NOTES

The Constitution India Borrowed, But Never Copied : Sources of the Constitution

Hanspal Bakul · 17 Aug 2026

Ask anyone where the Indian Constitution came from, and you'll probably hear, "It's borrowed from other countries." While that's correct, it doesn't tell the whole story. **The Constituent Assembly didn't just lift provisions wholesale, it studied constitutions across the world and picked only what fit India's own socio-political reality.**

That's why historians call it a ***borrowed but not copied*** **Constitution**. Here's where each piece actually came from.

Britain Gave Us the Machinery

- Parliamentary form of government
- Cabinet system
- Collective responsibility of the Council of Ministers
- Rule of Law
- Single citizenship
- Office of the Speaker
- Writ jurisdiction
- Parliamentary legislative procedure

America Gave Us the Philosophy

- Preamble
- Fundamental Rights
- Independent Judiciary
- Judicial Review
- Federal system

- Impeachment of the President
- Removal of Supreme Court and High Court judges
- President as the Supreme Commander of the Armed Forces

Canada Shaped Our Federalism

- Federation with a strong Centre
- Residuary powers vested in the Union
- Advisory jurisdiction of the Supreme Court
- Appointment of State Governors by the Centre

Australia Filled in the Gaps

- Concurrent List
- Freedom of trade and commerce
- Joint sitting of both Houses of Parliament
- Parliament’s power to implement international treaties

Ireland Gave Us Direction, Literally

- Directive Principles of State Policy (DPSPs)
- Nomination of members to the Rajya Sabha
- Indirect election of the President

France Gave Us the Ideals

- Liberty
- Equality
- Fraternity
- Republican form of government

Germany’s Weimar Constitution Shaped Our Emergencies

- Emergency provisions
- Suspension of certain Fundamental Rights during an Emergency

Japan Gave Us One Powerful Phrase

- Procedure established by law" under Article 21

The USSR Gave Us Duties, Not Just Rights

- Fundamental Duties (Article 51A)

The 1935 Act Was the Real Blueprint

- Federal administrative framework
- Office of the Governor
- Public Service Commissions
- Judicial structure
- Administrative framework

South Africa Gave Us Flexibility

- Procedure for Constitutional Amendment (Article 368)
- Election of Rajya Sabha members through Proportional Representation by the Single Transferable Vote (STV)

Next time someone calls the Indian Constitution "unoriginal," remind them it's the opposite. Borrowing eleven different frameworks and stitching them into one working document, without any of them dominating, might be the most original act of all.


CONSTITUTION OF INDIA
SOURCES OF THE INDIAN CONSTITUTION – BORROWED FEATURES
(MOST IMPORTANT FOR CLAT PG)
FREQUENTLY ASKED IN CLAT PG
SOURCE COUNTRY
BORROWED CONSTITUTIONAL FEATURES
BRITAIN
• Parliamentary form of government, Collective responsibility of Cabinet, Rule of Law, Single Citizenship, Office of Speaker, Parliamentary Privileges, Legislative Procedure, Writ Jurisdiction.
USA
• Preamble, Fundamental Rights, Federal Structure, Electoral College, Independent Judiciary, Judicial Review, Impeachment of President, Removal of Judges, Commander-in-Chief concept, Equal protection of laws.
CANADA
• Strong Centre (Quasi-Federalism), Residuary Powers with Union, Advisory Jurisdiction of Supreme Court, Appointment of Governors by Centre.
AUSTRALIA
• Concurrent List, Freedom of Trade & Commerce, Joint Sitting of Parliament, Parliament's power regarding treaty implementation.
IRELAND
• Directive Principles of State Policy (DPSPs), Nomination to Rajya Sabha, Indirect Election of President.
FRANCE
• Republic, Liberty, Equality, Fraternity.
GERMANY (WEIMAR)
• Emergency Provisions, Suspension of Fundamental Rights during Emergency.
JAPAN
• Procedure Established by Law (Article 21).
USSR
• Fundamental Duties (Article 51A), Planning Commission Concept.
GOVERNMENT OF INDIA ACT, 1935
• Federal Scheme, Office of Governor, Public Service Commissions, Emergency Provisions, Administrative Framework, Judiciary Structure.
SOUTH AFRICA
• Procedure for amendment, Election of Rajya Sabha members.
MEMORY BOX (QUICK RECALL)
BRITAIN Parliamentary
USA FRs + Judicial Review
IRELAND DPSPs
USSR Fundamental Duties
AUSTRALIA Concurrent List
CANADA Strong Centre
GERMANY Emergency
FRANCE Liberty, Equality & Fraternity
JAPAN Procedure Established by Law
GOI ACT 1935 Administrative Framework
SOUTH AFRICA Amendment + RS Election
The Indian Constitution is neither copied nor original— it is a carefully adapted Constitution combining the best constitutional practices from across the world.