# ALL-IN-ONE PAPERATHON

## UNCODIFIED LAW

- Administrative Law
- Interpretation of Statute
- Jurisprudence
- Public Interest Litigation (PIL)
- Law of Torts



*Prelims MCQs,*
*Mains & Interview Questions*

**ENGLISH EDITION**

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# Preface

Hello & नमस्कार,

Since 2011, when I entered in Law field, I have felt that current system of studying law as a Law learner is quite traditional (like 1980's competition times). I strongly believed one thing that if you want to fight in present tough competition war like judiciary exams or any other law exam, you must be equipped with smart techniques to learn with tech support. So, in student life as LL.B. student, I used to start linking with one provision other similar provisions at same time, so that I can recall multiple sections/concepts in one MCQs.

Along with that I do believe in one statement, **"वर्तमान को समझने के लिए, अतीत को देखें और फिर भविष्य के बारे में सोचना शुरू करें"**. This statement is directly linked with every student life. So, I found previous papers helpful to understand previous exam level, source of question asked in those exam etc. But frankly saying, I was not satisfied with traditional way of just solving previous exam papers MCQs, instead I decided that to get better output in preparation, we need to analysis the previous paper subject wise rather year wise.

All these ideas, efforts, and experiences have come together in one powerful initiative—"**Paperathon**." It's not just a study tool; it's a movement towards smarter, sharper, and Subject wise strategic judiciary preparation. It is featured with the Linking Technique—a modern, game-changing approach that connects concepts, laws, and real-world application like never before.

In **Prelims**, you'll get linked provisions with clear explanations, helping you master the 'why' behind every question. In **Mains**, you'll learn how to write answers that don't just inform but impress—through linking-based structure and analysis. And for the **Interview**, Paperathon brings you exclusive, real-time Questions & Answers straight from those who've cracked it—now proudly serving as Civil Judges across various states.

This is more than preparation—it's transformation. And I truly believe Paperathon will save you time, boost your confidence, and help you walk into every stage of the exam with clarity, strategy, and a winning edge.

"Don't just prepare. Link your preparation with purpose, precision, and power."

With belief in your journey,

- **Tansukh Paliwal**

Founder of Linking Laws





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# INDEX

# Part - I

Prelims MCQs

## Administrative Law

1. **Read the following statements and choose the correct option:**

**Statement 1 : Under the Administrative Tribunals Act, 1985, a Joint Administrative Tribunal for two or more States exercises the same jurisdiction, powers, and authority as an Administrative Tribunal for those States.**

**Statement 2 : For the purposes of contempt, a Tribunal exercises powers similar to those of a High Court, and references to "High Court" in the Contempt of Courts Act, 1971 are construed to include such Tribunals.**

**In the context of the above statements under the Administrative Tribunals Act, 1985, which one of the following is correct?**

(A) Both Statements 1 and 2 are false
(B) Only Statement 1 is true
(C) Only Statement 2 is true
(D) Both the Statements are true to the loin w

***[AIBE - XX 2025]***

**Ans[D]**

**Linked provision:** Administrative Tribunals Act, 1985- **Sec. 4(3)** (joint administrative tribunal's jurisdiction) and Section 17 (powers of tribunals in contempt matters akin to High Courts under the Contempt of Courts Act, 1971).

**Explanation: Sec. 4(3):** Two or more States may, notwithstanding anything contained in sub-section (2) and notwithstanding that any or all of those States has or have Tribunals established under that sub-section, enter into an agreement that the same Administrative Tribunal shall be the Administrative Tribunal for each of the States participating in the agreement, and if the agreement is approved by the Central Government and published in the Gazette of India and the Official Gazette of each of those States, the Central Government may, by notification, establish a Joint Administrative Tribunal to exercise the jurisdiction, powers and authority conferred on the Administrative Tribunals for those States by or under this Act.

**Sec. 17:** A Tribunal shall have, and exercise, the same jurisdiction, powers and authority in respect of contempt of itself as a High Court has and may exercise and, for this purpose, the provisions of the Contempt of Courts Act, 1971, shall have effect subject to the modifications.

