

Delegated Legislation in Administrative Law: An Analysis of its Expansion and Forms

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Abstract

Legislation is primarily the responsibility of the legislature. However, in order to better serve the public, legislative powers are sometimes delegated to public functionaries under specific conditions. The evolution of delegated legislation (DL) demonstrates it has the potential to significantly impact the lives of ordinary people. When this power is unstructured, it can lead to adverse outcomes. Therefore, there is an obligation on other state organs to oversee DL. To effectively structure this power, it is essential to understand its various forms and differences between them. Worldwide, DL has evolved into diverse forms and shapes. This study explores the brief evolution, reasons for its expansion, and the different forms that DL has taken in modern welfare states. Through qualitative analysis, it seeks to elucidate the contours of DL within the realm of administrative law. The findings highlight that understanding the various forms of DL is necessary for proper interpretation and its effective use. This study serves as a guide for the judiciary and public functionaries to interpret and use their powers in the interest of public welfare.

Keywords: Legislation, Administrative Law, Delegated Legislation, Public Welfare, Forms of Delegated Legislation

1. Introduction

As modern governmental functions have become more complex, resultantly the process of relying on delegated legislation (DL) has grown significantly in both its size and its importance. In modern democratic systems, the legislature itself are producing only a small fraction of the total laws and regulations. Instead, a large portion of this function is delegated to public functionaries who are using it as administrative agencies. They are formulating detailed rules and regulations with an aim to implement and enforce the main laws which are passed by the main legislature (Khan, 2013, p 63). In modern systems, these public functionaries are part of the executive branch of government and they have the power to formulate rules in order to carry the force of the main law. This procedure is a key aspect of what we refer to as DL. This signifies that the legislature sets the main broad policies, and it is left for these agencies to fill in the required details and to ensure that main laws are implemented effectively (Massey, 2008, p. 1).

The rapid growth of this concept is largely due to the changing role of modern administration. They have shifted from just maintenance of peace, collection of taxes, and from defence of borders. They are now moving towards welfare states. They are now ensuring that their working creates socio-economic justice for their people (*The Registrar of Cooperatives v. K. Kunjabmu & Others* 1980). As a result, public functionaries have become so influential that many people feel like they are being governed them rather than by elected representatives (*Agricultural Market Committee v. Shalimar Chemical Works* 1997). Furthermore, in these days, legislatures are compelled to give some of their legislative power to public functionaries. However, this is not without its own risks. If too much this power is handed over to the public functionaries, it could undermine the rule of law. Without the balanced approach, there could be a danger of the public functionaries gaining too much powers (Meyerson, 2003).

Moreover, long-established views on public welfare reveal that one of the main reasons for DL is to benefit the general community, and this should not be negotiated (Azeem et al., 2023). This welfare covers the overall well-being of society in areas like health, safety, order, morality, economics, and politics (A. Garner, 2004 p 1625). C.K. Takwani noted that in the old concept of a police state, the primary role of the administration was to enforce the law. However, in a modern-day welfare state, administrative functions have expanded, as have legislative functions. Today, the legislature cannot address every issue through direct legislation. Instead, most of the laws that govern people are created by public functionaries rather than the legislature itself (Takwani, 1980). This shift has occurred because, as the functions of the state have grown and the number of laws passed by the legislature each year has increased; therefore, these public functionaries have taken a more dominant role (Sathe, 2004, p. 62).

Wade & Forsyth commented that DL is often seen as a necessary evil, an unavoidable breach of the principle of separation of powers. However, in practice, it is not only justifiable in theory but also indispensable. The line amongst legislation and administration is not as clear-cut as commonly believed, and thinking of them as entirely separate types of power is misleading. While there are some general distinctions, the notion of a clear division, similar to what exists with judicial power, is outdated. Legislative power involves legislation applies to people in general, whereas powers of public functionaries involve creation of rules or their application in specific situations. This complexity shows that today DL is an essential aspect of governance, even if it challenges traditional views on the separation of powers (Wade & Forsyth, 2004, p 839). Therefore, in democratic states, only a small portion of the whole legislation comes directly from the legislature; most of the law-making is done by public functionaries through a process: that is known as DL (Khan, 2013, p. 74).

