

# 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.