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Comparison of the Indian Constitutional Scheme With that of Other Countries Parliament and State Legislatures - Indian Polity Notes

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Patil Amruta

in

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A Constitution is the rule book of a nation, codifying the rule of law. It sets out the framework and principal functions of various organs of the government, viz., the Executive, Legislature and Judiciary. It also establishes relations between the government and the people which is called citizenship.

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Know More

The architects of the Indian Constitution went through all the then existing major Constitutions of the world before drafting their own. The Constitution of India is often described as 'a bag of borrowings' as it freely draws from other countries. A constitution is the rule book of a nation, codifying the rule of law. The UPSC Indian Polity and Governance Syllabus includes Comparison of the Indian Constitutional Scheme With that of Other Countries Parliament and State Legislatures which is described in this article.

Indian Constitution a bag of borrowings

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Notifications



UPSC Prelims Result 2022 Name-Wise List (Out).

UPSC has released the name-wise list for all candidates for the IAS and IFS on its official website. The Commission has just published the name-byname result PDF a short time after the UPSC Civil Services Pre result was announced.

③ June 24,2022



UPSC CSE Prelims 2022 Expected Cutoff: Check Category-wise

UPSE CSE exam 2022 is being conducted by the Union Public Service Commission to recruit candidates for various posts such as IAS, IPS, IFS, IRS, and others. The UPSC CSE Prelims exam has been conducted today i.e on June 05, 2022 UPSC

- The Indian Constitution offers for a Parliamentary form of government which is federal in structure with certain unitary characteristics.
- The composition being written part, convention as well as judicial interpretation. Derived from various sources. Primarily from the Government of India Act, 1935.
- From Ireland: Directive Principles of State Policy, Representation of ability in the Rajya Sabha, system of election of President of India method of nominating members of the Rajya Sabha;
- From the US: Fundamental Rights;
- From Britain: Parliamentary form of Government;
- From Germany: Emergency provision;
- From South Africa: Procedure of amendment with a two-thirds majority in Parliament and the election of the members of the Rajya Sabha etc.
- Thus, the Indian Constitution is one of the longest known
 Constitutions in the world because of the above features.

Other Relevant Links	
Salient features of Indian constitution	Sources of the Constitution
Enactment Of The Constitution	Enforcement Of The Constitution

Comparison of Indian Constitution with Other Countries:

India vs.	Similarities	Differences
France	Written Constitution:	Political Model:
	 India and France have a written constitution however; France has changed its constitution quite often due to instabilities. Currently, it is the 5th constitution in the history of France. Type of Government: Both the countries have elected heads for respective terms. 	 France has adopted a semi–Presidential System with the President having more power than the Prime Minister whereas India has adopted a Parliamentary form of Government with more power vested with the Prime Minister. Tenure of Head of Government: Indian PM has a tenure of 5 years whereas French President has for 7 Vears. Exam Info Philosophical aspects:
	Amendments i rocess.	i illiosopilicai aspects.

has released UPSC CSE Prelims result 2022 on June 22.

(June 22,2022



UPSC CSE प्रारंभिक परीक्षा 2022 परिणाम (आउट); यहाँ डाउनलोड करें

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2022 प्रारंभिक परीक्षा 05
जून, 2022 को आयोजित
की गई थी। जो लोग
प्रारंभिक परीक्षा के लिए
उपस्थित हुए हैं, वे UPSC
की वेबसाइट पर जा सकते हैं
और परिणाम डाउनलोड कर
सकते हैं।

① June 22,2022



UPSC CSE प्रीलिम्स 2022 अपेक्षित कटऑफ: श्रेणी-वार चेक करें

UPSC CSE परीक्षा 2022 संघ लोक सेवा आयोग द्वारा विभिन्न पदों जैसे IAS, IPS, IFS, IRS, और अन्य के लिए उम्मीदवारों की भर्ती के लिए आयोजित की जा रही है। UPSC CSE प्रीलिम्स परीक्षा 05 जून, 2022 को आयोजित की गई थी। UPSC ने UPSC CSE प्रीलिम्स रिजल्ट 2022 आज यानी कि 22 जून को जारी किया है।

() June 22,2022



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 French Constitution can be amended with a 60% majority similar to India's process of amendments.

