

Roll No.
SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2021

Course: Legislative Drafting (Hons. 8) Constitutional Law Specialization
Programme: BALLB (Hons.) Constitutional Law

Course Code: LLBL 546
Semester: IX

Time: 03 hrs.

Max. Marks: 100

SECTION – A

- 1. Each question will carry 2 marks.**
- 2. Instruction: Select the correct answer(s) / Complete the statement**

S. No.	QUESTION	Marks	
1	While drafting legislation it needs to be kept in mind that prohibition needs to be stated clearly and precisely. In light of that, kindly point out which of the two proposed legislations given below is a good example of legislation. (a) “Merchandise without required safety measures may not be distributed.” (b) “Manufacturers are prohibited from distributing merchandise that lacks the required safety warnings”	2	CO2
2.	One of the basic rules of legislative drafting is that it should not contain superfluous words. In line with that, kindly point out the 2 superfluous words in the proposed legislation given below: “The Agency has full authority to issue administrative orders requiring complete compliance with this regulation, and these orders are final and conclusive.”	2	CO2
3.	Identify the target audience for the proposed legislation mentioned below: “Companies registered as State Enterprises under section 301 of the State Enterprise Act are entitled to relocate to another location within the State without the payment of the Business Relocation Tax in Section 223 above, provided that they advise the Department of Revenue in writing at least six months in advance.”	2	CO2
4.	In the aforementioned proposed legislation in Q3 identify the targeted behaviour/right given.	5	CO2
5.	In the aforementioned proposed legislation in Q3 identify the condition precedent.	5	CO2

SECTION – B			
<p>1. Each question will carry 5 marks. 2. Instructions: Write short answers not exceeding 250 words.</p>			
1.	Explain supreme legislations.	5	CO1
2.	Illustrate various clauses of a bill such as savings clause etc.	5	CO1
3.	Differentiate between subordinate legislation from supreme legislation.	5	CO1
4.	Comment on the importance of General Clauses Act 1897 for purpose of interpretation.	5	CO1
SECTION – C			
<p>1. Each question will carry 10 marks. 2. Instructions: Write long answer not exceeding 500 words.</p>			
1.	Comment on various factors that lead to the change in existing legislation as well as drafting of new legislation.	10	CO3
2.	Illustrate in detail rules of interpretation of statutes with the help of case laws.	10	CO3
SECTION – D			
<p>1. Each question will carry 25 marks. 2. Instructions: Write long answer not exceeding 1000 words.</p>			
1.	<p>Constitution Bench of five Judges of the Supreme Court in <i>R.S. Nayak v A.R. Antulay</i>, AIR 1984 SC 684 held that :</p> <p><i>“... If the words of the Statute are clear and unambiguous, it is the plainest duty of the Court to give effect to the natural meaning of the words used in the provision. The question of construction arises only in the event of an ambiguity or the plain meaning of the words used in the Statute would be self defeating.”</i></p> <p>In light of the aforementioned statement, analyze various rules that must be followed while drafting sound legislation.</p>	25	CO3
2.	<p>According to P.D.T. Achary, former Secretary General of the Lok Sabha, “The practice of regularly referring bills to committees began in 1989 after government departments started forming their own standing committees. Prior to that, select committees or joint committees of the houses were only set up to scrutinise in detail some very important bills, but this was few and far between.”</p> <p>Parliamentary committees, be them standing committees or select committees are considered to be important for discussions on proposed law.</p> <p>Analyse, the role of these committees whilst elaborating on law making process i.e. when a bill becomes an act.</p>	25	CO3