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# **COMPLEXITY OF THE PRINCIPLES OF NATURAL JUSTICE**

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## **ABSTRACT**

Natural justice rules are simple and serve a good purpose, but its compliance from case to case and authority to authority make it hardest rule of justice, what public need is to know more about its purpose, utility, effects and simplicity, in this paper I will try to simplify these principles and its application with help of other countries laws.

**Keywords:** natural justice, hearing, quasi-judicial, judicial review.

## **INTRODUCTION**

In complex state affairs, it is not easy to articulate what decision has to follow the principles of natural justice and what not. The principles are simple as it includes; hearing, fair Hearing, no one shall be judge in his own case, reason decision but its application is complex because we do not have codified law on natural justice as court observed in A. K. Kraipak case that they are not embodied rules and their aim is to secure justice or to prevent miscarriage of justice and it operates in areas not covered by any law validly made but how some principles can operates unless they are not recognized by specific law, and further the court observed that they do not supplant the law of the land but supplement it, but actually uncodified principles can only supplant the law of law when their application totally depend on the nature of decision taken by quasi-judicial authority.

## **CONSTITUTIONAL AND OTHERS PROVISIONS**

Constitution and other statutes in India due respect the principles of natural justice but do not specifically mention it there are some of the constitutional and other laws articulating the principles of natural justice:

- Article 311, Constitution, Dismissal, removal or reduction in rank...informed of the charges against him and given a reasonable opportunity of being heard.<sup>1</sup>

- Section 10, Passport Act 1967, Variation, impounding and revocation of Passport and travel Documents, ...Notice in writing.<sup>2</sup>
- Section 22, Administrative Tribunal Act 1985, A Tribunal ...shall be guided by the principles of natural justice.<sup>3</sup>
- Section 73, CGST Act 2017, Demand and Recovery... opportunity of being heard.<sup>4</sup>
- Section 152, BNSS, 2023, Conditional Order, Notice to removal Public Nuisances.<sup>5</sup>
- Section 274, Income Tax Act, 2025, order imposing a penalty...given a reasonable opportunity of hearing.<sup>6</sup>

## INTERNATIONAL CONVENTIONS

International law specifically the post-world war laws like UDHR, ECHR, ICCPR, USCL, clearly mention that any adjudicating authority deciding the right of individual must follow the principles of natural justice:

- Article 10, Universal Declaration of Human Rights 1948“...everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal.”<sup>7</sup>
- Article 6, European Convention on Human Rights, 1950 “right to a fair trial in the determination of civil rights and obligations or in criminal proceedings.”<sup>8</sup>
- Article 14, International Covenant on Civil and Political Rights 1966“...everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”<sup>9</sup>
- Article 6, 26, Annex 5th 6th United States Convention on Law of Sea 1982, Hearing by Tribunal and Conciliation officers.<sup>10</sup>

## COMPARATIVE STUDY

Comparative study will enable to understand how different country value the principles of natural justice and simplify their procedure for its compliance, for example Australian Administrative Decisions (Judicial Review) Act 1977 define the decision and decision making and its judicial review by courts, however India does not define decision and making of decision which lead to the confusion as what is the subject matter of judicial review. We can see here the complexity and simplicity of the principles of natural after reading following provisions:

India (not specified) but take refuse of Case Laws

- Article 32, 226, Constitution, violation of fundamental and other legal rights

(substantial grounds)

- Article 21, (procedural ground) Post decisional hearing.<sup>11</sup>
- Article 16, Rule against biasness.<sup>12</sup>

Australia, Australian Administrative Decisions (Judicial Review) Act 1977

A person aggrieved by the decision of the adjudicating authority may move to the courts on following grounds:<sup>13</sup>

- that a breach of the rules of natural justice;
- procedures required by law not followed;
- decision without jurisdiction;
- decision was not authorized by law;
- improper exercise of the power;
- an error of law;
- decision induced by fraud;
- no evidence to justify the decision;
- decision was otherwise contrary to law.
- “DECISION” DEFINED<sup>14</sup>

The following decision shall be the subjected to the judicial review:

- Making of a decision includes a reference to:
  - (a) making, suspending, revoking or refusing to make an order, award or determination;
  - (b) giving, suspending, revoking or refusing to give a certificate, direction, approval, consent or permission;
  - (c) issuing, suspending, revoking or refusing to issue a licence, authority or other instrument;
  - (d) imposing a condition or restriction;
  - (e) making a declaration, demand or requirement;
  - (f) retaining, or refusing to deliver up, an article; or
  - (g) doing or refusing to do any other act or thing and a reference to a failure to make a decision shall be construed accordingly.

