Page 2892 - 2906

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Critical Analysis of Natural Law Theory and its Contribution to the Justice System

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ABSTRACT

The law which has natural attributes occupies an important and significant role in the realms of law, religion, philosophy, and morals from the ancient era. Its significance includes harmonizing, synthesizing, and upholding peace and justice. A great contribution has been attributed to protecting the public against injustice, tyranny, and misrule throughout different generations.

Natural law theory to liberate people from politico-legal disorder. In an ordeal to trace the theory's function and evolution Blackstone stated, "The natural law being co-existent with mankind and emanating from God himself is superior to all other laws and no man-made law will be valid if it is contrary to the law of nature".

According to Dr. Friedmann, the history of natural law is a story about humanity's pursuit of absolute justice and its failure. As a result, natural law theory represents a never-ending pursuit for absolute fairness. It is not be assumed that natural law is only theoretical; its practical value is rooted in key past events and circumstances that shaped liberalism and individual liberty. This philosophy spurred adherents to revolt against totalitarian governments in France and Germany.

The concept of natural law has been differently explained by various legal thinkers and writers throughout different time zones. Most jurists claim that natural law engulfs ideals that lay the outline of legal development and administration; on the other hand, others describe it as a perfect and inferable law by reason.

The present research paper focuses on the prompt effect of natural law theory through its historical evolution which brought the transformation in the old prevailing legal system while simultaneously contributing to the development, validity, and expansion of international and municipal law of nations. The authors have further deciphered the current universal applicability of natural law principles through different legal systems.

Keywords: *Natural law, Justice, Historical Evolution, Theories of natural and social justice.*

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I. INTRODUCTION

Natural law is often called as greater law or the law of nature, it has also consistently dominated the conduct or nature of mankind. Natural law is that branch of unwritten law that originates from superior authority or God himself. This kind of law is universally applied without regard to cultural, religious, or ethical differences. The prompt believers of natural law theory say that there is a basic feature in law that prevents a distinction of law as it is from what the law ought to be as "Values" play an indispensable and important part in the development of law.[3]

In age-old societies, natural law was believed to have a divine origin then during the medieval period it had a religious and supernatural basis. The commencement of the Renaissance period brought a change in the rigid interpretation of Natural law theory. It began to humanize natural law and opened its doors for rational inquiry free from religious or orthodox trappings.

Lord Llyod commented, "that natural law has been devised as a mere law of self-preservation or a law restraining people from certain behavior".[4] It has established itself in current judicial zones as socio-economic justice. The concept of human rights is the result of the principles of natural justice. Natural law serves as the source of authority for international law.

Even modern sociological jurists and realists have looked to naturalistic theories and principles for backing their sociological views and their view represents the law as a way to come to terms the contradictory goals of people in the world and, as a result, recover equilibrium and justice among mankind.

(A) What is Natural Law?

There is no agreement on the idea and meaning of Natural Law. Depending on the requirements of the emerging legal philosophy, the phrase natural law theory has been construed differently. The concept of 'Natural Law' in legal and jurisprudential terms refers to laws and principles that are regarded to have evolved from a divine force other than any governmental or worldly authority. The greatest strength of this theory, however, is its ability to adapt to a constantly changing and altering society and tackle new difficulties.

Dias and Hughes define natural law as the law that draws its validity from its own intrinsic values, as distinguished from law issued in advance by the states or their agents by its living and organic features. Proponents of natural law Philosophy declare that "law is inherent in the very nature of man and is unaffected by convention, statutes, or other similar customary

[3] Hall Jerome, Foundations of Law, Chapter 2 (1973)
[4] Lloyd Dennis, Introduction to Jurisprudence, 79-81 (1959)

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devices".

Certain scholars believe that these laws have heavenly origins, while others believe they come from nature, and yet others believe they are the result of reason. As a result, different jurists (depending on their source) have given these norms different names, such as "divine law, moral law, the law of nature, natural law, universal law, the law of God, and so on". Thus, it is divine law for the Stoics, the law of reasoning for Cicero, and the unwritten law for Aristotle and Thomasius.

