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**DELEGATED LEGISLATION: A NECESSARY EVIL?  
ANALYSIS OF ST. JOHNS TEACHERS TRAINING  
INSTITUTE V. REGIONAL DIRECTOR, NATIONAL  
COUNCIL FOR TEACHER EDUCATION JUDGEMENT**

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**ABSTRACT**

The concept of delegated legislation, in India, is often remarked to be a “necessary evil”. Delegated legislation is important to administer a large population, however, such delegation increases the scope to abuse administrative powers. There is no clear framework or guidelines that cement the need for delegated legislation in India. Judicial interpretation of the various attempts to delegate legislative powers erase the ambiguities upon this concept and prevent the abuse of such powers. The St. Johns Teachers Training Institute case acts as a testament to such need with the judicial authorities also confirming the legislature’s powers and solidifying the nature of delegation whilst ensuring the placement of restrictive measures in order to forgo any abuse. The various cases adjudicated upon by the judiciary determine the constitutionality of delegated legislation in India by setting forth a series of guidelines to understand the validity of such delegation.

The concept of delegated legislation is widely debated with strong supporters on both sides of the coin. The judicial evolution of delegated legislation in India falls short on attention. This paper attempts to highlight the importance, constitutionality, criticism and judicial interpretation of delegated legislation by analyzing the judgment of St. Johns Teachers Training Institute case.

**Keywords:** Delegated Legislation, St. Johns Teachers Training Institute, Abuse of Powers, Administrative Powers, Constitutionality of Delegated Legislation.

## Introduction

It's been believed that the "rule of law" theory given by Dicey or the "separation of powers" theory suggested by Montesquieu, have erred in checking the exponential growth of delegated legislation.<sup>1</sup> The most reliable definition of delegated legislation was noticeably elucidated upon by the Committee on Minister's powers "*as the exercise of minor legislative power by subordinate authorities and bodies in pursuance of authority given by parliament itself.*"<sup>2</sup> The concept of delegated legislation is typically indicative of the distribution or subordination of the power to promulgate laws and accreditation of certain legislative characteristics by the legislative branch to the executive organs of the Government. The power to promulgate laws enjoyed by the legislative bodies is commonly interpreted to be elucidated and included in the Part IX of the Constitution of India.<sup>3</sup> The complexity in the legal and administrative structure of a modern country like India creates an expedient requirement for extensive legislation, thereby, the need for the Parliament to delegate powers to lower level authorities assumes an imperative character.<sup>4</sup> Hon'ble Justice C. J. Kania while pronouncing the decision in the *Re Delhi Laws Act case*<sup>5</sup> attempted to shed some light on the concept of delegated legislation by formally assigning its meaning as

*"When a legislative body passes an Act, it has exercised its legislative function. The essentials of such function are the determination of the legislative policy and its formulation as rule of conduct".*

*The St. Johns Teachers Training Institute v. Regional Director, National Council for Teacher Education*<sup>6</sup> successfully stimulated a discussion which pertained to the impending debate surrounding the challenge regarding validity to a set of rules and regulations promulgated through these powers conferred upon an administrative authority through which the concept and idea of delegation of legislative functions was questioned. The Apex Court of law, in the aforementioned case, elucidated upon the guidelines to be followed for a regulation drafted by the means of delegated authority to be considered valid in the Court of law. Upon

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<sup>1</sup> K.C. Joshi, Question of Legislative Policy in Delegated Legislation—Recent Cases, 18(3) J. ILI 509 (1976).

<sup>2</sup> Ramesh Narain Mathur, Legislative Control of Delegated Legislation: A Survey, 21(1) Ind. Pol'y Sci. Assoc.(1960)

<sup>3</sup> Part XI of the Constitution of India

<sup>4</sup> D. J. Lanham, Delegated Legislation and Publication, 37(5) Mod. L. Rev. (1974)

<sup>5</sup> Re the Delhi Laws Act, AIR 1951 SC 332

<sup>6</sup> St. Johns Teachers Training Institute v. Regional Director, National Council for Teacher Education, AIR 2003 SC 1533

carefully and succulently considering the criteria laid out, the Court discovered that the regulations drafted by the Regional Committee under the concerned and relevant Act could be declared to be valid and intra-vires.

