
NATURAL JUSTICE IN THE INDIAN CONSTITUTION

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ABSTRACT

This research paper focuses on how the principle of natural justice is implemented in the Indian constitution. The idea of Natural Justice, which is not explicitly stated in the Indian Constitution, plays an important role in the Indian legal system. This research study looks at how these concepts have been integrated into the Indian Constitution. It begins by examining how justice was originally administered in Indian villages, where local authorities settled conflicts based on fairness and community ideals. The study then discusses how the concept of natural justice has evolved throughout India's judicial history, including some older judgments.

Keywords: Natural Justice, Indian Constitution, Indian Legal System, Justice in Indian Villages, Judicial History of India, Fairness, Community Ideals etc.

INTRODUCTION

The Concept Principle of Natural Justice means that authorities must act fairly when making decisions. It's a key principle that higher courts use to ensure that those with administrative or decision-making power don't misuse it. Natural justice involves basic rules that are so important that they apply not only in courts but also in administrative settings.

English Law recognises two principles of natural justice: (i) a man may not be a judge in his own cause; and (ii) a man should not be condemned unheard. In the case of *S.S. Kanda v. Government of the Federation of Malaya*,¹ Lord Denning observed, "The ruling against bias is one thing; the right to be heard another. They are the twin pillars supporting it."

The Romans placed them in two maxims: (i) NEMO JUDEX IN CAUSA SUA and (ii) AUDI ALTERAM PARTEM. Recently, they have been put in two words: fairness and impartiality. These basic principles of fairness and impartiality are essential for making sure justice is properly administered.

There's a third principle of natural justice: a party should know why a decision was made. Natural justice usually has three parts: a fair hearing, no bias, and clear reasons. The idea of natural justice has grown to stop the misuse of power by authorities. A key change is the need to explain the reasons for a decision against someone².

In old India, village disputes were settled by local elders. They met in the evening at a common place like a Panchayat Hall or a village temple. They listened to both sides of the problem and made a decision based on what they thought was fair and what the community expected. The process was open to everyone, and the aim was to keep peace in the village. Punishments might include returning something that was taken or being left out of community activities. This system worked well because everyone in the village knew each other, and past decisions helped guide new ones. Even after foreign rule, the system continued because it was fair and based on what everyone in the village believed was right³.

¹ [1962] AC 322

² G.P. Singh, former Chief Justice, High Court of Madhya Pradesh; Foreword to S.S. Singh. Administration of Natural Justice in India (1986)

³ See in the connection *State of Uttar Pradesh v Pradhan Singh Kshetra Samithi*, AIR 1995 SC 1512; 1995 (2) SCC Supp 305 regarding the factors to be taken into account in organizing panchayats in India again.

In villages, resolving disputes was straightforward because everyone got to speak their side of the story, and decisions were made openly in front of everyone. This helped settle problems and keep peace and fairness in the village. The practice of listening to all sides and making fair decisions, which is an important part of natural justice, was a big influence when India's Constitution was written. This is why Articles 14, 19, 21, and 22 in the Constitution include these ideas of fairness and justice.

Before the Indian Constitution was adopted in 1950, Indian judges already recognized the importance of natural justice. In 1893, Justice Mahmood highlighted the need for both parties to be heard before a decision could be made. His view tells that true justice requires everyone involved to have a chance to present their case. This easy understanding of natural justice helped make it easier to include it in Constitution later on.

The Indian Constitution doesn't directly mention natural justice, but it shows its values in different parts. Article 14 ensures equality before the law, preventing unfair treatment. Article 19 guarantees the right to speak freely, which is essential for being heard in a fair process. Article 21 protects the right to life and freedom, requiring a fair process before restricting someone's liberty. Article 22 ensures fair treatment during arrests, including the right to know the reasons and consult a lawyer. These Articles include the ideas of natural justice in India's legal system.

OBJECTIVES OF STUDY

1. To understand the historical village dispute resolution practices in India contributed to fairness and social harmony.
2. To analyse the principles of Natural Justice been integrated and evolved in the Indian Constitution, particularly in Articles 14, 19, 21, and 22, including contributions by early judges like Justice Mahmood.

