

LL.B. IV Term

Paper : LB - 402 - Administrative Law

Prescribed Books:

1. G.P. Singh and Alok Aradhe (Rev.), **M.P. Jain and S.N. Jain's *Principles of Administrative Law*** (5th ed., 2007)
2. I.P. Massey, *Administrative Law* (7th ed., 2008)
3. S.P. Sathe, *Administrative Law* (7th ed., 2004)
4. S.N. Jain, *Administrative Tribunals in India* (1977);
5. S.P. Sathe, *The Tribunal System in India* (1996).

Additional Readings:

1. H.W.R. Wade and C.F. Forsyth, *Administrative Law* (8th ed., 2000)
2. Bhagwati Prasad Banerjee and Bhasker Banerjee, *Judicial Control of Administrative Action* (2001)
3. H.M. Seervai, *The Position of the Judiciary under the Constitution of India* (1970)
4. Harry Woolf, Jeffery Jowell and Andrew Le Sueur, *De Smith's Judicial Review* (6th ed., 2007)
5. *Report of the Committee on Ministers' Powers* (Donoughmore Committee), (Cmd. 4060) (1932)

Topic 1 – Nature and Scope of Administrative Law (5 Classes)

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| 1.1 Definition and Scope of Administrative Law | |
| 1.2 Rule of Law - Dicey's Rule of Law | 01 |
| 1.3 Theory of Separation of Powers | |

Cases

- | | |
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| 1. <i>Rai Sahib Ram Jawaya Kapur v. State of Punjab</i> , AIR 1955 SC 549. | 07 |
| 2. <i>Asif Hameed v. State of J. & K.</i> , AIR 1989 SC 1899. | 16 |
| 3. <i>State of M.P. v Bharat Singh</i> , AIR 1967 SC 1170. | 19 |

Topic 2 – Delegated Legislation (7 Classes)

- 2.1. Meaning
- 2.2. Reasons for growth
- 2.3. Conditional Legislation
- 2.4. Permissible limits of delegation of legislative power
- 2.5. Judicial control

2.6. Legislative control – laying requirement	
2.7. Procedural Control - Pre-and post-publication, consultation of affected interests; The General Clauses Act, 1897, sections 20-24	
4. <i>In re Delhi Laws Act</i> , AIR 1951 SC 332.	24
5. <i>Lachmi Narain v. Union of India</i> , AIR 1976 SC 714.	36
6. <i>Darshan Lal Mehra v. Union of India</i> , AIR 1992 SC 1848.	47
7. <i>Govind Lal v. A.P.M. Committee</i> , AIR 1976 SC 263.	50
8. <i>Sonik Industries, Rajkot v. Municipal Corpn. of the City of Rajkot</i> (1986) 2 SCC 608 : AIR 1986 SC 1518.	56
9. <i>Atlas Cycle Industries Ltd. v. State of Haryana</i> , AIR 1979 SC 1149.	59
10. <i>Rajnarain Singh v. Chairman, Patna Administration Committee</i> , AIR 1954 SC 519.	

Topic 3 – Administrative Discretion (6 Classes)

3.1 Meaning of discretion; Judicial Review of conferment and exercise of discretionary power, abuse of discretionary power;	
3.2 Nature and Scope of Judicial Review	
3.3 Grounds of Judicial Review:	
3.3.1 Abuse / Misuse of discretion - <i>mala fides</i> / ill-will, motive, Unreasonableness / Arbitrariness, Improper Purpose, Ignoring relevant considerations, Relying on irrelevant considerations;	
3.3.2 Non application of mind – acting mechanically, acting under dictation, imposing fetters by self imposed rules or policy decisions;	
3.3.3 Violation of the Principles of Natural Justice	
11. <i>Dwarka Prasad Laxmi Narain v. State of U.P.</i> , (1954) SCR 803: AIR 1954 SC 224.	67
12. <i>A.N. Parasuraman v. State of Tamil Nadu</i> , AIR 1990 SC 40: (1989) 4 SCC 683.	74
13. <i>J. R. Raghupathy v. State of A. P.</i> , AIR 1988 SC 1681.	77
14. <i>Coimbatore District Central Cooperative Bank v. Coimbatore District Central Co-op. Bank Employees Assn.</i> , (2007) 4 SCC 669.	93
15. <i>Om Kumar & Others v. Union of India</i> , AIR 2000 SC 3689	102
16. <i>R. v. Secretary of State for the Home Department, Ex Parte Daly</i> , 2001] UKHL 26	114
17. <i>G. Sadananadan v. State of Kerala</i> , AIR 1966 SC 1925: (1966) 3 SCR 590.	120
18. <i>Express Newspapers (Pvt.) Ltd. v. Union of India</i> , AIR 1986 SC 872.	

