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FOREIGN PRECEDENTS IN INDIA: BETWEEN PERSUASIVE AUTHORITY AND CONSTITUTIONAL AUTONOMY

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Abstract

The Indian Constitution is a unique document that incorporates indigenous constitutional aspirations as well as influences from a wide range of global constitutional traditions. Indian courts, especially the Supreme Court, have made frequent references to foreign judicial precedents while interpreting constitutional provisions since the country gained its independence. Foreign judicial precedents are made due to the comparative nature of constitutional law and the fundamental principles of democratic legal traditions. However, the references to foreign judicial precedents are not binding in Indian courts, and the references are only made for persuasive purposes, which has attracted much scholarly debate on the subject.

The current research paper attempts to critically analyze the role of foreign precedents in the context of Indian constitutional adjudication. The paper attempts to understand the historical development of the role of foreign precedents, the theoretical justification of the reliance on foreign jurisprudence, and the practical application of foreign precedents in the context of landmark judgments delivered by the Indian Supreme Court. This paper also attempts to understand the advantages of the reliance on foreign precedents and the limitations of over-reliance on foreign legal systems. Even though foreign precedents have played a vital role in the development of constitutional adjudication and have facilitated the process of global judicial dialogue, the role of foreign precedents needs to be balanced with the need to develop the autonomy of the Indian constitutional framework.

Keywords: Foreign precedents, comparative constitutional law, persuasive authority, constitutional adjudication, judicial interpretation, constitutional autonomy.

I. Introduction

The Constitution of India, which was framed in 1950, is arguably the most detailed and elaborate constitution in the world. It is a document of the highest order, which incorporates the principles of democracy, the protection of fundamental rights, the restraints on the power of the government, and the doctrine of judicial review. The drafting of the Constitution was influenced by several constitutional systems in the world, including the United Kingdom, the United States, Canada, Ireland, and Australia.¹ The fact that the Constitution of India borrowed inspiration from a wide array of constitutional laws across the world has meant that the Indian Constitution has always had a strong connection with comparative constitutional law. Indian courts, especially the Supreme Court, have relied heavily on foreign judgments while interpreting the Constitution of India. Foreign judgments, which are cited by Indian courts, are mostly from the United States, the United Kingdom, Canada, Australia, and South Africa, among other jurisdictions. The reliance of Indian courts on foreign judgments has been especially evident in matters of fundamental rights, constitutional law, and emerging law, especially in areas where there is a lack of precedent.

The reliance on foreign precedents is a reflection of the global nature of constitutional discourse. The world over, constitutional courts are engaging in judicial dialogue and learning from one another's experiences.² However, this reliance on foreign precedents gives rise to important questions regarding constitutional interpretation. One school of thought is that foreign precedents may not be in line with India's social, cultural, and political values. Another school of thought is that reliance on foreign precedents may erode the independence and autonomy of the Indian Constitution.

In recent decades, this debate has gained importance in the context of the Supreme Court's more activist role in constitutional interpretation. While comparative jurisprudence has been helpful in developing fundamental rights and other progressive legal principles, concerns have been raised about the role and extent to which foreign precedents ought to inform constitutional interpretation in India.

In this context, this paper proposes to examine the complex relationship between foreign precedents and Indian constitutional law. Specifically, it proposes to examine whether foreign

¹ M.P. Jain, *Indian Constitutional Law* (9th ed., Lexis Nexis 2025).

² Mark Tushnet, *The Possibilities of Comparative Constitutional Law*, 108 *Yale L.J.* 1225 (1999).

precedents enhance or impinge upon the interpretation of constitutional law in India.

II. Concept of Foreign Precedents

Foreign precedents are judicial decisions that have been given in jurisdictions outside the country where a case is being decided. In legal systems that are based on common law principles, judicial decisions are an important source of law. Decisions of courts are often relied on to interpret statutes and constitutional provisions.

In Indian constitutional law, foreign precedents are regarded only as persuasive and not binding on courts. This means that Indian courts can look to foreign judicial decisions for guidance but are not bound to follow them.³ The persuasive value of foreign judicial decisions can be attributed to similarities in legal systems. Democratic nations worldwide have similar constitutional principles enshrined in their constitutions and legal systems. For instance, all democracies protect fundamental rights and dignity through constitutional provisions and judicial decisions. The rule of law and judicial review are other constitutional principles that are universally applicable and similar to each other.⁴

Foreign case laws can be used for various reasons:

1. For interpreting provisions of the constitution that are similar in other countries.
2. For developing new principles of law where there is limited case law in the country.
3. For expanding interpretations of fundamental human rights.
4. For enriching judicial reasoning by incorporating other approaches.

