

PALLAVI REFRACTORIES V. M/S SINGARENICOLLIERIES CO. LTD. AND THE LIMITS OF DELEGATED LEGISLATION

SAYANI BANERJEE
Symbiosis Law School, Hyderabad

ABSTRACT

Although India acknowledges the doctrine of Separation of Power, due to certain necessities, the power of one organ may confer upon another. Legislature in a welfare state has a number of functions to discharge and in certain occasions, it may not be feasible for one organ to operate everything alone. When the Parliament authorizes the law-making power to another body, the legislation so made is termed as delegated legislation. This concept of delegated legislation has been there since the British period and has also been approved by the Supreme Court in various judgements. However, the concept is not absolute and is subject to several limitations. Whenever, a question arises before the court of law regarding the validity of a delegated legislation, it checks whether the enactment is well within the legislative policy of the parent act and if it amounts to excessive delegation. If the legislature delegates its essential functions to the subordinate body, then it would not be regarded as a valid delegation. Further, if the executives go beyond its power and make rules, then it would be invalidated on the ground of excessive delegation. Thus, it is important for a delegated legislation to abide by the object and scope of the parent act. In this particular paper, the author apart from studying the limits of delegated legislation in India, also compared the position in other countries like US and England. In US, due to the rigid doctrine of separation of power, delegated legislation is not given much recognition. However, in England delegated legislation is permissible subject to certain limitations. Towards the end, the author has analysed the case of Pallavi Refractories & Ors. Etc. v. M/S Singareni Collieries Co. Ltd. Etc. in the light of delegated legislation. The judgements delivered by the court before and after this particular case have also been discussed at length.

Keywords: Separation of power, Delegated Legislation, Essential Legislative Functions, Excessive Delegation

I. INTRODUCTION

In India, there is a distribution of duties among various organs, namely, Legislature, Executive, Judiciary.¹ Each one has its own power and authorities and does not cross the boundaries assigned to it. The executives are responsible for proper execution of the country's laws, whereas, the judiciary applies those laws in cases of conflicts between parties. The Constitution of India entitles the Legislature with the duty of framing law and order of the country. Although the primary work of the legislature is limited to drafting legislative policy and making orders, there are many other roles that it has to play in a welfare state. In several occasions, it is not possible for the legislature to perform all the functions single-handedly which is why the requirements for delegated legislation arise.²

When the legislation gets delegated, the executives step into the shoes of the legislature for discharging their responsibilities. The main objective behind such delegation is to ensure smooth and speedy functioning. The same has been approved by the apex Court in the case of *Raj Narain Singh v. Chairman, Patna Administration Committee*.³ The executive derives the power to legislate upon a certain matter by virtue of the Parent Act.

At the time of delegation, the legislature must ensure that the lower bodies are functioning within the decided borders. There are various instances when the legislature crosses the limitations and provide excessive authority to the executives.⁴ In the case of *RasidJaved v. State of Uttar Pradesh*,⁵ the Hon'ble Court observed that if a law made by the executive exceeds the limit of delegated legislation then it shall be nullified with the pre-sanction of the delegating body.⁶

In the present case of *Pallavi Refractories & Others v. Singareni Corilleries Co. Ltd. & Others*,⁷ the main issue was that the respondents (state owned company) were charging double price for the same product through a government notification. It was contended by the

¹ IP Massey, Administrative Law, Eastern Book Company, 2017

² Queen v. Burah, [1878] UKPC 26

³ Raj Narain Singh v. Chairman, Patna Administration Committee, 1954 AIR 969

⁴ Lachmi Narain v. UOI, AIR 1976 SC 714

⁵ RasidJaved v. State of U.P., (2010) 7 SCC 781

⁶ J.K. Industries Ltd. v. UOI, (2007) 13 SCC 673

⁷ Pallavi Refractories & Ors. v. Singareni Corilleries Co. Ltd. & Ors., (2005) 2 SCC 227

appellants that the notification was arbitrarily imposed as it infringes Article 14 of Indian Constitution.⁸ However, the Court held that there was no mistake on the part of sub-ordinate legislation as the same do not violate any constitutional rights. The case is related to the concept of delegated legislation and a critical analysis of it would reveal the limits posed to it.

The research paper would be further elaborating upon the background of delegated legislation and its limits through various case laws and illustrations. The judgements delivered by the Courts pre and post the case of *Pallavi Refractories & Ors. v. Singareni Coralleries Co. Ltd. & Ors.* would also be discussed at length in the paper.

