

Amendment Process of the Indian Constitution

Semester 2 MJC2

The Indian Constitution's amendment process is outlined in Article 368, balancing flexibility and rigidity. It allows amendments to adapt to changing needs while protecting core principles.

Types of Amendments:

1. Simple Majority: Ordinary legislative process suffices for changes not altering the Constitution's basic structure (e.g., changing names, boundaries of states).
2. Special Majority (Article 368(2)): Requires majority of total membership + 2/3 majority of members present and voting in both Houses (e.g., altering fundamental rights).
3. Special Majority + State Ratification: For changes affecting federal structure (e.g., altering state powers), half the states must ratify.

Key Features:

- Procedure: Amendment bills can originate in either House, requiring specified majorities.
- Basic Structure Doctrine: Supreme Court (Kesavananda Bharati, 1973) ruled Parliament can't alter the Constitution's "basic structure" (e.g., secularism, democracy).

Examples:

- 42nd Amendment (1976): Added "secular" and "socialist" to Preamble.
- 73rd & 74th Amendments (1992): Strengthened local

governance (Panchayats, Municipalities).

Significance:

- **Adaptability:** Enables Constitution to evolve with societal needs.
- **Checks & Balances:** Judicial review ensures amendments align with basic structure.