A STUDY ON PRINCIPLE OF NATURAL JUSTICE IN INDIA

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ABSTRACT

Natural justice, often referred to as procedural fairness, is a foundational principle that seeks to ensure fairness, impartiality, and equity in administrative and judicial proceedings. The Indian Constitution, through its implicit and explicit provisions, underscores the significance of natural justice as an essential component of the rule of law.

The foundation of natural justice in India can be traced back to ancient legal traditions and has been reinforced by constitutional provisions and judicial interpretations. The Indian Constitution, through its fundamental rights and directive principles, guarantees the right to a fair and just procedure. The principles of natural justice are implicit in Articles 14 (right to equality), 21 (right to life and personal liberty), and 311 (safeguards as to civil services) among others.

The impact of natural justice extends beyond administrative and quasi-judicial proceedings, reaching into the realm of alternative dispute resolution mechanisms and emerging technologies.

The two cardinal principles of natural justice - the audi alteram partem rule (hear the other side) and the nemo judex in causa sua rule (no one should be a judge in his own cause). Through an analysis of landmark judicial decisions, it elucidates the evolving jurisprudence surrounding these principles and their pivotal role in ensuring fair and impartial adjudication.

RESEARCH OBJECTIVES

This research aims to provide a comprehensive analysis of the principles that constitute natural justice and their application within the Indian legal framework. The study will explore the historical evolution of natural justice, tracing its roots in common law traditions and assessing its integration into the Indian legal system. Special attention will be given to landmark judicial decisions that have shaped and defined the contours of natural justice in India.

The findings of this research aim to contribute to the ongoing discourse on the role and efficacy of natural justice in India. By critically evaluating the current state of natural justice in the country, the study seeks to identify areas for improvement and propose recommendations for ensuring the robust application of natural justice principles. Ultimately, this research aspires to deepen the understanding of natural justice in the Indian legal context and foster a legal environment that upholds the principles of fairness, transparency, and equity in all facets of the judicial and administrative process.

RESEARCH METHODOLOGY

The methodology employed in this research involves a doctrinal research of relevant legal texts, statutes, and case law. Comparative analyses with international standards of natural justice will be undertaken to provide a broader perspective on the subject. Furthermore, the study will assess the practical implications of the application of natural justice principles in diverse legal contexts, such as administrative tribunals, quasi-judicial bodies, and judicial proceedings.

RESEARCH QUESTIONS

1. What is natural justice?
2. What are the principles of natural justice?
3. What are historical developments of Natural justice?
4. What are the statues and provisions of natural justice in law?

5. Against whom natural justice will applicable?

LITERATURE REVIEW

In the writing of the Research Paper "The Doctrine of Separation of Powers in India: A Legal Study", the following Literature, Books, Journals, and Articles have been referred to for the study of the Doctrine of Separation of Powers, history of the Doctrine, Applicability of the Doctrine in different countries, Constitutional validity of the same.

1. **Justice. C.K.Takwani,** "Lectures on Administrative Law, Natural Justice. 181-205, EBC Publication, 7th Edition, 2022.

   The term "Natural Justice" has been defined by the author in this book. Natural Justice. In addition, the author has conducted a comparative analysis of the Doctrine of Natural Justice in India.

2. **Dr. Rega Surya Rao,** ""Lectures on Administrative Law. Natural Justice. 99-107, Asia Lecture Series, Publication, 2nd Edition.

   The term "Natural Justice" has been defined by the author in this book. Natural Justice in addition, the author has conducted a Doctrine of Natural Justice in India and comparative analysis with other countries.

CHAPTER 1: INTRODUCTION

Fairness in procedure is a requirement of natural justice, which is an expression of English common law. While studying administrative law, the Natural Justice Principles are extremely important. Other names for it include universal justice, fundamental justice, substantial justice, and fair play in deeds. The tenets of natural justice are not codified not embodied in laws. These regulations are the equivalent of the procedural due process in the United States and are made by judges.

