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Q5(a)

**Imprint of the British Constitution on the Indian Constitution.**

UPSC Civil Services Mains 2023 · PSIR GS 1 · 10 marks · Making of the Indian Constitution

Making of the Indian Constitution: Legacies of the British rule; different social and political perspectives.

**Core demand of the question**

- **Answer the following in about 150 words:** Imprint of the British Constitution on the Indian Constitution. (10 marks)

**Revision summary**

India took parliamentary cabinet government, Westminster procedure, and much 1935 institutional design from Britain.

Dicey's rule of law influenced Article 14, but India wrote rights and judicial review into the text.

Federal lists, the Governor, and emergencies also travel from the 1935 Act.

Austin's cornerstone argument treats this as a new nation's charter, not a colonial statute continued.

Parliamentary sovereignty in the British sense was refused.

**Introduction**

The Constitution of India is a written republican charter, not an unwritten British one. The imprint of the British Constitution is still clear in parliamentary government, cabinet responsibility, and several offices copied from Westminster and from the Government of India Act, 1935.

**Body****What was taken**

- **A parliamentary executive:** the President is a constitutional head, and the Council of Ministers is collectively responsible to the Lok Sabha, which follows the British cabinet model.
- Rule of law, in A. V. Dicey's sense of regular law and official liability, informed equality before the law in Article 14, even though India added a written bill of rights that Britain then lacked.
- A bicameral Union Parliament, a Speaker, questions, and an opposition are Westminster forms.
- The Comptroller and Auditor General, the public service commission, and the single integrated judiciary's common-law method continue colonial and British institutional habits.
- The Government of India Act, 1935, supplied federal lists, office-of-governor, and emergency provisions that the Constituent Assembly adapted.

**What was refused**

- India is a republic with a written constitution, judicial review, and fundamental rights, which Granville Austin treated as the legal basis of a new nation, not as a statute of the Crown.

- Federalism, adult franchise from the first general election, and social-revolution Directives are not British parliamentary essentials.
- **Ambedkar** said the Constitution could work if people who ran it were good; the text itself rejected an unwritten convention as the only guarantee.
- Basic structure after **Kesavananda Bharati** (1973) is a judicial limit unknown to **Dicey's** parliamentary sovereignty.

### How to state the imprint

- The imprint is strongest in daily parliamentary practice and in 1935 institutional furniture.
- **The identity of the Constitution is still Indian:** written limits, rights, and a social programme that Westminster in 1950 did not enact as higher law.

### Flow diagram

British imprint -> Cabinet responsibility  
British imprint -> Dicey rule of law  
British imprint -> 1935 Act furniture  
Indian identity -> Republic rights federalism  
Indian identity -> Kesavananda limits

### Conclusion

British imprint on the Indian Constitution is parliamentary cabinet government, rule-of-law language, and 1935 offices. The Indian text adds a republic, rights, federalism, and judicially enforced limits that **Dicey's** sovereign parliament did not know.

### Facts & figures

#### Government of India Act, 1935

Source of federal lists, provincial autonomy design, Governor, and emergency clauses later adapted.

#### Collective responsibility

**Article 75:** the Union Council of Ministers is collectively responsible to the House of the People.

#### Dicey

Nineteenth-century statement of the rule of law as regular law, official equality, and judge-made rights in Britain.

#### Austin

The Indian Constitution: Cornerstone of a **Nation** (1966) studies the Assembly's work as nation-making, not as a copybook of Westminster.