BLOGS

Passage-Based Questions on Administrative Law for CLAT PG [Part 13]

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Passage

The principle of the rule of law forms the foundation of democratic governance and constitutes a central pillar of constitutionalism in India. The petitions before the Court raised a significant question: whether the executive authorities can demolish residential or commercial properties belonging to individuals merely because such persons are accused of committing criminal offences, without following the procedure established by law. This issue necessarily requires an examination of the constitutional guarantee against arbitrary state action and the role of administrative authorities within the legal framework.

The rule of law, as conceptualized by A.V. Dicey, rests on three core postulates: first, that no person can be punished or made to suffer except for a distinct breach of law established in the ordinary manner before ordinary courts; second, that every person, irrespective of rank or status, is subject to the ordinary law of the land; and third, that constitutional principles emerge from judicial decisions that protect the rights of individuals. These principles collectively ensure that the exercise of public power remains constrained by legal standards rather than arbitrary discretion.

Modern scholarship has expanded the concept of rule of law to encompass not only formal legality but also procedural fairness, accountability of public officials, and the protection of human dignity. In a constitutional democracy, the rule of law operates as an umbrella concept which restrains the abuse of state power and ensures that governmental actions remain transparent, predictable, and just. Courts play a crucial role in this framework by ensuring that executive actions conform to established legal procedures and constitutional values.

Within the constitutional scheme, the doctrine of separation of powers allocates distinct functions to the legislature, the executive, and the judiciary. The legislature is entrusted with the power to enact laws; the executive is responsible for implementing those laws; and the judiciary performs

the adjudicatory function of determining rights and liabilities. Although the Indian Constitution does not adopt a rigid separation of powers, it nevertheless requires that each organ of the State respect the functional domain of the others. Executive authorities cannot assume the role of adjudicators or impose penalties without lawful authorization.

The Court emphasized that demolition of property as a punitive measure against individuals accused of crimes, without adherence to due process, raises serious concerns under this constitutional arrangement. The power to determine guilt and impose punishment lies with courts of law after a fair trial. If administrative authorities were permitted to demolish properties on the mere basis of allegations, such action would effectively allow the executive to usurp the adjudicatory function of the judiciary, thereby undermining the separation of powers.

Furthermore, the Court observed that public officials exercise authority as trustees of the people and must therefore act in accordance with the doctrine of public trust and public accountability. Administrative power is not a personal prerogative but a responsibility exercised on behalf of the public. Consequently, every administrative decision must adhere to principles of fairness, legality, and reasonableness.

The rule of law thus operates as a safeguard against arbitrary state action. It ensures that individuals are protected from punitive measures that are not sanctioned by law and that executive authorities remain accountable to constitutional norms. In a democratic society governed by law, the deprivation of property or liberty cannot occur except through procedures that are fair, transparent, and legally authorized.

Extract adapted from: In Re: Directions in the matter of demolition of structures, Supreme Court of India (2024)

Q1. Which of the following propositions most accurately captures the modern constitutional understanding of the Rule of Law in India?

a. The rule of law requires strict adherence to legislative supremacy in all circumstances.
b. The rule of law prohibits the exercise of discretionary administrative powers.
c. The rule of law allows discretionary powers but subjects them to judicial review and procedural fairness.
d. The rule of law requires that executive actions be free from judicial interference.

Q2. Which of the following cases most clearly affirmed that Rule of Law forms part of the Basic Structure of the Constitution?

a. ADM Jabalpur v. Shivkant Shukla

b. Indira Nehru Gandhi v. Raj Narain

c. State of West Bengal v. Anwar Ali Sarkar

d. Minerva Mills v. Union of India

Q3. The Diceyan concept of Rule of Law has been criticised in modern administrative law primarily because:

a. It rejects constitutional supremacy

b. It fails to recognise the necessity of administrative discretion in a welfare state

c. It places excessive reliance on statutory interpretation

d. It emphasises judicial supremacy over legislative power

Q4. Which of the following cases most significantly expanded the scope of Article 14 by linking arbitrariness with violation of equality, thereby reinforcing the Rule of Law principle?

a. A.K. Gopalan v. State of Madras

b. E.P. Royappa v. State of Tamil Nadu

c. Keshavananda Bharati v. State of Kerala

d. Golaknath v. State of Punjab

Q5. Which administrative law doctrine ensures that statutory discretion must be exercised for the purpose for which it was conferred?

a. Doctrine of legitimate expectation

b. Doctrine of proportionality

c. Doctrine of improper purpose

d. Doctrine of eclipse

Q6. In Council of Civil Service Unions v. Minister for the Civil Service (GCHQ case), Lord Diplock classified the grounds of judicial review into which three principal heads?

a. Error of law, mala fides, procedural unfairness

b. Illegality, irrationality, procedural impropriety

c. Ultra vires, proportionality, reasonableness

d. Natural justice, abuse of power, arbitrariness

Q7. Which case established that administrative discretion cannot be exercised in a manner that frustrates constitutional rights, thereby reinforcing Rule of Law?

a. Maneka Gandhi v. Union of India

b. Ram Jawaya Kapur v. State of Punjab

c. State of Rajasthan v. Union of India

d. Kedar Nath Singh v. State of Bihar

Q8. The doctrine of legitimate expectation in administrative law primarily operates as:

a. A substantive guarantee of economic benefits

b. A procedural protection against arbitrary administrative departure from established practice

c. A restriction on legislative competence

d. A doctrine limiting judicial review

Q9. Which of the following decisions recognised that public authorities hold power in trust for the people, thereby strengthening the doctrine of public accountability?

