

GS SCORE

An Institute for Civil Services

**GIST OF IMPORTANT
REPORT**

**WORLD
JUSTICE PROJECT
RULE OF LAW
INDEX 2021**

REPORT BY: WORLD JUSTICE PROJECT

For Civil Services Examination

www.iasscore.in

GS SCORE

An Institute for Civil Services

OUR CLASSROOM & ONLINE COURSES

GS FOUNDATION

- ☑ 1 Year IAS Foundation
- ☑ 3 & 2 Year IAS Foundation
- ☑ GS Mains Foundation

OPTIONAL FOUNDATION

- ☑ Political Science
- ☑ History
- ☑ Geography
- ☑ Public Administration
- ☑ Anthropology

MAINS COURSES

- ☑ GS Mains Advance
- ☑ Applied GS
- ☑ Ethics Integrity & Aptitude
- ☑ Essay Writing
- ☑ GS Paper 2
- ☑ GS Paper 3

TEST SERIES

- ☑ Prelims Test Series
- ☑ GS Mains Test Series
- ☑ Essay Test Series
- ☑ Ethics Test Series
- ☑ Optional Test Series
 - Political Science
 - Geography
 - History
 - Public Administration
 - Anthropology

Visit:  www.iasscore.in

WORLD JUSTICE PROJECT RULE OF LAW INDEX 2021

INTRODUCTION

- The Index is the world's leading source for original, independent data on the rule of law.
- The WJP Rule of Law Index is a quantitative assessment tool designed to measure how the rule of law is experienced and perceived in practical, everyday situations by the general public worldwide.
- Performance is measured across the eight primary Rule of law factors and 44 sub-factors outlined in the Conceptual Framework of the WJP Rule of Law Index.
- To present an accurate portrait of the rule of law as experienced by ordinary people, each score of the Index is calculated using a large number of questions drawn from two original data sources collected by the WJP in each country:
- A General Population Poll (GPP) conducted by leading local polling companies, using a representative sample of 1,000 respondents in each country;
- Qualified Respondents' Questionnaires (QRQs) consisting of closed-ended questions completed by in-country practitioners and academics with expertise in civil and commercial law, criminal justice, labor law, and public health.

THE FOUR UNIVERSAL PRINCIPLES OF THE RULE OF LAW



World Justice Project

- It was founded by William H. Neukom and William C. Hubbard in 2006 as a presidential initiative of the American Bar Association and with the support of 21 partners.
- The World Justice Project (WJP) is an independent, multidisciplinary organization working to create knowledge, build awareness, and stimulate action to advance the rule of law worldwide.
- Effective rule of law reduces corruption, combats poverty and disease, and protects people from injustices large and small.
- It is the foundation for communities of justice, opportunity, and peace underpinning development, Accountable government, and respect for fundamental rights.
- Its offices are located in Washington, D.C., Mexico City and Seattle, Washington.

KEY FINDINGS OF THE REPORT

- Global surveys: The Index data is based on global surveys of more than 138,000 households and 4,200 legal practitioners and experts.

- New countries added: This year, the WJP added 11 new countries to the Index (seven countries in the European Union (EU), two countries in Latin America and the Caribbean, and two countries in Sub-Saharan Africa).
- The Index now covers all 27 members of the European Union. The new countries are:
 - ▶ Congo, Rep., Cyprus, Haiti, Ireland, Latvia, Lithuania, Luxembourg, Malta, Paraguay, Slovak Republic, and Sudan.
- More countries declined than improved: The 2021 edition of the WJP Rule of Law Index shows that more countries declined than improved in overall rule of law performance for the fourth consecutive year.
- Decline in rule of law performance: Over the last year, 74.2% of countries covered by the Index experienced declines in rule of law performance and 25.8% improved.
 - ▶ The countries that experienced declines (74.2%) account for 84.7% of the world’s population, or approximately 6.5 billion people.
- Top and Bottom performers: The top three performers this year were Denmark, Norway, and Finland. Democratic Republic of the Congo, Cambodia, and Venezuela, RB had the lowest overall rule of law scores.
- The countries with the biggest improvement in rule of law in the past year were Uzbekistan (4.1%), Moldova (3.2%), and Mongolia (2.0%).
- The countries with the biggest decline in rule of law in the past year were Belarus (-7.5%) and Myanmar (-6.3%). Nigeria, Nicaragua, Kyrgyz Republic, and Argentina tie for the third biggest decline (-3.7%).

