HISTORICAL ADVANCEMENTS IN THE PRINCIPLES OF NATURAL JUSTICE

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Abstract

Natural justice is an important concept of constitutional as well as administrative law. It express a choose relationship between the common law and moral principles and has an impressive history. The term, however, cannot be defined precisely and scientifically. The concept of natural justice doesn't vary clear, yet the principles of natural justice are accepted and enforced. The rules of natural justice are basic values which a man has cherished throughout the ages. The principle applies rules relating to reasonableness, good faith and justice, equity and good conscience. There is no statutory provision for its observance; however, out it has been enforced through the various judicial pronouncements. The main principles as recognised by the traditional English law are 'Nemo debet esse jidex in propria causa' and 'Audi altrem partem' however certain other principles have also been recognised in the modern times as principles of natural justice. The basic concept behind applying these principles as law is to avoid any kind of biases or partiality for or against any of the litigating parties by an anticipating authority and to provide an equal opportunity to all the parties in any case to fulfil the purpose of a fair trial. It is a general rule and there is no necessity of the existence of any kind of duty to act judicially- an adjudicating authority must always act fairly.

Keywords: *Administrative Law, Authority, Fair Trial, Justice, History.*

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INTRODUCTION

Justice is a natural virtue. Well- functioning humans are just, as are well-ordered human societies. Roughly, this means that in a well-ordered society, just humans internalize the laws and social norms (the *nomoi*)—they internalize lawfulness as a disposition that guides the way they relate to other humans. In societies that are mostly well- ordered, with isolated zones of substantial dysfunction, the *nomoi* are limited to those norms that are not clearly inconsistent with the function of law- to create the conditions for human flourishing. In a radically dysfunctional society, humans are thrown back on their own resources- doing the best they can in circumstances that may require great practical wisdom to avoid evil and achieve well. Justice is naturally good for humans- it is part and partial of human flourishing[1].

Justice is a very elaborate conception, the growth of many centuries of civilization; and even now the conception differs widely in countries usually described as civilized.[2]

Natural justice has meant many things to many writers, lawyers, and systems of law. It has many colours and shades and many forms and shapes. In the words of Megarry J[3] it is"justice that is simple and elementary, as distinct from justice that is complex, sophisticated and technical." They are better known than described and easier proclaimed than defined.[4]

In *Drew* v. *Drew & Lebura*[5], Lord Cranworth defined it as "universal Justice".

In *James Dunber Smith* v. *Her Majesty the Queen* [6] the Judicial Committee of Privy Council, used the phrase 'the requirements of substantial justice'.

In *Arthur John Specman* v. *Plumstead District Board of Works*[7]Earl of Selbourne, S.C. preferred the phrase 'the substantial requirement of justice'.

In *Vionet* v. *Barrett*[8], Lord Esher, MR defined natural justice as 'the natural sense of what is right and wrong'.

[1] Lawrence B. Solum, Natural Justice, Natural Law Lecture 65, 65 (2006)
[2] *Maclean* v. *The Workers Union* (1929) 1 Ch. 602, 624
[3] *John* v. *Rees* (1970) 1 Ch d 345: (1969) 2 WLR 1294
[4] *Abbott* v. *Sullivan* (1952) 1 KB 189, 195
[5] 1855 (2) Macg. 18
[6] 1877-78 (3) App Case 614, 623 JC
[7] 1884-85 (10) App Case 229, 240

While however, deciding *Hookings* v. *Smethwick Local Board of Health*[9], Lord Fasher, M.R. instead of using the definition given earlier by him in Vionet's case chose to define natural justice as 'fundamental justice'.In *Ridge* v. *Baldwin*[10], Harman LJ, in the Court of appeal countered natural justice with 'fair play in action' a phrase favored by Bhagawati, J. in *Meneka Gandhi* v. *Union of India*[11].

In Re *R.N. (An Infaot)*[12] , Lord Parker, C.J., preferred to describe natural justice as 'a duty to act fairly'.

