



PRESIDENCY UNIVERSITY
BENGALURU

SCHOOL OF LAW

MIDTERM EXAMINATION

Even Semester: 2018-19

Course Code: LAW 117

Course Name: Administrative Law

Programme & Sem: BBA./B.A./B.Com.LL.B (Hons.) & IV Sem

Date: 26 March 2019

Time: 2 Hours

Max Marks: 60

Weightage: 30%

Instructions:

- (i) *Read the questions and answer accordingly*

Part A

Answer **all** the Questions. Each Question carries **five** marks (4Qx5M=20)

1. Separation of Power
2. Conditional Legislation
3. Control over Administrative Discretion at the stage of delegation of discretion
4. Quasi- Legislative Actions of Administrative Agency

Part B

Answer **both** the Questions. **Each** Question carries **ten** marks (2Qx10M=20)

5. Write an essay on Droit Administratif
6. Explain in detail Procedural Control over delegated legislation.

Part C

Answer **both** the Questions. **Each** Question carries **ten** marks (2Qx10M=20)

7. "Rule of Law embodies the doctrine of supremacy of law. It is basic and fundamental necessity for a disciplined and organized community." In the light above statement explain meaning of Rule of Law and Dicey's formulation of Rule of Law. Also explain its applicability in India with the help of relevant case laws.
8. "The Legislature must declare the policy of the law, lay down principles and provide standards for the guidance of the delegate to promulgate delegated legislation, otherwise the law will be bad on account of excessive delegation." In the light of above statement and relevant case laws explain the doctrine of excessive delegation.



**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

END TERM FINAL EXAMINATION

Even Semester: 2018-19

Course Code: LAW117

Course Name: ADMINISTRATIVE LAW

Program & Sem: B.A./B.COM./BBA. LL.B & IV

Date: 21 May 2019

Time: 3 Hours

Max Marks: 80

Weightage: 40%

Instructions:

(i) **Write Legibly**

Part A

Answer **all** the Questions. **Each** question carries **ten** marks.

(3Qx10M=30M)

1.

i. Match the following:

i) Conditional Legislation

a) R vs. Burah

ii) Rule of Law

b) A.K. Roy vs. State of Punjab

iii) Separation of Power

c) Inder Singh vs. State of Rajasthan

iv) Delegated Legislation

d) Indira Nehru Gandhi vs. Raj Narian

v) Sub Delegation

e) Kesavananda Bharati vs. State of Kerala

ii. Choose correct Answer:

a) Which of the following is a kind Direct Special Control over Delegated Legislation:

i) Laying with no further direction

ii) Laying subject to negative resolution

iii) Laying subject to affirmative resolution

iv) Laying in draft subject to an affirmative resolution

v) All of the above

b) Which of the following is not a kind of procedural control:

i) Drafting

ii) Antenatal publicity

iii) Consultation

iv) Indirect control

c) Which case from the following does not relate to Control over Administrative Discretion:

i) State of Punjab vs. Khem Chand

ii) State of West Bengal vs. Anwar Ali Sarkar

iii) State of Bihar vs. K.K. Misra

iv) Harla vs State of Rajasthan

- d) "During an emergency, the emergency provisions themselves constitute "Rule of Law". It was held in which of the following case:
- i) ADM Jabalpur vs. Shivakant Shukla ii) P. Sambamurthy vs. State of A.P.
 iii) Humdard Dawakhana vs Union of India iv) Mohini Jain vs. State of Karnataka
- e) An action of the administrative agency which is taken as a matter of duty imposed upon it by the law devoid of ant discretion or judgment. Which kind of administrative action it is:
- i) Administrative action ii) Quasi Legislative action
 iii) Ministerial Action iv) Subordinate Legislation
- iii. Explain in detail the condition on which the writ of Mandamus can be granted.

Part B

Answer **all** the Questions. **Each** question carries **ten** marks. (3Qx10M=30M)

2. Match the Following sections of Administrative Tribunal Act, 1985 with provisio :

- | | |
|----------------|--|
| i) Section 4 | a) Resignation and removal |
| ii) Section 14 | b) Composition of Tribunals |
| iii) Section 9 | c) Term of office |
| iv) Section 8 | d) Establishment of Administrative Tribunals |
| v) Section 5 | e) Jurisdiction, powers and authority of the Central Administrative Tribunal |

3. Explain the powers and functions of Lokpal under the Lokpal Act, 2013.

4. Choose correct answer:

- a) Injunction can be refused under Specific Relief Act, 1963 on which of the following grounds:
- i) To restrain any person from applying to any legislative body
 ii) To restrain any person from instituting or prosecuting any proceeding in a court not sub-ordinate to that from which the injunction is sought
 iii) To prevent a continuing breach in which the plaintiff has acquiesced
 iv) All of the above
 v) None of the above
- b) Perpetual Injunction is granted in following case:
- i) Where the defendant is trustee of the property for the plaintiff;
 ii) Where there exists no standard for ascertaining the actual damage caused, or likely

to be caused, by the invasion

- iii) Where the invasion is such that compensation in money would not afford adequate relief
 iv) Where the injunction is necessary to prevent a multiplicity of judicial proceedings
 v) All of the above
 vi) None of the above
- c) Tortious liability of government under Constitution of India:
- i) Article 289, ii) Article 299 iii) Article 300 iv) Article 294
- d) Doctrine of Necessity is an exception to:
- i) Per conceived Notion Bias
 ii) Personal Bias
 iii) Pecuniary Bias
 iv) Bias on account of Obstinacy
- e) When, to prevent the breach of an obligation, it is necessary to compel the performance of certain acts which the court is capable of enforcing, the court may in its discretion grant an injunction to prevent the breach complained of, and also to compel performance of the requisite acts. Which kind of Injunction it is:
- i) Perpetual ii) Temporary iii) Mandatory iv) Declaratory

Part C

Answer **both** the Questions. **Each** question carries **ten** marks. (2Qx10M=20M)

5. "A" entered into contract of construction with Urban Development Department of State of Gujarat on the basis of certain letters between them and Additional Chief Engineer of the Department was not authorized to enter into contract but has entered into in the name of Governor and it was ratified by the Department. Later on Urban Development Department refused to perform the contract on the ground that contract was not valid. "A" filed suit in the court for enforcement of contract. In the light of these facts decide whether "A" will succeed in his claim. Also explain the conditions for making Government liable for contract under Constitution of India.
6. Write an essay on Rule of Fair Hearing.