



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 Governor , Judiciary , Public Service Commissions , Emergency Provisions , Administrative Details
British Constitution	Parliamentary Government , Rule of Law , Legislative Procedure, Single Citizenship , Cabinet System , Prerogative Writs , Parliamentary Privileges , Bicameralism
US Constitution	Fundamental Rights , Independence of Judiciary , Judicial Review , Impeachment of President , Removal of Supreme Court and High Court Judges, Post of Vice-President
Irish Constitution	Directive Principles of State Policy , Nomination of Members to Rajya Sabha , 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	Concurrent List , 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	Fundamental Duties , Ideal of Justice (Social, Economic, and

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

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)