MCQ Question Bank 1---- Administrative Law

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Q1 'Administrative law is a law concerning the powers and procedures of administrative agencies including especially the law governing judicial review of administrative action'. This definition is given by

A Ivor Jennings
B K C Davis
C H WR Wade
D Cessare Becarria.

Q2 Which of the following is FALSE statement?

A the primary function of administrative law is to restrict the governmental powers
B the administrative law seeks to protect private interest and rights from encroachment of State
C Administrative law governs relation between Government and citizens
D Administrative law is the law concerning organisation and functions of government at rest.

Q3 Which of the following is not the meaning of 'Rule of law' according to A V Dicey

A Supremacy of law
B Equality before law
C Pre-dominance of legal spirit
D Wide discretionary powers
Q4 A V Dicey criticized which legal system?
   A English legal system
   B French legal system
   C Australian legal system
   D American legal system

Q5 Which one of the following is NOT the drawback concept of Rule of Law as given by A V Dicey
   A Failure to distinguish between arbitrary power discretionay power
   B Misunderstood the real nature of droit administratif
   C Did not recognise the existence of Administrative law in England
   D did not support supremacy of law.

Q 6.................. is considered to be the doctrinal barrier for development of Administrative law in USA
   A Rule Of Law
   B Separation Of Powers
   C Doctrine Of Pleasure
   D Henry VIII clause

Q 7 The doctrine of Separation Of Power was systematically propounded by
   A Montesquieu in his book The Spirit of Laws
   B Plato in his book The Social Contract
   C Aristotle in his book The Spirit of Laws
Q8 Doctrine of separation of powers means

A one organ of the government should not exercise the function of the other
B one organ of the government should not control or interfere with the exercise of its functions by another organ
C same persons should not form part of more than one of the three organs of the government
D all of the above

Q9 The functions of the executive can be classified as

A Delegated legislation
B Quasi judicial function
C Discretionary functions
D All of the above

Q10 Which of the following is true?

A The legislative order has to be published
B For Quasi judicial decisions reasons may not be given
C The duty to give reasons applies to legislative orders
D the administrative powers cannot be sub delegated.

Q11 Which of the following is not held to be a quasi- judicial function /

A Determination of citizenship
B Disciplinary proceedings against students
C Determination of disqualification of members of parliament
D An order of preventive detention
12 The delegated legislation means……………..Which of the following is false?
   A the exercise by subordinate agency of legislative power delegated to it
   B The subsidiary rules made by the subordinate authorities in persons of the power conferred
   C The power of Central Government to make rules and regulations authorised by the parent act
   D The amendment made to the Act to suit the changing conditions.

Q13 'Delegatus non protest delgare' means
   A The delegate not protest against the authority
   B The delegate does not have potential for making laws
   C The delegate cannot further delegate
   D The delegate can further delegate

Q14 The principle that by exercising the power of modification the delegate cannot change the legislative policy was developed in the case of
   A R v Burah
   B Delhi Laws Act 1912, Re AIR 1951 SC
   C Ram jawaya Kapur v State of Punjab 1955 SC
   D None of the above

Q15 Which of the functions may not be delegated
   A Commencement
   B Inclusion and exclusion
   C Application of existing laws
   D Essential legislative functions
Q 16 Which of the following functions are permissible delegations

A Future Acts
B Imposition of tax
C Supplying of details
D Ouster of jurisdiction of Court

Q17 Which of the following is correct definition of ‘Audi alteram partem’?

A Listening to the appeal
B Right of fair hearing
C Right to know reasons of decision
D All of the above

Q 18 Which of the following is/are the requisite conditions for a contract made in the exercise of executive power of the centre?

A The contract must be expressed to be made by the president
B The contract is to be executed in such manner and by such person as the President may direct
C The contract must be entered on behalf of the President
D All of the above

Q19 Which of the following is true when a government contract which does not conform to the provisions of Art 299 of the Constitution?

