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NATURAL JUSTICE IN PRACTICE: AN OVERVIEW OF PRINCIPLES AND APPLICATION

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ABSTRACT: The purpose of this essay is to provide an extensive, practical examination of the concept of natural justice. Additionally, it emphasizes the importance of natural justice as a mechanism for promoting fairness, accountability, and openness in the decision-making processes of both administrative and quasi-judicial bodies. The field of study concerned with fundamental principles includes, but is not limited to, the following: the principle that prohibits bias (Nemo judex in causa sua), the principle that guarantees the right to be heard (audi alteram partem), and the requirement that conclusions be rational. This delineates the implementation of these notions, particularly in the realms of business administration, government services, and the criminal justice system. The issues that are linked with incorporating natural justice into modern regulatory frameworks, digital governance, and systems that make decisions automatically are also discussed in the abstract. This debate demonstrates how the principles of natural justice are utilized to uphold the integrity of the legal system as well as to increase the level of trust that the public has in governing institutions.

Keywords: Natural justice, administrative law, audi alteram partem, rule against bias, reasoned decisions, procedural fairness, accountability, legal principles.

1. INTRODUCTION

The "Principle of Natural Justice" derives from the Latin phrase "jus natural." It closely resembles ethics and common law; yet, it lacks formal codification. It is a body of international law that operates independently of any constitutions or statutes. In a civilized society, the principle of natural fairness is much valued by all. As time advanced and advantageous, fair, and just regulations were implemented to protect workers, the Supreme Court rendered its decision. This occurred during the early stage of equitable procedures, when hiring and dismissal within specific regions were governed by stringent legislation.

The process of achieving a fair and unbiased resolution on a particular matter is termed natural justice. At times, rational decision-making falters; in these cases, the methodology and the individuals involved have greater significance. It is not constrained by the concept of "fairness," and its hue and tone may vary according to the context.

Natural justice is based on three core principles.

- The preliminary regulation, known as the "Hearing Rule," mandates that parties or people who may be impacted by the expert panel's judgment must be granted a fair opportunity to articulate their views and defend their positions.
- Conversely, the "Bias Rule" generally The impartiality of an expert panel's decision-making is crucial. The choice must be made autonomously and equitably to uphold the idea of natural justice.
- Thirdly, "Reasoned Decision," which provides a legal and sustainable justification for each court order, judgment, or determination rendered by the presiding authority.

OBJECTIVEOF THE PAPER

The purpose of a paper on natural justice is to educate individuals on the fundamental legal concepts that ensure fair and unbiased decision-making. The paper must analyze the concepts of natural justice, emphasizing their significance in ensuring that administrative and judicial decision-making processes are fair and legitimate.

The essay must examine the two essential tenets of natural justice: the nemo judex in causes a principle and the audi alteram partem premise. The nemo judex in causes a principle requires that decision-makers remain impartial and free from bias. The audi alteram partem principle requires that both sides be given an equal chance to present evidence and express their arguments.

The implementation of these concepts inside the legal system necessitates scrutiny in the analysis. It should clarify the implementation of these provisions in diverse legal proceedings, encompassing administrative hearings and criminal trials. The essay must analyze the consequences of breaching the principles of natural justice and how such breaches may result in inequitable and unjust outcomes.

The main aim of the study is to clarify the concepts of natural justice and their contribution to improving the fairness and equity of the legal system. The essay must provide a comprehensive study of the concepts, their application, and their significance in upholding the rule of law.

Research Methodology

The study relies on secondary data. A plethora of websites managed by governmental and non-governmental entities provided the data. This study predominantly utilized the doctrinal research technique for the collection, organization, analysis, and structuring of primary and secondary source material. The investigation utilizes both descriptive and analytical methods.

