

**CONCEPT AND APPLICABILITY OF DUE PROCESS OF LAW: AN
ANALYTICAL STUDY**

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ABSTRACT

The '*Due Process of Law*' have been inducted and pursued by the Judiciary to protect the rights of the general public from the arbitrary actions of the administration. The '*Due Process of Law*' is a wide concept and it must not be limited to the 'personal life and liberty' alone. The doctrine serves as the guide while interpreting the laws as well as while exercising the powers as to in the capacity of administrative functions.

One can easily ascertain that the concept of '*Due Process of Law*' is the part of principles of Natural Justice, which serve as the purpose for '*fair and reasonable*' remedy to the aggrieved person from the administrative actions.

Thus, at all levels of the governance system the administrative authority must strictly adopt the concept of '*Due Process of Law*', whether it may be quasi – legislative functions or quasi – executive functions or quasi – judicial functions.

Also, while performing the important functions as of the administrative capacity the presiding officer must not be prejudice or pre-conceived in any of the matter presented before him, he must not be biased and stick with a side, which may affect the decision-making process.

Thus, the main agenda to see the framework with the glasses of '*Due Process of Law*' is to prevent the miscarriage of justice by the hands of administrative authorities. Therefore, it is the fundamental principle that one should keep in mind while adjudicating the matter of dispute that if in any case the matter is decided without following proper procedure and in arbitrary manner, then it must be held as null and void in the light of '*Due Process of Law*' and all such procedures must be in accordance to the principles of Natural Justice.

KEYWORDS: Due Process of Law, Natural Justice, Administrative Authorities, Administrative Actions, Bias, Quasi-Legislative, Quasi-Executive, Quasi-Judicial.

INTRODUCTION

The concept of '*Due Process of Law*' is the one such concept which prescribes the limitations of the State while exercising its abundant powers without infringing the rights of the subjects of the State. It is a concept of safeguard, it provides the protection against the arbitrary acts conceived by the State and violating the rights of Liberty given to the citizens in a free polity. '*Due Process*' simply means that a set procedure must be followed while exercising the functions of the government and by not conducting the functions beyond the Constitutional limits and infringing the rights of the citizens.

The evolution of the such concept is the essential ingredient of the '*Principle of Natural Justice*' which states about the inclusion of equitable, appropriate, virtuous and scrupulous framework in the democratic setup, in the safeguarding of the liberty against the arbitrariness, not only when it is in crisis but in the regular course of the polity for the '*Due Process of Law*'.

In the administration of justice, often the powers are delegated for the smooth functioning of the entire system. Under the delegated exercise of powers, often three important powers are delegated to the administration.

- i. The power to make rules (for self-governance and smooth run-through).
- ii. The power to enforce rules (implementation of the policies).
- iii. The power to adjudicated (disputes between the person and the agency concerned).

The doctrine of '*Due Process of Law*' has now a wider applicability in the current system of governance. Though, it is quite old concept and has origination from the roots of common Law of Britain. The doctrine has the significance as all the matters of legal interests are being now filtered through the lenses of the '*Due Process of Law*'.

India is a large and diverse Nation; it has adopted a democratic polity based on the legal system of Britain. It has also been inspired by the pre-existing world's polity and by virtue of such inspirations, India has also adopted some of the features which suits to the Indian Climate. The framers of our great Indian Constitution have served their purpose and tried to incorporate mostly all the ingredients to the Constitution, they felt necessary and relevant to the condition of that era, along with the futuristic approach. Initially, the protection of '*Due Process of Law*'

was deliberately omitted by the framers and the Concept did not make it through and was not inducted in our Constitution and later the same approach has been embraced by the Supreme Court of India. The concept of '*Due Process of Law*' was merely connected to the Constitutional provisions and thus interpreted very restrictively. But, with the evolution of the governance system new issues were raised which led the Supreme Court in the interpretation of the '*Due Process of Law*' in the Indian Constitution.

The doctrine of '*Due Process of Law*' is now being concerned to be relevant in the assessment of the rights and duties of a person and the State and their relations with the public laws. In the context of India, it has always been a matter of deliberation that the '*Due Process of Law*' is a part of Constitution or not and is it effective enough to protect person's liberty?

