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Rule of Law in India: A Critical Evaluation of its Implementation and Impact

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ABSTRACT

The Rule of Law is the basis for all democratic constitutions, implying nobody, be it an individual, be it an institution, shall be above the Laws of the land and that Laws should operate equivalently for all. The Indian Law of the land embodies this Rule of Law through its Constitution and an independent judiciary. However, the practical implementation of the principle has been far from smooth and is often obstructed by political manipulation, inefficiency of institutions, and social inequalities. This research therefore offers an account of the implementation of the Rule of Law in India and assesses its implications on governance, delivery of justice, and the rights of citizens.

Keywords Rule of Law Implementation, Indian Constitution, Judiciary, Governance, Social Inequality.

I. INTRODUCTION

It is universally accepted that the Rule of Law is one of the most important elements of a just and democratic society. This means that all individuals considered under the law, from the lowest to the highest in the land. The principle affects checks on arbitrary governance; if anything, it ensures that power is used within the constraints of law. In India, a country noted for its immense diversity, large population, and complex socio-political dynamics, the rule of law assumes a limited position in the constitutional scheme and organization of governance. It becomes not just a legal classification but also a philosophical guide to the spirit of democracy in the country.

Rule of Law is rooted very strongly in the Constitution of India on whose principles governance shall be carried out in the highest principles of justice, liberty, equality, and fraternity. Articles being the very backbone of this idea are Articles 14 (equality before law), 21 (protection of life and personal liberty), and 32 (right to constitutional remedies). The Indian judiciary, especially the Supreme Court, has also made an effort to implement the Rule of Law in the guise of fundamental rights and the basic structure doctrine on the premise that there are some parts of the Constitution like the Rule of Law that cannot be erased by virtue of

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a constitutional amendment.

However, implementation of the Rule of Law in India is not quite up to the mark. Theoretically, the legal provisions are strong, and the judiciary is an independent one, but in reality, this principle is subjected to blemishes of systemic limitations. Few of these systemic limitations are delays in the judiciary, corruption within the enforcement authorities, interference by political powers in law enforcement agencies, lack of police accountability, and low access to justice for weakly positioned economically and socially. Further, in some jurisdictions, the law is not applied with equal rigor over political or social considerations, thereby putting the impartiality and integrity of the legal system into question.

Hence, the real impact of the Rule of law shall differ greatly in accordance with the level of society, which ultimately provides some classes with protections under law and access to remedies through courts while others prevail at every point in seeking an avenue for justice outside the courts. This scenario of disparity weakens the confidence of the public in our legal institutions and dilutes the social contract whereby citizens bind themselves to the state.

Furthermore, in the past decades, the Indian political landscape has seen changes that significantly put the Rule of Law under a far sharper limelight; rising executive hegemony, the deployment of draconian legislations to suppress dissent, and restricting space for civil liberties, among others. Against this background, it is necessary to move beyond an abstract definition of the rule of law as it prevails in India and to make an empirical examination of how far it works in India today. In this research paper, the rule of law concept is discussed as developed under the Indian context, examining the constitutional basis of rule of law, the judiciary's role in enforcing the rule of law, institutional support mechanisms, and the major challenges that are present.

II. THE CONCEPT AND CONSTITUTIONAL BASIS OF RULE OF LAW IN INDIA

Rule of Law is the core principle of any constitutional government.² It defines the dominance of law over everybody and every institution, including governments. The precept guarantees the practice of administration in accordance with codified law, and not on the volition or inclination of the reigning authority. In the Indian context, the Rule of Law has both philosophical and constitutional roots, deriving from the nation's colonial legal tradition and its own post-independence constitutional structure.³

² Fallon Jr, R.H., 1997. The rule of law as a concept in constitutional discourse. *Colum. L. Rev.*, 97, p.1.

³ Baxi, U., 2007. The rule of law in India. *Sur. Revista Internacional de Direitos Humanos*, 4, pp.6-27.

1. Concept of Rule of Law

The contemporary conception of the Rule of Law owes its origins to the works of A.V. Dicey, a British jurist, who identified three essential principles

Supremacy of Law No individual is punishable other than for a violation of law established by due process.

