BLOGS

MCQ’s on Administrative Laws for CLAT PG [Part 9]

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Passage I

Modern administrative law recognises that the exercise of public power is no longer confined to rigid compartments of “judicial”, “quasi-judicial”, and “administrative” functions. As governance becomes increasingly complex, decisions affecting civil rights and economic interests are often taken by authorities that are neither courts nor tribunals in the traditional sense. Yet, the impact of such decisions may be as grave as that of a judicial decree. This transformation has necessitated a shift from a formalistic view of power to a functional one, where the emphasis lies not on the label of the authority but on the consequences of its action.

Natural justice, in this context, is not a technical ritual but an instrument of fairness. Its core principles—absence of bias and opportunity of hearing—are rooted in the rule of law. They ensure that power is exercised rationally and transparently. The insistence on fairness does not arise because every administrative decision resembles a trial, but because arbitrary power is antithetical to constitutional governance. The purpose of natural justice is therefore to prevent miscarriage of justice, not to impose inflexible procedures.

Courts have gradually moved away from the view that natural justice applies only where a statute expressly mandates it. Instead, the presumption now is that fairness is implied unless clearly excluded. Even where a statute is silent, administrative discretion must ordinarily conform to basic procedural standards. However, this does not mean that natural justice is absolute. Situations of urgency, confidentiality, or impracticability may justify its modification or exclusion, provided that the exclusion is reasonable and proportionate.

Judicial review in this framework does not convert courts into appellate authorities over administrative wisdom. The court’s role is supervisory, not substitutive. It does not ask whether the decision is the “best” one, but whether it is lawful, fair, and within jurisdiction. The focus lies on the decision-making process rather than the merits of the outcome. This restraint preserves

the separation of powers while ensuring that executive action remains constitutionally bounded.

Thus, administrative law strikes a balance between efficiency and legality. It acknowledges that governance requires flexibility, yet insists that power must be exercised in a manner consistent with reason, fairness, and constitutional values. The legitimacy of administrative action ultimately depends not on speed or convenience, but on its fidelity to the rule of law.

Q1. The passage primarily reflects a shift in administrative law from:

a. Legislative supremacy to judicial supremacy
b. Formal categorisation to functional evaluation of power
c. Executive dominance to parliamentary control
d. Judicial review to executive autonomy

Q2. According to the passage, natural justice is best understood as:

a. A rigid procedural code
b. A substitute for statutory rules
c. An instrument to prevent arbitrary power
d. A purely judicial doctrine

Q3. The modern presumption regarding natural justice is that it:

a. Applies only when statutes expressly provide
b. Is excluded unless courts read it in
c. Is implied unless clearly excluded
d. Applies only to quasi-judicial acts

Q4. Judicial review, as described, is concerned mainly with:

a. Correctness of the outcome
b. Efficiency of administration
c. Merits of policy
d. Legality of the decision-making process

Q5. The passage ultimately links the legitimacy of administrative action to:

a. Speed and convenience
b. Political approval

c. Rule of law and fairness

d. Legislative delegation

Passage II

Delegated legislation occupies a paradoxical position in constitutional governance. It is indispensable for modern administration, yet inherently problematic from a democratic standpoint. Legislatures cannot foresee every contingency or regulate every technical detail. Consequently, they entrust the executive with the power to frame rules, regulations, and notifications. This delegation is not a surrender of legislative power but a pragmatic necessity. However, the legitimacy of delegated legislation rests upon its faithful adherence to the parent statute and constitutional norms.

The doctrine of ultra vires operates as the primary control mechanism in this domain. Subordinate legislation has no independent existence; it draws its life entirely from the enabling Act. If it travels beyond the scope of that Act, it is void. Courts therefore examine whether the delegate has acted within the limits of authority, and whether the rule furthers the purpose of the statute. This scrutiny is not an intrusion into policy but an assertion of constitutional supremacy.

Legislative control complements judicial review. Mechanisms such as “laying” before the legislature are designed to ensure that elected bodies retain oversight over executive-made norms. These procedures reflect the democratic anxiety surrounding delegated law-making. They reaffirm that while flexibility is necessary, it cannot be purchased at the cost of accountability.

Another dimension of control lies in the doctrine of reasonableness. Even where power exists, its exercise must not be arbitrary or oppressive. The evolution from Wednesbury unreasonableness to proportionality signifies a deeper engagement with the balance between means and ends. Particularly where fundamental rights are affected, courts increasingly demand that administrative measures be suitable, necessary, and balanced.

