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Q. Discuss rule of Law?

Rule of Law

The Rule of law is in principle that state law is supreme over all individuals & institutions. It ensures that no one is above in law, not even the rulers & that justice is administered fairly and equally.

The term rule of law is derived from the French word: "**le principe de legalite**" which means the principle of legality.

According to Black's law dictionary "**The rule of law is the supremacy of law**".

It ensures that the law is equally enforced & independently decided for everyone.

According to the Rule of law, a law should be:

Open & Clear

General in form

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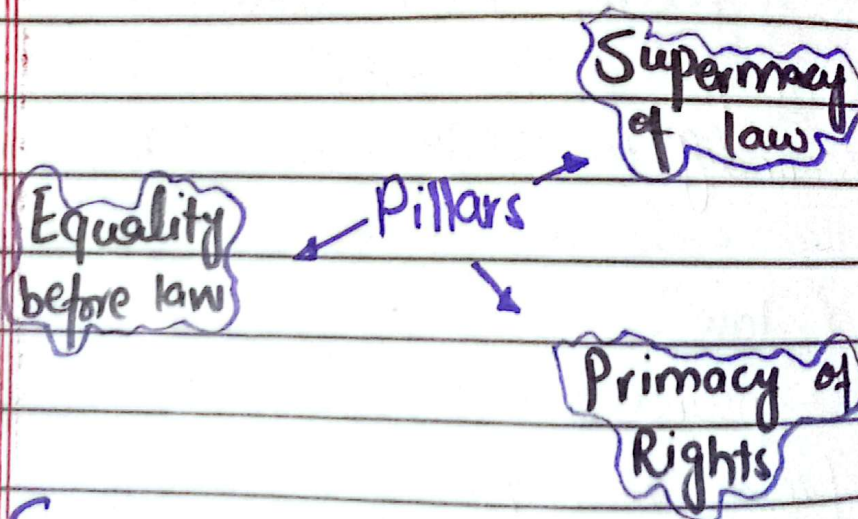
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Universal in application
Knowable to all.

It is one of the key dimensions that determines the quality & good governance of a country.

Dicey's three pillars of Rule of law:

A British jurist Albert Venn Dicey in his work "Introduction to the study of the law of the Constitution" explain three pillars of rule of law



Supremacy of law: No person can be punished or harmed unless they have clearly broken a law, & that too through proper legal procedure.

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This principle protects people from unfair or arbitrary use of power by the government.

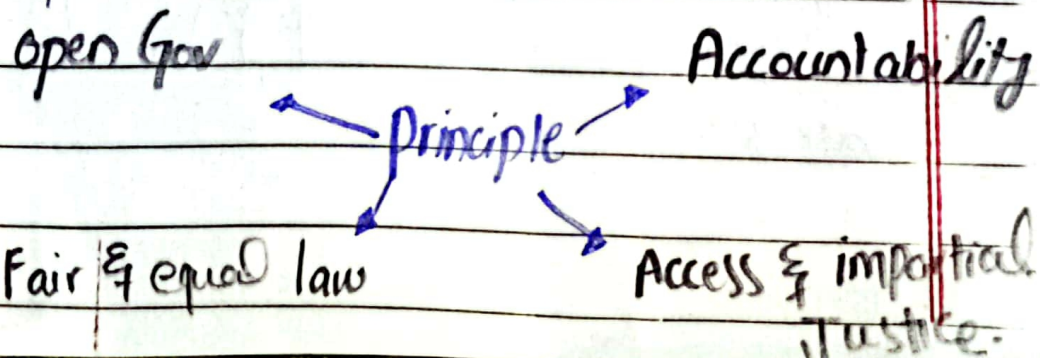
Equality before the law:

No one is above law; all are equal before courts.

Primacy of rights: The rights and freedoms of individuals are not primarily guaranteed by a written constitution, but are secured by a judicial decisions in specific cases that arise between citizens.

Principles of Rule of law:

According to the world justice projects definition, Rule of law is a system in which the following four principles are upheld." These are also known as the universal principles of rule of law.



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Accountability:

Everyone is answerable to the law, whether they are government officials, politicians, institutions or ordinary citizens. No one is above the law & misuse of power must be checked.

Case Study: The Panama papers Case in Pakistan 2017.

Fair & equal law:

Law must be clear, fair & applied equally to all. They should protect people's fundamental rights such as safety, property and freedom. Laws cannot be secret, discriminatory or unstable.

Case Study: The Recognition of transgender rights in Pak. 2009 onward.

Open Government:

The law making & enforcement process must be transparent & fair, so that people can understand & participate in it.

