

# CONSTITUTION OF INDIA : FEATURES TAKEN FROM OTHER COUNTRIES :

The Constitution is a set of laws and rules that sets up the machinery of the Government of a state, and which defines and determines the relations between the different institutions and components of the government, the executives, the legislature, the judiciary, the central and the local government.

The Indian Constitution is unique in its contents and spirit. Although it had picked up many best features from other constitutions of the world. The constitution of India has several salient features that distinguish it from the constitutions of other countries.

The chairman of the drafting committee **Dr.B.R. Ambedkar** had said in this regard that – ***“As to the accusation that the Draft Constitution has reproduced a good part of the provisions of the Government of India Act, 1935, I make no apologies. There is nothing to be ashamed of in borrowing. It involves no plagiarism. Nobody holds any patent rights in the fundamental ideas of a Constitution....”***

## **List of Borrowed Features of Indian Constitution:**

<b>Name of Countries</b>	<b>Borrowed Features of the Constitution</b>
<b>Britain</b>	<ol style="list-style-type: none"><li>1. Parliamentary government</li><li>2. Rule of Law</li><li>3. Legislative procedure</li><li>4. Single citizenship</li><li>5. Cabinet system</li><li>6. Prerogative writs</li><li>7. Parliamentary privileges</li><li>8. Bicameralism</li></ol>
<b>Ireland</b>	<ol style="list-style-type: none"><li>1. Directive Principles of State Policy</li><li>2. Method of Election of the president</li><li>3. Members nomination to the Rajya Sabha by the President</li></ol>
<b>Unites States of America</b>	<ol style="list-style-type: none"><li>1. Impeachment of the president</li><li>2. Functions of president and vice-president</li><li>3. Removal of Supreme Court and High court judges</li><li>4. Fundamental Rights</li><li>5. Judicial review</li><li>6. Independence of judiciary</li><li>7. The preamble of the constitution</li></ol>
<b>Canada</b>	<ol style="list-style-type: none"><li>1. Centrifugal form of federalism where the centre is stronger than the states.</li><li>2. Residuary powers vest with the centre</li><li>3. Centre appoints the Governors at the states</li><li>4. Advisory jurisdiction of the supreme court</li></ol>
<b>Australia</b>	<ol style="list-style-type: none"><li>1. Concept of Concurrent list</li><li>2. Article 108 i.e. Joint sitting of the two houses</li><li>3. Freedom of trade and commerce</li></ol>
<b>USSR (Now Russia)</b>	<ol style="list-style-type: none"><li>1. Fundamental duties</li><li>2. The ideals of justice (social, economic and political), expressed in the Preamble.</li></ol>

<b>France</b>	1. Concept of "Republic" 2. Ideals of Liberty, Equality and Fraternity(contained in the Preamble)
<b>Germany</b>	1. Fundamental Rights are suspended during Emergency
<b>South Africa</b>	1. Election of members of the Rajya Sabha 2. Amendment of the Constitution
<b>Japan</b>	1. Concept of "procedure established by Law"

Many people criticise that the Indian Constitution is a *bag of borrowings* or just a *paper and scissor work*.

**Reasons to not call the Indian Constitution a bag of borrowing are given below:**

- There are various provisions borrowed from other nations but they are absorbed in the Indian Constitution to suit its polity and governance. They are not exactly copied.
- Indian Constitution is the most detailed constitution of the world. Where the American Constitution has only seven articles, Australian Constitution 128 articles, Indian Constitution originally consisted of 395 articles which have now increased to 448 articles.
- Indian Constitution is unique in its content and spirit.
- It is drafted considering the historical perspective of Indian Nationalist struggles, the geographical diversity of India, and its traditional and characteristics which are totally different from any other nation.

It is true that it had borrowed some features but drafted according to the **Historical perspective, Geographical diversity, Cultural and traditional characteristics of India.**