Administrative discretion, therefore, is neither absolute nor illusory. It is structured freedom—freedom bounded by law, purpose, and rationality. The modern State cannot function without discretion, yet unchecked discretion corrodes constitutionalism. Administrative law reconciles this tension by insisting that power be exercised for the right purpose, in the right manner, and within the right limits.

In this sense, delegated legislation and discretion are not anomalies in a constitutional order; they are its instruments. Their legitimacy depends upon continuous control of judicial, legislative, and constitutional. The ultimate question is not whether the executive should act, but how it must act in a system committed to the rule of law.

Q6. Delegated legislation is described as paradoxical because it is:

a. Unconstitutional but necessary
b. Efficient but undemocratic
c. Indispensable yet democratically sensitive
d. Judicial in nature but executive in form

Q7. The doctrine of ultra vires primarily ensures that:

a. Courts control policy
b. Delegates act within statutory limits
c. Legislature frames technical rules
d. Executive power is absolute

Q8. Judicial scrutiny of delegated legislation focuses on whether it:

a. Is politically desirable
b. Is economically efficient
c. Furthers the purpose of the parent Act
d. Has legislative approval

Q9. The "laying" procedure mainly reflects concern for:

a. Judicial efficiency
b. Executive autonomy
c. Democratic accountability
d. Administrative secrecy

Q10. The evolution from Wednesbury to proportionality signifies:

a. Elimination of discretion
b. Deeper review of balance between means and ends
c. Replacement of statutes
d. Judicial takeover of policy

Q11. According to the passage, proportionality becomes most relevant when:

a. Economic policies are framed

b. Emergency powers are exercised

c. Fundamental rights are affected

d. Delegation is excessive

Q12. Administrative discretion is best characterised as:

a. Arbitrary authority

b. Political power

c. Structured freedom

d. Judicial function

Q13. The legitimacy of delegated legislation depends primarily on:

a. Executive expertise

b. Popular approval

c. Adherence to statute and Constitution

d. Speed of governance

Q14. The passage treats judicial review of delegation as:

a. Policy-making

b. Democratic intrusion

c. Assertion of constitutional supremacy

d. Administrative interference

Q15. The central tension addressed by administrative law is between:

a. Courts and Parliament

b. Efficiency and legality

c. Rights and duties

d. Power and politics

Answers

1. Correct Answer: B – Formal categorisation to functional evaluation of power

Explanation: The passage rejects rigid labels and focuses on the real impact of administrative action, shifting from form to function.

2. Correct Answer: C – An instrument to prevent arbitrary power

Explanation: Natural justice is portrayed as a safeguard against arbitrariness, not as a mechanical set of procedures.

3. Correct Answer: C – Is implied unless clearly excluded

Explanation: The modern approach presumes fairness even in statutory silence, subject to justified exceptions.

4. Correct Answer: D – Legality of the decision-making process

Explanation: Judicial review supervises how power is exercised, not whether the outcome is ideal.

5. Correct Answer: C – Rule of law and fairness

Explanation: The passage ties legitimacy to constitutional values rather than speed or convenience.

6. Correct Answer: C – Indispensable yet democratically sensitive

Explanation: Delegated legislation is necessary for governance but raises concerns about democratic legitimacy.

7. Correct Answer: B – Delegates act within statutory limits

Explanation: Ultra vires ensures that subordinate authorities do not exceed their conferred power.

8. Correct Answer: C – Furthers the purpose of the parent Act

Explanation: Courts examine whether delegated rules remain faithful to legislative intent.

9. Correct Answer: C – Democratic accountability

Explanation: Laying procedures preserve legislative oversight over executive-made norms.

10. Correct Answer: B – Deeper review of balance between means and ends

Explanation: Proportionality requires closer scrutiny of how administrative goals are pursued.

11. Correct Answer: C – Fundamental rights are affected

Explanation: The passage notes heightened scrutiny where rights are at stake.

12. Correct Answer: C – Structured freedom

Explanation: Discretion is neither absolute nor illusory; it operates within legal boundaries.

13. Correct Answer: C – Adherence to statute and Constitution

Explanation: Legitimacy flows from conformity with enabling law and constitutional norms.

14. Correct Answer: C – Assertion of constitutional supremacy

Explanation: Judicial review ensures that executive rule-making remains constitutionally grounded.

15. Correct Answer: B – Efficiency and legality

Explanation: Administrative law balances governance needs with the rule of law.