

# Constitutionalism

## Semester 4 MJC 5

Constitutionalism is a system of governance where a constitution serves as the supreme law, limiting government power and protecting individual rights. It emphasizes rule of law, separation of powers, and checks and balances.

### Key Elements:

1. **Supreme Constitution:** The constitution is the highest law, overriding other laws and government actions.
2. **Limited Government:** Government powers are defined and restricted by the constitution.
3. **Separation of Powers:** Divides power among legislative, executive, and judicial branches to prevent abuse.
4. **Rule of Law:** All, including government, are subject to the law.
5. **Protection of Rights:** Safeguards fundamental rights and freedoms (e.g., speech, equality).

### Features in Practice:

- **Written Constitution:** Many countries (e.g., US, India) have a codified constitution.
- **Judicial Review:** Courts interpret the constitution, ensuring laws align with it (e.g., *Marbury v. Madison*, *Kesavananda Bharati*).
- **Accountable Governance:** Elected representatives and officials are accountable to the constitution.

### Examples:

- US Constitution: Influential model with Bill of Rights, checks and balances.
- Indian Constitution: Longest written constitution, blending parliamentary system with rights protections.

### Significance:

- Protects Liberties: Limits state power, upholding individual freedoms.
- Promotes Stability: Provides framework for governance, reducing arbitrary rule.
- Evolves with Society: Amendments allow adaptation to changing needs (e.g., US 13th Amendment abolishing slavery).

### Challenges:

- Interpretation Debates: Courts' role in interpreting constitutional provisions can be contentious.
- Balancing Rights & Governance: Tensions between individual rights and collective interests.