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The American Influence on the Indian Constitution: A Study of Adopted Provisions

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ABSTRACT

The Indian Constitution is a remarkable achievement of numerous constitution framers, over two years and brought into effect nearly three years after India attained independence. While the freedom struggle stands as one of the greatest milestones in Indian history, the framing of the Constitution is another landmark event that deserves to be remembered by all. However, the constitution of India was not entirely written on its own but several of its principles were inspired by constitutions of other nations. Most of the principles were adapted from the constitution of United states of America. The borrowing of such principles shows the vision of constitution framers to create a progressive nation. This paper discusses about all those principles that are adapted from the constitution of America and their influence on the Indian constitutional framework.

Keywords: *Constitution, constitution framers, principles, progressive nation, adapted, influence.*

I. INTRODUCTION

The Constitution of India remains one of the most distinguished achievements in the nation's post-independence history. Drafted between 1946 and 1949, India's Constitution was crafted by a Constituent Assembly that reflected the nation's diversity. One of its central leaders, Dr. B. R. Ambedkar, served as both Chairman of the Drafting Committee and Law Minister, offering vital intellectual and practical direction during its formulation³. In undertaking this significant task, B. R. Ambedkar played a pivotal role as Chairman of the Drafting Committee and later as Law Minister, helping to unify varied perspectives into a well-structured constitutional framework⁴.

In shaping the Indian Constitution, incorporating provisions from other constitutions was instrumental. These established models of governance offered the framers reliable examples,

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³ K. H. CHELUVA RAJU, *Dr. B. R. Ambedkar and Making of the Constitution: A Case Study of Indian Federalism*, 52 Indian J. Pol. Sci. 153 (1991).

⁴ J. P. MISRA & J. P. MISHRA, *Dr. B. R. Ambedkar and the Constitution-Making in India*, 52 Proc. Indian Hist. Cong. 534 (1991).

enabling India to implement an effective and functional system right from the start.⁵ This approach allowed the Constitution to harmonize various principles like democracy, justice, liberty, equality, and social welfare, ensuring its inclusivity and acceptance within a diverse society⁶. Moreover, drawing from other constitutions increased the document's flexibility, enabling its provisions to be tailored to fit India's distinct social, political, and cultural context⁷. Another benefit of adopting both the content and wording of established constitutions is that it allows the use of interpretations already provided by the courts in those countries, thereby reducing uncertainty and avoiding ambiguity.⁸

Importantly, borrowing ensured stability while preserving flexibility, so that the Constitution could guide governance effectively while remaining open to change. In essence, constitutional borrowing gave India a tested, inclusive, adaptable, and balanced framework, laying the foundation for a strong and enduring democratic republic.

II. ADAPTED PROVISIONS OF INDIAN CONSTITUTION

The Indian Constitution is broad in its coverage, drawing inspiration from various international frameworks instead of mirroring any one system in its entirety.⁹ The Indian Constitution was developed through extensive study of the constitutions of several countries that existed at the time¹⁰. While the framers of the Indian Constitution drew heavily from multiple sources, they avoided copying any single system outright.¹¹ The drafters of the Indian Constitution crafted it with a willingness to learn from the experiences of other countries. They examined various global constitutional systems and carefully adopted elements best suited to India's unique needs and goals, resulting in a framework that blended global insight with a distinctly Indian foundation. Although several provisions were drawn from foreign constitutions, they were carefully adapted within the Indian Constitution to align with the nation's system of polity and framework of governance. They are not exactly copied.¹²

While drafting the 1950 Constitution, the Indian Constituent Assembly drew from several constitutional models. The British system shaped the parliamentary form of government, the

⁵ Hugh Tinker, *Review of Granville Austin: The Indian Constitution: Cornerstone of a Nation*, 30 Bull. Sch. Oriental & Afr. Stud. 250 (1967).

⁶ *Constitution of India*, Government of India, <https://constitutionofindia.net/constituent-assembly-debate/volume-7>.

⁷ B. SHIVA RAO ed., *The Framing of India's Constitution: Select Documents* (Indian Inst. of Pub. Admin. 1967).

⁸ B. N. RAU & B. SHIVA RAO eds., *India's Constitution in the Making* (Orient Longmans 1960).

⁹ Nithyaa, *Analysing Important Provisions of the Indian Constitution*, 2 Law Essentials J. 204 (2021).

¹⁰ Prateek Mishra, *FDR's Second Bill of Rights and Directive Principles of Indian Constitution*, 15 *Supremo Amicus* 256 (2020).

¹¹ V. N. SHUKLA ed., *The Constitution of India* (Eastern Book Co. 1919).

¹² *Sources of Indian Constitution*, Byju's, <https://byjus.com/free-ias-prep/sources-of-indian-constitution> (last visited Sept. 18, 2025).

