

COMMITTEE ON SUBORDINATE LEGISLATION (Rule 260 to 264)

In a Welfare State, the activities of the Government have been increasing immensely. It arises a need for fresh enactments to regulate every aspect of the activity for smooth functioning of the administrative machinery. The Legislature, particularly in a Parliamentary system of Government, does not have enough time to discuss minutely and exhaustively every aspect of law which has become more and more complicated with all its technical details and statistical data. The Legislature lays down the policy leaving it to the Executive department to formulate rules and regulations, principles and procedural details for which a provision is laid down in the legislation empowering the executive to do the same. This practice is known as delegated Legislation, wherein the Legislature lays down the policy and confers authority on Executive to make rules and regulations to carryout the Legislative policy within the frame work of the policy enumerated in the Statute by the Legislature. it means the Legislature utilises other Bodies of the Executive for the purpose of working out the details. It is clear when the legislative Policy is determined by the Legislature, the Executive takes the task

of its implementation, for which appropriate rules and regulations are framed by them.

Every rule or regulation made by the Government either under the Constitution or an Act, is to be laid on the Table of the House as soon as it is made.

Where a regulation, rule, sub-rule, bye-law, etc., framed in pursuance of the Constitution or of the Legislature functions delegated by the Legislature to a subordinate authority is laid before the Legislature, the Minister makes mention of it on the Floor of the Legislature and the period specified in the Constitution or the relevant Act for which it is required to be laid should be completed before the Legislature is adjourned sine die, and later prorogued unless otherwise provided in the Constitution or the relevant Act. Where the specified period is not so completed, the regulation, rule, sub-rule, bye-law etc., is to be relaid in the succeeding session or sessions until the said period is completed in one session.

Any member may give notice of amendment to any regulation, rule, sub-rule, bye-law, etc., after an order containing the regulations, rules etc., is laid on the Table. The notice of motions for amending such regulations are to be admitted by the Speaker. They are to be in conformity with rules. The Speaker will, in consultation with the Leader of the

House, fix a day or part of a day for consideration and passing of an amendment to such regulation, rule, sub-rule, bye-law etc.,

If a regulation, rule, sub-rule, bye-law etc., is modified in accordance with the amendment passed by the House, the amended regulation, rule, sub-rule, bye-law, etc., is laid on the Table.

Constitution of the Committee : (Rule 261)

The Committee consists of 12 members of whom 9 members shall be nominated by the speaker from amongst members of the Assembly and 3 members shall be nominated by the chairman, Legislative Council from amongst the members of the Legislative Council.

Functions : (Rule 260)

When notifications containing rules or orders are laid on the Table of the House, they are to be examined. The Committee on Subordinate Legislation looks into every order made by the Executive in order to satisfy itself that there has been no executive access or trespass in the exercise of its delegated rule making power.



COMMITTEE ON SUBORDINATE LEGISLATION

