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21 (8) ADLW 8-4

2018

ADMINISTRATIVE LAW

Paper : 8-4

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks : $1 \times 10 = 10$

(i) Administrative Law is a branch of the _____ (Public Law/Private Law)

(ii) The distinction between the Constitutional Law and the Administrative Law is of convenience and custom rather than that of _____ (logic/scientific)

Contd.

- (iii) In England, the Committee on Ministers' Powers is also known as _____. (Donoughmore Committee/Farukh Committee)
- (iv) The Principles of Natural Justice _____ (can be/cannot be) excluded on the ground of necessity.
- (v) Article _____ (323A/323B) provides for the establishment of the Tribunal to deal with the service matter.
- (vi) The chairman of the Central Administrative Tribunal shall be appointed by the _____. (President of India/Chief Justice of the Supreme Court)
- (vii) Requirements of Article 299 of the Constitution of India _____ (are/are not) required to be fulfilled in case of contract with a Public Corporation.

- (viii) The petition for *Habeas Corpus* _____ (is/is not) an exception to the rule of *Res Judicata*.
- (ix) The Lok Sabha Committee on Subordinate Legislation was established in _____. (1953/1964)
- (x) The Central Vigilance Commission consists of the Chief Vigilance Commissioner as chairperson and not more than _____ (two/four) vigilance commissioners as its members.

2. Write short notes on : 2×5=10

- (a) Administrative discrimination
- (b) Conditional Legislation
- (c) Preconceived bias
- (d) Speaking order
- (e) Damodar Valley Corporation.

3. What do you mean by Administrative Law ?
Write a brief note on historical growth and development of Administrative Law in India. Distinguish between Administrative discretion and Administrative discrimination.

3+5+4=12

OR

“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

4. Define Delegated Legislation. Discuss the concept of delegated legislation in USA, UK and India. Distinguish between Delegated Legislation and Conditional Legislation.

2+8+2=12

OR

“The doctrine of ultra vires is the root principle of power of the Administration and is the foundation of Judicial power to control actions of the Administration.” Critically discuss the doctrine of Substantive and Procedural *ultra vires*.

5. Write an exhaustive note 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

Discuss the power, functions, jurisdiction and procedure of Administrative Tribunal. Explain Administrative Tribunal established under the Administrative Tribunal Act, 1985.

12

6. Write notes on : $3 \times 4 = 12$

- (a) Doctrine of Legitimate Expectation
- (b) Jurisdiction of Supreme Court under Article 136
- (c) Concept of Laches.

OR

Narrate briefly the various writs that are issued by the higher courts for reviewing the administrative actions. 12

7. Explain the following : $3 \times 4 = 12$

- (a) Nature and purpose of Public Interest Litigation.
- (b) Liability of the Administration in Contract.
- (c) Characteristics of Public Corporation.

OR

“Forty-Five years after the first introduction of the Lokpal bill, it was finally passed in 2013. However, it seems the Act still remains on a paper.” Justify the above statement considering the present scenario in this context. Discuss the important features of the Lokpal and Lokayuktas Act, 2013.

6+6=12