



Mains Practice Question

Q. Indian Constitution balances procedural norms and flexibility in adapting to changing needs of society. Discuss. (250 words)

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Approach:

- Highlight the Amendability basis of a constitution and what the Indian Constitution entails in that respect.
- Highlight some of the rigid/procedural norms of the Indian Constitution with examples.
- Highlight some of the flexible features of the Indian Constitution with examples
- Conclude by highlighting how such a balance makes the Indian Constitution a living document.

Introduction

- Constitutions could be rigid like that of America or flexible like that of the UK based on Amendability. India's Constitution is a synthesis of both, adapting best features from prominent constitution while engraved them upon ideals that were formed during nationalistic freedom struggle.

Body

Rigidity/Procedural Norms in Indian Constitution

- Basic Structure of the Constitution like Parliamentary system, Judicial Independence, Fundamental Rights cannot be amended. This doctrine was propounded by the Supreme Court in Kesavananda Bharati case.
- Certain features that have effect on federal characteristics require amendment by special majority along with state's concurrence under article 368.
- Being lengthiest written, it has detailed polity and administrative principles, which need to be followed by the legislature, judiciary, and executive. Defiance of which could result in unconstitutional acts like prescribed age for elections, trying to subvert judicial independence leading to terming non-constitution even a majority backed law like NJAC.

Flexibility in Indian Constitution

- Most parts of the Indian Constitution can be amended without concurrence of states or just by a simple majority in Parliament under article 368, to be able to reflect on changing society like considering the right to privacy or right to choose one's life partner as a fundamental right under the right to life (Article 21).
- It allows for differing interpretations as per changed socio-economic circumstances like ensuring that women are not discriminated against while practicing their right to worship, as observed in the Sabarimala case.
- It allows for the evolution of legal and constitutional measures like the evolution of creamy layer in the reservation system.

Conclusion

Thus, such a balance makes Indian Constitution a living document that responds to changing time along with making it durable to protect the basic tenet of democracy, ideals on which the country was formed like those enshrined in the Preamble.

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