

Original Article

Rule of Law as a Basic Feature of the Constitution of India: A Critical Study

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Manuscript ID:

IBMIIRJ -2026-030406

Submitted: 10 Mar. 2026

Revised: 17 Mar. 2026

Accepted: 08 Apr. 2026

Published: 30 Apr. 2026

ISSN: 3065-7857

Volume-3

Issue-4

Pp. 22-27

April 2026

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Quick Response Code:



Web: <https://ibrj.us>



DOI: 10.5281/zenodo.22764245

DOI Link:

<https://doi.org/10.5281/zenodo.22764245>



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Abstract

The Rule of Law constitutes one of the fundamental pillars of India's constitutional democracy and has been affirmed by the Supreme Court as a significant element of the Constitution's Basic Structure. Although the Constitution does not provide a specific definition of the Rule of Law, its essential principles can be identified throughout the constitutional framework, particularly in the Preamble, Fundamental Rights, Directive Principles of State Policy, equality provisions, and mechanisms of judicial review. This paper critically explores the meaning and constitutional basis of the Rule of Law in India and traces its development through important judicial pronouncements, including Kesavananda Bharati v. State of Kerala, Indira Nehru Gandhi v. Raj Narain, Minerva Mills Ltd. v. Union of India, and I.R. Coelho v. State of Tamil Nadu. Particular attention is given to the role of the judiciary in maintaining constitutional supremacy and exercising checks on the arbitrary use of legislative and executive authority. The paper also examines major contemporary obstacles to the effective application of the Rule of Law, such as delays in judicial proceedings, corruption, inconsistent enforcement of legal provisions, excessive executive intervention, and disparities in access to justice. Despite the existence of a comprehensive constitutional structure designed to protect the Rule of Law, its effective implementation depends upon institutional strengthening, judicial and administrative reforms, greater transparency, accountability, and accessible justice. The study concludes that a meaningful commitment to the Rule of Law is essential for sustaining constitutional governance, safeguarding individual rights, and promoting democratic and accountable government in India.

Keywords: Rule of Law, Basic Structure Doctrine, Constitution of India, Judicial Review, Fundamental Rights, Equality Before Law, Supreme Court of India.

Introduction

The Rule of Law represents a central principle of constitutional governance and democratic political order. At its core, it establishes the supremacy of law and requires that all persons and public authorities, including the government, exercise their powers within the boundaries prescribed by law. In the Indian constitutional framework, the expression "Rule of Law" does not appear as a separately defined constitutional provision; nevertheless, its essential values are reflected across several constitutional provisions and institutions. These include the Preamble, Fundamental Rights, Directive Principles of State Policy, equality before law, and the power of judicial review. Over the course of constitutional development, the Supreme Court of India has played a significant role in defining and strengthening the Rule of Law. Through its interpretation of the Constitution, the Court has treated the Rule of Law as an integral element of the Constitution's Basic Structure. Consequently, principles associated with the Rule of Law cannot be removed or fundamentally altered even through the exercise of Parliament's constitutional amending power. This judicial position has reinforced constitutional supremacy and established important limits on the arbitrary exercise of state authority. Against this background, the present paper examines the meaning and significance of the Rule of Law in India, with particular emphasis on its constitutional foundations and judicial development. It also considers the contribution of the judiciary in protecting constitutional principles and examines contemporary difficulties that affect the effective realization of the Rule of Law. The study therefore seeks to assess both the strength of India's constitutional framework and the institutional challenges involved in translating the ideal of the Rule of Law into effective practice.

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How to cite this article:

Kammar, S. B. (2026). Rule of Law as a Basic Feature of the Constitution of India: A Critical Study. *InSight Bulletin: A Multidisciplinary Interlink International Research Journal*, 3(4), 22–27. <https://doi.org/10.5281/zenodo.22764245>

Objectives of the Study

1. To examine the concept and meaning of the Rule of Law and its evolution in constitutional jurisprudence.
2. To analyze the constitutional provisions that embody the Rule of Law in India, particularly the Preamble, Fundamental Rights, and provisions relating to judicial review.
3. To study the Basic Structure Doctrine and explain how the Rule of Law has been recognized as one of the basic features of the Constitution.
4. To evaluate the role of the Supreme Court of India in protecting and strengthening the Rule of Law through landmark judicial decisions.
5. To critically assess the practical implementation of the Rule of Law in India, including challenges such as judicial delays, corruption, misuse of executive power, and unequal access to justice.