In the case of *A.K. Gopalan v. State of Madras*ⁱ, the Supreme Court has adopted the perspective that '*Due Process of Law*' and provision of Article 21ⁱⁱ are two different subjects and availed a narrow view. But with passage time, the view of the Apex Court has shifted and thus interpreted the 'procedure established by law'ⁱⁱⁱ alike to the American '*Due Process of Law*' and with the landmark decision of *Maneka Gandhi v. Union of India*^{iv}; the Court has widened the scope of Article and inducted the protection against the unlawful and arbitrary actions of the administrative agencies.

Similar to the protection as in the case of Constitutional matters or others subjects of law (criminal and civil), the doctrine of '*Due Process of Law*' has been quite reasonable and effective in eroding the unlawful and arbitrary actions of the administrative agencies. The effectiveness of the doctrine has proved to be in harmony with the Constitutional edict and in curbing with the unlawful and arbitrary actions in relation to the administrative matters. In all the cases related to the administrative actions of the government, there are three important factors to be conjoined for bringing the agencies into the purview of the doctrine:

- i. Quasi – Legislative Functions.
- ii. Quasi – Executive Functions.
- iii. Quasi – Judicial Functions.

The delegation of the authority by the any Law or Superior Authority empower the subordinate agency to make rule and regulations or by-laws for their smoother functioning, while performing their duties of administration; these powers to make rule for self-functioning is known as Quasi – Legislative functions. The implementation of policies of the government and for such implementation such other rules and regulations or by-laws are to be covered under

Quasi – Executive functions. Finally, the most important of all, where the dispute arises between the person concerned and the agency of the government, and adjudication is required for the matter is known as the Quasi – Judicial functions; and for the removal ambiguity the Tribunal and Boards are being established by the State for the adjudication of the matters of dispute.

NEED FOR DUE PROCESS OF LAW IN ADMINISTRATIVE ACTIONS

The '*Due Process of Law*' seeks to protect the rights of the people residing in the democratic polity. The doctrine provides for the equitable, appropriate, virtuous and scrupulous framework and prevent the miscarriage of justice. The main aim of the judicial interpretation to protect the rights of the individuals who have been aggrieved by the arbitrary actions of the administrative authorities.

This doctrine is a wide concept and it can be read with the concepts of '*Rule of Law*', '*Principles of Natural Justice*' or with the maxim '*Audi alteram partem*' or as the Supreme Court ruled as the '*fair and reasonable*'. However, the application of the '*Due Process of Law*' is subject to the conditions of each case. The '*Due Process of Law*' can only be explored as if:

- (i) The authority deciding each case shall be free from prejudice;
- (ii) The inclusion of the maxim '*Audi alteram partem*';
- (iii) The inclusion of the maxim '*Nemo judex in causa sua*'; &
- (iv) The inclusion of the maxim '*Not only must Justice be done; it must also be seen to be done*'.^v.
- (v) The most important of all the inclusion of the '*Principles of Natural Justice*'.

The main prerequisite of '*Due Process of Law*' is that of Notice with respect to a proposed rule and a solicitation to the individual to be affected by the rules to express their perspectives about the rules being made. The subsequent prerequisite is that of hearing for taking into consideration about the perspectives of the administration and the affected interests. A third prerequisite is that of making open the discoveries of the administration subsequent to taking into consideration about the perspectives and the fourth prerequisite is that of publication of rule or guideline which has been conceived by the administration as a result of consultation with the affected interests.

a) NOTICE:

The significance of notice is that an individual(s) likely to be affected by the administrative action must know the substance of the rules and regulation and the changes brought to them; so, he may not violate them in the lack of knowledge. The rationale behind is that concerned person must be notified of the rules and regulation as to in relation to the administrative actions. Before the exercising the power given to the administrative agency on any action a notice must be given primarily to the party who is likely to be affected by the administrative decision.

It is a right of person to know about the facts of the case before any action is taken against him, such action will be considered as arbitrary exercise of power by the agency. Notice is an essential part and essential ingredient to start a case even before hearing. Non-issuance of notice does not affect the jurisdiction of the agency but it affects can be ascertained and contrary to the doctrine of '*Due Process of Law*'.

b) HEARING:

This ingredient is important as if the other party is denied of the opportunity of hearing then then final goal of the legal system remains unfulfilled i.e. '*Justice*'. Hearing is most important as it provides the facts which are not presented by the either party and it helps in discovering the truth. Hearing could also facilitate in the discovery of the new aspects in any matter relating to the administrative body.