- **Statement 1:** Under Section 4(3) of the Administrative Tribunals Act, 1985, a Joint Administrative Tribunal constituted for two or more States exercises the same jurisdiction, powers and authority as an Administrative Tribunal for those States — true.
- **Statement 2:** Section 17 of the Act provides that a Tribunal shall have the same powers as a High Court in respect of contempt of itself, and references to "High Court" in the Contempt of Courts Act, 1971 are deemed to include such Tribunals — true.

Since both statements are correct, the answer is (D) Both the Statements are true.

2. **Droit Administration is a system of administration:**

(1) French system (2) British system
(3) American system (4) Irish System

***[AIBE - XII 2018]***

**Ans. [1]**

**Explanation-** French administrative law is known as Droit Administration which means a body of rules which determine the organization, powers and duties of public administration and regulate the relation of the administration with the citizen of the country. It does not represent the rules and principles enacted by Parliament. It only contains the rules developed by administrative courts.

3. **Delegated legislation was declared constitutional in?**

(1) Berubari case
(2) Delhi laws act case
(3) Keshwanand bharti case
(4) Maneka Gandhi case

***[AIBE - XIII 2018]***

**Ans. [2]**

**Linked Provisions :-**

1. Berubari Case in 1960, the SC declared that the Preamble is not a part of the Constitution.
2. Later in the Kesavananda Bharati Case in 1973, it held that the Preamble is a part of the Constitution. The Preamble is now an integral part of the Constitution though it is not enforceable in any court of law.
3. Maneka Gandhi vs. Union of India is a landmark case that supports Article 21 of the Constitution's right to personal liberty.

**Explanation :- Re The Delhi Laws Act, 1951-** The case established the rule that while the authority to amend already-existing laws can be assigned to a subordinate authority, but the authority to amend the fundamental structure of a law cannot.

4. **"Mandamus" May be issued by**

(1) Supreme court (2) High court
(3) District court (4) Both (a) & (b)

***[AIBE - XIII 2018]***

**Ans. [4]**

**Linked Provision :- Art. 32** L/w 139,226, 358, 359 COI.

**Explanation :-** Under Article 32, Supreme Court has the power to issue directions, orders or writs for the enforcement of the Fundamental Rights. An Indian citizen can seek justice through five prerogative writs which are as follows -

## Jurisprudence

### Meaning, Nature and Scope of Jurisprudence

**1. Who said that, "Public Policy is a unruly horse"?**
(a) Justice Atkin
(b) Justice Wright
(c) Justice Deny
(d) Justice Borrough

*[UP PSC(J) 2012]*

**Ans. [d]**
**Explanation: -** In 1824 Justice Burrough said public policy is a very unruly horse.

**2. According to whom, "The matter of jurisprudence is positive law, law simply and strictly so called or law set by political superior to political inferiors"?**
(a) Allen (b) Austin
(c) Buckland (d) Bentham

*[UP PSC(J) 2012]*

**Ans. (b)**
**Explanation: -** John Austin, founder of the Analytical School, defined jurisprudence as the study of positive law — law set by a political superior to political inferiors. He separated law from morality and emphasized that jurisprudence deals with law "simply and strictly so called."

**3. Who of the following author is said as father of English jurisprudence, namely:**
(a) Austin (b) Bentham
(c) Salmond (d) Roscoe Pound

*[UP PSC(J) 2012]*

**Ans. [a]**
**Explanation:-** Austin is called the father of English Jurisprudence and the founder of Analytical school.

**4. Who described jurisprudence as "Lawyer's Extroversion"?**
(a) Savigny
(b) Salmond
(c) Julius Stone
(d) Buckland

*[UP PSC(J) 2012]*

**Ans. [c]**
**Explanation:-** Julius Stone said that jurisprudence is a lawyer's extraversion. He further said that it is a lawyer's examination of the percept, ideas and techniques of law in the light derived from present knowledge in disciplines other than the law.

**5. Which one of the followings not a legal person?**
(a) Idol of Goddess Durga
(b) State of Kerala
(c) A registered society
(d) Mosque

*[UP PSC(J) 2013, 2016]*

**Ans. [d]**
**Explanation:-** In jurisprudence, an entity or a person is attributed as a legal person only when he is capable of suing and being sued in a court of law. For example, a legal person can be a company, a State, an idol, a trade union, etc.

