Administrative Law

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1.INTRODUCTION:-

Administrative law is the law that governs the administrative actions. As per Ivor Jennings- the Administrative law is the law relating to administration. It determines the organisation, powers and duties of administrative authorities. It includes law relating to the rule-making power of the administrative bodies, the quasi-judicial function of administrative agencies, legal liabilities of public authorities and power of the ordinary courts to supervise administrative authorities. It governs the executive and ensures that the executive treats the public fairly.

Administrative law is a branch of public law. It deals with the relationship of individuals with the government. It determines the organisation and power structure of administrative and quasi-judicial authorities to enforce the law. It is primarily concerned with official actions and procedures and puts in place a control mechanism by which administrative agencies stay within bounds.

However, administrative law is not a codified law. It is a judge-made law which evolved over time.

The growth of Administrative Law.

ENGLAND

In 1885 Albert Venn Dicey, a British jurist, rejected the whole concept of Administrative law. Hence, the numerous statutory discretionary powers given to the executives and administrative authorities and control exercised over them were all disregarded to be able to form a separate branch of law by the legal thinkers. Until the 20th Century, Administrative law was not accepted as a separate branch of law. It was only later that the existence of Administrative law came to be recognised.

The Lord Donoughmore Committee, in 1929, recommended for better publication and control of subordinate legislation. The principle, King can do no wrong, was abolished and the scope

of Administrative law expanded by virtue of the Crown Proceeding Act in 1947 which allowed initiating civil proceedings against the Crown as against any private person.

In 1958, Tribunals and Inquiries Act was passed for better control and supervision of Administrative Decisions.

Breen v Amalgamated Engineering Union [1971] 2 QB 175 was the first case wherein the existence of Administrative law in the United Kingdom was declared.

UNITED STATES OF AMERICA

In the United States of America, the existence of administrative law and its growth was ignored until it grew up to become the fourth branch of the State. By then many legal scholars like Frank Goodnow and Ernst Freund had already authored a few books on Administrative law.

It was in 1933 that a special committee was appointed to determine how judicial control over administrative agencies could be exercised. Thereafter, in 1946 The Administrative Procedure Act was passed which provided for judicial control over administrative actions.

INDIA

The Mauryans and the Guptas of ancient India had a centralised administrative system. It was with the coming of the British that Administrative law in India went through a few changes. Legislations regulating administrative actions were passed in British India.

After independence, India adopted to become a welfare state, which henceforth increased the state activities. As the activities and powers of the Government and administrative authorities increased so did the need for ‘Rule of Law’ and ‘Judicial Review of State actions’.

Henceforth, if rules, regulations and orders passed by the administrative authorities were found to be beyond the authorities legislative powers then such orders, rules and regulations were to be declared ultra-vires, unconstitutional, illegal and void.

Reasons for growth of Administrative law.

The concept of a welfare state

As the States changed their nature from laissez-faire to that of a welfare state, government activities increased and thus the need to regulate the same. Thus, this branch of law developed.

The inadequacy of legislature

The legislature has no time to legislate upon the day-to-day ever-changing needs of the society. Even if it does, the lengthy and time-taking legislating procedure would render the rule so legislated of no use as the needs would have changed by the time the rule is implemented.

Thus, the executive is given the power to legislate and use its discretionary powers. Consequently, when powers are given there arises a need to regulate the same.

The inefficiency of Judiciary

The judicial procedure of adjudicating matters is very slow, costly complex and formal. Furthermore, there are so many cases already lined up that speedy disposal of suites is not possible. Hence, the need for tribunals arose.

Scope for the experiment

As administrative law is not a codified law there is a scope of modifying it as per the requirement of the State machinery. Hence, it is more flexible. The rigid legislating procedures need not be followed again and again.

Difference between Administrative law and Constitutional law.

There are significant differences between Administrative law and Constitutional law.

A Constitution is the supreme law of the land. No law is above the constitution and hence must satisfy its provisions and not be in its violation. Administrative law hence is subordinate to constitutional law. In other words, while Constitution is the genus, administrative law is a species.

Constitution deals with the structure of the State and its various organs. Administrative law, on the other hand, deals only with the administration.

While Constitution touches all branches of law and deals with general principles relating to organisation and powers of the various organs of the State; administrative law deals only with the powers and functions of the administrative authorities.

