BLOGS

Passage Based MCQ’s on Administrative Law for CLAT PG [Part 12]

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Passage

The basis of the majority decision holding the first part of Section 2 of the Part C States Laws Act 1950 (which became the Union Territories (Laws) Act 1950 by adaptation in 1956) in the Delhi Laws Act case was the decision of the Privy Council in Queen v. Burah. For the Privy Council had also given the same reason why the legislature had to confer the power of modification on the Government in the following words:

The legislature determined that, so far, a certain change should take place; but that it was expedient to leave the time and the manner of carrying it into effect to the discretion of the Lieutenant-Governor; and also, that the laws which were or might be in force in the other territories subject to the same Government were such as it might be fit and proper to apply to this district also; but that, as it was not certain that all those laws, and every part of them, could with equal convenience be so applied, it was expedient, on that point also to entrust a discretion to the Lieutenant-Governor.

As pointed out by Bose J. speaking for a unanimous Constitution Bench in Rajnarain Singh v. The Chairman, Patna Administration Committee, Patna and another, while Kania C.J. and Mahajan J. held that the power to modify a statute could not be given to the executive, Patanjali Sastri and Dass JJ took a more liberal view and upheld the power of the legislature to confer such authority on the executive. While Dass and Patanjali Sastri JJ thought that the legislature could delegate almost all its powers to the executive for this purpose, Fazi Ali J. did not go so far as would appear from his views already quoted above. Mukherjea and Dass JJ, therefore, swung the balance but placed a very restricted meaning on the words “restriction” and “modification” and as they swung the balance their opinion must be accepted as the decision of the Court in The Delhi Laws Act because their opinion embodied the greatest common agreement among the seven Judges.

The opinion of Bose J. was as follows: 'The power to "restrict and modify" does not import the power to make essential changes. It is confined to alterations of a minor character such as are necessary to make an Act intended for one area applicable to another and to bring it into harmony with laws already in being in the State, or to delete portions which are meant solely for another area.'

The majority decision of the Supreme Court in The Delhi Laws Act is therefore an authority for the proposition that the power to modify can be given by the legislature and exercised by the executive only to make the statute (which was originally intended for a State) applicable to a Union Territory. It is significant that section 2 of the Union Territories (Laws) Act 1950 does not give two separate powers to the Central Government, namely, (1) to extend a State law to a Union Territory and (2) to modify or restrict such a State law.

On the contrary it confers only one power, namely, that of extending a State law to the Union Territory. It is for the purpose of exercising such a power that the Government is allowed to restrict or modify the State law in its application to the Union Territory.

Q1. If the legislature authorises the executive to apply an existing statute to another territory "with such restrictions and modifications as it thinks fit", which constitutional limitation primarily prevents the executive from altering the fundamental structure of the statute?

a) Doctrine of pith and substance
b) Doctrine of essential legislative function
c) Doctrine of severability
d) Doctrine of eclipse

Q2. Which principle best explains why the executive cannot modify a statutory provision in a manner that changes the policy underlying the parent legislation?

a) Delegated legislation must remain subordinate to legislative intent
b) Delegated legislation must conform to judicial precedent
c) Delegated legislation must be ratified by Parliament
d) Delegated legislation cannot affect procedural rights

Q3. The judicial insistence that delegated authority may introduce only ancillary or minor changes to legislation reflects which broader constitutional concern?

a) Parliamentary privilege

b) Separation of powers

c) Federal supremacy

d) Constitutional conventions

Q4. Which interpretive principle was invoked by courts to read the word "modify" narrowly when used alongside "restrict" in a statutory provision?

a) Ejusdem generis

b) Noscitur a sociis

c) Expressio unius est exclusio alterius

d) Ut res magis valeat quam pereat

Q5. If delegated legislation results in a situation where the executive could alter legislative policy without guidance, the statute risks being invalidated on the ground of:

a) Colourable legislation

b) Excessive delegation

c) Judicial overreach

d) Administrative mala fides

Q6. Which constitutional principle explains why the legislature must retain control over the formulation of legislative policy, even while delegating rule-making power?

a) Rule against bias

b) Doctrine of proportionality

c) Non-delegation doctrine

d) Doctrine of legitimate expectation

Q7. When courts determine whether delegated power has been exercised within permissible limits, the primary inquiry generally concerns:

a) The subjective satisfaction of the executive

b) The legislative intent and statutory framework

c) The political consequences of the rule

d) The popularity of the rule among citizens

Q8. If a statute requires a minimum notice period before withdrawal of a tax exemption, the constitutional significance of such procedural safeguards lies primarily in:

a) Enabling administrative convenience

b) Ensuring participatory governance and fairness

c) Strengthening federal autonomy

d) Expanding judicial review

Q9. Which theoretical justification best supports judicial reluctance to permit broad discretionary powers in delegated legislation?

