

PARUL UNIVERSITY**FACULTY OF LAW****I- BA/BBA LL.B. Summer 2018 – 19 Examination****Semester: 5****Date: 24/04/2019****Subject Code: 17300302****Time: 10.30 am to 1.00 pm****Subject Name: Administrative Law****Total Marks: 60****Instructions:**

1. All questions are compulsory.
2. Figures to the right indicate full marks.
3. Make suitable assumptions wherever necessary.
4. Start new question on new page.

Q.1 Do as directed. (1 marks each. All Compulsory)**(15)**

1. Define Administrative Law.
2. Define Conditional Legislation.
3. Explain the following maxims (**All compulsory, 1 mark each**):
 - a. *Audi alteram partem*
 - b. *Nemo judex in causa sua*
 - c. *Delegatus non potest delegare*
4. Separation of Powers was first pointed by
 - a. Dicey
 - b. Queen Elizabeth
 - c. Montesquieu
 - d. Jon Snow
5. The object of Green light theory is to keep governmental agencies and administrative authorities within the bounds of law through judicial control:
 - a. True
 - b. False
6. "Sub-delegation, though generally impermissible, can be permitted either when such power is expressly conferred by the statute or can be inferred by necessary implication".
 - a. True
 - b. False
- 7 "Delegated legislation can bring about a parallel legislature".
 - a. True
 - b. False
8. "Indian Constitution has recognized the doctrine of separation of powers in its absolute rigidity".
 - a. True
 - b. False
9. "In The Constitution of India, nowhere the expression Natural Justice is used. However, the golden thread of natural justice passes through the body of Indian constitution".
 - a. True
 - b. False
10. The concept of 'fairness' or 'fair play' has evolved in administrative action.
 - a. True
 - b. False
11. Legislative orders insists on:
 - a. Publication
 - b. Does not focus on publication
 - c. Depends on the schedule of the legislature
 - d. All of the above
12. Quasi-legislative action has the characteristics of:
 - a. Generality
 - b. Public Interest
 - c. Prospectivity
 - d. All of the above.
- 13 The reasons for growth for delegated legislation includes:
 - a. Flexibility
 - b. Pressure upon parliamentary time
 - c. Technicality
 - d. All of the above

Q.2 A) Write short notes on (Each of three mark)**(15)**

1. Discuss the reasons for growth of delegated legislation in India.
2. Discuss the position of delegated legislation in US and India.
3. "Indian Constitution has not indeed recognized the doctrine of separation of powers in its absolute rigidity". Discuss with relevant cases.

4. “The traditional approach of Judiciary while reviewing administrative actions was to only look into the unconstitutionality or illegality of it, the doctrine of proportionality has brought in a system, that is contextualised from the perspective of the aggrieved party thereby minimising infringement of individual rights”. Discuss with relevant cases.
5. “Malafide exercise of power is an abuse of power.” Discuss in light of the power of the Courts in reviewing administrative actions.

Q.3 A) Discuss procedural requirements relating to delegated legislation. When can laying requirement and publication be considered to be mandatory? Why is publication considered an important facet in any legislative process. **(08)**

OR

A) “The executive can be delegated the authority to notify an Act passed by the legislature without any conditions but when the executive is given power to make rules “for the purposes of the Act, the power of the executive is not unlimited.” Analyze this statement in the light of decided cases. **(08)**

B) “Delegated legislation essentially dilutes the doctrine of separation of powers”. Discuss the same in reference to contemporary Indian scenario. **(07)**

OR

B) “The writs have ensured that it keeps a necessary check on the functioning of the administration and upholding rule of law”. Discuss the same in reference to the writs of Quo Warranto and Mandamus. **(07)**

Q.4 A) ‘A’, one of the members of Selection Board for selections for the post of All India Forest Services, was also the candidate for the post. ‘A’ did not participate in deliberations, when his name was considered and approved. ‘B’ not being selected for the post, challenged the selection of ‘A’ on the ground of bias. Decide referring to decided cases. **(07)**

B) Answer the following (Any Four) (Each of two mark) (08)

1. *Ombudsman*.
2. Public Interest Litigation.
3. Judicial Obstinacy.
4. Post-decisional hearing.
5. Rule of Law by Dicey