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Judicialization of the Administrative Process? A Study on the Role of Natural Justice Principles in the Public Administration of Sri Lanka

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Abstract

Studies on the role of administrative law in the realization of the public policy of a country has been the subject for numerous studies, but rarely has it been observed through the prism of natural justice. Therefore, the present study aims to address this dearth in research by focusing on the role principles of natural justice can play in the exercise of discretion by public administrators, the agents whose work helps realize the public policy of a country. To achieve this objective, this study has conducted a review of the major administrative law cases that were decided in Sri Lanka along with the local and international literature that relates to this subject. Thus, this study argues that there is a discernable hesitancy in the early administrative law decisions to recognize the role natural justice principles can play when safeguarding the rights of the public from the abuse of discretionary powers by the administrators. However, a more receptive attitude towards recognizing the role of natural justice in public administration could be observed towards the late twentieth century in Sri Lanka, a shift that is probably brought forth by the changing welfarist policies and socio-economical instabilities in the country. Therefore, this study contends that the role natural justice principles can play when curving the discretionary powers of the administrative authorities has now been well established in Sri Lanka, creating a legal tradition that continues to gain prominence within the country's public policy developments. However, this study also has identified some criticisms that can be levelled against the incorporation of natural justice principles in the public administration of Sri Lanka which in turn may prevent the general public from reaping the full benefits of those progressive changes that continue to take place.

Keywords: Administrative law, Natural justice principles, Public administration, Public policy, Sri Lanka.

Introduction

"Public policy generally consists of the set of actions—plans, laws, and behaviours—adopted by the government of a state" (Encyclopaedia Britannica, n.d.). Under the light of new governance, these plans are carried out by the public administrators or the executive branch who act as agents of the state rather than the states themselves. They are responsible for producing and managing those policies while ensuring that the governmental power is yielded effectively. To achieve these purposes the administrators are vested with a huge power of discretion which in the eyes of early theorists like A. V. Dicey was a threat to rule of law. Dicey was of the view that if wide discretionary powers were vested on administrative authorities rule of law will be replaced with rule by law/rule by men (Wade & Forsyth, 2009).

Although, Dicey's concerns were fair and practicable, it would be a mere fantasy now a days to carry out administration without vesting wide discretionary powers on the executive branch. Especially in the context of welfare states, it would be impractical not to vest huge discretion on the administrators as such states take decisions on behalf of their citizens on a very regular basis and on all most all the matters. Thus, modern critics like Wade and Forsyth condemning Dicey's theory opines that such a stance would be impracticable in the complex administration carried out in the modern context. Hence, they argue that "discretionary power should not be abolished, rather it should be controlled by law" (Wade & Forsyth, 2009).

Administrative law is the legal framework designed to ensure that the administrative authorities utilize governmental power in a way that safeguards the rights of the public in the process of realizing the public policies. Since vesting of such huge powers on the executive branch of the country may lead to abuse of power, administrative law aims to provide means to keep the public administration in check. For instance, it ensures that the governmental powers are yielded within the legal bounds by questioning the abuse of discretion by creating grounds for judicial review of such administrative actions which becomes central in the protection of the rights of the citizens of a state. Hence, the judiciary acts as a check on the administrators, actively realizing the objective of the doctrine of separation of powers in a country. Therefore, the role the judiciary plays in safeguarding the rights of citizens which might get abused at the hands of the branch of executive is considered as of immense importance in upholding the rule of law in a state.