Review of Literature

A.V. Dicey (1885), through his influential work *Introduction to the Study of the Law of the Constitution*, provided one of the earliest systematic formulations of the modern doctrine of the Rule of Law. He identified three principal dimensions of the concept: the supremacy of law, equality of all persons before the law, and the importance of legal principles in protecting individual liberty. Dicey's formulation subsequently became an important theoretical reference point for constitutional systems based on the common law tradition, including India. M.P. Jain, in *Indian Constitutional Law*, examines the Rule of Law in the context of India's constitutional structure. His analysis demonstrates how constitutional guarantees, particularly Articles 14, 21, and 32, together with the power of judicial review, operate as safeguards against arbitrary governmental authority. Jain also emphasizes the contribution of judicial decisions to the progressive development of constitutional rights and limitations on state power. V.N. Shukla, in *Constitution of India*, focuses on the constitutional mechanisms that establish restraints on governmental authority. His work underlines the importance of constitutional supremacy and an independent judiciary in ensuring that legislative and executive institutions function within established legal limits. The study consequently places judicial control over arbitrary governmental action at the centre of the Indian understanding of the Rule of Law. H.M. Seervai, in *Constitutional Law of India*, provides an extensive examination of the constitutional restrictions imposed upon legislative and executive authority. His analysis gives particular importance to judicial review and the protection of Fundamental Rights as essential mechanisms for maintaining constitutional government. From this perspective, the Rule of Law depends not merely upon the existence of legal rules but also upon effective institutional mechanisms capable of enforcing constitutional limitations. The Supreme Court's decision in *Kesavananda Bharati v. State of Kerala* (1973) marked a decisive stage in the constitutional development of the Rule of Law in India. Through the Basic Structure Doctrine, the Court established that Parliament's power to amend the Constitution is subject to substantive limitations. Constitutional amendments cannot be used to destroy or fundamentally alter the Constitution's essential features. The judgment therefore provided an important constitutional basis for protecting core principles associated with constitutionalism and the Rule of Law. The ruling in *Indira Nehru Gandhi v. Raj Narain* (1975) further developed this constitutional position. The Supreme Court emphasized the importance of principles such as the Rule of Law, judicial review, and free and fair elections within the basic constitutional framework. By resisting efforts to place certain exercises of public power beyond meaningful judicial examination, the judgment reinforced the principle that constitutional authorities must remain accountable to law. The judgment in *Maneka Gandhi v. Union of India* (1978) considerably broadened the interpretation of Article 21. The Supreme Court held that a procedure restricting life or personal liberty could not merely satisfy a formal legal requirement; it was required to meet standards of fairness, reasonableness, and non-arbitrariness. This interpretation strengthened the substantive dimension of the Rule of Law by linking individual liberty with procedural fairness and constitutional rights. The writings of Upendra Baxi have contributed significantly to critical discussions concerning the relationship between constitutional principles and their practical implementation in India. His scholarship draws attention to the continuing gap between constitutional promises and the experiences of disadvantaged sections of society. Problems such as prolonged judicial proceedings, disparities in access to justice, corruption, and the arbitrary or excessive use of state authority can weaken the practical effectiveness of constitutional protections. Such observations are important for evaluating the Rule of Law not merely as a constitutional ideal but also as an institutional and social reality. Contemporary scholarship has consequently moved beyond a purely doctrinal understanding of the Rule of Law and increasingly examines its practical implementation. Recent studies have focused on judicial accountability, institutional independence, access to justice, administrative discretion, delays in courts, corruption, and the relationship between constitutional rights and governance. This body of literature indicates that the effectiveness of the Rule of Law depends not only on constitutional provisions and judicial doctrines but also on the capacity, integrity, accessibility, and accountability of public institutions.

Importance of Rule of Law

The Rule of Law performs several vital functions:

1. Ensures constitutional supremacy over arbitrary governmental action.
2. Protects fundamental rights and individual liberties.
3. Promotes equality before law.
4. Maintains judicial independence.
5. Ensures accountability and transparency in governance.
6. Strengthens democracy and public confidence in institutions.
7. Prevents abuse and misuse of governmental power.

Research Gap

The existing literature extensively discusses the theoretical foundations of the Rule of Law, the Basic Structure Doctrine, and landmark judicial decisions. However, relatively fewer studies critically examine the effectiveness of the Rule of Law in addressing contemporary governance challenges such as judicial delays, administrative arbitrariness, digital governance, institutional accountability, and access to justice. This study seeks to bridge that gap by providing a critical analysis of both the constitutional principles and their practical implementation in present-day India.