**6. Jurisprudence as a separate branch of discipline was started :**
(a) Hindu Scholars
(b) Chistian Community
(c) Romans
(d) Jews

*[UP PSC(J) 2013]*

**Ans. [c]**
**Explanation:-** The study of jurisprudence as a separate branch of knowledge started by the Romans but in the modern sense the meaning of jurisprudence given by Romans is too vague and general, With the advancement of time there was a radical change in social conditions and human behavior which resulted in a shift of trend and jurisprudence came to be envisaged in a broader perspective.

**7. Austin's book "the province of Jurisprudence Determined" is :**
(a) his autobiography
(b) the lectures delivered in the London University
(c) an answer to an essay by Gray on Parliamentary Government
(d) None of the above

*[UP PSC(J) 2015]*

**Ans. [b]**
**Explanation:-** The Province of Jurisprudence Determined is a book written by John Austin, first published in 1832, in which he sets out his theory of law generally known as the 'command theory'. Austin believed that the science of general jurisprudence consisted in the clarification and arrangement of fundamental legal notions.

**8. "Jurisprudence is the scientific synthesis of essential principles of law" has been said by:**
(a) Allen
(b) alland
(c) Bentham
(d) Austin

*[UP PSC(J) 2015, UP PSC(J) 2018, UP PSC(J) 2023]*

**Ans. [a]**
**Explanation :-** Dr K. C. Allen: Jurisprudence is the scientific synthesis of all the essential principles of law. VII) G.W. Paton: Jurisprudence is a particular method of study, not the law of one country, but of the general notion of law itself.

### Meaning and Nature of Law, Morality

**9. "Jurisprudence is the knowledge of things, human and devine; the science of just and unjust." has been said by:**
(a) Bentham

# Part - II

## Mains Questions Solved

**1. 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. Cite relevant cases.**

***[BJS 2021]***

**Ans.** In a modern welfare state, the legislature often lacks the time and technical expertise to draft every minute detail of a law. Consequently, it delegates the power to "fill in the details" to the executive. This is known as Delegated Legislation. However, this power is not absolute. The doctrine of Ultra Vires (beyond powers) acts as a constitutional check, ensuring the executive does not overstep the boundaries set by the Parent Act or the Constitution.

While "**Delegated Legislation**" isn't defined in a single section of a Bare Act, its authority is derived from the Constitution of India:

- **Article 13(3)(a):** Defines "Law" to include any Ordinance, order, bye-law, rule, regulation, or notification. This means delegated legislation must satisfy the test of Fundamental Rights.
- **Article 245:** Grants the power to make laws to the Parliament and State Legislatures, implying that the "essential legislative functions" cannot be given away

**Grounds for Substantive Ultra Vires**

A rule is Substantively Ultra Vires when the content of the rule itself is beyond the power of the authority making it. The primary grounds include:

1. **Parent Act Violation:** The rule goes beyond the scope of the power conferred by the Parent Act (e.g., if the Act allows for "fees" but the executive imposes a "tax").
2. **Constitutional Violation:** The rule violates Fundamental Rights (Part III) or any other Constitutional provision (e.g., Article 14 - Arbitrariness).
3. **Conflict with General Law:** The delegated legislation contradicts a pre-existing Central or State Statute.
4. **Unreasonableness:** The rule is so "manifestly arbitrary" that no reasonable person would have made it (Wednesbury Unreasonableness).
5. **Vagueness:** If the rule is so uncertain that it provides no guidance on how to comply.

**Permissibility vs. Impermissibility**

| Permissible Delegation | Impermissible Delegation |
|---|---|
| **Filling in Details:** Determining dates of enforcement or specific technical standards. | **Essential Legislative Functions:** Determining the "policy" of the law or creating a new offense. |
| **Fact-Finding:** Power to determine when a specific condition is met to trigger the law. | **Repealing/Amending Law:** The Executive cannot change the core structure of the Parent Act. |
| **Modification:** Small changes to adapt the law to local conditions (without changing policy). | **Ousting Jurisdiction:** Rules that try to take away the power of Judicial Review from Courts. |