"Natural justice" has meant different things to different authors, solicitors, and legal systems. It has a wide range of hues, tones, forms, and shapes. De Smith claims that the phrase "natural

justice" has an impressive pedigree and accurately captures the intimate connection between moral principles and the common law. This wonderful humanising principle, also known as "substantial justice," "fundamental justice," "universal justice," or "fair play in action," aims to invest with equity, secure justice, and prevent miscarriages of justice.

The framers of the Indian Constitution recognized the paramount importance of natural justice in safeguarding individual rights. Articles 14, 21, and 311 serve as constitutional anchors, embodying the principles of equality before the law, the right to life and personal liberty, and the protection against arbitrary dismissal from government service, respectively.

In the contemporary legal landscape of India, natural justice is not confined to traditional courtroom settings. Its application extends to administrative and quasi-judicial proceedings, alternative dispute resolution mechanisms, and even emerging fields influenced by technological advancements. The adaptability of natural justice principles to new challenges reflects the resilience of this concept in ensuring justice, equity, and transparency in an ever-changing legal environment.

CHAPTER 2: PRINCIPLES OF NATURAL JUSTICE

2.1 DEFINITION

There is no precise and scientific definition of` Natural Justice'. However, the principles of natural justice are being accepted and enforced. Different judges, lawyers and scholars defined it in various ways.

In **Vionet vs. Barrett**[1], Lord Esher M. R., has defined it as 'The-natural sense of what is right and wrong'. Later, he had chosen to define natural justice as 'fundamental justice' in a subsequent case (Hopkins vs. Smethivick Local Board of Health)[2] (1890) 24 QB 713).

Lord Parker has defined it as 'duty act fairly'. Mr. Justice Bhagwati has taken it as 'fair play in

[1]. (1885) 55 LJ RB 39
[2] (1890) 24 QB (713)

action'. Articles 14 and 21 of Indian Constitution have strengthened the concept of natural justice.

2.2 NATURE AND SCOPE

Pro. W. R. Wade had defined natural Justice as "The name given to certain fundamental rules which are so necessary to the proper exercise of power that they are projected from the judicial to the administrative sphere.

"Natural justice is not a fixed but flexible concept. The standards of natural justice vary with situations. In Union of India v P K Roy (AIR 1968 SC 850), speaking for the Supreme Court, Ramaswami, J. observed:

"The extent and application of the doctrine of natural justice canoot be imprisoned within the strait-jacket of a rigid formula. The application of the doctrine depends upon the natural of the jurisdiction conferred on the administrative authority, upon the character of the rights of the person affected, the scheme and policy of the statute and other relevant circumstances disclosed in the particular case (AIR 1968 SC 850, at p. 858).

2.3 OBJECT

A man has always valued certain fundamental principles. They can be categorized as either divine law or natural law. A man must apply this section of the law to human affairs in order to be a reasonable being. Ensuring subjects' fundamental rights and liberties is the main goal of natural justice laws. As a result, they advance public interest. The golden rule, which is unwaveringly established, is that the goal of the natural justice doctrine is to prevent injustices from occurring as well as to ensure justice. Its fundamental quality is conscience in a particular circumstance; nothing more, nothing less.

As Wade said:

An impartially and appropriately considered decision that considers the opinions of those it will affect is not only going to be more acceptable, but it will also be of higher quality. Justice and efficiency go hand in hand, so long as the law doesn't impose excessive refinements.

As was already mentioned, different writers, lawyers, jurists, and legal systems have varied interpretations of what "natural justice" means. It is available in an array of colours, shades, shapes, and forms. Natural justice principles are not embodied rules and cannot be contained within the rigid parameters of a formula.

In ***Russell v. Duke of Norfolk***, Tucker LJ observed:

In my opinion, no terms can be applied universally to all types of inquiries and all types of domestic tribunals. The circumstances of the case, the type of investigation, the regulations the tribunal is operating under, the subject matter being addressed, and other factors must all be taken into consideration when determining the requirements of natural justice.

In the oft-quoted passage from ***Byrne v. Kinematograph Renters Society Ltd.***[3], Lord Harman enunciates:

In this type of case, what then are the requirements of natural justice? I believe that the accused should be informed of the nature of the charge against him, that he should be given the chance to present his defence, and that the tribunal should, of course, act in good faith. Really, I don't think there is anything more.

