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GLOBAL INSPIRATIONS, LOCAL TRANSFORMATIONS: THE INDIAN SUPREME COURT AND THE IDEALS OF JUSTICE

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Abstract
The Indian Constitution, though uniquely crafted to reflect India's pluralism and socio-political realities, draws profoundly from comparative constitutional experiences across the globe. From its inception, the framers of the Constitution engaged with models from diverse jurisdictions, the liberal democratic traditions of the United Kingdom, the federal and rights-oriented framework of the United States, the directive state philosophy of Ireland and the socio-economic commitments of the erstwhile Soviet Union. This comparative synthesis has continued to inform Indian jurisprudence, particularly through the interpretative creativity of the higher judiciary.

This paper examines the evolving judicial dialogue between India and other constitutional systems, tracing how comparative references have shaped doctrines of fundamental rights, separation of powers and constitutional morality. The Supreme Court of India, while asserting constitutional autonomy, has consistently drawn upon foreign precedents in landmark cases, from the adoption of the American "due process" reasoning in Maneka Gandhi v. Union of India (1978) to the reliance on American, South African and Canadian jurisprudence in Navtej Singh Johar v. Union of India (2018) and influences drawn in Justice K.S. Puttaswamy v. Union of India (2017). The comparative influence extends beyond rights and governance to encompass diverse aspects such as environmental protection and social justice, reflecting the judiciary's widening interpretative horizon. These influences have not been mere borrowings but rather adaptations filtered through the prism of Indian constitutional identity.

Through a comparative lens, this study argues that Indian constitutionalism operates as part of a global constitutional conversation, reflecting both convergence and contestation. The Indian Supreme Court, as a transformative court, has reimagined comparative law not as imitation but as inspiration transforming global principles into contextually grounded doctrines. By tracing these comparative influences, the paper highlights the judiciary's evolving role in actualizing social, economic and political justice within India's constitutional framework and its commitment to justice, liberty, equality and fraternity, values that remain both local in origin and global in resonance.

Keywords: *comparative constitutionalism, Supreme Court of India, judicial interpretation, global constitutional influence, fundamental rights*

Introduction

Constitutional adjudication in modern democracies no longer functions within sealed national boundaries. Courts across the world increasingly face shared challenges relating to rights, governance, technology, social justice and democratic legitimacy. In this context, constitutional interpretation has become part of a wider transnational conversation in which judicial ideas and constitutional values travel across jurisdictions. The Supreme Court of India occupies a distinctive place within this evolving landscape, operating as the constitutional court of a post-colonial, deeply plural and socially unequal society[1].

The Indian Constitution is widely understood as a transformative document. The framers examined a wide range of constitutional models and selectively adapted them to Indian conditions, laying the

[1] "Which foreign judgments does the SC cite?", *available at:* https://www.scobserver.in/journal/which-foreign-judgments-does-the-sc-cite/ (last visited on Mar 7, 2026)

foundation for an interpretive tradition that remains open to global influences. Although the Indian Constitution is often labelled a borrowed document, such a description understates the interpretative creativity that has characterised its evolution. The framing process drew from diverse sources, including parliamentary traditions and the rule of law from Britain, rights-based constitutionalism and judicial review from the United States, socio economic commitments reflected in the Directive Principles from Ireland and elements of federalism from Australia. This was not a mechanical transplantation of foreign provisions, but a deliberate and imaginative synthesis.

What emerged was a constitution capable of participating in a continuing global constitutional conversation. The very structure of the Constitution as a living document depended upon the judiciary's capacity to interpret constitutional provisions in light of evolving social conditions and comparative constitutional experience. This comparative inheritance has deeply influenced the jurisprudence of the Supreme Court of India. Over the decades, the Court has increasingly engaged with foreign constitutional law and international norms while interpreting fundamental rights and core constitutional principles.

By filtering global principles through the prism of Indian constitutional identity, the Supreme Court has developed doctrines that are contextually grounded yet globally resonant. In doing so, it has demonstrated that comparative constitutionalism can strengthen, rather than dilute, a transformative constitutional project.