Natural law is not created by human beings; rather, it is unfolded by man. Natural Law can never be imposed by any external entity nor enacted by legislation; it is the product of the teachings of Philosophers, Prophets, and Saints, and is thus a superior type of law in some ways. Natural law has traditionally been utilized to oppose monarchs' tyrannical and authoritarian control.

II. IMPORTANT ATTRIBUTES OF NATURAL LAW

Natural law definition is malleable and can be construed to signify different things throughout history. It is, nonetheless, widely acknowledged as an ideal source of law with various contents. The main attributes are briefly stated below: -

1. It embodies within it the values of reason, justice, morality, and ethics, which provide a common base of legal or ethical philosophy.
2. It represents natural physical law based on moral notions that have universal acceptance and applicability.
3. The evolution of human rights jurisprudence and the fundamental human rights of persons is also attributed to the present concept.
4. Natural law implies law that is rational and reasonable and developed as a logical evolution from morals. As a result, activities that are ethically wrong will be against the law.
5. The doctrines of "Rule of Law" in England and India, and "Due Process" in the United States, are largely the results of natural law philosophy.
6. It is an a priori method different from the empirical method.

III. TRACING THE GROWTH OF NATURAL LAW THEORY

The notion of natural law has varied over each period based on the cause for which it was used and the role it was expected to do to fulfill the needs of the different time periods and situations.

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As a result, the historical evolution and development of natural law theory has occurred in phases that are classified as follows: -

1. Ancient Period
2. Medieval Period
3. The Period of Renaissance
4. Decline of Natural Law Theory

(A) Ancient Period

The ancient Greek philosophers involved a crucial role in shaping the concept of natural law, which emphasized the relationship between law, justice, and ethics. They were pioneers in distinguishing law from blind faith and acknowledged the significance of reason and rationality in comprehending and implementing laws.[5] The ancient period can be further divided into two distinct periods that is the Greek period and the Roman period.

The main authors of the Greek period are as follows:

HERACLITUS (530-470 B.C.)

Greek philosophers in the 4th century B.C. played a significant role in developing the concept of natural law. Among them, Heraclitus highlighted three key characteristics of natural law: destiny, order, and reason. According to him, nature can never be a random collection of things but rather exhibits a positive relationship, order, and rhythm. He emphasized that reason is the fundamental element of natural law. The frequent changes and instability in the initial city-states of Greece led legal philosophers to believe that "law should serve the interests of those in power", consequently, they sought an immutable principle that could apply universally to all individuals, promoting peace and tranquility. This unbalanced political environment gave rise to the notion of natural law, which designed to establish moral and righteous conduct in human life.[6]

ARISTOTLE (384-322 B.C.)

Aristotle provided a more logical interpretation of natural law, considering man as a part of nature and emphasizing reason unaffected by desires. He defined natural law as the embodiment of fundamental principles of justice and morality that hold collective validity regardless of time and place. However, Aristotle never explicitly stated that positive laws conflicting with natural

[5] Shankar Prasad, "School of Jurisprudence: A Critical Study" 6 JETIR 619 (2019).
[6] George W. Constable, "What does Natural Law Jurisprudence offer?" 4 Catholic University Law Review 8 (1954).

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law are invalid. He suggested that even if positive law lacks adherence to the principles of natural law, it should still be followed, and the focus should be on reforming or amending it rather than breaking it.

