EXCEPTIONS OF PRINCIPLE OF NATURAL JUSTICE

Introduction to Natural Justice

Rules of natural justice had developed with the growth of human civilization. It is not the creation of Constitution or mankind. It originated along with human history. In order to protect himself against the excess of organized power, man has always appealed to someone which is not been created by him and such someone could only be God and His laws, Divine law or Natural law, to which all temporal laws must and actions must conform. It is of 'higher law of nature' or 'natural law' which implies fairness, reasonableness, equity and equality. Natural justice rules are uncodified laws. It is not possible to define precisely and scientifically the expression 'natural justice'. They are basically common – sense justice which are built- in the conscience of human being. They are based on natural ideals and values which are universal in nature. 'Natural justice' and 'legal justice' are substances of 'justices' which must be secured by both, and whenever legal justice fails to achieve this purpose, natural justice has to be called in aid of legal justice. Natural justice has an impressive history which has been recognized from the earliest times. The Greeks had accepted the principle that 'no man should be left unheard'. It was first applied in 'Garden of Eden' where opportunity to be heard was given to Adam and then providing him punishment.

When we say about Principle of Natural Justice, there are mainly two principles which must be followed:

1.Nemojudex in causa sua: No man shall be a judge in his own cause, or the deciding authority must be impartial and without bias.

2. Audi Alteram Partem: To hear the other side, or both the sides must be heard, or no man should be condemned unheard, or that there must be fairness on the part of the deciding authority.

The Principles of Natural Justice at one time applied only to judicial proceedings and not to be administrative proceedings but in Ridge vs. Baldwin,[1] it was stated that the principles of natural justice are applicable to 'almost the whole range of administrative powers'.

This principle is applicable in India also. In State of Orissa vs. Binapani,[2] the SC observed that: "It is true that the order is administrative is character, but even an administrative order which involves civil consequences…must be made consistently with the rules of natural justice…"

Now it has been well establish that the Principles of Natural Justice supplements the enacted statute with necessary implications and accordingly administrative authorities performing public functions are generally required to adopt "fair procedure". A person be also have legitimate expectation of fair hearing or procedural fairness/treatment but where their observance leads to injustice they may be disregarded as Natural Justice Principles are to be invoked in doing justice only. There are several well established limitations or exceptions on the Principles of Natural Justice and the existence of such circumstances deprives the individual from availing its benefits

Principles of Natural Justice are ultimately weighed in the balance of fairness hence the Courts have been circumspect in extending principles of natural justice to situations where it would cause more injustice rather than justice so, where a right to be fairly heard has been denied, it is more probably a case of bad decision than of true exception, then principles of natural justice can be discarded. Application of the principles of natural justice can be excluded either expressly or by necessary implication, subject to the provisions of Article 14 and 21 of the constitution. However, along with constitutional limitations in India Common Law exception are also preferred.

Exclusion of Natural justice

Exception to Bias

1.Doctrine Of Necessity

The doctrine of necessity is an exception to 'Bias'. The law permits certain things to be done as a matter of necessity which it would otherwise not countenance on the touchstone of judicial propriety. The doctrine of necessity makes it imperative for the authority to decide and

[1] (1963) 1 Q.B 539
[2] 1967 AIR 1269, 1967 SCR (2) 625

considerations of judicial propriety yield. It can be invoked in cases of bias where there is no authority to decide the issue. If the doctrine of necessity is not allowed full play in certain unavoidable situations, it would impede the course of justice itself and the defaulting party would benefit from it. If the choice is between either to allow a biased person to act or to stifle the action altogether, the choice must fall in favour of the former as it is the only way to promote decision-making.[3]

Where bias is apparent but the same person who is likely to be biased has to decide, because of the statutory requirements or the exclusiveness of a competent authority to decide, the Courts allow such person to decide.

In Ashok Kumar Yadav vs. Haryana,[4] the Court held that a member of the Public Service Commission could not entirely disassociate himself from the process of selection just because a few candidates were related to him. He should disassociate himself with the selection of the persons who are related to him, but need not disassociate with the selection of other candidates. Though his presence on the selection committee could create a likelihood of bias in favour of his relations yet, since the Public Service Commission is a constitutional authority, such a member cannot be excluded from its work and his presence in the recruitment process is mandatorily required. The Court further held that where substitution is possible, this doctrine would not apply.

