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Natural Justice and Its' Constitutional Foundations, Judicial Interpretations, and Implementation Challenges: A Legal Study with Special Reference to Bangladesh

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ABSTRACT

This study focuses on the legal development, application, and intellectual foundations of natural justice concepts in Bangladesh's administrative and constitutional structure. It looks at how *audi alteram partem* and *nemo judex in causa sua* are crucial legal safeguards for equity in judicial, administrative, and quasi-judicial proceedings. The study examines pertinent constitutional provisions, rulings of the court, and case laws, emphasising how natural justice is impliedly included and how it helps to restrain capricious state activity. It assesses the legal and procedural flaws that impede procedural justice and points out real-world difficulties and implementation irregularities, especially inside state institutions. Although courts have broadened the definition of natural justice to include non-judicial organizations and legal representation. The study also discusses acknowledged exceptions where its application might be disregarded for statutory, urgent, or practical reasons. Finally, the study confirms that natural justice is essential to protecting individual rights, encouraging responsibility, and strengthening the rule of law in Bangladesh; nevertheless, more institutional support is required to guarantee its steady application.

Keywords: Natural Justice, Bangladesh Constitution, Fairness, Rule of Law, Legal Proceedings

INTRODUCTION

The Bangladeshi Constitution makes no explicit reference to the natural justice principle. However, there are some terminologies has been used as social and economic justice, without being informed, reasonable opportunity of showing cause and due notice is incorporated in the Preamble and the Constitution as well (Williams, 2010). Now a day, in many developed countries where the principles of natural justice have been mentioned specifically (Okereke, 2010). In Bangladesh Constitution, some rules of natural justice have been included by which it can limit the state power (Mollah, 2008). Here, it is the constitutional obligation to as the term said due notice and no action is valid without being

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informed of the other side. There are some bargaining issues whether the authority has maintained the 'due process' of law. Though the term has not been used explicitly as 'due process' in the Constitution of Bangladesh. But the spirit of this term that we find in article 33 and 135 of Bangladesh Constitution. The following quotes has rightly observed by Victor Cousin that-

The universal and absolute law is that natural justice which cannot be written down, but which appeals to the hearts of all.

-Victor Cousin

METHODOLOGY

The qualitative legal research methodology used in this study is mainly based on doctrinal analysis, with some empirical legal inquiry thrown in. It entails the methodical analysis of scholarly works, case law, statutory documents, constitutional texts, and legal comments. With the study the author will explore the basic understanding, interpreting, constitutional development and practical implication of the principle of natural justice in Bangladesh.

OBJECTIVES OF THE STUDY

(a) To investigate the legal and constitutional foundations of Bangladesh's natural justice principles, even if the Constitution doesn't specifically mention them.
(b) To examine the judicial development and interpretation of natural justice based on case law
(c) To justify the practical challenges in applying natural justice in Bangladesh's administrative and quasi-judicial systems.
(d) To analyse the legitimacy and impact of the exceptions to natural justice within the legal and administrative framework of Bangladesh.
(e) To propose institutional and legal reform recommendations in order to successfully integrate, uphold, and raise knowledge of natural justice in Bangladesh's legal education and governance systems.

STATEMENT OF THE PROBLEM

The present study mainly concentrates on the existence of natural justice principles within the legal framework and their judicial interpretation, even though it offers a thorough summary of these principles' theoretical underpinnings, case law application, and constitutional implications in Bangladesh. This paper does not fully explore the institutional and practical enforcement mechanisms—or lack thereof—that determine how successfully and consistently these principles are applied across various administrative and quasi-judicial bodies in real-world scenarios. There is a dearth of empirical research on the distinctions between judicial articulation and administrative practice, especially when it comes to procedural justice, legal counsel access, and public awareness. Additionally, the study doesn't look at how different sectors' interpretations or applications such as those in education, public service, and law enforcement affect natural justice's overall effectiveness in defending citizen rights. A greater comprehension of the systemic issues and potential

solutions required to guarantee strong adherence to natural justice in Bangladesh would be possible by filling in these gaps through empirical research or comparative studies.

