

## Delegated Legislation under Indian Constitution

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### ABSTRACT:

The Constitution of India established the parliament of India to act as the supreme legislature of the country, one to make national laws and to hold the Union government accountable for its policies. The most important function of the parliament is legislation or enactment of laws. Theories of political science often envisage the parliament as the body which transforms the will of the people into statutes for the smooth functioning of society. However, in practice, the parliament only debates and enacts Bills which are brought before it by the government and by individual MPs. An important component in law making, which is unfortunately not given adequate attention, is delegated legislation. A large number of Bills are placed in the parliament to be enacted as laws. Due to the need to transact government business in an expeditious manner, the Acts provide the legal framework and the main policy principles. The parliament then, through a section in the Act, delegates its legislative powers to the government to frame rules or regulations, to provide clear cut procedures and details to supplement the Act. In the realm of legal theory, delegated legislation is one of the most debatable issues because of its various implications. Indian democracy is said to rest on the acclaimed four pillars and these are the legislature, the executive, the judiciary, and the press. These pillars are empowered by the constitution not to interfere in the matters of others. As per the Constitution, the legislature has legislative powers and the Executive has the power to execute the laws. Similarly, the Judiciary has the power to resolve dispute and to meet out justice. But we have to keep in mind that there are multifarious functions that have to be performed by the Legislature in welfare states and it is not an easy task for the legislature to look after every matter.

### I. INTRODUCTION:

The issue of delegated legislation has been one of the most debated issues in the domain of legal theory because of its various implications.

Scholars have consistently presented differing and even contradicting views about delegation of power to legislate and have thus taken different stands on the issue. While Delegated Legislation has been a widespread practice in modern times and is almost an accepted norm, there have been contrary views. For instance Cooley has expressed a staunchly critical view of the power to delegate. He has stated that "One of the settled maxims in constitutional law is that the power conferred upon the legislature to make laws cannot be delegated by that department to any other body or authority. Where the sovereign power of the State has located the authority, there it must remain; and by the constitutional agency alone the laws must be made until the constitution itself is changed. The power to whose judgment, wisdom, and patriotism this high prerogative has been entrusted cannot relieve itself of the responsibility by choosing other agencies upon which the power shall be devolved, nor can it substitute the judgment, wisdom, and patriotism of any other body for those to which alone the people have seen fit to confide this sovereign trust."<sup>1</sup> Further he has also observed that "No legislative body can delegate to another department of the government, or to any other authority, the power, either generally or specially, to enact laws. The reason is found in the very existence of its own powers. This high prerogative has been entrusted to its own wisdom, judgment, and patriotism, and not to those of other persons, and it will act ultra vires if it undertakes to delegate the trust, instead of executing it". While such positions do raise the questions about the propriety of delegating the power to legislate by higher legislative bodies to the lower ones, the fact remains that this has been a general practice followed in all modern democratic countries. Hence it is important to understand what is firstly meant by delegated legislation and then analyse its various aspects.

The need for delegation is necessary and is sought to be justified on the ground of flexibility, adaptability and speed. This delegation is also known as 'secondary legislation' or 'subordinate legislation'. The Act that gives the executive the power to legislate is called the 'Enabling Statute' or 'Parent Act'. The standard of rule of the majority

has made authoritative controls inadequate. The term delegated legislation is hard to characterize.

#### MEANING OF DELEGATED LEGISLATION:

Delegated legislation means legislation made by bodies other than legislature. Delegated legislation means a legislation which is passed by a body to which the power of legislation is delegated by the statute. The parliament delegates the power making rules, regulation, orders etc to certain bodies and authorities. Such powers are exercised by these authorities within the limits and in accordance with the limits and in accordance with the principles laid down by parliament. In other word, when the function of legislation is entrusted to organs other than parliament by word, when the function of legislation is entrusted to organ other than the legislation. Delegated legislation is generally known as rules, regulations, bye-laws or notification etc.

