BLOGS

MCQ’s on Administrative Law for CLAT PG [Part 11]

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Q1. The doctrine of ultra vires in administrative law primarily functions as:

a. A mechanism to ensure democratic accountability of the legislature

b. A judicial device to invalidate administrative action exceeding legal authority

c. A rule limiting the power of courts over administrative agencies

d. A constitutional restriction on judicial review

Q2. Which of the following most accurately distinguishes substantive ultra vires from procedural ultra vires?

a. Substantive ultra vires relates to legislative power, procedural ultra vires relates to judicial review

b. Substantive ultra vires concerns lack of authority; procedural ultra vires concerns failure to follow prescribed procedure

c. Substantive ultra vires arises from mala fide intention; procedural ultra vires arises from negligence

d. Substantive ultra vires concerns constitutional invalidity; procedural ultra vires concerns statutory interpretation

Q3. The doctrine of legitimate expectation primarily operates to:

a. Create enforceable contractual rights against the State

b. Ensure fairness in administrative decision-making

c. Expand the doctrine of promissory estoppel

d. Limit legislative sovereignty

Q4. Which of the following situations would most clearly violate the rule against bias (nemo judex in causa sua)?

a. An administrative officer deciding a policy matter affecting his department

b. A decision-maker having a pecuniary interest in the outcome of a case

c. A judge previously expressing a general opinion on law

d. A tribunal following precedent established by itself

Q5. The doctrine of proportionality in administrative law primarily requires that:

a. Administrative authorities must follow legislative policy

b. Administrative action must not exceed what is necessary to achieve legitimate objectives

c. Administrative agencies must always choose the least restrictive alternative

d. Administrative decisions must always favour individual liberty

Q6. Which of the following best captures the essence of Wednesbury unreasonableness?

a. Courts may substitute their own decision for administrative authorities

b. Administrative decisions must always be supported by evidence

c. A decision is invalid if it is so unreasonable that no reasonable authority would make it

d. Administrative authorities must always act proportionately

Q7. The doctrine of delegated legislation is justified primarily on the ground that:

a. Legislatures lack democratic legitimacy

b. Administrative agencies possess technical expertise and flexibility

c. Judicial review is insufficient to regulate governance

d. The Constitution mandates delegation of legislative power

Q8. Which principle ensures that delegated legislation remains subject to legislative control?

a. Doctrine of separation of powers

b. Doctrine of parliamentary sovereignty

c. Requirement of laying rules before the legislature

d. Doctrine of judicial precedent

Q9. Which of the following best illustrates conditional legislation rather than delegated legislation?

a. Parliament empowering a minister to frame rules regulating industries

b. Parliament authorising an authority to determine when a law should come into force based on factual conditions

c. Parliament delegating power to amend a statute

d. Parliament authorising courts to interpret statutes

Q10. Which principle explains why administrative authorities must give reasons for their decisions?

a. Rule against delegation

b. Doctrine of separation of powers

c. Principle of transparency and fairness

d. Doctrine of parliamentary supremacy

Q11. The doctrine of promissory estoppel against the government is primarily justified on the basis of:

a. Parliamentary sovereignty

b. Administrative convenience

c. Equity and fairness in governance

d. Constitutional mandate

Q12. Which of the following doctrines most directly limits arbitrary administrative discretion?

a. Doctrine of proportionality

b. Doctrine of ultra vires

c. Doctrine of precedent

d. Doctrine of parliamentary privilege

Q13. Which of the following situations best illustrates abuse of discretionary power?

a. Administrative authority acting within statutory limits

b. Authority exercising discretion for an improper purpose

c. Authority interpreting statutory provisions narrowly

d. Authority consulting experts before decision-making

Q14. The tribunalisation of justice primarily raises constitutional concerns because:

a. Tribunals replace legislative institutions

b. Tribunals may undermine judicial independence

c. Tribunals lack statutory authority

d. Tribunals are not bound by procedural law

Q15. Which principle best explains the expansion of judicial review over administrative actions in modern constitutional systems?

a. Parliamentary supremacy

b. Constitutionalism and rule of law

c. Federalism

d. Administrative autonomy

Answers

1. Correct Answer: B – A judicial device to invalidate administrative action exceeding legal authority

Explanation: Ultra vires means “beyond powers.” Administrative authorities derive their authority from statutes. If they act beyond that authority, courts invalidate such actions through judicial review. This doctrine ensures that administrative bodies remain within the limits of their statutory mandate.

2. Correct Answer: B – Lack of authority vs failure to follow procedure

Explanation: Substantive ultra vires occurs when an authority lacks legal power to perform an act. Procedural ultra vires occurs when the authority has power but fails to follow the procedure prescribed by law, such as mandatory consultation or hearings.

3. Correct Answer: B – Ensure fairness in administrative decision-making

Explanation: Legitimate expectation protects individuals when public authorities create expectations through consistent practice or promises. Even if no legal right exists, the doctrine ensures procedural fairness before expectations are denied.

4. Correct Answer: B – Pecuniary interest

Explanation: A financial interest creates automatic disqualification because it undermines impartiality. The rule against bias ensures that decision-makers remain neutral and independent.

5. Correct Answer: B – Action must not exceed what is necessary

Explanation: Proportionality requires administrative measures to be appropriate, necessary, and balanced relative to their objectives. It prevents excessive restrictions on rights.

6. Correct Answer: C – No reasonable authority test

Explanation: The **Wednesbury principle** invalidates decisions that are irrational or absurd to such an extent that no reasonable authority could have taken them. It is a very high threshold for judicial intervention.

7. Correct Answer: B – Expertise and flexibility

Explanation: Modern governance requires specialised knowledge and quick responses. Legislatures therefore delegate rule-making authority to administrative bodies that possess

expertise and flexibility.

8. Correct Answer: C – Laying procedure

Explanation: Delegated legislation is often required to be laid before Parliament or legislatures, allowing them to scrutinise or annul the rules.

9. Correct Answer: B – Determining factual conditions

Explanation: Conditional legislation occurs when the legislature enacts a law but leaves its operation contingent upon certain facts determined by an authority.

10. Correct Answer: C – Transparency and fairness

Explanation: Providing reasons prevents arbitrary decisions and allows affected persons to understand the basis of administrative action, facilitating judicial review.

11. Correct Answer: C – Equity and fairness

Explanation: Promissory estoppel prevents the government from reneging on promises that individuals relied upon to their detriment, unless overriding public interest justifies withdrawal.

12. Correct Answer: B – Ultra vires

Explanation: The ultra vires doctrine restricts discretionary powers by ensuring they remain within statutory boundaries.

13. Correct Answer: B – Improper purpose

Explanation: Discretion must be exercised only for purposes intended by the statute. Using power for unrelated objectives constitutes abuse of discretion.

14. Correct Answer: B – Threat to judicial independence

Explanation: Tribunalisation can raise concerns when executive-controlled tribunals replace traditional courts, potentially undermining judicial independence and the rule of law.

15. Correct Answer: B – Constitutionalism and rule of law

Explanation: Modern constitutional systems emphasise accountability of administrative authorities. Judicial review ensures that government power remains subject to law.