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RULE OF LAW: UNDERSTANDING ITS SIGNIFICANCE IN UPHOLDING CONSTITUTIONAL ORDER AND INDIVIDUAL LIBERTIES

Khushboo Rupani¹

I. ABSTRACT

The study investigates how the Rule of Law serves as an essential requirement which enables constitutional governance to function in India while investigating its power to maintain constitutional order and its capacity to safeguard personal rights. The assessment of the Rule of Law begins with the Constitution's essential principles which establish its fundamental elements and operational elements which include constitutional supremacy and restricted government and non-arbitrary decision making and equality and accountability. The research examines how Articles 13 and 14 and 19 and 21 define legal frameworks which limit both legislative and executive authorities while Articles 32 and 226 establish paths to justice which convert rights into real-world security measures. The study explores how Indian legal systems developed from a formal compliance framework toward a rights based constitutional system which uses constitutional standards and open procedures to evaluate governmental activities. The research evaluates institutional protections which maintain democratic equilibrium by examining legal restrictions on discretionary powers and administrative accountability systems. The Right to Information Act 2005 together with the Legal Services Authorities Act 1987 create statutory frameworks which promote judicial transparency while creating pathways to justice and Bharatiya Nagarik Suraksha Sanhita 2023 procedural changes examine their effects on processes which protect individual liberties. The research identifies ongoing problems which include excessive use of discretion and delayed justice and corruption and unfair law enforcement and presents suggestions which aim to strengthen transparency practices and integrity systems and constitutional remedy procedures.

¹ Ph.D., Research Scholar at School of Legal Studies, Vikrant University, Gwalior, Madhya Pradesh (India). Email: rupanikhushboo@gmail.com

II. KEYWORDS

Rule of Law; Constitutional Supremacy; Fundamental Rights; Judicial Remedies; Administrative Accountability.

III. INTRODUCTION

The Indian legal system is found on the principle of the rule of law which requires all governmental power to function according to established legal authority while respecting constitutional constraints. The Constitution should maintain its highest position in authority while all individuals must receive equal treatment under the law and their personal freedoms must remain protected through official legal methods. The Indian constitution establishes this dedication through the Preamble which guarantees justice and liberty and equality and dignity while Article 14 (equality before law) and Article 19 (freedoms subject to reasonable restrictions by law) and Article 21 (no deprivation of life or personal liberty except according to “procedure established by law”) make these principles operational. Article 13 declares all laws that conflict with Fundamental Rights to be void thereby limiting legislative and executive power.²

Although India inherited a formal judicial structure and accordingly codified legal system during the colonial period the adoption of the Constitution in 1950 transformed governance into a right based constitutional democracy. Fundamental Rights became enforceable legal guarantees, forming the foundation of governmental accountability and constitutional governance. The Constitution presents the development of the rule of law through its design, which establishes constitutional supremacy with judicial limits (Article 13), enforceable equality and liberty rights (Articles 14 and 21), and judicial remedies through Article 32 and Article 226 (writ jurisdiction of High Courts for rights enforcement and other purposes). The system

² The Constitution of India, arts 13, 14, 19 and 21; A.V. Dicey, *An Introduction to the Study of the Law of the Constitution* (10th edn, Macmillan 1959); M.P. Jain, *Indian Constitutional Law* (9th edn, LexisNexis 2018).

established standards which government authorities must follow, as these standards became enforceable through judicial mechanisms.³

The Modern constitutional governance depends on the rule of law to protect individual rights while controlling the activities of governmental bodies and police forces and welfare services. The Right to Information Act 2005 together with its transparency and accountability measures establishes binding obligations that public authorities must disclose information to the public, which results in less secrecy and more opportunities for public oversight of government activities. Despite the Constitutional recognition of Rule of Law as a foundational principle of governance in India, its practical implementation continues to face significant challenges in contemporary legal and administrative systems. The legal framework in India today operates through the Bharatiya Nagarik Suraksha Sanhita, 2023, which came into force on 1 July 2024. Since its commencement, criminal investigations and procedural safeguards have been governed by its provisions, and its implementation has highlighted both the promise and the practical challenges of digital procedures, timelines, and compliance requirements. In constitutional terms, Article 21 continues to require that police and prosecuting authorities act strictly in accordance with valid law and fair procedure.⁴

The Present study therefore examines how the rule of law operates in Indian Constitutional framework to uphold constitutional governance and protect individual rights, while also analyse the contemporary challenges that weaken its interpretation.

A. Research Objectives

1. To investigate the meaning and scope and fundamental components of the Rule of Law in the Indian constitutional framework.
2. To assess how the Rule of Law functions to maintain constitutional authority while restricting government power and enabling lawful governance.

³ M.P. Jain, *Indian Constitutional Law* (9th edn, LexisNexis 2018) 98–125; H.M. Seervai, *Constitutional Law of India* (4th edn, Universal Law Publishing 1991).

⁴ "Right to Information Act - A Tool for Good Governance," *Rostrum Legal*.

3. To investigate how constitutional protections for equality and freedom and personal rights safeguard individual rights in accordance with the Rule of Law.
4. To investigate how judicial and administrative systems enhance legal compliance and governmental responsibility and equitable treatment in governance without using case studies for evaluation.
5. To discover the main modern-day threats to the Rule of Law in India while creating solutions that will protect constitutional integrity and civil rights.

B. Research Questions

1. What is meant by and the practice scope of the Rule of Law in India's constitutional system?
2. How has the Rule of Law evolved in India from a formal legality model to a rights-based constitutional order?
3. What are the ways through which the Rule of Law preserves the essential constitutional balance among institutions by stopping arbitrariness?
4. How does the Rule of Law operate as a safeguard for individual liberties through constitutional rights and legal remedies?
5. What today challenges weaken the Rule of Law in India, and how can incentives be given for improved enforcement of these laws?

