



Mains Practice Question

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

02 Mar, 2023 GS Paper 4 Theoretical Questions

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.