To ensure that DL serves these purposes, there are different types of controls in place. These controls can generally be divided into two categories: judicial controls, which involve courts, and parliamentary controls, which involve oversight by the legislature. Moreover, in order to truly achieve the goals of public welfare and to protect the interests of the masses in Pakistan, it is essential to strengthen the judicial and parliamentary oversight of DL. Without tightening these controls, the primary purpose of granting powers to legislate to public functionaries cannot be fully realized. This will ensure that the use of DL may align with the broader goals of welfare of the public (Hussain, 2022).

2. Importance of the Study

Study into the controls of DL, besides its brief evolution and forms, are vital because unlike the legislative process of Parliament—which is safeguarded by democratic practices such as publicity and debate—DL lacks these protections. This absence of safeguards can pose risks to the rights and freedoms of the public who are affected by these laws. Although DL to public functionaries is often seen as a breach of the principle of Separation of Powers, yet it is considered necessary. Parliament cannot handle every issue due to limitations in specialist knowledge, practical experience, and time constraints. Therefore, DL allows the executive to address specific problems effectively (Hussain, 2022). DL is used to tackle a wide range of issues that impact the daily lives of ordinary people. As a result, it is essential that these powers and their implementation by public functionaries be closely monitored by other branches of government i.e. the legislature and judiciary. Stringent control is wanted because the rules created through DL are legally binding and have the same impact as laws passed by Parliament (Puttick, 1988). In summary, it is clear that effective control of DL is necessary to ensure it serves the public interest and upholds democratic principles (Page, 2001, p. 141).

3. Research Methodology

This work mainly adopts a qualitative approach to examine the concept of DL. The methodology is comprised of three main components. Firstly, a qualitative analysis is conducted through detailed review of legal texts, available academic literature, and expert commentaries. This approach facilitates an exploration of both the theoretical and practical aspects of the subject. Secondly, this study incorporates a case laws analysis to demonstrate how evolution, forms and controls of DL are interpreted by the judiciary. Lastly, this study is used brief comparative analysis to explore our topic in other countries such India, England and America. Together, these methods have provided a comprehensive examination of the topic, it combines theoretical insights, practical case studies, and international comparisons to enhance our comprehension on DL and its oversight.

4. Evolution of Delegated Legislation

The history of Indo-Pakistan is deeply rooted in Common Law, and it makes the development of DL in England particularly relevant for our studies. We have found a key example of DL from the past in the Statute of Proclamation from 1539. This statute granted King Henry VIII significant powers to issue proclamations, on the basis of the advice of his council, which had the force of law. The purpose of this statute was to allow the King to act swiftly in order to protect lives and property when convening Parliament was not feasible for urgent matters (Hussain, 2022). Another example of DL was the Statute of Sewers 1531 whereby the Commissioner of Sewers were authorized to make drainage schemes and to impose taxes in this regards (Wade & Forsyth, 2005, p. 859). Furthermore, the 19th century marked a significant increase in the use of DL in England. The impact of the two World Wars, which dominated much of the early 20th century, also led to a notable rise in DL. In England, though the principle of Parliamentary supremacy is well-established, however, this principle does not prevent the DL (B. & Mohana, 2020).

Though DL became more accepted over time, yet it was traditionally met with doubt. The extensive use of DL in the 19th and early 20th centuries prompted Lord Chief Justice Hewart to criticize this practice harshly in his book (Hewart, 1945). He suggested that the excessive DL was part of a bureaucratic plot to gain arbitrary authority. In response to these concerns, the Committee on Ministers' Powers, also known as the Donoughmore Committee, was established in 1929. The Committee's report, published in 1932, is considered a key document that largely legitimized and formalized the use of DL (Carr, 1934). The Statutory Instruments Act of 1946 and the Crown Proceedings Act of 1947 were significant outcomes of this report: they reflect acceptance of its recommendations (Bradley et al., 2015, p. 624).

