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बिहार सरकार

पुराना सचिवालय, पटना-800015



DEPARTMENT OF LAW
GOVERNMENT of BIHAR,
OLD SECRETARIAT, PATNA-800015

संजय कुमार

सचिव-सह-विधि परामर्शी

दूरभाष संख्या-0612-2217666 (का०)

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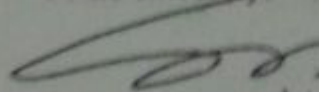
Dear Shri

In the modern context, promoting regulatory certainty for business includes allowing stakeholders the opportunity to review and provide feedback on draft business related acts, rules and regulations before they are enacted. Regulations that are compiled with stakeholder input tend to feature higher compliance and impose a lower burden in terms of enforcement. Allowing stakeholder inputs in business regulations is therefore a critical prerequisite for good governance.

2. The Government of Bihar is placing heightened focus on improving the 'Ease of Doing Business' for the private sector through simplification of procedures and systems for issuing the licenses, approvals, etc. Further, the "Business Reform Action Plan for States/ UTs 2016" developed by the Department of Industrial Policy & Promotion (DIPP), Ministry of Commerce & Industry, GoI, is an important input for this reform initiative.
3. One of the reform initiatives identified under this action plan is to (i) enable pre-legislative consultation on draft business related acts, rules and regulations before enactment, and (ii) introduce a mechanism to provide transparency on the comments that have been received and how they were addressed in the final draft.
4. The Government of India realised the importance of this process and adopted the pre-legislative consultation policy in February 2014 to enable good governance. The Government of Bihar would also like to implement the above mentioned reform initiatives by mandating (i) pre-legislative consultation process on draft business related acts, rules and regulations; and (ii) publish the comments/ feedback received on draft business related acts, rules and regulations and how they were addressed. The details of the process/ procedure to be adhered to are provided as Appendix. It is requested that this document should be widely circulated in your department for strict compliance.

With Regards.

Yours sincerely,


(Sanjay Kumar) 1.3.2016

To: All Principal Secretaries/ Secretaries to the Government of Bihar

Appendix

Pre-legislative consultation process for business related acts, rules and regulations

1. Every Department shall proactively publish the proposed business related Acts, rules, regulations and bye laws both on their respective Department's website and also through other means as decided by the concerned Department.
2. The Department concerned should publish/place in public domain the draft legislation along with a brief overview and justification of the legislation, essential elements of the proposed legislation, its broad impact on the businesses, industries, etc.
3. The draft legislation may be kept in the public domain for a minimum period of thirty days.
4. The Department concerned might, in addition to placing the proposal in public domain, also hold consultations with all stakeholders.
5. The summary of feedback/comments received from the public/other stakeholders should also be placed on the concerned Department's website.
6. The Department concerned should record and publish their response against each of the feedback/ comments received by various stakeholders and how these have been addressed in the revised legislation. The Department concerned should publish their response on their website.
7. If the Department concerned is of the view that it is not feasible or desirable to hold pre-legislative consultation as detailed above, it may record the reasons in their file note.
8. Any policy, manual, procedures, etc. may be suitably modified to the extent required to enable the above mentioned policy.

