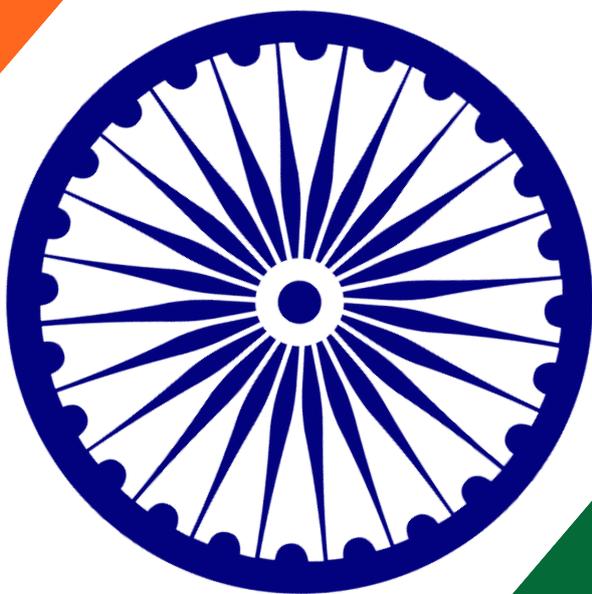


THE DEUTSCHE SAMVAAD

German Influences on
Indian Constitution
Making



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Abstract

The Indian Constituent Assembly, responsible for drafting India's 1950 Constitution, extensively drew from German constitutional and political history in shaping the institutions of the new Indian republic. Despite the evident influence, prior attempts to underscore this connection have been sporadic and limited. This paper aims to rectify this, by presenting the first comprehensive overview of the role played by German constitutional and political history in the deliberations of the Indian Constituent Assembly.

The framers of the Indian Constitution referenced two pivotal periods of German history. First, they invoked late 19th-century Germany, marked by the emergence of a German Empire under Bismarck, which comprised diverse political units, including monarchies. The future of India's princely states in the Indian Union was seen as akin to this period of German history. Further, Constituent Assembly members drew comparisons between India's efforts to integrate these states into the Union in the late 1940s and the unification of Germany with the dissolution of its monarchies.

Second, the challenges faced by the Weimar Constitution and the subsequent fall of the Weimar Republic, significantly shaped India's constituent assembly debates around emergency powers, federalism and representative democracy. Notably, the framers debated the constitutional defects behind the fall of the Weimar Republic and aimed to avoid a similar fate for India by proposing distinct constitutional choices.

This exploration of the German influence on Indian constitutional making enriches our understanding of the foreign constitutional references in the debates of the Indian Constituent Assembly. It provides a unique perspective on how key Indian political leaders perceived German history, envisioned India's new republic in light of this history and better understand the constitutional choices that India adopted.

I. Comparative Constitutionalism

Studying comparative constitutionalism has proved to be a useful methodological approach to gaining insights into one (or a group) of jurisdictions, diverse legal structures and principles across different countries.¹ By analysing and contrasting constitutions across the world, scholars and policymakers have discerned strengths and weaknesses in governance², individual rights protection³, and power distribution amongst branches of government.⁴ This comparative exploration aids in identifying best practices and innovative solutions to shared challenges faced by constitutional democracies. However, it is important to approach this with caution, recognising the imperfections of a comparative method. Cultural, historical, and contextual differences may limit the applicability of certain practices, and a one-size-fits-all approach may not be suitable. These concerns have enriched comparative constitutional scholarship nowadays. Nevertheless, despite these cautions, the study of comparative constitutionalism remains a useful

¹ Ginsburg, T, *Comparative Constitutional Design* (2012)

² Dixon R, *The Invisible Constitution in Comparative Perspective* (2018) <https://doi.org/10.1017/9781108277914>

³ Chilton AS and Versteeg M, *How Constitutional Rights Matter* (2020)
<https://doi.org/10.1093/oso/9780190871451.001.0001>

⁴ Elkins Z, Ginsburg T and Van Horn Melton J, *The Endurance of National Constitutions* (2009)
<https://doi.org/10.1017/cbo9780511817595>

tool for advancing constitutional scholarship, even if it does not provide solutions for constitutional issues.

