

2019

ADMINISTRATIVE LAW

Paper : 4-4

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Answer the following with appropriate answers given in the brackets. $1 \times 10 = 10$
 - (i) The originator of the concept of Rule of Law was : (Sir Edward Coke/Dicey).
 - (ii) The Crown Proceedings Act made the government liable to pay damages in Case of tortuous and Contractual liability of the Crown. (*True/False*)
 - (iii) Montesquieu formulated the doctrine of separation of powers scientifically in his book : (Law of the Constitution/ *Espirit des Lois*)

Contd.

(iv) Franks Committee was appointed to make recommendations of the Constitution and working of administrative : (tribunals/agencies).

(v) Special leave petitions are filed in : (any courts/only in the Supreme Court).

(vi) Ombudsman is a public official entrusted to curb : (criminals/corruption).

(vii) Certiorari in (French/Latin) means to certify.

(viii) *Pro bono* is service provided (for public good/ for high income).

(ix) When a subordinate legislation goes beyond what the delegate is authorised to enact is known as : (substantive/procedural) *ultra vires*.

(x) The Official Secrets Act, 1923 (guaranteed/imposed restrictions) on information.

2. Write short notes on :

2×5=10

(i) Conseil d'Etat

(ii) Administrative discretion

(iii) Henry VIII clause

(iv) Ombudsman

(v) Doctrine of Vicarious Liability.

3. Define Administrative Law. Explain the nature and scope of Administrative Law. What do you mean by quasi-judicial powers? 3+7+2=12

Or

“Administrative law is the law relating to the administration. It determines the organization, powers and duties of administrative authorities.” Explain. 12

4. Describe delegated legislation. Write a note on the control mechanism of delegated legislation. 5+7=12

Or

What are the factors responsible for the rapid growth of delegated legislation? What are the advantages and disadvantages of delegated legislation? 6+6=12

5. Explain the concept of Natural Justice. Describe the principles of Natural Justice. 6+6=12

Or

Write notes on :

4×3=12

- (a) Rule against Bias
- (b) Rule of fair hearing
- (c) Rule of reasoned decision.

6. What is a prerogative writ? Describe the different types of writs issued by the higher Courts in India.

2+10=12

Or

What are the characteristics of administrative tribunal? What are the reasons for the growth of administrative tribunal? Suggest points which differentiate it from Courts.

4+4+4=12

7. Discuss how Right to Information brings about transparency and accountability in India. What are the rights of an arrested person under the RTI Act, 2005?

10+2=12

Or

“The concept of public interest litigation is of great social relevance to the modern society”. Explain. Suggest safeguards for proper working of this legal system in India.

10+2=12

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2018

ADMINISTRATIVE LAW

Paper : 4.4

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Fill in the gaps : 1×10=10
- (i) Droit Administratif is associated with the name of _____.
(Bentham/Napolean Bonaparte)
- (ii) Conseil du Roi advised the King in _____. (legal and administrative matters/Political and financial matters)
- (iii) Droit Administratif does not represent _____. (rules developed by the judges of the administrative court/ Principles and rules laid down by the French Parliament)

Contd.

(iv) The concept of Rule of Law is related with _____.
(Dicey/Devarkin/Bentham)

(v) Rule of Law is derived from the _____ phrase *La principe de legalite*.
(French/Latin/Greek)

(vi) _____ popularly known as Habeas Corpus case. (ADM, Jabalpur vs. Shivakant Shukla/P. Sambamurthy vs. State of A.P.)

(vii) The Donoughmore Committee on Ministers' Powers (1932) analysed the characteristics of a _____.
(true judicial decision/true executive decision)

(viii) Conseil d'État was established in _____.
(1790/1797/1799)

(ix) Edward Coke is said to be the originator of the concept of _____.
(Rule of Law/Conseil d'État/Droit Administratif)

(x) According to _____ where there is discretion there is room for arbitrariness.
(Dicey/Locke/Montesquieu)

2. Write short notes on : 2×5=10

- (i) Droit Administratif
- (ii) Separation of Powers
- (iii) Rule of Law
- (iv) Judicial Remedies
- (v) Pecuniary Bias.

3. Discuss the judicial control of Delegated Legislation in India. 12

Or

Describe the modes of Parliamentary Control over Subordinate Legislation in India. 12

4. What do you mean by Administrative Law ? How would you distinguish Administrative Law from Constitutional Law ? 6+6=12

Or

What are the various reasons for the growth of Administrative Law in modern times ? Are the doctrine of Separation of Powers and Rule of Law opposed to the growth of Administrative Law ? Discuss. 6+6=12

5. What do you mean by the term 'natural justice' ? It is said that natural justice provides the foundation on which the principles of good administration rest. Discuss. 6+6=12

Or

What do you mean by Rule Against Bias ?
Discuss the application of the rule in Indian
Law. 6+6=12

6. Compare the jurisdiction of High Court under Article 226 with the jurisdiction of Supreme Court under Article 136. 12

Or

Discuss the territorial extent of writ jurisdiction of a High Court under Article 226.

