

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Administrative Law**
Semester-IV (Batch: 2014-19)

Mid Semester Test: Feb-Mar. 2016



Date: 3rd March, 2016

Duration: 2 hours

Max. Marks: 30

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 anything 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.

Answer **any three** questions:

Marks

- Q.1 “The unanimous judgement in *Papaib* shows that after 25 years of wandering in the legal maize of its own creation, the Supreme Court of India, like the Supreme Court of the United States has come to the view expressed by the privy council in 1878”- Explain this statement with case laws. (10)
- Q.2 “For a democratic government, rule of law is a basic requirement. The rule of law runs like a golden thread through every provision of the Constitution and indisputably constitutes one of its basic features, which requires that every organ of the state must act within the confines of powers conferred upon it by the Constitution and the law. The rule of law pervades over the entire field of administration”- Analyse this Statement by elaborating case laws. (10)
- Q.3 Ahmedabad College of Education, a recognised college by the National Council for Teacher Education (NCTE), impart teacher training course (B.Ed.). On their request the NCTE permitted additional intake of students for such course without seeking accreditation and Letter Grade B from National Assessment and Accreditation Council (NAAC). Subsequently, the NCTE framed “National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2016” introducing Regulation 8(4) and 8(5). As per Regulation 8(4) an institution is required to be accredited with the NAAC with a Letter Grade B, whereas as per Regulation 8(5) those institutions which had been granted additional intake in B.Ed. and B.P.Ed. courses after promulgation of the Regulations are required to get themselves accredited with the NAAC with a Letter Grade B before 1st March, 2016. (10)

Relevant provisions of NCTE Act, 1993:

Section 32: Power to make Regulations.

(1) The Council may, by notification in the Official Gazette, make Regulations not inconsistent with the provisions of this Act and the rules made thereunder, generally to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such Regulations may provide for all or any of the following matters, namely:

(a) conditions required for the proper functioning of the institution and conditions for granting recognition under Clause (a) of Sub-section(3) of Section 14;

(b) conditions required for the proper conduct of a new course or training and conditions for granting permission under Clause (a) of Sub-section (3) of Section 15;

Section 14 empowers the NCTE to maintain teacher education, its performance appraisal system and to lay down norms and mechanism for enforcing accountability on recognised institutions.

Under Section 15 the NCTE can determine as to which institution be allowed to offer new course or training in teacher education; for which the NCTE is empowered under Section 32 to prescribe 'condition' for grant of such permission and recognition.

Ahmedabad College of Education has challenged the Regulations before the High Court. Decide.

- Q.4 (a) "Sources means 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 statement with reference to Indian, English and US Administrative Law. (5+5=10)
- (b) Explain the case Indian National Congress v. Institute of Social Welfare, AIR 2002 SC2158.
