the bill and address any concerns.

Facilitating Diverse Perspectives and Expertise

Effective consultations ensure that a wide range of perspectives and expertise are considered in the legislative process. This includes input from experts, civil society organisations, industry representatives, and the general public.

By facilitating diverse viewpoints, committees can create more balanced and well-informed legislation that better addresses the needs and concerns of all stakeholders.

Ensuring Transparency and Accountability in Decision-Making

Consultations enhance transparency and accountability in the legislative process by making it more open and inclusive. By inviting public participation and feedback, committees demonstrate a commitment to democratic principles and foster greater trust in the legislative process.

This openness helps to hold the government accountable and ensures that decisions are made in the best interest of the public.

Strengthening the Democratic Process



Pre-legislative consultations strengthen the democratic process by promoting inclusivity and participation. They provide a platform for citizens and stakeholders to voice their opinions and contribute to the shaping of legislation.

This engagement helps to ensure that laws are more representative of the will of the people and contribute to a more vibrant and robust democracy.



4.

Checklist for Assessing the Efficacy of the Consultation Process



When assessing the efficacy of the consultation process conducted by Ministries, Standing Committees, or Joint-Parliamentary Committees, Members of Parliament can demand answers on the various facets of the consultation process from the Government.

These questions can be posed during Question Hour/Zero Hour as either starred or unstarred questions to ensure that the process was robust and well-rounded. These questions will help ascertain whether the consultation and pre-legislative deliberation processes were undertaken in earnest.


- Was a detailed consultation plan developed (including stakeholder mapping and identification, plan for outreach etc) and was it implemented for the draft bill?



 - How many stakeholders were consulted during the entirety pre-legislative process, and who were they? Please provide a detailed list.

 - What efforts were made to publicise the consultation process for the draft bill? How were citizens and stakeholders alerted to the consultation?

 - How long was the consultation on the draft bill kept open for public comments?

 - How many different modes of feedback collection were made available? Were there any public or closed stakeholder meetings conducted? Was feedback received through post, phone, or through email?

 - Were subject matter experts consulted? How were the views of marginalised and underrepresented groups incorporated into the consultation process?
- 



Were any potential issues or areas for improvement identified through the consultations?

Have there been any amendments made to the bill based on stakeholder feedback? Can you provide specific examples?



What measures were taken to ensure that the consultation process was transparent and accountable?

How were the comments and feedback received during the consultations documented, reviewed, and made publicly available?

[For easy access, you can find a downloadable version of the checklist by clicking here.](#)

5.

Pre-Legislative Consultation Process in India: A History



The pre-legislative consultation process in India is a structured approach aimed at involving various stakeholders in the legislative process before a bill is formally introduced in Parliament. This process is designed to gather inputs, suggestions, and feedback on the proposed legislation to ensure that it is well-rounded, inclusive, and addresses the concerns of all relevant parties.

The process typically begins with the drafting of a bill by the concerned ministry or department. Even during the drafting process, the concerned officers may consult expert stakeholders to identify key issue areas that need to be addressed through the draft. Once a draft bill is prepared, it is made available to the public and key stakeholders for comments and suggestions. This can be done through various means, such as publishing the draft on the official website of the ministry, sending it to relevant organisations and experts, and holding public consultations or workshops.

During the consultation period, stakeholders are encouraged to provide their inputs on various aspects of the draft bill, including its objectives, provisions, potential impacts, and any areas of concern. The feedback received is then carefully reviewed and considered by the drafting team, which may make revisions to the draft bill based on the suggestions and concerns raised. This iterative process helps in refining the bill. There may be multiple rounds of consultations and revisions, as per the requirements of the particular draft. This process not only improves the quality of legislation but also enhances its legitimacy and public acceptance.

Once the consultation process is complete, the revised draft bill is prepared for introduction in Parliament.

5.1 Key Stakeholders Involved

Government

The concerned ministry or department responsible for drafting the bill plays a central role in initiating and coordinating the consultation process. Other government agencies and departments may also be involved, depending on the nature of the bill.



Experts

Subject matter experts, including academics, researchers, and professionals, provide valuable insights and evidence-based inputs that help in shaping the draft bill.

Stakeholders

This category includes individuals, companies, and/or groups who are directly or indirectly affected by the proposed legislation. It can include industry representatives, trade unions, consumer groups, and other relevant parties.



