

PRINCIPLES OF NATURAL JUSTICE

- **Natural justice implies fairness, reasonableness, and equality**
- **These are procedural principles**
 - **which every administrative agency must follow**
 - **in taking any decision**
 - **adversely affecting the rights of a private individual.**
- **Principles of natural justice are firmly grounded in Articles 14 and 21 of the Constitution.**

- **The two basic principles of natural justice are**
 - *Nemo judex in causa sua*
 - No one should be made a judge in his own cause or
 - Rule against Bias
- ***Audi alteram partem.***
 - Hear the other party or
 - No one should be condemned unheard or
 - Rule of fair hearing

RULE AGAINST BIAS

- **Bias- Operative prejudice in relation to a party or issue.**
- **Requirement of this principle is that**
 - **the judge must be impartial and**
 - **must decide the case objectively**
 - **on the basis of evidence.**
- **Bias manifests variously and may affect the decision in a variety of ways.**
- **It could be**
 - **Personal bias .**
 - **Pecuniary bias**
 - **Subject-matter bias**

- In order to challenge administrative action successfully on the ground of bias, it is essential to prove that there is real likelihood of bias.
- The test of bias is whether a reasonable man in possession of relevant information would have thought that bias was likely to affect the decision in the given case.

AUDI ALTERAM PARTEM

- **Second long arm of natural justice protecting the little man from arbitrary administrative actions.**
- **Everything that affects a citizen in his civil life inflicts a civil consequence.**
- **Wherever an administration action inflicts a civil consequence, principles of natural justice have to be followed.**
- **Right to fair hearing is a code of procedure and hence covers every stage through which administrative decision-making passes.**

Requisites of Fair Hearing

- **Notice**
- **Right to present case and evidence**
- **Right to rebut evidence**
- **No evidence should be taken at the back of the other party**
- **Report of the enquiry to be shown to the other party.**
- **Reasoned decision or speaking order.**
- **Rule against dictation.**
- **Financial assistance to attend the enquiry.**

Exclusion of application of the rules of Natural Justice

- **Application of the principles of natural justice can be excluded in the following cases.**
 - **Emergency.**
 - **Confidentiality.**
 - **Routine matters.**
 - **Impracticability.**
 - **Interim preventive action.**
 - **Legislative action.**
 - **No right of the person is infringed.**

EFFECT OF BREACH OF THE PRINCIPLES OF NATURAL JUSTICE.

- A decision rendered in violation of the rule against bias is merely voidable and not void.
- The aggrieved party may waive his right to avoid the decision.
- But any action in violation of the *audi alteram partem* rule is completely void and of no value.

PROBLEM - 1

- The entire M.B.A. entrance examination was cancelled by the Osmania University because of mass-copying.
- The action of the University was challenged on the ground that
- it was taken without observing the principles of natural justice.

PROBLEM - 2

- The Karnataka Public Service Commission cancelled the examination of one Mr. Vijay
- This was because, in violation of the rules, he wrote his roll number on every page of the answer sheet.
- He challenged the action of the Commission on the ground of violation of principles of natural justice.

PROBLEM - 3

- 36 girl students of a medical college filed a report with the Principal of Rajendra Medical College regarding misbehaviour of certain boys in the girls' hostel.
- The Enquiry Committee appointed by the Principal recorded the statements of the girls in the absence of the boys.
- The statements were supplied to them and opportunity given to rebut evidence.

- The boys involved were identified by girls through photographs.
- Committee found them guilty and served an expulsion order on the boys.
- The order was challenged on the ground of violation of principles of natural justice.

Any Questions?

Thank You