United States (American Administrative Procedure Act 1946)

The reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action.<sup>15</sup> It shall:

- compel agency action unlawfully withheld or unreasonably delayed;
- hold unlawful and set aside agency action, findings, and conclusions found to be
- arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
- contrary to constitutional right, power, privilege, or immunity;
- in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;
- without observance of procedure required by law;
- unsupported by substantial evidence.

## JUDICIAL TRENDS

In India it is not clear till today what decision are subjected to the principles of natural justice and it make the simple principles as the unsolved puzzle. After analysing the following case laws, we can say that Indian Courts are puzzled as to what decisions of what authorities are subjected to which principles of natural justice and legislation is not will to draft law like Australian Administrative Decisions (Judicial Review) Act, here is the brief conclusion of the important case laws on the principles of natural justice:

- S. Janaki Iyer v. Union of India<sup>16</sup>  
The Prejudice Principle: breach of natural-justice requirements (e.g., non-supply of inquiry reports or procedural delays) will vitiate disciplinary action only if real prejudice to the delinquent employee is demonstrated (a fake transfer order, preliminary inquiry, charge, regular inquiry, hearing and decision).
- Basudev Dutta vs The State of West Bengal<sup>17</sup>  
Y served 26 service as an assistant, before two months of his superannuation adverse police report received that he is unsuitable for government employment, ten days notice to submit written defence, no oral hearing, termination, administrative decisions effecting civil rights must state reasons and denial of pre hearing is fatal.
- State Bank of India vs Rajesh Agarwal 2023<sup>18</sup>
- Madhyamam Broadcasting Limited vs Union of India on 5 April, 2023<sup>19</sup>
- Union of India and Another vs Tulsiram Patel and Others on 11 July, 1985<sup>20</sup>
- Swadeshi Cotton Mills vs Union of India on 13 January, 1981<sup>21</sup>
- Maneka Gandhi vs Union of India (Post Decision Hearing)<sup>22</sup>
- A. K. Kraipak & Ors. Etc vs Union of India & Ors<sup>23</sup>, (To prevent miscarriage of justice)

## ISSUES AND CHALLENGES

- Nonetheless various provisions and judgements on the principles of natural justice, it not easy to avail its benefits without understanding the following conditions and limitations imposed by the courts on principles of natural justice:
- Civil disputes: rule of preponderance of probabilities, a fact is proved if it is more likely than not.
- Rule of prejudice: courts must assess prejudice, no interference sans prejudice.
- Procedural violations include “substantial” and “technical”.
- Exclusion of Natural justice: Article 311 (2), where...it is not reasonably practicable to hold such inquiry; or where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State, it is not expedient to hold such inquiry.
- Hira Nath Mishra v. Rajender Medical Collage 1973: where evidence is cogent and clear, no cross examination.<sup>24</sup>
- Charan Lal Sahu v. Union of India 1990: court may read natural justice for sustaining the law as constitutional.<sup>25</sup>

## CONCLUSION

Indian Legislation need to simplify the its rules regarding the principles of natural justice as Australia and United States did, otherwise its public will continue suffer from the biasness of adjudication authorities, we can take help of Australian Laws in defining the decision what are the subject matter of judicial review, and what are the grounds of judicial reviews as the term violation of legal rights and fundament rights under Article 226 and 32 is not sufficient in today’s context of state affairs.

### References:

1. Article 311, Constitution of India 1950.
2. Section 10, Passport Act 1967.
3. Section 22, Administrative Tribunal Act 1985
4. Section 73, CGST Act 2017
5. Section 152, BNSS, 2023
6. Section 274, Income Tax Act, 2025
7. Article 10, Universal Declaration of Human Rights 1948

8. Article 6, European Convention on Human Rights, 1950
9. Article 14, International Covenant on Civil and Political Rights 1966
10. Article 6, 26, Annex 5th 6th United States Convention on Law of Sea 1982
11. Maneka Gandhi v. Union of India (1978)
12. K. Kraipak & Ors. Etc vs Union of India & Ors, (1970)
13. Australian Administrative Decisions (Judicial Review) Act 1977
14. Sec. 2, Australian Administrative Decisions (Judicial Review) Act 1977
15. Sec. 5, 10, American Administrative Procedure Act 1946
16. (2025 INSC 742)
17. 2024 INSC 940
18. Civil Appeal No. 7301 of 2022
19. Civil Appeal No. 8129 of 2022
20. 1985 AIR 1416
21. 1981 AIR 818
22. 1978 AIR 597
23. AIR 1970 SC 150
24. AIR1973SC1260
25. 1990 AIR 1480



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