

# [Constitutional supremacy](https://assignbuster.com/constitutional-supremacy/)

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## C. L. B

### Parliamentary Supremacy

Parliamentary Supremacy means that parliament is supreme over theConstitution. It is also called legislative supremacy because thelegislature is not a body created by the Constitution neither the powerof the legislature is limited by the Constitution. Legislature exercises anunlimited and supreme power in law making. Such legislative supremacy is possible only where the Constitution isunwritten and flexible.

### Three essential feature of parliamentary supremacy

1. There is no law which parliament cannot change or modify.

2. There is no distinction between constitutional law and ordinarylaw.

3. There is no body which can declare the law passed by theparliament illegal or inconsistent.

### Constitutional Supremacy

The Constitutional supremacy means that the Constitution is supremeover the parliament and the parliament can exercise its functions beingonly within the bounds of the Constitution. Constitutional supremacy ispossible only where the constitution is written and rigid. This constitutional supremacy is also called judiciary supremacy in thescene that the judiciary the highest court of the land is supreme overthe legislatureProfessor Hood Philips says that,“ To say that a Constitution is supreme is todescribe its relation to the legislature’s power to alter the Constitutionis either limited or non-existent.”

Actually a constitution with constitutional supremacy not only definesthe power of the legislature, it defines and establishes the principalorgans of the state. It is a source of their authority. It prescribes themanner in which and within their functions are to be exercised. Thethree organ of the state cannot do anything beyond the constitutionallimitations. If any organ does anything in violation of the constitutionallimitations then court can declare the action and this paramountpower of the court is given by the Constitution it self. The Constitutionhas sanctity over everything in the realm. This position is calledConstitutional Supremacy.

### Characteristics of Constitutional Supremacy

1. The Constitution is written.

2. The Constitution must be rigid.

3. There must be, in constitution, either or implied declaration thatthis Constitution shell be the supreme law and any other lawinconsistent with this Constitution shell be void.

4. The parliament is created by the Constitution itself and itexercises its legislative power being within the bounds of theconstitutional limitations.

5. There is distinction between constitutional law and ordinary law.