

## Chapter 18 - Comparison of the Constitutions

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A Constitution is a set of fundamental rules that allows people with diverse beliefs, occupations, abilities, and economic backgrounds to live together peacefully by providing a framework for cooperation and coordination. It specifies who holds decision-making power, how governments are formed, and sets the boundaries within which individuals pursue their rights, freedoms, and aspirations.

By establishing common norms and principles, it creates a collective political identity and defines core values that must be respected, while also limiting the excessive power of the state through authoritative constraints on what governments may or may not do. At the same time, the Constitution empowers the state to realize the aspirations of society and work towards justice, equality, and social progress. It is not a static text but a living document that adapts to changing times and needs, ensuring both stability and dynamism in governance.

### Countries with Written Constitutions

The United States, India, France, and Japan are prominent examples of countries with formal, written constitutions, codified in a single document that defines the structure of government, the powers of its branches, and the rights of citizens. The U.S. Constitution, drafted in 1787 and ratified in 1788, is the oldest written constitution still in force and provides a federal framework with clear separation of powers between the executive, legislative, and judicial branches, while amendments can only be made through a stringent process under Article V. India's Constitution, drafted in 1949, is the longest in the world and reflects the country's diversity by combining federal principles with unitary features. Similarly, the French Constitution of 1958 and the Japanese Constitution of 1947 lay down their respective systems of governance and guarantee fundamental rights, underscoring the universal importance of codified constitutional frameworks.

### Countries with Unwritten Constitutions

In contrast, the United Kingdom, New Zealand, and Israel are examples of countries with unwritten or uncodified constitutions. Their constitutional rules are not contained in a single formal document but rather are derived from various sources such as statutes, court decisions, and conventions. Principal sources in the UK include statutes, common law, conventions, and authoritative texts like *Erskine May*, with the Human Rights Act 1998 incorporating the European Convention on Human Rights into domestic law (UPSC CSE Prelims 2020).

The UK's constitution is considered the archetypal unwritten constitution. It has evolved gradually over centuries, with key documents like the Magna Carta (1215) and the Bill of Rights (1689) serving as important milestones. The UK's constitution is highly flexible, as amendments can be made through simple majority votes in Parliament.

New Zealand also lacks a single written constitution. Its constitutional framework is an amalgamation of statutes, the Treaty of Waitangi, and unwritten conventions. Similarly, Israel has no formal, codified constitution, though it does have a set of "Basic Laws" that serve a quasi-constitutional function. New Zealand's framework notably includes the Constitution Act 1986 and the New Zealand Bill of Rights Act 1990, supplemented by conventions and the Treaty of Waitangi (SSC CGL 2018). Israel relies on a series of

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Basic Laws adopted since 1958 that the Supreme Court has accorded higher-law status, especially after Bank Mizrahi (1995) (UPPSC 2020).

The key differences between written and unwritten constitutions lie in their structure, amendment process, and the role of the judiciary. Written constitutions provide a clear, codified set of rules that define the powers of government and the rights of citizens, and they are usually difficult to amend as changes often require a special majority or even a referendum. In contrast, unwritten constitutions evolve organically through customs, judicial interpretations, and new laws passed by legislatures, which makes them more flexible but also less rigidly entrenched. However, this flexibility sometimes comes at the cost of weaker protection for individual rights compared to the strong safeguards typically enshrined in written constitutions.

### Enduring Legacy of India's Constitution

The longevity of India's Constitution is remarkable, especially when compared to the global average lifespan of only 17 years for national constitutions since 1789. Elkins, Ginsburg, and Melton's 2009 book shows that constitutions in post-colonial countries that gained independence after World War II have been particularly fragile, with Pakistan being a prime example, having had three different constitutions and long periods of rule without any constitution at all.

Among the 12 Asian countries that gained independence shortly after WWII and drafted constitutions, only three have survived to the present day – India's, Taiwan's, and South Korea's. This highlights the exceptional durability of India's Constitution, which has endured for over 70 years since its adoption in 1950.

### Comparison - Indian and British Constitutions

The British and Indian constitutions, while both being products of the British legal tradition, have distinct features that set them apart. The British constitution is known for its unwritten and evolutionary nature, while the Indian constitution is a lengthy written document that establishes a federal structure. Despite these differences, the two constitutions share some similarities and have influenced each other in various ways.

