

# RMM LAW COLLEGE SAHARSA

## ADMINISTRATIVE LAW

IIIrd Part

Paper -VII

**TOPIC-** Principles of Natural Justice

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## Components

**Issuance of notice**– Valid and proper notice should be given to the required parties of the matter to further proceed with the procedure of fair trial method. Even if the statute does not include the provision of issue of notice then it will be given prior to making decisions. This was held in the case of [Fazalbai vs. custodian.](#)

In the case of [Kanda vs. Government of Malaya,](#) the court held that notice must directly and clearly specify on the matter of bias, facts and circumstances against which needs to be taken. It's one of the rights of the individual to defend himself so he should be familiar with the relevant matter so he may contradict the statement and safeguard himself.

The notice should be with regard to the charges framed against the accused person and proceeding to be held. He can only be punished on the charges which are mentioned in the notice, not for any other charges.

**Right to present the case and evidence**– After receiving the notice he must be given a reasonable time period to prepare and present his case in a real and effective manner. The refusal should not be done on the unreasonable ground or due to arbitrary.

**Right to Cross Examination**– Right of fair hearing includes the right to cross-examination the statement made by the parties. If tribunals denied the right to cross-examination then it will violate the principles of natural justice. And all the necessary copies of documents should be given and failure of that will also encroach the principle. The department should make available officers who are involved in the procedure of investigating and do cross-examination. Cross-examination is defined under [Section 137 of the Indian Evidence Act, 1872](#) (amended).

In certain exceptional cases, the right to cross-examination can be denied or rejected. [Hari Nath Mishra vs. Rajendra Medical College](#), under this case a male student was charged off some indecent behaviour towards a female student. So, here the right to cross-examination was denied for the male student as it will lead to embracement for the female student and it will not also lead to violation of natural justice.

Sometimes it becomes very necessary to keep the identity confidential as there is a threat of life and property. And the same situation was faced in the case [Gurubachan Singh vs. the State of Bombay](#).

Let's take an illustration, In the matter where lawyer and client are involved so, nobody can force a lawyer to reveal what all information is given by the client to the lawyer in relation to the case.

In the case of [Ludhiana food product](#), the court held that If the party itself refuse to cross-examine the witness then it will not fall under miscarriage of natural justice.

**Right of Legal representative**– In the process of enquiry, every party has the right to have a legal representative. Each party will be presented by the legally trained person and no one can deny ([A.K.Roy](#)). Similarly, the department has the same right to direct its officer even though there are investigating officer in conducting an adjudicating proceeding ([Sanghi textile processor vs. Commissioner](#)).

## **Exceptions**

1. During the Emergency period
2. Public interest
3. Express statutory provision
4. Nature of the case is not of a serious kind
5. If it doesn't affect the status of the individual

## **Applicability**

1. Natural justice is applicable to some of the following points:-
2. Court- except to ex-parte
3. Tribunals
4. Authority entrusted with discretion but subject to legal limitations

## **Reasoned Decision**

Basically, it has 3 grounds on which it relies:-

1. The aggrieved party has the chance to demonstrate before the appellate and revisional court that what was the reason which makes the authority to reject it.
2. It is a satisfactory part of the party against whom the decision is made.
3. The responsibility to record reasons works as obstacles against arbitrary action by the judicial power vested in the executive authority.

The principles of natural justice have been adopted and followed by the judiciary to protect public rights against the arbitrary decision by the administrative authority. One can easily see that the rule of natural justice include the concept of fairness: they stay alive and support to safeguard the fair dealing.

So at all the stages of the procedure if any authority is given off the judicial function is not purely accepted but the main motive of the principal is to prevent the miscarriage of justice. It is supreme to note that any decision or order which violates the natural justice will be declared as null and void in nature, hence one must carry in mind that the principles of natural justice are essential for any administrative settlement to be held valid.

The principle of natural justice is not confined to restricted walls the applicability of the principle but depends upon the characteristics of jurisdiction, grant to the administrative authority and upon the nature of rights affected of the individual.