One of the key instruments that the judiciary employs in making decisions and actively protecting the citizens' rights is the principles of natural justice. Broadly defined, natural justice refers to "the natural sense of what is right and wrong, and is often equated with 'fairness' in its technical sense" (Wade & Forsyth, 2009). As Law & Martin (2009) point out, natural justice introduces "rules of fair play" to ensure procedural fairness in the process of adjudication. Viewed in this light, natural justice principles become essential to ensure the judiciary, which is tasked with the duty of protecting the rights of citizens in a

country, acts fairly in achieving its objective. The origin of natural justice is to be found in the rules of fair procedure observed by the civil and criminal courts from earliest of times. For instance, Jonathan Law and Elizabeth A. Martin (2009) argue that principles of natural justice were "originally developed by the courts of equity to control the decisions of inferior courts". Thus, these courts developed some rules such as right to a fair hearing and the rule against bias which were intended to achieve fairness in their decision-making process, marking the birth of natural justice rules. According to Fuller (1978), these rules consider the adoption of correct procedures in decision making and improving citizen participation' in the adjudication process. The rules developed by the courts to achieve procedural fairness have "emerged today as one of those universal principles embraced by almost all legal systems" (Gomez, 1998).

Prior to a discussion on the application of natural justice principles in the sphere of public administration and in the active realization of public policy, it becomes important to understand what is entailed by the principles of natural justice. One of the key principles developed under the rules of natural justice is the rule against bias which is known in Latin as *nemo judex in causa sua*. According to this principle, "the essence of a fair judicial decision is that it has been made by an impartial judge" (Bradley & Ewing, 2007). It has been argued that not only the judicial decisions but any decision which has an impact on the parties, should be made unbiased to any of those parties who are concerned. In the meantime, natural justice principles also require that each party concerned in a case should have the opportunity of knowing the case against him or her, and of stating his or her case before a final decision is made. This notion is enshrined in the Latin principle *audi alteram partem* which states that both parties should be adequately listened to. Some rights like right to have notice of the charges, right to cross-examine witnesses, right to legal representation and right to an oral hearing have emerged from this mother principle. Coupled with the above two principles, the right to receive reasons once a decision is made can be identified as another natural justice rule that has exerted a tremendous influence in curtailing the chances of decision making power/ discretion been abused in the hands of a decision making body, I.E. preliminary judiciary.

During the twentieth century, the reach of natural justice principles was extended to cover both the judicial and quasi-judicial authorities. A quasi-judicial authority refers to an "authority having a partly judicial character by possession of the right to hold hearings on and conduct investigations into disputed claims and alleged infractions of rules and regulations while making decisions in the general manner of courts" (Merriam-Webster, n.d.). For instance, an administrative body which carries out an administrative injury is a quasi-judicial body. Thus, natural justice principles were being recognized as equally applicable "to the decisions of administrative and domestic tribunals and of any authority exercising an administrative power that affects a person's status, rights, or liabilities" (Law & Martin, 2009).

This can be observed as an important step in ensuring fairness and transparency in administrative decisions which are increasingly

becoming central in the governance of a country. For instance, increasing complexities in public administration which is resulted by the growing diversity and fluidity of contemporary societies have given a more central role to be played by the public administrators. Moreover, different setbacks the global community had to undergo during the last few years such as the Covid-19 pandemic and the subsequent economic crises acknowledge the importance of a strong public policy and public administration that can swiftly and efficiently respond during such trying circumstances. Thus, this results in vesting more power in the arms of public administrators which as we observed before can lead to them acting arbitrarily. As famously pointed out by Lord Acton, "Power tends to corrupt, and absolute power corrupts absolutely". Thus, such a possibility becomes more daunting when the public administrators are given the mandate to perform certain judicial functions. This has led legal and political critics to discuss the ways in which such wide discretionary powers can be curtailed through judicial interventions, where the application of natural justice principles become significant.

The present study is an attempt to understand the role natural justice principles play in Sri Lanka when curtailing the adverse impact of public administration and its decisions on the public. Furthermore, it aims to understand the challenges, as well as the remedial steps that can be taken to strengthen the Sri Lankan public administration. This research therefore intends to answer the following research questions:

- What is the significance of natural justice principles in the process of public administration?
- To what extent does Sri Lanka have acknowledged principles of natural justice in the process of public administration?
- What are the criticisms that might be levelled against the incorporation of natural justice principles in the public administration of Sri Lanka?