American Constitution inspired the inclusion of fundamental rights, and Canadian and Australian frameworks influenced the balance between federalism and centralized governance¹³. The Indian Constitution incorporated ideas from the British constitutional tradition as well as from the constitutions of the United States, Ireland, Australia, and several other nations¹⁴. Few of the adapted principles from other constitutions are like the idea of embodying a code of "Directive Principles of State Policy" has evidently been borrowed by our constitution-makers from the new Irish Constitution of 1937¹⁵. When developing India's Fundamental Rights, the framers were influenced by the American Bill of Rights, incorporating assurances like equality before the law and freedom of speech¹⁶. Although the idea of rights originated from early documents like the Magna Carta of 1215, its modern form in written constitutions—especially that of the United States—deeply influenced India's constitutional framework.

The Indian Constitution is notable for the extent of its borrowings from Western traditions, particularly those of England and America¹⁷. The United States Constitution and the United States Supreme Court's interpretation of this document have had a profound influence upon the development of constitutional democracy in India.¹⁸ The concept of "equal enforcement of the law" is reflected in Article 14 of the Indian Constitution, which guarantees equality before the law and equal protection of the laws for all individuals¹⁹, which was adapted from Subsection 1 of the US Constitution's fourteenth Amendment Act.²⁰ The Indian Constitution incorporated multiple elements from the U.S. Constitution. Its Fundamental Rights in Articles 12–35 is modelled on the U.S. Bill of Rights, and both systems empower the Supreme Court with Judicial Review. India's Union of States resembles the American federal structure, though with a stronger central government. The process of impeaching the President is similar in both, and each maintains a bicameral legislature—Congress in the U.S. and Parliament in India. Judicial independence is protected in both through tenure and security provisions, and India's Article

¹³ Charles Henry Alexandrowicz, *American Influence on Constitutional Interpretation in India*, 5 Am. J. Comp. L. 98 (1956).

¹⁴ Sujata Gadkar-Wilcox, *Hope in Constitutional Drafting: Reorientation in the Construction of the Indian Constitution*, 45 W. New Eng. L. Rev. 1 (2023).

¹⁵ M. Ramaswamy, *The Constitution of the Indian Republic*, 28 Can. B. Rev. 1 (1950).

¹⁶ Fagun Sahni & Naimish Tewari, *The Differential State of the Indian Constitution—A Constitutional Anomaly*, 11 NLIU L. Rev. 34 (2021).

¹⁷ Rajeev Dhavan, *Borrowed Ideas: On the Impact of American Scholarship on Indian Law*, 33 Am. J. Comp. L. 505 (1985).

¹⁸ Robert B. Charles, *American Influence on the Indian Constitution: Focus on Equal Protection of the Laws*, 17 Colum. Hum. Rts. L. Rev. 193 (1986).

¹⁹ *Constitution of India*, art. 14.

²⁰ Jaya Morolia, *Fundamental Right to Equality: Comparison Between the Constitution of India and the USA*, 4 Indian J. L. Legal Res. 1 (2022–23).

²¹ *U.S. Const.* amend. XIV, § 1.

14 on equality reflects the principles of the U.S. 14th Amendment.

III. REASONS FOR ADOPTING AMERICAN CONSTITUTIONAL PRINCIPLES

The decision to include elements from the U.S. Constitution was intentional. As the world's first lasting written constitution, the American framework offered India a working model for managing a diverse federal republic. Its focus on safeguarding fundamental rights and ensuring the Rule of Law of law resonated with the aspirations of India's constitutional founders²². As India transitioned from colonial rule to independence, it needed a stable political and legal framework to govern its incredibly diverse and pluralistic society.²³ The American Constitution provided a tested model that balanced power and guaranteed fundamental rights to protect citizens from arbitrary authority.²⁴

A key feature incorporated into the Indian Constitution was the concept of Fundamental Rights, which drew inspiration from the American Bill of Rights.²⁵ The framers aimed to establish clear guarantees such as equality before the law, freedom of speech, and religious freedom, recognizing these as vital for preserving unity and safeguarding minorities in India's diverse society. They also adopted the principle of judicial review from the American legal system, enabling courts to invalidate laws that conflict with constitutional provisions²⁶. Dr. B.R. Ambedkar and the other members of the drafting committee had a deep understanding of American constitutional principles and acknowledged their value in protecting democratic governance.²⁷

The framers of the Indian Constitution adopted several principles from the American Constitution because of its proven democratic structure and strong safeguards for individual freedoms. By the time India was drafting its Constitution, the U.S. model was regarded as the world's oldest written constitution, having effectively governed a diverse federal republic for more than 150 years.²⁸ Moreover, the principles embodied in the American Bill of Rights aligned closely with India's commitment to social justice and individual liberty. The U.S. model's explicit guarantees—such as equality before the law, freedom of speech, and protection from arbitrary state action—were seen as vital to nurturing and protecting India's pluralistic

²² Robert J. Miller, *American Indian Constitutions and Their Influence on the United States Constitution* (SSRN, 2016).