The Constitution of our country falls short of placing any safeguards against the concept of delegated legislation, therefore, inducing a certain amount of vagueness as to this concept and hence, placing the load to erase ambiguities on judicial mechanisms.<sup>7</sup> The Supreme Court has succeeded in locating a high standard and water-mark for executing certain types of delegated legislative power in India and has also not been shy to be indicative of the kind of clauses would fall to be ultra-vires or intra-vires.<sup>8</sup>

The concept of delegated legislation has been credited to spark confusion amongst legal intellectuals. Delegated legislation has been previously categorized to be used as an easy excuse for legislators, offer a protective gear of armor to administrative staff whilst also being a provocative subject to the Constitutional purists.<sup>9</sup> Delegated legislation is often viewed as a “necessary evil” especially in the ever-developing world where social needs have been actively considered to be important compared to administrative necessities. However, it is widely discussed that the primary function of legislative organ cannot be delegated, whereas, a law can be made to delegate such power which the legislature would be mandated to carry out, as held in *Hamdard Dawakhana v. Union of India*.<sup>10</sup> Furthermore, in *New Manak Chowk v. Municipal Corp of Ahmedabad*<sup>11</sup> The Court elaborated upon the extent of delegated legislative powers has to be regulated through policies and guidelines and reducing or retracting the scope of discretionary power to promulgate laws upon subordinate authorities through the doctrine of “excessive delegation of legislative power” and any non-compliance with the same scope prescribed would nullify and void the law so made. Moreover, in the case of *Consumer Action Group v. St. of Tamil Nadu*<sup>12</sup>, the Court duly clarified the legislature’s liability to be non-existent for abuse of power in bad faith by any coveted authority enjoying the delegated power to make rules. Delegation of legislative powers allows for more concerned and focused rules of administration to be drafted in order to implement the objectives of justness and fairness more effectively. The Judiciary, rightfully and justly, holds and exercises the power to prevent

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<sup>7</sup> Bangedu Ganguly, Administrative Legislation in Modern India: A Preface, 29(1) Ind. J. Pol’y Sci. (1968).

<sup>8</sup> C.H. Alexandrowicz-Alexander, Delegation of Legislative Power in India, 3(1) Am. J. Comp. L. 72-79 (1954)

<sup>9</sup> P.B. Mukharji, Delegated Legislation, 1(4) JILI 465-492 (1959).

<sup>10</sup> Hamdard Dawakhana v. Union of India, AIR 1960 SC 54

<sup>11</sup> New Manek Chowk Spinning & Weaving Mills v. Municipal Corp. of Ahmedabad, AIR 1967 SC 1801

<sup>12</sup> Consumer Action Group v. St. of Tamil Nadu, (2002) 7 SCC 425

unlawful delegation and abuse of power by subordinate authorities.<sup>13</sup> However, taking into consideration the debate surrounding the need for delegated legislation and the constitutionality of the same, it is best inferred that the abuse of power under such scenario is not alien to the legal system. Hence, to mitigate such abuse and proliferate the use of the powers in a more controlled manner, it is imperative for the legislature itself to take upon the role of a watchmen and supervise the use of the power by eligible authorities.

The systematic action pertaining to the delegation of legislation in our country is not curbed or opposed to by the provisions in the gospel of law i.e. the Constitution. This can be owed to the blurred lines between the powers of the executive and the legislature. The wise drafters of the precious Constitution have predominately realized that there has to room for wide and thorough interpretation of the term 'law' in order to succinctly wrap the meaning and intent behind administrative legislation. They identified the need to incorporate certain possibilities for the administrative bodies to make their own regulations, whilst offering different perspective and preconceptions to the administrative system and protection of law-making powers in India.