19.	<i>State of Bombay v. K.P. Krishnan</i> , (1961) 1 SCR 227: AIR 1960 SC 1223.	126
20.	<i>Ranjit Singh v. Union of India</i> , AIR 1981 SC 461.	135
21.	<i>Nandlal Khodidas Barot v. Bar Council of Gujarat and others</i> AIR 1981 SC 477.	137
22.	<i>Shri Rama Sugar Industries Ltd. v. State of Andhra Pradesh</i> , (1974) 1 SCC 534: AIR 1974 SC 1745.	139

Topic 4 – Principles of Natural Justice (7 Classes)

4.1	Administrative and quasi-judicial functions	
4.2	Meaning and need for Administrative Adjudication, <i>lis inter partes</i> , concept of fairness	
4.3	<i>Nemo judex in causa sua</i> (rule against bias)	
4.4	<i>Audi alteram partem</i> (rule of fair hearing)	
4.4.1	Notice	
4.4.2	Right to cross-examination	
4.4.3	Right to legal representation	
4.5	Reasoned Decision (Speaking Order)	
4.6	Effect of non-observation of the Principles of Natural Justice	
4.7	Requirement of supplying Enquiry Report – Effect of non-supply of such Report.	
23.	<i>A.K. Kraipak v. Union of India</i> , AIR 1970 SC 150.	147
24.	<i>Ashok Kumar Yadav v. State of Haryana</i> , AIR 1987 SC 454.	153
25.	<i>G.N. Nayak v. Goa University</i> , AIR 2002 SC 790.	167
26.	<i>Amar Nath Chowdhury v. Braithwaite & Co. Ltd.</i> , (2002) 2 SCC 290: AIR 2002 SC 678.	173
27.	<i>Hira Nath Mishra v. Principal, Rajendra Medical College</i> , (1973) 1 SCC 805: AIR 1973 SC 1260.	175
28.	<i>J.K. Aggarwal v. Haryana Seeds Development Corpn. Ltd.</i> , (1991) 2 SCC 283: AIR 1991 SC 1221.	179
29.	<i>Bharat Petroleum Corpn. Ltd. v. Maharashtra General Kamgar Union</i> , (1999) 1 SCC 626.	182
30.	<i>Maneka Gandhi v. Union of India</i> (1978) 1 SCC 248.	187
31.	<i>H.L. Trehan v. Union of India</i> , AIR 1989 SC 568.	194
32.	<i>K I Shepherd v. Union of India</i> , AIR 1988 SC 686.	
33.	<i>S.N. Mukherjee v. Union of India</i> , AIR 1990 SC 1984.	198
34.	<i>Managing Director, ECIL, Hyderabad v. B. Karunakar</i> , (1993) 4 SCC 727.	214

Topic 5 – Judicial Review (5 Classes)