2. ORIGIN

Individuals initially pondered the archaic concept of natural justice during their adolescence. The Greeks and Romans were familiar with this concept. In the period of Kautilya, Arthashastra, and Adam, the notion of natural justice was recognized. The Bible asserts that God forbade Adam and Eve from partaking of the fruit of knowledge. Before the decision was rendered, Eve and Adam were given equal opportunity to present their views. Ultimately, English judges embraced the notion of natural justice. "Natural justice" derives from the Latin phrases "jus-naturale" and "lex-naturale," signifying "natural law," "equity," and "justice."

In India, the notion that good and evil are abstractions within natural justice was first imparted to children at an early age. The court ruled in Mohinder Singh Gill v. Chief Election Commissioner that all opinions, whether judicial, quasi-judicial, executive, administrative, or quasi-administrative, must be fair.

3. NATURAL JUSTICE AND THE INDIAN CONSTITUTION

The phrase "natural justice" is entirely absent from the Indian Constitution. However, the following sections of the Constitution articulate the concept of natural justice employing appropriate vocabulary.

Article 14: Equal rights and protections under the law are guaranteed to all Indian citizens.

Preamble:" Freedom of religion or belief, equality of status and opportunity, and "Social, Economic, and Political" justice.

Article21: The freedom and right to life.

Article39-A: Provision of complimentary legal assistance for those who are offended or handicapped

Article 22: Guaranteeing a fair hearing for a detained individual.

Articles 32, 136, and 226 of the Constitution pertain to constitutional remedies for the infringement of basic rights.

RULES OF NATURAL JUSTICE

1. Nemo judex in causasua
2. Audialterampartem
3. Reasoned decision

NEMO JUDEX IN CAUSASUA

Owing to the inherent bias it produces, "no individual should adjudicate their own case." Bias, whether intentional or unintentional, represents any conduct that results in the unfair treatment of an individual or a particular situation. This criterion is crucial to ensure that the judge renders a just verdict exclusively based on the evidence presented in the case.

1. Personal Bias.
2. Pecuniary Bias.
3. Subject matter Bias.
4. Departmental Bias.
5. Policy notion Bias.
6. Bias on the account of obstinacy.

PERSONALBIAS

The decision-making body acted unfairly owing to personal bias arising from a relationship with the party, resulting in a decision that favored the party under unclear circumstances. The equations stem from various personal and professional relationships.

A persuasive justification for the bias is crucial to successfully contest an administrative decision based on it.

Notwithstanding the involvement of one brother from the selection committee in the competition, the Supreme Court ruled that the entire selection procedure remained unalterable.

To eliminate bias from his brother, a member of the selection committee associated with the applicant may be asked to resign. Therefore, a prudent and equitable conclusion can be reached. Ramanand Prasad Singh v. Union of India.

PECUNIARYBIAS

Any financial benefit, whatever of its size, received by a member of the judicial branch would create prejudices inside the administrative branch.

SUBJECTMATTERBIAS

When the decision-making authority is personally or indirectly engaged in the issue.

In Muralidhar v. Kadam Singh, the court declined to reverse the Election Tribunal's ruling, as the petitioner had previously prevailed against the chairman's husband, a Congress party member.

DEPARTMENTALBIAS

Departmental bias is a continual issue in any administrative function. If this issue is not

remedied, it will continue, leading others to view the process as unjust.

POLICYNATION BIAS

Concerns about past policy assumptions are highly specialized. Audience members question whether the judges will adopt an impartial stance, employing a blank sheet of paper to ensure a just trial and render a verdict.

BIASONTHEACCOUNTOFOBSTINACY

The Supreme Court has established new criteria for bias resulting from the unreasonable circumstance. A Calcutta High Court judge introduced this new category by upholding his own verdict on appeal.

AUDIALTERAMPARTEM

It consists of three Latin words, which fundamentally declare that an individual cannot be fined or sentenced by the court without first being had the right to submit their case. The majority of disputes remain unsolved and rarely receive equitable consideration in many countries.

This guideline denotes that the trial must be impartial, guaranteeing that each individual has an equal opportunity to state their case.