## **Delegated Legislation: An Introduction**

### **1. Meaning**

If we trace back to the origins of a State or the modern society, we would stumble across the concept of separation of powers. The idea behind this theory of law was to introduce a model wherein the three spheres of justice would remain independent of each other and carry out their respective functions to serve the society's needs in a rightful manner. At the outset, it is well known that India lacks in imparting and implementing this concept to a large extent and allows for the overlapping of certain functions as described in the Constitution.<sup>14</sup> The judiciary, executive and legislative branch of the State are not independent of each other.

The vastness and grandness of the Indian legal system lies in its intricate details. For the purpose of matching such intricate details, the concept of delegated legislation takes form. Delegated legislation refers to the subordination of the responsibility for promulgating laws to executive authorities to promote and implement effective control and administration in sectors that needs special attention. The Supreme Court confirmed such meaning in the case of *Swami*

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<sup>13</sup> V.N. Shukla, Judicial Control of Delegation Legislation in India, 1(3) JILI 357-374 (1959).

<sup>14</sup> S.N. Jain, Validity of Retrospective Delegated Legislation- The Court Develops a New Principle, 23(1) JILI 102-104 (1981)

*Vivekanand College of Education v. Union of India.*<sup>15</sup>

In *Hinsa Virodhak Sangh v. Mirzapur Moti Kuresh Jamat*<sup>16</sup> the court rightly observed that delegation legislation can be considered to be of statutory character that experience only one limitation barring its ability to be ultra-vires to the Constitution. In another case of *State of Punjab v. Devans Modern Breweries*<sup>17</sup>, affirmed the state and reckoned that statutory provisions containing terms of delegated legislation must be interpreted in a wide landscape and not narrowly.

Therefore, implying that the true characteristics of delegated legislation lie in the conferral of power by a higher authority to a lower or subordinate branch for the exercise of same in accordance to its own policy promulgation.

## 2. Importance

The legislature isn't an omnipresent being. It cannot provide its due and careful attention to every section, sector, board, discipline across the country and therefore, with the vision to ensure complete protection and effective delivery of regulations and justice, the concept of delegated legislation arose.<sup>18</sup> It allows subordinate authorities, mainly executive organs, to draft and implement legal subjugations in order to ensure full governance of the same.<sup>19</sup>

Therefore, any rules or regulations that are made or promulgated by authorities other than the legislature which are rightfully enforceable is known as delegated legislation.

This power to delegate legislative functions by the Parliament in India is derived from the supreme provisions on law that are found to exist in the Constitution. It was adjudged by the Apex Court in *D.S. Grewal v. State of Punjab*<sup>20</sup> that the power of delegated legislation can actually be inferred by reading the text of Article 312 of the Constitution of India.

In *Hindustan Lever v. Mazdoor Sabha*<sup>21</sup> the nature of delegated legislation was categorized into two components by the Supreme Court: i) rule making segment and ii) existence of the preclusion from the applicability of a statute. In *Vasu Dev Singh v. Union of India*<sup>22</sup>, The

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<sup>15</sup> Swami Vivekanand College of Education v Union of India, (2012) 1 SCC 642

<sup>16</sup> Hinsa Virodhak Sangh v. Mirzapur Moti Kuresh Jamat, (2008) 5 SCC 33

<sup>17</sup> State of Punjab v. Devans Modern Breweries, (2004) 11 SCC 26

<sup>18</sup> P.M. Bakshi, Subordinate Legislation: Scrutinizing the Validity, 36(1) JILI 1-7 (1994).

<sup>19</sup> N.C. Chatterjee, Control of the Legislative Powers of Administration, 1(1) JILI 123 (1959).