Methodology

When answering the above research questions, this study used literature reviewing as its main research method. A wide variety of sources are therefore reviewed, including journal articles, books and websites on administrative law and public policy. Furthermore, the researcher has incorporated a wide array of case studies in the discussion to answer the second research question through a case study. Lessons that can be learnt from other jurisdictions are also referred to in the study to answer the third research question.

The role of natural justice in public administration

This section aims to discuss the role natural justice can play in the public administration of a country. On one hand, natural justice principles play a significant role in the decision-making process where those principles can drive the administrators to be fair and just in their decision making. For instance, the rule *audi alteran partem* which translates as listen to both parties before arriving at a decision can be cited. Such an approach is crucial to acknowledge contradicting views that maybe brought up by different interest groups in the process of

arriving at a particular decision. Similar to that is the natural justice principle against bias which requires the public administrators to be impartial in their decision making. They are required to consider the common good of the country as their main objective, because they are bound by the doctrines of public trust. Viewed in this light, principles of natural justice, when infused with the decision making by the public administrators can lead to a more fair and equitable decision making.

As discussed in the previous section, the court system of a country plays a significant role in regulating the administrative decisions of the public authorities in a country. One key means through which the courts can intervene with the decisions of public administrators is through their power to revise the decisions taken by those bodies. When exercising this power, courts tend to draw on principles of natural justice to reach an objective decision, a precedence that have motivated the public administrators to follow the same steps when exercising their discretionary powers and taking decisions on behalf of the public.

Several critics have expounded on the importance of drawing on natural justice principles. For instance, S.A. De Smith, in his explanation of *audi alteram partem* states that,

> No proposition can be more clearly established than that a man cannot incur the loss of liberty or property for an offence by a judicial proceeding until he has had a fair opportunity of answering the case against him.

As Jamie Grace further points out 'impartial and independent decision-making is a fundamental aspect of the rule of law. On the other hand, the courts have observed the natural justice principle against bias in their decisions, arguing that the risk or appearance of bias can lead to a miscarriage of justice. This is what has led Lord Hewart to declare, in the famous case of *R v Sussex Justices, ex parte McCarthy* (1924) that, "justice must not only be done but must manifestly and undoubtedly be seen to be done". Thus, it gives rise to the importance of public trust regarding the decisions given by the judiciary of a country which in turn remains an important prerequisite in the decision making process of the public authorities. A similar view was expressed by Carol Harlow and Richard Rawlings where they argue that,

> Nobody should be able to allege that the decision is a fix because the decision maker was biased, whether or not there was any truth in that allegation. The rule must be observed strictly to maintain public confidence in the decision making process.' The sting in the tail is the evident potential for 'symbolic reassurance', or in Arnstein's terms for therapy and manipulation.

The application of rules of natural justice to public administrative authorities when they act in a judicial or quasi-judicial capacity has a long history of evolution. For instance, earlier court cases show some hesitancy in recognizing the applicability of natural justice principles to the administrative tribunal due to various reasons. One such example is the famous case *Nakkuda Ali v Jayaratne* (1951) where the controller of textiles (appellant) who is responsible for issuing textile licences had withdrawn the licence that he had issued

to one of the textile dealers (respondent). The appellant claimed that he has a right to withdraw any licence without providing adequate reasons to do so which goes against natural justice principles. According to the principles of natural justice, both the parties to a case have a fair right to be notified about the decision of that case and the reasons behind that decision. However, when the case was brought forward the Privy Council, the court refused to recognize the actions of the controller of textiles as a breach of natural justice principles, arguing that the administrative bodies are not bound to follow such principles. According to the court, the controller when withdrawing the license was not acting judicially (or quasi judicially) but was taking executive action.