THE CONCEPT OF NATURAL JUSTICE AND ITS' IMPORTANCE

Natural Justice is a term which is a fundamental concept in administrative law. There is no any clear cut and precise definition of term 'natural justice'. It is much more descriptive than giving a definition. The same guidelines and protocols that govern a nation's appropriate administrative conduct also apply to the principles of natural justice (Lockwood, 2010). The common law is where the term "natural justice" first appeared. In America, the principle natural justice is called 'due process of law'. In Latin, natural justice is termed as '*Justitia Naturalis*'. Natural justice is that the defendant has not been denied the chance to state his case, and this is something the courts closely monitor (Black's Law Dictionary). In other words, natural justice is unchanging moral principles common to all human beings (Illustrated Oxford Dictionary). Administrative agencies must follow natural justice, which is a representation of higher procedural norms established by courts, when making judgments that negatively affect the rights of private individuals. The expression of natural justice is not comparatively new, and was used interchangeably with the expression 'natural law', 'natural equity' or 'eternal law' or law of nature or similar expressions in the past (Marshal, 1996).

According to Lord Hewart, C. J., justice must be done and must be clearly and unquestionably perceived to be done. Even though the Act contained no explicit language mandating that the party be heard, common law justice will make up for the legislature's lack of action (Cooper Vs. Wandsworth Board of Works, 1863). The defendant board has the authority to demolish any building that was constructed without license and to do so without providing a chance for hearings. In accordance with this clause, the board destroyed the plaintiff's home. The legislative provision was not broken by the board's actions. The court concluded that the rule that no one might be deprived of their property without first being given an opportunity to be heard limited the Board's authority. Prof. De Smith observes that the court will even use natural justice when a legislation permits interference with civil rights property but says nothing about notice or hearing. C. J. Beg says that the concerned authority shall have the power for taking different action by giving reasonable opportunity to be heard though such provision was not specified in the statute (Maneka Gandhi Vs. Union of India, 1987). It was decided in Painter's case (1836) that without being given the opportunity to be heard, a party could not suffer financially or in person. Both human and divine rules acknowledge the first rule of civilized law.

Therefore, an order of removal that is not prepared in accordance with the law and that does not give the plaintiff a chance to present justification before being approved by the governing body cannot be considered lawful and valid (Sayeed Jahangir Hossain Vs. Md. Moyeenuddin and others, 2000). Lastly, we may say that the principle of natural justice maintains the check and balance between the government authorities and its actions. The goal of the current study is to determine which case laws best apply the natural justice principle. In order to identify the natural justice principles found in the Bangladeshi

Constitution and how they are used in actual case law. As a result, the study will show a clear picture of the principles of natural justice in laws and practice.

DEVELOPMENT OF NATURAL JUSTICE PRINCIPLE

The common law courts have evolved the notion of natural justice, and the concept of the rule of law has been essential to the development of this doctrine. They serve a relatively comparable purpose in English law as those addressed by the American idea of procedural due process (Sayeed Jahangir Hossain Vs. Md. Moyeenuddin and others, 2000). There is, however, an essential difference between the legal and constitutional implication of the principles of natural justice in two major jurisdictions (Sayeed Jahangir Hossain Vs. Md. Moyeenuddin and others, 2000). The Constitution of the United States contains the due process clause, thereby giving constitutional sanctity to the rules of natural justice. The natural justice principles under English law are therefore based on moral and ethical principles, which are represented in "the justice of the common law," which only fills in the gaps left by the legislature (Sayeed Jahangir Hossain Vs. Md. Moyeenuddin and others, 2000).

WHETHER ADMINISTRATIVE BODY IS BOUND BY THE NATURAL JUSTUCE?

