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Comparative Study on Amendment of the Constitution: India, USA, and France

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ABSTRACT

This paper compares the process of constitutional amendments in India, the United States and France. India has a flexible amendment system as provided by its Constitution in Article 368, but the Basic Structure Doctrine protects the basic principles from being changed. On the other hand, the U. S. Constitution, under Article V, is extremely rigid, requiring two-thirds majority in Congress and ratification by three-fourths (3/4) of state legislatures, so amendments occur very rarely, but when they do, they tend to be very stable. France's Article 89 allows for amendments by a three-fifths vote of parliament or by referenda, a good mix between representative and direct democracy. While these are obviously very different systems, they each represent a unique form of constitutional flexibility.

This paper centers on the complicated interaction of public sentiment, the state legislatures and judicial review in the creation of constitutional amendments, and stresses the importance of federalism and decentralization on the amendment process (in different systems). Nonetheless all three countries strive to amend their constitutions in the face of modern problems but with both distinct advantages and disadvantages. This study, therefore, provides valuable insights into the trajectory of constitutional law—highlighting both the pivotal function of amendments and their essential role in safeguarding democratic governance.

Keywords: *Constitutional Amendments, Comparative Analysis, Judicial Review, Federalism, Democratic Governance, India, United States, and France.*

I. INTRODUCTION

A Constitution is a document which embodies the fundamental law of the land and defines and determines the powers and functions of different organs of the State and their inter-relations. However, it is not a fixed document. A political society evolves with time and no constitution can stay same as it was envisaged at the time of its making. For a constitution to stay relevant and responsive to the needs of society and for the evolution of democratic values, a mechanism for amendment is required. Amending constitution reflects the ongoing challenge of balancing

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the need for flexibility to address new issues while maintaining core principles that must remain intact.

Constitution of every country varies as it is shaped by its political as well as societal history. The U.S. Constitution, established in 1787, is a benchmark of democratic stability, yet it is especially challenging to amend, it has only been amended 27 times over more than 230 years. While, India's Constitution is more adaptable, having experienced over more than 100 amendments since its inception in 1950, which reflects its ability to adjust to a rapidly evolving society while still protecting against misuse through the judicially established Basic Structure Doctrine. While France, with its legacy of revolutionary constitutionalism, integrates both parliamentary initiative and public involvement through referendums, striking a balance between the authority of representative institutions and the direct voice of the populace.

The process of amending a constitution involves a careful balance between maintaining a nation's fundamental values and allowing for essential legal changes.

(A) Research Questions

This study seeks to investigate several key questions:

1. What are the amendment processes of Constitution in India, the United States and France?
2. What is the role of the state or region in those processes?
3. Beyond that, how do the legal systems of each country either constrain or support constitutional amendment?
4. Most important, how do these systems balance the enabling of necessary change with the preservation of the essential nature of their constitutions?

(B) Research Objectives

- To examine the amendment procedures of India, the U.S., and France, identifying both commonalities and divergences.
- To analyze the role of regional and state entities in the amendment process, with particular emphasis on how they influence or limit constitutional changes.
- To investigate how each country's approach to amendments balances the need for flexibility in governance with the preservation of core constitutional principles.

(C) Methodology

This paper analyzes the Indian constitutional amendment process in the light of comparative

methods together with comparative analysis of amendment processes in the United States and France with an overview of recognized methods of comparative analysis in legal studies to understand similarities and differences in constitutional design and practice². The study will endeavor to explore how diversified political as well as legal systems have effects on the possibility of constitutional change by such comparison of amendment processes in the said three countries.

The choice of India, the United States, and France was not accidental but rather represents three types of constitutional democracies: parliamentary, federal, and semi-presidential systems. A comparative approach will help better express the ways in which diverse political structures within one country can influence flexibility or rigidity in amending the constitution, besides their historical uses in handling social, political, and legal challenges.

OSCOLA 4th Edition Citation method is used in this research paper.

a. Comparative Method: Threefold Approach:

1. **Historical Analysis:** This is a historical review of the context in which amendment processes were developed and applied in every country. Discussions include both the constitutional texts, historical precedents, and the political pressures that led to shaping the constitutional amendment provisions of each nation³.
2. **Legal and Procedural Frameworks:** Considered here is the legal mechanisms and procedural requirements for amendment of the constitution of each country, whether there is more of federal versus state governments, the role of judiciary, and necessity of public referenda. The study critically analyzes each country's amendment procedure from flexibility, democratic participation, as well as legislative oversight based on Albert⁴ and Issacharoff⁵.
3. **Comparative Analysis:** The study will compare these processes of amendment in the context of such points as the frequency of amendments, procedure, and rigidity flexibility, in order to illustrate technical differences and political philosophies of constitutional reforms in a country⁶.

²Richard Albert, 'Amending Constitutional Amendment Rules' (2015) 13 *Int'l J Constitutional L* 655 <https://academic.oup.com/icon/article-abstract/13/3/655/2450806>.

³Samuel Issacharoff, 'Fragile Democracies' (2006) 120 *Harv. L. Rev.* 1405 <https://heinonline.org/HOL/LandingPage?handle=hein.journals/hlr120&div=83&id=&page=>.

⁴Richard Albert, 'Amending Constitutional Amendment Rules' (2015) 13 *Int'l J Constitutional L* 655 <https://academic.oup.com/icon/article-abstract/13/3/655/2450806>.

⁵Samuel Issacharoff, 'Fragile Democracies' (2006) 120 *Harv. L. Rev.* 1405 <https://heinonline.org/HOL/LandingPage?handle=hein.journals/hlr120&div=83&id=&page=>.

⁶ Richard Albert, 'Nonconstitutional Amendments' (2009) 22 *Canadian Journal of Law & Jurisprudence* 5

b. Legal frameworks and sources:

This study bases its comparative analysis from both primary and secondary sources. The set of primary sources would constitute the constitutions of India, United States, and France along with relevant amendments and judicial interpretations.

Other secondary sources include reviewed journal articles of comparative constitutional law and political theory, books, and academic papers that give critical in-depth analysis of the legal frameworks that define the countries, political histories, and legal commentaries and case studies with regard to landmark constitutional amendments.

