

2. Rule of Law

Prelims Syllabus: Governance - Policies

Mains Syllabus: GS-II Indian Constitution- historical underpinnings, evolution, features, amendments, significant provisions and basic structure.



Why in News?

- The recent incidents in Uttar Pradesh, spots out to understand the concept of 'Rule of Law'.

Rule of Law:

- Rule of law is a legal principle that law should govern a nation, as opposed to being governed by arbitrary decisions of individual government officials.
- It primarily refers to the influence and authority of law within society, particularly as a constraint upon behavior, including behavior of government officials.
- **The doctrine of rule of law has its origin in England and is given by A.V. Dicey which has 3 fundamental principles:**
 - ✓ Absence of arbitrary power, that is, no man is punished except for a breach of law.
 - ✓ **Equality before the law:** equal subjection of all citizens (rich or poor, high or low, official or non-official) to the ordinary law of the land administered by the ordinary law courts.

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- ✓ The primacy of the rights of individuals, that is, the constitution is the result of the rights of the individual as defined and enforced by courts of law, rather than the constitution being the source of the individual rights.

Article 300A:

- It states that no person shall be deprived of his property save by the authority of law.
- It protects an individual from interference by the State and dispossesses a person of the property unless it is in accordance with the procedure established by law.
- Right to Property is no longer a fundamental right, rather it is a Constitutional Right and now exists in Article 300A.
- Article 300A was inserted shortly after the Emergency Through the Constitution 44th Amendment Act of 1978.
- In *T Plantation Pvt. Ltd. Vs. State of Karnataka*, 2011 the SC held that public purpose was a precondition for deprivation of a person of his property under Article 300A of the Constitution and the right to claim compensation was also inbuilt in that Article.
- The right to property under Article 300A is a human right (former Supreme Court judge)

