

LEGALFOXES LAW TIMES

POST-DECISIONAL HEARING:

A DEVIATION FROM THE PRINCIPLES OF NATURAL JUSTICE

A Comparative Analysis with United States and United Kingdom

By SAKSHI MADAN

Natural justice or fair administrative procedure, is regarded as the most pertinent procedural safeguard against the inordinate and immoderate exercise of powers by the Administration. One cannot deny the importance and significance of the rules of natural justice especially in the modern administrative process. The supreme Court of India has characterized the rules of Natural Justice as “foundational and fundamental concepts” which are “part of judicial and legal procedure”.¹

Natural Justice is the underlying soul of impartial and unbiased court rulings.

There two basic postulates of natural justice are:

1. *Nemo in propria causa judex, esse debet*- No one should be made a judge in his own cause, or the rule against bias.
2. *Audi Alteram Partem*- Hear the other party or the rule of fair hearing, or the rule that no one should be condemned unheard.

Right to be Heard:

It is the paramount Principle of Natural Justice. The jurisprudence behind this principle is that a person who is accused or whose right and interest are being affected or against whom

¹*R.L. Sharma v. Managing Committee, Dr. Hari Ram H.S. School* AIR 1993 SC 2155

adverse action are being initiated by an authority must be given an opportunity to defend and present his views on those matters, rather deciding the issue without hearing the party.²The principle of Audi Alteram Partem is sine qua non at every stage of an administrative proceeding and cannot be dispensed with at any stage.

EXCLUSION TO PRINCIPLES OF NATURAL JUSTICE:

However, keeping in mind the importance of the aforesaid principles, one cannot ignore the fact that though it is important to follow and implement, in full spirit, the principles of Natural justice, but the truth is that there are times when their requirement is to be dispensed with or the facts and circumstances of the prevailing case force that these principles be not applied in a verbatim manner. Time and again their application and implementation is required to be either liberalized or completely excluded too.

NATURAL JUSTICE: NO RIGID MOULD

Fair play is a part of the public policy and is a guarantee for justice to the people.³ Every agency has been conferred with an obligation that requires it to act fairly so that social action would be just and there would be furtherance of the well-being of citizens. However, the norms pertinent to fair hearing are dynamic and differ from institution to institution. The Supreme Court in *K.L. Tripathi v. State Bank of India*⁴, held that the principles of natural justice are not rigid,

² Sujoy Sur and Siddharth Sharma, 'The Concept of Post Decisional Hearing: Establishing its Jurisprudence, and Contemporaneous Relevance' (2014) IJLLJS <[http://ijlljs.in/wp-content/uploads/2014/08/Post-Decisional-Hearing-2-1 .pdf.](http://ijlljs.in/wp-content/uploads/2014/08/Post-Decisional-Hearing-2-1.pdf)> accessed 4December 2020

³<<http://www.legalservicesindia.com/article/1519/Principles-of-Natural-Justice-In-Indian-Constitution.html>> accessed 10 December 2020

⁴*K.L. Tripathi v. State Bank of India* AIR 1984 SC 273

immutable, but rather flexible in nature. Also, the court in another landmark case emphasized and appreciated the fact that the concept of fair hearing is an “**elastic one**”.⁵

No general rule of universal application can be laid down as to the applicability of the principal Audi alteram partem.⁶ There are several instances when the principle can be excluded. Although the word exception in the context of natural justice is really a misnomer, because in the exclusionary cases, the rule of Audi alteram partem is held inapplicable not by the way of an exception to ‘fair play in action’, but because nothing unfair can be inferred by not affording an opportunity to present or meet a case.⁷ Such situations of exclusion considering nothing unfair may be inferred must be few and exceptional. Thus, a few instances when the rule may be done away with include: exclusion by a statute (expressly or impliedly), exclusion in emergency, exclusion in the cases of confidentiality, exclusion in cases of purely administrative matters, exclusion in cases of interim preventive action, exclusion in legislative action, exclusion where no right of the person is infringed, exclusion in cases of statutory exception or necessity, exclusion in cases of contractual arrangement, exclusion in cases of government policy decisions etc.⁸

