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Case Analysis: AK Kraipak v. Union of India

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In the case of AK Kraipak v Union of India, the Supreme Court established that the principles of natural justice also apply to administrative decisions.

Introduction

The case of AK Kraipak v Union of India is a landmark judgment in Indian administrative law. It played a crucial role in ensuring fairness in administrative decisions by emphasizing the principles of natural justice. The Supreme Court's decision in this case expanded the scope of judicial review, establishing that even administrative actions could be challenged if they violated fairness.

Read this article to learn more about the facts, issues, judgment, and impact of the AK Kraipak case.

Facts of the Case

The dispute in this case arose during the selection process for the Indian Forest Service (IFS) in Jammu and Kashmir. To facilitate the recruitment process, the Union Government constituted a Special Selection Board. The role of the Board was to recommend suitable candidates for the IFS.

The members of the Selection Board included senior government officials and experts in forestry. Among them was Mr. A.K. Kraipak, the Acting Chief Conservator of Forests in Jammu and Kashmir. While he was a member of the Selection Board, he was also one of the candidates under consideration for the IFS.

Despite the apparent conflict of interest, Mr. Kraipak actively participated in the deliberations and decisions of the Board. Although he technically did not participate when his own name was being considered, the influence he may have exerted over his colleagues remained a major concern. His dual role compromised the objectivity and fairness of the selection process.

Some candidates who were not selected filed a petition, arguing that the inclusion of Mr. Kraipak in the Selection Board violated the principles of natural justice. They claimed that his

participation created a reasonable apprehension of bias, undermining the legitimacy of the selection process.

Issues Identified in AK Kraipak v Union of India

1. Whether the participation of Mr. A.K. Kraipak in the selection process as a member of the Selection Board, despite being a candidate, constituted a violation of the principles of natural justice, particularly the rule against bias.
2. Whether administrative actions, including those undertaken by selection committees, are subject to judicial review to ensure compliance with the principles of fairness and justice.
3. Whether the integrity and fairness of the selection process were compromised due to the presence of a member with a conflicting interest, thereby impacting the validity of the final selection.

Judgement Given

The Supreme Court held that Mr. Kraipak's participation in the selection process was a violation of the principles of natural justice. The Court emphasized that justice must not only be done but also appear to be done. Even the possibility of bias was sufficient to invalidate the process.

The Court observed that although the Selection Board's role was administrative, it performed functions that significantly affected the rights and interests of individuals. Therefore, principles of natural justice were applicable to its decisions.

The Court rejected the contention that administrative actions were beyond the scope of judicial review, asserting that fairness must prevail in all decision-making processes. Even a perception of bias in administrative functions was deemed unacceptable.

The Court reiterated the importance of the principles of *nemo judex in causa sua* (no one should be a judge in their own case) and *audi alteram partem* (the right to be heard).

The Court also clarified that administrative decisions are not immune from judicial review, especially when they affect the rights of individuals.

The Court held that even if an individual does not directly participate in decisions concerning themselves, their mere presence and influence in related deliberations could compromise the objectivity of the process.

The judgment thus set a precedent that administrative bodies must ensure transparency and impartiality in their operations.

Analysis of the Judgement

The Supreme Court's decision in AK Kraipak v union of India significantly bridged the gap between administrative and quasi-judicial functions, ensuring that fairness prevails even in administrative actions.

The Court ruled that the principles of natural justice are not confined to judicial or quasi-judicial decisions alone. Even administrative actions that affect rights, interests, or legitimate expectations must adhere to these principles.

A crucial aspect of the case was the violation of the principle of Nemo Judex in Causa Sua (no one should be a judge in their own case). The judgment underscored that the presence of a biased individual in a decision-making body vitiates the entire process. Justice should not only be done but also be seen to be done, ensuring public trust in administrative decisions.

Conclusion

AK Kraipak v Union of India expanded the scope of judicial review in administrative actions by stating that even administrative actions are subject to judicial review and must adhere to the principles of natural justice.

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