Republic:

 Both the nations are Republic with the elected head of the State.

Ideals:

 India has borrowed ideas of liberty, equality and fraternity in the Preamble from the French Constitution.

Emergency Provisions:

 Both the nations have a power for emergency provision.

- There is no provision for Procedure established by law or Due process of law in the French Constitution.
- France adopted complete separation of state from religion, while Indian is more of a principled distance but not complete separation.
- France operates on a unitary model rather than federalism as in India.

Judiciary setup:

- There is no role of the judiciary in conducting elections in India whereas in France the judiciary plays an important role.
- The French court is divided in two parts i.e., Judicial Courts and administrative courts but in India there is no such structure.

Canada

Unitary/Federal:

Both have a federal structure. Like India, Canada has residuary powers lies with the centre. Appointment of the Governor: Central government appoints the Governor for the States and Provinces.

Executive setup:

- Members are elected by the first past the post system.
- Both have a responsible government which is collectively

Written/Unwritten Constitution:

 Canada is guided by both written and unwritten law whereas India is guided as by the written Constitution.

Political setup:

 Canada has a monarchical system whereas India has the President as head of the State.

Executive setup:

• Governor-General is

iii Exam Info inted by the

monarch on the advice

of the Prime Minister

	 Judiciary setup: The appointment and advisory jurisdiction of the Supreme Court is the same as India. Legislative setup: Law made by the Parliament is applicable to the whole country. Republic: Both the nations are Republic with the 	Citizenship: There is a provision of dual citizenship in Canada whereas India does not give dual citizenship. Judicial setup: It has multiple legal systems whereas in the case of India it is absent.
Germany	elected head of the State. Political setup: Both have a Parliament form of Government in which the Chancellor/PM is head of the Government and the President has mainly ceremonial and supervisory duties. India has borrowed Emergency provisions from Germany. Both have a federal system. Both have the features of fundamental rights.	 Germany has a rigid Constitution whereas India has a flexible and rigid Constitution. Citizenship: Dual citizenship is allowed under certain circumstances.
Japan	Both have written constitutions. Legislative setup:	Japan has a Rigid Constitution whereas India has a flexible and Exam Info Constitution.

- Both have the Parliament as the highest legislative body.
- Both have two houses in the Parliament in which the lower House is more powerful than the upper House.
- Just like in India, the No-Confidence motion led to the dissolution of the House.
- In Japan, Upper House members have a term of 6 years and every year half the members retire.

Philosophical aspects:

- Supremacy of Constitution and Judicial Review.
- Both the nations have Procedure established by Law.

Executive setup:

- Similar to India, the PM in Japan can belong to either House.
- The Council of Ministers is responsible to the Lower House, same as in India.

Judiciary setup:

 Appointment, removal and fixed retirement age of Judges in Japan is similar to India. The Japanese
 Constitution provides for a unitary state.

Executive setup:

- Ministers are appointed by the Prime Minister but in the case of India it is appointed by the President on the advice of the PM.
- In Japan their Parliament elects the PM from the party with the majority whereas in India such does not happen.

Political setup:

- Japan is a Constitutional Monarchy whereas India is a Republic.
- In Japan, all the international treaties have to be ratified by the Diet, which is not the case in India.

Judiciary setup:

 Judges are appointed by the Diet but in India there is no role of Parliament.

Australia

 Both have written the Constitution.

Exam Info
emergency legislation

 Both India and Australia have federal parliamentary nations with States and Territories.

Legislative setup:

- There is a provision for 2nd reading and refer it to a committee which can suggest some recommendations similar to India.
- India borrowed a concurrent list from Australia.
- Both the nations have a provision for joint sitting to resolve the deadlock between both the Houses.

Judiciary setup:

- The Supreme Court is the final court in Australia in all matters just like in India.
- Both the nations have an independent judiciary and emphasises on separation of power.
- Procedure for appointment and removal of Judges in Australia is the same as in India.

- differs in each state of Australia.
- There is a dual provision of citizenship in Australia, this provision was added on 4th April, 2002.

