

CONCEPT RELEVANCE OF CONSTITUTION AND CONSTITUTIONALISM

Introduction

The Constitution of India is the supreme law of India. It frames fundamental political principles, procedures, practices, rights, powers, and duties of the government. It imparts constitutional supremacy and not parliamentary supremacy, as it is not created by the Parliament but, by a constituent assembly, and adopted by its people, with a declaration in its preamble. Parliament cannot override it

The world's longest constitution is the Indian's constitution. At its commencement, it had 395 articles in 22 parts and 8 schedules. It consists of approximately 145,000 words, making it the second largest active constitution in the world. Currently, it has a preamble, 25 parts with 12 schedules, 5 appendices, 448 articles, and 105 amendments.

History

The constitution of India was adopted on the 26th of November, in the year 1949. However, it came to effect on the 26th of January, 1950. 26th of January is celebrated as the Republic Day of India.

It was adopted by the Constitution Assembly. Dr. B. R. Ambedkar, the chairman of the Drafting Committee, is widely considered to be the architect of the Constitution of India. After, the adoption of the constitution, The Union of India became the contemporary and modern Republic of India

Relevance of the constitution ¹

1. **The constitution is an embodiment:** Constitution is a written instrument which serves as the embodiment of the rules of a political or social organization. These rules and regulations lay down the base of the nation so that it can run without any sort of issue or dispute and in case any problem occurs in the legal and governmental sectors or between the masses of the country and the judiciary, these provisions help the country to get through this phase where there is a regular threat of a civil war breakdown which is probably the last thing any country can have nightmares about.

¹ <https://www.airtract.com/article/why-is-the-constitution-important--7-reasons>

2. The constitution forms the basic structure of any government: The constitution of any country is important because of the fact that it lays down all the legal and cultural aspects under which its people and the governmental bodies will be governed and that too when there are foreign interactions in the personal affairs every now and then by international organizations. The executive, the legislature and the judiciary are the main organs of the government that the constitution establishes. These three are the source of stability of any country, and without them, the only thing that will rise is terror and corruption among the masses.

3. Governs the power distribution: The Constitution defines the powers of each organ and let everyone related to a country know about the power and governmental and legal body has. It demarcates the responsibilities of each of the parties whether it is a governmental institution, companies of the country or the masses of the nation. The Constitution helps to regulate the relationship between the government and the people in such a manner that no one part can miss treating the power in any way possible.

4. Apex body: A Constitution is superior to all the laws of the country which means any law or provision that is circulated in the nation is passed down by the constitution itself. Every law enacted by the government has to be in conventionality with the Constitution and this means that no one or no legal body will be able to speak upon the Constitution otherwise it will not maintain the strength and will fall and so will the nation.

5. Goals of a Country: The Constitution lays down the national goals of any country, by nation goals we mean to say that any aspiring objective that a country has. As every country has some point to reach which is planned in their mind, therefore, the constitution will help to reach goals such as, Democracy, secularism, Socialism, and National Integration.

6. Basic rights: The constitution of a country guarantees some rights and provision for any individual or group of people on behalf of which they can ensure their well-being and dignity. It helps the people of the country to avail of all the basic rights which they are deemed for. Some of the most basic rights that are protected by the Constitution are right to life, right to freedom, right to property and the right to participate freely in the democratic system.

7. Power transfer at the time of national emergency: One of the things that make the Constitution a really important document for a country is the fact that it controls the transfer of power at the time of national emergencies. By national emergencies, we mean a disaster that can wipe out some part of the nation or can damage any part of the nation in a very severe manner, civil war breakdown, etc.

So, these are the points demonstrating the relevance of constitution. The Constitution is the spine of the nation and we should respect its existence and dignity while making sure that its rules and provisions are followed by each and everyone in the Nation.

What is Constitution?²

A constitution is a set of fundamental principles or precedents of a particular entity that shall help in understanding how it is supposed to be governed. The constitution is a set of fundamental laws that the government, as well as any individual, shall follow. It offers a way to govern a country.