It is established law that all courts, judicial bodies, and quasi-judicial authorities must abide by the natural justice principles. Whether the administrative bodies are bound by these natural justice principles are a major question (Sayeed Jahangir Hossain Vs. Md. Moyeenuddin and others, 2000). In England, the House of Lords had to decide whether the ministers were bound by the natural justice principles. Later, it was noted that the ministers were operating in an executive rather than a judicial capacity. The only question that remains is whether or not the minister has followed the instructions (Franklin vs Minister of Town and Country Planning, 1948). In a Bombay case, Justice Chagla stated that it would be incorrect to incorporate natural justice concepts into the evaluation of an administrative decree. However, the perspective above has been modified. According to Lord Denning, the *Ridge v. Baldwin* decision later disproved the assertion that the natural justice principles only applied to judicial processes and not to administrative ones. (R vs Gaming Board, 1970). The principles of natural justice, according to Prof. Wade, apply to nearly every administrative power. Lord Denning also observed in another case that "It is well settled that a statutory body, which in entrusted by statute with a discretion, must act fairly. It does not matter whether its functions are described as judicial or quasi-judicial on the one hand, or as administrative on the other hand (Breen vs Amalgamated Engineering Union, 1971)." This rule is accepted in India also. Justice Shah observed that "It is true that the order is administrative in character, but even an administrative order which involves civil consequences…. must be made consistently with the rules of natural justice. A civil right adversely affected is the core for the invocation of this rule. But what is a civil consequence? By passing the verbal body traps, civil consequence undoubtedly covers infraction of not merely property of personal rights but of civil liberties, material deprivations, and non-pecuniary damages. In its comprehensive connotation, every thing that affects a citizen in his civil life inflicts a civil consequence" (State of Orissa vs Dr. Binapani, 1967). In Maneka Gandhi's case Justice Kailsam pronounced "The frontier between judicial or quasi-judicial

determination on the one hand and an executive on the other has become blurred. The rigid view that principles of natural justice applied only to judicial and quasi-judicial acts and not to administrative actions no longer holds the field."

PRINCIPLES OF NATURAL JUSTICE

Natural justice comes in a variety of hues, tints, forms, and shapes. Natural justice principles are not incorporated rules, and they cannot be confined to a strict formula's straight jacket. The circumstances of the case, the type of investigation, the guidelines the tribunal operates under, and the topic of discussion must all be taken into consideration when determining the standards of natural justice.

The requirement of natural justice should be -

(a) The accused person should know the accusation which is made against him.
(b) The person should be given an opportunity to describe his position regarding the fact.
(c) The court or tribunal must act in good faith.

Generally, there are two recognized principles of natural justice-

(a) *Audi Alteram Partem*- No man should be condemned unheard.
(b) *Nemo Judex in Cuasa sua*- No man shall be a judge in his own case.

Rule of *Audi Alterem Partem*

A person must be punished according to natural justice, and he must be given the chance to defend himself against the suggested penalty (Dacca University Vs. Zakir Ahmed, 1964).SD Therefore, before punishing someone, the authority must give warning. If any punishment has been awarded before giving notice that punishment be treated as void and the violation of the constitution as well. In this regard, it is pertinent to refer here the leading case *Dacca University Vs. Zakir Ahmed, 16 DLR (1964), SC, 722*. In this case, it was decided that a student who engages in misconduct should not be punished without first giving the authority a chance to explain their actions. Organizations like educational institutions and law enforcement agencies that are responsible for upholding discipline are not exempt from the natural justice principles (Dacca University Vs. Zakir Ahmed, 1964). As per the observation of Justice Fortescue "Even Adam has not been prosecuted before giving an opportunity of showing cause of his mistake. 'Adam' says God, "where art thou? Hast thou not eaten of the tree, whereof I commanded thee that thou shouldst not eat (R vs University of Cambridge)?" So, God himself gave the right to defence when he expelled Adam from Heaven.

Essence of *Audi Alteram Partem*

(a) Notice

The accused must be notified to provide justification for the proposed action and to request an explanation before any action is taken (Robinson, 2017). It is necessary for a fair hearing. Any order that is issued without prior notification is *void ab initio* and is against natural justice principles. Notice should be given even in cases where the statute does not specify notice requirements and the action has a negative impact (Menell and Meurer, 2013). The

allegations must not be ambiguous or unclear, and the notification must be precise, unequivocal, and explicit.

(b) Hearing

The second requirement of the *audi alteram partem* maxim is that the person in question must be given an opportunity to be heard before any unfavourable action is taken against him (Verma, 2021). However, unless the statute specifically grants it, a person does not have the right to an oral hearing. Prof. De Smith also says that "in the absence of clear statutory guidance on the matter, one who is entitled to the protection of the *audi alteram partem* rule is now *prima facie* entitled to put his case orally." Once more, if one of the disputing parties is allowed to conduct an oral hearing before the adjourning authorities, the others must also be given the same opportunity. Oral hearings are required when there are intricate legal and technical issues at play or when the stakes are extremely high (Wagner, 2009). Therefore, if there are no statutory requirements governing oral hearings, courts will have to base their conclusion on the case's facts and circumstances.

