RULE OF LAW IN CONTEMPORARY INDIA: CONSTITUTIONAL PROMISE VS ADMINISTRATIVE REALITY

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Abstract

The rule of law is the foundation of constitutional democracy. It requires individuals, institutions, and government authorities to act within legal limits, follow fair procedures, and serve legitimate public purposes. In India, it is reflected in the Preamble, Fundamental Rights, Directive Principles, judicial review, constitutional remedies, separation of powers, and judicial independence.

Despite these safeguards, administrative delays, police misconduct, corruption, political interference, arbitrary decisions, unequal access to justice, weak grievance mechanisms, and digital exclusion continue to restrict citizens' rights. This paper examines the constitutional foundations of the rule of law in India and the judiciary's role in protecting fundamental rights, preventing arbitrariness, and promoting accountability, transparency, access to justice, and constitutional governance.

It argues that although India's constitutional framework is strong, its administrative implementation remains inconsistent. Bridging this gap requires institutional accountability, police reform, reasoned decision-making, simpler procedures, accessible legal aid, timely justice, transparent governance, and inclusive digitalisation. These reforms are essential to make constitutional rights meaningful in the daily lives of citizens.

Keywords: Rule of law, judicial review, access to justice, accountability, constitutional governance.

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"The rule of law is not preserved merely because laws exist; it is preserved when every exercise of public power is fair, accountable, transparent, and subject to constitutional limits."

INTRODUCTION

The rule of law is the foundation of constitutional democracy, ensuring law's supremacy, limited government power, and equal, fair treatment for all. No public authority may act on personal preference, political influence, or convenience. Every State action requires lawful authority and must meet constitutional standards of fairness, reasonableness, and non-arbitrariness[1].

In India, the rule of law operates through the Preamble, Fundamental Rights, Directive Principles, constitutional remedies, judicial review, and the basic structure doctrine. Article 14 guarantees equality before law; Article 19 protects freedoms; Article 21 safeguards life and liberty; Article 22 provides arrest/detention protections; and Article 32 enables Supreme Court enforcement of Fundamental Rights.

However, constitutional language alone cannot guarantee the rule of law. Citizens experience the State through daily interactions with police, government offices, welfare departments, municipalities, revenue authorities, and courts. Unregistered complaints, delayed benefits, unreasoned orders, or prolonged custody without trial weaken constitutional promises in practice.

This research addresses the gap between constitutional promise and administrative reality. Despite progressive principles and judicial independence, citizens face delays, unequal treatment, excessive documentation, corruption, and uncertainty in accessing services or remedies. The rule of law must be assessed through administrative quality, fairness, and accountability not merely legal texts.

This paper examines whether Indian public administration reflects constitutional values, studies judicial development of the rule of law, identifies institutional challenges, and proposes reforms for transparent, accountable, efficient, citizen-oriented governance[2].

Journal of Multi-Disciplinary Legal Research

[1] Constitution of India, 1950, Preamble; see also Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225, https://main.sci.gov.in/supremecourt/article/1973/4/225 (recognising basic structure including democracy, constitutional supremacy, and rule of law).

[2] A.V. Dicey, Introduction to the Study of the Law of the Constitution (10th edn, Macmillan 1959) 202–203, https://www.libertyfund.org/titles/dicey-introduction-to-the-study-of-the-law-of-the-constitution (identifying supremacy of regular law, equality before law, and predominance of legal spirit as core rule-of-law principles).

MEANING AND EVOLUTION OF THE RULE OF LAW

Conceptual Meaning

The rule of law requires more than mere existence of laws. Government action under statutory authority can still violate the rule of law if arbitrary, discriminatory, oppressive, or procedurally unfair. It encompasses both formal and substantive elements[3].

Formal elements: supremacy of law, equality before law, government according to law, independent courts, separation of powers, legal certainty and accessibility, and accountability of public officials.

Substantive elements: protection of dignity and liberty, fair procedure, non-discrimination, reasonable exercise of public power, access to effective remedies, and protection of vulnerable groups.

A.V. Dicey's classical formulation identified three principles: supremacy of regular law over arbitrary power, equality before law, and predominance of legal spirit protected by courts. Indian constitutionalism adopts these but expands them to require the State to promote social justice and substantive equality.

