



## BRAINWARE UNIVERSITY

**Term End Examination 2021 - 22**

**Programme – Bachelor of Business Administration & Bachelor of Law**

**Course Name – Administrative Law**

**Course Code - BBALLB403**

**( Semester IV )**

**Time allotted : 1 Hrs.15 Min.**

**Full Marks : 60**

[The figure in the margin indicates full marks.]

### Group-A

(Multiple Choice Type Question)

1 x 60=60

*Choose the correct alternative from the following :*

- (1) Jennings defined administrative law as
- |                                   |   |
|-----------------------------------|---|
| a) Law relating to administration | b) It determines the power, function and duties of administrative authorities |
| c) Both (1) and (2)               | d) None of these  |
- (2) Wade defined administrative law as
- |  |  |
|--|--|
| a) The law relating to the control of Parliament's power | b) The law relating to the control of governmental power |
| c) The law relating to the control of power of judiciary | d) None of these   |
- (3) Justice P. B. Mukherjee defined administrative law as
- |   |                                  |
|---|----------------------------------|
| a) The law relating to Parliament   | b) The law relating to judiciary |
| c) The law useful to adjust and regulate the conflicting claims of executive and administrative authority | d) None of these                 |
- (4) Function of administrative law is to ensure that the governmental functions
- |   |                               |
|---|-------------------------------|
| a) Are in accordance with the law                         | b) On proper legal principles |
| c) Are in accordance with the rules of reason and justice | d) All of these               |

- (5) Three organs of the government are
- a) Legislature
  - b) Executive
  - c) Judiciary
  - d) All of these
- (6) The system of 'Droit Administratif' is prevalent in
- a) Italy
  - b) France
  - c) Germany
  - d) None of these
- (7) Propounder of 'Rule of Law' is
- a) Salmond
  - b) A. V. Dicey
  - c) Wade
  - d) Montesquieu
- (8) According to A.V. Dicey, 'Rule of Law' applies in
- a) Supremacy of Law
  - b) Equality before Law
  - c) Predominance of legal spirit
  - d) All of these
- (9) Origin of 'Rule of Law' is
- a) U.S. A
  - b) U.K.
  - c) Canada
  - d) India
- (10) Concept of 'Separation of Powers' is reflected in
- a) Article 50 of Indian Constitution
  - b) Article 51 of Indian Constitution
  - c) Article 52 of Indian Constitution
  - d) Article 53 of Indian Constitution
- (11) A quasi-judicial authority will contain and perform
- a) All the attributes of a court
  - b) Some of the attributes of a court
  - c) No attribute of a court
  - d) None of these
- (12) Concept of 'Delegated Legislation' arises because of
- a) Pressure upon Parliamentary time.
  - b) Technicality
  - c) Flexibility
  - d) All of these
- (13) Substantive ultra vires occurs
- a) When an act of legislature exceeds the power conferred on legislature by the Constitution
  - b) When an act of legislature does not exceed the power conferred on legislature by the Constitution
  - c) When an act of legislature exceeds the procedure conferred on legislature by the Constitution
  - d) None of these
- (14) Which one of the following is a true statement of the rules of natural justice?
- a) A public body shall not make a decision which is so absurd that no reasonable authority could ever have made to it.
  - b) A public body shall not act in bad faith.
  - c) A public body shall direct itself properly in law
  - d) No man is to be a judge in his own cause and that all the parties to a dispute shall be fairly heard
- (15) Which one of the following statements is false?