**Landmark Judgments**

- **In Re Delhi Laws Act Case (1951):** The Supreme Court held that the Legislature cannot delegate "essential legislative functions," which include determining the legislative policy and formalising it into a rule of conduct.
- **Air India v. Nargesh Meerza (1981):** The SC struck down a regulation that terminated the services of air hostesses upon their first pregnancy, calling it substantively ultra vires for being "grossly arbitrary and discriminatory" under Article 14.
- **Dwarka Prasad v. State of U.P. (1954):** The court struck down a rule that gave an official uncontrolled power to grant or refuse a license, as it lacked a "policy guideline," making it ultra vires.
- **Chintaman Rao v. State of M.P. (1951):** A classic case where a rule prohibiting bidi-making during the harvest season was struck down as an unreasonable restriction on the right to carry on business (Article 19).

**Conclusion:** Delegated legislation is a "necessary evil" of the modern administrative process. While it provides the flexibility required for governance, the doctrine of Substantive Ultra Vires ensures that the executive remains a "servant of the law" and not its master. By applying the "Essential Legislative Function" test, the Judiciary maintains the delicate balance between administrative efficiency and the Rule of Law.

**2. "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 the State has undergone a radical change." In the light of this statement, discuss in detail the development and evolution of administrative law.**

***[BJS 2021]***

**Ans.** The 20th century witnessed a "radical change" in the philosophy of governance. The state transitioned from being a mere protector (focused on defense and law and order) to a provider of social and economic well-being. This expansion of state functions—from cradle to grave—necessitated a body of law to govern the exercise of these new administrative powers. Thus, Administrative Law emerged not to grant power, but to ensure that this vast power is exercised within the bounds of fairness and the Rule of Law.

Unlike the Penal Code or the Law of Contract, Administrative Law is not codified in a single "Bare Act." Instead, it is a judge-made law derived from constitutional principles.

- **Article 73 & 162 (Constitution of India):** Define the "Extent of Executive Power" of the Union and the States. It stipulates that the executive power is co-extensive with the legislative power.
- **Article 13(3)(a):** As discussed previously, "Law" includes rules, regulations, and notifications, placing administrative actions under the scanner of Judicial Review.
- **The Concept:** Ivor Jennings defines it as the law relating to the administration. It determines the organisation, powers, and duties of administrative authorities.
- **Evolution and Development**
- The growth of Administrative Law can be traced through three distinct philosophical shifts:

1. The Shift from Laissez - faire to Welfare State
   In the 19th century, the state followed a "hands-off" policy. In the 20th century, the state began regulating industries, providing education and healthcare, and managing resources. This required granting "discretionary powers" to officials, which led to the need for Administrative Law to prevent the abuse of that discretion.
2. The Inadequacy of the Traditional Legislative Process
   The Parliament cannot anticipate every technical problem in a complex society (e.g., Telecom or Environment). Hence, "Delegated Legislation" became a necessity, allowing experts in the executive branch to draft specific rules.
3. The Need for "Social Justice" over "Legal Justice"
   Traditional courts were often slow and expensive. The development of Tribunals (Article 323A and 323B) allowed for speedier, more specialized adjudication of disputes involving the state and its citizens.

**Landmark Judgments**

- **A.K. Kraipak v. Union of India (1969):** This is a foundational case where the Supreme Court held that the line between "quasi-judicial" and "administrative" acts is thinning. Even an administrative act must follow the Principles of Natural Justice (Nemo judex in causa sua).
- **Maneka Gandhi v. Union of India (1978):** The Court expanded the scope of Article 21, ruling that any state action depriving a person of life or liberty must be "just, fair, and reasonable," not just legally authorized.
- **Ram Jawaya Kapur v. State of Punjab (1955):** The SC clarified that the Executive can carry out activities (like publishing books) even without a specific law, provided it doesn't infringe on the rights of others, highlighting the expansive role of the modern state.
- **S.N. Mukherjee v. Union of India (1990):** Established that administrative authorities must give "reasoned decisions" (speaking orders) to ensure transparency and check arbitrariness.

The evolution of Administrative Law is the story of the struggle to reconcile Power with Liberty. As the state's role evolved from a "Passive Policeman" to an "Active Social Engineer," Administrative Law became the tool to ensure that "The Rule of Law" is not replaced by "The Rule of Men." Today, it stands as the most vital branch of public law, ensuring that in a sea of bureaucracy, the individual's rights remain protected.

