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ANALYTICAL STUDY OF RULE OF LAW IN INDIA AND ITS IMPORTANCE IN FACILITATING RIGHT TO EQUALITY AND RIGHT TO PERSONAL LIBERTY

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ABSTRACT

The Rule of Law is a foundational principle that underpins the legal framework of India, ensuring justice, fairness, and accountability within the system. In India, the Rule of Law finds its roots in the Constitution, which serves as the supreme law of the land. The Rule of Law implies that all individuals, including government officials, are subject to the law and that no one is above it. It signifies that laws are clear, publicized, applied consistently, and protect fundamental rights. The Rule of Law ensures that the exercise of governmental power is restrained by law and that legal procedures are followed in a fair and transparent manner. In India, the Rule of Law is enshrined in various provisions of the Constitution, particularly in Articles 14, 19, and 21, which guarantee the right to equality before the law, freedom of speech and expression, and protection of life and personal liberty, respectively. These fundamental rights serve as pillars of the Rule of Law, ensuring that individuals are treated equally, have the freedom to express themselves, and are protected from arbitrary deprivation of their rights. Under this Article, the Researcher endeavours to highlight the impacts of Rule of Law on Article 21 of the Indian Constitution and their advantages.

KEYWORDS: *(Rule of Law, Article 21, Indian Constitution, Article 14, Personal Liberty, Right to Equality.)*

INTRODUCTION

The judiciary plays a crucial role in upholding the Rule of Law in India. The Supreme Court and the High Courts have the power of judicial review, which allows them to interpret the Constitution and strike down laws or governmental actions that are inconsistent with its provisions. Through

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landmark judgments, the judiciary has reinforced the principles of the Rule of Law, ensuring that governmental actions are subject to legal scrutiny and that fundamental rights are protected. Additionally, institutions such as the Election Commission, the Comptroller and Auditor General (CAG), and various statutory bodies are instrumental in upholding the Rule of Law by ensuring transparency, accountability, and the rule-bound functioning of the government. Despite the challenges and complexities inherent in a diverse and populous democracy like India, the commitment to the Rule of Law remains fundamental to the country's legal and political framework. It serves as a bulwark against arbitrary exercise of power, protects individual rights, and fosters a just and equitable society. Thus, the Rule of Law continues to be a guiding principle in India's journey towards democracy, development, and social justice.

LEGAL COMMENTARIES ON RULE OF LAW WITH RESPECT TO ARTICLE 21 OF INDIAN CONSTITUTION

Article 21³ of the Indian Constitution is one of the most significant provisions related to fundamental rights. It states that no person shall be deprived of his life or personal liberty except according to procedure established by law. This provision ensures the protection of the right to life and personal liberty of every individual within the territory of India. The Rule of law is a fundamental principle of governance that emphasizes that all individuals, institutions, and entities are subject to and accountable to the law, including government officials and authorities. It implies that the exercise of governmental power should be based on legal authority and be consistent with established laws and procedures.

The connection between *Article 21* and the *Rule of Law* lies in the requirement that any deprivation of life or personal liberty must be in accordance with the procedures established by law. This means that even though the state has the authority to restrict an individual's freedom under certain circumstances, such as through arrest or detention, it must do so within the framework of law. This includes following due process, ensuring fair trial rights, and providing avenues for legal remedy and redress.

ADVANTAGES OF RULE OF LAW & ARTICLE 21 OF INDIAN CONSTITUTION

³<https://blog.ipleaders.in/article-21/>.

In essence, *Article 21*⁴ reinforces the principle of the Rule of Law by affirming that even in situations where the state exercises its authority to curtail individual freedoms, it must do so within the boundaries of law and with respect for the rights of the individual. This ensures that the power of the state is not arbitrary or unchecked and that the rights and liberties of individuals are protected and upheld. The effective advantages are as follows:

1. Legal Protection: The rule of law ensures that laws are clear, publicized, and applied evenly to everyone, including those in positions of power. This means that there are clear legal frameworks in place to protect individual's rights to life and personal liberty. Laws against murder, assault, kidnapping, and other crimes directly safeguard the right to life and personal liberty.

2. Judicial Oversight: Under the rule of law, an independent judiciary ensures that laws are interpreted fairly and consistently. This provides a safeguard against arbitrary actions by authorities that could threaten individuals' right to life and personal liberty. Courts can intervene to prevent unlawful detentions, protect individuals from physical harm, and uphold due process rights.

3. Limiting Government Power: The rule of law restricts the arbitrary exercise of power by the government or any other authority. By requiring that all actions be based on law, it prevents governments from infringing on individual's rights without justification. This limitation on government power helps protect citizens' right to life and personal liberty from abuses by those in authority.