Political setup:

 In Australia the head of the Government in the commonwealth Queen is represented by a Governor general.

Legislative setup:

- The Australian
 Constitution can be amended only with the approval of the electorate through a national referendum in which all the adults of the electorate must participate.
- The Upper house is elected through the list system whereas in India it is elected by Single Transferable Vote.
- Legislators of lower
 House are elected for 3
 years in Australia
 whereas in India they are elected for 5 years.

USA

- Both nations have written a Constitution.

 The USA has a rigid constitution whereas India has a rigid and flexible Constitution.

Political setup:

- Fundamental Rights.
- Both the nations have Preamble as their introductory statements.
- Both nations have the office of Vice-President.

Legislative setup:

- Both the nations have representatives from their states in the Legislature.
- Both the nations have provision for removal of the President i.e., Impeachment process.

Philosophical aspects:

- The concept of Judicial review in India is borrowed from the USA.
- The concept of Procedure Established by Law in India is borrowed from the USA.
- There is a separation of powers between the different organs of the government.
- There is a federal system in the USA similar to India.
- The USA has a Supremacy of Constitution similar to India.

 The USA has a presidential form of government whereas India has a Parliamentary form of Government.

Executive setup:

 In the USA the President is directly elected by the people whereas in India the President is indirectly elected.

Amendability:

- The US Constitution has only been changed 27 times in 200 years.
- Residuary power is vested with the states whereas in India it is vested with the Union.

Judiciary setup:

- In India judges have retirement age whereas in the USA judges can be in the office until they enjoy good health.
- Each States has its own Constitution and Supreme Court which is absent in the case of India.
- USA offers dual citizenship which is absent in case of India.

UK

• Type of Government: Both have a

Written/Unwritten:

Exam Info UK has an unwritten

Constitution only a small portion is covered in a

- Parliamentary form of Government.
- India has adopted the Rule of Law from Britain.

Executive setup:

- Both the nations have a presence of Cabinet system.
- · Both the nations have the presence of Dual heads of Government.
- · Both the nations have multiple parties' representation in the Parliament.

Amendability:

The British law can be passed, amended and repealed by a Simple Majority like in India.

Judiciary setup:

· Removal of Judges is the same as in India.

- written document whereas India has a written constitution.
- The UK has a flexible Constitution & it is the unitary state.

Political setup:

- The UK is a Constitutional Monarchy whereas India is a Republic.
- Offer dual citizenship in the UK.
- In the UK the Prime Minister has to be elected from the lower House whereas in India he can be from either House of Parliament.

Legislative setup:

- In the UK there is a convention that once a Speaker, always a Speaker, thus a former Speaker holds no political membership whereas in India the Speaker is still a member of the party.
- · Parliament has the supreme power in the UK whereas the Indian Constitution has supreme power.

Russia

Executive setup:

• In both countries the Prime Minister is appointed by the President.

Legislative setup:

- The Lower House is more powerful just like in India.
- provision for fundamental rights.

Political Model:

· Russia has a Semi Presidential system of Government while India has a Parliamentary form of Government.

Executive setup:

- Russia PM performs President's Duty in case
- They both have a ≡ Exam Info 's death or resignation while the same responsibility is

- given to Vice-President in case of India.
- In Russia the President can't have more than two consecutive terms in a row but there is no such limitation in India.
- The President is Stronger in Russia while the PM enjoys more power in the case of India.
- Term of the Russian
 President is 6 years
 while it is 5 years for the
 Indian President.

Legislative setup:

Members of Lower
 House in Russia are
 chosen by Proportional
 Representation System
 while in India they are
 chosen by First Past the
 Post System

Judicial setup:

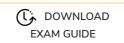
 There is not a Single Integrated Judiciary in Russia like in India.

Conclusion

Although many of India's constitutional characteristics were adopted from other countries, it was an attempt to ensure that the government operated efficiently, fairly, and responsibly. It ensures that the government follows the law. It establishes a system of checks and balances to ensure that when laws are enacted or altered, the government follows the proper legislative procedure.







Other Relevant Links		
Indian Polity UPSC Notes	Historical Background of Indian Constitution	
Constituent Assembly of India	Cc ≡ Exam Info India - Overview	