The principles of natural justice constitute the basic elements of fair hearing, having their roots in the innate sense of man for fair play and justice which is not the perverse of any particular race or country but is shared in common by all men. It supplies the omission made in codified law and helps in administration of justice. Natural justice is not only confined to 'fairness' it will take many shade and colour based on the context. Thus natural justice apart from 'fairness' also implies reasonableness, equity and equality. They are neither cast in a rigid mould nor can they be put in legal straitjacket. These principles written by nature in the heart of mankind, they are immutable, inviolable, and inalienable.[13]

GREEK PHILOSOPHY ON NATURAL JUSTICE

As far back in ancient Greek literature as Homer, the concept of *dikaion*, used to describe a just person, was important. From this emerged the general concept of *dikaiosune*, or justice, as a virtue that might be applied to a political society. Plato claims that the laws of justice, matters of convention, should be obeyed when other people are observing us and may hold us accountable; but, otherwise, we should follow the demands of nature. The laws of justice, extrinsically derived, presumably involve serving the good of others, the demands of nature, which are internal, serving self-interest. He even suggests that obeying the laws of justice often renders us helpless victims of those who do not. If there is any such objective value as natural justice, then it is reasonable for us to attempt a rational understanding of it. On the other hand, if justice is merely a construction of customary agreement, then such a quest is

[8] 1885 (55) LJRD 39, 41
[9] 1890 (24) QBD 712
[10] 1963 (1) WB 569, 578
[11] (1978 92) SCR 621)
[12] 1967 (2) B. 617, 530P
[13] Mustafa Rashid Issa, *Natural Justice in Islam and Humans Law*, 15 An International Peer-reviewed Journal, 2015, p. 5

doomed to frustration and failure.[14] The translations of ancient texts show that the term"justice"sometimes name a state of personal character(usually Greek to *dikaiyosyn* or dike, Latin *iustitia*) , sometimes a more abstract understanding of right and wrong (usually Greek to *dikaion* or dike, Latin *ius*) and sometimes a condition of a political community or institution. A basic question about ground of requirements of Justice was raised as to whether justice is conventional or natural. It was agreed upon that justice and its norms are God-given because god works through nature and in particular through human beings[15].

ISLAMIC VIEWS ON NATURAL JUSTICE

God declares in the Quran: "God commands justice and fair dealing..."[16]Natural justice in Islam that can also be referred to Islamic law or Islamic jurisprudence (fiqh) or Islamic Sharia derives its roots from three main sources according to Islamic scholars : The Quran, Hadith and Sunnah.These sacred scripture and sayings of Islam, considers justice to be a supreme virtue. It is a basic objective of Islam to the degree that it stands next in order of priority to belief in God's exclusive right to worship (Tawheed) and the truth of Muhammad's prophet hood.

HINDU SCRIPTURES ON NATURAL JUSTICE

Hindu scriptures reflect a deep fascination with and commitment to justice, both as a social reality and as a cosmic principle. The earliest narratives identify justice with the work of a god, such as Yama, who weighs the actions of the dead on his scale, or Varuna, who binds sinners with the fetters of illness. By the end of the Vedic period (sixth century BCE), justice was equated with a cosmological principle, called rita, which governed nature as well as human ethical conduct. To follow Rita was to act in accordance with justice, or natural law. However, it was not until the concept of karma emerged, in the early Upanishads, that justice became a logical consequence of action. Karma stipulated that good actions are rewarded and bad actions punished, if not in this life then the next. This became part of the intellectual foundation for social inequality and a corresponding explanation for social evil.[17] Though now it is believed that Principles of Natural Justice were systematized in ancient Rome,

[14] Western Theories of Justice, Available at: http://www.iep.utm.edu/justwest (Accessed on: 27/12/ 2017 at 10:04 AM)

[15] The Oxford encyclopedia of ancient Greece and Rome 165-166 (Michael Gagrin, 2010)

[16] (Quran 16:90).

[17] *Hinduism on Justice and Injustice*, Available at: https://berkleycenter.georgetown.edu/essays/hinduism-on-justice-and-injustice (Accessed on: 26/12/ 2017 at 09:40 PM)

principles of natural justice are not new India. Principles of fair hearing and rule against bias were well recognized in ancient India.