Rule of Law and Constitutional Supremacy

In India, the Constitution is supreme. All legislative, executive, and administrative powers must conform to constitutional limitations. Laws violating Fundamental Rights or constitutional provisions may be invalidated.

Judicial review is central to the rule of law, ensuring public authorities cannot judge their own conduct's legality. Courts examine whether decisions were lawfully authorised, considered relevant factors, excluded irrelevant considerations, and followed fair procedure.

Rule of Law as a Basic Constitutional Value

In ***Kesavananda Bharati v. State of Kerala,*** the Supreme Court developed the basic structure doctrine, holding Parliament cannot alter the Constitution's basic structure through amendments. Democracy, constitutional supremacy, judicial review, separation of powers, and individual

[3] Department of Justice, Ministry of Law and Justice, Government of India, 'Year Ender 2025', https://www.pib.gov.in/PressReleaseDetail.aspx?PRID=2212190&reg=3&lang=1 (reporting pendency figures: 92,118 cases in Supreme Court, 63,70,904 in High Courts, and 4,43,45,599 in district and subordinate courts as of 31 December 2025).

dignity are central values closely connected to the rule of law. Without legal limits on government power, constitutional supremacy and judicial review lose meaning.

Indian Approach: From Formality to Fairness

India's understanding evolved from formal legality to broader fairness through expanded interpretation of Articles 14, 19, and 21. **In *Maneka Gandhi v. Union of India***, the Court held Article 21's "procedure established by law" must be fair, just, and reasonable not arbitrary merely because legislatively authorised. This transformed Article 21 from narrow procedural protection into a broad guarantee of dignified life and fair State action, making administrative fairness essential to constitutional governance.

CONSTITUTIONAL FOUNDATIONS IN INDIA

The Preamble

The Preamble articulates constitutional objectives justice (social, economic, political), liberty (thought, expression, belief, faith, worship), equality (status and opportunity), and fraternity (individual dignity, national unity). These provide the moral foundation of the rule of law. Administrative decisions must align with these goals; technically available but inaccessible welfare schemes or humiliating official actions may violate constitutional values even if not overtly unlawful.

Article 14: Equality and non-arbitrariness

Article 14 guarantees equality before law and equal protection. Initially interpreted through the classification test (intelligible differentia with rational connection to legislative objective), the Supreme Court expanded it to prohibit arbitrariness itself.

In ***E.P. Royappa v. State of Tamil Nadu***, the Court declared arbitrariness antithetical to equality. ***Ajay Hasia v. Khalid Mujib Sehravardi*** reaffirmed that arbitrary action is inherently discriminatory. Article 14 binds legislation, executive, and administrative action alike. Officers cannot reject applications without rational basis, indefinitely delay lawful entitlements, or treat similarly situated citizens differently without justification[4]. Administrative discretion must remain law-guided and constitutionally compliant.

[4] E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3, ¶ 87, https://main.sci.gov.in/supremecourt/article/1974/4/3 (holding that "equality is a dynamic concept" and "arbitrariness is the antithesis of equality" under Article 14).

Article 19: Civil Freedoms

Article 19 protects speech, expression, assembly, association, movement, residence, and profession, subject to reasonable restrictions for constitutionally recognised purposes. Restrictions must have lawful basis, rational connection to objectives, and proportionality to harm prevented. Administrative authorities implementing restrictions on speech, assembly, trade, or movement must comply with constitutional fairness and proportionality standards.

Article 21: Life, Liberty and Dignity

Article 21 prohibits deprivation of life or personal liberty except per "procedure established by law." Initially narrowly interpreted in ***A.K. Gopalan***, this changed in ***Maneka Gandhi***, where the Court held Article 21's procedure must be fair, just, reasonable, and satisfy Articles 14 and 19. Arbitrary or oppressive procedures are unconstitutional regardless of legislative enactment[5].

Article 21's expansion recognises rights to speedy trial, legal aid, dignity, livelihood, privacy, clean environment, protection against custodial violence, fair investigation, and humane custody treatment. This demonstrates the rule of law concerns State action's quality, not merely its formal source.

