

HOW TO
UNDERSTAND

A BILL



An Inner view of National Assembly Hall

Title: How to Understand A Bill

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INTRODUCTION OF THE BOOKLET

This brief document sets out the guidelines to be followed within the framework related to various steps to be followed during the process of drafting a piece legislation which ultimately becomes a law. A considerable time of the Parliament is spent considering draft legislation in the form of "A Bill", which passes through the different stages ,ranging from introduction to Assent of the President.

The present initiative is an attempt to present all relevant information in a more concise manner for the Parliamentarians and particularly for the members of civil society who intend to work with Parliament and Parliamentary Committees for introducing amendments in existing laws for the socio-economic development of the society.

We hope that this info-sheet will provide ample opportunity to comprehend the conceptual frame work of legislative process focusing on transformation of draft legislation in to a law.

No doubt, it is focused for new entrants as member of the Parliament, but will also be equally useful for civil society organizations, researches, media and academia.



**FOURTEEN STEPS TO
UNDERSTAND “A BILL”**



STEP 01 MEANINGS

A Bill is a draft of a law proposed to a law making body. At the same time by means of a Bill legislature may enact, amend, or repeal a Statute.

STEP 02 CLASSIFICATION OF BILLS

Bill can be classified as under:-

1. Private member's Bill
2. Government Bills

When a Bill is moved by a member of the House, its called Private member's Bill and when a Bill is moved by a Minister it's called Government Bill. Minister does include Prime Minister and a Minister of state.

STEP 03 PARTS OF A BILL

A Bill may be divided in to following three major parts:

1. **INTRODUCTORY PART:**
 - (a) The Long Title
 - (b) The Preamble
 - (c) Enacting Clause
2. **GENERAL AND SUBSTANTIVE PROVISIONS**
 - (a) Short Title
 - (b) Commencement And Extent Clauses
 - (c) Definitions
 - (d) Principal Operative Provisions
 - (e) Enforcement Provisions
3. **STATEMENT OF OBJECT AND REASON**

STEP 04 THE LONG TITLE

It states concisely but very briefly the main provisions of a Bill. It's an introduction of the Bill. It is always placed before the preamble and at the very beginning of Bill. It goes as under;

"An act to provide for....."

STEP 05 THE PREAMBLE

The Preamble is almost a preface to an Act. Also indicates the reasons that weighed with legislature at the time of passage of the Bill. It helps the courts in solution of doubtful points. It usually begins with the Words.....

“Whereas.....”

STEP 06 ENACTING CLAUSE

Enacting clause is placed before first Clause of a Bill and after the preamble. It reflects what is going to be enacted and usually it runs as under:-

“It is here by enacted as follow.....”

STEP 07 SHORT TITLE

Short title is the name of a Statute or an Act and it pre-supposes that it should not be long. It is always designated with all the required Clarity & So Comprehensively that reader is not confused to understand its description. For instance, keeping in view alarming Law & Order situation and terrorism a Bill is to be drafted, the short title may go as under;

Short title “This Bill may be called the Anti-terrorism Act 2011”

STEP 08 COMMENCEMENT AND EXTENT CLAUSES

This clause is meant for making it the applicability of the Law passed by the Parliament i-e . Whether or not applicable throughout the Country or its applicability is restricted to certain parts of the country. In certain situations extent Clause goes unnecessary where the title itself makes it clear the extent of its applicability or the title indicates the matters to come under its purview . For instance

“Mussalman Wakf Validating Actor or the Govt. Saving Certificate Act”

The Short title, the extent clause and the commencement clause is practically placed in a single section with further division in to Subsections.

The commencement clause usually runs as follows:

“This Act shall come an to force on.....”

But if the Act is to be given retrospective effect change of usual practice would take place and is to run as under:

“This act shall be deemed to have come in to force on”

Generally, if not otherwise provided, an act comes in to force on the day it receives the assent of the President.

STEP 09 DEFINITION

Amongst others definition is one of the useful tool of drafter. It not only reduces the volume of the words and repetition but also helpful in avoiding inconsistency and the reader is not left to interpret the words & phrases the way the reader likes.

In order of its placement definition clause comes after short title, commencement and extent clause and that too without giving serial numbers. It starts with a "CAPITAL LETTER" and a full stop is placed at its end making it a complete sentence in itself.

A definition which is meant for whole of the Act is always placed in the Very beginning of the Act. But if it is meant for a chapter only it is placed in the beginning of that chapter. Likewise if it is meant for one section only it is placed in that particular section.