Equality Before the Law All persons, irrespective of status, are equal before the law and subject to the same law and legal institutions.

Predominance of Legal Spirit The rights are not inherited from written constitutions but through judicial rulings enforcing customary law traditions.⁴

Although Dicey's idea was developed in the English context of common law⁵, Indian constitutionalism has substantially broadened the ambit of the Rule of Law to embrace social justice, procedural justice, and safeguarding fundamental rights.

2. Constitutional Basis in India

The Indian Constitution is the highest law of the nation and the foundation for the Rule of Law.⁶ Numerous provisions clearly or implicitly incorporate this doctrine

Preamble The Preamble proclaims India to be a sovereign, socialist, secular, democratic republic and guarantees justice, liberty, equality, and fraternity.⁶ Such ideals necessarily capture the essence of the Rule of Law.

Article 14 This ensures equality before the law and equal protection of the laws. It ensures that state actions are not arbitrary and that all persons are treated equally under similar circumstances.⁷

Article 21 This protects the right to life and personal liberty that no person shall be deprived of these rights except by procedure established by law. Over the years, the Supreme Court has construed Article 21 to include rights to dignity, privacy, legal assistance, and fair trial that enhanced the ambit of the Rule of Law.⁸

⁴ Dicey, A.V., 1979. The Rule of Law Its Nature and General Applications. In *Introduction to the Study of the Law of the Constitution* (pp. 183-205). London Palgrave Macmillan UK.

⁵ Kirby, J., 2019. AV Dicey and English constitutionalism. *History of European Ideas*, 45(1), pp.33-46.

⁶ Ranawat, M., 2018. Rule of Law in India The Foundation of Our Democracy. *Supremo Amicus*, 5, p.145. ⁶ Rao, V.V., 1951. The Preamble. *The Indian Journal of Political Science*, 12(2), pp.1-11.

⁷ Shukla, A., 2021. Right to Equality (Art. 14 to 18) in Indian Constitution. *Issue 5 Int'l JL Mgmt. & Human.*, 4, p.508.

⁸ Jani, N., 2013. Article 21 of constitution of India and right to livelihood. *Voice of Research*, 2(2), pp.61-66. ⁹ Singh, S. and Parveen, S., 2023. Comparative Analysis of Article 32 and Article 226. *Issue 3 Int'l JL Mgmt. & Human.*, 6, p.647.

Article 32 and 226 These give individuals the jurisdiction to move to the Supreme Court or High Courts respectively in order to enforce their fundamental rights. Such judicial redress is a concrete use of the Rule of Law so that rights become more than mere abstractions⁹

Separation of Powers Though not explicitly mentioned in the Constitution, separation of the judiciary, executive, and legislature is an essential ingredient of the Rule of Law. It creates a check on over-concentration of power and guarantees the presence of checks and balances.⁹

Directive Principles of State Policy (Part IV) Although not judicially enforceable, these principles direct the state to provide social and economic justice, which are integral elements of substantive Rule of Law.¹⁰

3. Judicial Interpretation and the Basic Structure Doctrine

Judiciary has been instrumental in shaping the Rule of Law as an irretrievable component of the Indian constitutional system. The Basic Structure Doctrine was formulated by the Supreme Court in the seminal judgment in *Kesavananda Bharati v. State of Kerala* (1973)¹¹ to the extent that certain Constitutional provisions, including the Rule of Law, cannot be changed or removed.

Apart from that, in *Indira Nehru Gandhi v. Raj Narain* (1975)¹² and *I.R. Coelho v. State of Tamil Nadu* (2007),¹³ the Court reaffirmed that constitutional amendments and legislation against the Rule of Law and other essential characteristics would be invalidated.

Expansion of the concept in Indian Jurisprudence

Indian courts have even extended the principle to encompass substantive justice. Thus, for example, in *Maneka Gandhi v. Union of India* (1978),¹⁴ the Court held that legislation impacting individual liberty has to be just, fair, and reasonable—merging procedural due process with substantive fairness. This was a huge departure from the strict interpretation of "procedure established by law" and brought India closer to the liberal democratic idea of the Rule of Law.¹⁵

⁹ Singh, N. and Vijay, A., 2013. Separation of powers Constitutional plan and practice. *International Journal of Scientific and Research Publications*, 3(11), pp.1-6.