The study shall include primary databases of legal documents and newer perspectives. It shall also use, JSTOR, as well as Westlaw in contextualizing amendments resulting from constitutional changes.

c. Limitations of the Research:

Although the comparative approach provides a lot of insight to the study, it is not without weakness. Political systems, cultural contexts and legal framework have diversified in India, the United States and France, and therefore, comparative analysis may prove delicate. Different countries have created different histories and, therefore, different political development and hence possibly different findings in other jurisdictions⁷. Besides this, research is designed to highlight formal constitutional amendment procedures and therefore excludes judicial interpretation or political conventions as informal mechanisms that help develop the constitution. By doing so, it is confined to public and legitimate scholarly sources through this research work; therefore, some of the steps in redrafting may be unrecorded or even uninvestigable either like political behind-the-scenes deals. Therefore, interpretation of findings will heavily rely on careful consideration within the specific national context.

II. CONSTITUTIONAL AMENDMENT PROCESS: INDIA, U.S. AND FRANCE

(A) Constitutional Amendment Process in India

India's Constitution, adopted in 1950, is a monumental document that reflects the complexities of a diverse and populous nation. One of its most significant features is its capacity for amendment, which allows it to evolve in response to changing social, political, and economic

<https://www.cambridge.org/core/journals/canadian-journal-of-law-and-jurisprudence/article/nonconstitutional-amendments/1AD3CCDB32ECBECBAE3CF04BB88B241F>.

⁷ Richard Albert, 'Amending Constitutional Amendment Rules' (2015) 13 *Int'l J Constitutional L* 655 <https://academic.oup.com/icon/article-abstract/13/3/655/2450806>.

conditions. “The amendment process is enshrined in Article 368⁸, it provides for addition, variation, or repeal of any provision of the Constitution”. There have been 105 Constitutional amendments till date, each amendment reflecting interplay between the need for stability and adaptability of India’s constitutional framework.

(B) Article 368 of the Indian Constitution⁹:

“Article 368 explains the procedure for amending the Constitution. Parliament has the power to amend the Constitution, but the procedure is designed such that basic change calls for sterner approval, while minimal changes are easier to affect.” The amendment process can thus be categorized broadly into three categories based on the kind of majority required:

1. Simple Majority Amendments: “Some amendments need just a simple majority of the members present and voting in both houses of Parliament to pass. These relate to non-essential parts of the Constitution, like changes to the Schedules or making new states. Amendments in this group don't make big changes to how the Constitution is set up”¹⁰.

2. Special Majority Amendments: Most amendments need a special majority in Parliament to pass. This means at least two-thirds of the members present and voting must say yes, and this majority must also be more than half of all members in each house of Parliament. “Special majority amendment is needed when the amendment is related to fundamental rights, the distribution of legislative powers between the central and state governments, and other core constitutional provisions”¹¹.

3. Special Majority with State Ratification: Amendments which affect the federal structure of the constitution not only require a special majority in Parliament but also ratification by at least half of the state legislatures. This provision ensures that amendments affecting the balance of power between the center and states cannot be enacted without the consent of the states¹². Examples include changes to the powers of the Rajya Sabha, the allocation of tax revenues, and the process for electing the President of India.

The amendment process of Constitution in India is designed to protect the basic structure while also allowing for flexibility in response to changing circumstances. This balance between rigidity and flexibility is crucial for a country like India, where different regions and

⁸ Constitution of India, art 368.

⁹ Constitution of India, art 368.

¹⁰ RC Bhardwaj, *Constitution Amendment in India* (Eastern Book Company 1995).

¹¹BS Reddy, *Constitution Amendment: An Analysis of Amendment Process* (2018) *Gnanaganga* <http://gnanaganga.inflibnet.ac.in/handle/123456789/5478> accessed 3 October 2024.

¹²RM Bhat, ‘*Historical Review of Indian Constitution*’ (2022) *Traditional Journal of Law and Social Sciences* <http://ojs.traditionaljournaloflaw.com/index.php/TJLSS/article/download/43/82> accessed 3 October 2024.

communities have varying needs and concerns.

(C) Evolution of the Amendment Process

Over the past seven decades, the Indian Constitution has undergone significant changes, with several key amendments shaping the political and legal landscape.

a) The First Amendment (1951)

The first and one of the most important amendments was done by the First Amendment Act, 1951, whereby several key amendments were introduced within the Constitution. This was enacted to nullify a spate of judgments by the Supreme Court holding land reform legislations as void since they violated the right to property. The First Amendment Act, 1951, added Articles 31A¹³ and 31B¹⁴ giving protection to legislation dealing with land reform within the purview of judicial review. Besides, it introduced Article 19(2)¹⁵, thus placing “reasonable restrictions on the freedom of speech and expression in the interest of sovereignty and integrity of the nation”¹⁶.

b) The 42nd Amendment (1976)

Referred to as the “mini-constitution”, the 42nd Amendment¹⁷, effected comprehensive changes in the Indian Constitution during the Emergency under the Indira Gandhi regime. It had the express purpose of significantly strengthening the executive organ of the government at the expense of the judicial branch of the government. Some of the central features touched and altered by this amendment include:

- Amendment to Article 368, whereby constitutional amendments were made immune from judicial review.
- It extended the “Directive Principles of State Policy” and accorded greater emphasis to the socialist features of the Indian state.
- “Fundamental Duties” were added to the Constitution under Article 51A¹⁸, “where a duty was imposed upon every citizen to abide by the Constitution and respect its ideals”¹⁹.

¹³ Constitution of India, arts 31A.

¹⁴ Constitution of India, arts 31B.

¹⁵ Constitution of India, art 19(2).

¹⁶ Granville Austin, *Working a Democratic Constitution: The Indian Experience* (Oxford University Press 1999).

¹⁷ Constitution (Forty-second Amendment) Act 1976 (India).

¹⁸ Constitution of India, arts 51A.

¹⁹BS Reddy, *Constitution Amendment: An Analysis of Amendment Process* (2018) *Gnanaganga* <http://gnanaganga.inflibnet.ac.in/handle/123456789/5478> accessed 3 October 2024.

