G 4294 (Pages : 2) Reg. No.....

Name.....

FIVE YEAR B.A. B.Com. B.B.A., LL.B. (HONOURS) DEGREE EXAMINATION, JULY 2023

Sixth Semester

FL 16—ADMINISTRATIVE LAW

(2019 Admissions—Regular/2018 Admissions—Supplementary)

Time : Three Hours Maximum : 75 Marks

Part A

Write short notes on any **five** *of the following.*
Each question carries 3 *marks.*

1. Classification of Administrative functions.
2. Exceptions to Principles of Natural Justice.
3. Right to Services.
4. Process of Domestic Inquiry.
5. Doctrine of Legitimate Expectation.
6. Central Vigilance Commission.

(5 × 3 = 15 marks)

Part B

Answer any **three** *of the following problems.*
Each question carries 10 *marks.*

7. A law empowered the Government to exempt new cement factories or other cement factories which have modernized the manufacturing process to reduce pollution, from the payment of sales tax for three years. The Government, by way of policy, decided not to grant exemption to the private cement factories. Aggrieved by the decision of the Government, the Private Cement Factories Consortium (PCFC) decides to challenge the decision of the Government. Advice the PCFC indicating the possibility of success in the Court. Explain your position in the light of decided cases, if any.

8. 'A', the head of the department, wrote confidential reports in respect of two of his employees, named 'R' and 'S'. While she praised the work of 'S' and gave him 'Very Good' rating, she gave 'Poor' rating to 'R'. Both 'R' and 'S' appeared before a departmental committee for promotion which included 'A' as a member. 'S' was selected for promotion and 'R' was rejected. Will 'R' succeed if he challenges the selection ? Substantiate your answer.

9. A railway gatekeeper negligently kept the railway gate open at the time of arrival of a train. The deceased, who was driving a car, was dashed by the train while crossing the railway track. The wife of the deceased filed a case against the Union Government seeking compensation. Decide whether the State can be tortuously held liable for the negligent behaviour of the gatekeeper.

10. The Central Minister of Aviation announced in the Parliament about starting flight Services to Gulf countries from different Airports in India within a period of six months. However, no flight was started within the stipulated time. A non-resident Indian wants to file a writ of Mandamus in the Supreme Court for compelling the Minister to start the flight service. Advise him.

(3 × 10 = 30 marks)

Part C

Answer any **two** *of the following questions.*
Each question carries 15 *marks.*

11. "Administrative law is the study of pathology of governmental power." Discuss this formulation against the backdrop of the grant and exercise of public power in authoritarian, liberal and non-liberal societies. How is Administrative law different from Constitutional law ?

12. What is 'delegated legislation' ? Discuss in detail the various grounds for judicial review of delegated legislation in India.

13. What is the meaning and significance of 'administrative discretion' ? How will you justify the need for administrative discretion in a modern welfare state ? To what extent the norms developed by the courts to regulate administrative discretion at the stage of delegation and at the stage of its exercise are adequate and sufficient to eliminate administrative arbitrariness ?

(2 × 15 = 30 marks)