In recent decades, the realm of Indian constitutionalism has witnessed remarkable vibrancy⁵. Within this scholarly landscape, a particular strand has emerged dedicated to the exploration of comparative constitutionalism on regional, continental, and global scales.

The prevailing trend in comparative constitutional scholarship has predominantly revolved around juxtaposing Indian constitutional principles with those of the United States. However, there is a noticeable evolution in this paradigm, with increasing emphasis placed on extending the comparative lens to include lesser-explored jurisdictions, among which the European Union has garnered notable attention.⁶

This shift signifies a broader recognition of the multifaceted influences and intersections that shape constitutional principles. Scholars are now delving into the nuances of Indian constitutionalism through the lens of the European Union, acknowledging the diverse legal frameworks and governance structures that contribute to the evolving discourse on constitutional law. As the field continues to expand, this nuanced and diversified approach to comparative constitutionalism promises to enrich our understanding of Indian constitutionalism within the broader global context.

II. The German Comparison

The study of German constitutionalism has garnered global attention from scholars in comparative constitutional law. The German constitutional narrative unfolds as a rich and dramatic saga, reaching a zenith with the Weimar Constitution of 1919, often hailed as the epitome of liberal constitutionalism in its era. However, the subsequent demise of the Weimar Constitution under the Nazi regime and the establishment of the post-Nazi German Basic Law form integral elements of a constitutional history that has captivated both scholarly and political circles worldwide.

Similarly, scholarship has delved into the intricacies of Indian constitutionalism, with Granville Austin's pioneering work offering a historical account of India's constitution-making from 1946 to 1950.⁷ Austin highlights the influence of Article 48 of the Weimar Constitution⁸ and Hitler's Enabling Act⁹ in shaping emergency powers in the Indian Constitution. Despite drawing parallels, Austin distinguishes the Emergency Era under Indira Gandhi from Hitler's takeover of the Weimar Republic.

While most scholarly attention has focused on German influences on Indian constitutionalism, particularly in relation to the basic structure doctrine, discussions have predominantly centred around mainstream topics. Scholars have explored parallels in the codification of directive principles, unconstitutionality, and federalism, with a particular emphasis on the impact of

⁵ Khilnani S, Raghavan V and Thiruvengadam AK, *Comparative Constitutionalism in South Asia* (2012) <https://doi.org/10.1093/acprof:oso/9780198081760.001.0001>

⁶ Dann P and Thiruvengadam AK *Democratic Constitutionalism in India and the European Union* (2021) <https://doi.org/10.4337/9781789901573>

⁷ Austin G, *The Indian Constitution Cornerstone of a Nation* (1973) <http://ci.nii.ac.jp/ncid/BA18745503>

⁸ De Wilde M, "The State of Emergency in the Weimar Republic Legal Disputes over Article 48 of the Weimar Constitution" (2010) 78 *Tijdschrift Voor Rechtsgeschiedenis* 135 <https://doi.org/10.1163/157181910x487341>

⁹ Horn J, "The Third Reich Sourcebook" (2016) 21 *The European Legacy* 433 <https://doi.org/10.1080/10848770.2016.1150063>

German Basic Law on India's basic structure doctrine developed by the Indian Supreme Court in the 1970s.

A pivotal figure in shaping the basic structure doctrine is the German jurist Dieter Conrad, whose post-war constitutional insights significantly influenced the concept.¹⁰ Conrad's lectures and writings drew compelling analogies between the abuse of amending power under the Weimar Constitution and the Indian Constitution, influencing the court's stance on the limits to amending power in the Kesavananda case.¹¹ Other scholars, such as Monika Polzin¹², have also examined the contributions of Conrad and Schmitt to the basic structure doctrine.

