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PRINCIPLES OF NATURAL JUSTICE

1. Explain the significance of the rule of 'AUDI ALTERAMPARTEM' in administrative decision making and state the circumstances under which post decisional hearing can effectively satisfy the mandate of natural justice.
1. "The 'Rule of Law' is based on the principle of legality and is opposed to exercise of arbitrary powers." Discuss. Explain whether failure to give reasons amounts to exercising power arbitrarily.
2. The rule against bias strikes at such factors which may improperly influence in arriving at a decision. Comment.
3. Write critical notes on "Modern progressive approach of the principles of natural justice".
4. "There is still a controversy whether 'Reasoned Decisions' comprise a third pillar of natural justice." Do you agree with this statement? Discuss with reference to recent case laws.
5. "The concept of natural justice is elastic and is not susceptible to precise definition." Do you agree with this statement? Explain the concept of natural justice with the help of case-law.
6. "Bias vitiates all judicial and quasi-judicial proceedings." comment on this statement and give two examples to illustrate the principle.
7. Illustrate the doctrine of 'Nemo iudex in causa sua' (no one should be a judge in his own cause) as an effective rule of natural justice.
8. Except in cases where the requirement has been dispensed with expressly or by necessary implication an administrative authority exercising judicial or quasi-judicial functions is required to record the reasons for its decisions.



Examine and discuss whether administrative authority must record reasons for its decision when performing administrative function.

9. Justice should not only be done, but should manifestly and undoubtedly be seen to be done.
10. "A quasi-judicial authority, cannot make any decision adverse to any party without giving him an effective opportunity of meeting any relevant allegations against him." Examine.
11. "Distinction between quasi-judicial and administrative function is ! no longer the exclusive criterion for deciding whether or not the j rules of natural justice apply". Critically examine the above statement.
12. Are the principles of natural justice embodied rules of the I constitution of India having the characteristics of due process of law' and possessing the importance of Fundamental Rights? Discuss how the Supreme Court has answered this question and [how it has in Tulsi Ram Patel case defined the nature and scope of natural justice.
13. Is the principle of natural justice an essential pre-condition for all legal and administrative action? Explain the position of this principle as it has emerged under the constitution.
14. 'An employer cannot ignore the rules of natural justice to terminate the service of an employee by invoking a contractual term contained in the rules or in an agreement of service and by giving notice or salary in lieu thereof. Discuss.
15. The dividing line between an administrative power and a quasijudicial power is quite thin and is being gradually obliterated. If the purpose of the rules of natural justice is to prevent miscarriage of justice, on fails to see why those rules should be made in applicable to administrative inquiries. Discuss.
16. A female student residing in the women's hostel of the varsity lodged a complaint against a male student stating that he teased her and attempted to assault her in presence of some other female students at the gate of the hostel. The enquiry officer after hearing the parties and the witnesses found him guilty. He questions the validity



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of the finding on the ground that the complainant and the witnesses were examined in his absence and that he was not allowed to cross-examine them? Decide.

17. A Public Corporation advertised for the post of a Managing Director. One of the applicants was a brother of X, a member of the Selection Committee. Though X sat on the Committee to decide about the merits of other applicants, when his brother's application came up for consideration, X withdrew from the Committee. The Committee selected X's brother for the post. The selection is challenged by another applicant. Decide.
18. What are the essentials of natural justice to be in the administrative process?
19. "The old distinction between a judicial act and administrative act has withered away and not an administrative order which involves civil consequences must be made consistently with the rules of natural justice." Comment explain when previous hearing is required and when it may dispensed with.

DELEGATED LEGISLATION : ITS CONSTITUTIONALITY

JUDICIAL AND LEGISLATURE CONT

1. "The Policy and Guideline Theorys presupposes delivery of justice by quasi-judicial authority." Elaborate it.
2. "The need for administrative rule making entails delegated legislation." Comment.
3. In light of the fact that the Constitution of India has no express prohibition on delegated legislation, critically evaluate the basis for different judicial positions either prohibiting excessive delegation or permitting delegation without Constitutional limitations.
4. Do you agree with the statement that 're-looking of the process of delegated legislation is necessary particularly in context to substantial amount of public participation ?' Comment critically.
5. "The doctrine of excessive delegation is a judicially tailored principle.'
6. "The legislature cannot delegate its power to make a law but it can make a law to delegate a power to determine some fact or state of things upon which the law intents



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to make its own action depend." Critically comment on the above statement and discuss with the aid of relevant legal provisions and case laws.