C. Research Methodology

The study uses doctrinal research methods to investigate primary and secondary legal materials which it analyses through systematic research. The research uses primary sources which consist of the Constitution of India and two central laws that control governance and liberty and all essential statutory documents which deal with administrative oversight and rights safeguarding. The legal principles are interpreted and evaluated through the examination of standard commentaries and academic writings and Law Commission reports and policy documents. The method handles two tasks which include defining legal aspects of Rule of Law and evaluating constitutional framework and available solutions and studying protection systems for

legality and equality and liberty through established norms and institutional structures. The research remains library-based and analytical.

D. Review of Literature

1. Latika Vashist (2013)⁵ article evaluates Indian criminalization laws while demonstrating that legal assessment of harm should be based on constitutional morality instead of public majority opinion. The study connects criminal law to Rule of Law boundaries which require security measures to follow proportionality standards and to protect human rights and to establish limits on government authority over individual freedoms.
2. Sindhu Thulaseedharan, (2013)⁶ author studies new public service rights systems that have developed in India through their analysis of delivery times and service delivery obligations and customer complaint resolution procedures. The document establishes a connection between administrative responsibility and Rule of Law principles through its focus on common people rights and transparent enforcement of official responsibilities.
3. Anshu Jain, (2012)⁷ study demonstrates how the Right to Information system supports better governance outcomes through its ability to increase government transparency and prevent unfair decision-making and boost citizen engagement. The study demonstrates how public information requirements create institutionalized accountability which strengthens legal compliance in government activities.
4. Joseph Raz, (2008)⁸ defines the Rule of Law as a basic governance principle which should remain distinct from both moral principles and democratic values when he explains the danger of burdening it with extra political principles. He describes how power limitations exist through rules that require legality and clarity and future-oriented rules and ongoing rules.

⁵ Latika Vashist, "Re-thinking Criminalisable Harm in India: Constitutional Morality as a Restraint on Criminalisation" 55(1) *Journal of the Indian Law Institute* 73 (2013).

⁶ Sindhu Thulaseedharan, "Right to Public Services in India – A New Legal Scenario" 55(1) *Journal of the Indian Law Institute* 59 (2013).

⁷ Anshu Jain, "Good Governance and Right to Information: A Perspective" 54(4) *Journal of the Indian Law Institute* 506 (2012).

⁸ Joseph Raz, "The Politics of the Rule of Law" 2 *Indian Journal of Constitutional Law* 1 (2008).

5. Abhinav Sekhri, (2020)⁹ researchers provide a comprehensive evaluation of preventive detention laws which exist within the Indian constitutional framework because they assess the Article 22 protection mechanisms and their actual implementation protection. He contends that detention without trial undermines both legal systems and personal freedom and he recommends implementation of stricter rules and better monitoring systems.
6. J.K. Mittal (1965)¹⁰ study examines how Indian constitutional equality doctrine developed through judicial decisions which used Article 14 to limit government operations. The research examines early methods of legal interpretation which show how equality serves as a fundamental safeguard against wrongful governmental conduct that affects public services.
7. Moeen H. Cheema (2016)¹¹ studies Rule of Law reform agendas during political conflicts because he believes that power structures will determine how legal systems will function. The article explains why “rule by law” risks masquerading as Rule of Law, stressing independent institutions and genuine accountability
8. M.C. Setalvad (1958)¹² classical work analyzes how judicial review functions in the administrative system of India. The research establishes three fundamental requirements for executive powers, which researchers must satisfy to maintain constitutional governance through executive powers, which courts need to supervise according to Rule of Law.
9. P.K. Tripathi, (1975)¹³ examines how democracy depends on Rule of Law while he assesses how judges take on more responsibilities in government. He assesses boundaries of judicial activism and the need for institutional

⁹ Abhinav Sekhri, “Article 22 – Calling Time on Preventive Detention” 9 *Indian Journal of Constitutional Law* 173 (2020).

¹⁰ J.K. Mittal, “Right to Equality and the Indian Supreme Court” 14(3) *The American Journal of Comparative Law* 422 (1965).

¹¹ Moeen H. Cheema, “The Politics of the Rule of Law” 24(2) *Michigan State International Law Review* 449 (2016).

¹² M.C. Setalvad, “Judicial Review of Administrative Proceedings” 1(1) *Journal of the Indian Law Institute* 65 (1958).

¹³ P.K. Tripathi, “Rule of Law, Democracy, and the Frontiers of Judicial Activism” 17(1) *Journal of the Indian Law Institute* 17 (1975).

balance, arguing that courts must protect rights and legality without displacing democratic decision-making

10. Carl Baar (1990)¹⁴ conducts research about social action litigation which studies its development and shows how it affects legal rights protection through court access to rights-based claims and public interest cases. He describes three operational limitations which include capacity constraints and compliance challenges and risks of institutional overreach that impact Rule of Law effectiveness.

E. Research gap

The existing body of Indian Rule of Law research falls short because it does not create a unified analysis that connects constitutional doctrine with statutory and governance practices of today. Many studies either focus narrowly on judicial interpretation or treat the Rule of Law as an abstract ideal, without systematically mapping how constitutional controls under Articles 13, 14, 19, 21, 32 and 226 operate alongside transparency and accountability frameworks such as the Right to Information Act, 2005, the Legal Services Authorities Act, 1987, and anti-corruption regimes under the Prevention of Corruption Act, 1988.

The existing research evaluates the impact of Bharatiya Nagarik Suraksha Sanhita 2023 procedural changes on administrative decision-making which protects individual rights from arbitrary government actions. This study addresses these gaps through a doctrinal synthesis of constitutional limits, statutory safeguards, and present-day governance challenges.

