

Seat No: _____

Enrollment No: _____

PARUL UNIVERSITY
FACULTY OF LAW
B.A LLB/ B.Com LLB/ BBA LLB Winter 2018 – 19 Examination

Semester: 5
Subject Code: 17300302
Subject Name: Administrative Law

Date: 24/10/2018
Time: 10.30 am to 1.00 pm
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. The concept of 'fairness' or 'fair play' has evolved in administrative action.
 - a. True
 - b. False
2. 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
3. Quasi-legislative action has the characteristics of:
 - a. Generality
 - b. Public Interest
 - c. Prospectivity
 - d. All of the above.
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. The reasons for growth for delegated legislation includes:
 - a. Flexibility
 - b. Pressure upon parliamentary time
 - c. Technicality
 - d. All of the above
8. "Delegated legislation can bring about a parallel legislature".
 - a. True
 - b. False
9. "Indian Constitution has recognized the doctrine of separation of powers in its absolute rigidity".
 - a. True
 - b. False
10. "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
11. Define Administrative Law.
12. Define Conditional Legislation.
13. Explain the following maxims (**All compulsory, 1 mark each**):
 - a. *Audi alteram partem*
 - b. *Nemo judex in causa sua*
 - c. *Delegatus non potest delegare*

Q.2 A) Answer the following questions (Each of three mark) (15)

1. “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.
2. Reasoned decisions or Speaking orders have with time evolved as the third principle of natural justice. Discuss with reasons for its growing relevance.
3. Discuss in detail the writ of Quo Warranto as an effective tool in limiting the powers of the authority.
4. “Malafide exercise of power is an abuse of power.” Discuss in light of the power of the Courts in reviewing administrative actions.
5. Examine the reasons for the growth of Administrative law and Administrative tribunals in India.

Q.3 A) “Delegated legislation essentially dilutes the doctrine of separation of powers”. Discuss the same in reference to contemporary Indian scenario. (08)

OR

- A) “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. (08)**
- B) Discuss some cases in which the principle of bias was applied by the courts to invalidate administrative actions. Does this principle apply in all situations? (07)**

Adit, head of the department, wrote confidential reports in respect of two of his employees, named Ramesh and Suresh. While he praised the work of Suresh and gave him “very good” rating, he gave “Poor” rating to Ramesh. Both Ramesh and Suresh appeared before a departmental committee for promotion which included Adit as a member. Suresh was selected for promotion and Ramesh was rejected. Can Ramesh challenge the selection of Suresh on any ground?

OR

- B) How far is the doctrine of necessity an exception to the rule of bias? Discuss referring to judicial decisions. (07)**

‘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.

Q.4 A) The Union Railway Minister while presenting the Railway Budget for the financial year 2017-18 announced the introduction of a number of new trains to run between different cities, including a *GaribRath* between Mumbai and Chennai. Even after a month from the said announcement, no trains were actually introduced by the Railways. Aggrieved by this, a resident of Mumbai wants to move the High Court of Mumbai and approaches you for advice. Give your advice indicating the possibility of success in the court. Discuss with relevant doctrines and cases. Would the client stand a case if he had approached you in April 2018. (07)

B) Write a note on the following: (Each of two mark) (08)

1. *Ombudsman*.
2. Public Interest Litigation.
3. Judicial Obstinacy.
4. Post-decisional hearing.