

Q.


The Constitutional forefathers adopted best practices from around the world, In the context of the statement compare and contrast the Indian constitution with that of France/the UK/USA.



The Indian Constitution is a product of extensive research and deliberation, borrowing best practices from various countries, including the UK, USA, and France. Here's a comparison of the Indian Constitution with these constitutions:

## 1. Indian Constitution vs. UK Constitution

- **Nature of Constitution:**
  - India: Written and the longest in the world, providing detailed frameworks for governance.
  - UK: Unwritten, based on statutes, conventions, and historical documents like the **Magna Carta**.



Magna Carta was issued in June 1215 and was the first document to put into writing the principle that the king and his government was not above the law. It sought to prevent the king from exploiting his power, and placed limits of royal authority by establishing law as a power in itself.

- **Form of Government:**

- India: Parliamentary system with a clear separation between the executive and legislature.
- UK: Parliamentary system, with the monarch as a ceremonial head and real power vested in the Parliament.

- **Rule of Law:**

- India: Fundamental Rights are justiciable, and the judiciary can enforce them.
- UK: No formal Bill of Rights, but human rights are protected through laws like the Human Rights Act, 1998.

- **Federalism:**

- India: A quasi-federal structure with a strong center and states with devolved powers.
- UK: A unitary state with devolved powers to Scotland, Wales, and Northern Ireland, but the central government retains supremacy.

## 2. Indian Constitution vs. US Constitution

- **Nature of Constitution:**
  - India: Written and very detailed, with provisions to address a diverse and complex society.
  - USA: Written, concise, and focused on the framework of governance, rights, and the federal system.
- **Form of Government:**
  - India: Parliamentary system where the executive is responsible to the legislature.
  - USA: Presidential system where the executive (President) is independent of the legislature (Congress).
- **Fundamental Rights:**
  - India: Fundamental Rights, which are more extensive, cover aspects like equality, freedom, and protection against exploitation, alongside Directive Principles of State Policy.
  - USA: Bill of Rights focuses on individual freedoms like speech, religion, and the right to bear arms.



Right to Equality is added through CAA

- **Judicial Review:**

- India: Judiciary has the power of judicial review to ensure laws comply with the Constitution.
- USA: Judiciary also has strong judicial review powers but interprets a more concise set of amendments.

- **Federalism:**

- India: A quasi-federal system where the center has more powers in certain circumstances.
- USA: A true federal system with clearly delineated powers between the federal government and states.

### **3. Indian Constitution vs. French Constitution**

- **Nature of Constitution:**

- India: Written with a broad, inclusive framework.
- France: Written, based on the Constitution of the Fifth Republic (1958), emphasizing a semi-presidential system.

- **Form of Government:**

- India: Parliamentary system, with a President as the ceremonial head.
- France: Semi-presidential system where the President holds significant powers alongside a Prime Minister, leading to a dual executive.

- **Secularism:**

- India: Secularism is integral, ensuring no state religion, but freedom to practice religion is guaranteed.
- France: Secularism (Laïcité) is strictly enforced, with laws restricting religious symbols in public institutions.

- **Rights and Freedoms:**

- India: Fundamental Rights protect a wide array of personal freedoms.
- France: Rights are protected under the Declaration of the Rights of Man and the Citizen, and the constitution ensures civil liberties, though some are more rigidly applied (e.g., separation of religion and state).

- **Judicial System:**

- India: A single, integrated judiciary with judicial review powers.
- France: Constitutional Council (Conseil Constitutionnel) reviews the constitutionality of laws before promulgation but has limited judicial review compared to India.

## **Key Takeaways**

- **Parliamentary vs. Presidential:** India adopted the UK's parliamentary system but combined it with aspects of federalism from the USA.
- **Judicial Powers:** Both India and the USA emphasize the role of the judiciary in upholding constitutional principles, while the UK's judiciary plays a more restrained role, and France's judiciary focuses more on pre-enactment reviews.
- **Secularism:** India blends the French concept of secularism with religious freedoms, while France enforces stricter secular principles in public life.

By adopting these diverse principles, India ensured its Constitution could address the needs of its unique socio-political environment.