#### HISTORICAL BACKGROUND OF DELEGATED LEGISLATION IN INDIA:

The historical backdrop of the delegation of power can be followed from the Charter Act of 1833 when the East India Company was recapturing political impact in India. The Charter Act of 1833 vested the administrative powers only in the hands of the Governor-General-in Council, which was an official body. He was enabled to make laws and guidelines for revoking, correcting or modifying any laws or guidelines, which were for all people regardless of their nationality. In 1935 the Government of India Act, 1935 was passed which contained a serious plan of delegation. The report of the Committee of Ministers' Powers was submitted and affirmed which completely settled the case for assignment of forces and a The historical backdrop of the delegation of power can be followed from the Charter Act of 1833 when the East India Company was recapturing political impact in India. The Charter Act of 1833 vested the administrative powers only in the hands of the Governor-General-in Council, which was an official body. He was enabled to make laws and guidelines for revoking, correcting or modifying any laws or guidelines, which were for all people regardless of their nationality. In 1935 the Government of India Act, 1935 was passed which contained a serious plan of delegation. The report of the Committee of Ministers' Powers was submitted and affirmed which completely settled the case for assignment of

forces and appointment of enactment that was viewed as inescapable in India<sup>1</sup>.

#### II. DEFINITION OF DELEGATED LEGISLATION<sup>2</sup>:

According to **M.P Jain**, this term can be used in two senses

Exercise by subordinate agency or agency that is lower in rank to legislature delegated to it by the Legislature. The Subsidiary rules made by the Subordinate Authority in the execution of the power bestowed on it by the Legislature.

**Prof. Wade and Phillips** in their Book on Constitutional Law observed:

“The mass of details involved in the modern administration and the extension of the functions of the State to the economic and social sphere have rendered it essential for the Parliament . elegate to the Ministers the power to make statutory instruments”

According to **Justice P.B Mukherje**

“Delegated legislation is an expression which covers a multitude of confusion. It is an excuse for the legislators, a shield for the administrators and a provocation to the constitutional jurists. It is praised as a necessity and felt as inevitable in our world where social economic technological psychological and administrative speed outstrips the spacious and place traditional legislative ideals and processes. It is criticized as an abdication of power by legislators and an escape from the duty imposed on them by voters of democracy. In England the king lost the legislative power at Runnymede and parliament lost legislative at stampede that followed since to provide the government for the country through administration and bureaucracy”.

According to **Oxford Dictionary of Politics**:

“Delegated (or secondary legislation) is law made by misters under powers given to them by parliamentary Act (primary legislation) in order to implement and administer the requirements of the

<sup>1</sup>

<http://www.grkarelawlibrary.yolasite.com/resources/FM-Jul14-LT-2-Ketan.pdf>

<sup>2</sup>

<http://www.mightylaws.in/418/definitions-delegated-legislation-growth>

Act. It has equal effect in Law. Although it can be challenged in courts on the grounds that specific pieces of delegated legislation are not properly based on the powers given by the Acts.”

### III. NEED FOR DELEGATED LEGISLATION<sup>3</sup>

The process of delegated legislation enables the Government to make a law without having to wait for a new Act of Parliament to be passed. Further, delegated legislation empowers the authority to modify or alter sanctions under a given statute or make technical changes relating to law. Delegated legislation plays a very important role in the process of making of law as there is more delegated legislation each year than there are Acts of Parliament. In addition, delegated legislation has the same legal standing as the Act of Parliament from which it was created. Delegated Legislation is important because of several reasons. They are-

1) Pressure upon Parliamentary time is great. The more procedure and subordinate matters can be withdrawn from detailed Parliamentary discussion, the greater will be the time which Parliament can devote to the consideration of essential principles in legislation.

