



# **RULE OF LAW**

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# Introduction:

- Rule of law is a remarkable feature of the British constitution and political system.
- All people are subjected to the same ordinary laws and ordinary courts for the purpose of administering justice.
- There is equality before law and all persons irrespective of whether they are government servants or ordinary citizens will be tried in the same courts according to the same procedure.

# Meaning:

- Rule of law simply means that laws are **supreme** and not the arbitrary will of any individual.
- According to A.V. Dicey, the rule of law means three things –
  - a. **No punishment except for the violation of the existing law.** In other words no person may be deprived of his life, liberty & property except for the violation of law.

# Meaning .....

- b. **Secondly, it means that no one is above law.** It means all are equal before law irrespective of his rank or positions. In other words all are treated alike by the law of the land. Thus, the rule of law implies the principle of equality.
- c. **The rights of the citizens are protected by the principle of rule of law.** England does not have a written constitution and a separate chapter on fundamental rights. Rights and liberties of the people are the result of judicial decisions.

# Implications of Rule of law principle:

- It implies the following things –
  1. No special rights,
  2. Equality before law,
  3. No arbitrary action,
  4. Same courts and same law for all, &
  5. Rights results of the court's decisions.

# I. No special rights:

- No individual can claim any special rights contrary to the law of the land.
- There is no room for special rights or privileges with the help of which a person can escape punishment.

## 2. Equality before law:

- Law does not recognize any distinction between one individual and another.
- All individuals whatever may be his rank or position enjoy the same protection of laws and are punished by the same law.

### 3. No arbitrary action:

- There is no scope for any arbitrary action by any government leading to the loss of life, liberty or property.
- Persons placed in authority in the government are bound by law and shall not act contrary to it.

## 4. Same court & same law for all:

- Government officials or ordinary citizens will be tried by the same courts and the same law which will be applicable to all.

## 5. Rights results of the courts decisions:

- Rights are the results of the courts decisions based on the rule of law system and also protected by the same principles.

# Exceptions to Rule of law system:

- The concept of rule of law has to face the challenges of the changing times.
- Today there are many exceptions and limitations of the rule of law principle & its practice in the country, like the following –
  1. Delegated legislations: Today, side with side with ordinary laws exists delegated legislations which are the rules made by the executive. It violated the principle of rule of law in the form of same law for all.
  2. Wide discretionary powers of the government servants. Such powers of the executive cannot be questioned in the courts of law.

# Exceptions .....

3. Powers of adjudication: Separate administrative tribunals for administrators for deciding administrative disputes.
4. Privileges and immunities of the public officials: for example, public authorities protection act 1893 as amended in 1939, etc.
5. Privileges given to the diplomats
6. Rights also derive from statutes like right to pension, insurance, etc.
7. Many restrictions on the liberties of the people during emergencies like wars, etc.

# Conclusion:

- Despite these limitations, rule of law is an important principle, serving as the bedrock of English democracy and political system.
- England even today is governed by law but not according to the whims and fancies of any individuals.