THE ANALYSIS OF RIDGE V BALDWIN: THE PRINCIPLES OF NATURAL JUSTICE

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Abstract

Ridge v Baldwin is a landmark judgment which is the cause of the modification of the settled position in India and in England as well as in other countries. Ridge v Baldwin is known to be the foundation of the principle of Natural Justice because this case has contributed to increasing the purview of the principle of natural Justice. Thus, it is very essential to properly understand the analysis and grasp the settled position. It is a vital judgment when it falls within the ambit of changing the dynamics of constitutional law. In this research paper, there is an attempt to comprehend the various principles associated with natural Justice and their historical settings and international conventions. The paper has discussed the post-analysis of the Ridge v Baldwin contemporary position of India so that the main essence of this case can be grasped properly.

Keywords: Natural Justice, Organizational, International Conventions, Constitutional law, Historical Background

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INTRODUCTION

"Natural Justice is also known as the common sense of Justice and is established on the natural Justice of a man about what is correct and what is not"

The principle of natural Justice is governed by natural law, equity, Justice, and good conscience. These principles are known as to be conferred upon us by the almighty and are not manmade therefore these laws should never be violated and are supreme as they can be exercised by each individual in the society. These laws are accepted by every nation throughout the world except for the few[1].These principles are now given huge importance and are settled completely unlike the past scenarios; therefore, they have a huge significance when any kind of ill practice or unfair treatment takes place upon anyone.

These principles are essential in today's time because of such injustice that is faced by the individuals because a lot of imaginative powers are bestowed upon people without even having proper safeguards to it. There are times when the authorities take away the basic rights of people unknowingly after which people do not have any choice left and there are even situations when the people do not have the access to these rights through the state. It is visible from the upcoming cases in which these principles are involved against the authorities. therefore, it is essential to protect these rights because basic human rights are available to every human. If we talk about India then these rights are provided with the protection by the constitution of India in its preamble under Article 14 which talks about the right to equality and even covered in Article 21 which talks about the right to life and personal liberty.

Thus, it can be inferred that this case is a landmark judgment because it was something new and was slowly adopted by India and various other countries. Due to this decision, a vast amount of cases came to the Courts seeking Justice[2].

The Principles of Natural Justice:

"It is very simple to assert the principles of natural Justice but how far it is extended is difficult to define"

There is no particular definition of natural Justice therefore only the basic principles of natural Justice can be elaborated on this doctrine. Natural Justice is derived from the term "jus natural" which is a word from the Roman law. These principles are almost recognized by all the states and are given the supreme importance at the situations when there a dispute occurs among two or more parties or

[1] Slapper, Gary (2008-06-24). "The cases that changed Britain: 1955-1971". The Times. Retrieved 4 September 2011

[2] Gillian Peele (2004). Governing the UK: British politics in the 21st century (4th ed.). Wiley-Blackwell. p. 475. ISBN 978-0-631-22681-9. Retrieved 28 August 2011.

any kind of administrative action is necessary which involves civil consequences[3].

The principles of natural Justice are those doctrines that are decided by the Courts resembling the privileges of the person against the flexile system which can be received as the legal and quasi-judicial when causing pressure on those rights. These doctrines do not displace the laws related to land but rather adjunct it.

Natural Justice is a term that often describes fair adjudication, traditions, and the conscience therefore they are regarded as fundamental. The principle is followed so that there is no miscarriage injustice[4].

THE EVOLUTION OF THE PRINCIPLE OF NATURAL JUSTICE

The first statutory recognition of natural Justice can be found in the Magna Carta which was formed at the Runnymede in 1215. A person when is related to the environment and the surroundings then they face various problems which are different from each other in the degree and their elements. It was necessary at the very moment to introduce a new pattern of values that could be applicable in every part of the world. The juristic humanitarianism and its applicability throughout the world have caused the formation of the principles of natural Justice.

The first expression of natural Justice can be seen by the Roman jurist and the rules and the principles which are formed for the conduct of man and which could grow out and will follow its nature which is known to be entire mental, moral, and the physical constitution of a person.

There are 3 basic principles which can be recognized by natural Justice: ·

- ***Nemo debet esse judex in propria causa: no man shall be the judge in his cause. ·***
- ***Audi altered partem: both parties should be heard.***
- ***Speaking of orders or decisions.***

These principles of natural Justice will be simplified below.

