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TITLE- EVOLUTION OF RULE OF LAW: A COMPARATIVE STUDY BETWEEN INDIA, IRELAND AND JAPAN

~Aditi Prasad

1. INTRODUCTION

The twentieth and twenty-first centuries have brought changes in how people think about the rule of law. Scholars like Brian Z. Tamanaha argue that the rule of law has become a "thick" idea, including not just legal rules but also political, moral, and institutional values.[1] David M. Beatty describes it as a principle used across countries, guiding courts in a global way.[2] Tom Bingham, in his important book The Rule of Law, lists eight connected ideas, such as access to the law and following international agreements, which show how the rule of law has grown in modern times.[3] Steven G. Calabresi and Gary Lawson, however, disagree with broad definitions, saying the Constitution usually has flexible standards rather than strict rules, which makes it hard to follow Justice Scalia's idea of a "law of rules."[4] These differences show the debate between strict legal ideas and more flexible views of the rule of law. In this context, the experiences of India, Ireland, and Japan show how the rule of law develops differently in different legal systems.In India, the Supreme Court has treated the rule of law as a "basic structure" of the Constitution, something that cannot be changed. This was shown in the case Kesavananda Bharati v. State of Kerala.[5] The Court has also expanded the meaning of Article 21, which protects personal freedom, to include ideas like due process and fairness, adding rule of law values to the protection of basic rights.[6] However, some scholars,

[1] Brian Z. Tamanaha, On the Rule of Law: History, Politics, Theory 114–16 (2004).
[2]DAVID M. BEATTY, THE ULTIMATE RULE OF LAW 15–18 (2010).
[3]TOM BINGHAM, THE RULE OF LAW 37–48 (2011).
[4]Steven G. Calabresi & Gary Lawson, The Rule of Law as a Law of Law, 90 Notre Dame L. Rev. 483, 489–90 (2014).
[5]Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225.
[6]Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

like Upendra Baxi, say that the Court has sometimes used the rule of law in a political way, shifting between being active and cautious in its decisions.[7]

Ireland, on the other hand, shows a mixed approach Its 1937 Constitution made the Constitution itself the highest law, but after joining the European Union and agreeing to the European Convention on Human Rights, Irish courts had to balance national rule of law ideas with international standards.[8] Cases like McDonald v. BordnagCon showed that constitutional principles still come first,[9] but recent court decisions show more use of European human rights rules. Donlan and Condon point out that this mix enriches Ireland's understanding of the rule of law, but also makes it more complex, as it combines traditional common law with European norms.[10]

Japan is a uniquely shaped by its civil law tradition and post-war reforms.[11] The Constitution of 1947 adopted under allied supervision,it established judicial review and separation of powers with guarantees of basic rights.[12] This created a foundational for the rule of law within the nation’s democratic system. Articles 76 and 98 of the Japanese Constitution clearly ensure judicial independence and constitutional supremacy, marking a clear shift from pre-war authoritarianism.[13] Yet, scholars like Yasuhei Taniguchi point out that the adoption of Western legal concepts in Japan was not entirely natural.[14] This has led to the local legitimacy of the rule of law. Still,in Japan it is seen how the doctrine can be implemented in a civil law setting, adjusted to local conditions while maintaining universal democratic values.[15]

STATEMENT OF PROBLEM

[7]UPENDRA BAXI, THE INDIAN SUPREME COURT AND POLITICS 85–87 (1980).

[8]See generally Seán Patrick Donlan & Ronan Condon, The Rule of Law in Ireland, in Comparative Perspectives on the Rule of Law 213, 215–18 (2013).
[9]McDonald v. Bord nagCon, \[1965] I.R. 217 (Ir.).
[10]Donlan & Condon, supra note 8, at 220–22.
[11]RAN HIRSCHL, *COMPARATIVE MATTERS: THE RENAISSANCE OF COMPARATIVE CONSTITUTIONAL LAW* 67–70 (2014).
[12]CONST. OF JAPAN pmbl. (1947).
[13]CONST. OF JAPAN arts. 76, 98 (1947).
[14]Yasuhei Taniguchi, *The Rule of Law in Japan: History and Contemporary Challenges*, 1 Wash. U. Global Stud. L. Rev. 9, 12–14 (1999).
[15]DAVID M. BEATTY, *THE ULTIMATE RULE OF LAW* 15–18 (2010).

The rule of law doctrine is considered an essential part of constitutional democracy and good governance, but its definition and scope are highly debated. A.V. Dicey traditionally articulated the principle in terms of three key elements: the dominance of ordinary law, equality before the law, and the dominance of constitutional principles.[16] Although this formalist understanding influenced early traditions of common law, scholarship today stresses that the rule of law has matured into a deeper and more nuanced doctrine. Brian Z. Tamanaha calls it a "thick" concept that incorporates not just legality but political, moral, and institutional aspects.[17] Tom Bingham equally identifies eight interconnected principles, including access to the law, impartial adjudication, and respect for international obligations, thus demonstrating its contemporary extension.[18] Conversely, Steven G. Calabresi and Gary Lawson caution against broad definitions, contending that constitutional documents contain flexible norms more than inflexible rules, thereby discrediting Justice Scalia's concept of the "law of rules"[19] This theoretical conflict emphasizes the dichotomy between "thin" formalist and "thick" substantive conceptions of the rule of law.

At the national level, conflicting constitutional and judicial traditions make the doctrine even more complicated. In India, the rule of law has been raised to a level of implied constitutional principle by the Supreme Court, being a part of the "basic structure" doctrine which is unamendable.[20] Landmark decisions like Kesavananda Bharati v. State of Kerala[21] and Indira Nehru Gandhi v. Raj Narain[22] illustrate the extent to which the judiciary has constitutionalized the rule of law as the basic check on state power. In addition, through liberal interpretations of Article 21 in Maneka Gandhi v. Union of India[23] the Court enshrined due process and justice into the right to life and liberty. Although this judicial ingenuity has promoted protection of rights, critics like Upendra Baxi hold the view that the Court has

[16]A.V. DICEY, *INTRODUCTION TO THE STUDY OF THE LAW OF THE CONSTITUTION* 110–12 (10th ed. 1959).
[17]BRIAN Z. TAMANAHA, *ON THE RULE OF LAW: HISTORY, POLITICS, THEORY* 114–16 (2004).
[18] TOM BINGHAM, *THE RULE OF LAW* 37–48 (2011).
[19]Steven G. Calabresi & Gary Lawson, *The Rule of Law as a Law of Law*, 90 Notre Dame L. Rev. 483, 489–90 (2014).
[20]*Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225.
[21]Id.
[22]Indira Nehru Gandhi v. Raj Narain*, 1975 Supp SCC 1
[23]Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

tended to use the rule of law intermittently, vacillating between activism and restraint according to political necessities.[24]

Ireland provides a hybrid system, based on its 1937 Constitution, which commits constitutional supremacy to the Constitution decisions like McDonald's established the primacy of constitutional norms within the Irish constitutional order.[25] However, Ireland's EU membership and the adoption of the European Convention on Human Rights have necessitated that courts has balanced domestic constitutional supremacy with supranational commitments. Donlan and Condon observe that such dual framework enhances Ireland's understanding of the rule of law,yet adds conceptual richness by combining classic common law with European human rights standards.[26]

Japan presents a different experience. AsThe 1947 Constitution, penned under Allied tutelage, enshrined judicial review, separation of powers, and human rights, while secularizing the rule of law as a constitutional pillar.[27] The Articles 76 and 98 provide for judicial independence and constitutional supremacy, guaranteeing legal checks on governmental authority.[28] While critics like Yasuhei Taniguchi contend that the Japanese understanding of the rule of law demonstrates transplanted Western legal culture rather than organic growth, thus fuelling debates regarding its indigenous legitimacy. [29] This poses larger questions regarding whether the rule of law is a universal principle or is still context-dependent, conditioned by cultural and historical conditions.This unsolved issue is the foundation of the current research. Through a doctrinal comparative study of India, Ireland, and Japan, this research attempts to explain how the rule of law develops in different legal traditions, identify areas of convergence and divergence, and determine if the doctrine still contains universal content or is mainly context-dependent.

