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**Question: Explain the concept of 'Constitutionalism'.**

**Answer:**

### **Introduction**

Constitutionalism is an ideology that believes that the government of any country should operate within the rules and limits set by the constitution. Its main objective is to ensure that the power of the government is limited so that citizens' freedom, rights, and democratic values can be protected.

### **Meaning of Constitutionalism**

Constitutionalism means that "governance should be limited, disciplined, and within the framework of protecting citizens' rights." It does not mean that merely having a constitution is enough, but it is essential that the constitution is followed and the government operates within its boundaries.

Simply put, constitutionalism is a system that controls the government, ensuring that no person, institution, or government can rule arbitrarily.

### **Definitions of Constitutionalism by Scholars**

#### **1. K.C. Wheare**

"Constitutionalism is a system of government in which the powers of the government are controlled and limited by the constitution to protect

citizens' freedom."

## 2. A.V. Dicey

"The fundamental principle of constitutionalism is the Rule of Law, where the government is subject to the law and does not operate arbitrarily."

## 3. C.F. Strong

"Constitutionalism does not just mean having a constitution, but also ensuring its effective implementation so that the government does not misuse its powers."

## 4. David Feldman

"Constitutionalism is an ideology that ensures the government operates within legal limits, protects rights, and maintains judicial independence."

## 5. James Bryce

"The essence of constitutionalism is that the government should not be authoritarian, and all its activities must be within the limits of the constitution."

## 6. Woodrow Wilson

"Constitutionalism means that the government should work according to the people's will, but within a specific constitutional framework."

From the above definitions, it is clear that the main purpose of constitutionalism is to limit government power, protect citizens' freedoms, and uphold democratic values. Its fundamental principle is "Limited Government, Rule of Law, and Protection of Fundamental Rights."

## **Key Elements of Constitutionalism**

### 1. Limited Government

- Government powers should not be unlimited.
- It must follow the legal boundaries set by the constitution.

## 2. Rule of Law

- No person, whether a citizen or the Prime Minister, is above the law.
- The law applies equally to all.

## 3. Protection of Fundamental Rights

- Constitutionalism plays a vital role in protecting citizens' fundamental rights.
- Examples include the Right to Freedom, Freedom of Expression, and the Right to Equality.

## 4. Democratic Governance

- Constitutionalism supports democracy and considers the people as the supreme authority.
- The government is accountable to the public.

## 5. Separation of Powers

- Constitutionalism emphasizes the balance of power among the three branches of government (Legislature, Executive, and Judiciary).
- This reduces the chances of dictatorship.

## 6. Constitutional Morality

- Governments and citizens should act in accordance with the spirit of the constitution, not just follow written rules.

### **Importance of Constitutionalism**

- It prevents the government from becoming authoritarian.
- It safeguards citizens' rights and freedoms.
- It establishes the rule of law.
- It strengthens democracy.
- It prevents the misuse of power and promotes good governance.

The ultimate goal of constitutionalism is to ensure that the government works in the interest of the people and adheres to the law rather than ruling arbitrarily.

### **Where is Constitutionalism Effective?**

Constitutionalism is primarily effective in countries where democracy and the rule of law exist.

- Most effective in – USA, India, Germany, France, Japan
- Also applied in constitutional monarchies – UK, Sweden, Norway
- Weak implementation – Russia, Turkey, China
- Almost absent – North Korea, Saudi Arabia, Myanmar

### **Constitutionalism in India**

India strongly upholds the concept of constitutionalism. The Indian Constitution ensures democracy, fundamental rights, separation of powers, and judicial independence. Some important articles strengthening constitutionalism in India include:

- Article 13: The government cannot make laws that violate fundamental rights.
- Article 14: Ensures the right to equality.
- Article 19: Guarantees freedom of expression.
- Article 21: Protects the right to life and personal liberty.
- Article 32: Citizens can approach the Supreme Court for the enforcement of fundamental rights.

## Difference Between Constitutionalism and Dictatorship

Constitutionalism	Dictatorship
Government powers are limited.	Government powers are unlimited.
Citizens' rights are protected.	Citizens' rights are violated.
Rule of law prevails.	The leader's rule is supreme.
Judiciary is independent.	Judiciary is controlled by the government.
Power is balanced.	Power is concentrated in one person or institution.

## Conclusion

Constitutionalism is a principle that limits government power and protects citizens' rights. It is the essence of democracy and ensures law, equality, and freedom in a country.

The core message of constitutionalism is that no law or person is above the constitution, and every government must operate within constitutional boundaries.