<sup>20</sup> D.S. Grewal v. State of Punjab, 1959 AIR 512

<sup>21</sup> Hindustan Lever v. Mazdoor Sabha, 1994 Supp (1) SCC 1

<sup>22</sup> Vasu Dev Singh v. Union of India, (2006) 12 SCC 753

Supreme Court dictum pertained to the fact that delegated legislation can be utilized only in such a manner that is prescribed within the concerned legislation itself.

Therefore, delegated legislation is made of certain special characteristics and limits and the concept has been widely interpreted in various judicial precedents to carry a distinguished identity from normal legislations.

### 3. Criticism

Many scholars and legal visionaries have often been doubtful and critical of the concept of delegated legislation. This can be owed to the fact that there are no concrete guidelines upon which any authority has to operate while promulgating laws for its functioning. The only guideline found to effectively regulate the delegation of legislative powers would be its violation of the Constitution.<sup>23</sup> This has been observed by judicial authorities in many cases including *Khoday Distilleries v. State of Karnataka*<sup>24</sup> wherein the Apex Court's dicta pertained to the grounds upon which a piece of delegated legislation can be struck down. In order for that to happen, the entire legislation must be found to be "manifestly arbitrary" or found to be violative of the highly protective and resourceful principles of natural justice and the basic integrity of the Constitution.

However, delegated legislation also faces harsh criticism on the fact that it is vulnerable to abuse from those such power is being conferred upon especially in consideration of the fact that they weren't solely elected in a democratic setting.<sup>25</sup> This has been observed in the judgement given in *State of Tamil Nadu v. P. Krishnamurthy*<sup>26</sup>

Another concern that arises would be that of excessive delegation, where the limits are not defined and there is unregulated power conferred on any executive authority to exercise its own independence. In the judicial observation in *Ramesh Birch v. Union of India*<sup>27</sup> it was suggested to equip the "policy and guideline" theory as a reasonable and sufficient test to determine whether the delegation is excessive. In such a case, the intent, policy and context of the Act has to be adjudged and the broadest indication to be adopted.

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<sup>23</sup> Priya Garg and Amrita Ghosh, Need to Change the Color of our Shades, 2 Cal Q. J. 46 (2009)

<sup>24</sup> *Khoday Distilleries v. State of Karnataka*, (1996) 10 SCC 304

<sup>25</sup> B. Mohandoss, Towards & Away from Delhi Laws Act Case, 26 JILI 123 (1959)

<sup>26</sup> *State of Tamil v. P Krishnamurthy*, (2006) 4 SCC 517

<sup>27</sup> *Ramesh Birch v. Union of India*, 1989 Supp (1) SCC 430

Though there is universal suggestions of alternatives and safeguards it still doesn't take away from the fact that delegated legislation can be harmful when not placed in the right hands, another concerning fact about this mode of governance can be said to be the fact that the excessive delegation or abuse of power is not notified unless brought to the attention of the judiciary to exercise its powers of judicial review, which might be disputed themselves and thereby, causing a string of concerns with no real solution.

### **Analysis of St. Johns Teachers Training Institute Case**

#### **1. The Facts of the Case**

The case of St. John Teachers Training Institute portrays the contemporary concerns in regards to the concept of delegated legislation and the reach therein. The matter in the case arises from the power conferred upon Section 14 provisions contained under the National Council for Teacher's Education Act, 1993 ("NCTE") which under its provisions contained careful guidelines for formal recognition to an institution. Under the directions given, the Section specifies that such granting of formal recognition shall be done by the Regional Committee only, though, failing to mention its delegatory powers. However, in Regulations drafted to carry out the provisions of the Act was found that Regulation 5 sub-clause (e) and (f) were contradictory to Section 14 in specifying the nature of obtaining recognition is to be done by receipt of a "no objection certificate" ("NOC") from the State Government. This created noticeable and reasonable amounts of friction between the Regulation 5 (e) and (f) and the content of Section 14 of the NCTE, 1993. Therefore, such conflict between the impugned provisions of law prompted the matter to be redressed by approaching the Court with the plea that the Regulations drafted were ultra-vires and beyond the scope of the Parent Act i.e. NCTE, 1993 hence, deeming them to be invalid.