On the other hand, in the United States there has a strong belief in the usefulness of splitting the powers of administration into three distinct branches: the legislative, executive, and judicial. The U.S. Constitution

clearly outlines these divisions. It assigns lawmaking to Congress, executive authority to its President, and the power to interpret laws to the Supreme Court. The key principle which is supporting this system is the idea that delegated power cannot be further delegated indefinitely. Congress, as the people's representatives, has been delegated the sole authority to make laws. Therefore, it cannot transfer this power to anyone else (Duff & Whiteside, 1928). Although some argue that this principle implies a prohibition on delegation, yet Sir Cecil believes that the Constitution does not explicitly forbid DL. Thus, he contends that the absence of such a prohibition suggests an inherent power to delegate (Carr, 1943).

5. Catalysts for the Expansion of Delegated Legislation

DL is now increasingly has been seen as a necessary aspect of modern democratic governance. The expansion of government functions in response to the welfare state model has led to a significant increase in legislative demands. It is impractical for a single legislative body to manage all aspects of governance alone, therefore, all these aspects make it essential to delegate certain powers to other governmental organs. However, it is crucial to ensure that these delegated authorities exercise their powers with utmost care and responsibility (R. D. Singh, 2023). Furthermore, the Courts also have consistently affirmed and acknowledged that though the power of delegation is an inherent aspect of legislative authority, yet in modern times, as legislatures are bound to tackle the complexities of socio-economic plans, therefore, they regularly find it compulsory and practical to delegate their subsidiary or ancillary authorities to chosen delegates to implement the legislation's policies (*Institute of Patent Agents v. Lackwood 1894*).

Herbert Morrison, in his book presents three arguments for allowing DL:

- i. Firstly, under modern conditions, it is impossible for Parliament to include all administrative details in an Act due to the complexity of contemporary legislation compared to that of the nineteenth century.
- ii. Secondly, it is impractical to predict whether conditions will change in ways that require adjustments to statutory provisions. If such changes occur, both Parliament and the public would be frustrated if parliamentary time were not available to address the issues. In contrast, delegated legislation allows for swift revisions through the issuance of a new Statutory Instrument.
- iii. Thirdly, no Minister can issue regulations with the force of law without specific authority, usually provided by statute (Morrison, 1964).

A.W. Bradley and K.D. Ewing in their work noted that DL is an essential aspect of modern governance for several reasons (Bradley et al., 2015, p. 676-677). They provided the following explanations:

5.1. Pressure on Parliamentary Time

If Parliament tried to pass all legislation itself, the lawmaking process would become unmanageable except there were significant changes to the procedures for considering Bills. Delegating legislative power to departments

who are administering public services can eliminate the requirement for frequent amendments of Bills. Even though many legal instruments are presented to legislature, only a few require significant consideration, and Parliament spends a small proportion of its time on such matters.

5.2. Technicality of Subject Matter

Legislation on technical issues requires prior discussion with specialists and stakeholders. Delegating legislative power to public functionaries facilitates this consultation. It ensures that the legislation is informed by relevant expertise.

5.3. Need for Flexibility

When governments establish a new community service, they feel it impossible to anticipate every organizational and managerial challenge that may rise. Frequent recourse to Parliament for amending Acts to address these challenges is impractical. DL allows for necessary adjustments once the scheme is operational. Ministers are often given the power to issue commencement orders, bringing all or part of a statute into effect. Practical reasons may delay the implementation of a new Act even after it receives royal assent. While ministers are not obligated to exercise this power, they must not act in a way that defeats Legislature's expectancy.

5.4. State of Emergency

In periods of emergency, the government may want to act rapidly and beyond its regular powers. Numerous written constitutions allow for the interruption of prescribed assurances of individual freedom in emergencies. In England, the Crown retains a residual prerogative power for national danger, and the Civil Contingencies Act 2004 provides perpetual provisions allowing the executive to enact, subject to legislative protections, in specific situations.

Furthermore, the courts also recognize the necessity of DL in the context of a modern welfare state. The Indian court also passed observations about the justification for DL and articulated it as threefold:

- i. First, there is significant pressure on legislative time. If Legislature tried to handle all legislative matters itself, the process would become untenable, making delegation essential for efficiency.
- ii. Second, the technical nature of certain subjects requires consultation with experts and stakeholders. Delegating legislative power to those with specialized knowledge ensures that laws are well-informed and effectively address the complexities involved.
- iii. Third, there is a need for flexibility. It is impossible to anticipate every administrative challenge that might emerge once a statute is in effect. Delegated legislation allows for necessary adjustments to be made in response to unforeseen difficulties, ensuring that the legislation remains effective and responsive to changing circumstances (*Avinder Singh v. State of Punjab* 1979).

