

LLM
SECOND SEMESTER
ADMINISTRATIVE LAW
LLM-2.2 [CAL-5]

(Use separate answer scripts for Objective & Descriptive)

Duration : 3 hrs.

Full Marks : 70

(PART-A: Objective)

Time : 20 min.

Marks : 20

Choose the correct answer from the following:

1X20=20

1. Administrative law is a branch of:
 - a. Public law
 - b. Private law
 - c. Constitutional law
 - d. International law
2. Separation of power is mentioned in:
 - a. Indian Evidence Act
 - b. Criminal procedure code
 - c. Administrative law
 - d. All of the above
3. Doctrine of ultra vires means:
 - a. An act within the power of legislature
 - b. An act beyond the power
 - c. An act of the Parliament
 - d. Both A and B
4. Delegated legislation means:
 - a. Transfer of law making power to the subordinate authority
 - b. Law making power of the legislature
 - c. Law making power of judiciary
 - d. Enabling Act or Parent Act
5. The concept of Rule of law was given by:
 - a. Jenning
 - b. Dicey
 - c. Wade
 - d. K.C. Davis
6. Which of the following is NOT a type of bias?
 - a. Pecuniary bias
 - b. Personal bias
 - c. Judicial obstinacy
 - d. None of the above
7. Excess or abuse of discretion can be through which of the following grounds?
 - a. Living out relevant consideration
 - b. Arbitrary action
 - c. Exceeding jurisdiction
 - d. All of the above
8. Which of the following is correct definition of 'Audi alteram partem'?
 - a. Listening to the appeal
 - b. Right of fair hearing
 - c. Right to know reasons of decision
 - d. All of the above
9. Which of the following is not an essential to issue writ of mandamus?
 - a. Legal duty of authority
 - b. Refusal to do the duty
 - c. Legal right of the petitioner
 - d. It lies against private individual
10. Which of the following statements is true?
 - a. All courts are tribunals but all tribunals are not courts
 - b. Tribunals are not bound by the decisions of supreme court
 - c. A tribunal is established by government
 - d. Tribunals are not bound by principles of natural justice

11. The institution of Ombudsman originated in 1809 at:
 - a. France
 - b. Sweden
 - c. Germany
 - d. Australia
12. Which is the correct citation of Keshavananda Bharathi v. State of Kerala?
 - a. (1974) 4 SCC 225
 - b. (1973) 4 SCC 225
 - c. (1975) 4 SCC 225
 - d. (1976) 4 SCC 225
13. A.V. Dicey criticized which legal system?
 - a. English legal system
 - b. French legal system
 - c. Australian legal system
 - d. American legal system
14. The Administrative Tribunal has been recognized under which of the following Articles of the Constitution?
 - a. Art 136 and Art 227
 - b. Art 323A and 323B
 - c. Art 32
 - d. All of the above
15. Which of the following is not the meaning of 'Rule of law' according to A.V. Dicey?
 - a. Supremacy of law
 - b. Equality before law
 - c. Pre-dominance of legal spirit
 - d. Wide discretionary powers
16. Which one of the following is not held to be a quasi-judicial function?
 - a. Determination of citizenship
 - b. Disciplinary proceedings against students
 - c. Determination of disqualification of members of parliament
 - d. An order of prevention detention
17. 'Delegates non protest delgare' means:
 - a. The delegate not protest against the authority
 - b. The delegate does not have potential for making laws
 - c. The delegate cannot further delegate
 - d. The delegate can further delegate
18. 'Habeas Corpus' literally means:
 - a. To have the body of
 - b. To command
 - c. To prohibit
 - d. None of the above
19. Lokayukta submits its report to the:
 - a. Chief minister
 - b. Chief justice of the high court
 - c. Governor
 - d. Speaker of the legislative assembly
20. The first country in the world to introduce the Right to Information was:
 - a. Sweden
 - b. Norway
 - c. India
 - d. USA

(PART-B : Descriptive)

Time : 2 hrs. 40 min.

Marks : 50

[Answer question no.1 & any four (4) from the rest]

1. Write an exhaustive note on the reasons for the growth of Administrative Law with reference to India. Do you think that Administrative Law has been able to deliver speedy justice than the regular courts? Comment by giving your cogent reasons. 5+5=10
2. "Delegatus non potest delegare"
Discuss the above given maxim under the three sub-headings of legislative, judicial and administrative power under the Indian context. 10
3. Define the concept of 'natural justice' in the context to a dynamic socio-legal order in India. How is it different from legal notice? Embellish your answer with the Supreme Court's decisions. 5+5=10
4. Explain the reasons for which discretionary powers are conferred on the administrative authorities. State various means by which improper use of discretionary powers of the administrative authorities is sought to be minimized. 4+6=10
5. Discuss critically the important provisions of the Tribunals and Enquiries Act, 1958 which was enacted as per recommendation of Frank's Committee. 10
6. Explain the powers of the High Courts in respect of writ jurisdiction. How does it differ from the jurisdiction of the supreme court? How are different writs applicable in different situations? Embellish your answer by citing case laws. 3+4+3=10
7. Write an exhaustive note on *Droit Administrative*. 10
8. "Open government is the new democratic culture in every liberal democracy". Explain the relevant provisions of the Right to Information Act, 2005 which are expected to bring in open government in India. 10

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