The 42nd Amendment is considered controversial because it disturbed the basic balance among the executive, legislature, and judiciary. Many of its provisions were overridden in 1978 by the 44th Amendment, following the lifting of the Emergency, reinstating some semblance of judicial review to broaden the scope of executive overreach²⁰.

c) The 73rd and 74th Amendments (1992)

The 73rd²¹ and 74th²² Amendments, enactments of 1992, brought about sea changes in decentralization, constitutionally providing for Panchayati Raj institutions and Municipalities, respectively. These amendments thus gave a constitutional framework for local self-government in rural and urban areas, respectively, to empower these bodies in decisions at the grassroots level.

Key provisions included:

- The establishment of a “three-tier system” of “Panchayati Raj”, with “Gram Panchayats”, “Panchayat Samitis”, and “Zila Parishads”.
- Mandatory elections every five years for Panchayats and Municipalities.
- The creation of State Election Commissions to oversee local elections.
- “The inclusion of women, Scheduled Castes (SCs), and Scheduled Tribes (STs) through reservations”²³.

These amendments fostered democratic participation at the local level and in promoting rural India’s decentralized governance.

d) The 101st Amendment (2016)

The 101st Amendment²⁴ led to the inclusion of Article 246A which enabled introduction of “Goods and Services Tax (GST)”, this was a path-breaking economic reform implemented in India that replaced numerous taxes that were at differing stages as being either levied by the Centre or state with a single tax named GST where supply of goods and services both be taxed levying taxes. The GST was a major reform and huge step forward towards easing business, moving to wean away from cascaded tax structure and getting closer to unifying the tax regime

²⁰ RM Bhat, ‘Historical Review of Indian Constitution’ (2022) *Traditional Journal of Law and Social Sciences* <http://ojs.traditionaljournaloflaw.com/index.php/TJLSS/article/download/43/82> accessed 3 October 2024.

²¹ Constitution (Seventy-third Amendment) Act 1992 (India).

²² Constitution (Seventy-fourth Amendment) Act 1992 (India).

²³ A Biswas, ‘Establishing Metropolitan Governance and Local Governance Simultaneously: Lessons from India’s 74th Constitutional Amendment Act’ (2020) *Journal of Urban Management* <https://www.sciencedirect.com/science/article/pii/S2226585618301365> accessed 3 October 2024.

²⁴ Constitution (One Hundred and First Amendment) Act 2016 (India).

for goods. This amendment needed to be ratified by half of the state legislatures that resembled a federal unit in nature²⁵.

The GST reform was considered as the most profound step in ensuring financial growth and enabling tax compliance. This also brought to the fore the federalist spirit of Indian federalism, because for GST to become a reality both Union and states had needed to work together for its roll-out.

III. JUDICIAL REVIEW AND THE BASIC STRUCTURE DOCTRINE

Undoubtedly, the most significant contribution to the jurisprudence of constitutional law lies in the Basic Structure Doctrine laid down by the Supreme Court by way of this landmark judgment in “Kesavananda Bharati v. State of Kerala”²⁶ (1973). The doctrine, therefore, “restricted the ability of the Parliament to amend the Constitution and provided that some essential characteristics of the Constitution, such as secularism, democracy, federalism, the rule of law, form part of its "basic structure," and a modification by the said becomes unconstitutional”.

a) Kesavananda Bharati v. State of Kerala (1973)

In “Kesavananda Bharati's case”, for the first time, a 13-judge bench sat to decide the scope of Parliament's amending power as conferred by Article 368. The majority, by a thin margin of 7-6, held that “*that Parliament had no power to amend the Constitution so as to abrogate or take away Fundamental Rights is incorrect. The power of amendment of the Constitution conferred by the then Article 368 was wide and unfettered. It reached every part and provision of the Constitution. Preamble is a part of the Constitution and is not outside the reach of the amending power under Article 368. There are no inherent limitations on the amending power in the sense that the Amending Body lacks the power to make amendments so as to damage or destroy the essential features or the fundamental principles of the Constitution. The 24th Amendment only declares the true legal position as it obtained before that Amendment and is valid*”.²⁷

Basic Structure Doctrine was then applied in the following few cases:

“Minerva Mills v. Union of India”²⁸: In 1980, the Supreme Court held that “a part of the 42nd Amendment restricted judicial review of itself for which the Basic Structure Doctrine made it

²⁵ NU Khan and K Nag, 'Comparative Study of the Amendment Procedure in India, USA, France, and Germany' (2023) IJRAR 9(2), 45 <https://www.ijrar.org/papers/IJRARTH00136.pdf> accessed 3 October 2024.

²⁶ Kesavananda Bharati v State of Kerala (1973) 4 SCC 225.

²⁷ Ibid.

²⁸ Minerva Mills v Union of India (1980) 3 SCC 625.

unconstitutional”.

“IR Coelho v. State of Tamil Nadu”²⁹ (2007): The court held that “even laws put in the Ninth Schedule of the Constitution, which were hitherto protected from judicial review, could also be scrutinized if they infringed the basic structure.”

The Basic Structure Doctrine thus has also helped in protecting important features of the Indian Constitution and prevented amendments from destroying the democratic and federal character of the Indian state.

b) Judicial Activism and Its Impact on Amendments

The Indian judiciary, not least the Supreme Court, has long been accused of judicial activism inasmuch as it appears to have overstepped its traditional role of interpreting the law to influence policy decisions. The use of PILs by the judiciary and their expansive interpretation of fundamental rights have resulted in dramatic changes in governance and policy. “To be more precise, in the case of constitutional amendments, activism of the court is relevant to such an extent that it holds the power of rendering null constitutional amendments which go against the Constitution's basic structure as specified by Bhat”³⁰.

The Supreme Court even, in the case of “Golak Nath v. State of Punjab”³¹, decided that “Parliament did not have the right to amend the fundamental rights. However, this judgment was later overturned in “Kesavananda Bharati”, wherein it was held that though fundamental rights could be amended, they could not abdicate or alter the basic structure of the Constitution”³².