Recent scholarship has expanded its focus to explore German-Indian connections in constitutional and political thought in the 1930s. Sarath Pillai's work, "German Lessons: Comparative Constitutionalism, States' Rights, and Federalist Imaginaries in Interwar India,"¹³ meticulously analyses German influences on Indian constitutionalists of the 1930s, specifically regarding a federated structure for India. Pillai draws on the works of Indian statesmen like C.P. Ramaswamy Iyer, K. N. Haksar¹⁴, and K.M. Panikkar¹⁵, who, in turn, were influenced by the controversial Carl Schmitt, a 'Crown jurist of the Third Reich' known for his critique of parliamentary democracy.¹⁶

Taking a broader perspective, the influence of Germany on Indian constitutionalism centres on the basic structure doctrine. However, there has been limited and sporadic attention given to the Indian constituent assembly debates, lacking a structured examination. This paper aims to enrich our understanding of Germany's influence on the Indian constituent assembly debates by focusing on two distinct strands: the impact of both constitutional and political events and thinking around Bismarck's Germany and the Weimar Constitution on the Indian constitution-making process.

III. Integration and Federalism

The allure of German Constitutionalism in the Indian legal landscape stems from its successful integration of diverse German principalities and separate political entities into a unified German state. Before the 1871 unification, Germany consisted of numerous independent states, with Prussia emerging as the largest and most powerful among them.¹⁷

¹⁰ Noorani, A.G., 'Sanctity of the Constitution: Dieter Conrad—The man behind the 'basic structure' doctrine', *Constitutional Questions and Citizens' rights: An Omnibus Comprising Constitutional Questions in India and Citizens' Rights, Judges and State Accountability* (2006), <https://doi.org/10.1093/acprof:oso/9780195678291.003.0001>

Noorani AG, "What Is 'basic Structure' Doctrine That Prevents Alterations of the Constitution" (*Frontline*, October 17, 2023) <https://frontline.thehindu.com/news/behind-the-basic-structure-doctrine/article64757607.ece>

¹¹ *Kesavananda Bharati Sripadagalvaru v State of Kerala* AIR 1973 SC 1461

¹² Polzin M, "The Basic-Structure Doctrine and Its German and French Origins: A Tale of Migration, Integration, Invention and Forgetting" (2021) 5 *Indian Law Review* 45 <https://doi.org/10.1080/24730580.2020.1866882>

¹³ Pillai SD, "German Lessons: Comparative Constitutionalism, States' Rights, and Federalist Imaginaries in Interwar India" (2023) 65 *Comparative Studies in Society and History* 801 <https://doi.org/10.1017/s0010417523000191>

¹⁴ Haksar KN, Panikkar KM, *Federal India* (1930)

¹⁵ *Ibid*

¹⁶ Schmitt C, *The Crisis of Parliamentary Democracy* (1923) <http://ci.nii.ac.jp/ncid/BA00254716>

¹⁷ Blackbourn D and Eley G, *The Peculiarities of German History* (1984) <https://doi.org/10.1093/acprof:oso/9780198730583.001.0001>

Otto von Bismarck, an ambitious German aristocrat, ascended to the position of Chancellor of Prussia in 1862.¹⁸ He pursued an assertive policy aimed at unifying the German states under Prussian leadership. Prussia initially embraced an expansionist approach, defeating neighbouring states such as France, Denmark, and Austria in wars annexing their territories along with those of their German allies. These wars also brought several independent northern German territories into a confederation under Prussian hegemony.

Constitutional theorists find the formation of this Confederation intriguing. Prussia engaged in independent negotiations with the states to be federated, concluding separate treaties. The Constitution's validity rested on these treaties, wherein different rulers relinquished a standard measure of their powers to the Federal centre. The constituent assembly merely ratified the Constitution created by these treaties. Consequently, the North German Confederation became a permanent alliance of twenty-one states with Prussia, based on guaranteeing internal sovereignty while surrendering specific powers to a central government constituted of the states. A collective defence policy and combined military and economic strength served as an equitable exchange for powers relinquished by constituent states. In 1870, Prussia, maintaining its assertive stance, provoked a war with France and secured a swift victory, leading the southern German states to ally with Prussia.