IV. RULE OF LAW AND THE INDIAN CONSTITUTIONAL FRAMEWORK

A. Constitutional Foundations of the Rule of Law

The modern understanding of Rule of law is significantly influenced by the classical formulation theory developed by A. V. Dicey, who identified three essential principles

¹⁴ Carl Baar, "Social Action Litigation in India: The Operation and Limitations of the World's Most Active Judiciary" 19(1) *Policy Studies Journal* 140 (1990).

of the doctrine: the supremacy of law over arbitrary power, equality before the law and the predominance of legal spirit through constitutional protections enforced by the Hon'ble courts. A.V. Dicey argues that the governmental authority must always function within legal limits and that no individual should be subjected to arbitrary state action. The Indian Rule of Law depends on constitutional foundations which combine the Preamble with constitutional rights that all government bodies must follow. The Preamble's dedication to justice and liberty and equality and fraternity serves as the guiding principle for governing operations whereas Part III transforms these principles into rights that people can enforce through judicial systems.

The State definition in Article 12 establishes broad coverage which connects all governmental power with constitutional responsibilities and Article 13 nullifies any laws that violate Fundamental Rights to create constitutional authority over both legislative and executive activities. This system establishes legal authority as the primary requirement which prevents political leaders from exercising their power beyond what the constitution allows.¹⁵

The Rule of Law defines rights through two requirements which state that rights must exist as active rights which receive institutional protection through available legal remedies. The Supreme Court provides Fundamental Rights enforcement through Article 32 which grants access to its court while Article 226 empowers High Courts to issue writs not only for Fundamental Rights but also "for any other purpose" which enables legal review beyond strict rights claims. The Rule of Law serves as a constitutional framework because it requires public authorities to provide valid legal support for their actions while they must follow proper procedures and face constitutional court oversight when their power effects people's liberty and equality and due process rights.¹⁶

¹⁵ Kalpana Sharma, "Preamble of Indian Constitution: Meaning, Evolution, Importance & Key Features" *Vajirao and Reddy Institute*, 10 February 2026.

¹⁶ Subodh Asthana, "Article 32: Right to approach Supreme Court under Indian Constitution".

B. Supremacy of the Constitution and Limited Government

The Constitution stands as India's primary tool through which the Rule of Law restricts governmental authority. The Constitution functions as the supreme legal standard which Parliament and State legislatures and the executive branch and all State bodies must follow to ensure that legal authority derives from established law. Article 13 serves an essential role because it requires all laws which include ordinances and rules and regulations and notifications to undergo Fundamental Rights assessment thus stopping the government from using statutory rules to establish arbitrary power. The legislative power distribution between Articles 245 and 246 together with Article 13 establishes that laws passed through democratic processes must adhere to constitutional requirements.¹⁷

The framework of limited government mandates that public officials can only utilize their executive functions for activities which the Constitution and law permit. The articles 73 and 162 of the Constitution define executive authority at the Union and State levels, yet the Rule of Law maintains that executive authority must not diminish Fundamental Rights or substitute for Constitutionally mandated legislative procedures. The process demands respect for valid statutes which ensure public accountability, since this section governs fundamental rights and governmental procedures, which require legal frameworks to operate through responsible bodies, thus maintaining constitutional limits on discretion.¹⁸

C. Equality, Accountability, and Due Exercise of Public Power

The basic legal foundation for unbiased government operations emerges from Article 14 which establishes equal law treatment and equal legal rights protection. Article 14 receives additional support from Article 15 and Article 16 which prohibit discriminatory practices and mandate equal access to public job opportunities, thus establishing fair treatment as a fundamental requirement for public sector work. The State must treat similar cases in a consistent manner while making distinct decisions

¹⁷ Sneha Mahawar, "What is Constitutional Law".

¹⁸ The Constitution of India, arts 73 and 162.

based on necessary legal factors only and maintaining equal rights for citizens without imposing unreasonable or excessive demands.¹⁹

The Rule of Law gains stronger accountability through constitutional institutions and statutory mechanisms that permit public power to be examined. Independent constitutional authorities receive their power from constitutional provisions which establish them through articles 148 to 151 about the Comptroller and Auditor-General of India, while statutory frameworks enable public oversight of government spending accountability and performance monitoring. The Right to Information Act 2005 enforces constitutional morality in administrative matters by establishing legally protected citizen rights through Section 3 and Section 4 which mandates public authorities to disclose information thus making governmental secrecy more difficult to defend and enabling citizens to participate in democratic processes.²⁰

V. RULE OF LAW AS A SAFEGUARD OF CONSTITUTIONAL ORDER

A. Maintenance of Institutional Balance under the Constitution

The Constitutional order exists when institutions function according to their designated constitutional duties while maintaining boundaries between their respective operational areas. The Rule of Law maintains this equilibrium because it requires each government body to exercise power which the Constitution and legal statutes enacted under constitutional authority have granted to them. The structural provisions establish a parliamentary system which requires collective governmental accountability (Articles 74–75) and defines legislative procedures and parliamentary rights (Articles 79–122) and establishes an autonomous judicial system (Articles 124–147 for the Supreme Court and Articles 214–231 for High Courts) which creates a legal framework that controls power distribution through institutional design instead of allowing it to rest with one central authority.

¹⁹ Anshi Mudgal, "Right to Equality: A Fundamental Right.