(c) Counsel

Legal representation is not seen as a component of natural justice and is not a right that may be asserted. But generally speaking, administrative law has recognized the right to appear through legal representation. C.K. Allen rightly says that "Experience has taught me that to deny persons who are unable to express themselves the services of competent spokesman is a very mistaken kindness." Furthermore, Lord Denning observed that "When a man's reputation or livelihood is at stake, he not only has a right to speak by his own mouth, he has also a right to speak by counsel or solicitor, even a prisoner can have his friend." De Smith is also of his opinion that in general, "Legal representation of the right quality before statutory tribunals is desirable and that a person threatened with social or financial ruin by disciplinary proceedings in a purely domestic forum may be by gravely prejudicial if he is denied legal representation." The request for legal representation may be turned down if the issue is straightforward, such as whether the money in question has been paid or not, or if the assessment orders are accurate. However, if the oral evidence given during the inquiry necessitates the use of a lawyer for witness cross-examination, the party in question should be permitted to hire a counsel to represent him (Drew, 1990). The party may not be able to manage the situation effectively when up against an experienced lawyer if there are complicated legal concerns, complicated factual and legal questions, or a large amount of evidence (Walton, 2010).

Nemo Judex Causa Sua

"No one should be a judge in their own cause," or *Nemo judex causa sua*, is a basic principle of natural justice or procedural fairness in court. This principle underscores the importance of impartiality and independence in adjudication, emphasizing that individuals or entities vested with the authority to adjudicate disputes must not have a personal interest in the outcome of those disputes (Papayannis, 2016). In the context of legal systems, "*nemo judex causa sua*" operates as a safeguard against bias and ensures that justice is administered fairly. It can be applied to a wide range of legal fields, including administrative, criminal,

and civil law. The idea holds that decision-makers should be free from any conflicts of interest that might affect their ability to make objective choices (Keren, and Bruin, 2003).

8.3.1 Key aspects of "Nemo Judex Causa Sua" Include

(a) Impartiality

Decision-makers should approach each case with an open mind, free from any preconceived notions or personal biases.

(b) Independence

Adjudicators should not be subject to external influence or pressure that may affect their judgment. They must be able to decide cases based solely on the merits of the arguments and evidence presented before them.

(c) Conflicts of Interest

Individuals with a personal interest in the outcome of a case should recuse themselves from participating in its adjudication to avoid any perception of bias or unfairness.

(d) Fair Process

Upholding the principle of "*nemo judex causa sua*" contributes to the overall fairness of the legal process, instilling public confidence in the integrity of the judiciary or decision-making body. For instance, the principle mandates that administrative decision-makers, whether government representatives or regulatory agencies, act impartially and equitably when making judgments that impact the rights or interests of people or organizations in the framework of administrative law. Judges or juries in criminal and civil procedures must also make decisions only on the basis of the law and the evidence that is given, without any personal stake in the case's outcome. The use of "*nemo judex causa sua*" highlights the more general natural justice tenets, such as the right to due process and a fair trial. By guaranteeing that justice is dispensed without fear or favour, it upholds the rule of law and safeguards the integrity of the judicial system. In Bangladesh, the principle of "*nemo judex causa sua*" finds expression in various legal provisions and judicial decisions aimed at upholding procedural fairness and preventing conflicts of interest in legal proceedings. Its application contributes to the protection of individual rights and the promotion of a just and equitable society.

EXCEPTION OR EXCLUSION OF NATURAL JUSTICE

The term "exception" in the context of natural justice is actually misleading because the rule of audi alteram partem is upheld in these exclusionary cases not as an exception to "fair play action," but rather because it is impossible to infer anything unfair by denying someone the opportunity to present or meet their case.

(a) Statutory Exclusion

When the legislative passes any laws in that time the principles of natural justice can be excluded directly or indirectly. Then the court cannot ignore it (Groves, 2013. No one may be fired from the public service without first providing a reasonable opportunity to explain why they should not be let go, as required by our constitution (Article 135 of the People’s

Republic of Bangladesh Constitution, 1972). But in some cases this provision in not applied. It is to be remembered that in our country parliament is not supreme. It's subject to judicial review. So, when a statute says anything about observance of natural justice, court presume its presence. A government servant was given compulsorily retirement. According to the guideline, the government employee in question did not need to be given a chance to argue against the proposed action (Union of India vs J.N. Sinha, 1971). Justice Hegde observed "There is no denying the fact that in all organizations and more so in government organizations there is a good-deal of dead wood. It is in public interest to chop of the same (Union of India vs J.N. Sinha, 1971)."

