

DE JURE NEXUS LAW JOURNAL

Author:
Miti Jain
Symbiosis Law School, Noida
1st Year, BBA LL.B.

**PRINCIPLES OF NATURAL JUSTICE- AN
EVALUATION UNDER INDIAN LEGAL SYSTEM****Abstract**

The notion and philosophy of Natural Justice Principles, as well as their implementation in the justice system, are not new. It appears to be as old as the system of justice dispensation itself. It has now assumed the importance of being, as it were, "an important inherent component" of the mechanism through which decisions are made in situations affecting people's rights and freedoms. It is, without a question, a procedural requirement, but it provides a significant safeguard against any judicial or administrative order or action that affects an individual's fundamental rights.

In Indian constitution, the provisions related to natural justice are not exclusively given, it is applied by the supreme court through their interpretation in the given cases. The application of the Principles of Natural Justice in a given case has been avoided inside the activity of legal power relies on the language and fundamental subject of the stock giving the office, the character of the office the point that it is introduced and hence the effect of that power.

Introduction

Natural law is nowhere specifically defined in our constitution but its principles are enshrined under the preamble and articles of the constitution to ensure justice and fairness. The preamble of our constitution includes the words "JUSTICE, LIBERTY, EQUALITY and FRATERNITY" which act as a guard to individual rights against the arbitrary actions which is a base of the principles of natural justice. Apart from preamble there are articles which are based on the principles of natural justice like Article 14 which guarantee equality before the law and equal protection of law to all the citizens of India, and Article 21 guarantees the right to life and liberty to all the persons in India ensuring their liberty and life with dignity.

Furthermore, there are constitutional remedies present in case of the violation of fundamental rights under article 32 and 226 includes the principle of natural justice.

The concept of natural justice obliges the authorities to act in a fair manner. Natural justice principles are the fundamental rules which are necessary to ensure proper exercise of power by the authorities. It has a wide application in administrative discretion. The objective of natural justice is to prevent the arbitrariness and injustice towards the citizens from the act of the administrative authorities. The courts have provided a remedy by creating a standard to ensure that administrative officials do not abuse their authority. Administrative authorities, as law enforcers, must benefit the public, but this goal cannot be achieved without adequate control over the powers granted to them.

Principles of Natural Justice

According to the English law natural justice is classified into two principles:

1. *Nemo judex in Causa Sua*: -

It means "no one should be made a judge in his own cause". The purpose of this principle is to ensure that the deciding authority must be impartial and neutral while deciding any case. It implies that no one can act as a judge for a cause in which he himself has some type of interest.

In the case of *M/s Builders Supply Corporation v. The Union of India*¹, AIR 1965 SC 1061, Justice Gajendragadkar observed that, "it is obvious that pecuniary interest, howsoever small it may be, in a subject matter of the proceedings, would wholly disqualify a member from acting as a judge".

The idea also applies in situations where the decision authority has a personal interest in the topic that is not monetary. This might take the form of a personal relationship with one of the parties or malice directed towards any of them. The officer who was in the position of a complainant/accuser/witness could not operate as an enquiry officer or punishing authority in one of the instances, hence the order of punishment was void. There may be a chance, consciously or unconsciously, to uphold what he charges against the delinquent officer as an Enquiry Officer.

In another instance, *Manak Lal v. Prem Chand*², reported in AIR 1957 SC 425, a committee was formed to investigate a complaint filed against an Advocate, and the Chairman of the Committee was someone who had previously acted as counsel for the complainant. The court held that "In such circumstances, the test is not whether the bias has actually impacted the Judgment; the test always is and must be whether a plaintiff could reasonably expect that a bias imputed to a member of the Tribunal may have operated against him in the ultimate decision of the Tribunal".

¹ , AIR 1965 SC

² AIR 1957 SC 425

"The rationale is simple enough," Lord Denning wrote in *Metropolitan Properties Ltd. v. Lunn*³. Justice must be founded on trust, and trust is shattered when right-thinking people conclude that the judge was prejudiced." However, we must be cautious because the suspicion must be that of rational people and not that of capricious and unreasonable individuals.

This principle is very important for ensuring the unbiased and impartial decision-making authority.

2. *Audi Alteram Partem*: -

Its meaning is "no one should be condemned unheard". The aim of this principle is that the parties against whom the action has brought must be given equal opportunity to be heard and defend himself. No party should be suffered without giving the fair opportunity of answering the case against him.

In many statutes, provisions are made to ensure that a person against whom an order is likely to be passed receives notice before a decision is made, but there may be instances where an authority is vested with the power to pass such orders that affect an individual's liberty or property, but the statute does not include a provision for prior hearing. Regardless of whether or not such a formal provision exists, the concept must be implemented.

In the case of *Maneka Gandhi v. Union of India*⁴, the petitioner's passport was confiscated by the authorities and no opportunity was given by the petitioner who defend himself. In that case Supreme court held that 'Even if there is no express provision for demonstrating cause, it is the authority's obligation to offer a reasonable chance to be heard in a proposed action that affects an individual's rights',

Apart from these two principles, the third fundamental of natural justice is that a party has the right to know the reasons for a judgement. Natural justice, in general, consists of three elements: the lack of bias, a fair hearing, and a reasoned decision.

Natural justice, like many other legal ideas, has expanded to meet the need to prevent administrative authorities from abusing their authority, and one notable development in this respect has been the obligation of recording grounds for an unfavourable ruling.

