

Principles of Natural Justice

Principles of Natural justice are rooted in the concept of fair judgement. These natural justice principles are considered fundamental because they were created keeping in mind a sense of morality and heritage on which the society is based. The goal of natural justice is to ensure that any judgements do not deviate from the principles of justice such as being fair, unbiased, etc.

Oftentimes, the concept of natural justice is confused with the justice derived from the laws that are considered to be natural to human existence. This is a misconception. The principles of natural justice refer to the collection of ideas that are directly connected with the concept of justice. These ideas do not have to be derived directly from the law, their application is completely based on administrative discretion. Natural justice principles are withheld to ensure that nobody is treated unfairly.

Principle of Natural Justice in Administrative Law

The principles of natural justice mean different things to different people. As mentioned, these laws of natural justice can be interpreted in various ways. However, while making an order, principles of natural justice in administrative law are exercised by judicial powers. These are the norms which are widely accepted and make these principles universally applicable. The norms of natural justice in administrative law are listed below.

- No one should determine his own cause
- The copy of the statutory report should be accessible to all
- Without a hearing, no one should be convicted.
- One has the right to know all the causes which led to the final decision

Three Natural Justice Principles

Natural justice has three major principles. These principles define the concept and rules of natural justice. The first two principles are based on the ancient roman legal system while the third principle is a modern addition which was added keeping in mind the changing nature of law and administration in the modern world. The three principles of natural justice are listed below.

1. Nemo judex in causa sua
2. Audi alteram partem
3. Speaking orders or reasoned decision

1st Principle of Natural Justice: Nemo Judex in Causa Sua

This first principle of natural justice is 'Nemo judex in causa sua' which translates to "No one should be a judge in his own case." This principle refers to the biases or preconceived notions one may have that can impair their sense of justice. As per this principle, a judge should be neutral. They should only pass judgements based on the evidence. There are different types of biases which induce -

- Personal Bias
- Pecuniary Bias
- Subject Matter Bias

- Policy Notion Bias
- Preconceived Notion Bias
- Departmental Bias or Institutional Bias
- Bias on account of the Obstinacy

2nd Principle of Natural Justice: Audi Alteram Partem

The second principle of natural justice is 'Audi Alteram Partem.' It has been roughly translated to mean that no person shall receive punishment without a proper and just hearing. According to it, in any conflict, all the parties involved should have equal representation and equal chances of being heard by the judge. This principle is designed in a way that ensures equality and justice for all.

- This principle of natural justice states that everyone is entitled to a fair trial.
- The suspect before conviction must know all the charges against him.
- It states that an individual can only be punished after all scenarios and evidence are considered.
- No random decision can be made by any authority without a fair and proper hearing.

3rd Principle of Natural Justice: Speaking Orders or Reasoned Decision

The third principle of natural justice is a modern addition. It states that a proper explanation must be given for a decision taken by the authorities. The decisions taken must be backed by rational and logical reasoning. This allows the scope to find any legal or procedural errors. It also satisfied the parties involved in the judgement. It is a universally accepted practice and any orders that are passed without solid grounds are not considered valid.

Principles of Natural Justice in Indian Constitution

Principles of Natural Justice are not intrinsic to the Indian Constitution. There is no mention of them anywhere in the document. However, the Indian Constitution has its own set of articles that convey the general idea of natural justice principles. The important sections and articles of the Indian Constitution that are related to the principle of natural justice are listed below.

- **Preamble:** It talks of equality and justice for all.
- **Article 14:** It states that all citizens are to be equally represented and protected in front of the law.
- **Article 21:** This article states the right to life and liberty.
- **Article 22:** It states that each arrested person must have a fair.
- **Article 39-A:** This provision is for disabled and indignant people who must be provided with free legal services.
- **Article 311:** This article has provisions for the constitutional protection of civil servants.
- **Articles 32, 136, and 226:** These are the provisions that include solutions in case the fundamental rights of a person are violated.