



A study of the principles of natural justice

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Abstract

“Fair play in action is the soul of the principles of natural justice.”

Justice V.R. Krishna Iyer

This significant remark from one of India's most esteemed legal scholars embodies the essence of natural justice — not just as a legal concept, but as a vibrant tenet that upholds equity, clarity and neutrality in every action of impacting individual's rights. The concept of natural justice is a fundamental principle rooted in the idea of fairness, impartiality, and equality before the law. It is not a codified law but a set of unwritten rules that aim to ensure just and fair decision-making. These principles are derived from common law traditions and have evolved through centuries of judicial interpretation and philosophical reasoning. Natural justice forms the bedrock of procedural fairness in both judicial and administrative proceedings and is crucial in upholding the rule of law in any democratic society. Despite the absence of explicit legislative mandate in many instances, courts have consistently enforced its principles to uphold the integrity of the justice system. In an era of expanding administrative powers and complex governance, natural justice functions as a safeguard that protects individual rights and promotes public confidence in institutional decisions.

This article aims to delve into the foundational principles of natural justice, which serve as the cornerstone of fair and impartial decision-making. It will focus primarily on its two fundamental rules: *nemo iudex in causa sua*, meaning no person should judge a case in which they have an interest, and *audi alteram partem*, the right of an individual to be heard before a decision is made. Through an in-depth exploration of these principles, the article will analyse their practical application in judicial and administrative settings, key judicial interpretations over time, and notable exceptions where natural justice may be lawfully limited.

Keywords: Natural justice, Fairness, Clarity, Impartiality

Introduction

Origin of the principles of natural justice:

The principles of natural justice have their roots in ancient civilizations and were later refined through the development of English common law. The concept dates back to Roman law, where the idea of *jus naturale* (natural law) emphasized justice based on reason and fairness. Philosophers like Aristotle and Cicero also advocated for the inherent fairness of laws, proposing that laws must align with moral principles. In medieval England, these ideas began to shape legal practices through common law, where courts emphasized procedures that were not only lawful but also just and equitable.

The formal recognition of natural justice gained momentum through landmark cases like *Dr. Bentley's Case* (1723), where the right to be heard was highlighted as essential before taking any adverse action. Over time, the British legal system crystallized two core maxims: *nemo iudex in causa sua* (no one should be a judge in their own cause) and *audi alteram partem* (hear the other side). These principles gradually influenced legal systems worldwide, including India, where they have been constitutionally reinforced through Articles 14 and 21. Thus, natural justice evolved from moral philosophy to a universally accepted doctrine in modern legal frameworks, guiding fair procedure and impartial adjudication.

Core elements of principles of natural justice

Nemo Iudex in Causa Sua

This rule emerges from Latin maxim - *Nemo debet esse iudex in propria causa* which means that a person will not

judge a case in which he is himself interested. The first requirement of natural justice is that judge must be impartial, neutral and must not have a predisposed mind. This element of natural justice requires the judge to be impartial and should decide a case based on the facts and evidence brought before the court.

In *Maneka Gandhi v. Union of India* the Supreme Court emphasized that authorities must act fairly and impartially when fundamental rights are involved.

Audi Alteram Partem

This principle guarantees that no individual is punished without being given a chance to present their case. It is a fundamental aspect of any civilized legal system that a person whose rights or interests may be impacted, or against whom any action is proposed, must be provided with a fair and reasonable opportunity to be heard and defend themselves. Hearing means a “fair hearing”.

Fair hearing means that the parties involved in a dispute or legal matter are given adequate time to prepare and present their case. This includes the opportunity to be informed of the charges or claims against them, to examine evidence, and to challenge opposing evidence.

In *Ridge v. Baldwin* a police officer was dismissed without being heard; the court ruled the action invalid due to the violation of natural justice.

Case law

A.K. Kraipak & Ors. v. Union of India & Ors.,

Bench

Justice J.C. Shah, Justice K.S. Hegde, and others

Background / Facts of the Case

The case arose from the selection process for the Indian Forest Service (IFS). A selection board was constituted by the Government of India to choose candidates for appointment. One of the persons involved in preparing the list of eligible candidates — H.L. Deb — was also a candidate for selection and later became a member of the selection board that evaluated the applicants, including himself.

The petitioners contended that this amounted to bias, and that the selection process violated the principles of natural justice because Deb had an interest in the outcome and yet participated in the decision-making process.

Issues Raised

1. Whether the selection process was vitiated by bias.
2. Whether natural justice applied to administrative actions.
3. Whether the presence of a candidate as a member of the board invalidated the entire process.

Judgment

The Supreme Court **quashed the selection process**, holding that:

- Even though the process was administrative, natural justice applies wherever decisions affect the rights or legitimate expectations of individuals.
- The distinction between administrative and quasi-judicial functions is becoming increasingly blurred, and both must be subject to the same

Standard of fairness

- The presence of a candidate on the selection board amounts to
- "likelihood of bias," which is sufficient to vitiate the entire process.
- The rule against bias (*nemo iudex in causa sua*) was violated, even if no actual bias was proven — the possibility or perception of bias was enough.

Legal Principles Laid Down

1. Natural justice is not confined to judicial or quasi-judicial functions; it applies to administrative actions that have civil consequences.
2. Fairness in action is a core requirement, especially in matters of public employment or public interest.
3. The mere likelihood of bias is enough to disqualify a decision-maker; actual proof is not necessary.
4. The decision established the supremacy of fair procedure over mere procedural formalities.

Critical analysis

The principles of natural justice remain indispensable in modern legal and administrative systems. As governance expands and administrative bodies take on more functions, the risk of arbitrary or biased decisions increases. Natural justice ensures that decisions affecting rights, duties, or interests are made with fairness, transparency, and impartiality.

In today's context, these principles are not limited to courts but are actively applied in universities, service tribunals,

disciplinary proceedings, corporate governance, and public administration. Even in the era of automation and AI-based decisions, questions of fairness and the right to be heard are gaining prominence.

Courts have evolved from a rigid application of natural justice to a flexible approach, where the extent of fairness required depends on the context. This avoids unnecessary procedural delays while maintaining minimum standards of justice. However, critics argue that excessive emphasis on procedure may slow down governance. In response, Indian courts have adopted a balanced view, applying the principles where civil consequences arise.

Thus, natural justice continues to be a living doctrine, adapting to technological, administrative, and social developments. It not only protects individual rights but also builds public confidence in the system, ensuring that justice is not just done, but seen to be done.

Conclusion

In summary, the principles of natural justice form the foundation of a fair and equitable legal system. Rooted in ancient philosophy and developed through common law, these principles—*nemo iudex in causa sua* (no one should be a judge in their own cause) and *audi alteram partem* (hear the other side)—continue to uphold fairness, impartiality, and transparency in all forms of decision-making. From landmark judgments like *A.K. Kraipak* and *S.N. Mukherjee*

to their application in modern administrative and institutional settings, natural justice serves as a shield against arbitrary power and a guide for ethical governance.

Its relevance today is more significant than ever, especially in an era of complex bureaucracy and digitized decision-making. Whether in educational institutions, workplaces, or public administration, these principles ensure that individuals are heard, respected, and treated with fairness. However, it is equally important to apply them with pragmatism, maintaining a balance between justice and efficiency.

As society evolves, so too must our commitment to just procedures. Upholding the principles of natural justice is not merely a legal necessity—it is a moral obligation and a cornerstone of democratic values.

References

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