

P R E F A C E

The present study seeks to explore in depth the nature and character of constitutional amendments in India and their interaction with the Indian political process. It is admitted on all hands that the constitution of a country is not a mere parchment of dry papers but a "living organism". It is the institutionalisation and embodiment of the cherished ideals and aspirations of the nation and the goals of the political system.

Since the society is dynamic, the constitution must be responsive to the changing socio-economic demands of the country. Herein lies the importance of the flexible nature of the constitution. But constitutional experts do not hold the same opinion regarding the extent to which the elements of flexibility should be permitted to operate.

In spite of the fact that amendments play a vital role in keeping the constitution alive to the needs of the society, the question often asked is : how frequently should the constitution of a country be amended for this purpose? Since no clear-cut answer is possible to this question, it is said that the need for amendment of the constitution depends upon the nature, direction and magnitude of societal demands that generally crop up in a particular political system at a specific period of history.

In India, the Constitution which came into operation on January 26, 1950, has been formally amended as many as forty-five times. This is a rather unusual feature, in view of the fact that in no other country, a written constitution has been formally amended so many times within such a short span of time in the life of the political system.

This has evoked a great deal of consternation and misgivings in various quarters in the country. It is held that these amendments have definitely affected the existing relationship among the different political structures in the system. In India, these have tilted the balance in favour of the Government-Parliament, and the Judiciary's position has been, to some extent, relegated to the back-ground. In this present study, an attempt has been made to find out the nature and degree of the impact of these amendments on the working of the Indian political system and the emerging trends.

This study also purports to offer new insight in the context of modern comparative politics, since an attempt has been made here to find out the mutual relationship and interaction between the theories of amendments and the actual working of the mechanism of amendments in the over-all perspective of the Indian political system. In finding out the nature and depth of the impact of constitutional amendments, the theoretical framework has been designed on the Systems Theory and its variants. With the help of these analytical tools, an attempt has been made to find out the nature of interaction of the Indian political system with its environment.

In substantiating the view points, extensive references have been made to the leading cases. Comparison between amending procedures obtaining in different countries have also been made as far as possible.

One of the difficulties faced while preparing this study has been the dearth of documents and books on this particular topic. So, in most cases, attempts have been made to reach conclusions from other

related source materials. Since no research in the field of Social Science can claim finality, the present study, it is firmly believed, is a beginning of a beginning in this field. So, it is being concluded with a note of optimism, that with the emergence of the findings of this research, newer and newer fields will be opened before the future social scientists interested in the study of the Indian political system. Therein lies the significance of this intellectual exercise.

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