²⁰ "Article 148: Comptroller and Auditor-General of India," *Constitution of India*, 2023

The proper functioning of institutions relies on legislative bodies which enforce laws and maintain accountability standards for governmental operations. The Election Commission (Article 324) supports democratic legitimacy, the Comptroller and Auditor-General strengthens financial scrutiny (Articles 148–151), and the Attorney-General (Article 76) contributes to legality in executive decision-making. The Rule of Law extends beyond court proceedings because it exists within the institutional framework of the Constitution which requires government operations to maintain legal procedures through institutional checks and transparent processes and rational official decisions.²¹

B. Prevention of Arbitrary Exercise of State Authority

The Rule of Law exists to stop officials from acting unpredictably because it mandates that the government must prove its authority to perform every action which restricts rights or uses force against citizens. This requirement exists because Article 14 of the constitution mandates equality and Article 21 of the constitution protects life and personal freedom. The State must use legal methods to perform its duties. The Constitution establishes that authorities must impose limitations on individual freedom which includes movement and speech and work and personal freedom through legal means Article 19 and Article 21 establish that the rights of citizens must be protected through established legal procedures instead of giving administrative staff total power to decide.²²

Modern governance uses statutory criminal procedures to control all aspects of criminal investigations which include arresting and detaining suspects and conducting trials. The Bharatiya Nagarik Suraksha Sanhita, 2023, which came into force on 1 July 2024, now governs criminal procedure and the exercise of investigative and prosecutorial powers. Its implementation has underscored the importance of ensuring that new procedural mechanisms are applied consistently so that the protections guaranteed under Article 21 are effectively preserved. The Rule of Law requires governments to follow their constitutional obligations while following all

²¹ Electoral Governance & Fairness.

²² Diganth Raj Sehgal, "Rule of law and its relevance".

existing procedural laws because it requires their power to impose force against citizens to remain within predefined boundaries set by legislation.²³

C. Role of Legal Restraints in Preserving Democratic Governance.

Democratic governance needs permanent legal restrictions which control political authority because exceptional rules and informal control systems cannot provide effective governance. The Constitution provides this restriction through Fundamental Rights (Part III) which design institutional separation and create enforceable judicial solutions (Articles 32 and 226). The restraints maintain constitutional decision-making through democratic processes because elections can change policies while people maintain equal rights and legal protections. The Rule of Law framework defends democracy against both majoritarian rule and administrative power by creating constitutional accountability for public officials.²⁴

Legal restraints include mechanisms which require transparency and integrity to allow citizens and institutions to identify and remedy power abuse. The Right to Information Act of 2005 establishes a general access right through Section 3, requires organizations to disclose information under Section 4, and creates an appellate process in Section 19 which prohibits obstruction through Section 20 penalties, thus reducing arbitrary secrecy and improving democratic control. Anti-corruption laws create additional restrictions against office abuse by making bribery and misconduct illegal under the Prevention of Corruption Act of 1988 which includes offences specified in Sections 7 and 13, thereby showing that public office functions as a legal trust instead of a personal profit-making tool.

VI. RULE OF LAW AND PROTECTION OF INDIVIDUAL LIBERTIES

A. Relationship between Rule of Law and Fundamental Rights

The Rule of Law in India exists as an unbreakable bond with Fundamental Rights because constitutional rights serve as the main standard used to evaluate whether state actions maintain legal compliance. The government must obtain permission from

²³ "Bharatiya Nagarik Suraksha Sanhita: Paradigm Shift from Procedural Code to Nagarik Suraksha,"

²⁴ "Political Parties: Constitutional Roles, Recognition, Rights and Regulations," *International IDEA*.

Article 14 which establishes equality before the law and Article 19 which protects essential freedoms and Article 21 which ensures the protection of life and personal freedom. Article 13 establishes this connection because it nullifies laws that conflict with each other while Fundamental Rights maintain their status as supreme restraints on all executive and legislative actions. The Rule of Law act as a rights-based system because legal rules require constitutionally recognized rules to be enforced without bias.²⁵

Fundamental Rights establish the framework which governs how authorities can impose their restrictions through Article 19 which permits only particular public purposes to be restricted by law through reasonable restrictions. The constitutional framework prevents the State from imposing informal restrictions on freedom while requiring it to establish authentic reasons for its action through established legal frameworks. The Rule of Law establishes both predictable outcomes and equal treatment because citizens possess confidence in their ability to make life decisions while their freedom remains protected until the constitution permits its restriction through legal authority.

B. Protection of Personal Liberty, Dignity, and Freedom

The state can only restrict personal freedom which Article 21 protects through state-approved methods that include law-defined procedures as the only means to implement government actions. The combination of Article 20 protections against criminal conviction and Article 22 protections against unjust detention which includes protection measures for detained individuals shows that freedom exists through both functional rights and their protective legal processes. The Rule of Law requires police and detention authorities to use their enforcement powers according to established legal limits which require them to face both judicial evaluation and constitutional limitations.²⁶

²⁵ Anshi Mudgal, "Right to Equality: A Fundamental Right.

²⁶ Subodh Asthana, "Article 21 of the Indian Constitution".

The right to privacy, as established in *Justice K.S. Puttaswamy (Retd.) v. Union of India*²⁷, is a fundamental right protected under the collective framework of Articles 14, 19, and 21 of the Constitution, with Article 21 serving as its primary constitutional anchor. The Supreme Court held that privacy is intrinsic to human dignity, autonomy, and personal liberty, and that every individual is entitled to protection against arbitrary State intrusion into private life.

Three criteria have been held by the Supreme Court as being necessary to a reasonable restriction on the right of the individual to privacy which may be imposed by the state: i) any restriction imposed on an individual's privacy rights by the state, must be by the rule of law; this would suggest the restriction being brought about only through legislation, ii) any restriction on the individual's right to privacy by the state must be in pursuit of a public interest; that is to say that the legislator is trying to effect a public interest by imposing a restriction, and iii) no restriction on the individual's right to privacy should be imposed beyond what is absolutely necessary to effectuate the public interest.

