

AS INTRODUCED IN LOK SABHA

**Bill No. 327 of 2019**

**THE NATIONAL CONSULTATION COMMISSION BILL, 2019**

By

SHRI JAGDAMBIKA PAL, M.P.

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**BILL**

*to provide for the establishment of a National Consultation Commission for public consultation on various legislative proposals introduced in either House of Parliament and are under consideration and for matters connected therewith.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the National Consultation Commission Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "consultation" means invitation, collection, storage and presentation of comments from citizens or organizations located and registered in the country;

- (b) "Commission" means the National Consultation Commission established under section 3;
- (c) "Fund" means the National Consultation Fund constituted under section 6;
- (d) "Prescribed" means prescribed by rules made under this Act; and
- (e) "Anonymization" means removal of personally identifiable information like name, location, gender, religion and such other information as is determined by the Union Government. 5

Establishment  
of the  
National  
Consultation  
Commission.

**3. (1) The Central Government shall, by notification in the Official Gazette, establish a Commission to be known as the National Consultation Commission for carrying out the purposes of this Act.**

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**(2) The Commission shall consist of—**

- (a) a chairperson;
- (b) a Vice Chairperson;
- (c) two Members;

**to be appointed by the President by warrant under his signature and seal.**

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**(3) The Commission shall have the power to regulate its own procedure.**

**(4) The Central Government shall provide such number of experts, officers and staff to Commission, as may be required for its efficient functioning.**

**(5) The salary and allowances payable to, and other terms and conditions of service of the Chairperson, members, experts, officers and staff of the Commission shall be such as may be prescribed.** 20

Functions of  
the  
Commission.

**4. (1) The Commission shall,—**

(a) put into public domain, the legislative business that has been conducted in any of the Houses of the Parliament through such means as it considers appropriate;

(b) collect public opinions and store the same;

(c) place in the public domain, the entire data — after anonymization of the same;

(d) present its report to the Parliament as the time of voting on the same legislative proposal —which shall although 'not' be voted upon but shall act as a guiding principle to the Parliament and its esteemed members; and

(e) undertake such other functions as may be assigned to it, from time to time, by the Parliament. 30

**(2) The Commission shall provide for public consultation over a specific legislative proposal by—**

(a) providing an opportunity to either support or oppose the entire Bill; and

(b) providing an opportunity to submit detailed explanation behind the support or opposition. 35

Central  
Government  
to provide  
adequate funds  
to the  
Commission.

**5. The Central Government shall provide after due appropriation made by Parliament by law in this behalf, necessary requisite funds, from time to time, for carrying out the purposes of this Act.**

Appointment  
of a Secretary  
to the  
Commission  
by the Central  
Government.

**6. The Central Government shall appoint a Secretary to the Commission to exercise such powers and perform such duties as may be delegated to him by the Chairperson and the Vice-Chairperson.** 40

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|    | <b>7.</b> If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty.  | Power to remove difficulty.    |
| 5  | <b>8.</b> The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.   | Act to have overriding effect. |
|    | <b>9. (1)</b> The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.   | Power to make rules.           |
| 10 | (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and, if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form, or |                                |
| 15 | be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.  |                                |

## STATEMENT OF OBJECTS AND REASONS

The Indian Constitution starts with a preamble which reads out as "WE THE PEOPLE...." Thereby emphasising on the importance of its citizens in the nation building process.

The Westminster form of parliamentary democracy, which we adopted, sometimes, pave way for difference in opinion between the public representatives and the real holders of democratic power—the citizens themselves.

Moreover, not every Bill can be sent to the Standing Committees of the Parliament for detailed scrutiny and inclusion of public opinions, due to apparent time and financial constraints.

Therefore, to bridge the gap that exists, as has been stated above, the Bill provides for a National Consultation Commission to provide for a mechanism for the citizens and pressure groups to have their voices heard in the legislative process. The Commission, *inter alia*, shall—

(i) provide for avenues for the citizens to express their opinions.

(ii) present the collected opinions in the form of a report to the Parliament at the time of voting on the given legislative proposal, which shall despite being non-binding in nature—shall act as moral guide for the law makers in the Parliament.

(iii) provide an insight to the Parliament on how the citizens of the country see a particular piece of legislation.

The Bill, therefore, seeks to establish a Commission which shall provide citizens with an opportunity to put their perspectives in front of the highest law-making body in the country and to allow for suitable alignment of the policies in order to cater to the intended beneficiaries and other stakeholders effectively.

Hence this Bill.

NEW DELHI;  
November 5, 2019.

JAGDAMBIKA PAL

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a National Consultation Commission. It also provides that the Central Government shall make available necessary experts, officers and staff for the efficient functioning of the Commission. Clause 5 provides that the Central Government shall provide requisite funds to the Commission for carrying out the provisions of this Act. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees ten crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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