

Fourth Semester LL.B. Three Years Course (CBS) Examination**ADMINISTRATIVE LAW****Compulsory Paper—1**

Time : Three Hours]

[Maximum Marks : 80

N.B. :— (1) Attempt **ALL** sections. Section 'A' consists of **10** marks, Section 'B' consists of **30** marks, Section 'C' consists of **40** marks

(2) Follow the instructions given in each Section.

(3) Marks are indicated against each question.

SECTION—A

1. Choose the correct alternative (any *ten*) :

(i) The originator of the concept of rule of law is :

(a) Dicey

(b) Montesquieu

(c) Sir Edward Coke

(d) None of the above

(ii) What is the name of the book authored by Sir Edward Coke titled ?

(a) The Spirit of Law

(b) Law and the Constitution

(c) Principles of Administrative Law

(d) None of the above

(iii) The origin of Doctrine of Separation of Powers need to be traced to :

(a) Sir Edward Coke

(b) Montesquieu

(c) Dicey

(d) Plato and Aristotle

(iv) The Doctrine of Separation of Powers is described by Montesquieu in his book named :

(a) Principles of Administrative Law

(b) Law and the Constitution

(c) The Spirit of Law

(d) None of the above

(v) Out of the following which functions cannot be delegated by Legislature to Executive :

(a) Repeal of Law

(b) Modification

(c) Removal of difficulties

(d) All the above

(vi) A delegated legislation may be held to be invalid on the ground of substantive ultra vires :

(a) When Parent Act is unconstitutional

(b) Where delegated legislation is inconsistent with the Parent Act

(c) Where delegated legislation is unconstitutional

(d) All the above

(vii) Out of the following which modes are used by Legislature to control delegated legislation to Executive :

- (a) Laying on the table without further provisions for control
- (b) Laying with deferred operation
- (c) Laying with immediate effect but subject to annulment
- (d) All the above

(viii) Which of the following is not the principle of natural justice ?

- (a) Bias or Interest
- (b) Hear the other side
- (c) Speaking order
- (d) Appeal

(ix) In which of the following circumstances the principle of natural justice may be excluded ?

- (a) Where the inquiry is of a confidential nature
- (b) Where prompt and urgent action is necessary
- (c) Where doctrine of necessity applies
- (d) All the above

(x) Droit administratif is the name of the branch of _____ the country :

- (a) England
- (b) America
- (c) France
- (d) None of the above

(xi) Which of the following is not prerogative remedy ?

- (a) HABEAS CORPUS
- (b) Mandamus
- (c) Prohibition
- (d) Injunction

(xii) Statutory remedies does not include :

- (a) Civil Suit
- (b) Appeals to Courts
- (c) Appeals to Tribunals
- (d) Certiorari

(xiii) Institution of ombudsman originated in _____.

- (a) Britain
- (b) U.S.A.
- (c) Germany
- (d) Sweden

(xiv) Right to know is a part and parcel of Article :

- (a) 19(1) a
- (b) 19(1) b
- (c) 19(1) c
- (d) 19(1) d

(xv) _____ is popularly called as the Habeas Corpus case.

- (a) Anwar Ali Sarkar v/s. State of W.B.
- (b) Indira Nehru V/s. Rajnarain
- (c) ADM Jabalpur V/s Shivkant Shukla
- (d) Kesavanad Bharti's Case

1×10=10

SECTION—B

Note :— Both the questions in this Section are compulsory.

2. Answer the following (any *three*) :

- (a) Writ of certiorari — Explain in brief.
- (b) What is rule of law ?
- (c) What do you mean by tortious liability ?
- (d) Write short note on Vigilance Commission.

5×3=15

3. Write short notes on (any *three*) :

- (a) Droit administratif.
- (b) Constitutional law and Administrative law.
- (c) Doctrine of Estoppel
- (d) Doctrine of vicarious liability.

5×3=15

SECTION—C

Note :— Answer the following (any *five*).

- 4. Habeas Corpus case a bad law. Discuss.
- 5. The Indian constitution has not indeed recognised the doctrine of separation of powers in its absolute rigidity but the functions of the different parts or branches of the government have been sufficiently differentiated... Justice Mukherjea. Discuss with the help of decided case law.
- 6. The presumption is it (Natural Justice) will always apply, however silent about it the State may be. Explain with the help of decided case law.
- 7. It is not expedient to extend the horizon of Natural Justice involved in the audi alteram partem rule to the twilight zone of mere expectations, however great they may be. Explain with the help of decided case law.
- 8. Discuss in detail Sampath Kumar Vs/ Union of India.
- 9. Explain the Doctrine of Legitimate Expectations with the help of decided cases.
- 10. “The law has been rightly laid down by the Supreme Court in Vidyawati. Unfortunately within a very short time a clear departure was made in Kasturilal and the efficacy of the law laid down in Vidyawati was considerably watered down by the Supreme Court.” Discuss.
- 11. Describe the control mechanism established in India to exercise various types of control on public corporations.

8×5=40