1. **Unwritten vs Written Constitution:** The British constitution is not contained in a single codified document but rather consists of various sources, including Acts of Parliament, judicial decisions, and constitutional conventions. In contrast, the Indian constitution is a lengthy written document that establishes the structure and powers of the government, as well as the rights and duties of citizens. The Indian constitution is the longest written constitution in the world, with 448 articles and 12 schedules.
2. **Evolutionary Development:** The British constitution has evolved gradually over centuries, shaped by historical events, political traditions, and the needs of the time. This evolutionary development has allowed the constitution to adapt to changing circumstances and become more flexible and responsive. In contrast, the Indian constitution was framed by a constituent assembly after India's independence and was not the result of gradual evolution. However, the Indian

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constitution does provide for evolution through the amendment process as outlined in Article 368.

3. **Flexibility:** The British constitution is known for its flexibility, which is a result of its unwritten nature and evolutionary development. The British Parliament can amend the constitution through ordinary legislation, without the need for a special amendment process. In contrast, the Indian constitution is both flexible and rigid. While certain provisions of the Constitution can be amended by a special majority of Parliament, other provisions, such as those relating to the basic structure of the Constitution, cannot be amended at all.
4. **Unitary vs Federal Structure:** The British constitution establishes a unitary system of government, with power concentrated in the central Parliament in London. There is no division of powers between federal and state governments, as in a federal system. Conversely, the Indian constitution establishes a federal structure, with powers divided between the Centre and the states. The Indian Constitution also provides for a strong Centre, which can override state laws in certain matters, creating a quasi-federal structure.
5. **Parliamentary Sovereignty:** The British constitution is based on the principle of parliamentary sovereignty, which means that Parliament is the supreme legislative body and can make, amend, or repeal any law. The courts have no power to question the validity of laws passed by Parliament. In contrast, the Indian constitution establishes a system of checks and balances, with the judiciary having the power to review the constitutionality of laws passed by Parliament.
6. **Rule of Law and Judicial Independence:** Both the British and Indian constitutions uphold the rule of law and the independence of the judiciary as essential principles. The British constitution protects individual rights through the common law and ensures judicial independence through mechanisms like security of tenure and immunity. Similarly, the Indian constitution also enshrines judicial independence, with provisions for the security of tenure of judges and the enforcement of fundamental rights through the courts.

### Institutional Comparison:

1. **Indian President vs British Crown:** The Indian President and the British Crown have distinct roles within their constitutional systems. The President of India is an elected head of state with a five-year term, functioning mainly as a ceremonial authority who acts on the advice of the Council of Ministers, whereas the British monarch, who inherits the throne for life, holds wider though largely symbolic powers such as appointing the Prime Minister and dissolving Parliament. In India, the presidency exists as a separate institution from the government, while in Britain the Crown is integral to the executive. Both symbolize national unity, yet the British monarch also represents the UK internationally and serves as head of the Commonwealth. Unlike India, which explicitly rejects monarchy to uphold equality, Britain operates under an uncoded constitution that has evolved gradually over time.
2. **Position of Prime Minister:** The Prime Ministers of the United Kingdom and India share core similarities as heads of parliamentary governments, leading the Council of Ministers, commanding the majority in the Lower House, acting as a bridge between the Head of State and the legislature, and functioning as “first among equals” under the principle of collective responsibility. However, their roles diverge due to differing constitutional frameworks: while the

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UK Prime Minister must be a member of the House of Commons, in India the Prime Minister can belong to either House but must enjoy the Lok Sabha's confidence; the former is appointed by the Monarch and the latter by the President, both guided by political convention to choose the majority leader. The UK Prime Minister has no fixed tenure and serves as long as they retain the confidence of the Commons, whereas the Indian Prime Minister is formally appointed for five years, subject to majority support. Furthermore, the UK's unwritten constitution allows greater political flexibility, often strengthening the Prime Minister's influence, while India's codified Constitution places clear limits and regulations on the office.

**3. Legislature:** The Indian and British legislatures, while sharing a common foundation in the parliamentary system, diverge sharply in their conceptions of legislative sovereignty due to differing constitutional structures. The United Kingdom operates under an uncodified constitution, where Parliament is sovereign and its enactments are not subject to judicial review. This flexibility allows Parliament to amend or repeal any law, including constitutional conventions, through a simple majority. In contrast, India's codified Constitution explicitly delineates the powers and limits of Parliament. Crucially, the judiciary exercises the power of judicial review, enabling it to strike down laws inconsistent with the Constitution. Moreover, through the basic structure doctrine, even constitutional amendments are subject to judicial scrutiny. The Indian amendment process under Article 368 reflects this rigidity, often requiring a special majority in Parliament and ratification by half the states, underscoring the sanctity of the Constitution in India.

### House of Lords and Rajya Sabha

The House of Lords and the Rajya Sabha are the upper houses of the UK and Indian Parliament, respectively. While both serve as legislative bodies, there are significant differences in their powers and functions.

**Powers and Limitations:** The House of Lords has limited legislative powers compared to the Rajya Sabha. It can delay most bills for up to a year but cannot veto them indefinitely. In contrast, the Rajya Sabha has equal powers with the Lok Sabha (lower house) for ordinary bills. It can also delay money bills for up to 14 days, while the House of Lords can only delay them for a month. The Rajya Sabha also has some special powers not granted to the Lok Sabha. It can authorize the Parliament to legislate on state subjects in the national interest (Article 249) and create new All-India Services (Article 312). However, the House of Lords does not have such powers.

**Composition and Membership:** The House of Lords is composed of hereditary peers, life peers, bishops of the Church of England (Lords Spiritual), and former senior judges (Law Lords). Its membership is not fixed and currently stands at over 800. In contrast, the Rajya Sabha has a maximum of 250 members, with 12 being nominated by the President and the rest elected by the state legislatures.

**Role in Government:** The House of Lords cannot remove the government from office or veto most bills. It acts as a revising chamber, focusing on legislative details. The Rajya Sabha, while not being able to bring down the government, has more legislative powers than the House of Lords. No-confidence motions lie



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only in the elected lower houses—House of Commons in the UK and Lok Sabha in India—preserving democratic accountability of the executive (CDS 2019).

### V. House of Commons and the Lok Sabha

The House of Commons and the Lok Sabha, the lower houses of the British and Indian parliaments, respectively, share some similarities but also have distinct differences in their structure and functioning.

#### (a) Similarities:

Both the House of Commons and the Lok Sabha are the lower houses of their respective parliaments and hold the most authority in the legislative process. The Prime Minister, who heads the government, is always a member of the majority party or coalition in both the House of Commons and the Lok Sabha. Party organizations, such as the Conservative Party or the Labour Party in the UK and the Bharatiya Janata Party or the Indian National Congress in India, play a significant role in shaping policy and providing a platform for backbench members to voice their views to ministers or shadow cabinet members.

#### (b) Differences:

**Speaker's Role:** In the House of Commons, the Speaker is a non-political figure who maintains political neutrality upon appointment and relinquishes ties to their political party. By convention, major political parties do not challenge the Speaker in general elections during their tenure. In contrast, the Speaker of the Lok Sabha is elected from among the members of the House and is usually a member of the ruling party or coalition.

**Composition:** The number of members in the House of Commons varies slightly with time to reflect population change. The Lok Sabha has a fixed strength of 543 members who are directly elected from the states and union territories.

**Leader of the House:** In the House of Commons, the Leader of the House of Commons, a member of the Government, is the chief spokesman for the majority party on matters of the internal operation of the House of Commons. In the Lok Sabha, the Leader of the House is usually the Prime Minister or a senior minister nominated by the Prime Minister.

**Tenure:** The House of Commons is dissolved before every general election, and all seats become vacant until the election is held. The Lok Sabha has a fixed term of five years unless dissolved earlier by the President on the advice of the Prime Minister.

### VI. Judiciary

The judicial systems of India and the UK, while sharing some common characteristics, also exhibit significant differences in their structures and functions. However, the two judicial systems also differ in crucial ways. In the UK, the doctrine of parliamentary sovereignty means the judiciary lacks the power to strike down an Act of Parliament, unlike in India where the courts can invalidate laws that violate the constitution's "basic structure." Furthermore, India has a single, unified three-tier judicial system, while the UK has separate legal systems for England/Wales, Scotland, and Northern Ireland.