- 5.1 Review and Appeal
 - 5.2 Power of Judicial Review of the Supreme Court and the High Courts – Articles 32, 136, 226 and 227 of the Constitution of India
 - 5.3 Writs – *Certiorari*, *Mandamus*, Prohibition, *Habeas Corpus*, *Quo Warranto*
 - 5.3.1 *Certiorari* – (to decide the legality of an order/decision already passed/given) and for that purpose to produce all records of the case before the writ court - Grounds on which issued
 - 5.3.2 Jurisdictional Errors – Excess of jurisdiction, Exercising jurisdiction not vested; Non-exercise of jurisdiction. The court exercising power does not act as an appellate court and therefore neither the merits of the case nor re-appraisal of evidence is allowed; Errors of law alone can be subject of judicial review but not the errors of fact howsoever grave they may be; Review possible if a decision/order was based on ‘no evidence’ or on irrelevant considerations;
 - 5.3.3 Non-compliance with the prescribed procedure or the rules of natural justice;
 - 5.3.4 Errors of law apparent on the face of record can be corrected – that may occur when the conclusion of law recorded by the lower court/tribunal is based on an obvious mis-interpretation of the relevant statutory provision, or sometimes in ignorance of it or even in disregard of it or is expressly founded on reasons which are wrong in law.
 - 5.4 *Mandamus* – To command the performance of a statutory or public duty; not issued for exercise of discretionary power or against the legislature/legislators; can be issued both against the executive authorities as well as private individuals/persons.
 - 5.5 *Prohibition* – To decide the legality of pending proceedings
 - 5.6 *Habeas Corpus* – To decide the legality of an arrest/detention. It is necessary to produce the arrested/detained person in the court and if dead, the dead body must be produced in the court.
 - 5.7 *Quo warranto* – To decide the legal authority of a person to hold a public office.
 - 5.8 Ouster clauses (constitutional and statutory exclusion)
 - 5.9 Curative Petition
35. *Syed Yakoob v. K.S. Radha Krishanan* (1964) 5 SCR 64: AIR 1964 SC 477. 221
36. *Surya Dev Rai v. Ram Chander Rai*, AIR 2003 SC 3044: (2003) 6 SCC 675. 229

37. *Anadi Mukta Sadguru S.M.V.S.S.J.M.S. Trust v. V.R. Rudani*, (1989) 2 SCC 691 : AIR 1989 SC 1607. 241
38. *Common Cause v. Union of India*, AIR 2003 SC 4493 . 245
39. *Rupa Ashok Hurra v. Ashok Hurra*, AIR 2002 SC 1771. 246

Topic 6 – Commissions of Inquiry & Central Vigilance Commission (1 Class)

- 6.1. The Commissions of Inquiry Act, 1952 - Object and Scope of the legislation – ‘to inquire into any definite matter of public importance’;
- 6.2. Power of Central/State Government to appoint a Commission of Inquiry – discretionary and mandatory nature of power;
- 6.3. Powers and Procedure of the Commission of Inquiry; Compliance with the principles of natural justice;
- 6.4. Submission of report and follow up action – effectiveness.
- 6.5. The Central Vigilance Commission Act, 2003 – Constitution, Powers and Functions.

Topic 7 – Right to Information (2 Classes)

- 7.1. Transparency and accountability of the administration; Right to Information under the Constitution of India;
- 7.2. The Right to Information Act, 2005 - Object of the legislation – effective and responsive Government/public authorities; Scope of the right to information – Obligation of public authorities to supply information; Grounds of refusal to disclose information.
40. *Secretary General, Supreme Court of India v. Subhash Chandra Agarwal*, 166 (2010) DLT 305 (FB). 252

Topic 8 – Tribunals & Regulatory Bodies (2 Classes)

- 8.1 Concept; Justice by Tribunals – Advantages: Openness, Fairness, Impartiality, Absence of Technicalities of Evidence and Procedure, Cheapness;
- 8.2 Constitution of India, Articles 323A and 323B;
- 8.3 Overview of Tribunals in India with particular reference to Administrative Tribunals established under the Administrative Tribunals Act, 1985;
- 8.4 Need of Regulatory Bodies; Composition, powers, functions and procedure;
- 8.5 The Securities and Exchange Board of India Act, 1992,

- 8.6 Telecom Regulatory Authority of India Act, 1997,
 8.7 The Insurance Regulatory and Development Authority Act, 1999,
 8.8 The Electricity Act, 2003 (Electricity Regulatory Commission),
 8.9 The Competition Act, 2002.
41. *L. Chandra Kumar v. Union of India and others*, AIR 1997 SC 1125 321
 42. *Union of India v. R. Gandhi, President, Madras Bar Association 2010 (5) SCALE 514* 331

IMPORTANT NOTE:

1. The students are advised to read only the books prescribed above along with legislations and cases.
2. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
3. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.
4. The Question Paper shall include one compulsory question consisting of five parts out of which four parts will be required to be attempted. The question papers set for the academic years 2008 to 2010 are printed below for guidance.