Aristotle regarded "justice" as a virtue that manifests within the context of the state. He viewed justice as a political virtue, implying that studying and understanding the law would inspire people to involve in activities that reflect virtuous behavior and avoid actions that express vices. Therefore, justice requires "individuals to be guided by reason and abstain from engaging in unjust, unlawful, and unfair acts".[7]

Several key features of Greek natural law philosophy as identified by Roscoe Pound: -

- The development of natural law was driven by the thoughts and ideas put forth by thinkers, philosophers, and orators, rather than jurists or lawyers making it a philosophical and intellectual pursuit.
- The growing awareness that law was not merely an outcome of arbitrary rules but was based on wisdom and reason. This recognition conferred legitimacy and validity upon the laws.
- The concept of natural law in Greece was dominated by politically declared laws and tribal customs, which were influenced by the social order prevailing at that time period. This suggests that the distinction between enacted laws and customary practices was not well-defined.[8]

The main authors of the Roman Period are as follows:

Stoic philosophy influenced the Roman legal system, leading to the incorporation of natural law principles. Roman law was categorized into "jus civile, jus gentium, and jus naturale", representing the law for citizens, non-citizens, and natural law, respectively. This integration reflected the Romans' recognition of universal principles of justice and their aim to create a more inclusive legal framework.[9]

The Roman legal system had two main divisions: jus civile, which applied to Roman citizens, and jus gentium, which exercised jurisdiction over both Roman citizens and foreigners. Jus gentium encompassed universal legal principles that aligned with natural law or the law of reason. Over time, these two divisions were submerged into jus naturale, as Roman citizenship

[7] Anubhooti Shrivastav, "Natural Law and the Universal System of Justice" 4 South Asian Law Review Journal 179 (2018).
[8] Suman Acharya, "Natural School; Jurisprudence of Law of Nature" SSRN (2019).
[9] Justice K.N. Saikia, "Philosophy of Natural Law" 6 Institute's Journal (1996).

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was extended to nearly everyone but certain exceptions were still made.

CICERO (106-43 BC)

Marcus Tullius Cicero, a renowned Roman lawyer, statesman, and orator, presented his legal philosophy in the marvelous work "De Legibus." He emphasized the significance of nature and reason as powerful forces in the universe. In discussing his concept of natural law, Cicero observed:

"True law is right reason in agreement with nature, it is of universal application, unchanging and everlasting, it summons to duty by its commands or prohibitions. It does not lay its commands or prohibitions upon good men in vain, through neither have any effect on the wicked. It is a sin to try alter this law, nor it is allowable to attempt any part of it, and is it impossible to abolish it…."

Cicero strongly advocated for natural law, considering it to be the product of human reason and intellect. According to him, the superior position of human beings in the natural order of creation, bestowed upon them by their capacity for reasoning, justified the creation of natural law. He believed that natural law had universal validity, rooted in the moral principles governing human society as a whole.

(B) Medieval Period

In the Middle Ages, Catholic thinkers and logicians developed a new conception of "natural law." Even so, they contributed to its logical foundation. They parted with the early Christian father's doctrine. Their opinions are more scientific and rational. The following are the key writers from the medieval era: -

THOMAS AQUINAS (1226-1274)

Catholic philosophers and theologians provided a view of natural law that was sound and systematic than conventional understanding. Thomas Aquinas defined law "as the dissemination of reason by the person in charge of the welfare of the community". He divided the law into four sections.

- Natural Law, Law of God, Human Laws, and Divine Laws.

Natural law is the part of the law that develops organically. It helps people manage their relationships and business activities. According to Aquinas, positive law must be consistent with natural law and is only valid to the extent that it does so.

Merits of Aquinas Theory

Aristotle's philosophy and Christian faith were expertly merged by Thomas Aquinas to create a flexible and comprehensible system of natural law. Since even the sovereign has some limitations, he argued for establishing the church's supremacy over the state. He firmly argued that in order to preserve social stability, and sanctified social and political institutions, they have to be connected with the natural law of reason. Aquinas' theory has been expanded upon by Catholic contemporary jurists, who have adjusted it to fit the times and the demands of the day.[10]

Augustine (354-430 A.D): It presents that what are unjust states but robber states (De civitas Dei) (The city of God)? Since Christianity's roots may be found in the early church fathers of the Old Testament, it also regards natural law as a component of the religion's natural foundation.