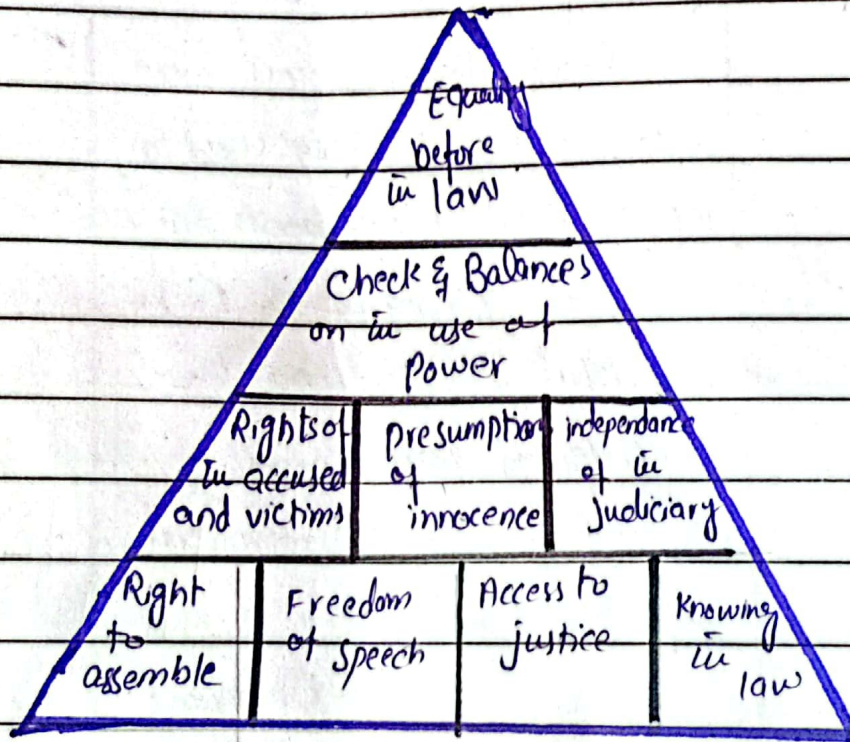
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Access and Impartial justice:

Justice must be delivered quickly, fairly and by independent judges who are free from Corruption or political pressure

Case Study:



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Islamic perspective of Rule of law:

In Quran Allah says:

And Judge between them by what Allah has revealed and do not follow their desires.

(5:49)

The Holy prophet (SAW) said:

The people before you were destroyed because they used to inflict legal punishments on the poor & forgive the rich. By Allah! If Fatima the daughter of Muhammad committed theft, I would cut off her hand.

(Bukhari, Muslim)

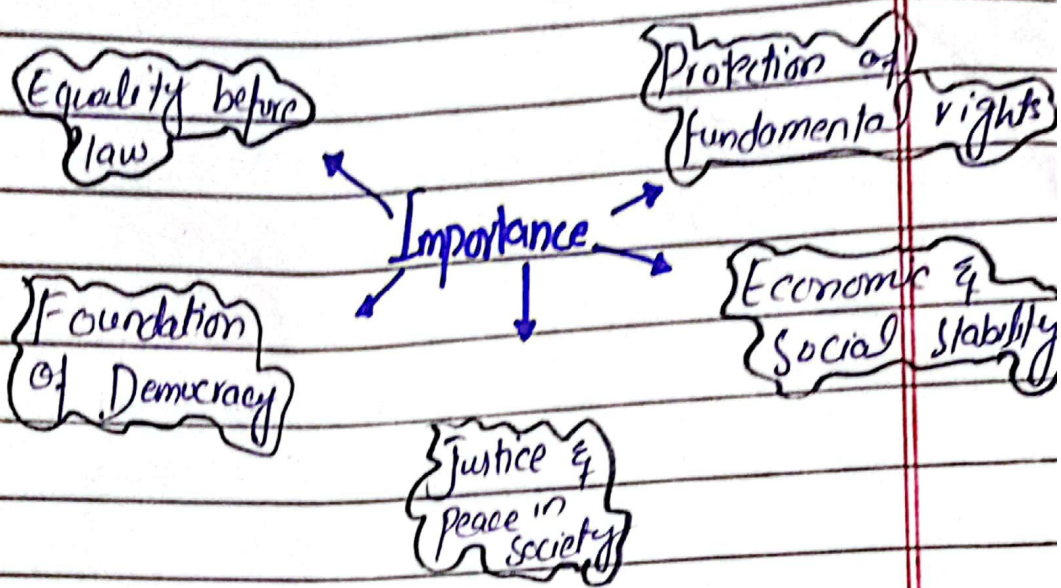
Hazrat Umar (RA) once said:

If a dog dies hungry by the Euphrates, Umar will be responsible for it.

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Importance Of the Rule of Law:



Challenges to Rule of Law:

