

6. Discuss the judicial controls over Delegated Legislation.
7. Discuss with the help of case-laws, the liability of the state for tortious acts of its servants.
8. Discuss the scope of judicial control over discretionary powers of the Administration.
9. Write an elaborate note on the power of Supreme Court to grant special leave to appeal.
10. Compare U.S. and Indian position on division of powers between organs of the State.
11. Write a descriptive note on 'Rule of Law'. $5 \times 8 = 40$

NTK/KW/15/7245

**Fourth Semester LL.B. Three Years Course
(Credit Base System) Examination**

ADMINISTRATIVE LAW

**Course Code—4.1
Compulsory Paper—I**

Time—Three Hours] [Maximum Marks—80

- N.B. :—** (1) Section A consists of 10 marks, Section B consists of 30 marks and Section C consists of 40 marks. Attempt **ALL** Sections.
- (2) Answer any **FIVE** questions from Section C. Each questions carries 5 marks.
- (3) Indicate appropriate question number while answering.

SECTION—A

(Multiple Choice Questions)

1. Choose the correct alternative from the following statement (any **ten**) :
 - (i) Which one of the following concepts is opposed to the granting of prerogatives ?
 - (a) Separation of Powers
 - (b) Promissory Estoppel
 - (c) Rule of Law
 - (d) Sovereign Immunity

(xiv) 'Reasoned decision' means :

- (a) An Institutional Decision
- (b) A Speaking Order
- (c) An arbitrary decision
- (d) Resjudicata

(xv) 'Delegates non potest delegare' means :

- (a) That a Legislature cannot delegate its essential legislative function
- (b) That a delegate cannot further delegate
- (c) That the power to fill in the details alone can be delegated
- (d) That there can be no delegation beyond conditional legislation. $10 \times 1 = 10$

SECTION-B

(Short Answer Questions)

2. Answer any **three** of the following. Each question carries 5 marks :

- (a) Point out the relationship between Constitutional Law and Administrative Law.
- (b) Discuss the theory of separation of powers and its applicability in India.

(v) Which one of the following is not a ground for assurance of the writ of certiorari ?

- (a) Non-preference of a Mandatory Duty
- (b) Jurisdictional errors
- (c) Error of Law apparent on the face of record
- (d) Non-observance of the principles of Natural Justice

(vi) Which one of the following Articles gives a discretionary remedy ?

- (a) Art. 226
- (b) Art. 32
- (c) Art. 136
- (d) Art. 227

(vii) Which one of the following concepts provides for a functional classification of governmental power ?

- (a) Federalism
- (b) Rule of Law
- (c) Doctrine of Basic Structure
- (d) Separation of powers

- (viii) Doctrine of Laches stands for the principle that :
- (a) No man shall be a judge in his own cause
 - (b) State claims will not be entertained
 - (c) No man shall be condemned unheard
 - (d) Where there is a right there must be a remedy
- (ix) Which one of the following cases granted to the tribunals the power to decide the vires of any statutory provision except that of its own parent act ?
- (a) Sampath Kumar v/s Union of India
 - (b) L. Chandra Kumar v/s Union of India
 - (c) Maneka Gandhi v/s Union of India
 - (d) Indra Sawhney v/s Union of India
- (x) In relation to an Ombudsman, point out the correct statement out of the following :
- (a) An ombudsman has the power to quash an administrative decision
 - (b) An ombudsman does have access to departmental files
 - (c) An ombudsman also follows the elaborate court procedure in providing a remedy against faulty administration
 - (d) An ombudsman is a member of the judiciary who performs the task of remedying grievances against the administration

- (xi) Which one of these will you most proximately associate with the emergence of Administrative Law ?
- (a) Laisses faire regime
 - (b) Unitary form of Government
 - (c) Welfare State Philosophy
 - (d) Unwritten Constitution
- (xii) Which amongst the following seeks to protect a good-faith reliance of an individual on an assurance made by the State ?
- (a) Doctrine of Promissory Estoppel
 - (b) Principles of Natural Justice
 - (c) Doctrine of Sovereign Immunity
 - (d) Principle of Rule of Law
- (xiii) In which one of the following cases will the writ of Habeas Corpus issue :
- (a) When a Lower Court has acted without procedure established by law
 - (b) When a person is arrested under a due process of law
 - (c) When a public authority fails to perform its duty
 - (d) When a person is arrested without observing the procedure established by law

- (ii) Which of one of the following is not a reason for the emergence of delegated legislation ?
- (a) The need to meet emergency situations
 - (b) The need to involve expertise in the task of generating rules
 - (c) The need to reduce the overburden on Courts
 - (d) The need to supply the enormous mass of law required for day-to-day administration
- (iii) Which one of the following writs is an example of the supervisory role of the Courts ?
- (a) Mandamus
 - (b) Certiorari
 - (c) Quo-warranto
 - (d) None of these
- (iv) Which one of the following is a celebrated case to demonstrate the doctrine against bias ?
- (a) A.K.Roy v/s Union of India
 - (b) A.K. Gopalan v/s State of Madras
 - (c) A.K. Kraipak v/s Union of India
 - (d) Golaknath v/s State of Punjab

- (c) What is a Tribunal ? Point out its differences from a Court.
 - (d) Write a short note on the Central Vigilance Commission. $3 \times 5 = 15$
3. Answer any **three** out of the following. Each question carries 5 marks :
- (a) Discuss the doctrine against bias.
 - (b) Discuss the reasons for the growth of delegated legislation.
 - (c) Point out the differences between Art. 32 and Art. 226 of the Constitution of India.
 - (d) Write an explanatory note on Commissions of Inquiry. $3 \times 5 = 15$

SECTION-C

(Long Answer Questions)

Answer any **five** out of the following questions. Each question carries 8 marks :

- 4. Discuss the different definitions of Administrative Law and point out its nature and scope.
- 5. What do you understand by classification of Administrative Functions ? Is it relevant anymore to classify actions as purely administrative and quasi-judicial ?