



PROVINCIAL ASSEMBLY OF THE PUNJAB

RULING OF THE CHAIR

IN RESPECT OF POINT OF ORDER RAISED BY SEVERAL MEMBERS REGARDING MOTION OF LEAVE TO INTRODUCE A PRIVATE MEMBER'S BILL AND OPPOSED BY THE MINISTER FOR LAW

Background

On Tuesday, January 14, 2025, two private members' bills were on the List of Business. When the mover of the first bill (Mr Amjad Ali Javed, MPA) moved his motion for leave to introduce his bill, the Chair (Deputy Speaker presiding) put the question to the vote of the Assembly; several Members raised their affirmative voices, and almost simultaneously, Minister for Law rose and requested the Chair that before conclusively granting the leave to introduce, the viewpoint of the concerned Minister should be taken in the House. Since the concerned Minister was not present, the Minister for Law requested that the bill be postponed. The Chair sustained this contention and pended the motion.

Point of Order

Several Members raised a point of order contending that the House had voted in favor of the motion for leave, hence, the mover should have been allowed to introduce the bill.

Next day, i.e. on January 15 and again on January 16, 2025, the same point of order was raised by several Members. I reserved my ruling to address the matter comprehensively.

Consideration

I have given due consideration to the points of order in the light of Rules of Procedure of the Provincial Assembly of the Punjab, 1997, and the practices of legislatures in this regard.

As per our Rules, the introduction of private member's bill passes through two stages, i.e. i) leave to introduce (which is voted by the Assembly); and ii) if the leave is granted, the mover introduces the bill as a matter of right.

Although rule 90(3) provides:

"If a motion for leave to introduce a private member's bill is opposed, the Chair, after permitting, if he so thinks fit, a brief explanatory statement by the member seeking leave and by the member or the Minister opposing it, may without further debate put the question."

In the instant case, it is important to note that the Minister for Law **did not** oppose the motion for leave, however, he contended that the viewpoint of the concerned Minister should be sought before introduction of bill; and the same was allowed by the Chair. It is pertinent to mention that the Chair did not announce that leave was not granted, he simply pended the introduction of the bill.

It is my considered view that the prerogative to grant leave to introduce a bill lies solely with the House. It is a fundamental tenet of parliamentary democracy that such decisions rest with the collective will of the Assembly, expressed through its vote. The Chair, while facilitating the process, cannot override the decision of the House. Once leave to introduce a private member's bill is granted, the Member-in-Charge has an unequivocal right to proceed with the bill under Rule 90(4), which provides:

"If leave is granted, the member-in-charge shall move forthwith to introduce the Bill, and on the motion being made, the Bill shall stand introduced."


This prerogative underscores the principle that the legislative process is driven by the elected representatives of the people, and no single individual or executive action, even by the Chair or the Minister, can undermine the collective authority of the House.

Ruling

I am of the considered view that the House's prerogative to grant leave to introduce the bill remains paramount. In this case, the leave was granted, and the Member-in-Charge retains the right to proceed with the bill as per Rule 90(4). The only aftermath of the incident is that the bill could not be introduced on that day.

I, therefore, rule that out of two motions required for introduction of the bill, the first motion of leave was voted favorably and only the second motion, i.e. introduction of bill will be included on the List of Business for the next Private Members' Day in this session or the next session. The concerned Minister would get opportunity to express his views at the Committee stage as he has missed the opportunity available in Rule 90(3) of our Rules.

The point of order raised by the Hon'ble Members is disposed of accordingly.


(Malik Muhammad Ahmad Khan)
Speaker

Announced: January 17, 2025