The watershed case of *Ridge v Baldwin* (1963) made a contrary pronouncement to the above argument by explicitly rejecting the administrative/judicial dichotomy, while expressly recognizing that principles of natural justice apply to administrative decisions. This case is also known as the Magna Carta of natural justice which hints at its significant contribution to carve the arbitrariness of administrative actions. Lord Reed who was among the judges in this case said that this is the case he is proudest of in his career (Reported in Times newspaper). A similar view was upheld in the case *Board of Education v Rice* where the court stated that adherence to natural justice rules is a "duty lying upon everyone who decides anything".

Viewed in this light, it becomes clear that the premise that rules of natural justice only apply in cases of judicial or quasi-judicial actions has been rejected as it may lead to a strict classification of the administrative actions (and filtering only judicial and quasi-judicial), which would lead to stifling the development of law on natural justice. Therefore, it would appear that both the courts and the administrative authorities are now required to adhere to natural justice principles even when the administrative authorities are carrying out solely administrative activities.

As Wade & Forsyth (2009) point out, "when governmental power grows more drastic, it is only by procedural fairness that they are rendered tolerable". As explained before, the disadvantage of vesting a lot of powers on the administrative authorities is that it could lead to abuse of power if those authorities take decisions subjectively. As Craig (1998) argues, the administrative authorities are given a lot of 'choices' where they are expected to choose the best option out of them. This has been even increased with the welfare state concept where administrative authorities intervene in all most all the decision making on behalf of the citizens. E.g. what public purpose should be prioritize? What construction should be given priority? Thus, where the boundaries of determining the actions of administrative authorities as *ultra vires* or *mala fide* are blurred due to the growing complexities in administrative actions, adherence to the natural justice principles can be used as a benchmark to decide the validity of such actions.

Application of natural justice principles in Sri Lankan context

As discussed above, there is a strong legal tradition that acknowledges the use of natural justice principles in the sphere of public administration. Therefore, this section

specifically discusses how such practices translate into the Sri Lankan context. For instance, critics have noted a number of landmark cases in the history of Sri Lankan public administration which could have been resolved by acknowledging natural justice principles in the process of decision making. In the meantime, a close examination of earlier cases on applying natural law principles to review administrative decisions reveal that, such attempts have been in an embryonic stage in Sri Lanka despite the theoretical background provided by some landmark local and international decisions. Thus, cases such as *Fernando v University of Ceylon* (1956) where a petitioner alleged that his right to cross examine witnesses was violated, and *Sarath Nanayakkara v University of Peradeniya (1988)* where it was accused that the petitioner's right to a fair hearing was denied, highlight that the courts have failed to recognize the rights derived from the mother principle, *audi alteram partem*, as grounds for challenging administrative actions. For instance, criticizing the decision of *Fernando v University of Ceylon* the critic Mario Gomez has stated that, due to the gravity of the consequences of the decision an opportunity could have been given to cross examine witness as it would not have placed an unreasonable burden on the university administration, nor would it delay the inquiry significantly. During the above case, the plaintiff "who was a candidate at the final examination in science held by the University of Ceylon, instituted this action against the finding of the Vice-Chancellor (assisted by a committee of inquiry)" where the plaintiff was accused of acquiring knowledge of the nature or substance of one of the question papers before the date of the examination, following which he was suspended indefinitely from all examinations of the university. As evident here, such cases refer to serious consequences on the part of the claimant, where it demands that the decisions should have been "subjected to stringent procedural safeguards" (Gomez, 1998).

A similar stance was maintained in *Chulasubadra v University of Colombo and Others* (1986). During this case, "a university student was found guilty of taking into the examination hall three unauthorised loose sheets containing information relating to the subject of the question paper which were found by the examiners attached to her answer scripts". In her petition against the inquiry that was held by the university, the petitioner prayed the court to issue a writ quashing the administrative decision of the university as her right to legal representation had been denied during the inquiry. In this case the court held that, a tribunal like the Examination Committee that exercises quasi-judicial functions is not a court and therefore, not bound to follow the procedure prescribed for actions in courts. Dr. Mario Gomez has criticized the judgement in *Chulasubadra v University of Colombo and Others*, noticing this decision as a black mark in Sri Lankan legal history. As suggested by the above cases, it becomes apparent that Sri Lanka was hesitant to recognize the role natural justice principles could play when public administrators were carrying out judicial or quasi-judicial functions.

