

**1. WHAT DO YOU UNDERSTAND BY DELEGATED LEGISLATION? WHY HAS THIS FORM OF LEGISLATION GROWN IN RECENT TIMES? WHAT ARE THE DANGERS INVOLVED IN THIS TYPE OF LEGISLATION?**

**Ans.** Delegated legislation means law making by an authority to whom the power to make law has been delegated. In a socialist state, there is an inevitable increase in the activities of the state. Since it is not possible for the legislature to enact measures so numerous and so comprehensive, delegation of authority to the executive becomes not only necessary but quite inescapable. In fact, it would not be incorrect to say that today, volume of delegated legislation greatly exceeds the Acts of Parliament.

Delegated legislation is usually concerned with minor matters of detail to give effect to the provision of the statutes. But it is not always so. There are instances both in India and other countries, where important powers, such as the power to determine matters of principle, to impose taxation, to amend Acts of Parliament, to create new offices and prescribe penalties have been delegated. These are, no doubt, abnormal instances of legislative delegation of authority, but they are no mean rare. The rules and regulations thus made have the force of law and they can not be challenged in courts unless they are ultravires of the parent Acts.

This form of executive law making has grown in recent times because of overburden of legislature, lack of time, need to secure flexibility, lack of technical expertise required in formulating present laws, apathy of legislators towards law making & deliberation in detail.

The rules framed there under are very often vexatious to the citizens. The administrative officers concerned with the framing of the rules try for administrative convenience and the national advantage, at the expense of the individual and his freedom. To safeguard against the abuse of power it is, therefore, for Parliament to keep a watchful and even jealous eye on delegated legislation, at all its stages. The usual safeguards are: defining the limits of delegation, laying down a special procedure for rule making, giving adequate publicity to the proposed rules, requiring the rules made to be laid on the table of the House and the process of scrutiny, consultation with linked interests, more use of the committee system in Parliamentary procedure and overall supervision and surveillance by the legislature etc.