2) It is valuable because it provides for a power of constant adaptation to unknown future conditions without the necessity of amending legislation. Flexibility is essential. The method of delegated legislation permits of the rapid utilisation of experience, and enables the results of consultation with interests affected by the operation of new Acts to be translated into practice

3) In a modern state there are many occasions when there is a sudden need of legislative action. For many such needs delegated legislation is the only convenient or even possible remedy

4) The subject matter of modern legislation is very often of a technical nature. Apart from the broad principles involved, technical matters are difficult to include in a Bill, since they cannot be effectively discussed in Parliament.

5) Emergency is a lot of scope for experimentation in the administrative process. The administrative authorities can frame a new rule try it for some time, and if found unsuitable for unsatisfactory, may modify without much formality. Quick action is needed in times of emergencies like war, internal

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<http://www.grkarelawlibrary.yolasite.com/resources/FM-Jul14-LT-2-Ketan.pdf>

disturbances, floods, epidemics, strikes, lock-outs bands etc.

### IV. DELEGATED LEGISLATION UNDER THE CONSTITUTION OF INDIA:

The concept of delegated legislation was not mentioned specifically in the Indian Constitution it can be understood by interpreting Article 312 of the given Constitution. This Article gives right to the Rajya Sabha to open a new branch of All India Service with a majority of two-thirds majority vote. This means that some powers of legislation will be delegated to the new recruiter of All India Service. There are many cases through which delegated legislation under the constitution of India can be understood. The Constitution of India comprises of more than four hundred Articles and it had not been surprised if the Constitution makers include some solution for it. But why these provisions were incorporated in the Constitution? This is because the politicians in the Constituent Assembly tended to multiply legal formulations. These issues were of minor importance on which legal formulation was made in comparison to other greater constitutional issues that were by-passed by the Assembly that were left to future accord or judicial interpretation.

#### Panama Refining Co. v. Rayan

Facts: Section 9(c) of the National Industrial Recovery Act, 1933 authorizes the President of the United States with some powers under which he can make any order and violation of that order may lead to panel provision. The President issued the prohibition made by the above act through the executive and authorized the Security of Interior to exercise all the powers vested in the President under section 9(c) of the Act. The Security of Interior issued a regulation to accomplish the President's order(s). The Section mentioned above was challenged on the ground that it was an unconstitutional delegation of legislative power by the Congress.

Judgment: It was held by the Supreme Court of the United States that delegation of legislative power given by President is void. The court held that Congress can delegate power to the Executive only on two conditions. Firstly, the Statute laid down these policies. Secondly, one has to establish the standards and give the administration the power of making the subordinate rule within the given limit.

#### Sikkim v. Surendra Sharma

Facts: After Sikkim became the State of the Union Of India, the Directorate of Survey and Settlement of Government of Sikkim created and

advertised for certain temporary posts. Like other people, the respondent has also applied for the post. They got selected and were appointed in different capacities. After the survey work got completed some of the employees got terminated from the job. In 1982, some of the employees, who were 'not locals', filed a writ petition in the High Court of Sikkim challenging the decision of the Government asking why it has fired the employees from the service on the ground that they were not locals.

**Judgment:** The judge held that the termination of the employees solely on the ground that he is not local is impermissible under Article 14 and 16 of the Indian Constitution. It was held that all rules and legislations created under the power which is granted under sub-clause (k) of the Article 371F constituted subordinate legislation. This article was added to the Constitution through the 36th Constitutional Amendment.

Constitution of India comprises of more than four hundred Articles and it had not been surprised if the Constitution makers include some solution for it. But why these provisions were incorporated in the Constitution? This is because the politicians in the Constituent Assembly tended to multiply legal formulations. These issues were of minor importance on which legal formulation was made in comparison to other greater constitutional issues that were by-passed by the Assembly that were left to future accord or judicial interpretation. In the case of **Queen v. Burah**, nature and extent of Legislature power and the feasibility of its delegation was considered by the Privy Council. The Privy Council, in this case, held that Councils of Governor-General was supreme Legislature and has ample number of powers and who are entitled to transfer certain powers to provincial executors. At the time of passing of New Delhi Act of 1912, the Privy Council accepted the transfer of Legislature power to the Executive.