Comparative Constitutionalism: Conceptual foundations

Comparative constitutionalism has become an increasingly important feature of constitutional adjudication in contemporary democracies. In this context, it is often argued that higher courts, including the Indian judiciary, must engage with foreign precedents and international instruments to clarify statutory and constitutional parameters. This approach has been endorsed by judicial voices such as former Chief Justice of India K.G. Balakrishnan, who observed that decisions of constitutional courts in common law jurisdictions like South Africa, Canada, New Zealand and India have been key drivers of the growing significance of comparative constitutional law[2].

Anne Marie Slaughter's influential 1994 article introduced the concept of trans judicial communication to describe the ways in which courts interact across borders. She identified three primary modes of engagement. The first is vertical, where domestic courts rely on decisions of international adjudicatory bodies, even when their states are not formal parties to the relevant instruments. The second is horizontal, where courts draw upon precedents from other national jurisdictions to interpret domestic law, a practice especially common in common law systems and newer constitutional orders. The third is a mixed approach, where courts refer to foreign judgments interpreting shared international obligations, reflecting a belief that similar legal commitments warrant mutual judicial learning[3].

Vicki C. Jackson conceptualises comparative constitutionalism as a form of constitutional dialogue, where courts learn from one another while remaining rooted in their own traditions[4]. Mark Tushnet similarly argues that constitutional courts operate

[2] K. G. Balakrishnan, "The Role of Foreign Precedents in a Country's Legal System", 22(1) *National Law School of India Review* 1 (2010)

[3] Anne-Marie Slaughter, "A Typology of Transjudicial Communication", 29 *University of Richmond Law Review* 99 (1994)

[4] Vicki C. Jackson, "Constitutions as 'Living Trees'? Comparative Constitutional Law and Interpretive Metaphors", 75 *Fordham Law* Review 921 (2006)

within a shared global problem space, addressing common concerns such as dignity, equality and democratic governance[5]. Ran Hirschl, while acknowledging the growth of comparative constitutional law as a vibrant and interdisciplinary field, cautions that judicial reliance on foreign law may sometimes reflect elite preferences rather than democratic deliberation.

He nevertheless highlights an intellectual renaissance in comparative constitutional studies especially in Canada, Germany, South Africa and India[6].

In India, the legitimacy of comparative constitutionalism is best understood in light of its constitutional history. From the early years of independence, Indian courts have relied on jurisprudence from the United Kingdom, the United States, Canada and Australia, particularly in constitutional cases owing to common law origins. Comparative reasoning has been central to the evolution of Article 21 of the Constitution, which guarantees the protection of life and personal liberty and has allowed the Court to expand rights in response to changing realities.

In *Forster v Minister of Safety and Security*[7], the court warned against shallow comparativism, while noting that rejecting foreign law entirely also would deprive the legal system of the benefits of learning from the wisdom of other jurisdictions. Similarly, in *S v Makwanyane and Another*[8], the Constitutional Court recognised that comparative Bill of Rights jurisprudence is particularly valuable during transitional phases, when domestic constitutional jurisprudence is still in its formative stages.

Between Influence and Independence: Imported ideas

Comparative due process and constitutional transformation

Maneka Gandhi v. Union of India[9] marked a decisive turning point in Indian constitutional jurisprudence and the Court's first explicit, methodologically conscious engagement with comparative constitutional law. The case arose from the impounding of passport under the Passport Act, 1967, where the State argued that Article 21 required only the existence of procedure established by law, regardless of its fairness or reasonableness. Rejecting this narrow reading, the Supreme Court re-examined the meaning of personal liberty through comparative constitutional reasoning.

The Court drew upon American jurisprudence under the Fifth and Fourteenth Amendments' Due Process clause, noting how U.S. courts had infused procedure with substantive guarantees of fairness. It also referred to Japanese constitutional practice, where courts had interpreted procedure established by law to include substantive reasonableness despite textual similarity with Article 21. These references were not adopted wholesale. Instead, the Court adapted them to India's constitutional structure by articulating the golden triangle of Articles 14, 19 and 21, holding that any law depriving life or liberty must be just, fair and reasonable.