Simply speaking the administrative authorities should first follow the Constitution and then work as per the administrative law.

2.Rule of Law and Administrative Law

Meaning and Origin

The rule of law is a product of centuries of the struggle of the people for the recognition of their inherent rights.[1] In classical Greece, Aristotle wrote that "law should be the final sovereign". In 1215, the Magna Carta checked in the corrupt and whimsical rule of King John by declaring that the government should not proceed except in accordance with the law of the land. During the thirteenth century, **Thomas Aquinas** argued that the rule of law represents the natural order of God as ascertained through divine inspiration and human resource. In the seventeenth century, the English jurist **Sir Edward Coke** asserted that the "king ought to be under no man, but under God and the law." Despite its ancient history, the rule of law is not celebrated in all quarters. The English philosopher Jeremy Bentham described the rule of law "nonsense on stilts." The twentieth century has seen political leaders who have oppressed disfavored persons or groups, without warning or reason, governing as if no such thing as rule of law existed. For many people around the world, the rule of law is essential to freedom.

The most famous exposition of the concept of rule of law has been laid down by A.V. Dicey (Law of the Constitution) who identifies three principles which together establish the rule of law:

1. The absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power.
2. Equality before the law or the equal subjection of all classes to the ordinary law of the land administered by the ordinary courts; and
3. The law of the constitution is a consequence of the rights of individuals as defined and enforced by the courts

When explained, it amounts to, in Dicey's own words:

"……every official, from the Prime Minister down to a constable or a collector of taxes, is under the same responsibility for every act done without legal justification as any other citizen. The reports abound with cases in which officials have been brought before the courts, and made, in their personal capacity, liable to punishment or to payment of damages, for acts done in their official character but in excess of their lawful authority. [Appointed government officials and politicians, alike] …. And all subordinates, though carrying out the commands of their official superiors, are as responsible for any act which the law does not authorize as is any private and unofficial person."[2]

Criticisms

Dicey's concept has been criticized because of the predominance of ordinary laws and the absence of arbitrary power. Discretionary power is a must when it comes to the application of laws by governmental agencies like impartial and independent tribunals.[3] Due to these limitations, the rule of law still remains a cardinal principle of every democratic government. It is true that delegated legislation and administrative jurisdiction are both the worst enemies of the rule of law. The development of delegated legislation and administrative justice, however, are not only inevitable but also, with proper modification and safeguards, desirable.

Dicey's notions may have been criticized but the main idea behind the rule of law still holds i.e. protection of individual rights and liberties. For a democratic government, the rule of law is a basic requirement; and for the maintenance of the rule of law, there must be an independent and impartial judiciary. It is embodied in the concept of rule of law that equality before the law or equal protection of laws is ensured to all citizens, and every citizen is protected from the arbitrary exercise of power by the state. Thus, in a state professing the rule of law, the aim should be to provide for a system which secures to its citizens' adequate procedure for the redress of their grievances against the state before forums, which are able to administer justice in an impartial manner without any fear or favour. Each country has devised its own system to ensure the maintenance of the rule of law. The rule of law pervades the entire field of administration and regulates every organ of the state. [4]

Rule of law in India

The Constitution of India specifically provides that the state shall not deny to any person equality before the law or the equal protection of the laws. The concept of rule of law would lose all its vitality if the instrumentalities of the State are not charged with the duties of discharging their functions in a fair and just manner.[5] It has been held that the rule of law

pervades the constitution as its basic feature and cannot be taken away even by an amendment of the constitution.[6] In a system governed by rule of law, discretion, when conferred upon executive authorities, must be confined within clearly defined limits. This means that decision should be made by the application of known principles and rules and, in general, such decisions should be predictable and citizens should know where he stands.[7]

The Constitution lays down in Part IV the directive principle of state policy. It enjoins the State to bring about a social order in which justice – social, economic and political – shall govern all the institutions of national life. The rule of law promotes the lofty ideals enshrined in the directive principles of state policy and draws its sustenance from the higher judiciary, which upholds the constitutionality of laws keeping in view the philosophy of these ideals.