These fundamental laws or principles are written in a document, and that is why it is called the 'Written Constitution'. It helps in demonstrating the social, political structure of a country. It also includes the legal entity of the nation. It is the primary and prime law of the country. It is usually sketched by the government, and in recent years, many nations have altered their constitution, which is uncommon but needed.

In specific terms, Constitution is referred to defined as

1. Basic Law of the Nation
2. A system that integrates and collaborates the organization and individual norms
3. Government Organisation

It is a structure that the government must follow, and so do the common man. The foundation of the government is set by the constitution. The collective rights and freedom of individuals are offered by the constitution, and everyone must follow the law.

What is Constitutionalism?

Constitutionalism is the governing law that helps regulate the functionality of the government. As such, constitutionalism sets the standards of actions for the government. It indeed sets limitations to the government. Constitutionalism defines the action of a government as legitimate or not.

No government shall work beyond the principles of constitutionalism and, if it does so, is considered invalid. One needs to understand that having the constitution does not guarantee to set constitutionalism. It is the other way around.

A nation must have the governing laws for the government to have the constitution set. Also, the country that has a constitution and not have constitutionalism makes it vulnerable as the rules can be broken at any time.

² <https://askanydifference.com/difference-between-constitution-and-constitutionalism/>

Basic Features of Constitutionalism are given below

1. Popular Sovereignty
2. Separation of Powers
3. Responsible and Accountable Government
4. Rule of Law
5. An independent judiciary
6. Respect for individual rights
7. Respect for self-determination
8. Civilian control of the military
9. Police governed by law and judicial control

As such, the concept of constitutionalism help restores peace in the nation. Imagine, without that, the government can act on their own without any governing authority to question them. Even questioned, there is no law to say that the action was wrong. This is widely avoided in the nations that have strong constitutionalism that puts limitations on the government, and the same shall be adhered to by any government that is formed.

Constitution vs. Constitutionalism³

The difference between Constitution and Constitutionalism is that the Constitution is created by the government, but the Government itself is controlled by Constitutionalism which sets the limitation to its powers and authorities. The latter is indeed the law that allows people and the government to follow the rules and principles set by the constitution.

A constitution, in general, is a document that is written which has the fundamental laws of the nation. A constitution sets the entire framework of how a government structure must be and also vividly discusses the functionality of every element. As such, the principles of society are set from the root level. It gives the exact norms and principles for the government to follow.

Constitutionalism, on the other hand, is the governance system by itself that controls and limits the powers of the government. This is the one that sets the freedom and limitations of every individual of the nation. It includes the government as well. A government must use its power under constitutionalism.

Main Differences Between Constitution and Constitutionalism

1. The main difference between Constitution and Constitutionalism is that the constitution is a written document while constitutionalism is not.

³ <https://askanydifference.com/difference-between-constitution-and-constitutionalism/>

2. The constitution is the supreme law of the country, while constitutionalism is the one that allows it to function legitimately.
3. Constitutional amendments can be changed by the Government, while constitutionalism cannot be changed.
4. The non-existence of a constitution can still have the country thrive, while the non-existence of constitutionalism shall ruin the country as there is no governing law for the government in power.
5. Constitution is the rules and regulation set for the structure of the government and society, while constitutionalism sets the limitation to the government itself.

Comparison Table Between Constitution and Constitutionalism⁴

Parameters of Comparison	Constitution	Constitutionalism
Definition	Fundamental Laws of the Nation	Fundamental Principles to govern a country
Major Emphasis	Constitution emphasizes 'How' to factors of the government.	Constitutionalism emphasizes the Limitation of the government.
Doctrine	Rules and regulations to be followed	Limitations to be adhered to by the government
Format	The constitution is a written document.	It is not necessary to have a document. It is not written too.
Existence	The constitution cannot exist without Constitutionalism.	It can very well survive in a country without any written document in place.

⁴ <https://askanydifference.com/difference-between-constitution-and-constitutionalism/>