

Amendment

Part - 20

Art- 368

575

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Art 368 of the Constitution gives the impression that Parliament amending powers are absolute and encompass all parts of the document.

But Supreme Court has acted as a brake to legislative enthusiasm

- The idea of amending the Constitution has been borrowed from South Africa.
- Art 368 itself have been amended by parliament through 24th Amendment Oct 1971 & 42nd Amendment Oct 1976.
- Introduce in either house
- Either by a minister or by private member - not minister

Amendment by Art-368

Simple Majority

present and voting.

- (i) Citizenship
- (ii) Art-1-4
- (iii) Quorum of parliament
- (iv) 5 Schedule
- (v) 6 Schedule

Special Majority

- (i) majority of total membership of each house = $543 \div 2 = 272 + 1$
- (ii) Majority of $\frac{2}{3}$ of members present and voting.
300 vote +
280 favour Pass

- (i) Fundamental Rights
- (ii) DPSP
- (iii) National Emergency

Special Majority and ratification by the states.

Special Majority +
ratification of
 $\frac{1}{2}$ of state legislature

- (i) election of President
- (ii) Extent of Executive Power o/A-B / 162
- (iii) Art dealing with H.C., S.C.
- (iv) Seventh Schedule
- (v) Amendment.

Procedure of Amendment

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Can be introduced
either in Lok Sabha
or Rajya Sabha →

Majority 50+ of
total membership

2/3 of members present
and voting.
is required to pass bill

In case of Tie
→ Presiding officer
casts his/her vote

Presented to
President
(President is bound
to give consent)
24th amendment 1971

must be passed by
both Lok Sabha
and Rajya Sabha

The Bill becomes an Amendment
after president assent.

Constitutional Amendments

[1951]

- [1 Amendment Oct 1951]

9th < 31-A
Schedule
Zamindari
abolition
act

31-B
19 (2)
→ Public order
→ friendly
relation with
foreign states
→ Incitement of
an offence

15 (4)
socially econ. backward
classes. Reservation

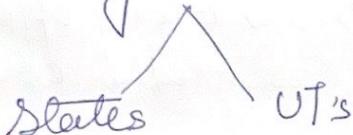
A - B - C - D

→ [7 Amendment] 1956

Linguistic Division

State reorganisation

State Re-organisation Commission



ReBengbari Union Case - SC amendment needed

to Cease territory

[9th Amendment] 1960

Constitution (105th Amendment) Act deemed
to be in force from 15th Aug 2021,
Power to identify SEBCs back to state Govts
and UTs,

Amended Article - 338B, 342A & 366
to restore state power to make their own OBC
lists. Annulling Supreme Court judgement of

11 May 2021.

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