In contrast, a more progressive stance that recognized the importance of natural justice principles could be discerned in the cases that were decided around the early 2000s. One

such instance is the famous case *Amerasinghe v Daluwatte* (2001) where "the Petitioner sought to quash the proceedings of the Army Court of Inquiry" which was held for some alleged misconduct in his part. Delivering its judgement in the above case the court held that the petitioner has a right to receive a prior notice of his charges and to be present when witnesses give evidence both of which were violated during the said inquiry. Thus, it justifies how the court has recognized the rights that were derived from the natural justice principle, *audi alteram partem* which in turn imposes a duty on administrative bodies to adhere to those principles when dispensing their judicial functions.

On the other hand, in *Wijerama v Paul* (1973) the court recognized that the absence of some of the members of the tribunal at material parts of the inquiry as prejudice to the petitioner which reinforces the above argument. Such decisions highlight the court's attempts to carve the harmful impact of resting wide discretionary powers on administrative authorities which were growing in significance due to the increasingly welfarist policies of the Sri Lankan government. Critics show that, there has been a growing emphasis on the state welfarism towards the end of twentieth century which was fuelled by the change in political authorities, as well as by the crumbling of the state economy resulted by the unrests in both the Southern and Northern parts of the country. This growing complexities in the socio-economic and the political situation of Sri Lanka demanded that the state takes a more active role in rebuilding the country's economy while taking measures to maintain peace and order in the country. Despite the emerging neo-liberal forces in Sri Lanka which push towards a more market driven economy within the country, the Sri Lankan government still remains as the sole stakeholder for a lot of sectors in the country such as health, education and social security which in turn demands a more integral role to be played by the public administrators. Therefore, this growing tendency of encouraging the public administrators to be bound by principles of natural justice which is reflected through these progressive court judgements becomes significant to increase fairness and transparency within those authorities, especially when they carry out judicial and quasi-judicial functions.

It is also important to note that, the courts have not required the administrative authorities to demonstrate a blind adherence to natural justice principles but have encouraged their application flexibly after considering the peculiarity of the cases. As recognized in the English case *Lloyd v McMahon* 1987 AC 625,

> rules of natural justice are not engraved on tablets of stone (…) what the requirement of fairness demand (…) depends on the character of the decision making body, the kind of decision it has to make and the statutory or other framework in which it operates.

This makes clear that the natural justice principles are applied flexibly and not in a very stringent manner. Since the very essence of natural justice is to do what in the normal sense is correct, the courts are at their discretion to apply rules of natural justice where from the case facts such an application is prima facie necessary. This stance is exemplified by *Rajakaruna v University of*

Ruhuna (2004) where the petitioners' claim of not been provided with adequate time to prepare for the inquiry was dismissed by the court, as it had discovered serious misconduct in the part of the petitioners. They contended that "at the time of the disciplinary inquiry which was to be held against them (students of the Medical Faculty, University of Ruhuna) they requested for further time to get ready, but was not given". Instead of that, the petitioners were 'issued with letters informing them that they were found guilty of the charges framed against them'. Thus, the petitioners argued that 'they were denied a fair inquiry in violation of the rules of natural justice'. In this case, court rejecting the petitioner's' claim held that,

> …considering the seriousness of the allegations levelled against the petitioners which badly reflect on their future in the medical profession, and in considering the competing interests of the university authorities and the students' the court avoids herself from recognizing the petitioners' claims.

