



Chhatrapati Shahu Ji Maharaj
University, Kanpur

Answer Script Details
Barcode 7186973

Roll No. 23086004394
Total Mark 63/100.00

Exam LLB_ODD-EXAM-DEC-24
Subject LLB301 - ADMINISTRATIVE LAW

Question wise Mark Summary

Q.No Mark Q.No Mark Q.No Mark Q.No Mark

1A 3/4 9 9/15

1B 2/4

1C 3/4

1D 3/4

1E 3/4

1F 3/4

1G 3/4

1H 3/4

1I 2/4

1J 2/4

2 8/15

3 10/15

4 NA/15

5 NA/15

6 9/15

7 NA/15

8 NA/15

Chhatrapati Shahu Ji Maharaj University Kanpur, Uttar Pradesh

PART-II

MARKS OBTAINED

Q.	1	2	3	4	5	6	7	8	9	10
(a)										
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Total										
Total Marks in Figures									Max. Marks	
Total Marks in Words										



LLB301

Paper Code

Signature of Evaluator

Date of Exam: 29/01/25 Shift: I Exam No.: 47
 Paper Code: LLB 301 Subject: ADMINISTRATIVE LAW Year: III
 Name of Candidate: ASHRUTI SRIVASTAVA
 Roll No.: 23086004394

Signature of Candidate: *Ashruti*
 Signature of Invigilator: *S. Dasgupta*
 COE Facsimile: *S. Dasgupta*

Course: BACHELOR OF LAWS

Session: 2024-25 Year/Semester: III

Subject Name: ASHRUTI SRIVASTAVA

Medium: English Hindi

Paper Code: LLB301

Exam Date: 29012025

Name of Candidate: ASHRUTI SRIVASTAVA

Father's Name: SURENDRA SRIVASTAVA

कॉलेज का कोड
College Code

K N O S				
A	A	0	0	0
E	B	1	1	1
F	D	2	2	2
H	J	3	3	3
K	K	4	4	4
L	L	5	5	5
R	M	6	6	6
S	7	7	7	7
U	T	8	8	8
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W				

परीक्षा केंद्र का कोड
Exam Centre Code

K N O S				
A	A	0	0	0
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H	J	3	3	3
K	K	4	4	4
L	L	5	5	5
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S	7	7	7	7
U	T	8	8	8
U	9	9	9	9
W				

परीक्षा का प्रकार
Type of Exam

Regular
 Ex-Student
 Back Paper Exam

ANSWER BOOKLET NO.

7186973

LLB301

Paper Code



Enrollment Number: CSJMA20000038789

Candidate's Roll Number

Paper Code

23086004394

LLB301

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Ashruti

Signature of Candidate

S. Dasgupta

Signature of Invigilator

केंद्राध्यक्ष
ब्रह्मानन्द कालेज, कानपुर
C S Facsimile

S. Dasgupta

COE Facsimile

नोट - 1. परीक्षार्थी को निर्दिष्ट किया जाता है कि उत्तरपत्र पढ़ने को शुरू भ्रम पर अधिकतम सभी निर्देशों को सावधानीपूर्वक पढ़ें।
 2. प्रश्न में धरो जाने वाली प्रविष्टियाँ बायीं तरफ से शुरू की जाएँ। 3. गोलों को खाले या पीले चॉलरपेन से भरा जाएँ।

INSTRUCTION TO THE CANDIDATE FOR FILLING PART-I

1. Read the instructions carefully given on the answer script and admit card.
2. Write Date of Exam, Shift, Paper Code & Name of Subject Correctly.
3. Write Name & Roll No. Correctly.
4. Write Semester & Branch Correctly.

INSTRUCTION TO THE CANDIDATE FOR FILLING PART-II

Use blue or black ball point pen for writing alphabets & numerals in boxes.

2. Carefully study the example before you start marking.
3. As shown in the example below, blacken the circles completely.