Article 22: Protection Against Arbitrary Arrest

Article 22 safeguards arrested persons: informing of arrest grounds, permitting legal consultation/defence, and producing before a magistrate within prescribed time. These prevent executive coercion and arbitrariness. Police accountability directly connects to Articles 21 and 22.

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Article 32 and Constitutional Remedies

Article 32 guarantees Supreme Court access for Fundamental Rights enforcement Ambedkar called it the Constitution's "heart and soul." The Court issues writs (habeas corpus, mandamus, prohibition, certiorari, quo warranto); High Courts have wider jurisdiction under Article 226.

Constitutional remedies transform rights into enforceable guarantees. However, poor, rural, or disadvantaged citizens face access barriers. Article 32's effectiveness requires legal aid, public-interest litigation, accessible lower courts, and effective grievance mechanisms.

[5] Maneka Gandhi v. Union of India, (1978) 1 SCC 248, ¶¶ 10–11, 23, https://main.sci.gov.in/supremecourt/article/1978/1/248 (holding that procedure under Article 21 must be "fair, just and reasonable" and linking Articles 14, 19 and 21 as interconnected guarantees).

Directive Principles of State Policy

Though non-enforceable, Directive Principles guide State policy toward social welfare, reduced inequality, equal justice, legal aid, public health, and vulnerable-community protection. Article 39A mandates free legal aid, ensuring justice isn't denied due to economic disabilities. Equality before law means little if only the wealthy can afford representation.

JUDICIAL DEVELOPMENT OF THE RULE OF LAW

Kesavananda Bharati v. State of Kerala

In *Kesavananda Bharati v. State of Kerala*, the Supreme Court held Parliament may amend the Constitution but cannot damage its basic structure. This protects constitutional identity by preventing a temporary majority from abolishing judicial review, elections, or Fundamental Rights, supporting the rule of law by limiting unlimited power.

E.P. Royappa v. State of Tamil Nadu

In *E.P. Royappa v. State of Tamil Nadu*, the Court held arbitrariness is the antithesis of equality. Administrative acts based on mala fides, irrelevant considerations, or unequal treatment may violate Article 14, extending constitutional fairness to routine actions like transfers, appointments, and disciplinary orders.

Maneka Gandhi v. Union of India

In *Maneka Gandhi v. Union of India*, a passport was impounded without adequate reasons or hearing. The Court ruled any procedure affecting liberty must be fair, just, and reasonable, linking Articles 14, 19, and 21, requiring natural justice, and extending scrutiny to restrictions on liberty, livelihood, movement, reputation, and benefits.

Hussainara Khatoon v. Home Secretary, State of Bihar

In *Hussainara Khatoon v. Home Secretary, State of Bihar* addressed undertrial prisoners detained beyond maximum sentences. The Court recognised speedy trial as part of Article 21. Delay harms accused, victims, witnesses, and especially the poor unable to obtain bail or counsel; timely adjudication is essential to the rule of law[6].

[6] Hussainara Khatoon v. Home Secretary, State of Bihar, (1980) 1 SCC 81, ¶ 9, https://main.sci.gov.in/supremecourt/article/1980/1/81 (recognising speedy trial as an essential component of Article 21 and highlighting the plight of undertrial prisoners).

D.K. Basu v. State of West Bengal

In *D.K. Basu v. State of West Bengal*, the Court issued safeguards against custodial violence: identifying arresting officers, arrest memoranda, informing relatives, medical examination, and custody records. The case converted constitutional protections into practical police duties requiring training, records, monitoring, and consequences for violations[7].

Prakash Singh v. Union of India

Prakash Singh v. Union of India directed police reforms: State Security Commissions, fixed tenure for key officers, separating investigation from law-and-order, Police Establishment Boards, and Complaints Authorities. These reduce political interference and increase accountability, though incomplete implementation shows judicial directions need legislation, resources, and independent oversight.

Mohinder Singh Gill v. Chief Election Commissioner

In *Mohinder Singh Gill v. Chief Election Commissioner*, the Court held administrative orders must stand on stated reasons; authorities cannot add reasons later via affidavits. Reasoned decisions show factor consideration, help affected persons understand outcomes, reduce arbitrariness, and facilitate judicial review.