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

***[BJS 2021]***

**Ans. 1. Doctrine of Legitimate Expectation**

This doctrine is a child of the principles of Natural Justice. It operates in the space between a "moral claim" and a "legal right." It arises when a public authority, through its past conduct or an express promise, creates a reasonable expectation in the mind of an individual that they will receive a certain benefit or that a particular procedure will be followed.

Food Corporation of India v. Kamdhenu Cattle Feed Industries (1993): The Supreme Court held that the state's power to enter into contracts is subject to the rule of law. A bidder has a "legitimate expectation" that the government will act fairly. While the state can reject the highest bid in the public interest, it cannot do so purely on a whim if a consistent practice of accepting the highest bid existed.

**2. Doctrine of Proportionality**

Proportionality is the "test of reasonableness." It ensures that the administrative measure taken is not more drastic than necessary to achieve the desired result. It focuses on the severity of the action relative to the gravity of the situation.

This doctrine is used by Courts to review "Administrative Discretion." It is linked to Article 19 (Reasonable Restrictions) and Article 21 of the Constitution. In the context of the BNSS, 2023, this doctrine is often invoked when challenging the "quantum of sentence" or the "harshness of conditions" imposed during bail or preventive detention.

Om Kumar v. Union of India (2000): The Supreme Court adopted the "Wednesbury Principles" but added that where fundamental freedoms are involved, the court will use the Proportionality Test. It specifically noted that

For a judge, *Expressio Unius Est Exclusio Alterius* serves as a valuable tool to respect the **supremacy of the legislature**. It ensures that where the law is plain and specific, the court performs its "plainest duty" to give effect to the natural meaning of the words used without adding unauthorized extensions. However, it must be applied with caution to ensure that technical adherence to the maxim does not defeat the broader social or remedial goals of the legislation.

**21. Discuss the principle that "no word in a statute is superfluous." How does this affect judicial interpretation?**

**Ans– Principle: No Word in a Statute is Superfluous**

**1. Meaning and Rationale**

This principle is a fundamental rule of construction which proceeds from the premise that the **legislature is the supreme law-making body** and is presumed to know what it intends through the specific words chosen. It is assumed that the legislature uses words **correctly and exactly**, rather than loosely or inexactly. Therefore, a court must start with the presumption that every word, phrase, and provision in a statute has been used for a purpose and is intended to have some effect.

**2. How the Principle Affects Judicial Interpretation**

This canon of construction significantly shapes the judicial approach in several ways:

- **Duty to Give Meaning:** It is the primary duty of the court to interpret the Act and give **meaning to each word** of the statute. The court cannot navigate the law by ignoring certain words or treating them as "surplusage" or "dead lumbar".
- **The Rule of Literal Construction:** Under the literal rule (*litera legis*), the court is prohibited from modifying the language of the Act. If the meaning is clear, the court must give effect to it, as the legislature's intention is best deduced from the language it has used. As per the maxim ***A Verbis legis non est recedendum***, a judge must not vary the words of the statute while interpreting it.
- **Harmonious Construction:** The court must read the statute **as a whole**—chapter by chapter, section by section, and then **word by word**. When provisions appear to conflict, the court must adopt a construction that gives meaning and effect to both rather than one that reduces a portion of the enactment to a **"dead letter"**.
- **Avoidance of Judicial Law-making:** By adhering to this principle, courts avoid the temptation to "amend" or "alter" statutory provisions under the guise of interpretation. As noted in the sources, courts are generally not competent to supply a ***Casus Omissus*** (omitted case) or add words unless there is a clear necessity found within the four corners of the statute itself.

**3. Exceptions and Limitations**

While every word is presumed to be meaningful, this rule is not absolute:

- **Absurdity or Inconsistency:** If giving a literal meaning to every word leads to an **absurd, irrational, or unworkable result**, the court may depart from the literal sense (The Golden Rule) to achieve a rational construction.
- **Purposive Approach:** In modern jurisprudence, if a literal interpretation of every word defeats the **object and spirit of the law**, the court may shift to a purposive construction to "suppress the mischief and advance the remedy".