With the majority of German states joining the Empire (excluding Austria), Bismarck's German Reich achieved a balance between local sovereignty and central authority. It preserved the autonomy of German kings and princes, allowing member states to retain their institutions, councils, and governments. Specific powers were granted solely to the central Reich government, satisfying rulers' demands for independence without compromising the Reich's central authority, now strengthened under Prussian control.¹⁹

The German Empire, established in 1871, was an extension of the North German Confederation, encompassing states south of the Main. The accession of Bavaria, Wurttemberg, Baden, and Hesse into the Empire followed the same method as in 1867, with individual negotiations conducted by Bismarck.²⁰ With Prussian leadership and military victories binding the German states, Wilhelm I of Prussia was proclaimed German Emperor, solidifying the German Empire with Prussia at its core.

Bismarck's swift and effective unification, as noted by Nehru²¹, resulted in the formation of a powerful German Empire that endured until 1918.

Sarath Pillai shows us how German unification inspired lesser-known Indian thinkers in their engagement with ideas around federalism. As self-governance and independence became plausible, Indian statesmen and scholars advocated for a federal state based on the Bismarckian Reich. Frederick Whyte, through "India, A Federation?" considered federation from the British provinces' perspective, while "Federal India," co-authored by K.N. Haksar and K.M. Panikkar, approached the federal question from the princely states' viewpoint. Haksar and Panikkar's comprehensive survey of federal constitutions, including those of the United States, Germany, Switzerland, Australia, Canada, and the Soviet Union, aimed to identify an ideal model for India.

¹⁸ Pflanze O, *Bismarck and the Development of Germany*, Volume III (1990)
<https://doi.org/10.1515/9781400861095>

¹⁹ Kitchen M, *History of modern Germany, 1800 to 2000* (2012)

²⁰ "Federal India : Panikkar,k.m. : Free Download, Borrow, and Streaming : Internet Archive" (Internet Archive, 1930) <https://archive.org/details/in.ernet.dli.2015.84424/page/n73/mode/2up>

²¹ "Glimpses of World History : Nehru, Jawaharlal : Free Download, Borrow, and Streaming : Internet Archive" (Internet Archive, 1934) <https://archive.org/details/in.ernet.dli.2015.108462/page/n539/mode/2up>

They asserted that the future Indian federation must prioritise and safeguard states' rights. They criticised the U.S. Constitution for its perceived artificiality and the Australian Constitution for excessive control by the lower house, and they found shortcomings in the constitutions of Canada and Switzerland. They argued against the coexistence of monarchy and democracy within a federation. The German model appealed to Haksar and Panikkar due to Germany's ability to balance centrifugal and centripetal forces. They highlighted the German Imperial Constitution's attributes, emphasising the importance of local autonomy alongside a strong central authority.

The German example found prominence in their federalist discourse, influencing leaders like Ambedkar. Ambedkar, in his address at the All-India Depressed Classes Congress in 1930, used the German example to encourage the integration of Princely States into a united India. In the Constituent Assembly, while presenting the Draft Constitution, Ambedkar stated

“But we may take courage from what happened in Germany. The German Empire as founded by Bismark in 1870 was a composite State, consisting of 25 units. Of these 25 units, 22 were monarchical States and 3 were republican city States. This distinction, as we all know, disappeared in the course of time and Germany became one land with one people living under one Constitution. The process of the amalgamation of the Indian States is going to be much quicker than it has been in Germany. On the 15th August 1947 we had 600 Indian States in existence. Today by the integration of the Indian States with Indian Provinces or merger among themselves or by the Centre having taken them as Centrally Administered Areas there have remained some 20/30 States as viable States. This is a very rapid process and progress. I appeal to those States that remain to fall in line with the Indian Provinces and to become full units of the Indian Union on the same terms as the Indian Provinces. They will thereby give the Indian Union the strength it needs. They will save themselves the bother of starting their own Constituent Assemblies and drafting their own separate Constitution and they will lose nothing that is of value to them.”

Bismarck's triumph in creating a unified German state by balancing regional autonomy and central authority influenced Indian political thought at the onset of independence. The German model, admired for reconciling disparate interests, guided the vision of Indian thinkers like Haksar, Panikkar, and Ambedkar, shaping their perspective on a federal structure that respects regional rights.

