

Federal constitution and maintenance of fundamental rights in

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Federal constitution, position of Amending Process in Federal Constitution and maintenance of Fundamental Rights in Federal constitution, it would be in the fitness of things to take up the special features and incidents of amending process of different federal constitutions from the point of view comparison. The simplest way to grasp the distinction between flexible and rigid constitutions is to consider how rigid constitution have, most commonly, come into existence.

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

The idea of amending the organic instrument of a state is peculiarly American. Although many of the political and legal institutions take their origin from English. The first amendment has become one-sided. According to C. Edwin Baker, the key principle underlying first amendment is the “respect for individual integrity and autonomy... to use speech to develop herself or to influence or interact with other in a manner that corresponds to her value.” 2 Government of India Act 1935 was not provided with amending provisions because that power was retained by the British Parliament itself. Any Constitution without provision for Amendment will become extremely rigid.

The US constitution and Constitutions of other federations made provision for Amendment. Constitutional democracies have had as rich and controversial an experience with the constitutional amendment power as India. The formal amendment power is found in Article 368 of the Indian Constitution. The US Constitution provided for establishment of dual agencies for carrying out federal and State laws, such as federal courts established in each State and a federal executive operating in each state to enforce federal laws. 1

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