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LL.B IV Term Examinations, April- May, 2008

Note: Answer *five* question including Question No. 1 which is compulsory.
 All questions carry *equal* marks.

1. Attempt briefly any *four* of the following:
 - (a) Write a brief note on the doctrine of ‘Separation of Powers’.
 - (b) Distinguish between ‘Judicial Review’ and ‘Appeal’.
 - (c) Explain the requirement of ‘laying subject to negative resolution’?
 - (d) What do you understand by ‘Curative Petition’?
 - (e) Write a brief note on the object and scope of the Commissions of Inquiry Act 1952.
2. (a) Examine the reasons for the growth of delegated legislation of India.
 (b) What are the permissible limits of delegated legislation? Discuss in the light of decided cases.
3. “The dividing line between an administrative power and a quasi-judicial power is quite thin and is being gradually obliterated.” Elucidate, giving appropriate examples and decided cases.

4. (a) X, a Doctor filed a complaint to the Bar Council against Y, an advocate practising in the High Court of Delhi. The Bar Council appointed a Disciplinary Tribunal consisting of Chairman and two other members to conduct the enquiry. The Chairman is a Senior Advocate and was the Advocate General of Delhi. The Tribunal commenced its proceedings. The Chairman had represented the complainant in an earlier case. On this ground, Y challenges the legality of enquiry. Decide, giving reasons.
- (b) The Union Railway Minister while presenting the Railway Budget announced the introduction of a number of new trains to run between different cities, including a *Garib Rath* between Mumbai and Chennai. Even after a month from the said announcement, no trains were actually introduced by the Railways. Aggrieved by this, a resident of Mumbai wants to move the High Court of Mumbai and approaches you for advice. Give your advice indicating the possibility of success in the court.
5. Write short notes on:
 - (a) *G. Sadanandan v. State of Kerala*, AIR 1966 SC 1925.
 - (b) *Syed Yakoob v. K.S. Radhakrishanan*, AIR 1964 SC 477.
6. What are the conditions on which the judiciary will characterize the exercise of administrative discretion as abuse of discretion?
7. Write short notes on the following:
 - (a) The scope and purpose of the Right to Information Act, 2005 is to ensure 'effective and responsive government'.
 - (b) Dicey's basic premise on the doctrine of rule of law and its application under the Indian Constitution.
8. An employee faces enquiry for misconduct. The employer appoints one of its law officers as presenting officer. The employee is allowed the services of a co-employee during the enquiry. On the basis of enquiry report, the employee is dismissed.
The employee approaches you for advice so that he may seek redressal in a court. You are required to advise the employee indicating the possibility of success.

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LL.B. IV Term (Supplementary) Examinations, Aug.-Sept., 2008

Note: Answer *five* question including Question No. 1 which is compulsory.
All questions carry *equal* marks.

1. Attempt briefly any *four* of the following:
 - (a) Explain conditional legislation;
 - (b) Explain curative petition;
 - (c) Power of Central Government to appoint a commission of enquiry;
 - (d) Power of court to award compensation in exercise of power to issue writ;

- (e) Non-exercise of power by self-imposed policy decision.
2. “The Union Government can exercise all powers on all subjects on which Parliament has power to make law.” Discuss.
The Supreme Court directed the Central Government to confer statutory status on a commission which had been set up by an administrative order. Is the direction valid under law? Could any writ be issued for this purpose?
3. (a) Discuss the purpose and scope of writ of certiorari.
(b) “The Right to Information Act, 2005 ensures accountability and transparency of the administration.” Critically examine this statement.
4. Decide the validity of the following delegation and exercise of legislative power in the light of decided cases:
(a) Power to repeal an existing Act and apply a new Act applicable in some state;
(b) Power to impose “house tax” given to the municipal corporation for the “purposes of the Act.”
5. A civil servant is given a show cause notice to explain his conduct within three weeks. The disciplinary authority simultaneously announces the appointment of enquiry officer to which the civil servant objects. After enquiry, the civil servant was dismissed. He wants to challenge the dismissal order. Advise the civil servant pointing out the grounds on which the order could be challenged. Refer to decided cases.
6. Discuss procedural requirements relating to delegated legislation. When can laying requirement and publication be considered to be mandatory?
7. Discuss the relevance of “post-decisional” hearing. Refer to some cases in which post-decisional hearing was considered inadequate and the action was held invalid/void.
8. (a) An executive authority refuses to exercise its statutory power. A person who was to benefit from the exercise of power approaches the High Court praying for a writ. Which writ can be issued by court and why?
(b) Explain the concept of bias in relation to selections.

