

Total number of printed pages-7

19 (3-IV) ADLW

2016

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 blanks with appropriate answer given in the brackets / Choose *True or False*
1×10=10
 - I. Dicey developed the theory Rule of Law in his classic work (The Law of the Constitution/the Constitution and the Law).
 - II. Article 50 of the Constitution of India provides for separation of Judiciary from (executive/legislative).

Contd.

III. With a view to control over delegated legislation in India there are two scrutiny committees, the Lok Sabha Committee on Subordinate Legislation and Council of Minister Committee on Subordinate Legislation. (True/false)

IV. When a delegated legislation goes beyond the scope of the authority conferred on it by the parent Statute or by the Constitution, it is known as (substantive ultra vires / procedural ultra vires)

V. Natural justice is a branch of law (public/private).

VI. Rent Control Authority is held tribunals within the meaning of Article 227.

(True/false)

VII. An error of fact, howsoever great it may appear to be, be corrected by Certiorari. (can/cannot)

VIII. Supreme Court may in its discretion grant special leave to appeal from any judgment, determination, sentence or order passed or made by any court or tribunal constituted by or under any law relating to the Armed Forces.

(True/False)

IX. Central Vigilance Commission was recommended by the (Santhanam Committee / Reddy Committee)

X. The Civil Servant shall not be reduced in rank by an authority equivalent to the appointing authority.

(True/False)

2. Write short notes on : 2×5=10

a. Sources of Administrative law in India

b. delegata potestas non potest delegare.

c. Post decisional hearing

d. Jurisdiction of High Court under Article 226

e. Doctrine of Pleasure

3. Discuss the following : $4+4+4=12$

a. Dicey's concept of Rule of Law

b. Applicability of the doctrine of separation of powers in India.

c. Classification of administrative action

OR

What is Administrative discretion? State the circumstances on which the exercise of discretionary powers can be interfered by the Judiciary. $3+9=12$

4. Write brief note on the following aspect of delegated legislation : $6+6=12$

a. Permissible delegation and impermissible delegation.

b. Reasons for the growth of delegated legislation.

OR

"Today the question is not whether delegated legislation is desirable or not but it is what controls and safeguards can be introduced so that the rule-making power conferred on the Administration is not misused or misapplied".

Discuss the control mechanism over delegated legislation in the light of above observation. 12

5. Discuss in details the Rule of fair hearing. Explain the circumstances for exclusion of the rules of natural justice. $6+6=12$

OR

Write an exhaustive note on Administrative Tribunal. Make distinction between Administrative Tribunal and Courts of law. Is Administrative Tribunal bound by the decisions of Supreme Court and High Court? Refer case laws. $5+5+2=12$

6. What is prerogative Writs? Write a detail note on various types of Writs issued by the Supreme Court and High Court.

2+10=12

OR

Write brief note on the following citing relevant judicial decisions: 6+6=12

a. Doctrine of legitimate Expectation

b. Doctrine of Proportionality

7. What is public corporation? Whether public corporation is State under Article 12 of the Constitution of India? Discuss the liabilities of Public Corporation in India.

2+2+8=12

OR

Write notes on : 2+4+3+3=12

a. Public Interest Litigation

b. Liability of the Administration in Contract

c. Procedural safeguards to Civil servants.

d. Right to know