Olga Tellis v. Bombay Municipal Corporation

In *Olga Tellis v. Bombay Municipal Corporation*, the Court recognised livelihood's connection to the right to life. Evictions, demolitions, and regulations must account for dignity, livelihood, and procedural fairness, especially affecting vulnerable communities[8].

Vishaka v. State of Rajasthan

In *Vishaka v. State of Rajasthan*, the Court framed workplace-sexual-harassment guidelines absent legislation. Courts may create interim safeguards for Fundamental Rights; institutions must protect equality, dignity, and safe working conditions.

[7] D.K. Basu v. State of West Bengal, (1997) 1 SCC 416, ¶¶ 38–39, https://main.sci.gov.in/supremecourt/article/1997/1/416 (issuing detailed safeguards for arrest and detention including identification of arresting officers, arrest memoranda, informing relatives, medical examination, and custody records).

[8] Olga Tellis v. Bombay Municipal Corporation, (1985) 3 SCC 545, ¶¶ 28–30, https://main.sci.gov.in/supremecourt/article/1985/3/545 (recognising livelihood as connected to the right to life under Article 21 and requiring procedural fairness in eviction and demolition cases).

Justice K.S. Puttaswamy v. Union of India

In *Justice K.S. Puttaswamy v. Union of India*, the Court recognised privacy as a Fundamental Right covering bodily autonomy, informational control, decisional freedom, and dignity. Digital governance databases, identity systems, surveillance, data-sharing requires legal authority, legitimate purpose, safeguards, and proportionality.

ADMINISTRATIVE REALITY IN CONTEMPORARY INDIA

Delay in Justice Delivery

Justice delayed is justice denied. As of 31 December 2025, pendency stood at 92,118 cases in the Supreme Court, 63,70,904 in High Courts, and 4,43,45,599 in district courts. Delay prevents wage recovery, property restoration, violence protection, or release from unlawful detention.

Causes include judicial vacancies, insufficient infrastructure, repeated adjournments, inadequate investigation/prosecution, procedural complexity, excessive appeals, and poor case management. Solutions require better investigation, effective case management, modern administration, adjournment control, alternative dispute resolution, and improved legal aid[9].

Police Misconduct and Custodial Accountability

Police exercise coercive State power affecting liberty, dignity, and security. Concerns include refusal to register complaints, illegal detention, custodial violence, improper investigation, witness intimidation, and selective enforcement, intensified by political pressure, excessive workload, and inadequate training.

D.K. Basu and Prakash Singh provide legal frameworks, but implementation needs institutional commitment. Police complaints authorities must be independent and accessible. Arrest records, CCTV, medical examinations, and custody registers require regular audit. Officers responsible for violations must face timely disciplinary and criminal proceedings.

Excessive Administrative Discretion

Discretion is necessary but dangerous when standards are vague, decisions undocumented, or officials unaccountable. Similar applications may yield different outcomes depending on officer, office, or location, encouraging middlemen and corruption.

[9] Legal Services Authorities Act, 1987, s. 12, https://legislative.gov.in/actsofparliamentfromtheyear/legal-services-authorities-act-1987 (mandating free legal aid to eligible persons including poor, women, children, and marginalised communities to ensure access to justice).

The rule of law requires discretionary power be structured through defined statutory purposes, objective eligibility criteria, written reasons, time limits, conflict-of-interest rules, internal review, appeal mechanisms, and judicial review for illegality or arbitrariness.

Corruption and Political Influence

Corruption distorts equality by advantaging those who pay bribes or possess influence, weakening public trust and increasing access costs. Political influence can affect postings, investigations, contracts, licences, and enforcement.

Legitimate political accountability differs from improper interference or partisan action. Transparent procedures, asset disclosures, procurement safeguards, whistle-blower protection, social audits, and independent vigilance institutions can reduce risks.

Unequal Access to Justice

Formal equality doesn't guarantee equal ability to use legal institutions. Poor persons, migrant workers, women facing violence, rural residents, and marginalised communities face barriers: lack of legal awareness, lawyer/travel costs, language difficulties, fear of authorities, missing documents, social pressure, distance from courts, and digital exclusion.

