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**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Administrative Law**
Semester-II (Batch: 2013-14)

End Term LL.M. Examination: May-June 2014

Date: 2nd June, 2014

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.

	Part A – Answer any four Questions	Marks
Q.1	<i>“The Unanimous judgment in Papaib shows that after 25 years of wandering in the legal maze of its own creation, the Supreme Court of India, like the Supreme Court of the United States of America has come to the view expressed by the Privy Council in 1878.”</i> – Explain this statement with case-laws.	(12)
Q.2	<i>“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.”</i> – Analyse this statement by elaborating with case-laws.	(12)
Q.3	Cine Plus Theatres hold license for exhibiting Cinematograph films in their Cinema theatre at Gandhinagar under the Gujarat Cinemas (Regulations) Act, 2008 and Rule made there under the Gujarat Exhibition of Cinematograph Films Rules, 2013. Cine Plus Theatres was holding four shows, however later they increased it to five shows starting with 10:00 am ending with 1:00 am. The State Government in exercise of its powers under Section 14 of Gujarat Cinemas (Regulations) Act, 2008 framed the Rules and as per Rule 16, no Cinematograph exhibition shall continue after such a time not later than 12 midnight. Rule 18 provides that no licensee shall exhibit more than four Cinematograph shows in a day. In pursuance of the Rule 16 and 18 Cine Plus Theatres was directed to exhibit four shows in a day and to complete the shows before 12:00 midnight. Cine Plus Theatres Challenged the Rules before the High Court. The High Court decided against Cine Plus Theatres. An Appeal is filed before of the Supreme Court by Cine Plus Theatres. Decide the dispute.	(12)

Relevant Provisions for Consideration:

“Preamble of the Act provides that an Act to provide for regulating exhibiting by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the State of Gujarat and for other allied matters”.

Section 5:- No person shall exhibit Cinematograph films in a place except in accordance with the license issued under the Act.

Section 8:- Provides that the licensing authority shall not grant a license unless it is satisfied that the Rules made under the Act have been substantially complied with and adequate precautions have been taken in the place in respect of which the license is to be granted providing for safety.

Section 14:- Power to make rules-

- (1). The State Government may, by notification, after publication, make rules to carry out the purposes of this Act.
- (2). In particular and without prejudice to the generality of the foregoing power, such rules may provide for-
 - (a) the particulars to be given in an application for licence and the terms, conditions and restrictions, subject to which a licence may be granted under this Act and the fees to be paid in respect of such licence;
 - (b) the regulation of cinematograph exhibitions for securing public safety;
 - (c) regulating the means of entrance and exit at places licensed under this Act; and providing for prevention of disturbance.

Q.4 Answer the following:

(2x6=
12)

a) 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 an additional intake of students for such a 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, 2014" 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, are also required to get themselves accredited with the NAAC with a Letter Grade B before 1st June, 2014.

Relevant Provisions:

Section 32: Power to make Regulations NCTE Act, 1993

(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 that NCTE to maintain teacher education, its Performance Appraisal System and to lay down norms and mechanism for enforcing accountability on recognised institutions.

Section 15 empowers that 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 challenged the abovementioned Regulations before the High Court. Decide the Petition.

b) Discuss the scope of *Droit Administratif* in Administrative Law.

Q.5 a) Explain the grounds of *Mala fide* and Improper Purpose as grounds for Judicial Review of Administrative Discretion with case-laws.

(2x6=
12)

b) Classify various types of Delegated Legislations.

Part B – Answer all Questions

Q.6 A Writ of Mandamus was sought by the petitioner directing the Government to promote him. A Single Judge allowed the petition ordering the authorities to promote the petitioner forthwith. However the Order was set aside by the Division Bench. After

(12)

two years, a fresh petition was filed for payment of salary and other benefits in terms with the judgment of the Single Judge (which was reversed in Appeal). This was dismissed by the Single Judge. The Order was challenged in Appeal which was heard by a Division Bench to which one member was a judge who had allowed the earlier petition. The Appeal was allowed and certain reliefs were granted. The State approached the Supreme Court.

In the light of the above mentioned facts discuss the following:

- a) What are the possible contentions of both the parties?
- b) Which principle of Natural Justice is applied?
- c) Explain the reasons for the application of a particular principle of Natural Justice.

Q.7 Write short notes on the following:

- a) Real likelihood of bias
- b) Natural Justice and Statutory Provisions

(2x5=
10)