#### V. REASONS FOR THE GROWTH OF DELEGATED LEGISLATION<sup>4</sup>:

Many factors are responsible for the rapid growth of delegated legislation in every modern democratic state. The traditional theory 'laissez-faire' has been given up by every state and the old 'police state' has now become a 'welfare state'. Because this radical change in the philosophy as to

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<http://aclawresearch.blogspot.com/2012/12/what-are-reasons-for-growth-of.html>

the role to be played by the state, its functions have increased. Consequently, delegated legislation has become essential and inevitable. As American lawyer and statesman Root remarks- "The old doctrine of prohibiting the delegation of legislative powers has virtually retired from the field and given up the fight". According to the committee on ministers' power the following factors are responsible for the rapid growth of delegated legislation.

**1. Technicality:** Sometimes, subject matter of legislation is technical in nature. So, assistance of experts is required. Members of parliament may be the best politicians but they are not expert to deal with highly technical matters. These matters are required to be handled by experts. Here, the legislative power may be conferred on experts to deal with the technical problems. i.e. gas, atomic energy, drugs, electricity etc.

**2. Complexity of modern administration:** The complexity of modern administration and the expansion of the functions of the state to the economic and social sphere have rendered it necessary to resort to new forms of legislation and to give wide powers to various authorities on suitable occasions. In a country like Bangladesh, where control and regulation over private trade, business or property may be required to be imposed, it is necessary that the administration should be given ample power to implement such policy so that immediate action can be taken.

**3. Emergency:** In times of emergency, quick action is required to be taken. The legislative process is not equipped to provide for urgent solution to meet the situation. Delegated legislation is the only convenient- indeed the only possible remedy. Therefore, in times of war and other national emergencies, the executive is vested with extremely wide powers to deal with the situation. There was substantial growth of delegated legislation during the two world wars similarly in cases of epidemics, floods, inflation, economic depression etc. immediate remedial actions are necessary which may not be possible by lengthy legislative process and delegated legislation is the only convenient remedy.

**4. Pressure upon parliamentary time:** The horizons of state activities are expanding. The bulk of legislation is so great. It is not possible for the legislature to devote sufficient time to discuss all the matters in detail. Therefore, legislature formulates the general policy – the skeleton and empowers the executive to fill in the details – thus giving flesh and blood to the skeleton so that it may live- by issuing necessary rules, regulation, bye-laws etc.

5. **Flexibility:** Parliament cannot foresee all the contingencies while passing on enactment. To satisfy these demands of unforeseen situation some provisions are required to be made. A legislative amendment is a slow and cumbersome process. But by the device of delegated legislation the executive can meet the situation expeditiously, e.g. bank rate, police regulations, export and import, foreign exchange etc. Therefore, in a number of statutes a 'removal of difficulty' clause has been added empowering the administration to overcome such difficulties by exercising delegated power.

Therefore, there has been rapid growth of delegated legislation in all countries and it becomes indispensable in modern administrative era.

#### VI. IMPORTANCE OF DELEGATED LEGISLATION<sup>5</sup>:

There are several reasons why delegated legislation is important. Firstly, it avoids overloading the limited Parliamentary timetable as delegated legislation can be amended and/or made without having to pass an Act through Parliament, which can be time consuming. Changes can therefore be made to the law without the need to have a new Act of Parliament and it further avoids Parliament having to spend a lot of their time on technical matters, such as the clarification of a specific part of the legislation. Secondly, delegated legislation allows law to be made by those who have the relevant expert knowledge. By way of illustration, a local authority can make law in accordance with what their locality needs as opposed to having one law across the board which may not suit their particular area. A particular Local Authority can make a law to suit local needs and that Local Authority will have the knowledge of what is best for the locality rather than Parliament. Thirdly, delegated legislation can deal with an emergency situation as it arises without having to wait for an Act to be passed through Parliament to resolve the particular situation. Finally, delegated legislation can be used to cover a situation that Parliament had not anticipated at the time it enacted the piece of legislation, which makes it flexible and very useful to law-making. Delegated legislation is therefore able to meet the changing needs of society and also situations which Parliament had not

anticipated when they enacted the Act of Parliament.