2.Doctrine of Absolute Necessity

The doctrine of 'absolute necessity' is also taken as an exception to 'Bias' where it is absolutely necessary to decide a case of Bias and there is no other option left.

In Election Commission of India vs. Dr. SubramaniamSwamy,[5]6 the SC was asked to decide whether the CEC TN Seshan, who was allegedly biased in favour of Swamy, because of the long friendship, could participate in the giving of opinion by the EC. The opinion was to be given on the alleged disqualification of Jayalalitha, the then CM of Tamil Nadu under Article 191 of the Constitution. Swamy had made a petition to the Governor alleging that Jayalalithahad

[3]S.P SATHE, ADMINISTRATIVE LAW 200 (Lexis Nexis, 2004)
[4] AIR 1987 SC 454.
[5] [1966] 4 SCC 104

incurred a disqualification under Article 191 read with Sec 9 of the RPA, 1951, to get elected to the legislative assembly, as at the time of the election she was a party to a contract with the Government. Under Art 192 of the Constitution, before giving any decision on such question of disqualification, a Governor is required to obtain of the EC, and has to act according to such opinion. The Governor forwarded Swamy's petition to the EC for its opinion. Jayalalitha moved the HC of Madras under Art 226 of the Constitution, seeking a writ of prohibition enjoining upon Seshan not to participate in giving opinion. The HC, through a single judge Bench, held that Seshan shouldn't give opinion in view of his prejudice against Jayalalitha. The Single Judge also held that she had not incurred any disqualification. On appeal, the Division Bench held that the preciding Bench had been wrong in deciding the question of Jayalalitha's disqualification, because that question could be decided by the EC alone. The Division Bench, however agreed with the Single Judge Bench that Seshan suffered from Bias, and therefore, should not give his opinion. The Division Bench observed that in view of the appointment of additional two members on the EC, the EC could give opinion through members other than the CEC.[6]

On appeal, the SC confirmed that Seshan should not give opinion. The Court, observed that in view of the multi-member composition of the EC and its earlier decision in T.N Seshan vs UOI, where it was held that decisions of the EC should be by majority, while giving opinion under Art 192(2) of the Constitution, the CEC could get himself excused from sitting on the Commission, while an opinion on a matter in which he was held to be biased was being given. If the other two members differed, the CEC could give opinion, and the opinion of the majority would be the opinion of the EC. In that case, though he was biased, he would be required to give opinion under the doctrine of necessity and not only mere necessity but absolute necessity. Thus, the doctrine of bias would not be applied.

3.Exception in case of Statute Provision

Natural justice is implied by the Courts when the parent statute under which an action is being taken by the Administration is silent as to its application. Omission to mention the right of hearing in the statutory provision does not ipso facto exclude a hearing to the affected person. A

[6]Sathe, Supra note 3 at 202

statute can exclude natural justice either expressly or by necessary implication. But a statute may be challenged under Art.14 so it should be justifiable.[7]

In Charan Lal Sahu vs UOI[8] (Bhopal Gas Disaster case) is a classical examples of the application of this exception. In this case the constitutional validity of the Bhopal Gas Disaster (Processing of Claims) Act, 1985, which had authorized the Central Government to represent all the victims in matters of compensation award, had been challenged on the ground that because the Central Government owned 22% share in the Union Carbide Company and as such it was a joint tortfeasor and thus there was a conflict between the interests of the government and the victims. The court negative the contention and observed that even if the argument was correct the doctrine of necessity would be applicable to the situation because if the government did not represent the whole class of gas victims no other sovereign body could so represent and thus the principles of natural justice were no attracted. [9]

However, any statutory exclusion of procedural fairness will be construed strictly. Thus, where a statutory provision did not expressly or by necessary implication exclude the right to legal professional's privilege, the provision was interpreted not to do so. Subordinate legislation purporting to exclude a hearing or to hold a hearing or conduct an inquiry is conferred by a statute, a refusal to hold the inquiry may constitute a denial of natural justice if fairness plainly demands that a hearing be held. Ex .p Guardian Newspaper Ltd (Written Submissions) in this case Court held that, an express statutory power to proceed without a hearing will not necessarily exclude the right to make informal or written representations, similarly, an express statutory provision excluding a duty to give reasons has been held not to exclude a duty to disclose the substance of the case so that an applicant for citizenship could make representation.

