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LEGISLATIVE POWER TO AMEND AND OVERRIDE

The Supreme Court (SC), in June 2026 in the *Rajesh Sharma* case,¹ has reaffirmed the absolute primacy of statutory amendments over the existing subordinate legislation such as rules or regulations. It ruled that the existence of regulations issued under an Act cannot fetter or restrict the legislature's power to later amend that parent Act in a way that overrides the regulations.

Brief Facts

Rajesh Sharma (**Sharma**) served as an Executive Engineer (Civil) with the North Delhi Municipal Corporation. In 2011, he was convicted and sentenced under the Prevention of Corruption Act, 1988. Following this conviction, the Municipal Commissioner dismissed him from service in November 2011.

Sharma challenged his dismissal before the Central Administrative Tribunal (**CAT**), arguing that as a Group A officer, only the Corporation (i.e., the collective political body) was competent to dismiss him under the Delhi Municipal Corporation Service (Control and Appeal) Regulations, 1959 (**Regulations**). CAT accepted this plea but on his appeal the Delhi High Court reversed the decision. Sharma appealed before the SC, where the core issue was whether the Commissioner was competent to inflict the punishment of dismissal despite the Regulations.

The dispute centred on the interaction between two legal instruments namely:

- The Regulations, which vested major penalty powers for Category 'A' officers in the Corporation.
- The 1993 Amendment (**Amendment**) to the Delhi Municipal Corporation Act, 1957, which substituted Section 59(d) to declare that the Commissioner shall, "*subject to any regulation that may be made in this behalf, be the disciplinary authority in relation to all municipal officers.*"

Sharma argued that because no new regulations were made after 1993, the Commissioner's power remained subject to the existing Regulations, effectively rendering the Amendment a 'dead letter'.

SC's Judgement & Reasoning

The SC dismissed Sharma's appeal, providing the following comprehensive analysis of statutory interpretation and legislative intent:

- Primacy of Legislative Power:² It held that framing a regulation does not permanently bind the legislature. What is achieved by subordinate legislation can always be altered or superseded by a competent legislature

¹ *Rajesh Sharma v. North Delhi Municipal Corporation and Anr.*, 2026 LiveLaw (SC) 640.

² Paragraph 44 of the Judgement.

through a statutory amendment. The Amendment was a ‘composite and indivisible’ act of Parliament meant to usher in a new administrative regime.

- Purposive Interpretation:³ Citing the S. Balakrishnan Committee Report, the SC noted that the Amendment intended to remedy serious structural deficiencies. The committee found that the monolithic Corporation’s political arm often provided a protective shield to delinquent officers, making enforcement of discipline difficult for the Commissioner. By vesting both appointing and disciplinary powers in the Commissioner, the legislature aimed to streamline administration and curb corruption.
- Meaning of ‘May Be’:⁴ It analysed the phrase ‘*subject to any regulation that may be made*’ in Section 59(d). Adopting the futurity interpretation, the SC ruled that ‘may be’ refers to regulations made after the Amendment. Therefore, the Commissioner’s power is not fettered by the Regulations.
- Harmonious Construction:⁵ The SC rejected the argument that Section 59(d) and Section 95(1)⁶ were in conflict. It held they operate in different fields: Section 59(d) specifically names the Commissioner, and until new regulations specified otherwise, they remain the valid disciplinary authority.
- Inapplicability of General Clauses Act:⁷ The SC dismissed the plea that Section 24 of the General Clauses Act, 1897 saved the Regulations. It held that this section does not apply where regulations are inconsistent with a re-enacted statutory provision.

The SC ruled effective of October 1, 1993, the Commissioner became the competent disciplinary authority for all officers.

Conclusion

The ruling reinforces that subordinate legislation is always subordinate to the sovereign will of the legislature, and old regulations cannot be used to defeat the clear, modern intent of an amended statute.

This *Counselence Connect* contains information in a nutshell on a recent change in law.

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³ Paragraphs 67 and 68 of the Judgement.

⁴ Paragraphs 68 to 74 of the Judgement.

⁵ Paragraph 78 of the Judgement.

⁶ Which allows authorities to be “*prescribed by regulations*”.

⁷ Paragraphs 75 and 76 of the Judgement.