#### CLASSIFICATION OF DELEGATED LEGISLATION<sup>6</sup>:

1. Title based classification
2. Discretion based classification
3. Purpose based classification
4. Authority based classification
5. Nature based classification

##### 1. TITLE BASED CLASSIFICATION

i. Rule– A rule made under any Act, and includes regulation made similar to a rule under any Act. – Nepal Law Interpretation Act, 2010.

ii. The law or rule made by the executive or other concerned authority in exercise of power conferred by the legislature in an Act for fulfilment of the objectives of the Act.

iii. Regulation– The term relates to a situation where power is given to fix the date for the enforcement of an Act or to grant exemptions from the Act or to fix prices, etc. (more of substantive nature).

iv. By-law– Regulations, ordinances, rules or laws adopted by an association or corporation or the like for its internal governance. By laws define the rights and obligations of various officers, persons or groups within the corporate structure and provides rules for routine matters such as calling meetings and the like. - Black's Law Dictionary.

v. Order– This term is used to cover various forms of legislative and quasi-judicial decisions. Orders may be specific or general. The former refers to administrative action while the latter refers to administrative rule-making.

vi. Direction– It is an expression of administrative rule-making under the authority of law or rules or orders made there under. These may be recommendatory or mandatory. If mandatory, these have the force of law.

vii. Scheme: The term refers to a situation where the law authorizes an administrative agency to lay down a framework within which the detailed administrative action is to proceed.

##### 2. DISCRETION BASED CLASSIFICATION

i) Contingent or conditional legislation

A statute that provides control but specifies that they are to go into effect only when a given administrative authority finds the existence of conditions defined in the statute itself. It is fact-finding, not discretionary. Such as,

<sup>5</sup><https://www.lawteacher.net/free-law-essays/judicial-law/doctrine-of-delegated-legislation.php>

<sup>6</sup> <https://tyrocity.com/topic/scope-and-classification-of-delegated-legislation/>

- future applicability left to the subjective satisfaction of the delegate as to indicating the proper time
- Act enforced but power to withdraw the same from operation delegated to satisfaction of the delegate.
- Power exercisable upon the delegate's satisfaction of objective facts by a class of people seeking benefit of the exercise of such power to deprive the rival class of persons of statutory benefits.

Last category of conditional legislation attracts the principles of natural justice

Though delegated legislation as such does not attract the principles of natural justice, but it applies in the case of conditional legislation where a person is deprived of his statutory rights

Contingent legislation classification is linked with the case of *Field v. Clark* (US, 1892)

#### (ii) Subordinate legislation

The process consists of the discretionary elaboration of rules and regulations.

The distinction is one of discretion. 'It may be noted that this distinction is hardly real. In contingent legislation also, a certain amount of discretion is always present. The contingent

legislation formula is a fiction developed by the U.S. Supreme Court to get away from the operation of separation consists of the discretionary elaboration of rules and regulations. of powers.

Whereas conditional legislation contains no element of delegation of legislative power and is, therefore, not open to attack on the ground of excessive delegation, delegated legislation does confer some legislative power on some outside authority and is, therefore, open to attack on the ground of excessive delegation

### 3. PURPOSE BASED CLASSIFICATION

On the basis of different purposes it is made to serve.

(i) Enabling Act: such Acts contain an 'appointed day' clause under which the power is delegated to the executive to appoint a day for the Act to come into operation.

