



CURRENT AFFAIRS



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RULE OF LAW

This article covers “Daily Current Affairs” and the topic details “Rule of Law”. The topic “Rule of Law” has relevance in the “Polity and Governance” section for the UPSC CSE exam.



Rule of Law

For Prelims:

What is the Rule of Law?

What are the constitutional articles regarding the Rule of Law?

For Mains:

GS 2: Polity

What is the origin of the Rule of Law?

How the conception of the Rule of Law is different in Indian compared to UK?

What is the significance of the Rule of Law?

What is the way forward?

Why in the news?

The cold-blooded murder of gangster-cum-politician Atiq Ahmed in police custody has raised questions about the Rule of Law in the state of Uttar Pradesh.

What is the Rule of Law?



Rule of Law means has its origin in the concept of “lex rex” meaning that all Law is the king. It means that the law is supreme and all individuals must be subject to it equally. Samuel Rutherford published “Lex, Rex, or the Law and the Prince.” The point of the title was that the law precedes the king and the monarch must obey the law.

The Rule of Law is a fundamental concept in democratic societies that refers to the principle that all individuals and institutions, including governments, are subject to and accountable to the same laws and legal systems. This means that no one is above the law, and everyone must follow the law, regardless of their position or status.

Today, the Rule of Law is recognized as a fundamental principle of democratic societies around the world and is enshrined in the legal and constitutional systems of many countries.

What are the Indian constitutional articles regarding the Rule of Law?

The Indian Constitution has several articles that relate to the Rule of Law, including:

- **Article 14:** This is the primary article in the constitutional scheme of things. This guarantees the **right to equality before the law and equal protection of the laws**.
- **Article 19:** This guarantees the **right to freedom of speech and expression**, assembly, association, and movement, subject to reasonable restrictions.
- **Article 21:** This guarantees the **right to life and personal liberty**, and provides that no person shall be deprived of these rights except according to procedure established by law.

- **Article 32:** This provides for the **right to constitutional remedies**, which means that individuals have the right to approach the Supreme Court for the enforcement of their fundamental rights.
- **Article 50:** This directs the State to **separate the judiciary from the executive**, in order to ensure the independence of the judiciary.

What is the origin of the Rule of Law?

In England, the concept of the Rule of Law was further developed during the 17th and 18th centuries, as a result of conflicts between the Crown and Parliament over the extent of the King's powers. The English jurist Sir Edward Coke played a significant role in developing the idea of the Rule of Law as a fundamental principle that limited the power of the monarchy and protected individual rights.

How the conception of the Rule of Law is different in Indian compared to the UK?

A.V. Dicey's concept has the following three elements or aspects:

- (i) **Absence of arbitrary power**, that is, no man can be punished except for a breach of law.
- (ii) **Equality before the law**, that is, equal subjection of all citizens (rich or poor, high or low, official or non-official) to the ordinary law of the land administered by the ordinary law courts.
- (iii) **The primacy of the rights of the individual**, that is, the constitution is the result of the rights of the individual as defined and enforced by the courts of law rather than the constitution being the source of the individual rights.

The first and the second elements are applicable to the Indian System and not the third one.

In the Indian System, the constitution is the source of individual rights.

The Supreme Court held that the 'Rule of Law' as embodied in Article 14 is a 'basic feature' of the Constitution. Hence, it cannot be destroyed even by an amendment

What is the significance of the Rule of Law?

The importance of the Rule of Law is supreme in a democracy. It aims to achieve the following objectives:

- **Restrict the arbitrary nature of the State:** The subjection of a person to the Rule of Law removes the arbitrary nature of the State. A definite nature of laws removes the uncertainty and ambiguity in the application of laws. This concept forms the integral part of the "limited state".
- **Prevents abuse of power:** The Rule of Law provides a check on the exercise of power by government officials and institutions, and ensures that they are accountable to the people they serve.
- **Equal treatment:** The application of the Rule of Law opens avenues for a common person to expect same treatment from state. It protects individual rights.

- **Promotes fairness and justice:** The Rule of Law ensures that legal processes are fair and impartial and that everyone is treated equally under the law, regardless of their position or status.
- **Promotes economic growth and development:** The Rule of Law provides a stable and predictable legal environment that is essential for economic growth and development, and for attracting investment and business.
- **Maintains social order and stability:** The Rule of Law provides a framework for resolving disputes and enforcing legal obligations, which is essential for maintaining social order and stability.

What are the challenges in the enforcement of the Rule of Law?

The Rule of Law faces various challenges in its application and implementation. The various reasons are as follows:

- **Ambiguous nature of the laws:** The laws are open to interpretations and also have many loopholes which make the uniform implementation of rule of law difficult.
- **Slow and delayed justice system:** The incapacity of the judicial system to dispose of the cases leads to slow and delayed justice.
- **Political influence:** The influence of powerful and wealthy people lead to the misuse of agencies and tweaking of the rules in their favor.

What is the way forward?

In summary, the Rule of Law is a fundamental principle of democratic societies that promotes fairness, justice, accountability, and stability.

It is essential for protecting individual rights and freedoms, promoting economic growth and development, and maintaining social order and stability.

Thus there is a need for all the agencies and institutions responsible for the enforcement of the Rule of Law to uphold the law and subject all individuals to the same application.

Sources:

Book: M Laxmikanth

Website: <https://blog.ipleaders.in/rule-law-relevance/>

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