The same view is taken in India. In ***Union of India v P. K. Roy***[4], speaking for the Supreme Court, Ramaswami J observed:

It is impossible to confine the scope and application of the natural justice doctrine to the constraints of a strict formula.

The doctrine's application is contingent upon the administrative authority's granted jurisdiction, the rights of those impacted, the statute's structure and objectives, and additional pertinent facts revealed in the specific case.

[3] (2008)14 SSC 151
[4] AIR 1968 SC 850, 858: (1968) 2 SCR 186

Again, in ***A.K. Kraipak***[5] Hegde J rightly observed:

The particulars and context of each case, the legal framework in which the investigation is conducted, and the makeup of the Tribunal or other body of individuals designated for that purpose all play a significant role in determining which specific natural justice rule should be applied in that particular case. Whenever a court receives a complaint alleging that a natural justice principle has been broken, it must determine whether following that rule would have been necessary to reach a just conclusion given the circumstances of the case.

Wade pithily stated:

The requirements of natural justice must be based on the case's facts and circumstances, the type of inquiry, the guidelines the tribunal is operating under, the topic at hand, and other factors.[6]

CHAPTER 3: THERE ARE TWO MAIN PRINCIPLES OF NATURAL JUSTICE INDIA

Principle of **Audi Alteram Partem** (Right to be Heard): This principle emphasizes that no person should be condemned unheard. It ensures that individuals have the right to know the case against them and have an opportunity to present their side of the story before a decision is made.

Principle of **Nemo Judex in Causa Sua** (No one should be a judge in his own cause): This principle ensures impartiality in decision-making. It prohibits any person from adjudicating in a matter in which he or she has an interest. This is to avoid bias and ensure an unbiased decision.

The application of natural justice can be seen in various legal proceedings in India, including administrative, quasi-judicial, and judicial proceedings. Tribunals and administrative bodies are required to adhere to the principles of natural justice when making decisions that affect the rights of individuals.

The Supreme Court and High Courts in India have played a crucial role in developing and upholding the principles of natural justice. In various landmark judgments, the courts have held

[5] A. K. Kraipak V. Union of India (1969) 2 SCC 262 AIR 1970 SC 150 ,157
[6] Wade & Forsyth Administrative Law (2009)

that decisions that violate the principles of natural justice are liable to be set aside.

However, it's important to note that while natural justice is a fundamental principle, there may be instances where it can be limited or modified by law, especially in cases where national security or public interest is at stake.

In summary, the situation of natural justice in India is generally robust, with the principles being recognized and applied in various legal settings to ensure fairness and protect the rights of individuals. The judiciary continues to play a vital role in upholding and reinforcing these principles.

CHAPTER 4: TYPES OF BIAS

4.1 Bias are of four types:

a) Pecuniary bias

b) Personal bias

c) Official bias or bias as to the subject-matter

d) Judicial obstinacy

(a) Pecuniary bias

It is well-established that "the least pecuniary interest in the subject-matter of the litigation will disqualify any person acting as a judge" in terms of financial interest. The assertion made by Griffith and Streets that "a pecuniary interest, however slight, will disqualify, even though it is not proved that the decision is in any way affected" is accurate."

"There is a presumption that any financial interest, however small, in the matter in dispute disqualifies a person from adjudicating," according to Halsbury's Laws of England.

In the Bonham case, the College of Physicians fined Dr Bonham, a medical student at Cambridge University, for practising medicine in the city of London without a licence. The college operated

under a statute that stipulated that the king would receive half of the fines and the college would receive the other half.

The claim was disallowed by Coke CJ as the college had a financial interest in its own judgment and was a judge in its own cause.

Lord Campbell observed:

No one can conceive that Lord Cottenham could have been influenced by his interest in this matter, even in the slightest, but my Lords, it is crucial to uphold the adage that no one should judge his own case.This will serve as a warning to all lower tribunals, instructing them to ensure that their decisions are free from personal influence and to avoid giving the impression that they are doing so.

