

Principles of Natural Justice

- 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

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
- Dr. Bonham's case
- Dimes v. Grand Junction Canal Co.
- Mineral Development Corporation v. State of Bihar
- A. K. Kraipak v. Union of India

Audi alteram partem = hear the other side

The ingredients of fair hearing are as follows:

- Notice
- 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 right to be heard

- Dr. Bentley's case
- Cooper v. Wandsworth Board of Works
- Ridge v. Baldwin
- Maneka Gandhi v. Union of India
- Olga Tellis v. Bombay Municipal Corporation
- Hiranath Mishra v. Rajendra Medical College

Exclusion of principles of natural justice

- In emergency
- In public interest
- In case of confidentiality
- In academic adjudication
- In case of impracticability
- In case of legislative policy
- In case of necessity
- In cases of interim preventive action
- Where no rights are infringed