The legal system protects both liberty and dignity through its rules which ensure fair trial processes and proper legal proceedings because the Rule of Law considers procedural matters as essential elements of justice instead of mere technical aspects. The Bharatiya Sakshya Adhinyam, 2023 and the Bharatiya Nagarik Suraksha Sanhita, 2023, both in force since 1 July 2024, establish the contemporary evidentiary and procedural framework governing criminal justice. Their implementation has required courts and investigating agencies to adapt to revised rules on electronic evidence and procedural timelines, with these safeguards playing an important role in protecting personal liberty. The public will trust that liberty remains safe from government shortcuts when legal procedures become understandable through systematic design which promotes their transparent appeal process to judicial authorities.²⁸

C. Legal Remedies against Violation of Individual Rights

²⁷ Justice K.S. Puttaswamy (Retd.) v. Union of India (2017) 10 SCC 1: AIR 2017 SC 4161

²⁸ Ibid.

The Rule of Law requires effective remedies because rights become worthless without available solutions. The Supreme Court handles Fundamental Rights through Article 32, which establishes a constitutional right to file cases, while Article 226 High Courts with writ jurisdiction to protect rights and enforce legal standards. The system provides two ways to get legal help which maintains both geographical access to constitutional review and strong institutional strength that empowers courts to stop illegal government activities while enforcing mandatory public responsibilities. The Rule of Law requires remedies because they function as the procedures that security constitutional boundaries which exist in administration and police work.²⁹

The process of obtaining justice combines both legal frameworks and constitutional mandates which guarantee equal treatment and just outcomes. Article 39A (Directive Principle) directs the State to ensure that opportunities for securing justice are not denied due to economic or other disabilities, and the Legal Services Authorities Act, 1987 gives this commitment institutional form by creating legal services authorities and entitlements (notably Sections 12 and 13 on eligibility and entitlement for legal services). The statutory systems provide additional legal protection which extends beyond constitutional remedies to assist vulnerable populations while strengthening the Rule of Law as an everyday protection that exists for all people instead of being a special privilege for a select few.

D. Case Laws

The Supreme Court case *His Holiness Kesavananda Bharati Sripadagalvaru v. State of Kerala & Anr*³⁰ established the basic structure doctrine, holding that although Parliament possesses wide constituent power under Article 368, it cannot amend the Constitution in a manner that damages or destroys its basic structure. This doctrine affirms the supremacy of the Constitution and places substantive limits on the amending power.

²⁹ "Constitutional Law of India - Chapter 8," *Right to freedom*.

³⁰ *His Holiness Kesavananda Bharati Sripadagalvaru v. State of Kerala & Anr.* from 1973 4 SCC 225: AIR 1973 SC 1461.

The Supreme Court case *Minerva Mills Ltd. v. Union of India*³¹ created restrictions on governmental authority because it required all constitutional modifications through Article 368 to maintain specific limits which protected both state functions and individual rights, which represents the essential element of constitutional governance.

The Supreme Court case *Indira Nehru Gandhi v. Shri Raj Narain*³² investigated how constitutional rules control exceptional electoral circumstances while declaring various sections of Article 329A (which the 39th Amendment added) unconstitutional because of the need to protect political authority from constitutional examination and equality requirements established through Article 14.

The Supreme Court case *S.R. Bommai v. Union of India*³³ limited central authorities from exercising unrestricted power because it obligated them to follow constitutional guidelines when implementing Article 356, which created legal limitations that restricted executive powers while protecting the federal system and democratic principles.

The Supreme Court case *E.P. Royappa v. State of Tamil Nadu*³⁴ established that Article 14 protects all individuals from discriminatory treatment because state power should not create arbitrary rules which impede equality standards, thus making equitable treatment and justified governmental procedures essential to Rule of Law evaluations regarding administrative operations.

The court decision in *Maneka Gandhi v. Union of India*³⁵ established stronger protections for individual freedom by interpreting Articles 14 and 19 and 21 as requiring legal limits on personal freedom which must follow non-arbitrariness and reasonableness and lawful procedures that protect the Rule of Law.

The case of *A.D.M. Jabalpur v. Shivkant Shukla*³⁶ represented an enormous setback for the Rule of Law in India, since, at the time of the Emergency declared under Article

³¹ *Minerva Mills Ltd. v. Union of India* from 1980 3 SCC 625: AIR 1980 SC 1789.

³² *Indira Nehru Gandhi v. Shri Raj Narain* from 1976 2 SCR 347: AIR 1975 SC 2299.

³³ *S.R. Bommai v. Union of India* from 1994 3 SCC 1: AIR 1994 SC 1918.

³⁴ *E.P. Royappa v. State of Tamil Nadu* from 1974 4 SCC 3: AIR 1974 SC 555.

³⁵ *Maneka Gandhi v. Union of India* (1978) 1 SCC 248 and AIR 1978 SC 597.

³⁶ *A.D.M. Jabalpur v. Shivkant Shukla* which appeared in (1976) 2 SCC 521 and AIR 1976 SC 1207.

352, a majority of the judges of the Supreme Court ruled that an individual's right to seek a writ of habeas corpus would not only be suspended, but also that it would not violate the individual's constitutional right under Article 21. The reasoning in *A.D.M. Jabalpur v. Shivkant Shukla* has received much criticism due to its conferring of excessive power on the executive, and its reduction of constitutional protections of individual liberty. The 44th Amendment of 1978 affirmed that Articles 20 and 21, however, would still apply during an Emergency. In *K.S. Puttaswamy (Retd.) v. Union of India*, the Supreme Court determined that this finding had been overruled because it was inconsistent with both core constitutional principles – namely those which underpin all human rights – and also with an understanding of what constitutes "The Rule of Law" at its simplest.

