

PARUL UNIVERSITY
FACULTY OF LAW
LL.M [PPG] Winter 2019 – 20 Examination

Semester: 1**Subject Code: 17204132****Subject Name: Public Authorities & Power Holders:
Control on Maladministration****Date: 29/11/2019****Time: 10:30am 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 Multiple choice questions**(15)**

1. Which part of the Indian Constitution provides for establishing Indian as a Welfare State?

(a) The preamble of the Constitution	(b) Fundamental Rights (Part III of the Constitution)
(c) Directive Principles of State Policy (Part IV of the Constitution)	(d) Schedule IV of the Indian Constitution
2. The system of 'Rule of Law' was propounded by:

(a) A. V. Dicey	(b) Lowell
(c) W. F. Willoughby	(d) H. Finer
3. Separation of Powers was first pointed by:

(a) Dicey	(b) Queen Elizabeth
(b) Montesquieu	(d) M. K. Gandhi
4. Following are the modes of controlling delegated legislation:

(a) Legislative control	(b) Judicial Control
(b) appointment of people with integrity	(d) all of the above
5. The second of Dicey's principles of the Rule of Law is that

(a) Special laws must govern those in positions of power	(b) Protect those with higher contribution to the society
(b) Law is supreme because of its divine nature	(d) Everyone, irrespective of the position in society, is subject to the same laws in the same courts.
6. "Delegated legislation can bring about a parallel legislature".

(a) True	(b) False
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7. "Indian Constitution has recognized the doctrine of separation of powers in its absolute rigidity"

(a) True	(b) False
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8. What is meant by the Doctrine of State Immunity?

(a) The State is immune to being sued	(b) The State can be sued but not in the national courts
(b) The State cannot be sued in its own court without its consent	(d) None of the above
9. If a public servant imposes upon the citizens duties and obligations which are not required by law, it can lead to

(a) Error of law	(b) Abuse of power
(b) Error of authority	(d) Error of fact finding

10. Which of the following parts/ provisions of the Indian Constitution cannot be amended?
 (a) Preamble of the Constitution (b) Directive principles of state policy
 (c) Judicial Review (d) Union list
11. Which Amendment provided a Constitutional status to the Panchayati Raj Institutions in India through insertion of Article 243 to Part IX of Indian Constitution?
 (a) 100th Constitutional Amendment Act (b) 73rd Constitutional Amendment Act
 (c) 103rd Constitutional Amendment Act (d) None of them
12. Who is the present Chief Information Commissioner of India?
 (a) Sudhir Bhargava (b) Sushant Pathak
 (c) Deepankar Chourasia (d) Abhijit Shukla
13. Under RTI Act, which of the following are public authorities?
 (a) authority or body or institution of self-government established or constituted by or under the Constitution (b) authority or body or institution of self-government established or constituted by any other law made by Parliament
 (c) authority or body or institution of self-government established or constituted by any other law made by State Legislature (d) All of the above
14. Which of the following writs is issued to courts, corporations, government servants or persons directing them to perform their duty?
 (a) Prohibition (b) Mandamus
 (c) Quo warranto (d) Habeas Corpus
15. What is the time limit to get the information under RTI Act 2005?
 (a) 15 days (b) 45 days
 (c) 60 days (d) 30 days

Q.2 Write short notes on (15)

1. Discuss the doctrine of rule of law by Dicey.
2. What is information under RTI Act?
3. Why is there a need for control on the functioning of public authorities?
4. Discuss the obligations of the State in background of social contract theory. Explain with contemporary issues that support your arguments.
5. What is welfare state

Q.3 (A) What are the objectives of RTI Act? (08)

OR

(A) Write a note on functions of Personnel Administration. (08)

(B) Discuss the role of civil society participation in policy making. (07)

OR

(B) Discuss the legal framework in India to control Maladministration. (07)

Q.4 (A) Discuss the limits on public authorities that ensure the functioning within the boundaries set by the Constitution. Discuss the nature and scope of judicial review and the grounds on which the same can be invoked. (07)

(B) ANSWER IN BRIEF (ANY FOUR) (08)

1. What is the need of delegation of powers?
Expediency, nature of work, expertise, complicated tasks, proximity with local issues
2. Write a note on administrative ethics
3. What is social contract theory?
4. What is doctrine of Basic Structure?
5. What is Public Interest Litigation?