

Overview of Constitutional Law

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Key concepts, structures, and themes for quick reference

1. What Is Constitutional Law?

Aspect	Description
Definition	The body of law that interprets and applies a nation's constitution.
Purpose	Sets the framework for government, defines the relationship between the state and individuals, and protects fundamental rights.
Scope	Includes judicial review, separation of powers, federalism, amendment processes, and the enforcement of civil liberties.

2. Core Principles

Principle	Meaning	Typical Example
Supremacy	The constitution is the highest law; any conflicting statute is invalid.	U.S. Constitution's Supremacy Clause (Art. VI).
Rule of Law	Government actions must be authorized by law and follow due process.	Judicial review of executive orders.
Separation of Powers	Legislative, executive, and judicial functions are distinct.	Congress makes laws; President enforces; courts interpret.
Checks & Balances	Each branch can limit the others to prevent abuse.	Presidential veto; Senate confirmation of judges.
Federalism (in federal systems)	Power is divided between central and regional governments.	U.S. division of powers between federal and state governments.
Popular Sovereignty	Authority ultimately derives from the people.	Elections, referenda, and constitutional amendments.

3. Structural Components of a Constitution

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Component	Content	Function
Preamble	Introductory statement of purpose and values.	Sets the constitutional ethos.
Bill of Rights / Fundamental Rights	Enumerated individual liberties (e.g., freedom of speech).	Protects citizens from government overreach.
Organization of Government	Articles/chapters outlining legislative, executive, judicial branches.	Defines powers, duties, and limits of each branch.
Amendment Procedure	Rules for changing the constitution.	Provides flexibility while preserving stability.
Supremacy Clause	Declares the constitution as the supreme law.	Ensures uniformity across jurisdictions.
Transitional/Temporary Provisions	Guidelines for moving from old to new order.	Facilitates smooth implementation.

4. Judicial Review

Element	Explanation
Definition	Courts' authority to assess the constitutionality of statutes, regulations, and government actions.
Landmark Cases	<i>Marbury v. Madison</i> (U.S., 1803) – established judicial review.
Methods	• Direct challenge – litigants contest a law's validity. • Abstract review – courts evaluate a law before enforcement (common in civil law jurisdictions).
Limits	Courts may defer to legislative judgment on policy matters (e.g., "political question" doctrine).

5. Federalism vs. Unitary Systems

Feature	Federal System	Unitary System

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Power Distribution	Sovereign powers shared between central and sub-national units.	Central government holds primary authority; regions have delegated powers.
Constitutional Status	Often entrenched; changes require both levels' consent.	Amendments can be made by the central legislature alone.
Examples	United States, Germany, India, Brazil.	United Kingdom (pre-devolution), France, Japan.
Advantages	Local autonomy, policy experimentation, accommodates diversity.	Uniform policy, easier coordination, quicker