LITERATURE REVIEW

In The Rule of Law as a Law of Law, 90 Notre Dame L. Rev. 483 (2014)of Steven G. Calabresi & Gary Lawson, Justice Scalia's jurisprudence was criticized by challenging his saying on rules rather than standards. He maintains that the Constitution frequently stipulates

[24]PENDRA BAXI, *THE INDIAN SUPREME COURT AND POLITICS* 85–87 (1980).
[25]McDonald v. Bord nagCon*, \[1965] I.R. 217 (Ir.).
[26]Seán Patrick Donlan & Ronan Condon, *The Rule of Law in Ireland*, in *Comparative Perspectives on the Rule of Law* 213, 220–22 (2013)
[27]CONST. OF JAPAN pmbl., arts. 76, 98.
[28] Id.
[29]Yasuhei Taniguchi, *The Rule of Law in Japan: History and Contemporary Challenges*, 1 Wash. U. Global Stud. L. Rev. 9, 12–14 (1999).

standards rather than rules that are to be applied, undermining a strictly Diceyan or formalist idea of the rule of law. It assists in placing the rule of law as a concept that is in flux, accommodating certainty with interpretive flexibility.

David M. Beatty, in The Ultimate Rule of Law (Oxford University Press, 2010), propounds the rule of law as a global constitutional ideal beyond national borders, and according to him, constitutional courts globally apply the rule of law to determine legitimacy, rather than legality. This book underscores that the doctrine is one that gives judges a moral anchor, connecting the rule of law to the tenets of justice, equality, and fairness.

In Peter A. Gerangelo's, The Separation of Powers and Legislative Interference in Judicial Process: Constitutional Principles and Limitations (2009), he identifies rule of law with separation of powers as he believes that judicial autonomy is a prerequisite for ensuring legality. He calls into question the over encroachment of legislatures into the judiciary, demonstrating how it degrades constitutionalism. This applies to India, Ireland, and Japan, where judicial review is central to the rule of law.

In Ngoc Son Bui & Mara Malagodi's Asian Comparative Constitutional Law, Vol. 2: Constitutional Amendments (2024) While it focused on geopolitics, this book points out how India and Japan's mutual support for the rule of law informs their Indo-Pacific vision. It positions rule of law not only as an internal constitutional principle but also as an international relation guiding philosophy, where democratic collaboration is stressed against the authoritarian alternatives.

In Jagannath Panda's Framing India–Japan Ties for a Progressive Indo-Pacific (2023) While geopolitically oriented, the book illustrates how India and Japan's shared commitment to the rule of law is the basis on which they frame their Indo-Pacific policy. Panda not only exhibits rule of law as an intra constitutional norm but also as a working principle in global relations, emphasizing democratic cooperation against authoritarian approaches.

Fordham Law Review (Article on Constitutionalism and Rule of Law)

The Fordham essay you shared examines the way constitutional structures imbue rule of law values in judicial practice and legislative processes. It underlines tension between democratic will and constitutional boundaries, noting that rule of law requires institutional constraints to limit arbitrary rule.

Universal Declaration of Human Rights (1948) & International Covenant on Civil and Political Rights (1966) While not articles, these are frequently cited in legal texts. These place rule of law in the international human rights framework, emphasizing equality before the law, due process, and fair trial guarantees. Irish constitutional tradition (via the ECHR), Indian common law (via Article 21), and Japanese post-occupation constitutional tradition are influenced by these texts.

A.V. Dicey, Introduction to the Study of the Law of the Constitution (1885) Dicey's classic definition of the rule of law was centered on three ideas: priority of ordinary law over spasmodic or arbitrary power, equality before the law, and the ascendancy of constitutional principles. Although deemed too formalistic, Dicey's ideas formed the basis for modern-day analysis. India, Ireland, and Japan have each utilized these concepts differently in their respective legal systems.

In Tom Bingham’s The Rule of Law (2011) he states eight rule of law principles, from access to laws to safeguarding basic rights. His book generalizes the doctrine to make it universally applicable across jurisdictions. In Ireland, his thoughts inform debates on human rights enforcement, whereas in India and Japan they are synonymous with constitutional promises of equality and due process.

In Brian Z. Tamanaha, On the Rule of Law: History, Politics, Theory (2004) he analyzes critically the range of meanings of rule of law from formal legality to substantive justice. He warns against its political slogan misuse and yet maintains its essential function in constitutional democracies. Particularly for Japan, reforms following the Second World War transformed the idea from a purely legal concept to a democratic safeguard.

John Finnis in his Natural Law and Natural Rights (2011, 2nd ed.) His places rule of law in a natural law perspective, representing it as a moral norm that makes government legitimate. His focus on fairness and justice appeals to the Indian judiciary's liberal interpretation of Article 21 (Right to Life), which connects legality with substantive justice.

David M. Beatty, The Ultimate Rule of Law (2010), he introduces the rule of law as a common constitutional principle that guides judges in sanctioning state action. He considers it as a judicial compass connecting law, morality, and justice his working is especially useful in comparative analysis as it highlights the manner in which courts across jurisdictions perceive rule of law through constitutional adjudication.

Upendra Baxi in his book The Indian Supreme Court and Politics (1980) he illustrates the way in which the Indian Supreme Court has not only applied the rule of law but also transformed it to include socioeconomic justice. He criticizes judicial activism but accepts its contribution towards developing rule of law as a living principle.

In M.P. Jain's, Indian Constitutional Law (7th ed., 2014) he presents a comprehensive doctrinal examination of how the rule of law developed in India by way of cases. He discusses such turning-point judgments as Kesavananda Bharati v. State of Kerala (1973) to institute rule of law as a part of the basic structure and Maneka Gandhi v. Union of India (1978) to enlarge the concept of personal liberty.

S.P. Sathe, in his Judicial Activism in India: Transgressing Borders and Enforcing Limits (2002), critically addresses the issue of judicial activism, contending that Indian courts have stretched the rule of law through the enforcement of socioeconomic rights. He points out both the advantage (protection of basic rights) and danger (judicial activism) of such activism.

In Steven G. Calabresi & Gary Lawson's The Rule of Law as a Law of Law, 90 Notre Dame L. Rev. 483 (2014), while penned in the American context, this article can be applied to India. It is critical of strict formalism and illustrates how constitutions tend to use standards more than hard and fast rules. This is in line with India's judicial practice of reading constitutional provisions liberally to maintain the rule of law.

Angela Hegarty, Watching the Watchmen: The Rule of Law Fails in Northern Ireland's Troubles, 66 Fordham L. Rev. 647 (1997). Hegarty analyzes when the rule of law failed amidst the Troubles in Northern Ireland, illustrating how easily legal institutions collapse in periods of political turmoil. Her work is important for Ireland overall, demonstrating the requirement of constitutional and legal stability to ensure the rule of law.

In Seán Patrick Donlan & Ronan Condon's "The Rule of Law in Ireland," in Comparative Perspectives on the Rule of Law (2013), it examines how the Constitution of 1937 in Ireland enshrines the rule of law and at the same time is subject to the influence of EU law and the European Convention on Human Rights (ECHR). It depicts Ireland as a hybrid framework that attempts to harmonize common law traditions and supranational obligations.

In Lawrence B. Solum's Originalism and Constitutional Construction, 82 Fordham L. Rev. 453 (2013), he in his constitutional interpretation bears indirectly on Irish constitutional

discourse. He illustrates how interpretation can preserve rule of law coherence, particularly relevant in Ireland, given judicial reliance on domestic as well as EU norms, which poses interpretive difficulty.

Yasuhei Taniguchi's The Rule of Law in Japan: History and Contemporary Challenges (1999) Taniguchi tracks Japan's evolution towards rule of law, from its Meijiera German-influenced legal codes to its post-1947 Constitution inspired by American democratic concepts. He emphasizes the judiciary as a watchdog to guarantee that executive power continues to be subject to review through the constitution.

Constitution of Japan (1947) & Supreme Court Jurisprudence The postwar Japanese Constitution strongly roots rule of law by judicial review and right guarantees. Separation of powers and individual rights have been fortified by landmark cases, and Japan has become a model of constitutionalized rule of law in Asia.

Jagannath Panda's, Framing India–Japan Ties for a Progressive IndoPacific (2023) With geopolitics-oriented, he highlights how the rule of law provides the normative underpinning of India–Japan relations. For Japan, it pinpoints internal constitutional values and promotion of rule of law externally as aspects of its foreign policy identity.

In Peter A. Gerangelos'sThe Separation of Powers and Legislative Interference in Judicial Process (2009), he contends that the rule of law depends upon rigorous separation of powers in order to protect judicial independence. This is of direct application to India's "basic structure" doctrine, Ireland's constitutional balance, and Japan's parliamentary system.