(b) Legislative Act

The natural justice principles do not apply to legislative activity since they establish policies without taking into account the needs of specific individuals (Solum, 2006). It is therefore not required to give notice or provide a hearing prior to passing legislation that imposes taxes, sets prices, etc (Alexander, 2000).

(c) Exclusion in case of Statutory Exception or Necessity

If an individual is the only one eligible or allowed to make that decision or carry out that action, they will not be disqualified on the grounds of bias against them. The administration as a whole would come to a complete stop if this exception were to be denied as there would be no other way to decide that issue. However, the need must be sincere and substantial. Because the government could have easily changed the committee's constitution, the doctrine of necessity cannot be invoked in cases where the selection committee members were also the textbook's authors (J. Mahapatra vs State of Orissa, 1984).

(d) Admitted or Undisputed Fact

In protest of the actions of the superior officer, a police officer fasted and stayed absent without permission. There was no discussion of offering the criminal a chance to cross-examine witnesses during the departmental investigation, since they had admitted all pertinent facts (Channabasappa vs State of Mysore, 1972).

(e) Confidential Inquiries

The police monitoring register is a secret record, according to a ruling by the Indian Supreme Court. It is not accessible to the general public, including the individual whose name is entered in the registry (Roos and Nicol, 1999). The court went on to say that if natural justice principles are applied in such a situation, the purposes of justice may be undermined rather than met, undercutting the entire purpose of surveillance (Roos and Nicol, 1999).

(f) Preventive Action

The implementation of natural justice standards may be disregarded if the administrative authority's action is a suspension order intended to serve as a preventive measure rather than a final directive. While a criminal case against a student for stabbing a fellow student is still underway, the school issued an order banning the student from entering the building and from attending courses. The denial of natural justice was the basis for the challenge to this order. Rejecting the argument, the Delhi High Court ruled that the principles of natural justice would not apply because such an order might be comparable to a preventive order of

suspension awaiting inquiry, which is meant to preserve peace (Roos and Nicol, 1999). As a result, natural justice might stifle the desired course of action or hinder or paralyze the application of the law (Roos and Nicol, 1999). In another case it has been observed that "Where an obligation to give notice and opportunity to be heard 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 (Maneka Gandhi Vs. Union of India, 1978)." Interim precautions may be made to prevent certain harm in emergency situations and rare cases (Hick et al., 2012). Because, 'Bold the stales, after the horse has been stolen' is not a command of natural justice.

(g) Exclusion in Emergency

When prompt preventive or corrective action is needed in such unusual emergency conditions, notice and hearing procedures may be waived (Bagley, 2017). Therefore, if the law stalls the process, the right to be heard will not be included. Although it has been said that a debating society cannot command an army, it is also true that, to the dismay of all allies and the delight of all enemies, the House of Commons discussed the Supreme Court's and the prime minister's life-or-death dilemma during the chaos, tragedy, and crisis of World War II. Therefore, unless there is an extreme social need that justifies it, it is unethical to condemn the unheard. Therefore, in situations where a risky building must be demolished right away in order to save lives, a dangerous individual must be placed under arrest (Spelman, 1993). A pre-decisional hearing is not required in cases when a passport must be seized in the public interest.

(h) Exclusion in case of Routine Matters

A university student was expelled from the student body without a pre-decisional hearing because of poor academic performance. The Indian Supreme Court ruled that any right to a hearing seemed to be negated by the very nature of academic adjudication (Jawaharlal Nehuru University vs B. S. Narwal, 1980). Therefore, if a qualified academic examines and assesses a student's work over time and concludes that it is lacking, the principles of natural justice may be ignored. Similar to this, the Supreme Court ruled that the commission had not followed natural justice principles when it chose to terminate the candidate's exam because he had broken the regulations by writing his roll number on each page of his response (Karnataka Public Service Commission vs B.M. Vijay Shankar, 1992). The court emphasized that disregarding the academic discipline's strict interpretation of the hearing norm would be detrimental to the societal sense of justice as well as the public interest. However, this exception does not apply when the academic body permits non-academic conditions or when disciplinary action is taken.