DL addresses these critical needs and ensures a more efficient, informed, and adaptable legislative process. In another case, the court detected that the expansion of legislative power by the executive is a notable expansion of this period. The move away from the theory of laissez-faire has resulted in the state assuming extensive powers to enhance the societal and commercial well-being of the people. Contemporary socio-economic legislation typically outlines the guiding principles of legislative policy. Due to their limitations and time constraints, legislatures are unable to delve into detailed matters. Therefore, the exercise of allowing the public functionaries to create DL within a defined scope has emerged from real-world necessity and the logical demands of a contemporary welfare state (*Ajoy Kumar Banerjee v. Union of India 1984*).

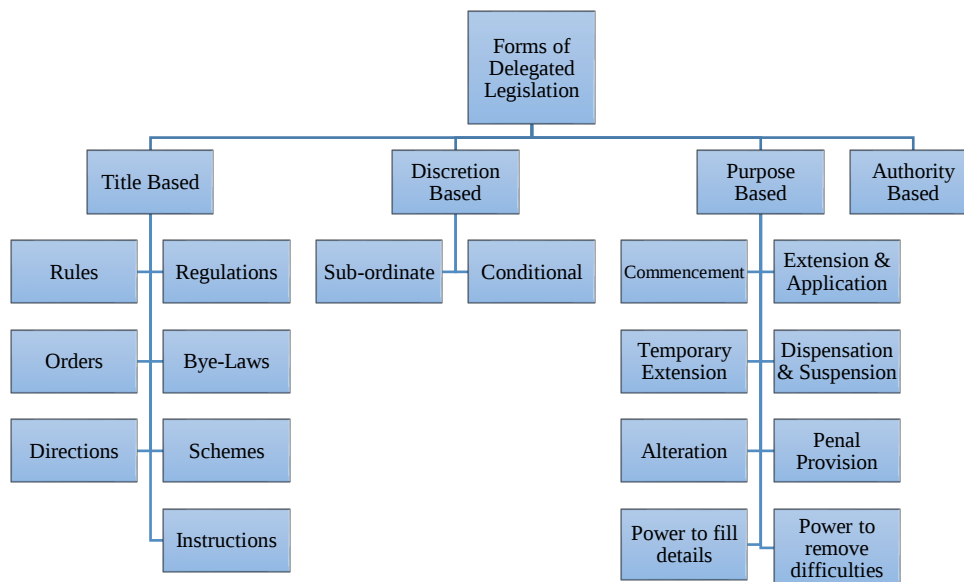
Similarly, in another instance, it was noted that legislatures function most effectively when they focus on general principles, broad purposes, and important matters, rather than mechanical details and specific situations. These details are better to be handled by full-time skilled decision-making bodies and professional public servants. Legislatures lack the time and knowhow to manage such detailed and situational matters. Furthermore, they cannot foresee and prepare for new, unexpected, and changeable situations that arise from the intricacies of modern life. This necessity for flexibility and responsiveness is the rationale for delegated legislation, making it both inevitable and indispensable (*Registrar of Coop. Societies v. K. Kunjabmu 1980*).

The need for DL arises from the ability to frame rules with precision and detail, as the statutory authority responsible for making these rules can better adapt the Act to specific circumstances after its enactment. DL allows for the use of skill and discussion with affected interests to address the real-world implementation of statutes. DL established through the specific powers granted by statutes create a framework for expected conduct and aid in enforcing the provisions of the law. The process of creating DL saves time and accommodates local variations, with the power to legislate through statutory instruments, such as rules and regulations, being granted by Parliament (*St. Johns Teachers Training v. Regional Director, National council for teacher education 2003*). The primary justification for DL is the overburdened legislature and the complexity of modern world and its society needs, which make it impossible to foresee every administrative challenge that may arise once a statute is in effect. DL addresses these needs.