A the contract is not enforceable in Court against the parties
B the contract is voidable at the option of both the parties
C the contract is void
Q20 Which of the following is write definition of the phrase Nemo judex in causa sua
   A no man is capable of rendering judgement on himself
   B no man shall be a judge in his own cause
   C no man can punish himself
   D proper justice can be done if the judge is related to the party

Q21 Which of the following is not a control on delegated legislation
   A Judicial
   B Legislative
   C Doctrine of ultra vires
   D Doctrine of lifting of veil

Q22 Which of the following is not the ground of procedural ultra vires
   A Non Publication of rules
   B No consultation
   C Sub delegation
   D None of the above

Q 23 Which of the following is NOT the ground for substantive ultra vires?
   A Where parent Act is unconstitutional
   B Where parent act delegates essential legislative functions
   C Where delegated legislation is arbitrary
   D where mandatory consultation process is not complied with
Q24 Principles of natural justice are NOT applicable against which of the following actions?
   A Administrative actions
   B Rule making action
   C Quasi judicial actions
   D Judicial process

Q25 'Principles of natural justice are applicable even when the statute is silent ……they do not supplant law of the land but supplement it'. this was held in which case?
   A A K Kraipak v Union of India
   B M C Mehta v Union of India
   C A K Gopalan v Union of India
   D None of the above

Q26 Which of the following is NOT a type of bias
   A Pecuniary bias
   B Personal bias
   C Judicial obstinacy
   D None of the above

Q27 Which of the following is NOT an essential component of the doctrine of Audi alteram partem?
   A Right of notice
   B Oral hearing
C Reasoned decision
D Both A and B.

Q28 When personal hearing is given by one officer and order is passed by another officer, which of the following principle/s of natural justice is/are violated

A Rule against bias
B Right to hearing
C Reasoned decision
D all of the above

Q29 The Administrative tribunal have been recognised under which of the following articles of the constitution

A Art136 and Art 227
B Art 323 A and 323 B
C all of the above
D Art 32

Q30 Which of the following statements is true?

A All Courts are tribunals but all tribunals are not Courts
B Tribunals are not bound by the decisions of Supreme Court
C A tribunal is established by government
D Tribunals are not bound by principles of natural justice

Q31 Acting under dictation, non-application of mind, imposing fetters on discretion, sub delegation are examples of which of the following

A Excess or abuse of discretion
B Failure to exercise discretion
C Order based on mixed consideration
D None of the above

Q32 excess or abuse of discretion can be through which of the following grounds
   A Living out relevant consideration
   B Arbitrary action
   C Exceeding jurisdiction
   D All of the above

Q33 The case of Air India v Nergesh Meerza relating to termination of service on ground of first pregnancy is a classic example of ……
   A Acting under dictation
   B Unreasonableness
   C Excess of jurisdiction
   D Non observance of principles of natural justice

Q 34 Which of the following is NOT an essential to issue writ of mandamus
   A Legal duty of authority
   B Refusal to do the duty
   C Legal right of the petitioner
   D It lies against private individual

Q35 When the court finds that the order is suffering from error apparent on face of the record, which of the following writs can be issued?
   A Writ Of Habeas Corpus
Q36 the institution of ombudsman originated in 1809 at
A France
B Sweden
C Germany
D Australia

Q 37 The tortious liability of the government is recognised in the Indian constitution by
A Art 298
B Art 294
C Art 323
D Art 299

Q 38 The tortious liability of the State was NOT recognised in which of the following cases?
A State of Rajasthan vs Vidyawati
B Kasturi Lal vs State of Uttar Pradesh
C State of Gujarat vs Memon Mohammed Haji
D Railway Board vs Chandrima Das

Q 39 The public corporation can be held liable under which of the following the liability/ies?
A Liability in contracts
B Liability in torts
C Liability for crimes
D All of the above

Q 40 Which of the following statements are false?

1 The Public Corporation can be sued in the court of law
2 Public Corporation is not 'State' under Art 12
3 The doctrine of ultra vires is applicable to public corporations
4 Servants of the government company are civil servants under article 311 of the constitution?

A 1, 4 are false
B 2 and 4 are false
C 2 and 3 are false.
D None of the above
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