But it is also important to note that the application of foreign case laws must always be done with caution because principles of law that function well in one jurisdiction might not automatically function well in another jurisdiction due to differences in the two countries' constitutions and societal values.

III. Historical Development of Foreign Precedents in India

The historical development of foreign precedents in Indian constitutional adjudication is closely associated with the historical development of the Indian legal system as a whole. The

³ V.N. Shukla, *Constitution of India* (13th ed., Eastern Book Co. 2017).

⁴ Ran Hirschl, *From Comparative Constitutional Law to Comparative Constitutional Studies*, 11 *Int'l J. Const. L.* 1 (2013).

influence of foreign precedents in Indian constitutional adjudication can be seen in the following stages:

1. Colonial Legacy and Influence of English Common Law

The historical development of the role of foreign precedents in Indian constitutional adjudication can be seen from the colonial era, during which India was a British colony. During the colonial era, the Indian legal system was largely influenced by English common law, which was the law of the land during the colonial era.⁵ The British colonial authorities established courts in India, which were required to decide disputes in India by applying English law, which included English statutes and English judicial precedents. The colonial courts in India frequently relied on the judgments of English courts, including the House of Lords and the Privy Council, to decide disputes in India.

The Judicial Committee of Privy Council in London was the supreme authority for colonial India until 1949.⁶ The decisions of the Privy Council were binding on Indian courts and greatly strengthened the development of case law on various branches of law, including constitutional law, property law, criminal law, and administrative law. Indian courts thus got used to relying on foreign judicial decisions. The reliance on foreign judicial decisions thus became an integral part of Indian legal jurisprudence even before independence.

In addition to this, the introduction of the common law system ensured that judicial precedents were regarded as one of the important sources for legal decision-making. Decisions were based on previous judicial decisions to ensure consistency and fairness in legal interpretation. English law being the primary source of legal authority, foreign judicial decisions, especially those from Britain, dominated judicial decision-making during this period.

2. Constitutional Borrowing and the Framing of the Indian Constitution

When the Constituent Assembly framed the Constitution of India between 1946 and 1949, it looked at various constitutional provisions across the world. The framers borrowed provisions from various foreign constitutions to frame a comprehensive and effective constitutional document. For example, the idea of Fundamental Rights borrowed from the Bill of Rights in the United States Constitution. The Parliamentary form of government borrowed from the British constitutional tradition. The Directive Principles of State Policy enshrined in Indian Constitution is borrowed from Irish Constitution. Some features of federalism borrowed from

⁵ Sanjay Jain, V.D. Mahajan's Constitutional Law of India (8th ed., Eastern Book Co. 2023).

⁶ H.M. Seervai, Constitutional Law of India: A Critical Commentary (4th ed., Universal Law Publishing 1996).

the Canadian and Australian Constitutions.⁷

Since our own Constitution borrowed from various constitutional systems, it is only natural that judges started to look to foreign jurisprudence for guidance. Where constitutional provisions bear similarities to provisions in other jurisdictions, it is only natural to look at how they have been construed in other jurisdictions. This further buttressed the role of foreign precedents in Indian constitutional law.

3. Early Post-Independence Judicial Approach

It was after India gained its independence in 1947 and the Supreme Court was set up in 1950 that Indian courts began to develop their own constitutional jurisprudence. During the initial phase of constitutional jurisprudence in India, Indian courts drew heavily from American constitutional jurisprudence while interpreting fundamental rights. This was because the U.S. Constitution has a vast body of jurisprudence in the field of fundamental rights. Indian courts found it useful to draw from American jurisprudence while dealing with fundamental rights cases in India.

In addition to American jurisprudence, Indian courts also drew from British constitutional jurisprudence while dealing with parliamentary privileges, administrative law, and judicial review. This was because India was a British colony and the British Constitution was highly regarded by Indians. In the case of *A.K. Gopalan v. State of Madras (1950)*,⁸ the Indian Supreme Court got influenced from comparative constitutional jurisprudence in the field of fundamental rights.

4. Expansion of Comparative Jurisprudence in the 1970s and 1980s

One of the most important developments in the application of foreign precedents was witnessed during the 1970s and 1980s, when the Supreme Court took a more liberal and progressive approach to constitutional law. This was the era of the expansion of fundamental rights and judicial activism.