II. DELEGATED LEGISLATION IN INDIA

As per the definition given in the Black's Law Dictionary, the word delegation is nothing but a mode in which one person passes down his authority to another to perform it on his behalf.⁹ Generally, such authority follows a lower level of hierarchy, i.e., it is the one in superior position who delegates the power. Once the authority to legislate gets delegated, different bodies get the power to make rules and amendments in the existing laws.¹⁰ However, all such delegations must be in accordance to the rules made by the Parliament from time to time. In the case of *Sukhdev v. Bhagat Ram*,¹¹ the Court observed that there are several categories of delegated legislation in the form of "by-laws", "rules" etc. *Sir Salmond* believes that a delegated legislation is not independent in nature. This means that such legislation does not have its own identity but derives it from some higher authority.¹²

HISTORICAL BACKGROUND

The theory of delegation in India came up through the Charter Act, 1833.¹³ The inception happened a number of years back when India was under the influence of British rule. By virtue of this Charter, all the powers relating to rule-making were granted to the country's Governor. Whenever there came a need to rectify or change any prevailing laws, the decision

⁸ Indian Constitution, Art. 14

⁹ *Supra* note 1

¹⁰ C.K. Allen, *Law and Orders: An Inquiry into the Nature and Scope of Delegated Legislation and Executive Powers in English Law* (1965)

¹¹ *Sukhdev v. Bhagatram*, AIR 1975 SC 1331

¹² *Salmond*, *Jurisprudence* (12th Edition) 116

¹³ C.K. Thakker, *Administrative Law*, Eastern Book Company, 2016

made by the Governor was considered to be the final one. This policy was followed for a long time until when the 1935 Act of the Government of India came up.¹⁴ The new Act provided for important aspects of delegation of authority.

Indian Constitution is founded upon the concept of separation of powers which distinguishes the responsibility of one body from that of another. However, in exercising the duties, it is not always possible for the bodies to remain within their boundaries. The British administrators considered these issues and made several decisions in this regard. In the present time, whenever there arises a conflicting situation regarding delegated legislation, the matter is resolved through the British methods.

However, these situations are not provided explicitly under the Indian Constitution. The only reason is that, the law framers believed that these are general issues and it is only matters of gravity and social good that needs to be enacted in the Constitution. The Privy Council in the case of *Queen v. Burah*¹⁵ observed that the primary authority of making laws is granted to the Governor of the country. However, since the Governor is responsible for multiple powers at a time, he may at his will distribute the power to the executive for carrying it out further. The Council also allowed the legislature to pass its power to the executive when the 1912 Act of New Delhi was enacted.

NECESSITY

Delegated Legislation has varied importance and essentials. One of the main benefit of delegated legislation is that, such legislation does not call for the enactment of another statute, rather, it makes the required changes and modifications in the existing one. The number of delegated legislation keeps on increasing irrespective of an increase in the Parliamentary Acts. Further, the laws made through delegation are given similar recognition to that of the legislature. In the case of *Gwalior Rayon Mills v. Assistant Commissioner of Sales Tax*,¹⁶ it was observed that the legislature often lay down certain principles on combatting contemporary issues however, owing to several constraint, it is not possible for them to elaborate and simplify these guidelines. In such situations, delegation acts as an

¹⁴*Id.*

¹⁵ *Queen v. Burah* [1878] UKPC 26

¹⁶ *Gwalior Rayon Mills v. Asst. Commissioner of Sales Tax*, AIR 1974 SC 1660

effective means to bridge the gap. The following points will further elaborate the causes which led to the necessity of delegated legislation in India.

- While making a rule or a law, the legislature has to do extensive research and analysis apart from their other responsibilities. This makes it extremely difficult for them to balance all the work at a time.¹⁷ Delegated Legislation allows the legislature to focus on other issues which are of greater value and importance.
- Due to development in different sectors, the legislature now need to understand the intricacies and technicalities before framing the laws. This is the reason why the legislature chooses to restrict itself in other administrative functions and delegate the rule-making power to executive bodies.¹⁸
- Sometimes, there is a need for consistent amendments and modifications in the law as per the changing time. However, it is not viable for the legislation to constantly update itself. This is when delegation comes into effect.
- Delegation allows the laws to be made by an expert in that particular area or by someone who has sufficient knowledge on it.
- When there arises an urgency for enactment or repealing of law, the process of delegation acts as a utility.
- If the Government while legislating on a particular matter requires discretion, then delegation legislation becomes necessary.