In another scenario, hearing can also be said as the consultation or opinion given to the government while forming the rules and regulation. This prerequisite is based on the principle of democracy setup which envisages the participation of the people through their representation in the process of legislation. The same can be ascertained in the process of subordinate legislation, which envisages 'consultation' with those whose interests are affected by the rules and regulations made by the administrative bodies.

The advantage in the process of consultation is that it can control the administration from acting arbitrarily and it can secure the participation of people in the process of making delegated legislation. There are certain circumstances in which hearing might be prohibited. It is just that the activity of the Administrative being referred to is authoritative and not regulatory in character. Generally, an order which is of general nature is not applied to one or more specified person and is regarded as legislative in nature.

c) FINDINGS:

The administrative authorities are required to make public notification of their findings before a rule is promulgated by them. These findings should present a summary of the evidence presented and recite the basic considerations which have led to a particular rule or regulation. The idea underlying such a requirement is that the purposes and reasoning behind a rule accord with statutory authority. Such findings may help to convince the affected parties that the agency making the rule has given due process to their point of view. The finding of fact may serve as an important element of '*Due Process of Law*' followed by the administrative agency if the action of the administration is called in question at a later stage.

d) PUBLICATION:

The rule formulated by the administrative agency after observing the requisites of '*Due Process of Law*' needs to be given due publicity so that the affected parties have knowledge of the rule formulated and comply with the norms laid down in the new rule and regulations.

In many of the legal systems of the world the principle followed is '*Ignorance of law is no excuse*' (*Ignorantia juris non excusat*). The implementation of this principle requires that the rules framed by the administrative bodies must be made known to the people so that they do not plead ignorance of law.

In the case of legislation by the law making bodies things come to the knowledge of the persons from the time a policy is formulated by the Government, a Bill is introduced in the Legislature and discussion takes place on the floor of the house, in the case of subordinate legislation however things do not come to the knowledge of the persons as to the type of rule that is being made by the Executive.

Since subordinate legislation has the same effect on the rights and duties of the citizens as the principal legislation has, it is necessary that adequate publicity be given to the subordinate rules as well to avoid the miscarriage of Justice.

DUE PROCESS AND ADMINISTRATIVE BIAS

'*Due Process of Law*' is based upon the principle of Natural Justice and the whole concept is entirely based on the equitable, appropriate, virtuous and scrupulous framework. A person who is the concerned party in any of the matter of the legal concern and has the direct relation with

the actions of the agency of the government, can seek the remedy from exploring the Judicial view.

The authority is said to be fair, if the authority is free from bias and the decision-making process has been kept out of the prejudice notion. A bias is the prejudice, where intentionally or unintentionally, in the matter whether in the party or the issue in question. Any such of the notion may affect the results and change the final outcome of the decision-making process. Bias limits the mind of the adjudicator or a judge and a pre-conceived opinion is formed in a particular case, which may lead to person interest in the case which is the opposite principle of Natural Justice. Thus, a rule against bias adverse the effects of the influence put on a judge in any case presented before him. The prerequisite of the principle of Natural Justice is that the judge must be impartially decide the issues based on the evidences presented, rather taking decision based on bias.

Bias manifests in various forms and may affect the decisions and outcomes in a several of ways. The rule against bias may be distinguished under the following heads:

i. PECUNIARY BIAS:

Pecuniary bias may arise in any case where the judge is no more impartial and he has some kind of monetary benefit arising out of the dispute presented before him. The financial benefits would affect the results and nullify the objective of the principle of Natural justice.

In *N. B. Jeejeebhoy vs Assistant Collector*^{vi}, the Hon'ble Chief Justice of India reconstituted the bench, when it was uncovered that one of the judges of the bench was a member of the cooperative society and the land acquired in the dispute was subject to the pecuniary bias.

