



# RAMA UNIVERSITY

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## **FACULTY OF JURIDICAL SCIENCES**

**Course : B.A LL.B/BB.A LL.B**

**Semester :IInd**

**SUBJECT: Jurisprudence**

**SUBJECT CODE: BAL206/BBL 206**

**LECTURE: 3**

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# Lecture-35



## Lecture – 35: Necessity and Deficiencies of Delegated Legislation

### **Necessity of Delegated Legislation**

1. Lack of time
2. Lack of technical knowledge
3. Emergency
4. Flexibility
5. Local matters
6. Experience
7. Experimentation

### **Deficiencies of Delegated Legislation**

1. Excessive delegation
2. Less time for scrutiny
3. No Responsibility

**Delegated Legislation in India:** -The Indian constitution has established a welfare state. Which mandates that state shall legislate on innumerable activities touching human lives in order to promote “the maximum happiness of the maximum number of people”.

**Sub Delegation:** -When the parliament gives the power to a subordinate authority to supplement the law by rules, such power can be exercised by that subordinate body only. When that subordinate authority further delegates its power to some other authority, it is known as sub delegation

### **Control over Delegated Legislation: -**

1. **Procedural Control:** - There are some procedural controls which are imperative in order to keep a consistent check over the exercise of power by the subordinate authorities. these controls are necessary in order to prevent them from misusing their power

2. **Parliamentary Control:** - Parliamentary control over delegated Legislation becomes necessary in order to enable the members of parliament to scrutinize, discuss and alter the rules enacted by the subordinate authorities. The parliament is the ultimate watchdog over the subordinate Legislation and executive authorities. It keeps a check on the misuse of power by the subordinate authorities.

**3. Judicial Control:** - The supreme court of India and all high court are also empowered to be exercise control over delegated Legislation.

Delegated Legislation may be assailed on any one of the following three grounds: -

- Firstly, that it is ultra-vires the enabling act.
- Secondly that it is ultra-vires constitution.
- Thirdly That it is not made in accordance with the procedure prescribed by the enabling act.

The first two are the instances of substantive ultra-vires. Where as the third is an instance of procedural ultra-vires