

1. CRITICALLY EXAMINE THE AMENDING PROCEDURES OF THE CONSTITUTION.

The Constitution of India provides for its amendment in order to cope with the changing conditions and needs. In a separate part called Part XX of the Constitution under Article 368; the constitution confers the power of amendment to union legislature. The constitution can be amended in three ways such as amendment by simple majority; amendment by special majority and special majority with consent of states. However, the amending procedure has been criticized on following grounds.

There is no separate body like Constitutional Convention in the USA for amending the constitution.

The state legislatures have no power to amend the constitution.

Major part of the constitution can be amended by special majority or simple majority. Only in a few cases the states are consulted.

The constitution does not specify the time limit within which the state legislatures should ratify or reject.

There is no provision for holding a joint sitting of both the Houses of Parliament.

The process of amendment is same as that of a legislative process.

Despite all the above criticism, the amending procedure has been able to help the constitution growth accommodating changes to cope with changing needs. It has struck a good balance between flexibility and rigidity.