BLOGS

Sources of the Indian Constitution

Indrasish Majumder · 06 Sep 2024

Ever wondered why the Indian Constitution is considered a lengthy constitution? Read this post to learn more about the sources of the Indian Constitution.

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Introduction

The Indian Constitution, which was ratified on January 26, 1950, serves as a notable manifestation of the principles of fairness, parity, and democratic governance. The Indian Constitution, which the Constituent Assembly drafted, is influenced by a diverse range of sources, including both domestic and international ones.

Why is the Indian Constitution lengthy?

The Indian Constitution, adopted on 26th January 1950, is renowned as the world’s longest written constitution. While some perceive its length as a drawback, it is important to understand that the comprehensive nature of the Indian Constitution reflects the country’s complex social, cultural, and historical fabric, as well as its commitment to upholding democratic principles and safeguarding citizens’ rights.

Sources of the Indian Constitution

Edit CONCEPT SOURCE Fundamental DutiesUSSR Equal Protection of Laws USA Preamble USA Directive Principles of State PolicyIreland FederalismCanada Parliamentary System of GovernmentUnited Kingdom Amendment of ConstitutionSouth

Africa Judicial ReviewUSA Fundamental RightsUSA Liberty, equalityFrance BicamerlaismUK Rule of LawUK Provisions for EmergencyGovernment of India Act

The Government of India Act

As a crucial precursor to the Indian Constitution, the British Parliament's Government of India Act, 1935, played a significant role. Although the Act originated as colonial legislation, it established a comprehensive structure for the administration of British India.

The drafters of the Indian Constitution incorporated several elements from the Act, including the distribution of powers between the central and state governments, the parliamentary model of governance, the principle of a two-tiered judiciary, and administrative particulars, which were modified to align with the requirements of a sovereign India.

Inspiration from the United Kingdom

The United Kingdom lacks a codified constitution; however, its constitutional principles and practises have had a significant impact on the Indian Constitution. The architects of the Indian Constitution adopted several notions from the United Kingdom, including but not limited to the principles of the rule of law, parliamentary supremacy, bicameralism (consisting of two houses of Parliament), and the concept of writ jurisdiction.

The governmental system in India, which encompasses the functions of the Prime Minister and the Cabinet, bears a striking resemblance to the parliamentary model of the United Kingdom.

Inspiration from the United States' Constitution

The Indian Constitution is believed to have been influenced by the United States Constitution, which is widely recognized for its federal system, protection of fundamental rights, and division of powers. The Indian Constitution's architects derived inspiration from the US Constitution in various fundamental domains.

The notion of fundamental rights, encompassing entitlements such as equality, freedom of speech and expression, and access to constitutional remedies, was adopted from the Bill of Rights in the United States Constitution. The Indian Constitution encompasses the concept of judicial review, which empowers the judiciary to invalidate laws that are deemed unconstitutional.

Principles borrowed from the French Constitution

The French Revolution and the French Constitution's enshrined principles of liberty, equality, and fraternity had a significant influence on the Indian Constitution. The Indian Constitution's framers drew inspiration from the French Constitution's emphasis on republican values and social justice.

The Indian Constitution incorporates concepts such as secularism, the principle of equality, and the notion of social and economic rights that bear resemblance to the French Constitution, indicating its influence.

Inspirations from the Irish Constitution

According to the Indian Constitution's framers, the Irish Constitution had an influence on its guiding principles of state policy. The Indian Constitution comprises a collection of non-justiciable directives that provide guidance to the state in its pursuit of socioeconomic justice and welfare for its populace.

The Irish paradigm, which sought to reconcile the discrepancy between the principles of social justice and the practical constraints of governance, served as inspiration for the idea of integrating these directive principles.

Principles borrowed from Ancient Indian texts

The Indian Constitution's architects did not confine themselves to external sources but also incorporated insights from India's extensive past and multifarious legal frameworks. The Arthashastra and Manusmriti, among other legal texts of ancient India, offer valuable insights into fundamental principles of governance, administration, and justice.

The Panchayati Raj system, which has its origins in the ancient Indian traditions of local self-governance, was incorporated into the Indian Constitution. This system facilitates decentralised decision-making and grassroots democracy. The acknowledgement of varied personal laws that are grounded in religious and customary practises is a recognition of the cultural and societal diversity that exists within India.

Conclusion

The Indian Constitution serves as a testament to the visionary ideals and wisdom of its framers. A wide range of sources, including both domestic and international perspectives, inform the framework for governance and the protection of fundamental rights. The Government of India Act, 1935, the United Kingdom Constitution, the United States Constitution, the French Constitution, the Constitution of Ireland, and earlier Indian legal systems have all had an impact on the Indian Constitution. Rooted in the principles of democracy, secularism, socialism, and justice, the Indian Constitution embodies the collective wisdom of its architects and reflects their vision of a just, equitable, and inclusive society.