

Total number of printed pages-7

19 (IV) ADLW 4-4

2017

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 : 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' : $4 \times 3 = 12$

- (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)* $3 \times 4 = 12$

- (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. $4+8=12$