In ancient India foremost duty of a judge was his integrity which included impartiality and a total absence of bias or attachment. The concept of integrity was given a very wide meaning and the judicial code of integrity was very strict, Brihaspati Says: A judge should decide cases without any consideration of personal gain or any kind of personal bias; and his decision should be in accordance with the procedure prescribed by the texts. A judge who performs his judicial duties in this manner achieves the same spiritual merit as a person performing a Yajna. Further, the judges and counselors guiding the king during the trial of a case were required to be independent and fearless and prevent him from committing any error or injustice. Says Katyayana: If the king wants to inflict upon the litigants (vivadinam) an illegal or unrighteous decision, it is the duty of the judge (samya) to warn the king and prevent him."[18] In India the principle is prevalent from the ancient times. It is invoked in Kautilya's Arthashastra. In this context, para 43 of the judgment of the Hon'ble Supreme Court In the case of *Mohinder Singh Gill* v. *Chief Election Commissioner*[19], may be usefully quoted:

"Indeed, natural justice is a pervasive facet of secular law where a spiritual touch enlivens legislation, administration and adjudication, to make fairness a creed of life. It has many colors and shades, many forms and shapes and, save where valid law excludes, it applies when people are affected by acts of authority. It is the bone of healthy government, recognized from earliest times and not a mystic testament of judge-made law. Indeed from the legendary days of Adam-and of Kautilya's Arthashastra-the rule of law has had this stamp of natural justice, which makes it social justice. We need not go into these deeps for the present except to indicate that the roots of natural justice and its foliage are noble and not new-fangled. Today its application must be sustained by current legislation, case law or other extant principle, not the hoary chords of legend and history. Our jurisprudence has sanctioned its prevalence even like the Anglo-American system."[20]

[18] *Origin and Development of Principles of Natural Justice*, Available at: http://www.legalservicesindia.com/article/article/origin-and-development-of-principles-of-natural-justice-1528-1.html (Accessed on: 07/12/ 2017 at 11:10 AM)

[19] AIR 1978 SC 851

[20] Justice Brijesh Kumar, PRINCIPLES OF NATURAL JUSTICE, Institute's Journal, july-September 1995, 1-2, Available at:

Thus the Principle of natural justice is not a concept newly arrived at, but an age old principle being practised since the beginning of human existence in most of the ancient civilizations.

COMMON LAW AND NATURAL JUSTICE

Natural justice is an expression of English common law and involves a procedural requirement of fairness. As early as the mid18th century, Lord Mansfield founded liability to repay money had and received on "natural justice and equity", in case of *Moses v. Macferlan*[21]. Then, in the 19th Century Kindersley V.C. invoked natural justice in case of *Rice v. Rice*[22]to help to determine the conflicting priorities of two equitable interests. Further during the late 19th century, examining the origin of the right of a cargo owner to general average contribution Brett M.R. said in case of *Burton & Co. v. English & Co.*[23]

"…it seems to me that the right arose at the time of the making of the Rhodian laws, it is consequence of the peculiarity of sea danger and has become incorporated into the municipal law of England as a law of the ocean and of marine risk, because when two parties were jointly in danger of the same misfortune, natural justice required that any loss falling upon one party for the safety of the whole adventure should be recouped by the other party in proportion,"

Without going into the ramifications of the doctrine of the natural justice at this stage, it may be said that the doctrine as understood in England, rests on two broad principles resting on Latin maxims which were drawn by common law from "justice naturale", as in case of *Local Govt. v. Arlidge*[24]. In the 19th Century, the phrase came to be applied by the superior courts in controlling the decisions of courts of summary jurisdiction and it was asserted that any court of justice or judicial tribunal must observe these minimum safe guard of natural justice for justice to be done i.e. being impartial and without bias and further no man should be condemned unheard, otherwise failing which the decisions would lose their judicial character.

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https://www.google.co.in/url?sa=t&source=web&rct=j&url=http://ijtr.nic.in/articles/art36.pdf&ved=0ahUKEwj6op3W2KzYAhXDuI8KHY3GA70QFggmMAA&usg=AOvVaw2MZFNwlldsrUIuiDbrMfNG Accessed on: 26/12/ 2017 at 10:24 PM)

[21] (1760) 2 Burr, 1005(1012)

[22] (1853) 2 Drew 73(79)

[23] (1883) 49 L.T. 768(769)

[24] (1915) A.C. 120(138) HL

That these are the essential requirements of a judicial decision would appear from the notable words of Viscount Haldane as in case of *Local Govt.* v. *Arlidge*[25] : -

".....those whose duty it is to decide must act judicially. They must deal with the question referred to them without bias and they must give to each of the parties the opportunity of adequately presenting the case made. The decision must come to the spirit and with the sense of responsibility of a tribunal whose duty it is to mete out justice."