The court case *D.K. Basu v. State of West Bengal*³⁷ established custodial protections which safeguard constitutional rights by implementing Article 21 protections which uphold human dignity from legal arrest and detention practices that need to follow established control procedures.

The court decision in *Vineet Narain v. Union of India*³⁸ established mandatory standards for anti-corruption investigations which need to comply with operational integrity requirements to maintain executive institutions as accountable to Rule of Law standards that forbid arbitrary public authority use while ensuring legal compliance and fair practices.

The case *I.R. Coelho (Dead) by LRs v. State of Tamil Nadu*³⁹ established constitutional supremacy by stating that Ninth Schedule laws face judicial review when their content violates Fundamental Rights protections which preserve Rule of Law through ongoing judicial oversight of laws that violate rights protections.

VII. JUDICIAL ROLE IN STRENGTHENING THE RULE OF LAW

A. Judiciary as the Guardian of Constitutional Governance

³⁷ *D.K. Basu v. State of West Bengal* (1997) 1 SCC 416 and AIR 1997 SC 610.

³⁸ *Vineet Narain v. Union of India* (1998) 1 SCC 226 and AIR 1998 SC 889.

³⁹ *I.R. Coelho (Dead) by LRs v. State of Tamil Nadu* (2007) 2 SCC 1 and AIR 2007 SC 861

The judiciary strengthens the Rule of Law by using constitutional limits to evaluate all public powers and by establishing the Constitution as the ultimate standard for determining legal matters. The higher judiciary maintains its independence through constitutional rules which govern appointment and tenure and working conditions according to (Articles 124–147 for the Supreme Court and Articles 214–231 for High Courts) which enable judges to make decisions without governmental interference. Through constitutional adjudication courts protect Fundamental Rights from violation by both legislative and administrative actions while providing official constitutional explanations to maintain lawful governance which prevents personal control.⁴⁰

Judicial guardianship also protects citizens by requiring that rights-affecting decisions be legally justified and procedurally fair. Judicial enforcement of legal requirements sustains the Rule of Law because administrative actions must demonstrate legal authority while following established procedures and respecting constitutional rights which include equality and liberty. The judicial system uses its authority under Articles 32 and 226 to create binding governance standards which transform constitutional principles into laws that enforce constitutional order throughout society.⁴¹

B. Judicial Review and Control over Administrative Action

The law serves as judicial review because it examines whether governmental actions remain within their legal authority and maintain established procedures while safeguarding constitutional rights. Article 13 establishes the constitutional review process through its invalidation rule which Articles 32 and 226 implement by permitting courts to prohibit unlawful actions and fix jurisdictional mistakes and mandate execution of legal and constitutional obligations. The requirement for this supervisory function exists because contemporary governance needs operational discretion for its functions. The absence of review mechanisms will transform

⁴⁰ “Basic Principles on the Independence of the Judiciary,”.

⁴¹ Raeesa Vakil, “Constitutionalizing administrative law in the Indian Supreme Court: Natural justice and fundamental rights,” 16 *International Journal of Constitutional Law* 475–502 (2018).

discretionary authority into unpredictable decision-making which threatens both social equity and personal rights.⁴²

Judicial review operates through administrative enforcement of statutory transparency requirements and oversight mechanisms which develop an environment that enhances evidence collection and accountability during judicial proceedings. The Right to Information Act 2005 establishes legal protection through its requirement of active information release under Section 4 and citizen information requests through Section 6 and its development of an appeal system under Section 19 which enables the public to access governmental documents which serve as essential proof for legal disputes about government misconduct. Transparency legislation enables people to see the reasons for decisions and the documents and procedures of their administration which eliminates the power gap that protects arbitrary government actions from proper judicial examination.⁴³

C. Contribution of Constitutional Adjudication to Civil Liberties

The practice of constitutional adjudication supports civil liberties because it transforms broad constitutional protections into specific legal standards which governmental bodies must comply with. The rights established in Fundamental Rights particularly through Articles 14, 19 and 21 function as constitutional directives which protect citizens from unmerited limitations on their liberties and judicial authorities use these rights to verify that restrictions meet legal standards and follow proper procedures while observing constitutional boundaries. The Articles 32 and 226 remedies establish a legal process which requires judicial assessment of rights violations because administrative solutions must not resolve these issues without proper court evaluation which creates a system for governance accountability and maintains constitutional standards throughout government operations.

Civil liberties receive protection through the justice system which operates under regulations that guarantee fair trial procedures and maintain evidentiary standards. The Bharatiya Sakshya Adhiniyam, 2023 and the Bharatiya Nagarik Suraksha Sanhita,

⁴² Vanshika Kapoor, "Limitations of judicial review in India".

⁴³ "Right to Information Act, 2005,".

2023, both effective from 1 July 2024, regulate evidentiary standards and criminal procedure. In practice, they have shaped judicial scrutiny of electronic records, investigation methods, and procedural compliance, thereby influencing how courts protect personal liberty through fair adjudication. The Rule of Law system combines essential rights with specific execution methods which secure freedom through both high-level legal protections and standard judicial operations.⁴⁴

VIII. RULE OF LAW AND ADMINISTRATIVE GOVERNANCE IN INDIA

A. Fairness, Reasonableness, and Non-Arbitrariness in Administration

The Rule of Law requires administrative governance to operate with fairness and reasonableness because State authorities use administration as their primary method to interact with citizens. The constitutional framework establishes discipline for executive decision-making through Article 14 which enforces equality and Article 21 which demands lawful procedural methods. Executive power limitations established through Article 13 control "laws" because administration uses its delegated authority to implement rules and notifications and orders which all require constitutional boundaries and rights-based evaluation.⁴⁵

Fair administration is also supported by legal duties to provide reasons, maintain records, and follow transparent processes, because fairness cannot operate in secrecy. The Right to Information Act 2005 establishes administrative fairness through its requirement that essential information must be publicly disclosed according to Section 4 and its provision which allows citizens to request documents according to Section 6 and its limitation of confidential information through specifically defined exceptions according to Section 8. The administration must disclose its regulations and operational methods and decision-making processes to the public because this practice enables the identification of discrimination and the contestation of unjust

⁴⁴ "Introduction to BSA," *Bharatiya Sakshya Adhinyam* 2023.

