

# Q Explain the concept of Rule of law

## Answer

### 1. Introduction

Rule of law means that each and every person of a country must be presented equally among the law. No one is superior to it. Each and every individual are equal against the supremacy of law. All of the citizens of a country are present equally before the law.

## 2- Origin

The idea of the rule of law was presented by the English lawyer Dicey in 19th century. A basic principle of English law which is also adopted by the constitution of USA and the constitution of Pakistan. Its basic meaningful roots can be traced back to Magna Carta in 1215.

## 3- Derivation of the term

The term rule of law has been derived from the French phrase "la principle de legalite" which means "the principle of law".

## 4- Definition of Rule of Law

Following are some of the definitions given on the concept of

rule of law.

## Definitions

### (i) Black's law dictionary

"The supremacy of law as opposed to arbitrary power or authority"

### (ii) Dicey

"The supremacy of regular law as opposed to arbitrary power, equality before the law by all and the incorporation of a constitutional law as a



binding part of the law  
of "the land"

### (iii) Oxford English dictionary

"The supremacy of law."

### Attributes of Dicey

Dicey in his book "The law of the Constitution" has given by following three main features:

### 6- Features

- (i) The supremacy of law.
- (ii) The equal responsibility before the courts.
- (iii) The protection of people's freedom.

(2)

## 7- Different aspects of rule of law

the different aspects of rule of law. Following given are

### Aspects

- People's right must not be infringed.
- The supremacy of law.
- Government must be under the law.
- All are subject to law.
- Anyone who opposes the law must be punished according to the law.

## 8- Criticism on Dicey's exposition

the points which criticized the comments of Dicey's concept. Following are

## 9- Criticism

- (i) The protection of the king under the maxim that a king can do no wrong.
- (ii) Protection of Foreign rulers and diplomats.
- (iii) Protection of government officers from being sued.

## 10- Important features of the term

Following are some of the important features of the term "rule of Law's"

### Features

- (i) No one can judge his own case.
- (ii) Everyone has the right of fair trial.
- (iii) Everyone must be listened in courts.
- (iv) No one shall be arrested without proper trial.



## 11- Other names of the term

Following are some other names of the term  
Rule of law :

### Other names

- (i) The Romans called it "jus naturalis".
- (ii) The medievalist called it as law of God.

## 12- Modern concepts

Davis gives the following meanings of the term :

### Meaning

- ↗ Law and order.
- ↗ Fixed rule.

→ Elimination of discretion.

### 13. Cross-reference.

What is a cross-reference?

"A cross-reference is basically an example of a certain concept found in the constitutional law of any country regarding a specific concept."

### 14. Cross-reference on the concept of Rule of law.

Following are the cross-references found on the concept of rule of law



## Cross-references

- 1- Article 4 and 25 of the constitution of Pakistan.
- 2- American constitution.
- 3- British law.

## In Pakistan

Article 4 says about the protection of civil rights. This article tells that:

- No one will be stopped from doing anything unless prohibited by law.
- No action of damaging life and property shall be taken.

## In America

Article 25 says that all people are equal before the law and given equal protection.

5<sup>th</sup> and 14<sup>th</sup> amendment deal with the, rule of law

and giving rights to the people.  
In England

Everything must be done according to law and all the rights should be protected and government must conduct its everyday acts in accordance with law.

### 15- Conclusion

All the basic principles of all the religions give us the basic explanation of the concept of the rule of law. Even the present law of the constitution of Pakistan is no more than the rule of law in every sense. The present democratic law of Pakistan is nothing but it is just a sobriquet of the Islamic law in Pakistan constitution. The entire democratic law of Europe gives us the basic core of the rule of law.