III. CONSTITUTIONALITY OF DELEGATED LEGISLATION

Whenever there arises a question regarding the constitutionality of delegated legislation, it is important to check whether the delegation is well within its specified limits. A legislative policy indicates the crux of the enactment.¹⁹ It reflects the contents and objectives upon which the Act is based. Indian Constitution does not contain any provision that specifically deals with delegated legislation. However, if Article 312 of the Constitution is analysed, it appears that the upper house of the Parliament may by passing a resolution create

¹⁷Avinder Singh v. State of Punjab, (1979) 1 SCC 137, 147

¹⁸*Supra* note 1

¹⁹*Id.*

opportunities for “All India Services.”²⁰ The objective of this article is to permit delegation of legislation by passing down certain powers in the hands of other bodies.²¹ The topic shall be understood further on the basis of the judgements passed by the following courts in different time periods:

PRIVY COUNCIL

The constitutionality of Delegated Legislation has come a long way from the British era to the period of independence. In the case of *R. v. Burah*,²² a statute was enacted in 1869 which made clear that it is in the hand of the Governor to choose people whom he wants to provide the authority.²³ Further, he may decide the matters on which rules are to be made and the manner in which it is to be done. The question was regarding the validity of such delegation. The Council decided that Indian Legislature is a separate body and reserves the power of conditional legislation. Similar decision was given in another case of *King v. Benoari Lal*.²⁴

FEDERAL COURT

In the case of *JatindraNath Gupta v. Province of Bihar*,²⁵ the question before the court was regarding the constitutionality of Section 1(3) of Bihar Maintenance of Public Order Act, 1948.²⁶ It was contended that the provision enabled the legislature to modify the contents of the Act which comes under the purview of essential legislation. However, the court rejected the petition stating that it is well within the powers of the Government to make changes in the existing legislation and the same cannot be questioned.²⁷

SUPREME COURT

The Legislature has several powers relating to the imposition of tax. In the case of *PanditBanarasi Das Bhanot v. State of Madhya Pradesh*,²⁸ the court observed that the legislature reserves authority to delegate matters regarding the persons on whom tax is to be

²⁰Indian Constitution, Art. 312

²¹ D. S. Grewal v. the State of Punjab, 1959 AIR 512

²²R. v. Burah, (1878) LR 3 AC 889

²³Act of 1869, S. 8

²⁴ King v. Benoari Lal, AIR 1945 PC 48

²⁵ JatindraNath Gupta v. Province of Bihar, AIR 1949 FC 175

²⁶ Bihar Maintenance of Public Order Act, 1948, S. 1(3)

²⁷Supra note 31

²⁸ PanditBanarasiDasBhanot v. State of Madhya Pradesh, 1958 AIR 909

imposed, the amount of tax, the rates and the types. The same cannot be challenged on the ground of constitutionality.

In the case of *D.S. Garewal v. State of Punjab*,²⁹ the appellant contented that the All India Services Act, 1951 is invalid as per constitutional limitations. The Court while deciding the case interpreted the meaning given under Article 312 of the Constitution. It was observed that the Article clearly provides the power of delegating authority.

In another case of *Harishankar Bagla v. State of M.P.*,³⁰ the question was regarding the constitutionality of Section 3 and Section 6 of Essential Supplies (Temporary Powers) Act, 1946.³¹ These sections provided the Central Government power of framing rules in consonance with other laws of the country. Supreme Court after examining these sections observed that the delegation is valid since it operates within the prescribed legislative policy.

IV. LIMITS OF DELEGATED LEGISLATION

Although the legislature is granted with several powers in delegating laws and regulations of the country, each power is associated with certain restrictions. A rule or law made by the delegated authority is considered valid only if it remains within the *permissible limits* of legislation.³² If the delegation relates to important functions of the legislation such as drafting policy or preparing any essential enactment, then it would fall under limitations. Further, the legislature is not permitted to delegate functions beyond its own authority, i.e., the things which are in direct control of the legislature can only be delegated. Only after a valid delegation, the agencies can perform according to their own discretion.