In the case, *Swadeshi Cotton Mills v. Union of India*⁹, Chinappa Reddy J. observed: “Natural Justice, like ultra vires and public policy, is a branch of public law and is a formidable weapon, which can be wielded to secure justice to the citizen...while it may be used to protect certain fundamental liberties-civil and political rights-it may be used, as indeed it is used more often than not, to protect vested interests and to obstruct the path of progressive change.”

⁵*Mineral Development v. State of Bihar* AIR 1960 SC 468

⁶ M P Jain and S N Jain, *Principles of Administrative Law* (7th edn, Lexis Nexis 2011)

⁷*Maneka Gandhi v. Union of India*[1978] 1 SCC 248

⁸I.P. Massey, *Administrative Law* (9th edn, Eastern Book Company 2017)

⁹*Swadeshi Cotton Mills v. Union of India* AIR 1981 SC 818

POST DECISIONAL HEARING:

A hearing which takes place before the decision is arrived at by the decision-making authority is known as a 'pre-decisional' hearing and the hearing held after a tentative decision is reached at is called the 'post decisional' hearing.

Thus, Pre-decisional hearing is a hearing managed before making a choice or sanctioning an order. Post-decisional hearing, as opposed to its counterpart, is a hearing given by the adjudicating authority subsequent to making a choice or a decision.¹⁰

It is true that as a general rule, hearings should be afforded before a decision is reached at by an authority but there lies another aspect which is the idea of post decisional hearing which was developed to maintain a balance between administrative efficiency and fairness to the individual. This harmonizing tool was developed by the Supreme Court in the landmark case of *Maneka Gandhi v. Union of India*¹¹.

Thus, in cases where pre-decisional hearing may not be feasible to be held, as for example, when the authority has to deal with a large number of cases, or when a prompt decision has to be taken, a post decisional hearing can come to rescue. So, in certain situations, decisions are taken on the first instance before providing the individuals an opportunity to present their views as it is not possible to have a normal pre-decisional hearing and the authorities resort to post decision hearing without jeopardising with the compliance of principles of natural justice. Here, it is pertinent to mention that the authorities must take only tentative decision and not a final decision without hearing the party concerned.¹² The major reasoning behind the same is that it would become cumbersome and difficult for the authorities to reverse something they have already decided and the purpose of fair hearing may get defeated.

The concept of post-decisional hearing has undoubtedly expanded the horizons and scope of principles of natural justice. It cannot be denied that though this concept is practiced by

¹⁰ Diva Rai, "Doctrine of Post Decisional Hearing" [2019] <<https://blog.ipleaders.in/the-doctrine-of-post-decisional-hearing/>>

¹¹ *Maneka Gandhi v. Union of India* AIR 1978 SC 597

¹² M P Jain and S N Jain, *Principles of Administrative Law* (7th edn, Lexis Nexis 2011)

the courts, but not as a matter of routine rather only in those few exceptional cases where pre-decisional hearing would hinder in meeting the ends of justice. The Supreme Court has different views on Post Decision Hearing, on whether providing opportunity to be heard at a later stage subserves the Principle of Natural Justice or not, or can post decision hearing be an absolute substitute for pre decision hearing.

This jurisprudentially ground-breaking concept was evolved and discussed by the Apex Court in the infamous case of *Maneka Gandhi v. Union of India*.¹³ The question here was “where an action is to be taken immediately, and exigencies of situation demand that it should be taken without giving any advance notice and opportunity to be heard, can a post-decisional hearing mitigate the injustice caused by the lack of pre-decisional hearing? In this case, the petitioner-journalist’s passport was impounded by the Indian government under Section 10(3)(c) of the Passport Act, 1967. No opportunity was given to the petitioner before taking the impugned action. When the said action was challenged, it was contended on behalf of the government that the application of the audi alteram partem rule would have frustrated the very purpose of impounding the passport. All the judges also agreed to that the non-application of the said principle was fatal to the action.

