



CONSTITUTIONAL CONTROL OF DELEGATED LEGISLATION THROUGH JUDICIAL REVIEW IN INDIA

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ABSTRACT

The judiciary in India supervises delegated legislation to ensure that it is implemented in accordance with the Constitution. Despite its critical role in modern administration, delegated legislation is subject to constitutional restrictions to prevent the arbitrary or disproportionate use of authority, which is a result of the complexity of administrative obligations. The investigation examines the constitutional foundation of delegated legislation, excessive delegation, separation of powers, and extra vires. The expanding judicial perspective on the validity of subordinate legislation is examined. The paper analyzes significant decisions taken by the Supreme Court and High Courts concerning the nullification of delegated legislation that violates constitutional mandates, exceeds enabling provisions, or infringes on fundamental rights. This article examines the manner in which judicial review achieves a balance between the rule of law and administrative effectiveness in order to safeguard constitutional supremacy, legislative accountability, and individual rights in India.

Keywords: *Delegated Legislation; Judicial Review; Constitutional Control; Constitution of India; Administrative Law; Subordinate Legislation; Rule of Law; Separation of Powers;*

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1. INTRODUCTION

The law that is delegated to other authorities is the bedrock of contemporary administrative law. The executive branch is granted the authority to develop directives, rules, and regulations that are substantiated by legislative endeavors through the implementation of this type of legislation. The government's effectiveness is guaranteed by its ability to promptly adapt to the needs of society, the economy, and technology. It is imperative to utilize the powers that have been delegated in order to operate within the constraints of the Constitution and the enabling legislation.

The Constitution of India maintains the rule of law, the separation of powers, and constitutional supremacy through its provisions. Despite the fact that delegated legislation serves a critical administrative function, it is impossible for it to violate constitutional principles or supersede legislative intent. This is true regardless of whether the law is delegated. In order to guarantee that subordinate legislation is valid, logical, and consistent with legislative authority and fundamental rights, the constitution mandates that it be subject to judicial review. This is done to guarantee the legitimacy of the law.

They are authorized to assess delegated legislation and reject components that are arbitrary, unlawful, or exceed their authority, as the Constitution is under scrutiny. The Supreme Court and High Courts possess this capacity as a result of their constitutional review authority. This method ensures that the legislative powers that have been assigned are employed in a manner that is both constitutionally and legally compatible by striking a balance between the necessity of the constitution and the need for administrative efficiency.

2. JUDICIAL CONTROL OVER DELEGATED

LEGISLATION

In order to prevent the abuse of delegated legislation, it is imperative to have judicial oversight. The judiciary guarantees that subordinate authorities comply with the Constitution and utilize only the powers authorized by the enabling statute. Judicial review is conducted by the courts as part of the process of determining whether or not delegated legislation complies with the primary Act, constitutional constraints, and natural justice. Delegated legislation is likely to be subject to constitutional scrutiny, as Article 13(3)(a) defines "law" to include rules, regulations, ordinances, notifications, and directives.

Judicial Review of Delegated Legislation

Judicial review enables courts to evaluate the validity of delegated legislation. The judiciary is tasked with the responsibility of ensuring that administrative authorities make rules in a manner that is appropriate, equitable, and in accordance with the statute that authorizes them to do so. Additionally, it is responsible for preventing overreach beyond the jurisdiction of legislative bodies. The courts have the authority to declare a piece of delegated legislation unconstitutional if it is arbitrary, irrational, contradictory with the enabling Act, or violates constitutional mandates. The purpose of this action is to safeguard individual rights and advance the rule of law.

Constitutional Limits on Delegation

The amount of power that can be transferred to legislative bodies has been constitutionally limited by the courts. The court recognized only qualified law as authoritative in the case of *Jatindra Nath Gupta v. Province of Bihar*. The Supreme Court reaffirmed in the case of *In re Delhi Laws Act* that the legislature has the authority to delegate ancillary legislative functions, but it cannot disregard its core legislative obligation of determining legislative policy. The Supreme Court reaffirmed in *Harishankar Bagla v. State of Madhya Pradesh* that the legislative branch is obligated to establish policy parameters before delegating rule-making authority to the executive branch.

Parent Act Ultra Vires the Constitution

If the laws from which it is derived are unconstitutional, delegated legislation is deemed to be illicit. The legislation that is delegated by the enabling act is invalid if it violates fundamental rights or exceeds the legislative authority. Judicial analysis must initially determine whether the parent Act's validity has been violated prior to evaluating delegated legislation.

