

ADMINISTRATIVE LAW

Sample paper

Multiple Choice Questions:

1. Administrative law forms part of ...
 - a. international law
 - b. common law
 - c. public law
 - d. private law
2. Dimes vs Grant junction Canal was considered as a classic example of the application of the rule against.....
 - a. Personal bias
 - b. official bias.
 - c. Pecuniary bias.
 - d. Judicial obstinacy.
3. Intra vires means...
 - a. the person has a legal standing to bring the matter to court
 - b. the person may act on behalf of another
 - c. the administrator must act within the boundaries of the powers granted to him or herd.
 - d person cannot sue in his or her own name
4. A delegated legislation may be held valid on the ground of----
 - a. Parent act is unconstitutional
 - b. Mala fide: bad faith
 - c. Where delegated legislation is unconstitutional
 - d. Where Parent Act delegates incidental legislative functions
5. Which of the following is NOT a form of abuse of powers by the administrator?
 - a. the exercise of power with an unauthorised or ulterior motive
 - b. the exercise of power using an unauthorised procedure
 - c. the exercise of power in a reasonable and justifiable manner
 - d. the exercise power using ulterior motive to defeat the purpose of the law
6. Which one of the following statements is true in respect of AV Dicey's formulation of the Rule of Law?
 - a. The rule of law is synonymous with social justice.

b. The rule of law is based on supremacy of law over arbitrary and wide discretionary power, equal subjection to the law and the origins of constitutional law in private law.

c. The Rule of Law is purely a political concept.

d. The separation of powers is part of the rule of law.

7. French legal system known as.....

a. Droit administratif

b. conseil d' etat

c. judiciary

d. none of the above

8. 'Rule of Law' means

(i) Supremacy of Judiciary

(ii) Supremacy of Law

(iii) Equality before Law

(iv) Supremacy of Parliament

Codes:

a. (i) and (iii)

b. (iii) and (iv)

c. (ii) and (iv)

d. (ii) and (iii)

9. Match List-I with List-II and select the correct answer using the codes given below:

List – I

(A) Abuse of discretion

(B) Equality before law

(C) Delegated legislation

(D) Separation of powers

Codes: (A) (B) (C) (D)

a. 2 1 4 3

b. 1 2 4 3

c. 3 3 2 1

d. 4 4 1 2

List – II

1- Rule of Law

2- Lack of Power

3- Check and Balance

4- Ultra-vires

10. Writ of Mandamus may be issued to

a. Compel the judicial or quasi-judicial authorities only to act

b. Compel the authority to act

c. Compel the authority, how to act

d. Compel a private person

11. The doctrine of Vicarious Liability is based on following maxim----
- Audi alteram partem
 - espondeat superior
 - Qui facit per alium facit per se
 - Both b and c
12. Doctrine of Locus Standi means
- Writ can be filed by any person
 - Power of courts for judicial review
 - Right of petitioner to file the writ petition
 - Discretion of administrative authority
13. "Administrative law is the law relating to the administration. It determines the organization, powers and duties of the administrative authorities". This definition is provided by –
- K. C.
 - Garner
 - Ivor Jennings
 - Wade
14. Which one of the following statement is true?
- Delegated legislation cannot have retrospective effect
 - Delegated legislation can have retrospective effect, if authorized by Act or Statute
 - Delegated legislation can have retrospective effect, if not authorized by Act or Statute but have reasonable and rational justification
 - None of the above
15. "Administrative law is the law relating to the control of governmental power" This statement was given by
- Austin
 - Salmond
 - M-P- Jain
 - Wade.
16. The principle of Natural Justice is –
- Audi alteram partem
 - Speaking Orders
 - Nemo debet esse iudex in propria causa
 - All of the above
17. Writ of Quo Warranto can be issued
- against any person

- b. against public officer, who wish to assume the office
- c. against public officer, who is holding public office
- d. against public officer, who has ceased to hold the office

18. Assertion (A): The principles of natural justice ensure fair hearing.

Reason (R): It requires unbiased judge to decide after hearing all parties.

