Subject: Eighteenth International Legislative Drafting Programme in New Orleans, USA from 11th to 22nd June, 2012

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We were nominated to attend the 18th International Legislative Drafting Programme organized by the Law Centre of the Tulane University in New Orleans, Louisiana, USA from 11th to 22nd June, 2012.

The Training Programme was headed by Dr. David Marcello, Executive Director of the Public Law Centre in Tulane University, Louisiana. The classes began at 9.00 in the morning and continued upto 4.00 in the afternoon and sometime beyond in the afternoon, this was daily for two weeks depending on the daily schedule. A copy of the Curriculum is placed below.

In all 16 participants from 12 countries attended the Training Programme. The faculty comprised of 17 specialized professionals in various areas of legislative drafting. The Programme also included interaction with a Member of the US Congress, Mr. Cedric Richmond, who shared his experience in legislative drafting and passing of Private Members Bills in the US Congress. There was another interactive session with Mr. Rafael Anchia, Member of Texas House of Representatives, on the same subject. These interactions facilitated very meaningful discussion on the first hand experience of Members of the US National and State Legislatures in drafting and passing of Private Members Bills.

2. **FIRST DAY (11.06.2012)**

The programme began with an introduction and overview of the Tulane Law School, which was followed by a session on comparison of US Bicameral Legislative Enactment Process vis-a-vis the Parliamentary System. The Parliamentary System and State-Federal Legislative Enactment Procedures in the United States and the comparative process

of Legislative drafting and how they are beneficial for Legislative Drafting process. The afternoon comprised of a visit to the facilities in the Tulane University Campus and a bus tour of the city of New Orleans in Louisiana.

3. **SECOND DAY (12.06.2012)**

The day began with a lecture on 'Getting Started: An Overview of Legislative and Administrative Drafting'. It was learnt that each draft moves through various stages which need to be systematically analyzed. Similarities and differences between drafting of legislation and agency regulations were elaborated to all the participants. An exercise on Introduction to Bill drafting was also undertaken. A concept paper was given in response to which the participants worked out a draft legislation. The session on Formulary Introduction explained about the use of a formulary or office manual as a repository of acquired wisdom in standardizing good drafting practice.

The lecture on Technology for Drafting dealt with valuable tools such as Information Technology which is used of by the drafter while drafting. It was explained to us that in addition to the many internet based tools for research and co-operative work, there are software tools that could assist the drafter at every stage of the drafting process. The Power Point presentation demonstrated new tools for getting instructions, researching, outlining, writing and editing, review and revision and tracking and delivery of a Bill. In the afternoon, we went to the Tulane University Law Centre Library to get introduced to the rich reference material available to the participants during the training programme. We also went to the Computer Lab to familiarize ourselves with the use of the reference material available through the internet and it was very useful to all of us.

4. **THIRD DAY (13.06.2012)**

The day started with a class on 'Plain Language Drafting' which consisted of three sessions. It was explained that even complex ideas could be expressed in an unambiguous manner to enhance clarity and readability and simple language in drafts of legislation to be proposed or agency regulations. The subject also included practical workshops on active voice, base verbs, present tense, short sentences, choice of words, etc. It also dealt with gender-neutral drafting, language quirks, proper placement of conditions, exceptions and lists in a draft.

Another session was on 'Constitutional Drafting'. It brought out the challenges faced by a constitutional drafter as compared to other drafters. It was emphasized that a Constitution is the base structure of all legal documents of any country. The language of the Constitution must satisfy not only requirements of accuracy, brevity and clarity but also the text of beauty and inspiration. This was followed by a workshop on Bill Drafting. A draft on proposed Ethics Legislation was distributed and the participants were asked to revise and upgrade it. We all took active part in revising the draft Legislation.

5. **FOURTH DAY (14.06.2012)**

The day commenced with a lecture on 'Regulatory Drafting', i.e., on the organization and drafting of administrative and regulatory legislation. The emphasis again was that a law should be drafted in plain language so that the readers could understand the first time they read it. The afternoon consisted of an outing to Jean Lafitte National Park and Boutte's Restaurant. This included half-hour film on Louisiana Swamp life and a walk to the lush, moss-draped bayous. It concluded with a reception with a variety of local seafood cooked by locals of New Orleans, Louisiana.

6. **FIFTH DAY (15.06.2012)**

The day began with a lecture on 'Drafting Legislation for Creating an Agency, Board or Commission'. It was emphasized that such a legislation should include basics of the proposed Board or Commission like its mission, membership, organization of materials, jurisdiction, power and duties, funding, inter-agency coordination, bureaucratic power structure, etc., which was followed by another Bill drafting exercise. The last lecture of the week was on 'Drafting Election Laws'. It was highlighted that an election law should inter alia deal with voter registration, ballot security, promulgation of election results, post-election challenges, etc. The week concluded with an evaluation of the sessions.