One of the most important decisions of this era was the decision of the Supreme Court in *Maneka Gandhi v. Union of India*⁹, where the Supreme Court expanded the meaning of Article 21 by holding that “the procedure by which a person can be deprived of life and liberty should be fair, just, and reasonable.” The Supreme Court had drawn upon American law on due

⁷ Granville Austin, *Working a Democratic Constitution: The Indian Experience* (Oxford Univ. Press 1999).

⁸ *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27.

⁹ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

process and personal liberty in this case. In this era, the Supreme Court developed the concept of public interest litigation and expanded the scope of fundamental rights. In some of these decisions, judges had cited foreign precedents to buttress their conclusions. This was the beginning of judicial activism.

5. Influence of International Human Rights Law

Indian courts have increasingly begun to draw upon international human rights law and jurisprudence to construe and enforce fundamental rights since the 1990s. This can be partly explained by the phenomenon of globalization and the growing internationalization of law.

A notable instance in point is the case of *Vishaka vs. State of Rajasthan (1997)*¹⁰, in which the Supreme Court relied upon international conventions and case law to lay down guidelines for dealing with the issue of sexual harassment in the workplace. This was a period in which there was no legislative provision in India to deal with the issue. The approach of the Indian judiciary in this case was also in consonance with its broader approach to the Constitution as a living instrument that could incorporate new and developing international human rights norms. In *Justice K.S. Puttaswamy (Retd.) vs Union of India*¹¹, Supreme Court recognized *Right to Privacy* as a fundamental right under Article 21 of the Indian Constitution is also another notable influence from International human rights law.

IV. Persuasive Authority and Constitutional Autonomy

The discussion on the use of foreign judicial decisions in Indian constitutional adjudication is centered on the concepts of persuasive authority and constitutional autonomy. Persuasive authority allows courts to gain insights from foreign judicial decisions, but constitutional autonomy highlights the independent nature of constitutional adjudication. The inter-relationship between persuasive authority and constitutional autonomy is central to the dialogue on global constitutionalism and national constitutional identity.

1. Definition and Nature of Persuasive Authority

In legal systems that adopt the system of precedent, judicial decisions can be divided into binding and persuasive decisions. Decisions that must be followed by courts are binding decisions. Binding decisions are those that are given by courts that are superior to other courts

¹⁰ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

¹¹ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC.

in the hierarchy of courts. On the other hand, persuasive decisions are decisions that must be considered but courts are not bound to follow. Decisions given in other jurisdictions are considered to be persuasive authority in Indian constitutional adjudication. The Constitution of India has not made any provision for courts to follow foreign judicial decisions.

The role of persuasive authority can be seen in the following ways:

- It helps the courts to gain from the experience of other jurisdictions that have faced similar constitutional questions.
- It helps the judges to experiment with different approaches to interpretation and to understand the evolution of constitutional principles in other democracies.
- It can help to buttress judicial decisions with a broader intellectual foundation.
- Indian courts have traditionally relied on foreign precedents in matters involving fundamental rights, civil liberties, and constitutional government.

Where constitutional provisions are similar to those in other countries, Indian courts have analyzed the manner in which those provisions have been interpreted in other jurisdictions. American jurisprudence has influenced Indian interpretations of liberty and due process. British constitutional principles have shaped Indian law on parliamentary privilege and administrative law. Persuasive authority, however, is no mere imitation of what other courts have done, but a critical selection of relevant precedents, tested for their reasoning and compatibility with Indian constitutional principles.

2. Constitutional Autonomy and Its Significance

Though the use of persuasive authority is important in the sense of learning from other jurisdictions, the concept of constitutional autonomy highlights the importance of interpreting the Constitution independently in the context of the domestic legal framework. Constitutional autonomy is the capacity of the constitutional institutions of the country, particularly the judiciary, to interpret the Constitution in the context of the history of the country, social conditions, and the values of democracy.

The Indian Constitution has evolved in the context of the specific political, social, and economic conditions of the country. It has enshrined the aspirations of the Indian people for democracy, equality, social justice, and secularism. The concept of constitutional autonomy acknowledges that legal principles and solutions developed in other foreign jurisdictions may not be necessarily applicable to India. For instance, there might be variations in political systems and values that can restrict the application of foreign jurisprudence. As such, Indian courts must ensure that foreign jurisprudence is not given preeminence over constitutional

interpretation.