Codes:

- a. Both (A) and (R) are true and (R) is good explanation of (A). 0
- b. Both (A) and (R) are true and (R) is not a good explanation of (A). 0
- c. (A) is true, but (R) is false.
- d. (A) is false, but (R) is true.

19. When a subordinate legislation fails to comply with procedural requirement prescribed by the parent act or by a general law, it is known as -----

- a. Substantive ultra vires
- b. Parent ultra vires
- c. Procedural ultra vires
- d. None of the above

20. Prerogative writs to review an administrative action are:

- a. Two: Writ of Habeas Corpus and Writ of Mandamus.
- b. Three: Writ of Habeas Corpus and Writ of Mandamus and Writ of Prohibition.
- c. Four: Writ of Habeas Corpus and Writ of Mandamus and Writ of Prohibition and Writ of Certiorari and
Writ of Quo Warranto.

d. Five: Writ of Habeas Corpus, Writ of Mandamus, Writ of Quo warranto, Writ of Certiorari and Writ of Prohibition.

21. A mandatory procedural requirement for an administrative tribunal must be

- a. Legal representation
- b. Cross examination
- c. Reasoned decision
- d. All of the above

22. Judicial review of an administrative action means

- a. Review by the Parliament
- b. Review by the Government
- c. Review by the Judiciary
- d. Review by the Legislative Assembly

23. Which of the following sentence is correct -----

- a. A public corporation can enter into contract and cannot sue or be sued for breach thereof.
- b. A public corporation can enter into contract and can sue and be sued for breach thereof.
- c. A public corporation is not a government department, the provisions of Article 299 of the constitution of India do not apply to it

d. Both b and c are correct

24. Dicey developed his theory of 'Rule of law' in his classic work –

- a. The Law and The Constitution
- b. The Spirit of the Laws
- c. Constitutional Law
- d. The Law and The Spirit

25. Which function can be delegated?

- a. Essential legislative functions
- b. Offences and Penalty
- c. Exemption
- d. Inclusion

26. Which is not a principle of Rule of Law according to Dicey-----

- a. Equality before law
- b. Judge made constitution
- c. Separate courts
- d. Supremacy of law

27. The Latin phrase _____ means 'have the body' -

- a. Mandamus
- b. Habeas corpus
- c. Prohibition
- d. Certiorari

28. 'Quo Warranto' literally means _____

- a. To issue warrant
- b. What is your authority
- c. Both a and b
- d. None of the above

29. Article _____ of the constitution confers on every High Court, the power of superintendence over all the subordinate courts and inferior Tribunals in the State.

- a. 32
- b. 226
- c. 299
- d. 227

30. Article 299 lays down condition which must be fulfilled in contracts made by or with the union or a state –

- a. Expressed to be made by the President or the Governor
- b. Execute by a person authorized by the President or the Governor
- c. Expressed in the name of President or the Governor
- d. All of the above

31. A.V.Dicey criticized the French legal system of _____

- a. Drone
- b. Drone Administration
- c. Droit Administratif
- d. None of the above

32. According to Wade and Phillips, separation of powers may mean.....

- a. The same persons should not form part of more than one of the three organs of government.
- b. one organ of the government should not control or interfere with the exercise of its function by another organ.
- c. The one organ of the government should not exercise the functions of another.
- d. All of the above.

33. The doctrine of separation of power first time systematically formulated by----
-----.

- a. Montesquieu
- b. Jain & Jain
- c. Dicey
- d. Wade & Phillips.

34. Under Indian Constitution, Art. _____ authorized to constitute Administrative Tribunals.

- a. Art.299
- b. Art.300
- c. Art.323-A
- d. None of the above

35. When a statute confers some legislative powers on an executive authority and the latter further delegates those powers to another subordinate authority or agency, it is called-----.

- a. Delegated legislation
- b. Legislative control.
- c. Sub-delegation.
- d. Judicial review.

36. Art.323-A and Art 323-B have been inserted by which Parliament has been authorised to constitute administrative tribunals for settlement of disputes and adjudication of matter specified therein.