A growing threat to the rule of law is coming from undue delay in judicial proceedings. In order to ensure the rule of law, the system must, therefore, ensure effective and expeditious remedies against the violation of laws.[8]

Basic Principles of the Rule of Law

- Law is Supreme, above everything and everyone. Nobody is above the law.
- All things should be done according to law and not according to whim.
- No person should be made to suffer except for a distinct breach of law.
- Absence of arbitrary power being the heart and soul of the rule of law.
- Equality before the law and equal protection of the law.
- Discretionary power should be exercised within reasonable limits set by law.
- Adequate safeguard against executive abuse of powers.
- Independent and impartial Judiciary.
- Fair and Just Procedure.
- Speedy Trial

Rule of Law and Indian Constitution

In India the Constitution is supreme. The preamble of our Constitution clearly sets out the principle of rule of law. It is sometimes said that planning and welfare schemes essentially strike at rule of law because they affect the individual freedoms and liberty in many ways. But the rule of law plays an effective role by emphasizing upon fair play and greater accountability of the administration. It lays greater emphasis on the principles of natural justice and the rule of speaking order in an administrative process in order to eliminate administrative arbitrariness.

Case laws

In an early case, **S.G. Jaisinghani V. Union of India and others**[9] the Supreme Court portrayed the essentials of rule of law in a very lucid manner. It observed: "The absence of arbitrary power is the first essential of the rule of law upon which our whole constitutional system is based. In a system governed by rule of law, discretion, when conferred upon executive authorities, must be continued within clearly defined limits. The rule of law from this points of view means that decisions should be made by the application of known principles and rules and, in general, such decision should be predictable and the citizen should know where he is. If a decision is taken without any principle or without any rule it is unpredictable and such a decision is the antithesis of a decision taken in accordance with the rule of law".

The Supreme Court in a case, namely, **Supreme Court Advocates on Record Association v. Union of India** [10], reiterated that the absence of arbitrariness is one of the essentials of rule of law. The Court observed. "For the rule of law to be realistic there have to be rooms for discretionary authority within the operation of rule of law even though it has to be reduced to the minimum extent necessary for proper, governance, and within the area of discretionary authority, the existence of proper guidelines or norms of general application excludes any arbitrary exercise of discretionary authority. In such a situation, the exercise of discretionary authority in its application to individuals, according to proper guidelines and norms, further reduces the area of discretion, but to that extent discretionary authority has to be given to make the system workable.

Conclusion

The recent expansion of the rule of law in every field of administrative functioning has assigned it is a place of special significance in the Indian administrative law. The Supreme Court, in the process of interpretation of rule of law vis-à-vis operation of administrative power, in several cases, emphasized upon the need of fair and just procedure, adequate safeguards against any executive encroachment on personal liberty, free legal aid to the poor and speedy trial in criminal cases as necessary adjuncts to rule of law. Giving his dissenting opinion in the Death penalty case, Mr. Justice Bhagwati explains fully the significance of rule of law in the following words: The rule of law permeates the entire fabric of the Constitution and indeed forms one of its basic features.

The rule of law excludes arbitrariness, its postulate is 'intelligence without passion' and reason free from desire. Wherever we find arbitrariness or unreasonableness there is a denial of the rule of law. Law in the context of rule of law does not mean any law enacted by legislative authority, howsoever arbitrary, despotic it may be, otherwise even in dictatorship it would be possible to say that there is rule of law because every law made by the dictator, however arbitrary and unreasonable, has to be obeyed and every action has to be taken in conformity with such law. In such a case too even where the political set-up is dictatorial it is the law that governs the relationship between men.

The modern concept of the Rule of Law is fairly wide and, therefore, sets up an idea for the government to achieve. This concept was developed by the International Commission of Jurists, known as Delhi Declaration, 1959, which was later on confirmed at Lagos in 1961. According to this formulation, the Rule of Law implies that the functions of the government in a free society should be so exercised as to create conditions in which the dignity of man as an individual is upheld.

During the last few years, the Supreme Court in India has developed some fine principles of Third World jurisprudence. Developing the same new constitutionalism further, the Apex Court in **Veena Seth v. State of Bihar**[11] extended the reach of the Rule of Law to the poor and the downtrodden, the ignorant and the illiterate, who constitute the bulk of humanity in India, when it ruled that the Rule of Law does not exist merely for those who have the means to fight for their rights and very often do so for the perpetuation of the status quo, which protects and preserves their dominance and permits them to exploit a large section of the community. The opportunity for this ruling was provided by a letter written by the Free Legal Aid Committee, Hazaribagh, Bihar drawing its attention to unjustified and illegal detention of certain prisoners in jail for almost two or three decades.