Historical Background and Evolution of the Rule of Law

The Rule of Law has evolved over a long period through philosophical inquiry, political struggles, constitutional developments, and changes in judicial thought. Rather than being a principle created by modern constitutionalism, its foundations can be traced to ancient political philosophy and later developments in European and Indian legal traditions. Over time, the concept gradually developed from the simple idea that rulers should be subject to law into a broader constitutional principle concerned with equality, liberty, justice, accountability, and limitations on governmental power.

Classical Foundations: Greek and Roman Thought

The intellectual origins of the Rule of Law can be found in the political philosophy of ancient Greece and Rome. Greek philosophers were among the earliest thinkers to consider the relationship between law, political authority, and the exercise of power. Aristotle made an important contribution to the early understanding of legal government. He maintained that political authority should operate through established laws rather than through the personal will of rulers. His argument was based on the view that individuals exercising unrestricted power could be influenced by personal interests, emotions, and passions. Government under stable and impartial laws, therefore, was considered preferable to unrestricted personal rule. Roman legal thought further contributed to the development of the principle that public authority should be constrained by law. Roman jurists developed important legal concepts concerning rights, duties, public authority, and legal obligation. The broader Roman tradition strengthened the idea that established legal principles should provide a framework within which political power was exercised.

British Origins and the Development of Common Law

The institutional foundations of the modern Rule of Law were developed significantly through the constitutional history of England. Political conflicts between the Crown, Parliament, courts, and subjects gradually established the principle that governmental authority could not operate entirely according to the personal will of the ruler. Magna Carta, 1215: The signing of the Magna Carta during the reign of King John represented an important stage in the historical development of limited government. The Charter established the principle that royal authority was subject to established law and that individuals could not be deprived of liberty or legal rights through arbitrary action. Its provisions later became important symbols of constitutional government and protection against the misuse of state power. Sir Edward Coke: During the seventeenth century, Sir Edward Coke played an influential role in strengthening the doctrine of legal supremacy. In his constitutional conflicts with the Crown, Coke maintained that the monarch was also subject to the law. His position helped establish the principle that governmental authority derives its legitimacy from law and cannot stand above the legal order.

Dicey and the Systematization of the Rule of Law

A major development in the modern understanding of the Rule of Law came through the work of British constitutional scholar A.V. Dicey. In his 1885 book, *Introduction to the Study of the Law of the Constitution*, Dicey presented a systematic formulation of the doctrine. He identified three principal elements.

1. **Supremacy of Law:** Dicey opposed arbitrary government and emphasized that public authorities should exercise power only within the limits established by law. No individual should be subjected to governmental interference except through legally recognized authority.
2. **Equality Before Law:** According to Dicey, all persons should be governed by the same ordinary law and should be subject to the jurisdiction of ordinary courts. Social status or official position should not place an individual above the ordinary legal system.
3. **Predominance of the Legal Spirit:** Dicey also emphasized the significance of judicial protection of individual rights. In his view, rights and liberties were effectively secured through the ordinary courts and the principles of the common law. Dicey's formulation had a lasting influence on constitutional theory, particularly in countries that inherited the British common-law tradition. However, subsequent developments demonstrated that a purely formal conception of the Rule of Law could not adequately address situations in which governments used legally established procedures to introduce oppressive or discriminatory measures.

From Formal Legality to Substantive Justice

During the twentieth century, the understanding of the Rule of Law gradually expanded beyond the requirement that government simply act according to formally enacted laws. Attention increasingly shifted toward the quality, fairness, and justice of laws themselves. This development distinguished a narrow conception based on *lex*, or formal legality, from a broader conception concerned with *jus*, or substantive justice. Under a purely formal approach, a government might technically satisfy the Rule of Law by enacting laws through recognized procedures, even when those laws seriously restricted individual freedoms or produced social injustice. Modern constitutional thought therefore increasingly emphasized human rights, equality, social justice, and effective remedies alongside legal certainty and procedural legality.

Declaration of Delhi, 1959

The International Commission of Jurists played an important role in broadening the international understanding of the Rule of Law through the Declaration of Delhi in 1959. The Declaration emphasized that the Rule of Law should not be understood merely as a requirement that governments follow established legal procedures. It should also provide an institutional and legal environment in which fundamental freedoms, human dignity, and justice could be meaningfully protected. This broader approach recognized the importance of civil and political rights as well as the social and economic conditions necessary for individuals to exercise their rights effectively. Consequently, the contemporary conception of the Rule of Law incorporates not only legality and equality but also constitutional rights, judicial independence, accountable government, access to justice, and protection against arbitrary state power. Thus, the historical evolution of the Rule of Law demonstrates a movement from rule by established law to constitutional government based on legality, equality, rights, justice, and accountability. This transformation provides the intellectual and historical foundation for understanding the Rule of Law within the Indian constitutional framework.