- **Nemo debet esse judex in propria causa**: This doctrine is also known as the doctrine of bias[5]. According to this principle, the authority that is providing the judgment will be regarded as an unbiased one. For the confidence to get restored in the judiciary the judiciary must do the Justice which is not merely done but can be seen to be done.

Bias refers to the act in which a person is caused to decide a case otherwise on the evidence will be biased. If it is reasonable and is not companied by the considerations of the interest of a person, pecuniary interest then it will lead to vitiating a decision.

[3] [3]eBook on PNJ, Material for Training Purpose, IIT Kanpur.

[4] *"Mr. Ridge's dismissal held in breach of natural justice". The Times. 15 Mar 1963.* Retrieved 4 September 2011.

[5] Supra Note 5

Bias can be further classified into 3 kinds: ·

- **Personal bias**: Personal bias can be caused due to kinship, relationship, or hostility. The likelihood of the predisposition is provided with more assurance than the principles of natural Justice. Through this method, it will become easy to understand the point of view of man that there was a sensible ground for trusting that he was going to be biased[6].

- **Pecuniary bias:** The decision of the judge can differ or get affected if they have a pecuniary interest in the subject matter of the case. It is the rule of law that if the judge has a financial or proprietary interest in the case or if he is the party to the suit then they are automatically disqualified from being a judge or if he is not into such interest but his actions or behaviour raises suspicion on him then also he can be disqualified. Therefore, even a suspicion of being bias can lead to the disqualification to provide judgment. It is not mandatory to have actual proof of bias[7].

- **Official bias**: This bias refers to the situation when the chairman is eloquent and after that, he has to perform an official arrangement depends on the necessity to hear the complaints from the people for the usage of proper strategy[8].

There are various other kinds of bias which include the policy notion bias, subject matter bias, etc.

- **Audi alteram partem**: This principle refers to that it is necessary to hear both sides. It is fundamental for providing a hearing which is reasonable and no doubt the control of the predisposition will also follow the strategy. A result has been inferred from the guidelines that in Audi alterum partem as well because if they are not heard in spite that what the party is saying is correct still it is considered that Justice is not exclusively done yet is believed to be finished[9].

This principle says that no person should get condemned without getting heard. The primary limb is that a notice should be provided appraising them for the case they have to meet. The time provided should be proper so that they can make proper arrangements for their representation[10]. If such notice is not provided then the order provided will get vitiated. This principle is known to be the most vital principle

[6] Principles of Administrative Law, M.P. Jain and S.N. Jain, 6th Ed. 2013.
[7] R v. Bow Street Metropolitan Stipendiary Magistrate 2000 1 ACC 119
[8] Gullapalli Nageshwar Rao v. State of A.P. AIR 1959 SC 1376
[9] BALCO Employees Union v. Union of India 2002 2 SCC 333
[10] 1723 I STR 757

of natural Justice because it enables an approved rule of fair play[11].

- **Reasoned decisions:** This is the third kind of natural Justice which requires the orders and reasoned decisions. Today every nation agrees that it is necessary to provide the reasons for any kind of decision passed and it is one of an important element of a good administration and will also help in safeguarding against the arbitrariness. If a judge doesn't provide the reasons for the decision then it is implied that there was no good reason for supporting the decision.

Therefore, the reasons are essential for any revelation of errors in law, the grounds of an appeal, and can even curb any injustice caused on the part of the unsuccessful party. When a judgment is passed in the case of an appealable order then it is necessary to provide reasons. It is also necessary to provide reasons when the higher authority or the appellate authority affirms the decision provided by the lower authority[12].

International conventions:

Natural Justice has not only remained as a domestic or a national law but now even includes international conventions. The universal declaration of human rights (UDHR) states that each individual is born free and should be provided equal rights and should live with dignity. They should be awarded the proper reason and conscience and should always have a spirit of brotherhood.

Every person has the right to have a fair hearing by an impartial Court or tribunal for their rights if any criminal charge is charged against them[13]. Article 10 includes the parts of fair hearing and even the rule against the bias and an impartial Court so that they can hear the party is included in Article 10.