RESEARCH PROBLEM

How have traditional village dispute practices and natural justice shaped Articles 14, 19, 21, and 22 in Indian Constitution?

RESEARCH QUESTION

1. Whether the core principles of Natural Justice are understood and properly applied in legal proceedings?
2. Whether the Principle of Natural Justice has been effectively incorporated into the Indian Constitution?
3. Whether landmark Supreme Court decisions have significantly shaped the application of the Principle of Natural Justice in India?

RESEARCH METHODOLOGY

This research is made using the secondary sources of information.

LITERATURE REVIEW

- a. *Justice JS Verma*, in a talk called “*New Dimensions of Justice*” said that some great Indian Judges from past had amazing ideas and creativity even before we had strong constitutional laws. He mentioned that in 1893, Justice Mahmood explained the basics of natural justice and what happened if it’s ignored. In one case, Mahmood said a criminal appeal could not be decided without hearing the accused in person if they did not have a lawyer. Thereafter Justice Verma noted that India’s justice system is old and not copied from other countries. It has been around for a long time⁴.
- b. “*Handbook of Natural Justice*” by U N Ananthan, the book explains the implications of the principle of natural justice in application. It covers the leading cases to illustrate the manner in which these principles or rules are applied by the Supreme Court and the High Courts⁵.
- c. *A.C. Lloyd’s* article “*Natural Justice*” (1962) offers a valuable framework for understanding the concept of fairness in both philosophy and literature. By exploring the core principles of natural justice, such as the right to be heard and the prohibition against self-judgment, Lloyd provides a foundation for analyzing how these

⁴ “*New Dimensions of Justice*” (1997) 3 SCC (J) 1, 8

⁵ “*Handbook of Natural Justice*” by U N Ananthan, Published in 2023

principles are depicted and challenged in literary works. Through examining characters and societies grappling with issues of justice, we can gain insights into the enduring relevance of natural justice in our own lives⁶.

- d. *Agrawala and Agrawala's* article offers a glimpse into its practical application within the Indian legal system. By examining these two perspectives, we can gain a more comprehensive understanding of the concept of natural justice and its significance in both philosophical discourse and real-world legal practice⁷.
- e. *Hepple* (1969) adds another layer by potentially offering a legal perspective on the concept, perhaps focusing on specific case studies or legal interpretations within the British legal system (based on The Cambridge Law Journal source). By examining these diverse perspectives, we gain a richer understanding of natural justice, encompassing its philosophical underpinnings, literary portrayals, and real-world legal implications⁸.

ANALYSIS

Understanding the Principle of Natural Justice

The Principle of Natural Justice is like a set of important rules that make sure everyone is treated fairly when decisions are made about them. In India, these rules are part of the Constitution, which is the highest law of the country. Let's break down how these rules are included in the Indian Constitution.

Imagine you're playing a game, and there are rules everyone must follow. If someone breaks a rule, everyone gets a chance to explain what happened before the game continues. This way, the game stays fair. The Principle of Natural Justice works the same way but in the world of laws and decisions. It means that when decisions are made that affect someone's rights or interests, they must be treated fairly and given a chance to be heard.

⁶ Lloyd, A. C. "Natural Justice." *The Philosophical Quarterly* (1950-), vol. 12, no. 48, 1962, pp. 218–27. *JSTOR*, <https://doi.org/10.2307/2216451>. Accessed 3 Sept. 2024.

⁷ Agrawala, Pramila, and Pramila Agrawal. "Indian Judiciary and Natural Justice." *The Indian Journal of Political Science*, vol. 25, no. 3/4, 1964, pp. 282–91. *JSTOR*, <http://www.jstor.org/stable/41854041>. Accessed 3 Sept. 2024.

⁸ Hepple, B. A., and B. A. H. "Natural Justice." *The Cambridge Law Journal*, vol. 27, no. 1, 1969, pp. 13–16. *JSTOR*, <http://www.jstor.org/stable/4505268>. Accessed 3 Sept. 2024.

