

Constitutional supremacy

[Law](#), [Constitution](#)



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Parliamentary Supremacy

Parliamentary Supremacy means that parliament is supreme over the Constitution. It is also called legislative supremacy because the legislature is not a body created by the Constitution neither the power of the legislature is limited by the Constitution. Legislature exercises an unlimited and supreme power in law making. Such legislative supremacy is possible only where the Constitution is unwritten 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 ordinary law.
3. There is no body which can declare the law passed by the parliament illegal or inconsistent.

Constitutional Supremacy

The Constitutional supremacy means that the Constitution is supreme over the parliament and the parliament can exercise its functions being only within the bounds of the Constitution. Constitutional supremacy is possible only where the constitution is written and rigid. This constitutional supremacy is also called judiciary supremacy in the scene that the judiciary the highest court of the land is supreme over the legislature. Professor Hood Philips says that, "To say that a Constitution is supreme is to describe its relation to the legislature's power to alter the Constitution is either limited or non-existent."

Actually a constitution with constitutional supremacy not only defines the power of the legislature, it defines and establishes the principal organs of the

state. It is a source of their authority. It prescribes the manner in which and within their functions are to be exercised. The three organs of the state cannot do anything beyond the constitutional limitations. If any organ does anything in violation of the constitutional limitations then the court can declare the action and this paramount power of the court is given by the Constitution itself. The Constitution has sanctity over everything in the realm. This position is called Constitutional Supremacy.

Characteristics of Constitutional Supremacy

1. The Constitution is written.
2. The Constitution must be rigid.
3. There must be, in the constitution, either an explicit or implied declaration that this Constitution shall be the supreme law and any other law inconsistent with this Constitution shall be void.
4. The parliament is created by the Constitution itself and it exercises its legislative power within the bounds of the constitutional limitations.
5. There is a distinction between constitutional law and ordinary law.