Example: "Department." means HEALTH DEPARTMENT.
"Person." means an individual, corporation or association.

STEP 10 PRINCIPAL OPERATIVE PROVISIONS

Administrative and Substantive Provisions are called Principal Operative provisions of a Bill. These provisions relate to creation, organization, powers and procedures of the Governmental units that enforce or adjudicate the law. these provisions further give to or enforce on a class of persons rights, duties, power and privileges. In other words these provisions make it clear the commands, Prohibitions and permission to do thing, the nature and consequences of the limits it imposes.

STEP 11 ENFORCEMENT PROVISIONS

These provisions make clear the consequences of accomplishment and non-accomplishment of the commands and prohibitions of Principal Operative provisions of a Bill.

STEP 12 STATEMENT OF OBJECT AND REASONS

Statement of Object and Reasons is always appended at the end with a Bill. But it is not a part of the Bill. Nor is voted upon by the legislature, When a Bill becomes a law or Act this is not made part of the Act. The purpose of this statement is that the mover not only justifies the proposed legislation but also

clarifies that what necessitated to move the legislature for enacting the proposed law.

STEP 13 SUN SET CLAUSE

Sun set clause is clause by which duration (of enforcement) is limited to a certain period or time. It goes like this;

“Unless earlier renewed by a resolution enacted by the Parliament, this law will remain in force until 5th January 2012.

STEP 14 REPEAL CLAUSE

Repeal Clause is a clause by which, if so required, the Law or Act already in existence or in force is brought to an end by replacing the same as new legislation on the same subject has taken place.



**SPECIMEN
OF A BILL**

A BILL

THE LONG TITLE	<i>To provide for the establishment of National Security council</i>
THE PREAMBLE	Where-as it is expedient to establish a National Security Council to serve as a forum for consultation on matters of national security including the sovereignty-integrity, defence, security of the State and crisis management:
ENACTING CLAUSE	it is here-by enacted as follows:-
SHORT TITLE EXTENT AND COMMENCEMENT CLAUSE	<p>1. Short title, extent and commencement.-</p> <p>(a) This act may be called the National Security Council Act 2004.</p> <p>(b) It extends to the whole of Pakistan.</p> <p>(c) It shall come into force at once.</p>
DEFINITIONS	<p>1. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-</p> <p>(a) "Chairman" means the Chairman of Council;</p> <p>(b) "Council" means the National Security Council established under section 3;</p> <p>(c) "Government" means the Federal Government or a Provincial Government, as the case may be;</p> <p>(d) "President" means the President of the Islamic republic of Pakistan; and</p> <p>(e) "Rules" means the rules made under this Act.</p>
PRINCIPAL OPERATIVE PROVISIONS	<p>3. Establishment of National Security Council.- There shall be established a National Security Council to serve as a forum for Consultation on matters of national security including the sovereignty, integrity, defence, security of the State and crisis management.</p>

4. Composition.- The President shall be the Chairman of the Council and its other members shall be the Prime Minister, the Chairman of the Senate, the Speaker of the National Assembly, the Leader of the Opposition in the National Assembly, The Chief Ministers of the Provinces, the Chairman Joint Chiefs of Staff Committee and the Chiefs of the Army Pakistan Navy Staff and Pakistan Air Force Staff.

**ENFORCEMENT
PROVISIONS**

5. Functions of the Council.-

- (a) The Council shall serve as a forum for consultation to the president and the Government on matters off national security including the sovereignty, integrity, defence, security of the State and crisis management.
- (b) The Council shall formulate and make recommendations to the President and the Government in accordance with the consultations in terms of subsection (1).
- (c) Any proposal on an issue deemed to be of national importance which requires implementation, shall be referred by the Council to the National Assembly or the Senate for appropriate action.

6. Meetings.-

- (a) The meetings of the Council may be convened by the President either in his discretion or on the advice of the Prime Minister.
- (b) A meeting of the Council may be called notwithstanding a vacancy in the office of one or more members of the Council.
- (c) A meeting of the Council, once called, may not be postponed due to absence of any one or more of its members.
- (d) The council may invite any person to attend any of its meetings, by special invitation.

7. National Security Council Secretariat.-

- (a) There shall be a Secretary of the Council who shall be appointed by the Chairman on such terms and conditions as may be determined by the Chairman.

