

LL.M/CL/02/19

ONE YEAR LL.M DEGREE SECOND SEMESTER EXAMINATIONS, JUNE 2019

JUDICIAL REVIEW OF ADMINISTRATIVE ACTION

Time: 3 Hours

Maximum marks: 50

Answer any one question from each unit. Each question carries 10 marks.

UNIT 1

1. "The post-new deal administrative state is unconstitutional, and its validation by the legal system amounts to nothing less than a bloodless constitutional revolution." Examine in detail the rise and growth of the modern administrative state with negative ramifications, if any.

OR

2. Examine the doctrine of ultravires and its limitations in detail in connection with judicial review of administrative action.

UNIT 2

3. Examine in detail the powers of the High Courts to review administrative actions under Article 226 and 227 of the Constitution. How do these powers fare when compared to powers conferred on the Supreme Court under Article 32 and 136?

OR

4. 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.

UNIT 3

5. "A useful starting point for a discussion of jurisdictional error is the following proposition: "any grant of jurisdiction will necessarily include limits to the jurisdiction granted, and any grant of a power remains subject to conditions". When the legislature grants authority to an administrative decision-maker, the authority will perforce be limited; the decision-maker must act within the jurisdiction it has been granted." Examine in detail the concept of jurisdiction, its evolution and importance in the context of administrative adjudication.

OR

6. "One ground for checking potentially capricious Executive activity originally derived from the common law and now also statutorily enacted, arises when the executive is considered to make a decision in the absence of evidence to support it. This 'no evidence' ground raises particular attention because its sole concern with the degree of evidence supporting a decision means that the ground reflects the extent to which the judiciary can classify otherwise legally correct and commonplace decisions as erroneous in law". Elaborate.

UNIT 4

7. "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

8. "The Principle or the rule of bias has two aspects in its side: an adjudicator must not have any direct or any kind of financial interest in the outcome of proceedings done: the adjudicator must not be reasonably suspected to show any kind of bias". What are the different forms/kinds of bias and what are the remedies against biased or malicious orders?

UNIT 5

9. "The word exception in the context of natural justice is really a misnomer, because in these exclusionary cases the rule of audi alteram partem is held inapplicable not by way of an exception to 'fair play in action', but because nothing unfair can be inferred by not affording an opportunity to present or meet a case". Elaborate on the common law exceptions to the rule of fair hearing.

OR

10. Discuss briefly about:
- a. Speaking Orders
 - b. Legitimate Expectation.