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JUDICIAL APPROACH TO THE VIOLATION OF NATURAL JUSTICE IN INDIA

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ABSTRACT

The doctrine of natural justice plays a crucial role in ensuring fairness in administrative decision-making. However, its application in administrative proceedings often creates certain ambiguities. Administrative authorities perform different types of functions, and depending on the nature of these functions, the principles of natural justice may or may not be applicable. Therefore, identifying the exact nature of a particular administrative function becomes the first and most important step before determining the applicability of these principles.

This paper attempts to examine and classify various types of administrative actions in order to understand when and how the principles of natural justice should be applied. It also aims to establish certain criteria that help distinguish between different administrative roles. Based on this classification, the study further discusses the advantages and limitations associated with the application of natural justice in administrative procedures.

The research ultimately concludes that although there may be certain practical challenges in applying these principles, the benefits of natural justice significantly outweigh its limitations. Hence, it is essential that the principles of fairness, impartiality, and the right to be heard are incorporated in administrative actions to ensure justice and transparency.

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Keywords: Natural Justice, Administrative Functions, Quasi-Judicial Action, Audi Alteram Partem, Rule against Bias.

I. INTRODUCTION

After independence, India witnessed a remarkable growth in the field of administrative law. One of the most significant reasons behind this development was the transformation in the concept of the State. Various political and socio-economic developments led to a realization that the traditional concept of a minimal State was no longer adequate to meet the needs of society. The failure of the laissez-faire philosophy compelled governments to reconsider their role in governance. Instead of limiting themselves to traditional functions, the State began to expand its activities in order to address emerging economic and social challenges.³

The rise of socialist and welfare-oriented ideas further strengthened the demand for increased State intervention in social welfare activities. As a result, the government started implementing numerous welfare programmes to improve the living conditions of citizens. Gradually, the State assumed the role of a protector and guardian of individuals in both public and private spheres. This transformation led to a significant expansion in the jurisdiction and responsibilities of the State. Consequently, administrative authorities acquired greater powers to regulate public affairs, which eventually contributed to the development of modern administrative law.⁴

Administrative law is an important branch of public law that governs the relationship between individuals and governmental authorities. It primarily deals with disputes between citizens and public bodies and ensures that governmental powers are exercised in accordance with the rule of law. The rule of law emphasizes fairness, equality before law, and governance based on constitutional principles.⁵

In the contemporary administrative framework, government authorities perform a wide range of functions that extend beyond traditional sovereign duties. To effectively discharge these responsibilities, administrative agencies and their officials are often granted wide discretionary powers. However, such discretionary powers must be exercised within the limits prescribed by law and in accordance with the principles of natural justice. The primary objective of

³ M.P. Jain & S.N. Jain, Principles of Administrative Law, LexisNexis.

⁴ I.P. Massey, Administrative Law, Eastern Book Company.

⁵ A.V. Dicey, Introduction to the Study of the Law of the Constitution

administrative law is therefore to ensure that these powers are exercised properly and remain within the legal framework that grants them.⁶

With the increasing complexity of State functions, the scope of administrative discretion has also expanded. At the same time, the judiciary has developed mechanisms of judicial review to supervise administrative actions and prevent misuse of power. Over the years, the doctrine of natural justice has emerged as a widely accepted principle influencing various areas of administrative decision-making. It is regarded as a fundamental humanizing principle that introduces fairness into the legal system and protects individuals from arbitrary exercise of authority.⁷

The Supreme Court of India has repeatedly emphasized the importance of adhering to the principles of natural justice in administrative decision-making. Judicial decisions demonstrate that courts are engaged in the challenging task of maintaining a balance between safeguarding individual rights and allowing administrative authorities sufficient flexibility to perform their functions effectively.⁸

Natural justice therefore occupies a central place in administrative law. The effectiveness of any administrative system largely depends on the observance of fair procedural standards. In simple terms, natural justice refers to basic procedural rules developed by courts that administrative authorities must follow while making decisions that may adversely affect the rights or interests of individuals. These principles ensure fairness, transparency, and accountability in administrative actions.⁹

Essentially, natural justice represents the idea of procedural fairness. Its main objective is to ensure that decisions are made rationally, without bias, and on the basis of relevant evidence. Although the interpretation of natural justice has evolved over time, its core purpose remains the same: to ensure fairness in decision-making and to prevent arbitrary actions by public authorities.¹⁰

⁶ H.W.R. Wade & C.F. Forsyth, *Administrative Law*, Oxford University Press.

