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## **A Comparative Study of the Indian Constitution and Biblical Laws with a Special Emphasis on the Provisions Related to the Democratic Republic, Rule of Law, and Directive Principles of State Policy**

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### **ABSTRACT**

The comparative studies about the Indian constitution generally focused on analogizing the Indian constitution with other world constitutions. Sometimes it becomes indispensable to compare the Indian constitution with religious scriptures to explore the less explored dimensions and to add new insights to our constitution. It is an acceptable fact with shreds of evidence that the Western Constitutions partly inspired the Indian constitution (we lent the concept of the Rule of Law from Britain, Fundamental Rights from the United States, and so on). Even after independence, our Constitution retained certain statutory provisions that were created during the British regime (The Indian Penal Code (1860), The Indian Evidence Act (1872), The Civil Procedure Code (1908), etc.). The other way around, the Constitution of the West was inspired by Biblical Laws. It's palpable that our constitution unswervingly or meanderingly has the influence of Biblical laws. This paper efforts to narrow down the attention on certain laws of the Indian constitution thus comparing them with Biblical laws and drawing resemblances between them.

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## Introduction

Indian Constitution is among the world's well-written and finely crafted constitutions. It holds the prestigious record for being the longest written constitution in the world with 1,46,385 words. India's diverse culture, tradition, language, and practices made the constitutional framing more challenging. No other country in the world is diversified like India (Mishra & Kumar, 2014). To fit this nation of diversity under a single constitutional setup was like pulling a large mammoth and the chief architect of our constitution DR. B.R. Ambedkar has gloriously pulled it. DR. B.R. Ambedkar invested his knowledge and time and risked his health to complete the grandeur and historically significant constitution (Keer, 1954). Because of the sacrificial efforts of DR. B.R. Ambedkar and his team members, we were able to receive the Indian constitution which has been standing for ages. The constitution was written considering the past, meeting the needs of the present with a wide futuristic approach. This is the reason, for the Constitution written in the middle of the 20<sup>th</sup> century to stand tall still with reliability and validity in this 21st-century AI era and judge the Indians with integrity.

Every phenomenon has its inspiration to be drawn from. This is also applicable to our Indian constitution. The creators of our constitution took inspiration from other nations' constitutions and notable scriptures to analyse the pros and cons, to learn from them, to get different perspectives, and thereby making the Indian constitution more appealing to the diverse society, and trustworthy for generations to come (Thiruvengadam , 2017). This might be one of the reasons for our constitution to last strong even when exposed to various socio-economic imbalances and political fluctuations. The Indian constitution has drawn much-needed inspiration from the Western constitutions (Basu , 2015). So, it is more likely for our Indian constitution to have the effects of Biblical laws in it, as its inspiration, the Western constitutions have incorporated many Biblical laws in them (Jr., 2006).

This paper aims to conduct a comparative study between the Indian constitution and Biblical laws by exclusively studying the Democratic Republic, the Rule of Law, and Directive Principles of State Policy to add weightage and support the fact that the Indian constitution has the influence of Biblical laws. The research methodology involved in this paper is conceptual research as this paper aims to add new knowledge to the existing theory.

## **Evolution of Biblical law**

According to the Bible, the Israelites were under the slavery of the Egyptian Empire for 400 years. They called out to their God to redeem them from slavery and God sent Moses to lead them out of their bondage from Egypt and take them to the promised land as the Lord assured their forefather Abraham (Rendtorff, 1989). When the Israelites under the leadership of Moses, were on their journey towards the promised land, the Lord gave commandments to the Israelites through Moses on Mount Sinai to be followed diligently when they inherit and dwell in their promised land. These laws were regarded as Mosaic Laws. The Mosaic Law covers the ritual, ethical, and religious customs along with the sacrificial system. Mosaic Law emphasized the covenant between the Lord and the Israelites (Carmichael, 1982).