7. What are the causes for the growth of Public Corporation in the present age ? Discuss. 12

Or

What do you mean by Public Corporations ?
Assess their importance in modern times.
Discuss the constitutional and legal position
of a public corporation in India.

3+3+6=12

il number of printed pages-7

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2017

ADMINISTRATIVE LAW

Paper : 4.4

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

Fill in the blanks : 1×10=10

- (i) The doctrine of Separation of Power is associated with (Montesquieu / Locke)

- (ii) Administrative law is the by-product of the growing functions of the states and the increased power of Government. (socio-economic / socio-political)

Contd.

- (iii) Predominance of Legal Spirit is a part of (rule of law / separation of power)
- (iv) Repeal of law is a delegation of power. (permissible / impermissible)
- (v) Article provides for the establishment of the Tribunal to deal with the service matters. (323-A / 323-B)
- (vi) Under Article the High Courts exercise their jurisdiction not only over administrative tribunals but overall other administrative bodies as well. (226 / 227)
- (vii) The writ of Certiorari lies in cases where there is apparent on the face of record. (error of law / error of fact)

- (viii) The provisions of article 299 apply to public corporation. (does / does not)
- (ix) The institution of ombudsman first came into operation in (Scandinavia / Sweden)
- (x) The seeds of PIL were sown by Justice (Krishna Iyer / Bhagawati)

2. Write short notes on : 2×5=10

- (i) *Conseil d' Etat*
- (ii) Administrative discretion
- (iii) Judicial control of delegated legislation
- (iv) Institutional decision
- (v) Doctrine of Public Accountability.



3. Explain the nature and scope of Administrative Law. What are the reasons for the growth of Administrative Law? Bring out the relationship between Administrative and Constitutional Law. 12

OR

Dicey stated that 'Rule of Law' means the absolute supremacy or pre-dominance of regular law as opposed to the influence of arbitrary power and excludes the existence of arbitrariness of prerogative or even wide discretionary authority on the part of the Government.

Do you think that Administrative Law is incompatible with the Rule of Law? Does it affect the legislative sovereignty? Discuss in detail. 12

4. Explain the concept and reason for the growth of Delegated Legislation. What are the advantages and disadvantages of Delegated Legislation? 6+6=12

OR

"In a democratic set-up, the Parliamentary control of delegated legislation plays an important role".

Discuss the various legislative techniques of control of delegated legislation. Do you think that it is more effective than judicial control? 8+4=12

5. Define and illustrate the term 'Natural Justice'. Briefly discuss the doctrine '*audi alteram partem*' by referring to decided cases. 4+8=12

OR

Critically examine the following aspects of the 'Rule against bias' : 4×3=12

- (i) Impartiality
- (ii) Subject matter bias
- (iii) Real likelihood.

6. Discuss the rules restricting judicial review of administrative action. 12

OR

Write notes on : **(any four)** 3×4=12

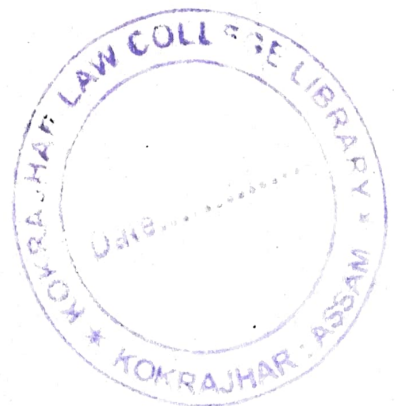
- (a) Doctrine of Public Accountability
- (b) Certiorari
- (c) Speaking order
- (d) Jurisdiction of the Supreme Court under Article 136
- (e) Administrative Tribunal.

7. What do you mean by Right to know?
Discuss the salient features of the Right to
Information Act, 2005. 4+8=12

OR

Write explanatory note on 'Ombudsman'.
Discuss the powers and functions of
Ombudsman and its position in India.

4+8=12



2015

ADMINISTRATIVE LAW

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Answer the following : 1×10=10
- (i) The doctrine of Separation of Powers is traceable to
 - (a) Aristotle, (b) Roscoe Pound
 - (ii) Constitution is one of the sources of Administrative Law. (*True/False*)
 - (iii) A.D.M. Jabalpur *vs* Shiv Kanta Shukla is known as
 - (a) Natural Justice case
 - (b) Habeas Corpus case
 - (iv) *Intra vires* means
 - (a) beyond the powers
 - (b) within the powers.

Contd.

- (v) There are three principles of natural justice. (True/False)
- (vi) Administrative Tribunals established under the Administrative Tribunals Act, _____. (1975/1985)
- (vii) Article _____ provides for writ jurisdiction of High Courts. (32/226)
- (viii) Laches means _____. (delay/early)
- (ix) Right to know is a Fundamental Right. (True/False)
- (x) Article _____ provides for procedural safeguards to civil servants. (310/311)

2. Answer the following : 2×5=10

- (a) Define *Conscil De Etat*.
- (b) Name two committees on delegated legislation.
- (c) What is Post-decisional hearing?
- (d) What is Locus standi?
- (e) What are the liabilities of Administration in contract and tort?

3. Define Administrative Law? Discuss the reasons for the growth of Administrative Law. What is administrative discretion?