This doctrinal innovation went beyond American due process by rooting fairness in the interrelationship of multiple fundamental rights. Comparative law thus functioned as intellectual scaffolding, enabling the Court to overcome the rigidity of A.K. Gopalan and reposition Article 21 within a global human rights framework influenced by international instruments. This landmark judgment paved the way for a series of subsequent decisions expanding the scope of personal

[5] Mark Tushnet, "The globalisation of constitutional law as a weakly neo-liberal project", 8 *Global Constitutionalism* 29 (2019)

[6] Ran Hirschl, "Comparative Constitutional Law: Reflection on a Field Transformed", *available at:* https://ssrn.com/abstract=4694814 (last visited on Apr 3, 2026)

[7] (10/43463) ZAGPJHC 156

[8] (CCT3/94) ZACC 3

[9] (1978) 1 SCC 248

liberty, dignity, and procedural fairness under Article 21[10]. Maneka Gandhi demonstrates how judicial borrowing can catalyse indigenous constitutional transformation rather than dilute constitutional autonomy.

Privacy and comparative synthesis

The decision in *Justice K.S. Puttaswamy (Retd.) v Union of India*[11] marks one of the most sophisticated uses of comparative constitutional reasoning. Faced with the question of whether the Constitution protects a fundamental right to privacy despite textual silence and earlier contrary precedent, the nine judge bench turned to foreign constitutional experience not as binding authority, but as persuasive guidance in understanding how modern constitutional democracies conceptualise liberty, dignity and autonomy[12].

American constitutional law provided an important starting point. The Court traced the evolution of privacy through decisions, demonstrating how privacy emerged through judicial interpretation rather than explicit constitutional text. The idea of privacy as the right to be let alone was invoked to show that constitutional rights often evolve in response to changing social and technological realities, rather than through formal amendment alone.

European constitutional practice offered a dignity centred understanding of privacy. The Court referred to the jurisprudence of the German Federal Constitutional Court, particularly the doctrine of informational self-determination, which treats privacy as an extension of human dignity (Menschenwurde). These comparative materials helped the Court emphasise that privacy is not merely a negative right against state intrusion, but also a positive condition necessary for individual self-development. Canadian and South African jurisprudence played a significant role in shaping the Court's reasoning.

Importantly, the Supreme Court did not transplant any single foreign model. Instead, it synthesised comparative insights into a framework suited to India's constitutional structure. The three part test laid down in *Puttaswamy* requiring legality, a legitimate state aim and proportionality reflects this synthesis, drawing upon German proportionality analysis, Canadian constitutional scrutiny and established Indian administrative law principles. This enabled the Court to strike a balance between individual autonomy and the needs of a modern regulatory state.

The Court also used comparative constitutional law to counter the argument that privacy is an elitist or Western concept alien to Indian conditions. By drawing on international experience, it demonstrated that privacy is essential for the effective enjoyment of all fundamental rights, particularly for marginalised individuals who are most vulnerable to surveillance, profiling and arbitrary state action. In this way, the right to privacy was firmly rooted in Indian constitutional values of dignity, liberty and pluralism. Overall, *Puttaswamy* exemplified a mature and self-conscious use of comparative constitutionalism. The judgment shows how judicial borrowing, when undertaken carefully, can enrich constitutional meaning without undermining national constitutional identity.