The position in India:

Natural Justice is considered to be a part of the legacy of society. It is embraced in our constitution. It is mentioned at the depth of the legal capacity and the circumstances of the Activity of the forces which influence the rights, benefits, and obligations of the people and the groups. It is now proved that the principles of natural Justice are found in old Rome and the standards of common equity are now very common in India.

The criteria of the reasonable hearing and the governing of the proclivity are found in antiquated India. In antiquated India, it is necessary for the judge to not perform any kind of unbiasedness and any kind of non-attendance of inclination. Through this, it will be easy to keep the unbiasedness of the legal to be kept up

[11] Ridge v Baldwin and others [1963] 2 All ER 66
[12] Local Govt. Board v. Arlidge 1915 AC 120 HL

[13] International Covenant on Civil and Political Rights, United Nations Human Rights Office of the High Commissioner, available at http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

with the legal and all the guidelines of the dharma could be kept up[14].

Application in India:

The principles of natural Justice are embraced in the constitution of India in fundamental rights particularly in Article 14 of the constitution.

Audi alteram partem covers the following principles:

- **The right to notice**: Before any Action is taken against a person it is their right to know what exactly are the facts and the reasons. Without knowing the facts, a person cannot protect themselves. The person gets the right of knowing the facts and the certainties when the case has its first hearing. A notice should be provided to the person which includes the time, place, and date of the hearing, the charges applied to him, and the Activity of him. All these details should be included in making a notice sufficient and complete[15].
- **Right to know the pieces of evidence which are against him:** This can be explained with the help of a case which is dhakeshwari cotton mills ltd v commissioner of income tax[16]. In this case, it was held that every person has the right to know the pieces of evidence available which are against him. In this case, the appellate income tax tribunal had not disclosed the data which was provided to them by their department.
- **Right to present the case and the evidence**: This is the right which is awarded to both the parties that they can represent their case. This can be awarded in situations where complex legal questions are included or a high oral hearing can become a part of the fair hearing[17].
- **Right of rebutting the evidence**: The person should have the right to rebut their evidence as it is not sufficient that the party only gets to know about any adverse material on the file.
- **No evidence should be taken without disclosing it to the party**: This refers to that no ex parte evidence should be presented in front of the Court, all the evidence presented should be first disclosed to the concerned party and should be provided with the right to rebut it[18].
- **The report of the inquiry should be shown to the other party:** This principle includes certain exceptions which are statutory exclusion, public interest,

[14] Origin and Development of Principles of Natural Justice, Shivash Kumar, available at http://www.legalservicesindia.com/article/1528/Origin-and-Development-ofPrinciples-of-Natural-Justice.html.

[15] State of U.P. v. Vam Organic Chemicals Ltd. 2010 6 SCC 222; Josegh Vilangandan v. Executive Engineer 1978 3 SCC 36

[16] AIR 1955 SC 65

[17] State of U.P. v. Dharmander Prasad Singh 1989 2 SCC 505.

[18] Errington v. Ministry of Health 1935 1 KB 249.

legislative Action, emergency exclusion, etc[19].

RIDGE V BALDWIN AND THE PRINCIPLE OF NATURAL JUSTICE

The judicial review as well as the administrative Action: The committee set by the Donaghmore has stated that the principles of natural Justice are not valid in the administrative bodies instead they are only valid in the judicial or quasi-judicial bodies[20].

In the year 1963 which can also be said as the year of the watershed in the concept related to the natural Justice of the world of the common law. When the administrative process had become highly prevalent then it became evident that there was widespread abuse of the powers of the administrative process as well.

The case of ridge vs Baldwin is considered to be the base of the natural Justice because it has a great significance in the field of administrative law as it a case of the United Kingdom and dealt with labour laws which were then decided and the judgment was passed in 1963[21].

Through this case, a new door was opened for the judiciary that they could even involve themselves in the administrative Actions and can even analyse that if they are violating the principles of natural Justice or not. It was then decided that the principles of natural Justice are even included in the administrative Actions and not only applicable to judicial and quasi-judicial Actions[22].

If there is any infringement in the powers of a person then it can be referred to as judicial which in turn leaves no virtual meaning for the administrative. The Courts in India were also uncertain in the case of ridge vs Baldwin because these principles are applicable in the Act of administration and can claim for the clarity in the coming times[23].