Natural Justice is like a set of important rules that help make sure decisions are fair and everyone gets a fair chance to explain their side. These rules are used in legal proceedings to ensure that everyone is treated properly. Let's look at the core principles of Natural Justice and how they are used in legal cases.

Core Principles of Natural Justice

The Right to be heard (Audi Alteram Partem): Imagine you and a friend are having a disagreement. Before deciding who's right, it's only fair to listen to both sides of the story. This is the essence of the first core principle of Natural Justice called "Audi Alteram Partem," which means "hear the other side". In legal proceedings, this principle means that if a decision is going to be made about someone, they must be given a chance to explain their side of the story. For example, if a student is being punished at school, they should be able to tell their side of what happened before any decision is made.

The Right to an Impartial Decision (Nemo Judex in Causa Sua): The second core principle is called "Nemo Judex in Causa Sua," which means "no one should be a judge in their own case." This principle is about making sure that the person or group making the decision is fair and not biased or interested in the outcome. For instance, if a teacher has to decide on a punishment for a student, the teacher must be fair and not let their personal feelings about the student affect their decision. This way, the decision is made without any unfair influence.

How These Principles Are Applied in Legal Proceedings

Right to be heard: this principle is applied by ensuring that everyone involved gets a chance to present their side. For example, if someone is accused of a crime, they have the right to tell their version of events in court. The judge or jury will listen to both the evidence presented by the prosecution and the defence before making a decision. If the person is not given a chance to explain their side, the decision could be challenged as unfair.

The Right to an Impartial Decision: To make sure the decision-maker is impartial, courts and other decision-making bodies follow strict rules. For example, judges are required to be fair and must not have any personal interest in the case. If a judge has a personal connection to someone involved in the case, they must recuse themselves, meaning they must step aside to avoid any appearance of unfairness. The Legal proceedings are designed to be fair by having

clear rules and procedures. These rules help ensure that decisions are made based on facts and evidence, not personal opinions or biases.

Why These Principles Are Important

These principles are crucial because they help build trust in the legal system. When people know that decisions are made fairly and impartially, they are more likely to believe in and follow the law. It also ensures that everyone has a fair chance to be heard and that decisions are made based on justice, not favoritism.

The core principles of Natural Justice are about ensuring fairness and impartiality. By giving everyone a chance to be heard and making sure decisions are made by unbiased individuals, these principles help ensure that the legal process is fair for everyone involved.

Incorporation into the Indian Constitution

In Indian Constitution, the Principle of Natural Justice is not defined in any article by it is Incorporated through various articles which ensures fairness and justice are upheld. The Constitution includes provisions that make sure these principles are as followed:

Article 14 “Right to Equality” This article says that everyone should be treated equally before the law. It means that if a decision is made about someone, it must be fair and not discriminate against anyone. For example, if someone’s property is taken away by the government, they should be given a chance to explain their side of the story before the decision is final.

Article 19 “Freedom of Speech and Expression” This article gives people the right to express their opinions freely. It also means that if a decision affects someone’s freedom, they should have a chance to speak up and be heard. For instance, if a new law is made that might impact how people can speak out, they should be able to share their thoughts and concerns.

Article 21 “Right to Life and Personal Liberty” This article protects people’s right to live freely and safely. If a decision might take away someone’s freedom or life, they must be given a fair chance to argue their case. For example, if someone is accused of a crime, they have the right to defend themselves in court before any punishment is given.

Article 22 “Protection Against Arrest and Detention” This article protects people's rights when

they are arrested. It ensures that no one can be arrested without being told why and gives them the right to consult a lawyer. It also includes rules for preventive detention to prevent misuse. This protection aligns with natural justice by ensuring fair treatment and safeguarding individual rights in legal processes.

It ensures that everyone gets a fair chance to speak or defend themselves when decisions are made, especially if those decisions could impact them negatively. It prevents unfair decisions and helps the people to present their side of the story. This Principle is important because it helps build trust in legal system. If people believe that decisions are made fairly, they are more likely to trust and follow the laws.