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In India, the judiciary has the power to interpret laws and invalidate actions of the executive and legislature if they violate the Constitution. The Supreme Court is the ultimate interpreter of the Constitution and can adjudicate constitutional disputes, including striking down laws that contravene the Constitution's "basic structure."

By contrast, the UK judiciary operates under the doctrine of parliamentary sovereignty, which means it cannot declare Acts of Parliament unconstitutional or invalidate primary legislation. While UK courts can review executive actions and interpret laws, they do not serve as the ultimate interpreters of a single, codified constitution, as the UK lacks a written constitution. Instead, their role is limited to ensuring laws comply with existing statutes and legal principles. Additionally, India has a unified, three-tier judicial system, whereas the UK has distinct legal systems for England and Wales, Scotland, and Northern Ireland.

### Comparison - Indian and US Constitutions

The Indian Constitution is the longest written constitution in the world, while the U.S. Constitution is one of the oldest existing written constitutions. Both enshrine the principles of democracy, liberty, and justice. India has a quasi-federal structure with a strong central government, while the U.S. follows a clear federal model with greater state autonomy. Though shaped by distinct historical contexts, both constitutions have served their nations well and provided valuable insights for further democratic evolution.

#### I. Features of the Constitution

1. **Length and Complexity:** The U.S. Constitution is the shortest written constitution of any major government in the world, consisting of only seven articles and 27 amendments. In contrast, the Indian Constitution is the lengthiest written constitution, with 470 articles in 25 parts, and 12 schedules as of June 2024. The first ten U.S. amendments, called the Bill of Rights, were ratified in 1791 and set the template for rights-limiting government power (SSC CGL 2019).

2. **Ratification and Adoption:** The U.S. Constitution became effective in 1789. In contrast, the Indian Constitution was adopted by the Constituent Assembly in 1949, and it came into effect on January 26, 1950. The American amendment mechanism in Article V requires proposal by two-thirds of each House or by a convention called by two-thirds of State legislatures, followed by ratification by three-fourths of the States (SSC CGL 2018).

3. **Citizenship and Federalism:** The U.S. has adopted a doctrine of dual citizenship, with citizens holding both federal and state citizenship. Each state also has its own constitution. India, however, has a single constitution and a concept of single citizenship for every citizen of the country.

4. **Fundamental Rights:** Both constitutions include provisions for fundamental rights, such as freedom of speech, religion, and assembly. However, the Indian Constitution includes more detailed and extensive provisions for fundamental rights compared to the U.S. Constitution.

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### II. Nature of the Constitution

The U.S. Constitution sets up a truly federal system in which power is carefully divided between the national government and the states. The federal government can only exercise those powers that are specifically mentioned in the Constitution, while all remaining powers are reserved for the states or the people. Each state, therefore, functions as a semi-sovereign unit with its own constitution, legislature, and government. In contrast, the Indian Constitution, though federal in form, leans strongly towards a unitary bias. It vests greater authority in the Centre, enabling it to intervene in the affairs of states far more than is possible under the American model. This strong central tilt was designed to maintain unity and integrity in a country marked by vast diversity and regional complexities.

### III. Nature of Federalism

The United States practices dual federalism, where the federal and state governments function as independent and complete authorities within their own spheres. The U.S. Constitution ensures equal representation of all states in the Senate, reflecting symmetrical federalism, and places strong emphasis on the legislative autonomy of states, making it a legislative federation. In contrast, India follows a model of cooperative federalism, where the Centre and the states are interdependent rather than fully independent. India is often described as an executive federation, as states play a greater role in administration than in lawmaking. Moreover, while the U.S. is an indestructible union of indestructible states, India is an indestructible union of destructible states, meaning states do not enjoy the same permanence. Adding to this, India's federalism is asymmetrical, with representation in the Rajya Sabha based on population, giving larger states a greater voice in the Union.

### IV. President

The United States and India have adopted different forms of government i.e. the Presidential System in the U.S. and the Parliamentary System in India. The American President serves as both the Head of State and the Head of Government, combining symbolic and executive roles, while the Indian President is primarily a ceremonial figurehead.