a. Delhi Airtech Services v. State of Uttar Prdesh

b. Shreya Singhal v. Union of India

c. ADM Jabalpur v. Shivkant Shukla

d. R.M.D. Chamarbaugwala v. Union of India

Q10. Which of the following most accurately explains the relationship between Rule of Law and Judicial Review in constitutional democracies?

a. Judicial review exists independently of rule of law principles

b. Judicial review is unnecessary where legislative supremacy exists

c. Judicial review acts as an institutional mechanism to enforce rule of law

d. Judicial review replaces legislative control over administrative action

Q11. The doctrine of proportionality in administrative law primarily requires that:

a. Administrative decisions must always maximise public interest

b. The means adopted by authorities must be rationally connected and minimally restrictive relative to the objective

c. Courts must substitute administrative decisions with judicial reasoning

d. Administrative authorities cannot restrict fundamental rights

Q12. Which of the following cases most strongly illustrates the constitutional principle that arbitrary executive action violates the rule of law even in matters of preventive detention?

a. A.K. Gopalan v. State of Madras

b. Maneka Gandhi v. Union of India

c. ADM Jabalpur v. Shivkant Shukla

d. State of Bombay v. Kathi Kalu Oghad

Q13. Which of the following doctrines ensures that administrative authorities cannot rely on irrelevant considerations when exercising statutory powers?

a. Doctrine of ultra vires

b. Doctrine of mala fide

c. Doctrine of relevant considerations

d. Doctrine of severability

Q14. Which statement best captures the relationship between Rule of Law and Separation of Powers in the Indian constitutional scheme?

a. Separation of powers exists independently of rule of law

b. Rule of law requires concentration of powers in the legislature

c. Rule of law is reinforced by institutional checks created through separation of powers

d. Separation of powers eliminates the need for judicial review

Q15. Which of the following administrative law developments most clearly reflects the transition from Dicey's classical rule of law to the modern welfare-state model?

a. Expansion of delegated legislation and administrative tribunals

b. Elimination of judicial review

c. Replacement of statutory law with executive orders

d. Abolition of administrative discretion

Answers

1. Correct Answer: C — Discretion subject to fairness and judicial review

Explanation: Modern administrative states require discretionary powers, especially in regulatory and welfare functions. However, the rule of law ensures that such discretion is not arbitrary. Courts enforce limits through judicial review, procedural fairness, and constitutional scrutiny, ensuring executive power operates within legal boundaries.

2. Correct Answer: B — Indira Nehru Gandhi v. Raj Narain

Explanation: The Supreme Court held that Rule of Law is part of the Basic Structure of the Constitution. The judgment emphasized that arbitrary power is incompatible with constitutional governance.

3. Correct Answer: B — Failure to recognise administrative discretion

Explanation: Dicey's theory rejected wide discretionary powers. However, modern administrative governance requires specialised authorities and discretionary powers. Therefore, Dicey's theory was criticised as incompatible with welfare-state administration.

4. Correct Answer: B — E.P. Royappa

Explanation: Justice Bhagwati famously held: "Equality is antithetic to arbitrariness." This transformed Article 14 into a constitutional safeguard against arbitrary administrative action, strengthening the rule of law.

5. Correct Answer: C — Doctrine of improper purpose

Explanation: If statutory power is exercised for a purpose different from that intended by the legislature, the action becomes ultra vires. This doctrine ensures administrative decisions remain faithful to legislative intent.

6. Correct Answer: B — Illegality, irrationality, procedural impropriety

Explanation: In the GCHQ case, Lord Diplock identified the three primary grounds for judicial review: Illegality, Irrationality and Procedural impropriety. This classification remains foundational in administrative law worldwide.

7. Correct Answer: A — Maneka Gandhi

Explanation: The Supreme Court expanded Article 21 to require fair, just and reasonable procedure. Administrative discretion affecting liberty must therefore satisfy constitutional standards.

8. Correct Answer: B — Procedural protection

Explanation: Legitimate expectation ensures that when authorities depart from consistent practice or promise, they must follow fair procedure, usually by providing a hearing.

9. Correct Answer: A — Delhi Airtech Services

Explanation: The Court emphasized that public authorities exercise powers as trustees of the public, and must act transparently and responsibly. This reinforces the public accountability dimension of administrative law.

10. Correct Answer: C — Judicial review enforces rule of law

Explanation: Judicial review ensures that executive and legislative actions comply with constitutional and legal standards, making it the primary institutional mechanism for protecting rule of law.

11. Correct Answer: B — Rational and minimally restrictive means

Explanation: The doctrine of proportionality requires: Legitimate objective, Rational connection between means and objective, Necessity (least restrictive means) and Balance between rights and public interest

12. Correct Answer: B — Maneka Gandhi

Explanation: The judgment rejected narrow interpretations of personal liberty and emphasised fair procedure, reinforcing rule of law protections even in matters affecting state security.

13. Correct Answer: C — Relevant considerations

Explanation: Authorities must consider only relevant factors when exercising power. Considering irrelevant matters or ignoring relevant ones renders decisions invalid.

14. Correct Answer: C — Institutional checks reinforce rule of law

Explanation: Separation of powers prevents concentration of authority, ensuring: Legislature makes laws, Executive implements them, Judiciary reviews legality, Together they protect rule of law.

15. Correct Answer: A — Delegated legislation and tribunals

Explanation: Modern governance requires specialised administrative bodies, tribunals, and delegated legislation. While Dicey opposed such developments, they are essential for efficient governance in welfare states.