

GOVERNMENT LIABILITY AND DISCRETIONARY POWER

TIME: 3 HOURS

MAXIMUM MARKS: 50

Answer ANY FIVE questions. Each carries TEN marks.

(5 x 10 = 50)

- I. External limitations on exercise of Governmental power is in the nature of guarantee of some kind of rights and are judicially enforceable. Elucidate the dimensions of fundamental rights and see how discretionary power is balanced against arbitrariness.
- II. Examine the dimensions of Public and Private Contract. Describe how fairness could be ensured in public contracts.
- III. Analyze the concept of Good governance and welfare state. See how freedom of information helps in tackling the challenges against Good governance.
- IV. Rule of law is a yardstick to assess the democratic validity of Government proposals and actions. Substantiate.
- V. Power should not be restricted impermissibly by judicial fiat such that it leads to inabilities of organs of state in discharging their constitutional responsibility. Substantiate the need of Judicial Review.
- VI. Examine the various control over rationality of decision made by the administration.
- VII. Examine the tortious liability of state. What are the criteria used by judiciary to impose liability on State. Elucidate the reasons for change in the criteria for fixing the tortious liability on state.
- VIII. Examine the principles underlying the contractual liability of State. Analyze the extent of judicial review in contractual matters.