Ngoc Son Bui & Mara Malagodi, in his book Asian Comparative Constitutional Law, Vol. 2 (2024)They considered constitutional amendments throughout Asia, such as in India and Japan. It illustrates how processes of amendment can enhance or impair rule of law, offering useful comparative analysis.

Ran Hirschl's Comparative Matters: The Renaissance of Comparative Constitutional Law (2014) he situates rule of law in the broader context of comparative constitutionalism. He

demonstrates how international judicial emulation in India drawing upon U.S. due process, Japan adopting European models, and Ireland harmonizing with the ECHR—gives rise to a dynamic development of the rule of law.

Mark Tushnet's, Weak Courts, Strong Rights (2008) points out the ways in which courts in weaker institutional environments can nonetheless compel constitutional rights to be respected. This is a lesson that can be applied when analyzing India's activist judiciary, Ireland's EU-inflected courts, and Japan's more reticent judicial role.

The United Nations' Universal Declaration of Human Rights (1948) & International Covenant on Civil and Political Rights (1966) both tools incorporate rule of law into international human rights language. They shape Indian courts' conception of fundamental rights, Ireland's ECHR compliance, and Japan's democratic transition.

The United Nations Sustainable Development Goal 16 Report (2015) specifically names rule of law as necessary for peace, justice, and institutional strength. It positions the doctrine not only as a legal but also a developmental necessity, shaping reforms across all three jurisdictions.

GAP ANALYSIS

The rule of law has been theorized at length, from Dicey's traditional formalist understanding to contemporary accounts that stress its more expansive moral and institutional dimensions. Tom Bingham's eight principles go further to stress its substantive elaboration. None of this literature is greatly specific, though, and fails to really investigate national contexts. In India, the Supreme Court has brought the rule of law into the "basic structure" of the Constitution, but such usage is seen as uneven and political by scholars like Upendra Baxi. In Ireland, courts reconcile constitutional supremacy with European human rights commitments and

have produced a hybrid and complicated model. In Japan, the 1947 Constitution formalized judicial review and separation of powers, but scholars raise questions about indigenous legitimacy of transplanted Western ideas. Even with extensive national studies, India, Ireland, and Japan are poorly connected in comparative research. Asian and Western systems are usually handled separately in comparative constitutional law literature.Ran Hirschl correctly points out that more profound cross-cultural exchange is necessary. This research accomplishes it by comparing three divergent traditions to examine whether the rule of law is used as a universal norm or a construct with context-dependent applications.

RESEARCH QUESTIONS

1. How has the doctrine of the rule of law evolved within the constitutional frameworks and judicial jurisprudence of India, Ireland, and Japan, and what historical, political, and cultural contexts have shaped these trajectories?

2. To what extent do India, Ireland, and Japan converge or diverge in their constitutional and judicial interpretations of the rule of law, and can these differences be reconciled within a universal framework of constitutionalism?

RESEARCH OBJECTIVE

To conduct a comparative doctrinal analysis of the evolution of the rule of law in India, Ireland, and Japan, identifying convergences and divergences in their constitutional and judicial frameworks, and evaluating whether the doctrine operates as a universal legal principle or as a context-specific construct shaped by national histories and institutional designs.

RESEARCH METHODOLOGY

This research paper is written in doctrinal and comparative research approach, drawing mainly on constitutional documents, judicial rulings, and academic publications to reflect the development of the rule of law. The Constitutions of India, Ireland, and Japan, with important cases such as Kesavananda Bharati v. State of Kerala, McDonald v. Bord nagCon, and statutory provisions such as Articles 76 and 98 of the Japanese Constitution are among the

primary sources. Other documents such as the UDHR and ICCPR supply a global normative context.

Secondary sources comprise publications by Dicey, Tamanaha, Bingham, Baxi, and Taniguchi, among others. The comparative approach is concerned to point out convergences and divergences between India's post-colonial common law model, Ireland's hybrid EU-influenced model, and Japan's post-war reform-influenced civil law system, thus evaluating whether the rule of law is universal or specific to context.

SCOPE AND LIMITATION

The scope of this paper is restricted to a comparative and doctrinal study for the development of the rule of law in India, Ireland, and Japan. This includes provisions of constitutions, judicial rulings, and academic studies that reflects the doctrines in these countries, as well as international documents like the UDHR and ICCPR. This research is not an empirical or socio-legal one and is limited to the legal-constitutional aspects, hence it does not look into political or economic considerations beyond their applicability to the evolution of the rule of law.

2. ABSTRACT

The Rule of Law stands as the basic of constitutional governance, while taking the principles that all individuals and institutions which also include the state are accountable to laws that are just, publicly promulgated, and equally enforced.[30] This doctrine, though has universal aspiration, and manifests differently across jurisdictions depending on their legal traditions, political evolution, and cultural ethos. This research paper undertakes a comparative doctrinal study of the evolution and application of the rule of law in India, Ireland, and Japan, while examining how each jurisdiction has inherited this concept from Western constitutional thought while reinterpreting it through its own historical and social context.

[30]Tom Bingham, The Rule of Law 3–5 (2010).

The paper reflects a doctrinal and analytical methodology, while utilizing primary and secondary sources which includs constitutional provisions, judicial precedents, scholarly commentary, and international legal instruments such as the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and the United Nations Rule of Law Report (2004).[31] With comparative view, the paper explores the evolution from colonial and post-colonial legality, further the embedding of the rule of law in constitutional structures, and its implementation to the judicial and administrative enforcement in contemporary governance.

In India, the development of rule of law emerged from the several inconsistency of British colonial administration and was transformed through constitutional morality and judicial creativity into a basic feature of the Constitution.[32] The Supreme Court's jurisprudence in Kesavananda Bharati v. State of Kerala and Maneka Gandhi v. Union of India expanded its meaning by including fairness, equality, and substantive justice. In Ireland, the rule of law developed as an institutional principle rooted in the 1937 Constitution and further it was refined through the country's integration with European Union and ECHR jurisprudence.[33] Cases such as McDonald v. Bord nagCon and Ryan v. Attorney General illustrate how Irish courts balance constitutional supremacy with supranational legal obligations. Japan, on the other side, reflects a civil law model where in 1947 Constitution was adopted under allied supervision, redefined sovereignty, established its judicial independence, and institutionalized its administrative legality.[34] Its implementation of the rule of law emphasizes procedural fairness and bureaucratic accountability rather than judicial activism.

[31]U.N. Secretary-General, The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, U.N. Doc. S/2004/616 (2004); Universal Declaration of Human Rights, G.A. Res. 217A (III), arts. 7–8 (Dec. 10, 1948); International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.

[32]3. Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225 (India); Maneka Gandhi v. Union of India, (1978) 1 SCC 248 (India).

[33]4. McDonald v. Bord nagCon, [1965] I.R. 217 (Ir.); Ryan v. Attorney General, [1965] I.R. 294 (Ir.); Seán Patrick Donlan & Ronan Condon, The Rule of Law in Ireland, in Comparative Perspectives on the Rule of Law 213–22 (2013).

[34]Yasuhei Taniguchi, The Rule of Law in Japan: History and Contemporary Challenges, 1 Wash. U. Global Stud. L. Rev. 9, 11–14 (1999); CONST. OF JAPAN arts. 76, 98 (1947); Sunagawa Case, Supreme Court of Japan, 19 Keishu 418 (1959).

The comparative analysis here reflects that while India's rule of law is transformative with an aiming to aline legality through social justice, in Ireland's model it is integrative, harmonizing national with European norms, and Japan's approach is very much of procedural, grounded in administrative rigor and consensus. Despite differences, all these three systems reflect the universal aspiration that the power must be constrained by law, and justice, equality, and dignity form the moral foundation for a governance.

The concludes that the rule of law is not a static or monolithic ideal, but it is in an evolving nature where constitutional philosophy whose vitality depends on institutional independence, civic awareness, and the harmonization of domestic legal traditions with international human rights standards. The paper contributes to the comparative constitutional discourse by highlighting that the success of the rule of law lies not in uniformity but in contextual adaptation while ensuring that law remains both an instrument of order and an embodiment of justice.

3. THEORETICAL FRAMEWORK OF THE RULE OF LAW

The rule of law doctrine stands as one of the most enduring and contested principles in legal and political theory. It represents the idea of law governing a nation, rather than arbitrary decisions of individual rulers or institutions.[35]This concept has evolved from a moral ideal in ancient civilizations to a binding constitutional principle in modern constitutional democracies. No longer confined to legality, the 21st-century understanding of the rule of law encompasses justice and fairness with accountability..

the rule of law explores through its historical philosophical and modern understanding as well as their interpretations. The analysis not only examines the views of eminent jurists such as A.V. Dicey, Lon L. Fuller, and Joseph Raz but also integrates contemporary scholars from Tamanaha, Bingham, Beatty, and Calabresi. It is reflecting the fact that, though the doctrine does have universal aspirations, the meaning has transformed according to constitutional culture and socio-political evolution.