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[10] Few cases are *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494; *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608; *A.K. Roy v. Union of India*, (1982) 1 SCC 27; *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545;

[11] (2017) 10 SCC 1

[12] **USA**: *Griswold v. Connecticut*, (1965) 381 US 479; *Katz v. United States*, (1967) 389 US 347; *Stanley v. Georgia*, (1969) 394 US 557;

Europe: *Murray v. Big Pictures* (UK) Ltd., (2008) 3 WLR 1360;

Wood v. Commissioner of Police of the Metr opolis, (2010) 1 WLR 123; *Digital Rights Ireland Ltd v Minister for Communication, Marine and Natural Resources,* (2014) All ER (D) 66;

S. and Marper vs. The United Kingdom, 2008 (48) EHRR 50;

Canada: *R v. Oakes,* (1986) 26 DLR 2001;

South Africa : *S v Makwanyane and Another,* (CCT3/94) ZACC 3;

Dialogic decriminalisation

Navtej Singh Johar v. Union of India[13] represents the culmination of India's comparative constitutional dialogue in the domain of LGBTQ+ rights. The Supreme Court was tasked with assessing the constitutionality of Section 377 of the Indian Penal Code, a colonial provision criminalising consensual same-sex intimacy. The Court's engagement with foreign jurisprudence was extensive but carefully calibrated[14].

The Court examined comparative developments across constitutional democracies, including Canada's recognition of sexual orientation as a prohibited ground of discrimination, South Africa's landmark decision and the U.S. Supreme Court's evolution from *Bowers v. Hardwick* to *Lawrence v. Texas*. These cases were used not as binding templates but as evidence of how constitutional interpretation evolves alongside changing understandings of dignity and equality. This approach was reinforced through references to the European Court of Human Rights and its interpretation of the right to private life under Article 8 of the European Convention on Human Rights.

It linked decriminalisation to the Preamble's commitment to justice and to the doctrine of constitutional morality, rejecting majoritarian morality as a basis for criminal law. The bench reinforced this approach by invoking international human rights jurisprudence to situate India within a global consensus on non-discrimination. *Navtej* illustrates dialogical judicial borrowing, where foreign law sharpens domestic reasoning while the final justification remains firmly anchored in India's constitutional values.

Further instances of comparative borrowing

In *Kesavananda Bharati*[15], the Supreme Court looked beyond India to see how other constitutional democracies deal with the risk of unlimited amendment power. The bench discussed experiences from Germany, France and the United States, noting in particular how Germany's Basic Law introduced the eternity clause after the Nazi era to ensure that core constitutional values could never be legally dismantled. Taking lessons from these comparative experiences, the Court developed its own Basic Structure doctrine, holding that Parliament cannot use *Article 368* to damage the Constitution's essential features, thereby safeguarding Indian democracy from constitutional abuse.

In *M.H. Hoskot v State of Maharashtra*[16], the Supreme Court drew upon American due process jurisprudence to recognise free legal aid as an essential component of fair procedure under Article 21. By borrowing the idea that access to justice is intrinsic to liberty, the Court transformed criminal procedure into a rights-oriented framework. The borrowing was accepted to address structural inequality in India's criminal justice system.

In *Ranjit D Udeshi v State of Maharashtra*[17] while addressing obscenity, the Supreme Court adopted the Hicklin test from English law[18], which focused on the tendency of material to corrupt vulnerable minds. The Court later moved away from Hicklin, reflecting the evolving nature of comparative borrowing.

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[13] (2018) 10 SCC 1

[14] **USA**: *Bowers v. Hardwick,* (1986) 478 US 186; *Lawrence v Texa*s, (2003) 539 US 558; *Obergefell v Hodges*, (2015) 576 US 644 ;
Europe: *Dudgeon v United Kingdom*, (1981) 4 EHRR 149; *Norris v Ireland*, (1988) 13 EHRR 186 ;
South Africa: *National Coalition for Gay and Lesbian Equality v Minister of Justice*, 1999 (1) SA 6 (CC) ; **Canada**: *Vriend v Alberta*, (1998) 1 SCR 493;

[15] *Kesavananda Bharati v. State of Kerala* (1973) 4 SCC 225

[16] (1978) 3 SCC 544

[17] (1965) 1 SCC 413

[18] *R v Hicklin*, (1868) 3 QB 360 (CCR)

In *Vishaka v State of Rajasthan*[19], when faced with legislative vacuum, the Supreme Court relied on CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) and international workplace norms to frame binding guidelines on sexual harassment. The Court treated international conventions as interpretative aids rather than enforceable law.

