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DOCTRINE OF NATURAL JUSTICE: EXPLAINED FOR NON-LAWYERS

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ABSTRACT

The Doctrine of Natural Justice is a fundamental legal principle that embodies fair, transparent and impartial decision-making for people particularly consequences that impact someone's rights or interests. The doctrine has its origins in ancient legal and moral thought and it is not limited to courts but exists for administrative or quasi-judicial bodies, too.

The doctrine is based on two fundamental rules, including

- (1) **Right to be heard (Audi alteram partem)** which means everyone has the opportunity to be heard before a decision is made. and
- (2) **Right against bias (Nemo iudex in causa sua)** means that you cannot be judged in your own cause. These concepts are imperative to ensuring that no arbitrary action occurs, if the public is to have faith in justice systems to uphold its sanctity.

In India, natural justice is also conditioned under constitutional guarantees mainly under Articles 14 and Article 21 which already assures the right to equality and personal liberty. If the doctrine is violated, the authority is likely to be set aside which is a key check against abuses of power.

Keywords: Natural Justice, Fair Hearing, Right to be Heard, Rule Against Bias and Constitutional Guarantees.

HISTORICAL BACKGROUND

The principle of Natural Justice which means ensuring fair treatment for all people has been around for thousands of years. In ancient Greek and Roman societies, fairness and reason were seen as vital principles of how society should be structured. The core of their thinking was that people should be equal, and this equality should allow for honest decision-making, and the decisions should be free from bias.

In India, these concepts for fairness were, in many cases, already established as part of thinking and living. Ancient Indian thinkers and texts endorsed the concept of 'Dharma', which meant doing the right and fair thing. Dharma then went on to show that rulers or judges should be honest and just, and they should

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protect people's rights. Thus, before modern legal canons, the Indian traditions had enshrined the ideas of natural justice.

Later, during British colonization, many structured legal concepts were transferred to India from the British legal system. The British courts applied the ideas of natural justice, in particular that people would be allowed to be heard prior to decisions being made, and decision-makers should act fairly and not be partial.

WHAT DO YOU MEAN BY THE DOCTRINE OF NATURAL JUSTICE??

The Doctrine of Natural Justice is a legal rule that ensures everyone gets a fair chance before a decision is made that affects them. It's not written in any specific law, but it's accepted as a fundamental principle of fairness.

These are the two core rules of natural justice:

1. **Hear the other side (Audi Alteram Partem)** – You must get a chance to speak.
2. **No one should be a judge in their own case (Nemo Judex in Causa Sua)** – The decision must come from someone neutral.

This doctrine shows up everywhere schools, offices, even government decisions ensuring people are treated with basic fairness.

For Example:

If someone is accusing you of something, you should be allowed to know the charges and defend yourself.

And the person making the decision shouldn't be biased or have a personal interest in the matter.

WHY NATURAL JUSTICE MATTERS IN A FAIR SOCIETY?

Natural justice is important in a fair society because it makes sure that everyone is treated with respect and honesty when important decisions are made. It means that no one can be punished or affected by a decision without being given a proper chance to explain their side. It also means the person making the decision must be neutral not someone who has a personal interest in the case. This builds trust in the system, whether it's in school, at work or in government. When people feel heard and believe the process is fair, they are more likely to respect the outcome, even if they don't agree with it. In this way, natural justice helps prevent power from being misused and supports peace, equality and fairness in everyday life.

TWO PILLARS OF NATURAL JUSTICE??

The **Doctrine of Natural Justice** is based on two main rules that help ensure fairness in any decision-making process. These are called the **two pillars** of natural justice: **Audi Alteram Partem** and **Nemo Judex in Causa Sua**.²

1. AUDI ALTERAM PARTEM – *THE RIGHT TO BE HEARD*

This Latin phrase means “listen to the other side.” It’s a basic rule that says **no one should be punished or affected by a decision without being given a fair chance to speak**. Whether it’s a school suspension, a job dismissal, or a government order, the person involved must be told what the issue is and given a chance to explain their side.

For example, if a student is accused of cheating, the school must first inform the student and allow them to explain before taking action. This rule protects people from being treated unfairly or judged without knowing what they’re being accused of.

It also includes the right to:

- Know the charges or reasons
- Present evidence or arguments
- Have a fair hearing

Without this, decisions can feel one-sided and unjust.

2. NEMO JUDEX IN CAUSA SUA – NO ONE SHOULD BE A JUDGE IN THEIR OWN CAUSE

This rule means that **the person making the decision must be neutral and not have any personal interest in the case**. If someone stands to gain or lose from the outcome, they should not be the one deciding.

Imagine a teacher who has a personal conflict with a student. If that teacher is the one deciding whether the student should be punished, it may lead to bias. Even if the teacher tries to be fair, it may not *look* fair to others. That’s why this rule is important—not just to avoid actual bias, but also the appearance of bias.

This principle is summed up in the famous saying: **“Justice must not only be done, but must also be seen to be done.”**

² Law Bhoomi “The Rule against Bias and Doctrine of nemo judex in causa sua” (Published on 27 August, 2020) < <https://lawbhoomi.com/doctrine-of-nemo-judex-in-causa-sua/> > accessed on 25 June, 2025

Together, these two pillars make sure that decisions are made fairly, openly and without favoritism. They are used in courts, schools, workplaces and government offices to protect people's rights.

HOW DOCTRINE OF NATURAL JUSTICE WORKS IN GOVERNMENT AND LAW?