⁴⁵ Diganth Raj Sehgal, "Rule of law and its relevance".

rejections and the enforcement of established operational standards which all serve as essential components for fair governance.

B. Public Authority Accountability According to Legal Standards

Public authorities face legal responsibility under the Rule of Law system, which holds them accountable for their power abuses and corrupt acts and their service failures. The audit oversight function of the Comptroller and Auditor-General (Articles 148–151) together with statutory law establishes the audit and reporting responsibilities which govern the office of the Comptroller and Auditor-General according to the duties and powers defined in his service conditions act. Public funds undergo independent audit and legislative examination which establishes financial legality while the framework ensures that governmental authorities must account for their financial management and operational effectiveness through legal means.⁴⁶

Administrative accountability receives additional support from anti-corruption and integrity frameworks because they create criminal penalties for office misuse and establish monitoring organizations. The Prevention of Corruption Act, 1988 defines bribery and criminal misconduct offences which include Sections 7 and 13 while the Central Vigilance Commission Act 2003 establishes institutional frameworks that develop the CVC for monitoring public servants and public bodies. The Lokpal and Lokayuktas Act 2013 establish a statutory organization to investigate corruption claims against senior government officials, which enhances accountability for such officials because it determines that public service requires both legal compliance and integrity maintenance through enforceable standards.⁴⁷

C. Transparency and Procedural Safeguards in Governance

The Rule of Law depends on transparency because undisclosed decision-making processes create opportunities for individuals to exercise their authority without restraint. The Right to Information Act, 2005 is central here: it creates a statutory right to information (Section 3), imposes proactive disclosure duties (Section 4), and establishes request-and-response obligations (Sections 6 and 7), supported by

⁴⁶ "Article 148: Comptroller and Auditor-General of India," *Constitution of India*.

⁴⁷ "India Anti-Corruption & Bribery Comparative Guide,".

appellate review (Section 19) and penalties for non-compliance (Section 20). The provisions establish a relationship between the State and its citizens as they grant citizens an enforceable entitlement to access government information.⁴⁸

The State requires procedural safeguards to protect citizens from its coercive powers especially in criminal justice processes. The Rule of Law's Article 21 requirement for "procedure established by law" is fulfilled through existing procedural statutes that regulate policing and prosecution and adjudication processes. The Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023 came into force on 1 July 2024 and now form the principal procedural and evidentiary framework of the criminal justice system. Their implementation has revealed operational challenges relating to infrastructure, training, and uniform compliance, while also reinforcing the constitutional requirement that restrictions on liberty must be supported by lawful and fair procedures. Transparent implementation of procedural statutes with correct compliance methods minimizes arbitrary decision-making while enabling more consistent outcomes and improving constitutional governance on a daily basis.⁴⁹

IX. CHALLENGES TO THE RULE OF LAW IN INDIA

A. Misuse of Discretionary Powers and Institutional Weaknesses

The Rule of Law faces a significant challenge because administrative and enforcement officials misuse their discretionary authority by making decisions which lack both clear justification and established evaluation criteria and fair treatment of all cases. Article 14 and Article 21 of the constitution prevent officials from making arbitrary decisions, but their execution contains practical deficiencies which enable officials to use their discretion for particular cases when processes lack transparency and essential documents remain undisclosed. The Right to Information Act 2005 defines transparency requirements through its Sections 4 6 8 and 19 which become essential because limited compliance with disclosure obligations permits officials to make arbitrary decisions without public oversight leading to undermining constitutional rights to equality and freedom.

⁴⁸ Sneha Mahawar, "Right to Information Act, 2005".

⁴⁹ "Article 21: Protection of life and personal liberty," *Constitution of India*.

Institutional weakness shows itself through oversight organizations which lack the operational resources and independent authority and interagency collaboration needed for their effective functioning. The Central Vigilance Commission established by the CVC Act 2003 and the Lokpal established by the Lokpal and Lokayuktas Act 2013 function as statutory institutions that enhance accountability, but their success depends on their institutional strength and their execution of timely processes and their ability to build trust through their enforcement activities. The enforcement of the Prevention of Corruption Act 1988 loses its effective power because officials apply the law unequally which creates a situation where citizens perceive law as a tool that can be manipulated through social status and relationships.⁵⁰

B. Delay in Justice Delivery and Barriers to Access to Justice

The system of delivering justice faces a structural problem because it causes people to lose faith in their legal rights, which then become delayed commitments. The Constitution provides remedial guarantees through Articles 32 and 226, which depend on institutional capacity; however, public confidence and practical access to relief will suffer due to delays that affect multiple tiers of the system. Public monitoring systems such as the National Judicial Data Grid (NJDG) make the scale of pendency visible and demonstrate that delay is not anecdotal but measurable, affecting the effective enforcement of constitutional rights and the Rule of Law's promise of timely, meaningful remedies.⁵¹

The legal system in the United States maintains existing obstacles to justice because people face three main challenges, which include physical expenses and their lack of understanding about legal matters, and their uneven capacity to handle legal situations. The State must provide justice according to Article 39A, which protects people with economic or other disabilities from legal rights denials; the Legal Services Authorities Act of 1987 implements this requirement through its legal aid entitlement provisions located in Sections 12 and 13. The eCourts Mission Mode Project technology initiative aims to enhance accessibility for users through its modernized

⁵⁰ "India's Lokpal: Challenges, Institutional Weaknesses, and the Fight Against Corruption," *Daily Pioneer*.

