Total number of printed pages–6

19 (IV) ADLW

2021

ADMINISTRATIVE LAW

Full Marks : 80

Time : Three hours

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

1. Fill in the gaps : 1×10=10

   (i) According to Justice Bhagwati, Administrative law is that branch of the law which seeks to ensure observance of the _____ .

   (open government/rule of law)

   (ii) Central Vigilance Commission has been created on the recommendation of _____ .

   (Santhanam Committee/Franks Committee)

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(iii) *"Open Government is the new democratic culture of an open society towards which every liberal democracy is moving and our country should be no exception"* was held in the landmark case of _____ . *(S.P. Gupta v. Union of India/ Maneka Gandhi v. Union of India)*

(iv) In A. K. Kraipak *v.* Union of India of India, the Supreme Court has held that the _____ are applied in administrative proceedings also.
(rule of law/ rules of natural justice)

(v) Administrative Tribunals Act, 1985 is Act No. _____ of 1985. *(13/ 11)*

(vi) _____ is one of the landmark cases of PIL in India.
(M.C. Mehta v. Union of India/ Kesavananda Bharati v. State of Kerela)

(vii) The doctrine of _____ was systematically propounded by A Montesquieu in his book The Spirit of Laws.
(Doctrine of Pleasure/ Separation Of Power)

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(viii) Delhi Laws Act, 1912, Re AIR 1951 SC laid down the principle that by exercising the power of modification the delegate _____ change the legislative policy. *(cannot/can)*

(ix) *Conseil d' Etat* applied to the doctrine of legitimate expectation recognised by _____ . *(European Court of Justice/ French Administrative Court)*

(x) *"Right to know is a basic right which citizens of a free country aspire in the broader horizon of the right to live in this age of our land under Article 21 of the Constitution"* was laid down in _____ . *(Reliance Petrochemicals Ltd. v. Indian Express Newspapers Bombay (P) Ltd/Union of India v. Assn. for Democratic Reforms)*

2. Answer the following : 2×5=10

(i) Who may apply for Writ of Heabeas Corpus ?

(ii) Explain whether the power to modify an Act is a valid delegation.

(iii) What principles must be followed by the Administrative Tribunals in the absence of statute laying down procedure ?

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(iv) Discuss the limitations of the role of the Vigilance Commission.

(v) Does the doctrine of *res judicata* apply in tribunal proceedings ?

3. Define Administrative Law. Administrative law is an exception to the strict compliance of Separation of powers in India. Do you agree. Embellish your answer with case laws/statues. 2+10=12

OR

Examine the grounds and extent of judicial review over discretionary power of the Administrative Authority. 12

4. (i) Is it possible for the delegate to sub-delegate the power conferred on them ? If yes, explain. 4

(ii) Under a relevant Act and the rules, 'X' was empowered to hear the parties and to pass the final order, but 'X' delegated his function of hearing to his Secretary. The Secretary heard the parties and submitted a note to 'X' for final decision. Explain the case through relevant judicial pronouncement about the principle of sub-delegation of judicial power. 8

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OR

"The legislature cannot delegate the essential legislative function of imposition of tax to an executive authority". Explicate the quote along with its exception. 12

5. The passport of 'M', a journalist was impounded by the Indian Government in public interest. Discuss with reference to decided cases in the light of the following : 6+6=12

(i) Violation of the rules of natural justice.

(ii) Post decisional hearing.

OR

Discuss the constitutional validity of Article 323-A and Article 323-B of the Constitution of India with reference to related constitutional amendments and judicial pronouncements. 12

6. *"Judicial review is the touchstone and essence of rule of law".* In the light of the above, address the history and significance of doctrine of judicial review with reference to leading case laws. 12

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OR

What is a prerogative writ ? Describe the different types of writs issued by the higher Courts in India. 2+10=12

7. *"PIL is invoked to ensure fairness in the administration."* Elaborate the quote by citing landmark case laws. 12

OR

Examine the role of Central Vigilance Commission in India. How far is it successful in performing its functions ? Substantiate your answer with the help relevant case laws. 12

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