

## Examrace

# Polity Study Material: Constitutional Amendments

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## Amendment to the Constitution

Method of Amendment Indian Constitution provides three methods of amending the Constitution:

1. Amendment by Special Majority: Under Article 368 of the Constitution, the general provision for the amendment of the Constitution can be initiated out by the introduction of a Bill in either House of Parliament. If the Bill is passed by a majority of total membership of the House and by a majority of not less than two-thirds of the members present and voting in each House and thereafter assented to by the President, the Constitution stands amended.
2. Amendments requiring Special Majority and Ratification by States: Changes in the Constitution with regard to the following matters can be made by the Parliament after the Bill has been passed by both the Houses of Parliament by a majority of total membership of each House and by a two-thirds majority of the members present and voting in each House and having been ratified by not less than one-half of the States and assented to by the President:
  - a. the manner of election of the President
  - b. extent of executive powers of the Union and the States
  - c. provisions relating to the Supreme Court and High Courts
  - d. distributing of legislative powers between Union and the States
  - e. representation of States in Parliament
  - f. provisions for the amendment of the Constitution.
3. Amendment by Simple Majority: A Bill in respect of any of the following subjects is treated as an ordinary Bill, that is, it is passed by a simple majority of members present and voting:
  - a. admission or establishment of new States, formation of new States, and alteration of areas, boundaries or names of existing States (Art. 4)
  - b. creation or abolition of Legislative Council in the States (Art. 169)
  - c. administration and control of Scheduled Areas (para 7 of the Fifth Schedule)
  - d. administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram (para 21 of the Sixth Schedule) . Though normal legislative procedure

holds good so far as this class of amendments is concerned, certain conditions. However, do attach to the bills referred to in i and ii above, such as recommendation of the President for introduction of such Bills in Parliament and adoption of necessary resolution by concerned State Legislative Assembly, respectively.

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