⁷ S.P. Sathe, *Administrative Law*, Butterworths India.

⁸ A.K. Kraipak v. Union of India, (1969) 2 SCC 262.

⁹ Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

¹⁰ De Smith, Woolf & Jowell, *Judicial Review of Administrative Action*.

II. ADMINISTRATIVE DISCRETION AND NATURAL JUSTICE

The growth of administrative law in the modern State is closely connected with the transformation of the State from a police State to a welfare State. In a police State, the role of the government was limited mainly to maintaining law and order and protecting citizens from external threats. However, with the emergence of the welfare State, the responsibilities of the government expanded significantly. The State became responsible for promoting social welfare, economic development, and the well-being of citizens. As a result, administrative authorities were entrusted with the duty of implementing numerous welfare schemes and regulatory measures.

With this expansion of governmental functions, administrative bodies were granted extensive powers to perform their duties effectively. Among these powers, discretionary authority became particularly important. In general terms, discretion means the freedom to choose between different available options. In the context of administrative law, however, discretion does not imply absolute freedom. It refers to the authority of administrative officials to make decisions within the framework of law and guided by principles of fairness, reasonableness, and justice rather than personal preferences. Whenever legislation grants discretionary powers to executive authorities, it is expected that such powers will be exercised in accordance with the objectives and limits laid down by the statute. Absolute or uncontrolled discretion is generally discouraged because it may lead to arbitrary or unfair decisions. Therefore, legal systems emphasize that discretion must always be guided by rational standards and legal principles.

In order to prevent misuse of discretionary power, the judiciary exercises supervisory control over administrative actions. Judicial control refers to the power of courts to examine the legality and validity of decisions taken by public authorities. Through this mechanism, courts ensure that administrative powers are exercised within the limits prescribed by law and that the rights of individuals are adequately protected. However, courts do not interfere in administrative decisions unnecessarily. Judicial intervention usually takes place only when an aggrieved individual approaches the court claiming that a public authority has violated or threatened to violate their legal or fundamental rights.

Over time, the judiciary has developed certain well-established grounds on which administrative discretion can be reviewed. These include violation of fundamental rights, abuse or misuse of discretionary power, failure to apply proper judgment, actions taken beyond legal authority

(ultra vires), and disregard of the principles of natural justice. Since administrative authorities often enjoy wide discretionary powers, courts have increasingly emphasized the importance of observing natural justice principles.

The principles of natural justice therefore serve as an essential safeguard against arbitrary exercise of administrative discretion. By requiring fairness, impartiality, and proper hearing in decision-making processes, these principles help ensure that administrative authorities act in a responsible and lawful manner.

III. PRINCIPLES OF NATURAL JUSTICE

Natural justice is one of the most fundamental concepts in administrative law. It ensures fairness, transparency, and impartiality in the decision-making process of administrative authorities. The concept of natural justice is not codified in any statute but has evolved through judicial interpretations and principles of fairness. These principles are considered essential for protecting individuals from arbitrary and unfair administrative actions.

The doctrine of natural justice is primarily based on two main principles. These principles are considered the backbone of procedural fairness in administrative and judicial proceedings. They ensure that every individual whose rights or interests are affected by a decision is treated fairly and is given a proper opportunity to present his case.

The two fundamental principles of natural justice are:

- ❖ Nemo Judex in Causa Sua (Rule Against Bias)
- ❖ Audi Alteram Partem (Rule of Fair Hearing)

Both of these principles aim to promote justice, prevent misuse of power, and ensure that administrative authorities exercise their powers in a fair and reasonable manner.

1. Nemo Judex in Causa Sua (Rule Against Bias)

The first and most important principle of natural justice is Nemo Judex in Causa Sua, which literally means that no person should be a judge in his own cause. This rule ensures that the person who is responsible for making a decision must be impartial, neutral, and free from any personal interest in the matter.

