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23 (LLM-4) 4014

**2022**

**( Held in 2023 )**

**INDIAN ADMINISTRATIVE LAW--II**

Paper : 4014 (IV)

*Full Marks : 80*

Time : Three hours

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

1. "Delegated legislation is bureaucratic legislation."

What is reduced from the above statement is not whether delegated legislation is desirable or not, but what controls and safeguards can be introduced so that the legislative power conferred on the administration by legislature is not misused or misapplied.

Discuss the scheme of control mechanism and safeguards in the area of ultra vires (substantive) with emphasis on judicial control. Bring out the grounds on which the courts can review the delegated legislation.

16

*Contd.*

**Or**

Discuss with reference to the doctrine of ultra vires (procedural) how judicial review of quasi-judicial actions of the tribunals, quasi-judicial authorities and the administrative authorities is undertaken with a view in ensuring that they act within their allotted jurisdiction.

2. Analyze the salient features of the Commission of Inquiry Act, 1952. State some of the important points of controversy which have arisen under the Act. How do you look at the concept of public importance? Elucidate with case laws. 8+8=16

**Or**

“The whole object of the Commission of Inquiry Act, 1952 is to assuage the feelings of the citizen and to give his objections the first possible consideration.”

Sketch out with case laws the scope, importance and the need of setting up of a Commission of Inquiry. What is the legal status of the Commission? How is the appointment of the Commission made? Compose the differences between the enquiry and civil litigation. 8+3+3+2=16



3. Discuss briefly the general principles relating to contractual liability of government. What do you understand by non-statutory contracts? How are these non-statutory contracts executed? Explain in detail.

8+8=16

**Or**

Evaluate the law relating to the liability of the government for torts committed by its employees with the help of decided cases.

16

4. Who appoints a Vigilance Commissioner? Embellish your answer about the role played by Santhanam Committee in curbing corruption in administration. Discuss the status and the functions envisaged by the Vigilance Commission.

1+7+8=16

**Or**

What major changes brought by the Right to Information Act, 2005? Discuss the changes made in the RTI Act, 2005 through the RTI Amendment Act, 2019. Why were these amendments criticised?

8+4+4=16

5. What do you mean by ombudsman ? Discuss the position of ombudsman in Sweden, UK and USA. Does India adopt the same process of procedure ? 16

**Or**

What do you mean by Lokpal ? Give a brief account of the First All India Conference of Lokayuktas and Upalokayuktas held in 1986.

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