(ii) Extension and Application of Act: extension and application of Act in respect of a territory or for duration of time or for any other such object.

(iii) Dispensing and Suspending Acts: power is delegated to the administrative authority to make exemptions from all or any provision of the Act in a particular case or class of cases or territory, when at the discretion of the authority, circumstances warrant it.

(iv) Alteration Acts: Alteration is a broad term and includes both modification and amendment.

The power of modification is limited to consequential changes, but if overstepped it suffers challenge on the ground that it is not within the legislative intent of modification.

Sometimes includes the power to remove difficulties so that the various statutes may coexist.

Amendment- e.g. power to change the schedule of an Act.

(v) Taxing Act: The policy of the taxing statute must be clearly laid down by the legislature.

(vi) Supplementary Acts: Power is delegated to the authority to make rules to carry out the purposes of the Act.

(vii) Approving and Sanctioning Acts: Power is delegated not to make rules, but to approve the rules framed by another specified authority

(viii) Classifying and Fixing Standard Acts: Power is given to administrative authority to fix standard of purity, quality or fitness for human consumption. Courts have upheld on grounds of necessity.

(ix) Penalty for Violation of Acts: Power may be delegated to administrative authority to prescribe punishment for violation of rules.

(x) Clarify the provisions of the statute' Act: Power is delegated to the administrative authority to issue interpretation on various provisions of the enabling Act.

### 4. AUTHORITY BASED CLASSIFICATION

Based on the position of the authority making the rules.

Sub-delegated legislation: When the rule-making authority delegates to itself or to some other subordinate authority a further power to issue rules, such exercise of rule-making power is known as sub-delegated legislation.

Rule-making authority cannot delegate power unless such power of delegation is contained in the enabling act. Such authorization may be either express or by necessary implication.

Maxim 'delegatus non potest delegare' indicates that sub-delegation of power is normally not allowable, though the legislature can always provide for it.

If the authority further delegates its law-making power to some other authority and retains a general control of a substantial nature over it, there is no delegation as to attract the doctrine of 'delegatus non potest delegare'

The maxim was originally invoked in the context of delegation of judicial powers and implied that in the entire process of adjudication, a judge must act personally except in so far as he is expressly absolved from his duty by a statute.

Sub-delegation in very wide language is improper and some safeguard must be provided

### 5. NATURE-BASED CLASSIFICATION

On the basis of nature and extent of delegation

(a) Positive- where the limits of delegation are clearly defined in the enabling Act.

(b) Negative- where power delegated does not include power to do certain things, i.e., legislates on matters of policy.

(ii) Exceptional delegation

Instances of exceptional delegation may be:

-power to legislate on matters of principle

– Power to amend Acts of Parliament

– Power conferring wide discretion that is almost impossible to know the limits

– Power to make rules without being challenged in a court of law.

### ADVANTAGES OF DELEGATED LEGISLATION:

1. Delegated legislation is more flexible than an Act of Parliament. It is far simpler to amend a piece of delegated legislation than to amend an Act of Parliament.

2. Parliamentary time is saved on relatively trivial matters. Local knowledge is usually desirable in deciding what local by-laws should be passed. This task, therefore, is given to the local authorities. Delegated legislation is far quicker to introduce than an Act of Parliament.

3. This can be an advantage in instances when emergencies or unforeseen problems require laws to be changed. The detail of the delegated legislation can be dealt with by the appropriate minister, leaving Parliament as a whole more time to focus on the general principles of the enabling Act.

4. Delegated legislation by its very nature concerns specialist technical and/or local knowledge. So it is an advantage for such specialist provisions to be dealt with by those who have this knowledge rather than by Members of Parliament who generally would not have the required specialist or local knowledge.