	<p>(b) The Secretary shall be the head of the Secretariat and shall have such other powers and functions as may be conferred on him by the Rules: Provided that till such time that the rules are made the Secretary may, with the approval of the Chairman,-</p> <p>(a) Exercise such powers and performs such functions as may be necessary for carrying out the purposes of this Act and the functioning of the Council; and</p> <p>(b) Appoint officers and staff to be employed in connection with the functions of the council and determine their terms and conditions of employment.</p> <p>8. Power to make rules.- The Council may, by notification in the official Gazette, make rules for carrying out the purposes of this Act: provided that till such time that the rules are made the Council may, with the approval of the Chairman, follow such procedure as it may deem fit.</p>
REPEAL CAUSE	<p>9. Repeal.- The National Security Council Order, 2001 (Chief Executive's Order No. 5 of 2001) is hereby repealed.</p>
STATEMENT OF OBJECTS AND REASONS	<p>Statement of Objects and Reasons The bill seek to establish a National Security Council to serve as a forum for consultations on matters of national security including the sovereignty, integrity, defence, security of the State and crisis management. The President shall be the chairman of the Council and its other members shall be the Prime Minister, Chairman of the Senate, the Speaker of the National Assembly, The Chief Ministers of the provinces, the Chairman Joint Chiefs of Staff Committee and the Chiefs of Staff of the Pakistan Army, Pakistan Navy and Pakistan Air Force.</p> <p>2. The Bill is designed to achieve the aforesaid objects.</p> <p style="text-align: right;">Sd/-Minister In -charge</p>

HOW A BILL BECOMES A LAW

STEP 01 MEANING OF BILL

A Bill is a draft of a law proposed to a law making body or A Bill is proposed law for its consideration by a legislature. In other words by means of Bill legislature may enact, amend, Or repeal a statute.

STEP 02 CLASSIFICATION OF BILLS

Bill can be classified as under:

- i: **Private member's Bill**
- ii: **Government Bills**

When a Bill is moved by a member of the House. Its called private member's Bill and when the same is moved by a Minister it's called Government Bill. Minister does include Prime Minister and Minister of State.

STEP 03 INTRODUCTION OF BILLS

A Bill may be originated in any one of the Houses, i-e. Senate or Assembly by a legislator or Government with a request for leave to introduce a Bill after given to the Secretary, ten days written notice. In case of Govt. Bill request for leave to introduce or seven days notice is not required. But simple notice with intention to do so is must. The introduction of the Bill shall be included in the Orders of the day and on its Call the Mover may move for leave to introduce the Bill. Upon grant of leave and the motion being made the Bill shall stand introduced.

STEP 04 PUBLICATION OF BILLS

After introduction of a Bill Secretary of the House is obliged to get the same published in the Gazette at the earliest possible and the President orders the publication along-with the statement of object and reasons before it's introduction.

STEP 05 CONSIDERATION OF BILLS

Upon introduction, a Bill is referred to the standing committee concerned for consideration. On receipt back copies of the Bill along-with recommendations, if any, are supplied to the members within Seven days and thereafter the Bill is set down in the Orders of the Day for Motion. The member- in-charge(the mover) may move any of the following motions namely:-

- a. That the same be taken in to consideration at once or on a date to be fixed forth-with;
- b. It be reported to the Select Committee;
- c. Circulation of the Bill for opinion.

In case motion for circulation is carried and opinion received member-in-charge may move for referring the Bill to Standing Committee Concerned or a Select Committee for its consideration. On presentation of the final report by the Standing and Select Committee the member in charge may move for taking in to consideration the said report or the same be referred to the same Committee again for making particular or additional provisions in the Bill or the same be circulated or re-circulated for opinion or further opinion.

STEP 06 DISCUSSION OF PRINCIPLES OF BILLS (FIRST READING)

When after circulation or re-circulation the Bill comes up for consideration, the principles of the Bill and its general provisions discussed without going in to details of the Bill. It's Called First Reading. No amendment except notice of an amendment can take place at this stage.

STEP 07 SECOND READING

Here comes SECOND READING and motion for consideration of the Bill is put to the House and when same is carried, the Bill is taken up clause by clause. Unlike first reading amendments can be moved at this stage according to the rules of Procedure. The Chairman or Speaker may Call each clause separately and when amendment, if any have been considered shall put this question that

“This clause as amended stands part of the Bill.”

Then consideration of the schedule or schedules, if any, shall be put from the Chair and may be amended in the same manner as clauses, Likewise clause one, preamble and title of the Bill is to be made part of the Bill.

STEP 08 PASSING OF BILLS (THIRD READING)

At the conclusion of clause by clause consideration the member in-charge may at once move for passage of Bill provided no amendment it made.

