

# AMENDMENT OF THE INDIAN CONSTITUTION



## AMENDMENT

- A. Like any other written constitution
- B. the constitution of India also provides for its Amendment
- C. So That It Can Adjust Itself To The Changing Condition & Needs
- D. However, Conditions laid down in the Constitution is not easy as Britain nor as hard as the USA
- E. Parliament cannot amend the Basic Structure of the Constitution
- F. Basic structure doctrine limits the amending power of Parliament

## PROCEDURE FOR AMENDMENT

- A. Article 368
- B. Amendment can be Initiated in either House of Parliament
- C. Can be introduced by the
  - 1. Minister
  - or
  - 2. Private Member without prior permission of the President
- D. 8,11 must be passed in each House by Special Majority
- E. Each House must pass the Bill Separately
  - 1. In case of Disagreement-No provision for Joint Sitting
- F. In case of change in the P.n. Structure-State Rectification is needed
- G. After this Bill is presented to the President of India
- H. President must give his assent to the Bill
  - 1. Then it becomes an Act

## CRITICISMS OF THE AMENDMENT ACT OF 368

- A. No provision for special body
  - 1. Like Constitutional Assembly to amend the Constitution
- B. State Legislature cannot initiate the Amendment unlike USA
- C. Major part of the Constitution can be amended by Parliament alone
- D. Does not prescribe the Time Frame
- F. No provision for the Joint Sitting
- E. State, are not consulted while amending the Constitution