The **Doctrine of Natural Justice** plays a vital role in how decisions are made by the government, courts and public authorities. Even though it's not written in any specific law, it is deeply respected and followed to ensure fairness and prevent misuse of power.³

How It Works in Government and Law:

1. In Courts and Tribunals:

Judges and tribunal members must follow natural justice before giving any decision. This means:

- The person involved must be told what the case is about.
- They must be given a chance to present their side.
- The judge must not have any personal interest in the case.

2. In Administrative Decisions:

Government officers and departments also have to follow these rules when making decisions that affect people's rights like cancelling a license, rejecting a pension, or suspending a student. Even if it's not a courtroom, the person affected must be heard and treated fairly.

3. In the Constitution:

Articles like **Article 14** (Right to Equality) and **Article 21** (Right to Life and Personal Liberty) have been interpreted by courts to include natural justice. For example, in the *Maneka Gandhi v. Union of India* case, the Supreme Court said that any law affecting personal liberty must be "just, fair and reasonable" which includes giving a fair hearing.

4. In Public Service and Employment:

If a government employee is being dismissed or punished, they must be given a chance to explain themselves. This protects them from arbitrary or biased decisions.

5. In Everyday Governance:

Whether it's a local authority denying a building permit or a university taking disciplinary action, natural justice ensures that people are not treated unfairly or left unheard.

³ Law Foyer "Doctrine of Natural Justice" (Published on 25 December,2024) < <https://lawfoyer.in/doctrine-of-natural-justice/> > accessed on 26 June,2025

In short, natural justice acts like an invisible shield that protects people from unfair treatment by those in power. It keeps the system honest, transparent, and respectful of individual rights.

LANDMARK CASES

Here are **five landmark Indian cases** that helped shape and strengthen the **Doctrine of Natural Justice**, each explained in simple terms:⁴

STATE OF ORISSA V. DR. (MISS) BINAPANI DEI (1967)

The government changed the birth date of a government employee without asking her. The Court said that even administrative actions affecting someone's rights must follow the rule of hearing the other side. This case reinforced the Audi Alteram Partem principle.

A.K. KRAIPAK V. UNION OF INDIA (1969)

This case blurred the line between administrative and quasi-judicial actions. A selection committee member was also a candidate for the job—raising concerns of bias. The Supreme Court ruled that even administrative decisions must follow natural justice, especially the rule against bias.

MANEKA GANDHI V. UNION OF INDIA (1978)

The government took away Maneka Gandhi's passport without giving her a chance to explain. The Court held that Article 21 (Right to Life and Liberty) includes the right to a fair hearing. This case made it clear that natural justice is part of constitutional rights.

UNION OF INDIA V. TULSIRAM PATEL (1985)

This case dealt with government employees being dismissed without a hearing. The Court ruled that in rare emergency situations, natural justice can be limited but only with strong justification. It clarified when exceptions to natural justice may apply.

BOARD OF CONTROL FOR CRICKET IN INDIA V. CRICKET ASSOCIATION OF BIHAR (2015)

The Court emphasized that even private bodies performing public functions must follow natural justice. It said that a fair hearing is essential, even if the rules don't explicitly mention it. This case extended the doctrine beyond just government bodies.

These cases show how Indian courts have expanded and protected the principles of fairness, neutrality and the right to be heard.

⁴ Kanoonirai "Supreme Court's judgment on the principle of natural justice" < <https://kanoonirai.com/supreme-courts-judgment-on-the-principle-of-natural-justice/> > accessed on 27 June,2025

EXCEPTIONS TO THE DOCTRINE OF NATURAL JUSTICE

The **Doctrine of Natural Justice** is all about fairness, there are some situations where it **doesn't have to be followed strictly**. These are called **exceptions**, and they exist because sometimes following every step of natural justice might not be possible or practical.⁵

1. EMERGENCY SITUATIONS

If there's a crisis like a threat to public safety or national security. The government or authorities may act quickly without giving a hearing. For example, during a riot, authorities can impose curfews without asking each person.

2. WHEN A LAW CLEARLY SAYS SO (STATUTORY EXCLUSION)

Sometimes, a law specifically says that natural justice doesn't apply in a certain situation. In such cases, the law itself allows skipping the usual process.

3. WHEN PUBLIC INTEREST IS MORE IMPORTANT

If giving a hearing would harm the public interest like revealing sensitive information or delaying urgent action. Then natural justice can be set aside.

4. WHEN IT'S NOT PRACTICAL

In some cases, it's just not possible to give a hearing to everyone. For example, if a rule affects thousands of people, it may not be practical to hear each one individually.

5. ACADEMIC OR CONFIDENTIAL EVALUATIONS

In things like exam results or confidential reports, natural justice may not apply because the process is based on expert judgment, not accusations or punishments.

6. NO REAL IMPACT ON RIGHTS

If the decision doesn't affect someone's rights or interests, then there's no need to follow natural justice. For example, if a rule is made that doesn't harm anyone directly, a hearing may not be required.

7. DOCTRINE OF NECESSITY

If the only available person to make a decision has a conflict of interest, but no one else can do it, then they may still decide. This is called the doctrine of necessity.

⁵ Ipleaders "Exceptions to the rule of natural justice" (Published on 20 March,2021) < <https://blog.ipleaders.in/exceptions-rule-natural-justice/> > accessed on 28 June, 2025

CONCLUSION

The Doctrine of Natural Justice makes sure decisions are fair and honest. It is based on two simple ideas: everyone deserves a chance to be heard, and decisions must be made by someone neutral. This principle is used in schools, workplaces, courts, and government actions to protect people from unfair treatment. Even though it's not always written in law, it is deeply respected and supported by our Constitution under Articles 14 and 21. By following this doctrine, we create a more just society where people feel respected and heard, and where power is not misused or abused.