Before granting power to the delegate, the specifications regarding delegation must be properly elaborated by the delegating body. Such specifications relate to the objective of the enactment, the purpose, the scheme on which it is based and the importance of the statute for the citizens.³³

²⁹ D. S. Grewal v. State of Punjab, 1959 AIR 512

³⁰ Harishankar Bagla v. State of M.P., 1954 AIR 465

³¹ Essential Supplies (Temporary Powers) Act, S.3, 6 (1946)

³² *Supra* note 1

³³ St. John Teachers Training Institute v. National Council for Teacher Education, (2003) 3 SCC 321

The question of limits to delegated legislation in India came soon after the decision on *Jatindra Nath* case. The President approached the Supreme Court under Article 143 of Constitution to clarify the constitutional validity of three enactments.³⁴ In the case of *Re Delhi Laws Act, 1912*,³⁵ different judges gave different opinion on the constitutionality of the impugned provisions. It was argued that the impugned provisions attempt to violate separation of power and *delegatus non potest delegare* (further delegation is prohibited). The Supreme Court however observed the following matters:

- Separation of power does not fall under the purview of Constitution.
- “*Delegatus non potest delegare*” cannot be implemented as the Parliament is the superior body and not subordinate to anyone.
- Parliament shall not renounce all its duties by generating a separate legislating body.
- The Parliament can delegate matters which are necessary.
- The delegating power is not absolute. The legislature must not delegate those authorities which the Constitution regards as essential.

From the decision given by the court, it can be inferred that in a Welfare State, delegation is absolutely necessary. However, the Government in doing so must be conscious about the limitations of delegating excessive or essential functions.

EXCESSIVE DELEGATION

In the case of *Gwalior Rayon Mills v. Asst. Commissioner of Sales Tax*,³⁶ the issue before the court was regarding the limitations on the power of delegated authority. It was observed by Justice Mathews that the Parliament has power of making changes in the laws and rules framed by the executives. Thus, even if the delegated power is surplus in nature, it should not be a problem.

However, Justice Khanna³⁷ was of the opinion that the opportunity of delegation is provided to fulfil the needs and requirements of several bodies. The same must be utilised in a just and proper manner for the overall benefit. The executives shall never go beyond the limitations the policy and interpret his personal opinions.

³⁴ Indian Constitution, Art. 143

³⁵ Re Delhi Laws Act, 1912 Case, AIR 1951 SC 332

³⁶ Gwalior Rayon Mills v. Asst. Commissioner of Sales Tax, AIR 1974 SC 1660

³⁷ *Id.*

ESSENTIAL LEGISLATIVE FUNCTIONS

In *Raj Narain Singh v. Chairman Patna Administration Committee*,³⁸ the delegated body had the power to make changes in the State legislation. By utilizing the authority, State Government excluded one of the vital provision of the Act which granted power to the local citizen to put forth their views during payment of tax.³⁹ The Court observed that such exclusion of provision attempts to dismantle the policy of the enactment and hence shall be declared as unconstitutional.

Further, in the case of *Kishan Prakash Sharma v. Union of India*,⁴⁰ the Court provided clear-cut criteria for determining limits of delegated legislation. It was observed that the legislature has power to set boundary within which the executives will work, i.e., it may enact a legislative policy and prescribe the matters to be done. Additionally, the legislature may provide certain rule-making freedom to the executives within the prescribed structure of policy.

The Court discussed the requisites of delegated legislation in the case of *Delhi Race Club Ltd. v. UOI*.⁴¹ It was observed that the legislature has the power of delegating authority in matters pertaining to tax rate since it is not essential. But, the same must be done within a legislative policy and under consistent checks and balances.

Apart from the mentioned limitations, the legislature is not allowed to delegate the power of nullifying or modifying a law in its entirety. The executive does not have the power of enacting a law retrospectively and the same cannot be entrusted.

V. POSITION IN OTHER COUNTRIES

The concept of delegated legislation although is uniform, its application differs from country to country. All the nations are governed by their own constitution and thus the validity of the laws and legislative powers are different. The researcher would analyse the limitations imposed upon delegated legislation in countries like USA and England.

³⁸Rajnarain Singh v. The Chairman, Patna, 1954 AIR 569

³⁹Bihar & Orissa Act, S. 3(1)(f)

⁴⁰Kishan Prasad Sharma v. Union of India, (2001) 5 SCC 212

⁴¹Delhi Race Club Ltd. v. UOI, (2012) 8 SCC 680

USA

The US courts highly regards the concept of separation of powers. According to them, each body shall perform within its own rights and shall not interfere into the affairs of each other.⁴²

But, the same cannot be maintained in practice due to various problems and certain powers need to be delegated to the executive. In the case of *Panama Refining Co. v. Ryan*,⁴³ the question was pertaining to the validity of an enactment that provided several powers to the executive. The court while declaring the act as unconstitutional observed that the legislature must delegate in its limits and the executives must perform within the provided standards.