(C) The Period of Renaissance

This phase in evolution is often regarded as the modern classical age, and it is distinguished by rationalism and the introduction of innovative concepts into the realms of knowledge. A universal growth of the working masses, along with scientific findings, destroyed the orthodox worldview in the fourteenth and fifteenth centuries. Aside from that, the massive growth of trade and business generated upper classes in society that wanted stronger state protection. The general tide of nationalism and demands for ultimate State sovereignty and the reign of positive law aided in the destruction of the Church's control.

A different framework of society representing state sovereignty began to emerge. Natural law theories of this era begin with the belief that a social contract is the foundation of society. Grotius, Locke, and Rousseau's natural law doctrines revolutionized then prevailing institutions and argued that “the 'Social Contract' constituted the foundation of society”. The argument was used to support the “Status Quo” for the safeguarding of peace and the welfare of individuals from everlasting pain, war, and disorder. This period introduced the concept of State Sovereignty into play.

HUGO GROTIUS (1583-1645)

He was a philosopher and natural law school jurist. Dutch Renaissance and Reformation scholar and follower. In his work “Laws of War and Peace (1625)”, he developed the philosophy of natural law and established the fundamentals of world law. He stated that these international law norms apply to all states that are sovereign. Natural law, he claims, was founded on man's

[10] Joesph Raz, “Natural Law, Positivism, and the Limits of Jurisprudence: A Modern Round” 91 The Yale Law Journal 1255 (1982).

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"right reason," or "self-supporting reason."

Grotius was adamant that man, by nature, must act as per the decrees of reason. He said that "natural law was based on the essence of man and his desire to live happily". He saw divine law as a parent and positive law as a kid. As a result, he gave natural law precedence over positive law.

In response to the topic of whether people should disobey a monarch who is not working in accordance with natural law principles, Grotius held that "regardless of how horrible a ruler is, it is the subjects' responsibility to obey him". This idea contradicts Grotius' assertion of natural law because he claims that the monarch is obligated to follow natural law and contradicting this he claims that the monarch should never be disobeyed.

Grotius' primary interest was the steadiness of political order and the preservation of international peace, both were the need of the hour. Hugo Grotius was rightfully regarded as the pioneer of contemporary international law, having inferred a number of concepts that laid the path for the development of international law.

THOMAS HOBBES (1588-1679)

His idea of natural law was dominated by the fundamental right of person and property self-preservation. He used natural law theory to promote kings' absolute power. In his renowned work Leviathan, published in 1651, he remarked that "law is dependent on the sovereign's approval". According to Hobbes, "Governments without the sword are but words, and of no strength to secure a man at all"[11]

He used natural law to defend the ruler's absolute power by endowing him with the ability to protect his subjects. As a result, he fully rejected natural law's theological and philosophical aspects. He echoed that "civil law is the true law since the sovereign commands and enforces it". Although he understood the ideal concepts underpinning natural law, he never pressed for it because it was deficient in demanding obedience from the people.

Thomas Hobbes proposed his social contract theory in relation to the emergence of the State. He took part in the war between King Charles I and the British Parliament, supporting the King. In order to escape the chaotic conditions of existence, mankind voluntarily goes into a pact and gave their freedom to an authority who could defend their life and property, according to social contract theory. Hobbes's theory inspired many legal thinkers, scholars, and writers to pave the way for "utilitarianism, materialism, and absolutism theories". Even the imperative theory of

[11] Friedmann, Legal Theory, 121 (1967)

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law given by the famous John Austin is the result of Hobbes's doctrine of the absolutism of the sovereign.

JOHN LOCKE (1632-1704)

Locke experienced the Glorious Revolution of 1688 as well as the English trend of individualism. These changes influenced British political and legal views. Nature, according to Locke, was in a golden age, but the property was unstable. Men entered into the 'social contract' to safeguard their property. Under this agreement, the guy gave up only a fraction of his freedoms, specifically the right to sustain order and carry out natural law. Only he retains his Natural Rights, which consist of "the rights to life, liberty, and property".