4.Exception in the case of Legislative Act

A ground on which hearing may be excluded is that the action of the Administrative in question is legislative and not administrative in character. Usually, an order of general nature, and not applying to one or a few specified persons, is regarded as legislative in nature. 16Legislative

[7] Id. at 260
[8] [1990] 1 SCC 613 1480 (SC)
[9] I.P MASSEY, ADMINISTRATIVE LAW 261 (Eastern Book Company)

action, plenary or subordinate, is not subject to the rules of natural justice because these rules lay down a policy without reference to a particular individual. On the same logic, principles of natural justice can also be excluded by a provision of the Constitution also. The Constitution of India excludes the principles of natural justice in Art. 22, 31(A), (B), (C) and 311(2) as a matter of policy. Nevertheless, if the legislative exclusion is arbitrary, unreasonable and unfair, courts may quash such a provision under Art.14 and 21 of the Constitution. [10]

In a number of cases, the view has been expressed judicially that there is no question of invocation of natural justice, or hearing the affected party, when legislative action of an authority is brought under the scrutiny of the Courts.
In Defense of India Act, 1962 Rule 29 and 30 of the Act empowered the executive to make orders for externment for the maintenance of public order. No hearing was necessary for the purpose of making such Order to direct the removal, detention, externment, interment and the like of any person, if it is 'satisfied' that such order was necessary for the defense or efficient conduct of military operations and maintenance of Public order.
Also in LaxmiKhandsari v. State of U.P in this case SC held that notification of UP Govt. Sugar Cane (Control) Order, 1966 directing that no power-crusher of Khandsari unit in reserved area of a Sugar mill will work during the period Oct 9 to Dec 1st , 1980 is legislative in character hence Principle of Natural Justice attracted. In the same manner, CharanlalShahu v. U.O.I, in this case the constitutionality of the Bhopal Gas leak disaster (processing of claims) Act, 1985 was involved. The SC held: "for legislation by parliament no principles of natural justice is attracted, provided such legislation is within the competence of legislature".

In Union of India v. Cynamide India Ltd. SC held that no principles of Natural Justice had been violated when the Government issued a notification fixing the Prices of certain drugs. The Court reasoned that since the notification showed from a legislative act and not an administrative one so Principles of Natural Justice would not applied.

5.Exceptionin case of Confidentiality

[10] I.P MASSEY, ADMINISTRATIVE LAW 256 (Eastern Book Company)

Where public policy demanded that certain information in possession of state shall not be disclosed, as it is in the interest of security of the state.

In Malak Singh v. State of Punjab and Haryana[11] SC held that the maintenance of Surveillance Register by the Police is confidential document neither the person whose name is entered in the Register nor the any other member of the public can have excess to it. Furthermore, the Court observed that observance of the principles of Natural justice in such a situation may defeat the very purpose of surveillance and there is every possibility of the ends of justice being defeated instead of being served.

In S.P. Gupta v. U.O.I[12], where the SC held that no opportunity of being heard can be given to an additional judge of HC before his name is dropped from being confirmed it may be pointed out that in a country like India surveillance may provide a very serious constraint on the liberty of the people, therefore the maintenance of the surveillance Register cannot be so utterly administrative and non-judicial that it is difficult to conceive the application of the rules of natural justice.

Even Right to The Information Act, 2005 provides express provisions to protect certain information from discloser such as,

(a) Information, disclosure of which would prejudicially affect their sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, etc
(b)information which has been barred by Court from disclosure.
(c) the information, the disclosure of which cause breach of privilege of parliament or the state legislature.
(d)Information relating commercial confidence, IPR etc.
(e)Information available to a person in his fiduciary relationship.
(f)Information which impair the process of investigation or prosecution of offenders.
(g)Information relating copyright etc.

[11][1981] 1 SCC 420 760 (SC)
[12] [1982] SC

6.Exception in case of Emergency

In India, it has been generally acknowledged that in cases of extreme urgency, where interest of the public would be jeopardizes by the delay or publicity involved in a hearing, a hearing before condemnation would not be required by natural justice or in exceptional cases of emergency where prompt action, preventive or remedial, is needed, the requirement of notice and hearing may be obviated. Therefore, if the right to be heard will paralyze the process, law will exclude it.[13]

Therefore in situations where dangerous buildings is to be demolished, or a company has to wound up to save depositors or there is a eminent danger to peace or trade dangerous to society is to prohibited, dire social necessity requires exclusion of elaborate process of fair hearing. In the same manner where power theft was detected by officials, immediate disconnection of supply is not violative principles of Natural Justice.

