

# Constitutionalism

Constitutionalism is the set of behaviours that governs the country in a better manner and controls the government's power. It has various elements and importance.

Constitutionalism refers to the act that defines that a country or state should be governed by specific rules or the ruling document, i.e., the Constitution. A constitution is a ruling document within a country that defines the specific rules and behaviours to govern and run the country. The ideas of Constitutionalism and the Constitution are of the people and for the people. They work in favour of the people to ensure the protection of their human rights. It is a philosophy that restricts the government to some extent to run the country properly.

India is a democratic country, denoting that the government or ruling body should be represented by the people of the country. And that selected representative works for the betterment of the people as well as the country. Constitutionalism is the idea that ensures the laws restricting the ruling body from wrongly exercising power.

## Constitution in India

As India is a democratic country, it has its own Constitution, which guides the government in ruling the country in a better manner for the public's welfare.

The Constitution in India consists of the fundamental laws and principles of the country written by Dr B. R. Ambedkar, who is known as the father of the Indian Constitution. It was adopted on 26th November 1949 with the help of the Constituent Assembly and was effected from 26th January 1950. It lays down the fundamental framework and laws to run the country while following human rights.

The preamble is an introductory statement that defines the objectives and reasons behind a legislative or rule. The preamble of the Indian Constitution declares the country to be a sovereign, secular, socialist and domestic republic. The objective behind the preamble is to seek justice and equal rights for the general public in the country.

The preamble of the Indian Constitution is to provide liberty to the general public in India. It denotes that all people are equal before the law and should be served with equality.

## Importance of Constitutionalism

Constitutionalism is the basic structure on which the governance of a country or state strictly depends. Its importance cannot be ignored in any aspect. Some key points are mentioned below:

- It is a set of norms that prevents the state from abusing its power
- It ensures that the people have liberty and get justice which is crucial for a democratic country such as India
- It ensures proper governance within the country or state as it puts restrictions on the overuse of state power, thereby protecting the rights of the democracy

- It helps in the better development and welfare in the developing countries as it denotes equal rights for all
- It ensures that the state is based on specific rules and guidelines, which states every person has the right to human dignity

## Elements of Constitutionalism

It implies the following elements which characterise the Constitution in India.

- **Sovereignty**

It initiates that the government is free from any bias from any particular authority. In short, it ensures the government is of the people, by the people, for the people.

- **Supremacy of the Constitution and Rule of Law**

It denotes the country is run through rules, not authority or powers. No one can decide the governance except the laws and regulations which have been already stated.

- **Political Democracy**

In a democracy, individual rights and equality should be protected. It declares equal rights to all the individuals within the country.

- **Representative-limited Government**

It declares the representatives are selected through a proper election process by the people. They elect representatives for their welfare, so they should be accountable and answerable to the general public for their actions.

- **Separation of Power**

It divides the whole power into three branches, i.e., Executive, Legislative, and Judiciary. This helps keep checks and balances in each area separately and in a better way.

- **Civilian Control of the Military Force**

It denotes that the Civilian government should control the Military force in such a way that the Military cannot have any way to interfere in the democratic decision-making process of the country.

- **Police Governed by Law and Judicial Control**

It ensures the Police power should be judged by the Law and Judicial control. Police have no right to harm the dignity of the people.

- **An Independent Judiciary**

The independence of the Judiciary system ensures the freedom of the democratic power in India. It means that the government is free to run the country if the laws support it.

## Differences Between Constitutionalism and Constitution

Constitution and Constitutionalism share the same interest, but some basic differences still exist between them.

- The Constitution is a written statement created by the government. Constitutionalism is the idea or philosophy that governs through the rules and regulations stated in the Constitution

- The Constitution is considered as the prime law of the country, whereas Constitutionalism is the act that allows the Constitution to function
- The Constitution states the rules and regulations to be followed, but Constitutionalism states the restrictions against the government
- A country can exist without the Constitution, whereas it can never exist without Constitutionalism as it defines the laws and behaviour of governance

## Conclusion

Constitutionalism is the behaviour that enables the better governance of the country and restricts the overuse of powers within the country. It works in respect of the people and the welfare of society. The concepts of Constitution and Constitutionalism are closely related; one cannot survive without the other. However, they are different in their perspectives. The first one defines the written rules and regulations, while the second one emphasises more than a simple written document.