



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

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Assistant Professor

Lecture-31



Unit 4

Lecture –31:- Legislation

Legislation

Introduction:-

The common meaning of “legislation” is the making of a law. It is made up of two words, “legis” and “latum.” Legis means law and latum means making. Thus, legislation may be defined as the promulgation of laws by an authority that is empowered to do so. It is made by the legislature in anticipation of the needs of society. The legislation includes laws made by sources such as precedents, customs, conventional laws, etc. The lawmaking body is known as the legislature. Legislation can be defined as ‘the promulgation of legal rules by an authority which is competent to do so.’ In the strict sense of the, Legislation means the statutory law passed by the legislature (parliament or state).

Under the doctrine of separation of powers, legislation is one of the three important functions of the government. These include:

- Legislature – It is the body that makes laws.
- Judiciary – It is the body that interprets laws.
- Executive – It is the body that applies laws.

Legislation can have a wide and narrow meaning. In its wide sense, it includes all the methods of lawmaking. In its narrow sense, it includes laws made by the sovereign or subordinate legislator. Let’s look at both in detail.

Definition

Bentham: Legislation implies both the process of law making, as well the law evolved as a result of such process

Austin: - Legislation includes those activities which result in the making of a new law, or amendment, transformation or addition of new provisions in the existing law. ‘

Gray: - Legislation means the formal utterances of the legislative organ of the government.

Classification of Legislation: -

1) Supreme Legislation: -Legislation is supreme when it emanates from the supreme Legislation authority in the state. there is no other authority in the state that can control it. Such Legislation cannot be repealed, amended, modified or controlled by any authority other than the supreme legislative authority.

2) Subordinate Legislation :- Subordinate Legislation ,as opposed to supreme Legislation ,is that which comes from any authority other than the sovereign power .Legislation is subordinate when it emanates from any authority other than the supreme Legislation authority in the state .It is made under the power delegated by the supreme legislative authority .Its existence, validity and continuity depend upon the supreme legislative authority.