

Rule of Law

Rule of Law means that Law is supreme and is above every individual. No individual whether if he is rich, poor, rulers or ruled etc. are above law and they should obey it. In other words the rule of law implies that government authority may only be exercised in accordance with the written laws, which were adopted through an established procedure.

The concept of rule of law originated in 13th century by Bracton, a judge in the reign of Henry III said that 'The King himself ought to be subject to God and the law, because law makes him king'

Edward Coke is said to be the originator of concept of Rule of law. But credit for developing the concept of Rule of Law goes **A.V.Dicey**

Dicey's theory of Rule of law

- *Absence of Arbitrary power or Supremacy of law*

No man is punishable or can lawfully be made to suffer in body or goods except for a distinct breach of law established in the ordinary legal manner before the courts of the land.

- *Equality before law*

All classes of people are equally subject to the ordinary law of the land which is administered by the ordinary law courts.

- *Constitution is that result of the ordinary law of the land*

The rights to personal liberty, freedom, arrest etc. are provided by written or unwritten constitution of a country.

Common ingredients of Rule of law

- a) A government bound by and ruled by law
- b) Equality before the law
- c) Establishment of law and order
- d) The efficient and predictable application of justice
- e) The protection of Human Right

Rule of law in Modern Sense

Today Dicey's theory of rule cannot be accepted in its totality. But the modern concept is fairly wide and can be ideal for any government to achieve and it is developed by

International commission of Jurists known as Delhi Declaration, 1961

According to this formulation, the Rule of Law implies that the functions of the government in a free society should be exercised as to create conditions in which the dignity (not only the recognition of certain civil or political rights but also creation of social, economical, educational etc. which are essential to full development of his personality) of a man as an individual is upheld.

According to Davis there are 7 principle meaning of the term Rule of Law,

- 1) Law and Order
- 2) Fixed rules
- 3) Elimination of discretion
- 4) Due process of law and fairness
- 5) Natural law or observance of the principles of natural justice
- 6) Preference for judges and ordinary courts of law to executive authorities and administrative tribunals
- 7) Judicial review of administrative actions

“In proper sense rule of law implies a democratic system, a constitutional government where criticism of the government is not only permissible but also a positive merit and where parties based on competing politics or interests are not only allowed but encouraged. Where this exist the other consequences of rule of law must follow”

-Sir Ivor Jennings