4. Legal Remedies: In societies governed by the rule of law, individuals have access to legal remedies to challenge violations of their rights. This might include seeking compensation for wrongful imprisonment, holding authorities accountable for abuses, or obtaining injunctions to prevent actions that threaten life or liberty. These legal avenues provide a means for individuals to assert and protect their rights.

5. Promoting Accountability⁵: The rule of law fosters accountability at all levels of society, including among public officials and law enforcement agencies. This accountability helps prevent

⁴<https://blog.ipleaders.in/article-21/>.

⁵<https://blog.ipleaders.in/rule-of-law-2/>.

abuses of power that could endanger individual's lives or liberty.

LEGAL CASES RELATED TO RULE OF LAW AND ARTICLE 14 & ARTICLE 21

1. ***Maneka Gandhi v. Union of India (1978)***⁶: This landmark case expanded the scope of *Article 21* by ruling that the right to life and personal liberty is not confined to mere physical existence but includes the right to live with dignity. The Supreme Court held that any law depriving a person of their personal liberty must be just, fair, and reasonable, and must conform to the principles of natural justice.
2. ***M.C. Mehta v. Union of India (1986)***⁷: In this case, the Supreme Court held that the right to a clean environment is an integral part of the right to life under *Article 21*. The court emphasized the importance of environmental protection for safeguarding human life and health, setting the stage for numerous environmental protection measures in India.
3. ***Vishaka v. State of Rajasthan (1997)***⁸: This case addressed the issue of sexual harassment in the workplace and established guidelines known as the *Vishaka Guidelines* to protect the rights of working women under *Article 21*. The Supreme Court held that the right to work with dignity is a fundamental right under *Article 21* and outlined measures to prevent and redress sexual harassment at the workplace.
4. ***Kharak Singh v. State of Uttar Pradesh (1962)***: In this early case, the Supreme Court held that the right to privacy is a fundamental right implicit in the right to life and personal liberty under *Article 21*. Although the judgment was divided, it laid the groundwork for later decisions affirming the right to privacy as an essential component of personal liberty.
5. ***Kesavananda Bharati v. State of Kerala (1973)***: This case is often referred to as the *Basic Structure Doctrine case*. The Supreme Court held that there are certain basic features of the Constitution that cannot be amended by the Parliament, including the principles of rule of law and equality enshrined in *Article 14*. This case reiterated the importance of these principles as part of the basic structure of the Constitution.

⁶<https://www.lawcetopus.com/academike/article-21-of-the-constitution-of-india-right-to-life-and-personal-liberty/>.

⁷Ibid.

⁸Supra Note 4.

6. ***E.P. Royappa v. State of Tamil Nadu (1974)***: This case is significant for articulating the concept of arbitrariness in administrative actions. The Supreme Court held that administrative actions must not be arbitrary, unfair, or unreasonable. It emphasized that equality before the law under *Article 14* prohibits arbitrary state action.
7. ***Indira Nehru Gandhi v. Raj Narain (1975)***: In this case, the Supreme Court upheld the principle of equality before the law by striking down the election of then Prime Minister Indira Gandhi on grounds of electoral malpractice. The Court reaffirmed that even the highest elected officials are subject to the rule of law and cannot be immune from legal scrutiny.

LEGAL COMMENTARIES ON RULE OF LAW & ARTICLE 14 OF THE CONSTITUTION

The Rule of Law and Article 14 of the Indian Constitution are foundational principles that ensure justice, fairness, and equality within the legal system.

1. ***Rule of Law***⁹: The *Rule of Law* is a principle that emphasizes that all individuals, including government officials, are subject to the law and that no one is above it. It implies that laws are clear, publicized, applied consistently, and protect fundamental rights. The Rule of Law ensures that the exercise of governmental power is constrained by law and that legal procedures are followed in a fair and transparent manner.
2. ***Article 14 of the Indian Constitution***¹⁰: *Article 14* guarantees the right to equality before the law and equal protection of the laws to all persons within the territory of India. It prohibits discrimination by the state on grounds of religion, race, caste, sex, or place of birth. *Article 14* mandates that the state shall not deny to any person equality before the law or the equal protection of the laws. The relationship between the *Rule of Law and Article 14* is significant:
3. ***Equality before the Law***: Both the *Rule of Law and Article 14* emphasize the principle of equality before the law. The Rule of Law ensures that laws are applied uniformly to all individuals, without discrimination or favoritism. Similarly, *Article 14* mandates that the

⁹<https://blog.iplayers.in/14-landmark-judgments-on-article-14/>.

¹⁰<https://blog.iplayers.in/14-landmark-judgments-on-article-14/>.

state cannot discriminate against any person before the law and must provide equal protection of the laws to all individuals.

