



## Comparison of the Indian Constitution with Other Countries

**For Prelims:** [Indian Constitution](#), [Federalism](#), [Judicial review](#), [Parliamentary form of government](#), [Secular state](#), [Universal Adult Franchise](#), [Single citizenship](#), [Election Commission](#), [Comptroller and Auditor-General of India](#), [Union Public Service Commission](#), [Emergency provisions](#), [Panchayats](#), [Municipalities](#), [Co-operative Societies](#), [Equality](#), [Liberty](#), [Fraternity](#), [Social justice](#), [Directive Principles](#), [Fundamental Rights](#)

**For Mains:** Salient Features of [Indian Constitution](#), Comparison of [Indian Constitution](#) with constitution of other major countries.

The Indian constitutional framework, as embodied in the [Constitution](#) of India, exhibits several **distinctive features** and characteristics that set it apart from the constitutional frameworks of numerous other nations. Although it **shares some common elements with other democracies**, it also possesses **unique characteristics** that reflect India's historical, social, and political context.

### What are the Borrowed Features of the Indian Constitution?

Sources	Features Borrowed
Government of India Act, 1935	Federal Scheme, Office of <a href="#">Governor</a> , <a href="#">Judiciary</a> , <a href="#">Public Service Commissions</a> , <a href="#">Emergency Provisions</a> , Administrative Details
British Constitution	<a href="#">Parliamentary Government</a> , <a href="#">Rule of Law</a> , Legislative Procedure, <a href="#">Single Citizenship</a> , <a href="#">Cabinet System</a> , <a href="#">Prerogative Writs</a> , <a href="#">Parliamentary Privileges</a> , <a href="#">Bicameralism</a>
US Constitution	<a href="#">Fundamental Rights</a> , <a href="#">Independence of Judiciary</a> , <a href="#">Judicial Review</a> , <a href="#">Impeachment of President</a> , Removal of <a href="#">Supreme Court</a> and <a href="#">High Court</a> Judges, Post of <a href="#">Vice-President</a>
Irish Constitution	<a href="#">Directive Principles of State Policy</a> , Nomination of Members to <a href="#">Rajya Sabha</a> , Method of Election of President
Canadian Constitution	Federation with a Strong Centre, Vesting of Residuary Powers in the Centre, Appointment of State Governors by the Centre, Advisory Jurisdiction of Supreme Court
Australian Constitution	<a href="#">Concurrent List</a> , Freedom of Trade, Commerce, and Inter-course, Joint Sitting of Two Houses of Parliament
Weimar Constitution of Germany	Suspension of Fundamental Rights During Emergency
Soviet Constitution	<a href="#">Fundamental Duties</a> , Ideal of Justice (Social, Economic, and

(USSR, now Russia)	Political) in Preamble
French Constitution	Republic and Ideals of <b>Liberty, Equality, and Fraternity</b> in Preamble
South African Constitution	Procedure for Amendment of Constitution, Election of Members of Rajya Sabha
Japanese Constitution	<b>Procedure Established by Law</b>

## What are the Similarities and Differences between the Indian and US Constitution?

### ▪ Similarities in Indian and US Constitution:

- **Written Constitutions:** Both India and the United States have written constitutions. India has the largest written constitution in the world, while the US Constitution is one of the oldest.
- **Federal Structure:** Both countries practice **federalism, sharing powers between central and state authorities.**
  - In India, the **Seventh Schedule** delineates the Union, State, and Concurrent Lists, while the **US Constitution** divides powers between the federal government and the states.
- **Rights for Citizens:** The **US Bill of Rights** consists of the first ten amendments, while India's **Fundamental Rights**, detailed in **Articles 12 to 35**, protect citizens from arbitrary state actions.
- **Judicial Review:** Both countries empower their judiciaries to interpret laws in accordance with constitutional principles.
- **Bicameral Legislature:** Both nations feature a **two-house legislative system.**
  - India has the **Lok Sabha (House of the People)** and **Rajya Sabha (Council of States)**, while the US has the **House of Representatives** and the **Senate.**
- **Republics:** Both countries are republics, where the **head of state is an elected representative.**
- **Preambles:** Both **constitutions begin with preambles** that articulate their fundamental ideologies.
  - For instance, India's Preamble starts with **"We, the people of India..."** similar to the U.S. Preamble, which begins with **"We the People..."**