IV. FEDERALISM AND THE ROLE OF STATE LEGISLATURES IN CONSTITUTIONAL AMENDMENTS

Amendments which affect the powers and functions of states require ratification by at least half of the state legislatures. This ensures that the interest of states is considered when making changes to the federal structure of the Constitution.

a) Amendments Requiring State Ratification

Amendments that require State Ratification are:

- Election of President of India

²⁹ IR Coelho v State of Tamil Nadu (2007) 2 SCC 1.

³⁰ RM Bhat, ‘Historical Review of Indian Constitution’ (2022) *Traditional Journal of Law and Social Sciences* <http://ojs.traditionaljournaloflaw.com/index.php/TJLSS/article/download/43/82> accessed 3 October 2024.

³¹ Golak Nath v State of Punjab (1967) 2 SCR 762.

³² Ibid.

- Amendments affecting Art. 246³³ and the Seventh Schedule of the Constitution.
- Amendment affecting the representation of States in Parliament or the powers of Rajyasabha³⁴.

“Taking State Ratification ensures that no unilateral decisions are made that could undermine the rights and powers of states. It also reflects the principle of cooperative federalism, where the central and state governments work together to address national issues while respecting the autonomy of the states. A notable example of this cooperative approach was the 101st Amendment (2016), which introduced the Goods and Services Tax (GST) and required state ratification due to its implications on the taxation powers of both the center and the states”³⁵.

b) **The Role of States in Shaping Amendments**

States play an important role in amendment of Constitution when it comes to protecting their economy and ensuring that the federal balance is maintained.

For instance, during the debate over GST amendment, many states expressed concerns about losing fiscal autonomy. To overcome these concerns Central Government established GST Council, a federal body composed of representatives from both Union Government and State Government. This federal body oversees the implementation of the tax and ensure that states retained a voice in its administration³⁶.

In some cases, state governments have also opposed amendments that they believe infringe on their rights. For instance, during the passage of 42nd Amendment, several states opposed centralization of powers, especially the transfer of certain legislative subjects from the state list to the concurrent list. This opposition, along with public outcry, eventually led to the reversal of many provisions of the 42nd Amendment through the 44th Amendment (1978), which restored the balance of power between the center and states³⁷.

(A) **Notable Amendments and Their Impact on Indian Society**

The flexibility of the Indian Constitution has allowed for amendments that reflect the evolving

³³ Constitution of India, arts 246.

³⁴ RM Bhat, 'Historical Review of Indian Constitution' (2022) *Traditional Journal of Law and Social Sciences* <http://ojs.traditionaljournaloflaw.com/index.php/TJLSS/article/download/43/82> accessed 3 October 2024.

³⁵ NU Khan and K Nag, 'Comparative Study of the Amendment Procedure in India, USA, France, and Germany' (2023) *IJRAR* 9(2), 45 <https://www.ijrar.org/papers/IJRARTH00136.pdf> accessed 3 October 2024.

³⁶ A Biswas, 'Establishing Metropolitan Governance and Local Governance Simultaneously: Lessons from India's 74th Constitutional Amendment Act' (2020) *Journal of Urban Management* <https://www.sciencedirect.com/science/article/pii/S2226585618301365> accessed 3 October 2024.

³⁷ P Raj and MS Noorani, 'Constitutional Amendment: A Critical Analysis' (2020) *International Journal of Legal Science* <https://www.waqfliaison.com/wp-content/uploads/2022/03/2020-00-constitutional-amendment-a-critical-analysis.pdf> accessed 3 October 2024.

needs of Indian society. Over the years, amendments have addressed issues ranging from land reforms and social justice to economic liberalization and local governance. Below are some additional notable amendments that have had a profound impact on Indian society:

c) The 24th Amendment (1971)

The 24th Amendment was enacted after the Supreme Court's judgement in the case of “Golak Nath v. State of Punjab”, 1967, wherein the Supreme Court held that “Parliament was not authorized to amend the basic rights. The 24th Amendment added that parliament's power to amend any part of the Constitution, including the basic rights, had revived. It further made compulsory for the President of India to give assent to any constitutional amendment bill which passed the Parliament. This amendment thereby renewed supremacy of Parliament in the process of constitutional amendments”³⁸.

d) The 86th Amendment (2002)

The landmark reform in the education sector came from 86th Amendment. Article 21A was inserted in to the Constitution which made elementary education a fundamental right.

“21A. The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine”³⁹.

The amendment also made provisions for “early childhood care and education for children below six years and inserted Fundamental Duty (Article 51A), making it the duty of parents to ensure that their children attend school”⁴⁰.

This amendment reflects India’s commitment to social justice and equality by ensuring that all children, regardless of the socioeconomic status have access to education.

e) The 103rd Amendment (2019)

The 103rd Amendment introduced economic reservations in relation to education and public employment in India. Up to 10% reservation was given to the Economically Weaker Sections, of general category except for those covered under Scheduled Castes, Scheduled Tribes, and Other Backward Classes reservations. It dealt with economic inequality to a considerable extent where the poverty coefficient overshoots that of a caste-based social group⁴¹.

The 103rd Amendment was a progressive step toward economic justice, yet significant debate

³⁸ Granville Austin, *Working a Democratic Constitution: The Indian Experience* (Oxford University Press 1999).

³⁹ Constitution of India, arts 21A.

⁴⁰ RM Bhat, ‘Historical Review of Indian Constitution’ (2022) *Traditional Journal of Law and Social Sciences* <http://ojs.traditionaljournaloflaw.com/index.php/TJLSS/article/download/43/82> accessed 3 October 2024.

⁴¹ BS Reddy, *Constitution Amendment: An Analysis of Amendment Process* (2018) *Gnanaganga* <http://gnanaganga.inflibnet.ac.in/handle/123456789/5478> accessed 3 October 2024.

stirred that whether the policy of affirmative action should be based on simple economic criteria alone, even though it has been traditionally underpinning the social and educational backwardness for years.