***(i)* Impracticability**

The institution cancelled the entire M.B.A. entrance exam because of mass copying, and the court decided that it is not practical to notify and hear from every candidate in this case, which has reached national dimensions (R. Radhakrishnan vs Osmania University, 1974). As a result, the court permitted the deletion of natural justice principles due to their impracticability (R. Radhakrishnan vs Osmania University, 1974). The same view was also reached in *Bihar School Education Board vs. S.C. Sinha*, AIR 1970 SC 1269, where one would be tempted to conclude that the court has chosen "administrative convenience" and

"fairness" as separate criteria based on the judicial behaviour in this area. This highlights not only the fundamental flaw in judicial behaviour but also favours the inertia and laziness of the administration. As you may remember, on December 7, 1941, Japanese bombers attacked Pearl Harbor, bringing the United States into the Second World War. Thousands of people of Japanese heritage were to be sent to relocation camps on the west coast at that time. In his forceful dissent, Justice Stone expressed his unwillingness to concede that the administrative burden and inconvenience of holding individual loyalty hearings for the 12,000 parties involved could support the government's decision.

(j) Where no right of the Person is Infringed

When a right is derived from common law or when no one has been granted one by a statute, the natural justice concept does not apply. For instance, a discount may be taken away at any moment without giving anyone a chance to be heard (Andhra Steel Corporation vs Andhra State Electricity Board, 1991).

(k) Exclusion in case of Contractual Arrangement

The court ruled that when a contract is terminated in any contractual area, the natural justice standards do not apply. Terminating an agreement or arrangement does not include an obligation to act judicially because it is neither an administrative nor a quasi-judicial act (State of Gujrat vs M.P. Shah Charitable trust, 1994).

FINDINGS OF THE STUDY

(a) Implied Incorporation but No Explicit Mention

The concept of "natural justice" is not specifically mentioned in the Bangladesh Constitution, although its spirit and components are included in a number of its sections (such as Articles 33 and 135; Chowdhury, 2025). Concerns for due notice, fair hearing, and reasonable opportunity all essential elements of natural justice are reflected in these.

(b) Changing the Interpretation of the Law

In order to preserve natural justice, Bangladeshi courts have gradually interpreted statutory and constitutional principles. Even in the absence of clear statutory standards, landmark rulings (such as *Dhaka University vs. Zakir Ahmed*) uphold the necessity of maintaining procedural fairness.

(c) Application of natural justice beyond Judicial Bodies

In Bangladesh, administrative and quasi-judicial entities are also required to respect natural justice principles (Khanam, 2022). Natural justice has been extended to the executive branch by the judiciary's confirmation that due process must be followed in administrative decisions that affect civil rights.

(d) Two basic rules that are acknowledged and followed

Both case law and the spirit of the constitution acknowledge the fundamental ideas of Nemo Judex in Causa Sua (no one should be a judge in their own matter) and Audi Alteram Partem (right to be heard). These guidelines are essential for guaranteeing justice and impartiality in court cases.

(e) Natural Justice as a Check on State Authority

According to the study, natural justice acts as a restraint on the capricious use of state power. It encourages accountability and openness by providing citizens with protection from illegal or discriminatory administrative activities.

(f) There are some exceptions, but they are very few

Only under extraordinary and justified circumstances such as emergencies, legislative actions, or situations where impracticability is demonstrated (e.g., mass examination cancellations) is the absence of natural justice allowed. However, these exclusions must be read carefully and are subject to judicial review.

(g) Legal Representation must be recognized

The practical application of natural justice has been broadened by courts' recognition of circumstances in which legal counsel is crucial, particularly when dealing with intricate legal or factual issues, even though it is not a fundamental component of natural justice.

(h) Increasing Recognition of the Constitution

Natural justice is becoming more widely recognized as a constitutional duty in Bangladeshi courts, despite the fact that it is not officially established. The rule of law is being strengthened as the notion becomes more ingrained in legal reasoning.

(i) Implementation Gaps in Practise

Implementation is still uneven, even with legal and constitutional support. Authorities have failed to deliver due process in a number of cases, which suggests that institutional commitment, understanding, and training need to be improved.

