

# Constitutionalism

The act of specifying that a country should be governed by strict guidelines or the governing document, which is the Constitution, is regarded as constitutionalism. A constitution is a guiding document within a country that describes the particular guidelines and actions that must be followed in order to govern and run the country.

Constitutionalism and the Constitution are concepts created by and for the people. They function for the people to make sure that their human rights are protected. It is an ideology that limits the government's ability to manage the country appropriately. Constitutionalism is the notion that laws prevent the governing council from wrongfully exercising authority.

## Elements of Constitutionalism

The elements of constitutionalism include - sovereignty, separation of power, the supremacy of the constitution, autonomous judiciary, Representative-Bounded Government, Political Nature of Democracy, Judicial control over the Police, and Civilian Control of the Military Forces. The elements of constitutionalism are explained below:

- **The Constitution and Rule of Law are Supreme:** It denotes that the country is governed by rules rather than authority or power. Except for the laws and regulations that have already been stated, no one can decide on governance.
- **Sovereignty:** It begins with the assumption that the government is free of any bias from any particular authority. In short, it ensures that the government is of, by, and for the people.
- **Representative-Bounded Government:** This element of constitutionalism declares that the people choose the representatives through a legitimate election process. They elect representatives to look after their interests, so they must be accountable and answerable to the public for their actions.
- **Political Nature of Democracy:** Individual rights and equality should be protected in a democracy. It declares equal rights for all citizens of the country.
- **Separation of Power:** It splits the power into 3 tiers: executive, legislative, and judicial. This helps to maintain balances and checks in each area separately and more effectively.
- **Law and Judiciary Govern the Police:** It is one of the important elements of constitutionalism that ensures that police power is critiqued by the law and under legal authority. The police have no right to violate people's dignity.
- **Autonomous Judiciary:** The autonomy of India's judicial system means ensuring the liberty of democratic legitimacy. It means that the government has the authority to control the nation if the laws allow it.
- **Civilian Control of the Military Forces:** It symbolises that the Civilian government must supervise the military force in a manner that the military cannot interrupt the country's democratic judgement procedure.

## Features of Constitutionalism

The features of Constitutionalism are given below to understand the constitution in India:

- The Indian constitution can be defined as a written form of the constitution.
- It is extremely complaisant, so it is easy to undergo amendments. Although it can also be called rigid since its basic layout is not up for amendment.

- The Indian constitution can be quoted as being unitary since it gives the Centre the higher authority. Yet, it is also defined as federal since the power is split between the Centre and the state.

## Importance of Constitutionalism

Countries that have formed and maintained constitutional governments have typically remained at the leading edge of advancements in science and technology, economic power, social evolution, and human well-being. The importance of constitutionalism can be understood by going through the following points:

- States that have repeatedly been unable to keep the constitutional government, on the other hand, have frequently suffered from the lack of their potential growth.
- This is because constitutionalism means ensuring "the fair and impartial exercise of power"; it "facilitates a peaceful and orderly society, defends the rights of citizens and communities, and encourages appropriate resource management and economic growth and progress."
- In a way, we can say that constitutionalism equips lawful authorities to manage valid concerns for the public good while offering protection to people from the despotism of rulers whose authority might otherwise be utilised for their personal advantage rather than the public good.
- A constitution exposes a disconnection between the fixed, enduring institutional bodies of the state, on one side, and the elected government, on the other, by offering fundamental rules related to the source, transfer, accountability, and application of political power in a society.
- The constitutionalism guarantees that the government does not possess the state; rather, it handles the state on behalf of its citizens under the jurisdiction of higher laws.

## Constitution and Constitutionalism UPSC

Being a democratic nation, India is governed by constitutionalism, which effectively directs the government and helps rule the country for the benefit of the public. The Indian Constitution comprises the country's fundamental laws and foundational principles, authored by Dr B. R. Ambedkar, widely recognized as the "Father of the Indian Constitution."

It was approved by the Constituent Assembly on November 26, 1949, and went into effect on January 26, 1950. It establishes the fundamental structure and laws for running the country while respecting human rights.

### Preamble as a Part of Constitutionalism in India

The preamble is an introductory statement that outlines the goals and rationale for a piece of legislation or a rule. The Indian Constitution's preamble declares that the nation is a sovereign, secular, socialist, and domestic republic. The preamble's objective is to pursue justice and equal treatment for the public.

The Indian Constitution's preamble aims to provide autonomy to the general populace in the country. It implies that all individuals are equal according to the law and ought to be treated as such.

The preamble describes the goals of constitutionalism in two ways:

1. Concerning the constituents of institutions of governance, and
2. The goals desired to be attained in independent India.

The following objectives of constitutionalism are made clear in the preamble:

- To establish India as a Sovereign, Socialist, Secular, and Democratic Republic (words Socialist and Secular inserted by 42nd Constitutional Amendment, 1976) Other preamble provisions include:
  - Justice, Social, Economic, and Political;
  - Liberty, of expression, belief, faith, and worship
  - Equality, of status and opportunity;

Fraternity, which ensures the individual's right to dignity as well as the oneness and the nation's integrity (word unity incorporated by the 42nd constitutional Amendment, 1976), may be cited to establish the scope of Fundamental rights and Directive principles of state policy.