4. Make no Stray marks on this sheet.

5. DO NOT WRITE OR MARK ON THE BAR CODE.

IN ORDER TO AVOID UFM (UNFAIR MEANS) :

1. The Roll No. and Answer Book no. found elsewhere or any other symbol found in the answer book will be treated as unfair means.
2. Any tampering of Bar Code and Booklet no shall be treated as Unfair Means.
3. Do Not bring the materials like slip of paper/mobile/digital diaries/ study material/ revision notes in examination hall. Possession of the mobiles/ digital diaries/electronic/digital/ watch and any other electronic gadget except memory less scientific calculator shall be considered as UFM case.
4. Do not keep or paste currency note in answer script it shall be consider as UFM.

अनुचित साधन से बचने हेतु :

1. उत्तर पुस्तिका के निर्देशित स्थान को खोलकर अनुक्रमांक एवं उत्तरपुस्तिका का क्रमांक कहीं और न लिखें तथा कोई भी चिह्न न बनायें क्योंकि यह अनुचित साधन प्रयोग की परिधि में आता है।
2. उत्तर पुस्तिका के बारकोड अथवा उत्तर पुस्तिका संख्या पर छेद छद्म करने पर अनुचित साधन प्रयोग माना जाएगा।
3. परीक्षा कक्ष में निम्न वस्तुएं साथ न लायें, जैसे लिखे हुए कागज के टुकड़े, मोबाइल, डिजिटल डायरी, डिजिटल घड़ी, कांसे, गुरुत्वाकर्षण यंत्र जो अनुचित साधन को अज्ञानी आती है। केवल संश्लेषण प्रणाली में ही वेबोरी लेस साइंटिफिक कैलकुलेटर ले जाने की अनुमति होगी।
4. उत्तर पुस्तिकाओं में कल्पे न रखें न ही उत्तर पुस्तिका में विपरीत। ऐसा करत अनुचित साधन प्रयोग की परिधि में आता है।

परीक्षार्थी को दिए निर्देश

1. प्रवेश पत्र एवं उत्तर पुस्तिका पर दिये गये निर्देशों को ध्यान से पढ़ें।
2. कवर पृष्ठ के दूसरी तरफ कुछ न लिखें।
3. उत्तर पुस्तिका के पृष्ठों पर टोनी लटक न दें।
4. प्रश्न पत्र पर अपने अनुक्रमांक को अतिरिक्त कुछ न लिखें।
5. प्रश्न पत्र कोड एवं प्रश्न पत्र ID सावधानी पूर्वक लिखें।
6. अपनी तिथि स्पष्ट लिखें।
7. उत्तर पुस्तिका के पृष्ठों की संख्या देखें। अगर उत्तर पुस्तिका में पृष्ठ (1-24) से कम है या कटे हुए हैं, तो परीक्षा शुरू होने के पूर्व दूसरी उत्तर पुस्तिका ले लें।
8. प्रश्नपत्र को देख, यदि प्रश्नपत्र को विषय कोड, विषय का नाम तथा प्रश्न में कोई त्रुटि है तो इसके परीक्षा शुरू होने के 30 मिनट के अंदर कक्ष निरीक्षक को तत्काल सूचित करें, उसके बाद विवेकानंदन द्वारा कोई कर्तव्य नहीं की जायेगी।
9. प्रश्नों के उत्तर लिखने के लिये पेनिल का प्रयोग न करें।
10. बी कोपी का अतिरिक्त प्रकृ नहीं दिया जायेगा।

INSTRUCTION TO THE CANDIDATE

1. Read the instructions carefully given on the Question Paper, Admit Card & Answer Script.
2. Do not write anything on back side of the cover page.
3. Write on both sides of pages of answer book.
4. Do not write anything on question paper except Roll Number.
5. Write Paper Code & Question Paper Id carefully.
6. CHECK the number of pages (1-24) or any other kind of damage in your answer script, if found than change the answer script immediately before the commencement of examination.
7. CHECK the Question Paper for any kind of discrepancy e.g. Subject Code, Sub Name, and Question of the Question Paper during first THIRTY MINUTES of the commencement of the exam, so that it can be corrected in TIME. After that no corrections shall be entertained by the university.
8. Do not use pencil for answering the question.
9. Write status correctly e.g. those appearing in carry over papers should fill in status as Carry Over. Those appearing as Ex- Students should fill in status as ex.
10. No supplementary answer book & graph paper will be provided.

INSTRUCTION TO THE CANDIDATE FOR FILLING PART-IV

1. Use blue or black ball point pen for writing alphabets & numerals in Boxes.
2. Use blue or black ball point pen for filling the circles.

