

# [Federal constitution and maintenance of fundamental rights in](https://assignbuster.com/federal-constitution-and-maintenance-of-fundamental-rights-in/)

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Federalconstitution, position of Amending Process in Federal Constitution andmaintenance of Fundamental Rights in Federal constitution, it would be in thefitness of things to take up the special features and incidents of amendingprocess of different federal constitutions from the point of view comparison. Thesimplest way to grasp the distinction between flexible and rigid constitutionsis to consider how rigid constitution have, most commonly, come into existence.

1WhenConstitution was made by the country it was implemented immediately hence therewas no trial or mock implementation to find out the pros and cons and problemsin governance. Keeping the future difficulties in mind and for administrativemanagement of the state the amendments of the Constitution takes place. Also, there are some political reasons and aims and some for removing thedifficulties faced in the governance of the state.

The ideaof amending the organic instrument of a state is peculiarly American. Althoughmany of the political and legal institutions take their origin from English. The first amendment has become one-sided. According to C. Edwin Baker, the keyprinciple underlaying first amendment is the “ respect for individual integrityand autonomy… to use speech to develop herself or to influence or interact withother in a manner that corresponds to her value.” 2Governmentof India Act 1935 was not provided with amending provisions because that powerwas retained by the British Parliament itself. Any Constitution withoutprovision for Amendment will become extremely rigid.

The US constitution andConstitutions of other federations made provision for Amendment. Constitutionaldemocracies have had as rich and controversial an experience with theconstitutional amendment power as India. The formal amendment power is found inArticle 368 of the Indian Constitution. The USConstitution provided for establishment of dual agencies for carrying outfederal and State laws, such as federal courts established in each State and afederal executive operating in each state to enforce federal laws. 1 Constitutional Amendments In India By M.

V. Pylee2 Rediscovering a lostfreedom, The first Amendment right to censor unwanted speech by Patrick M. Garry Page No. 31