Civil Society Organisations



Non-governmental organisations (NGOs), advocacy groups, and community-based organisations represent the interests of various sections of society and ensure that their voices are heard in the legislative process.



General Public

Citizens are encouraged to participate in the consultation process by providing their views and suggestions. This helps in making the legislative process more democratic and inclusive.





5.2 Evolution of the Consultation Process Over Time

The pre-legislative consultation process in India has evolved significantly over time, reflecting the growing recognition of the importance of stakeholder engagement in law-making.


There has been a recorded long and rich history of petitioning the ruler in power on the subcontinent. The colonial state sometimes invited the views of leading officials and even non-official sources while planning for important legislation. Thus, there were apparently precedents for the practice of consultations. But the colonial regime sought the views of specified groups and leading individuals, and their invited opinions were limited in their scope a priori by set terms of reference and defined lists of topics. Similarly, public petitions were largely limited to pleas made to the colonial rulers over narrow grievances.

In the early years of India's independence, there is a misconception that the legislative process was relatively closed, with limited opportunities for formal public participation. While there is no recorded indication that the Constituent Assembly originally planned to solicit public inputs, the citizens of free India shared their vision for their constitution in large numbers.

The memoranda and schemes for a constitution for India came to the Constituent Assembly from across the country, and dealt with disparate issues. Some individuals and organisations wrote more than once. A few also published their suggestions in newspapers, or distributed a large number of copies they printed. The secretariat of the Constituent Assembly acknowledged the receipt of all letters by return mail. In these iterative processes and constitutional correspondences, the people constituted themselves both as individuals and as members of communities and made their aspirations and hopes clearly known. These representations have found their way into the living document that is the Constitution of India.

As India took its place as a young democracy on the world stage, there was a growing awareness of the need for more inclusive and transparent law-making practices. This led to the gradual introduction of consultative mechanisms, such as the establishment of parliamentary committees and the practice of seeking expert opinions on complex issues.

In the 7 decades that followed, independent regulators, State governments and Central Ministries have adopted their own pre-legislative consultation practices.



5.3 The Pre-Legislative Consultation Policy

The process of formalisation of pre-legislative consultation began in the year 2014 when the Ministry of Law and Justice introduced the Pre-Legislative Consultation Policy of 2014 (PLCP 2014). These guidelines were issued to all departments and ministries in the Government of India and included specific requirements such as:

1

Specifications of the Consultation Document

- brief justification for such legislation
- essential elements of the proposed legislation
- its broad financial implications
- an estimated assessment of the impact of such legislation on environment, fundamental rights, lives and livelihoods of the concerned/affected people, etc.
- an explanatory note on the draft legislation explaining key legal provisions in a simple language
- a provision regarding the previous publication of rules should be made in all new principal legislations

Duration of Consultations

The number of consultations put out by the ministry that were open to the public for a minimum of 30 days as prescribed by the PLCP 2014.

2

3

Outreach

Whether legislations placed for consultations were proactively shared with the public and where such legislation affect specific group of people, was it documented and disclosed through print or electronic media or in such other manner to give wider publicity to reach the affected people or not.



Accessibility of the Consultation

Whether the ministry/department/body made the consultation accessible to all citizens of India in an inclusive manner by opening multiple modes of feedback collection like conducting physical meetings, using telephonic methods, providing a mail by post option, providing virtual channels and so on.

4

5

Transparency

Whether the summary of feedback/comments received from the public/other stakeholders was placed on the website of the Department/Ministry concerned.

Publishing the Final Draft

Whether the concerned authority published the final draft as a result of the public consultation and made it available to the public.

6

Since the introduction of the PLCP, Civis has observed an increase of 1375% in the number of public consultations conducted by the government in India from 2014 to 2024.

The use of technology and digital platforms has transformed the consultation process, making it more accessible and efficient. Ministries, Regulators and State Governments now routinely publish draft bills online and invite comments from the public, enabling greater participation and transparency. This evolution of the pre-legislative consultation process reflects a broader trend towards more open, accountable, and participatory governance in India.

6.