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LL.B. IV Term Examinations, May-June 2009

Note: Attempt *five* questions including Question No. 1 which is compulsory.
All questions carry *equal* marks.

1. Attempt briefly any *four* of the following:
- (a) Explain ‘conditional legislation’.
(b) Explain ‘curative petition’.
(c) Explain an ‘error of law apparent on the face of record’.
(d) Explain ‘Wednesbury’ principle.

(e) Scope of Commissions of Inquiry Act, 1952.

2. (a) Are the following valid delegations:
 - (i) Power to extend the life of an Act.
 - (ii) Power to levy taxes for the 'Purposes of the Act'.
- (b) A state enacted an Act with a view to monopolise the business of liquor and prohibited sale of liquor by private traders. Section 10 of the act provided as follows:

“It shall be lawful for the Government to grant licence to any person or persons, on such conditions and for such period as they may deem fit, the exclusive privilege of manufacturing or selling by retail any liquor within any specified local area on payment of a specified amount as rental.”

The state government was empowered to give licence on such conditions as the Government may specify. In exercise of power delegated to it to make rules 'for the purposes of the Act', the State Government made rules prescribing a mandatory condition in the licences that the licensee shall employ at least one person as assigned by the Government who had become unemployed as a result of closure of private liquor shops. A licensee challenges the restriction imposed on him by the state government. Decide.

3. Decide, in the light of cases, whether the following actions are valid:
 - (a) X, a member of selection committee, interviews Y whose confidential reports were written by X.
 - (b) An officer participates in the deliberations of a departmental promotion committee which considered his own case for promotion.
4. (a) Explain 'ex-post facto' hearing. Discuss some cases in which such hearing was considered inadequate

In pursuance of statutory power, the Central Government issued a circular to rationalize the perquisites and allowances to managerial staff. The effect of the circular was reduction of perquisites and allowances. The managerial staff wishes to challenge this action of the Government. Advise them in the light of the Government's plea that it will hear the staff later on.

- (b) Is the following rule valid?

“The delinquent employee may present his case with the assistance of any other employee of the same organization in which the delinquent is working.”
5. On what grounds can a writ of certiorari be issued? Can it be issued to correct conclusions arrived at on facts?
6. (a) Discuss the salient features of the Right to Information Act, 2005.
(b) Write a note on the writ of mandamus.
7. Explain the principles of rule of law and separation of powers
8. (a) The State Government issued a charge-sheet on 1-2-2009 to an employee intimating him of 20 charges of serious misconduct. The employee was required to show cause within three weeks. On 20-2-2009, the Government announced the appointment of an

Enquiry Officer to enquire into the charges against the employee. Decide the validity of the enquiry.

- (b) In exercise of statutory powers, the licensing authority cancelled the licence of a coal dealer. As required, the licensing authority recorded the reason that the licensee was selling coal in black and was running a coal depot in a benami name. The licensee challenges the order before the High Court. Decide in the light of judicial pronouncements.

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LL.B. IV Term (Supplementary) Examinations, July-August, 2009

Note: Attempt *five* questions including Question No. 1 which is compulsory.
All questions carry *equal* marks.