[35] Brian Z. Tamanaha, On the Rule of Law: History, Politics, Theory 3–5 (2004).

Historical Evolution OfThe Rule Of Law

The essence of the rule of law can be traced in the philosophy of governance in ancient civilizations. Aristotle, in its Politics has said that "the rule of law is preferable to that of any individual," emphasizing rational governance over personal will.[36] Similarly, we can se rule of law in the Magna Carta (1215) in England which establish initial framework that limit royal power and ensure due process.[37] These early developments reflected the transition from divine or monarchic authority to the supremacy of law as a normative constraint.

In India, ancient legal systems such as the Dharmashastra recognized Dharma as a form of higher law that is bound by even kings a precursor to constitutionalism.[38] This reflects that the moral dimension of the rule of law was embedded in India even before colonial legal structures. Whereas in contrast, Ireland and Japan's pre-modern governance frameworks were largely hierarchical and monarchical, where legal systems were intertwined with religious and imperial authority.

A.V. Dicey's 1885 treatise has Introduced to the Study of the Law of the Constitution, which till date remains the cornerstone of the modern common law for understanding the rule of law.[39]He outlined three core principles: (i) the supremacy of regular law as opposed to arbitrary power; (ii) equality before the law; and (iii) the predominance of constitutional principles derived from judicial decisions.[40]

While his formulation provided structure to British constitutional thought, it has been argued that it embodied a rigidly formal and procedural approach, neglecting the social and moral aspects of legality[41] Scholars like Jennings and Wade later noted that Dicey's reliance on

[36]ARISTOTLE, POLITICS bk. III, ch. 16 (Benjamin Jowett trans., 1943).
[37]Magna Carta, 1215, cl. 39.
[38]P.V. Kane, History of Dharmasastra 112–14 (1968).

[39]A.V. DICEY, INTRODUCTION TO THE STUDY OF THE LAW OF THE CONSTITUTION 110–12 (10th ed. 1959).
[40] Id.
[41]H.W.R. Wade & C.F. Forsyth, Administrative Law 18–20 (11th ed. 2014).

parliamentary supremacy made his conflicting with written constitutions such as those of India, Ireland, or Japan.[42]

Though Dicey's articulation was revolutionary for its time, but insufficient for modern democracies. In constitutional states like India, Ireland, and Japan, legality cannot be detached from justice and fundamental rights dimensions absent in Dicey's framework. The evolution of the rule of law must therefore be seen as a movement from formal legality to substantive constitutionalism.

Modern Theories OfThe Rule Of Law

Modern jurists have distinguished between formal and substantive concepts as Joseph Raz, a leading proponent of the formal view, argued that rule of law requires a general, clear, and stab application by courts, but not necessarily by just laws.[43] His cautions are against overburdening the doctrine with moral content. In contrast, Lon L. Fuller's "inner morality of law" insists that the legality itself embodies moral principles with consistency, clarity, publicity, and fairness.[44]Fuller bridges the view for procedural and ethical dimensions, by suggesting that law loses its legitimacy when detached from justice.

This comparative study demonstrates that these are not in extreme suffices but purely formal rule of law risking,legitimizing unjust state actions, while there is an overly moralized version undermines certainty. Thus, the constitutional model by embedding legality, fairness, and institutional restraint provides the most stable foundation.

The Rule Of Law AsA Universal Constitutional Ideal

In Tom Bingham's book The Rule of Law, a holistic definition advanced is one comprising eight interrelated principles, including the accessibility of the law, equality, limitation of

[42]Ivor Jennings, The Law and the Constitution 34–35 (5th ed. 1959).
[43] Joseph Raz, The Rule of Law and Its Virtue, 93 L.Q. Rev. 195, 197 (1977).
[44]Lon L. Fuller, The Morality of Law 39–41 (1964).

discretion, protection of human rights, and compliance with international obligations.[45] His framework embodies the transition of the rule of law from a domestic constitutional value to global governance norms.

David Beatty further argues that the rule of law has become a "universal measure of judicial review," transcending national borders. In contrast, Calabresi and Lawson advice that over expansion dilutes doctrinal precision, urging return to clear legal standards.[46] [47]While universality is aspirational, then application remains context-driven. For instance, Japan's post-war adoption of the rule of law differs from India's judicially evolved model and Ireland's European integrationist approach. The doctrine thus acts as a shared value interpreted through distinct institutional lenses.

The Rule Of Law In International Perspective

After World War II, the global order integrated the rule of law into international norms. Development of The Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966) enshrined equality before the law, due process, and a fair trial as universal rights. The United Nations, through its Rule of Law Indicators, treats it as essential to peace, development, and governance.[48]

While there was strengthening in the international global accountability, it was also risky to imposing western frameworks on non western societies there should be an alternative affirming golabl applicability without ignoring local constitutional cultures.This framework of the rule of law reveals the ongoing evolution from Dicey's procedural formalism to Fuller's moral legality, and from Raz's legal positivism to Bingham's constitutional universalism. Each reflects the transformations in governance and justiceIt is clear that the

[45]Tom Bingham, The Rule of Law 37–48 (2011).
[46] David M. Beatty, The Ultimate Rule of Law 15–18 (2004).
[47]Steven G. Calabresi & Gary Lawson, The Rule of Law as a Law of Law, 90 Notre Dame L. Rev. 483, 489–90 (2014).
[48]U.N. Secretary-General, The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, U.N. Doc. S/2004/616 (Aug. 23, 2004).

rule of law is not static but has an adaptive nature; it evolves through judicial creativity, social movements, and constitutional dialogue.

4. EVOLUTION OF THE RULE OF LAW IN INDIA

The doctrine of the rule of law in India represents a unique combination of all colonial heritage, with constitutional aspiration, and judicial approach and its interpretation. Although it is taken from British legal system, its meaning, interpretation and application in independent India have transcended formal legality to embody substantive justice. The Indian Constitution does not expressly use the term "rule of law," yet it is deeply ingrained in its Preamble, Fundamental Rights, and judicial reasoning.[49]

Historically, the Indian experience of "rule of law" under British colonial administration was deeply contradictory to colonizers invoked it as a symbol of order and governance, while simultaneously using it to justify a hierarchical, racially unequal system.[50] The transformation of that imperial ideology into a constitutional principle after 1947 reflects that India's has taken consciou steps to reclaim and redefine the rule of law as a democratic and egalitarian ideal, rather than an instrument of control.

India's conception of the rule of law is a combination of both borrowed and reimagined borrowed from British jurisprudence, with the reconstitution to reflect India's struggle for equality, liberty, and justice. Its evolution reflects how a foreign legal concept was recontextualized and structured into a living constitutional philosophy.

Historical Background And Colonial Legacy

While British colonial government introduced the notion of the rule of law as part of the common law tradition, and claiming to replace arbitrary princely authority with legal governance.[51] However, this rule of law was selective and exclusionary. The law applied

[49]BRIAN Z. TAMANAHA, ON THE RULE OF LAW: HISTORY, POLITICS, THEORY 114–16 (2004).
[50]Upendra Baxi, Rule of Law in India: Theory and Practice, 26 India Int'l Ctr. Q. 35, 36–38 (1999).
[51]M.P. Jain, Indian Constitutional Law 10–12 (8th ed. 2018).

differently to British officials and Indian subjects like, the infamous Ilbert Bill controversy (1883) exposed the racial hierarchy embedded within colonial "legality."[52] Moreover, emergency powers under the Regulation Acts and Rowlatt Act (1919) granted arbitrary detention and censorship powers, contradicting the very essence of legal equality.[53]And British rule thereby revealed the paradox of proclaiming legality while practicing despotism.

Hence colonial "rule of law" can be seen less as a doctrine of justice and more as a tool of imperial order. Still it ironically introduced the key of legal institutions judiciary, codified laws, and administrative accountability which later provided the structural foundation for constitutional democracy.

