

CHAPTER X

THE CENTRAL LEGISLATURE

Parliament - Procedure and Powers

86. (1) The President may, from time to time, by Proclamation summon, prorogue and dissolve Parliament.

Sessions of
Parliament.

(2) (a) A Proclamation proroguing Parliament shall fix a date for the next session, not being more than two months after the date of the Proclamation.

(b) At any time while Parliament stands prorogued, the President may by Proclamation-

(i) summon Parliament for a date earlier than the date fixed under sub-paragraph (a) of this paragraph, not being less than three days from the date of the Proclamation under sub-paragraph (a) of this paragraph; or

(ii) subject to the provisions of this Article, dissolve Parliament.

(3) All matters which, having been duly brought before Parliament, and have not been disposed of at the time of the prorogation of Parliament, may be proceeded with during the next session.

(4) (a) A Proclamation dissolving Parliament shall fix a date or dates for the election of Members of Parliament, and shall summon the new Parliament to meet on a date not later than three months after the date of such Proclamation.

(b) Upon the dissolution of Parliament by virtue of the provisions of paragraph (2) of Article 77 the President shall forthwith by Proclamation fix a date or dates for the election of Members of Parliament, and shall summon the new Parliament to meet on a date not later than three months after the date of such Proclamation.

(c) The date fixed for the first meeting of Parliament by a Proclamation under sub-paragraph (a) or sub-paragraph (b) of this paragraph may be varied by a subsequent Proclamation, provided that the date so fixed by the subsequent Proclamation shall be a date not later than three months after the date of the original Proclamation.

(5) If at any time after the dissolution of Parliament, the President is satisfied that an emergency has arisen of such a nature that an earlier meeting of Parliament is necessary, the President may by Proclamation summon the Parliament which has been dissolved to meet on a date not

less than three days from the date of such Proclamation and such Parliament shall stand dissolved upon the termination of the emergency or the conclusion of the General Election, whichever is earlier.

Adjournment.

87. Parliament may adjourn from time to time as it may determine by resolution or Standing Order, until it is prorogued or dissolved.

Voting.

88. (1) Save as otherwise provided in the Constitution, any question proposed for decision by Parliament shall be decided by the majority of votes of the Members present and voting.

(2) The person presiding shall not vote in the first instance but shall have and exercise a casting vote in the event of an equality of votes.

Quorum.

89. Where at any time during a meeting of Parliament the attention of the person presiding is drawn to the fact that there are fewer than twenty Members present, the person presiding shall, subject to any Standing Order, adjourn the sitting without question put.

Standing Orders.

90. (1) Subject to the provisions of the Constitution, Parliament may by resolution or Standing Order provide for —

(a) the election of the Speaker, the Deputy Speaker and the Deputy Chairman of Committees; and

(b) the regulation of its business, the preservation of order at its sittings and any other matter for which provision is required or authorized to be so made by the Constitution.

(2) Until Parliament otherwise provides by law or by resolution, the Standing Orders of Parliament, in force immediately prior to the commencement of the Constitution, shall, *mutatis mutandis*, be the Standing Orders of Parliament.

Legislative power.

91. (1) Parliament has exclusive power to make laws, for the whole or any part of the territory of the Republic, including laws having retrospective effect, with respect to any of the matters enumerated in List I of the Second Schedule (referred to as the “Reserved List”.)

(2) The power to make laws vested in Parliament by paragraph (1) of this Article and Article 99, shall be exercised by Bills passed by Parliament and certified by the Speaker or the President as hereinafter provided.

Delegation of legislative power.

92. (1) Parliament shall not abdicate or in any manner alienate its legislative power and shall not set up any authority with any such legislative power.

(2) It shall not be a contravention of the provisions of paragraph (1) of this Article for Parliament to make, in any law relating to public security, provision empowering the President to make emergency regulations in accordance with such law.

(3) It shall not be a contravention of the provisions of paragraph (1) of this Article for Parliament to make any law containing any provision empowering any person or body to make subordinate legislation for prescribed purposes, including the power-

- (a) to appoint a date on which any law or any part thereof shall come into effect or cease to have effect ;
- (b) to make by order any law or any part thereof applicable to any locality or, to any class of persons ; and
- (c) to create a legal person, by an order or an act,

and for the purposes of sub-paragraphs (a) and (b) of this paragraph, “law” includes existing law.

