

BLOGS

Why the Idea of Constitutionalism Matters?

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Many CLAT PG aspirants begin constitutional law by memorising Articles and case names. Soon, the subject starts feeling scattered: Article 14 here, separation of powers there, judicial review somewhere else. The difficulty often comes from missing the larger idea that connects these doctrines. That idea is constitutionalism.

In simple terms, constitutionalism means that power must be limited by law. A Constitution does not only create institutions of government; it also prevents those institutions from becoming too powerful. Without this restraint, even a democratic government could start acting arbitrarily. Understanding this idea is important because many constitutional doctrines actually exist to enforce this basic principle.

Constitution vs Constitutionalism

A country can have a written Constitution and still not follow constitutionalism. A Constitution may organise power, but constitutionalism ensures that power cannot be used without limits.

Think of it this way:

- A Constitution tells us who has power.
- Constitutionalism tells us how that power must be controlled.

This distinction explains why courts often intervene when governments exceed their authority.

Limited Government

One of the first things constitutionalism demands is limited government. In a constitutional democracy, those in power cannot act however they want. Their authority comes from the Constitution, and they must remain within those boundaries.

For example, if Parliament passes a law that violates fundamental rights, courts can strike it down. This is not because courts are “above” Parliament, but because the Constitution itself

places limits on legislative power.

Rule of Law

Closely connected to limited government is the rule of law. The rule of law simply means that everyone, including those who govern, is subject to the law.

Government decisions cannot be based on personal preference or political convenience. They must always have legal authority behind them. This idea ensures that power is exercised through rules rather than arbitrary discretion.

For aspirants, this principle often appears in cases dealing with arbitrary state action, especially under Article 14.

Separation of Powers

Another way constitutionalism controls power is through separation of powers. Instead of concentrating authority in one institution, modern constitutions divide power among three branches:

- Legislature: makes laws
- Executive: implements laws
- Judiciary: interprets laws

Each branch checks the others. This arrangement reduces the chances of abuse of power.

Although the Indian Constitution does not explicitly state this doctrine, its structure clearly reflects the idea. Courts have repeatedly emphasised that the independence of the judiciary is essential to maintain this balance.

Protection of Rights

Perhaps the most visible expression of constitutionalism is the protection of fundamental rights. Rights exist because the Constitution recognises that individuals need protection from excessive state power.

Articles 14, 19, and 21 ensure that government authority cannot override personal liberty without justification. These provisions allow citizens to challenge laws or actions that violate their

freedoms.

In this way, fundamental rights act as constitutional limits on the state.

Judicial Review: The Mechanism That Enforces Limits

These limits would mean very little without a way to enforce them. This is where judicial review becomes important.

Judicial review allows courts to examine whether laws and government actions comply with the Constitution. If they do not, courts can invalidate them. This power ensures that the Constitution remains the supreme law and that institutions cannot exceed their authority.

The Basic Structure Doctrine

The idea of constitutionalism becomes even clearer when we look at the basic structure doctrine.

In ***Kesavananda Bharati v. State of Kerala***, the Supreme Court held that Parliament's power to amend the Constitution is not unlimited. Certain features, such as judicial review, rule of law, and federalism, cannot be destroyed.

Why did the Court impose this limit? Because if Parliament could remove every constitutional safeguard, the Constitution would stop acting as a restraint on power. The basic structure doctrine therefore protects the very idea of constitutionalism.

Why This Topic Matters for CLAT PG

For CLAT PG, understanding constitutionalism can actually make constitutional law much easier to study.

Many topics in the syllabus may initially seem unrelated, like the basic structure doctrine, judicial review, fundamental rights, or separation of powers. However, once you look at them through the lens of constitutionalism, a clear connection appears.

The basic structure doctrine limits Parliament's power to amend the Constitution, judicial review allows courts to invalidate unconstitutional laws, fundamental rights protect individuals from excessive state action, and separation of powers prevents authority from being concentrated in one institution.

All these doctrines are different ways through which the Constitution ensures that government power remains controlled and accountable.

When you start recognising this link between concepts, passage-based questions in CLAT PG become much easier to analyse because you are able to identify the broader constitutional principle behind them.

A Study Approach That Helped Me

When I studied constitutional law, I stopped treating every case as a separate topic. Instead, I tried to connect multiple cases to one underlying idea.

For example, the cases *Kesavananda Bharati*, *Minerva Mills*, and *I.R. Coelho* can all be understood through the single idea that constitutional amendments cannot destroy the Constitution's core principles.

Looking at cases this way made revision easier because, instead of remembering dozens of isolated judgments, I could group them under broader constitutional concepts.

A Tip for CLAT PG Aspirants

While preparing constitutional law, always ask yourself one question:

What limit on power is the court trying to protect here?

Most doctrines, whether it is judicial review, proportionality, or arbitrariness, are different ways of answering that question.

Once you begin seeing constitutional law through this lens, the subject becomes far less abstract and much easier to analyse during the exam.