TOP 5 PERFORMERS

Denmark	0.90	1
Norway	0.90	2
Finland	0.88	3
Sweden	0.86	4
Germany	0.84	5

The World Justice Project defines the rule of law system as one in which the following four universal principles are upheld:

- **Accountable under the law:** The government and its officials and agents are accountable under the law.
- **Protection:** The laws are clear, publicized, stable and fair, and protect fundamental rights, including the security of persons and property.
- **Fair process:** The process by which the laws are enacted, administered, and enforced is accessible, efficient, and fair.
- Justice is delivered by competent, ethical, and independent representatives and neutrals that are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

World Justice Forum

- The World Justice Forum is the world’s largest global multidisciplinary platform dedicated to advancing the rule of law.
- It is a global gathering at which prominent leaders from all parts of the world and a variety of disciplines come together to articulate how the rule of law affects their disciplines and regions and to develop collaborative actions to strengthen the rule of law.

RULE OF LAW DURING COVID-19

■ Significant Declines

- ▶ In a year dominated by the global COVID-19 pandemic, more than half of countries covered by the Index have experienced declines in constraints on government powers, civic space, timeliness of justice, and absence of discrimination.

■ Constraints on Government Power

- ▶ During the last year, 70% of countries covered by the Index declined in Constraints on Government Powers. This decline was the most prevalent in South Asia, the Middle East and North Africa, and EU, EFTA, and North America.

■ Civic Space

- ▶ Over the past year, 82% of countries in the Index experienced a decline in at least one dimension of civic space (civic participation, freedom of opinion and expression, and freedom of assembly and association).

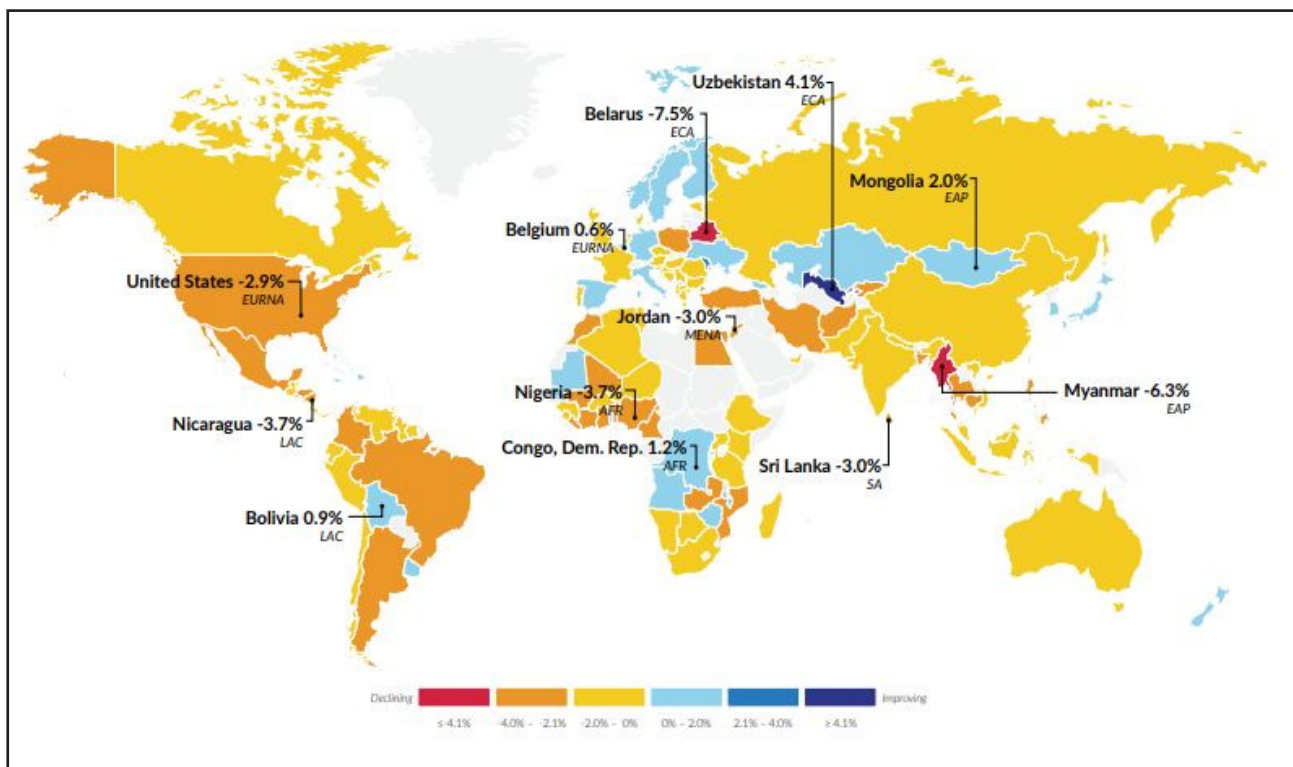
■ Justice Delays

- ▶ Over the past year, 94% of countries in the Index experienced increased delays in administrative, civil, or criminal proceedings. Civil justice was particularly affected, with two-thirds of countries exhibiting increased delays.