Indian Constitutional Framing And Borrowed Ideals

When India gained its independence, then the Constituent Assembly faced the challenge of building a new legal order taht should be rooted in justice but guided by institutional continuity. And hece simply borrowing from British constitutionalism was therefore not mere imitation, but should be a strategic adaptation Dr. B.R. Ambedkar, K.M. Munshi, and Alladi Krishnaswamy Ayyar recognized that the concept of rule of law must now serve liberty, not control.[54] The Objective Resolution (1946), moved by Jawaharlal Nehru, envisioned a polity based on "justice, social, economic and political," and the "equality of status and opportunity."[55] These principles laid the moral foundation for the rule of law as both procedural and substantiveWhile British rule introduced legal formalism, India's founders transformed it into a constitutional morality while binding rules to law, but also binding law to justice. This marks the ideological shift from "colonial legality" to "constitutional rule of law."

The Preamble AndThe Vision Of Constitutional Supremacy

The Indian Preamble says that India is a "Sovereign, Socialist, Secular, Democratic Republic" committed to Justice, Liberty, Equality, and Fraternity. Though the "rule of law" is not

[52]Nandini Gooptu, The Ilbert Bill Controversy: Colonial Law and Racial Politics in India, 19 Modern Asian Stud. 351 (1985).
[53] Rowlatt Act, No. 2 of 1919 (India).
[54]B. Shiva Rao, The Framing of India's Constitution: Select Documents 12–15 (1967).
[55]Constituent Assembly Debates, Vol. 1 (Dec. 13, 1946).

explicitly mentioned but it is implied through the ideals such as The supremacy of the Constitution as the embodiment of people's will to ensures that no authority is above law. The Supreme Court in Kesavananda Bharati v. State of Kerala (1973) recognized that the rule of law as part of the basic structure of the Constitution,and beyond the reach of amendments.[56]Justice Khanna observed that the rule of law "means that the government is not above the law and every action of the government must be justified by law."[57] The inclusion of rule of law through the Preamble transforms India from a colonial subject to a constitutional sovereign. Thus the Preamble operates as both a moral and interpretative guide,to ensuring that all laws and policies are judged against its foundational principles.

Rule Of Law AsAn Implied Constitutional Principle

Even though it is nowhere explicitly stated, rule of law is widely understood to be an implied principle underlying the Constitution. In Indira Nehru Gandhi v. Raj Narain, the Supreme Court struck down the 39th Amendment that attempted to exclude the election of the Prime Minister from judicial review, holding such exclusion unconstitutional on the ground that it violated the rule of law.[58] Justice Beg emphasized that the "rule of law postulates the pervasiveness of the spirit of law over arbitrary power." Similarly, in A.D.M. Jabalpur v. Shivkant Shukla (1976), the suspension of habeas corpus during the Emergency challenged the very notion of rule of law.[59] The majority upheld the government's actions, but Justice H.R. Khanna's in his dissenting judgement contains that "even in the absence of Article 21, the state cannot deprive a person of life or liberty without law" and became the defining affirmation of constitutional rule of law.[60] The contradiction between A.D.M. Jabalpur and Maneka Gandhi reveals that the rule of law in India has not been static; it evolves through constitutional crises, even a sence of judicial courage, was seen in Khanna's dissent, shaped its substantive moral dimensions where legality without liberty is no law at all.

Article 14 Equality And Non-Arbitrariness

[56]Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225.
[57]Id. at 310 (Khanna, J., concurring).
[58]Indira Nehru Gandhi v. Raj Narain, 1975 Supp SCC 1.
[59]A.D.M. Jabalpur v. Shivkant Shukla, (1976) 2 SCC 521.
[60]Id. at 613 (Khanna, J., dissenting).

In India article 14, guarantes equality before the law and equal protection of laws, it represents the core expression of the rule of law.[61] The Court in E.P. Royappa v. State of Tamil Nadu reinterpreted Article 14 to prohibit arbitrariness, saying that "arbitrariness and equality are sworn enemies."[62] This case marked as a transition from formal to substantive equality. By equating arbitrariness with illegality, Indian jurisprudence gave life to the rule of law as a living principle it now sees not just the legality but the fairness of state action.

Article 21 Life, Liberty, And Due Process

In Maneka Gandhi v. Union of India, Article 21's "procedure established by law" was further extended by the Court to include due process and fairness, holding that the law should be "just, fair and reasonable."[63] And this reinterpretation constitutionalized Fuller's moral dimension of legality and established the substantive due process doctrine in India.Hence this shift bridged the gap between legality and justice. The judiciary became the guardian of moral legality, by converting the colonial "rule by law" into the democratic "rule of law."

The Rule Of Law And Governance

The rule of law also governs the relationship between administration and citizens. Where as judicial review ensures that executive discretion is exercised within lawful bounds.[64] The rise of Public Interest Litigation (PIL) in the 1980s in cases such as Hussainara Khatoon[65] wide the access to justice, demonstrating the rule of law's role in empowering marginalized communities. However, critics warn that excessive judicial activism risks converting courts into un elected policymakers.[66]The balance between activism and restraint continues to be a defining tension of India's rule of law discourse.

Contemporary Challenges And Contradictions

[61] INDIA CONST. art. 14.
[62]E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3.
[63]Maneka Gandhi v. Union of India, (1978) 1 SCC 248.
[64]State of West Bengal v. Anwar Ali Sarkar, AIR 1952 SC 75.
[65]Hussainara Khatoon v. State of Bihar, (1980) 1 SCC 81.
[66]S.P. SATHE, Judicial Activism in India: Transgressing Borders and Enforcing Limits 210–12 (2002).

The rule of law in India is faced with practical erosion, despite its constitutional centrality, through various means like delaying, corruption, and selective enforcement.[67] Some socio-economic inequality undermines equality before law but it is affected by political interference and institutional autonomy. The rule of law in India is normatively strong but institutionally fragile. While courts articulate robust principles, their implementation just falters. Thus, India's challenge lies not in defining the rule of law but in realizing it through administrative and judicial efficiency.

India's journey from colonial subjection to constitutional sovereignty it demonstrates both the strength and paradox of the rule of law. It began as a borrowed British ideal but evolved into a transformative doctrine rooted in justice, liberty, and equality. As Indian rule of law is inherently contradictory yet creative it coexists with judicial activism, bureaucratic inertia, and social inequality, yet continues to function as a moral compass of governance. Unlike the British procedural model, India's version merges legality with social justice, making it a unique experiment in constitutional humanism.

5. EVOLUTION OF THE RULE OF LAW IN IRELAND

The rule of law in Ireland has evolved through common law heritage,along white constitutional supremacy, and European integration. Although it has inherited much of its legal structure from British governance, its 1937 Constitution (BunreachtnahÉireann) marked a decisive shift which embedding democratic sovereignty, separation of powers, and judicial supremacy within a written constitutional framework.[168] Unlike India, where the rule of law developed through judicially implied principle, Ireland's commitment to it is explicit in constitutional provisions, statutory interpretation, and the influence of European Union and human rights law. Thus Irish model reflects a hybrid legal identity from combining domestic constitutionalism with supranational norms. Hence the experience of Ireland demonstrates how a small post-colonial nation transforms itself by inheriting British legal ideals into a modern constitutional order, even while simultaneously balancing local autonomy with European legal integration.

[67]Law Commission of India, Report No. 245: Arrears and Backlog: Creating Additional Judicial (Wo)manpower (2014).

[68] Seán Patrick Donlan & Ronan Condon, The Rule of Law in Ireland, in Comparative Perspectives on the Rule of Law 213, 215–18 (2013).

Historical Background And Colonial Legacy

Ireland before independence, have legal system operated under the framework of the British Crown and Westminster parliamentary supremacy.[69] The introduction of Government of Ireland Act, 1920 limited home rule, but ultimate authority remained with London.[70] By following the Anglo-Irish Treaty of 1921, the State (1922) adopts a Dominion status, functioning under a British-style constitutional monarchy.[71] And however, their was a dissatisfaction with the colonial framework it led to the drafting of the Constitution of 1937, which established a republican system grounded in the sovereignty of the people, with separation of powers, and judicial review.[72] The transformation from colonial legality to constitutional sovereignty is parallels to India's experience but their transition was smoother and less revolutionary reflecting continuity with the common law rather than a complete legal rupture.

Constitutional Foundation OfThe Rule Of Law In Ireland

The BunreachtnahÉireann (1937) enshrines the supremacy of the Constitution as the highest law of the land.[73] Under article 34 it vests judicial power in an independent court, while Article 15 limits the Oireachtas (Parliament) to make laws "in accordance with the Constitution."[74] This constitutional supremacy forms the core of the rule of law in Ireland and no other authority, not even the legislature, stands above the Constitution. In the case of McDonald v. Bord nagCon (1965) it is affirmed that the rule of law is inherented in the Irish constitutional order.[75] The Supreme Court held that the governmental discretion and it must be subject to legal limits and judicial scrutiny. The constitutional design replaced parliamentary sovereignty with constitutional sovereignty while ensuring that legality prevails not merely through statute but through fundamental constitutional values.