The state is the one responsible to maintain and protect men's natural rights. So if the state carries out this objective, its laws are legal and enforceable; yet, if it stops doing so, the citizens have the option to revolt to bring down the sovereign authority. He stressed the safety of the following significant rights as discussed below: -

- Right to Life
- Right to Liberty
- Right to Property

These rights were significant and crucial for the individual's overall well-being and were irrevocable and inalienable.

Locke's Social Contract understanding relied on a new independent approach to natural law in which power was bestowed on people's confidence in the authorities and every breach of the rulers' conduct was viewed as an invasion of the individual's essential natural rights, supporting revolt against the authorities. Locke pushed for constitutionally limiting powers of government. During the nineteenth-century ideology of "laissez-faire" was the upshot of an individual's independence in economic objects, as backed by Locke's argument.

(D) Modern Period

Nineteenth Century: The Decline of Natural Law Theories

Natural law doctrines basically represented the substantial economic and political changes that had arisen in Europe throughout the 19th century, which led to its demise. The philosophy of eighteenth-century thought was rationalism or reason. Solutions that were political and practical were required for the issues brought on by the recent changes and advancements. As collectivism replaced individualism as the dominant worldview, political theories, and

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contemporary sciences began to promote the idea that there are no unalterable, unalterable truths.[12] Numerous historians disproved the social contract thesis by calling it fiction. Natural law was severely damaged by all of these circumstances.

Twentieth Century: The Revival of Natural Law Theories

The following factors had a major role in the recovery of natural law doctrines around the beginning of the 20th century:

- It developed as a response to legal theories that overemphasized the significance of positive law.
- It was understood that abstract thought was not entirely useless.
- Positivist ideas were unable to address the issues brought on by the altered social circumstances.
- Fascist ideology also contributed to the resurgence of natural law ideas since at that time, during the two world wars, there had been extensive property and human life damage, and natural law concepts had been used to try to bring about peace.

IV. FEMINIST JURISPRUDENCE AND ITS RELATION TO NATURAL LAW

Feminist jurists claim that there is a particular masculine outlook on the law that manifests itself in legalisms, technicalities, regulations, and rigorous construction of the law. The masculine outlook places greater emphasis on law by rules in deciding cases, whereas the feminine outlook prefers to base judgment on the totality of the circumstances of a case, unhindered by rules that require a 'blinkered version.' The feminist approach to jurisprudence is thus critical of abstraction, which it regards as a distinctive masculine method.

Feminist legal scholars have contributed to both the law and literature by incorporating literary examples in their legal publications. Gender inventiveness, according to feminist thought, has a negative impact on societal good since it denies women equitable participation in social, economic, political, and cultural activities, ultimately hurting society as a whole.

Most Anglo-American writers prefer to discuss feminism as the treatment of women in the legal system under the title of 'Feminist Jurisprudence' or 'Feminist Theory,' but others argue that it is just nothing more than a campaign against patriarchal society and deny injustice, skepticism one masculine legal approach that negatively affects the advancement of women in their entire development.

[12] Brian P. Casey, "Natural Law and the Challenge of Legal Positivism" 25 University of Missouri System (2007).

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Gender inequality, according to feminist theory, has a negative impact on societal good because it denies women equitable participation in social, economic, political, and cultural activities, hurting society as a whole. According to the feminist viewpoint, women should be given more opportunities in the legal profession and the judiciary.

V. COMPARATIVE ANALYSIS OF INTERNATIONAL APPLICABILITY OF NATURAL THEORY LAW

The concept of natural law is at present adopted into the majority of the world's legal systems. Natural law theory is prevalent in the justice delivery system in England, America, and India. Following is an examination of natural law as it is embedded in several countries' international justice structures: -

UNITED KINGDOM

The concept of natural law theory gained prominence in the United Kingdom and its principles have influenced English law. Numerous English legal concepts, including quasi-contract, the doctrine of unjust enrichment, and trust, have their roots in natural law foundations. Additionally, the introduction of equality legislation in England and the values of “equity, fairness, and good conscience” have had a profound impact on the British legal system and the extension of common law within the nation.

