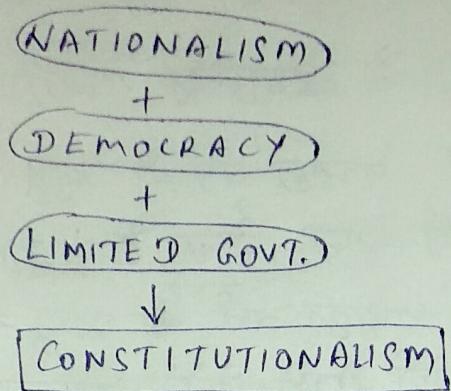


The Concept of Constitutionalism

Where there is Constitutionalism, there is supremacy of law and not of the individuals. It imbibes the core principles of nationalism, democracy and limited government.



In order to have a proper understanding of the term 'Constitutionalism', let's first understand the meaning of the terms, 'Constitution' & 'Constitutional govt.'

As C.F. Strong has said in his book, 'Modern Political Constitution', A constitution "may be said to be a collection of Principles according to which the powers of the govt., the rights of the governed, and the relation betw the two adjusted."

In effort of elaborate the meaning of 'Constitution' more clearly, K.C. Wheare, in his

book, "Modern Constitutions" says "it (constitution) is used to describe the whole system of a govt. of a country, the collection of rules which establish and regulate or govern the govt. These rules are partly legal, in the sense, that the courts of law will recognise and apply them, and partly non-legal or extra-legal, taking the form of usages, understandings, customs, or conventions which courts do not recognise as law but which are not less effective in regulating the govt. than the rules of law strictly called.

Now, let's try to find out the meaning of 'constitutional government'? According to Wheare, constitutional government "means something more than a government according to the terms of a constitution. It means government according to rule as opposed to arbitrary government; it means government limited by the terms of a constitution, not govt. limited only by the desires and capacities of those who exercise power."

So, constitutionalism happens where the powers of the government are limited. Also, it only happens where the nation has a democratic setup.