#### **2. Court's Observations Regarding Delegated Legislation**

Considering the facts, arguments and general principles of law presented by both parties, the Hon'ble Supreme Court in its landmark dicta observed the general difference between supplanting and supplementing a parent act with rules or regulations drafted. The Court found that a rule, regulation or even an order is adjudged with mere supplementary functions through the means of delegated legislation and cannot act as a basis of aiding the act but only a policy for implementing such act. The only functions that are delegated are the main or core ideas of legislative intent but the actions that are carried forth to fill up the ancillary details that need

careful speculation. This was noted taking into consideration the dicta in *Sukhdev Singh v. Bhagatram Singh*<sup>28</sup>.

The Court in the present case also clarified the purpose of delegated legislation, it remarked that a statutory authority holds a more favorable position in understanding the minute and objective details to carry out the provisions of the Act taking into mind the special circumstances pertaining to the Act. The most imperative function of delegated legislation is its ability to allow practical operation of statutory norms to be met with the equipment of experience and opinions of those closely involved. The rules and regulations made by deriving its authority from a parent legislation often act to specify the implementation of provisions that affect the carrying out of the objective of the parent legislation.

The intent of such process lies in the crux designed to reduce the overburdening of making detailed regulations and lend a helping hand in making the provisions of the act enforceable. Localizing of such rules and regulations by the means of delegated legislation presents a lot of advantages to the statutory authority and the legislature alike. The concept of delegated legislation finds reasoning and justification in understanding the complex structure and intricate needs of a modern society and equipping unconventional and new methods to satisfy such needs. This is to ease the process of administration and deal with difficulties effectively and in a timely manner.

The whole question of validity in connection to excessive delegation must be examined keeping in mind the subject matter that such delegation pertains to, the objective behind the enabling Act and also due regard must be accredited to the facts and circumstances under which the statute is enacted. This was found by taking into consideration the cases *of Registrar of Coop. Societies v. K. Kunjabmu*<sup>29</sup> and *State of Nagaland v. Ratan Singh*<sup>30</sup>, where the Court operated based off the same ideals as enshrined in the present case.

Furthermore, when the question of validity of a piece of subordinate legislation arose, the Court remarked that the assumption should always be in favor of the validity of the legislation and not against it especially in such a scenario wherein two perspectives can be taken upon the same, one wherein the validity is affirmed and the other wherein it is negated.

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<sup>28</sup> Sukhdev Singh v. Bhagatram Singh, (1975) 1 SCC 421

<sup>29</sup> Registrar of Coop. Societies v. K. Kunjabmu, (1980) 1 SCC 340

<sup>30</sup> State of Nagaland v. Ratan Singh, AIR 1967 SC 212



### **3. Final Judgement of the Court**

Relating its observations to the submissions of the present case, the Court realized that the Section 14 sub-clause (3) of the NCTE, 1993 establishes the due diligence that must be performed by the Regional Committee prior to the grant of formal recognition to any institution. Noting that the number of Regional Committees is astonishing low considering the populi of the country, the Court remarked the over-flow and abundance of applications that must be dealt with by each Committee. Therefore, such burden would compromise the standard of obtaining the required particulars in relation to the granting of an application for recognition and leaves a wider scope for any mishap in the current process. Therefore, the Court understood that such a task of a great strata cannot be accomplished alone by the Regional Committee and must be aided in resources by any other deemed agency. Therefore, such assistance can be sought form the State Government through obtainment of an “NOC” and hence, validating the clauses (e) and (f) of Regulation 5 of the Regulatory norms of NCTE, 1993.

