
UNIVERSITI SAINS MALAYSIA

First Semester Examination
Academic Session 2013/2014

December 2013

**RMK 350 – Administrative Law
(Undang-Undang Pentadbiran)**

Duration: 3 hours
(Masa: 3 jam)

Please check that this examination paper consists of FOUR pages of printed material before you begin the examination.

Sila pastikan bahawa kertas peperiksaan ini mengandungi EMPAT muka surat yang tercetak sebelum anda memulakan peperiksaan ini.

Students are allowed to answer all questions in English OR in Bahasa Malaysia.

Pelajar dibenarkan menjawab semua soalan dalam Bahasa Inggeris ATAU Bahasa Malaysia.

Answer **FOUR** questions only.

*Jawab **EMPAT** soalan sahaja.*

In the event of any discrepancies, the English version shall be used.

[Sekiranya terdapat sebarang percanggahan pada soalan peperiksaan, versi Bahasa Inggeris hendaklah diguna pakai].

1. From administrative law point of view, discuss the followings:

Daripada pandangan undang-undang pentadbiran, sila bincangkan yang berikut:

- (a) What is "reasonable"
Apakah "munasabah"

(5 marks/markah)

- (b) Give two (2) case law to compare "reasonable" and "unreasonable".

Berikan dua(2) kes undang-undang untuk membandingkan "munasabah" dan "tidak munasabah".

(5 marks/markah)

- (c) Give one case law on "an employee can refuse any unreasonable instruction".

Berikan satu kes undang-undang tentang "pekerja boleh enggan mematuhi apa-apa arahan tidak munasabah".

(5 marks/markah)

- (d) Illustrates some examples on the application of "reasonableness" in construction environment.

Berikan beberapa contoh pemakaian "kemunasabahan" dalam persekitaran pembinaan .

(10 marks/markah)

2. Discuss the definition and the application of the following types of judicial review:

Bincangkan takrifan dan pemakaian jenis-jenis semakan kehakiman berikut:

- | | | |
|-----|------------------------------------|---------------------------|
| (a) | Injunction/ <i>Injunksi</i> | (5 marks/ <i>markah</i>) |
| (b) | Prohibition/ <i>Larangan</i> | (5 marks/ <i>markah</i>) |
| (c) | Mandamus/ <i>Mandamus</i> | (5 marks/ <i>markah</i>) |
| (d) | Certiorari/ <i>Certiorari</i> | (5 marks/ <i>markah</i>) |
| (e) | Declaration / <i>Perisytiharan</i> | (5 marks/ <i>markah</i>) |

3. Discuss the following:

Bincangkan yang berikut:

- | | | |
|-----|---|---------------------------|
| (a) | Definition for “meeting”
<i>Takrifan bagi “mesyuarat</i> | (5 marks/ <i>markah</i>) |
| (b) | What are the “Agenda” and its purpose?
<i>Apakah “Agenda” dan tujuannya?</i> | (5 marks/ <i>markah</i>) |
| (c) | What are “Notice” and its purpose?
<i>Apakah “Notis” dan tujuannya?</i> | (5 marks/ <i>markah</i>) |
| (d) | What are “Quorum” and its purpose?
<i>Apakah “Korum” dan tujuannya?</i> | (5 marks/ <i>markah</i>) |
| (e) | What are “Minutes” and its purpose?
<i>Apakah “Minit” dan tujuannya?</i> | (5 marks/ <i>markah</i>) |

4. Discuss the followings:

Bincangkan yang berikut:

(a) Definition for “fact”

Definisi “fakta”

(5 marks/markah)

(b) Five (5) elements of “facts”

Lima (5) elemen “fakta”

(10 marks/markah)

(c) “Relevant” and “important” facts analysis

Menganalisis fakta “relevan” dan “penting”

(10 marks/markah)

5. Discuss the following:

Bincangkan yang berikut:

(a) Definition of “document” under section 3 of Interpretation Acts 1948 & 1967.

Takrif “dokumen” di bawah seksyen 3 Akta Tafsiran 1948 & 1967.

(5 marks/markah)

(b) Five (5) types of “documents in construction project”

Lima (5) jenis “dokumen dalam projek pembinaan”

(10 marks/markah)

(c) “Documents” under Official Secret Act 1972

“Dokumen” di bawah Akta Rahsia Rasmi 1972

(5 marks/markah)

(d) “Signature” on document

“Tandatangan” pada dokumen

(5 marks/markah)