The concepts of judicial supremacy over administrative courts, conflicts of laws, and acknowledgment of foreign decisions are all rooted in “the principle of natural justice”. The rule of law embodies English ideals of inherent rights within the legal system. Natural justice principles integrated into British administrative law draw upon the foundations of natural law theory.

UNITED STATES OF AMERICA

The influence of natural law on the American legal system has been significant. The American War of Independence was popular as its product of natural law theory, which provided justification for the working-class rebellion in contradiction of an unresponsive and negligent ruler. Moreover, “the American Bill of Rights” enshrines inherent rights, including the "right to life, liberty, and equality," which stem from the natural law philosophy in the United States. Natural law principles form the foundation of the “United States Supreme Court's” authority for judicial review, which serves to impose legal limitations on the power of the legislature.

Natural justice notions are commonly used by American courts in determining the legitimacy of presidential actions and laws enacted by the legislature. The use of the 'Due Process' idea in

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establishing the constitutionality of the challenged laws is yet another example of natural law philosophy being incorporated into American law.

INDIA

The current Indian judicial system draws its roots from the British legal system. Within the Indian legal framework, the five principles of "equity, justice, good conscience, and natural justice" hold significant importance. The concepts of natural law embedded in the notion of dharma in Indian legal philosophy encompass an individual's obligations towards God, sages, fellow humans, lower animals, and all living beings. It is often described as "a belief in the preservation and continuity of moral values".[13]

The ancient legal systems already encompassed higher principles of universal validity, justice, obligation, service to humanity, sacrifice, and nonviolence. Natural law, as understood by ancient legal scholars, was not merely a cult, creed, or Western ideology, but rather a moral guideline for leading an organized life within society. The Vedic concept of Gita refers to the law of nature, which represents the moral and eternal principles of "right" and "reason" – the inherent and timeless laws governing human conduct.

The teachings of Ramanuja, Sankara, Kabir, and Raja Ram Mohan Roy incorporated natural law principles within their religious preaching, thereby expanding the Vedic Philosophy of Indian morals and values. These influential figures played a significant role during the Medieval and British periods in India. While India was under Mughal rule, a substantial portion of the Hindu population was relatively unaffected by Muslim governance due to internal conflicts and political turmoil among the Mughal rulers. These dynamics exacerbated the challenges faced by the general population during that time.[14]

With the arrival of British rulers, there was a gradual introduction of their own laws and regulations into the Indian legal system. One significant aspect was the interpretation of personal laws governing Hindus and Muslims in a manner that aimed for harmony and rationality. The British administration took the responsibility of resolving ambiguity within the existing Indian laws. In doing so, they introduced the doctrines of equity, justice, and good conscience, which infused elements of English law into the Indian legal framework. This initiative aimed to bring clarity and fairness to the justice administration during the British colonial rule in India.

[13] Gokhale B.G., Indian Thought Through Ages, 24 (1961)
[14] S.N. Dhyani, Fundamentals of Jurisprudence- The Indian Approach, 87 (1997)

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VI. NATURAL LAW THEORY PRINCIPLES UNDER INDIAN CONSTITUTION

British colonial rule in India gave rise to principles of natural law which were already applied and used under English unwritten law. These principles of natural law influenced and impacted Indian law which is broadly based on British laws. Natural justice values, doctrine against bias, judicial review, reasoned decisions, and divergent other precepts of administrative law are largely incorporated in natural law theory. The law of trusts[15], specific relief[16], the doctrine of election[17], and the rule against perpetuity[18] have been borrowed from the English doctrine of "equity, justice, and good conscience".

Indian Constitution also provides examples of natural law through its various prominent privations moreover the Preamble of the Constitution, Fundamental Rights and Directive Principles of State Policy enacted under part 4 of Constitution provide the evidence of natural rights inclusion. Below mentioned are provisions of the Indian constitution which are prime instances of natural law theory being in existence in India: -

1. Article 14- right to equality
2. Article 15- protection of the backward class from discrimination.
3. Article 20- protection against self-incrimination and double jeopardy.
4. Article 22- protection against arbitrary arrest and forceful detention.
5. Article 39A- free legal aid and legal representation to indigent persons.
6. Article 43A – right to equal justice and protection to poor people.
7. Article 311- "protection to civil servants against arbitrary dismissal, removal or reduction in rank".