IV. The Weimar Constitutional Moment

Bismarck's unified German Empire reached its zenith during the Arms Race era in Europe in the early years of the 20th century. The arms race between the European powers culminated in the First World War (The Great War) and the consequent defeat of Germany. The German Empire was abolished, and a Constituent Assembly based in the city of Weimar established a new Federal Republic.²² The new state, known later as the Weimar Republic, provided for a powerful executive head as the Reich President. Article 48 of the Weimar Constitution granted the Reich President the authority, under specific conditions, to implement emergency measures, including issuing decrees without prior approval of the Reichstag (Parliament). This included the issuance of emergency decrees and was frequently utilised by the first Reich President, Friedrich Ebert, to address political and economic crises. Subsequently, during President Paul von Hindenburg's tenure and presidential cabinets, Article 48 increasingly became a tool to circumvent a politically divided Reichstag and govern without its consent.

²² *Supra* note 19

Against this backdrop, an ambitious and charismatic Austrian-born politician, with the help of the far-right National Socialist German Workers' Party, rose through the ranks in the early 1930s. This new leader, Adolf Hitler, became Chancellor and, through decrees issued by Hindenburg, exploited Article 48 to establish a totalitarian dictatorship through ostensibly legal means. Following the arson attack on the Reichstag, Hitler convinced Hindenburg to pass the Reichstag Fire Decree under Article 48, which gave the Executive near absolute powers and curbed constitutional freedoms and rights. This was followed by the passing of the Enabling Act of 1933, which effectively empowered Hitler to make and enforce laws without the involvement of the Parliament or the President. Critically, the Enabling Act allowed the Chancellor to bypass the system of checks and balances in the government, thus, paving the way for the one-party regime of Nazi Germany and the atrocities that followed.²³

Looking twenty years ahead, Germany is again defeated and, this time, partitioned into West and East by the superpowers. Closer to home, following the depredations of the Second World War and strong anti-colonial movements, British interests started to sway away from retaining its prized colonial enterprise in India. The dominions of India and Pakistan were born out of British India's territories in 1947. A Constituent Assembly was formed in Delhi to formulate the blueprint for the to-be Republic of India.

The problems of the Weimar Constitution and the fall of the Weimar Republic were often referred to when the Indian Constitution framers were designing India's Constitution. These included but were not limited to emergency powers but extended to India's federal structure and its adoption of representative democracy. Strikingly, in all these debates, framers advanced different claims of why the Weimar Republic fell and wanted to avoid the same in India by putting forward preferred constitutional choices.

Ambedkar introduced the Emergency provision as Art 275 on August 2, 1949.²⁴ As noted in the Constituent Assembly debates, this article was identical to the original Article 275 in the draft constitution, with only minor amendments. The first revision pertained to clause (1), where the phrase "war or domestic violence" was replaced with "war or external aggression, or internal disturbance." The rationale was that the new terminology encompassed a broader range of security threats, including external aggression that may not reach the threshold of formally declared war.

There were divergent perspectives amongst the members of the Constituent Assembly about the inclusion of emergency provisions within the Constitution. As chronicled by Granville Austin, A.K. Ayyar and K.M. Munshi were among the strongest advocates for curtailing freedoms during emergencies.²⁵ Munshi promoted vesting both provincial and union governments with the authority to suspend the right to freedom during periods of crisis. Ayyar contended that the rights enshrined in the Constitution must be subject to public order, security and safety considerations. To substantiate his stance, he cited instances of disturbances in Bengal and Assam and communal riots in Punjab and the North West Frontier Provinces. However, the suggestions to sanction the suspension of Fundamental Rights during emergencies were opposed by three members: K.T. Shah, H.V. Kamath and H. N. Kunzru.

²³ Snyder WE, *Encyclopedia of the Third Reich* (1998)

<https://openlibrary.org/books/OL8978909M/Ency.of.the.Third.Reich>

Shirer WL, "The Rise and Fall of the Third Reich: A History of Nazi Germany" (1962) 68 *The American Historical Review* 126 <https://doi.org/10.2307/1847219>

²⁴ CONSTITUENT ASSEMBLY DEBATES, Vol. 9 (Aug. 2 1949).