1. **Qualifications:** The key differences are that the U.S. requires the President to be a “natural-born citizen” and to have resided in the U.S. for at least 14 years, while India allows citizenship by birth or acquired citizenship and has no residency requirement. Both countries require the President to be at least 35 years old, but India has no upper age limit.

2. **Electoral Process:** The U.S. President is elected indirectly through the Electoral College, which consists of representatives from each state, plus members from Washington D.C. The total of 538 electors corresponds to the number of congressional delegates, and a candidate must secure an absolute majority of 270 electoral votes to win. In India, the President is elected by an electoral college comprising elected members of both houses of Parliament and state legislatures.

3. **Executive and Legislative Functions:** The American President holds significant executive powers, including the appointment of key officials, representation of the nation both domestically and internationally, and the preparation of the federal budget. On the other hand, the Indian President's

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executive powers are more limited, often acting on the advice of the Prime Minister and the Council of Ministers.

**4. Legislative Proposals and Veto Power:** In the United States, the President plays an active role in the legislative process by proposing bills to Congress and exercising veto power, which allows rejection of legislation passed by Congress. However, this veto is not absolute, as Congress can override it with a two-thirds majority in both houses. In India, the President's role is largely ceremonial, acting on the advice of the Prime Minister and the Council of Ministers. While the Indian President does not initiate legislation, they can return a non-money bill once for reconsideration. Unlike the U.S., there is no fixed time limit for the President's action, which can lead to delays in the passage of legislation.

**5. Term Limits:** The American President serves a fixed term of four years, with the possibility of re-election for one additional term. On the other hand, the Indian President serves a five-year term and can be re-elected indefinitely.

**6. Impeachment Process:** The key differences in the presidential impeachment process are that in the U.S., charges are brought by the House of Representatives and a trial is held in the Senate, requiring a two-thirds majority to convict. In India, charges can be initiated in either house of Parliament with a two-thirds majority in that house needed to impeach, after which the matter is investigated by the other house.

### V. Vice President

The office of the Vice President exists in both India and the United States, but their election, tenure, and functions differ significantly. In India, the Vice President is elected indirectly by an electoral college comprising members of both Houses of Parliament and serves a five-year term, with eligibility for re-election any number of times. In contrast, the U.S. Vice President is elected directly along with the President on the same ticket, through the Electoral College, for a four-year term tied to that of the President. Functionally, the Indian Vice President is the ex-officio Chairman of the Rajya Sabha and may act as President during vacancies or when the President is unable to perform duties. The U.S. Vice President, on the other hand, serves as the President of the Senate, primarily casting tie-breaking votes, and is the immediate successor to the President in case of death, resignation, or removal.

### VI. U.S. Legislature

The United States Congress is bicameral, consisting of the House of Representatives and the Senate. The House of Representatives, the lower chamber, comprises 435 members directly elected from congressional districts apportioned according to population. It holds exclusive powers to originate revenue bills, although the Senate may propose amendments. The Senate, with 100 members, two from each state, serves staggered six-year terms with one-third retiring every two years. It exercises significant authority in confirming presidential appointments and ratifying treaties, giving it coequal status with the House in ordinary legislation and constitutional amendments. In contrast, the Indian Parliament also has two houses, the Lok Sabha and the Rajya Sabha. The Lok Sabha, directly elected, holds primacy in financial matters, while the Rajya Sabha, though a permanent body with staggered six-year terms, has a more limited role. Under Article 110, it can only make recommendations on money bills, which the Lok Sabha

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may accept or reject, reflecting India's constitutional design that emphasizes a strong lower house with direct control over the executive.

### VII. Judiciary

In the United States, Supreme Court Justices are nominated by the President and confirmed by a simple majority in the Senate, giving the President substantial influence over the Court's composition. The U.S. Constitution does not prescribe any specific qualifications for appointment. Justices serve for life and can only be removed through impeachment by Congress, with no mandatory retirement age. In India, judges are appointed through the Collegium system, consisting of the Chief Justice of India and the senior-most Supreme Court judges, with the elected government having a limited role. Supreme Court judges in India must retire at the age of 65.

