**Substance and value of the rule of law**

[Iftikhar Ahmad](https://dailytimes.com.pk/writer/iftikhar-ahmad-nipa/)

December 26, 2020

In all matters, the administrator is charged with the responsibility of enforcing certain rules and regulations promulgated by the provincial or central government for the purpose of achieving a balanced economy. Many as these rules and regulations are clearly in the nature of restraints upon individuals or groups of individuals and therefore irksome to them. Furthermore, in many of the matters covered by these rules and regulations the administrator is called upon to decide between the conflicting claims of various persons or organizations, who are fighting with each other in order to obtain benefits of various kinds. It is clearly the duty of the administrator to apply these rules and regulations in an impartial and just manner and to see that every citizen is treated equally, without discrimination. It is also his duty to ensure that the regulations do not become an instrument of tyranny, which may destroy, instead of preserving, the individuals who compose the nation. These functions offer great temptations for corruption and it is for the administrator to resist such pressures or temptations.

It is here that the concept of rule of law becomes significant in treating all citizens equal. There is need for independent and impartial judiciary which will interpret the laws of the land without fear and favour, protect the weak against the strong, the poor against the rich but also do justice between the state and the individual. For this we also need enlightened and well-informed legislatures, and intelligent, well trained and impartial executives whose duty is to implement the laws as made by the legislatures in a truly democratic and just manner. Without essential pre-requisites the rule of law is deprived of its substance and value.

There is a growing tendency in the modern legislatures to enact only broad policies and to leave their implementation to the executive through what is known as the “Delegated Legislation”. We are all familiar with a large number of Acts of the Legislatures in which vast powers of rule-making are given to Government and their functionaries. It is necessary that this power of rule-making should be exercised in an enlightened and just manner, and with strict regard to the aims and objects of the particular piece of enactment. The administrator has to play a very important role in this field of governmental activity and all his thinking and actions in this behalf have a vital influence on the life of the ordinary citizen.

There is need for independent and impartial judiciary which will interpret the laws of the land without fear and favour

It is necessary to stress on the need for just and impartial application of the laws of the land, and that is because of the belief that this aspect of the administrative activity is more important to the citizen than all our ambitious schemes of economic development. The impact of such schemes is usually a long-range affair, but any dishonest and discriminatory treatment of citizen at the hands of the administrator, in his day-to-day affairs, has an immediate effect, and can turn out to be the most potent single factor responsible for creating discontentment and even hatred towards government, and may eventually undermine the basic loyalty of the average citizen towards the state. The embittered and frustrated citizen, who is deprived of his legitimate rights and is treated harshly and unjustly by the government functionaries, loses the capacity to distinguish between a dishonest administrator and the government viewed as a whole. A moderately prosperous but justly administered country is surely a better place to live in than an extremely rich country where the citizen feels insecure and oppressed by partial, dishonest and corrupt administrators.

The dishonesty and discrimination may arise from downright corruption and greed on the part of the individual administrator. This is bad enough, and we are all conscious of its evil effects and the need for exterminating it. The Government of the day is fully alive to the existence of the problem, and measures are being taken, and will no doubt continue to be taken, to deal with it in a firm manner. But there is another kind of corruption, more assiduous and subtle, which needs to be identified and rooted out. This is victimization of the citizen by the administrator under pressure from another citizen or a group of citizens, or even from the political party in power.

Where the law of the land vests the power of decision-making in him, he must exercise that power independently and honestly and without being influenced by extraneous considerations. Where, of course, the administrator is merely acting as the agent of government for the execution of political programmes to which the party in power is committed, the administrator is duty-bound to act in the furtherance of those programmes, for they have the sanction of the people behind them. But in the matter of the administration of laws, rules and regulations and in the determination of the rights and duties of the citizen the administrator must act justly.

There are certain national objectives which we, as a nation, are wanting to achieve in the various fields of human endeavor, and the government of the day is obviously the instrument through which these national objectives and aspirations have to be realized. The Government, in its turn, has to function through their officers and administrators. In the last analysis, therefore, the responsibility for the achievement of these national objectives, aspirations and ambitions rests on the administrators in the various technical and non-technical spheres of activity. The administrators can fulfil their mission only if they sincerely believe in these objectives.

The administrator has a dual role to play. In the first place, the present context of our social, economic, political and educational development, he has to guide and assist the local representatives of the people in development matters and, particularly, in ensuring successful implementation of the policies of the Provincial and Central Governments. He has to provide the necessary leadership till such time as the democratic institutions attain their full maturity and are able to assume complete control and responsibility for the proper discharge of local affairs. For achieving this objective, the administrator must adapt himself to accepting growing public association and criticism in all that he is called upon to do and achieve. He must identify himself with local, provincial and National objectives and aspirations so that he develops a genuine sympathy for an understanding of the needs of the people that he has to serve. He must discard the out-modeled idea of being a ruler of the people and instead adopt the noble concept of public service as his ideal.

The Supreme Court of Pakistan has recently hinted at summoning the chairman National accountability Bureau (NAB) if no progress is shown by January 6, 2021 in fake accounts case. A three-member bench of the apex court headed by Justice Umar Ata Bandial conducted hearing of bail plea of Dr. Dinshaw Anklesaria and Jamil Baloch in the fake accounts scam.

Expressing concern over the anti-graft body performance regarding the instant matter, Justice Bandial said that due to the NAB, people are not investing in Pakistan. He said that for the last 20 months the co-accused is in jail while no action has been taken against the main characters. Justice Umar said that the apex court had granted bail to many accused in the references in which no progress was made after the lapse of 21 months. he observed that the NAB is not treating all the accused even-handedly. Where is the supremacy of law and the accountability process?

It is work of Supreme Court to lay down new laws, says chief justice Gulzar Ahmed, to introduce more democratic norms in our system and to move forward under them.