Reception and Adaptation of the Rule of Law in India

A. Pre-Independence Context

The Indian understanding of law and governance has historical foundations that predate the influence of Western constitutional thought. Classical Indian political and legal traditions were largely organized around the idea of *Dharma*, a broad normative principle associated with justice, duty, morality, and the maintenance of social order. Texts such as the *Manusmriti*, *Tajnavalkya Smriti*, and Kautilya's *Arthashastra* reflected the view that rulers were expected to govern in accordance with established moral and legal obligations. The king was therefore not regarded as possessing unlimited authority to create and apply law according to personal will. The concept of *Rajadharma* placed responsibilities upon the ruler and emphasized the proper exercise of political authority. In this sense, elements of rule-bound governance and limitations on royal authority were present within indigenous Indian political thought. British colonial rule subsequently introduced a different and highly institutionalized legal structure. The colonial administration established a hierarchical court system, standardized legal procedures, and extensive statutory codification. Major enactments such as the Indian Penal Code, 1860, the Indian Evidence Act, 1872, and the Code of Civil Procedure, 1908, contributed to the development of a relatively uniform legal system. However, the existence of an organized legal framework did not necessarily result in equality, liberty, or democratic accountability. Colonial legislation frequently served the interests of imperial administration and was also employed to restrict political opposition and nationalist activity. Several colonial laws demonstrated this contradiction between formal legality and substantive justice. Provisions such as Section 124A of the Indian Penal Code, the Defence of India Rules, and the Rowlatt Act of 1919 provided the colonial government with extensive powers to control political activities. The Rowlatt legislation was particularly controversial because it permitted detention and restrictions on individual liberty without the ordinary safeguards associated with a fair judicial process. Its enactment generated widespread opposition and became an important symbol of resistance to arbitrary colonial authority. The Indian nationalist experience was therefore shaped by two contrasting dimensions of colonial law. On the one hand, the colonial period contributed to the development of modern courts, codified laws, and institutional legal procedures. On the other hand, the misuse of legal authority demonstrated that the mere existence of laws and courts could not guarantee freedom or justice. This historical experience influenced the constitutional vision of independent India. The framers consequently sought to establish a legal and institutional order in which governmental power would remain subject to constitutional limitations and individual rights would receive effective protection.

B. Post-Independence Constitutional Framework

At the time of constitution-making, the Constituent Assembly had to determine how governmental power should be organized in a newly independent and socially diverse country. The framers drew upon several constitutional traditions but did not adopt any foreign model in its entirety. Instead, they developed a distinctive constitutional arrangement based on constitutional supremacy, fundamental rights, representative government, judicial review, and institutional checks and balances. Unlike the doctrine of unrestricted Parliamentary Sovereignty associated with the traditional British constitutional model, the Indian Constitution establishes the supremacy of the Constitution itself. Legislative, executive, and judicial institutions derive their authority from the constitutional framework and are required to operate within its limits. Several constitutional provisions illustrate this commitment to the Rule of Law.

1. Supremacy of the Constitution over Ordinary Legislation

Article 13 establishes an important safeguard for constitutional rights by providing that laws inconsistent with Fundamental Rights are subject to constitutional invalidation. Article 13(2), in particular, restricts the State from making laws that take away or diminish the rights guaranteed under Part III. This provision strengthens the principle that legislative power cannot override constitutionally protected rights.

2. Equality and Protection against Arbitrary State Action

Article 14 provides the constitutional foundation for equality by guaranteeing equality before the law and equal protection of the laws. These two dimensions reflect different constitutional traditions but operate together within the Indian framework. Through judicial interpretation, Article 14 has developed beyond a narrow requirement of formal equality and has become an important constitutional safeguard against arbitrary governmental action. The Supreme Court's decision in *E.P. Royappa v. State of Tamil Nadu* significantly contributed to this broader understanding by linking equality with the principle of non-arbitrariness.

3. Expansion of Personal Liberty under Article 21

Article 21 protects life and personal liberty by requiring that deprivation of these rights must occur according to a procedure established by law. The interpretation of this provision underwent a major transformation in *Maneka Gandhi v. Union of India* (1978). The Supreme Court held that the procedure affecting life or personal liberty must satisfy standards of fairness, reasonableness, and non-arbitrariness. This interpretation substantially strengthened constitutional protection against arbitrary state action and gave Article 21 a wider rights-oriented meaning.

