LEGISLATION

- Codification
  - A systematic collection of statues & body of laws so arranged as to avoid inconsistency and overlapping. Compilation, promulgation, collection and systematization of the body of law in a coherent form by an authority in a state competent to do so.
  - Salmond Says that ;
    - "The reduction of the whole corpus juris so far as practicable, in the form of enacted law"
  - As per Bentham ;
    - "A complete digest as such is the first rule. Whatever is not in the code ought not be law"

LEGISLATION

- Conditions for Codification
  - Roscoe Says;
    - Where legal institutions have become completely mature or where the country has no juristic post, the non- existence of such material.
    - Uncertainty & Archaic character of Law
    - The needs for one uniform law in a political community whose several sub-divisions has developed or received divergent local laws

LEGISLATION

- **Classification of Codes**
  - **Creativeness**

    Make laws for the first time without any reference to any other law. Eg. Pakistan Companies act 2017

  - **Consolidating**

    Consolidates the whole- statutory, customary & precedent, on a particular subject & declares it. Eg., The Transfer of Property Act 1882

  - **Creative & Consolidating**

    code which make law as well as consolidate the existing law on a particular subject.

LEGISLATION

- Merits of Codification
  - Certain
  - Simplicity
  - Logical Argument
  - Stability
  - Planned development
  - Unity

LEGISLATION

- Demerits of Codification
  - Rigidity
  - Incompleteness
  - Hardship
  - Defective Codes

LEGAL DEFINITIONS

Act

A bill which has passed through the various legislative steps required for it and which has become **law**. Related Terms: Statutes, Legislation, **Law**, Regulation, Enactment, Bill. Synonymous with the term enactment or statute.

ARTICLE

A separate and distinct part of a written instrument, such as a contract, statute, or constitution, that is often divided into sections. A written instrument, containing a series of rules and stipulations that are each designated as an **article**.

Clauses

A clause inserted in a statute or contract declaring the interpretation that is to be put upon certain words.

LEGAL DEFINITIONS

Enactment

A **law** or a statute; a document which is published as an enforceable set of written rules is said to be **enacted**.

Law

The art or process of determining the intended **meaning** of a written document, such as a constitution, statute, contract, deed, or will. ... In constitutional and statutory **law**, **legal interpretation** can be a contentious issue. **Legal interpretation** may be based on a literal reading of a document.

LEGAL DEFINITIONS

Rule

The plain **meaning rule**, also known as the literal **rule**, is one of three **rules** of statutory construction traditionally applied by English courts. The other two are the "mischief **rule**" and the "golden **rule**". ... The plain **meaning rule** is the mechanism that prevents courts from taking sides in legislative or political issues.

REGULATION

A rule of order having the force of **law**, prescribed by a superior or competent authority, relating to the actions of those under the authority's control. **Regulations** are issued by various federal government departments and agencies to carry out the intent of **legislation** enacted by Legislature.

LEGAL DEFINITIONS

SECTION

A subdivision of a written work. **Law** A distinct portion or provision of a **legal** code or set of **laws**, often establishing a particular **legal** requirement: **section** 5 of the Voting Rights **Act**. A distinct portion of a newspaper: the sports **section**. A distinct area of a town, county, or country: a residential **section**.

STATUE - CONST OF PAK 1973

- The Preamble to our Constitution is important to refer and its opening para are as under

  "Whereas sovereignty over the entire Universe belongs to Almighty Allah alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust;"

INTERPRETATION OF STATUES

- Statutory interpretation is the process by which courts interpret and apply legislation. Sometimes the words of a statute have a plain and straightforward meaning. But in many cases, there is some ambiguity or vagueness in the words of the statute.

- To find the meanings of statutes, various tools and methods of statutory interpretation are used, including traditional canons of statutory interpretation, legislative history, and purpose.