The important statement above suggests that a judge is ineligible to serve if they have even the slightest financial stake in the outcome of the case. This rule should be followed in order to eliminate anything that could cause people to mistrust the tribunal and to encourage confidence in the way justice is being served. According to Lord Hewart, "No action can be taken that even raises the possibility of improper interference with the administration of justice."

The same principle is accepted in India. In ***Manak Lal v. Prem Chand Singhvi***[7] (Manak Lal), speaking for the Supreme Court, Gajendragadkar J (as he then was) remarked:

It is obvious that pecuniary interest, however small it may be in a subject matter of the proceedings, would wholly disqualify a member from acting as a judge.

In ***J. Mohapatra & Co. v. State of Orissa***[8], some of the members of the Committee set up for selecting books for educational institutions were themselves authors whose books were to be considered for selection. It was held by the Supreme Court that the possibility of bias could not be

[7] AIR 1957 SC 425, 429: 1957 SCR 575, 581
[8] (1984) 4 SSC 103, 112: AIR 1984 SC 1572, 1576.

ruled out. Madon J observed, "It is not the actual bias in favour of the author- member that is material, but the possibility of such bias."

(b) Personal bias

Personal prejudice is the second kind. Personal bias can arise due to various reasons. In this case, a judge could be a party's friend, relative, or business associate. He might harbour a personal grievance, hostility, or professional rivalry towards that party. Given these circumstances, it is highly likely that the judge will be prejudiced or biased in favour of one party over the other.

Therefore, the Divisional Court revoked the order in the case where the Chairman of the Bench was a friend of the wife's family who had started matrimonial proceedings against her husband and the wife had informed the husband that the Chairman would rule in her favour. In a similar vein, a magistrate who suffered physical harm at the hands of the accused was barred from hearing a case brought against the accused. Once more, a decision was overturned due to the Chairman's relationship to an executive officer of an organisation that was a party to the tribunal. Similarly, a magistrate cannot find his own staff members guilty of contract violations based only on a bailiff's complaint.

The above principle is accepted in India also. In one case, a manager

investigated a labourer who was allegedly accused of beating the manager. It was decided that the investigation was flawed. In a different instance, M and the Minister, who had revoked M's licence, were political rivals. The Minister also filed a criminal case against M. It was decided that M was the target of personal bias, and the Minister was barred from acting against M.

In ***State of U.P. v. Mohd. Nooh***[9] (Mohd. Nooh), B conducted a departmental investigation against A. When one of the witnesses against A became uncooperative, B left the investigation, testified against A, returned to finish the investigation, and issued an order for A's dismissal. The Supreme Court ruled that B. "grossly violated all canons of fair play and completely disregarded the rules of natural justice." was chosen by the Public Service Commission and recommended by the Board.

[9] AIR 1958 SC 86: 1958 SCR 595

The unsuccessful candidates filed a writ petition to overturn Non's selection on the grounds that natural justice principles had been broken.

About this case, Bhagwati J (as he then was) said:

A.K. Kraipak[10] is a landmark in the development of administrative law and it has contributed in a large measure of strengthening of the rule of law in this country. We would not like to whittle down in the slightest measure the vital principle laid down in this decision which has nourished the rule of law and injected justice and fair play into legality.

(c) Official bias

The third type of bias is official bias or bias as to the subject-matter. This may arise when the Judge has a general interest in the subject-matter.

Only rarely will this bias invalidate proceedings. A mere general interest in the general object to be pursued would not disqualify a judge from deciding the matter. There must be some direct connection with the litigation. Wade remarks that ministerial or departmental policy cannot be regarded as a disqualifying bias.

Assume that a Minister receives objections and is then authorised to formulate a plan. Insofar as the objections call for a fair hearing, the process for considering them is bound by natural justice principles. However, the Minister's decision cannot be contested on the grounds that he has publicly supported the programme or that it is well known that he does so as a matter of policy. Actually, the minister's authority is intended to carry out government policy.

The aforementioned principle is also recognised in India. As was previously discussed, a mere reference to "official" or "policy" may not always be deemed to disqualify an official from serving as an adjudicator unless there is a clear and complete non-application of mmd on the part of the official, or if the official has prejudged the matter or adopted an improper attitude to uphold the department's policy, so as to constitute a legal bias.

