

Rule of Law

The rule of law is a concept presented by Dicey. The rule of law reiterates the opinion that the law holds the supreme authority. This prescribes that the state or the nation must take in account the extreme supremacy of the law, and ought not to be guided or governed by any other autocratic powers. No individual can be treated in an uncivilized manner. The violators of the law can be penalized. The ideologies of rule of law are-

- The law beholds the supreme power, all the citizens and stratas are accountable to law.
- The law provides everyone equal rights and liberty,
- It opposes the possession of any autocratic power or implementation of any autocratic rule.
- The law must be enforced by the courts, as mere mention of the same in the constitution will not lead to the proper implementation.

Rule of Law in Indian Constitution

The doctrines of the Indian Constitution specifies and prescribes the concept of Justice, Liberty, and Equality.

- The Part III of the Indian Constitution has specified the enforcement of the law. In the Maneka Gandhi vs Union Of India case, it was yet again reiterated that Article 14 opposes autocratic power and provides liberty and equality to the citizens.
- The laws also cover the three strata of the judiciary. Courts possess powers to bring down the executives not following the law or in the case of any unlawful behaviour.
- In the Chief Settlement Commissioner vs Om Prakash, the essentiality and distinction of rule of law were again presented.

Rule of Law- History

The Kings were entrenched with complete autocratic powers and the obsolete rights to have control overpopulation. Sir Edward Coke opposed the concept of obsolete powers, and felt the need of implementing a law that would take the Kings accountable and subservient to law. He formulated the idea of Rule of Law, he established the principles that no one can be penalized for autocratic rule. The law must cover the rights of all the citizens.

Rule of Law Doctrines

WJP defines the rule of law with the help of some universal principles. A nation with a better rule of law upholds universal principles at all costs. The universal principles for determining the rule of law are as follows:

- Government officials are accountable to the nation's law/order.
- Laws are transparent and protect the fundamental rights of citizens.
- The law administration process is fair.
- Justice should be offered by people who are neutral and have ample resources

Exceptions of Rule of Law in India

The exceptions of the rule include the meaning of the rule of law, which does not mean that the powers possessed by the citizen and the public are equal. It does not restrict the specified classes from becoming the subject of special laws. There are special rules reserved to certain sections of society such as lawyers, doctors and nurses.

Rule of Law Index History

It offers a comprehensive picture of the rule of law in each country. Since WJP provides an unbiased opinion of the rule of law in countries, it plays a significant role in determining the effectiveness of the law.

WJP uses several factors/indicators to determine the effectiveness of law in each country. A detailed report is published worldwide every year by WJP. Governments and law officials can use WJP to measure the effectiveness of law and order. The Rule of Law Index report consists of around 128 countries around the globe. A poor rule of law impacts residents' daily lives, and national integrity suffers. The rule of law follows three basic principles such as the supremacy of law, equality before law, and the third is judge-made constitutions.

Factors for Determining Rule of Law Index

As said above, WJP uses several factors to determine the rule of law in any country. The parameters used by WJP to create the Rule of Law Index report are as follows:

- Restrictions on government powers
- Low corruption
- Open governance
- Fundamental rights
- Order and security of citizens
- Civil justice
- Criminal justice
- Regulatory enforcement

About Rule of Law Index

Recently, the rule of law has been in discussion in our country. In 2020, a petition was filed regarding its poor ranking of India in the Rule of Law Index. In the petition sent to Supreme Court, the pathetic ranking of India in the index was mentioned.

- The Supreme Court was also asked to direct the government to take steps and improve the rule of law in India.
- However, things were not beneficial as India again scored a low ranking in the rule of law rankings published in 2021.
- As of 2021, India is 79th in the rule of law rankings published by WJP. Moreover, India has never been secured a top-50 ranking in the Rule of Law Index published by WJP.

The nation should ensure fair laws for everyone to have a better rule of law. One should know about the rule of law as it is an essential topic for competitive exams. Know the importance of the Rule of Law Index!