4. COMPONENTS

Giving of notice:

All pertinent parties must be duly notified before the initiation of the fair trial process. Individuals will be notified before making choices, irrespective of the statute's lack of clarity on the issue. The ruling was issued in the Fazalbhai v. Custodian case. The court's ruling in Kanda v. Government of Malaya mandates that the notification must promptly and explicitly outline the circumstances, biases, and fundamental facts. An individual must be aware of the pertinent information to contest the accusation and formulate a defense, as is their right.

The notification must include the accusations against the offender and the designated hearing dates. Only the violations specified in the notification are subject to penalty; no supplementary offenses will be considered.

Right to present the case and the evidence

Upon getting the notification, he must be granted adequate time to prepare and present his point clearly. Refusal must not be justified by unjust or arbitrary reasons.

Right to Cross-Examination

You are entitled to a fair hearing, which includes the opportunity to challenge the claims of the other party. Courts would violate the principles of natural justice by prohibiting cross-examination.

Furthermore, it is essential that all significant copies of papers be submitted; failure to comply will also compromise the notion. The agency should supply officers for the inquiry and cross-examination procedure. Section 137 of the Indian Evidence Act of 1872 (as amended) specifies the scope of cross-examination. The right to cross-examination may be restricted or withheld in some extraordinary circumstances. A male student was accused of rudeness towards a female student in the case of Hari Nath Mishra v. Rajendra Medical College. The male student was prohibited from cross-examining the female student, as this would require physical contact, violating principles of natural justice.

Preserving anonymity may be crucial when property or life is at risk. A similar problem emerged in the case of Gurubachan Singh v. the State of Bombay.

The court determined that no miscarriage of justice occurred, as the parties in the Ludhiana food product case choose not to directly question the witness.

Legal representative

Every party is entitled to legal representation throughout the investigating procedure. After a lawyer has represented both parties, further communication is prohibited (A.K. Roy). Notwithstanding the presence of an investigating officer at the hearing, the department maintains the authority to direct its officer to take action (Sanghi Textile Processor vs. Commissioner).

5. EXCEPTIONS TO THE PRINCIPLES

1. In the Course of the Emergency
2. Confirm that the law advances the common good.
3. It is not a serious issue.
4. If it is inconsequential to the individual's circumstances

APPLICABILITY

The following situations are suitable for the application of natural justice:

1. Court, particularly in cases of ex parte
2. Tribunals
3. Authority granted autonomy, yet constrained by legal limitations.

REASONED DECISION

It is predicated on three essential concepts:

- The victim may express the wrongdoing to the appellate and revisional courts.
- The party affected by the decision regards it as an acceptable consideration.
- The necessity for justification prevents the executive branch from arbitrarily wielding its judicial authority.

6. CONCLUSION

The principles of natural justice are fundamental legal standards that guarantee the fairness and equity of all outcomes. The fundamental tenets of procedural justice and due process form the foundation of these requirements. They relate to both administrative and judicial decision-making procedures. The nemo judex in causa sua principle and the audi alteram partem principle are two essential doctrines of natural justice

They assert that decision-makers should be impartial and fair, guaranteeing that all viewpoints are acknowledged.

These standards must be adhered to by an equitable and just judicial system.

The judiciary has embraced and adheres to concepts of natural justice to safeguard citizens' rights against capricious actions by public officials. Fairness is integral to the concept of natural justice, as these principles advocate and enable equitable behavior.

The principal's primary aim is to prevent a miscarriage of justice. This indicates that the judicial function is not entirely acknowledged at any stage of the procedure, should any authority be granted. For an administrative settlement to be deemed genuine, it is imperative that it adheres to the principles of natural justice. Any judgment or ruling that violates the principle of natural justice shall be deemed null and void.

The traits of the human rights at stake, the authority granted to the administrative entity, and the features of the jurisdiction all influence the principle of natural justice, which is not

limited to a certain realm.

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