BLOGS

Passage Based Questions on Administrative Law for CLAT PG

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Passage I

Legitimate expectation does not create an enforceable substantive right. Instead, it protects procedural fairness when a public authority proposes to depart from a representation or consistent past practice. The expectation may arise from an express promise or from a regular pattern of conduct. What the doctrine secures is not the fulfilment of the expectation, but a fair opportunity to be heard before it is defeated. The administration may still change policy in public interest, but it must justify the departure and follow a fair process.

Promissory estoppel travels further. Where a clear and unequivocal promise is made, intended to create legal relations or affect a legal relationship, and the promisee acts upon it to their detriment, the State may be bound by its assurance even in the absence of formal consideration. Unlike legitimate expectation, promissory estoppel can, in appropriate cases, operate as a substantive restraint on governmental power. However, it does not compel the State to act contrary to statute, nor can it override legislative mandates. Public interest remains a decisive limitation: if enforcement of the promise would harm overriding public interest, the State may be released from its obligation, but only upon demonstrating such harm.

Both doctrines reflect a shift from a purely command-based view of administration towards a model grounded in trust, consistency, and accountability. They temper the asymmetry of power between State and citizen by insisting that the government cannot speak irresponsibly. Yet, they also preserve the State’s capacity to govern dynamically. The law does not freeze policy; it merely requires that change be principled, transparent, and fair.

Q1. The doctrine of legitimate expectation primarily protects:

a. Substantive entitlements against the State

b. Procedural fairness in the face of administrative change

c. Contractual rights against public authorities

d. Absolute continuity of governmePassage I

Q2. A legitimate expectation may arise from:

a. Only a written statutory assurance

b. Judicial declaration

c. Consistent past administrative practice

d. Parliamentary debate

Q3. The passage distinguishes promissory estoppel from legitimate expectation by noting that the former:

a. Applies only in private law

b. Is confined to fiscal matters

c. Can operate as a substantive restraint on power

d. Is irrelevant in public administration

Q4. A central limitation on promissory estoppel against the State is that it:

a. Requires legislative approval

b. Cannot override statutory mandates

c. Applies only prospectively

d. Depends on political consensus

Q5. The broader transformation reflected by these doctrines is a movement towards:

a. Judicial supremacy over administration

b. Contractual governance

c. Trust-based and accountable administration

d. Complete rigidity in public policy

Passage II

The principles of natural justice are often described as the “lifeblood” of administrative law. Yet, they are not absolute. Modern governance frequently confronts situations of urgency—public health crises, security threats, financial emergencies—where adherence to prior hearing may frustrate the very purpose of action. Administrative law therefore recognises that in exceptional circumstances, the duty to hear may be postponed or, in rare cases, excluded.

Exclusion may occur in two ways: expressly by statute or by necessary implication. Where the legislature clearly provides that a decision may be taken without hearing, courts generally respect

that mandate, subject to constitutional limitations. More subtle are cases of implied exclusion, where the nature of the power or the context of its exercise makes prior hearing impracticable. For instance, immediate sealing of unsafe buildings or preventive measures during epidemics may tolerate post-decisional hearing rather than pre-decisional participation.

However, exclusion is never presumed lightly. The courts insist that the burden lies on the authority to justify why fairness must yield to necessity. Even where pre-decisional hearing is dispensed with, fairness often re-enters through the back door in the form of post-decisional safeguards. The idea is not to eliminate natural justice, but to adapt it to circumstances.

Administrative necessity provides another justification for departure from ordinary standards of fairness. In rare situations, the only available decision-maker may be biased, yet inaction would paralyse governance. In such cases, the law permits the biased authority to act, not because bias is acceptable, but because the alternative is institutional collapse. This doctrine underscores a pragmatic dimension of administrative law: perfection in procedure must sometimes yield to functional survival.

Yet, these exceptions are tightly confined. They cannot become routine justifications for bypassing fairness. If urgency is self-created, or if alternative mechanisms exist, exclusion will be invalid. The legitimacy of administrative power rests on its fidelity to reasoned fairness; necessity merely explains, it does not normalise, deviation.