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Note- If your Roll No. is of 10 digits. Please leave first three columns .



Section - A

Answer no-1(a)

Administrative law is a branch of public law which deals with the administration of a government. According to K.C. Davis, "Administrative law is the law concerning the power and procedure of administrative action of the government." As the view of Schwartz, "Administrative law govern the law made by the judges and the quasi-judicial actions of administration."

Some of the following reasons for development of Administrative law -

- 1) Widenend scope - Administrative law widened the scope of the quasi-judicial actions and also provide the legislation which rule in its ambit.
- 2) In India, the procedures of parliament are time-taking and encumbered so this law helps to making law in fast way as it provide Delegated legislation.
- 3) -the jurisdiction of courts is a long process, thus, the Administrative tribunals helps to meet the justice in short-term.



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4) Technical Advancement - As Administrative law is made by the experts of the particular field in related to that particular acts. So it helps to widened its scope.

5) flexibility - As we know, the parliamentary process of amendment goes from many process. So this law is easy and not rigid to amend the provision.

These are some of the reasons of fast Development of Administrative law.

Answer no- 1 (b)

In the principle of Natural Justice, it is followed that it is the natural right of each and every person to get fair trial, equality, liberty, freedom and some other basic right. Natural Justice based on the principle of —

- 1) Nemo debet in causa sua
- 2) Audi Alteram Partem
- 3) One more principle is — Reasoned Decision.

✓
'Nemo debet in causa sua' is a legal maxim which means 'No one become is judge in his own case.' This principle is followed in the Natural Justice



to assure that the justice should be done in fair mean. As it says, Justice can't ~~be~~ not ~~seen~~ only be seen but it can be done. To assure this principle, it must be look that Justice can't be done in biasness. Rule against bias helps to achieve justice in fair means. Biasness can be of following types -

1) Subject matter Bias - If the bias is done because the same subject matter as the court proceeding by the plaintiff or victim and the judge. It is called subject matter Bias.

2) Pecuniary Bias - If a judge of a competent authority taking any charges or making his own interest, called Pecuniary Bias.

3) Authoritative Bias - If the decision maker decide the case because of the same authoritative position of the plaintiff or victim and his biasness is based on authoritative position.

4) Interest - Bias - If the judge of competent court has the same interest of the matter in which proceeding are going on in the court. This also called Interest-Biasness.

Case - Menika Gandhi v/s UOI.

In this case SC held that the law prevails justice and fairness should be free from biasness and fanciful, and preserve the justice of public.



Answer no- 1 (d)

- ⊙ Administrative law is a law concerning the power and procedures of Administrative actions. According to Ivan Jennings, "Administrative Law is a law concerning the power, procedure and duties of administrative authorities." While the Constitutional law is based to the Constitution of India, the scope of Constitutional law is based on the Constitution.
- ⊙ Administrative Authorities are made by the acts, statues which is made by the Parliament of India, while the Constitution of India defines the power of Parliament and how the Parliament function in democratic state.
- ⊙ Constitutional laws provide the fundamental right to the citizen of India and Administrative law provide the authoritative delegation to the administrative authority.
- ⊙ As the Parliament make laws in the country but the process of law making is slower and cumbersome but the rules & regulations which are made under Administrative law is faster as compared to Constitutional law and also it is made by the technical experts of particular field.



Answer no- 1 (C) (C)

The doctrine of Promissory Estoppel is based on Contract Law mainly but it is also followed in Administrative Law perspective.

It literally means, "When a promisor promises to do some acts or to fulfil the promise which he promises to do, then he can't take a back from it."

This doctrine is followed by the Court of England. This is based on the non-fulfilment of promise or an act which is not done by the promisor. If the promisor said to do a particular act either impliedly or in written, he must to fulfill the promise and do a particular act.

Essential of Promissory Estoppel —

- 1) Promisor must promise to the person.
- 2) Promisor can't fulfil the promise which is done by him.
- 3) Promisor take a back and not to his acts.
- 4) Promise can be expressly or impliedly.

Exceptions — If the promisor promise to do an act which is unconstitutional, doctrine of promissory Estoppel is not followed.