This case shows that a slight departure from the natural justice principles on the part of the administrative authorities should not be held in the defence of the claimants to get away with serious misconduct. Thus, it emphasizes the need to apply the principles of natural justice in a way that does not give an undue advantage to one party which in turn may challenge the sole purpose of its application. Thus, it justifies that the Sri Lankan courts do not require the public administrators to blankly adhere to the principles of natural justice but give them the liberty to apply such principles to achieve procedural fairness.

The above argument can be further justified by understanding how the courts have recognized the right to an oral hearing in public administrative cases. As substantiated by *Herat v Nugawela (1968)* and *Thabrew v Yatawara (1952)* the courts have held that an opportunity for an oral hearing is not mandatory unless there is a statutory requirement or a request from the individual. Thus, as Peiris (2020) states "circumstantial considerations" become significant when determining the need for an oral hearing, which posits the need to apply such natural justice principles depending on the nature of a given case. According to him, circumstantial considerations include "the nature of the right infringed, the occasion for the exercise of authority by the tribunal and the character and the gravity of the sanction imposed in the applicant for relief".

As evident from the above discussion, the application of natural justice principles in public administrative cases therefore appears to be more flexible in Sri Lanka, where it is not expected to have a strict adherence to them by the administrative authorities. This flexibility has allowed courts to merge those principles with other aspects of law such as fundamental rights which thus establish a much stronger legal basis to curve the wide powers enjoyed by the administrative authorities today. For instance, in *Karunadasa v Unique Gemstones (1997*) the court drew article 12 (1) of the constitution to recognize the petitioner's Right to receive reasons. The above case which refers to the termination of the work of an employee without providing valid reasons was judged by the Supreme Court by drawing on the Article 12 (1) of the Sri Lankan constitution which recognizes

equal protection of law as a fundamental right enjoyed by all Sri Lankans. Thus, this case which was started as a writ case was later developed to a fundamental rights petition by the interference of the court. In this case the court concluded that as demanded by article 12(1) of the constitution, equal protection of law should be granted to all citizens.

> In the context of the machinery appeals, revisions, judicial review and the enforcement of fundamental rights, giving reasons is becoming increasingly an important protection of the law. It was held that, if a party is not told the reasons for an adverse decision, his ability to seek relief will be impaired.

The holding that the citizens have a right to receive reasons for public actions is further developed through the cases such as *Nestle Lanka Ltd v Consumer Affairs Authority (Court of Appeal minutes 18th July 2005) and M. Deepthi Kumara Gunaratne and others v Dayananda Dissanayake Commissioner of Elections and another* (Supreme Court Minutes 19th March 2009) which can be regarded as classic examples of creative judicial activism due to its assertion of violation of natural justice principles as a ground for a fundamental right petition. In *Nestle Lanka Ltd v Consumer Affairs Authority*, the court held that it is a general principle of law that a duty to give reasons is implied whenever a right to appeal or relive exists. The court also held that,

> Unless the petitioner is able to discover the reasoning behind the decision, it may be unable to decide whether such decision is reviewable or not and be deprived of the protection of the law.

This shows how rules of natural justice have opened various paths to question administrative actions in Sri Lanka, an example for which is filing a fundamental rights petition at the Supreme Court. Mario Gomez in Blending Rights with Writs: Sri Lankan Public Law's New Brew (2006) points out that this use of natural justice principles to define constitutional provisions has had a significant impact on preventing the abuse of discretionary power vested on administrative authorities.

Criticisms levelled against the incorporation of natural justice principles in the public administration of Sri Lanka

As explained above, the administrative authorities are now required to follow natural justice principles when taking decisions in order to build a just and fair administrative system, and to prevent the miscarriage of justice. However, it is also important to understand that the amount of time, human and physical resources that the authorities have to allocate to satisfy these procedural standards are demanding. As observed before, the welfare state system requires a significant intervention of administrative authorities into the citizens' lives, leading to a more urgent demand for the application of natural justice principles to prevent the possible abuses of power. This situation can be aggravated with the economic crisis that Sri Lanka is currently facing where the public policies are more focused on reducing government expenditure. This demands more attention to be paid in improving the efficiency of the administrative authorities by introducing techniques of resource management, adaption of new technologies which are mediated

through online platforms and by increasing the accountability of governmental authorities. On the other hand, the increasing competitiveness of the contemporary society also demands public authorities to act with quick efficiency which might be hindered by extensive procedural requirements. This poses another challenge to the application of natural justice principles where some critics may argue that it can impede, rather than make efficient the activities of such authorities.