Q6. The passage treats natural justice as:

a. An inflexible constitutional command

b. Entirely dependent on statutory text

c. A principle capable of contextual adaptation

d. Limited to judicial proceedings

Q7. Implied exclusion of natural justice arises when:

a. Parliament debates urgency

b. The authority prefers speed

c. The context makes prior hearing impracticable

d. Courts presume administrative good faith

Q8. Post-decisional hearing primarily serves to:

a. Validate arbitrary action

b. Replace judicial review

c. Reintroduce fairness after urgent action

d. Eliminate statutory discretion

Q9. The doctrine of administrative necessity permits action by a biased authority because:

a. Bias is legally irrelevant

b. The Constitution permits it

c. No alternative decision-maker exists

d. Judicial review is unavailable

Q10. The core concern in allowing exclusion of natural justice is to prevent:

a. Excessive litigation

b. Policy delay

c. Institutional paralysis

d. Political criticism

Q11. Courts insist that exclusion of natural justice must be:

a. Routine in administrative matters

b. Presumed in emergencies

c. Justified by the authority

d. Left entirely to executive judgment

Q12. Urgency created by the authority itself:

a. Automatically validates exclusion

b. Is constitutionally irrelevant

c. Weakens the justification for exclusion

d. Strengthens executive discretion

Q13. The passage suggests that necessity:

a. Abolishes fairness

b. Replaces constitutional norms

c. Explains deviation without normalising it

d. Eliminates procedural rights

Q14. Exclusion by express statute remains subject to:

a. Parliamentary approval alone

b. Political accountability

c. Constitutional limitations

d. Administrative convenience

Q15. The underlying philosophy of these exceptions is:

a. Executive supremacy

b. Functional pragmatism within constitutional bounds

c. Judicial minimalism

d. Policy absolutism

Answers

1. Correct Answer: B – Procedural fairness in the face of administrative change

Explanation: Legitimate expectation does not freeze policy or guarantee outcomes. Its core function is to ensure that when the State departs from a settled representation or practice, those affected are given a fair opportunity to be heard. The doctrine protects *process*, not entitlement.

2. Correct Answer: C – Consistent past administrative practice

Explanation: An expectation can arise even without an express promise. Repeated and uniform conduct by an authority can reasonably induce citizens to rely on continuity. Law recognises this reliance as worthy of procedural protection.

3. Correct Answer: C – Can operate as a substantive restraint on power

Explanation: Promissory estoppel may bind the State to its assurance where a clear promise has been relied upon to its detriment. Unlike legitimate expectation, it can restrain governmental freedom substantively, subject to statute and public interest.

4. Correct Answer: B – Cannot override statutory mandates

Explanation: No doctrine can compel the State to act contrary to law. Even a solemn promise cannot defeat legislative command. This preserves parliamentary supremacy while allowing fairness to operate within legal limits.

5. Correct Answer: C – Trust-based and accountable administration

Explanation: These doctrines reflect a constitutional shift from coercive governance to responsibility-based administration. The State is expected to act consistently, transparently, and in good faith toward citizens who rely on it.

6. Correct Answer: C – A principle capable of contextual adaptation

Explanation: Natural justice is not an inflexible ritual. It adjusts to circumstances such as urgency or public danger, ensuring that fairness survives in modified form rather than disappearing altogether.

7. Correct Answer: C – The context makes prior hearing impracticable

Explanation: Implied exclusion arises from functional necessity—where delay would defeat the object of action. It is rooted in practicality, not administrative preference.

8. Correct Answer: C – Reintroduce fairness after urgent action

Explanation: Post-decisional hearing restores procedural balance. It recognises that while immediate action may be unavoidable, the affected person must still be heard at the earliest opportunity.

9. Correct Answer: C – No alternative decision-maker exists

Explanation: The doctrine of necessity tolerates bias only to prevent institutional paralysis. It is not a validation of unfairness, but a pragmatic response to unavoidable constraints.

10. Correct Answer: C – Institutional paralysis

Explanation: The law permits temporary dilution of procedure to ensure that governance does not collapse in emergencies. The aim is continuity of administration, not erosion of rights.

11. Correct Answer: C – Justified by the authority

Explanation: Courts do not presume exclusion. The authority must demonstrate why fairness had to yield. This keeps necessity exceptional rather than routine.

12. Correct Answer: C – Weakens the justification for exclusion

Explanation: If urgency is self-created, the authority cannot rely on it to deny hearing. Necessity must be genuine and unavoidable.

13. Correct Answer: C – Explains deviation without normalising it

Explanation: Necessity allows departure from ordinary norms but does not convert exception into rule. Fairness remains the default constitutional expectation.

14. Correct Answer: C – Constitutional limitations

Explanation: Even express statutory exclusion cannot violate constitutional guarantees of fairness, reasonableness, and non-arbitrariness.

15. Correct Answer: B – Functional pragmatism within constitutional bounds

Explanation: The passage reflects a balance: administration must function effectively, but always within the framework of constitutional values. Pragmatism is permitted, not absolutism.