

CONSTITUTION AND CONSTITUTIONALISM



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Constitutionalism is "a complex of ideas, attitudes, and patterns of behavior elaborating the principle that the authority of government derives from and is limited by a body of fundamental law"

MEANING | Constitutionalism means **LIMITED GOVT**; it means that powers of executive & legislature are limited & not - uncontrolled or arbitrary.

IMPORTANT ASPECTS

- **Constitutionalism is the primary edifice on which the Indian democracy stands.**
- **Modern constitutionalism, to which Germany is a major contributor too, especially in terms of the basic structure doctrine, specifies that powers vested in any organ of the State have to be exercised within the four corners of the Constitution, and further that organs created by a constitution cannot change the identity of the constitution itself. ;**
PARA 64 Ram Jethmalani v. Union of India, (2011) 8 SCC 1.



WHY NOT ABSOLUTE POWERS TO GOVT?

- **Power corrupts AND Absolute power corrupts absolutely. If it is vested; then it will turn into authoritarian, oppressive govt. (DESPOTISM)**
- **Jeopardise freedom of the people.**
- **To preserve dignity & personality of the people.**

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PREVIOUS YEAR QUESTIONS PAPER

**2014 UPSC : What is 'Constitutionalism'?
Explain the said concept both in its
negative and positive aspects in the
context of India's tryst with
'Constitutionalism' and 'Constitutional
Governance.'**



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