Also, in the same matter, The High Court of Madras quashed the decision of the administrative authority and observed that the assistant collector was the chair-person of the cooperative society for which he has granted the approval in his capacity as the chairman of the Regional Transport Authority.

ii. PERSONAL BIAS:

Personal bias may arise based on the number of factors involving the connection between the administrative authority and the person who brought the matter before him. A judge may be biased if he is related the person as a friend or relative or may be known him in the capacity of business dealing or professional hostility. Such inter-relationship may disqualify a judge from

his capacity to act as a judge. However, no express list can be possibly made. However, it is necessary to prove that there is the existence of the suspicion regarding bias and establish it as the definitive ground to challenge the actions done by any administrative authority; and it is up to the Court to assess the suspicion regarding bias.

In *Baidyanath Mahapatra v. State of Orissa & Anr*^{vii}, the Supreme Court quashed the order of the tribunal granting premature retirement on the grounds, that the chairman of the tribunal was also a member of the review committee which had recommended premature retirement.

In *Ramanand Prasad Singh v. Union of India*^{viii}, the Supreme Court held that the decision of the selection committee cannot be quashed, as a participant member of selection committee where in the prepared list his brother name was listed and was a eligible candidate for selection, but the brother was rejected; this is inconsequential bias and not subject to be quashed on the ground on personal bias.

iii. BIAS AS TO SUBJECT MATTER:

A judge will be disqualified on the ground of bias, if he has general interest in the subject matter in any matter presented before him to adjudicate on the account of the connection with any of the administrative body. However, if a judge be held disqualified on the ground of bias as to in relation to subject matter, then it must be established that there is a direct connection between the judge and the subject matter involved in the case.

In *Muralidhar v. Kadam Singh*^{ix}, the High Court denied to quash the decision given by the Election Tribunal on the ground that the chairman's wife is a member of Congress party; and the petitioner has defeated the candidate of the Congress party.

iv. DEPARTMENTAL BIAS:

In the functioning of administration, the departmental bias is something which is quite commonly found and it is inherited in every department functioning. It may serve as a problem where it is passed unchecked and affect the decision making as well as affect the result of the inter-departmental disputes. It may fail the objective of the concept 'fairness' and 'reasonableness' in the functioning of the administrative body.

In the case of, *Hari Khemu Gawali v. The Deputy Commissioner of Police*^x, a termination order was challenged on the ground that the department of police initiated the disciplinary proceedings against the petitioner and the same department heard and decided the case; this,

possessing the ingredients of departmental bias and whole purpose of administration of justice is defeated.

The Hon'ble Supreme Court held that the ground on which the petitioner has presented the case is not relevant and there is no bias has been established in the proceedings.

v. POLICY NOTION BIAS:

Bias may arise out of the policy which may be a notion pre-conceived. It is a complicated form of bias in the adjudication of the arbitrary administrative actions. Primarily, a judge is a sound human, from whom it is expected that he has the knowledge in his hands to adjudicate the matter in the defined ambit of law along with the usage of his long-earned experience. On the other thought, it is being said that he may be of opinion pre-conceived which may vitiate the fair trial. In recent times, in every area of functioning of the administrative body the policy bias has been not considered as the bias which may deny any 'fairness' and 'reasonableness'.

In *M/s. Bajaj Hindustan Ltd. v. Sir Shadi Lal Enterprises Ltd. & Another*^{xi}, Court denied the petition challenging the administrative action(s) on the ground of policy bias.

vi. PRE-CONCEIVED NOTION BIAS:

A person who is sitting on the high chair is a human being having an approach which may be in some case be prejudices, and the judge may possess a pre-conceived opinion about the subject matter in question. It is commonly known as unconscious bias. This form of bias may include the bias against any race, class or may be personality. Every individual belongs to some class in the society and by the member of the clan gains some characteristics or customs or culture of the class, he is part off; which may influence his decision-making process. Every individual is a part of a social order from which his way of life can be asserted.

The major issue with this form of bias is that it remains unseen and but always present and influence the decisions of the adjudicator. But on the face of it may be seen as the exercise of administrative discretion but it might be the arbitrary actions of the administrative authority in favour of his pre-conceived notion.

vii. BIAS ON ACCOUNT OF OBSTINACY:

The interpretation of the Apex Court in various cases, a new form has been categorised arising out of the inflexibility and unreasonable in decision making. Inflexibility inhere can be

explained as the stubbornness and not adapting the new approach by the individuals involved in the administrative functioning.

