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Q. What do you mean by Rule of Law in British Constitutional system? What are its inscription?

Ans: The rule of law constitutes a significant feature of the British Constitutional system. It means rule by law. It implies that a constitutional form of govt. exercises power in accordance with law. Although the freedoms of the individuals in England are not found in any written document, or form of the fundamental rights of the citizens have not been mentioned in the Constitution of Great Britain yet the people of England can get the opportunity to enjoy their freedoms through the system of rule of law. This rule of law protects the freedoms of individuals in Great Britain.

A. V. Dicey has given the concept of rule of law in the



content of British constitutional system under the following 3 points:-

1) The rule of law guarantees liberty of person and property. It implies that no person can be deprived of his life, liberty or property by arrest except for a definite violation of law. It means that no person can be punished until so ~~an~~ established in the ordinary process of law. Thus Dicey<sup>2</sup> has formulated that a man may be punished for the violation of law but he can not be punished for anything else.

2) According to Dicey, the rule of law insures equality. That means no one is above law. Everyone is equal in the eye of law and subject to ordinary courts of the country. Every individual is under the control of law

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made by parliament or common law. It implies that the provision of equality minimises the fears of tyranny and irresponsibility of the rulers.

3) According to Dicey, the rule of law also meant that the general principles of the English Constitution, which are the result of judicial decisions determining the rights of private citizens in particular cases brought before the court. Thus, the judicial decisions protect individual freedoms in Great Britain.

Although the principle of rule of law is an essential feature of the British constitutional system, there are exceptions regarding the application of the principle of rule of law. These are discussed below :-



- 1) The monarch in Great Britain, does not come under the purview of rule of law. Being the head of the state, the monarch is above the laws of the land.<sup>9</sup><sup>10</sup>
- 2) The members of the British Parliament has certain privileges and the members of diplomatic corps have certain immunities which are not available to an ordinary person. Therefore, this could also be considered as an exception to the principle of rule of law that everyone is equal in the eye of law.<sup>11</sup><sup>2</sup><sup>3</sup><sup>4</sup>
- 3) In practice, there is a difference between the common people and the public officials regarding legal proceedings. Various protection is available to the public officials such as -  
any legal proceedings against public officials must be started within 6 months, no

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proceeding can be made after 6 months. In case the suit against the public authority is fails, citizen has to pay heavy penalty by way of costs.

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