



جامعة السلطان الشريف علي الإسلامية  
UNIVERSITI ISLAM SULTAN SHARIF ALI  
SULTAN SHARIF ALI ISLAMIC UNIVERSITY

**Faculty of Shariah and Law  
Semester II, 2020/2021 Academic Session**

**Final Examination Questions Paper**

**Course Code : LB1302**

**Course Name : Constitutional and Administrative Law II**

**Course Level : Bachelor of Laws (LL.B) & Bachelor of  
Shariah Law (BSL)**

**Time : 3 hours**

**Note (s):**

1. Answer any **FOUR** questions.
2. All answers, wherever relevant must be supported by statutory provisions and case law.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**QUESTION 1 (15 Marks)**

- a. “*Audi Aleram Partem*”, is sine qua non of fair hearing”. Discuss with the help of decided cases

(5 marks)

- b. A complaint was given to college authority by some girl students of a college that some male students of their college entered and misbehaved in the lady’s hostel. The enquiry committee recorded the statements of the girls of the hostel in the absence of boys and expelled the boys from the college. Is it valid? Explain elaborately.

(5 marks)

- c. Explain personal bias and pecuniary bias with reference to decided cases.

(5 marks)

**QUESTION 2 (15 Marks)**

- a. “Administrative tribunals are an important part of the legal system of a country. Tribunals make decisions in a wide range of areas that have a significant impact on the public. Some Tribunals make decisions about rights and benefits or resolve disputes between parties.”

Do you agree with this statement? Comment in detail.

(10 marks)

- b. “The tribunals are quasi-judicial, which means that they carry out their decision-making function in a manner similar to courts”.

Comment on this statement by explaining differences between court and tribunal.

(5 marks)

**QUESTION 3 (15 Marks)**

- a. What is delegated legislation? (3 marks)
- b. Discuss the various factors responsible for the rapid growth of delegated legislations. (7 marks)
- c. An Act of a state contains a provision that the state Government may extend any section of the Act to a particular area subject to any modifications as the Governments may deem fit. Does the court treat it as valid delegation? Support your answer with case law. (5 marks)

**QUESTION 4 (15 Marks)**

- a. Discuss the liabilities of the state for the tortious acts of its servants. (5 marks)
- b. “The distinction between sovereign and non-sovereign functions have been diminished with the passage of time to hold the state responsible for tortuous acts committed by its servants.”

Explain the above statement with the help of *Peninsular and Oriental Steam Navigation Company case* and *State of Gujarat v. Haji Memon* A.I.R. 1967 S.C.

(10 marks)

**QUESTION 5 (15 Marks)**

The history of the development of Administrative Law was started when most countries of the world changed their philosophies and their “police states” into a modern “welfare state”, and hence, changed the philosophy of the state from the philosophy of “individualism” into the concept by Laissez Faire, the philosophy of “collectivism”.

Discuss elaborately

**QUESTION 6 (15 Marks)**

Write short notes on any 3 of the following:

- a. Sub-delegations (5 marks)
- b. Speaking order (5 marks)
- c. Procedural ultravirus (5 marks)
- d. Writ of mandamus (5 marks)

بالتوفيق والنجاح