[69]Gerard Hogan, The Origins of the Irish Constitution, 1928–1941 5–7 (2012).
[70] Government of Ireland Act, 1920, 10 & 11 Geo. 5 c. 67 (U.K.).
[71]Anglo-Irish Treaty, Dec. 6, 1921, U.K.–Ir., Cmd. 1560.
[72]BunreachtnahÉireann [Constitution] 1937 (Ir.).

[73]Id. art. 34.
[74]Id. art. 15.
[75]McDonald v. Bord nagCon, [1965] I.R. 217 (Ir.).

Separation of power and judicial independence covers under articles 34–37 of the Constitution ensure the independence of the judiciary, while Articles 28 and 15 delineate executive and legislative powers.[76] The judiciary acts as the guardian of the Constitution,and empowered to strike down laws which are inconsistent with constitutional rights.In Buckley v. Attorney General (1950), the Supreme Court reaffirmes that judicial independence, emphasizing that judges derive authority not from Parliament but from the Constitution itself.[77] This structure upholds the rule of law by making judicial oversight a key protection against arbitrary power and a feature missing before 1937.

Judicial Development OfThe Rule Of Law

Irish courts gradually started expanding the scope of judicial review by 1937. In The State (Burke) v. Lennon (1940) it was established that no administrative action could override constitutional rights.[78] This judicial assertiveness marked the emergence of a rights-based conception of the rule of law. Later with the case of, McDonald v. Bord nagCon it was further clarified that even statutory bodies are subject to constitutional principles.[79] These cases demonstrate that Irish courts interpreted the rule of law not as an abstract ideal but as a concrete judicial standard restraining both the legislature and the executive.

Fundamental Rights AndThe Rule Of Law

The Constitution guarantees personal rights under Articles 40–44.[80] as fundamental rights and rule of law. In Ryan v. Attorney General (1965), the Supreme Court held that unenumerated rights, such as the right to bodily integrity has a low from the Constitution's spirit of justice and dignity.[81] This approachis parallelsto the Indian judiciary's expansive interpretation of Article 21.By recognizing unenumerated rights, and the Irish Court effectively "thickened" the rule of law linking legality with moral and human rights dimensions, similar to Fuller's "inner morality of law."

[76] Id. arts. 28, 34–37.
[77] Buckley v. Attorney General, [1950] I.R. 67 (Ir.).
[78] The State (Burke) v. Lennon, [1940] I.R. 136 (Ir.).
[79] McDonald v. Bord nagCon, [1965] I.R. 217 (Ir.).
[80] 13. BunreachtnahÉireann arts. 40–44.
[81] 14. Ryan v. Attorney General, [1965] I.R. 294 (Ir.).

European Influence And Hybrid Constitutionalism

Ireland's accession to the then EEC in 1973 and its ratification of the ECHR have reshaped the Irish legal landscape. Under Article 29.4.10 of the Constitution it was amended to recognize the primacy of EU law in certain areas.Key cases such as Crotty v. An Taoiseach (1987) established that EU treaties affecting requirement of sovereignty constitutional amendments, for ensuring democratic accountability even in international law.[82]This integration reflects states attempt to harmonize national constitutional supremacy with supranational legality an advanced evolution of the rule of law. It also highlights how the modern legal systems must operate within different level framework in governance.

Rule Of Law And Governance

The Irish judiciary has developed a strong culture of administrative accountability. In the case of Dellway Investments v. National Asset Management Agency (2011), the Supreme Court reaffirmed procedural fairness and due process as essential components of lawful governance.[83]Public law in Ireland now incorporates through proportionality, with legitimate expectation, and fair procedures aligning with the domestic law with EU administrative standards. This reflects the maturity of the Irish rule of law where one that no longer depends solely on judicial assertion but integrates fairness within administrative governance itself

Contemporary Challenges And Contradictions

Despite its institutional robustness, they faces several challenges to the effective realization of the rule of law. Delayed justice, limited resources, and tensions between EU obligations and national sovereignty persist.[84]Unlike India’s socio-economic challenges, Ireland’s difficulties are structural and in balancing domestic autonomy against EU’s supremacy. The rule of law here navigate a constitutional dualism, ensuring that European mandates do not erode democratic accountability.Ireland’s experience with the rule of law has embodies a sophisticated equilibrium between constitutionalism and integration. It demonstrates that the

[82] Crotty v. An Taoiseach, [1987] I.R. 713 (Ir.).
[83]Dellway Investments v. National Asset Management Agency, [2011] 4 I.R. 1 (Ir.).

[84] European Commission, 2023 Rule of Law Report: Country Chapter on the Rule of Law Situation in Ireland (2023).

rule of law can coexist with multi-level sovereignty in national, supranational, and human rights-based.While the British model provided the skeleton, the state infused it with constitutional morality and European humanism. This combination allows Ireland to maintain domestic accountability while participating in a broader legal community.

The evolution of the rule of law in Ireland reflects a remarkable legal journey from colonial dependence to constitutional autonomy, and from national sovereignty to European integration. Its model is less revolutionary than India's but more harmonized and institutionalized inIreland's rule of law exemplifies how modern constitutional democracies can adapt traditional common law principles to a rights-based, pluralistic, and international legal order.

6. EVOLUTION OF THE RULE OF LAW IN JAPAN

The Japanese concept of the rule of law is the product of their profound historical transformation from a pre-war imperial system which was grounded in state supremacy to a post-war democratic in order built a constitutional supremacy and individual rights.[85] The Constitution of Japan 1947, was drafted under Allied supervision followed by World War II, establishing the principles of democracy, separation of powers, and judicial review.[86]Unlike India or Ireland, Japan's rule of law emerged not through indigenous reform but also through external transplantation and subsequent adaptation.[87] Yet, over the decades, Japan localized have these imported ideals, which is giving rise to a stable legal culture that values judicial integrity, procedural regularity, and administrative fairness.Japan's journey itself represents a fascinating case of legal transformation where a system that adopted Western liberal concepts under occupation but gradually infused them with native institutional discipline and cultural restraint.

Japan's very first modern constitution, the Meiji Constitution of 1889, was heavily influenced by the Prussian model.[88] It emphasized imperial sovereignty by granting vast powers to the Emperor while limiting popular participation.[89] Although it introduced modern institutions and codified law, the Meiji framework was lacked in genuine separation of powers and

[85]1. Yasuhei Taniguchi, The Rule of Law in Japan: History and Contemporary Challenges, 1 Wash. U. Global Stud. L. Rev. 9, 10–14 (1999).
[86]CONST. OF JAPAN pmbl. (1947).
[87]. Brian Z. Tamanaha, On the Rule of Law: History, Politics, Theory 118–19 (2004).
[88]MEIJI CONST. of 1889 (Japan).
[89]Id. art. 4.

subordinated judicial authority to the executive.[90]Under Article 4 of the Meiji Constitution, sovereignty is something that resided in the Emperor, and not the people it is contrast to modern democratic constitutions.[91] The judiciary, while formally established, functioned largely as an administrative arm of the state. This phase represents that scholars call a "rule by law" rather than a "rule of law" where legality is served as an instrument of state authority, and not as a restraint upon it. The Meiji legal order reflected bureaucratic hierarchy rather than constitutional limitation.

Yasuhei Taniguchi and Shoichi Watanabe have noted that the pre-war era was characterized by legal positivism without democracy.[92]Administrative law has operated with the limited judicial oversight, and the judiciary avoides direct confrontation with political power.[93]This period of Japanese legal history reveals a pattern which is opposite to India where colonial subjects introduced the idea of legality. In Japan, sovereignty without accountability produced order without liberty. The post-war shift, was therefore, not a gradual reform but radical reconstitution.

Post-War Constitutional Framework And Rebirth OfThe Rule Of Law

After Japan's defeat in World War II, the Allied Powers (led by the United States) had initiated sweeping constitutional reforms and The Constitution of Japan (1947) replaced by imperial sovereignty with popular sovereignty, guaranteeing fundamental rights and judicial independence.[94]Articles 76 and 98 of the Constitution has explicitly embodies the rule of law: This transformation has marked Japan's formal entry into the constitutional rule of law. unlike India or Ireland, it was not born from internal revolution but from external imposition. The challenge, therefore, was to internalize democratic legality within Japan's bureaucratic and consensus-oriented political culture.