Legal aid is a substantive constitutional necessity requiring adequate remuneration, training, and independence for lawyers. Services should assist at police stations, prisons, labour offices, and welfare departments not only after cases reach court.

Bureaucratic Delay and Procedural Complexity

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Citizens lose lawful benefits due to difficult procedures: multiple forms, repeated documentation, unclear jurisdiction, and absent time limits create delay and rent-seeking opportunities.

Citizen-friendly systems should provide single-window applications, clear checklists, local-language information, acknowledgement receipts, time-bound disposal, automatic escalation, online status tracking, assisted offline access, and written rejection reasons. Digitisation must not replace human assistance; online-only systems exclude those without smartphones, internet, digital literacy, or valid documents.

Digital Exclusion and Data Risks

E-governance can improve speed, record-keeping, and transparency but may create new exclusions: authentication failures, incorrect data, lack of connectivity, or platform inability. Automated systems may reproduce social bias from incomplete or inaccurate data.

Constitutional governance requires notice of adverse digital decisions, human review mechanisms, lawful/necessary data collection, personal information protection, error correction, offline alternatives, and explainable automated decisions.

Weak Grievance Redress

Accountability requires effective mechanisms to challenge delay, rejection, or misconduct. Grievance systems should provide clear complaint numbers, responsible officers, time limits, escalation authorities, and written outcomes. Mechanisms must be independent when complaints concern the same officer or department.

The Right to Information framework improved record access, but information alone may not provide immediate relief. Transparency must connect with accountability; learning why a file was delayed without obtaining a remedy leaves the rule-of-law process incomplete.

CONSTITUTIONAL PROMISE AND ADMINISTRATIVE REALITY

The relationship between constitutional law and administration rests on four requirements:

Legality

Every administrative action must have legal authority. Officers cannot act beyond statutory power or use one power to achieve unauthorised purposes. Decisions made without jurisdiction are invalid even if results appear convenient.

Fairness

Affected persons should receive fair opportunity to present their case where decisions affect rights or significant interests. Natural justice may require notice, disclosure of relevant material, hearing, and unbiased decision-makers. Fairness is flexible; Emergency procedures may differ from licence cancellations or dismissals. Nevertheless, urgency cannot permanently excuse denying basic procedural safeguards.

Reasonableness

Administrative decisions must be rational and based on relevant considerations. Authorities should not act on irrelevant facts, personal hostility, political instructions, or stereotypes. Decisions should have reasonable relationship with the law's objective.

Accountability

Power must be accompanied by responsibility. Officials should maintain records, provide reasons, and remain answerable to supervisory bodies, legislative institutions, courts, and the public.

These principles are interconnected. Authorities acting without reasons are difficult to hold accountable. Those not following fair procedure may make unreasonable decisions. Those acting without legal authority violate legality even if they follow hearing processes[10].

JUDICIAL REVIEW AND ITS LIMITS

Judicial review is essential to the rule of law, but courts are not administrative managers. Their role is to examine legality, constitutional compliance, procedural fairness, and rationality not substitute policy preferences.

Courts traditionally review:

- Illegality or lack of jurisdiction
- Error of law
- Breach of natural justice
- Mala fides
- Irrelevant considerations
- Failure to consider relevant material
- Arbitrariness
- Disproportionality (in appropriate cases)
- Abuse of power

Judicial review corrects serious legal wrongs but cannot repair every institutional weakness. Excessive dependence on courts creates inequality because litigation requires time, money, and

[10] Right to Information Act, 2005, s. 4(1)(b), https://rti.gov.in/rti-act (requiring public authorities to proactively disclose information including service standards, norms, and decision-making procedures to promote transparency and accountability).

legal knowledge. Courts should remain accessible, but administrative systems must develop internal methods of lawful decision-making and correction[11].

Public-interest litigation has enabled courts to address bonded labour, custodial violence, environmental degradation, and institutional failure. However, judicial intervention should respect constitutional separation of powers. Sustainable reform requires cooperation between the judiciary, legislature, executive, professional bodies, and civil society.