V. CONSTITUTIONAL AMENDMENT PROCESS IN UNITED STATES

The Constitution of the United States, the oldest and most respected legal document known to mankind, was adopted in 1787. Surprisingly short, the U.S. Constitution has proved strikingly enduring and flexible throughout its nearly two-hundred-year history mainly because of its amendment process. Article V⁴² enables the Constitution to evolve in response to changing mores in society yet shields changes from impulsive decision-making and without national consensus. Since inception, there have been 27 amendments to the United States Constitution.

(A) Article V: The Constitutional Amendment Process

a) Proposal of Amendments

There are two ways to propose an amendment to the U.S. Constitution.

Congressional Proposal:

To amend the United States Constitution through a proposal by Congress, a series of steps must be followed.

First, the proposed amendment language must be passed by a two-thirds majority vote in both the House of Representatives and the Senate. After congressional approval, the national archivist sends notification and relevant materials to the governor of each state. The next step is ratification by the states, where three-fourths of state legislatures must approve the exact language of the amendment as adopted by Congress. Any changes to the language by a state legislature will invalidate its ratification. Importantly, the governor's signature is not required for the ratification bill or resolution to be valid.

Throughout the ratification process, the Office of the Federal Register at the National Archives is responsible for tracking state actions and ensuring that the correct materials are returned to demonstrate proof of ratification. Congress may also set a time limit for states to act on the proposed amendment. Once the necessary number of states have ratified the amendment, the archivist of the United States officially announces the new amendment. "The certification of the amendment is then immediately published in the Federal Register and eventually in the United States Statutes-at-Large"⁴³.

⁴² U.S. Constitution, arts. V.

⁴³National Conference of State Legislatures, 'Amending the U.S. Constitution' (NCSL, 1 April 2023)

“While state legislatures frequently call upon Congress to propose constitutional amendments, Congress is not constitutionally obligated to respond to these requests. The U.S. Constitution does not require Congress to submit a proposed amendment based on demands from a specific number of states, leaving such decisions to the discretion of Congress”⁴⁴.

Constitutional Convention:

States have the option of petitioning Congress to call a constitutional convention. Legislatures in two-thirds of states must agree. This method was included in Article V as a safeguard against congressional inaction or corruption, allowing the states to bypass Congress if necessary.

b) Ratification of Amendments:

Ratification of constitutional amendments is a multi-step process. Following the proposal of a constitutional amendment, three-fourths of the states-38 at this time-must ratify it so that it becomes part of the Constitution of the United States. Within each state, the ratifying legislatures or ratifying conventions vote to ratify or reject the proposed amendment. If the required number of state ratifications is achieved, then the proposed amendment officially becomes incorporated into the Constitution. The ratification process is simple in its mathematical need, though often quite contentious politically at both the state and national level.⁴⁵

(B) Historical Development of U.S. Constitutional Amendments

The process of amendment in the United States has rarely been applied, only 27 amendments to the Constitution in more than 230 years. This reflects the difficulty of amending the Constitution and the endurance of its central principles. However, the amendments that have passed have had profound and lasting impacts on American law and society.

a) The Bill of Rights (1791)

The Bill of Rights is a collection of the first ten amendments to the Constitution of the United States of America. It was made to protect peoples' rights and ensure no extension of government power. It provides protection to individual freedoms, freedom of speech, religion, the press, and assembly as contained in the First Amendment. The Second Amendment also protects the right to bear arms and protection from unreasonable searches and seizures under the Fourth Amendment. Bill of Rights provides strong support to the American democracy by

<https://www.ncsl.org/about-state-legislatures/amending-the-us-constitution> accessed 3 October 2024.

⁴⁴ Ibid.

⁴⁵Equal Rights Amendment, 'Paths to Ratification' (Equal Rights Amendment, 2024) <https://www.equalrightsamendment.org/pathstoratification> accessed 3 October 2024.

protecting its citizens and placing limitations on the power of government.⁴⁶

b) The Reconstruction Amendments (1865–1870)

“The Reconstruction Amendments were adopted between 1865 and 1870 after the Civil War, made to correct the wrongs of slavery and to establish equality for black Americans”⁴⁷. The 13th Amendment, 1865, abolished slavery and involuntary servitude, except as punishment for crime. The 14th Amendment, 1868, established citizenship for all persons born or naturalized in the U.S. and due process and equal protection in the law. The 15th Amendment (1870) barred states from denying any person the right to vote because of race, color, or previous condition of servitude. With the two amendments that followed, civil rights and the juridical meaning of equality in America had been redetermined.

c) The Progressive Era Amendments (1913–1920)

The Progressive Era Amendments 1913-1920 heralded part of a greater general movement striving to democratize the U.S. government by ending social and political injustices. As progressives sought constitutional amendments as a means of making reforms which could last, this example is significant and enduring; success and failure in several areas will be seen in this era-by this, four key amendments ratified.

- The 16th Amendment, adopted in 1913, empowered Congress to tax income and enabled the federal government to redistribute wealth. It could do things like that, such as rid the country of poverty.
- The 17th Amendment, arguably the greatest Progressive achievement, ensured that U.S. Senators were elected directly by the people, not through the obscure, frequently corruptible state legislatures that previously elected senators.
- This created greater democratization of the legislative branch of government, removing at least some of the opportunities for corruption in state legislatures.
- The 18th Amendment of 1919, also known as Prohibition, outlawed the manufacture, sale, and transportation of alcohol, as Progressives believed that reforms in society were attainable through legislation. Though, Prohibition would end with the ratification of repeal in 1933.
- The most significant achievement of the Progressive Era was the right to vote granted

⁴⁶National Archives, *'The Bill of Rights (1791)'* (National Archives, 2024) <https://www.archives.gov/milestone-documents/bill-of-rights> accessed 3 October 2024.

⁴⁷PBS, *'Reconstruction Amendments'* (PBS, 2024) <https://www.pbs.org/tpt/slavery-by-another-name/themes/reconstruction-amendments/> accessed 3 October 2024.

to American women through the enactment of the 19th Amendment in 1920, as this has enlarged the electorate and ensured equal political opportunities both for males and females.