Thereby, nullifying the contentions of the appellants and allowing for the delegation of legislation and finding the scope to not overlap with excessive delegation of powers and be well within the limit of the same by considering the focus of the Parent Act and the administrative duties that are undertaken by the organization.

### **4. Significance of the Judgement**

The St. Johns Teachers Training Institute case presents a detailed analysis of the need for delegated legislation in light of the abuse of powers that might be of matter in cases wherein there are no established guidelines in such delegation. However, it also considers the limits and scope of excessive delegation of powers and deals with the matters enshrined truthfully. Excessive delegation when not regulated or checked could be a hidden evil in the face of democracy and justice.<sup>31</sup> However, it is also necessary to understand that correct delegation would lead to greater benefits conferred upon the administration of the country to promote the basic and coveted objectives of a democratic system in light of the principles contained in the Constitution particularly Article 14 and 19.

### **Constitutionality of Delegated Legislation**

The principle of legality is always brought forth and questioned when taking matters of delegated legislation into consideration; on a primary level, the whole crux and objective of

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<sup>31</sup> A. O. Ojo, *Constitutionality of Delegated Legislation*, 4 Nigerian L.J. 99 (1970).

the specific and respective delegated law is challenged and; on a secondary level, the entire agile nature of delegated legislation is dragged into the mud. India's vastness in having a plethora of functions and organizations to look after creates the undeniable need to take recourse to delegated legislation with the intent to provide efficiency in attention that is assigned to every administrative body to adjudge its tasks with utmost care.<sup>32</sup>

The major concern that enter the picture when considering the conceptuality of delegated legislation is the extent of powers that are permissible to be delegated and whether the over reach of such delegatory powers results in excessive and inhibited delegation of powers.<sup>33</sup>

Before the establishment of the Supreme Court of India, the case of *Jatindra Nath Gupta v. Province of Bihar*<sup>34</sup>, wherein the concept of delegated legislation was rejected by the Federal Court of India as it observed for certain extensions to be unconstitutional in light of the basic objectives of the Act that was challenged.

The modern dimension of delegated legislation was initially reviewed and analyzed by the Supreme Court in the most popular and standardized case of *Re Delhi Act case*<sup>35</sup>. The Court's dictum featured seven different opinions from the entire bench that went on lengths to discuss, analyze and dissect the concept of delegated legislation according to the multifarious spheres it exists. However, the common consensus lied in all the judges agreeing that delegation of the law-making authority for imperative for the effective administration of the country; and that the imposition of an outer limit would accordingly curb the issue of excessive delegation.<sup>36</sup>

In all subsequent cases, the Supreme Court and other judicial authorities went on to add valued precedent learnings to the established rules in the aforementioned case, which all boiled down to the ascertaining of whether the power so delegated by the legislature was an essential function of under its own parenthesis or if it could be subordinated to a lower body.

In the case of *Rajnarain Singh v. Chairman*<sup>37</sup> clarified the nature of core legislative work which would transcend into the modification of any section in order to apply to others can be interpreted as giving the intended rights to alter the objective policy of the Act and hence,

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<sup>32</sup> Andrew F. Bennett, Uses and Abuses of Delegated Power, 11(1) Statute L. Rev. 23-27 (1990).

<sup>33</sup> Purshottam Trikamdass, Fundamental Rights & Administrative Proceedings, 1(1) JILI 133 (1958)

<sup>34</sup> *Jatindra Nath Gupta v. Province of Bihar*

<sup>35</sup> *Supra* no. 05.

<sup>36</sup> V. Sudhish Pai, Lawmaking- knowability and Ignorance, 6 SCC J. 9 (2013)

<sup>37</sup> *Rajnarain Singh v. Chairman*, AIR 1954 SC 569

would fall under the purview of an essential function precluding it from being subjected to delegation.