Case Studies: Recent Consultative Processes in Law Making

6.1 National Education Policy (NEP) 2020: *A Model of Comprehensive Consultation*

The formulation of the National Education Policy (NEP) 2020 exemplifies a thorough and inclusive consultative process. Designed to ensure a participatory and holistic approach, the consultation framework for NEP 2020 integrated expert opinions, field experiences, empirical research, stakeholder feedback, and lessons from best practices. Historically, education policy formulation in India followed a top-down approach with expert task forces, working groups, and sub-committees making recommendations based on limited feedback. In contrast, the NEP 2020 adopted a hybrid model combining top-down and bottom-up strategies, reaching out to a wide range of stakeholders.

At the grassroots level, 2.75 lakh direct consultations were held across various levels, including village education committees, block development officers, district collectors, and state governments. This comprehensive engagement ensured that inputs were gathered from every corner of the country. The use of technology further amplified this reach, with online consultations through platforms like MyGov and the HRD Ministry website collecting millions of responses. The Drafting Committee led by Dr. K. Kasturirangan was instrumental in ensuring that the best practices were considered and followed.

The outcomes of this extensive consultation process were overwhelmingly positive. The NEP 2020 addressed multiple facets of education, from early childhood to higher education and vocational training, and was well-received by the public. The process fostered trust and acceptance, showcasing the benefits of transparency and inclusivity in policy-making. The key lessons from the NEP 2020's formulation emphasise the importance of wide-ranging stakeholder engagement, transparency, and the effective use of technology to gather diverse perspectives.



6.2 Forest (Conservation) Amendment Bill 2023: *Minimal Consultation*

In stark contrast, the Forest (Conservation) Amendment Bill 2023 highlighted the pitfalls of limited stakeholder engagement. Introduced in the Lok Sabha on March 29, 2023, to amend the Forest (Conservation) Act of 1980, the bill was sent to a Joint Committee of Parliament rather than the specialised Standing Committee on Science, Technology, Environment, and Forests. This decision limited the depth of expert review and stakeholder consultation typically expected in environmental legislation.

The consultation period for the bill was notably brief, and many essential stakeholders, including environmental experts and indigenous communities, were not adequately consulted. This lack of extensive consultation raised significant concerns about the bill's potential impacts on forest conservation and indigenous rights. The partisan nature of the committee reviewing the bill, chaired by an MP from the ruling party, further fueled apprehensions about the non-partisan assessment and the bill's overall transparency.

The limited consultation process led to widespread criticism from environmental groups and communities directly affected by the proposed amendments. The stakeholders continually felt that their concerns were not adequately addressed, which could result in significant implementation challenges and conflicts. This case underscores the necessity of comprehensive stakeholder engagement and non-partisan review to ensure balanced and effective legislation.



6.3 Broadcasting Bill: *Rushed Consultation*

The Broadcasting Bill, introduced in November 2023, serves as a cautionary tale of the adverse effects of a rushed and opaque consultation process. The bill proposed significant changes, including bringing over-the-top (OTT) broadcasting services like Netflix and Amazon Prime under regulation and introducing a multi-tiered regulatory framework.

The consultation process was conducted on an accelerated timeline, with limited public hearings and stakeholder meetings, which significantly hampered the quality and inclusiveness of the feedback received.

One of the major criticisms of the process was the lack of transparency. Despite the exploratory memorandum stating that the bill was the result of "extensive consultations and deliberations," many stakeholders, including the News Broadcasters & Digital Association (NBDA), argued that the consultations were misrepresented. Key provisions, such as the regulation of OTT services and the introduction of Content Evaluation Committees (CECs), were not adequately discussed in earlier consultations, leaving stakeholders without the opportunity to provide meaningful input.

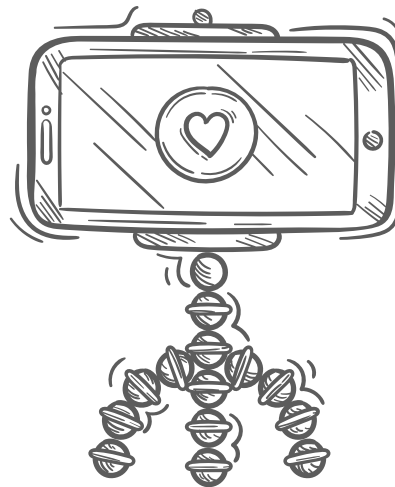
Despite repeated requests from activists and concerned citizens, the Ministry of Information and Broadcasting (MIB) did not publicly disclose the feedback received during the consultation process, which hindered public accountability and transparency. This lack of transparency is part of a broader trend in tech policy over the last few years, where policy decisions are made behind closed doors, as evidenced by the non-disclosure of submissions to the Digital Personal Data Protection Act (DPDP Act, 2023). The PLCP 2014 mandates that departments publish proposed legislation and summarise feedback from public consultations, but this directive is not legally binding, allowing the government to sidestep full transparency.



