

Total number of printed pages-7

19 (Sem-8) ADLW 8-4

2016

**ADMINISTRATIVE LAW**

Paper : 8-4

Full Marks : 80

Time : Three hours

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

Answer **All** questions.

1. Answer the following : 1×10=10

- (i) Administrative law is the bye-product of the growing \_\_\_\_\_ functions of the states and the increased power of Government. (socio-economic/socio-political)

Contd.

- 48
- (ii) According to \_\_\_\_\_ Administrative law may be described as those rules which are recognised by the courts as law and which relate to and regulate the administration of Government. (Jennings/Garner)
  - (iii) Source of administrative law is mainly based on \_\_\_\_\_. (Constitution/Judicial decision)
  - (iv) The doctrine of separation of powers was first formulated by the \_\_\_\_\_. (French Jurist Montesquieu/Edward Coke)
  - (v) Tribunals are the resultant of vast proliferation of government activities under which it is necessary to entrust the executive authority with the right of deciding \_\_\_\_\_ issues. (quasi-judicial/judicial)

- 66
- (vi) Under Article \_\_\_\_\_ the High Courts exercise their jurisdiction not only over administrative tribunals but over all other administrative bodies as well. (226/227)
  - (vii) By \_\_\_\_\_ amendment Parliament has been authorised to constitute Administrative Tribunals for settlement of disputes and adjudication of matters specified therein. (42<sup>nd</sup>/44<sup>th</sup>)
  - (viii) It has been asserted that a part of the principle of natural justice is that a party is entitled to know the \_\_\_\_\_ for the decision apart from the decision itself. (reason/fact)
  - (ix) Central Vigilance Commission was recommended by the \_\_\_\_\_. (Santhanam Committee/Reddy Committee)
  - (x) The jurisdiction to issue a writ of certiorari is a supervisory one and in exercising it, the Court is not entitled to act as a Court of appeal. (True/False)

2. Write short notes on the following :

2×5=10

- (a) Audi alteram partem
- (b) Legislative control of delegated legislation
- (c) Commission of Enquiry Act 1952
- (d) Doctrine of Legitimate Expectation
- (e) Liability of the Administration in Contract.

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 and Benjafield)

Discuss the above in the light of the theory of separation of powers. Explain its applicability in Indian context. 8+4=12

OR

Define and explain Administrative Law. Discuss briefly the nature, scope and importance of Administrative Law.

How would you reconcile the nexus of Administrative Law with the Constitution Law? 6+6=12

4. "In the judicial control of discretionary powers the courts are concerned with legality and not with merits". — Examine the statement with decided cases. 12

OR

What is the discretionary of power? Who can practise the powers and under what conditions? Are there any restrictions to practise the discretionary powers? Discuss. 12

5. Evaluate the concept of delegated legislation. What are the reasons for the growth of delegated legislation? What are the advantages and disadvantages of delegated legislation? 2+5+5=12

4  
**OR**

Define and explain Delegated Legislation. Discuss briefly the various methods for controlling Delegated Legislation. Discuss the procedure of Parliamentary control over Delegated Legislation in India.

4+4+4=12

6. Write an exhaustive notes on the principles of natural justice. Discuss the various defences available to an aggrieved for attracting violations of natural justice and their redressal before forums citing case laws.

4+8=12

**OR**

Narrate briefly the various writs that are issued by the higher courts for reviewing the administrative actions.

12

7. Discuss the salient features, characteristics and scope of Administrative Tribunals in India. Narrate briefly the powers of superintendence by the High Courts over the Administrative Tribunals.

8+4=12

16  
**OR**

Explain the principles of law laid down in **any one** of the following cases : 12

(a) A.D.M. Jabalpur v Shivakant Shukla, (1976) 2 SCC 521

(b) A.K. Kraipak v. Union of India, AIR 1970 SC 150.