Yet, though they achieved many of the Progressives' most adversaries - challenges, that is, which lay in their judicial reform efforts. They came up with a plethora of proposals that were bound to fail, some trying to weigh down the judiciary's power while simultaneously bestowing term limits upon judges and awarding Congress the right to decide on any judicial decisions. It portrays how the judiciary was thwarting the efforts of the Progressives as if the judiciary was against all forms of more democratic reforms.

d) Civil Rights and Voting Rights Amendments (1951–1971)

The struggle for civil rights gained momentum in the 1950s and 1960s to demand full voting rights for African Americans in the South, where laws created by the states so severely limited their ability to vote. There was the poll tax and the literacy test, among others, requiring the owner of property or passing a test to vote. Those African Americans who attempted to vote were also liable to threats, intimidation, and economic reprisals. It was only then that the Civil Rights Movement channeled its efforts toward voter registration drives, which now became a major tool for acquiring political power and dismantling Jim Crow laws that, for decades, had disfranchised African Americans.

The 24th Amendment (1964) was a major victory in this regard, as it abolished the poll tax, a type of financial barrier erected to stop many African Americans from voting. Whatever the later achievement, most of the states continued to use such discriminatory tactics to prevent African Americans from voting and exercising their democratic rights.

In 1965, the Voting Rights Act was passed, primarily as a result of the strenuous actions of civil rights activists. The law prohibited racial discrimination in voting and put certain states, especially those in the South, under federal control. Federal registrars were dispatched to several states to oversee registration and to ensure that African Americans voted without fear of intimidation. It has greatly increased the participation of African Americans in voter turns as well as their representation in government.

This struggle for the right to vote was not done in a vacuum with little to no serious dangers. For instance, Robert G. Clark, Jr. “remembers that those who advocated for voter registration were often attacked by violence, and some of them died in the process. For instance, Reverend Lee was killed in the mid-1950s due to voter registration. Nonetheless, Rosie Head and other individuals continued, despite such risks. Here is another inspiring story of intimidation

African Americans faced, including being met by police dogs while trying to register to vote.⁴⁸ Apart from these victories of the 24th Amendment⁴⁹ and the Voting Rights Act, another critical reform that happened during this time was the 26th Amendment⁵⁰ that reduced the voting age from 21 to 18 in 1971. It occurred based on an argument that if young Americans who could be drafted into the Vietnam War should also have their voices represented by voting. This amendment greatly expanded the electorate and gave a louder voice to young people in the political process.

The Voting Rights Act of 1965 remains one of the most transformative pieces of legislation in U.S. history, but it has been eroded because of the Supreme Court's 2013 decision in *Shelby County v. Holder*⁵¹, which eliminated the significant provisions for oversight. These decisions allowed a number of states to institute voter ID laws and other restrictions that disproportionately disadvantage and disenfranchise minority voters. The battle to stop those laws continues, said civil rights advocates, who added that the nation should protect the progress won during the Civil Rights Movement and ensure that every American has the opportunity to participate equally in the democratic process.

The Civil Rights and Voting Rights Amendments of the 1950s through the 1970s constituted a significant stride toward the resolution of long-standing racial inequalities in voting, though the struggle for universal suffrage remains ongoing as attempts to roll back these protections continue.

(C) The Role of Judicial Interpretation in Constitutional Amendment

The U.S. Constitution has been amended only 27 times in its history. Sometimes, however, it is altered through judicial interpretation rather than through amendment. This right of judicial review, granted the Supreme Court in “*Marbury v. Madison*”⁵², allows the “Supreme Court the authority to interpret the Constitution regarding contemporary issues. Often it is the interpretations provided by the Court that have effectively “amended” the Constitution without an actual amendment”.

For instance, the Supreme Court interpreted the Equal Protection Clause of the 14th Amendment in “*Brown v. Board of Education*”⁵³ and” abolish segregation in public schools,

⁴⁸ Library of Congress, 'Voting Rights' (Civil Rights History Project, 2024) <https://www.loc.gov/collections/civil-rights-history-project/articles-and-essays/voting-rights/> accessed 3 October 2024.

⁴⁹ U.S. Constitution, amend XXIV.

⁵⁰ U.S. Constitution, amend XXVI.

⁵¹ *Shelby County v Holder* (2013) 570 US 529.

⁵² *Marbury v Madison* 5 US (1 Cranch) 137 (1803).

⁵³ *Brown v Board of Education* 347 US 483 (1954).

which was a turning point in the civil rights movement”. In a comparable case, *Roe v. Wade*⁵⁴ (1973), “the Supreme Court interpreted the right of privacy in the 14th Amendment⁵⁵ as including a woman's right to choose to have an abortion and thus broadened constitutional protections for rights to reproductive choice”⁵⁶. Although that precedent was reversed by “*Dobbs v. Jackson Women's Health Organization*”⁵⁷ (2022), it is illustrative of the critical role that judicial interpretation plays in creating meaning in the Constitution.

The judiciary has had great influence in the interpretation of the Commerce Clause and the Necessary and Proper Clause, by which the federal government has been granted far more power than was devised by the framers. For example, in “*Wickard v. Filburn*”⁵⁸ (1942), “the Supreme Court construed the Commerce Clause to permit the federal government to regulate even the smallest of local, non-commercial activities when they significantly affected interstate commerce. Such readings that are so broad and full of interpretative elasticity give a picture of how the judiciary has been foundational in appropriating the Constitution as an adaptation in actualizing modern governance, without formal amendments to the Constitution”⁵⁹.

The judicial review powers have given the Supreme Court the right to deem unconstitutional amendments that are against higher principles of constitutional law. In fact, the *Shelby County v. Holder*⁶⁰ (2013) ruling essentially dismantled one important provision of the Voting Rights Act of 1965 through an authority granted for its passage by the 15th Amendment. This indicates that in its interpretation and application, the court may limit or expand practical effect through case law for amendments.

(D) Federalism and the Role of States in the Amendment Process

Federalism is a core principle of the U.S. Constitution, and the amendment process emphasizes protecting broad support from the federal authority and the states; thus, three-fourth would be required to make sure that any amendment portrays the entire nation. This means any amendment requires three-fourth support to portray the will of the entire nation and not the views of a particular state or the federal government. In this way, a such system does guard the balance created between the federal authority and the states.