<https://www.constitutionofindia.net/debates/02-aug-1949/> 9.09.104

²⁵ *Supra* note 7

H.V. Kamath articulated his reservations by making an evocative reference to the state of the Weimar Constitution under the Nazi regime.²⁶ Kamath stated that most of the constitutions of democratic nations worldwide - whether monarchic or republican - had been searched, and no parallel to the Chapter on emergency provisions was discovered in any of the constitutions of other democratic countries globally. It was approximated that the closest provision was present within the Weimar Constitution of the Third Reich, which was exploited by Hitler by taking advantage of the very same provisions contained in that Constitution, leading to its ultimate destruction. The Weimar Constitution of the Third Republic no longer exists and has been superseded by the Bonn Constitution. However, those emergency provisions fade into insignificance when juxtaposed with the emergency provisions in this Chapter of the Indian Constitution. It was therefore strongly urged that the House bestow earnest appraisal and mature assessment utilising all available wisdom upon evaluation of this Chapter. As it proceeds to its concluding sections, the Chapter annuls the fundamental rights conferred by Part III of the Constitution to a substantial degree.

Kamath viewed the Weimar Emergency provisions as characteristically similar but much milder than the provisions in the Indian draft. Many safeguards and checks in the German Constitution made the Indian one seem draconian. He staunchly held on to his opposition to the provisions and criticised the government for their part in introducing it: *“I had sought to show that the very Article 48 of the Weimar Constitution of the Third Reich of Germany was used by Herr Hitler to destroy democracy in Germany and to establish his dictatorship. All right; if we are aiming at that objective, if we in this country want dictatorship, I have no quarrel with them. Have it by all means, but say so; be honest; be straight; do not adopt subterfuges, do not be crooked about your business.”*²⁷

Others thought the comparison too far-fetched, with S.L. Saxena stating that his critique is likely more applicable to Article 278 rather than the article under discussion. *“This Article does not confer the central government in India the degree of power that was granted to the central authority under the Weimar Constitution in Germany. This does not give the Centre that power which the Weimar Constitution gave to the Centre in that Constitution. Here, we have got only the essential power required to carry on the administration when there is a war on or where there is an internal insurrection.”*²⁸ Further, he stated that without mandating that the central government be vested with such minimum powers, it would be rendered incapable of carrying on and defending the country in times of crisis. As such, drawing parallels to the Weimar Constitution was not proper and excessive, according to Saxena.

Regarding the provision of a financial emergency, H.N. Kunzru said they were a serious threat to the financial autonomy of the States.²⁹ After deliberations on both types of views – those that supported the suspension of rights during an emergency and those that opposed the suspension – the committee prepared a new version about the suspension of rights during an emergency. The new version did not support an arbitrary suspension of democratic rights during an emergency. What it allowed was suspension of the right to constitutional remedies under Art. 32.

Even concerning the power of the President, questions were raised about the Weimar state before the rise of Hitler. A.C. Guha stated how *“it smacks something like the power of the German*

²⁶ CONSTITUENT ASSEMBLY DEBATES, Vol. 9 (Aug. 3 1949).
<https://www.constitutionofindia.net/debates/03-aug-1949/#110436> 9.110.71

²⁷ Ibid

²⁸ CONSTITUENT ASSEMBLY DEBATES, Vol. 9 (Aug. 2 1949).
<https://www.constitutionofindia.net/debates/02-aug-1949/#110297> 9.109.234

²⁹ CONSTITUENT ASSEMBLY DEBATES, Vol. 10 (Oct. 16 1949).
<https://www.constitutionofindia.net/debates/16-oct-1949/> 10.153.311

*President, which helped the rise of Hitler in 1933.*³⁰ Shankarrao Deo stated how the office of the Chief Executive in the Indian Republic drew upon influences from both the American and French presidential models whilst retaining unique constitutional duties and powers.³¹ Unlike the American presidency with robust governing responsibilities or the predominantly ceremonial French presidency focused primarily on formalities, the Indian presidency represents an amalgamated balance. The Indian President would exercise greater discretion than the figurehead status of the French yet is constrained from wielding the entire executive authority embedded in the American office. But, like under the Weimar Constitution of Germany, he had the potential to be a 'virtual dictator'. Other leaders like N. Ranga also feared that centralisation would lead to Hitler-like leaders at the Centre dissolving liberal or socialist provincial governments.³²

The emergency provisions were incorporated into the final draft of our Constitution. Memories of the violence surrounding partition were invoked to strengthen centralised state power and inscribe emergency provisions into the Constitution. Partition had decimated the ranks of federalists within the Indian Constituent Assembly, leaving only a handful of principled, articulate voices like H.V. Kamath and N. Ranga still arguing for greater democracy and federal decentralisation.