In another case of *Harishankar Bagla v. State of Madhya Pradesh*<sup>38</sup>, the Court found that certain provisions are not violative of the constitutional guidelines as it was in accordance with the legislative theories as suggested. In *Edward Mills v. State of Ajmer*<sup>39</sup>, the question of excessive delegation was again affront. The Court, while delivering its judgment, duly noted that there was no excessive delegation as the crux between the purpose and objectives of the Act in question and the impugned legislation were the same, hence, erasing the possibility of any excessive or abuse of power.

Another important case of *Charan Lal Sahu v. Union of India*<sup>40</sup>, while ascertaining the validity of a piece of delegated legislation, the purpose of the act was considered and applied upon determining the same.

Another important factor that is kept in mind while determining the extent of excessive delegation is the principles of natural justice and the provisions of the constitution, specifically, the Part III of the same. The Apex Court in *Hamdard Dawakhana v. Union of India*<sup>41</sup> the Court found that the impugned piece of law to be made by the nature of excessive delegation while considering all the relevant factors especially pertaining to the purpose and intent of the Parent Act. This decision of the Court interesting takes a different position, much in contrast, to the decision in the previous case, though both were born out of similar facts.

Therefore, it can be interpreted through the series of judgements pronounced by the Apex judicial body of law that each case is taken up on its merits, however, most decision lie in favor of the delegated legislation.<sup>42</sup>

In *Indian Oil Corporation v. Municipal Corporation*<sup>43</sup>, the Court elucidated upon the criteria under which excessive delegation can be negated. It elaborated upon the basis under which the delegated rule shall be in consonance and accordance to the true intent, thereby conforming to the standards laid down and added in its remarks that the delegated rule-making authority shall

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<sup>38</sup> *Harishankar Bagla v. State of Madhya Pradesh*, (1955) 1 SCR 313

<sup>39</sup> *Edward Mills v. State of Ajmer*, (1955) 1 SCR 735

<sup>40</sup> *Charan Lal Sahu v. Union of India*, (1991) 4 SCC 584

<sup>41</sup> *Hamdard Dawakhana v. Union of India*, (1965) 2 SCR 192

<sup>42</sup> Bhuvana Anand, Ritika Sinha, and Javana Bedi, How does India Fare on Regulatory Hygiene? Status Check of the Rule-Making Process, 8 J. India L. & Soc'y 69 (2017)

<sup>43</sup> *Indian Oil Corporation v. Municipal Corporation*, (1993) 1 SCC 333

not possess more legislative power than the higher body. Therefore, the satisfactory limit of delegation is determined by weighing the power accorded to the higher body that delegates its legislative intent.<sup>44</sup>

In determining the validity, the scope of reasonableness is also a considerable factor that provides undistinguishable clarity with regards to the delegated legislation. Thereby, according more value to the relevance and imperative nature of the atmosphere pertaining to the delegated legislation rather than the motive behind the same.<sup>45</sup> The legislation must also be within the rightful and just ambit of the fundamental rights whilst expressing a minimum reasonable legal standard.

Therefore, the Courts and the legislature acknowledge the possibility of excessive delegation and the abuse of power that arises therein, however, through a set of precedents and intended judicial pronouncements, the Apex Court has laid down certain criteria and standards of reasonableness in determining and aiding the ascertainment of the approvability of a delegated legislation.<sup>46</sup> This concern has been embedded keeping in mind the need for administrative authorities to have a say or express their own opinions in matters of implementation and more importantly, reducing the burden upon the legislature. The safeguards observed act as guidelines and streamline the process of delegation and thus, eliminating the excessive nature of the same.