■ Discrimination

- ▶ During 2020, 67% of countries covered by the Index experienced declines in equal treatment and absence of discrimination. This decline was the most prevalent in Sub-Saharan Africa, and the Middle East and North Africa.

OVERALL RULE OF LAW SCORE CHANGES



FACTORS ON THE RULE OF LAW

■ CONSTRAINTS ON GOVERNMENT POWERS

- ▶ It measures the extent to which those who govern are bound by law.
- ▶ It comprises the means, both constitutional and institutional, by which the powers of the government and its officials and agents are limited and held accountable under the law.
- ▶ It also includes non-governmental checks on the government's power, such as a free and independent press.

■ ABSENCE OF CORRUPTION

- ▶ It measures the absence of corruption in government.
- ▶ The factor considers three forms of corruption: bribery, improper influence by public or private interests, and misappropriation of public funds or other resources.
- ▶ These three forms of corruption are examined with respect to government officers in the executive branch, the judiciary, the military, police, and the legislature.

■ OPEN GOVERNMENT

- ▶ It measures the openness of government defined by the extent to which government shares information empowers people with tools to hold the government accountable, and fosters citizen participation in public policy deliberations.
- ▶ This factor measures whether basic laws and information on legal rights are publicized and evaluates the quality of information published by the government.

■ FUNDAMENTAL RIGHTS

- ▶ It recognizes that a system of positive law that fails to respect core human rights established under international law is at best "rule by law," and does not deserve to be called a rule of law system.
- ▶ Since there are many other indices that address human rights, and because it would be impossible for the Index to assess adherence to the full range of rights, this factor focuses on a relatively modest menu of rights that are firmly established under the United Nations Universal Declaration of Human Rights and are most closely related to rule of law concerns.

■ ORDER AND SECURITY

- It measures how well a society ensures the security of persons and property.
- Security is one of the defining aspects of any rule of law society and is a fundamental function of the state.
- It is also a precondition for the realization of the rights and freedoms that the rule of law seeks to advance.

■ REGULATORY ENFORCEMENT

- ▶ It measures the extent to which regulations are fairly and effectively implemented and enforced.
- ▶ Regulations, both legal and administrative, structure behaviours within and outside of the government.
- ▶ This factor does not assess which activities a government chooses to regulate, nor does it consider how much regulation of a particular activity is appropriate. Rather, it examines how regulations are implemented and enforced.

■ CIVIL JUSTICE

- ▶ It measures whether ordinary people can resolve their grievances peacefully and effectively through the civil justice system.
- ▶ It measures whether civil justice systems are accessible and affordable as well as free of discrimination, corruption, and improper influence by public officials.

- ▶ It examines whether court proceedings are conducted without unreasonable delays and whether decisions are enforced effectively.
- ▶ It also measures the accessibility, impartiality, and effectiveness of alternative dispute resolution mechanisms.

■ CRIMINAL JUSTICE

- ▶ It evaluates a country's criminal justice system.
- ▶ An effective criminal justice system is a key aspect of the rule of law, as it constitutes the conventional mechanism to redress grievances and bring action against individuals for offenses against society.
- ▶ An assessment of the delivery of criminal justice should take into consideration the entire system, including the police, lawyers, prosecutors, judges, and prison officers.

INDIA SPECIFIC STUDY

■ Introduction

- ▶ In the words of the UN Vienna Declaration of 1993 "human rights are universal, indivisible, interdependent and interrelated and therefore should be protected and promoted in a fair and equitable manner by something as fundamental and all-pervasive as the rule of law."
- ▶ The rule of law requires that the government should be subject to the law rather than the law subject to the government.

