



National Assembly of Pakistan



Legislative Procedures

Historical Perspective

The Independence Act of 1947 transformed the then existing Constituent Assemblies in to dominion legislatures. In addition to the framing of a new Constitution, these legislative bodies were to exercise all powers formally exercised by the Central Legislature. However, till adoption of a new Constitution, all territories were to be governed in accordance with the Government of India Act, 1935.

The first Constituent Assembly of Pakistan held its maiden session, on August 10, 1947 at the Sindh Assembly Building and elected unanimously Pakistan's founding father, Mr. Muhammad Ali Jinnah as its President. On the same day, a Special Committee was appointed to look into and advise the Assembly on matters relating to fundamental rights of the citizens, particularly the minorities, with the aim to legislate on these issues appropriately. In this way, due importance was given to the minorities and fundamental rights of the citizens at large, from day one.

On August 14, 1947, the Transfer of Power took place. Lord Louis Mounbatten, Governor General of India, addressed the Constituent Assembly of Pakistan. Replying to the " address, Quaid-e-Azam spelled out the principles of the State of Pakistan.

Objectives Resolution

On March 12, 1949, the Constituent Assembly adopted the Objectives Resolution, laying down principles which later became substantive part of the Constitution. On the same day, the Assembly formed a Basic Principles Committee, comprising of 24 members, to prepare a draft Constitution on the basis of the Objectives Resolution.

Framing Constitutions

The final draft of the Constitution was prepared in 1954. However, before the draft could be placed in the House for approval, the Assembly was dissolved on October 24, 1954. Thereafter, the Governor General convened the Second Constituent Assembly in May, 1955, which framed and passed the first Constitution of Pakistan on February 29, 1956. That Constitution came into force on March 23, 1956, which provided for a parliamentary form of Government with a unicameral legislature. Earlier, from August 14, 1947 to March 23, 1956, the country retained the Government of India Act, 1935 as its Constitution.

On October 7, 1958, Martial Law was promulgated and the Constitution abrogated. The Military Government appointed a Constitution Commission in February, 1960 which framed the 1962 Constitution. That Constitution provided for

a Presidential form of Government with a unicameral legislature. The 1962 Constitution was abrogated on March 25, 1969. The Civil Government, which came to power in December, 1971 pursuant to 1970 elections, gave the nation an interim Constitution in 1972. The 1970 Assembly also framed the 1973 Constitution, which was passed on April 10, 1973 and assented to on April 12, 1973 and came into force on August 14, 1973.

Bicameral Parliament

Article 50 of the 1973 Constitution provides for a parliamentary form of Government with a bicameral legislature Majlis-e-Shoora (Parliament), consisting of the President and two Houses to be known respectively as the National Assembly and the Senate. The main purpose of creating the Senate was to give equal representation to all provinces in this House because in the National Assembly the membership was determined on population basis. Equal provincial membership in the Senate was designed to balance the demographical formula extant in the National Assembly. In this way, under the 1973 Constitution, the Senate came into existence for the first time.

Legislation

Both the Houses of Parliament, that is, the Senate and the National Assembly work together to carry out Parliament's basic work legislation or lawmaking. The procedure for introduction and adoption of Bills is laid down vide Articles 70 to 77 and it is interdependent on both the Houses, except for Money Bills where the National Assembly enjoys an exclusive jurisdiction.

Classification of Bills

A Bill can be defined as a legislative proposal in a distinct format, which becomes an Act of Parliament if passed by both the Houses and assented to by the President. On the basis of their contents, the Bills may be classified into: Original Bills (Bills embodying new proposals, ideas or policies), Amending Bills (Bills which seek to modify, amend or revise existing Acts), Consolidating Bills (Bills which seek to consolidate existing law on a particular subject), Expiring Laws (Continuance) Bills (Bills to continue an expiring Act), Bills to replace Ordinances, Constitution (Amendment) Bills and Money/Financial Bills. However, generally Bills are classified into private member Bills and Government Bills, accordingly as they are sponsored by a private member or a Minister.

Private Members' Bills

In the case of a private members' Bill, as per rule 118, a member may move

for leave to introduce a Bill after giving to the Secretary ten days written notice of his intention to do so. The notice has to be accompanied by three copies each of the Bill and the Statement of Objects and Reasons signed by the member.

Government Bills

In the case of Government Bill, it is introduced by a Minister, in accordance with the provisions of rule 120, after giving to a written notice, accompanied by a copy of the Bill and Statement of Objects and Reasons signed by the Minister, of his intention to do so.

Pre - Introduction Examination

Upon receipt in the Assembly or the Senate Secretariat, the Bill is scrutinized with a view to ensuring that it conforms to the various constitutional provisions and the rules. When the Bill satisfies these requirements, it stands ready for introduction. On introduction of a Bill in the Assembly or Senate, each Bill is given a 'Bill Number' and is published in the Gazette by the respective Secretarial.

Reference to Standing Committee

Under rule 122, a Bill, other than the Finance Bill, upon introduction, stands referred to the Standing Committee concerned with the subject matter of the Bill. However, the House can dispense with this provision, if the member-in-charge moves for it.

