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# The Amendment of the Indian Constitution

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## ABSTRACT

*In contrast to South Africa, the Indian Constitution did not require the creation of an unanimity on what a democratic India should seem like. Most of this accord had developed during the conflict for independence. “Perhaps, the greatest achievement of India after the attainment of independence was framing of the Constitution within a period of three years from December 1946 and November.”<sup>2</sup> The constitution is the primary law of the land in a democratic society. India's constitution is one of the world's longest and most comprehensive codified constitutions.*

**Keywords:** *Constitution, Amendment, Fundamental, Rights.*

## I. INTRODUCTION

In contrast to South Africa, the Indian Constitution did not require the creation of an unanimity on what a democratic India should seem like. Most of this accord had developed during the conflict for independence. “Perhaps, the greatest achievement of India after the attainment of independence was framing of the Constitution within a period of three years from December 1946 and November.”<sup>3</sup> The constitution is the primary law of the land in a democratic society. India's constitution is one of the world's longest and most comprehensive codified constitutions.

Dr. BR Ambedkar is renowned as the ‘Father of the Indian Constitution’ and was the driving force underlying the Indian Constitution's creation. The Indian constitution is the foundation of the country's democratic and secular framework, and it is followed by every entity in the nation. The Indian Constitution begins with the words ‘We the people’ as well as discusses the tenets of the constitution, which include equality, freedom, secularism, and brotherhood.

There are 465 articles, 12 schedules, 22 amendments, and 146385 words in our Indian Constitution. The Indian Constitution combines the founding documents of France, the United Kingdom, the United States of America, Germany, and the former Soviet Union. “For R. M.

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<sup>2</sup> RAJU, K.H.C.H.E.L.U.V.A., Vol. 52, No. 2, April - June 1991 of The Indian Journal of ... Available at: <https://www.jstor.org/stable/i40087717> [Accessed August 27, 2021].

<sup>3</sup> RAJU, K.H.C.H.E.L.U.V.A., Vol. 52, No. 2, April - June 1991 of The Indian Journal of ... Available at: <https://www.jstor.org/stable/i40087717> [Accessed August 27, 2021].

MacIver, constitution is that law which governs the state, and which represents the will beyond that of the state.”<sup>4</sup> Some of the best characteristics of the world's finest founding documents were adopted and changed in the Indian Constitution, resulting in the Indian Constitution being deemed one of the most robust and consistent founding documents in the world even now. Because of the pluralism and particular difficulties that primarily occur in India, the Indian Constitution is so long.

The Indian constitution handles every subject that can be envisioned in a nation with such diverse religions, ethnicities, civilizations, and languages as India. The virtues enshrined in the constitution are the qualities that India venerates and promotes on a daily basis. The fundamental rights that India 's constitution offers its inhabitants are critical in keeping them secure from the undesirable dimensions in the nation. Freedom, egalitarianism, brotherhood, and secularism are among the principles that are embraced around the world, and the Indian Union is a testament to these virtues. India has emerged the world 's second democracy as a result of the richness and stability of the constitution. In the 60 years since India 's autonomy, the constitution has been modified 94 times. “The main problems of India are economic and social rather than political and constitutional. If the constitutional problem looms large and appears to be the one preoccupation of the people of India it is because they regard it as the key to the solution of their other vital problems.”<sup>5</sup>

The Indian Constitution's authors made the amending process neither too stiff nor too fluid. If the Parliament wishes to change the Indian Constitution, a bill must be introduced in Parliament. If the proposal receives a majority vote, it will be presented to the President of India for his approval. The bill becomes law once the President signs it. The mechanism for amending the Indian Constitution would be now concluded. The ability of the legislature to amend is not unconditional. If the amendment is approved by Parliament and the judiciary wishes to evaluate it, the judiciary has the authority to do so. If the judiciary decides that the amendment is unconstitutional, or that it violates any part of the Indian Constitution, or that it violates community standards, the judiciary has the ability to strike it down.

There should be no trouble establishing what the basic parts of the basic structure of the constitution are if the factual backdrop, the preamble, the entire design of the constitution, and

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<sup>4</sup> Anon, 2017. Essay on the Constitution: Top 6 ESSAYS: Government: Law. *Political Science Notes*. Available at: <http://www.politicalsciencenotes.com/essay/constitution-essay/essay-on-the-constitution-top-6-essays-government-law/1525>. [Accessed August 27, 2021].

<sup>5</sup> N. Srinivasan, The Indian constitutional problem - JSTOR. <https://doi.org/10.2307/20631375>. Available at: <https://www.jstor.org/stable/20631375> [Accessed August 25, 2021].

the pertinent articles therein, notably article 368, are taken into consideration. Considering the federal and democratic framework of the constitution, the division of powers, and the secular nature of our nation are far greater defined than natural justice, these statements pertain with bigger intensity to theory of the basic structure. We may claim that no individual is over the constitution, including the legislature and the court. “The intention behind forming a constitution for an overall development of the nation and making the executive and legislative accountable was good, but there are certain loopholes in the Indian constitution which at that time were relevant to add or amend but with changing time and leadership, a few aspects have lost their dignity.”<sup>6</sup>

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<sup>6</sup> Sonam, what are the major flaws of the Constitution of India? *Qries*. Available at: <https://www.qries.com/What-are-the-major-flaws-of-the-Constitution-of-India> [Accessed August 25, 2021].