Until the time of Samuel, the Israelites had been judged by prophets and judges. But at a point, the Israelites demanded Samuel to make a king for them and Samuel anointed Saul to be the first King of Israel (Good News Translation, 1966, 1 Samuel). Initially, the primary focus of Mosaic Law was on religious customs and ethics but with the influence of prophets and kings, the Law included socioeconomic provisions. Mosaic Law evolved with the National identity of Israel and its diplomacy with neighbouring countries. We can't say Mosaic Law and Jewish Law are two different sets of Law. Because the extension of Mosaic Law is the Jewish Law. In Ancient Israel, only the descendants of Judah were called Jews, the rest of them were denoted as Israelites. Over time, Jews became the common name referencing all the people of Israel and Judaism became their national religion which was built with the Torah and the rest of the scriptures of the Old Testament. Jewish law (the extended version of Mosaic law) became the Laws of the Jewish religion (Johnson, 1988). Biblical Law includes both Mosaic and Jewish Laws with all the laws compiled from both the Old and New Testaments (WELLS, 2008). As a child evolved into an adult and a man, Mosaic law evolved into Jewish Law, and Jewish Law to Biblical Law.

## **A chain of influence – from Biblical laws to the Western constitution to the Indian constitution**

In the 1<sup>st</sup> century A.D. Christianity started to spread to the world. The teachings about Jesus Christ, healing, and miracles performed by the disciples and apostles in the name of Jesus made people believe in Christ and convert from Polytheism to Christianity (MacMullen, 1983). The early Middle Ages, which started in the 5<sup>th</sup> century A.D and continued till the 10<sup>th</sup> century A.D witnessed the widespread of Christianity across Western countries through Monks, Missionaries, Nuns, and even common people (Fletcher , 1999). The teachings from both the Old and New Testaments of the Bible influenced the

peoples of the West in their culture, way of living, family values, traditions, morals, and ethics. Biblical laws have become an integral and undeniable part of the day-to-day life of the people of the West (Mangalwadi, 2012). Eminent personalities like John Locke, and Samuel Rutherford, among others who lived during that time, were inspired by the Bible and their philosophies that influenced the people had Biblical values in them. In addition to this, the Judeo-Christian traditions were deeply rooted in the societies of the West at that time (Is there a Judeo-Christian Tradition?: A European Perspective (Perspectives on Jewish Texts and Contexts Book 4), 2016).

Generally, while framing up a constitution for any nation, the culture, values, tradition, history, societal structure, belief system of the people, rituals, people's expectations, and demands will be considered by the framers of the constitution. For many centuries, western societies were full of Christians, and nearly all the countries of the West were regarded as Christian nations. Thinktanks, philosophers, politicians, administrative/government officials, businessmen, common people, and even the framers of the Constitution were almost Christians and their lifestyle and values were constructed upon Biblical teachings. So Biblical laws were naturally blended with the Western constitution while framing it up. The launching credentials of Western countries have references to God and Divine Law, thus crediting their faith in Christian God. For example, the US Declaration of Independence mentions "The Laws of Nature and Nature's God" (Vile , 2018).

For two centuries India was under British rule and even before the framing of the constitution, India and its people were habituated to the governmental system of the British colonial legacy (Austin, 1973). Legendary leaders of New India like Mahatma Gandhi, Jawaharlal Nehru, and others mostly had their higher educations in Western countries and their ideologies were heavily inspired by the West. The chief architect of our constitution DR. B.R. Ambedkar did his higher studies in Western countries. He had a bundle of world knowledge and politicized his followers with progressive and thought-provoking ideologies. His knowledge of Western society and politics also influenced the Indian constitution (Stroud , 2023).

The framers of the Indian Constitution wanted the Constitution to meet the needs and expectations of the Indian people and at the same time to compete with other nations' constitutions with a global standard. They never hesitated to compare, study, analyse, and adapt the best from other nations' constitutions in terms of concepts, philosophies, and laws (Basu , 2015). When compared to other nations, the constitutions of the West were well-written and excellent. They were equipped with a well-established

and tested mechanism and they executed the law in a detailed and systematic manner. The framers found them to be useful and were more heavily inspired by the West than other nation's constitutions. For example, the system of parliament was inspired by the British Constitution, the Irish Constitution gave Directive Principles of State Policy, and the US Constitution gave Fundamental Rights (Basu , 2015) (Austin, 1973).