⁵⁴ *Roe v Wade* 410 US 113 (1973).

⁵⁵ U.S. Constitution, amend XIV.

⁵⁶ Samuel Issacharoff, *'Fragile Democracies'* (2006) 120 Harv L Rev 1405, 1410.

⁵⁷ *Dobbs v Jackson Women's Health Organization* 597 US 215 (2022).

⁵⁸ *Wickard v Filburn* 317 US 111 (1942).

⁵⁹ BN Son, *'Constitutional Amendment and Democracy'* (2020) *Minn J Int'l L* <https://minnjil.org/wp-content/uploads/2021/09/Son-MACRO.pdf> accessed 3 October 2024.

⁶⁰ *Shelby County v Holder* 570 US 529 (2013).

a) **The Role of State Legislatures**

The requirement that amendments must be ratified by three-fourths of the state legislatures (currently 38 out of 50 states) ensures that amendments cannot be imposed solely by the federal government. This is important when states retain significant autonomy, such as the regulation of elections and public health. Amendments that propose significant changes to state powers, such as those affecting the Commerce Clause or federal spending powers, require broad consensus across the states⁶¹.

This federal balance has occasionally made it difficult to pass amendments. For example, the Equal Rights Amendment (ERA), which sought to guarantee equal rights for women, was passed by Congress in 1972 but fell short of ratification by three-fourths of the state legislatures. While the ERA was ultimately not added to the Constitution, it reflects the difficulty of passing amendments that do not have widespread support across both political and geographic lines.

b) **The Role of State Conventions**

The rare way of amendment is ratification through state conventions. The 21st Amendment⁶² that repealed Prohibition in 1933 was ratified this way. State conventions were used because most of the people detested Prohibition, and some legislatures within the states had refused to vote on the ratification of the amendment. The federal government avoided legislatures and addressed their constituency directly by using the state conventions.

Despite the fact that since the ratification of the 21st Amendment the state convention method has not been used; the process still remains one of the vital safeguards in the amendment process. It is a more direct form of democracy whereby the people themselves vote on constitutional changes rather than having their elected representatives do so.

VI. CONSTITUTIONAL AMENDMENT PROCESS IN FRANCE

France has undergone several constitutional changes throughout its history, with the current “Constitution of the Fifth Republic”, adopted in 1958. The French amendment process, outlined primarily in Article 89, offers a flexible but structured mechanism to update the Constitution, balancing both parliamentary and popular methods of ratification. France’s semi-presidential system, combining elements of both parliamentary and presidential frameworks, gives the

⁶¹ S Majumder, 'Understanding of Political Secularism in A Comparative Perspective: France, USA, Turkey and India' (2013) *Journal of the Asiatic Society of Bangladesh* https://www.asiaticsociety.org.bd/wp-content/uploads/2022/05/Humanities_Dec_2013.pdf accessed 3 October 2024.

⁶² U.S. Constitution, amend XXI.

amendment process a unique character compared to other democracies like the United States or India. This adaptability has allowed France to respond to political and social shifts while maintaining constitutional stability.

(A) The Constitutional Framework for Amendments: Article 89

Article 89⁶³ of the French Constitution provides the foundation for constitutional amendments in the Fifth Republic. It stipulates that amendments can be proposed by either the President of the Republic or members of Parliament. Amendments must first be approved by both houses of Parliament (the National Assembly and the Senate). Afterward, they must be ratified by either a three-fifths majority in a joint session of Parliament or through a referendum.

a) Proposal of Amendments

“A constitutional amendment can be proposed by the President on advice of the Prime Minister or by members of parliament”⁶⁴.

b) Ratification of Amendments

“The ratification of amendments involves either parliamentary or popular approval. Once both houses of Parliament agree on the amendment, it must be ratified either by a three-fifths majority in a joint session (known as the Congrès) or by a national referendum, depending on the president's decision”⁶⁵. This dual-track system provides flexibility in France's amendment process.

(B) Historical Evolution of the Constitutional Amendment Process

The French Constitution since France adopted the Constitution of the Fifth Republic has been amended numerous times. The amendments reflect transformations in the political, social, and institutional makeup of France. Some of the significant amendments that have comprised the Constitution of France are presented below.

a) The 1962 Amendment: Direct Election of the President

The 1962 amendment was a pivotal change in the French constitutional framework. Proposed by Charles de Gaulle, it introduced the direct election of the President by popular vote, replacing the previous system where the President was chosen by an electoral college⁶⁶. This

⁶³ Constitution of France, art 89.

⁶⁴ConstitutionNet, 'France: Constitutional Amendment Procedure' (ConstitutionNet, 2024) <https://constitutionnet.org/country/france> accessed 3 October 2024.

⁶⁵French Senate, 'Amending the Constitution' (French Senate, 2024) <https://www.senat.fr/lng/en/the-senates-role/amending-the-constitution.html> accessed 3 October 2024.

⁶⁶ John Bell, Sophie Boyron, and Simon Whittaker, *Principles of French Law*, 2nd edn (Oxford University Press 2008; online edn, Oxford Academic, 22 March 2012)

amendment was ratified through a referendum, bypassing parliamentary approval, and significantly increased the President's democratic legitimacy.

b) The 2000 Amendment: Reduction of the Presidential Term

The French Constitution was amended in 2000 through a national referendum to reduce presidential term length to five years from seven years. This latest amendment was called the quinquennat, which would place the presidential term alongside parliamentary term length as well, thus diminishing the likelihood of political deadlock between the President and the Parliament. Such a trend toward more democratic accountability in French governance reflected the tendency.

