Principles of natural justice

• Justice is of two types: Legal justice and Natural Justice
• If legal justice is governed by the law of State, natural justice is governed by the law of reason.
• Natural Justice envisages ‘fair play in action’.
• Application of principles of natural justice to judicial, quasi-judicial and administrative functions
• Minimum fair procedure to be followed in administrative adjudication
• Two requirements of natural justice: rule against bias and the right to fair hearing
• Reasoned decision is emerging as a third principle of natural justice
Principles of Natural Justice and The Constitution of India

• Article 14
• Article 21
• Article 22
• Article 32 and 226
• Article 311
The rule against bias

*Nemo judex in causa sua* = No one should be a judge in his own cause

Kinds of bias:
• Pecuniary bias
• Personal bias
• Bias relating to subject matter
• Official bias
• Departmental bias
• Pre-conceived notion bias
• Bias arising out of judicial obstinacy
Pecuniary bias

- Dr. Bonham’s case (1610)
- Dimes v. Grand Junction Canal Co. (1852)
- Visakhapatnam Cooperative Motor Transport Co. Ltd. v. G. Bangaruraju (1953)
Personal bias

• Mineral Development Corporation v. State of Bihar (1960)
• Manak Lal v. Dr. Premchand (1957)
• State of UP v. Mohd. Nooh (1958)
• A. K. Kraipak v. Union of India (1969)
• Ganga Bai Charities v. CIT (1992)
• Tata Cellular v. Union of India (1994)
• Kirti Deshmankar v. Union of India (1991)
Official Bias/Departmental Bias

• Gullapalli Nageswara Rao v. APSRTC(I) 1959
• Gullapalli Nageswara Rao v. APSRTC(II) 1959
• Hari v. Deputy Commissioner of Police (1956)

Bias on account of judicial obstinacy
• State of West Bengal v. Shivananda Pathak (1998)
The ingredients of fair hearing are as follows:

- Notice
- Hearing
- Right to produce evidence
- Disclosure of adverse evidence
- Opportunity to rebut adverse evidence
- Right to cross examine
- Evidence should not be taken at the back of the party
- Right to legal representation
- Right to get a reasoned decision
Selected case law on the ‘right to be heard’

• Dr. Bentley’s case (1723)  
  (R. V. University of Cambridge *ex parte* Dr. Bentley)
• Cooper v. Wandsworth Board of Works (1863)
• Franklin v. Minister of Town and Country Planning (1948)
• Ridge v. Baldwin (1964)
• State of Orissa v. Dr. (Miss) Binapani Dei (1967)
• Maneka Gandhi v. Union of India (1978)
• National Textile Workers’ Union v. P. R. Ramakrishnan (1983)
Actions by Educational Institutions

- Board of High School and Intermediate Education, UP v. Ghanshyam Das Gupta (1962)
- Suresh Koshy George v. University of Kerala (1969)
- Chinni Ramakrishna Rao v. Registrar, Andhra University (1972)
- Hiranath Mishra v. The Principal, Rajendra Medical College (1973)
- KPSC v. BM Vaidya Shankar (1992)
Reasoned Decision/Speaking Order


Post Decisional Hearing
- Maneka Gandhi v. UOI (1978)
Exclusion of principles of natural justice

• In emergency (Swadeshi Cotton Mills v. UOI)
• In public interest
• In case of confidentiality (Malak Singh v. State of P&H)
• In academic adjudication (JNU v. B S Narwal)
• In case of impracticability (OU v. R. Radhakrishnen)
• In case of legislative policy (UOI v. Cynamide India Ltd)
• In case of necessity (ECI v. Subramaniam Swamy)
• In cases of interim preventive action (Abhay Kumar Yadav v. K. Srinivasan)
• Where no rights are infringed (J.R. Vohra v. Indian Export House)
• In cases of government policy decision (Balco Employees Union v. UOI)