[10] A. K. kraipak v. Union of India , (1969) 2 SCC 262: AIR 1970 SC 150

Thus, in ***Gullapalli Nageswara Rao v. A.P. SRTC***[11] (Gullapalli I), The petitioners operated a motor transportation company. A plan to nationalise motor transportation in the state was released by the Andhra State Transport Undertaking, inviting feedback. The Chief Minister then approved the scheme after the Secretary had received and considered the petitioners' objections. The petitioners argued that the official who heard the objections was "in substance" one of the parties to the dispute, and as such, the natural justice principles were broken. The Supreme Court upheld their argument.

But in ***Gullapalli Nageswara Rao v. A.P. SRTC*** (Gullapalli II)[12], The Supreme Court provided qualifications for the official bias doctrine's application. In this case, the Minister, not the Secretary, conducted the hearing. Because "the Secretary was a part of the department but the Minister was only primarily responsible for the disposal of the business pertaining to that department," the court determined that the proceedings were not tainted.

In ***Krishna Bus Service (P) Ltd. v. State of Haryana***[13] (Krishna bus Service), Private automobile operators have contested, among other things, the legitimacy and legality of the State Government's notification granting the General Manager of Haryana Roadways the authority of Deputy Superintendent of Police due to bias and conflict of interest.

(d) Judicial obstinacy

There may also be a judicial bias, i.e. bias on account of judicial obstinacy. In **State of *W.B. v. Shivananda Pathak*** [14], The petitioner asked for a writ of mandamus ordering the government to give him a promotion. The petition asking the authorities to promote the petitioner "forthwith" was granted by a single judge. But the Division Bench overturned the order. Two years later, a new petition was submitted requesting payment of salary and other benefits in accordance with the Single Judge's ruling (which was reserved in appeal). The lone judge dismissed the case. A Division Bench, one member of which was a judge who had granted the earlier petition, heard an

[11] AIR 1959 SC 308: 1959 Supp (1) SCR 319
[12] AIR 1959 SC 308: 1959 SUPP (1) SCR 319
[13] (1958) 3 SSC 711: AIR 1985 SC 1651.
[14] (1998) 5 SSC 513: AIR 1998 SC 2050.

appeal challenging the order. A few reliefs were given, and the appeal was accepted. The State made a Supreme Court application.

By granting the appeal and overturning the ruling, the Supreme Court identified a novel instance of bias in the case—judicial obstinacy. It stated that a judge must submit to a judgement that has been set aside by a higher court by adding subordination to it. He is not permitted to amend a reversed judgement in the same action or in a related one. The higher court's decision is binding on both the parties involved in the case and the judge who made it.

In **A.U. Kureshi v. High Court of Gujarat**[15] One of the high court's judges examined the alleged administrative misbehaviour of a member of the subordinate judiciary. He then made a decision regarding the delinquent officer's petition on the legal side. It was decided that there was a legitimate fear of prejudice.

4.2 Conclusions on Bias

The authors hold that having a financial interest, no matter how minor, will prevent someone from serving as a judge. However, there may be a reasonable chance of bias in the test if there are other conflicts of interest. It must be founded on a reasonable man's suspicions after being fully informed of all the relevant information. Undoubtedly, it is ideal for all judges to be above suspicion, just like Caesar's wife was Holding that only "people who cannot be suspected of improper motives" are qualified to perform judicial functions and that decisions made on the basis of "suspicions of fools or other capricious and unreasonable people" should be overturned would be excessive.

CHAPTER 5: HISTORICAL DEVELOPMENT

The phrase "natural justice" characterises what is right and wrong and highlights the intimate connection between morality and common law. Its past is quite remarkable. It has been understood since antiquity: this is not law created by judges.

The idea that "no man should be condemned unheard" was one that the Greeks had long since embraced. Even though the philosophical and historical underpinnings of the English conception

[15] (1998) 5 SSC 513: AIR 1998 SC 2050

of natural justice are questionable, they should be preserved. The rule of law has, in fact, been imbued with a natural justice stamp since the fabled times of Adam and Kautilya's Arthashastra, rendering it social justice.