In Mohinder Singh Gill vs. CEC,[14] whether notice and right to be heard must been given or not was been laid down before the SC. In Firozhpur Constituency Parliamentary Election counting was been going on where in some segments counting were going on and in some it was over. One candidate was having a very good lead but before the declaration of the results, in a mob violence in some segments ballot papers and boxes were been destroyed. The ECI acting under Article 324, 329 without giving any notice or hearing to the candidates cancelled the Election and ordered for fresh Election. The SC rejected the claim of notice and audi alteram partem and held that in case of emergency, Audi Alteram Partem can be excluded.

In Swadeshi Cotton mills v. Union of India the Court held that the word "immediate" in Section 18AA of the Industries (Development and Regulation) Act cannot stand in the way of the application of the rules of the Natural Justice. U/Sec 18AA of above said Act the Central Government can take over an industry after investigation, but U/Sec 18AA(1) the Govt. can take over without any notice and hearing on the ground that production has been or is likely to be affected and hence immediate action is necessary the question was whether Sec 18AA(1) excludes the principles of Natural Justice the Govt. took the plea that since Section 18AA clause

[13] I.P MASSEY, ADMINISTRATIVE LAW 251 (Eastern Book Company)
[14][1978] 1 SCC 405 851

(1) relates to emergent situations, therefore Principles of Natural Justice are excluded. Furthermore it also contended that since Section 18A provides for hearing and Sec 18AA(1) does not provides for conduct of hearing, consequentially parliament has excluded hearing therein, Court rejecting these arguments held that even in emergency situations the competing claims of 'hurry and hearing' are to be reconciled, no matter the application of the Audi Alterm Partem rule at the pre-decisional stage may be a 'short measure of fair hearing adjusted', attuned and tailored to exigency of the situation. [15]

7.Exception in case of Impracticability

Natural justice can be followed and applied when it is practicable to do so but in a situation when it is impracticable to apply the principle of natural justice then it can be excluded.

In Bihar School Examination Board vs. Subhash Chandra,[16] the Board conducted final tenth standard examination. At a particular centre, where there were more than thousand students, it was alleged to have mass copying. Even in evaluation, it was prima-facie found that was mass copying as most of the answers were same and they received same marks. For this reason, the Board cancelled the exam without giving any opportunity of hearing and ordered for fresh examination, whereby all students were directed to appear for the same. Many of the students approached the Patna HC challenging it on the ground that before cancellation of exam, no opportunity of hearing was been given to the students. The HC struck down the decision of the Board in violation of Audi Alteram Partem. The Board unsatisfied with the decision of the Court approached the SC. The SC rejected the HC judgment and held that in this situation, conducting hearing is impossible as thousand notices have to be issued and everyone must be given an opportunity of hearing, cross-examination, rebuttal, presenting evidences etc. which is not practicable at all. So, the SC held that on the ground of impracticability, hearing can be excluded.

In R v. Aston University Senate Ex.p[17] the large number of applicants competing for scarce resource may make it impracticable to offer each applicant a hearing. If, for example, there are 1,000 applicants for 100 places available in University law department it may be impossible to afford interviews to many of those who, from the particulars supplied with their written

[15] AIR 1981 SC 818.
[16] AIR 1970 SC 1269
[17] [1969] 2 QB 538

applications, appear sufficiently meritorious or suitable to warrant fuller personal consideration. In this circumstance even if the court finds that a breach of procedural fairness has occurred, administrative impracticability may still be relied upon as a reason for refusing a remedy in its discretion.

In R V Radhakrishanan v. Osmania University[18], where the entire MBA entrance examination was cancelled by the University because of mass copying, the Court held that notice and hearing to all candidates not possible in such a situation, which had assumed national proportions, Thus the court sanctified the exclusion of the rules of natural justice on the ground of administrative impracticability.

