



MAD - 2020

Day – 2

Polity

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Question:

It is often said our Constitution is document par excellence. Then why are there so many amendments?

Answer:

The Indian Constitution- cornerstone of our democratic nation (Austin)- is considered to be one of the most balanced and evolving Constitutions in the world. Compared to many other democratic Constitutions- like USA and Australia- the Indian Constitution has witnessed a number of amendments (104 till Jan, 2020).

There are both practical and ideological reasons for the same:

- One of the reasons for the same is the relatively flexible procedure for an amendment. Article 368, while requiring special majority and a host of other conditions, is much easier than the amendment processes listed out by the US and Australian Constitution.
- Next, unlike its American and Australian counterparts, the Indian Constitution is a detailed document, providing for a lot of intricacies that most other Constitutions don't contain. 101st CAA on GST may be a case in point.
- Further, as Subhash Kashyap points out the Indian Constitution is of both the Union and states. The workings of federalism make amendments imperative e.g. the 90th CAA regarding Bodoland Territorial Area.
- The exigencies of a newly independent country led to the Constitution containing a number of provisions regarding commissions (NCSC, NCST, NCBC etc.), provision of affirmative action etc. which any changes in the same requiring constitutional amendment.
- The political system of India- Parliamentary system- also makes frequent amendments a possibility. A party in power with large number can push through amendments easily.
- The Indian Constitution is a progressive document, seeking to usher not just a political but also social revolution. The need to bring about socio-economic change led to spew of amendments for land reforms.
- Moreover, as the country progressed, increase in democratic aspirations and resources also led to a number of amendments such as the Right to Education (86th CAA).

While the changes have been necessitated by both the structure of political system and the working of Constitution, the Judiciary has played a prominent role in safeguarding the "soul of the Constitution" by propounding the 'Basic structure doctrine.' Amendments are a part and parcel of the adapting nature of the Constitution while protecting the foundational principles of the fundamental law of India.