¹⁰ De Villiers, B., 1992. Directive principles of state policy and fundamental rights The Indian experience. *South African Journal on Human Rights*, 8(1), pp.29-49.

¹¹ MAKIREDDY, M., 2021. Case Analysis of Kesavananda Bharathi Vs. State of Kerala.

¹² Priyadarshi, D., 1975. Case Study Smt. Indira Nehru Gandhi vs. Shri Raj Narain and Anr. on 7 November, 1975.

Indira Nehru Gandhi vs. Shri Raj Narain and Anr. on, 7.

¹³ Ambwani, J.S., *IR Coelho (dead) by L. Rs. Vs. State of Tamil Nadu & Others*.

¹⁴ Baghel, E., 2022. Case Study of Maneka Gandhi v. Union of India. *Issue 1 Indian JL & Legal Rsch.*, 4, p.1.

¹⁵ Baghel, E., 2022. Case Study of Maneka Gandhi v. Union of India. *Issue 1 Indian JL & Legal Rsch.*, 4, p.1.

III. INSTITUTIONAL FORMAT UNDERPINNING RULE OF LAW

Effective implementation of the Rule of Law in India relies not so much on constitutional ideals but even more on institutional performance tasked with providing legal order, accountability, and protection of citizens' rights. These institutional arrangements are the bedrock of a legal-democratic state that enables the realization of constitutional ideals in governance-as-usual. Despite being grounded in robust legal foundations, these institutions often suffer from the problem of capacity, integrity, and independence, which impede their ability to enforce the Rule of Law.

1. The Judiciary

The judiciary is the strongest protector of the Rule of Law in India.¹⁶ As a sovereign and impartial administrator of justice of constitutional and legal disputes, it plays the frontline role of interpreting laws, protecting fundamental rights, and maintaining checks and balance over executive and legislative excesses. The Indian Supreme Court, under Article 141, ensures uniform enforcement of law across the country.¹⁷ Its power to enforce basic rights under Article 32 is an important way of ensuring legal remedies.¹⁸ Exemplary jurisdiction in state law issues and executive powers is conferred upon High Courts, under Article 226.²⁰

District and lower courts offer the immediate access to justice for ordinary citizens. The judiciary, through PILs, has brought greater access to justice and enhanced enforcement of socio-economic rights, often stepping into the executive gap to correct delay. However, delays, unprecedented case arrears, and vacancies detract from its efficacy and erode public confidence

2. Legislature

Parliament and State Legislatures are responsible for making laws within the Constitution. While having enormous powers of legislation, their function is restricted by provisions of the Constitution and is subject to judicial review. Legislatures are also responsible for holding the executive accountable through debates, questions, committees, and instruments of accountability. But more polarized political environments, incessant interruptions, and declining standards of deliberation have undermined legislative control, weakening the system of checks and balances indispensable to the Rule of Law.

¹⁶ Jodhta, B.K., 2023. Indian Judiciary A Tool for Good Governance and Promoting Democracy. *Indian J. Integrated Rsch. L.*, 3, p.1.

¹⁷ Jain, M.P., 2000. The Constitution of India.

¹⁸ Jain, M.P., 2000. The Constitution of India. ²⁰ Jain, M.P., 2000. The Constitution of India.

3. The Executive

The executive, which includes the President, Prime Minister, Union Council of Ministers, and Governors and Chief Ministers at the state level, has a central function of enforcing laws and providing governance. Civil services and bureaucracy constitute the working agencies of the executive. Being permanent, non-political officials, they are supposed to apply laws and implement policies in an unbiased manner. Problems like politicization of administration, absence of transparency, and bureaucratic red tape usually hinder the equitable and uniform implementation of laws.