In the same way the Supreme Court in Andhra Steel Corporation v. A.P. State Electricity Board[19] held that a concession can be withdrawn at any time without affording any opportunity of hearing to affected persons except when the law requires otherwise or the authority is bound by promissory estoppels. In this case the electricity board had withdrawn the concession in electricity rate without any notice and hearing to the appellant. Therefore, where an order of extension was cancelled before it became operational.

In Union of India v. O. Charadhar[20], held that cancellation of panel, select, reserve, waiting, merit or rank lists, individual hearing to candidate is not necessary where the mischief in conducting selection was so widespread and all the mischief in conducting the result, that it was difficult to identify the persons unlawfully benefited or unlawfully deprived of selection. Thus even the consequent termination of service does not attract principles of natural justice.

8.Exception in case of Academic Evaluation

Where nature of authority is purely administrative no right of hearing can be claimed. In Jawaharlal Nehru University v. B.S. Narwal[21], B.S Narwal, a student of JNU was removed from

[18] 1967 SCR (2) 214
[19] AIR 1991 SC 1456
[20] Appeal (civil) 1326 of 2002
[21] [1980] 4 SCC 480 1666 (SC)

the rolls for unsatisfactory academic performances without being given any pre decisional hearing. The Supreme Court held that the very nature of academic adjudication appears to negative any right of an opportunity to be heard. Therefore, if the competent academic authorities examine and asses the work of a student over a period of time and declare his work unsatisfactory, the rules of natural justice may be excluded.

9.Exception in cases of interim preventive action

Desirably, it may be to allow a hearing or an opportunity to make representations, or simply to give prior notice, before a decision is taken, summary action may be alleged to be justifiable when an urgent need for protecting the interests of other persons arises. There are in fact remarkably few situations in which the enforcement powers exist. For example, interim anti-social behavior orders made without notice are not unlawful where it is necessary for the court to act urgently to protect the interests of a third party or to ensure that the order of the court is effective.

There are numerous illustrations of statutory provisions which for reasons of public safety or public health permit public authorities to interfere with property or other rights. For example: the destruction of infected crops; the prevention of the bus lank being carried on in a manner detrimental to the interests of the public or of depositors or other creditors; prohibition on entry to an airport; suspension of the license of a public service vehicle seizure of obscene works;

Seizure of food suspected of not complying with food safety requirements; local authorities may examine and test, drains and test sewers, drains and sanitary conveniences that it believes to be defective etc,.

In the same manner if the administrative authority passed a suspension order in the nature of a preventive action and not a final order, the application of the principles of natural justice may be excluded. In Abhay Kumar v. K Srinivasan[22], the institution passed an Oder debarring the student from entering the premises of the institution and attending classes till the pendency of a criminal case against him for stabbing a co-student. This order was challenged on the ground that

[22] AIR 1981 Delhi 381,

it violates Principles of Natural Justice. The Delhi High Court rejecting the contention held that such an order could be compared with an order of suspension pending enquiry which is preventive in nature in order to maintain campus peace hence the principles of natural justice shall not apply.

It was also in Maneka Gandhi v. Union of India[23] recognized that "where an obligation to give notice and opportunity to be heard would obstruct the taking of prompt action, especially action of a preventive or remedial nature, right of prior notice and opportunity to be heard may be excluded by implication". In this case it is interesting to see that natural justice entails new meaning and place under Indian Constitution at the same time Court recognized the circumstance under which Principles of natural Justice can be discarded.

10.Exception in case when no right of the person was infringed

In some case it has been suggested that a claimant who is for some reason undeserving for certain claims (due to absence of right to claim) may forfeit the right to procedural fairness. Where no right has been conferred on person by any statute nor any such right arises from common law the principles of natural justice are not applicable, this based on the principle Ebi Jus ebiremedium and Injuria sine damano the earlier stands for 'where there is right there is remedy' and later stands for 'there shall be legal right or interest to claim some interest or benefit'.

In J.R. Vohra v. Indian Export House (p) Ltd[24]. The Delhi Rent Control Act makes provisions for the creation of limited tenancies, Section 21 and 37 of the Act provide for the termination of limited tenancies. The combined effect of these sections is that after the expiry of the term a limited tenancy can be terminated and warrant of possession can be issued by the authority to the landlord without any notice of hearing to the tenant. Upholding the validity of warrant of possession without complying with the principles of natural justice, the Supreme Court held that after the expiry of the period of any limited tenancy, a person has no right to stay in possession and hence no right of his is prejudicially affected which may warrant the application of the

[23] 1978 AIR 597, 1978 SCR (2) 621
[24] AIR 1983 Delhi 167

principles of natural justice.