It is non-negotiable that the Indian constitution directly or indirectly has the influence of Biblical Laws (Mangalwadi, 2012) (Jr., 2006) for the reason that the Biblical Laws influenced the Western constitution and the Western constitution influenced the Indian constitution. The coming part selectively takes three provisions from the Indian constitution – the Democratic Republic, Rule of Law, and Directive Principles of State Policy to defend the proposed claim.

### **Democratic Republic**

Democracy and Republic are two different ideologies. According to Democracy, the power is vested with the people and they will select their representatives through elections and voting. The primary focus of democracy is on the general will of the people. In the concept of a Republic, the power is with the individual citizens. The president of India selected by the elected representatives of the people is a classic example of Republicanism. The primary focus of the republic is on the constitution (Cost, 2023). It is the pure excellency of the makers of our constitution to make democracy and republic coexist and to be an integral part of the Indian constitution. The preamble of the Indian constitution declares India as a Democratic Republic Nation. The preamble represents the reasons for framing up the constitution, principles, and core values of the country. It also provides a statement of Introduction to explain the objectives and philosophies of the constitution (Austin, 1973) . The parallel of thoughts between the Democratic Republic and Biblical Laws can be haggard through the following Bible verses:

“After you have taken possession of the land that the Lord your God is going to give you and have settled there, then you will decide you need a king like all the nations around you. Make sure that the man you choose to be king is the one whom the Lord has chosen. He must be one of your people; do not make a foreigner your king” (Good News Translation, 1966, Deuteronomy 17:14-15). These verses clearly explain that the people have all the power to choose their leader and when we interpret the verses deeper, we can understand that the leader or the representative of the people is elected through voting. The verses also imply that the people should elect their representatives among themselves and the representative should be their people (only an Israelite) and shouldn't be a foreigner (non-Israelite).

Indian constitution prohibits non-Indians from contesting in the election and mandates that the elected representative must be a citizen of India (Thiruvengadam , 2017). It's clearer that the verses are referring to the Democratic Republic where Indians vote and elect a fellow Indian to be their representative.

### **Rule of law**

Chief Justice Edward Coke from England who is the pioneer of the Rule of Law stated that a “king should be under God and Law” (Coke, 2002 ). This concept of the Rule of Law is adopted by many nation’s constitutions including India (Thiruvengadam , 2017).

- A. V. Dicey gave three meanings to the concept of the Rule of Law,
1. Supremacy of law – law is supreme, everyone is below the law
  2. Equality before Law – everyone is equal before the law
  3. Judge-made constitution – constitutional principles and laws created by the Judiciary, especially by the High Court and Supreme Court (Dicey, 1885).

Rule of law and sovereignty are closely associated terms because sovereignty sows the seed for the Rule of Law. The core ideology of the Rule of Law is that law is supreme and both the leader and common people are equally same before the law and they will be judged with integrity irrespective of the position they hold, money, and other resources they possess.

“When he becomes king, he is to have a copy of the book of God's laws and teachings made from the original copy kept by the levitical priests. He is to keep this book near him and read from it all his life, so that he will learn to honor the Lord and to obey faithfully everything that is commanded in it. This will keep him from thinking that he is better than other Israelites and from disobeying the Lord's commands in any way” (Good News Translation, 1966, Deuteronomy 17:18-20). If we interpret these Bible verses by considering the core moralities of the Rule of law, it is identifiable that God’s law/Lord signifies the constitution (as we regard our Indian Constitution in high esteem equal to God) and King as the legislative, judiciary and administrative officials of a government. God and his laws are always superior. God judges both the kings and the common people based on their deeds in the same manner. He doesn’t see favouritism and all are one in the eyes of God. Likewise, the Indian constitution instructs the elected representatives to honor and obey the laws of the nation and warns them not to feel superior to common people because the constitutional laws are always ultimate and all are equal before the constitution and will be judged in the same manner. The arbitrary actions of an individual or a group of

individuals shouldn't govern a nation but an established law should. The government should only function within the realm of the constitution and shouldn't go beyond that. The government executes the law of the constitution but the government isn't a constitution. Sovereignty is the constitution; the government is the servant (Basu , 2015).