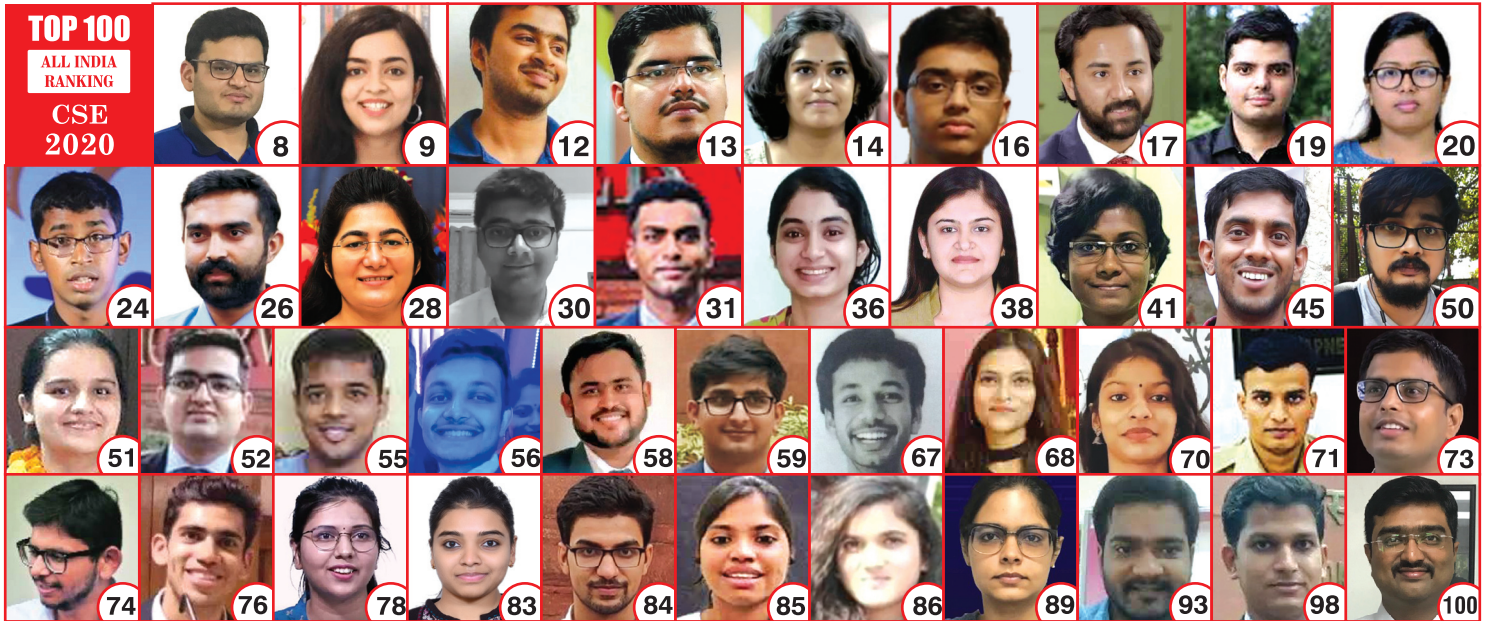
■ Issues/Challenges

- ▶ Accountability: The rule of law's requirement that both rulers and the ruled be accountable to the law is of unquestionable value.
- ▶ Too much emphasis on procedures for preventing arbitrariness can lead to subverting the doing of justice according to what might otherwise find support in the rule of law, and the legal strictures then become themselves a form of arbitrariness that is no more legitimate.
- ▶ Those who defend the negative value of the rule of law object to more substantive understandings of the ideal on the grounds that morally ambitious aspirations about the rule of law threaten to purge the concept of its specificity and usefulness.
- ▶ Overarching source of security: The liberals who focus their attention on ways of protecting liberty in some way and further avert threats to it often see rule of law as an overarching source of security.
- ▶ Complex idea: It can be stated that rule of law is not a faithful description of any state of affairs but a complex idea, which becomes even more complex when it comes to the realization of the same.
- ▶ The independence of judiciary clearly becomes a problem if that independence is misused for the privilege of such judicial personnel or allowing of unchallenged interpretation of laws, hence it can be said that such things act in contrary to the principles which the rule of law tries to enshrine.
- ▶ Giving excessive importance to the law and the legal proceedings may act as a disadvantage if a policy proposal or its official mandate is given a green signal even when there is opposition to the same by many people.

■ Suggestions/ Way forward

- ▶ An independent, impartial judiciary,
- ▶ The presumption of innocence,
- ▶ Fair and Public trial without undue delay,
- ▶ A rational and proportionate approach to punishment,
- ▶ Strong and independent legal profession,

- ▶ Strict protection of professional secrecy /confidential communication between lawyer and client.
- ▶ Equality of all before the law,
- ▶ Arbitrary arrests; secrete trials,
- ▶ Indefinite detention without trial,
- ▶ Cruel or degrading treatment or punishment,
- ▶ Intimidation and corruption,
- ▶ A transparent process,
- ▶ Accessible and equal trial.



SUCCESS IS A PRACTICE WE DO!