Another argument is that constitutional autonomy is closely associated with democratic legitimacy. The Indian Constitution is deemed to be derived from the will and pleasure of the people of India through its constituent assembly. As such, there is a concern that excessive reliance on foreign jurisprudence might imply that constitutional interpretation is influenced and controlled by foreign elements and not through democratic processes.

3. Judicial Engagement with Comparative Constitutional Law

Despite the concerns and limitations associated with constitutional autonomy, Indian courts have not rejected foreign jurisprudence and its application to constitutional law. Rather, Indian courts have employed a pragmatic approach that relies on comparative jurisprudence as an ancillary means of constitutional interpretation. For instance, the Supreme Court of India has many times asserted that foreign court rulings can be used for guidance but must be subservient to the provisions and principles of the Indian Constitution.

The Indian courts often use foreign rulings to explain and illustrate broader principles of constitutional law and values but ultimately base their rulings on the text and spirit of the Indian Constitution. This is because there is an awareness that constitutional law is now being influenced and shaped by global dialogue and jurisprudence. Constitutional courts in different jurisdictions often face similar questions of human rights, privacy, equality, and accountability of governments. The courts can be seen to be engaging in a dialogue to collectively evolve principles of constitutional law that are useful for promoting and protecting democratic values and principles.

4. The Tension Between Comparative Influence and Constitutional Independence

The relationship between comparative influence and constitutional independence produces a complex tension in the process of constitutional adjudication. While comparative constitutional adjudication has the potential of enriching the analysis of constitutional adjudication and addressing the challenges of emerging law, there exists the risk of undermining the independence of constitutional adjudication by overemphasizing foreign precedents.

The major criticism of comparative constitutional adjudication is the risk of foreign precedents being grounded in different legal cultures and arrangements, which are quite different from India. However, the proponents of comparative constitutional law have argued that foreign jurisprudence acts as an important intellectual well for the courts. They have also argued that

constitutional rights are universal in nature and that through the dialogue of the courts, stronger protections of individual rights are ensured. The Indian courts have to strike the balance between the different views on the subject. They have to use comparative law in a careful and selective manner.

V. Indian Approach: A Balanced Model

The Indian approach with regard to the use of foreign precedents can be characterized as pragmatic and balanced. Unlike many other countries that have taken a hard-line approach either in favor of and against the adoption of comparative constitutional jurisprudence in India, the Indian Supreme Court has taken a more pragmatic and balanced approach by developing a “balanced model” that incorporates the values of global constitutionalism and the need for Indian constitutional autonomy and interpretation. This is due to the understanding that while comparative constitutionalism can be useful in Indian adjudication, the final authority has to be based in the Constitution of India.

1. Conceptual Basis of the Balanced Model

The conceptual basis of the balanced model is that foreign judgments have a persuasive value but lack any binding force in Indian constitutional law. Foreign case laws can be referred to for understanding the general principles of constitutional law. In addition, they can be referred to for interpreting the Indian Constitution in a broad manner and for filling in the gaps in Indian case laws. However, this can be done in accordance with the requirement that the foreign case laws should be in consonance with India's constitutional philosophy and social realities. The rationale for the Indian approach to foreign case laws stems from the nature of the Indian Constitution. The Constitution was framed between 1946 and 1949 by a group of notable leaders and thinkers, including B. R. Ambedkar. The Indian Constitution was heavily influenced by a number of other constitutional systems, including those in the United States of America, the United Kingdom, Canada, Ireland, and Australia. Therefore, the Indian Constitution was comparative in its origins and autonomous in its operation.

The balanced model, therefore, seeks to achieve the following two objectives:

1. Learning from global constitutional experiences, and
2. Maintaining the sovereignty and independence of the Indian constitutional framework.

2. Selective and Contextual Use of Foreign Jurisprudence

Indian courts practice a selective approach while depending on foreign judgments. Indian

courts frequently refer to judgments from jurisdictions whose constitutional frameworks resemble the Indian constitutional framework to some extent. For example, Indian courts frequently refer to the jurisprudence of the United States, the United Kingdom, Canada, and South Africa while dealing with fundamental rights and constitutional matters.