### DISADVANTAGES OF DELEGATED LEGISLATION<sup>7</sup>:

1. Accountability issue is the problem that the authority vested in Parliament to make law is

<sup>7</sup>[https://www.essaysauce.com/law-](https://www.essaysauce.com/law-essays/advantages-and-disadvantages-of-delegated-legislation/)

[essays/advantages-and-disadvantages-of-delegated-legislation/](https://www.essaysauce.com/law-essays/advantages-and-disadvantages-of-delegated-legislation/)

delegated away from Parliament, possibly through a number of 'layers', for example, to a Government Minister and to a department and then possibly again to a group of experts.

2. The large volume of delegated legislation produces about 3000 statutory instruments each year which means that it is very difficult for Members of Parliament, let alone the general public, to keep up to date with the present law. This is exacerbated by the fact that delegated legislation is made in private.

3. The main criticism of delegated legislation is that it takes law making away from the democratically elected House of Commons. Instead, power to make law is given to unelected civil servants and experts working under the supervision of a Government minister.

4. The accountability issue is the problem of adequate scrutiny. The detailed, technical and specific nature of much-delegated legislation means that, on the whole, Members of Parliament do not have the expertise to consider proposed legislation effectively

### CRITICISM ON DELEGATED LEGISLATION<sup>8</sup>:

Following are the criticism of delegated legislation:

1. Delegated legislation results in overlapping of functioning as the delegated authorities get work to amend the legislation that is the function of the legislators.

2. It has been a matter of question that if the Legislature control has come down after the arrival of the delegated legislation.

3. Unelected people cannot make much delegated legislation as it would be against the spirit of democracy.

4. After getting too much power from the Legislature, the Executive has encroached upon the domain of legislature by making rules and regulations.

5. The enactment subject that was appointed to less Parliamentary scrutiny than essential enactment. Parliament, along these lines, has an absence of authority over appointed enactment, and this can prompt irregularities in laws. Appointed enactment, in this way, can possibly be utilized in manners which Parliament had not foreseen when it was given the power through the Act of Parliament.

6. Delegated legislation makes laws without much discussion. So, it may or may not be better for the public.

7. It can possibly be misused for political gain. The executive makes law according to what the political parties. Hence, it results in the misuse

<sup>8</sup> <https://blog.ipleaders.in/delegated-legislation-in-india/>

of the legislation made by the Executive by the ruling party.

8. Executives become too powerful as it already has the power of executing any laws and legislation and now the Legislature is delegating its legislative power to the Executive. So, both the power are in the hands of the executives now he can use this power in whatever way he wants to use it.

It is against the theory of the power of separation which has been given by the famous political thinker Montesquieu

### VII. CONCLUSION<sup>9</sup>

Delegated or subordinate legislation means rules of law made under the skilled person of Act of Parliament. In spite of the fact that lawmaking is within the capacity of the lawmaking body, it might, by a resolution, delegate its capacity to different bodies or people. The resolution which delegates such power is known as the Enabling Act. By Enabling Act the council sets out the wide rules and nitty-gritty principles are instituted by the delegated authority. If in India the control of Parliament over the delegated legislation has to be made a living continuity, then it is important that the job of the advisory groups of the Parliament must be fortified and a different law like the Statutory Instruments Act, accommodating uniform standards of laying and production, must be passed. The board of trustees might be enhanced by a specific authority body to make the watchfulness of assigned enactment progressively successful. Other than the different measures mentioned above, it should be taken to reinforce the control of Parliament over designated enactment. The tenets and standards created by the Legal Executive should be connected by the necessities of the advanced age. In spite of the fact that there are no express arrangements in the Constitution of India to allow the appointment of authoritative power, the legal pattern saw in regard of assigned enactment is as per the aim of establishing fathers our Constitution whose principal concern was the flexibility of the Constitution with changing needs of the of the time. If you want to make certain that the power of delegated law in the arms of the government is not misuse, it is vital to adopt powerful modes of control as applicable in the USA which India has now not integrated yet.

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<sup>9</sup> <https://blog.iplayers.in/delegated-legislation-in-india/>