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UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2017

Program: Int. B.B.A. LL.B. Hons. Corporate Laws, B.A. LL.B. Hons. Energy Laws. Batch 1 & 2, Int.

B. Com LL.B. Batch 1 & 2

Semester – V

Subject (Course): Administrative Law

Max. Marks : 100

Course Code : LLBL141

Duration : 3 Hrs

No. of page/s: 05

SECTION A

Q1: Answer the following:

1. Give the two principles of natural justice (latin maxim). 2*1= 2 marks
2. In which case, the Supreme Court has held that the word 'law' in Article-21 does not mean merely an enacted piece of law but must be just, fair and reasonable law? 1*1= 1 mark
3. Match List-I with List-II and select the correct answer using the codes given below : 1*1= 1 mark

List – I

List - II

- (a) Abuse of discretion
- (b) Equality before law
- (c) Delegated legislation
- (d) Separation of powers

- 1. Rule of Law
- 2. Lack of Power
- 3. Check and Balance
- 4. Ultra-vires

Codes: (a) (b) (c) (d)

(A) 2 1 4 3

(B) 1 2 4 3

(C) 3 3 2 1

(D) 4 4 1 2

4. Read Assertion (A) and Reason (R) and with the help of codes given below, point out the correct explanation: 1*1= 1 mark

Assertion (A) : One of the principles of natural justice is, 'No man shall be judge in his own cause'.

Reason (R) : Principles of natural justice require fair play in action.

Codes:

- (A) (A) and (R) are true and (R) is the correct explanation of (A).
- (B) (A) and (R) are true, but (R) is not the correct explanation of (A).
- (C) (A) is true and (R) is false.
- (D) (A) is false and (R) is true.

5. Match List-I with List-II and indicate the correct answer using the codes given below :

1*1= 1 mark

List – I

- (a) A.K. Kraipak Vs. Union of India
- (b) Ram Jawaya Kapur vs State of Punjab
- (c) Motilal vs State of U.P
- (d) Maneka Gandhi Vs. Union of India

List – II

- (i) General administration requires no statute
- (ii) Nemo judex in causa sua
- (iii) Appropriation Act
- (iv) Reasonable opportunity of hearing

Codes: (a) (b) (c) (d)

- (A) (i) (ii) (iii) (iv)
- (B) (i) (iii) (iv) (ii)
- (C) (ii) (iii) (i) (iv)
- (D) (iii) (ii) (iv) (i)

6. Answer the following using the codes given below : 1*1= 1 mark

Administrative Law deals with:

- (i) Composition, powers and functions of the administrative authorities.
- (ii) Procedures to be followed by the administrative authorities in the exercise of their powers and functions.

- (iii) Methods of control of powers of the administrative authorities.
- (iv) Remedies available to a person in case of violation of his rights by the administrative authorities.

Codes:

- (A) Only (i) is correct.
- (B) Only (i) and (ii) are correct.
- (C) Only (i), (ii) and (iii) are correct.
- (D) All of the above are correct.

7. Find correct answer: 1*1= 1 mark

- (A) Administrative law is a branch of public law and is only a part of Constitutional law. It cannot control the Constitutional law.
- (B) Administrative law is a branch of private law.
- (C) Administrative law is independent to Constitutional law.
- (D) Administrative law is neither the branch of public law nor of private law, but a part of Constitutional law.

8. India has _____of power not _____of power like U.S.A. . 2*1= 2 marks

SECTION B

Answer *any four* the following.