One such landmark example of this pragmatic and balanced approach is evident in the case of *Maneka Gandhi v. Union of India*¹², wherein the Supreme Court adopted an expansive view of Article 21 of the Constitution. In this case, the Supreme Court examined *the doctrine of "Due Process of Law,"* which is a concept established in the United States Supreme Court. However, this doctrine has been pragmatically adapted to suit the Indian context.¹³ Rather than adopting this doctrine outright, it has been combined with Articles 14 and 19 to establish the doctrine that "any procedure established by law is to be 'just, fair, and reasonable.' In this case, one can see that Indian courts draw upon foreign case law not as binding authority but more as a tool for intellectual guidance.

3. Judicial Prudence and Constitutional Context

Another key characteristic of the balanced model is the judicial prudence displayed by the Indian courts in adopting foreign precedents. The courts have emphasized the need for constitutional adjudication to take into account the historical, social, and economic context of the Indian Constitution. Thus, the Indian courts will adopt a foreign precedent only if the constitutional values on which the decision is based are similar to the values enshrined in the Indian Constitution. This judicial prudence was reflected in the judgment of the Indian Supreme Court in the landmark case of *Kesavananda Bharati v. State of Kerala*.¹⁴ While adjudicating the extent of the power of Parliament to amend the Constitution, the Indian Supreme Court considered various constitutional values followed in different countries. However, the Indian Supreme Court did not adopt any of the constitutional values followed in any of the countries. Instead, the Indian Supreme Court evolved its own Basic Structure Doctrine, which states that Parliament has the power to amend the Constitution under Article 368, but it has no power to alter the fundamental features of the Constitution, which constitute the basic structure of the Constitution.

¹² Maneka Gandhi supra, note 1.

¹³ Supreme Court of India, <https://www.sci.gov.in> (last visited Mar. 26, 2026).

¹⁴ Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225.

4. Advantages of the Balanced Model

The Indian model has several important advantages. First, it encourages intellectual openness and comparative learning, enabling the courts to benefit from the experience of a wide variety of legal systems in dealing with complex constitutional issues. Second, the Indian Constitution is ensured to develop in conformity with universal principles of human rights and democratic government. The balanced model also has the advantage of protecting the sovereignty of the Indian Constitution by preventing the wholesale and uncritical adoption of foreign legal principles. By subjecting foreign decisions to the scrutiny of domestic constitutional values, the Indian courts are able to preserve the originality of Indian constitutional law. Moreover, the balanced model lends legitimacy to the decisions of the courts by demonstrating the international and local dimensions of constitutional interpretation.

VI. Criticisms

1. Judicial Selectivity

One of the major criticisms is that courts often select foreign judgments that align with their judicial reasoning and disregard other decisions that are contrary to their views. This can further undermine the legitimacy of judicial reasoning and create an impression that foreign judicial decisions are being used to arrive at preconceived conclusions only.

2. Democratic Legitimacy Concerns

Another criticism is that foreign judicial decisions are based on the constitutional values and democratic principles of other nations. Excessive reliance on foreign judicial decisions by the Supreme Court of India can lead to questions about whether constitutional values should be based on other legal systems.

3. Differences in Constitutional Context

It is possible that legal principles followed in other nations might not be applicable to the Indian constitutional context because of variations in political systems, culture, and history. For instance, legal principles followed in the Supreme Court of the United States are based on a presidential system, which is significantly different from the parliamentary system followed in India.

4. Threat to Constitutional Autonomy

Some scholars opined that excessive reliance on foreign precedents may result in a dilution of

originality and autonomy in Indian constitutional law. The Indian constitutional law ought to evolve and develop through Indian case law and not through the constant borrowing of foreign legal principles.

VII. Challenges in the Use of Foreign Precedents in Indian Constitutional Adjudication

The use of foreign precedents in Indian constitutional adjudication has faced a number of practical and theoretical challenges. Although the reliance on comparative constitutional law in the decision-making process has proved to be valuable, the practical application in the Indian legal system has not been without challenges.

1. Absence of a Clear Methodological Framework

One of the major challenges in relying on foreign precedents in Indian constitutional adjudication has been the lack of a clear framework in the selection of cases by the Indian judiciary. This lack of established guidelines could lead to inconsistent practices in the Indian judicial system. In some cases, the Indian Supreme Court may use comparative jurisprudence extensively, whereas in other cases, it may not use it at all. Such inconsistencies could lead to confusion regarding the use of foreign precedents in the interpretation of the Indian constitution by the Supreme Court.