7. **SIXTH DAY (18.06.2012)**

On the first day of the second week, the session in the morning dealt with 'Agency Rulemaking under the Administrative Procedure Act', which was followed by a roundtable discussion on how the Agency Rule Making Process might be adapted for use in Parliamentary and other jurisdictions. The next lecture was on Drafting Agricultural Legislation. It covered legislation addressing various agricultural inputs as well as resources. The presentation also included a review of the international context in which agriculture-related laws are drafted and the reasons why countries choose to amend or draft new legislation on agriculture.

The afternoon session dealt with 'Managing a Drafting Office'.This was meant to help those in supervisory positions to run an office that exclusively looks after drafting of legislations. It dealt with intake procedures, confidentiality, team drafting and other means for assuring a high-quality product at the end of the drafting process. The day concluded with a lecture on Codification Agencies. Some laws establish one agency responsible for codification of laws. Such agency may have authority to make technical corrections in statutes. They also undertake comprehensive law revision projects.

8. **SEVENTH DAY (19.06.2012)**

On the second day of the second week the first session was on "Drafting Criminal Penalties". The speaker pointed out that drafting of penal provisions differs significantly from codifying civil provisions. The issue of creation of a criminal offence, appropriate punishment provisions and the role of discretion in sentencing which usually forms part of such a legislation. This was followed by a lecture on Bilingual or Multilingual Drafting. It was meant to help those who are required to draft legislations in two or more languages which presents special challenges for drafters. The lecture dealt with the techniques for assuring consistency between drafts of legislation prepared in different languages.

The afternoon session dealt with 'Drafting for compliance with International Trade Agreements'. This was followed by a special session with Judge Bernadette D'Souza of Indian origin on Creating a Specialized Family Court. Judge D'Souza is the first judge of a newly created Family Court in New Orleans Civil District Court. The Family Court in New Orleans hears only family dispute cases involving divorce, custody, spousal support, child support, community property, paternity and civil protection orders in domestic violence cases.

9. **EIGHTH DAY (20.06.2012)**

The third day of the second week consisted of a trip to Louisiana Legislature in Baton Rouge, the State capital of Louisiana. The tour included visit to Legislative Committee Meeting Room, the House and Senate Chambers and other facilities in the Legislature building. We all participated in a mock drill of Committee meeting as Legislatures.

In the afternoon, there was a lecture in the Legislatures Louisiana Secretariat building on Administration of Governmental Ethics Laws. It explained about the mechanisms used by the Ethics Committee of

Louisiana in monitoring and evaluating the ethical implementation of governmental programmes. The presentation also covered different approaches to encourage efficiency, combating corruption and assuring fiscal accountability in the duties of public officials.

10. **NINTH DAY (21.06.2012)**

The following day, the first session was on 'Human Rights Laws and Multinational Corporations'. The International Declaration of Human Rights explicitly protects both human rights and the Sovereignty of nations. It was explained that problems do arise when state govts. oppose to human rights laws as an infringement on their national sovereignty. Multinational corporations also impact human rights but they are not similarly safeguarded by principals of national sovereignty. This presentation highlighted how international human rights might be enhanced with laws directed at multinational corporations. Another session dealt with Drafting of 'Port Security Laws'. It was mainly meant for those dealing with legislations connected with shipping and International Maritime Organization.

The last session was on sharing of the experience of an 'Independent Police Monitor' in the Office of the Inspector General of Police in New Orleans. This is a special office in the police department in the State to review police policies and procedures, their investigations and data bases. The agency also supervises how public complaints are sustained and whether rules of conduct are followed by the police personnel. Ms. Susan Hutson, who is an Independent Police Monitor, shared about her experience of solving and unearthing a number of complicated cases involving atrocities on the part of the police personnel.

11. **TENTH DAY (22.06.2012)**

The last day consisted of two sessions on 'Demonstration of Alternative Dispute Resolution (ADR) Mechanisms' and 'Interest-Based Negotiation' (IBN). It was an interesting presentation using a role-play to illustrate different ADR strategies, such as negotiation, conciliation, mediation, arbitration, settlement conference and other devices. The presentation also demonstrated how interest based negotiations develop new opportunities for amicable resolution of disputes. The session concluded with a weekly evaluation and exit survey.

12. A graduation ceremony organized in the evening of 22nd June in Marriot Hotel, New Orleans followed by a reception. Mr. Marlin Gusman, Sheriff, Orleans Parish was the Chief Guest who presented certificates to all the participants

13. The Training Programme was found to be extremely informative, useful and interactive and enlightening not only useful for those who are directly involved in legislative drafting, but also for those who deal with examination of draft legislations in the Standing Committees. Prof. Dr. David Marcello, Executive Director of the Institute and Prof. Idella Wilson, Assistant Director are excellent resource persons on legislative drafting whose services may be requisitioned by the Training Unit, while organizing training Programmes on Legislative Drafting.

14. We express our profound gratitude to the Hon'ble Secretary General for nominating us to the Training Programme. We are also very grateful to the Addl. Secretary and whole Training Unit officers and staff and the Protocol Section of our Sectt. for arranging the visit and making all the necessary arrangements. We would also like

to suggest that the possibility of nominating more number of officers for such training should be explored.

Submitted for favour of information.

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