### VIII. Doctrine of Separation of Powers and the System of Checks and Balances

In the United States, the doctrine of separation of powers is deeply embedded in the Constitution. The power is divided among three branches: Congress as the legislative body, the President as the executive authority, and the Supreme Court as the judicial authority. Each branch performs distinct functions, ensuring a system of checks and balances that prevents any single institution from dominating the others.

The framers of the U.S. Constitution designed a system where the President, though a powerful figure, is checked by both Congress and the judiciary. Congress can override a presidential veto with a two-thirds majority in both Houses, ensuring the veto power is not absolute. The Senate must also confirm presidential appointments and treaties, adding another layer of accountability. The judiciary exercises checks through judicial review, allowing it to strike down laws and executive actions that violate the Constitution. India's Constitution also incorporates the principle of separation of powers but in a form that differs from the U.S. model. The President, though part of the executive branch, acts on the advice of the Council of Ministers led by the Prime Minister. Parliament, like the U.S. Congress, consists of two Houses—the Lok Sabha and the Rajya Sabha—and enacts laws. However, the executive in India plays a dual role as both lawmaker and implementer, which blurs the classical separation between legislative and executive powers. The Indian judiciary, similar to its U.S. counterpart, acts as a check by exercising judicial review.

In both countries, checks and balances complement the separation of powers, preventing the concentration of authority in any single branch. In the U.S., Congress controls the budget, confirms appointments, holds impeachment powers, and can override vetoes. The President can veto laws, nominate judges, and negotiate treaties subject to Senate approval. The judiciary safeguards constitutional boundaries by declaring laws or executive actions unconstitutional. In India, Parliament controls finances, passes or rejects laws, and can remove the government through a no-confidence motion. The President's powers are limited by the advice of the Council of Ministers, who remain accountable to Parliament. At the same time, Indian courts exercise judicial review to ensure laws and government actions conform to the Constitution. Together, these mechanisms strengthen democratic governance by maintaining a balance between the branches of government in both systems.

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### IX. Comparison of Fundamental Rights:

The constitutions of the United States and India, while both aiming to protect individual liberties, differ significantly in their approach to guaranteeing fundamental rights.

1. **Freedom of Press:** In the United States, the freedom of the press is explicitly protected under the 1st Amendment of the Constitution. In contrast, India implicitly protects freedom of speech and expression under Article 19(1)(a) of its Constitution, which encompasses the freedom of the press as well.
2. **Right to Bear Arms:** The US Constitution's 2nd Amendment grants citizens the right to keep and bear arms. In contrast, India regulates firearms tightly, with ownership not considered a fundamental right but a legal privilege under strict governmental oversight.
3. **Due Process:** In the United States, the Fifth Amendment guarantees the right to due process of law, which means that the government cannot deprive individuals of life, liberty, or property without fair and just legal procedures. India, on the other hand, follows the principle of "procedure established by law," where any law passed by the legislature provides the basis for legal processes, even if it does not ensure substantive fairness. Over time, the Indian judiciary, particularly in the Maneka Gandhi case, expanded the meaning of this principle to include fairness, justice, and reasonableness, thereby bringing it closer to the American concept of due process.
4. **Right to Property:** Historically, both countries recognized the right to property as a fundamental right. In India, however, this right was removed from the list of fundamental rights and now it is a statutory right subject to legislative modification. In contrast, the US Constitution continues to protect property rights, stating that no property shall be taken without just compensation (5th Amendment).
5. **Philosophical Underpinnings:** The US Constitution, influenced by thinkers like John Locke, emphasizes natural rights inherent to all individuals, which are not solely dependent on government recognition. In contrast, the Indian Constitution, shaped by British legal traditions and social reform movements, leans towards legal positivism, wherein rights are granted and regulated by law, emphasizing duties and responsibilities alongside individual liberties.

### X. Amendment of the Constitution:

The Indian Constitution is generally considered more flexible and easier to amend compared to the US Constitution. In India, amendments can be proposed by the Parliament alone, without requiring any involvement from the states. In contrast, the US Constitution has a more rigid amendment process. Amendments must be proposed by a two-thirds majority in both houses of Congress, and then ratified by the legislatures of three-fourths of the states. The relative simplicity of India's amendment process is reflected in the number of changes made to its Constitution over time. As of 2024, the Indian Constitution has been amended over 100 times since its adoption in 1950. In contrast, the US Constitution has only been amended 27 times in the 233 years since it was ratified in 1788. The last amendment (the 27th) was ratified in 1992, over 200 years after the Constitution was first adopted.