- a) There are degrees of judicial hearing ranging from the borders of pure administration to the borders of a full hearing in a criminal case in the Crown Court.
- b) The requirements of natural justice depend, among other things, on the circumstances of the case, the nature of the inquiry, the rules under which the tribunal is acting and the subject matter.
- c) There are three recognized categories of licensing case, namely application cases, expectation cases and revocation cases.
- d) Applicants for licences are automatically entitled to hearing if their application is refused.
- (16) Which of the following cases supports the rule that a legitimate expectation might arise based on a promise made to the claimant?
- a) Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374
- b) R v Gaming Board ex parte Beniam and Khaida (1970)
- c) R v Barnsley MBC ex parte Hook (1976)
- d) R v North and East Devon Health Body ex parte Coughlan [2001] QB 213
- (17) What remedy may be availed of by an aggrieved party against the non-performance of duty by the public officer, if his duty is ministerial?
- a) Petition for Certiorari
- b) Petition for Review
- c) Petition for Mandamus
- d) Ordinary Court Action
- (18) Settled is the rule that jurisdiction to hear and decide cases, which involves the exercise of adjudicatory power is conferred only by
- a) Rules of Court
- b) Implementing Rules and Regulations
- c) Constitution
- d) Administrative Orders
- (19) The doctrine of separation of powers prohibits the delegation of that which is purely legislative in nature. This consists of the following, except:
- a) to determine the purpose or policy to be achieved by the law
- b) to fix the limits within which the law shall operate
- c) to add or modify the provisions of the law through implementing regulations
- d) to fix the limits within which the law shall operate
- (20) In order to be valid, the administrative rules and regulations must be, except:
- a) reasonable and partially related to carrying into effect the general provisions of the law
- b) conform to the standards that the law prescribes
- c) germane to the objects and purposes of the law
- d) none of these
- (21) What is the remedy of a person who has been excluded from the use and enjoyment of a right or office to which he has a legal right to the office, where there is no appeal or plain, speedy and adequate remedy in the ordinary course, commanding the board or person that unlawfully excluded him to reinstate him to such office or enjoyment of such right.
- a) Action for quo warranto
- b) Petition for mandamus
- c) Writ of preliminary injunction
- d) Petition for review on Certiorari under Rule 45
- (22) Administrative adjudication is the process by which
- a) Legislature issues an affirmative, negative, injunctive or declaratory order
- b) an administrative agency issues an affirmative, negative, injunctive or declaratory order

- unctive, or declaratory order
- c) Judiciary issues an affirmative, negative, injunctive, or declaratory order
- (23) Who said, "...administrative adjudication means the investigation and settling of a dispute involving a private party on the basis of a law and fact by an administrative agency."
- a) Prof Dicey  
c) Prof Wade
- b) Prof White  
d) Salmond
- (24) Cause of Growth of Administrative Adjudication is
- a) The instruction  
c) The request
- b) The command  
d) By-Product of the Welfare State
- (25) Administrative adjudications are
- a) To quash  
c) To implement
- b) Suitable to Industrialized and Urbanized Society  
d) To apply
- (26) Violation of rule of law
- a) Article 225  
c) Article 227
- b) Article 226  
d) is one of the defects of administrative adjudication
- (27) Tribunal means
- a) You may have the body  
c) You may have the character
- b) An officer or body with the authority to pronounce judgment on a matter based upon the evidence  
d) You may have the title
- (28) Courts deal with
- a) To quash  
c) To implement
- b) To stop  
d) All types of cases
- (29) The provision of tribunal has been inserted in
- a) Article 32 & Article 226 of Indian Constitution  
c) Article 323A & Article 323B of Indian Constitution
- b) Article 55 & Article 56 of Indian Constitution  
d) None of these
- (30) The latin term 'Habeas Corpus means
- a) You may have the body  
c) cannot be a party to the dispute
- b) You may have the soul  
d) You may have the title
- (31) Court is headed by
- a) The Lokpal  
c) Judge, panel of judges or magistrate
- b) Lokayukta  
d) Chairperson and other judicial members
- (32) For court,
- a) no formal procedure is required
- b) formal procedure is required

- c) Administrative procedure is required
- (33) Tribunals can be
- a) an arbitrator
- c) a public administrative agency
- (34) Domestic Tribunal has
- a) Autonomous status
- c) Controlled by Central Government
- (35) Administrative tribunals are constituted
- a) With amendment to Articles 300A of the Indian Constitution.
- c) With amendment to Articles 32 and 226 of the Indian Constitution
- (36) Administrative tribunals' are
- a) Judicial in nature
- c) Administrative in nature
- (37) Administrative Directions are instructions or regulations issued
- a) In Supreme Court.
- c) In District Court
- (38) Administrative Directions
- a) Confer the rights to the individual
- c) do not confer rights to the administration
- (39) An administrative direction is
- a) legislative in nature and can be enforceable
- c) Both (a) and (b)
- (40) administrative directions are in the nature of instructions that are issued by
- a) various government departments
- c) President
- (41) An administrative decision, which is taken through the exercise of discretionary powers, must be in the extent to the consequences that follow from implementing such decisions. This doctrine is
- a) The doctrine of proportionality
- c) Doctrine of Public Accountability
- (42) Authority given in the hands of Public Authority is on public trust which must be exercised in the best interest of the Public. This doctrine is
- a) The doctrine of proportionality
- c) Doctrine of Public Accountability
- (43) The Doctrine of Legitimate Expectation has been evolved in
- d) You may have the title
- b) tribunal board
- d) All of these
- b) No status
- d) Controlled by State Government
- b) By 42nd Amendment Act, 1976
- d) By inserting Articles 323A and article 323 B
- b) Quasi-judicial in nature
- d) None of these
- b) In High Court
- d) By administrative authority
- b) Confer the rights to the administration
- d) do not confer any enforceable rights on an individual
- b) administrative in nature and cannot be enforceable
- d) Neither (a) and (b)
- b) Parliament
- d) Judiciary
- b) Doctrine of Colourable Legislation
- d) The doctrine of Severability
- b) Public Trust Doctrine
- d) Doctrine of Public Accountability