It is not possible to produce an exhaustive list of the rules of natural justice in this formal sense or of the requirements of the rules, because the rules of natural justice are means to an end and not an end themselves, as in case of *Official Solocitor V.K*[26].In the words of Tucker L.J.,

"The requirements of natural justice must depend on the circumstances of the case, the nature of the inquiry, the rules under which the tribunal is acting, the subject matter i.e. being dealt with and so forth"

NATURAL JUSTICE IN U.S.A.

In the United States, the expression, natural justice, as such is not so frequently heard of, it appears to have been used in the late 18th and 19th centuries in the cases of *Calder* v. *Bull* and *Ex parte Robinson*, because it is not necessary to rely on common law when due process is to be affected by State action (5^{th} and 14^{th} Amendments.). Due process is a vague and undefined expression, the implications of which are not finally settled even today. But, the American judiciary has secured the observance of the minimum requirement of justice embodied in the principle of natural justice, by taking advantage of the very vagueness of the phrase 'due process'. Thus, in case of *Synder* v. *Massachussets*[27], the Supreme Court observed that there was a violation of due process whenever there was a breach of a "principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental"

DEVELOPMENT OF THE PRINCIPLE IN INDIA

[25] *Ibid*.
[26] (1965) A.C. 201
[27] (1934) 291 U.S. 97, (105)

The development of the Principle in India can be traced through the various judgements of the High Coutts and Supreme Court. These principles of natural justice are treated as a part of the Constitutional guarantee contained in Art. 14 and the violation of these principles by the administrative authorities are taken as violation of Art 14. Actually the concept of quasi-judicial, natural justice and fairness all have been developed to control the administrative action. The object has been to secure justice and prevent miscarriage of justice.

The concept of rule of law would have its importance if the administrative authorities are not charged with the duty of discharging their functions in fair and just manner. Art 14 & 21 has strengthened the concept of natural justice. Art. 14 apply not only to discriminatory class legislation but also to discriminatory or arbitrary state action. Violation of the principle of natural justice results in arbitrariness and, therefore, its results in the violation of Art. 14.Art. 21 require substantive and procedural due process and it provides that no person shall be deprived of his life or person liberty except according to the procedure established by law. The procedure prescribed for deprivation of person liberty must be reasonable, fair, just and a procedure to be reasonable, fair and just must embody the principle of natural justice[28]. A procedure which does not embody the principles of natural justice cannot be treated as reasonable, just and fair as in case of *Vionet* v. *Barrett*[29]. The earlier view as in case of *Franklin* v. *Ministry of Town& Country Planning*[30], which the principle of natural justice were applicable to the judicial and quasi-judicial orders only and not to the administrative orders has been changed now. Both in English Law and in India the courts have made it clear that the principle of natural justice in applicable in administrative proceedings as in case of *A.K, Kraipak* v. *Union of India*[31]. In *Sate of Orisa* v. *Birapani Dei*[32]the Supreme Court has specifically held that even an administrative order which involve civil consequences must be made consistently with the rules of natural justice. The Supreme Courts has observed in case of *Union of India* v. *P.K. Roy*[33] that the extent and application of the doctrine of natural

[28] The Principle And Essential Elements Of Natural Justice – Its Historical Perspective And Role Of Judiciary, Available at: https://www.google.co.in/url?sa=t&source=web&rct=j&url=http://shodhganga.inflibnet.ac.in/bitstream/10603/40127/6/06_chapter%25201.pdf&ved=0ahUKEwjyiL-T2KzYAhXIuI8KHZbmAmkQFggmMAA&usg=AOvVaw1eY3rPaj_KaPaAZTFNdJhU (Accessed on: 26/12/ 2017 at 10: 35 PM)

[29] (1885) 55 LJ RB, 29

[30] (1947) 2 All E.R. 289 (H.L.)

[31] AIR (1970) SC 150

[32] AIR (1967) SC 1269

[33] AIR (1968) SC 850

justice depends upon the nature of the jurisdiction conferred on the administrative authority, upon the character of the rights of the persons affected, the scheme and policy of the statute and other relevant circumstances disclosed in the particular case. In *A.K. Kraipak v. Union of India*[34] the Supreme Court has observed:

"What particular rule of natural justice should apply to a given case must depend to a great extent on the facts and circumstances of that case, the framework of the law under which the enquiry is held and the constitution of the Tribunal or body of persons appointed for that purpose. Whenever a complaint is made before a court that some principle of natural justice has been contravened, the court has to decide whether the observance of that rule was necessary for a just decision on the facts of that case."