Inclusion in Orders of the Day

When received back from the Standing Committee, or when the time fixed for the Standing Committee to send it back has expired, or Bill is deemed to have been received back from the Standing Committee as a result of suspension of the requirement of rule 122, the Bill is included in the Orders of the Day for consideration. At this stage, under rule 124, the member-in-charge of the Bill can move a motion (a) that it be taken into consideration at once; or (b) that it be taken into consideration on a date to be fixed forthwith; or (c) it be referred to a Select Committee; or (d) it be circulated for the purpose of eliciting opinion thereon.

However, before any of the above motions is made, if a member raises, under rule 125, the objection that the Bill is repugnant to the Injunctions of Islam, the Assembly may, by a motion supported by not less than two-fifths of its total membership, refer the question to the Council of Islamic Ideology for advice.

In the case of a Bill originating in the Senate, after it has been passed by the Senate it is transmitted to the National Assembly. When it is taken up for consideration, a member may move as an amendment that the Bill be referred to the Standing Committee concerned. If such motion is carried, under rule 148, the Bill stands referred to the Standing Committee.

Thereafter, the procedure regarding consideration and passage of the Bill is adopted.

Legislative Competence of the House

A Bill, with respect to any matter in the Federal Legislative List can originate in either of the two Houses, with the exception of a Money Bill which originates only in the National Assembly but a copy of which is simultaneously transmitted to the Senate for making recommendations to the National Assembly within fourteen days. Upon introduction, a Bill shall, unless the member-in-charge moves a motion for dispensation of this requirement of the rule, stand automatically referred to the concerned Standing Committee of the House for scrutiny and report within a stipulated period of time.

When a Bill, except a Money Bill, is passed by the House, in which it originated, it is transmitted to the other House and that Bill, if passed without amendment, by the other House is transmitted to the President for assent. If a Bill transmitted to a House under clause (1) of Article 70 is passed with amendments it shall be sent back to the House in which it originated and if that House passes the Bill with those amendments it shall be presented to the President for assent.

Money Bills

As far as Money Bill is concerned, it is the prerogative of the National Assembly only to consider it. However, a copy of the Money Bill is to be simultaneously transmitted to the Senate for making recommendations to the National Assembly. When the Bill is taken up clause by clause, the recommendations made by the Senate are considered in the order of the clauses of the Bill to which they relate, in accordance with the provisions of rules 131 and 133. When passed by the Assembly, an authenticated copy of the Money Bill, together with a certificate by the Speaker, under Article 73(5) that it is a Money Bill, is transmitted to the President for his assent thereto under Article 75.

Constitutional Amendment Bills

A constitutional amendment Bill can be passed by the votes of not less than two-thirds of the total membership of both the Houses of Parliament in their separate sittings. A Bill, passed by one House and also passed by the other, without amendment, by votes of not less than two-thirds of the total membership, is presented to the President for assent under clause (2) of Article 239.

President's Assent

All Bills, after having been passed by both the Houses and Money Bill after having been passed by the National Assembly, are required to be sent to the President for assent after which a Bill becomes a law. Where a Bill sent for the Presidential assent, is returned for reconsideration, it shall be reconsidered by the Majlis-e-Shoora (Parliament) and, if it is again passed, with or without amendment, by the Parliament and presented to

the President, the President shall not withhold assent therefrom.

Joint Sitting

If a Bill transmitted to a House, under clause (1) of Article 70, is rejected or is not passed within 90 days of its laying in the House or is passed with amendments, or a Bill sent to a House under clause (2) with amendments is not passed by that house with such amendments the Bill, at the request of the House in which it originated, is referred to a Joint Sitting under Article 70 (3), for its consideration and if passed by the votes of the majority of the members present and voting in the Joint Sitting it shall be presented to the President for assent.

Stages of Bills

A Bill, however, has to pass through following stages before it becomes an Act, namely:-

First Reading: Under rule 126, when a Bill comes up for consideration, the principles and general provisions of the Bill can be discussed, but the details of the Bill cannot be discussed beyond a point that is necessary to explain its principles. At this stage amendments to the Bill are not moved. However, a member can give notice of amendments, if any. On the conclusion of general discussion, the motion for consideration of the Bill is put to the House.

Second Reading: If the Assembly adopts the motion for its consideration, the Bill is taken into consideration clause-by-clause. The amendments, if any, to a clause may be moved at this stage. Each clause, together with amendments, if any, is put to House and adopted by a majority vote. (Rule 133)

Third Reading: After clause-by-clause consideration of the Bill, the member-in-charge of the Bill can move a motion that the Bill be passed. At this stage, the debate is confined to arguments either in support of the Bill or for its rejection, without referring to the details thereof. (Rules 137 and 138)

Adoption of Bills

For passing a Bill other than a Bill to amend the Constitution, a simple majority of members present and voting is necessary. But in the case of a Bill to amend the Constitution a majority of not less than two-thirds of the total membership of the either House in their separate sittings, as stipulated vide Article 239, is required. When a Bill is passed by both the Houses, it is presented to the President for assent. Only after the assent is given, the Bill becomes an Act.