- a. by Constitution Thirty-eight Amendment Act, 1975
- b. by Constitution Forty-second Amendment Act, 1976
- c. by Constitution Forty-fourth Amendment Act, 1978
- d. by Constitution Forty-sixth Amendment Act, 1983

37. In State of W.B. v. Shivananda Pathak, Apex court described a new form of Bias----

- a. Pecuniary Bias
- b. Personal Bias
- c. Official Bias
- d. Judicial Obstinacy

38. Hear the other side referred as...

- a. Audi alteram partem
- b. Intra vires
- c. Locus standi
- d. Nemo debet esse judex in propria causa

39. The Supreme Court in-----case, by a majority held that during the emergency and suspension of Fundamental rights, no person has a locus standi to move any court for a writ of habeas corpus.

- a. Maneka Gandhi vs Union of India.
- b. Keshvanand Bharti vs State of Kerala.
- c. ADM Jabalpur vs Shivkant Shukla.
- d. S.P. Gupta vs. Union of India.

40. Following is the defect of Doctrine of Separation of Power-----

- a. Checks and balances between organs
- b. Judiciary must be independent from other two organs
- c. Prevent an abuse of enormous powers of the executive

d. It is not easy to draw a demarcating line between one power and another with mathematical precision.

41. Question

(1) The audi alteram partem rule is one of the rules of natural justice.

(2) The rules of natural justice are aimed at the reasonableness of administrative action.

(3) The nemo debet esse iudex in propria causa rule is a rule of natural justice.

(4) The rules of natural justice regulate procedural fairness in the common law.

a. Statements (2) and (4) are both correct.

b. Statements (1) and (3) are incorrect.

c. Statements (1), (3) and (4) are correct.

d. All the statements are incorrect

42. The nemo debet esse iudex in propria causa rule means ...

a. to hear the other side

b. the individual must be informed of any considerations which count against him or her

c. no one shall or should be a judge in his or her own case

d. the person must be provided with written reasons

43. Find correct answer:

a. Administrative law is a branch of public law and is only a part of Constitutional law. It cannot control the Constitutional law.

b. Administrative law is a branch of private law.

c. Administrative law is independent to Constitutional law.

d. Administrative law is neither the branch of public law nor of private law, but a part of Constitutional law.

44. Supreme Court in..... case, the constitution has created an independent judiciary which is vested with the power of judicial review to determine the legality of administrative action and the validity of legislation.

a. Minerva mills Ltd vs Union of India.

b. Maneka Gandhi vs Union of India

c. S.R. Bommai vs Union of India

d. R.K. Jain vs Union of India

45. Following Authorities have been held tribunals within the meaning of Art.227-

a. Domestic tribunal

b. Legislative assembly

- c. Revenue tribunal
- d. Military tribunal

46. Delegatus non potest delegare means –

- a. A delegate can further delegate
- b. a delegate cannot further delegate
- c. delegation is bad in law
- d. delegation is not provided to delegate

47. Which function cannot be delegated?

- a. Essential legislative functions
- b. Exclusion
- c. Suspension
- d. Commencement

48. According to 'Red light theory'

1. The primary object of Administrative law is to control governmental power.
2. theory seeks to protect private rights and individual interests.
3. theory believe in ground reality and favour regulatory measures.

- a. 1 is correct
- b. 2 is correct
- c. 1 and 2 correct
- d. 1, 2 and 3 are correct

49. Following functions can be delegated by legislature to executive (Permissible delegation)-

- a. essential legislative function
- b. Repeal of law
- c. Exemption.
- d. Commencement.

