

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)
- J. Mohapatra & Co. v. State of Orissa (1984)

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)
- S.P. Kapoor v. State of HP (1981)

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)

Audi alteram partem = hear the other side

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)
- Olga Tellis v. Bombay Municipal Corporation(1985)
- 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)
- Bihar School Examination Board v. Subhash Chandra Sinha (1970)
- Board of High School and Intermediate Education, UP v. Chitra Srivastava (1970)
- 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)
- Aligarh Muslim University v. Mansoor Ali Khan (2000)
- KPSC v. BM Vaidya Shankar (1992)

Reasoned Decision/Speaking Order

- Siemens Eng. and Mfg. Company v. UOI (1976)
- Shrilekha Vidyarthi v. State of UP (1991)
- Charan Singh v. Healing Touch Hospital (2000)

Post Decisional Hearing

- Maneka Gandhi v. UOI(1978)
- SL Kapoor v. Jagmohan (1980)
- Swadeshi Cotton Mills v. UOI (1981)
- K.L. Shepherd v. UOI (1987)
- H.L. Trehan V. UOI (1989)

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)