



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

**Faculty of Shariah and Law
Semester II, 2022/2023 Academic Session**

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

Notes:

1. Attempt any **FOUR** questions.
2. All questions carry equal mark.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (15 Marks)

“The Administrative Law has developed an outstanding achievement in the 20th Century. In a modern state, in which, it is seen as a “welfare state”, the growth and development of Administrative Law is inevitable. This is because there is a change of philosophy state where the philosophies of the day have moved away from the concept and ideas of “individualism” or *Laissez Faire* into the ideas and concept of “collectivism”. However, the Executive Wings of the State acquired a vast amount of power, and hence, a vast number of responsibilities.”

Do you agree with this statement? State the reasons for the development of the Administrative Law in the light of the above statement by citing relevant case law/authorities.

QUESTION 2 (15 Marks)

- a. To what extent are public authorities generally liable to civil tort proceedings? Discuss with the help of decided cases.

(8 marks)

- b. How does the judiciary control administration through writs? Explain briefly various kinds of writs and conditions to grant a remedy under the writ.

(7 marks)

QUESTION 3 (15 Marks)

- a. In what circumstances a decision of an administrative body will be found unlawful because of bias on the part of the decision-makers?

Support your answer with relevant case law and authorities.

(10 marks)

- b. Adil, head of the department, wrote confidential reports in respect of two of his employees, named Rahman and Sahil. While he praised the work of Sahil and gave him a “Very Good” rating, he gave a “Poor” rating to Rahman. Both Rahman and Sahil appeared before a departmental committee for promotion which included Adil as a member. Sahil was

selected for promotion and Rahman was rejected. Will Rahman succeed if he challenges the selection? Substantiate your answer.

(5 marks)

QUESTION 4 (15 Marks)

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

Do you agree with this statement? Discuss critically.

QUESTION 5 (15 Marks)

- a. Delegated legislation is subordinate legislation. Generally, ‘delegated legislation’ means the law made by the executive under the powers delegated to it by the Supreme legislative authority. It comes in the form of orders, bye-laws, rules, etc.

Critically discuss delegated legislation and the various factors responsible for the rapid growth of delegated legislation.

(10 marks)

- b. “Legislature is not permitted to delegate essential legislative powers to the executive. However, it is permitted to delegate non-essential legislative powers to the executive”. What is the parliamentary control on delegated legislation? Discuss critically.

(5 marks)

QUESTION 6 (15 Marks)

- a. Discuss the scope and importance of maxim Audi alteram partem in the administrative adjudicatory process with the help of relevant judicial pronouncements. Explain why when the hearing is obligatory.

(10 marks)

- b. A friend of yours has come to you with the following problem.

His driving license was cancelled by Land Transport and Vehicle Department, Brunei Darussalam, unexpectedly. No reason was given for this action. The Land Transport and Vehicle Department can cancel a driver's license. They can cancel the driver's license immediately. However, they should have to follow certain procedures.

Examine whether licensing authorities have acted judiciously. If not, what procedural impropriety they committed? Your friend wishes to know his position. Advise him accordingly by explaining how courts address such issues.

(5 marks)

بالتوفيق والنجاح