1. Attempt briefly any *four* of the following:
 - (a) Explain the doctrine of 'Proportionality'.
 - (b) Explain 'Wednesbury's Principle'.
 - (c) What are the powers of the Central Government to appoint a commission of inquiry?
 - (d) On what grounds can a writ of certiorari be issued?
 - (e) Consequence of non-supply of an inquiry committee report to an employee before his dismissal from service.
2. Decide the validity of the following rule/decision:
 - (a) "A railway servant may represent his case before the enquiry officer with the assistance of any other railway servant employed on the same railway on which he is working."
 - (b) "No person shall stock, sell or transport coal except under a licence issued by the prescribed authority: Provided that the Coal Controller may grant exemption to a person from the requirement of a licence if he wants to store coal for own consumption: Provided further that the prescribed authority or the Coal Controller or any other person authorized by him may suspend or cancel a licence for reasons to be recorded in writing."
3. (b) A private University is established by an Act of State Legislature. The Act makes it mandatory for the University to implement the directive of the Government including those relating to the terms and conditions of service and pay and allowances applicable to other Universities recognized by the University Grants Commission which is a statutory body. A college run by H.P.S. Trust and affiliated to the private University refuses to pay revised pay scales to its teachers and other employees even though other Universities have implemented the directive of the Government in this matter. What is the remedy for the aggrieved teachers and employees? State the powers of the court in case they approach it for any relief.
- (b) The Government serves a charge-sheet on its Home Secretary on 01.04.2009 asking her to submit her explanation within three weeks. On 15.04.2009, the Government

announces the appointment of the inquiry officer to enquiry into the charges against the Home Secretary. The Home Secretary approaches you for advice her on the basis of judicial pronouncements.

4. "The executive can be delegated the authority to notify an Act passed by the legislature without any conditions but when the executive is given power to make rules "for the purposes of the Act", the power of the executive is not unlimited." Analyse this statement in the light of decided cases.
5. Examine the salient features of the Right to Information Act, 2005. On what grounds the information can be refused? Can third party information be given to the applicant seeking information?
6. Discuss some cases in which the principle of 'bias' was applied by the courts to invalidate administrative actions. Does this principle apply in all situations?

Adit, head of the department, wrote confidential reports in respect of two of his employees, named Ramesh and Suresh. While he praised the work of Suresh and gave him "very good" rating, he gave "Poor" rating to Ramesh. Both Ramesh and Suresh appeared before a departmental committee for promotion which included Adit as a member. Suresh was selected for promotion and Ramesh was rejected. Can Ramesh challenge the selection of Suresh on any ground?

7. Discuss some cases in which the courts have struck down administrative actions on the ground that the discretionary power was exercised on the basis of "irrelevant consideration."
8. The attendance rules of a University read as follows:

"All the students of LL.B. shall have to put in minimum attendance of 66% of the lectures in each of the subjects as also in the moot courts and practical training course:

Provided that in exceptional cases for reasons to be recorded and communicated to the Bar Council of India, the Dean, Faculty of Law/Professor-in-Charge of the Law Centre concerned may condone attendance short of those required by this rule, if the student had attended 66% of the lectures in the aggregate for the semester examinations."

Is the above rules valid? If the Dean/Professor-in-Charge decides to strictly follow the main rule without any exception indicated in the proviso, can a student approach the court for relief? What would be your answer if the Dean/Professor-in-Charge decides to consider only those cases in which a student was ill and submits a medical certificate only from a government hospital?

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LL.B. IV Term Examinations, May-June 2010

1. Explain briefly any *four* of the following :-
 - (a) Laying subject to negative resolution ;
 - (b) Conditional legislation;
 - (c) Right to cross examination; (d) Writ of mandamus;
 - (e) Fetters on discretionary power;

2. (a) Discuss the constitutionality of delegated legislation in India with reference to decided cases.
(b) Explain whether the delegation of power of making restrictions and modifications and repeal of an enactment to subordinate authority is valid delegation of power or not.
3. (a) What is the source of right to information ? Discuss the salient features of Right to Information Act, 2005.
(b) Can the following information be obtained under the Right to Information Act, 2005 ? Explain :
(i) Disclosure of assets by an individual judge to the Chief Justice of India.
(ii) Income tax return of individual submitted in Income Tax Office.
4. (a) 'A', one of the members of Selection Board for selections for the post of All India Forest Services, was also the candidate for the post. 'A' did not participate in deliberations, when his name was considered and approved. 'B' not being selected for the post, challenged the selection of 'A' on the ground of bias. Decide refer to decided cases.
(b) How far doctrine of necessity is an exception to the rule of bias ? Discuss referring to judicial decisions.
5. (a) "Indian Constitution has not indeed recognized the doctrine of separation of powers in its absolute rigidity". Discuss
(b) What are the advantages of tribunals? Discuss the constitutional validity of Article 323-A and 323-B of the Constitution of India, with reference to judicial decisions.
6. (a) Explain whether the rules of natural justice have been followed in the following cases. Refer to decided cases :
An enquiry was initiated against 'X' an employee. Who had been employed as Company Secretary by the employer. 'X' was not permitted to engage the services of a lawyer. The presenting officer of the employer was legally qualified person.
(b) A government company issued a circular for rationalizing the perquisites and allowances of the employees under which the terms and conditions of service of employees had been substantially and adversely altered to their prejudice. The opportunity of hearing was given after the circular was issued and not before the issue of circular.
7. (a) Write a note on Commission of Inquiry Act, 1952.
(b) What are the grounds on which writ of certiorari can be issued ? Refer to decided cases.
8. (a) Explain the Wednesbury's Principle and doctrine of Proportionality.
(b) "Malafide exercise of power is an abuse of power." Discuss.
A notice of re-entry upon forfeiture of lease of land was served on 'X' a newspaper company, by Land and Development Officer purporting to act on behalf of Central Government as the lessors of the land on which the building of 'X' was constructed. The ground of forfeiture was stated as 'unauthorised