The consultation process for the Broadcasting Bill resulted in significant public distrust and opposition. The Broadcasting Policy was also put up for consultation in 2024, and received similar opposition from concerned stakeholders. Industry stakeholders specifically felt that their concerns were not adequately addressed, and the public was wary of the lack of transparency.



Effective legislation requires balancing industry interests with public interest, ensuring inclusive consultations, and maintaining transparency to build trust and acceptance. This case highlights the critical importance of comprehensive and transparent consultations in policy-making.

While the NEP 2020 serves as a model for effective and comprehensive consultations, the Forest Amendment Bill and the Broadcasting Bill illustrate the pitfalls of insufficient and rushed consultations. Legislators may learn from these examples to ensure future bills undergo rigorous and inclusive consultations, fostering transparency, accountability, and public trust in the legislative process.



7.

Challenges & Areas for Improvement



The consultation process in legislative affairs, while crucial for fostering inclusive and effective policy-making, faces several persistent challenges that hinder its efficacy and fairness.

Lack of Adequate Time and Resources


One of the foremost challenges is the constrained timeframes and resources allocated for consultations. Legislative schedules often impose tight deadlines, limiting the opportunity for thorough engagement with diverse stakeholders. This time constraint can result in rushed consultations that fail to capture nuanced perspectives or adequately address complex issues. Insufficient financial and logistical resources can impede efforts to reach marginalised communities or conduct extensive public outreach, thereby limiting the inclusivity of the consultation process.

Balancing Stakeholder Interests

The influence of vested interests poses significant challenges to the integrity of the consultation process. Powerful stakeholders, including industry groups, corporate entities, and professional lobbyists, may exert disproportionate influence over policy outcomes, skewing consultations in favour of their interests. This influence can undermine the democratic principles of transparency and equity, leading to policies that do not adequately reflect the broader public interest. Strengthening safeguards against undue influence, enhancing transparency through mandatory disclosures, and promoting ethical standards in consultation processes are essential steps to mitigate these challenges.



Ensuring Representation of Marginalised Voices:

A critical aspect of inclusive consultations is ensuring that marginalised voices and underrepresented groups are effectively included in the decision-making process. Despite efforts to solicit broad participation, marginalised communities such as indigenous populations, rural residents, persons with disabilities, and ethnic minorities often face barriers to meaningful engagement. Factors such as lack of access to information, language barriers, and socio-economic disparities can perpetuate inequalities in representation. Addressing these barriers requires proactive measures to amplify marginalised voices and create accessible platforms for participation.



8.

Actions for your Office



As a Member of Parliament of the 19th Lok Sabha of the Republic of India, you have immense power to make and affect real change in the legislative process in our nation. By ensuring the least heard voices make their ways to the corridors of power and stand a chance to be considered in the making of our laws, you can bring about the levelling of the national playing field thereby changing millions of lives.

Some of the ways in which you can champion the cause of participative democracy and inclusivity in law making are:

8.1 Improving Compliance through Legislative Process

Extend Consultation Timeframes

Push for extended time frames for consultations to allow for thorough deliberation and comprehensive engagement with stakeholders. Longer consultation periods enable diverse perspectives to be considered and ensure adequate time for feedback collection and analysis.

Improve Quality of Consultation Documents:


Push for the inclusion of impact assessment studies as part of the consultation process. Assessments should evaluate the potential social, economic, environmental, and legal impacts of proposed legislation to inform decision-making on the part of stakeholders leading to higher quality inputs on the proposed laws.

Establish Clear Guidelines and Standards:

Advocate for the development of clearer guidelines outlining the standards and best practices for conducting pre-legislative consultations. While the PLCP 2014 is a great start, the guidelines should be specific and include timelines, stakeholder engagement strategies, transparency measures, and methods for documenting and incorporating feedback.

Ensure Transparency in Consultation Processes

Demand enhanced transparency in consultation processes through published consultation documents, summaries of stakeholder feedback, and outcomes of consultations on official government platforms. Transparency builds public trust and accountability in the legislative process.