### ▪ Differences in Indian and US Constitution:

- **Length and Structure:** The **Indian Constitution is the longest written constitution** in the world, comprising 448 articles across 25 parts and 12 schedules, along with 101 amendments.
  - In contrast, the **US Constitution is the shortest**, consisting of **7 articles and 27 amendments.**
- **Historical Context:** The US became a federal republic in **1789**, while India adopted its **Constitution** in **1950**, defining itself as a socialist, sovereign, secular, and democratic republic.
- **Nature of Constitution:** The **US Constitution is strictly federal**, whereas the **Indian Constitution is quasi-federal**, allowing the central government to override state powers if necessary.
- **Formation of Federation:** Indian federation is **not the result of an agreement between states** whereas **American federation is the result of an agreement between States.**
- **Citizenship:** The **Indian Constitution provides for single citizenship** for all Indians (Articles 5-11), while the **US Constitution allows for dual citizenship- federal and state.**
  - Also, a US citizen can have **dual citizenship with the US and another country.**
- **Representation in Legislature:** In India, representation in Parliament is based on **state populations**, while each **US state sends an equal number of representatives** to the Senate.
- **Legislative Powers:** The **Indian Constitution delineates three lists (Union List, State List, and Concurrent List) in Article 246** of the **Seventh Schedule.**
  - The **US Constitution has a clear division of legislative powers**, with both the

federal government and states being **sovereign within their respective spheres**.

- **Secession of States: No state can secede from India**, whereas **states in the US can separate** based on the **agreement** forming the federation.
- **Residuary Powers: In India, the Parliament holds residuary powers** as per **Article 248(2)**, while in the **US, states retain these powers**.
- **Constitutional Framework: India has a single constitution for both the Union and the states.**
  - Whereas the **US has separate constitutions** for the federal government and each state.
- **Uniformity of Laws: The Indian Constitution ensures uniformity in basic and criminal laws**, except for personal laws, while the **US has varying civil and criminal laws** that differ from **state to state**.
- **Alteration of State Boundaries: In India, the Parliament can alter the area and identity of a state**, while in the **US, no such power exists** at the federal level.
- **Terminology: The term "federal" is not mentioned in the Indian Constitution**; it refers to the **"Union."**
  - In contrast, the term **"federal" is frequently used in the US Constitution**.
- **Form of Government: India operates under a parliamentary system** where the **Prime Minister** and cabinet hold real power, while the **President is a nominal head**.
  - The U.S. has a **presidential system** where the **President is both the head of state and government**, serving a 4-year term.
- **Judicial Tenure: In the US, judges serve for life or until they can no longer perform their duties.**
  - Whereas **Indian judges have fixed retirement ages. District Judges** at 60, **High Court Judges** at 62, and **Supreme Court Judges** at 65.

## What are the Similarities and Differences between Indian and UK Constitution?

### ▪ Similarities in Indian and UK Constitution:

- **Parliamentary System: Both India and Britain have a Parliamentary form of government** where the **Prime Minister and Ministers are responsible to the legislature**, and the **executive and legislature are not separated**.
  - Ministers from the majority party in Parliament remain in office as long as they retain its confidence.
- **Legislature:**
  - Both British and Indian **Parliaments** are **bicameral**, with India having the **Lok Sabha and Rajya Sabha**, while Britain has the **House of Commons and House of Lords**.
- **Executive:**
  - **Presence of Real and Nominal Executive: In India, the President is the nominal executive and head of state**, while the **Prime Minister is the real executive and head of government**.
    - Similarly, in Britain, the **Crown** serves as the nominal executive, with the **Prime Minister** as the real executive.
  - **Cabinet form of Government: Britain and India have a cabinet form of government**, where **power resides with the Council of Ministers**, emphasizing **collective responsibility to the Lower House**, meaning all ministers share success and failure together.
    - The **Prime Minister** in both countries is the **leader of the party with an absolute majority in the Lower House**; if no party has a majority, the **leader of the largest party** is invited to form a coalition.
    - The **Prime Minister in India, modeled after the British system**, serves as the head of the Cabinet, links the President and Parliament, advises on House dissolution, and recommends appointments of other ministers.
    - **Indian bureaucracy, modeled after the British system**, features competitive recruitment and political neutrality.