4. Judicial Review and Constitutional Remedies

Judicial review constitutes one of the principal institutional mechanisms through which the Rule of Law is maintained in India. Articles 32 and 226 provide constitutional remedies for the enforcement of Fundamental Rights and other legal rights. The Supreme Court and High Courts possess the authority to issue constitutional writs, including *Habeas Corpus*, *Mandamus*, *Prohibition*, *Certiorari*, and *Quo Warranto*. These remedies enable courts to examine unlawful executive action, jurisdictional excesses, and violations of constitutional rights. Consequently, judicial review acts as an important check on the exercise of public power.

5. Constitutional Limits on the Amending Power

The development of the Basic Structure Doctrine further strengthened constitutional limitations on governmental authority. In *Kesavananda Bharati v. State of Kerala* (1973), the Supreme Court held that although Parliament possesses broad powers to amend the Constitution under Article 368, that power cannot be used to destroy its basic structure or essential constitutional identity. The doctrine was subsequently reinforced in cases including *Indira Nehru Gandhi v. Raj Narain* (1975).

The Basic Structure Doctrine is particularly significant for the Rule of Law because it prevents even constitutionally authorized amendment powers from being exercised in a manner that fundamentally undermines constitutional democracy. It therefore establishes that no organ of government possesses unlimited authority and that the constitutional order remains superior to transient political majorities.

C. Indian Adaptation of the Rule of Law

The Indian experience demonstrates that the Rule of Law was neither simply imported from the British constitutional tradition nor confined to the formal requirement of government acting according to enacted law. It developed through the interaction of indigenous ideas concerning *Dharma*, colonial legal institutions, nationalist resistance to arbitrary authority, constitutional provisions, and judicial interpretation. The contemporary Indian conception consequently combines legality, equality, fundamental rights, judicial review, constitutional supremacy, institutional accountability, and limitations on governmental power. Its development reflects an attempt to transform the historical experience of colonial rule into a constitutional system in which public authority is exercised according to law and remains accountable to constitutional standards.

Suggestions:

To Strengthen the Rule of Law in India:

1. Increase The Number of Judges and Improve Judicial Infrastructure.
2. Reduce Case Backlogs Through Procedural and Technological Reforms.
3. Strengthen The Independence and Accountability of Investigative Agencies.
4. Implement Comprehensive Police and Prison Reforms.
5. Expand Access to Legal Aid and Promote Legal Literacy.
6. Enhance Transparency in Public Administration.
7. Ensure Timely Enforcement of Judicial Decisions.
8. Strengthen Mechanisms to Combat Corruption.
9. Promote Constitutional Education and Civic Awareness.
10. Develop Legal Frameworks That Address Emerging Issues Such as Digital Privacy and Artificial Intelligence While Remaining Consistent with Constitutional Values.

Conclusion

The Rule of Law is one of the cornerstones of the Indian constitutional order. Although not expressly mentioned in the Constitution, it is deeply embedded in its structure through the Preamble, Fundamental Rights, judicial review, and the doctrine of constitutional supremacy. Through landmark decisions such as *Kesavananda Bharati*, *Indira Nehru Gandhi*, *Maneka Gandhi*, *I.R. Coelho*, and *K.S. Puttaswamy*, the Supreme Court has firmly established the Rule of Law as a Basic Feature of the Constitution, placing it beyond the reach of ordinary constitutional amendments. The Rule of Law ensures that all organs of the State act within constitutional limits, protects individual rights, and upholds democratic governance. However, persistent challenges including judicial delays, corruption, unequal access to justice, and evolving issues in digital governance demonstrate that preserving the Rule of Law requires not only constitutional safeguards but also strong institutions, transparent administration, and continued commitment to constitutional values. A robust Rule of Law remains essential for protecting democracy, maintaining public confidence in legal institutions, and securing justice, liberty, equality, and dignity for all citizens.

Acknowledgement

I express my sincere gratitude to all those who supported and encouraged me in the completion of this research paper titled "Rule of Law as a Basic Feature of the Constitution of India: A Critical Study." I am deeply thankful to my institution, Karnataka State Law University, Hubballi, for providing the academic environment and necessary support for undertaking this study.

Financial support and sponsorship

Nil.

Conflicts of interest

The authors declare that there are no conflicts of interest regarding the publication of this paper.

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