6. Forms of Delegated Legislation

DL has evolved itself into various forms in contemporary modern day governance systems. To understand the different types and shapes of it has taken is essential for its effective interpretation and its useful application. This awareness will help us to ensure that each form is used appropriately and in alignment with its intended purpose (Pywell & West, 2023). There is a perplexing variety of titles which are currently being used for DL. The Acts also employ different terms without clearly distinguishing between them. In Indo-Pak, DL is typically works under the title of Statutory Rules or Orders

(Singh, 2016, p. 1040). However, this classification is not exhaustive, as it also covers other categories like regulations and notifications. To clarify the forms of DL I. P. Massey has categorized it on the basis of the title, discretion, purpose, and authority, (Massey, 2008, p. 67-72) which is outlined below:



6.1. Title Based Forms

Although the courts are of the view that the nomenclature does not matter but a source of authority matters (*Pakistan v. Abdul Hameed 1961*), yet the terms which are included in the title based forms of the DL are mainly Rules, Regulations, Orders, Bye-Laws, Directions, Schemes, Instructions, and Notifications, etc.

6.1.1. Rules

In this regard, rules may be defined as minor laws. Typically, the Act provides guidance to public functionaries on the topics for which such rules may be made. They are a well-known form of DL. They establish general rules of conduct, and if they are enacted by a body with the authority to do so, they are also enforceable by courts or other authorities (*J.A. Shodhan v. F N Rana 1964*).

6.1.2. Regulations

Whereas, regulations are held to be somewhat inferior to rules because they are generally made by a subsidiary authority like a panel or other legal body functioning under the law (*A.K. Maity v. Board of Secondary Education 1967*).

6.1.3. Orders

Moreover, order is also another term used for DL. They can be classified into two types: the first type includes executive orders that do not establish any specific course of conduct for individuals. These orders may have the

force of law or may not. The second type set forth rules of conduct that can be enforced by courts (*J.A. Shodhan v. F N Rana 1964*).

6.1.4. Bye Laws

The next term to consider is the "bye-law." They also are a recognized form of DL. They are made by local establishments or other autonomous administration agencies (Garner, 1979, p. 64).

6.1.5. Directions

Moreover, directions can either constitute DL or not. When the law uses this term to confer legislative power, it becomes DL. However, there is a distinction between administrative usage and its usage as DL. DL is binding on both the administration and individuals, whereas directions are not necessarily binding or enforceable on individuals or third parties (*Punjab Healthcare Commission v. Mushtaq Ahmed Ch 2016*).

6.1.6. Schemes

The term "scheme" is also used for DL. It can be of two types: one, those containing enforceable rules of conduct, which have the force of law if enacted by an authorized body; second, those that are purely executive in nature, they are lacking any enforceable rules and are not having the force of law (*J.A. Shodhan v. F N Rana 1964*).

6.1.7. Instructions

Lastly, instructions are directions from a superior authority to an inferior one. However, in certain situations, these have been considered binding and treated as DL. Courts are of the view that office instructions, being varied in their scope and intended as guidance for departmental conduct, do not establish legal rights. In contrast, a statutory rule possesses specific characteristics: it is explicit, has general applicability to a broad range of cases, and is published in an official government gazette (*Pakistan v. Abdul Hameed 1961*).

6.2. Discretion Based Forms

The DL can also be categorized on the basis of discretion into further two categories: one, Subordinate Legislation; second, Conditional Legislation. Justice Kapur explained the distinction between these two. He said the main difference lies in their respective powers. In conditional legislation, the delegate decides when a legislatively declared rule of conduct will become effective. In DL, the delegate has the power to create rules, which is constitutionally exercised by a public functionary. This means that after the legislature establishes broad policy principles, it can delegate the task of detailing these principles to the public functionaries. In other words, through DL, the delegate completes the legislation through providing details within the limits set by the statute. Conversely, in conditional legislation, the legislature exercises its delegation power by conditionally allowing an external authority to decide the time, manner, and area of application. Therefore, when the delegate is empowered to make rules and regulations to fulfill the statute's requirements and enable the rights it creates, it is DL.

