

## **Chapter-9**

### **Constitution as a Living Document**

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#### **Revision Notes**

1. The Constitution of India was adopted on November 26, 1949 and its implementation started from January 26, 1950.
2. Since 1950, the same constitution has been continuing to function under the framework to be operated in the country.
3. The Indian Constitution is a combination of both the approaches mentioned above: that the constitution is a sacred document and that it is an instrument that may require change from time to time.
4. The basic structure of our constitution cannot be changed and has been made as per the suitability of the country. The Indian constitution combines both these characteristics; Flexible and Rigid.
5. Article 368 states that parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this constitution in accordance with the procedure laid down in this article.
6. The Constitution of India is partially rigid and partially flexible because some amendments can be made by a simple majority of Parliament and some require at least 2/3 majority of parliament with ratification by the legislatures of at least one half of the states. Some amendments require a special majority of Parliament in both the houses separately.
7. Apart from the anti-defection amendments (52nd and 91st), these amendments include the 61st amendment bringing down the minimum age for voting from 21 to 18 years, the 73rd and the 74th amendments etc.
8. A living constitution refers to the amendments made without changing the basic structure of the constitution, which has been resulted due to judicial interpretation.
9. As a 'Living Constitution', it responds to the experiences arisen in different situations from time to time. For example, the Supreme Court held in the case of reservations, which cannot exceed 50% of total seats in jobs and educational institutions.
10. This was the only decision of the Supreme Court to emerge creamy layer who were not

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entitled to be benefitted under reservations.

11. The supreme court even gave the Keshavanand ruling in 1973. In the past three decades, this ruling has governed all interpretations of the constitution and all institutions in the country have accepted the theory of the basic structure.
12. Even after so many changes in the society,the Constituion continues to work effectively because os this ability to be dynamic,to be open to interpretations and the ability to respond to the changing situation.This is a hallmark of a democratic Constitution.
13. On 26 January, 2014, the constitution ofIndia completed 64 years and it has been amended a number of times, but its basic structure has not been changed, only explanations took place.