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Answer no- 1 (e)

Public Corporation is a hybrid organ which followed the functions of a government and business authority. It follows some of the local laws of the government and some provisions are made by the corporation itself under its statute or act. Some of the Public Corporations are-

- 1) Damodar Valley Corporation - This corporation was made under the Damodar Valley Act.
- 2) Reserve Bank of India - This corporation was made under the Reserve Bank of India Act, 1949.

Kinds of Public Corporation-

- 1) Financial Corporation - RBI, State Provisional fund
- 2) Socialist Corporation - Some NGOs.
- 3) Business Corporation - LIC, ONGC etc.

Functions of the Public Corporation-

1. Public Corporation is a separate legal entity.
2. It can be sue and sued.

Case - In West Bengal Railway Board Case, the SC held that Fundamental Rights are issued to the corporation as the Art-12 of Indian Constitution mention 'any other authority' which includes Corporation too.



Answer no- 1 (f)

It is an instrument of authority which is given by Parliament to make laws. Parliament give power to administrative authority to make rules and regulations.

As per Indian Constitution, Article 13 includes law, order, decree, notifications etc.

If the administrative authority has a power to make rules and regulation which is given to him then he further delegate his some of the act to do his lower authority is known as sub-delegation.

Reasons of sub-delegation.

- ① To lower down the work load of the administrative authority they delegates some powers.
- ② To meet the technological advancements, he made some provisions and further delegates to sub-authorities.



Answer no-1 (g)

The principle of separation of power is propounded by Montesquieu in his book 'The Spirit of the Laws'. In his book he talks about there is a separation of power in the bodies of government. It is basically a tripartite system, which is based on that the legislative, executive and judiciary all work separately in its own ambit. The three main features of Doctrine of separation are -

- ① One should not work in ambit of another.
- ② One should not do ~~assign~~ the work which is assign to other.
- ③ One should not involve in all three organs of government.

But in India, the President is the nominal head and Prime minister is the real head. As per Art-122 and Art-212 the proceeding of the courts is not discussed in the Parliament. Also the Constitution provides the MPs and MLAs are not involves in proceeding in his office capacity.

On the other hand like the American constitution, the President is the head of the Armed forces but Art 53 (c)



says the rules is made by the Parliament in these respect. It is known the all the executive actions is taken in the name of President but there is a Council of Minister which aid and advise.

① The President of India ✓ an Executive body but it is also clearly mention that the power of making rules like Ordinance-making power are in the hands of President.

② In India there is a check and balances rather than the Separation of power. Some powers are overlapping the power of other organs.

Case - ~~the~~ Ram Jawaya v/s State of Punjab.
The Supreme Court held that in India, there is no absolutely followed the principle of Separation of power.

Answer no- 1 (h)

Mandamus is a Latin term which means 'We command.' It is an order by which the court said to the administrative authority to do a particular act which he has to be perform. The writ can be issued by the Supreme Court under Article 32 and High Court under Article 226 of the Indian Constitution.



Ground to Issue Mandamus writ.

- 1) Non-performance of an Act.
- 2) The act which is not performed must have to be performed.
- 3) To the public and private authority in non-compliance of a particular act.

When writ not Issue ?

- 1) If the non-performance of an act because of the ultra vires constitutional act.
- 2) Non-performance can be done due to the ultra vires act of the constitution.
- 3) Act can be done in fraud.

Leading Case -

1) Gujarat Financial Corporation v/s Lotus Hotels
In this case, the financial Corporation promise to give fund to the Hotel when the Hotel was made. After Hotel was made, they deny to perform his act & giving funds, then the writ of Mandamus was issued.

2) Menika Gandhi v/s UOI.

In this case, SC held that taking an passport without answering the question is unjust and unfair, then the writ of mandamus to give back the passport.



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Answer no- 1 (i)

Right to know is a legal right of the citizen of India. Under Right to Information Act, 2005, a person has the right to know what the proceeding has to be done or why the decision of particular agenda has come in this way.





Answer no- 1 (j)

Reasoned Decision is a principle of Natural Justice. In Natural Justice principle there should be the some natural right which is given to the citizen of the India.

In Natural Justice, some rights are mention which is followed, Reasoned Decision is one of them.