The rule against bias emphasizes that justice should not only be done but should also appear to be done. If a decision-maker has any form of personal interest in the outcome of a case, it may

create a possibility of unfairness and undermine public confidence in the justice system.

In administrative law, the presence of bias may lead to invalidation of the decision even if the decision itself appears to be correct. The focus of this principle is to ensure objectivity in decision-making and to eliminate any possibility of partiality.

The concept of bias includes any form of prejudice, inclination, or predisposition that may influence the decision-making authority in favor of or against a party. Bias may arise due to personal relationships, financial interests, prior involvement in the case, or institutional connections.

One of the most widely recognized forms of bias is pecuniary bias, where the decision-maker has a financial interest in the outcome of the case. Even the smallest financial interest is considered sufficient to disqualify a person from deciding the matter.

The importance of impartiality was emphasized in the famous decision of *A.K. Kraipak v. Union of India*

where the Supreme Court held that the dividing line between administrative and quasi-judicial functions has become very thin, and principles of natural justice must be applied whenever administrative decisions affect the rights of individuals.

Types of Bias

Bias may arise in several forms. In administrative law, the most commonly recognized types of bias are as follows:

1. *Personal Bias*

Personal bias occurs when the decision-maker has a personal relationship with one of the parties involved in the case. This relationship may be based on friendship, hostility, family connection, or any other personal association that may influence the decision.

For example, if a person who is a relative of one of the parties participates in the decision-making process, it may create a reasonable suspicion of bias.

2. *Pecuniary Bias*

Pecuniary bias arises when the decision-maker has a financial interest in the subject matter of the case. Even a very small financial interest is considered sufficient to disqualify the person from acting as a judge.

The law strictly prohibits such situations because financial interest is considered the most direct and obvious form of bias.

3. Departmental Bias

Departmental bias occurs when an authority decides a case involving its own department or institution. Since administrative authorities often perform multiple functions within the same department, there is a possibility that they may favor the interests of their own organization.

If not properly addressed, departmental bias may affect the fairness of administrative decisions.

4. Subject Matter Bias

Subject matter bias arises when the decision-maker has a direct or indirect interest in the subject matter of the dispute. This interest may influence the authority to decide the matter in a particular way.

Courts usually apply the test of reasonable likelihood of bias or reasonable suspicion of bias to determine whether the decision-maker was likely to be biased.

2. Audi Alteram Partem (Rule of Fair Hearing)

The second fundamental principle of natural justice is Audi Alteram Partem, which means “hear the other side.” This principle ensures that no person should be condemned or punished without being given a fair opportunity to present his case.

The rule of fair hearing is one of the most essential safeguards against arbitrary administrative action. It protects individuals from unjust decisions and ensures that authorities follow fair procedures before taking any action that affects a person's rights or interests.

Under this principle, a person whose rights are likely to be affected must be given adequate notice of the case against him and must be provided an opportunity to defend himself before a decision is made.

The rule of fair hearing includes several important components, such as:

- ❖ Right to notice
- ❖ Right to present evidence
- ❖ Right to cross-examine witnesses
- ❖ Right to rebut adverse evidence
- ❖ Right to legal representation

These procedural safeguards ensure that administrative decisions are based on fairness and justice rather than arbitrary discretion.

- ❖ Right to Notice

The first requirement of the rule of fair hearing is that the affected person must receive proper notice of the proceedings. The notice should clearly state the allegations, charges, or issues involved in the case so that the individual can prepare an effective defense.

If a decision is taken without giving proper notice, it may be considered invalid because it violates the principles of natural justice.

❖ Right to Present Evidence

Another important element of fair hearing is the opportunity to present evidence and arguments before the authority making the decision. The affected person should be allowed to explain his position and submit relevant documents or witnesses in support of his case.

Failure to provide such an opportunity may amount to a violation of natural justice.

❖ Right to Rebut Evidence

The affected individual must also be given the opportunity to challenge or rebut the evidence presented against him. This includes the right to cross-examine witnesses and respond to allegations made by the opposing party.

This safeguard ensures that decisions are based on accurate and reliable evidence.

