

6 — Legislation.

Legislation is the formulation of law by the appropriate organs or organs of the State, in such a manner that the actual words used are themselves part of the law: the words not only contain the law but in a sense they constitute the law. Legislation includes the making of new law, and the alteration or repeal of existing law. It is the easiest and most common way of developing law in modern legal systems — in particular, it can change the law, which the courts cannot do.

According to Maine, in his celebrated book 'Ancient Law' (1861), legislation is historically the latest of the agencies by which

ressive systems of law are brought into conformity with the
of society. After the codification of customary law, the agen-
brought into play to prevent stagnation are 'fictions', or devi-
(mostly procedural) by which the substance of the law is chang-
while appearing to remain the same, and the extension of the
by judicial and juristic interpretation, then 'equity', then, legis-
on'. Any or all of these agencies may be in use at the same
e, for a later does not necessarily displace an earlier. But, ac-
ing to Maine, this is the invariable order in which they appear,
at least, in which they exert their chief influence. Thus, a com-
munity which has known legislation as a method of general law-
making does not revert to custom as a mode of developing its law.

Importance of Legislation. Legislation is the prime and most
important source of law in civilized countries. Today, a great and
growing part of the law of these countries is to be found embodied
in the law-making authorities in decrees or statutes. By legisla-
tion, the law is embodied in an authoritative form of written words
and this literary expression is an essential part of the law itself.

Legislative activity is of modern growth. The causes for its
importance may be referred to three principal reasons. These are:-

- The increased range of the activities of the modern State and its centralizing tendency. For good or evil, the State having gained a supreme authority, tends more and more to be regarded as the normal regulator of social life and director of social activities.