Recent aggressive judicial activism can only be seen as a part of the efforts of the Constitutional Courts in India to establish a rule of law society, which implies that no matter how high a person, maybe the law is always above him. The court is also trying to identify the concept of rule of law with human rights of the people. The Court is developing techniques by which it can force the government not only to submit to the law but also to create conditions where people can develop capacities to exercise their rights properly and meaningfully. The public administration is responsible for effective implementation of the rule of law and constitutional commands, which effectuate fairly the objective standards laid down by law. Every public

servant is a trustee of the society and is accountable for due effectuation of constitutional goals. This makes the concept of rule of law highly relevant to our context.

3.Separation of powers

The doctrine of Separation of Powers is of ancient origin. The history of the origin of the doctrine is traceable to Aristotle. In the 16th and 17th Centuries, French philosopher **John Bodin** and British Politician **Locke** respectively had expounded the doctrine of separation of powers. But it was **Montesquieu**, French jurist, who for the first time gave it a systematic and scientific formulation in his book 'Esprit des Lois' (The spirit of the laws).

Montesquieu's view

Montesquieu said that if the Executive and the Legislature are the same person or body of persons, there would be a danger of the Legislature enacting oppressive laws which the executive will administer to attain its own ends, for laws to be enforced by the same body that enacts them result in arbitrary rule and makes the judge a legislator rather than an interpreter of law. If one person or body of persons could exercise both the executive and judicial powers in the same matter, there would be arbitrary powers, which would amount to complete tyranny, if the legislative power would be added to the power of that person. The value of the doctrine lies in the fact that it seeks to preserve human liberty by avoiding the concentration of powers in one person or body of persons. The different organs of government should thus be prevented from encroaching on the province of the other organ.

Position in the United States

This theory has had a different application in France, USA and England. In France, it resulted in the rejection of the power of the courts to review acts of the legislature or the executive. The existence of separate administrative courts to adjudicate disputes between the citizen and the administration owes its origin to the theory of separation of powers. The principle was categorically adopted in the making of the Constitution of the United States of America. There, executive power is vested in the president. Article 1 of the constitution of America vests the legislative power in Congress and the judicial power in the Supreme Court and the court's subordinates thereto. The President is not a member of the Congress. He appoints his secretaries on the basis, not of their party loyalty but loyalty to himself. His tenure does not depend upon the confidence of the Congress in him. He cannot be removed except by impeachment. However, the United States Constitution makes a departure from the theory of

strict separation of powers in this that there is provision for judicial review and the supremacy of the ordinary courts over the administrative courts or tribunals.

Position in Britain

In the British Constitution, the Parliament is the supreme legislative authority. At the same time, it has full control over the Executive. The harmony between the Legislator and the (Executive) is secured through the Cabinet. The Cabinet is collectively responsible to the Parliament. The Prime Minister is the head of the party in the majority and is the Chief Executive authority. He forms the Cabinet. The Legislature and the Executive are not quite separate and independent in England, so far as the Judiciary is concerned its independence has been secured by the Act for Settlement of dispute which provides that the judges hold their office during good behaviour, and are liable to be removed on a presentation of addresses by both the Houses of Parliament. They enjoy complete immunity in regard to judicial acts.

Position in India

In India, the executive is part of the legislature. The President is the head of the executive and acts on the advice of the Council of Ministers. {Article 53 and 74 (1)}. He can be impeached by Parliament. Article 56 (1) (b) read with Article 61, Constitution. The Council of Ministers is collectively responsible to the Lok Sabha {Article 75 (3)} and each minister works during the pleasure of the President. {Article 75 (2)} If the Council of Ministers loses the confidence of the House, it has to resign.