As regards the application of the principles of natural justice the distinction between quasi-judicial and administrative order has gradually become thin and now it is totally eclipsed and obliterated. The aim of the rules of natural justice is to secure justice or put it negatively to prevent miscarriage of justice and these rules operate in are not covered by law validly made or expressly excluded. The rules of natural justice would apply unless excluded expressly or by implication.[35]

The most recent of the judgements lay down the conditions when the Principle of natural justice can be excluded and the effects of breach of natural justice.

EXCEPTIONS TO THE PRINCIPLE

It has been held in the case of *Rash Lal Yadav* v. *State of Bihar*[36] that Whether the exercise of a power conferred should be made in accordance with any of the principles of natural justice or not depends upon the express words of the provisions conferring the power, the nature of power conferred, the purpose for which it is conferred and the effect of the exercise of that power. In *State of Haryana* v. *Piara Singh*[37] the Supreme has held that in service matter the Rule of Court is to ensure rule of and to see that the executive acts fairly and gives fair deals to employee as required under Articles 14 & 16. For example, if a Municipal corporation is established, the Govt. is not required to hear the residents of the Municipal area before taking

[34] AIR (1970) SC 150
[35] *Ibid*
[36] (1994) 5 SCC 267
[37] AIR 1992 SC 2130

decision for its establishment because the establishment of a Municipal Corporation is a legislative Act and the rule of natural justice are not applicable to the legislative Act as in the case of *Sundarjas Kanegala Bhatiyja* v. *Collector, Thane*[38]. According to Paul Jackson, A Minister or any other body in making legislation is not subject to the rule of natural justice. For example, in the case of powers derived from the Royal Prerogative, the courts may refuse to interfere on the ground that the applicant has not been deprived of any legal right as in case of *De Freitas* v. *Benny*[39] the Privy Council held that a Minister could not be required to disclose the evidence on which he based his advice on the exercise of the Royal Prerogative of Mercy because "Mercy is not the subject of legal rights. It begins where legal rights end." In *MRF Ltd.* v. *Inspector, Kerala Government*[40] the court has made it clear that the principle of natural justice cannot be imported in matter of legislative action. If the legislative, in exercise of its plenary power under Article 245 of the Constitution, proceeds to act in a law, those who would be affected by that law cannot legally raise a grievance that before the law was made, they should have given an opportunity of hearing.

EFFECT OF BREACH OF NATURAL JUSTICE

When the Authority is required to observe the principle of natural justice in passing an order but fails to do so, the general judicial opinion is that the order is void. For example, in case of *Ridge v. Baldwin*[41]in England the Court held the decision of the authority void on the ground of the breach of rule of fair hearing.

In India, the position is well settled and the order passed in violation of the principles of natural justice is void as in the cases of *Nawab Khan* v. *State of Gujrat*[42], *State of U.P.* v. *Mohd. Noor*[43] , *A.K. Kraipaipak* v. *Union of India*[44] *and Collector of Monghyr* v. *Keshav Pd.*[45], when the reasons for the decision are not given to the person concerned or reasons are not given to the Court, the order is quashed and the authority is directed by the Court to examine the matter afresh as in case of *Bhagat Raja* v. *Union of India*[46]. When the reasons

[38] AIR 1990 SC 261
[39] (1976) AC 238
[40] AIR 1999 SC 188
[41] (1964) AC 40
[42] AIR 1974 SC 147
[43] AIR 1958 SC 87
[44] AIR 1970 SC 150
[45] AIR 1962 SC 1674
[46] AIR 1967 SC 1606

are not communicated to the person concerned that they are on record as in *Ajantha Industries* v. *Central Board of Direct Taxes*[47]the court has not upheld the decision because the court has held that recording of reasons on the file is not sufficient and it is necessary to give reasons to the affected person and in this case the order was quashed on the ground that the reasons were not communicated to the person concerned.

In the Lecture[48] delivered at judicial Academy on 1st June, 2009, Justice T.S.Sivagnanam stated that there are certain other principles which have been stated to constitute elements of Natural Justice. These are

i. The parties to a proceedings must have due notice of when the Court / Tribunal will proceed

ii. The Court / Tribunal must act honestly and impartially and not under the dictation of other persons to whom authority is not given by Law. These two elements are extensions or refinements of the two main principles stated above.

