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DELEGATED LEGISLATION IN INDIA AND THE CONSTITUTIONAL  
STANDPOINT

GUPTA, Sanjay<sup>1</sup> and SASAN, Navdeep Kour<sup>1</sup>

<sup>1</sup>Faculty of Law, University of Jammu, India.

ABSTRACT

The goal of this paper evaluates the constitutional standpoint of delegated legislation in India. The doctrine of Rule of Law strikes at such arbitrariness and contemplates reasonableness in every action of the government. It postulates the government of law and not of men; and the Constitution of India bears an ample testimony of its necessity and it pervades throughout the entire fabric of the Constitution as echoed by the Indian judiciary. Encompassed with a duty to make rules under the umbrella of skeletal laws providing guidelines for the same, it is often observed that the bureaucratic lawmaking flouts such authority. Though judiciary has also played a vital role in preserving its' sanctity, the question, however, remains, as to how far this Rule is being carried forward by the authorities vested with the administrative law making power? The power of judicial review is a great weapon in the hands of the judiciary that can be used to invalidate the actions of the authorities vested with the public duty to exercise the power for the common good and not for their vested interests. The Doctrine of ultra vires devised by the courts to check the validity of the delegated legislation is an effective mode of pronouncing upon their constitutionality. This control mechanism to a greatest extent keep in bounds the wide and sweeping powers of the administrative authorities, conferred to them by way of delegation of the law making powers of the legislature.

*Keywords:* India, Delegated Powers, Rule of Law, Judiciary.