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4 SEM LLB (N) AL 4

2018

(June)

LAW

Paper : 4-4

(Administrative Law)

(New Course)

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Choose the correct option : $1 \times 10 = 10$

(i) According to 'Wade and Phillips' the term 'doctrine' means —

(a) the same set of persons should not compose more than one department of the three departments

(b) One department should not exercise the functions of the other two departments

- (c) One department should not control or interfere with the work of other two departments
- (d) All the above threes.
- (ii) Rule making power of administrative agencies are also known as —
- (a) Legislation made by the Legislature
- (b) Subordinate Legislation
- (c) Delegated Legislation
- (d) Both (b) and (c) correct.
- (iii) The words 'purely administrative' refers to —
- (a) Functions of administrative authorities which are neither legislative nor adjudicative in character
- (b) Functions of the administration on all kinds of functions
- (c) Both (a) and (b) are correct
- (d) None of the above.

- (iv) Quasi-Judicial functions denotes —
- (a) Functions relating to judicial matters in toto
 - (b) Not purely judicial
 - (c) Both (a) and (b) correct
 - (d) None of these.
- (v) The outcome of 'Inderjit Singh vs. State of Haryana' is —
- (a) An administrator should follow the principles of natural justice
 - (b) It is not at all mandatory to follow the principle of natural justice
 - (c) Both (a) and (b) are correct
 - (d) None of the above.
- (vi) The 'doctrine of separation of power' has been strictly followed in —
- (a) India
 - (b) U.K.
 - (c) Japan
 - (d) None of these.

(vii) 'Henry VIII Clause' as one class of 'Delegated Legislation' was kept its name after —

- (a) King Henry
- (b) King Henry VII
- (c) King Henry VIII
- (d) All the above.

(viii) The basic feature of the principle of 'Natural Justice' is —

- (a) Justice according to law
- (b) It is not at all necessary to follow any kind of rules or regulations in all the times
- (c) Both (a) and (b) are correct
- (d) None of these.

(ix) The meaning of the term 'Discretion' is —

- (a) The power usually given by the statute to make a choice among competitive considerations

- (b) Solely the power of an administrator under his own wish not given by the statute
- (c) Both (a) and (b) are correct
- (d) None of the above.
- (x) Article 323-A of the Constitution of India generally relating to —
- (a) Different Courts as formed
- (b) Tribunal
- (c) Administrative Tribunal
- (d) None of these.

2. Answer the following questions within **4/5** lines : 2×5=10

- (a) Write in brief about the causes for the growth of Administrative Law.
- (b) Give the meaning of the term 'doctrine of separation of power'.
- (c) What do you mean by 'Administrative Adjudication' ?

(d) Write few lines about exceptions to 'Natural Justice'.

(e) What are the reasons for the growth of 'Public Interest Litigation' (PIL)?

3. Discuss the nature and scope of Administrative Law. 12

Or

Write a brief note on the concept of 'Rule of Law'. Whether there is any negative aspects to the said concept? Answer suitably.

6+6=12

4. What do you mean by the doctrine of separation of powers? Discuss clearly its applicability in India. 6+6=12

Or

Enumerate the essential characteristics of the Administrative Tribunals. Explain the workings of the Tribunals in its practical field basically in India.

8+4=12

5. Define the term 'delegated legislation'. Write a short note on 'Parliamentary Control over delegated legislation'. 4+8=12

Or

What are the effects of the violation of the principles of Natural Justice ?

12

6. "Judicial review is a protection and not a weapon". — Critically discuss the above statement. 12

Or

Write a brief note on the writ jurisdiction of the High Courts and the Supreme Court of India. 6+6=12

7. Ombudsman is the Scandinavian System for the control of administration. Discuss the concepts and applicability of Ombudsman in India. 12

Or

Write short notes on : **(any two)**

6×2=12

- (a) Administrative discretion
 - (b) Commission of Inquiry
 - (c) Sub-delegation
 - (d) Writ of prohibition.
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