5*4= 20 marks

1. Difference between Writ of Certiorari and Writ of Prohibition.
2. Right to notice under Audi Alteram Partem.
3. Wednesbury principle
4. Right to cross examination under Audi Alteram Partem
5. Right to legal representation under Audi Alteram Partem

SECTION C

10*2= 20 marks

Answer any two of the following:

1. *The principle of Natural Justice did not originate from any divine power, but are the outcome of the necessity of judicial thinking, as well as the necessity to evolve the norms of fair play. In light of this statement, discuss Rule against bias and Rule of fair hearing in Administrative Law.*
2. *The Judiciary controls the Administration through its power of Judicial Review. The same cannot be curtailed in the light of executive efficiency and administrative convenience. The best and prompt tools that the aggrieved has against the arbitrary actions of the administrative bodies are the writs. In the light of this statement discuss any two writs.*
3. *The term “procedure established by law” is used directly in the Indian constitution. Due Process of Law has much wider significance, but it is not explicitly mentioned in Indian Constitution. The due process doctrine is followed in the United States of America, and Indian constitutional framers purposefully left that out. Discuss the relation between due process of law, procedure established by law and principles of natural justice with special reference to Maneka Gandhi vs Union of India 1978 AIR 597.*

SECTION D

1. 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 license issued by the prescribed authority, provided that a sugar controller or any other authority, as may be authorized by the government may grant exemption to a person from the requirement of a license 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 license for reasons to be recorded in writing. The order of the authority concerned shall be final.”
Discuss the validity of the above order with the help of relevant case laws. (15 marks)
2. Section 5 of the Gujarat Agricultural Produce Market Act, 1939 states: “the Director may, by notification in the official gazette, declare his intention of regulating the purchase and sale of such agricultural produce and in such area, as may be specified therein. Such notification shall also be published in Gujarati in a newspaper having circulation in area and in such other manner as may be prescribed.”

The director notifies that “ginger” is to be sold only by license-holders. The notification is published in official gazette but not in Gujarati newspaper. (20 marks)

3. Government of India decided to fill vacancies in Indian Administrative Service on urgent basis. To this effect Government of India decided to fill 50% of vacancies through open competition conducted by UPSC and remaining 50% vacancies from various states by inducting Provincial Civil Services officers in IAS cadre through promotion. Central government directed states to conduct free and fair interviews of PCS officers in their respective states and send a list of recommended officers for induction in IAS cadre. However, this list would be recommendatory and it would need final approval of UPSC. In State of Uttar Pradesh, a selection board was constituted in which Mr. X, a senior PCS officer, was a member. Mr. X had also applied for induction in IAS cadre. However, Mr. X did not sit in the selection board at the time his name was considered for selection. When final selection list was published his name was in the selected candidates. Mr. Y, who was also an applicant, challenged this selection list on the grounds of violation of principles of natural justice. Assuming yourself a judge in this case decide. (15 marks)

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SECTION A

Q1: Define the following 2 -3 lines:

5*2= 10 marks

1. Writ of Quo Warranto
2. Rule of Law
3. Separation of Power
4. Power of Judicial Review
5. Audi Alteram Partem

SECTION B

Answer *any four* the following.

5*4= 20 marks

1. Difference between Administrative Law and Constitutional, Law.
2. Abdication Test
3. Valid notice u/ Principles of Natural Justice
4. Judicial Control of Delegated legislation

SECTION C

10*2= 20 marks

Answer the following:

1. Discuss the case of Maneka Gandhi vs. Union of India with special emphasis to due process of law, principles of natural justice and their relation.
2. How are writs effective tools for checking arbitrariness in Administration? Discuss its efficacy and success so far in India.

SECTION D

1. X, a Doctor filed a complaint to the Bar Council against Y, an advocate practicing in the High Court of Delhi. The Bar Council appointed a disciplinary committee consisting of Chairman and two other members to conduct the enquiry. The Chairman is a senior advocate and was Advocate General of Delhi. The committee 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. (25 Marks)
2. The Bangalore Corporation was delegated power to impose tax under the Corporation Act by an order which was to be published in the official gazette and also in the local newspaper in local in local language having circulation in that area. The Bangalore Corporation came out with an order and published the same in the official gazette. However the same was not published in local newspaper in the local language. Decide as to whether the publication requirement under delegated legislation has fulfilled or not? Cite relevant case laws. (25 Marks)