

Bankura University
LL.M Sem II (OLD) Examination, 2021
Course Title : Legislative and Quasi Judicial Power of Administration
Course ID : 22754
Course Code : 204E(Gr.B)

Answer any four questions

The figures in the margin indicate full marks

Time: 3 hours

Full Marks: 80

1."Delegated legislation is not an isolated phenomenon. Numerous factors are responsible for its growth. The traditional theory of 'laissez faire' has been given up by every state and the old 'police state' has long ceased to regard its role in the social and economic life of the community as that of a 'glorified policeman' and now has become a welfare state. -In the light of the above, critically examine the reasons for growth of Delegated Legislation. Do you think that unlimited and uncontrolled delegated legislation should be permissible? Give reasons. 20

2. "The dividing line between an administrative power and quasi-judicial power is quite thin and is being gradually obliterated...In recent years the concept of quasi- judicial power has been undergoing a radical change. What was considered as an administrative power some years back is now being considered as quasi-judicial power."-In view of above, explain the concept of quasi-judicial functions of administration and distinguish between Judicial and Quasi-Judicial functions. Give a brief account of the idea of Administrative Adjudication and critically analyse the reasons for the growth of Administrative Adjudication. 20

3. "Sufficient safeguard and guarantee for the exercise of this power lie in the trust reposed by the Constitution in the wisdom and sense of judges of the Supreme Court. - In connection of the above, critically analyse the role of Supreme Court of India under Article 136 for allowing Special Leave to Appeal with the help of decided cases. 20

4. "Natural justice is best instrument to promote the interests of individual; it ensures participation of the common man in administrative process; it also seeks to further legitimate state purposes by ensuring the government against committing elementary blunders in administration due to ignorance which may destroy its good image as a just government."- Discuss the concept of Natural Justice critically analysing the principles of Rule against Bias and Rule of Fair Hearing in India. 20

5. "The object underlying the rules of Natural justice 'is to prevent miscarriage of justice' and secure 'fair play in action'. As pointed out earlier the requirement about recording of reasons for its decision by an administrative authority exercising quasi-judicial functions achieves his object by excluding changes of arbitrariness and ensuring a degree of fairness in the process of decision making. - In view of the above, critically analyse the positive and negative side effect of expanding horizons of the requirement

principles of Natural justice with respect to administrative rule making in India. 20

6. Write Short Notes on any two of the followings: 10x2=20

- (a) Different forms of Delegation in India.
- (b) Distinction between Administrative Tribunals and Courts.
- (c) Functioning of Administrative Tribunals.
- (d) Article 227 and Power of High Courts to Supervise Tribunals.