

Q. Discuss rule of Law?

## Rule of Law

The Rule of law is in principle that states 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.

In term rule of law is derived from the French word "le **Principe de légalité**" which means in 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**

universal in application

knowable to all

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

### Dicey's three pillars of Rule of law:

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

Equality  
before law

Pillars

Supremacy  
of law

Primacy of  
Rights

**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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W<sup>h</sup> 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 project 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.

Open Gov

Accountability

Principle

Fair & equal law

Access & impartial justice.

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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.

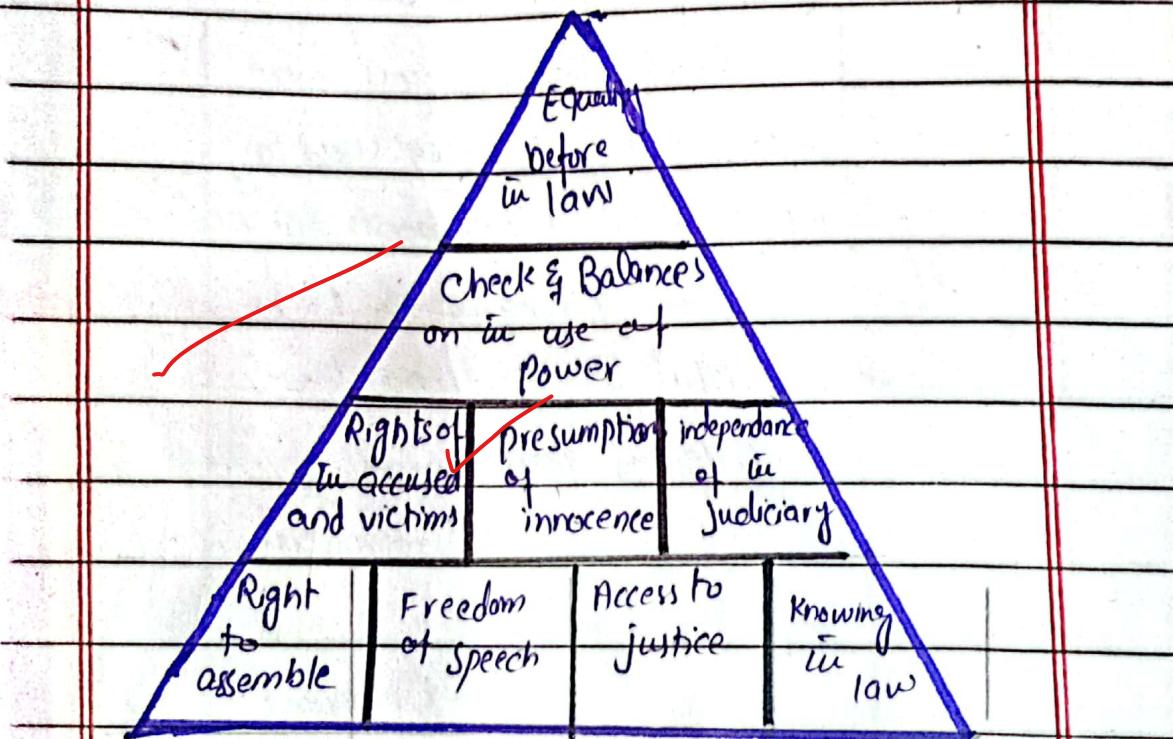
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## Access and Impartial justice:

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

### Case Study:



## 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.

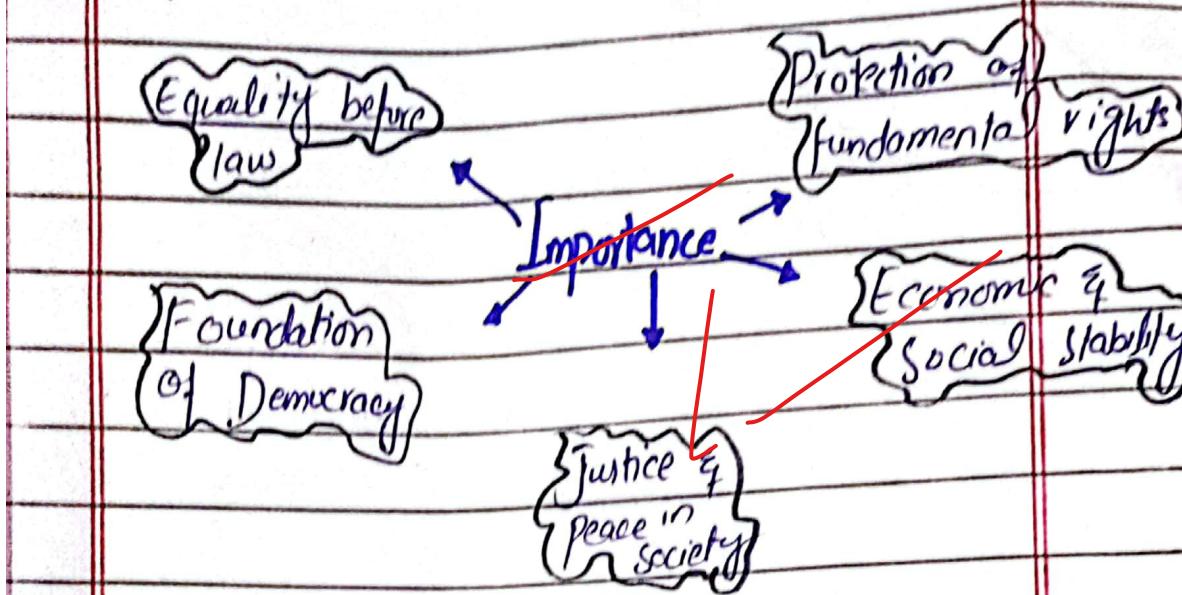
By Allah! If Fatima the  
daughter of Muhammad  
committed theft, I would cut  
off her hand.

(Bukhari, Muslim)

Ho2rat umar (RA) once said;

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

## Importance Of The Rule of Law:



## Challenges to Rule of Law:

Challenges →

- Political instability & Military interventions
- Corruption & Elite Capture  
Weak judiciary
- Lack of awareness among citizens
- Cultural & Tribal influence.

**GIVE A CONCLUSION AT THE END  
WRITE ISLAMIC PERSPECTIVE AT POINT NO 3  
AND MARK NUMBERS TO HEADING  
THERE IS NO COHERENCE IN ANSWER  
CONTENT IS FINE AND RELEVANT  
8/20**