**Conclusion**

The principle that no word is superfluous acts as a safeguard against **arbitrary interpretation**. It ensures that the judiciary remains faithful to the legislative will by providing a "fair and reasonable construction" that respects the exactitude of statutory language. As emphasized by the Supreme Court, if a word is plain, the court's "plainest duty" is to give it effect, ensuring that the spirit of the law is manifested through its letter.

**1. Define Jurisprudence? Explain the relation of jurisprudence with other social sciences.**

**Ans**. Jurisprudence plays an important role in the law and judicial administration. It is jurisprudence, who gives knowledge of law.

The word jurisprudence has been derived from a Latin word 'Jurisprudential' which in its wider sense means 'Knowledge of Law'. The Latin word 'Juris' means 'Law' & 'Prudential' means 'Knowledge'. Thus jurisprudence signifies knowledge of law and its application in this way covers the whole body of legal principles in the world.

Various definitions of Jurisprudence have been given by various jurists some important definitions are as under-

**Definition by Salmond**

According to famous jurist Salmond- "Jurisprudence is the science of the first principles of civil law." In brief we can called it a 'science of law'. Three essential elements are there for this definition science of law, First principle and civil law. A sequential study of all legal principles is done under it civil law mean a law which is made applicable by the government upon its citizens and all citizens of country, advocacies and courts are bound to follow that. Thus, according to Salmond, the jurisprudence is the science of such laws which are enforced by the courts.

**Definition by Austin.**

John Austin has made an effort to give an appropriate definition of jurisprudence. According to Austin, "Jurisprudence as the **"Philosophy of Positive Law,"** focusing strictly on laws as they are set by a political superior, rather than as they "ought" to be.

**Definition by Rosco Pound**

Rosco Pound has defined the jurisprudence with a sociological view. According to Rosco Pound, "Jurisprudence is the science of law". For the science of law means a group of well arrange and controlled knowledge both i.e. legal institutions and legal imaginations & legal arrangements.

According to this definition, a study of task and means, both is required under the Jurisprudence. Its aim is to establish social engineering which means to establish balance by fulfilling the maximum necessaries with minimum opposition between the contradictory interests among one another being found in society. Definition by Julius Stone

According to Julius Stone, "Jurisprudence is lawyer's extraversion". Means from it that the lawyers examination of precepts and techniques of law in the light derived from present knowledge in disciplines other than law is the subject-matter of Jurisprudence.

Professor Stone has classified the subject-matter of Jurisprudence in three classes- Analytical Jurisprudence; Functional Jurisprudence and Principle of Justice.

**Definition by Keeton**

According to C.G. Keeton, "Jurisprudence is the study and scientific synthesis of the general principles of law". Thus Keeton considers the Jurisprudence as a knowledge of general principles of law. In his view, Jurisprudence provides highway of detailed study and orderly arrangement of general principles of law. Definition, by Paton

The definition of Jurisprudence of Paton is very simple. According to him, "Jurisprudence is a study related with law", that is, "Jurisprudence is a study of law or various kinds of law".

Thus, Paton while considering a wide scope of Jurisprudence has cleared that an active study of concepts developed by legal system and social interests protected by law.

**Definition by Gray**

According to Gray- "Jurisprudence is a science of the statements of rules and systematic arrangement followed by the court and law of principles involved in that rules". Thus, Gray considers the Jurisprudence such a science of law under which a study of systematic and arranged rules applied by the court and the principles included them.

As such the definition by Gray clears two aspect- firstly, the Jurisprudence is related with the scientific statements and, systematic arrangements of the rules adopted by the court and secondly, the principals involved in the rules followed by the court is the subject-matter of the study of Jurisprudence. Inter-relationship of Jurisprudence with other social sciences The interrelationship of Jurisprudence with other social sciences reflects in the statement of Pound, according to which "Jurisprudence is closely inter-related with ethics, economics, politics and sociology which though distinct enough as the core, are shaded into each other". It clears that a very close relation of Jurisprudence is also with social sciences.

1. **Relationship between Jurisprudence and sociology-** Human being the central point of studies of Jurisprudence and sociology both, there is a close relation between them. Jurisprudence being a law related with controlling of human conduct, is a science of law whereas the sociology is the science of nature of human inter-relationships. The central point of study of Jurisprudence is law and the study of society is required to be done in reference to law. This is the reason that in view of the mutual relations of human and society under the Jurisprudence, a branch namely sociological Jurisprudence is originated and developed.
2. **Relationship between Jurisprudence and psychology-** The study of working of human brain or mental faculty being the subject-matter of Psychology, the relation between Jurisprudence and Psychology is natural. As the human mind control human activity the Psychology of the offender generally taken into consideration in dealing with crimes. Psychology also plays a dominant role in the study of criminology and penology. The

# Part - III

## Interview Questions Solved

**1. How does Sir Ivor Jennings define Administrative Law?**

**Ans.** Sir, Jennings defines it as the **law relating to administration**, determining the organization, powers, and duties of administrative authorities.

**2. What is the primary difference between Constitutional Law and Administrative Law?**

**Ans.** Sir, while Constitutional Law deals with the **broader structure** and organs of the State, Administrative Law deals in detail with the **powers and functions** of administrative authorities.

**3. Why is Administrative Law called a "functional" branch of law?**

**Ans.** Sir, because it represents a **functional approach** rather than a theoretical or legalistic one, allowing authorities to solve complex modern problems without technical rigidities.

**4. Explain the transition from "Laissez-faire" to a "Welfare State" in the context of Administrative Law.**

**Ans.** Sir, the 19th-century **Laissez-faire** (minimum control) led to mass exploitation; the modern **Welfare State** assume a "positive" role to ensure social justice and socioeconomic regeneration.

**5. What did the Supreme Court observe regarding "Executive Power" in *Ram Jawaya v. State of Punjab*?**

**Ans.** Sir, the Court defined executive power as the **residue of governmental functions** that remain after legislative and judicial functions are taken away.

**6. Mention two reasons for the rapid growth of Administrative Law in the 20th century.**

**Ans.** Sir, the reasons include the **inadequacy of traditional judicial systems** (slow and complex) and the **rigidity of legislative processes**.

**7. How does Administrative Law ensure "preventive" justice?**

**Ans.** Sir, authorities take **preventive measures** like licensing or rate fixing to prevent harm (e.g., adulteration of food) before it occurs, rather than just punishing the wrongdoer later.

**8. What are the four principal sources of Administrative Law in India?**

**Ans.** Sir, they are: (1) The **Constitution**, (2) **Acts/Statutes**, (3) Ordinances and Notifications, and (4) **Judicial decisions**.

**9. Can Administrative Law be traced to ancient India?**

**Ans.** Yes, Sir. It can be traced back to the concepts of **Dharma** followed by kings under the Mauryas and Guptas, where the ruler was also subject to law.

**10. What is the "cradle to grave" concept of the modern state?**

**Ans.** Sir, it means the modern Welfare State **takes care of its citizens** in every aspect of life, from birth until death, through its administrative functions.

**11. Is Administrative Law a codified subject?**

**Ans.** No, Sir. It is essentially **unwritten and judge-made law** that has developed through factual situations before the courts.

**12. What is the "goal" of Administrative Law according to Bernard Schwartz?**

**Ans.** Sir, the goal is to ensure that the **individual and the State** are placed on a plane of **equality before the Bar of justice**.

**13. Who was the founder of the French *Droit Administratiff*?**

**Ans.** Sir, **Napoleon Bonaparte** founded it in 1799 when he established the *Conseil d'Etat*.

**14. Mention one peculiar feature of the French system compared to the English.**

**Ans.** Sir, it allows the Government **special rights and privileges** against individual rights, keeping officials free from the jurisdiction of ordinary courts.

**15. What is the *Conseil d' Etat*?**

**Ans.** Sir, it is the **Supreme Administrative Court of Appeal** in France and also serves as an advisor to the Government.

**16. Does the *Conseil d' Etat* have jurisdiction over Magistrates and prosecutors?**

**Ans.** No, Sir. It has **no jurisdiction** over Magistrates and prosecutors.

**17. Explain the significance of *Barel's case (1954)*.**

**Ans.** Sir, in this case, the *Conseil d' Etat* **quashed a Minister's order** that barred a candidate from taking an examination, showcasing its power to review abuse of power.

