1. INTERPRETATION OF STATUTES – STUDY NOTES Asmatullah Kakar (Asst. Professor, University Law College, Quetta) CHAPTER # 02: LAW AND LEGISLATION LEGISLATIVE PROCEDURE IN PAKISTAN ♣ Legislation is the fundamental responsibility of the Majlis-e-Shoora (Parliament), composed of two Houses (National Assembly and Senate) and President. ♣ Legislation may be initiated by introduction of a Bill in either House of the Parliament, except a Financial Bill which can only be introduced in National Assembly. ♣ A Bill is a legislative statement, which becomes an Act of Parliament if passed by the two Houses and is duly assented by the President. Types of Bills: ♣ There are following types of Bills namely: 1. Government or Official Bills: Introduced by a minister and passed by simple majority. 2. Private Member’s Bills: Introduced by any member of the Parliament and passed by simple majority. 3. Constitution Amendment Bill: A Bill intending amendment in Constitution and is required to be passed by two-third majority by both Houses 4. Financial Bill: It is a specie of Government Bills. It deals with matters of revenue and expenditure. It can only be introduced in National Assembly and if passed then is to be sent to Senate within seven days. Moreover, it is the prerogative of the National Assembly to pass it with or without incorporating the recommendations of the Senate. Legislative Procedure: From a Bill to an Act Step 1: Introducing a Bill ♣ Three copies of a Bill, in complete form, must be handed over to the secretary of the House with a ten days written notice for moving it to the House Step 2: Order of the Day ♣ Government Bill may be moved on any day of Motion except on the day specified for Private Members’ Bills
2. [2.](https://image.slidesharecdn.com/chap02legislativeprocedureinpakistan-150706184115-lva1-app6892/95/chap-02-legislative-procedure-in-pakistan-2-638.jpg?cb=1436208081)© 2015 – Asmatullah Kakar (Study Notes: Interpretation of Statutes). All rights reserved. 2 ♣ Private Member’s Bill shall be set down on the orders of the day specified for Private Members Bills ♣ The copies of the Bill shall be circulated to all the members of the House. Step 3: Bills Repugnant to Islam ♣ If a Bill seems to be repugnant to Islam, it shall be referred to the Council of Islamic Ideology for advice. Step 4: First Reading – Discussion on Principles of the Bill ♣ In the first reading only the headings or main principles of the Bill shall be discussed. Step 5: Motion of Consideration by Member in Charge ♣ The Member In-Charge of the Bill may present a Motion for Consideration. Step 6: Reference to Committee ♣ The Bill (except the Money Bill) is then to be referred to the concerned Standing or Select Committee of the House for recommendations. Step 7: Committee’s Recommendations ♣ The committee may recommend either to take the Bill for consideration as a whole with some amendments or may instruct for making some particular or additional provisions to it. Step 8: 2nd Reading – Amendments ♣ In the Second Reading the whole Bill, clause by clause, goes through the second reading ♣ The speaker shall decide as to any proposed amendment if fulfilling the conditions of admissibility. Step 9: 3rd Reading – Debate ♣ In this stage the Members of the House argues in support or to reject the Bill. ♣ Any amendment at this stage shall only be verbal. Step 10: Vote ♣ After debate the speaker puts the motion for the decision of the House.
3. [3.](https://image.slidesharecdn.com/chap02legislativeprocedureinpakistan-150706184115-lva1-app6892/95/chap-02-legislative-procedure-in-pakistan-3-638.jpg?cb=1436208081)© 2015 – Asmatullah Kakar (Study Notes: Interpretation of Statutes). All rights reserved. 3 Step 11: Transmission of the Bill to the other House ♣ Once a Bill (other than Money Bill) has been passed by the House in which it was introduced then it shall be transmitted to the other House. ♣ In other House a similar process may be adopted to pass the Bill. ♣ However if any Bill (Other than Money Bill) is passed but with recommendations, it shall be sent back to the House from where it was originated. ♣ This Bill with recommendations from the other House shall once again go through the same procedure as if it was introduced for the first time. ♣ However, if the other House rejects the Bill, then it shall be discussed in the Joint Sitting of both the Houses. Step 12: Presentation before the President for Assent ♣ When a Bill has been passed by both the Houses, it then shall be presented before President for his assent. The president shall within a period of ten days, may either give his consent to the Bill (in which case it shall become Act of Parliament) or return the Bill to the House from where it originated, with some amendments and recommendations. ♣ In case of a return Bill, once again the whole procedure discussed above shall be repeated. ♣ Both the Houses may either incorporate the changes proposed by the President or pass the Bill without incorporation of the said changes. ♣ After re passing the Bill from both Houses it shall again be presented before the President for his assent. ♣ This time the President is bound to give his assent to the Bill within ten days. However, if President fails to give his assent so, on the expiry of the tenth day, the Bill shall automatically become an Act of Parliament. Step 12: Publication in Official Gazette: ♣ After becoming an Act of Parliament, it is to be notified by publishing in the Official Gazette for general information.