

Total number of printed pages-4

23 (LLM-4) 4013

2022

(Held in 2023)

INDIAN ADMINISTRATIVE LAW--I

Paper : 4013 (III)

Full Marks : 80

Time : Three hours

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

1. The philosophy as to the role and function of the state has undergone a radical change. The governmental functions have multiplied by leaps and bounds. The modern state takes care of its citizens from 'cradle to grave'. These developments have widened the scope and ambit of administrative law. Discuss briefly the scope, historical growth and development of administrative law in India. 16

Contd.

Or

Attempt an exhaustive analyse of the historical development of writ jurisdiction in India.

2. 'Rule of Law is the antithesis of arbitrariness. Rule of Law is now the accepted norm of all civilised societies.

Critically discuss the application of Rule of Law under the Constitution of India. Embellish your answer with relevant case laws. 16

Or

Explain how Dicey's Rule of Law has been adopted and incorporated in the Constitution of India.

3. The doctrine of Separation of Power has tremendous impact on development of administrative law and functioning of governments. Its value lies in the emphasis on checks and balances which are necessary to prevent an abuse of enormous powers of the executive. Discuss. 16

Confidential matter
Completeness of modern
Or Act.

The Doctrine of Separation of Powers has not been accepted in India in its strict sense. Critically examine the above statement with the decisions of the Supreme Court of India.

4. What is delegated legislation? Discuss the reasons for the growth of delegated legislation in India. 4+12=16

Or

“Today the question is not whether delegated legislation is desirable or not, but what controls and safeguards can and ought to be introduced so that the rule making powers conferred on the administration is not misused or misapplied.

Explain the control mechanism of delegated legislation. Illustrate your answer with relevant case laws. 16

5. The aim of the rules of natural justice is to secure justice or to put it negatively, to prevent miscarriage of justice. These rules can operate only in areas not covered by any law validly made in other words, they do not supplant law, but supplement it. Consider the above context and discuss the application of natural justice in India. Refer to Supreme Court's decision. 16

Or

Write on the following :

(a) Procedural safeguards to civil servants under Article 311(2) of the Constitution of India with its exception $6+4=10$

(b) *Nemo judex in causa sua* 6