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### Highlights of other significant Constitutions

#### A. French Constitution

France's political system is a semi-presidential system, which combines elements of both parliamentary and presidential systems. This system was introduced with the Fifth Republic in 1958 and was designed to provide a strong presidency to help stabilize the government and address the political instability that had plagued France in the past.

1. **President:** The French President is one of the most powerful democratically elected leaders, as the office combines features of both the US President and the British Prime Minister. The President appoints the Prime Minister, who must enjoy the confidence of the National Assembly, chairs the Council of Ministers, signs ordinances and decrees, and can dissolve the Assembly to call fresh elections. The President also conducts diplomacy, negotiates and ratifies treaties, commands the armed forces, and presides over national defence councils. In addition, laws can be referred to a referendum with cabinet approval. This dual authority gives the French President a blend of powers: like the US President, they serve as both head of state and head of government, and like the British Prime Minister, they can dissolve the lower house. However, unlike the US President, they are not fully free in appointing the Prime Minister, and unlike the British system, the Prime Minister in France primarily assists the President and handles day-to-day domestic affairs, while the President focuses on national and international issues. The balance of power shifts during "cohabitation," when the President's party does not control the National Assembly, reducing the President's role to a more ceremonial one.
2. **Cohabitation:** In France, the concept of cohabitation refers to a situation wherein the President and the Prime Minister belong to different political parties. This occurs when the President's party does not have a majority in the National Assembly, leading to the appointment of a Prime Minister from the opposition party or coalition. In this power-sharing arrangement, the President handles foreign policy and defence, while the Prime Minister focuses on domestic policy and day-to-day governance. It requires cooperation and compromise between the two leaders to ensure effective governance.
3. **Removal of the President:** The French president can be impeached, but the process is more ambiguous compared to the United States. According to the French Constitution, the president can be removed from office for a "breach of duties patently incompatible with the carrying out of the mandate." The impeachment process begins with a two-thirds majority vote in either the National Assembly or the Senate to introduce a resolution for impeachment. This resolution is then considered by a special court called the High Court of Justice, which is composed of members from both houses of parliament. If two-thirds of the High Court vote in favour, the president is then removed from office.
4. **French Legislature:** The French legislature, composed of the National Assembly and the Senate, operates under the dominance of the executive led by the President. Article 37 of the French Constitution restricts Parliament's authority, allowing it to legislate only on matters expressly listed in the Constitution, while all other areas fall under the government through orders or decrees. The President, working through the Prime Minister, can shape legislative outcomes and, if Parliament resists, even submit bills to a referendum. The National Assembly is the more powerful chamber, with the ability to hold the government accountable through confidence votes.

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or censure motions, and it has the final word in legislative disputes with the Senate (except on constitutional and institutional matters). It also plays the lead role in scrutinizing finance and social security bills. The Senate, though weaker legislatively, cannot be dissolved, giving it continuity and stability. Importantly, in the event of a presidential vacancy due to resignation, illness, or death, the President of the Senate assumes the role of interim President until fresh elections are held, usually within 50 days.

5. **Amendment Process:** The French Constitution has a rigid amendment process that requires a high bar to be cleared. Both the National Assembly and the Senate must approve a constitutional amendment, which then must either be approved by a three-fifths majority in a joint session of Parliament or submitted to a nationwide referendum. The President can also choose to refer the amendment to the people by referendum without needing approval from Parliament. This high threshold for amending the constitution was intentionally designed to provide stability to the Fifth Republic after the instability of previous French constitutions.