7. "Essential legislative functions cannot be delegated. Explain with the help of case-law. Also discuss the technique and utility of legislative control of delegated legislation.
8. "One of the methods of control over the exercise of power of delegated legislation is legislative overseeing of delegated legislation." Discuss, Highlight the legislative control over delegated legislation.
9. Outline the methods of Parliamentary control over delegated legislation.
10. "There is no abdication, surrender of legislative function so long as the legislature has expressed its will on a particular subject matter, indicated its policy and left effectuation of policy to subordinate agency." Discuss.
11. "The question today is not whether there should be delegated legislation, but subject to what safeguards it should be resorted to." Critically examine the statement.
12. Section 7 of the Delhi Laws Act. 1912 empowered the Provincial Government to extend with such restrictions and modifications as it thinks fit to the province of Delhi or any part thereof, any enactment which is in force in any part of India on the date of such notification. A petition is filed in the Supreme Court contending that delegation of such legislative power is not constitutional. Decide.
13. 'Delegation of legislative powers becomes unconstitutional when there is excessive delegation. Explain the statement and examine the limits of valid delegation of legislative powers in India.
14. The effective control of delegated legislation has been through judiciary and not through the legislature'. Comment.
15. Examine the scope of Judicial control over delegated legislation.
16. State the constitutional and other limits of delegated legislation. Explain in this context the meaning and nature of excessive delegation. What is the true significance of the maxim 'a delegate cannot further delegate'? What is the extent of judicial control of delegated legislation?
17. Examine the scope of Parliamentary control over delegated legislation.



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18. Discuss the importance of delegated legislation in the context of modern Welfare State.
19. Distinguish between "delegated legislation" and "conditional legislation." What are the limitations in our country on the power of the legislatures to delegate their power to administrative authorities?

ELECTION COMMISSION

1. Examine the powers and role of Election Commission of India in conducted free and fare election.
2. Examine whether the Election Commission of India has succeeded in performing the two responsibilities entrusted to it under Art. 324 of the Constitution of India? What steps would you suggest to ensure the preparation of correct electoral rolls?
3. "Powers of Election Commission are not sufficient." Comment.

MISCELLANEOUS

1. Do you think the institution of Lokpal, as envisaged under the Lokpal and Lokayukta Act, 2013, is efficacious enough to curb corruption in India? State the inadequacies in the legislative framework, if any.
2. In view of the importance of Panchayat Raj institution in local governance, do you think the idea of prescribing educational qualification to contest local body election is undemocratic and incoherent?
3. Explain the phenomenon of tribunalisation of justice in India
4. What do you understand by the tenn 'Eminent Domain'? Discuss its relevance in the present-day context.
5. Define and distinguish between the terms 'Lokayukta' and 'Lokpal' in the Indian context. Also mention about its relevance.
6. Write critical notes on the following –



- (i) Introduction of Uniform Civil Code.
7. Write critical notes on "Institution of Local Self Government".
8. With special reference to the landmark judgments of the Supreme Court of India, discuss the effect of relegation of the right to property from being a fundamental right to a constitutional right. Also suggest the changes required to be made in the Land Acquisition Act, 1894.
9. Do local bodies enjoy autonomy in performing their role in the field of economic development and social justice Explain.
10. Indian ombudsman-unfulfilled dream.

SEPARATION OF POWER

Miscellaneous

1. Do you think the current trends injudicial activism in India are inconsistent with the Principles of Separation of Powers, which is considered to be one of the basic features of the Constitution?
2. "The constitution of India merely subscribes to three-fold division of gubernatorial functions and not to the doctrine of separation of powers in its absolute rigidity." Comment.
3. In the presence of institutions like Competition Commission of India and Telecom Regulatory Authority of India, where policy making and adjudicatory functions are fused, comment on the significance of the doctrine of separation of powers in the contemporary Indian scenario.
4. "The Judiciary by usurping the powers of the other two organs of the Government in certain matters has diluted the theory of separation of powers." Do you agree? Examine critically.
5. The doctrine of separation of powers in its classical sense, which is functional rather than structural, cannot be applied in any modern government. Discuss.
6. "The supremacy of constitution in Indian legal system in reality means primacy of judiciary over other organs of Government.' Discuss.



7. "Examine the extent to which doctrine of separation of powers is given effect to, under the Indian Constitution."

JUDICIAL REVIEW OF ADMINISTRATIVE ACTION

1. Briefly explain the grounds on which administrative actions can be subjected to judicial review.
2. "By evolving the concept of jurisdictional facts, the Courts have broadened the power of judicial review of administrative action." Discuss this statement and compare the extent of judicial review of administrative action over jurisdictional facts and ordinary facts.
3. 'Judicial review is one of the basic features of the Constitution.' Do you agree with the view? Cite relevant case laws.
4. Write short notes on The doctrine of territorial nexus.
5. The essence of power of judicial review in the maintenance of rule of law-and constitutional Supremacy in the state? Examine with reference to Indian experiences.
6. 'There is a constant conflict between administrative powers and the rule of law'.
7. When discretionary powers are vested in the administration, examine, under what circumstances, courts will interfere with the exercise of such discretionary powers, citing relevant case-law.
8. Explain how judicial control over administrative actions is exercised through writs.

ANTI-DEFECTION LAW

1. An independent member joins the ruling party. After a few months he disobeys the whip and abstains from voting. He was disqualified. He challenges the constitutional amendment providing for disqualification on the grounds that it restricts his freedom of speech and expression, interferes with his discretion to act according to the demand of his voters and excludes judicial review of the act of disqualification. Decide.



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2. In exercise of powers conferred on him under paragraph 6 of the Tenth schedule to the constitution, the speaker of Lok Sabha gives his decision on questions as to disqualification of some members on ground of defection. The aggrieved members file a writ petition against the decision of the speaker in the Supreme Court notwithstanding a bar to jurisdiction of all courts under paragraph 7 of the said schedule? Decide.