① In Reasoned Decision, the Court must record its proceeding so that he has some reasons to show why this decision has to be made.

② If the accused or a victim or any other court want to know the reason, he must has to show them the reason of his decision. It is one of the main pillars of Natural Justice.

Case - In Judhikamal v/s UOI case, The SC held that there must be a Reasoned decision.



Section - B

Answer no-(2)

The 'Rule of Law' principle is propounded by Dicey first time in his book 'Le Principe de legalite'. According to Dicey, the Rule of Law is literally means the law should be followed by everyone either he is poor or rich, government authority or a citizen, male or a female. The Rule of Law concerned about that everyone is equal in the eyes of law. No one is superior, no one is inferior in the eyes of law. The law is the supreme.

By following the principle of Rule of Law, everyone treated equally and get justice, fair trial, fairness and equality. He has given three principles—

- 1) Supremacy of law
- 2) Equality before law
- 3) Predominance of the legal spirit —

1) Supremacy of law — Law is supreme and Constitution is the supreme law of land. He described that there should be supremacy of law and everyone should be treated equally in the country and not just bias because of the social status or an authoritative position.



2) Equality before law - He described there should be equality among all. Everyone has a right to be treated equally among all.

3) Predominance of legal spirit - In this principle he talks about the court which must follow the rule of law and giving orders and jurisdiction by following the principle of supremacy of law.

Criticism of Dicey's Concept of Rule of Law -

There are many scholars who criticized the concept of Rule of Law which is given by Dicey. Because according to Dicey, there is three main concept to meet the justice and follow the principle of Rule of Law. But according to Davis, there are not only three concept which is sufficient to follow the principle of Rule of Law. He has given some other principles regarding Rule of Law -

1) Law and Order - There must be proper law and order which helps to following the principle of rule of law.

2) Principle of Natural Justice - By following the principle of



Natural justice, one should take good decision to give justice to the people.

3) Rules and Regulations — these must be a rules and regulations which helps the people to maintain the law and order of a country.

Rule of Law in India — In India, the principle of Rule of Law is followed. As the Constitution itself mentions, the principle of justice and equality. Article 14 of Indian Constitution says Equal before law and equal protection of law. As the Constitution mentions that there should be equality among individual. The power of Judicial Review under ~~under~~ Art-32 and Art-226 ensure the right of people. Article 32 itself is a constitutional right. By using this article, any person can go to Supreme court to issue a writ if his rights are violated. ~~Preamble~~ Preamble of Indian Constitution mention liberty and equality. Thus, the Rule of Law is applicable in India.

Leading cases — ① Menka Gandhi v/s UOI.

In this case SC held that Right to life and personal liberty is a basic right given in the Constitution.

② In Kesavananda Bhardi case (1973), the SC held that the Rule of Law is a Doctrine of basic structure of constitution and it must be followed.



Answer no-(3)

Delegated Legislation

It is an instrument which ^{made} given by a legal authority given the right by parliament to made is known as Delegated Legislation. In other words, If the parliament delegate some of his work to his subordinate authority is known as Delegated Legislations, the parliament made some acts under which he delegate his power to the administrative authority. This legislation are known by some other names as orders, decrees, by-laws, notifications, etc. Article 13 includes says law includes any order, decree, by laws, notification enforce by law.


The legal maxim 'delegatus non potest delegare' which means the delegated authority can't further delegate its power. Here, the parliament can delegate his powers, it can makes a parallel parliament to delegate his legislations.

Reasons to Delegated power —

- 1) Over-work of Parliament — the parliament has lot of work to do, in order to lower down his work load and to save time he delegate his power.



2) Technical Advancement - The law makers of Indian Parliament are not the experts of all field. So, the Parliament delegate his power in competent authority to make provision of the act of particular field.

3) flexibility - To meet the  the advancement and technology development, the provision must be updated. The amendment in the Parliament is long process. So, the authority make some changes in his acts' provisions.

4) Emergency - In the time of Emergency, the authority make provisions regarding particular act. For ex - Goods and Commodity Act declare Mask is a essential commodity during COVID-19.

Parliamentary Control Over Delegation.