Similarly, the inconsistency and the ambiguity regarding the scope of natural justice rules, and different interpretation put forwarded by the courts at the judges' discretion have also negatively impacted the application of natural justice principles in the public administration of Sri Lanka. On the other hand, as a response to the complexities resulted by state welfarism, lawmakers tend to include natural justice principles expressly into the statutes, so as to reduce the controversies associated with determining the boundaries of applying natural justice principles. This has been recognized as an important development in the public policy making of Sri Lanka as it encourages the incorporation of such principles at the level of public policy development.

In the meantime, certain critics have also raised concerns with regard to court interventions into the public administration of a country. For instance, citing the green light theory of administration which provides that the administrative authorities will function efficiently in the absence of court intervention, these critics argue that interventions of courts into public administration as a hindrance to their autonomy and the efficiency. These theorists broadly support the introduction of policies aiming at developing public service provisions while minimizing courts' interventions which they presume as an obstacle to their efficiency. Despite such claims, the above discussion highlighted that the intervention of a court system of a country would indeed be helpful to protect rights of the claimants and prevent miscarriage of justice as enshrined in the red light theory of administration. The above cited cases from Sri Lanka prove that the adherence to the principles of natural justice which can be observed as a direct outcome of the courts' influence on the public administration of the country has led to a condition where such authorities are now bound, perhaps more than before, to be fair and just in their decisions. Therefore, it would appear a pure green light theoretical approach nor a red light approach would be ideal to the modern welfare states. There should be a delicate balance between both these approaches to serve justice to the citizens in the fast developing world.

In addition to above, some other criticisms have also levelled against the utilization of natural justice principles in pure administrative activities. For instance, some critics argue that this process might lead to the judicialization of the administrative authorities/ executive breach, alarming a breach of separation of powers in the country. However, as observed in the previous discussions, it is clear that the administrative authorities are spreading their arms wide enough to interfere in almost everything an individual interact with on a daily basis. Therefore, it is impracticable to strictly separate the executive function and judicial function as the administrative authorities are required to carry out the tasks of judicial nature in the administrative process. The introduction of natural justice principles to the sphere of

public administration cannot therefore be viewed as judicialization of the process. Since, today's constitutional jurisprudence accept the partial separation of powers, academics have stated that any development ought to be welcomed, as long one realized the nuanced distinction between constructive breaches and destructive breaches. As explained throughout this article it becomes clear that this breach is obviously a constructive breach as it intends at protecting the possible abuse of rights of citizens by the wide discretionary powers of administrative authorities. In the long run, this approach will most definitely assist the government in actively realizing the public policy within their territory.

Conclusions

It becomes evident that Sri Lanka has a well-established legal tradition that acknowledges the role of natural justice in the public administration of the country. It is also important to note how this legal tradition is nourished by the constant interventions of the Sri Lankan court system, an example for which is the blending of natural justice principles and fundamental rights in dispensing justice for cases on public administration. Regardless of such developments, there are some concerns that have emerged in the attempts of infusing natural justice principles and the process of public administration as elaborated above. This highlights the importance of judicial activism in reaching more creative and effective decisions which then would work to enrich this growing body of law. However, what should be noted here is the fact that there is an undeniable relationship between natural justice principles and the process of public administration in Sri Lanka which needs to be noticed by public policymakers, judges and public administrators when fulfilling their responsibilities.

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