This new form of bias was uncovered in a condition where a judge of the High Court of Calcutta, upheld his own judgement given previously, while a review petition was filed and presented before the Court. A direct violation of the rule that no judge can sit in appeal against his own judgement is not possible, therefore, this rule can only be violated indirectly.

In this case, in a fresh writ petition, the judge validated his own order in an earlier writ petition which had been overruled by the division bench. The application of the judicial process can also be replicated in the decision process of administrative actions.

APPLICABILITY OF DUE PROCESS OF LAW TO QUASI – LEGISLATIVE FUNCTIONS

The lack of a proper and effective Statute which prescribe the inclusion of '*Due Process of Law*' while conducting the process of framing rule and regulation or laws for the administrative agency. The system does not take into the consideration the affects their made laws may bring while exercising in the common course of working. The word 'consult' is of quite importance as it tries to convey the meaning of the induction of the phrase '*Due Process of Law*' in the common course of functioning.

For example, the All India Services Act, 1957, Section 3 prescribes that the rule made under the Act must be 'consulted' with the State Government before final execution. The Representation of Peoples Act, 1951 include the word 'consultation' in Section 21, 60, 78, 151, 154 & 156. The Industries (Development & Regulation) Act, 1951 Section 30 (k) requires rules to be made by Government after in consultation with the Advisory Council.

The only manner in which '*Due Process of Law*' can be ascertained is that, there must be publication of the rule drafted, which may catch the eye of the persons concerned to the administrative body and consultation may avoid the future claim of dispute with the administrative agency.

In *S.B of Milk Control v. Newark Milk Co.*^{xiii} the plea that the milk producer took was that, he was not given the opportunity to be heard before fixing the price of the sale of milk by the State Control Board.

In many Nations, such as US where the Federal Register Act prescribes that establishment of a Federal Register as the official manner for publishing administrative rules. In the context of

India, there is no such rule or law is being prescribed under any Statute for the publication of rules as a mandatory requirement by the administrative agency. The Apex Court however, has several times pointed out the lacuna and directed for the purpose of providing a safeguard to the individuals against any arbitrary actions.

In *Narender Kumar v. Union of India*^{xiii} an order issued under the Essential Commodities act, 1955, under Section 4 prohibiting the acquisition of copper without a permit issued by the Controller in accordance with the provisions prescribed by the Union Government from time to time. The Act under Section 3 prescribes that all orders of a general nature made under the provision should be notified in the official gazette. The Court held that due to the non-compliance of the provision of Section 3 and non-publication in the official gazette, the orders given by the authority are invalid and the restriction shall be considered as void.

In *State of Maharashtra v. Hans Mayer George*^{xiv}, the question was raised on a provision of the Foreign exchange Regulation Act, 1947 where the publication of the sub-delegated legislation framed under the Act was not defined. Thus, contributing to ambiguity.

Even if the Statute provides for the consultation with Government or the Statutory body, it is up to the Judicial scrutiny and interpretation whether the Act is legitimate or not.

In *Raza Buland Sugar Company v. Rampur Municipality*^{xv} the provision of the Statute requires the publication of the rules imposing a tax in consultation with the inhabitants of the area was held to be mandatory for the purpose of such publication. The Court observed that it is a democratic process and it is reasonable to the people who are likely to be affected by the imposition of the taxes. Thus, interpreting the provision in the light of due process.

APPLICABILITY OF DUE PROCESS OF LAW TO QUASI – EXECUTIVE FUNCTIONS

The parties to the case must be given full opportunity to present their case before a tribunal. The authority in the case must play the role impartially while admitting evidences and must not be prejudice to the facts and evidences presented. The authority must record its functioning while in the capacity of exercising the quasi – executive functions.

In *State of Maharashtra v. Hans Mayer George*^{xvi}, a notification was issued by R.B.I under the Foreign Exchange Regulation Act, 1947, the keeping of foreign exchange (e.g. Dollar, Pound, etc.) in transit was restricted and made punishable by the notification. H.M. George, a passenger travelling on plane from Zurich to Tokyo via India was detained and charges were

put on him of the violation of carrying foreign exchange. His contention was that he was not aware of the R.B.I notification and was not ignorant of the law. He contended that the notification was not published beyond the Indian territory.