However, when the law is complete and the only role left for the delegate is to apply it to a specific area or determine the timing and manner of its implementation, it is conditional legislation (*Hamdard Dawakhana v. Union of India 1960*). Furthermore, Justice S.B. Majmudar also clarified the difference between these two. He noted that in conditional legislation, the law is comprehensive but its implementation depends on the contentment of certain circumstances. The power delegated to an external expert is to determine whether those conditions are met. In DL, some legislative authority is delegated to an external authority. The legislature performs the essential legislative functions but delegates the ancillary task of detailing the policy. The distinction is that conditional legislation does not involve the delegation of lawmaking power and is not subject to challenges of excessive delegation, whereas DL does confer some legislative authority on an external authority and can be challenged on the arguments of excessive delegation (*Secretary, Housing Department, Madras v. K. Sabanayagam & another 1998*).

Similarly, in another case, wherein the vires of notification was under question, through which the provincial government extends the jurisdiction the West Pakistan Employees Social Security Ordinance, 1965. The court observed that government has been empowered to apply law 1965 to such areas, classes of persons, industries, and establishments from such date or dates and with regard to the provision of such benefits as the government may, by notification specify in this behalf and this is valid, and such provision has an established place in the modern legal system. Thus, the distinction is when absolute legislation to be made effective in a particular area on happening of a contingency (*Standard Printing Press v. Sindh Employees Social Security Institution 1988*). Likewise, the Supreme Court of India noted that the distinction between conditional and DL is clear. In conditional legislation, the delegate's role is to apply the law to a specific area or to determine the timing and manner of its implementation. The legislature creates a complete law, but it is not put into effect immediately. On the other hand, DL involves the transfer of power to make rules to a public functionary, which then enforces the law within a designated area. The executive's discretion under delegated legislation is broader but must remain within the boundaries of the Act. Delegated legislation is a mechanism created by the legislature to be utilized as specified in the legislation itself (*Vasu Dev Singh v. Union of India 2006*).

6.3. Purpose Based Forms

Purpose-based categorization refers to the classification of DL on the basis of the objectives it is intended to achieve. The device of DL of the power to frame the rules and regulations is used for varied purposes like:

6.3.1. Commencement of Acts

There are several Acts that authorize the public administration to assign the date with effect from what the enactment shall come into force.

6.3.2. Extension and Application of Acts

The device of DL is also often use for the extension of the Acts in respect of land and other objects and length of times.

6.3.3. Temporary Extension of Acts

Some Acts of temporary nature having a fixed tenure sometimes contains a provision enabling the Government to extend the life of the Act or part of it.

6.3.4. Dispensation and Suspension of Acts

There are many Acts which provide an exception clause authorizing the public functionaries to make exceptions from whole or any of the provisions of an Act in a specific case or class of cases when, in the option of the administration, such a course is necessary.

6.3.5. Alteration of an Act

Alteration theoretically amounts to an amendment of an Act. It may be through way of variations or amendments. Modification empowers the Government to make changes in any Act by way of (i) adoptions; (ii) alterations; (iii) exceptions; (iv) restrictions; or (v) additions so that the modified Acts serves some purpose other than that for which it was originally enacted.

6.3.6. Penal provisions

Sometimes, the power to provide penal provision through rules-making also delegated to the administration to act in accordance with the circumstances and necessities of the situations.

6.3.7. Power to fill details

This the most common kind of DL wherein the delegation of powers is made to fill the details. The legislature passes the basic and authorizes the executive to deliver the details through the DL. The permitting clause typically used the words: the government may make rules to carry out the purposes of the Act (Sathe, 2004, p. 30).

6.3.8. Power to remove difficulties

Many legislations provide provisions enabling the government or the executive to make rules to remove the difficulties in implementation of the Act and to effectuate its purpose and policy.

6.4. Authority Based Forms

I.P. Massey explained that sometimes the DL authority grants itself or a subsidiary authority the additional power to issue rules, a process known as sub-delegation of legislation. However, this further delegation is only valid if the parent Act explicitly allows it. If the parent Act does not authorize further delegation, then, according to the principle of 'delegatus non potest delegare,' sub-delegation is not permissible (Massey, 2008, p. 71).