While striking down *Section 66A* of the Information Technology Act in *Shreya Singhal v Union of India*[20], the Court engaged closely with U.S. First Amendment jurisprudence, particularly doctrines on vagueness and chilling effect. At the same time, it carefully distinguished Indian free speech law under Article 19(2) from the American model.

When deciding *Aruna Ramachandra Shanbaug v Union of India*[21], the Supreme Court examined UK decisions such as *Airedale NHS Trust v. Bland*[22]. The Court adapted these principles cautiously, grounding its reasoning in Indian values and medical ethics.

In *Vellore Citizens' Welfare Forum v Union of India*[23], the Supreme Court incorporated international environmental principles such as the Precautionary Principle and Polluter Pays Principle into Indian law. These principles were accepted because they aligned with India's developmental and ecological realities. Justice Field's observation in *Munn v. Illinois*[24] that life means more than mere animal existence was repeatedly cited with approval by the Indian Supreme Court. In *Francis Coralie Mullin*[25], the Court expanded this idea to hold that any act impairing bodily faculties, even temporarily, violates Article 21.

Limits of transplantation

Indian constitutional jurisprudence also reveals several instances where the Supreme Court has consciously declined to adopt foreign doctrines, particularly those originating in the United States, after assessing their suitability in the Indian context.

The doctrine of originalism, which places decisive weight on the intent of the constitutional framers, has been explicitly rejected by Indian courts. In cases such as *Navtej Singh Johar v. Union of India* and the *Sabarimala*[26] judgments, the Supreme Court refused to treat the framers' intent as determinative. Instead, the Court embraced the idea of the Constitution as a living document, capable of evolving with changing social values.

The United States doctrine of strict scrutiny under the Equal Protection clause has found only limited resonance in Indian constitutional law. In *State of West Bengal v Anwar Ali Sarkar*[27], and later in *Ashoka Kumar Thakur v Union of India*[28], the Supreme Court consciously refrained from adopting the American tiered scrutiny framework in its entirety. Instead, Indian courts evolved the doctrine of reasonable classification, requiring a rational nexus between classification and legislative objective. This approach has afforded greater flexibility in adjudicating affirmative action and reservation policies, reflecting India's distinct socio-economic realities and historical patterns of structural disadvantage.

The political question doctrine, which leads US courts to avoid adjudicating certain political matters, has been only partially accepted in India. In landmark cases such as *Kesavananda Bharati* and *S.R. Bommai v. Union of India*[29], the Supreme Court actively intervened in matters involving constitutional amendments and the imposition of President's Rule.

[19] (1997) 6 SCC 241
[20] (2015) 5 SCC 1
[21] (2011) 4 SCC 454
[22] (1993) AC 789 (House of Lords)
[23] (1996) 5 SCC 647
[24] *Munn v. Illinois*, (1876) 94 US 113
[25] *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608
[26] *Indian Young Lawyers Assn. v. State of Kerala* (2019) 11 SCC 1
[27] (1952) SCR 284
[28] (2008) 6 SCC 1
[29] (1994) 3 SCC 1

Similarly, the American model of near absolute free speech has not been accepted in India. Unlike the United States, the Indian Constitution expressly permits reasonable restrictions on free speech under Article 19(2).

Arguments to include the judiciary within the meaning of State under Article 12 based on US cases like *Shelley v. Kraemer*[30] were considered misplaced, as such instances are rare and arise from a constitutional system with separate federal and state judiciaries. In contrast, India's judiciary is unitary, and all courts and tribunals are subject to the Supreme Court's appellate and supervisory jurisdiction, making such comparative reliance inappropriate.

