

JUDICIAL REVIEW OF ADMINISTRATIVE ACTION

Time: 3 Hours

Maximum marks: 50

Answer ALL questions. Each question carries TEN marks

(5 x 10 = 50)

I. "It is fitting that we refer to the administrative state as a "state," for it has become a sovereign power unto itself, an *imperium in imperio* regulating virtually every dimension of our lives." Examine in detail the rise and growth of the modern administrative state.

OR

II. "The ultra vires principle is based on the assumption that judicial review is legitimated on the ground that the courts are applying the intent of the legislature". Examine the doctrine and its limitations in detail in connection with judicial review of administrative action.

III. Examine the powers of the High Courts to review administrative actions under Article 226 and 227 of the Constitution. How different are these from the powers conferred on Supreme Court under Articles 32 and 136?

OR

IV. Elaborate on the powers of judicial review of the Supreme Court under Articles 32 and 136 of the Indian Constitution with the aid of case laws.

V. Examine in detail the concept of jurisdiction, its evolution, importance and the exclusion of jurisdiction of civil courts in the context of administrative adjudication.

OR

VI. Discuss the following in detail:  
(a). Error of law apparent on the face of record  
(b). Laches  
(c). Exhaustion of remedies

VII. "Natural Justice imposes a code of fair procedure, including the right to be given a fair hearing and the opportunity to present one's case, the right to have a decision made by an unbiased or disinterested decision maker and the right to have that decision based on logically probative evidence." Elucidate.

OR

VIII. "It is the minimal requirement of the natural justice that the authority giving decision must be composed of impartial persons acting fairly, without prejudice and bias. Bias means an operative prejudice, whether conscious or unconscious, as result of some preconceived opinion or predisposition, in relation to a party or an issue." Discuss in detail the meaning of bias, various kinds of bias, safeguards against bias and remedies against biased or malicious orders.

IX. The requirements of procedural fairness are on first appearance applicable to Judicial, Quasi-Judicial and Administrative Proceedings, however, the decision maker may be exempt from all or some of the procedural safeguards that would otherwise be required. Discuss in detail the Common Law exceptions to the rule of fair hearing.

OR

X. Discuss briefly about:  
(a). Failure of Natural Justice  
(b). Doctrine of Proportionality  
(c). Legitimate Expectation.

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