The Court held that it is reasonable that a statutory instrument should be published before its execution. Also, it is not being prescribed by the law that the notification should be published beyond the territorial jurisdiction of India. Though, the accused has been detained in India, but he could not be permitted by the Court to plead non-existence of mens rea of non-publication of the notification was held to be invalid.

In the case of *A. K. Kraipak & Ors. Etc vs Union of India & Ors*^{xvii} K.S. Hegde, J. observed that the applicability of the principles of Natural Justice wholly depends upon the facts of each case, the framework of that law, the composition of the tribunal constituted for that purpose and the enquiry and the applicable law to that enquiry.

If a competent Court receives a complaint by an aggrieved person then it is the duty of the Courts to look into the matter and decide accordingly, in consensus with the principles of Natural Justice. It is the Courts which are empowered with the decision-making power then it must stand in the public interest and interpret the laws in accordance with proper procedure.

APPLICABILITY OF DUE PROCESS OF LAW TO QUASI – JUDICIAL FUNCTIONS

The quasi – judicial exercise of power by the administrative authority is the key feature of the legal system for its smooth functioning. Judiciary cannot be over burdened with every matter of dispute; if all and every matter is presented before the Courts then it might not be possible for the judiciary to adjudicate all matter of the Country, having their own limitations. In such scenario, true meaning of ‘Due Process’ will be harder to achieve and the principles of Natural Justice will be left unexplored; and the end ‘Justice’ will not complete.

The importance of the delegation of the powers to adjudicate the matters of dispute to the administrative authority is to reduce the burden of the Judiciary as whole and to achieve the ‘Fair and Timely Justice’ or ‘Fair and Speedy Justice’; these are key ingredients of the ‘*Due Process of Law*’.

In the general circumstances, the power to adjudicate the dispute is vested in the Courts. Constitution of India prescribes the proper hierarchical judicial system for the resolution of disputes. but with the passage of time, the views has been altered as the disputes are of same

nature and the judicial system have limited resources to deal with every matter itself, and once the Court casts the guideline the subordinate Courts and tribunal can follow through, applying the proper procedure which seems necessary. If in any case a unique nature of dispute arises then the Hon'ble Supreme Court of India can intervene and take cognizance.

But, in some case it has been observed that the decisions of the administrative authority are considered final and the jurisdiction to appeal to the Supreme Court has been banished in the interest of the trust on the administrative authority. But if the decision seems completely arbitrary then the Court will look into the subject matter itself, starting from the procedure followed by the administrative authority while deciding the particular case.

In the due course of time, this has now started to become a new trend and the parties themselves are willing to decide the matter without approaching the regular Courts and approaching for their matters' to be adjudicated by the concerned administrative authority. The rapid development in the area of administrative adjudication is being that, it is easier for the person concerned as well as it is easier for the administrative body in the matter to understand the question of legal interest more significantly. It has same importance as the delegation of the legislative powers is concerned. The factors such as activities of the Government, efficiency in the disposal of matter, Socio – Economic changes in the society has led to the adaptation of the new trend for the administrative adjudication and contributed to the growth of the adjudication by the administrative body.

For example, the increasing role of the Government in the policy formation, planning, social welfare, employment policies, health policies, and other matter related to public interest. The Government also controls the tax policy of the Country, which resulted in the Income Tax Appellate Tribunal (ITAT), which is an administrative body.

In the modern times, the governmental role has significantly increased and many functions and operations are been undertaken by the administrative bodies. Thus, resulting on several occasions the disputes, which attracts the adjudication procedure as prescribed by the law.

The growth and development of the administrative adjudication owed to the better social response rather the exemplary cost of the regular litigation process. The regular litigation process is lengthy and slow which results in delay in settlement of disputes and affects the administrative process.

The judiciary is already has burdened itself from unlimited number of cases pending throughout the territory of India and if the all administrative matters of dispute are sent to the Courts for the adjudication then it will crack the democratic system of governance and giving fissure to new problems, and the principles of Natural Justice and '*Due Process of Law*' will be not remain effective.

