

COURSE TITLE	LEGISLATIVE DRAFTING
COURSE CODE	10CL0702
COURSE CREDITS	4

Objective:

- 1 This course aims at providing a practical guidance of the principles and techniques of legislative drafting
- 2 This course aims to provide a thorough analysis of the nuances involved in drafting of a legislation
- 3 It further explores the pre-requisites which a draftsman needs to equip himself with. It highlights the problems and challenges faced by a draftsman in carrying out the task of drafting a legislation
- 4 The course aims at providing the students analytical skills and knowledge to analyse the tools and techniques employed by the draftsman

Course Outcomes: After completion of this course, student will be able to:

- 1 Develop analytical skills and knowledge to analyse the tools and techniques employed by the draftsman while drafting a statute
- 2 Develop skills and techniques of legislative drafting, especially in terms of analysing nuances of legislative drafting
- 3 Conceptualise the structuring of the statute and understand the usage of legislative phrases while drafting the statute
- 4 Apply the rules of legislative and judicial interpretation while drafting the statute

Pre-requisite of course:Constitutional Law

Teaching and Examination Scheme

Theory Hours	Tutorial Hours	Practical Hours	ESE	IA	CSE	Viva	Term Work
3	1	0	50	30	20	0	0

Contents : Unit	Topics	Contact Hours
1	The Basics of Legislative Drafting What is legislative drafting all about? a. Drafting and legislative Counsel b. Legislative expression, What is legislation? a. Types of legislation b. Classification of primary legislation (Bills and Acts) c. Structure and format Bills and Acts d. Conventional structure of Bills and Acts, Basic Techniques of Legislative Drafting a. Style b. Simplicity of Language c. Over Drafting d. Vagueness	10

Contents : Unit	Topics	Contact Hours
2	Structure and Style of Legislative Drafting Usage of Grammar and punctuations a. Why is grammar important for drafting? b. What grammatical terms do we need to know? c. What common grammatical mistakes should we watch for? d. How do we punctuate and capitalize, Components of legislative sentences a. Principal subject ? Arthur J. Rynearson, Legislative Drafting Step-by-Step, Carolina Academic Press (2013). 9 b. Principal predicate c. Predicate modifiers	10
3	Structuring the legislative text Main parts of legislation a. Aims and objectives b. Preamble c. Long and Short Title d. Extent and Commencement e. Common legislative phrases f. Important clauses- Repeal, Savings, Removal of Difficulty, Non-obstante clause etc. g. Drafting definition clauses, Content of the statute a. General considerations b. Drafting sections c. Drafting sentences in sections d. Giving section headings e. Paragraphing f. Numbering g. Ordering and linking sentences in a section h. Linking sections i. Incorporation by reference j. Grouping Section k. Proviso in a statute l. Explanations and Illustrations in a statute	10
4	Approaches to interpretations and General rules Interpretative approaches a. Formulating legislative intent b. Presumptions and Assumptions in statutes c. Judicial approaches to interpretations d. Interpretation aids- Important maxims: Expressio unius est exclusio alterius, Generalia specialibus non derogant, In pari delicto potior est conditio possidentis; Ut res magis valeat quam pareat; Expressum facit cessare tacitum; In bonam partem. Ejusdem Generis etc., Using Interpretation Acts a. Importance of Interpretation Acts b. Application of Interpretation Acts c. Using Interpretation Acts to facilitate drafting, Preventive Approaches a. Ensuring legislative competence b. Preventing duplicity of statute c. Checking existing laws d. Checking constitutional validity e. Clarity on legislative scheme f. Ensuring gender-neutrality of statute	10
5	Practical Exercise/ Hands-On Training PRS Bill Analysis a. Reviewing statutes b. Analyzing principles of drafting in statute, Drafting of statues a. Ordinary Statute b. Amending Statutes c. Repeal Statutes	5
Total Hours		45

Suggested List of Experiments:

Contents : Unit	Topics	Contact Hours
1	Issues related to Legislative Drafting Issues related to Legislative Drafting	15
Total Hours		15

Textbook :

- 1 Interpretation of Statutes, V.P. Sarathi, Eastern Book Company, 2003

References:

- 1 The Discipline of Legislative Drafting, The Discipline of Legislative Drafting, P.M. Bakshi, JILI, 1992

Suggested Theory Distribution:

The suggested theory distribution as per Bloom's taxonomy is as follows. This distribution serves as guidelines for teachers and students to achieve effective teaching-learning process

Distribution of Theory for course delivery					
Remember / Knowledge	Understand	Apply	Analyze	Evaluate	Higher order Thinking / Creative
10.00	10.00	30.00	10.00	20.00	20.00