BLOGS

MCQs on Public International Laws for CLAT PG [Part 5]

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Q1. The modern justification for judicial review of administrative action is best rooted in which constitutional principle?

a) Parliamentary sovereignty

b) Separation of powers

c) Rule of law

d) Federal supremacy

Q2. An administrative authority is vested with discretionary power but frames rigid internal guidelines and refuses to consider exceptions even in exceptional cases. This most directly attracts which ground of review?

a) Error of law

b) Fettering of discretion

c) Lack of jurisdiction

d) Procedural ultra vires

Q3. The doctrine of proportionality differs from Wednesbury unreasonableness primarily because it:

a) Applies only to quasi-judicial actions

b) Allows courts to substitute their own decision

c) Requires balancing between means and ends

d) Is confined to fundamental rights cases

Q4. A post-decisional hearing is constitutionally acceptable mainly when:

a) The statute expressly excludes natural justice

b) Pre-decisional hearing is inconvenient

c) Urgency makes prior hearing impracticable

d) Administrative efficiency is prioritised

Q5. Which of the following best explains why "legitimate expectation" does not ordinarily create a substantive right?

a) It is based on executive grace

b) It protects procedure, not outcomes

c) It applies only in policy matters

d) It is excluded by statutory powers

Q6. An administrative order passed in bad faith is void because:

a) It violates statutory procedure

b) Motive is irrelevant in administrative law

c) Power is exercised for an improper purpose

d) It fails the test of proportionality

Q7. The doctrine of "colourable exercise of power" is conceptually closest to which idea?

a) Ultra vires jurisdiction

b) Abuse of discretion

c) Procedural impropriety

d) Strict liability

Q8. Which situation most clearly justifies exclusion of natural justice by necessary implication?

a) Termination of a government contract

b) Blacklisting of a contractor

c) Preventive detention during public emergency

d) Cancellation of licence for misconduct

Q9. The principle that "justice must not only be done but must also appear to be done" primarily underlies:

a) Nemo judex in causa sua

b) Audi alteram partem

c) Doctrine of bias

d) Speaking order requirement

Q10. The requirement of a "reasoned order" in administrative law mainly serves to:

a) Reduce judicial workload

b) Ensure transparency and accountability

c) Protect executive privilege

d) Facilitate appellate hierarchy

Q11. Which of the following best distinguishes administrative discretion from administrative arbitrariness?

a) Discretion is unguided; arbitrariness is guided

b) Discretion is reasoned; arbitrariness is irrational

c) Discretion excludes judicial review

d) Arbitrariness requires mala fides

Q12. A statutory authority delegates its decision-making power to a private consultant without legislative sanction. This violates which principle?

a) Delegatus non potest delegare

b) Excessive delegation

c) Sub-delegation with safeguards

d) Policy delegation

Q13. Which ground of judicial review is most closely associated with violation of natural justice?

a) Illegality

b) Irrationality

c) Procedural impropriety

d) Proportionality

Q14. An administrative action based on irrelevant considerations is invalid because it:

a) Lacks legislative competence

b) Defeats the purpose of the statute

c) Violates separation of powers

d) Constitutes judicial overreach

Q15. The expansion of administrative law in India is best understood as a response to:

a) Decline of parliamentary control

b) Growth of welfare state functions

c) Increase in judicial activism alone

d) Federal redistribution of powers

Answers

1. Correct Answer: C – Rule of law Explanation: Judicial review ensures that all administrative power is exercised according to law. The rule of law requires legality, non-arbitrariness, and accountability, forming the normative foundation of administrative law.

1. Correct Answer: B – Fettering of discretion Explanation: While guidelines are permissible, rigid application without considering individual cases amounts to abdication of discretion. Authorities must retain flexibility to exercise judgment.

1. Correct Answer: C – Requires balancing between means and ends Explanation: Proportionality examines whether administrative measures are suitable, necessary, and balanced in relation to the objective, unlike Wednesbury which focuses only on extreme irrationality.

1. Correct Answer: C – Urgency makes prior hearing impracticable Explanation: Courts allow post-decisional hearings only where immediate action is essential; convenience or efficiency alone cannot justify exclusion of prior hearing.

1. Correct Answer: B – It protects procedure, not outcomes Explanation: Legitimate expectation ensures fairness in decision-making, usually by requiring hearing or reasons, but does not guarantee fulfilment of the expectation.

1. Correct Answer: C – Power is exercised for an improper purpose Explanation: Mala fide action vitiates decisions because power is used for a purpose alien to the statute, striking at the legality of the action itself.

1. Correct Answer: B – Abuse of discretion Explanation: Colourable exercise involves using lawful power to achieve an unlawful end, which is a classic form of discretionary abuse.

1. Correct Answer: C – Preventive detention during public emergency Explanation: Courts recognise that prior hearing may defeat the very purpose of preventive action, making implied exclusion permissible in such cases.

1. Correct Answer: – Doctrine of bias Explanation: The principle ensures public confidence in decision-making by eliminating not only actual bias but also reasonable apprehension of bias.

1. Correct Answer: B – Ensure transparency and accountability Explanation: Reasoned orders allow affected parties to understand decisions and enable effective judicial review, reinforcing administrative accountability.

1. Correct Answer: B – Discretion is reasoned; arbitrariness is irrational Explanation: Discretion operates within legal bounds and reasons, whereas arbitrariness is unstructured, capricious, and constitutionally impermissible.

1. Correct Answer: A – Delegatus non potest delegare Explanation: A delegate cannot further delegate unless expressly authorised by statute. Unauthorised sub-delegation invalidates the decision.

1. Correct Answer: C – Procedural impropriety Explanation: Violation of natural justice is a procedural defect, forming a distinct ground of judicial review under administrative law.

1. Correct Answer: B – Defeats the purpose of the statute Explanation: Considering irrelevant factors distorts statutory intent and renders the decision legally flawed.

1. Correct Answer: B – Growth of welfare state functions Explanation: Expansion of state activity into socio-economic regulation necessitated legal control over administrative discretion, leading to the development of administrative law.