Previously, the principles of natural justice were primarily applicable to judicial and quasi-judicial inquiries, while administrative actions were not necessarily subject to these principles. But with the decision in Maneka Gandhi's case,[19] the scope of natural justice laws and principles now extends even to purely administrative actions. The Supreme Court of India played a pivotal role in elevating the concept of natural justice to unprecedented levels. The Court declared that natural justice is a profound and unifying principle aimed at infusing fairness into the law and ensuring the attainment of justice. This development has had a transformative impact on the

[15] The Indian Trust Act, 1882
[16] The Specific Relief Act, 1963
[17] Transfer of Property Act, 1882
[18] Id 9
[19] Maneka Gandhi v. Union of India AIR 1978

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Indian legal system, ensuring that the principles of natural justice are upheld across various spheres, including administrative actions.

In the leading case of AK Kraipak v. Union of India[20], the Supreme Court of India observed that one of the cardinal principles of natural law or justice is the legal maxim nemo debit ease judex in propria sua causa meaning 'no man can be a judge in his own cause'. The court stated that "The goal of natural justice norms is to ensure justice or to prevent miscarriage of justice. These guidelines augment rather than replace the law of the land. The concept of natural justice has been expanded and interpreted in order to make pace with the changing times"

In Sangram Singh v. Election Commission[21] Indian Supreme Court declared that India's procedural laws are founded on the principles of natural justice, which demand that no one be deemed guilty without being heard. In the crux of all the cases explained above it can be said that the principles of natural justice have now become an indispensable part of the Indian Judiciary system and all adjudicative bodies dealing with administrative laws have to abide by the rules of natural justice.

VII. CONCLUSION OF THE TOPIC

In conclusion, the critical analysis of Natural Law Theory reveals its significant contribution to the justice system. By grounding laws in universal moral principles, Natural Law Theory provides a consistent framework for evaluating the justness of legal systems and their outcomes. It provides a powerful counterbalance to the positivist view that law is merely a product of human enactment. By asserting the existence of an objective moral order, Natural Law Theory reminds us that there are certain ethical principles that should guide the creation and application of laws. This perspective serves as a reminder that not all laws are inherently just and that the legitimacy of laws should be subject to moral scrutiny. Natural Law Theory encourages critical reflection on the moral foundations of legal systems, ultimately pushing for the improvement and evolution of the justice system.

One of the key strengths of Natural Law Theory lies in its emphasis on objective moral principles that are considered inherent to human nature. These principles, such as the preservation of life, respect for autonomy, and the pursuit of justice, provide a solid foundation for the development of laws. By grounding laws in these fundamental principles, Natural Law Theory ensures a consistent framework for evaluating the fairness and validity of legal systems. This helps to promote equality and fairness by preventing arbitrary and unjust laws from

[20] AIR 1970 SC 150 (156)
[21] AIR 1955 SC 425

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prevailing.

However, Natural Law Theory is not without its criticisms. Some argue that determining the true nature of these inherent moral principles is a subjective and contentious endeavor. Different cultures, religions, and individuals may have varying interpretations of what constitutes natural law, leading to potential conflicts. Additionally, critics point out that Natural Law Theory can be overly rigid and inflexible, potentially limiting the ability of legal systems to adapt to changing societal values and circumstances.

Despite these criticisms, Natural Law Theory remains a significant and influential perspective within the field of jurisprudence. Its enduring relevance stems from its emphasis on the pursuit of justice based on objective moral principles. Natural Law Theory serves as a moral compass for legal systems, guiding the creation and interpretation of laws to ensure they align with fundamental principles of justice. It encourages a deeper understanding of the ethical foundations of the law and fosters critical thinking about the morality of legal norms and practices.

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