Facts:

In the case of ridge vs Baldwin, the appellant Mr edge was the chief constable of Brighton in 1956. He served the police force for thirty-three years. When the committee was formed in that meeting on 7th march 1958 it was decided the Mr edge should be expelled. Mr edge held that to be void because he had not received any notice stating that whet exactly were his grounds of expelling and had no chance given to speak for his defines.

The appellate was then detained on 25th October 1957 and had therefore arranged the senior members from his power to block the course of equity after which he got suspended from his

[19] Union of India v. E. Bashyan 1988 2 SCC 196.
[20] Principles of Natural Justice, Siddharth Mohanty, available at http://www.mightylaws.in/481/principlenatural-justice.
[21] [1964] AC 40
[22] Administrative Law and Judicial Review of Administrative Action 2005 8 SCC J 25, The Practical Lawyer, Markandey Katju J, available at http://www.supremecourtcases.com/index 2.php?option=com_content&itemid=5&do _pdf=1&id=194.
[23] All ER pp. 682 H-683 A

obligation on 26th October. After this, he then got clearance on 28th February but the rest of the two people who were in authority were then accused and were condemned by the trial judge when in turn caused an impression on the appellants direct. This case was decided in front of a five-judge bench in the house of the lords.

Issues:

After analysing the case five issues are present in this case which is:

- *The principles of natural Justice should apply to the judicial and quasi-judicial Actions which are formed by the committee of Donoughmore and the committee of Brighton watch or not?*
- *Should the principle of natural Justice get extended to being universally applicable in the Actions of administration?*
- *Should the principles of natural Justice apply to the bodies while the policies can get implemented?*
- *Should these principles be extended to the administrative bodies and can the judgment or the decisions taken by the concerned authority can be held void based on the infringement of the right of the rule of fair hearing according to the rule of Audi alterum partem?*
- *Can the Courts supply the lapse of the lawmakers in the absence of any positive words in the statute which requires the party to be heard?*

Arguments of the parties:

Petitioner's argument:

It was stated that the watch committee needed to make decisions keeping in mind the provisions. They should have proceeded according to the police Act 1919 Section 4 (1). This Section states the secretary of the state to make the regulations inter alia and according to the conditions of the services of the members of the police force in wales as well as England[24].

The provisions which are mentioned in the police Act 1919 had put prudence on the watch committee that they should take proper and suitable steps upon their employees which are according to the provisions. Thus, when the committee had decided to exercise their discretion for providing punishment for the dismissal of the service it was necessary for them to first analyse the existence of all the facts of the aspects.

If this is done only then it would be considered that the watch committee is Acting according to the principle of the natural Justice because according to the principle the appellant should also be provided with the right to tell something against the Action taken upon him. So, it cannot be said that the committee is Acting in a just manner.

[24] (1615) 11 Co. Rep. 93b

In the case, the appellate was not even informed about his charges. The appellate had filed a case stating that according to the Act of 1882 the watch committee is responsible to observe the principles of natural Justice. They should inform him about the charges even before taking any action against him or taking any decision.

Through which the appellate would have been provided with the opportunity to at least be heard in his defence. According to the Act, an officer can never be dismissed without even telling him about the charges and not hearing him in his defence[25].

Respondents arguments:

The respondent had claimed that the regulations were kept in mind and those regulations do not apply in this case and even the Act does not apply to the case of the appellant. It was said that if we talk about the relation of the master and servant then there is no need to follow the principles as mentioned. In this case, it can be applied that a person can be dismissed from his office where the employer is under a statutory or any restriction according to the contract which was made with the servants which clearly states the grounds on which a servant can be dismissed. It was said that according to the contract there is no need to hear the servant before dismissing them. Because the person who has the power does not have the obligation to give any reason to his servant regarding their dismissal[26].

When the proprietor didn't provide any proper notice to the board under the Act of The Metropolis Management Act 1855[27] regarding the demolition of the building for the recovery of the cost from him. Strict Action was taken against the board regarding the same because they had used their power without even letting the proprietor receive their chance of being heard. Then finally the Court had provided the judgment in the favour of the proprietor[28].