In a case wherein the power to hear revision petitions was vested in the Commissioner, but the Additional Commissioner heard the case instead, leading to a legal challenge. The court ruled that the power to hear revision petitions under Rule 7 of the Punjab Land Reforms Rules, 1973, is vested

solely in the Commissioner and cannot be exercised by the Additional Commissioner. The court emphasized that if the statute designates a specific person to exercise a power, it must be exercised by that person alone. Delegation of powers or functions requires explicit or implicit authority, and any action taken by a delegated authority without such power undermines the jurisdiction. A delegate cannot further delegate (*Imtiaz Gohar v. Additional Commissioner 1990*). Similarly, in another case the court referenced David Foulkes's book, stating that an act may be ultra vires if performed by the wrong person, highlighting the issue of delegating functions. When a power is conferred on an individual, they cannot generally transfer it to another person (*Muhammad Yusuf Ali Shah v. Federal Land Commissioner 1995*). The court also cited English case, where a minister had lawfully delegated his powers to a county war agriculture committee, which then improperly allowed its executive officer to select the land, leading to the notice being declared invalid (*Allingham v. Minister of Agriculture and Fisheries 1947*).

7. Conclusion & Recommendations

DL has become an indispensable component of modern governance. It reflects the evolving needs and it address modern complexities of contemporary states. It ensures welfare of the public. As the legislative bodies are facing increased pressure due to the expansive scope of modern governance and to achieve the welfare state destination, DL offers a pragmatic solution: it allows detailed and specialized rules and other forms to be developed and then to be implemented by public functionaries who are executive agencies of the government. This delegation of power ensures that laws are applied with the necessary precision and adaptability to address specific administrative needs of the modern world and also rapidly change circumstances.

The historical evolution of DL reveals its significance, from early examples like the Statute of Proclamation and Statute of Sewers in England to contemporary practices across different jurisdictions. This study shows that the expansion of DL has been driven by various catalysts, it includes the need to alleviate parliamentary workload, to address technical complexities, to provide flexibility, and to respond effectively during emergencies. These factors underscore the practical necessity and functional efficacy of DL in a modern welfare state.

However, despite its benefits, the practice of DL is not without challenges. The potential for overreach and the erosion of the principle of separation of powers necessitates rigorous oversight and control mechanisms. This study shows that to make judicial and parliamentary control more effective, it is necessary to understand its need and its various forms that it has taken today, so that interpretation may be made keeping in due regards to its intended scope and public welfare.

Therefore, in order to effectively interpret and manage DL within the realm of administrative law, it is essential to first comprehend the underlying reasons for its growth and the evolving nature of its application. It is recommended that comprehensive studies, as above, should be conducted to explore the historical and contemporary contexts that have shaped DL practices. This includes a thorough examination of the various terminologies and frameworks associated with DL. Understanding these aspects of DL will enable public functionaries to work more accurately and then the judiciary to make informed interpretations. This will ensure that DL serves its intended purpose without compromising the principles of democratic oversight and public welfare. It is also recommended to initiate enhanced training for legislators and judicial bodies on the nuances of DL coupled with the development of clear guidelines and best practices to better use the DL.