4. Law Enforcement Agencies

Police units and investigation agencies like the Central Bureau of Investigation (CBI), Enforcement Directorate (ED), and the state police are responsible for ensuring public order, conducting investigations into crimes, and enforcing the law. Although these agencies are a key support to the rule of law, they constantly remain under condemnation for Custodial violence, Political abuse, Lack of autonomy, Poor equipment and training. Recurring examples of extrajudicial executions, selective shootings, and tardy investigations call into doubt the professionalism and impartiality of Indian law enforcers.

5. Legal Aid and Access to Justice Institutions

The National Legal Services Authority (NALSA) and the corresponding state authorities intend to provide marginalized sections of society with free legal aid.¹⁹ They are essential for making the system of justice more inclusive and equitable. Besides this, Lok Adalats, Fast-Track Courts, and Family Courts exist as alternative adjudicatory bodies to facilitate quick and low-cost delivery of justice.²⁰

Despite these initiatives, access to justice remains limited for many due to

- Lack of legal awareness
- Linguistic and cultural barriers
- Geographic inaccessibility
- Socio-economic discrimination

¹⁹ Halder, R., 2022. The Legal Services Authorities Act, 1987-Analysis & Developments. *Nyaayshastra L. Rev.*, 3, p.1.

²⁰ Chowbe, V.S. and Dhanokar, P., 2011. Lok Adalat—A Strategic Forum for Speedy and Equitable Justice. Available at SSRN 1766237.

6. Statutory and Constitutional Bodies

Several independent bodies also support the Rule of Law

- Election Commission of India (ECI)²¹ Ensures free and fair elections.
- Comptroller and Auditor General (CAG)²² Audits government spending to ensure financial accountability.
- National Human Rights Commission (NHRC) Investigates human rights violations.
- Central Vigilance Commission (CVC) and Lokpal Address corruption in public administration.²³

While these bodies have contributed significantly to upholding democratic values, they often face constraints such as lack of enforcement powers, resource limitations, and occasional political pressure.

IV. CHALLENGES IN IMPLEMENTATION OF RULE OF LAW IN INDIA

Although the Indian Constitution strongly ingrains the ideas of the Rule of Law, their practice falls short in its application due to inconsistencies and system problems. Such problems arise not only due to structural and institutional constraints but also because of socio-political processes that compromise the uniform and impartial enforcement of law. The lacuna between ideals of the constitution and their execution on the ground results in uncertainty of law, disparity before law, and eroding public faith in the machinery of governance.

1. Judicial Delays and Backlogs

One of the primary challenges to Rule of Law in India is the case-laden judiciary. As of 2024, there are over five crore pending cases in Indian courts, with decades going by before some of the cases get even a hearing.²⁶ That leads to justice delayed turning into justice denied. Shortage of judges, inadequate infrastructure, and procedural inefficiencies are major causes.

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Postponement disproportionately affects economically weaker sections and marginalized, who lack resources to fight legal wars for extended periods. Such delays erode the credibility of the judicial process, reducing it to a protector of the Rule of Law

²¹ Ahuja, A. and Ostermann, S., 2021. The Election Commission of India Guardian of Democracy. *Guardians of Public Value How Public Organisations Become and Remain Institutions*, pp.37-62.

²² Roy, A. and Banerjee, I., 2020. The Role of Comptroller and Auditor General of India and Good Governance. *Issue 3 Int'l JL Mgmt. & Human.*, 3, p.135.

²³ Ghosh, S., Central Vigilance Commission—An Instrument against Corruption. *EDITOR'S DESK*, p.5.

2. Inequality Before the Law

Even though Article 14 assures equality before law, in practice, the fundamental principle is repeatedly violated by Class, caste, and gender discrimination in enforcement of law and judicial procedures.²⁸ Politically connected persons frequently get away from prosecution because of connivance or tardy proceedings. The impoverished and disadvantaged groups tend to get rough handling, such as indiscriminate arrest, custodial torture, and negligible legal remedies. This uneven enforcement is a basis for selective justice and intensifies social disparities, essentially negating the Rule of Law

