

**GUJARATI NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: Administrative Law  
Semester-II (Batch: 2016-17)

LL.M. End Semester Examination: May-2017

Date: 8<sup>th</sup> May, 2017

Duration: 3 hours

Max. Marks: 70

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

<b>Part-A</b>	<b>Marks</b>
Answer any two of the following questions	
Q.1 Before any action is taken, the affected party must be given a notice to show cause against the proposed action and seek his explanation. It is a <i>sine qua non</i> of the right of fair hearing. Any order passed without notice is against the Principles of Natural Justice is <i>void ab initio</i> . In a case an employee of the Corporation, led an unruly mob to the hospital run by the Corporation itself, assaulted and beaten the Chief Medical Officer. The employee's services were terminated under the relevant standing orders without giving notice. Discuss the above mentioned issue, in detail, in the light of a decided case by the Supreme Court.	(10)
Q.2 According to De Smith "Legal representation of the right quality before statutory tribunals is desirable, and that a person threatened with social or financial ruin by disciplinary proceedings in a purely domestic forum may be gravely prejudiced if he is denied legal representation." Discuss the above mentioned statement along with your own illustrations in the light of different legislations.	(10)
Q.3 Write short note on the following: (a) Pecuniary bias and Personal bias (b) Natural Justice and Statutory Provisions	(2x5= 10)

**Part-B**

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| Q.4 "If Tribunals were to be at liberty to exceed their jurisdiction without any check by the courts, the rule of law would be at end" Lord Denning I.J.<br>In view of this statement, discuss the reasons for growth of Administrative Tribunals and the validity of Administrative Tribunal Act, 1985.  | (07) |
| Q.5 "Law has reached its finest moments when it has freed man from the unlimited discretion of some ruler... where discretion is absolute man has always suffered". Justice Douglas.<br>In view of this statement, discuss the grounds of Judicial Review and the circumstances in which the court will interfere with the discretionary power exercised by the administration. | (10) |

- Q.6 Write short note on **any two** of the following: (2x4=08)
- Doctrines of proportionality
  - Doctrines of Legitimate Expectation
  - Central Vigilance Commission

**Part-C**

**(Question No: 7 to 9, answer any two)**

- Q.7 Aloo Arhati Association (AAA) consists of wholesalers of various items, e.g., foodgrains, fruits and vegetables, sugar, etc., in Gandhinagr city. The grievance of AAA is that they have been asked to shift their business premises from the present place in the heart of Gandhinagar city, District Shopping Complex Sector 21, to a new market yard called the Navin Mandi Sthal at New Chilloda which is at the outskirts of Gandhinagar city, 7 Kilometers away from the present Market. All the traders have been informed that if they do not shift from their respective business places to the Navin Mandi Sthal, the Krishi Utpadan Mandi Samiti, Gandhinagar, which is a statutory body, constituted under the Gujarat Agricultural Markets Act, (referred as Gujarat Act), would not renew their licenses. Gujarat Act Section 7(2) (b) states: The State Government, where it considers necessary or expedient in the public interest, do so, may, by notification:
- (b) declare through rules that the whole-sale transactions of all or any of the specified agricultural produce in respect of a market area shall be carried on only at a specified place or places within its principal market yard or sub-market yards.
- Pursuant to the provision, Government issued Gujarat Agricultural Markets Rules dated 9.2.2017 issued under Section 7 (2) (b) stated that the wholesale trade of certain commodities mentioned in that notification should be conducted at Gandhinagr at the new mandi site whose location has been specified in the said notification. By subsequent notification dated 2.3.2017, several fruits and vegetables have also been added to the items mentioned in the notification dated 9.2.2017.
- Food grains traders had been issued notices in the year 2017 to shift their business premises (including shops and godowns) to the Navin Mandi Sthal. Against those notices the traders through AAA filed various writ petitions before High Court which were rejected. In the decision High Court held that order is proper as per law. Against this order appeal is preferred before Supreme Court by AAA. Decide the appeal. (10)
- Q.8 The Commissioner of Police, Gandhinagar issued a notification dated 15.11.2016 and prohibited the movement of Mini Door Cabs (7 seater auto rickshaws). The notification was issued in exercise of the powers conferred upon him under section 21(1) (b) of the Gandhinagr City Police Act. Commissioner of Police, Gandhinagr informed the public, that the movement of 7 seater auto rickshaws is prohibited in Gandhinagar for all the 24 hours and this restriction is imposed for the maintenance of safe and free flow of traffic, prevention of danger, obstruction and inconvenience to the public. (10)
- Section 21(1) (b) of the said Act reads as follows:
- Power to make rules for regulation of traffic and for preservation of order: The Commissioner of City Police, Gandhinagar may, from time to time, make rules not inconsistent with this Act in respect of the following. Such rules shall, in cases of clauses (b) and (c) be subject to the control of the Government and with regard to the remaining clauses; sanction of the government shall be obtained prior to the enforcement of rules.
- (b) regulating traffic of all kinds, in public street or public places, and regulating the use of streets and public places by persons walking, driving, cycling or accompanying or leading cattle with a view to prevent danger, inconvenience or obstruction to the public. Auto rickshaw Drivers Association challenged this notification before Court. Decide.

Q.9 "Delegated Legislation is an expression which covers a multitude of confusion. It is an excuse for the legislators, a shield for the administrators and a provocation to the Constitutional jurists". Explain this statement with case laws of English and US Courts and analyse them with the decisions of Supreme Court of India. (10)

Q.10 (a) Classify various types of Delegated Legislations. (05)

OR

(b) "Sources mean the origin of the material content of rule or the formal stamp of authority as Law"- Dias, Jurisprudence. With a view to control administrative operation of government it is necessary to know the sources of administrative powers. Explain this with reference to Indian, English and US Administrative Law. (05)

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