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**BRAINWARE UNIVERSITY****Term End Examination 2025-2026****Programme – LLM-2025****Course Name – Administrative Law****Course Code - LLM203B****(Semester II)**

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BRAINWARE UNIVERSITY
SCHOOL OF LAW
 Barasat, Kolkata- 700125

Full Marks : 60**Time : 2:30 Hours**

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A

(Multiple Choice Type Question)

1 x 15=15

1. *Choose the correct alternative from the following :*

- (i) What is the role of Administrative Law in relation to governmental powers?
- | | |
|---|--|
| a) To eliminate governmental powers | b) To expand governmental powers |
| c) To control governmental powers within legal limits | d) To exercise governmental powers arbitrarily |
- (ii) How does administrative law contribute to accountability?
- | | |
|--|--|
| a) By expanding administrative powers | b) By limiting individual rights |
| c) By providing mechanisms for grievance redressal | d) By promoting administrative despotism |
- (iii) Infer the reason why the strict application of the separation of powers doctrine is impractical in modern governance.
- | | |
|------------------------------------|--|
| a) Enhancing government efficiency | b) Ensuring freedom of individuals |
| c) Facilitating power manipulation | d) Overcoming governmental inconsistency |
- (iv) Infer the concern expressed regarding the expansion of administrative authorities in India.
- | | |
|---------------------------------|--------------------------------------|
| a) Interference with actions | b) Overreaching legislative powers |
| c) Empowerment of the Judiciary | d) Strengthening of democratic norms |
- (v) Outline the term used for the Act of Parliament that empowers someone else or other authority to make legislation.
- | | |
|---------------------|--------------------|
| a) Enabling Statute | b) Primary Act |
| c) Delegate Act | d) Executive Order |
- (vi) Select the situation that would likely result in a decision being considered "coram non-judice."
- | | |
|--|---|
| a) A judge who has a financial stake in a case. | b) A judge who decides a case based on evidence. |
| c) A judge who demonstrates obstinate adherence to their decision. | d) A judge who is unbiased and impartial throughout a case. |

- (vii) Identify the principle of natural justice that prohibits a judge from deciding their own case.
- | | |
|----------------------------|------------------------|
| a) Nemo judex in causa sua | b) Audi alteram partem |
| c) Rule Against Bias | d) Pecuniary Bias |
- (viii) infer a scenario where right to rebut evidence is crucial.
- | | |
|--------------------------------|--------------------------------|
| a) Detailed written responses | b) Adequate notice provisions |
| c) Oral testimony availability | d) Lack of summary information |
- (ix) Identify the grounds upon which judicial review of administrative action can be exercised.
- | | |
|---|---|
| a) Illegality, Irrationality, Proportionality | b) Unpopularity, Illegitimacy, Discretion |
| c) Arrogance, Incompetence, Bias | d) Irregularity, Injustice, Inequality |
- (x) Identify the term used to describe the principle that administrative action must not exceed what is necessary.
- | | |
|---------------------------|-----------------------------|
| a) Proportionality | b) Discretionary Limitation |
| c) Administrative Caution | d) Judicial Moderation |
- (xi) Determine who can approach the court under PIL according to the reinterpretation of 'locus standi':
- | | |
|--|---|
| a) Only individuals directly affected by a legal wrong | b) Any public-spirited individual or group on behalf of disadvantaged persons |
| c) Only government authorities | d) Only social organizations |
- (xii) Choose the major change brought about by the reinterpretation of 'locus standi' in the context of PIL.
- | | |
|---|--|
| a) It restricted access to the courts to only those directly affected by legal wrongs | b) It allowed any concerned citizen or group to seek justice on behalf of others |
| c) It made the court procedures more complicated | d) It limited the types of cases that could be brought under PIL |
- (xiii) Identify the mandatory condition for government contracts as prescribed in Article 299 of the Indian Constitution.
- | | |
|--|--|
| a) Expressed as made on behalf of the Prime Minister | b) Executed by a person authorized by the Prime Minister |
| c) Expressed as made on behalf of the President/Governor | d) Executed by a person authorized by the President/Governor |
- (xiv) Determine the basis for state liability under torts as per post-constitutional developments in India.
- | | |
|---|--|
| a) Sovereign immunity is absolute and unchallenged | b) State's liability is determined on grounds like the degree of policy discretion available |
| c) Traditional sovereign-non sovereign classification remains unchanged | d) State is immune from all torts committed by its employees |
- (xv) Choose the correct stance on sovereign immunity in relation to fundamental rights violations according to Challa Ramakrishna Reddy v. State of AP.
- | | |
|--|---|
| a) Immunity applies regardless of rights violations | b) Sovereign immunity supersedes fundamental rights protections |
| c) Sovereign immunity does not apply in cases of rights violations | d) Fundamental rights do not apply to government actions |

Group-B

(Short Answer Type Questions)

3 x 5=15

2. A State Government issues a set of tax exemption rules under a parent Act, but the rules are (3) never laid before the State Legislature, even though the Act requires it. A company challenges the applicability of the rules, claiming they are invalid due to non-laying. With reference to a leading case, discuss whether the rules are valid and what role the laying procedure plays in delegated legislation.

3. Illustrate the challenges posed by administrative law to the doctrine of separation of powers (3)
with special reference to India.
4. Outline the role of judicial decisions in upholding the rule of law in India. (3)
5. Explain the indirect control exercised by the Parliament over delegated legislation. (3)
6. Examine the constitutional provisions that support the foundation of Public Interest Litigation (PIL) in India. (3)

OR

A state legislature enacts a law that empowers the executive to make rules related to taxation without specifying any guiding policy or requirement to place such rules before the legislature for approval. Later, a textile company challenges a tax rule framed under this power, arguing that the rule is unconstitutional due to lack of legislative control and oversight. With reference to relevant constitutional principles and a leading Supreme Court decision, discuss whether the delegation of such unrestricted rule-making power is valid. What are the constitutional limits on delegated legislation in such cases? (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Identify and discuss the obstacles posed by administrative law to the strict implementation of the doctrine of separation of powers, analyzing its impact on governance and law enforcement. (5)
8. Assess what constitutes "personal Bias " in the context of administrative law and its impact on fair adjudication. (5)
9. The State issued an Externment order against Mr. X under the State Public Security Act, 1959, directing him to leave certain districts without a hearing or opportunity to contest the order. Mr. X challenged the action as being violative of his fundamental rights. The State justified its power under the Act as a matter of administrative necessity. In light of the abovementioned fact "Discuss how the doctrine of Rule of Law limits arbitrary state power, particularly in preventive or restrictive administrative actions. Illustrate your answer with reference to the principles laid down in various judgements. (5)
10. Evaluate the role of judicial control in regulating administrative discretion. (5)
11. Explain the evolution of the doctrine of state liability under Indian administrative law. (5)
12. A municipal authority issues a show-cause notice to a shop owner for illegal construction. The notice states that "the authority has already decided to demolish the structure" and asks the owner to explain why demolition should not proceed. Decide whether this constitutes violation of principles of natural justice or not with reference to suitable cases and principles of administrative law. (5)

OR

In a complex disciplinary inquiry involving legal and technical evidence, an employee requests permission to be represented by a lawyer. The request is denied, while the department is represented by a legally trained presenting officer. Decide whether this constitutes violation of principles of natural justice or not with reference to suitable cases and principles of administrative law. (5)

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