Bihar Judicial Service (Mains) 2021

Constitutional and Administrative Law · optional paper

Group A

1. It is fallacious to think that Directive Principles and Fundamental Rights are opposed to one another in their ultimate objectives. They are in fact complementary and supplementary to each other and both striving to secure socio-economic welfare by ensuring a social order in which justice and individual liberty are safeguarded. Discuss this statement with the help of decided cases.

2. Freedom of press plays a pivotal role in the democratic set up of the country. Discuss this statement in the light of the relevant provisions of the Indian Constitution along with the aspects of freedom of circulation, commercial advertisement and electronic media, as laid down by the Indian Judiciary.

3. Since literal approach of Supreme Court in A.K. Gopalan case, a sea change has taken place while giving meaning and content to the provisions of Article 21 of the Constitution by the courts. Discuss in detail the important developments mentioning the changing shape of Article 21 by Apex Court through various pronouncements.

4. Judicial decisions in the matters of appointment of judges and their transfer have resulted in maintenance of independence of judiciary. Critically analyse this statement and cite relevant case laws.

5. The Indian Constitution seeks to create an exclusive area for the centre, exclusive area for states and a common concurrent area for states and centre. Explain the distribution of powers between centre and states in the light of this statement.

Group B

6. On what grounds delegated legislation can be declared substantively ultra vires? Also discuss the permissibility and impermissibility of the rule making powers of the executive. Give relevant cases.

7. The most significant and outstanding development of the 20th century is the rapid growth of administrative law. In this century, the philosophy as to the role and function of state has undergone a radical change. In the light of this statement discuss in detail the development and evolution of administrative law.

8. Differentiate among the doctrines of legitimate expectation, proportionality, collateral purpose and mala fide with the help of relevant case laws.

9. How the tribunal is distinct from a court? Explain the constitution, powers and procedures of administrative tribunals and scope of judicial review.

10. The term Public Interest Litigation was first used by Professor Abram Chayes in 1976, to refer to cases seeking social change through court's directive which articulated public norms of governance and enforced the public norms. In the light of the above statement, discuss: (a) Meaning and scope of Public Interest Litigation; (b) Public Interest Litigation in India with reference to relevant legal provisions and case laws.