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Rule of Law: Concept, Index, and Features

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Rule of Law: Concept, Index, and Features

Governments can be powerful without being lawless. The Rule of Law is the idea that draws that line, and UPSC tests it from several angles.



The decolonised Lady Justice statue at the Supreme Court of India, unveiled 2024: blindfold and sword replaced with the Constitution. Photo: Karan.jr.Singh, Wikimedia Commons, CC

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Supremacy Law rules everyone, including officials.
Equality All subject to the same ordinary courts.
WJP World Justice Project publishes the index.
Not rule by law Law as shield, not tool of authority.

Dicey: A.V. Dicey, classic theorist of the doctrine.

Rule of law: Government itself obeys the law.

Rule by law: Government uses law to control people.

Article 14: Equality before law; the Indian anchor.

1 Chapter 1: Dicey and the Index

Must Know

Dicey's three elements

- A.V. Dicey defined the Rule of Law with three linked elements.
- They are supremacy of law, equality before the law, and the primacy of ordinary courts in protecting rights.
- Together they say no person, however powerful, stands above the law.
- Government action must be traceable to legal authority, not to whim or privilege.

Each element

- Supremacy of law: the law rules over everyone, including officials. A punishment cannot be arbitrary. It must flow from a recognised legal source, so citizens can predict and challenge it.

- Equality before law: every person is subject to the same ordinary courts and the same law. In Dicey's view, there is no separate set of rules for officials.
- Rights from courts: Dicey insisted rights are safest when protected by courts through ordinary remedies, not by a written bill of rights alone. The remedy itself is the guarantee.

Who publishes the index?

- The World Justice Project compiles and publishes the Rule of Law Index every year.
- It ranks countries by how consistently law constrains power.
- A single annual score lets citizens and researchers compare governments over time and across nations.
- It scores factors like limits on government power, absence of corruption, order and security, and protection of fundamental rights.
- UPSC asks which body publishes it. It is not Amnesty International, the ICJ or the UN Human Rights office.
- To remember it, link the name to the job: World Justice + Project = a global project that measures justice under law.

Rule of law versus rule by law

- Rule of law means government itself obeys the law.
- Rule by law means government uses law as a tool to control people.
- A dictator can make many laws and still violate the spirit of the Rule of Law.
- The test is whether the rulers are also bound by those rules.
- If a law is used only to punish critics while protecting officials, that is rule by law.

- If everyone, including ministers, faces the same courts, that is rule of law.

Remember: Rule OF law = rulers obey law. Rule BY law = law as a tool.

> **Quick check 1.** Amnesty International publishes the Rule of Law Index. *(True or False?)* See answer ↓

2 Chapter 2: The Ideas Behind It

Good to Know

The real features

- Three ideas mark the Rule of Law: limitation of government power, equality before the law, and liberty and civil rights.
- Each answers a different question: can officials overreach? Are all equal in court? Are ordinary freedoms protected?
- Failing any one weakens the whole idea.
- “People’s responsibility to the Government” is NOT a feature.
- It sounds reasonable, so students tick it.
- But the doctrine runs the other way: it holds government accountable to law.
- Read every option against Dicey’s list. If an option inverts who is accountable, reject it.

No law, no liberty

- John Locke argued that where there is no law, there is no freedom.
- Liberty is only safe when law restrains others from harming you.

- Freedom is not the absence of rules. It is the presence of fair rules that protect you from coercion, theft and violence.
- Law creates a predictable sphere of safety. Within it you can act freely.
- More laws do not automatically mean less liberty.
- The real threat is having no law at all, which leaves the strong free to dominate the weak.

Dicey's critics

- Modern scholars note Dicey overstated equality.
- In reality officials hold special powers, and there are specialised tribunals, not just ordinary courts.
- Dicey distrusted written bills of rights, yet most democracies now codify rights.
- India's Constitution writes rights down and lets courts enforce them.
- The core idea, that law binds everyone, survives the criticisms.