(4) Subject to the provisions of the Constitution, any existing law containing any such provision as aforesaid shall be valid and operative.

93. (1) It shall be the duty of the Attorney-General to examine every Bill for any contravention of the requirements of paragraphs (1) and (2) of Article 100 and for any provision which cannot be validly passed except by the special majority prescribed by the Constitution , and the Attorney-General or any officer assisting the Attorney-General in the performance of the duties under this Article, shall be afforded all facilities necessary for the performance of such duties.

Duties of Attorney-General in regard to published Bills.

(2) Where the Attorney-General is of the opinion that a Bill contravenes any of the requirements of paragraphs (1) and (2) of Article 100 or that any provision in a Bill cannot be validly passed except by the special majority prescribed by the Constitution, the Attorney-General shall communicate such opinion to the President.

(3) Where an amendment is proposed to a Bill in Parliament, the Attorney-General shall communicate the opinion of the Attorney-General on the matter specified in paragraph (2) of this Article to the Speaker at the stage when the Bill is ready to be put to Parliament for its acceptance.

94. (1) Subject to Article 166, every Bill shall be published in the *Gazette* at least fourteen days before it is placed on the Order Paper of Parliament.

Publication and passing of Bills.

(2) The passing of a Bill or a resolution by Parliament shall be in accordance with the Constitution and the Standing Orders of Parliament.

(3) Parliament may suspend any one or more of the Standing Orders in the circumstances and in the manner prescribed by the Standing Orders.

Certificate of Speaker.

95. (1) Subject to paragraphs (2) and (3) of this Article, the Speaker shall endorse on every Bill passed by Parliament a certificate in the following form :

“ This Bill (here state the short title of the Bill) has been duly passed by Parliament.”

and such certificate may also state the majority by which such Bill was passed.

(2) Where by virtue of the provisions of Article 100 or Article 101 or Article 102 or Article 167(2) a special majority is required for the passing of a Bill, the Speaker shall certify such Bill only if such Bill has been passed with such special majority.

(3) Where by virtue of Article 101, the Bill or any provision thereof requires the approval of the People at a Referendum, the certificate of the Speaker shall further state that the Bill or such provision shall not become law until approved by the People at a Referendum.

(4) The certificate of the Speaker under this Article shall be final and conclusive, and shall not be called in question in any court.

When Bill becomes law.

96. (1) Subject to the provisions of paragraph (2) of this Article, a Bill passed by Parliament shall become law when the certificate of the Speaker is endorsed thereon.

(2) Where the Cabinet of Ministers has certified that any Bill or any provision thereof is intended to be submitted for approval by the People at a Referendum or where the Supreme Court has determined that a Bill or any provision thereof requires the approval of the People at a Referendum such Bill or such provision shall become law upon being approved by the People at a Referendum in accordance with paragraph (2) of Article 103 only when the President certifies in the manner specified in paragraph (3) of this Article that the Bill or provision thereof has been so approved.

(3) The President shall, subject to paragraph (4) of this Article, endorse on every Bill approved at a Referendum a certificate in the following form : –

“This Bill/provision has been duly approved by the People at a Referendum.”

and every such certificate shall be final and conclusive, and shall not be called in question in any court.

(4) A certificate as provided in paragraph (3) shall not be endorsed by the President on a Bill –

(a) in any case where a petition is not filed challenging the validity of the Referendum at which such Bill was approved by the People, until after the expiration of the period within which a petition may be filed, under the law applicable in that behalf, challenging the validity of such Referendum;

(b) in any case where a petition is filed challenging the validity of the Referendum at which such Bill was approved by the People, until after the Supreme Court has determined that such Referendum was valid.

97. Where Bill becomes law upon the certificate of the President or the Speaker, as the case may be, being endorsed thereon, any court or tribunal shall not inquire into, pronounce upon or in any manner call in question, the validity of such Act or of any provision contained therein on any grounds whatsoever.

Validity of Acts not to be questioned.

98. The provisions of Article 97 shall not affect the power of the Supreme Court under Article 168 to determine, whether or not any Act of Parliament passed after the commencement of the Constitution or any provision thereof is inconsistent with any provision of the Constitution, and where it so determines, to declare such Act or provision void to the extent of such inconsistency, where the jurisdiction of the Court has been invoked within the period specified in that Article.

Reservation of the power of the Supreme Court to review certain Acts.