50. The institution of Ombudsman originated in _____ in 1809.

- a. India
- b. New Zealand
- c. Finland
- d. Sweden

51. Administrative Law is a branch of

- a. Public Law
- b. Natural Law
- c. Statutory Law
- d. Personal Law

52. Administrative Law is concerned with the power of the:

- a. Legislative
- b. Judge
- c. President
- d. Executive

53. The administrative law deals with the powers and procedures of

- a. Courts and law
- b. Legislative Council
- c. Legislative Assembly
- d. Administrative agencies

54. Who describes the administrative law as “the law relating to control of governmental power”:

- a. Prof. Smith
- b. Prof. A.V. Dicey
- c. Prof. Wade
- d. Lord Denning

55. Who amongst the following said that administrative law is a patent weapon for bringing harmony between power and justice.

- a. Justice P.N. Bhagwati
- b. Justice Krishna Iyer
- c. Prof. H.W.R. Wade
- d. Prof. M.P. Jain

56. Lord Hewart used the expression ‘New Despotism’ with respect to :

- a. Rule of law
- b. Public Law
- c. Constitutional Law
- d. Administrative Law

57. One of the important factor responsible for the growth and development of administrative law is:

- a. changing work of office
- b. changing role of executive
- c. changing role of state
- d. changing role of authority

58. '*Droit Administratif*' means :

- a. A system of dual judicature consisting of civil courts and administrative courts which are independent of each other
- b. Single Judicial System
- c. Martial Law
- d. None of the above

59. A system of dual judicature consisting of civil courts and administrative Courts exists in one of the following countries. Name the country:

- a. American system of law
- b. Indian system of law
- c. French system of law
- d. British system of law

60. The principal of '*Droit Administratif*' owes its origin to:

- a. England
- b. Germany
- c. France
- d. India

61. The doctrine of 'Separation of powers' was propounded by

- a. Montequieu
- b. Aristotle
- c. Coke
- d. Blackstone

62. Separation of Judiciary from executive is given in article :

- a. Article 49
- b. Article 50
- c. Article 51
- d. Article 52

63. Fundamental principle of administrative law is :

- a. Legislative
- b. Constitution
- c. Rule of law
- d. Supreme Court

64. Rule of law means :

- a. Law rules
- b. Depend upon the legislative intention
- c. Law depend upon person to person
- d. None of the above

65. Main attributes to rule of law are :

- a. Due process or fairness of law
- b. Equality before law
- c. Supremacy of law
- d. All of the above

66. Rule of law puts control over the power of:

- a. Legislative
- b. Judiciary
- c. President
- d. Executive

67. Who amongst the following is said to be the originator of the concept of “Rule of Law”?

- a. Prof. A.V. Dicey
- b. Sir Edward Coke
- c. John Dickenson
- d. Mait Land

68. According to Prof. A.V. Dicey ‘Rule of Law’ means :

- a. Absence of arbitrary power
- b. Equality before the law
- c. That the Constitution is the result of ordinary law of the land
- d. All of the above three formulations

69. The principle of ‘Rule of Law’ is embodied mainly in the following Articles of the Constitution :

- a. Article 14
- b. Article 32
- c. Article 226
- d. Article 21

70. A law made by an authority other than the parliament under its supreme power is called :

- a. Subordinate Legislation
- b. Conditional Legislation
- c. Executive Legislation
- d. Delegated Legislation

71. In delegated legislation power of legislation entrusted to
- President
 - Parliament
 - Organ other than the legislature
 - Judiciary
72. Delegated legislation can take various forms such as :
- Rules and regulations
 - Orders
 - By laws
 - All the above
73. Delegated legislation is administered by
- Legislative
 - Executive authority
 - Judge
 - All the above
74. Delegated legislation is also known as
- Legislation by judiciary
 - Subordinate legislative
 - Only legislative
 - None of these
75. Parliament exercises control over delegated legislation through :
- Speaker of Lok Sabha
 - Committees of Parliament
 - Supreme Court
 - None of the above
76. State the correct response: Lok Sabha committee on subordinate legislation consists of:
- 7 members
 - 10 members
 - 15 members
 - 20 members
77. Parliament can delegate to the Executive:
- Only essential legislative power
 - Only non-essential legislative powers
 - Both essential and non-essential legislative powers
 - None of these