Fundamental Rights And Judicial Protection

[90]Shoichi Watanabe, Law and Authority in Prewar Japan, 19 Comp. L. Rev. 201, 203–05 (1998).
[91] MEIJI CONST. art. 4 (1889).
[92]Taniguchi, supra note 1, at 11–13.
[93]Id.
[94]CONST. OF JAPAN pmbl., arts. 1–2 (1947).

The Constitution enshrines an extensive catalogue of fundamental rights including equality (Article 14), due process (Article 31), freedom of expression (Article 21), and access to courts (Article 32). [95]The Supreme Court of Japan has interpreted these provisions conservatively but also consistently, maintaining judicial restraint while ensuring procedural fairness.[96]Inthe case of Sunagawa Case (1959), the Supreme Court upheld U.S. military presence under the Japan-U.S. Security Treaty by, demonstrating judicial deference to political discretion.[97] Yet, in the cases concerning individual liberty and administrative fairness, the courts have always invoked constitutional principles to check arbitrary power.Japan's courts practice what iscalled a "passive judicial review" by upholding the constitutionalism without political confrontation. This approach sustains stability but also raises concerns about the depth of constitutional enforcement.

Rule Of Law And Separation Of Powers

The post-war Constitution introduced a clear tripartite division of powers between the legislature (Diet), executive (Cabinet), and judiciary (Supreme Court).[98] The judiciary, insulated from executive and influence, to ensures that administrative actions conform to legal standards.[99]The Administrative Case Litigation Act and (1948) allows citizens to challenge government decisions, institutionalizing judicial review of executives actions.[100] Japan's restrained consistent use of judicial review to represents a pragmatic form of rule of law by prioritizing procedural regularity over confrontational activism. This contrasts with India's assertive judiciary, by reflecting cultural preference for harmony and consensus.

Rule Of Law And Governance

Japan's administrative law reflects their commitment to procedural integrity. The Administrative Procedure Act (1993) requires transparency, by giving reasons and fairness in government decision-making.[101]The introduction of the Freedom of Information Act (1999)

[95]Id. arts. 14, 21, 31, 32.
[96]Koichi Miyazawa, Judicial Review in Japan: A Comparative Perspective, 45 Am. J. Comp. L. 765, 768–70 (1997).
[97]Sunagawa Case, Supreme Court of Japan, 19 Keishu 418 (1959).
[98]CONST. OF JAPAN chs. IV–VI.
[99] Id. art. 76.
[100]Administrative Case Litigation Act, Law No. 139 of 1948 (Japan).
[101]Administrative Procedure Act, Law No. 88 of 1993 (Japan).

further strengthened accountability by promoting transparency in public administration.[102] Together, these frameworks operationalize the rule of law within governance.While India uses judicial activism to enforce accountability, Japan's institutionalise it through statutory procedures and further an embodiment of the rule of law as bureaucratic discipline rather than judicial command.

Contemporary Challenges And Contradictions

Despite its institutional maturity, Japan faces subtle tensions within its framework for rule of law as critics argue that judicial restraint sometimes borders on judicial timidity, but by allowing political dominance by the executive bureaucracy.[103] Procedural rigor can be masked by social inequities, as seen in limited access to justice and gender disparities in representation.[104]Japan's rule of law is characterized by stability without activism a strong institutions but limited constitutional confrontation. While it ensures predictability, and it can also weaken democratic accountability but when courts hesitate to challenge entrenched authority.

Japan's evolution of the rule of law exemplifies the transformation of a state-centered legal order into a constitutional democracy. However, it also exposes the limits to externally introduced constitutionalism.Japan succeeded in institutionalizing the form of rule of law where constitutional supremacy, judicial independence, and administrative fairness but also continues to grapple with its substantive dimension of equality, social justice, and citizen participation. In contrast to India's moralized rule of law and Ireland's hybrid European integration, Japan's version remains technocratic and procedural. Yet, this very precision and predictability sustain its democratic stability.The Japanese model shows that the rule of law need not always manifest through judicial activism; it can thrive through institutional integrity, bureaucratic consistency, and societal consensus.

[102]Freedom of Information Act, Law No. 42 of 1999 (Japan).
[103]Mark Ramseyer, Judicial Independence in Japan Reconsidered, 3 J. Empirical Legal Stud. 767 (2006).
[104]22. Veronica Taylor, Rule of Law through Transparency in Japan, 30 U. Pa. J. Int'l L. 1075, 1082–84 (2009).

The evolution of the rule of law in Japan represents a unique synthesis of foreign influence as well as domestic adaptation. From the imperial authoritarianism of the Meiji era to the democratic constitutionalism of post-war Japan, the doctrine has evolved from rule by law to rule of law.Japan's experience illustrates how a civil law state can successfully internalize liberal democratic principles while preserving cultural values of restraint and harmony. It stands as a model of how legality can be localized by proving that the rule of law, though universal in aspiration, must always be interpreted through the prism of history and culture.

7. COMPARATIVE ANALYSIS AND FINDINGS

This comparative study of the rule of law in India, Ireland, and Japan shows how a shared legal ideal can evolve through different historical experiences, political frameworks, and cultural conditions. And each of these states inherited its aspect from Western legal philosophy but also redefined them within their own distinct constitutional aspects. While transformation in Indian rule of law was a transformation through moral doctrine, whereas in Ireland it was institutionalized through constitutional supremacy and European integration, and in Japan it is operationalized as a disciplinary administrative ideal rooted in procedural fairness. Despite their differences, all three systems converge on one universal truth and that the rule of law remains indispensable to democratic legitimacy, human rights, and accountable governance.[105]

Comparative Constitutionalism AndThe Rule Of Law

The report of United Nations Secretary-General's (2004) defines the rule of law as "a principle of governance in which all persons, institutions and entities are accountable to laws that are publicly promulgated, equally enforced, and independently adjudicated."[106]Whwereas similarly, in the Venice Commission (European Commission for Democracy through Law) they identifies four core elements which are: legality, legal certainty, prevention of abuse of power, and access to justice.[107] Against all these global standards, the constitutional models of India, Ireland, and Japan present three different trends of legal evolution and transformative, institutional, and procedural, respectively.Each system

[105] Brian Z. Tamanaha, On the Rule of Law: History, Politics, Theory 130–34 (2004).
[106] U.N. Secretary-General, The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, U.N. Doc. S/2004/616 (2004).
[107] European Commission for Democracy Through Law (Venice Commission), Rule of Law Checklist, CDL-AD(2016)007 (2016)

has adapted the rule of law to its own socio-political environment. As India's focus is transformative justice whereas Ireland's is constitutional consistency and Japan's is administrative integrity.Hence these reflect how the rule of law operates not only as a universal formula but as a context-sensitive constitutional principle.

Rule Of Law And Fundamental Rights

All three constitutions guarantee fundamental rights that operationalize the rule of law.India's judiciary plays a creative constitutional role whereas Ireland's works for interpretative and harmonizing for the fundamental rights and Japan is conservative but disciplined. This diversity underscores that judicial philosophy is not only just constitutional text but defines the practical strength of the rule of law.Each country institutionalizes checks and balances differently as in India the Judicial review is part of the basic structure and courts actively scrutinize executive and legislative actions.[108]

Whereas in Ireland Judicial independence derives directly from the Constitution and the courts mediate between domestic and European norms.[109]And in Japan the Judicial independence exists in form but functions within a consensus-driven administrative culture.[110] While India's judiciary often faces criticism for judicial overreach,but in Japan it is the opposite here we acn see judicial timidity. Whereas in Ireland they represents a middle ground where the constitutional oversight coexists with political restraint.

Governance And Administrative Law

Across these three states the evolution of the rule of law was within the administrative sphere and reflects differing institutional philosophy but also a shared commitment to accountability and fairness. Indian administrative law has a vibrant site of judicial innovation. The doctrines of natural justice and fair procedure is combined with mechanisms such as Public Interest Litigation (PIL) and the Right to Information Act (2005) and have democratized access to justice. The Indian judiciary, often criticized for overreach, nonetheless plays a central role in ensuring that executive discretion remains subject to constitutional scrutiny.[111]

[108]Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225 (India).
[109]McDonald v. Bord nagCon, [1965] I.R. 217 (Ir.).
[110]Sunagawa Case, Supreme Court of Japan, 19 Keishu 418 (1959).
[111] Maneka Gandhi v. Union of India, (1978) 1 SCC 248; Right to Information Act, No. 22 of 2005 (India).