12

Or

Explain the nature and scope of Administrative law. Discuss the sources of administrative law. What is administrative discrimination?

4. Give the meaning of delegated legislation. What are the reasons for the growth of delegated legislation? Discuss the advantages and disadvantages of delegated legislation. 12

Or

Discuss in detail the three control mechanism of delegated legislation.

5. Discuss the principles of natural justice in detail. Under what circumstances the principles of natural justice can be excluded? 12

Or

Give the concept of Tribunals. What are its powers and function? Distinguish between tribunals and courts of law.

6. Write notes on : 3×4=12

- (a) Doctrine of Legitimate Expectation.
- (b) Doctrine of Public Accountability.
- (c) Doctrine of Proportionality.

Or

Explain the various kinds of writs.
Distinguish between article 32 and 226.

7. Explain the following : 3×4=12

(a) PIL

(b) Public Corporations

(c) Ombudsman

Or

Explain the doctrine of pleasure. Discuss
the Constitutional protection of civil servants.

Total number of printed pages—7

19 (3-IV) ADLW

2014

ADMINISTRATIVE LAW

Paper : 4·4

Full Marks : 80

Time : Three hours

*The figures in the margin indicate full marks
for the questions.*

1. Answer the following with appropriate answer given in the brackets : 1×10= 10
 - i. _____ was the originator of the concept 'Rule of Law'. (Sir Edward Coke / A.V. Dicey)
 - ii. According to _____ Administrative law may be described as those rules which are recognized by the courts as law and which relate to and regulate the administration of Government. (Jennings / Garner)

Contd.

- iii. In *Sarbananda Sonowal vs. Union of India* (II), the apex court observed that the Order of 2006 had been issued as cover-up for non-implementation of the direction of the court and the action on the part of the Government was not _____. (bona fide / mala fide)
- iv. Henry VIII clause is associated with the function that delegates to executive on (Prescribing punishments / removal of difficulties).
- v. By _____ amendment Parliament has been authorized to constitute Administrative Tribunals for settlement of disputes and adjudication of matters specified therein. (42nd / 44th)
- vi. Justice should not only be done, but manifestly and undoubtedly be _____ to be done. (seen / recorded)
- vii. Private persons _____ immune from the writ jurisdiction of the Supreme Court as well as of High Courts. (are / are not)

- viii. The Doctrine of Proportionality ordains that administrative measures must not be more drastic than is necessary for attaining the desired result. (True / false)
- ix. Public corporation has become a '_____ arm' of the Government. (second / third)
- x. Central Vigilance Commission was recommended by the _____. (Santhanam Committee / Reddy Committee)

2. Write short notes on : 2×5=10

- a. Council De Etat
- b. delegata potestas non potest delegare
- c. Judicial obstinacy
- d. Doctrine of Legitimate Expectation
- e. PIL.

3. "The truth is that each of the three functions of the government contains of the other two and that any rigid attempt to define and separate those functions must either fail or cause serious inefficiency in government" (Friedmann & Benjafield)

Discuss the above in the light of the theory of separation of powers. Explain its applicability in Indian context. $6+6=12$

Or

What is Red light and Green light theory? Write a brief note on historical growth and development of Administrative law in India. Add a few line on nexus between administrative law and Constitutional law. $3+5+4=12$

4. What do you mean by delegated legislation? Discuss the reasons for growth of delegated legislation in this modern era of welfare state. $4+8=12$

Or

“Delegated legislation has become inevitable but the question of control has become crucial. Delegated legislation does not fall beyond the scope of judicial review. Court can decide the validity or otherwise of delegated legislation mainly applying two tests-substantive ultra vires and procedural ultra vires”.

What is ‘substantive ultra vires’ and ‘procedural ultra vires’? Discuss the circumstances in which a delegated legislation may be held invalid on the ground of ‘substantive ultra vires’. $4+8=12$

5. Narrate the following aspect of natural justice citing relevant case laws : $2+4+4+2=12$
- Audi alteram partem
 - Whether reasoned decision is a part of natural justice?
 - Circumstances for exclusion of the rules of natural justice.
 - Post Decisional Hearing.

Or

Discuss the following : $3+3+3+3=12$

- Objectives of Administrative Tribunals Act, 1985
- Characteristics of administrative tribunal

- c. Distinction between Administrative Tribunal and Court of law.
- d. Whether Administrative Tribunal is bound by the decisions of Supreme Court and High Court? Refer case laws.
6. What do you mean by judicial review? Write an exhaustive note on the position of judicial review in India. Whether is it a basic feature of the Constitution of India? Cite relevant case laws.
- $3+7+2=12$

Or

What is Prerogative Writs? Discuss the various kinds of Writs that can be issued by the courts of law in India.

$4+8=12$

7. Write notes on :
- $4+4+2+2=12$
- a. Doctrine of unjust enrichment
- b. Tortious liability
- c. Procedural safeguards to Civil Servants
- d. Right to know.

Or

What is public corporation? Discuss the liabilities of public Corporation in India. Whether public corporation is 'State' under Art.12 of the Constitution of India?

$3+6+3=12$