In another case of *Schechter Poultry Corporation v. United States*,⁴⁴ the court observed that if the delegation does not conform any standards then such act will be considered as constitutionally invalid. Further, the legislature shall under no circumstances bypass its duties by delegating it to the executive.

ENGLAND

No limitations are imposed upon the Parliament of England. It is recognized as the Supreme Body empowered with the rights of delegating authority in any proportion it deems fit.⁴⁵ But, while exercising its power, the Parliament must abide by certain guidelines on delegation. The Parliament is entrusted with the duty of specifying the boundaries within which the executives are allowed to function.⁴⁶ Further the limitations must be laid down on the discretionary power of the executive bodies. As there are no constitutional limitations governing the delegating power of England Parliament, the same must be properly elaborated in the enabling clauses so that the judiciary can resolve any dispute arising out of it in future.

VI. PALLAVI REFRATORIES & ORS. ETC. V. M/S SINGARENI COLLIERIES COMPANY: AN ANALYSIS

⁴² Field v. Clark, 36 L Ed 294

⁴³ Panama Refining Co. v. Ryan, 293 US 388 (1935)

⁴⁴ Schechter Poultry Corporation v. United States, 295 US 495

⁴⁵ *Supra* note 19

⁴⁶ Third Recommendation of the Committee on Ministers' Powers

This particular case came before the Supreme Court by way of a SLP. Pallavi Refractories and others (appellants) had previously filed a writ petition before the High Court, but the same had been dismissed.⁴⁷

The appellants were small business units who used to buy low grade coal from the respondent. The respondent company was owned by the State and both the Central and State Government had certain shares in the business matters. The Central Government after anticipating the future losses of the company delegated the rule-making authority on price fixation of coal to the company. Accordingly, the Board released notification which stated that the small units will be charged with 20% extra price than before.

The main issue that the appellants put forth was that the clause 10 of the notification must be invalidated as it infringes the right to equality provided under Article 14 of the Constitution.⁴⁸

It was also contended that the pricing was discriminatory in nature without any reasonable ground and that the executives have crossed their constitutional limits while delegating the given authority.

The respondent denied the allegations and emphasized that they were well within their power while fixing the prices as the same did not go beyond the scheme of the enactment. The Supreme Court after relying on several precedents in this regard observed that there is a justified ground on which the prices have been increased. Firstly, the company was suffering heavy losses and an increased price would serve as a mean to stabilize their financial condition. Secondly, even though the delegated power has certain limits, the state-owned companies can exercise their authority on matters relating to pricing. Further, the impugned notification causes no harm to the national interest. The court therefore dismissed the matter.

The judgement gave clarity to the concept of delegated legislation and its limitations. It also specified the matters on which the executives have discretion to amend or modify the existing laws. The Supreme Court for the first time in this case decided that the executives can fix the price in any possible manner including duality and there is no law to bar the same. However, before fixing the prices, the executives must take a note on whether the parent act enables it to do so or if there are any restrictions.

⁴⁷Pallavi Refractories v. Singareni Collieries, (2005) 2 SCC 227

⁴⁸Indian Constitution, Art. 14

PRE-JUDGEMENT SCENARIO

The Supreme Court while deliberating upon the matters of this case relied vividly on the judgement of *Union of India v. Cynamide India Ltd.*⁴⁹ In this case, the court observed that the legislature has sufficient power in determination of prices. If there arises a necessity to settle different price for different persons then the same can be delegated to the executives. It was also held that the court does not go into the merits of the price rates or the legislative policy, they only consider whether proper specifications have been made by the Legislature and whether the executives have framed the rules within the constitutional limits.

In another case of *M/S Shri Sitaram Sugar Co. Ltd. v. UOI*⁵⁰, the court observed that the legislature simply puts forth the policy and scheme of the enactment within which the executives are supposed to function. The delegated body reserves the power to act in any manner within the given guidelines and the same cannot be questioned before the court. The only matter that remains in the hand of judiciary is to verify whether the executives has exceeded its powers.