Natural Justice Principles in Indian Constitution

Under Article 14 of Indian constitution all the citizens have equal rights before the law, it prohibits any type of discrimination and discriminatory laws and administrative actions. It provides a protection against any arbitrary or discriminatory state action. Through the judicial

³ (1969) 1 OB 577

⁴ AIR 1978 SC 597

decisions, the horizon of equality provision has expanded which includes the following propositions: -

- i) A regulation giving unguided and unlimited power on an authority is terrible for being inconsistent and oppressive.
- ii) Article 14 illegalize segregation in the real exercise of any optional power.
- iii) Article 14 strikes at mediation in regulatory activity and guarantees reasonableness and balance of treatment.

In the Case of *Delhi Transport Corporation v. DTC Mazdoor Union*⁵, Supreme Court held that “the audi alteram partem rule, in essence, enforce the equality clause in Art 14 and it is applicable not only to quasi-judicial bodies but also to administrative order adversely affecting the party in question unless the rule has been excluded by the Act in question.”

In various other SC protect the individual rights from the infringement of the principles of natural justice principles, for instance in the case of *Central Inland Water Transport Corporation Ltd v. Briojo Nath*⁶, a government agency created a service rule allowing it to terminate a permanent employee's employment by just providing him three months' notice or a pay in lieu of notice. The standard was proclaimed to be invalid as being violative of Art. 14 on the ground that it was illegal. The standard being referred to established a piece of the work contract between the corporation and its employees. The Court decided that it would not implement, and would strike down, an uncalled for and nonsensical provision in an agreement went into between parties who were not equivalent in dealing power. This was in congruity with the command of the "extraordinary uniformity condition in Art. 14.

In *Cantonment Board, Dinapore v. Taramani Devi*⁷, for the situation the Court noticed that the standard of Audi Alteram Parterm is an element of Article 14 of the Constitution. For the explanation that Article 14 expresses "no order will be passed at the rear of an individual, biased in nature to him, when it involves common outcomes" an in such a way Article 14 of the Constitution holds the component of Natural justice into it.

Article 21 of Indian Constitution which states that no person shall be deprived of his life or personal liberty except, according to ‘procedure established by law’ protect liberty and ensure life with dignity. Supreme Court of India knowing the significance of 'fair trial' by liberal understanding of Art. 21, made a few arrangements for the assurance of blamed and given sufficient shields to safeguard his case. SC is of the assessment that leading a fair preliminary for the people who are blamed for criminal offenses is the foundation of a majority rules government. Leading a fair preliminary is useful both to the charged as well concerning the general public. A conviction coming about because of an unreasonable preliminary is in opposition to our idea of equity.

The main articulation under this Article is “procedure laid out by law” the issue emerges whether the previously mentioned articulation can be perused as standards of normal equity. The word 'law' was utilized in the feeling of state (lex) made regulation and not regular

⁵ 1991 AIR 101

⁶ 1986 AIR 1571

⁷ AIR 1995 SC 61

regulation (jus). The articulation 'method laid out by regulation' would along these lines mean the methodology as set down in an instituted regulation.

In the case of *Maneka Ghandi v. Union of India*⁸, SC held that “Art 21 would no longer allow the state to impose any resemblance of procedure, however arbitrary or fantastical, in order to deprive a person of their liberty. It now means that the method must meet specific criteria in terms of fairness and reasonableness”. The procedure "can't be inconsistent, unjustifiable or absurd". The idea of sensibility should be projected in the methodology pondered by Art.21.

In *Joginder kumar v. State of U.P*⁹, The Supreme Court held that right of captured individual upon demand, to have somebody informed with regards to his capture and right to counsel secretly with legal counsellors are innate in Articles 21 and 22 of the Constitution. The Supreme Court saw that no capture can be made on the grounds that it is legitimate for the Police official to do as such. The presence of the ability to capture is a certain something. The support for its activity is very another. The Police Officer should have the option to legitimize the capture separated from his ability to do as such. Capture and confinement in police lock-up of an individual can actually hurt the standing and confidence of an individual. No capture ought to be made by Police Officer without a sensible fulfilment came to after some examination regarding the validity and bona fides of a grumbling and a sensible conviction both concerning the individual's complicity and all things being equal regarding the need to impact capture.

According to Article 39A “The state shall ensure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen due to economic or other disabilities.” As a result, the Indian Constitution provides adequate protection for obtaining legal assistance.

Article 311 arrangements with evacuation, Dismissal or decrease in position of people utilized in common limits under the Union or State, however Art. 310 of the constitution adjusts “doctrine of Pleasure”. The articulation „reasonable chance of being heard“ incorporates every one of the parts of the standards of regular equity and as needs be no excusal, evacuation, or decrease of position of government employee can be requested without offering sensible chance of being heard. In *Punjab Public Bank vs. Kunj Behari Mishra*, the accompanying inquiry was raised: when the request official, over the span of the disciplinary procedures, arrives at the resolution that the charges of unfortunate behaviour against an authority are not demonstrated, then, at that point, can the disciplinary power vary from that view and give an opposite finding without bearing and opportunity to the delinquent official. The Court has decided that regular equity requests that the power which proposes to hold the delinquent official blameworthy should give him a consultation. On the off chance that the request official olds the charges to be demonstrated then the report must be given to the delinquent official who can make a portrayal before the disciplinary power makes a further move biased to the delinquent official.

⁸ AIR 1978 SC 597

⁹ 1994 AIR 1349,

Conclusion

In a government assistance state like India, the obligation of regulatory offices is heightening at a fast speed and with quick development of state responsibility and urban necessities of individuals. Under Article 14 and Article 21 of the Constitution of India, the articles solidly manage the standards of normal equity. The infringement of standards of regular equity will results in mediation; hence, infringement of regular equity is likewise an infringement of Right to Equality under Article 14. Regular Justice has its establishment on great still, small voice and human qualities that follows a fair system. If the state doesn't release its capacity in an equitable and fair way the Rule of Law would lose its legitimacy.



De Jure Nexus

LAW JOURNAL