

Roll No



**PRESIDENCY UNIVERSITY
BENGALURU**

SET A

**SCHOOL OF LAW
END TERM EXAMINATION – MAY / JUNE 2024**

Semester : Semester IV - 2022

Course Code : LAW2029

Course Name : Administrative Law

Program : BA LLB Honors

Date : June 06, 2024

Time : 09.30am to 12.30pm

Max Marks : 100

Weightage : 50%

Instructions:

- (i) Read all questions carefully and answer accordingly.
- (ii) Question paper consists of 3 parts.
- (iii) Scientific and non-programmable calculator are permitted.
- (iv) Do not write any information on the question paper other than Roll Number.

PART A

ANSWER ANY FOUR QUESTIONS

4Q X 5M = 20 MARKS

1. Explain Rule-making Action. (CO1) [Knowledge]
2. Explain Title-based classification of Administrative Rule-Making Power or Delegated Legislation. (CO2) [Knowledge]
3. Explain the right to cross-examination as an ingredient of fair hearing. (CO3) [Knowledge]
4. Explain the notable instances of administrative discretion and Article 14. (CO4) [Knowledge]
5. Describe the classification of administrative tribunals. (CO5) [Knowledge]
6. "The ex parte evidence taken in the absence of the other party violates the principles of fair hearing". Explain. (CO3) [Knowledge]

PART B

ANSWER ANY FOUR QUESTIONS

4Q X 10M = 40 MARKS

7. The dividing line between administrative power and quasi-judicial power is quite thin and is being gradually obliterated. In light of the above statement, examine the relevance of *A K Kraipak v. Union of India* in distinguishing quasi-judicial power and administrative power. (CO1) [Application]

8. Write short notes on : (a) In re Delhi Laws Act, 1912 (1951); (b) Harla v. State of Rajasthan (1951)
(CO2) [Application]
9. "Rule of fair hearing is sine qua non of every civilized society." Discuss with the help of relevant case laws.
(CO3) [Application]
10. In any intensive form of government, the government cannot function without the exercise of some discretion by the officials. Explain the necessity of administrative discretionary powers in the 21st century.
(CO4) [Application]
11. Administrative discretion has a value of its own in the form of individualization of administrative action. Explain the advantages and disadvantages of administrative discretionary powers.
(CO4) [Application]
12. With the establishment of more tribunals, the jurisdiction of High Courts were taken away in certain areas, which created a conflict between the constitutional judiciary and Parliament. Describe the relevant cases wherein the superintendence of High Courts was established by the Apex Court.
(CO5) [Application]

PART C

ANSWER ANY TWO QUESTIONS

2Q X 20M = 40 MARKS

13. Decide the following case with the help of case laws-
Mr. A, a businessman was prosecuted under clause 3 of the impugned order issued by the Central Government under the Parent Act by a notification dated 17th May, 2019. Section 3(5) of the Parent Act provides that: "Every Notification issued under the Act shall be laid, as soon as may be after it is issued, before both Houses of Parliament." Section 3(6) provides that: "The Notification shall be published in the Official Gazette and shall also be published in a daily newspaper." Mr. A contests that the impugned order and the Notification which formed the basis of his prosecution did not have force of law as they have not been laid before the Houses of the Parliament as required under Section 3(5) of the said Act. Further, the Notification was published in the Official Gazette but was not published in a daily newspaper.
(CO2) [Analysis]
14. Dr. Anita appeared for the post of Assistant Professor in the law department of the University of Punjab along with the other candidates. The Punjab University Act, provided that the Selection Committee shall consist of the Dean of Law, the Vice Chancellor and three experts in the subject. The Dean of the law department, Prof. (Mrs.) Deepika was the mother-in-law of Anita. Anita was pursuing a case for divorce from her husband on the ground of cruelty by her husband and his parents. Anita was not selected by the Selection Committee. Give arguments in favor of the applicant Anita and statutory member of the Committee, namely, Deepika.
(CO3) [Analysis]
15. The Cane Commissioner had the discretionary power to reserve sugarcane areas for respective sugarcane factories. On the dictation of the Chief Minister, the Cane Commissioner excluded 99 villages from the area reserved by him in favor of a specific company. Decide on the validity of the exercise of the said discretionary power.
(CO4) [Analysis]