REFORMS FOR STRENGTHENING THE RULE OF LAW

Police reform should focus on making policing more independent, professional, transparent, and respectful of human rights. The directions issued in *Prakash Singh* should be implemented effectively, and independent Police Complaints Authorities should be established and properly supported. Investigation should be separated from routine law-and-order duties so that cases can be investigated fairly and efficiently. Key police officers should receive a minimum fixed tenure to reduce undue political or administrative interference. Police departments should also be provided with modern forensic and investigation facilities, and the audio-visual recording of interrogations should be made compulsory wherever legally permitted. Officers must receive regular training on arrest procedures, custodial safeguards, and human rights, while custodial violence should attract strict action. Special assistance should be available to women, children, and other vulnerable complainants. Police authorities should also publish regular information about complaints, arrests, and disciplinary action, while protecting the privacy and safety of affected individuals.

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Administrative departments should adopt clear and measurable service standards so that citizens know which officer is responsible, what documents are required, how long the service should take, and where they can file an appeal or complaint. They should also be informed about the remedies available when a service is delayed. Failure to follow prescribed timelines should result in escalation and, where appropriate, personal accountability for deliberate negligence or abuse. At the same time, the system must protect honest officials who act in good faith. Every administrative decision affecting a person's rights, benefits, licence, property, employment, or liberty should provide adequate written reasons. Such decisions should clearly mention the facts considered, documents examined, legal provisions applied, findings reached, reasons for

[11] India Justice Report 2025, https://indiajusticereport.org (documenting gaps in police capacity, legal aid delivery, judicial infrastructure, and access to justice across Indian states).

acceptance or rejection, and the available appeal or review remedy. Reasoned decisions help citizens understand the basis of an order and correct defects without having to approach the courts immediately.

Government procedures should be redesigned from the citizen's perspective by removing unnecessary documents and avoiding repeated verification. Forms should be written in simple language and made available with assistance in local languages. Single-window systems, time-bound disposal, deemed approval in suitable cases, automatic renewal of low-risk permissions, public checklists, and mobile or offline facilities can make administration more convenient and accessible. Similarly, digitisation should improve public services without replacing the constitutional responsibilities of government authorities. Every digital service should provide assisted-access centres, offline alternatives, human helpdesks, correction and appeal mechanisms, privacy safeguards, accessibility for persons with disabilities, and local-language interfaces. When an application is rejected automatically, the system should clearly explain the reasons. The guiding principle should be "digital by choice and inclusion," rather than "digital by exclusion."

Legal aid should be available from the earliest stage of a dispute. Legal-services authorities should establish legal-aid desks at police stations and prisons, provide duty lawyers during remand proceedings, and appoint paralegal volunteers in rural and vulnerable communities. Legal-awareness camps should be organised, with special support for women and victims of violence. Legal-aid services should also cover welfare, labour, and land-related matters, and the quality of legal representation should be regularly monitored. Speedy trials and effective legal aid are closely connected because poor accused persons cannot meaningfully participate in criminal proceedings without proper legal assistance.

Judicial delay can be reduced by filling judicial vacancies, improving court infrastructure, using technology effectively, adopting scientific case-allocation systems, and enforcing reasonable limits on adjournments. Pre-trial conferences, mediation, arbitration, stronger prosecution and investigation systems, regular review of old cases, and simpler methods of serving summons can also improve the justice process. The objective should be to ensure timely disposal without compromising fairness, due process, or the quality of justice. Speed and justice must work together rather than being treated as competing goals.

Transparency should extend beyond merely publishing laws and government rules. Authorities should regularly disclose service standards, pending applications, reasons for delay, tender and procurement details, inspection reports, complaint statistics, disciplinary outcomes, and welfare-delivery data. Social audits and public hearings can help identify local corruption, administrative failures, and the exclusion of deserving beneficiaries. However, transparency must be balanced with privacy, and personal information should not be disclosed in a way that exposes vulnerable individuals to retaliation or harm.

FINDINGS

The analysis shows that India has a comprehensive constitutional framework based on the rule of law. Through its interpretation of the Constitution, the Supreme Court has significantly expanded the meaning of equality, liberty, and fairness. Article 14 has evolved from merely protecting against discriminatory classification to providing a broader safeguard against arbitrary action by the State. Similarly, Article 21 now requires procedures to be fair, just, and reasonable, while also protecting various conditions necessary for a dignified life.