❖ Right to Legal Representation

In many cases, individuals may not possess the necessary legal knowledge to defend themselves effectively. Therefore, courts have gradually recognized the importance of allowing legal representation in administrative proceedings.

Although legal representation is not always mandatory, it may become necessary in complex cases where the interests of justice require professional assistance.

Post-Decisional Hearing

Sometimes administrative authorities may take urgent decisions without providing a prior hearing. In such situations, courts have developed the concept of post-decisional hearing, which allows the affected person to present his case after the decision has been taken.

This principle was discussed by the Supreme Court in

Maneka Gandhi v. Union of India

where the Court held that the principles of natural justice are part of fair procedure under Article 21 of the Constitution of India.

Similarly, in

Swadeshi Cotton Mills v. Union of India

the Court emphasized that even when urgent action is required, the principles of natural justice should not be completely ignored and a post-decisional hearing must be provided.

IV. JUDICIAL TREND: NATURAL JUSTICE AND ADMINISTRATIVE DISCRETION

The development of the principles of natural justice in India has largely been shaped by judicial interpretation. The judiciary, particularly the Supreme Court of India, has played a crucial role in expanding and clarifying the scope of natural justice within administrative law. Over time, the courts have ensured that administrative authorities exercise their discretionary powers in a fair, reasonable, and just manner.

Natural justice principles were initially applied only to judicial and quasi-judicial authorities. However, with the growth of administrative functions in a welfare state, the courts gradually extended these principles to administrative actions as well. The judicial approach towards natural justice in India has evolved through different stages.

Generally, the development of natural justice in Indian administrative law can be divided into three important phases:

- ❖ Development before 1963
- ❖ Development after 1963
- ❖ Development after 1978

(A) Development Before 1963

During the early years after independence, the courts adopted a narrow interpretation of natural justice. At that time, the prevailing view was that the principles of natural justice were applicable only to judicial and quasi-judicial functions, and not to purely administrative actions. One of the earliest and most important cases dealing with the concept of natural justice under the Constitution of India was

A.K. Gopalan v. State of Madras.

In this case, the Supreme Court interpreted Article 21 of the Constitution, which states that no person shall be deprived of his life or personal liberty except according to the procedure established by law. The Court held that the phrase “procedure established by law” simply means a procedure that is prescribed by the legislature. The Court rejected the argument that such procedure must necessarily follow the principles of natural justice.

As a result, the Court adopted a restrictive approach and refused to incorporate the principles of natural justice into Article 21 at that time.

Another important case during this period was

Province of Bombay v. Kushaldas Advani.

In this case, the Supreme Court made a distinction between administrative functions and quasi-judicial functions. The Court held that administrative authorities are required to follow the principles of natural justice only when they perform quasi-judicial functions. If the authority performs a purely administrative function, then the application of natural justice was not considered mandatory.

Thus, during the early period, the scope of natural justice was quite limited.

(B) Development After 1963

The year 1963 marked a significant turning point in the development of natural justice. During this period, courts began to expand the scope of natural justice and applied these principles even to administrative actions that affected the rights of individuals.

An important case that influenced this development was *Ridge v. Baldwin*.

In this case, a Chief Constable was dismissed from his position without being given an opportunity to defend himself. The House of Lords held that the dismissal was invalid because the authority had failed to provide a fair hearing.

The decision in this case established the principle that even administrative authorities must follow the rule of fair hearing when their decisions affect the rights or interests of individuals.

Another landmark case in Indian administrative law is

A.K. Kraipak v. Union of India.

This case is considered a milestone in the development of natural justice in India. The Supreme Court observed that the distinction between administrative and quasi-judicial functions has become increasingly thin. The Court held that whenever an administrative decision affects the rights of individuals, the principles of natural justice must be followed.

In this case, one of the members of the selection board was also a candidate for the same post. Although he did not participate when his own name was considered, he took part in the discussions regarding other candidates. The Supreme Court held that his presence in the selection board itself created a reasonable likelihood of bias, and therefore the selection process was invalid.

The Court emphasized that the rule against bias is an essential part of natural justice and must be strictly followed.