Delegated Legislation Ultra Vires the Constitution

Delegated legislation that violates fundamental constitutional principles or fundamental rights is constitutionally invalid, regardless of whether the parent Act is constitutional. In the case of *Dwarka Prasad Laxmi Narain v. State of Uttar Pradesh*, certain provisions of the Uttar Pradesh Coal Control Order were declared unlawful due to their violation of Article 19(1)(g). Discriminatory service regulations violated Article 14, as evidenced by the case of *Air India v. Nergesh Meerza*. As per the Supreme Court of India's ruling in *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*, subordinate law is subject to judicial review due to its lack of immunity from Parliament.

Doctrine of Ultra Vires

The ultra vires concept serves as the bedrock of judicial review of delegated legislation that exceeds the scope of the powers. Substantial ultra vires is a term used to describe legislation that either exceeds or conflicts with the primary statute in the context of delegated legislation. When rule-making authorities disregard the procedure that allows them to act, they are engaging in behavior that is deemed extra vires. In any given situation, the courts may declare delegated law to be unconstitutional.

Mala Fides (Bad Faith)

If delegated law is founded on malice or poor faith, it is feasible to contest it. The courts have the power to invalidate the legislation that has been assigned to them in the event that the rule-making body is biased, abuses its statutory powers, or misuses its delegated authority. In contrast, allegations of mala fides necessitate substantial evidence, as courts are inclined to assume that public authorities act in good faith unless they are presented with information that contradicts this belief.

Arbitrariness and Unreasonableness

The judiciary is accountable for conducting a comprehensive review of delegated law to guarantee that it is not arbitrary, unreasonable, or nonsensical. A delegated law may be deemed unlawful if it violates Articles 14 and 19 of the Constitution, imposes constraints that are unreasonable, or appears to be irrational. In the case of *State of Madhya Pradesh v. Mahalaxmi Fabric Mills Ltd.*, the Supreme Court made a decision that subordinate law that is arbitrary or confiscatory and violates constitutional equality and freedom can be dissolved.

Significance of Judicial Control

The judiciary's oversight system is the most effective constitutional safeguard against arbitrary or excessive legislative authority. Judicial review guarantees that delegated legislation is consistent with the constitution, the rights of individuals, and the constitutional provisions of the primary statute. The judiciary is responsible for preventing the exploitation of delegated authority in order to maintain the rule of law and a balance between legislative and executive actions.

3. EFFECTIVENESS OF JUDICIAL CONTROL

OVER DELEGATED LEGISLATION

Ensuring the Rule of Law

The goal of judicial review is to make sure that the delegated law complies with both the Constitution and the original statute. To stop the government from going beyond its bounds, the courts have the power to declare ultra vires legislation and regulations unconstitutional. This guarantees that administrative employees follow the law and don't misuse their legislative power.

Preventing Arbitrary Exercise of Power

In order to stop legislative exploitation, judicial surveillance is essential. To avoid the president acting as a "super legislator," the courts evaluate delegated legislation to determine its legitimacy, consistency, and compliance with established protocols. Citizens are shielded from subordinate legislation that is irrational, capricious, or unlawful by judicial review.

Ensuring Compliance with Statutory Procedures

The court is responsible for determining whether the rule-making authority has complied with the parent Act's procedural requirements. Delegated law may be deemed unconstitutional if the requirements of prior notice, consultation, or parliamentary approval are not fulfilled. As a result, the legislative process becomes more open, responsible, and fair.

Development of Legal Principles

The Supreme Court and the High Court developed the ideas of ultra vires, undue delegation, and proportionality of delegated legislation. These principles make it easier for administrative authorities to create regulations and for subordinate courts to interpret delegated law consistently.

Comparative Effectiveness of Judicial Control

To stop the abuse of legislative power, oversight from both the legislature and the judiciary is essential. Because courts have the authority to invalidate delegated legislation that violates the Constitution or the enabling Act, judicial control is often seen as more effective than other types of law enforcement. Unlike political and supervisory legislative monitoring, judicial inspection can provide a direct and enforceable remedy for improperly delegated legislation. The current situation of legislative oversight stands in sharp contrast to this.

4. CONCLUSION

In conclusion, judicial review of delegated legislation is crucial to safeguarding the Constitution and ensuring that delegated authorities are applied within lawful limits. Effective administration requires delegated legislation, but it must not trump fundamental rights, statutory obligations, or constitutional duties. The courts analyze subordinate legislation to prevent executive power abuse, undue delegation, and arbitrariness. Judicial review ensures accountability, openness, and citizen rights by maintaining the constitutional balance between legislative delegation and executive action.

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