²³ Gurudev Sahil, *The Differences Entrenched in Indian Constitution and American Constitution – A Comparative Interpretation*, J. Advances & Scholarly Res. Allied Educ. (May 2018).

²⁴ L. R. Sivasubramanian, *Studies in American and Indian Constitutional Law*, U. Chi. L. Rev. (1956).

²⁵ Morolia, supra note 19.

²⁶ Alexandrowicz, supra note 12.

²⁷ M. Sridhar, *Evolution and Philosophy Behind the Indian Constitution*, MCRHRDI, <https://www.mcrrdi.gov.in/88fc/coursematerial/PCCI.pdf>.

²⁸ Miller, supra note 21.

society.²⁹

Another factor that attracted the framers to the American Constitution was its clear, written structure and precise legal language, unlike the largely unwritten British constitution that depended on conventions. They sought a definitive document to firmly set out governance principles and legal rights, minimize ambiguity, and ensure long-term stability.³⁰ Finally, the American Constitution's status as a modern democratic charter, along with its practical examples of institutional design and protection of rights, made it a powerful source of inspiration for India's founders. It offered both guiding ideals and workable governance models suited to India's needs in the mid-twentieth-century global landscape.³¹

IV. CONCLUSION

The American Constitution played a major role in shaping India's constitutional framework, providing the basis for key rights and institutional mechanisms. Although these principles were adapted to suit India's unique social and political context, their influence is visible in provisions on fundamental rights, judicial review, and federal structure. This selective adoption reflects how India merged international ideals with domestic realities to create a durable democracy.³² Its legacy is most evident in India's adoption of a written constitution that consolidates fundamental rights and clearly defines the powers of government within a single authoritative document.³³ The Fundamental Rights in the Indian Constitution are largely inspired by the American Bill of Rights, safeguarding individual freedoms such as speech, religion, and equality before the law.³⁴ Judicial review, a defining feature of the American system, was adopted in India to give courts the authority to invalidate laws that conflict with the Constitution.³⁵

Moreover, India's federal system, which divides authority between the Union and the states, mirrors American federalism, though it has been adapted to suit India's distinct historical and social context.³⁶ The Indian framers intentionally adapted these borrowed elements, moderating the rigid separation of powers by incorporating parliamentary features from the British system

²⁹ Sahil, *supra* note 22.

³⁰ Sanjan Rebecca J., *U.S.–India Comparative Constitutional Law 2.0* (Christ Univ. 2022).

³¹ *The Foreign and the Indigenous in the Indian Constitution*, Centre for Law & Policy Research (2018), <https://clpr.org.in/blog/the-foreign-and-the-indigenous-in-the-indian-constitution-constitution-day-talk-by-arun-thiruvengadam/>.

³² Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 45–58 (Oxford Univ. Press 1966).

³³ Marc Galanter, *The Transformation of India's Constitution*, 35 *Harv. Int'l L.J.* 1 (1994).

³⁴ V. N. Shukla, *Constitution of India* 18–25 (13th ed. Eastern Book Co. 2020).

³⁵ M. P. JAIN, *Indian Constitutional Law* 10–15 (LexisNexis 8th ed. 2018).

³⁶ Edward S. Corwin, *The Constitution and What It Means Today* 78–85 (Princeton Univ. Press 1987).

to better align with India's political and administrative realities.³⁷ The Directive Principles of State Policy in the Indian Constitution, designed to guide the country's socio-economic governance, are an indigenous innovation with no direct influence from the American model.³⁸ The deliberations and debates of the Constituent Assembly highlight a thoughtful exchange of ideas, where American constitutional principles were carefully analysed and selectively incorporated into the Indian framework.³⁹

This thoughtful borrowing enhanced the flexibility and durability of the Indian Constitution, enabling it to adapt over time through amendments and judicial interpretation.⁴⁰ The Indian Constitution stands as a testament to the cross-fertilization of democratic ideals, blending inspiration from the American model with India's own vision as a sovereign, pluralistic democracy.⁴¹ This careful adoption allowed the Indian Constitution to uphold universal democratic values while remaining responsive to the nation's distinct social and political conditions. As a living document, it continues to evolve without compromising the foundational ideals drawn from the American model. Though American principles heavily influenced India's constitutional design, their adaptation reflects the framers' ability to balance external inspiration with indigenous priorities, enabling India to innovate a constitutional system uniquely suited to its pluralistic society.

³⁷ Austin, *Working a Democratic Constitution: The Indian Experience*, 5 J. Democracy 92 (1994).

³⁸ Charles, *supra* note 17.

³⁹ Tandon, *Federalism and the Indian Constitution*, 58 Indian J. Pol. Sci. 156 (1997).

⁴⁰ Nishasri S., *U.S.–India Comparative Constitutional Law 2.0* (T.N. Dr. Ambedkar L. Univ. 2022).

⁴¹ Vibha Shyam Sekar, *Judicial Review and Fundamental Rights in India*, 45 Indian L. Rev. 55 (2023).