(C) *Development After 1978*

The year 1978 marked another significant stage in the expansion of natural justice in India. During this period, the Supreme Court adopted a more liberal and progressive interpretation of fundamental rights and procedural fairness.

The most important case during this period is

Maneka Gandhi v. Union of India.

In this case, the passport of the petitioner was impounded by the Government of India in the public interest without giving her an opportunity to be heard. The petitioner challenged the action before the Supreme Court under Article 32 of the Constitution.

The Supreme Court held that the concept of “procedure established by law” under Article 21 must be fair, just, and reasonable. The Court also stated that the principles of natural justice are an essential part of fair procedure.

Justice Bhagwati described natural justice as a “great humanizing principle intended to invest law with fairness and secure justice.”

The Court further introduced the concept of post-decisional hearing, which means that in certain urgent situations, the authority may take immediate action but must provide a fair opportunity to be heard afterward.

Another important case during this period is

Ashok Kumar v. Union of India.

In this case, the Supreme Court clarified that not every technical violation of natural justice will invalidate an administrative action. The Court observed that if providing a hearing would not change the final outcome, then the court may apply the “useless formality theory” and refuse to interfere.

V. Conclusion

The doctrine of natural justice has become an essential part of modern administrative law. In a democratic and welfare-oriented state, administrative authorities exercise extensive powers that directly affect the rights, liberties, and interests of individuals. With the rapid expansion of administrative functions, the possibility of misuse or arbitrary exercise of discretionary power has also increased. Therefore, the principles of natural justice play a crucial role in ensuring that such powers are exercised in a fair, reasonable, and transparent manner.

Natural justice is not a rigid or codified set of rules; rather, it represents a flexible concept based

on fairness, equity, and good conscience. Over the years, courts have continuously expanded its scope in order to protect individuals from unjust administrative actions. The two fundamental principles of natural justice—*Nemo Judex in Causa Sua* (rule against bias) and *Audi Alteram Partem* (rule of fair hearing)—form the cornerstone of procedural fairness in administrative decision-making.

The rule against bias ensures that decision-makers remain impartial and free from personal interests or prejudices that may affect their judgment. This principle strengthens public confidence in administrative institutions and guarantees that justice is delivered in an unbiased manner. On the other hand, the rule of fair hearing ensures that no individual is condemned or penalized without being given an adequate opportunity to present their case. This principle embodies the idea that every person has the right to be heard before any adverse decision affecting their rights is taken.

The judiciary, particularly the Supreme Court of India, has played a significant role in developing and strengthening the doctrine of natural justice. Through various landmark decisions such as *A.K. Kraipak v. Union of India* and *Maneka Gandhi v. Union of India*, the courts have emphasized that natural justice is an integral part of fair administrative procedure. These judgments have clarified that the application of natural justice is not limited only to judicial or quasi-judicial actions but also extends to administrative decisions that affect the rights of individuals.

In the modern welfare state, administrative authorities perform numerous functions related to social welfare, economic regulation, and public administration. While performing these functions, they are often granted wide discretionary powers. Although such discretion is necessary for effective governance, it must always be exercised within the limits of law and in accordance with the principles of fairness and justice. The doctrine of natural justice acts as an important safeguard against the arbitrary or unreasonable use of administrative power.

Furthermore, the courts have also recognized that the application of natural justice must be practical and flexible. In certain urgent situations, such as matters involving public safety or national interest, strict adherence to procedural requirements may not always be possible. In such circumstances, courts have allowed the concept of post-decisional hearing in order to maintain a balance between administrative efficiency and individual justice.

Thus, the principles of natural justice serve as a vital mechanism for maintaining accountability, transparency, and fairness in administrative governance. They ensure that the actions of administrative authorities remain consistent with the rule of law and constitutional values. Ultimately, the doctrine of natural justice strengthens democratic governance by protecting individual rights and promoting fairness in decision-making processes.

In conclusion, natural justice is not merely a technical legal doctrine but a fundamental principle that ensures justice, fairness, and integrity within the administrative system. Its continued development through judicial interpretation will remain essential for safeguarding individual rights and maintaining the legitimacy of administrative actions in a modern democratic state.