India as an exporter of constitutional ideas

Courts in countries neighbouring India, such as Bangladesh, Pakistan and Sri Lanka, have cited decisions of the Indian Supreme Court far more frequently and consistently. This tendency is partly explained by shared legal histories and structural similarities in statutory frameworks, including laws such as the Indian Contract Act and the Codes of Civil and Criminal Procedure, which closely resemble legislation in many South Asian and African countries. These common foundations make Indian constitutional reasoning particularly accessible and persuasive.

One prominent example of this influence is the Public Trust Doctrine. Originally articulated in Indian environmental jurisprudence[31], it has been added to South African environmental legislation and by the Supreme Court of Sri Lanka in *Environmental Foundation Ltd. v. Mahaweli Authority of Sri Lanka*[32]. The Basic Structure Doctrine represents perhaps the clearest instance of South Asian constitutional convergence shaped by Indian jurisprudence. The Bangladesh Supreme Court adopted this doctrine in *Anwar Hossain Chowdhury v. Bangladesh*[33] to invalidate constitutional amendments undermining judicial review and fundamental rights. In Pakistan, the Supreme Court acknowledged basic structural principles in *Mahmood Khan Achakzai v. Federation of Pakistan*[34].

In *Bano Bi v. Union Carbide*[35], the United States Court of Appeals for the Second Circuit relied on the Indian Supreme Court's interpretation of Indian precedents relating to the Bhopal gas disaster while assessing the statute's legal effect.

Indian equality jurisprudence has indirectly shaped decisions in jurisdictions such as Singapore[36]. In *Kok Hoong Tan Dennis v. Public Prosecutor*[37], the Singapore High Court applied a rational classification test, tracing its lineage through Malaysian precedents back to the Indian Supreme Court's reasoning in *Shri Ram Krishna Dalmia v. Justice S.R. Tendolkar*[38]. Indian cases such as *Shirur Mutt*[39] and *Mithu v. State of Punjab*[40] have similarly been cited or considered, even where ultimately distinguished, underscoring India's sustained influence in comparative constitutional adjudication[41].

Decisions such as *Navtej Singh Johar* have been treated as persuasive authority by foreign courts and international bodies, particularly in Commonwealth

[30] (1948) 334 US 1
[31] *M.C. Mehta vs Kamal Nath* (1996) AIRONLINE SC 711
[32] (2010) SC (FR) Application No. 459/08
[33] (1989) 18 CLC (AD)
[34] (1997) PLD SC 426
[35] (2004) 361 F.3d 696, 707 (2d. Cir.)
[36] Jack T. Lee, "Foreign Precedents in Constitutional Adjudication by the Supreme Court of Singapore, 1963–2013", 24 *Washington International Law Journal* 249 (2015)
[37] (1996) 3 SLR(R) 570 (Sing.)
[38] (1958) AIR SC 538
[39] *Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt*, AIR 1954 SC 282
[40] *Mithu v. State of Punjab,* AIR 1983 SC 473
[41] *Chan Hiang Leng Colin v. Public Prosecutor,* (1994) 3 SLR(R) 209*; Yong Vui Kong v. Public Prosecutor,* (2010) 3 SLR 489 (CA) (Sing.)

jurisdictions addressing decriminalisation and equality. Similarly, the dignity-based conception of privacy articulated in *K.S. Puttaswamy* has been discussed in comparative scholarship and cited in foreign materials on data protection and surveillance. Indian doctrines have also influenced proportionality analysis in death penalty jurisprudence. The rarest of rare doctrine has been referenced in Malaysian and Sri Lankan reviews of capital punishment to assess proportionality and arbitrariness.

This outward flow of ideas demonstrates that the Indian Supreme Court is not merely a receiver of foreign constitutional doctrines, but also a significant exporter of constitutional thought from the Global South. This is visible even in non-constitutional contexts.

Advantages and limits of comparative constitutionalism

Comparative constitutionalism offers several important advantages for constitutional adjudication in India. Foreign law often serves as a valuable source of legal reasoning, helping courts think through complex constitutional questions by drawing on the experiences of other jurisdictions. This is particularly beneficial for newer or younger constitutional systems, which can draw lessons from older and more established democracies that have already confronted similar constitutional dilemmas. Comparative engagement further serves pedagogical purposes, functioning both aspirationally, by showcasing progressive constitutional values, and aversively, by warning against paths that have produced undesirable outcomes in other systems.

