

RMM LAW COLLEGE SAHARSA

ADMINISTRATIVE LAW

IIIrd Part

Paper -VII

TOPIC- Rule of Law

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Rule of law in modern Sense

Today the dicey theory of Rule of law cannot be accepted in total. The modern concept of rule of law is very wide and therefore set up an example for the government to achieve and this concept was developed by the International Commission of Jurists which is also known as Delhi Declaration, 1959.

According to this, the Rule of the law says that the function of the government in a free society is to exercise and create a condition in which the dignity and respect of an individual are increased or upheld. It does not only recognize civil or political rights but the introduction of certain social, political, economic, and educational etc. which are necessary for the full development of personality.

According to Davis, there are 7 types of Modern law

1. Law and orders.
2. Principle of Natural law.
3. Fixed rules and regulations.
4. Eliminate the idea discretion.
5. Due and fair process of law.
6. Preferences for judges and court of law to executive authority and administrative tribunals.

7. Judicial review of administrative action.

So, in proper manner rule of the law say that it silent on the democratic system, where the political interest is encouraged and criticism of the government is not only permitted but given positive merit.

How Freedom of Speech and Expression is an integral part of the Rule of law

Rule of law is very founding stone of stage of democratic stands that's why it is considered as an important and integral part of Rule of Law. To ask for the right of others and the way they are expressed can be either by speaking, writing, drawing, etc. and above all rule of law does not go with arbitrariness which can be established by fiving freedom and one of such freedoms is freedom of Speech and expression.

Now, let's understand about Freedom of Speech and expression is one of the important fundamental rights given under the Constitution for every individual to enjoy it fully. Freedom of speech and expression should be used in a very delicate manner because while expressing the idea, thought it should not defame or hurt the sentiments of any individual or religion view and without the fear of getting punished for any offensive act. As per [UDHR \(Universal Declaration of Human Resources\)](#) every individual has the right to freedom of expression and opinion. The right involves the right to hold the information without any interference from any media or other sources. Right to freedom of speech and expression is recognized as an essential human right under [Article 19 of the UDHR](#) as well as in [ICCPR \(International Covenant on Civil and Political Rights\)](#).

Freedom of Speech and Expression in the Indian Constitution

[Article 19\(1\)](#) of the Indian Constitution says the ***Freedom of Speech and expression*** means the right to express one's ideas by the help of words, gesture, painting, writing etc. or by any other specified mode. It also includes the publication of articles, books etc. so the freedom of the press is also included under this category.

1. It also helps individuals to be well informed about the current situation of highlights of society or nation.
2. Help the individual to the development of ideas, thoughts, opinions etc. which will help in decision making.
3. Varieties of ideas help in maintaining a balance between stability and social changes.
4. Help in achieving of Self-fulfilment.

In [*Shivkant Shukla vs. ADM Jabalpur*](#) the government of M.P. appealed against the High Court ruling in the Supreme Court. The problem arises that whether Rule of law aside from Article 21 of the Constitution of India. There is no rule apart from Article 21 and there can never be separate rule of law.

Conclusion

It was very clear that the idea of the Rule of law was not totally perfect. Rule of law has taken charge of administrative powers and understated them with their measures and this concept was adopted by various countries as a watchdog of the constitution. The modern concept given by David was a broad concept as well as possible for the government to use it in a graceful manner and administrative law main task was to fulfil the gap between power and liberty. The government under the guideline of Rule of law make to rule or conditions that do not intercept with any individual dignity.