- a) American Law  
c) British Law
- b) Irish Law  
d) Indian Law
- (44) Legitimate expectation means
- a) Unreasonable expectation  
c) Illogical expectation
- b) Reasonable expectation  
d) Logical expectation
- (45) Where the statute is silent, the ordinary civil action cannot be availed of, however the following remedies can be availed of except:
- a) Petition for writ of certiorari  
c) Writ for preliminary injunction
- b) a. Petition for mandamus under Rule 65  
d) Petition for prohibition
- (46) Which of the following is subject to judicial review in an appropriate case?
- a) Only non-judicial actions  
c) Both non-judicial actions and quasi-judicial actions
- b) Only quasi-judicial actions  
d) None of these
- (47) In order to be valid, the administrative rules and regulations must be,
- a) reasonable and partially related to carrying into effect the general provisions of the law  
c) germane to the objects and purposes of the law
- b) conform to the standards that the law prescribes  
d) All of these
- (48) What are the principles of 'Doctrine of Judicial Review'?
- a) Constitution is the supreme law of the land.  
c) The judiciary must rule against any law that conflicts with the constitution
- b) The Supreme Court has the ultimate authority in ruling on constitution matters  
d) All of these
- (49) In which Article of Indian Constitution, writ jurisdiction of High Court has been provided?
- a) Article 225  
c) Article 227
- b) Article 226  
d) Article 228
- (50) How many writs, a person can file in Supreme Court and High Court?
- a) 5  
c) 7
- b) 6  
d) 8
- (51) Habeas corpus is a latin term, which means
- a) You may have the body  
c) You may have the character
- b) You may have the soul  
d) You may have the title
- (52) Prohibition' means
- a) To quash  
c) To implement
- b) To stop  
d) To apply
- (53) 'Quo Warranto' means
- a) To quash  
c) What is your authority
- b) To stop  
d) To apply

- (54) The following are the reason for exhausting administrative remedies except:
- a) To enable the administrative superior to correct the error committed by their subordinates
  - b) Court should not be saddled with the review of Administrative cases
  - c) Judicial review of administrative cases is usually effected through civil actions which are available only if there is no plain, speedy and adequate remedy
  - d) To avail of administrative remedy entails a lesser expense and provides speedy disposition of the controversies
- (55) In order to be valid, the administrative rules and regulations must be valid
- a) reasonable and partially related to carrying into effect the general provisions of the law
  - b) unreasonably and partially related to carrying into effect the general provisions of the law
  - c) germane to the objects and purposes of the law
  - d) All of these
- (56) Parliamentary Control Over Administrative Discretion involves
- a) Direct General Control
  - b) Direct Special Control
  - c) Both (a) and (b)
  - d) Neither (a) and (b)
- (57) The word 'ombudsman' is a
- a) African word
  - b) Scandinavian word
  - c) Chinese word
  - d) English word
- (58) The 'Lokayukta' is
- a) For Union Territory
  - b) For State
  - c) For whole India
  - d) For District
- (59) Who appoints the Lokayukta and Upalokayukta?
- a) Governor of the state
  - b) Chief Minister
  - c) Speaker of Lok Sabha
  - d) Judge of High Court
- (60) Who appoints 'Lokpal'?
- a) President of India
  - b) Chief Minister
  - c) Speaker of Lok Sabha
  - d) Judge of High Court