If any amendment is made passage of Bill can be objected by any member and such objection has to prevail unless ruled out by the Chair. otherwise passage of Bill is to take place on a subsequent date. No amendment except verbal and that too of formal nature can be made at this stage.

When a Bill is passed by the House in which originated, shall be transmitted to its other House for consideration with a message to that effect. If the bill is passed without, amendment by the other House also, it shall be presented to the President for assent.

But if passed with amendments it shall be sent back to the original House and if that House passes the Bill with those amendments, it shall be presented to the President for assent.

In case Bill is rejected by the other House or is not passed within NINETY DAYS of its laying in the house, or is not passed with amendments the Bill, at the request of the House in which originated, shall be considered in a joint sitting 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.

STEP 09 AUTHENTICATION OF A BILL

When a Bill is passed the secretary of the House shall cause a Copy there-of-authenticated by the Chairman or Speaker to be transmitted to the President for assent.

STEP 10 PRESIDENT ASSENT TO BILLS

On presentation, the President shall, within ten days either assent to the Bill or return the Bill (Not in case of Money Bill) to the Parliament, with a message requesting that the Bill or any specified provision be reconsidered and that any amendment specified in message be considered.

In such like eventuality on reconsideration in a joint sitting of Parliament, if it is again passed with or without amendments by the votes of the majority of the members of both the Houses, present and voting, it shall be deemed to have been passed by both the Houses and shall be presented to the President, and the President shall give his assent within TEN Days falling which such assent shall be deemed to have been given.

When the president has assented or is deemed to have assented to a Bill the Chairman / Speaker Causes it to be published in the Gazette as an Act of the Parliament and the Bill becomes a law.

TAXONOMY OF LEGISLATIVE PROCESS

INTRODUCTION OF A BILL

- Bill introduced in either house i.e. Senate or National Assembly.
- Initial stage
- No debate



PUBLICATION

- Publication in the Gazette with orders of the President.



CONSIDERATION

- Referral to Standing Committee for consideration and recommendation, if any.
- Motion either to consider Bill at once, or refer it to the select Committee.
- On report the mover, if so wishes, may move to refer it to Standing Committee or Select Committee.
- On report of the Select Committee the mover may move either the Bill, as reported by the Select Committee, be taken into consideration or be referred to the same Committee as whole or with respect to particular clauses or amendments or with instruction to make some particular or additional provisions, or be circulated or re-circulated for opinion or further opinion.



FIRST READING

- Initial Debate
- Discussion on Principles of Bill and its general provisions.
- No amendments but notice of the same can take before.



SECOND READING

- Detailed discussion and consideration of the Bill.
- Taking up the Bill clause by clause
- Amendments can be moved.



THIRD READING

- Final debate on the Bill.
- Whether or not it should be passed.
- No amendments made bill are passed there and then.
- Amendments made passage of Bill takes place on a subsequent date.



TRANSMISSION TO OTHER HOUSE

- Bill passed by original House is transmitted to the other House with a message to that effect.
- If passed without amendments by the other House also, it shall be presented to the President for assent.
- But if passed with amendments it shall be sent back to the original House and if passed with those amendments it shall be presented to the President.



CONSIDERATION IN JOINT SITTING OF PARLIAMENT

- In case Bill is rejected by the other House, or not passed within NINETY DAYS or not passed with amendments the Bill, shall be considered in joint sitting.
- If passed by the votes of the majority of the members present and voting, it shall be presented to the President for assent.



- President assents to the Bill becoming an Act of the Parliament.



**FREQUENTLY
ASKED QUESTIONS**

WHAT DOES A BILL MEAN?

A Bill is a draft of a law proposed to a law making body;
Or it is proposed law for its consideration by a legislature.
A Bill may be to enact a new law; to amend or to repeal an existing law.

HOW WOULD YOU LIKE TO CATEGORIZE/CLASSIFY A BILL?

- A Bill can be categorized/ classified as under:-
- i. Private member's Bill.
 - ii. Government Bill.

WHAT IS PRIVATE MEMBER'S BILL?

A Bill moved by a member of the Parliament (member in-charge) is called Private member's Bill.

WHAT IS GOVERNMENT BILL?

A Bill moved on behalf of the Government (member in-charge) is called Government Bill.

WHAT DOES MEMBER-IN-CHARGE MEAN?

Member in charge mean, in case of Government Bill a Minister and, in any other case, the member who has introduced the Bill or the member so authorized by him in writing to assume charge of the Bill.

HOW A BILL IS INTRODUCED?