3. Political Interference in Institutions

Central institutions designed to maintain the Rule of Law like the police, investigative agencies, and regulatory authorities tend to be politicized. Police are regularly utilized to harass political rivals, quell dissent, or play with public order scenarios. Organizations such as the CBI and ED have been accused of operating as "caged parrots," beholden to the ruling regime. Civil service appointments and transfers are frequently based on political favoritism and not merit or equity. This erodes institutional independence and depreciates the reputation of legal and administrative procedures

4. Corruption and Lack of Accountability

Corruption of judges, police officers, and bureaucrats undermines the provision of fair and effective justice. Bribery, manipulation of cases, and favoritism undermine the Rule of Law and result in Decline of religious faith in public institutions. Disempowering of ordinary citizens, who can believe that justice is a right only for the rich or powerful. Intentional delays of investigations or court cases in sensational or politically controversial cases. Anti-corruption agencies such as Lokpal and CVC, though present, are hamstrung by their weak powers and political vulnerabilities to be as effective as they could be..

5. Inaccessibility of Justice

Access to justice is a pervasive problem in rural and less developed regions. The most critical obstacles are Geographical remoteness from courts and legal aid centres. Lack of information regarding legal rights and procedures. Cultural and linguistic differences alienating individuals from formal legal frameworks. Financial expenses of legal services, which continue to be beyond the reach of most. Though legal aid arrangements (such as NALSA) exist, their restricted scope and limited availability hinder them in empowering the weaker sections to an optimal extent.

6. Misuse of Laws and Arbitrary State Power

Several Indian laws have also been condemned on the grounds of facilitating arbitrary detention, monitoring, and restriction of civil liberties. The Unlawful Activities (Prevention) Act (UAPA) and National Security Act (NSA) contain vague and sweepingly broad definitions which enable easy arrest of people without trial.²⁴ Sedition and contempt of court are employed against activists, journalists, and dissenters very frequently, to stifle free speech. Executive orders at times are preemptive, thereby avoiding legislatures and disparaging democratic systems. These are the developments advancing an authoritarian agenda and eroding constitutional protection of Rule of Law assurances for bounded governments.

7. Weak Enforcement of Judicial Orders

Even when the judiciary delivers progressive or corrective judgments, enforceability by the executive is uneven. Some of the challenges are Disregard for court orders, especially those contrary to state interests. Disobedience of court orders is not common and seldom successful in enforcing compliance. State officials and institutions occasionally disrespect judicial orders, diminishing the power of the judiciary. Such defiance undermines the system of checks and balances and waters down the enforcement of rights and remedies.²⁵

8. Lack of Police Reforms

India's police apparatus continues to operate in large part under the colonial-era Police Act of 1861.²⁶ Despite repeated recommendations by institutions such as the National Police Commission, reform has remained slow and piecemeal. Excesses like the use of force, torture in detention, and discriminatory investigations continue. Political interference in police postings and appointments undermines autonomy. Efforts at modernization and community policing are small-scale and narrow-spectrum.

V. RECENT DEVELOPMENTS AND REFORMS IN THE IMPLEMENTATION OF RULE OF LAW IN INDIA

In recent years, India has undertaken significant legal and institutional reforms aimed at strengthening the Rule of Law. These initiatives seek to modernize the legal framework, enhance judicial efficiency, and ensure equitable access to justice. Key developments include

²⁴ Mahajan, P., 2021. A Critical Analysis of the Unlawful Activities (Prevention) Amendment Act, 2019. *Law Essentials J.*, 2, p.277.

²⁵ Mateikovich, M., 2017. Challenges of Court Orders Enforcement. *Journal of Advanced Research in Law and Economics (JARLE)*, 8(25), pp.899-905.

²⁶ Singh, P., 2021. An Analysis of Police Act, 1861. *Jus Corpus LJ*, 2, p.396.

1. Overhaul of Criminal Laws

In July 2024, India substituted colonial-era criminal codes with three fresh legislations

Bharatiya Nyaya Sanhita (BNS),²⁷ 2023 Replaces the Indian Penal Code, establishing new definitions and categories of offenses.

Bharatiya Nagarik Suraksha Sanhita (BNSS)²⁸, 2023 Replaces the Code of Criminal Procedure, rationalizing procedures to speed up trials.