- **Independence of Judiciary:** Both Britain and India **ensure judicial independence**, allowing the judiciary to **declare executive actions ultra vires and interpret the Constitution**.
  - Judges in both countries enjoy security of tenure, with removal requiring serious misbehavior and parliamentary consent, promoting impartiality in their judgments.
- **Similarities in Elections:** Both the House of Commons and the Lok Sabha use the **first-past-the-post electoral system** for their general elections.
- **Differences in Indian and UK Constitution:**
  - **Framing of Constitution:** The **British Constitution has evolved over more than a thousand years** without being framed by a constituent assembly, reflecting an unbroken continuity of development.
    - In contrast, the **Indian Constitution was created by a constituent assembly** and contains **clearly defined provisions**.
  - **Nature of Constitution:** The **British Constitution is unwritten**, as it is **not codified in a single document** and is instead **based on established customs**, political practices, and traditions.
    - In contrast, the **Indian Constitution is the longest written** constitution globally.
  - **Citizenship:** The Constitution of **India does not permit dual citizenship**, allowing individuals to hold only Indian citizenship, whereas the **UK allows dual nationality**, enabling individuals to be British citizens while also holding citizenship of other countries.
  - **Flexibility/ Amendability:** **India's constitutional amendment** process is a **synthesis of flexibility and rigidity**.
    - According to **Article 368**, amendments require a bill to be introduced in Parliament, with separate approval from each House. For amendments affecting federal provisions, the bill must also receive approval from a simple majority in the legislatures of at least half the states.
    - In contrast, the **British Constitution is highly flexible**, there is **no formal amendment process, allowing for amendments through ordinary laws passed by Parliament**.
      - In the British constitution, there is no distinction between a constitutional law and an ordinary law as both are treated alike.
  - **Head of the State:** In Britain, the **Head of State is a hereditary monarch**, while **India has a republican system** where the Head of State, the President, is elected.
  - **Prime Minister and Other Ministers:** In India, the **Prime Minister** can be a member of **either house** of Parliament.
    - In the **UK**, the **Prime Minister is conventionally a member of the lower house**.
    - In the UK, **only members of Parliament can be appointed as ministers**, while in **India, a non-member can be appointed as a minister** for a maximum of six months.
  - **Sovereignty of Parliament:** The **British Constitution is characterized by parliamentary sovereignty**, allowing the British Parliament to **legislate, amend, or repeal laws without restrictions**, and **courts do not have the authority to question these laws**.
    - While, in India, the **Parliament's powers are limited by a written Constitution**, which incorporates **federalism, judicial review**, and the safeguarding of **fundamental rights**.
  - **Office of Speaker:** In the UK, there is a convention that **once a Speaker, always a Speaker**. He **remains neutral, resigning from their political party**.
    - The **Indian Speaker is not required to resign from their political party**, and if they choose to do so, they are not disqualified under the Anti-defection Law.
  - **Scope of Judicial Review:** The **UK has limited scope for judicial review** as the **doctrine of parliamentary sovereignty limits the judiciary's ability** to annul an Act of Parliament.
    - Absence of a **"Basic Structure" doctrine** in UK constitution enables UK Parliament to override judicial decisions
    - However, British courts retain several important powers such as:

- Interpreting the precise meaning of statutes.
- Reviewing the actions of ministers and public officials using the doctrine of ultra vires (beyond their powers).
- Enforcing natural justice in the actions of ministers and others.
- However, the **Supreme Court and High Court in India** can declare **parliamentary laws unconstitutional** through their **power of judicial review**.
- **Directive Principles of State Policy and Fundamental Duties:** The **UK Constitution does not include provisions** equivalent to India's Directive Principles of State Policy and Fundamental Duties.
  - In India, the **DPSP** are outlined in **Part IV**, guide the state towards establishing economic and social democracy.
    - Additionally, **Fundamental Duties**, detailed in Part IVA, remind citizens of their responsibilities towards the country, society, and fellow citizens while enjoying their rights.
- **Shadow Cabinet:** The **shadow cabinet** is a **distinctive feature of the UK system**, formed by the opposition party to balance the ruling cabinet and prepare members for future ministerial roles.
  - **India does not have** a similar institution.
- **Legal responsibility of Ministers:** In **Britain, ministers have legal responsibility** and must countersign the official acts of the Head of State.
  - In **India, ministers are not required** to do so.
- **Role of Conventions:** Conventions play a **crucial role in the unwritten British Constitution**, such as the Queen's practice of granting assent to Parliament's measures.
  - In **India, conventions have a minimal role** due to a **detailed constitutional framework** supported by various statutes.

## What are the Similarities and Differences between India and the French Constitution?

- **Similarities in Indian and French Constitution:**
  - **Written Constitution:** Both France and India have written constitutions.
    - France has undergone multiple constitutional changes, with its current Fifth Republic established in 1958. The First Republic emerged in 1793, followed by subsequent republics in 1848, 1875, and 1946.
  - **Parliamentary System:** Both India and France operate under a **bicameral parliamentary system** of government, with the **President as Head of State** and a **Prime Minister as the Head of Government**.
  - **Federal Structure:** Both India and France constitutions establish a **federal structure** that **delineates the distribution of powers** between the central government and the states (in India) or regions (in France).
  - **Emergency Provision:** The provision of **emergency** is also entrenched in the Constitution of both countries.
  - **Amendment Procedures:** Both constitutions provide procedures for amending them to address societal changes.
- **Differences in Indian and French Constitution:**
  - **Secularism:** The **French Constitution emphasizes a strict separation** between the state and religion, while **India adopts a more inclusive approach**, where the state promotes and accommodates diverse religious practices.
  - **Role of President:** The **Indian President has a largely ceremonial role** with limited powers, whereas the **French President holds more substantial executive authority**, reflecting the **semi-presidential system in France**.
    - The **Indian President is elected** indirectly for a **5-year** term with **no limit on the number of terms**.
    - The **French President is elected for a 5-year term by direct universal suffrage** and **cannot be elected for more than 2 consecutive terms**.
  - **Federal Structure:** **India has a federal system**, while **France is a unitary state** where the French national government in Paris has complete authority over several provinces, known as departments and local governments carry out directives of the central

- government without acting independently.
- **Judicial System: India has an integrated judicial system** where higher court decisions are binding on lower courts and includes an **appellate system**.
    - In contrast, **France has separate judicial authorities**, with **distinct legal jurisdictions for civil disputes** and **administrative jurisdictions** for issues between citizens and public authorities.
  - **Involvement of Civil Society: India lacks** provisions for **civil society involvement** in governance.
    - France's **Constitution** establishes the **Economic, Social and Environmental Council (CESE)** to **engage civil society in government policies** related to these areas.
  - **Dual Citizenship: France allows dual citizenship**, whereas India only allows single **citizenship**.

## UPSC Civil Services Examination Previous Year Question (PYQ)

### Prelims:

**Q. What was the exact constitutional status of India on 26th January, 1950? (2021)**

- (a) A Democratic Republic
- (b) A Sovereign Democratic Republic
- (c) A Sovereign Secular Democratic Republic
- (d) A Sovereign Socialist Secular Democratic Republic

**Ans: (b)**

**Q. The distribution of powers between the Centre and the States in the Indian Constitution is based on the scheme provided in the (2012)**

- (a) Morley-Minto Reforms, 1909
- (b) Montagu-Chelmsford Act, 1919
- (c) Government of India Act, 1935
- (d) Indian Independence Act, 1947

**Ans: (c)**

### Mains:

**Q. What can France learn from the Indian Constitution's approach to secularism? (2019)**

**Q. Examine the scope of Fundamental Rights in the light of the latest judgement of the Supreme Court on Right to Privacy. (2017)**