Judgment was given by the house of the lords:

The judges in the ratio of 4:1 had held that each judicial Act is related to the procedure set by natural Justice and was directed by a great majority of the Acts of the administration. It is necessary to observe the principles of natural Justice in the judicial as well as the administrative Acts. There is a lot of argument taken place therefore it is inferred that natural Justice should be observed when the Act is judicial. The Act is referred to as judicial when there is a mandate to observe the natural judiciary. if the powers which are in turn affecting the rights of a person are known as judicial but then there will

[25] (1615) 11 Co. Rep. 93b

[26] (1863) 14 C.B.N.S. 180; Smith v. The Queen, 3 App. Cas. 614

[27] See more at https://www.legislation.gov.uk/ukpga/Vict/18-19/120/contents/enacted

[28] Hopkins and Another v. Smethwick Local Board of Health, 24 Q.B.D.

be no definition left for administrative. The term quasi-judicial then came into fashion as a soubriquet of powers which according to the administrative they were necessary to come into force if they were judicial then they are considered to be according to the principle of natural Justice. These principles have made it simple for the Court to make its administrative procedure simple[29].

The most mistaken judgment is to notice a quasi-judicial function as a second type of the capacity of the judiciary rather than the capacity of administration. From that very moment, natural Justice got connected to the Acts of administration.

Thus, the appellant doesn't want his job back as a chief constable rather he just wants to avoid any kind of financial consequences which will arise because of his dismissal. The house of lords had finally given their decision that every person should be given the right to be heard even in the administrative proceedings if these orders affect the various rights and liabilities of the citizens of the country.

Reasons were given by the house of lords:

The case judgment provided by the house of lords and the petitioner explains that if a person is in the statutory office then he can only be dismissed if their property is taken away in any situation, who's reputation is being affected by the people who are among the members. Then that person can be protected through natural law[30].

Negligence is can be defined by a reasonable man as a fair procedure in certain situations and what is negligence in certain situations is the same as the serving of the tests in law, and the natural Justice in the same way as it is interpreted by the Courts[31]. In my opinion, the authorities related to the natural Justice are not able to settle the cases is because they are not providing sufficient attention towards the difference between the kinds of cases where this principle is applied[32].

Conclusion:

This research paper has explained the principle of natural Justice in detail that exactly what are they, how did they evolve, and from what exact source did they evolve, how did they come to India and how were they implemented in India. In this paper, I have clearly explained the case of ridge vs Baldwin its facts, its judgment, the principles which the case covered, and their implications in India.

The paper started with an understanding of the principles of natural Justice and have tried my best to explain the concept of natural Justice even when there is no particular definition of

[29] Administrative Law, William Wade,10th Ed. 2009 p.502-3.

[30] The Courts and the Administration: A Change in Judicial Method, K. J. Keith, (1977) 325 N.Z.U.L.R.

[31] AIR 1978 SC 851

[32] "The Judge as Law Maker" (1972) 12 J.S.P.T.L. 22.

this principle. I have explained in depth the principles of natural Justice i.e. no one shall be the judge in his cause and hear the other side also after which a new principle was added of reasoned decisions which are explained with case laws. These principles are introduced so that the arbitrariness can be removed from its roots which can get inscribed in the body because of the powers in it.

The Indian position of this principle has been explained from the commencing from the historical evolution in India which has been explained in depth. Then the principles are explained along with the case laws. These principles are explained with their exceptions. This paper has even highlighted the relevance of ridge vs Baldwin and how this is this case related to the administrative law.

Various reasons are explained associated with it which in turn makes this case a landmark judgment in the field of natural law. The house of lords has stated that the Baldwins committee had infringed the doctrine of natural Justice and had violated it which overturned the principle of the Donoughmore committee which was thirty years before the doctrine of natural Justice came into being and could be applied to the decisions of the administration. This was the first case where the doctrine of natural Justice was applied which is a nonjudicial Action. After some time, the decision has developed and can be witnessed in India, and judgments are passed in India using the principle of natural Justice.

The judgment of ridge vs Baldwin has been highly praised because this has helped in the widening of the scope of the principles of natural Justice as well as the administrative law. Administrative law is now open for interpretation because it contains some new principles which in turn led to the widening of the scope of the entire subject of law all this is possible due to the case of ridge vs Baldwin.

This case even contains a significant value in today's world because of the ratio which was laid down. In the past, only the quasi-judicial Acts were considered to be abided by the principles of natural Justice but now due to the judgment, the administrative Actions can even abide by the principles of natural Justice.