### B. Constitution of Germany

Germany is a federal parliamentary republic with a unique political system that combines elements of the British parliamentary system with its own distinct features. Here is a detailed overview of Germany's political system:

1. **Constitutional Framework:** The constitution of Germany, known as the Grundgesetz (Basic Law), was adopted in 1949 and has been amended several times since. It emphasizes protecting individual liberty and divides powers between the federal and state levels and between the legislative, executive, and judicial branches.
2. **Federal Structure:** Germany is a federal state, comprising 16 states known as Länder. The federal system is deeply rooted in tradition and reflects the country's decentralized cultural and economic structure. The states have significant autonomy and responsibilities, including internal security, schools, universities, culture, and municipal administration.
3. **Legislative Branch – Bundestag & Bundesrat:** The Bundestag is the lower house of the federal parliament and is directly elected by the German people. It is the more powerful of the two legislative chambers, with the ability to pass laws without the consent of the Bundesrat in certain cases. The Bundesrat represents the governments of the regional states and is the upper house of the federal parliament. It deliberates on each federal law and has the power to veto certain types of legislation.
4. **Executive Branch – Chancellor & President:** The Chancellor is the head of government and is elected by a majority vote of the Bundestag upon nomination by the President. The Chancellor is responsible for initiating government policy and has significant independent powers. The President is the head of state and is elected by a specially convened assembly. The President's role is largely ceremonial, but they have the power to sign all federal legislation and treaties, appoint government members, judges, and high-ranking civil servants, and dismiss the government.
5. **Judicial Branch:** The judiciary is independent of the executive and legislative branches. The highest court in Germany is the Federal Constitutional Court, which ensures compliance with the Basic Law and has the power to repeal legislation if it is deemed unconstitutional.

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### C. Constitution of Japan

Japan has a parliamentary system of government with a constitutional monarchy. The emperor serves as the ceremonial head of state, while the Prime Minister is the head of the Cabinet and exercises executive power.

1. **Election of the Prime Minister:** The Prime Minister is elected by both houses of the Japanese parliament, called the National Diet. The Diet consists of: the House of Representatives (lower house) and the House of Councilors (upper house). To be elected Prime Minister, a person must be chosen by both houses of the Diet. If an agreement cannot be reached between the two houses, a joint committee is formed that has 10 days to decide on a candidate. If the committee fails to reach a decision within 10 days, the will of the House of Representatives prevails.
2. **Article 9 of the Constitution:** A notable feature of the Japanese Constitution is Article 9, which renounces the right to wage war and prohibits the maintenance of armed forces. However, Japan maintains the Self-Defense Forces for self-defense purposes.
3. **Constitutional Monarchy:** Japan has a constitutional monarchy, where the emperor serves as the symbol of the state and the unity of the people but does not have political power. Executive power is wielded by the Prime Minister and the Cabinet.
4. **Amendments to the Constitution:** Amendments to the Japanese Constitution require a two-thirds majority vote in both houses of the Diet and a majority vote in a national referendum. The Constitution has not been amended since its adoption in 1947, although there have been efforts by some political parties to propose changes.

### D. Constitution of Canada

Canada is a constitutional monarchy, with the British monarch as the formal head of state. The Constitution Act, 1867 vests executive authority in the Canadian Monarchy, represented by the Governor General at the federal level and Lieutenant Governors at the provincial level. However, in practice, the Prime Minister and Cabinet exercise this executive authority through the doctrine of responsible government.

1. **Parliamentary System of Government:** The Constitution establishes a federal Parliament consisting of the Monarchy, the Senate, and the elected House of Commons. The powers and structure of these legislative bodies are modeled on the British parliamentary system. There are also provincial legislatures with a similar parliamentary structure. The Constitution upholds the principle of responsible government, where the Cabinet is accountable to the elected House of Commons.
2. **Federalism:** Canada has a federal system of government, with powers divided between the federal and provincial governments. The Constitution Act, 1867 outlines the specific jurisdictions and revenue-raising powers of each level of government. Over time, the division of powers has been further clarified through judicial decisions.
3. **Judiciary:** The Supreme Court of Canada is the highest court and final authority on civil, criminal, and constitutional matters. The nine Supreme Court justices are appointed by the Governor General on the advice of the Prime Minister and Minister of Justice. Canada's legal

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system is based primarily on the English common law, except in Quebec, which follows a civil law tradition.

4. **Rights and Freedoms:** The Canadian Charter of Rights and Freedoms, entrenched in the Constitution Act, 1982, guarantees certain political and civil rights. The Charter applies to government laws and actions, and the courts have struck down unconstitutional federal and provincial statutes.