SPEAKING ORDERS

Recently a third principle of natural justice has emerged, namely, speaking order (reasoned decisions). According to this, a party has a right to know not only the result of the enquiry but also the reasons in support of the decision.[49] There is no general rule of English law that reasons must be given for administrative or even judicial decisions. In India also, till very recently it was not accepted that the requirement to pass speaking orders is one of the principles of natural justice. But as Lord Denning[50] in *Breen* v. *Amalgamated Engineering Union* says, the giving of reasons is one of the fundamentals of God administration. Subba Rao J in *M.P. Industries Ltd*.[51]has observed:

[47] AIR 1976 SC 437

[48] Justice T. S. Sivagnanam , PRINCIPLES OF NATURAL JUSTICE Lecture delivered at Tamil Nadu State Judicial Academy on 01.06.2009 to the newly recruited Civil Judges (JR Division) during Induction Programme 2009, Available at: https://www.google.co.in/url?sa=t&source=web&rct=j&url=http://www.tnsja.tn.nic.in/article/Pri%2520of%2520Natural%2520Jus%2520by%2520TSSJ.pdf&ved=0ahUKEwi4vdf_2azYAhWLqI8KHSTKCnUQFggmMAA&usg=AOvVaw2xdiD6AeXsxVlM4UtgDbm0 (Accessed on: 26/12/ 2017 at 10:41 PM)

[49] C.K.Takwani, Lectures on Administrative Law 218 (5th ed., 2012).

[50] (1971) 2 QB 175: (1971) 2 WLR 742 (CA)

[51] AIR 1966 SC 671

There is an essential distinction between a court and an administrative tribunal. A judge is trained to look at things objectively, but, an executive officer generally looks at things from the stand-point of policy and expediency. The habit of mind of an executive officer so formed cannot be expected to change from function to function or from act to act. So it is essential that some restrictions shall be imposed on tribunals in the matter of passing orders affecting the rights of parties: and the least they should do is to give reasons for their orders.

For the first time in *Siemens Engg.*[52], the Supreme Court held that the rule requiring reasons to be recorded by quasi-judicial authorities in support of the orders passed by them must be held to be a basic principle of natural justice.

A special reference may be made in this connection to a decision of the Constitution bench of the Supreme Court in *S.N. Mukherjee*[53]. Referring to a number of leading cases on the point, Agarwal J observed:

"Keeping in view the expanding horizon of the principle of natural justice, we are of the opinion, that the requirement to record reason can be regarded as one of the principles of natural justice which govern exercise of power y administrative authorities."[54]

CONCLUSION

Natural justice is a legal philosophy used in some jurisdictions in the determination of just, or fair, processes in legal proceedings. The concept is very closely related to the principle of natural law which has been applied as a philosophical and practical principle in the law in several common law jurisdictions. Natural justice in essence could just be referred to as 'Procedural Fairness', with a purpose of ensuring that decision-making is fair and reasonable. Natural justice must underpin departmental decision-making as those decisions affect the interests of persons or corporations.

This is the universal element which restricts the perjury to the persons' intrinsic rights and values. To quote *Victor Cousin*[55]:-

[52](1976) 2 SCC 981
[53] (1990) 4 SCC 594
[54] *Ibid*, SCC 614: AIR 1996.
[55] Victor Hugo on Natural Justice, Available at: http://www.azquotes.com/quotes/topics/natural-justice.html (Accessed on: 28/12/ 2017 at 11:05 AM)

"The Universal and absolute law is that Natural Justice which cannot be written down, but which appeals to the hearts of all."

This clearly illustrated the true assertive principles of Natural Justice which dignifies the literal status of morality as well as the human values. The Law made for the humanity and not the sole human should be the prima facie interest of the society. Sociological and Historical Schools which enunciated the Natural Justice were able to overrule the dictatorship of the Analytical School's Approach. Without seeing the necessity of natural justice, no law can be just, fair and reasonable. The judicial construction based on the justice, equity and good concise is too based on the unanimous principles of natural Justice which come handy when all the legal elements fail. Henceforth, the overall democracy of India shall be beneficial for the India Society when the legal norms and their fulfillment are submissive with Natural Justice.