Strengthen Oversight Mechanisms:

Advocate for strengthening oversight mechanisms, such as parliamentary committees, to review the quality and effectiveness of pre-legislative consultations. Ensure that committees have adequate resources, expertise, and independence to conduct thorough assessments. Monitor and evaluate the implementation of consultation outcomes and recommendations to assess their impact on policy development and decision-making. MPs can play a crucial role in holding government agencies accountable for addressing public feedback and concerns.

Capacity Building for MPs and Stakeholders

Promote training and capacity-building programs for MPs, parliamentary staff, and stakeholders involved in consultations. Training should focus on effective consultation techniques, understanding diverse viewpoints, and using feedback to inform legislative decisions.

Advocate for Resources and Infrastructure:

Demand enhanced transparency in consultation processes through published consultation documents, summaries of stakeholder feedback, and outcomes of consultations on official government platforms. Transparency builds public trust and accountability in the legislative process.

8.2 Improving Citizen Participation by Engaging your Constituents

Increase Awareness in Constituencies

Collaborate with citizen advocacy groups and civil society organisations to increase awareness about open consultations and the legislative process within their constituencies. Organise town hall meetings, workshops, and outreach campaigns to educate constituents about how they can participate in consultations and contribute to shaping legislation.

Facilitate Local Stakeholder Dialogues:

Organise local stakeholder dialogues and roundtable discussions to facilitate direct interactions between community leaders, experts, and representatives from marginalised groups on open laws and policies. These dialogues can provide valuable insights and ensure that local concerns are integrated into the consultation process.



Conduct Independent Consultations:

Take initiative as MPs to conduct independent consultations on key legislative issues within their constituencies. These consultations can include public meetings, surveys, focus groups, and online forums to gather diverse perspectives and feedback directly from constituents.

Support Local Media Engagement:

Engage local media outlets to raise awareness about upcoming consultations, legislative proposals, and opportunities for public input. Interviews, op-eds, and feature stories can inform constituents and encourage them to participate actively in the consultation process.

Regularly Solicit Feedback and Suggestions:

Establish regular channels for soliciting feedback and suggestions from constituents on legislative matters. Create or share the online feedback forms, conduct surveys, and maintain open lines of communication to ensure continuous engagement and responsiveness to public input.

Utilise Social Media and Digital Platforms & Technology

Harness the power of social media and digital platforms to amplify awareness about ongoing consultations and encourage participation. MPs can use platforms like Twitter, Facebook, and Instagram to share information, solicit feedback, and engage with constituents on legislative issues.

Promote a Culture of Participatory Governance:

Promote a culture of participatory governance by recognizing and celebrating successful examples of inclusive consultations and their positive impact on legislation. Highlight case studies and best practices to inspire continuous improvement in the consultation process.

9.

**Opportunities for
the Future:**

**Demand for
a Formal PLCP Law**

Advocate for the establishment of ethical standards and guidelines to manage conflicts of interest during consultations. This includes disclosing relationships with stakeholders and ensuring that decisions are made in the public interest, free from undue influence and that accountability is ensured throughout the process.

The significance of formalising and implementing a robust pre-legislative consultation process has been emphasised repeatedly in both Houses of the Indian Parliament. Various members have highlighted the need for a structured framework to ensure comprehensive stakeholder engagement in the legislative process.

The Pre-Legislative Consultation Bill, 2019



On 3rd December 2021, Hon'ble Member of Parliament from Baramati, Shrimati Supriya Sule, reintroduced a Private Member Bill titled The Pre-Legislative Consultation Bill, 2019, in the Lok Sabha. This bill proposed mandatory pre-legislative consultation mechanisms within each Ministry or Department of the Central Government.

It aimed to establish internal teams responsible for coordinating these consultations and addressing all related matters. This bill underscored the necessity for a systematic approach to gather diverse perspectives during the drafting stage of legislation, ensuring more inclusive and well-informed laws.

The National Consultation Commission Bill, 2019



On 2nd August 2022, Hon'ble Member of Parliament from Domariyaganj, Shri Jagdambika Pal, reintroduced a Private Member Bill called The National Consultation Commission Bill, 2019, in the Lok Sabha. This bill sought to establish a National Consultation Commission dedicated to public consultations on legislative proposals under consideration in either House of Parliament.

By creating a centralised body for consultations, the bill aimed to standardise and enhance the effectiveness of the consultation process, ensuring that public input is systematically integrated into legislative deliberations.