8. References

- A. Garner, B. (2004). *Black's Law Dictionary* (8th ed). Manhattan: Thomson West.
- Agricultural Market Committee v. Shalimar Chemical Works (1997) 5 SCC 516.
- Ajoy Kumar Banerjee v. Union of India (1984) 3 SCC 127.
- A.K. Maity v. Board of Secondary Education 71 CWN 396 (1967).
- Allingham v. Minister of Agriculture and Fisheries (1947) 1 All ER 780.
- Avinder Singh v. State of Punjab AIR 1979 SC 321.
- Azeem, H. M., Tariq, M., & Rafique, M. Z. (2023). Navigating the Complexity of Administrative Actions: A Taxonomy and Legal Analysis. *Pakistan Journal of Humanities and Social Sciences*, 11(3), 3600–3608.
- B., A., & Mohana, M. V. (2020). Delegated Legislation: A Study of Its History, Evolution, and Contemporary Position in India, United States of America and United Kingdom. *International Journal of Law Management & Humanities*, 3(5), 690.
- Bradley, A. W., Ewing, K. D., & Knight, C. (2015). *Constitutional and Administrative Law*. Pearson.
- Carr, C. T. (1934). Delegated Legislation in England As Seen from Abroad. *Journal of Comparative Legislation and International Law*, 96–103.
- Carr, C. T. (1943). Delegated Legislation in the United States. *J. Comp. Legis. & Int'l L. 3d Ser.*, 25, 47.
- Duff, P. W., & Whiteside, H. E. (1928). Delegata Potestas Non Potest Delegari A Maxim of American Constitutional Law. *Cornell Law Quarterly*, 14(2), 168–196.
- Garner, J. F. (1979). *Administrative Law* (5th ed.). Butterworth & Co Publishers Ltd.
- Hamdard Dawakhana v. Union of India (1960) 2 SCR 671.

- Hewart, G. H. B. (1945). *The New Despotism*. E. Benn limited.
- Hussain, K. (2022). *ANALYSIS OF DELEGATED LEGISLATION BY THE EXECUTIVE ON THE TOUCHSTONE OF PUBLIC WELFARE CONCEPT: A CASE STUDY OF PAKISTAN* [PhD Thesis]. International Islamic University, Islamabad.
- Imtiaz Gohar v. Additional Commissioner 1990 MLD 1912.
- Institute of Patent Agents v. Lackwood (1894) AC 347.
- J.A. Shodhan v. F N Rana AIR 1964 SC 648.
- Khan, H. (2013). *Principles of Administrative Law*. OUP Pakistan.
- Massey, I. P. (2008). *The Administrative Law*. Four Star Publishers.
- Meyerson, D. (2003). Rethinking the constitutionality of delegated legislation. *Australian Journal of Administrative Law*, 11(1), 45–55.
- Morrison, H. (1964). *Government and Parliament: A Survey from the Inside*. Oxford University Press.
- Muhammad Yusuf Ali Shah v. Federal Land Commissioner 1995 CLC 369.
- Page, E. (2001). *Governing by Numbers: Delegated Legislation and Everyday Policy-Making*. Hart Publishing.
- Pakistan v. Abdul Hameed PLD 1961 SC 105.
- Punjab Healthcare Commission v. Mushtaq Ahmed Ch PLD 2016 Lahore 237.
- Puttick, K. (1988). *Challenging Delegated Legislation*. Waterlow.
- Pywell, S., & West, T. (2023). *Delegated Legislation: What types are there, and how are they made?* The Hansard Society for Parliamentary Democracy. <https://oro.open.ac.uk/94691/>
- Registrar of Coop. Societies v. K. Kunjabmu AIR 1980 SC 350.
- Sathe, S. P. (2004). *Administrative Law*. LexisNexis Butterworths.
- Secretary, Housing Department, Madras v. K. Sabanayagam & Another (1998) 1 SCC 318.
- Singh, G. P. (2016). *Principles of Statutory Interpretation: Including the General Clauses Act, 1897 with Notes*. LexisNexis.
- Singh, R. D. (2023). DELEGATED LEGISLATION: A NECESSARY EVIL. *AGPE THE ROYAL GONDWANA RESEARCH JOURNAL OF HISTORY, SCIENCE, ECONOMIC, POLITICAL AND SOCIAL SCIENCE*, 4(8), 18–25.
- St. Johns Teachers Training v. Regional Director, National Council for Teacher Education 2003 3 SCC 321.
- Standard Printing Press v. Sindh Employees Social Security Institution 1988 SCMR 91.
- Takwani, C. K. (1980). *Lectures on Administrative Law*. Eastern Book Company.

-
- The Registrar of Cooperatives v. K. Kunjabmu & Others AIR 1980 SC 350.
 - Vasu Dev Singh v. Union of India 2006 (11) SCALE 108.
 - Wade, W., & Forsyth, C. F. (2004). *Administrative Law* (8th ed.). Oxford University Press.
 - Wade, W., & Forsyth, C. F. (2005). *Administrative Law* (9th ed.). Oxford University Press.