The court further stated that it is necessary for the authorities to comply by the principle of Natural Justice and an opportunity to be heard must be provided to the petitioner before passing any final order.¹⁴

However, it accepted the doctrine of post- decisional hearing in exceptional cases. It laid down that where in an emergent situation, requiring immediate action, it is not practicable to give prior notice or hearing, the preliminary action should be soon followed by a preliminary hearing.¹⁵

¹³*Maneka Gandhi v. Union of India* AIR 1978 SC 597

¹⁴Sujoy Sur and Siddharth Sharma, ‘The Concept of Post Decisional Hearing: Establishing its Jurisprudence, and Contemporaneous Relevance’ (2014) IJLLS <[http://ijlls.in/wp-content/uploads/2014/08/Post-Decisional-Hearing-2-1 .pdf.](http://ijlls.in/wp-content/uploads/2014/08/Post-Decisional-Hearing-2-1.pdf)> accessed 4 December 2020

¹⁵C.K. Takwani, *Lectures on Administrative Law* (6th edn., Eastern Book Company 2017)

Hence, this case brought a revolution in the field of principles of natural justice as for the first time the Indian courts recognized the concept of post decisional hearing. It is pertinent to quote Justice Bhagwati, speaking for the majority consisting of himself, Untwallia and Fazl Ali JJ, who cautioned that the courts must be most chary of dispensing with the requirement of a pre-decisional hearing. However, where due to peculiar circumstances no such pre-decisional hearing could be held, a post-decisional hearing, remedial in aim, might salvage an administrative action from being quashed.¹⁶

In *S.L. Kapoor v. Jagmohan*¹⁷, the supersession of a municipality was challenged on the premise of principles of natural justice being violated owing to the reason that no show-cause notice was issued before the impugned order. The Supreme Court while rejecting the said contention opined that such observance would have made no difference.

Another landmark case pertaining to Post decisional hearing is the *Swadeshi Cotton Mills v. Union of India*¹⁸. The management of Swadesh Cotton Mills was handed over to National Textile Corporation Limited for a term of five years on the ground of drastic reduction in the prices of its articles. The act provides the Centre Government with the power to issue orders regarding any public limited industry which is not been able to function properly. The company decided to file a writ petition in Delhi High Court against the Government's order as they contended that the same act was a gross violation of the principles of natural justice. The High Court upheld the order of government. The appellant then filed a revision petition before Supreme Court. The main issues considered here were:

1. Can Pre-decisional Hearing be excluded if the Act expressly mentions about providing Post-Decisional Hearing?
2. Whether it was necessary to observe the rules of Natural Justice before issuing the order by the Government?

The court recognized the principle of Post Decisional Hearing and held that in certain situations it is

¹⁶S.P Sathe, *Administrative Law* (7th Edn, Lexis nexis)

¹⁷*S.L. Kapoor v. Jagmohan* [1980] 4 SCC 379; AIR 1981 SC 136

¹⁸*Swadeshi Cotton Mills v. Union of India* AIR 1981 SC 818

not possible to give prior notice or opportunity to be heard, in such circumstances the authorities may take the necessary decisions but it must be followed by a full remedial hearing. Court took a pragmatic view and held that in this case the Kanpur unit was closed for more than three months along with the other five units though few of them showed declining trend in the production but this does not constitute as a situation to take immediate actions, and therefore government had violated the rule of Audi alteram partem by not providing opportunity to be heard. Thus, post decisional hearing here was not considered an adequate substitute to pre decisional hearing.

In *K.I. Shephard v. Union of India*¹⁹, a pertinent question was addressed by the court pertaining to the effectiveness of the concept of Post decisional Hearing.