In orientation with the Indian Constitution, Deuteronomy 16:18-20 stresses the governing authorities of a nation to be fair and just to the people and shouldn't accept bribery. "Appoint judges and other officials in every town that the Lord your God gives you. These men are to judge the people impartially. They are not to be unjust or show partiality in their judgments; and they are not to accept bribes, for gifts blind the eyes even of wise and honest men, and cause them to give wrong decisions. Always be fair and just, so that you will occupy the land that the Lord your God is giving you and so that you will continue to live there" (Good News Translation, 1966). It is evident that the concept of the Rule of law and sovereignty explained in the Indian constitution aligns perfectly with the Biblical laws, they stand parallel and similar.

### **Directive Principles of State Policy (DPSP)**

The concept of Directive Principles of State Policy was inspired by the Ireland constitution. In turn, the Irish constitution borrowed it from Spain. The Directive Principles of State policy is located in Part IV, Articles 36-51 of the Indian constitution. Creating a just society through socio-economic policies, guaranteeing impartiality through justice, and equality for all citizens are the foremost themes of DPSP. DPSP is rooted in establishing a welfare state or in other words establishing economic and social democracy (Kumar, 2005) (Garland, 2016). The equivalents of the notion of a welfare state (as mentioned in the constitution) and Biblical laws can be extracted using the following verses from the Bible.

"When you harvest your fields, do not cut the grain at the edges of the fields, and do not go back to cut the heads of grain that were left. Do not go back through your vineyard to gather the grapes that were missed or to pick up the grapes that have fallen; leave them for poor people and foreigners. I am the Lord your God" (Good News Translation, 1966, Leviticus 19:9-10). "If in any of the towns in the land that the Lord your God is giving you there are Israelites in need, then do not be selfish and refuse to help them. Instead, be generous and lend them as much as they need" (Good News Translation, 1966, Deuteronomy 15:7-8).



These Biblical laws underline the importance of caring for the poor and vulnerable and making them an integral part of society rather than leaving them behind. It discusses inclusive politics where the government strives to work and develop all sections of society. Articles 36-51 of the Indian constitution from DPSP (Part IV) mark the details about ensuring the upliftment of socially and economically deprived sections of the society and safeguarding their needs and overall development. Further, the articles mandate equality and justice in society without prejudice or other arbitrary actions. Isaiah 1:17 from the Bible delivers the same impression, “and learn to do right. See that justice is done—help those who are oppressed, give orphans their rights, and defend widows” (Good News Translation, 1966).

As per the Indian constitution to establish a successful welfare state, community responsibility is mandatory where people cooperate and participate with the organization and other people for the benefit of the community they belong. Along with all other concepts of the welfare state, the Bible also includes community responsibility. The analogous for this statement is found in the New Testament. “There was no one in the group who was in need. Those who owned fields or houses would sell them, bring the money received from the sale, and turn it over to the apostles; and the money was distributed according to the needs of the people” (Good News Translation, 1966, Acts 4:34-35). “Suppose there are brothers or sisters who need clothes and don't have enough to eat. What good is there in your saying to them, “God bless you! Keep warm and eat well!”—if you don't give them the necessities of life?” (Good News Translation, 1966, James 2:15-16).

## **Conclusion**

This paper conducted an overall analysis of the comparisons between the Indian constitution and Biblical laws along with a momentary study about the Democratic Republic, Rule of law, and Directive Principles of State Policy. The paper conceptually researched the phenomenon and there are abundant scopes to study the resemblances between the Indian Constitution and Biblical laws by implementing various research methodologies to extract innovative theories and concepts. The paper is limited to studying only three provisions of the Indian constitutions but there are enormous provisions piled up in the constitutions which have comparisons with the Biblical laws. Studying them enhances a healthier understanding of the constitution with the possibilities of adapting new acumens into it. Both the Bible and the Indian constitution provide laws for the benefit of the people to live a valuable life with integrity and equality, to create a society of socio-economic democracy, and to establish a welfare state.



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