The though they are not court of justice

The principles governing the doctrine of bias vis-a-vis judicial tribunal are:- (a) No man shall be judge in his own cause; (b) Justice should not only be done but manifestly and undoubtedly seem to be done.

These two maxims yield the result that if a member of a judicial body is subject to a bias (whether financial or other) in favour of, or against, any party to a dispute, or is in such a position that a bias must be assumed to exist, he ought not to take part in the decision or sit on the tribunal and that any direct pecuniary interest, however small, in the subject-matter of inquiry will disqualify a judge, and any interest, though not pecuniary, will have the same effect if it is sufficiently substantial to create a reasonable suspicion of bias. These principles are equally applicable to authorities, though they are not court of justice or judicial tribunals, who have to act judicially in deciding the rights of others i. e.

, authorities who are empowered to discharge quasi-judicial functions. Bias can be of two kinds:- (1) Official bias or (2) Personal bias. Official bias is when a person:- (a) Acts, as a party and as a judgement in the same cause, in his official capacity or (b) Sits in appeal over his own judgment. Personal bias is suggested- (a) By attributing inter alia bad faith or ill-will operating in the mind of the tribunal as against the litigant or (b) Where the officer is acting with a view to satisfy some private or personal grudge against the litigant. In such cases, it becomes necessary to see whether there is reasonable ground for assuming the possibility of bias because a man’s state of mind is very difficult to prove by direct evidence.

Hence it is pertinent to enquire whether the circumstances and the facts are such as are likely to produce in the mind of the litigant a reasonable doubt about the fairness of the concerned officer or tribunal. It was laid down by the Supreme Court in the case of Ashok Kumar Yadav v. State of Haryana, A.

I. R. 1987 S. C. 454 (4 Judges) 1986 Lab.

I. C. 1417 that- 1. It is one of the fundamental principles of jurisprudence that no man can be a judge in his own case and that if there is a reasonable likelihood of bias, it is " in accordance with natural justice and commonsense that the justice likely to be so biased should be incapacitated from sitting".

The question is not whether the judge is actually biased or in fact decides partially, but whether there is a real likelihood of bias. What is objectionable in such a case is not that the decision is actually tainted with bias but that the circumstances are such as to create a reasonable apprehension in the mind of others that there is a likelihood of bias affecting the decision. The basic principle underlying this rule is that justice must not only be done but must also appear to be done. 2.

It is also important to note that this rule in not confined to cases where judicial power stricto sensu is exercised. It is appropriately extended to all cases where an independent mind has to be applied to arrive at a fair and just decision between the rival claims of parties. Justice is not the function of the courts alone; it is also the duty of all those who are expected to decide fairly between contending parties. The strict standards applied to authorities exercising judicial power are being increasingly applied to administrative bodies, for it is vital to the maintenance of the rule of law in a welfare State

where the jurisdiction of administrative bodies is increasing at a rapid pace that the instrumentalities of the State should discharge their functions in a fair and just manner.