Here, certain banks were amalgamated with nationalised banks. As a result, certain employees of the banks amalgamated were excluded and their services were not taken over by the transferee banks. Such exclusion was made without giving any hearing to the affected employees.²⁰ The action was challenged by some of these employees. The Supreme Court there refused to agree with the view that Post Decisional Hearing would be adequate in the situation. The court observed, “they have already been thrown out of employment and having been deprived of livelihood they must be facing serious difficulties. There is no justification to throw them out of employment and then give them an opportunity....it is common experience that once the decision has been taken, there is a tendency to upload it and a representation may not really yield any fruitful purpose.”

Here, a post-decisional hearing was considered less effective than a pre-decisional hearing as the court rightly pointed out. Also, it can be thus concluded that post decisional hearing is not adequate in dismissal case where the consequences to the concerned person are very serious. Therefore, in cases of emergent situations as well, pre decisional hearing is necessary which may not be an elaborate one, especially in cases where the action has grave consequences such as loss of livelihood.²¹

¹⁹*K.I. Shephard v. Union of India* (1987) 4 SCC 431

²⁰ M P Jain and S N Jain, *Principles of Administrative Law* (7th edn, Lexis Nexis 2011)

²¹ I.P. Massey, *Administrative Law* (9th edn, Eastern Book Company 2017)

Basically, it is the “necessity for speed” that justifies a post decisional hearing. In situations of emergency, the principles of natural justice are relaxed and therefore, if the court comes to the conclusion that in a given situation, these rules are applicable, there is no reason as to why their observance cannot be made at a pre-decisional stage.

In *H.L. Treahan v. Union of India*²², the core issue was whether post decisional hearing undermines the principle of natural justice or not. Following what was laid down in *K.I. Shephard v. Union of India* in which a vital principle was laid down in relation to government servants and administrative officers that no deprivation of their rights and benefits enjoyed by these officers without following the principle of natural justice and providing opportunity to be heard.

‘Providing Post decision Hearing does not subserve the principle of natural justice.’ Supreme Court took a pragmatic view and stated that the concerned authorities while hearing the other side after taking a tentative decision proceed with the matter with the closed mind setup and becomes difficult for them to change and reverse their decision. Therefore, by providing Post Decisional Hearing it will not be in compliance with the principle of Natural Justice.²³

Thus, in every case where pre decisional hearing is warranted, a post decisional hearing would not validate the action except in very exceptional circumstances.²⁴ Thus, a balance must always be struck between the interest of the affected individual and maintenance of public interest.

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COMPARATIVE ANALYSIS:

A STUDY OF THE CONCEPT IN UNITED STATES OF AMERICA AND THE UNITED KINGDOM:

²² *H.L. Treahan v. Union of India* [1989] 1 SCC 764

²³ Sujoy Sur and Siddharth Sharma, ‘The Concept of Post Decisional Hearing: Establishing its Jurisprudence, and Contemporaneous Relevance’ (2014) IJLLS <[http://ijlls.in/wp-content/uploads/2014/08/Post-Decisional-Hearing-2-1 .pdf.](http://ijlls.in/wp-content/uploads/2014/08/Post-Decisional-Hearing-2-1.pdf)> accessed 27 December 2020

²⁴ I.P. Massey, *Administrative Law* (9th edn, Eastern Book Company 2017)

USA:

In the United States of America, due process of law is the rule. It implies fair hearing with promptitude. Therefore, generally pre decisional hearing is the rule and post decisional hearing is an exception. Moreover, it is the pre decisional hearing which is insisted upon when a particular administrative action leads to violation of liberty and property interests. On the contrary, post decisional hearing is sought when there is a gross violation of public interests and in cases of emergency and impracticability.