Bharatiya Sakshya Adhinyam, 2023²⁹ Replaces the Indian Evidence Act, updating rules of evidence to respond to modern circumstances.

These reforms seek to decolonize the criminal justice system, improve procedural effectiveness, and maintain human rights standards.

2. Emphasis on Regional Languages in Legal Processes

In order to make legal procedures more accessible, the government has promoted the use of regional languages in official legal documents. For example, in Puducherry, officials have been instructed to register First Information Reports (FIRs) in Tamil so that they can be easily understood by local people.

3. Judicial Appointments and Infrastructure

In a bid to stem the tide of case pendency, efforts have been directed to fill the vacancy of judgeships and add infrastructure. Nonetheless, the improvement has been sporadic. As an example, Madhya Pradesh High Court recently turned down an application on judicial vacancies, attributing continuity towards stalling in filling posts.

4. Security Measures for Judicial Officers

In order to deal with the problem of judicial staff safety, the Rajasthan High Court has directed the state government to file elaborate reports on action taken to equip them with safety measures. It includes deployment of security personnel as well as installment of CCTV cameras in court structures.

5. Integration of Foreign Legal Professionals

The Bar Council of India has modified rules to allow foreign law firms and lawyers to practice foreign law in India on a reciprocity basis. The action is designed to promote international

²⁷ Stage, M., 2024. THE BHARATIYA NYAYA SANHITA.

²⁸ Naik, Y., 2024. The Bharatiya Nyaya Sanhita (BNS) A Critical Examination of India's New Penal Code. Available at SSRN 4884622.

²⁹ Bharatiya Sakshya Adhinyam, 2023

legal cooperation and the global integration of India's legal profession.

6. Supreme Court's Stance on 'Bulldozer Justice'

In a landmark judgment in November 2024, the Supreme Court criticized the practice of razing homes without following the due process, colloquially known as 'bulldozer justice.' The Court stressed that such practices are against the Rule of Law and the basic right to dwelling.³⁰

VI. CONCLUSION

Rule of Law, as instituted in the Indian Constitution, is an integral principle responsible for the enforcement of justice, equality, and accountability in the rule of governance. It guarantees that no one, be it those at the pinnacle of authority, stands above the law and that all citizens are entitled to equal protection and access to legal recourse. India has progressively institutionalized this principle in its juridical and administrative framework over time, backed by a robust judiciary, advanced constitutional designs, and a range of institutional mechanisms.

Despite this, real application of the Rule of Law in India is a complex and far contradictory scenario. Institutional problems such as judicial delay, corruption, political meddling, and discriminatory law enforcement persist to chip away at the credibility and effectiveness of legal institutions. These are overlain by economic and social inequalities excluding marginalized communities from accessing justice, further lowering the law's universality.

Despite these challenges, India has witnessed a wave of positive reforms in recent years. From the revamping of colonial laws governing crime to efforts at making justice more accessible through digitization, harmonization with regional languages, and reforms in structure to improve judicial infrastructure these developments mark a significant move towards practice aligning with constitutional ideals. Judicial activism, public interest litigation, and the legal awareness movements' emergence have also contributed their share to upholding the Rule of Law at key moments. But still, the chasm between constitutional promise and ground realities remains broad. To transform the Rule of Law into a lived experience for every Indian, there is a pressing need for overall reforms, institutional accountability, political will, and civic action. Institutionalizing the independence of the judiciary, policing and other law enforcement agency reforms, administering justice in time, and legal literacy are minimum steps forward.

Finally, while the Rule of Law in India remains a bulwark of democratic governance, its full

³⁰ Makhal, J., 2023. 'Bulldozer Justice' An Analysis into the Rule of Law in India. *Issue 1 Indian JL & Legal Rsch.*, 5, p.1.

realization demands a constant process of institution-building, people empowerment, and reaffirmation of the sovereignty of the Constitution over each example of arbitrariness of power. It is only through such an overall approach that the Rule of Law may rise above being an abstract concept and a pillar for an authentically fair and just society.