## Conclusion

The kaleidoscope view of delegated legislation shines light upon the imperative nature of administrative bodies having control upon their own legislative functions but also acts a *caveat* to the dangerous nature of the same which could often transcend into the abuse of power by authorities who are accorded with such power in the first place.<sup>47</sup> Interestingly, when the conceptual factors of this topic are examined, the very nature and intent of the same is realized. It is undeniable that a country as wide and vast as ours needs to accorded with certain exceptions to carry out certain tasks with effective force.<sup>48</sup> Delegated legislation acts as a

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<sup>44</sup> Tarun Jain, Difficulty of Removal Power Limits, 4 SCC J-59 (2013)

<sup>45</sup> Deepika Sharma and Raadhika Gupta, Doctrine of Arbitrariness & Legislative Action: A Misconceived Application, 5(2) NALSAR L. Rev. 22 (2010)

<sup>46</sup> Anirudh Burman, Legal Framework for the Parliamentary Oversight of the Executive in India, 6 NUJS L. Rev. 387 (2013)

<sup>47</sup> Sumeet Malik, Right to Legal Information & Rule of Law, 7 Stud. Adv. 112 (1995)

<sup>48</sup> Adya Jha and Jasel Mundhra, The Constitutional Case of the Missing Cattle, 8 NLIU L. Rev. 156 (2019)

medium and provides the necessary opportunity to these specific special bodies to draft their own rules that would act in relevance to their objective functions.<sup>49</sup>

The case of St. John Teachers Training Institute showcases a reasonable approach that must be adopted when attempting to ascertain the nature of delegated legislation and the validity thereof. The Court's dicta in the present case establishes a strong standard for considering the question of excessive in relation to delegation of legislative powers. The judgement, in a prima facie view, elucidates that the impugned rule or regulation must be considered in accordance with the objective and purpose of the parent Act as well as constitutional principles. Thereby, creating a conjunction between the two and hence, embedding a strong relationship amongst the two which would validate the delegated piece of legislation. This allowed a clear-cut test to be established for understanding the extent of a rule falling under delegated legislation.

However, the debate of excessive delegation is still not at ease. Many still believe that delegation of legislative powers could steer India into a dark bottomless abyss that would only progress into the demolition of democratic principles. However, judicial precedents have made it abundantly clear that there are particular standards and basis that are required to be conferred to when considering the question of constitutionality of delegated legislation. The legislation in question should overall ensure that it is in accordance to the purpose of the act and in consonance with the Article 14, 21 and 19 and also the covers the entire ambit of the fundamental rights.

The unfettered need and considerable importance bestowed upon the theory of delegated legislation lies in the numerous administrative functions that need to be carried out in order to justly and rightfully ensure the competent working of any authority in a country where attention cannot be undivided in matters pertaining to different sectors. Delegated legislation allows for reduction in the burden that is placed upon the legislature and allows administration to enjoy a more effective status.<sup>50</sup>

However, this elucidates upon the primary foundation of the Constitution does not find identity in the theory of separation of powers and will bend accordingly to serve multiple persons interests in regulation and governance of the country. Hence, delegated legislation is classified

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<sup>49</sup> Taslima Monsoor, *Supremacy of the Constitution*, 2 DU L. J. 123 (1991)

<sup>50</sup> M.P. Singh, *Administrative Action in Violation of Natural Justice Affecting Fundamental Rights: Void or Voidable*, 2 SCC J. 1 (1979)

as a “necessary evil” thereby assuming an imperative nature to administer in the best interests of all the affected parties.

The St. Johns Teachers Training Institute case acts as a testament to such need with the judicial authorities also confirming the legislature’s powers and solidifying the nature of delegation whilst ensuring the placement of restrictive measures in order to forgo any abuse.

The only way India can achieve administrative efficacy is through delegated legislation, however, the main concern arises due to the lack of guidelines for the same from legislative authorities even though clarified by the judiciary, blurred lines between multiple judgements cannot be ignored. To ensure safeguard protection of the basic principles of the reputed and respected Constitution, a formal issuance of guidelines as to the scope and power of delegation would potentially shed some light upon the extent of legislative powers enjoyed by miniature administrative authorities and thereby halting the misuse of such powers whilst allowing the legal mechanism of delegated legislation to function.