

GUJARAT NATIONAL LAW UNIVERSITY
SILVASSA CAMPUS
Course: ADMINISTRATIVE LAW
Semester- II (Batch: 2023-24)

End Semester Examination: April 2024 (LL M)

Date: 27 APRIL, 2024

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving a reason, if any.
- Bare Act is not allowed.
- Word Limit: 10 Marks: 1000 words.

(Answer Any Five of the following questions)

(10 Marks each)

- 1) “Administrative law is the byproduct of the growing socio-economic functions of the state and the increased powers of the government. Administrative law has become very necessary in developed societies, and the relationship between administrative authorities and the people has become very complex. In order to regulate these complex relations, some law is necessary, which may bring about regularity certainty and may check at the same time the misuse of powers vested in the administration.”

Elaborate on the rise and growth of Administrative Law with the rise of the Modern State.

- 2) Explain the principle of Natural Justice as a procedural safeguard against Administrative Adjudication.
- 3) “Legislation should be enacted by the Legislature but not by the Executive”.

Due to its onerous legislative time schedule, do you think the government is passing skeleton legislation that gives immense power to the administrative authority to make rules and regulations? Discuss the need for Delegated Legislation and prescribe the control mechanism to prevent the abuse of power by the Executive.

- 4) “While broad discretionary powers may be the need of the day from the point of view of the administration, nevertheless, from the individual’s point of view, there are several pitfalls in the discretionary decision-making process.”

Do you think adopting a case-to-case approach by administrative authorities violates the principle of equality before law and leads to arbitrary decision-making and abuse of discretionary powers? Discuss the advantages and disadvantages of administrative authorities adopting a case-to-case approach in contrast to adopting a general rule applicable uniformly to all similar cases.

- 5) “One of the compelling reasons for establishing the Tribunals had been the pendency of a large number of cases and the delay in the disposal of cases in the Courts. As a remedy thereof, quasi-judicial institutions in the name of Administrative Tribunals were established so as to work as an independent and specialised forum.

..... The Law Commission of India persistently suggested that the power of judicial review of the High Courts against a judgment of the Tribunal is not only time-consuming but also expensive and there is always a possibility of various High Courts interpreting the same statutory provision differently.”

Do you think High Courts are bypassing the powers of Tribunals, causing more case pendency and hindering the object of setting up tribunals? Elaborately explain with the help of case laws.

- 6) “Fundamental Rights have no fixed content; most of them are empty vessels into which each generation must pour its content in the light of its experience.”

Elaborately explain the Constitutionalisation of Administrative Law through Fundamental Rights using relevant case laws.