Special Mention in Rajya Sabha by Shri Derek O'Brien

On 16th December 2022, Hon'ble Member of Parliament, Shri Derek O'Brien, made a special mention in the Rajya Sabha regarding the need to strengthen the Pre-Legislative Consultation Policy (PLCP) adopted in 2014. He pointed out several shortcomings of the current policy, noting the lack of an official database on bills subject to public consultation and the inconsistent adherence to the 30-day consultation period.

Shri O'Brien emphasised the urgent need for the Ministry of Law and Justice to create a public dashboard detailing bills sent for consultation, including timelines and links to draft bills. He also proposed that ministers should present a summary of public consultations when introducing bills in Parliament, and if a bill was not circulated for comment, the reasons should be provided. This would ensure greater transparency and accountability in the legislative process.



Budget Speech by Hon'ble Minister of Finance Shrimati Nirmala Sitharaman



On 1st February 2023, during her Budget Speech, the Hon'ble Minister of Finance, Shrimati Nirmala Sitharaman, announced a significant step towards integrating public consultation into the regulatory process.



She stated that to meet the needs of Amrit Kaal and facilitate optimal regulation in the financial sector, public consultations would be incorporated into the process of regulation-making and issuing subsidiary directions. This declaration highlighted the government's recognition of the importance of stakeholder engagement in crafting effective financial regulations .

These mentions in Parliament reflect a growing acknowledgment of the vital role pre-legislative consultations play in shaping sound and democratic legislation. They underscore the need for a formalised, transparent, and inclusive consultation process to ensure that the voices of all stakeholders are heard and considered in the legislative process.

By adopting and strengthening such frameworks, Parliament can enhance the quality and effectiveness of the laws that govern our nation, fostering a more participatory and transparent democracy.

10.

References




1. Ministry of Law and Justice, Press Release, *Adherence of the PLCP*, February 2022: <https://pib.gov.in/PressReleasePage.aspx?PRID=1797203>

2. Ministry of Education, *Consultation Framework for Framing the National Education Policy*:
<https://www.education.gov.in/nep/consultation-framework>

3. Parashar S., *Evaluating the Gaps in Pre-Legislative Consultation Policy: A Case for Deliberative Democracy*, Dharmashastra Nat'l L. Univ. L. Rev. 46 (2022):
<https://www.mpdnlu.ac.in/assets/pdf/3.%20Evaluating%20the%20gaps%20in%20Pre-Legislative%20Consultation%20Policy.pdf>

4. Matthan R., *Let's redesign the process of pre-legislative consultation*, Mint, June 2022:
<https://www.livemint.com/opinion/columns/lets-redesign-the-process-of-pre-legislative-consultation-11654621720329.html>

5. Pandey K. *Ministry of Information and Broadcasting refuses to provide comments to broadcast bill*, February 2024:
<https://www.medianama.com/2024/02/223-mib-broadcast-bill-consultation-comments-rti-2/>



6. Mahapashta A. A. *“Why There Is Mistrust About Proposed Changes to Forest Conservation Law”*, *The Wire*, April 2023:

<https://thewire.in/environment/interview-why-there-is-mistrust-about-proposed-changes-to-forest-conservation-law>

7. Abraham A. K. *“Need of the Hour: Why Pre-Legislative Consultation will make laws better and more inclusive”*: <https://theleaflet.in/need-of-the-hour-why-pre-legislative-consultation-will-make-laws-better-and-more-inclusive/>


8. Bagchi S. & Raghuvanshi P. *“Towards A Participatory Democracy—A Case For Inclusive Public Participation In Law-Making”*, *Statute Law Review*, Volume 45, Issue 2, August 2024:

<https://academic.oup.com/slr/article-abstract/45/2/hmae029/7696918?redirectedFrom=fulltext>

9. Jain D, *“Law-Making by and for the People: A Case for Pre-legislative Processes in India”*, *Statute Law Review*, Volume 41, Issue 2, June 2020, Pages 189–206: <https://academic.oup.com/slr/article-abstract/41/2/189/5476389?redirectedFrom=fulltext>

10. Shani O. *“The People and the Making of India’s Constitution”*, *The Historical Journal*, 2022;65(4):

<https://www.cambridge.org/core/journals/historical-journal/article/people-and-the-making-of-indias-constitution/0C548A998AEB5EAC78AD43D1B150B8B1>





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