In the case of *Edward Mills Co. v. State of Ajmer*,⁵¹ the question before the court was regarding the authority of executives to determine the minimum wages for industry workers and to amend the industry list from time to time. The Supreme Court validated the delegation because the same was permitted by the enabling clause.

All these judgements were delivered prior to the case of *Pallavi Refractories v. M/s Singareni Collieries* and had a similar stance regarding the limits of delegated legislation.

POST-JUDGEMENT SCENARIO

In the case of *Holystar Natural Resources (P) Ltd. v. UOI*,⁵² the main issue was regarding the validity of a provision under SARFAESI Act. It was contended that the power given to the executive bodies comes under limits of delegated legislation as the same infringes fundamental rights. It was also stated that the legislature has given more power to the executive than was necessary. The Court however observed that proper guidelines has been given by the legislature and the same was duly followed by the executive.

⁴⁹ UOI v. Cynamide India Ltd., AIR 1987 SC 1802

⁵⁰ M/s. Shri Sitaram Sugar Co. Ltd. v. UOI, AIR 1990 SC 1277

⁵¹ Edward Mills Co. Ltd. v. State of Ajmer, AIR 1955 SC 25

⁵² Holystar Natural Resources (P) Limited v. UOI, 2014 (1) TMI 1639

In another case of *State of Rajasthan v. BasantNahata*,⁵³ it was observed that delegated legislation is one of the necessity of legislative functions. However, such powers must not be implemented in an arbitrary or undecided manner. The legislature must provide the scheme of the act and other particulars related to the authority.

The above mentioned judgements were delivered after the decision on the given case. All these decisions elaborated the limitations that are imposed on delegated legislation. It further emphasizes on the fact that the executives shall not go beyond the authority assigned to it.

VII. CONCLUSION & SUGGESTIONS

After completing the study, the researcher has come up with certain findings in regard to the case law and the given concept. The ultimate purpose of implementing delegated legislation is to get things done from someone who possesses expertise in it. Although the major authority of framing laws and rules rests in the hands of the legislature, it may for swift actions pass it down to the lower authority. The executive can only interfere in those matters that are provided explicitly in the enabling clause.

If the legislature takes up the duty of regulating and framing laws for small details, then it might miss out on bigger responsibilities that it is provided with. This is where delegation plays a major role. However, such delegation must be checked upon by other bodies of the country from time to time to ensure fairness. The concept of delegation is not something that has been created fortnight. It has been there since the period of British people. It was only during that period the Court observed that by delegating powers, the legislature cannot simply wash its hands from all duties.

Every authority has to face certain restraint and control. Similarly, it must be ensured that the executives are performing their functions within the set boundaries of the legislature. The legislature cannot simply ask the executives to modify or amend laws on which it has no authority. Each delegated laws goes through the check of constitutional validity to ensure that it does not interfere with the citizen's rights. If at any time a law is found to go beyond the limits, it can be challenged before the court of law.

⁵³ State of Rajasthan v. BasantNahata, (2005) 12 SCC 77

The findings can be further summarized by interpreting the case of *VasantlalMaganbhai v. State of Bombay*.⁵⁴ In this case, the court observed that the legislature has been granted with law-making power by virtue of Indian Constitution. But, it is extremely difficult for one individual body to perform so many duties at once. Thus, it can pass down some of its responsibilities to lower bodies. However, in doing so, one may transgress the limits by not clarifying the guidelines, policies and other specifications. When there arises a dispute regarding the validity of such laws, the judiciary takes up the action of deciding whether the laws fall under the limits or it is valid in nature. Such judgements shall be final and unquestionable.

The concept has also been discussed on parameters with the case of *Pallavi Refractories*. The judgement in this case apart from discussing the limitations, also highlighted the privileges that the executives can deliberate. It is the first case to address the issues relating to price fixation by executive bodies. The case gave one of the vital judgement in the sphere of dual pricing and has been relied as precedent in the subsequent cases.

On the basis of the research work and conclusions drawn, the researcher has formulated few suggestions which can be implemented for the greater good of the administrative system:

- The legislature shall not delegate the authority to people or departments having less knowledge or understanding on the particular matter.
- The Constitutional bodies must oversee and regulate the process of delegation to ensure that it is going in the desired manner.
- The legislature shall not confer authorities to the executives beyond a reasonable limit.
- The scheme of the enactment and other particulars relating to the statute must be communicated well in advance to the executive bodies while delegating.

⁵⁴VasantlalMaganbhai v. State of Bombay, AIR 1961 SC 4