Significance of Landmark Judgments

1. A.K. Kraipak vs. Union of India (1969)

In this case, a government officer was part of a committee that made a decision about promotions. The problem was that he was also a candidate for promotion. This is like being a judge in your own case, which is not fair. The Supreme Court said that no one should be in a position where they could be biased or unfair, especially when making important decisions. This decision helped strengthen the rule that decisions should be made without any bias, which is a key part of natural justice⁹.

2. Maneka Gandhi vs. Union of India (1978)

This case is like a turning point for the Principle of Natural Justice in India. Maneka Gandhi's passport was taken away by the government without giving her a chance to explain herself. She challenged this in the Supreme Court. The Court said that the government must always give a person a chance to be heard before taking away their rights, such as the right to travel. This decision made it clear that fair hearing is an important part of natural justice, and it must be followed in all situations where someone's rights are affected¹⁰.

3. D.K. Basu vs. State of West Bengal (1997)

This case dealt with how police should treat people in custody. The Supreme Court made rules

⁹ A.K. Kraipak vs. Union of India, 1970 AIR 150, 1969 SCR (2) 447

¹⁰ Maneka Gandhi vs. Union of India, 1978 AIR 597, 1978 SCR (2) 621

to protect people from being mistreated by the police. These rules included things like informing a person's family when they are arrested and making sure they are treated well while in custody. The Court said that these rules are necessary to protect people's rights and are part of ensuring natural justice¹¹.

4. Olga Tellis vs. Bombay Municipal Corporation (1985)

This case is about the right to be heard. The Bombay Municipal Corporation wanted to remove slum dwellers from the streets without listening to their side of the story. The Supreme Court said that pavement dwellers must be allowed to share their views and defend themselves before being evicted. The Court stressed that any decision affecting people's lives must be made fairly and reasonably¹².

CONCLUSION

The Principle of Natural Justice is a fundamental aspect of the Indian legal system, ensuring fairness, equality, and justice for everyone. Even though it's not directly mentioned in the Indian Constitution, its values are deeply rooted in various constitutional articles and have been emphasized through significant court rulings. From traditional village dispute resolution to modern legal practices, the idea of giving everyone a fair chance to be heard and ensuring unbiased decisions has been central to maintaining social harmony and justice. Landmark judgments like *Maneka Gandhi vs. Union of India* and *A.K. Kraipak vs. Union of India* have strengthened the application of these principles, making them essential for upholding the rights and freedoms of individuals in India. By ensuring that decisions are made fairly and impartially, the Principle of Natural Justice continues to play a crucial role in shaping a just and equitable legal system in India.

SUGGESTIONS

1. **Increase Public Awareness:** Educate people about their rights to a fair hearing and protection from bias. This can be done through public campaigns and including these topics in school lessons.

¹¹ D.K. Basu vs. State of West Bengal, 1997 AIR 610, 1997 SCC (1) 416

¹² Olga Tellis & Ors v. Bombay Municipal Corporation & Ors, 1985 AIR 180, 1985 SCR (3) 545

2. **Judicial Training:** Provide regular training for judges and legal workers to make sure they understand and apply natural justice correctly in all cases.
3. **Clear Laws:** Make the principles of natural justice more clearly written in the Constitution or in specific laws. This will help avoid confusion about how they should be applied.
4. **Better Legal Procedures:** Introduce more safeguards in legal and administrative processes, like making sure all parties see the evidence and requiring clear, written reasons for decisions.
5. **Stronger Judicial Review:** Allow courts to carefully review cases where natural justice might have been violated, ensuring that decisions are fair and just.
6. **Independent Watchdogs:** Set up independent bodies to check if government actions follow the principles of natural justice. These bodies can help people raise concerns if they feel their rights were ignored.
7. **Access to Legal Help:** Make sure everyone, especially those from poor or marginalized communities, can get legal aid and representation to defend their rights.

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