a) Administrative efficiency

b) Prevention of arbitrary governance

c) Promotion of bureaucratic expertise

d) Encouragement of regulatory flexibility

Q10. In administrative law theory, when the executive attempts to modify a statute beyond permissible limits, it is said to have transgressed the boundary between:

a) Legislative and judicial functions

b) Legislative and executive functions

c) Administrative and quasi-judicial functions

d) Executive and federal functions

Q11. Which Supreme Court doctrine emphasises that the legislature must lay down the policy, principles, or standards guiding delegated power?

a) Doctrine of eclipse

b) Doctrine of essential legislative function

c) Doctrine of harmonious construction

d) Doctrine of colourable legislation

Q12. If the executive modifies a statute in a way that eliminates procedural safeguards originally created by the legislature, the modification is most likely invalid because:

a) It contradicts principles of natural justice

b) It violates federal structure

c) It alters legislative policy beyond delegated authority

d) It undermines administrative autonomy

Q13. Which administrative law principle ensures that delegated powers cannot be exercised for purposes unrelated to those for which they were conferred?

a) Doctrine of ultra vires

b) Doctrine of res judicata

c) Doctrine of proportionality

d) Doctrine of promissory estoppel

Q14. The judicial interpretation that delegated authority must be strictly confined to the purpose for which it was granted reflects which broader constitutional philosophy?

a) Transformative constitutionalism

b) Limited government

c) Popular sovereignty

d) Constitutional silence

Q15. Which of the following situations most clearly illustrates excessive delegation in administrative law?

a) The legislature authorises the executive to issue procedural rules for implementing a statute

b) The legislature authorises the executive to determine policy choices without legislative guidance

c) The legislature authorises the executive to update technical standards periodically

d) The legislature authorises the executive to issue clarificatory notifications

Answers

1. Correct Answer: B – Doctrine of essential legislative function

Explanation: The essential legislative function doctrine requires that core policy decisions remain with the legislature. While the executive may implement or supplement legislation, it cannot fundamentally alter its structure or policy. Courts rely on this doctrine to ensure that delegation does not erode democratic law-making authority.

2. Correct Answer: A – Delegated legislation must remain subordinate to legislative intent

Explanation: Delegated legislation exists only to implement the intent of Parliament or the legislature. When executive rules contradict or alter the legislative policy embodied in the statute, they exceed the scope of delegation and become ultra vires.

3. Correct Answer: B – Separation of powers

Explanation: The principle that only minor or ancillary modifications may be introduced reflects the separation of powers. Law-making authority rests with the legislature, and allowing the executive to make substantial changes would blur this constitutional boundary.

4. Correct Answer: B – Noscitur a sociis

Explanation: The rule noscitur a sociis means that a word is interpreted in light of the words surrounding it. Since “modify” appeared alongside “restrict”, courts interpreted it narrowly to mean minor adjustments rather than fundamental alterations.

5. Correct Answer: B – Excessive delegation

Explanation: If a statute confers uncontrolled discretion on the executive to determine legislative policy, it amounts to excessive delegation. Courts invalidate such provisions because they undermine legislative accountability.

6. Correct Answer: C – Non-delegation doctrine

Explanation: The non-delegation doctrine ensures that the legislature cannot abdicate its essential law-making responsibilities. Delegation is permissible only when policy and guiding standards are already defined by the legislature.

7. Correct Answer: B – The legislative intent and statutory framework

Explanation: Courts assess whether the executive has acted within the scope of authority granted by the statute. The focus is on statutory purpose, legislative policy, and contextual interpretation, not on executive convenience.

8. Correct Answer: B – Ensuring participatory governance and fairness

Explanation: Procedural safeguards such as notice requirements ensure that affected parties have an opportunity to prepare for regulatory changes and raise objections. Such safeguards reflect broader constitutional commitments to fairness and accountability.

9. Correct Answer: B – Prevention of arbitrary governance

Explanation: Administrative law seeks to prevent **arbitrary exercise of power**. Broad discretionary authority without clear standards risks abuse and undermines the rule of law.

10. Correct Answer: B – Legislative and executive functions

Explanation: When the executive modifies statutes beyond permissible limits, it effectively performs legislative functions, which are constitutionally reserved for the legislature.

11. Correct Answer: B – Doctrine of essential legislative function

Explanation: The Supreme Court repeatedly emphasises that policy determination and legislative principles must remain with the legislature, while only implementation may be delegated.

12. Correct Answer: C – It alters legislative policy beyond delegated authority

Explanation: Procedural safeguards often reflect legislative policy. If the executive removes them through delegated legislation, it effectively rewrites the statute, exceeding delegated authority.

13. Correct Answer: A – Doctrine of ultra vires

Explanation: Under the ultra vires doctrine, delegated authority must be exercised strictly within the scope of the statute. Any action beyond that scope is invalid.

14. Correct Answer: B – Limited government

Explanation: Administrative law is grounded in the principle that government power must be limited and controlled. Delegated authority cannot be exercised arbitrarily or beyond statutory purposes.

15. Correct Answer: B – The legislature authorises the executive to determine policy choices without legislative guidance

Explanation: This situation represents classic excessive delegation because the legislature has effectively transferred its law-making responsibility to the executive without establishing guiding principles.