

## ABSTRACT

### RULE OF LAW AND STATE

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*Where there is no law, there is no freedom.”- John Locke, Two Treatises on Government*

In modern democratic societies, the administration has acquired a vast accession of power and has come to discharge functions which are varied and diverse in scope, nature and ambit. The Constitution of a country seeks to establish the fundamental organs of government and administration; lays down their structure, composition, powers and principal functions, defines the interrelationship of one organ with another, and regulates the relationship between the citizen and the state, more particularly the political relationship.

The rule of law certainly does not mean that the executive branch of the government is above the law and can use the law for its own purposes other than the public interest. Though there is no universally accepted definition of the rule of law but the maxim that no one can be above the law and that accepted standards and processes must be followed is central to the concept of the rule of law.

Judicial review is an essential part of rule of law and so is independence of judiciary. Non-arbitrariness is a necessary component of the rule of law. The state, therefore, is subject to *etat de droit*, i.e., the state is submitted to the law which implies that all action of the state or its authorities and officials must be carried out subject to the constitution and within the limits set by the law, i.e., constitutionalism.

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