

PRINCIPLES OF NATURAL JUSTICE AND THE APPTITUDE OF SUPERIOR COURTS

ABDUL MALIK KHAN, AND SYED ASGHAR ALI SHAH

Law Collage, Gomal University, D.I.Khan.

ABSTRACT

To define and interpret a term natural law requires a general study and analysis of jurisprudence and political philosophy prevalent during multiple societies _____. The doctrine of natural justice is the thought that law is an essential foundation for the life of a man in the society, based on the needs of the man, as a reasonable being against the arbitrary whim of a ruler _____. Approach of superior courts in enforcing the principles of natural justice _____ leading cases of superior courts endowed with the principles of natural justice.

INTRODUCTION

The term natural justice, right from the Greek period to the present day, had been pondered on and painted in multiple manner and notions but none of them can be treated as a yard stick for the term natural law. It is, therefore, beyond the power of our knowledge to present a suitable well embracing definition in order to encompass the term natural law. We, therefore, cannot advocate any exact, concise and precise definition of the term natural justice on which we can rest or satisfy our capabilities of research instinct. The term remained in constant change with the passage of legal philosophy cultured during the process of civilization.

If go through the golden historical pages of Greek period, it would be crystal clear that Greek had great inclinations towards the principles of natural justice. They, traditionally, regarded law as closely connected with both the justice and ethics (1) In this respect, the imaginative notions of Plato are still fresh in the minds of present day jurists and his "Republic" is, no doubt, one of the most commendable work and authentic authority which paved way for searching out the missing ends as well as the basis of natural justice. Nature of a thing, to the Greek, was discoverable not by reference to its primitive form but rather its highest development. This influenced the mind of a Greek, Aristotle, who while painting a picture of the state of nature advocated it to be peaceful