Functionally, the President's or the Governor's assent is required for all legislation. (Article 111, 200 and 368). The President or the Governor has the power of making ordinances when both Houses of the legislature is not in session (Article 123 and 212). An ordinance has the same status as that of a law of the legislature. **(AK Roy v Union of India, AIR 1982 SC 710)** The President or the Governor has the power to grant pardon. (Articles 72 and 161) The legislature performs judicial function while committing for contempt those who defy its orders or commit breach of privilege (Articles 105 (3) 194 (3) Thus, the executive is dependent on the Legislature and while it performs some legislative functions such as subordinate, it also performs some executive functions such as those required for maintaining order in the house. There is, however, a considerable institutional separation between the judiciary and the other organs of the government. (See Art 50)

The Judges of the Supreme Court are appointed by the President in consultation with the Chief justice of India and such of the judges of the Supreme Court and the High Court's as he may deem necessary for the purpose. (Article 124 (2))

The Judges of the High Court are appointed by the President after consultation with the Chief Justice of India, the Governor of the state, and, in the case of appointment of a judge other than the Chief justice, the Chief Justice of the High Court. (Article 217 (1))

It has now been held that in making such appointments, the opinion of the Chief justice of India shall have primacy. (**Supreme Court Advocates on Record Association case**) The judges of the High Court and the judges of the Supreme Court cannot be removed except for misconduct or incapacity and unless an address supported by two-thirds of the members and an absolute majority of the total membership of the House is passed in each House of Parliament and presented to the President. {Article 124 (3)} An impeachment motion was brought against a judge of the Supreme court, Justice Ramaswami, but it failed to receive the support of the prescribed number of members of Parliament. The salaries payable to the judges are provided in the Constitution or can be laid down by a law made by Parliament. Article 125 (1) and Art 221 (1).
Every judge shall be entitled to such privileges and allowances and to such rights in respect of absence and pension, as may from time to time be determined by or under any law made by Parliament and until so determined, to such privileges, allowance and rights as are specified in the Second Schedule. Neither the privileges nor the allowance nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment.

Appointments of persons to be, and the posting and promotion of, district judges in any state shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such state. (Article 233) The control over the subordinate courts is vested in the acts of the Legislature as well as the executive. The Supreme Court has the power to make rules (Article 145) and exercises administrative control over its staff. The judiciary has the power to enforce and interpret laws and if they are found in violation of any provision of the Constitution, it can declare them unconstitutional and therefore, void. It can declare the executive action void if it is found against any provisions of the Constitution. Article 50 provides that the State shall take steps to separate the judiciary from the executive.

Thus, the three organs of the Government (i.e. the Executive, the Legislature and the Judiciary) are not separate. Actually, the complete demarcation of the functions of these organs of the Government is not possible.

The Constitution of India does not recognize the doctrine of separation of power in its absolute rigidity, but the functions of the three organs of the government have been sufficiently differentiated. **(Ram Jawayya Kapoor and ors. v. State of Punjab, AIR 1955 SC 549)** None of the three organs of the Government can take over the functions assigned to the other organs. **(Kesavananda Bharti v. State of Kerala; AIR 1973 SC 1461, Asif Hameed v. State of J&K; 1989 AIR, SC 1899)**

In **State of Bihar v. Bihar Distillery Ltd., (AIR 1997 SC 1511)** the Supreme Court has held that the judiciary must recognize the fundamental nature and importance of the legislative process and must accord due regard and deference to it. The Legislative and Executive are also expected to show due regard and deference to the judiciary. The Constitution of India recognizes and gives effect to the concept of equality between the three organs of the Government. The concept of checks and balance is inherent in the scheme.

4.Delegated Legislation

Delegated Legislation

Delegated legislation is a kind of subordinate legislation. Generally, the 'delegated legislation' means the law made by the executive under the powers delegated to it by the Supreme legislative authority. It comes in the form of orders, bye-laws etc. The Committee on Minister's power said that the term delegated legislation has two meanings-

1. Firstly, it means the exercise of power that is delegated to the executive to make rules.

2. Secondly, it means the output the output or the rules or regulations etc. made under the power so given.

Sub-Delegation is also a case in Indian Legal system. The power to make subordinate legislation is derived from existing enabling act. It is fundamental that the delegate on whom such power is conferred has to act within the limits of the enabling act. Its purpose is to supplant and not to supplement the law. Its main justification is that sometimes legislature does not foresee the difficulties that will come while enacting the law.

Therefore, delegated legislation fills in those gaps which are not seen while the formulation of the enabling act. Delegated Legislation gives flexibility to law and there is ample scope for adjustment in the light of experiences gained during the working of legislation.