A Bill may be originated in any one of the Houses, i.e. Senate or the Assembly by a legislator or Government with a request for leave to introduce a Bill, after given to the secretary, ten days written notice. In case of Govt. Bill request for leave to introduce or seven days notice is not required. But written notice with intention to do so is must. The introduction of the Bill shall be included in the "Orders of the day" and on it's call the mover may move for leave to introduce the Bill. Upon grant of leave and the motion being made the Bill shall stand introduced.

WHAT DOES "ORDERS OF THE DAY" MEAN?

"Orders of the Day" mean the list of business to be brought before the House on any day.

WHAT IS A MOTION?

Motion means a proposal made by a member including a Minister relating to any matter which may be discussed by a House and includes an amendment.

WHAT IS PUBLICATION OF A BILL?

The process of causing a Bill, so introduced, published in the Gazette by secretary of the House, after having orders of the President, is called publication of a Bill.

WHAT DOES CONSIDERATION OF A BILL MEAN?

When a Bill stands introduced and published, the same is referred to the Standing Committee concerned for consideration of the Bill. On receipt back copies of the Bill along-with recommendations, if any, made by Select Committee are supplied to the members within seven days. Then the Bill is set down in Orders of the day for motion. The member in charge may move any of the following motions namely:

- (a) To take the same in to consideration at once or on an adjourned date;
- (b) To report the Bill to the select Committee;
- (c) To circulate the Bill for opinion.

In case motion for circulation is carried and opinion received members in charge may move referring the Bill to Standing Committee or a Select Committee for its consideration.

Upon presentation of the final report by the Standing or Select Committee, the member in charge may move for taking in to consideration the said report.

Or the same is referred to the same Committee again for making particular or additional provisions in the Bill;

Or the same be circulated or re-circulated for opinion or further opinion. All this is called consideration of a Bill.

WHAT DOES FIRST READING OF A BILL MEAN?

Upon receipt of a Bill after circulation or re-circulation, discussion on the Principles of the Bill and its general provision without going in to details is called **FIRST READING OF THE BILL**. No amendment except notice of an amendment can take place at this stage.

WHAT DOES SECOND READING OF A BILL MEAN?

Unlike FIRST READING upon putting the motion to the House and the same being carried, taking up the Bill for clause by clause consideration is called **SECOND READING OF THE BILL**. Amendment can be move during the Second Reading according to rules of procedure. The Chairman or the Speaker may call each clause separately and when amendment, if, any have be considered shall put this question that,

“This clause or this clause as amended stands part of the Bill”.

Then consideration of the schedule or schedules, if any, takes place and may be amended in the same manners as clauses. Likewise clause or preamble and title are made part of the Bill and the second reading of the Bill Stands completed.

WHAT DOES THIRD READING OR PASSING OR BILL MEAN?

At the conclusion of clause by clause consideration the member in charge may at once move for passing of Bill provided no amendment is made.

If any amendment is made passage of Bill can be objected by any member and such objection has to prevail unless ruled out by the Chair. Otherwise passage of Bill is to take place on a subsequent date. No amendment except verbal and that too of formal nature can be made at this stage .

WHAT IS JOINT SITTING OF PARLIAMENT?

When both the Houses, Senate and Assembly meet together for Address of the President:

for legislative business: or

for resolution under the consideration: or

OR for reference against decisions of council of Common Interest is called joint sitting of the Parliament.

WHAT DOES AUTHENTICATION OF A BILL MEAN?

When a Bill is passed by both the Houses the Secretary of the House in which it was originated shall cause a copy thereof to be signed by the Chairman/Speaker to be transmitted to the President of assent. This process of causing signed the Bill by Chairman/Speaker and transmission to the President for assent is called authentication of Bill.

WHEN A BILL BECOMES AN ACT/LAW? OR WHAT DOES PRESIDENT'S ASSENT TO A BILL MEAN?

After authentication of a Bill, the same is transmitted to the President for his assent. The President shall, within ten days either assent to the Bill or return the Bill (Not in case of Money Bill) to the Parliament with a message requesting that the Bill or any specified provision be reconsidered and that any amendment specified in message be considered.

In such like Eventuality on reconsideration in a joint sitting of Parliament: if it is again passed with or without amendment by the votes of majority of the members of both the Houses, present and voting, it shall deemed to have been passed by both the Houses and shall be presented to the President: and the President shall give his assent within ten days failing with such assent shall be deemed to have been given.

When the President has assented or is deemed to have assented to a Bill the Chairman/Speaker causes it to be published in the Gazette as an Act of the Parliament and the Bill becomes a Law.

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