



**DADABHOJ INSTITUTE
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⇒ PRINCIPLES OF POLITICAL SCIENCE

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FINAL EXAMINATION.

QUESTION NO. 2: -

Types of legislation, define sub ordinate legislation and its kind.

=>ANSWER: -

=>INTRODUCTION TO LEGISLATION: -

-Legislation is defined as the process of enacting bills into law and laws and rules made by the government. In other contexts, it is sometimes used to apply to municipal ordinances and to the rules and regulations of administrative agencies passed in the exercise of delegated legislative functions. The legislative process further includes evaluating, amending, and voting on proposed laws and is concerned with the words used in the bill to communicate the values, judgements, and purposes of the proposal. An idea becomes an item of legislative business when it is written as a bill. A bill is a draft, or tentative version, of what might become part of the written law.



--->Procedure of Enactment of Legislation: -

-The general procedure of enactment of legislation is governed by the relevant constitution. When a bill is first introduced by a sponsor, it is referred to a committee. If the bill must go through more than one committee, the first committee must refer it to the second. To accommodate interested and affected groups and to eliminate technical defects a bill can be amended. If the committee recommends that the bill be passed, the placed on the agenda by the full legislative body, or floor action. If the executive signs the bill, it is filed and becomes law.

=>TYPES OF LEGISLATIONS: -

-**Subordinate legislation** and **supreme legislation** are the two types of legislation. They are different from the divided legislative powers which are namely, state list, union list and concurrent list.

Furthermore, the authority of legislation generally lies with the sovereign authority of the entire political community. The legislation can be both **direct** and **indirect**. Coming on to the direct legislation, it is when the sovereign or the supreme authority itself legislate any law. The legislation becomes indirect when the sovereign or

For example: In England, Parliament is the Supreme authority is above all. Parliament of England is not only Supreme but is also legally invincible. Conclusively, in England, there seems to be no legal limitations in the power of Parliament.

In India, the parliament is supreme, too. Although Indian Parliament is not subjected to any legislative authority but it has certain constitutional limitations upon its power. This limitation is widely exercised by the judiciary, especially, the apex court.



--->Subordinate Legislation: -

-Any other legislation that is lower in authority than the supreme legislation is called subordinate legislation. Also, it derives from any authority besides the sovereign power. Also, the legislation created by the authorities like municipalities, universities, and corporations that are under the authority of supreme legislation are also parts of subordinate legislation. This legislation is basically made under the power delegated to the authority by the sovereign. This type of legislation completely survives in the mercy of the supreme authority. It means that the supreme authority can alter or destroy this legislation if it desires.

1. Furthermore, the **judiciary** has also been given legislative powers. Thus, **superior courts** are allowed to make rules that can regulate their administration and function.
2. The main purpose of the of the **executive** is to enforce the law. Also, it is given in the legislative power that in some cases it can make rules. So, this type of subordinate legislation is known as **delegated legislation** or **executive legislation**.
3. The **municipal corporation** can enjoy only limited power that has been given by the legislation to make the by-laws and rules for their areas under their jurisdiction. In many cases, the states give authority to the autonomous bodies like institutions to make their own rule that is enforced by the court of justice.

However, the decision-making the power of the executive at the top is very limited. These rules are placed on both houses of parliament by the executive and are then considered to be approved by legislation. Thus, the rules become part of the laws.



--->Types of Subordinate Legislation: -

-Subordinate legislation has been further divided into some classes which have been discussed hereunder:

1. Autonomous Legislation: -

-Autonomous legislation or laws refer to those laws in which the supreme authority grants power to a group of individuals to make laws on the matters handed over to them as a group. So here the law made by the latter is called Autonomous Law or Autonomous Legislation and the body making those laws is called autonomous body.

For example, Railway corporations can be termed as autonomous body and the by-laws, guidelines, rules, etc., which has been legislated by them for their regulation is autonomous law.

Similarly, universities are also autonomous body and is entitled to lay down rules and laws for its regulation.

2. Judicial Rules or Legislation: -

-As judiciary is one of the organs of the government whose main function is to interpret the enacted laws. Judiciary is provided with the powers to lay down certain rules and guidelines for the proper regulation of its procedure. In some countries, Supreme court is the apex judicial body and has been authorized to make rules and guidelines for the regulation of its administration and functioning.

Similarly, High courts are also provided with the power to make rules and guidelines for its administration and functioning. These rules are called the judicial rules and are part of the subordinate legislation.

3. Municipal Laws or Legislation: -

-Several local bodies are provided with the power to make by-laws in order to tackle down the local issues. These by-laws which are made by the local bodies work within the particular locality. These local laws play a very important role in certain countries where there's enormous locality whether it's socially, culturally, or geographically. These local laws directly or indirectly boost their unity at large.

4. Colonial Law or Legislation: -

-The countries which are not independent and are under the control of some other state and those countries have no sovereign power to make laws. These kinds of countries are denoted by different labels such as colonies, dominions, protected, trust territories and many other. So the law made by them is not supreme but, is subjected to the supreme legislation of that state they're under the control of. Hence, this kind of legislation is part of the subordinate legislation.

For example, Britain had various colonies and dominions and the laws made in those colonies were subjected to the Supreme Law of England. In them the laws made for self-government of the territories could be altered repealed by the law of British Parliament. As of now, almost all of the dominions have successfully achieved their independence and have uncontrolled power of law-making. Thus, this kind of legislation is unlikely to come into existence again in the future.

5. Executive Legislation or Law: -

-Legislative, judiciary and executive are three different organs of the government. Each has their own functions to be performed, i.e., Legislature is required to make laws; Executive is required to implement those laws and Judiciary to interpret those laws. These three organs are separate and independent of each other, coming on to executive organ - this organ in addition to its normal function, also sometimes performs the task of law-making. This law-making also comes within the domain of Subordinate Legislation. This power of law-making is delegated by legislature. In now's era, this kind of law-making has become inevitable. The supreme authority just lays down the fundamental laws and various departments are entrusted with the power to fill the details. This kind of Subordinate Legislation is called "Delegated Legislation" or Executive Legislation.



=>CONCLUSION: -

-Legislation occupies a very essential place in the source of law. As explained above, the legislation gets bifurcated in two different types that are supreme and subordinate. Both of the types have their own importance in the law. Obviously, Supreme Legislation is the one which is above all but, in the present, Subordinate Legislation has also established a well-settled spot in our legal world and cannot be ignored.

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