



Those provisions of the Constitution which are related to the federal structure of the polity can be amended by a special majority of the Parliament and also with the consent of half of the state legislatures by a simple majority.

If one or some or all the remaining states take no action on the bill, it does not matter; the moment half of the states give their consent, the formality is completed.

There is no time limit within which the states should give their consent to the bill.

The following provisions can be amended in this way - Election of the President and its manner, Extent of the executive power of the Union and the states, Supreme Court and high Courts, Distribution of legislative powers between the Union and the states, Goods and Services Tax Council, Any of the lists in the Seventh Schedule, Representation of states in Parliament, Power of Parliament to amend the Constitution and its procedure (Article 368 itself).

Special majority of the Parliament and the ratification of at least half of the state legislatures.

Amendment of the Indian Constitution

Significance of the amendment provisions

The Constitution has to be amended at every interval of time. A Constitution which is a static document becomes a big hurdle in the path of the progress of the nation.

Technological changes create new fields of knowledge whose regulation becomes critical in the absence of amendment.

It maintains flexibility of constitution to accommodate new institutions, reform existing ones and accept international commitments within our own laws.

Amendment provisions help to strengthen foundational principles of Indian constitution like cooperative federalism through GST council, constitutional status to National Commission for Backward Class to ensure equality.

If there were no provision made for the amendment of the Constitution, people would have recourse to extra-Constitutional methods like revolution to change the same.

A major part of the Constitution can be amended by the Parliament alone either by a special majority or by a simple majority. Only in a few cases, the consent of the state legislatures is required and that too, only half of them.

The Constitution does not prescribe the time frame within which the state legislatures should ratify or reject an amendment submitted to them. Also, it is silent on the issue of whether the states can withdraw their approval after according the same.

There is no provision for holding a joint sitting of both the Houses of Parliament if there is a deadlock over the passage of a constitutional amendment bill. On the other hand, a provision for a joint sitting is made in the case of an ordinary bill.

They leave a wide scope for taking matters to the judiciary.

Criticisms of the amendment provisions

Amendment of the Indian Constitution