

ADMINISTRATIVE LAW

UNIT – III

Judicial Power of Administration & Natural Justice

Bias • Audi Alteram Partem • Reasoned Decisions • Exceptions

UNIT-III Full Coverage

1. When Admin must act Judicially

2. Tests for Quasi-Judicial

3. Natural Justice – Concept

4. Nemo Judex (Bias)

5. Types of Bias

6. Audi Alteram Partem

7. Notice

8. Hearing

9. Right to Counsel

10. Evidence & Cross-Examination

11. Reasoned Decisions

12. Exceptions to Natural Justice

13. Effect of Non-Compliance

14. Void vs Voidable

15. Grounds of Challenge in SC

16. Key Cases

17. Modern Expansion

18. Exam Strategy

19. Key Takeaways

20. Closing

Tests

An administrative authority is required to act judicially when it is empowered to decide a dispute affecting the rights of parties. The presence of a lis, the duty to hear, and the nature of the function are relevant tests.

Lis Inter Partes

Dispute between two parties that the authority must decide.

Affecting Rights

Decision affects civil consequences / rights of a person.

Statutory Duty to Hear

When statute expressly or impliedly requires a hearing.

Kraipak Principle

Even pure administrative action may attract natural justice if it affects rights.

Two Pillars

Nemo Judex in Causa Sua

No one should be a judge in his own cause – rule against bias.

Audi Alteram Partem

Hear the other side – rule of fair hearing.

Object

Ensure fairness, impartiality and transparency in decision-making.

Flexible

Contents of natural justice vary with the nature of the function and statutory framework.

Not Codified

Common law principles adopted and expanded by Indian courts.

Constitutional Status

Linked to Art. 14 and Art. 21 – procedure must be fair.

Nemo Judex

Pecuniary Bias

Any financial interest, however small, disqualifies.

Personal Bias

Relationship, friendship, hostility, professional relationship.

Official / Policy Bias

Departmental policy does not automatically disqualify, but prior commitment may.

Test

Reasonable suspicion / real likelihood of bias – fair-minded observer test.

Waiver

Bias can be waived if the party knowing of it participates without objection.

Effect

Decision vitiated by bias is liable to be quashed.

Fair Hearing

Notice

Must be clear, specific and give reasonable time to prepare.

Hearing

Oral or written – depends on the context. Opportunity to present case.

Disclosure

Relevant material adverse to the person should be disclosed.

Cross-Examination

Not always a right; depends on the nature of the inquiry.

Legal Representation

Not an absolute right; allowed when stakes are high or matter is complex.

Reasoned Order

Speaking order – reasons enable review and show application of mind.

Speaking Orders

A reasoned decision demonstrates that the authority applied its mind, enables the aggrieved person to know why he lost, and facilitates judicial review. Failure to give reasons can itself be a ground of challenge.

When Required

Generally when the decision affects rights or is subject to appeal / review.

Statutory Requirement

Many statutes expressly require reasons.

Sufficient Reasons

Need not be elaborate; must be adequate to show the basis of the decision.

Consequence of Absence

Order may be quashed; matter remitted for fresh decision.

When Hearing may be Dispensed With

Emergency

Immediate action necessary to prevent harm (e.g., preventive detention – post-decisional hearing).

Confidentiality

Where disclosure would harm public interest or ongoing investigation.

Legislative Action

Pure legislative functions generally do not attract natural justice.

Statutory Exclusion

Where statute expressly or by necessary implication excludes hearing (subject to constitutional limits).

Impracticability

Large number of persons; impracticable to hear everyone.

Useless Formality

Where on admitted facts only one conclusion is possible – cautiously applied.

Void or Voidable

Traditional View

Breach of natural justice makes the decision voidable.

Modern Indian View

Often treated as void; decision is null and can be ignored or quashed.

Prejudice

Some decisions require showing of prejudice; others treat the breach itself as prejudice.

Remission

Court may quash and remit for fresh decision after following fair procedure.

Waiver

Party may waive the right to hearing by conduct.

Exam Tip

State both views and note that Indian courts lean towards treating serious breaches as void.

Natural Justice

A.K. Kraipak	Natural justice applies to administrative action affecting rights; bias of selection board member.
Maneka Gandhi	Fair procedure under Art. 21; audi alteram partem in passport impounding.
Ridge v. Baldwin	Classic on dismissal without hearing.
S.L. Kapoor	Non-disclosure of relevant material – breach of natural justice.
Mohinder Singh Gill	Post-decisional hearing may cure in some cases; reasons important.
Hira Nath Mishra	In-camera hearing and limited disclosure in sensitive disciplinary matters upheld.

UNIT-III

01 Quasi-Judicial

When rights are affected and a decision is required – natural justice applies.

02 Bias

Pecuniary, personal, official – real likelihood / reasonable suspicion test.

03 Fair Hearing

Notice + opportunity to be heard + disclosure + reasoned order.

04 Exceptions

Emergency, confidentiality, legislative function, statutory exclusion – narrowly construed.

05 Non-Compliance

Decision liable to be quashed; often treated as void.

06 Key Cases

Kraipak, Maneka Gandhi, Ridge v. Baldwin – must be cited.

End of UNIT – III

Natural Justice • Bias • Fair Hearing • Reasoned Decisions

20+ Slides • Formal Edition