> **Quick check 2.** Liberty means freedom protected by fair law, not freedom from all law. *(True or False?)* See answer ↓

3 Chapter 3: How India Applies It

Great to Know

India's own version

- The Constitution does not use the exact words "Rule of Law," but the idea runs through its text and is enforced by courts.
- Article 14 guarantees equality before the law and equal protection of the laws, the closest Indian expression of Dicey's doctrine.
- Article 13 lets courts strike down laws that breach fundamental rights, giving the Rule of Law real teeth against the legislature.
- A secure, independent judiciary enforces law against the state itself.
- Equality (Article 14) supplies the standard, judicial review (Article 13) the remedy, and an independent court the enforcer.
- This is how India turns an abstract doctrine into enforceable everyday protection.
- See Right to Equality: Article 14 and Fundamental Rights of Indian Citizens.

Exam angle

- An option listing "people's responsibility to government" as a feature is wrong.
- "More laws = less liberty" is a false option. The threat is the absence of law.
- The Rule of Law Index is published by the World Justice Project.

- Ask of each option: who is bound by the law? If not the government, strike it.
- The trap usually hides in who is bound by the rule, not in the surface wording.

Related reading

- Constitutional Morality
- Right to the City

4 Previous Year Questions

Three real PYQs test borrowed features, the main features, and Article 14.

> **Asked before**
>
> **PYQ 1 · UPSC CSP 2018, Q45**
>
> Which of the following are regarded as the main features of the "Rule of Law"?
>
> (a) 1 and 3 only
> (b) 2 and 4 only
> (c) 1, 2 and 4 only
> (d) 1, 2, 3 and 4
>
> mcqquestion.com/articles/upsc-csp-2018-general-studies-paper-i-full-question-paper/#q45

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Asked before

PYQ 2 · UPSC CDS (I) 2021, Q36

Equality before the law or equal protection of the laws within the territory of India is guaranteed under which one of the following Articles of the Constitution of India?

(a) Article 14
(b) Article 15
(c) Article 16
(d) Article 22

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Think it through: Can a country with many laws still lack the Rule of Law?

Yes. If the laws only bind citizens and not rulers, it is rule by law. The Rule of Law needs rulers to be bound too.

5 Chapter 4: Current Affairs

Current Affairs

Judicial observance today

- India's Supreme Court has repeatedly invoked the Rule of Law while reviewing executive and legislative action.
- The 2024 Lady Justice statue, with the Constitution replacing the sword, is a visible symbol of this.

- These cases show the doctrine is a working test: courts use it to judge whether government has overstepped.
- For UPSC, expect a current development and a question on which constitutional value it reflects. The answer is almost always the Rule of Law.

> **Quick check 3.** Article 14 is the closest Indian textual expression of Dicey's doctrine. *(True or False?)* See answer ↓

Quick Q&A

- **Who defined the three elements?** A.V. Dicey.
- **Who publishes the index?** World Justice Project.
- **Indian anchor?** Article 14.
- **Rule of law vs rule by law?** Rulers bound vs law as a tool.
- **Not a feature?** People's responsibility to the Government.

Practice MCQs

1. Which legal theorist is most associated with the classic formulation of the Rule of Law doctrine?

A. John Austin

B. H.L.A. Hart

C. A.V. Dicey

D. Jeremy Bentham

See answer ↓

Answer Key

1. **C.** The correct answer is **A.V. Dicey**. His three elements — supremacy of law, equality before law, and a constitution shaped by ordinary courts — remain the classic reference point. ↑ Q1

Quick-check answers

1. **False.** ↑ 1
2. **True.** ↑ 2
3. **True.** ↑ 3

Previous year answers

1. **(c) 1, 2 and 4 only** Dicey's classic formulation covers limitation of powers, equality before law, and liberty/civil rights. "People's responsibility to the Government" inverts the concept — the Rule of Law is about government's accountability to law.
2. **(a) Article 14** Article 14 guarantees both equality before the law and equal protection of the laws.

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