

NALSAR

University of Law, Hyderabad

B.A., B.L. (Hons.) : III Year – V Semester : Academic Year : 2004-2005

Mid-Semester Examination (September, 2004)

5.3 ADMINISTRATIVE LAW

Total Marks: 10
Time: 45 Minutes

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
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1. State X was confronted with problems of separatism and terrorist activities in a number of its eastern border provinces. The reasons prompting the extremist activities varied from State to State and these differences were taken into account in the laws prevailing in each of the trouble torn States. State X is now confronted with problems of extremism in Y one of its southern provinces and Union Legislature is considering empowering the state government of Y to bring into force in the state in whole or part with suitable modifications any of the anti terrorist laws prevailing in any of the eastern provinces. In order to ensure consistency the state government is also to be empowered to repeal any of the union laws prevailing in province Y. With the help of relevant case law and judicial opinion pronounce upon the validity and desirability of the proposed delegation ? **(5 marks)**

2. W was a senior professor in the department of psychology in Oblong University. Upon the complaint of sexual harassment by several of the women students against W the university instituted an inquiry against the professor. The enquiry was conducted by three of the senior most professors of the university. The enquiry committee examined the complaining women students and provided the gist of their testimony to the professor. To protect the identity of the students W was however not provided verbatim versions of the statements nor was he allowed to cross-examine the women students. W was however given the opportunity to present his version through oral hearing and written testimony. After hearing both sides the Committee found W guilty and recommended that he should be dismissed from service. Without providing W any further hearing on the punishment recommended by the Committee the University Authorities decided to dismiss the professor. W has moved the High Court arguing amongst other grounds that he was not provided a fair hearing. Decide with the help of relevant case law. **(5 marks)**

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