(j) Natural Justice as a Vehicle for Protecting Rights

According to the study's findings, natural justice is an effective strategy for defending fundamental rights in Bangladesh. It contributes to the strengthening of democratic governance and the preservation of human dignity by promoting impartial adjudication and fair procedures.

RECOMMENDATIONS

In Bangladesh, the principles of natural justice are now constitutionally enhancing. The constitutional rules not only provide a set of norms according to which a state is governed, but also lay down norms of procedural fairness to limit the state power. Nonetheless, the supervisor will find some recommendations by which the doctrine of natural justice will perform accordingly by the state agencies. These are as follows:

(a) Recognition by the Constitution

Depending only on the implied allusions in Articles 33 and 135 of the Constitution, amend it to specifically state the natural justice principles (*Audi Alteram Partem* and *Nemo Judex in Causa Sua*). Stronger legal enforceability and lucid judicial and administrative interpretations will result from this.

(b) Administrative Law Codification

Laws and regulations pertaining to administrative procedures should clearly incorporate the principles of natural justice (Mullan, 1975). Require public institutions and statutory authorities to adhere to due process in all decisions that impact people's rights, interests, or

liberties, particularly in the areas of employment, licensing, education, and disciplinary measures.

(c) Public Official Training and Capacity Building

Create and execute required training courses on the value and use of natural justice for government representatives, tribunal members, and administrative personnel. Stress the right to a fair hearing, impartial decision-making, and procedural justice.

(d) Strengthen Judicial Supervision

Even in cases where statutes are silent, encourage courts to regularly examine administrative acts for violations of natural justice. Provide unique court standards for spotting and resolving procedural justice violations.

(e) Unambiguous Rules for Legal Counsel

Establish consistent standards for permitting legal representation in administrative processes, especially where those hearings include high stakes, complexity, or technical issues. Issue orders from the government or courts confirming that it may be against natural justice principles to deny legal representation in specific situations (such as disciplinary hearings or license revocations).

(f) Implement Laws to Limit Exceptions

Use legislation with a limited interpretation and judicial review procedures to codify the acceptable deviations to natural justice (such as crises and legislative actions). Require documented explanations and *post-facto* evaluations in situations when "impracticality" or "emergency" excuses are misused.

(g) Access to Justice and Public Awareness

Promote public education initiatives regarding citizens' rights to notice, fair hearings, and impartial judgment. Provide legal aid services or an ombudsman to citizens who are facing procedural injustice from administrative agencies.

(h) Monitoring and Evaluation Mechanisms

Create an impartial oversight organization (such as an Administrative Justice Authority or Natural Justice Commission) to keep an eye on state institutions' adherence to procedural justice. Report on the degree to which different government agencies adhere to natural justice principles and conduct routine audits.

(i) Include Natural Justice in Academic Programs

Highly intensive course curriculum of natural justice area must be included in the curriculum of law schools in Bangladesh. In addition to that proper training must be given to the related stakeholders in Bangladesh.

(j) Consolidation of Judicial Precedents

The state should initiate to have a comprehensive database to have all the courts, tribunals decision on the particular issue of natural justice for the better interpretation and application of the term of natural justice.

CONCLUSION

The analysis demonstrates that while the Bangladeshi Constitution does not specifically mention the natural justice precepts of *nemo judex in causa sua* and *audi alteram partem*, they are strongly ingrained in its spirit and jurisprudential interpretation, acting as vital protections against capricious judicial and administrative actions. Due to procedural uncertainties, a lack of institutional understanding, and statutory gaps, effective implementation of these laws remains inconsistent despite considerable court attempts to expand their application beyond administrative, quasi-judicial, and even non-judicial domains. According to the study, this disparity poses a significant threat to both the preservation of individual rights and procedural justice. In order to guarantee that natural justice is a uniformly implemented legal standard at all governmental levels and not just a theoretical theory, it urges constitutional reforms, statute codification, institutional reforms, and public education. To strengthen accountability, equity, and the rule of law in Bangladesh's changing democratic environment, adherence to these principles must be strengthened. As Epicurus has rightly coined that-

> *Natural justice is a compact resulting from expediency by which men seek to prevent one man from injuring others and to protect him from being injured by them.* -Epicurus

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