Reasons for Delegated Legislation

In modern times, delegated legislation has become imperative and inevitable due to the following reasons:-

1. Time factor – The parliament is so much occupied with matters concerning foreign policy and other political issues that it has no time to enact social legislation in all its details. Therefore, the Parliament frames only the broad rules and principles, and the department is left to make rules and to fill in details.

2. The technicality of the matters – With the progress of the society, things have become more complicated and technical. All the legislators may not know them fully and, hence, they cannot make any useful discussion on it. Therefore, after framing of the general policy by the Parliament the government departments or other bodies who know its technicalities are given the power to lay down the details.

3. Emergency – During the time of emergency quick and decisive action is very necessary, and at the same time, it is to be kept confidential. The Parliament is not at all fit to serve this end. Therefore, the executive is delegated the power to make rules to deal with situations. In England, the defense of Realm Act, 1914-15, the Emergency Powers Act, 1920 and the Emergency Powers Act, 1939-40 are examples of such delegation during the First and Second world wars.

4. Flexibility- To adapt the law according to future contingencies or any other adjustments which are to be made in the in future can be done efficiently and effectively only when a small body is given the powers to do so. Otherwise amending acts will become necessary and that would cost wastage of time and money. Therefore, delegation to the departments becomes necessary.

5. Local Matters- These are matters which concern only a particular locality or a particular group of the profession. Any legislation on these matters needs a consultation with the people of that particular locality, group or profession. Thus regarding such legislation, the departments

are given powers to make changes and rules in consultation with the person acquainted and with interested in it.

6. Experimentation- Some Acts of Parliament provides for their coming into operation in different localities on different dates according to their inability, and as a matter of experiment. For this purpose, the ministers are given the power to make orders about the date of its application.

The danger of Delegated Legislation

Prof. Keith has, in great detail, described the dangers of the delegated legislation. Some important ones are:-

1. Legislation may be passed in a skeleton form and thus wide powers of action to make new laws and to impose the tax is given;
2. Parliament gets inadequate time to scrutinize the regulations;
3. Some of the regulations attempt to deprive the subjects of recourse to the law courts for protection;
4. The procedural advantages of the Crown against the subject (Crown Proceedings Act, 1947) has improved the position to some extent but renders it difficult for him to obtain redress for illegal actions done under the authority of delegated legislation.

Keeton has summarized the dangers under two heads:

1. Excessive power may be delegated.
2. The Governments Department may assume a wider legislative competence than what the Parliament has granted.

Safeguard against Delegated Legislation

The following safeguards have been generally suggested by jurists against the delegated legislation:-

Parliamentary Control

In England when a bill that provides for the delegation of power is before the house, the house may modify, amend or refuse altogether the power proposed to be delegated in the bill. The Government has set up a Select Committee on statutory instrument since 1944 to examine every instrument laid down before the house of commons with a view to determining whether the special attention of the house should be drawn to it certain specified grounds.

An act was also passed in 1946, i.e. 'Statutory instrument act which provides that copy of the Instrument shall be laid before the house before it comes into operation. Apart from these, there are other methods also through which the parliament can exercise control. It is submitted that in practice these safeguards have not proved much effective and thus, substantial control is not exercised.

Judicial Control

To some extent, judicial control is also exercised over the delegated legislation. In England, as the parliament is supreme, it can delegate any amount of power. Therefore, the judicial control is confined within very narrow limits. The courts in these matters interfere under the doctrine of ultra vires or under their writ jurisdiction. The main ground on which this interference is made is that the authority to whom the power is delegated has exceeded it.

The grounds on which courts declare bye-law ultra vires are that it is unreasonable or repugnant to the fundamental laws of the country, or is vague, or it has not been made and published in accordance with the rules prescribed for the same. But in modern times, there is a tendency to oust the jurisdiction for the court and this is expressly provided in the statute which delegates the power. Thus the courts to have not remained very much effective in controlling delegated legislation.

Publicity

It is necessary that due publicity should be given to the delegated legislation because without such publicity it may be declared ultra vires.

Other Controls and safeguards

Certain other safeguards which have been suggested and to some extent have been adopted in practice also are: the delegation should be made only to trustworthy bodies expert device should be taken and the persons whose interests to be affected by the concerned delegated legislation should be consulted before making any rule regarding them. Authors, lawyers, and judges have often vigorously attacked delegated legislation in their writings, opinions, and judgments respectively, which have to some extent, discouraged delegated legislation.