The Parliament delegate his power to the administrative authorities. The administrative authorities works as an agent of the Parliament. Then, the Parliament has to keep his eye on the authorities that they should has to be work which is not ultra-vires. By these process they control over Delegated Legislation.

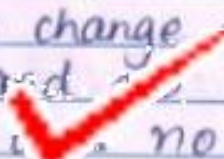

- 1) Memorandum
- 2) Laying on the table
- 3) Scrutiny Committee.



Do Not Write anything in this Portion

1) Memorandum - This is the process which has to be done before the act was made. Here the ~~decision~~^{discuss}ion of the act has to be done by - Asking a question, Moving a resolution, Questioning, discussing the motive of act.

2) Laying on the Table - If the act was made, then this process has to be followed in the Parliament. The act lay on the table and it has to be seen that the need of the ~~an~~ act was suitable or not. Here some process includes -

- a) Laying on table has done, no change in act.
- b) If anything has to be change - must before 4 days
- c) After passing draft and  change has been done, then it  no allow to change further.

3) Scrutiny Committee - the Committee made in the both Houses of Parliament which checks the act must not be unconstitutional. Act not follow the principle of unjustice. The delegation must be needed.

Case - ① Basu Lal v/s State of Punjab

= The legislation which is delegated must be constitutional and not ultra-vires.

② In Re Delhi Act Case Law - In this case, the Supreme Court held that there should not be excessive delegation and the authorities must have to work under the ambit of act.



Section - C

Answer no - (6)

'No one should be condemned unheard' is a meaning of a famous legal maxim which is 'Audi Alteram Partem'. This principle includes in the concept of Natural Justice. Natural Justice is taken from a 'Jus Nature' which means the natural right which is given to everyone.

This literally means that the person can't be leave unheard. He must have a right to hear in the court. The principle of Natural Justice has three principles—

- 1) Nemo ~~debet~~^{debit} in causa sua — It means that there should not be biasness or it is also called rule of against biasness.
- 2) Audi Alteram Partem — It literally means no one ~~one~~ should be condemned unheard. The person has a right to present himself in court and see the proceeding and also giving the proofs. It can be done by following means —
 - ① By giving notice — If the proper notice has to be given to a person



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regarding the time, place of the proceeding he must come in the court to take part in the proceedings.

② By giving appropriate time - If the person got appropriate time regarding proceeding then he must collect all his proof in the court of law.

③ Not unfair means - The proceeding must be record so that there should not the use of any unfair means which imparts injustice with the people.

④ Decision should not be biased - The decision given by the court of law are free from biasness and the judge must follow the principle of Natural Justice and hearing all the facts of accused and victim so that his decision is free from any biasness.

Case - AK Kasiyap v/s UOI.

① In this case the SC held that there should not be any biasness in the court of law.



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② Menika Gandhi v/s UOI. In this case, SC
⇒ The proceeding must follow that the right of life is not infringement from the person.

③ Gullapalli Nageswara v/s APSRTC.
In this case the SC held that the authority which provide the decision must not in a relation of any of the members whose proceeding are going on in the court of law.





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Ans - (9)

Habeas Corpus is literally means 'to have a body of'. It is a latin term whose meaning 'to have a body of'. It is an order by which court order the one person who detain another person in illegal way and said them to have the detain person.

When Issued ?

- 1) If a person detained another person in illegal mean.
- 2) If person belong to private or public any of the authority.

When Not Issued ?

- 1) If a person detained by legally, then this writ can't be issued.

⊙ The writ of Habeas Corpus is issued by the court of law under Article 32 and Article 226 of the Indian Constitution.

⊙ Under Art-32, Supreme Court issue the writ and Art-226 High Court has a power to issue the writ.



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Case ① In Rudul Shah v/s State of Bihar.

In this case, Habeas Corpus writ was issued because a person detained for 14 years extra.

② AK. Gopalan v/s State of Madras.

In this case the Supreme Court issue the writ of Habeas Corpus. ✓

③ If the person acts which is unconstitutional and detained another person in some way the writ of Habeas Corpus can be issue by the Courts.

④ If the person detained to fulfil his person means, any person can go to court

HC

Rudul Singh v/s State of Bihar

AK Chopal Case v/s Madras



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Madras Case



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Mahavir Singh v/s State of Rajasthan

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