4. Protection of Fundamental Rights: The *Rule of Law* ensures that legal procedures safeguard fundamental rights, including the right to equality. Article 14 specifically guarantees the right to equality before the law and prohibits discriminatory treatment by the state. Together, they ensure that laws protect fundamental rights and are applied fairly to all individuals.

5. Limitation of Governmental Power: Both the *Rule of Law and Article 14* serve as checks on governmental power. They prevent the state from arbitrarily exercising its authority and ensure that governmental actions are subject to legal constraints and scrutiny.

In essence, the *Rule of Law and Article 14 of the Indian Constitution* are complementary principles that underpin the legal framework of the country. They are essential for upholding justice, protecting individual rights, and maintaining the rule of law in India.

MERITS OF RELATIONSHIP OF RULE OF LAW AND ARTICLE 21 OF INDIAN CONSTITUTION

The relationship between the *Rule of Law and Article 21 of the Indian Constitution* is integral to upholding justice, fairness, and individual rights. Here are some merits of this relationship:

1. Protection of Fundamental Rights¹¹: Article 21 of the Indian Constitution guarantees the protection of life and personal liberty. The *Rule of Law* ensures that this protection is not arbitrary and is governed by established legal principles. It ensures that laws are applied uniformly and fairly, thus safeguarding fundamental rights.

2. Legal Certainty and Predictability: The *Rule of Law* establishes a framework of laws that are clear, predictable, and applied equally to all individuals. This provides legal certainty, enabling citizens to understand their rights and obligations under the law. Article 21, when interpreted in line with the *Rule of Law* principles, ensures that legal processes are transparent and consistent.

3. Limitation on State Power: The *Rule of Law* imposes limitations on the exercise of state

¹¹<https://www.drishtijudiciary.com/to-the-point/ttp-constitution-of-india/prevalence-of-the-rule-of-law>.

power, ensuring that governmental actions are lawful and conform to constitutional mandates. Article 21 acts as a check on state authority, preventing arbitrary deprivation of life and personal liberty. It requires that any restriction on these rights be in accordance with law and for a valid reason.

4. Access to Justice: The Rule of Law promotes access to justice for all individuals, regardless of their social or economic status. Article 21 ensures that every person has the right to seek legal remedies when their life or personal liberty is infringed upon. This access to justice is crucial for maintaining the rule of law and upholding the principles of fairness and equality before the law.

5. Judicial Review and Accountability: Article 21 provides a basis for judicial review of laws and governmental actions that may violate the right to life and personal liberty. The *Rule of Law* empowers the judiciary to scrutinize the legality of such actions and hold the state accountable for any violations. This ensures that the government acts within the confines of the Constitution and respects the rights of individuals.

6. Social Justice and Human Dignity: The Rule of Law, when coupled with Article 21, promotes social justice and human dignity. It requires the state to adopt measures that protect and enhance the well-being of individuals, ensuring their dignity and worth. This includes safeguarding against arbitrary arrests, torture, and other forms of human rights violations.

In essence, the relationship between the *Rule of Law and Article 21 of the Indian Constitution* reinforces the principles of justice, equality, and liberty, which are fundamental to a democratic society. It serves to protect the rights and freedoms of individuals while maintaining the accountability of the state.

MERITS OF RELATIONSHIP OF RULE OF LAW AND ARTICLE 14 OF INDIAN CONSTITUTION

The relationship between the *Rule of Law and Article 14 of the Indian Constitution* is crucial for ensuring equality and fairness in the legal system. Here are some merits of this relationship:

1. Equality Before Law¹²: Article 14 of the Indian Constitution guarantees equality before the

¹²<https://www.drishtijudiciary.com/to-the-point/tp-constitution-of-india/prevalence-of-the-rule-of-law>.

law and equal protection of laws to all individuals. The *Rule of Law* ensures that this principle is upheld by prohibiting discrimination and ensuring that laws are applied impartially to all citizens, regardless of their caste, religion, gender, or other characteristics.

2. Non-Arbitrariness Nature: The *Rule of Law* mandates that governmental actions must be based on clear and non-arbitrary laws. *Article 14* reinforces this principle by prohibiting arbitrariness in state actions and ensuring that laws are enacted and implemented in a fair and just manner. This helps prevent abuse of power by public authorities and promotes public trust in the legal system.

3. Legal Certainty: The *Rule of Law* requires that laws be clear, predictable, and consistently applied. *Article 14* of the Indian Constitution complements this by ensuring that laws are not vague or overly broad, and that individuals can anticipate the consequences of their actions. This promotes legal certainty and stability, which are essential for a functioning democracy and a thriving economy.

4. Protection of Minority Rights: *Article 14* protects the rights of minorities by guaranteeing them equal treatment under the law. The *Rule of Law* ensures that these rights are upheld and that minorities are not subjected to discrimination or marginalization. This fosters social cohesion and harmony by promoting inclusivity and respect for diversity.