Natural law played a significant role in the establishment and growth of equity in England. The US Constitution was drafted with the ideas of natural law and natural rights in mind. It also served as the foundation for international conventions, covenants, and declarations, as well as international law.

CHAPTER 6: NATURAL JUSTICE AND STATUTORY PROVISIONS

The adjudicating authorities are generally not required by statute to observe the principles of natural justice. The issue then becomes whether or not the adjudicating authority must adhere to natural justice principles. The law is well-settled after the powerful pronouncement of Byles J in ***Cooper v. Wandsworth Board of Works***[16] (Cooper), wherein His Lordship observed:

A lengthy series of rulings, starting with Dr. Bentley's case and concluding with a few very recent cases, demonstrate that even though the statute contains no explicit language mandating that the party be heard, the common law's justice system will make up for the legislature's omission.

De Smith adds that the rule would be applied by the courts because it is "of universal application and founded on the plainest principles of natural justice" in cases where a statute permitting interference with property or civil rights was silent on the subject of notice and hearing. According to Wade, the natural justice rules function as implicitly mandated requirements, and the exercise of power is rendered invalid if they are not followed. "The assumption is that it (natural justice) will," he continues.

The above principle is accepted in India also. In the famous case of ***A.K. Kraipak v. Union of India***[17] (A.K. Kraipak), speaking for the Supreme Court, Hegde J propounded:

In other words, the goal of natural justice regulations is to ensure justice or, conversely, to avoid

[16] (1863) 14 CB (NS) 180: 143 ER 414.
[17] (1969) 2 SSC 262: AIR 1970 SC 150.

injustices from occurring. Only those areas not covered by any duly enacted legislation are subject to these rules. Put another way, they enhance rather than replace the existing laws of the land.

In Maneka Gandhi v. Union of India[18] (Maneka Gandhi), Beg CJ observed:

It is a well-established fact that, in the absence of a specific provision in a statute or set of rules pertaining thereto requiring proof of cause against proposed actions taken against individuals that impact those individuals' rights, the authority with the authority to take punitive or damaging action will naturally be obligated to provide a reasonable opportunity for that individual to be heard.

In ***Olga Tellis v. Bombay Municipal Corpn***. (Olga Tellis)[19], a thought-provoking query was brought before the Supreme Court. The Commissioner was authorised by Section 314 of the Bombay Municipal Corporation Act, 1888, to remove or demolish illegal construction without prior notice. The said provision's constitutionality and fullness were contested on the grounds that it violated natural justice principles.

Taking into account the extent and range of Section 314 and characterising it as an enabling provision, the court employed the "reading down" principle. It was decided that while the Commissioner might remove the encroachment without warning, doing so was not required. The court declared: "We have to favour this interpretation because it keeps the law enforceable." Interpreting Section 3I4 as a directive not to provide notice prior to the removal of an encroachment will make the law invalid.

CHAPTER 7: AGAINST WHOM NATURAL JUSTICE MAY BE ENFORCED

The principles of natural justice are unquestionably binding on all courts, judicial bodies, and quasi-judicial authorities; this is settled law. However, the crucial queries are: Do administrative authorities have to abide by these principles? Are those bodies required to watch them as well? Is an administrative order considered ultra virus based on its passing in violation of these principles?

[18] (1978) 1 SSC 248: AIR 1978 SC 597: (1978) 2 SCR 621
[19] (1985) 3 SSC 545: AIR 1986 SC 180

Formerly court had taken the view that the principles of natural Justice were inapplicable to administrative orders. In ***Franklin v. Minister of Town and Country Planning***[20], Lord Thankerton noted that the only matter to consider was whether or not the Minister had complied with the directive, given that the duty placed upon him or her was purely administrative in nature rather than judicial or quasi-judicial. As Chagle put it, "It would be incorrect to import the principles of natural justice into the consideration of an administrative order."