In the same manner the Court in Andhra Steel Corporation v. A.P. State Electricity Board held that a concession can be withdrawn at any time without affording any opportunity of hearing to affected persons except when the law requires otherwise or the authority is bound by promissory estoppels. In this case the electricity board had withdrawn the concession in electricity rate without any notice and hearing to the appellant. Therefore, where an order of extension was cancelled before it became operational or the order of stepping up salary was withdrawn before the person was actually paid or the service of the probationer terminated without charge the principles of natural justice are not attracted.

11.Exception in case of Administrative Act

Where nature of authority is purely administrative no right of hearing can be claimed, where a student of the university was removed from the rolls for unsatisfactory academic performances without being given any per-decisional hearing. The Supreme Court in Jawaharlal Nehru University v. B.S. Narwal held that the very nature of academic adjudication appears to negative any right of an opportunity to be heard. Therefore if the competent academic authorities examine and asses the work of a student over a period of time and declare his work unsatisfactory, the rules of natural justice may be excluded.

In the same manner in Karnataka Public Service Commission v. B.M. Vijay Shanker[25] when the commission cancelled the examination of the candidate because, in violation of rules, the candidate wrote his roll number on every page of the answer-sheet, the Supreme Court held that the principles of natural justice were not attracted, the Court observed that the rule of hearing be strictly construed in academic discipline and if this was ignored it would not only be against the public interest but also erode the social sense of fairness. However, this exclusion would not apply in case of disciplinary matter or where the academic body performs non-academic functions granting sanction of prosecution is purely administrative functions, therefore,

[25] 1992 AIR 952, 1992 SCR (1)

principles of natural justice are not attracted. In the same manner cancellation of bid for failure to execute lease deed and to deposit security amount, held, would not attract principles of natural justice.

12.Exception in case of Public Interest

In Balco Employees' Union Vs UOI[26], the Supreme Court was of the view that in taking of a policy decision in economic matters at length, the principles of natural justice have no role to play. In this case, the employees had challenged the government's policy decision regarding disinvestment in public sector undertaking. The court held that unless the policy decision to disinvest is capricious, arbitrary, illegal or uninformed and is not contrary to law, the decision to disinvest cannot be challenged on the ground of violation of the principles of natural justice.

Conclusion

The exceptions to the principles of natural justice in UK and India mainly relates to administrative proceedings. The Courts in both these countries especially in India created various exceptions to the requirement of natural justice principles and procedures taking into account various circumstances like time, place, the apprehended danger and so on prevailing at the time of decision-making. It must be noted that all these exceptions are circumstantial and not conclusive. They do not apply in the same manner to situations which are not alike. They are not rigid but flexible. These rules can be adopted and modified by statutes and statutory rules also by the Constitution of the Tribunal which has to decide a particular matter and the rules by which such tribunal is governed. Every action of the authorities to be regarded as an exception must be scrutinized by the Courts depending upon the prevailing circumstances. The cases where natural justice principles have been excluded by implication suggest that the Courts have accepted the doctrine even though the legislature has not adopted express words to that effect but those cases appear to depend so heavily on their particular circumstances that they do not yield a clear general principle. There are arguable and also explicable instances where the courts have concluded that natural justice was not necessary.

[26](2002 2 SCC 333)]

In order to invoke the exceptions the decision of the authorities must be based on bonafide intention and the Courts while adjudicating the post decision dispute must find the action of the concerned authorities to be fair and just and every such exceptions to be adjudged admissible or otherwise only after looking into the facts and circumstances of each case. The main objective behind the reconciliation between the inclusion and exclusion of protection of Principles of Natural Justice is to harmoniously construe individual's natural rights of being heard and fair procedure as well as the public interest. Larger public interest is to be allowed to override the individual's interest where the justice demands. Thus, exclusion of natural justice should not be readily made unless it is irresistible, since the Courts act on the presumption that the legislature intends to observe the principles of natural justice and those principles do not supplant but supplement the law of the land. Therefore, all statutory provisions must be read, interpreted and applied so as to be consistent with the principles of natural justice.