The Court process involves huge cost and time as well as the process is slow and lengthy, and the matter which the Courts take up for the adjudication is related to the government agency which itself is not limited to a particular matter, the government have much more functioning to perform. So, efficient the procedure effective the results. Thus, administrative adjudication is helpful in many areas, but if there is blunder on the face of the procedure and due requirements are not followed then it defeats the objective of the doctrine of '*Due Process of Law*'.

The matters which are presented before an administrative tribunal is wholly functions for the particular area of disputes and their jurisdiction is limited to the same nature of disputes. For example, Tribunal for Industrial Dispute deals only with the matters related to industries or the Income tax Appellate Tribunal deals only with the matters related to income tax and tax evasion.

The administrative tribunals are expertise in the particular field and functions in a particular area, which a Court could not possibly be expert on every matter presented before it. The judge sitting on the chair may be an expert in the field of law and possess the knowledge of legal principles but may not be expert in the field of science and his lack of knowing in the science can change the results. The administrative tribunals are made for these situations where the matter of dispute involves a particular question of expertise as well as of law on the subject of dispute. This specialised administrative tribunals are better in adjudicating the matter rather than the regular Courts.

In *Collector of Customs, Madras v. Ganga Setty*^{xviii}, the Hon'ble Supreme Court was prompted to give due deference to the executive determination and say that it would interfere only where the executive adopted an interpretation which no reasonable person could adopt or which was perverse.

Thus, the reasons for ascertaining the administrative adjudication in certain matters and granting them with the power to perform quasi – judicial functions is the make the process

simple and to ascertain that no one is denied of the '*Due Process of Law*' and everyone have the easy access to Justice, without ascertaining exemplary cost and time.

CONCLUSION

The principle of Natural Justice is not confined and limited to the judicial interpretation and it also finds in place in the administrative adjudication. The applicability of the principle must be in conformity with the doctrine of '*Due Process of Law*' and protect the rights of the individual against the arbitrary actions of the administrative authorities. So, at all levels of the governance system the administrative authority must strictly adopt the concept of '*Due Process of Law*', whether it may be quasi – legislative functions or quasi – executive functions or quasi – judicial functions. Also, while performing the important functions as of the administrative capacity the presiding officer must not be prejudice or pre-conceived in any of the matter presented before him, he must not be biased and stick with a side, which may affect the decision-making process.

The main agenda to see the framework with the glasses of '*Due Process of Law*' is to prevent the miscarriage of justice by the hands of administrative authorities. Therefore, it is the fundamental principle that one should keep in mind while adjudicating the matter of dispute that if in any case the matter is decided without following proper procedure and in arbitrary manner, then it must be held as null and void in the light of '*Due Process of Law*' and principles of Natural Justice.

The evolution of Tribunals and boards as adjudicatory bodies are becoming a real trend. The administrative bodies specialise in a specifies field and deal with particular matter of disputes and adjudicate accordingly. In today time, the judiciary is over-burdened by the tons of litigations pending already in the Courts throughout the territory of India.

Another reason for the evolution of the administrative adjudication is that the Courts are accustomed to adjudicate the matters strictly to the procedures and black letter of the Statutes, whereas the administrative tribunal can experiment within the ambit of law applying due process in the interest of public. Everything cannot be penned down and made into a law, a law must be flexible enough for the exercise of the administrative discretion in accordance with the '*Due Process of Law*'. In an ordinary Court a presiding judge is too harsh or too liberal while adjudicating the matter of dispute and it is not suitable, as in many cases, such as the case of A.K. Gopalan, where the Supreme Court has interpreted the law harshly, and defeating the purpose of '*Due Process of Law*'.

Thus, it is the demand of time to delegate the power of legislation, executives and judicial power for better execution of the Justice along with the social interest and implementation of policies of the government on the ground level. But, where the power comes greed and other mind blocking ideas generate, there is need to develop a proper mechanism for the adjudication of the matters related to administration and the administration itself must not be prejudice or pre-conceived with bias, which might defeat the purpose of the '*Due Process of Law*' make the principles of Natural Justice ineffective. Thus, the proper set of procedure must be followed in accordance and conformity with law before adjudicating a matter of dispute.

REFERENCE

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- ⁱⁱⁱ Article 21, Constitution of India, 1950.
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