



## Mains Practice Question

**Q.** What are the principles of natural justice? How are they applied in administrative decision making? Explain with examples. (150 words)

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### Approach

- Start your answer by briefly introducing Principles of Natural Justice.
- Discuss their application in administrative decision making.
- Conclude accordingly.

### Introduction

- The principles of natural justice are a **set of legal principles that aim to ensure fair and just decision-making** in administrative and legal proceedings. These can be classified into **two categories: substantive and procedural fairness**.
  - Substantive fairness refers to the **requirement that administrative decisions be based on objective criteria** and that the decision-maker consider all relevant factors before making a decision.
  - Procedural fairness, on the other hand, refers to the requirement that administrative decisions be made using **fair procedures that are transparent and impartial**.

### Body

- **The following are the Principles of Natural Justice:**
  - **Audi Alteram Partem (The Right to be Heard):** This principle means that a **person must be given an opportunity to be heard before any decision is made** that affects their interests.
    - This principle ensures that the decision-maker considers all relevant evidence and arguments before making a decision.
  - **Nemo iudex in Causa Sua (No one Should be a Judge in their own Cause):** This principle means that a decision-maker must be **impartial and not have a personal interest in the outcome of the decision**.
    - This principle ensures that the decision-maker does not have a bias or a conflict of interest that could influence their decision.
  - **Rule against bias:** This principle means that a decision-maker **must not be biased towards or against a party to the decision**. This principle ensures that the decision-maker considers all relevant factors in a fair and impartial manner.
  - **Natural justice is not the only requirement:** This principle means that natural justice is not the only requirement for administrative decision-making. Other legal requirements, such as statutory requirements, must also be considered in administrative decision-making.
- **Application of Natural Justice in Administrative Decision Making:**
  - Administrative decision-making can have a **significant impact on the lives and interests of individuals and organizations**. Therefore, it is crucial to apply the principles of natural justice in administrative decision-making to ensure that **decisions are fair, just, and reasonable**.

- The following are examples of how the principles of natural justice are applied in administrative decision-making:
  - **Disciplinary Proceedings:** In disciplinary proceedings, the principle of audi alteram partem requires that the **employee be given an opportunity to be heard before any disciplinary action is taken against them.**
    - This principle ensures that the employee's side of the story is heard before any action is taken, and the decision-maker considers all relevant evidence and arguments before making a decision.
  - **Planning Permission:** In planning permission decisions, the principle of nemo iudex in causa sua requires that the **decision-maker be impartial and not have a personal interest in the outcome of the decision.**
    - This principle ensures that the decision-maker considers all relevant factors in a fair and impartial manner.
  - **Immigration Decisions:** In immigration decisions, the **rule against bias requires that the decision-maker** not be biased towards or against the applicant.
    - This principle ensures that the decision-maker considers all relevant factors in a fair and impartial manner.
  - **Taxation Decisions:** In taxation decisions, the principles of natural justice are applied to ensure that the **decision is fair and just.**
    - The principles of natural justice require that taxpayers must be provided with an opportunity to challenge the tax assessment and present their case and evidence.
    - Decision-makers must also provide reasons for their decision, which should be based on relevant evidence and arguments presented before them.

## Conclusion

The principles of natural justice are essential legal concepts that ensure fair and just administrative decision-making. The principles of natural justice ensure that administrative decisions are based on objective criteria, that the decision-maker considers all relevant factors before making a decision, and that fair procedures are used.