Thus, the courts in the US have developed three balancing tests to determine which type of hearing is mandated when. They are: (1.) Public Interest involved; (2.) Risks involved in allowing Pre-decisional hearing, and the values of the constitution involved; and (3.) Government's financial and administrative implications.²⁵

Later on, these tests were further refined by including the guidelines laid down earlier in the case *Fuentes v. Shevin*²⁶. These include: (1.) Important government and general public interest; (2.) Need for prompt actions; and (3.) Quality of control over force of the government. Further, Courts have even insisted on provision of an adequate compensation in case any particular action is found to be contrary to law, or status ante cannot be restored.²⁷

Post decisional hearing is thus not a violation of the principles of natural justice, but a modification of it in special circumstances.

Thus, cases where pre decisional hearing can be dispensed with:

1. Emergency situation: it has been acknowledged that though due process of law requires providing an opportunity to be heard before a person is deprived of life, liberty or property. But in certain cases, it is neither practicable no possible to provide such

²⁵*Mathew v. Eldridge* [1976] 424 US 319

²⁶*Fuentes v. Shevin* [1972] 407 US 67

²⁷*Reich v. Collins* [1994] 513 US 106

hearings where emergent action is necessary to prevent immediate social injury.²⁸

Some examples of emergency action may include:²⁹

- (a) Cases where summary destruction of property which has become imminently dangerous to the safety, health, morals of the public who might use them or might otherwise be affected by it.³⁰In such cases the court excludes the statutory or administrative action from the requirement of hearing as a condition precedent to the deprivation of property on two grounds. *Firstly*, that it is not possible and practicable to give notice and hearing to the owner of the property without causing serious harm and danger to the public in the meantime. In such cases, summary destruction is the only available remedy to save the public from any grave injury. *Secondly*, the due process is not really denied if it is offered at any stage, and that in cases where summary action is necessary, due process is complied with by providing an opportunity of hearing after the condemnation.
 - (b) A converse case is protecting other person's property by destroying one's own property which is infected or has become inherently dangerous.
 - (c) In certain cases, urgency of situations and the veracity of the public danger involved calls for seizure and taking possession of property, business etc. without giving prior hearing. In such cases, due process is held to be complied with by giving a hearing after the seizure has taken place.
2. Statutory exclusion of hearing: There may be certain emergency legislations that may exclude the need for conducting hearing before a final decision is reached at by the authority. Such emergency legislations may be pertaining to matters stated above. Apart from this, there may be certain cases when Summary Action is required to be taken. In such cases, instead of making a final order without hearing, a temporary

²⁸*Adams V. Milwaukee* [1913] 228 U.S. 572

²⁹ Scott, D and Felix, A, *Principles of Administrative Law* (Cavendish Publishing Limited 1997)

³⁰*North American Cold Storage Co. v. Chicago* [1908] 211 U.S. 306

action (in the nature of an interlocutory order in a judicial proceeding), such as suspension of license, may be necessary, without a full hearing, in order to avert any immediate injury to the people at large. In such cases, the due process is satisfied by offering a full hearing before the 'final order' is made.³¹ However, if no safeguard is provided against arbitrary actions, such legislation may be struck on ground of violation of due process.³²

❖ COMPARATIVE ANALYSIS OF THE CONCEPT OF POST DECISIONAL HEARING BETWEEN INDIA AND THE UNITED STATES:

✓ As far as emergency action is concerned, in India as well, the post decisional hearing would suffice (a) in cases of urgency or where giving prior notice would defeat the object of action and (b) where the function is purely administrative and the principle of prior hearing doesn't apply and yet requirement of fairness must be complied with.³³ In India too, like in the U.S.A., in cases of extreme urgency, where public interest would be compromised with by the delay or publicity involved within, a hearing before condemnation would not fulfil the principles of natural justice.

✓ As far as taking summary action is concerned, the courts in India too on the ground of taking an immediate action, have upheld the validity of laws conferring power on administrative authorities to act, on their subjective satisfaction without a hearing. Thus, in cases of urgent action, the courts can uphold the concept of post decisional hearing as rightly quoted in the infamous *Maneka Gandhica* case. Schwartz rightly observes, "The normal thing, of course, is for the opportunity to be heard to be afforded before the agency acts. But the hearing need not be given at

³¹ Scott, D and Felix, A, *Principles of Administrative Law* (Cavendish Publishing Limited 1997).