5. Access to Justice: The *Rule of Law* facilitates access to justice by ensuring that legal processes are fair, transparent, and accessible to all individuals. *Article 14* reinforces this principle by prohibiting discrimination in the administration of justice and ensuring that everyone has the right to a fair trial. This helps promote the rule of law by ensuring that individuals can seek redress for grievances and hold the state accountable for any violations of their rights.

6. Judicial Review: *Article 14* provides a basis for judicial review of laws and governmental actions that may violate the principle of equality. The *Rule of Law* empowers the judiciary to strike down laws that are discriminatory or unconstitutional, thereby safeguarding the rights of individuals and upholding the supremacy of the Constitution.

7. Promotion of Social Justice: The *Rule of Law*, when merged with *Article 14*, promotes social justice by ensuring that laws and policies are designed to benefit all segments of society,

especially the disadvantaged and marginalized. This helps reduce inequalities and promotes inclusive growth by ensuring that everyone has equal opportunities to succeed.

In summary, the relationship between the *Rule of Law and Article 14 of the Indian Constitution* is essential for upholding the principles of equality, fairness, and justice. It ensures that laws are applied impartially, that individuals are treated with dignity and respect, and that the rights of minorities are protected. By promoting equality before the law, this relationship helps strengthen democracy and foster social cohesion in India.

CONCLUSION

In conclusion, the *Rule of Law, as upheld by Article 14 and Article 21 of the Indian Constitution*, serves as the bedrock of justice, fairness, and equality within the legal system of India. To strengthen the *Rule of Law* in the context of these constitutional provisions, the following suggestions can be considered:

- 1. Enhanced Access to Justice:** Efforts should be made to ensure that all individuals, especially marginalized and disadvantaged groups, have access to justice. This may involve improving legal aid services, promoting alternative dispute resolution mechanisms, and reducing procedural barriers to accessing courts.
- 2. Ensuring Equality Before the Law:** Measures should be taken to eliminate discrimination and ensure equality before the law as mandated by *Article 14*. This includes strict enforcement of anti-discrimination laws, sensitization of law enforcement agencies and judicial officers, and proactive measures to address systemic inequalities.
- 3. Protection of Fundamental Rights:** The judiciary should continue to play a proactive role in safeguarding fundamental rights, particularly those enshrined in *Article 21*, such as the right to life and personal liberty. Judicial review of laws and governmental actions should be robust to prevent any encroachment on these rights.
- 4. Promoting Transparency and Accountability:** Transparency and accountability are essential for upholding the *Rule of Law*. Governmental institutions should be transparent in their functioning, and mechanisms for accountability should be strengthened to ensure that public officials are held responsible for their actions.

5. **Education and Awareness:** There is a need to promote legal literacy and awareness among the general population about their rights and the legal processes available to them. This can empower individuals to assert their rights and hold authorities accountable, thereby reinforcing the *Rule of Law*.
6. **Capacity Building:** Continuous training and capacity-building programs should be conducted for law enforcement officials, judicial officers, and other stakeholders to enhance their understanding of the Rule of Law and its application in practice.
7. **International Cooperation:** India should continue to engage in international cooperation and exchange of best practices in promoting the *Rule of Law*. Learning from global experiences can help in strengthening India's legal framework and institutions.

By implementing these suggestions, India can further strengthen the *Rule of Law*, ensure the effective implementation of *Article 14 and Article 21*, and uphold the principles of justice, equality, and human rights enshrined in the Constitution. This would contribute to a more just, equitable, and democratic society where the *Rule of Law* prevails for all citizens.

CONCLUDING SUGGESTIONS

In conclusion, the *Rule of Law* in India serves as a cornerstone for securing justice for the public, ensuring fairness, equality, and accountability within the legal system. With a strong foundation laid by constitutional provisions such as *Article 14 and Article 21*, India's legal framework upholds the principles of equality before the law and protection of life and personal liberty. The *Rule of Law*, as manifested through these constitutional guarantees, plays a vital role in safeguarding the rights of individuals and promoting social justice. It ensures that all citizens, irrespective of their background or status, are treated equally under the law and have access to justice.

Through robust mechanisms of judicial review, transparency, and accountability, the *Rule of Law* empowers individuals to hold authorities accountable for their actions and ensures that governmental powers are exercised within the bounds of legality.

However, to further enhance the *Rule of Law* and secure justice for the public, continuous efforts are needed. These efforts may include strengthening legal institutions, enhancing access to

justice, promoting legal literacy, and fostering a culture of transparency and accountability in governance.

By upholding the *Rule of Law* and advancing the principles enshrined in *Article 14 and Article 21*, India can continue to progress towards a society where justice is not just an ideal but a lived reality for all its citizens, contributing to the overall welfare and development of the nation.

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