V. Conclusion

In conclusion, the examination of German constitutionalism's influence on Indian political thought and constitutional development unveils a rich tapestry of historical, intellectual, and diplomatic interconnections. This cross-cultural exchange spans pivotal moments in both nations' histories, leaving an indelible mark on the evolution of constitutional principles in India.

German constitutionalism, with its roots in the transformative period of Bismarck's unification of German states, became a source of inspiration for Indian thinkers grappling with the complexities of nation-building and governance. Otto von Bismarck's astute diplomatic strategies and the creation of a balanced federal structure in the German Empire provided a compelling model for reconciling diverse regional interests with centralised authority.

The fascination with German constitutionalism extended beyond Bismarck's era, encompassing the tumultuous Weimar Republic and its subsequent dissolution under the Nazi regime. The examination of emergency powers and constitutional safeguards during this period played a crucial role in shaping India's approach to similar challenges. Granville Austin's pioneering work and the profound impact of German jurists like Dieter Conrad laid the foundation for India's constitutional principles, particularly the concept of the basic structure doctrine.

The Weimar Constitution's cautionary tale served as a backdrop for the Constituent Assembly debates in India, where framers grappled with the delicate balance between preserving individual rights and empowering the state during emergencies. The reflections on Article 48 and Hitler's exploitation of emergency provisions underscored the importance of crafting a constitution that could withstand authoritarian tendencies.

³⁰ CONSTITUENT ASSEMBLY DEBATES, Vol. 11 (Nov. 21 1949).
<https://www.constitutionofindia.net/debates/21-nov-1949/#137376> 11.161.30

³¹ CONSTITUENT ASSEMBLY DEBATES, Vol. 11 (Nov. 21 1949).
<https://www.constitutionofindia.net/debates/21-nov-1949/#137376> 11.161.31

³² CONSTITUENT ASSEMBLY DEBATES, Vol. 11 (Nov. 17 1949).
<https://www.constitutionofindia.net/debates/17-nov-1949/#129412> 11.158.116

Moreover, the exploration of German-Indian connections in the 1930s revealed a nuanced understanding of federalism and state-building. Sarath Pillai's analysis of German influences on Indian constitutionalists of that era sheds light on the intellectual currents that informed discussions around federated structures for India. The engagement with German constitutional thought by Indian statesmen like C.P. Ramaswamy Iyer, K.N. Haksar, and K.M. Panikkar demonstrated the global resonance of constitutional ideas and their adaptability to diverse cultural contexts.

The federalist discourse, deeply rooted in the German model, found expression in the Indian constitutional framework. The emphasis on local autonomy, a central tenet of German constitutionalism, became an integral part of India's federal structure. The basic structure doctrine, shaped by German influences, became a cornerstone in the Indian judiciary's approach to constitutional amendments.

While the impact of German constitutionalism on India is profound, it is essential to acknowledge the nuanced adaptation and contextualisation of these influences within the Indian socio-political milieu. The framers of the Indian Constitution demonstrated an astute awareness of India's unique diversity, incorporating principles that resonated with Bismarckian ideas while addressing the specific challenges and aspirations of the Indian nation.

In essence, the journey through the corridors of German constitutionalism and its influence on India's constitutional evolution is a testament to the interconnectedness of global legal and political thought. The intellectual cross-pollination between these two nations, separated by geography and culture, showcases the universality of constitutional principles and their capacity to transcend borders.

As India continues its democratic journey, the lessons drawn from German constitutionalism remain pertinent. The commitment to preserving individual liberties, maintaining a delicate balance between central and regional authority, and adapting constitutional principles to meet the evolving needs of society are enduring legacies of this cross-cultural exchange. The exploration of German-Indian constitutional connections enriches our understanding of the diverse trajectories that shape constitutionalism across the globe.