2. Differences in Constitutional Structures and Political Systems

Another important factor which could pose a challenge to the Indian Supreme Court in the context of using foreign precedents in the interpretation of the Indian constitution is the differences in the constitutional systems. For instance, the US has a presidential system of government, whereas the Indian system is parliamentary. Therefore, the distribution of power in the US could be different from the distribution of power in the Indian system. As a result, the Supreme Court in the US could not be considered the same as the Supreme Court in India.

3. Variations in Social and Cultural Context

Foreign precedents may also be influenced by the social, historical, and cultural context in which the judgment was rendered in the country concerned. If the precedents are applied in India without due consideration of the differences in the social and cultural context, it may result in an improper or ineffective outcome of the legal case. For instance, legal principles

may be different in Western democratic countries in comparison to India. It, therefore, becomes necessary for the court to assess the compatibility of the underlying principles of the foreign precedents with the social reality in India.

4. Risk of Selective Citation

One of the problems in the citation of precedents in constitutional cases in India is the risk of selective citation of precedents by the judiciary. It has also been argued that the judiciary may cite precedents that favor the outcome it desires to reach in a case, without referring to the contrary precedents in the same jurisdiction that may be unfavorable to the outcome it desires to reach in the case.

5. Limited Accessibility and Understanding of Foreign Jurisprudence

In addition, there is a potential issue of accessibility of comprehensive foreign legal information. There is a possibility that all foreign judgments, interpretations, and legislation may not be readily available to judges and legal researchers. Even after accessing all this information, it is very important to understand the constitutional context of another nation. Without this, it is possible that foreign interpretations may be misapplied.

6. Maintaining Constitutional Autonomy

Perhaps, the biggest challenge is to maintain the autonomy and originality of Indian constitutional law. Though foreign interpretations may be beneficial, it is very important that Indian constitutional law evolves on its own.

VIII. Reforms

1. Establishing Clear Judicial Guidelines

There is a need to develop clear guidelines on the use of foreign precedents in constitutional interpretation.¹⁵ In this case, Supreme Court of India may develop guidelines on when and how foreign precedents may be used in constitutional interpretation.

2. Emphasis on Contextual Compatibility

There is a need to ensure that foreign precedents are not adopted without first examining whether they are compatible with the Indian constitutional framework and social and political

¹⁵ PRS Legislative Research, <https://prsindia.org> (last visited Mar. 26, 2026).

context. Foreign precedents should not be adopted mechanically.

3. Strengthening Indigenous Constitutional Jurisprudence

There is a need to strengthen indigenous constitutional jurisprudence and to give more importance to developing doctrines based on India's own constitutional experience.

4. Encouraging Comparative Constitutional Research

Judicial training programs and academic research should promote deeper engagement with comparative constitutional law. This would enable judges and scholars to use foreign precedents more effectively and critically.

5. Maintaining Constitutional Autonomy

While foreign precedents may provide persuasive insights, courts must ensure that the final interpretation of constitutional provisions remains rooted in the text, underlying values, and spirit of the Indian Constitution. This approach preserves the autonomy and originality of Indian constitutional law.

IX. Conclusion

The reliance on foreign precedents in Indian constitutional adjudications is the reflection of the dynamic and ever-changing nature of constitutional adjudications. The Constitution of India has borrowed influences from several constitutional systems, and hence the concept of comparative constitutional jurisprudence has always been a part of the Indian legal scenario. In the course of time, the Supreme Court of India has adopted a pragmatic approach in the adjudication of constitutional matters by treating foreign judgments as '*persuasive*' rather than '*binding*' precedents. This has allowed the Indian judiciary to reap the fruits of global constitutional development in the context of the unique socio-political scenario of India.

The Indian constitutional jurisprudence has struck the perfect balance between comparative learning and constitutional autonomy. It has also been observed that the practice of relying on foreign precedents has posed a number of challenges that need to be considered. These challenges have also emphasized the need to adopt a cautious approach in dealing with foreign precedents. It has also been argued that the development of guidelines by the judiciary and a greater focus on contextual reasoning can ensure that foreign precedents are not used in a manner that compromises the integrity of Indian constitutional law.

Thus, in conclusion, one can say that the Indian experience has shown that foreign precedents can be used in a positive manner in constitutional adjudication. The positive aspect of this experience is that Indian courts have continued to follow a balanced approach that has encouraged comparative dialogue and avoided any imposition of constitutional autonomy. This has helped to build a rich and distinctive body of constitutional jurisprudence that has strengthened the legitimacy of judicial interpretation and placed India firmly in the global conversation on constitutional governance and human rights.

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