LLM
SECOND SEMESTER
ADMINISTRATIVE LAW
LLM - 2.2 CAL-5

SET
A

[USE OMR SHEET FOR OBJECTIVE PART]

Duration: 3 hrs.

Full Marks: 70

(**Objective**)

Time: 30 min.

Marks: 20

Choose the correct answer from the following: *1×20=20*

1. Which principle was laid down by the Supreme Court in the case of A.K. Kraipak v. UoI?
   a. Judicial Review is a part of the basic structure of the Constitution.
   b. Principles of Natural Justice are applicable to administrative proceedings.
   c. Post-decisional hearing would be sufficient for the observance of principles of natural justice.
   d. Rule of law is embedded in Article 14 of the Indian Constitution.

2. In which case did the Supreme Court make reference to 'legitimate expectation' to review the administrative action?
   a. Gullapalli Nageswara Rao v. State of AP
   b. State of Haryana v. Darshana Devi
   c. K.L. Tripathi v. State Bank of India
   d. State of Kerala v. K.G. Madhavan Pillai

3. In which case did the Supreme Court make it explicit that 'even when the authority has statutory power to take action without hearing, it would be arbitrary to take action without hearing and thus, violative of Article 14 of the Constitution'?
   a. H.L. Trehan v. UoI
   b. A.K. Kraipak v. UoI
   c. UoI v. Satish Chandra
   d. A.K. Roy v. State of Punjab

4. In which case it was observed that 'the dividing line between an administrative power and a quasi-judicial power is quite thin and is being gradually obliterated"?
   a. Swadeshi Cotton Mills v. UoI
   b. State of Odisha v. Binapani Dei
   c. Maneka Gandhi v. UoI
   d. A.K. Kraipak v UoI

5. In which case did the Supreme Court hold that the Wednesbury Rule was applicable in administrative actions?
   a. State of Punjab v. V.K Khanna
   b. Indian Railway Construction Co. Ltd. v. Ajay Kumar
   c. Manak Lal v. Dr. Premchand
   d. UoI v. P.K. Roy

6. Ram Jawaya Kapur v. State of Punjab deals with-
   a. Doctrine of post decisional hearing
   b. Doctrine of public accountability
   c. Doctrine of separation of powers
   d. Doctrine of legitimate expectation

7. Administrative Law forms part of-
   a. Public Law
   b. International Law
   c. Private Law
   d. Common Law

8. The functions of the executive can be classified as
   a. Delegated legislation
   b. Quasi judicial function
   c. Discretionary functions
   d. All of the above

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10. Which is the most accurate definition of the phrase 'Nemo judex in causa sua'?
    a. No proper justice can be done if the judge is related to the party
    b. No man shall be a judge in his own cause
    c. No man can punish himself
    d. No man is capable of rendering judgement on himself

11. 'Administrative law is a law concerning the powers and procedures of administrative agencies including especially the law governing judicial review of administrative action'. This definition is given by
    a. Ivor Jennings
    b. K C Davis
    c. H WR Wade
    d. CessareBecarria.

12. 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

13. 'Delegatus 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

14. 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

15. The institution of ombudsman originated in 1809 at-
    a. France
    b. Sweden
    c. Germany
    d. Australia

16. Which of the following is not a control of delegated legislation?
    a. Judicial
    b. Administrative
    c. Doctrine of ultra vires
    d. Doctrine of lifting the veil

17. Which of the following is NOT a type of bias?
    a. Pecuniary bias
    b. Personal bias
    c. Judicial obstinacy
    d. None of the above

18. The doctrine of Separation of Power was systematically propounded by
    a. Montesquieu in his book The Spirit of Laws
    b. Plato in his book The Social Contract
    c. Aristotle in his book The Spirit of Laws
    d. Montesquieu in his book The Constitution

19. _____ is popularly known as " Habeas Corpus Case".
    a. M C Mehta v/s Union of India(1992) I SCC 358.
    b. GodavarmanThirumulk Pad v/s Union Of India (1007) 2 SCC 267
    c. A D M Jabalpur v/s Shivakant Shukla (1976) 2 SCC 521.
    d. Chandrakanta v/s S K Habib (1975) 1 SCC 674

20. Origin of the concept of *Droit Administratiff* is-
    a. U S A   b. U.K
    c. Germany   d. France

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[3]

(__Descriptive__)

[_Answer question no.1 & any four (4) from the rest_]

1. Define "administrative law". What are the reasons which have led to the growth of administrative law in the present times?   3+7=10

2. "Natural justice represents higher procedural principles which every administrative agency must follow in taking any decision" – Discuss   10

3. What is meant by discretionary powers of the administration ? How can the exercise of discretionary powers be controlled ?   5+5=10

4. "Power in the hands of administrative authorities is a public trust which must be exercised in the best interest of the people" – In this context discuss the doctrine of public accountability.   10

5. "The Indian constitution has not indeed recognised the doctrine of separation of powers in its absolute rigidity but the functions of the different parts or branches of the government have been sufficiently differentiated..." Discuss.   10

6. Elaborate the need for devolution of adjudicatory authority on administration. State its characteristics.   10

7. Define Public Corporation. State different kinds of Public Corporation.   10

8. What is delegated legislation ? How judiciary exercises control over delegated legislation ?   5+5=10

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