**18. Is there any appeal against the decision of the *Conseil d' Etat*?**

**Ans.** No, Sir. There is **no appeal** from the highest *Conseil* to any other court.

## Phase 1: Basics and Fundamentals of Tort Law.

**1. What is the origin and literal meaning of the term "Tort"?**

**Ans:** Sir, the word "Tort" is derived from the Latin term "Tortum," which literally means "to twist." It implies a conduct that is twisted, crooked, or unlawful.

**2. How is "Tort" defined under the Limitation Act, 1963?**

**Ans:** Sir, according to Section 2(m) of the Limitation Act, 1963, a Tort is a civil wrong which is not exclusively a breach of contract or a breach of trust.

**3. Please state Winfield's definition of "Tortious Liability."**

**Ans:** Sir, Winfield states that tortious liability arises from a breach of duty primarily fixed by law towards persons generally, which is redressible by an action for unliquidated damages.

**4. What are the three essential constituents of a Tort?**

**Ans:** Sir, the three essentials are: first, a wrongful act or omission; second, the duty must be fixed by law; and third, it must result in unliquidated damages.

**5. Distinguish between Liquidated and Unliquidated damages.**

**Ans:** Sir, liquidated damages are pre-estimated and fixed by the parties themselves. Unliquidated damages are those which are determined by the court at its discretion.

**6. How does a Tort differ from a Crime regarding the nature of the wrong?**

**Ans:** Sir, a Tort is a private wrong that infringes upon the civil rights of an individual, whereas a Crime is a public wrong that affects the community as a whole.

**7. Who files the case in a Tort action compared to a Criminal proceeding?**

**Ans:** Sir, in Tort, the injured party (Plaintiff) files the suit. In Crime, the proceedings are typically instituted by the State against the accused.

**8. Can the same act be both a Tort and a Crime?**

**Ans:** Yes, Sir. Wrongs like Assault, Defamation, and Nuisance can fall under both the Law of Torts and Criminal Law.

**9. What is the difference between Tort and Contract regarding the fixation of duty?**

**Ans:** Sir, in Tort, the duty is fixed by the law itself. In a Contract, the duties are fixed by the parties through their mutual agreement.

**10. Explain the concept of "Privity of Contract" in Tort Law.**

**Ans:** Sir, in Tort law, privity is not required. A manufacturer can be held liable to the ultimate consumer even without a direct contract, as seen in Donoghue v. Stevenson.

**11. What does the maxim "Ubi jus ibi remedium" signify?**

**Ans:** Sir, it means "Where there is a right, there is a remedy." It signifies that the law provides a means to vindicate a legal right if it is violated.

**12. Define the maxim "Injuria sine Damno."**

**Ans:** Sir, it means legal injury without actual physical or pecuniary loss. It is actionable per se because a legal right has been violated.

**13. What was the significance of the case Ashby v. White?**

**Ans:** Sir, in this case, the plaintiff's right to vote was refused by a returning officer. Although his candidate won, the court held the defendant liable for violating a legal right.

**14. What is meant by "Damnum sine Injuria"?**

**Ans:** Sir, it refers to substantial loss or damage suffered without any infringement of a legal right. It is not actionable in a court of law.

**15. Why was no remedy granted in the Gloucester Grammar School Case?**

**Ans:** Sir, setting up a rival school caused financial loss due to competition, but since no legal right of the plaintiff was violated, it was a case of damnum sine injuria.

**16. Is motive generally relevant in the Law of Torts?**

**Ans:** Sir, as a general rule, motive is irrelevant. A lawful act does not become unlawful just because of a bad motive, as held in Mayor of Bradford v. Pickles.

**17. Distinguish between Malice in Fact and Malice in Law.**

**Ans:** Sir, Malice in Fact refers to actual ill-will or evil motive. Malice in Law means a wrongful act done intentionally without any just cause or excuse.

**18. Who is a "Reasonable Man" in legal standards?**

**Ans:** Sir, a reasonable man is an abstract standard representing an ordinary prudent man. Lord Bowen described him as "the man on the Clapham Omnibus".

**19. List the general defenses available in Torts.**

**Ans:** Sir, the general defenses include Volenti non fit injuria, Inevitable Accident, Act of God, Necessity, Private Defense, and Statutory Authority.

**20. Explain the maxim "Volenti non fit injuria."**

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