At the same time, the Indian Supreme Court's embrace of comparative constitutional law has not been free from criticism. Given India's colonial past, frequent invocation of British, American or European jurisprudence may be perceived as reinforcing historical hierarchies rather than transcending them.

Another concern relates to cultural inappropriateness. Constitutional doctrines and rights concepts often emerge from specific social, historical and institutional contexts, and may not translate smoothly into India's plural and unequal social landscape.

Critics also point to risks of selective cherry picking of foreign precedents, concerns about democratic legitimacy when unelected judges rely on foreign views and the possibility of eroding public confidence.

In response to these critiques, the Indian Supreme Court has gradually developed a more nuanced approach. Under this approach, foreign judgments are always treated as persuasive rather than binding, and borrowing is accompanied by careful contextual adaptation to preserve India's constitutional identity and transformative commitments. Nevertheless, challenges remain.

Conclusion: Future trajectory

The evolution of Indian constitutional jurisprudence reveals a judiciary that has steadily matured in its engagement with comparative constitutional law. Right from the Constitution's drafting stage, Indian constitutionalism has operated within what may be described as a global constitutional conversation, drawing selectively upon foreign ideas while reshaping them to suit India's unique socio-political realities.

Historically, the Indian judiciary's engagement with external legal sources is not new. During the colonial period, Privy Council decisions functioned as binding or persuasive authority, creating a shared transnational common law tradition that was explicitly preserved through *Article 372* of the Constitution of India. In the post-Constitution era, the Supreme Court has consistently clarified that foreign precedents and academic scholarship do not possess binding force.

The accessibility of foreign judgments through online platforms has facilitated deeper comparative reasoning, contributing not only to constitutional adjudication but also to the growth of globally competitive legal practice in India.

At the same time, decisions such as *Supriyo Chakraborty v. Union of India*[42] underscore the ongoing tension between constitutional morality and societal consensus. Even where relief is denied, the judgments reflect an openness to comparative reasoning and acknowledge that constitutional meaning cannot be frozen within national boundaries. As India grapples with the constitutional implications of artificial intelligence and algorithmic decision-making, comparative guidance can be invaluable. Jurisdictions such as the European Union, through instruments like the General Data Protection Regulation have developed rights-based regulatory frameworks addressing data minimisation, algorithmic transparency, and accountability. Courts in Europe have also begun scrutinising automated state decision-making under proportionality and dignity-based standards. The Indian Supreme Court's recognition of privacy in *Puttaswamy* provides a strong constitutional foundation, but the absence of robust judicially articulated standards remains a gap.

While Indian environmental jurisprudence has expanded under Article 21, courts abroad have gone further by constitutionalising climate and intergenerational justice. The Colombian Constitutional Court has recognised the rights of future generations and nature itself[43] and Germany's *Climate Protection Act Case*[44] links inadequate climate action to future liberty. At the same time, India also critically reassesses western models. During the Great Indian Bustard hearings[45] the Court questioned the anthropocentric roots of inter-generational equity, endorsing an eco-centric approach that values species intrinsically reflecting India's capacity to borrow, contest and reshape global principles.

There is no legal prohibition on relying upon foreign judgments. Ultimately, Indian Courts have taken measured steps that avoids both uncritical borrowing and inward looking exceptionalism. Foreign ideas are not adopted for their own sake but are reshaped to fit India's constitutional values and social realities. When filtered through this distinctly Indian lens, comparative influences have enabled the Supreme Court to act as a transformative institution, committed to giving real meaning to justice, liberty, equality and fraternity. As the Constitution is tested by new pressures arising from technology, environmental degradation and democratic stress, this measured and self aware engagement with global constitutional thought will continue to be vital.

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