In ***Kishan Chand Arora v. Commissioner of Police***[21]. Speaking for the Supreme Court, Wanchoo J (as he then was) observed:

The requirement to hold a hearing prior to issuing an order, as suggested by the maxim "audi alteram partem," is limited to legal or quasi-legal proceedings.

However, asdecl red_byLor Denning, it was previously asserted that the natural justice precepts did not apply to administrative processes, but rather that "that heresy was scotched" in Ridge. Wade claims that "almost the whole range of administrative powers" are subject to the natural justice principles.

In **Breen *v. Amalgamated Engg. Union***[22], Lord Denning observed:

The requirement that a statutory body, which has been granted discretion by statute, act equitably has long since been established. It makes no difference if its duties are classified as administrative or judicial, or even quasi-judicial or judicial.

7.1 Lord Morris declared:

I believe we can be proud of the work that has been done recently, especially in the area of administrative law, by referring to and putting these ideas—which we generally categorise as natural justice—to use. There are still many testing issues with their application that need to be resolved. However, I firmly believe that the field of administrative action is only one setting in

[20] 1948 AC 87 (HL)
[21] AIR 1961 SC 705, 710: (1961)3SCR 135
[22] (1971)2 QB 1975: (1971)2 WLR742

which the guiding principles should be applied.

This principle is accepted in India also. In **State of Orissa v. Binapani Dei**[23] speaking for the Supreme Court, Shah J (as he then was) observed: " it is true that the order is administrative in character, but even an administrative order which involves civil consequences... must be made consistently with the rules of natural justice ... "

In ***A.K. Kraipak***[24], the court observed:

Until recently, the courts held that the application of the principles of natural justice was unable to take place unless the authority in controversy was mandated by the law under which it operated to act in a judiciary capacity. It is now asked whether that limitation was valid. It is difficult to understand the reason the natural justice regulations should not apply to administrative inquiries if their goal is to prevent injustices from occurring.

Again, in ***Maneka Gandhi***[25], Kailasam J pronounced:

The lines separating an executive to judicial or quasi-judicial decision-making have become fuzzier. The inflexible belief that natural justice principles only applied to judicial and quasi-judicial actions and not to administrative actions is no longer valid.

Recently, in Sahara India (Firm) v. CIT[26]-, The Supreme Court restated that the previous differentiation between judicial and administrative acts has become less significant due to the expansion of administrative law. Even a purely administrative action with civil repercussions must now adhere to natural justice principles.

CHAPTER 8: CONCLUSION

The principle of natural justice in India is a cornerstone of the legal system, ensuring fairness, transparency, and the protection of individual rights. While not explicitly enshrined in the

[23] AIR 1967 SC 1269, 1272: (1967) 2 SCR 625.
[24] A.K. KRIPAK V. Union of India, (1969) 2 SCC 262, 272: AIR 1970 SC 150,157.
[25] Meneka Gandhi v. Union of India, (1978) 1 SSC 248,385: AIR 1978 SC 579, 690.
[26] (2008) 14 SSC 151

Constitution, the judiciary has consistently recognized and applied the principles of natural justice in various legal proceedings, including administrative and quasi-judicial matters. The right to be heard (Audi Alteram Partem) and the prohibition against bias (Nemo Judex in Causa Sua) form the bedrock of these principles.

The Indian judiciary, particularly the Supreme Court and High Courts, has played a crucial role in developing and upholding the standards of natural justice through landmark judgments. This commitment to ensuring a fair and impartial process is vital in safeguarding citizens' rights and maintaining the rule of law.

While the principles of natural justice are generally well-established, there may be instances where they are subject to limitations or modifications based on legal considerations such as national security or public interest. Nonetheless, the overall situation reflects a commitment to a just and equitable legal system that respects the fundamental principles of natural justice. As India's legal landscape evolves, the continued adherence to these principles remains essential for fostering public trust in the legal process and upholding the ideals of justice and fairness.

The Indian Constitution's Articles 14 and 21 provide a strong foundation for the principles of natural justice. All of the fairness established by the principles of natural justice can be interpreted into the 21st article with the introduction of the concepts of substantive and procedural due process. Natural justice principles are violated when broken because it leads to arbitrariness; as a result, it infringes the Equality section of Article 14

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