⁵¹ Rachit Garg, "Difference between Article 32 and Article 226" *iPleaders*, 2020.

court services and transparent case status and court information systems; however, the Rule of Law requires complete access to digital systems because technology should serve as a means for all people, including those from disadvantaged groups, to access essential services.⁵²

C. Impact of Corruption and Unequal Enforcement of Law

Corruption does not just damage the Rule of Law because it brings forth its own problems. The Prevention of Corruption Act, 1988 addresses this challenge by criminalising bribery and misconduct (including Sections 7 and 13) and regulating investigation and prosecution-related requirements in the statutory scheme. Systemic corruption causes people to lose their constitutional rights under Article 14 because authorities treat citizens differently who share the same circumstances. The use of coercive powers for extraction purposes violates Article 21 rights because authorities exploit their powers unauthorisedly.⁵³

Persons experience legal uncertainty when authorities enforce laws unevenly through biased policing and selective prosecution and inconsistent administrative action which also reduces democratic legitimacy. The Right to Information Act 2005 enables citizens to access records that reveal inconsistent treatment while integrity institutions under the CVC Act 2003 and Lokpal and Lokayuktas Act 2013 provide statutory pathways to scrutinise corruption allegations in specified domains. The Whistle Blowers Protection Act 2014 despite receiving Presidential assent the Act has not yet been brought into force due to the absence of commencement notification by Central Government. The objective of the Act establishes protective reporting frameworks that support Rule of Law objectives because they encourage people to report corruption and misuse of power yet the legislative gap represents a continuing challenge to the rule of law because the absence of whistle-blower protection mechanism may discourage reporting of corruption and weaken institutional accountability, their effectiveness relies on proper enforcement and institutional backing.⁵⁴

⁵² Bhumika Indulia, "Justice Delivery - Some Challenges and Solutions" *SCC Times*, 2022.

⁵³ Sneha Mahawar, "Prevention of Corruption Act, 1988".

⁵⁴ Vishal Pathaniya, "RTI Act 2005: Transparency And Accountability, Ombudsman & Lokayuktas In India" *PWOnlyIAS*.

X. CONCLUSION AND RECOMMENDATIONS

A. Conclusion

The Rule of Law in India through its definition shows that both public authorities and private individuals must operate according to established laws which exist within constitutional frameworks while following appropriate legal procedures. The Preamble's dedication to justice and liberty and equality creates a foundation which Article 14 (equality before law) and Article 19 (freedoms subject to reasonable restrictions by law) and Article 21 (life and personal liberty only by procedure established by law) and Article 13 (invalidity of laws inconsistent with Fundamental Rights) provides as a binding legal safeguard. The practical scope exists because parties can use Article 32 and Article 226 to bring their cases before the Supreme Court and High Courts, which allow them to access judicial enforcement of rights and constitutional rules that operate as more than mere theoretical concepts in governmental matters.

The development of the Rule of Law in India shows how formal legal systems changed into a system that protects human rights through constitutional frameworks which began after 1950. The Right to Information Act, 2005 (especially Section 3 creating the right, Section 4 on proactive disclosure, and Sections 19-20 on appeals and penalties) reinforces open government, while the Legal Services Authorities Act, 1987 (notably Sections 12-13 on eligibility and entitlement) advances Article 39A's access-to-justice mandate. Contemporary governance now operates under the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Sakshya Adhinyam, 2023, both of which came into force on 1 July 2024. Since their commencement, these enactments have provided the operative procedural and evidentiary framework through which the guarantees of Article 21 are implemented and tested in day-to-day criminal justice administration.

The Rule of Law stops arbitrary actions while maintaining constitutional equilibrium through its system that restricts government bodies to their constitutionally designated powers and requires all government activities that impact rights to undergo legal evaluation. The articles 245 and 246 establish legislative powers

between states and the federal government while articles 73 and 162 define executive powers which together establish a framework for restricted governance. The Rule of Law protects individual rights through Fundamental Rights and procedural safeguards which include Articles 20 21 and 22 to restrict state power through legal procedures and due process. Contemporary problems maintain their existence through three main issues which include judicial system problems due to discretionary power misuse and lengthy justice system processes and widespread corruption that creates unfairness in legal processes; this situation demands reform to enhance RTI Act transparency compliance while the prevention of corruption act 1988 section 7 and section 13 face integrity issues and the system needs better capacity to deliver justice that appears through national judicial data grid pending cases.

B. Recommendations

1. The Rule of Law requires initial implementation of transparent systems which need to be enforced together with decision-making processes which should be justified.
2. The Right to Information Act 2005 needs full institutional implementation through active disclosure requirements under Section 4 which establish delivery deadlines through Sections 6-7 and Section 19 enforcement methods which enable accountability through the appellate system and Section 20 penalties.
3. The departments need to establish standard procedures for record management and information sharing which will enable them to demonstrate their compliance with Article 14 rights and their ability to govern according to the law.
4. The system of delivering justice needs to advance together with the integrity reform process. The Legal Services Authorities Act 1987 needs to be implemented through its Section 12-13 provisions which will expand and deliver legal aid services while Article 39A establishes guidelines for distributing legal aid.

5. The system needs modernized procedures together with real-time monitoring through the eCourts system and NJDG data to achieve court delay reduction.
6. The government needs to improve anti-corruption enforcement through the complete implementation of the Prevention of Corruption Act 1988 which includes Sections 7 and 13 and through the establishment of vigilance systems that include Central Vigilance Commission Act 2003 institutional support and Lokpal and Lokayuktas Act 2013 oversight procedures.

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