Ireland, in contrast, integrates its rule of law within their administrative governance through due process, proportionality, and legitimate expectation, and heavily borrowing from European Union standards.[112]The administrative framework emphasizes a balance in ensuring their executive action which remains efficient yet consistent with fundamental rights under both domestic and EU law. The result is as a coherent system where procedural fairness and human rights are mutually reinforcing, with courts playing a moderating rather than dominating role.

Japan comes with a model where the rule of law operates as a bureaucratic ethic rather than a judicial doctrine. The Administrative Procedure Act (1993) and Freedom of Information Act (1999) have institutionalized procedural fairness, transparency, and reason-giving within the decision-making process.[113] Unlike India's judiciary that led enforcement, Japan emphasis is on administrative discipline and internal compliance in reflecting its civil law heritage and cultural preference for harmony and procedural precision. While India achieves accountability through judicial enforcement, Ireland does so through legal harmonization with supranational norms, and Japan through statutory and procedural safeguards. Here each approach demonstrates how the rule of law, though universal is in aspiration and adapts to the institutional culture and political temperament of each nation.

Alignment With International Standards

The Universal Declaration of Human Rights (UDHR, 1948) in Article 7 establishes equality before the law, while Article 8 guarantees an effective remedy by competent tribunals.[114]Similarly, the International Covenant on Civil and Political Rights (ICCPR, 1966) requires states to ensure due process and judicial independence under Articles 14 and 26.[115]

[112]Dellway Investments v. National Asset Management Agency, [2011] 4 I.R. 1 (Ir.); European Commission for Democracy Through Law (Venice Commission), Rule of Law Checklist, CDL-AD(2016)007 (2016).

[113]Administrative Procedure Act, Law No. 88 of 1993 (Japan); Freedom of Information Act, Law No. 42 of 1999 (Japan).

[114]Universal Declaration of Human Rights, G.A. Res. 217A (III), arts. 7–8 (Dec. 10, 1948).

[115]International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.

All three nations have aligned their domestic rule of law and structures with these international commitments. In India it is the ICCPR principles in constitutional interpretation, in Ireland, as an EU and ECHR member, integrates human rights directly into domestic jurisprudence.[116] And in Japan, though not bound by the ECHR, but still maintains a strong procedural guarantees and has ratified major UN human rights treaties.[117].

Comparative Challenges And Implementation Gaps

Despite their is a constitutional sophistication, all three countries have faced persistent challenges in realizing their practical promise for the rule of law. In India, the doctrine often falters under the weight of systemic inefficiencies and judicial delays, corruption, and uneven access to justice undermine equality before law.[118]The vast backlog of cases and bureaucratic red tape erode in public confidence, revealinga paradox that a nation is rich in idea of constitution but poor in procedural realization. Furthermore, the rise of judicial activism, is often though necessary, but sometimes risks destabilizing is the balance between the judiciary and the executive, but blurring the line between law and policy-making.

In Ireland, the challenge lies in reconciling national sovereignty with European legal supremacy.[119]As a member of both the European Union and the European Convention on Human Rights, Ireland's judiciary has navigated a complex web of overlapping jurisdictions. This dual obligation increase the protection of individual rights but also strains domestic constitutional identity, especially when European jurisprudence diverges from national traditions. Whereas administrative efficiency remains relatively high, yet concerns persist over resource allocation and procedural delays in certain tribunals.

[116]Vishaka v. State of Rajasthan, (1997) 6 SCC 241 (India).
[117]European Convention on Human Rights Act 2003 (Ir.).

[118]Law Commission of India, Report No. 245: Arrears and Backlog—Creating Additional Judicial (Wo)manpower (2014).
[119]Crotty v. An Taoiseach, [1987] I.R. 713 (Ir.).

Japan, while having institutionally disciplined, also faces subtler contradictions. Its rule of law functions effectively in form but it is limited in participation.[120] Judicial restraint and bureaucratic dominance ensure predictability but limit the democratic engagement. Citizens have formal access to administrative review, and cultural deference to authority discourages legal confrontation. This has led scholars such as Taniguchi and Ramseyer to describe Japan's system as "stable but passive," where legality prevails but the accountability remains understated.The comparative picture reflects that India's weakness is procedural, wheresas Ireland's is structural, and Japan's is participatory. Each country represents a point of development of the rule of law: India is at the doorstep of making justice accessible, Ireland tries to balance sovereignty with supranational legality, and their Japan tries to deepen civic involvement within an exceptionally ordered system. These divergences in development mirror a universal understanding-that the vitality of the rule of law rests not simply in legal frameworks but in society's commitment, institutional culture, and citizens' practical competence in claiming rights.

Practical And Implementable Findings

1. By strengthening Institutional Independenceall three systems must reinforce the functional autonomy of the judiciary and anti-corruption mechanisms in line with the UN Convention against Corruption (2003).[121]

2. To bridging Law and Social JusticeIndia's moralized rule of law offers a model for rights-based governance. Whereas Japan and Ireland could adopt participatory mechanisms (e.g., amicus briefs, public consultations) to deepen citizen engagement.

3. Integrating Technology and Transparency by taking from Japan's administrative efficiency, digital case management and e-courts could strengthen India's access to justice.

4. To Harmonizing Domestic and International Normswhere Ireland's hybrid constitutionalism provides a blueprint for balancing sovereignty with global standards as especially relevant for developing nations adopting international human rights norms.

5. Periodic Rule of Law Audits can be doneby following the World Justice Project (WJP) Index model, as regular national audits could measure the adherence to legality,

[120]Yasuhei Taniguchi, The Rule of Law in Japan: History and Contemporary Challenges, 1 Wash. U. Global Stud. L. Rev. 9, 11–13 (1999); J. Mark Ramseyer, Judicial Independence in Japan Reconsidered, 3 J. Empirical Legal Stud. 767 (2006).

[121] U.N. Convention Against Corruption, Oct. 31, 2003, 2349 U.N.T.S. 41.

accountability, and access to justice, ensuring the empirical assessment rather than mere formal compliance.[122]The comparative analysis underscores that the rule of law cannot be transplanted uniformly it must be contextually implemented. And the success of the doctrine lies not in legal form but in institutional culture, political will, and civic participation.The rule of law in India, Ireland, and Japan reflects the adaptability of a universal principle within which diverse constitutional traditions. From India's transformative justice, to Ireland's integrative constitutionalism, to Japan's procedural precision and each system exemplifies a different path toward legal modernity.While the routes may diverge, the goal remains shared-ensuring that the application of power is tempered by laws, laws are tempered with justice, and justice is something accessible to all. The comparison thus serves to enhance academic understanding and give practical insight for states to develop resilient, transparent, and rights-based legal orders.

8. CONCLUSION AND SUGGESTIONS

The evolution of the rule of law in India, Ireland, and Japan reflects that this doctrine is neither static nor uniform it is a part of living constitutional principle that continuously adapts to history, politics, and culture of the state. Despite their different legal traditions and common law these three countries has converge on the shared objective of ensuring that power is constrained by law and justice prevails over arbitrariness.[123]. Together, these experiences contribute to the global understanding of how the rule of law can function as both a philosophical ideal and a pragmatic tool of governance.The historical trajectories of the three nations demonstrate that the rule of law evolves contextually, shaped by each country's socio-political background. The rule of law thus manifests differently in India, it is aspirational whereas in Ireland, institutional and in Japan, disciplinary. These variations confirm that while the concept is universal in theory, its legitimacy depends on local constitutional identity and political will.

Suggestions and Policy Recommendations

By Strengthening Institutional Integrity asstate must reinforce the independence and accountability of its judiciary and administrative organs. As India could adopt case management reforms and digital justice systems model based on Japan's procedural

[122]World Justice Project, Rule of Law Index 2023 (2023).
[123]Brian Z. Tamanaha, On the Rule of Law: History, Politics, Theory 137–39 (2004).

efficiency. Whereas Ireland's approach to judicial appointments through transparent merit-based systems provides a replicable model.

By Enhancing Access to Justice with UN SDG-16, all three jurisdictions should promote affordable legal aid, community mediation, and online dispute resolution. India's PIL mechanism could be institutionalized through statutory regulation to prevent misuse while maintaining public participation.[124]

[124]Law Commission of India, Report No. 245: Arrears and Backlog—Creating Additional Judicial (Wo)manpower (2014).