78. The most important reason for the growth of delegated legislation is:

- a. Lack of the time with Parliament
- b. Lack of will on part of Parliament
- c. State of Emergency
- d. Technicality of subjects-matter

79. The delegated legislation is subject to following controls:

- a. Parliamentary control
- b. Judicial control
- c. Legislative control
- d. Control by Council of Ministers

80. Which one among the following is not available to control delegated legislation?

- a. Judicial control is most effective
- b. Legislative control is most effective
- c. Control through procedure is most effective
- d. Administrative control is most effective

82. Judicial control over delegated legislation is exercised through:

- a. Issue of summons
- b. Issue of writs
- c. Issue of warrants
- d. Issue of proclamation

83. The ground of judicial review of delegated legislation is:

- a. Doctrine of Pith and Substance
- b. Doctrine of delegates non-potest delegare
- c. Doctrine of abdication
- d. Doctrine of ultra vires

84. Doctrine of Ultra Vires has how many forms :

- a. Substantive
- b. Procedural
- c. None
- d. Both a. & b.

85. Parliamentary control over delegated legislation is exercised through:

- a. The speaker of lok sabha
- b. The Prime Minister of India
- c. The vice chairman of rajya sabha and the speaker of lok sabha

86. Judicial control over the legislation is available to :

- a. any court
- b. Supreme Court
- c. High Court
- d. b. & c. both

87. In which condition delegated legislation shall be invalid ?

- a. when delegated legislation is ultra vires the constitution
- b. when the enabling Act is ultra vires the constitution
- c. when delegated legislation is ultra vires the enabling Act
- d. All the above

88. Regarding publication of delegated legislation which one of the following statement is true ?

- a. It need not to be published as ignorance of law is no excuse.
- b. It need to be published only when the parent act so requires
- c. It should be published when the rule making authority direct for the same
- d. It must in each and every case be published

89. The rule which requires publication of delegated legislation was laid down in:

- a. Post-Decisional hearing
- b. Separation of Powers
- c. Delegated legislation
- d. Rule of evidence

90. Lord Hewart in his book 'The New Despotism' has:

- a. Very strongly pleaded in favour of delegated legislation
- b. Shown indifference towards the growth of delegated legislation
- c. Predicted the eclipse of administrative law
- d. Very strongly pleaded against delegated legislation

91. The principles of natural justice :

- a. are fixed and their components are not variable
- b. are laid down in the statutes under which an adjudicatory body functions
- c. are not "embodied" rules
- d. require proceedings in administrative adjudication to be as formal as in a Court of law

92. The principles of natural justice applies to :

- a. Administrative proceedings
- b. Quasi-judicial proceeding
- c. Judicial proceedings
- d. All of the above

93. "The principles of natural justice are those fundamental rules, breach of which will prevent justice from being seen to be done" :

- a. Lord Parker
- b. Lord Denning
- c. Lord Hewart
- d. Lord Widgery

94. The principal of Natural Justice is also known as

- a. Natural Justice
- b. Fair Justice
- c. Substantial Justice
- d. Fairness in Law

95. Principle of Natural Justice corresponds to the constitutional provisions of

- a. Right of life
- b. Right of equality
- c. Right of education
- d. Right of work

96. Nemo debet esse iudex in propria causa means

- a. No person should be judge of his own cause
- b. A person should be judge of his own cause
- c. Everyone should be heard before being condemned
- d. Everyone should not be heard before being condemned

97. Audi Alteram partem means

- a. No person should be judges of his own cause
- b. A person should be judges of his own cause
- c. Everyone should be heard before being condemned
- d. Everyone should not be heard before being condemned

98. "audi alteram partem" includes:

- a. Notice and Hearing
- b. Disclosure of materials and reasoned decision
- c. Right to legal representation and right to cross-examination
- d. All the above

99. The essential of audi alteram partem is

- a. issuance of notice without hearing
- b. taking adverse action against him
- c. depriving the rights
- d. notice

100. The principle of natural justice is deprived largely from:

- a. Legislation
- b. Common law
- c. Judge-made law
- d. Customs