Judicial decisions have also established important practical safeguards concerning arrest, custodial treatment, speedy trials, the duty of administrative authorities to give reasons, and the independence of the police. However, the main weakness is not the absence of constitutional principles but their inconsistent implementation by public authorities. Administrative delays, corruption, and excessive discretion often affect poor and vulnerable citizens more severely. Although digital governance can improve transparency and efficiency, it may also create exclusion if offline and assisted-access alternatives are not maintained. Courts continue to play an essential role in protecting constitutional rights, but judicial intervention cannot replace necessary administrative reforms. Ultimately, the strength of the rule of law must be judged by how public authorities behave in their everyday dealings with citizens.

RECOMMENDATIONS

The proposed reforms aim to make public administration more transparent, accountable, accessible, and consistent with constitutional values. Every public department should establish clear timelines for delivering services, and administrative decisions affecting a person’s rights should provide written reasons. Complaints against departmental officials should be handled by independent grievance authorities, while Police Complaints Authorities must be properly funded

and genuinely free from undue influence. The directions issued in *D.K. Basu* and *Prakash Singh* should be implemented through enforceable laws, and every arrested person should be promptly informed of their legal rights and given access to a lawyer. Legal-aid services should be made available from the police-station and remand stages itself.

Government procedures should be simplified and made available in local languages so that ordinary citizens can understand and use them easily. Digital systems should not exclude people who lack internet access or digital skills; therefore, offline and assisted-access alternatives must remain available. Any adverse decision made through automated or technology-based systems should be subject to review by a human authority. At the same time, judicial vacancies and court infrastructure should be addressed continuously, and effective case-management practices should be adopted to reduce unnecessary adjournments and delays.

Public authorities must maintain accurate and reliable records that can be properly audited. Whistle-blowers and witnesses should receive stronger protection, and government officials should be trained in constitutional ethics, equality, dignity, natural justice, and anti-corruption standards. Performance assessments should reward lawful, timely, and citizen-oriented administration rather than focusing only on the number of cases or files disposed of. Parliamentary and legislative committees should regularly review whether judicial and statutory accountability requirements are being properly implemented.

Welfare schemes should provide simple procedures for appealing against and correcting wrongful exclusions. Public legal education should be expanded through schools, colleges, legal-services institutions, and community organisations so that people are aware of their rights and available remedies. Finally, constitutional values should be incorporated into administrative manuals, departmental procedures, and service rules, ensuring that public officials make decisions based on fairness, accountability, dignity, and the rule of law.

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CONCLUSION

The rule of law in India represents both a constitutional principle and a daily administrative responsibility. The Constitution establishes that public power must be limited by law, exercised fairly and directed towards justice, equality, liberty and dignity. The Supreme Court has strengthened this promise through landmark decisions concerning basic structure, arbitrariness, personal liberty, speedy trial, custodial safeguards, police accountability, administrative reasons and access to justice.

Nevertheless, the existence of constitutional rights does not automatically guarantee their enjoyment. A citizen may possess the right to equality but face discriminatory administration. A person may have the right to liberty but suffer illegal detention. A welfare entitlement may exist on paper but remain inaccessible because of delay, documentation or digital exclusion. A legal remedy may be available but lose practical value when proceedings continue for years.

The real measure of the rule of law is therefore found in ordinary encounters with the State. It is reflected in whether a complaint is registered without pressure, whether an application is decided within time, whether reasons are given, whether an arrest follows legal safeguards, whether a poor person receives legal assistance and whether an unlawful decision can be corrected without unbearable cost.

India's challenge is not to create a new constitutional foundation. That foundation already exists. The challenge is to make administrative institutions worthy of it. This requires police reform, independent accountability, transparent decision-making, procedural simplification, inclusive digital governance, effective legal aid and timely judicial remedies.

The constitutional promise will become an administrative reality only when legality, fairness and dignity guide the everyday exercise of public power. The rule of law must not remain merely a principle discussed in courts and classrooms; it must become an experience shared by every citizen.

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Journal of Multi-Disciplinary Legal Research

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