

RMM LAW COLLEGE SAHARSA

ADMINISTRATIVE LAW

IIIrd Part

Paper -VII

TOPIC- Principles of Natural Justice

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Introduction

Principle of Natural Justice is derived from the word '***Jus Natural***' of the Roman law and it is closely related to Common law and moral principles but is not codified. It is a law of nature which is not derived from any statute or constitution. The principle of natural justice is adhered to by all the citizens of civilised State with Supreme importance. In the ancient days of fair practice, at the time when industrial areas ruled with a harsh and rigid law to hire and fire, the Supreme court gave its command with the passage of duration and establishment of social, justice and economy statutory protection for the workmen.

Natural justice simply means to make a sensible and reasonable decision making procedure on a particular issue. Sometimes, it doesn't matter what is the reasonable decision but in the end, what matters is the procedure and who all are engaged in taking the reasonable decision. It is not restricted within the concept of 'fairness' it has different colours and shades which vary from the context.

Basically, natural justice consists of 3 rules.

The first one is "**Hearing rule**" which states that the person or party who is affected by the decision made by the panel of expert members should be given a fair opportunity to express his point of view to defend himself.

Secondly, "**Bias rule**" generally expresses that panel of expert should be biased free while taking the decision. The decision should be given in a free and fair manner which can fulfil the rule of natural justice.

And thirdly, "**Reasoned Decision**" which states that order, decision or judgement of the court given by the Presiding authorities with a valid and reasonable ground.

Origin

The principle of natural justice is a very old concept and it originated at an early age. The people of Greek and roman were also familiar with this concept. In the days of Kautilya, arthashastra and Adam were acknowledged the concept of natural justice. According to the Bible, in the case of Eve and Adam, when they ate the fruit of knowledge, they were forbidden by the god. Before giving the sentence, eve was given a fair chance to defend himself and the same process was followed in the case of Adam too.

Later on, the concept of natural justice was accepted by the English jurist. The word natural justice is derived from the Roman word '**jus-naturale**' and '**lex-naturale**' which planned the principles of natural justice, natural law and equity.

"Natural justice is a sense of what is wrong and what is right."

In India, this concept was introduced at an early time. In the case of [Mohinder Singh Gill vs. Chief Election Commissioner](#), the court held that the concept of fairness should be in every action whether it is judicial, quasi-judicial, administrative and or quasi-administrative work.

Purpose of the principle

- To provide equal opportunity of being heard.
- Concept of Fairness.
- To fulfil the gaps and loopholes of the law.
- To protect the Fundamental Rights.
- Basic features of the Constitution.
- No miscarriage of Justice.

The principles of natural justice should be free from bias and parties should be given fair opportunity to be heard and all the reasons and decision taken by the court should be informed by the court to the respective parties.

Supreme court said that arriving at a reasonable and justifiable judgement is the purpose of judicial and administrative bodies. The main purpose of natural justice is to prevent the act of miscarriage of justice.

A committee i.e. "**Ministers Power**" gave 3 essentials procedure related to the principles of natural justice.

1. No one should be a judge in his own matter.
2. No one can be condemned unheard.
3. The party is entitled to know each and every reason and the decision taken by the authority.

When it can be claimed?

Natural justice can be claimed when acting judicially or quasi-judicial like panchayat and tribunals etc. as well. It includes the concept of fairness, basic moral principles and various different kinds of biases and why the natural justice is required and what all special cases or situation it includes where the principles of natural justice will not be applicable.

In the case of the [Province of Bombay vs. Khushaldas Advani](#), it was said that natural justice will be applicable on statutory as it is a basic principle of Natural justice which leads to fairness and justice.

Effect of function

- Administrative action.
- Civil consequences.
- The doctrine of Legitimate exception.
- Fairness in action.
- Disciplinary proceeding.

In the case of [Board of high school vs. Ghanshyam](#), a student was caught while cheating in the examination hall and he was debarred due to the act. Supreme Court held that student cannot file a Public Interest Litigation against the examination board.

[High water mark case- Eurasian equipment and company limited vs. State of West Bengal](#): Under this case, all the executive engineers were blacklisted. Supreme Court held that without giving a valid and reasonable ground you cannot blacklist anyone and further he should be given a fair opportunity of being heard.

Rules of Natural Justice

- NEMO JUDEX IN CAUSA SUA
- AUDI ALTERAM PARTEM
- REASONED DECISION

Nemo Judex In Causa Sua

"No one should be a judge in his own case" because it leads to rule of biases. Bias means an act which leads to unfair activity whether in a conscious or unconscious stage in relation to the party or a particular case. Therefore,

the necessity of this rule is to make the judge impartial and given judgement on the basis of evidence recorded as per the case.