construction of the land'. 'X' challenged the action contesting that 'X' had started construction only after obtaining requisite sanction from the lessor. The action of lessor is wholly malafide, as X's paper had been critical of government policies. The government did not specifically denied the allegation but stated that these allegations are not relevant to the matter in issue. Decide referring to judicial decisions.

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LL.B. IV Term Examinations, Question Paper

1. Comment briefly any *four* of the following:
 - (a) The legality of a provision in an Act granting powers to the Executive to extend the life of an Act.
 - (b) The effect of self imposed 'fetters' on administrative discretion.
 - (c) The scope of the Commissions of Inquiry Act, 1952.
 - (d) The 'Removal of difficulties clause'
 - (e) Post decisional' hearing.
2. Examine the context, meaning and scope of the observation of justice K.S. Hegde that, "The dividing line between an administrative power and quasi-judicial power is quite thin and is being gradually obliterated."
3. Write short answers:
 - (a) What are the grounds on which a writ of certiorari can be issued?
 - (b) What are the consequences of non-supply of an inquiry committee report to an employee before he is dismissed from service?
4. Explain the doctrine of 'Separation of Powers' and critically examine to what extent the doctrine has been incorporated in the Constitution of India? How do you reconcile this doctrine with the power of the modern administrators?
5. Write notes on the following:
 - (a) The Right to Information Act, 2005 as an instrument to ensure 'effective and responsive Government' .
 - (b) The doctrine of 'Proportionality'
6. Examine the validity of the following and give cogent reasons for your answers:
 - (a) One of the rules in the code of conduct for employees reads: "An employee, charge sheeted for misconduct may present his case in a domestic enquiry

only with the assistance of any other employee of the same organization in which the delinquent is working.

- (b) A legal provision governing Transportation and Storage of sugar in a State reads as follows:

“No person shall stock, sell or transport Sugar except under a licence issued by the prescribed authority, provided that the ‘Sugar Controller’ or ‘any other authority, as may be authorized’ by the Government may grant exemption to a person from the requirement of a licence if he wants to store sugar for own consumption, Provided further, that the prescribed authority or the Sugar Controller or any other person authorized by him, may suspend or cancel a licence for reasons to be recorded in writing. This order of the authority concerned shall be final.”

7. (a) Discuss the scope and extend of the principle of ‘bias’ to invalidate administrative actions.

‘X’ , the Chief Librarian of a University, wrote confidential reports in respect of two of his Assistant Librarians, ‘P’ and ‘Q’ . While he praised the work of ‘P’ and gave him ‘Excellent’ rating, he gave “Satisfactory” rating to ‘Q’ . Both ‘P’ and ‘Q’ appeared before a Selection Committee for the selection of a Librarian in the same University. ‘X’ , the Chief Librarian was a member of the Committee. ‘P’ was selected for promotion and ‘Q’ was rejected. Can ‘Q’ challenge the selection on the ground of bias?

- (b) What is meant by legislative control of delegated legislation? Examine the Scope of “Laying’ of the rules subject to negative resolution.

8. Examine the reasons for the growth of Administrative Law and Administrative Tribunals in India.