³² *Standard Airlines v. Civil Aeronautics Board* [1949] 177 F. 2d. 18

³³ *Neelima v. Harinder* [1990] 2 SCC 746

that stage. The opportunity to be heard may be given by the agency after it acts...³⁴ He further opined, "Emergency permits instant destruction of the infected poultry, seizure and sale of the taxpayer's property, and takeover of the bank; any hearing comes after these drastic acts have taken place". Another American writer states, "There is no rule of constitutional law requiring in absolute terms that a constitutionally compelled hearing always be a prior hearing. Rather, what the Constitution does require, as *Armstrongy v. Manzo* held, is that a constitutionally compelled hearing "be granted at a meaningful time and in a meaningful manner", a standard that counsels a prudential inquiry case-by-case."³⁵

UNITED KINGDOM:

In England, since the Parliament has absolute sovereignty, it is competent for the Parliament to exclude the Principles of Natural Justice and it is beyond the competence of the courts to invalidate the law itself on the premises of it being violative of the principles of natural justice.³⁶ However, still the court can interfere with the subordinate legislation, on the plea of vires, by holding that the statute has created an authority with a quasi-judicial obligation so that a subordinate legislation made under the statute cannot dispense any hearing.³⁷

Apart from this, in U.K., it has been held that in certain circumstances, condemnation of property cannot be done under the ordinary judicial procedure and thus, rapid and summary

³⁴ Bernard Schwartz, *Administrative Law*, 208 (1976)

³⁵S.N. Jain, "Administrative Law Aspects of "Maneka Gandhi" <<https://www.jstor.org/stable/43950642>.> accessed 28 December 2020

³⁶Scott, D and Felix, A, *Principles of Administrative Law* (Cavendish Publishing Limited 1997)

³⁷*R. v. Housing Appeal Tribunal* [1820] 3 K.B. 334

proceedings must be conducted. E.g., condemnation of food that is unfit for human consumption and its destruction, demolition of imminently dangerous buildings³⁸ etc.

Moreover, other than the emergencies affecting the security of the state or public order, the requirement of provision of notice or hearing may be dispensed with by the Legislature where immediate action is necessary to save human life or property. E.g. Pulling down dangerous building (Section 38 of the Manchester Improvement Act, 1967).

Thus, like in U.S.A and India, even U.K. has certain norms laying down that a regular pre decisional hearing procedure may be compromised with in certain grave situations that can have ill-effects on the public at large. Thus, in U.K. too, Emergency situations and circumstances involving public interest or that may lead to grave injuries are well recognized and allow for dispensing with the requirement of pre-decisional hearing when a prompt and rapid decision is required to be taken to safeguard the interests of the general public being jeopardized.

THE RELEVANCE OF THE CONCEPT OF POST-DECISIONAL HEARING IN THE CONTEMPORARY TIMES:

The rule of Audi Alteram Partem has become dynamic with the growth of administrative functions. The same cannot be applied today in a straitjacket manner and varies from case to case and circumstance to circumstance. The urgency in taking administrative actions without giving a pre decisional hearing has gradually developed the notion of Post Decisional Hearing. Individuals affected by the decisions of the concerned authorities seeks to implement the principle of Natural Justice and providing Post Decisional Hearing is deemed as best remedy for the same as held in Maneka Gandhi case. Thus, in the present times the administrative authorities have the power to allow post decisional hearing in case there exists sufficient and reasonable ground to justify the non-application of providing hearing before the decision is reached at.

³⁸*Cheetham v. Mayor of Manchester*[1875] 10 C.P. 249 (269).

In *Canara Bank v. V.K. Awasthi*³⁹, the Respondent was terminated from his services for not replying to the show cause notice within the stipulated period of 15 days. Later, he contended that principles of natural justice were not followed and High Court upholding the said contention ordered the bank to provide proper hearing to the respondent before the disciplinary committee. Hence, the bank filed an appeal before the Supreme Court. The bank provided the respondent with personal hearing before the appellant authority. The issue concerning in this case was whether post decisional hearing provided by the bank to the respondent before appellant authority is in concurrence with Audi alteram partem or not.

The Apex Court relied on *Charan Lal Sahu v. Union of India*⁴⁰, where the Court held that 'post-decisional hearing can obliterate the procedural deficiency of a pre-decisional hearing'. Therefore, if there is any lack in the proceedings of any case, then it can be resolved by using post- decisional hearing. Thus, the court allowed the appeal and held that there was no violation of the Principles of Natural Justice and Post Decisional Hearing in the present appeal serves the purpose of pre decisional hearing.

However, the court ruled out the concept of Post decisional hearing in certain cases relating to elections and Representation of People's Act.

In case of *Ram Naresh Tyagi & Ors. v. Election Commission of India & Anr.*⁴¹, the issue was regarding the deletion of voter's names from their electoral roll. Section 22- C of Representation of Peoples Act provides that hearing must be provided to the voter before removing their name from the electoral roll. The Election Commission without providing hearing deleted 841 names from the electoral roll. Petitioners challenged before the High Court. Election Commission contended that they are willing to provide post decisional hearing.

The Court rejecting their argument held that in such matters post Decisional Hearing does not serve as substitute of Pre-Decisional Hearing and if the legislation clearly provides for hearing before deletion of names, than providing hearing after the decision is taken to remove the

³⁹[2005] 6 SCC 321

⁴⁰*Charan Lal Sahu v. Union of India* AIR 1990 SC 1480

⁴¹WP(C) No.5064 of 2013

names does not serve the purpose and hence, Election Commission was ordered to reinstate their names in the Electoral Roll.

Thus, it can be well ascertained that the concept of post decisional hearing as a process is here to stay. Firstly, the concept is applied in cases of extreme and grave importance which have huge bearing on the legality of the thing or act concerned and further, the concept proves to be the best alternative remedy to achieve the ends of justice when a situation demands so and also a great substitute to pre decisional hearing. Also, post decisional hearing is well within the boundaries of Natural Justice. Therefore, it is a way to enlarge and broaden the scope of Natural Justice on case-to-case basis, thus, accrediting the legal jurisprudence with some very practical and sound processes.⁴²

CONCLUDING REMARKS:

The concept of post decisional hearing is thus, not a rule but a mere exception that is to be applied sparingly. It is a flexible and dynamic concept which doesn't come with a strait jacket application and its applicability varies from case to case. Thus, not only does the concept of Post Decisional Hearing flexibly furthers principles of natural justice but it helps its age-old jurisprudence to survive the test of time and makes it a very dynamic concept, equipped with flexibility and opportunity for further growth. Hence, it must be considered as great substitute to the concept of pre-decisional hearing and so must not be discouraged as it serves as a powerful and useful weapon during the times of urgency and other circumstance that may have grave consequences. But it must be kept in mind that it should not be allowed to run amuck otherwise the purpose behind its development and applicability would be defeated.

Thus, it must be taken an exceptional rule which in extreme cases is a useful method to meet the ends of justice, respecting the urgency of the facts and the legal repercussions which

⁴²Sujoy Sur and Siddharth Sharma, 'The Concept of Post Decisional Hearing: Establishing its Jurisprudence, and Contemporaneous Relevance' (2014) IJLLS <[http://ijlls.in/wp-content/uploads/2014/08/Post-Decisional-Hearing-2-1 .pdf.](http://ijlls.in/wp-content/uploads/2014/08/Post-Decisional-Hearing-2-1.pdf)> accessed 4 December 2020

might result if not acted upon.



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