It was a response to changed political dynamics in France where long presidential terms were becoming anachronistic and possibly undemocratic. The reduction of the term has since allowed for more frequent elections and greater responsiveness to changes in public opinion.

c) The 2008 Constitutional Reform: Modernization of Institutions

The Constitutional Law of 2008 Modernizing Institutions created a package of reforms, underpinning the strengthening of powers for the executive, legislative, and judicial branches of government. Already ratified by three-fifths majorities within the Congrès, this constitutional amendment is cited as one of the significant transformations of the Fifth Republic. Major changes were as follows

1. **Prohibition of multi-term presidency:** It was bounded to contain a president to two successive terms, a significant shift to debase the concentration of potential executive power.
2. **Parliamentary Scrutiny Empowerment:** The amendment empowered Parliament in supervising the executive arm, among other powers over the legislative agenda and an increase in scrutiny of the executives' activities. The change was to minimize the position of the President and the executives in French politics.
3. **Enhanced Judicial Independence:** The Constitutional Council's role was enhanced with its power strengthened to review laws before becoming law. This has been a significant step in ensuring that the judiciary delivers on its role in upholding constitutional principles and the rights of individuals.

The reform in 2008 reflected greater effort to give the institutional modernization of France a

democratic, transparent, and accountable bent. Legislative combined the powers of the state presidency while strengthening checks of the Parliament and judiciary to set up an almost balanced and very fair political system.

(C) The Role of the Constitutional Council

In India as well as the United States, judicial review is an essential aspect in amending the constitution. Unlike this, France's Constitutional Council operates less to influence the amending process of the constitution. The Council takes on the review responsibility for the constitutionality of laws enacted before they come into effect, but then it does not have any power to nullify constitutional amendments that have passed through the process.

a) Judicial Review in France

Although the Constitutional Council cannot review or annul amendments to the Constitution, it exercises the highly important role of ensuring that ordinary laws do not violate the Constitution. It examines a law passed by Parliament in order to review whether it is constitutional and can veto provisions that are at variance with constitutional principles. Abstract review in this system has no comparison to the concrete review followed across the United States, where Courts can decide on the constitutionality of laws in respect of specific cases.

The circumscribed role of the judiciary in the amendment process thus reflects a different approach to constitutional change, and as compared with countries having a more robust regime of judicial review. The process of amendment in France is essentially political, with Parliament and the executive playing the center roles, and while the judiciary's involvement is mainly confined to reviewing ordinary legislation.

(D) Use of Referenda in the Amendment Process

Referendums constitute an important aspect of the French mechanism for constitutional amendment and in this way ensure that the people do have a voice directly in that process. Most amendments are Congrès, whereas the use of referendums grants the people a direct say on issues significantly important for the constitution. Direct democracy is one manifestation of a tradition dating back to the time of the French Revolution, and it is still an essential element of the French political system.

Referenda have been used very few times in French political history, but when they are used, constitutional amendments of great proportions result from them. The best example of using referenda to bypass parliamentary resistance and go straight to the people was the creation of

direct presidential elections through the 1962 referendum.

Another important example is that of the 2000 referendum, which reduced the presidential term. The two referenda show how the French political system allows for direct popular participation in constitutional change, supplementing the more traditional parliamentary process.

VII. COMPARISON OF AMENDMENT OF CONSTITUTION IN INDIA, U.S., FRANCE.

Basis of Comparison	India	U.S.	France
Governing Article	“Article 368 of the Indian Constitution”.	“Article V of the U.S. Constitution”.	“Article 89 of the French Constitution”.
Proposal of Amendments	Amendments can be proposed by Parliament or State Legislatures. Ordinary and special amendments exist based on the issue addressed.	Amendments can be proposed by Congress with a two-thirds majority in both houses, or by a constitutional convention called by two-thirds of the state legislatures.	Amendments can be proposed by the President of the Republic or by members of Parliament. Requires three-fifths majority of both houses or public referendum
Ratification of Amendments	Requires two-thirds majority in both houses of Parliament. Amendments affecting federalism require ratification by half of the state legislatures.	Requires three-fourths of the state legislatures (currently 38 out of 50 states) to ratify. Alternatively, a constitutional convention can ratify amendments.	Ratification occurs by a three-fifths majority in the Congrès (joint session of Parliament) or by referendum. The President can choose the method of ratification.
Judicial	The Supreme Court of	The Supreme Court	The Constitutional

Oversight	India applies the Basic Structure Doctrine, limiting amendments that affect the Constitution's core principles (Kesavananda Bharati v. State of Kerala, 1973).	cannot invalidate amendments but has the power of judicial review over the application and interpretation of amendments.	Council does not review constitutional amendments once ratified, reflecting a limited role for the judiciary in the amendment process.
Flexibility	Flexible: Allows frequent amendments, including changes to federalism and governance. 101 amendments since 1950.	Rigid: Only 27 amendments passed since 1787 due to high thresholds for proposal and ratification.	Flexible: Dual-track system of parliamentary ratification and referenda allows for amendments through both representative and direct democracy.
Direct Public Involvement	Indirect: Public involvement through elected representatives in Parliament and State Legislatures. No direct popular vote on amendments.	Indirect: Public pressure can influence Congress and state legislatures, but there is no direct public vote on constitutional amendments.	Direct: Regular use of referenda allows for public participation in ratifying amendments, such as the 1962 and 2000 amendments
Challenges	Balancing federal and unitary interests is a challenge. State ratification is required for amendments affecting federalism, slowing the process.	Difficult to pass amendments due to the three-fourths state ratification requirement. Modern issues like campaign finance reform and	The executive dominance in initiating amendments can raise concerns about overreach. Referenda can be subject to political

	Tensions between the judiciary and the legislature.	abolishing the Electoral College are hard to address.	manipulation
Benefits	The Basic Structure Doctrine ensures protection of core constitutional principles. Amendments affecting only certain areas (not federalism) are easier to pass.	The rigidity ensures stability, preventing frequent or politically motivated changes. The role of state legislatures ensures amendments have broad consensus.	The flexibility of the dual-track system allows for quick constitutional adaptation. Referenda give amendments greater democratic legitimacy
Role of State Legislatures	State legislatures are involved in ratifying amendments that affect federalism. Example: The 73rd and 74th Amendments (1992) required state ratification for local self-governance.	Three-fourths of state legislatures must ratify any proposed amendment, ensuring broad national consensus.	No formal role for state or regional legislatures, as France is a unitary state. However, the 2003 decentralization amendment increased local government autonomy.
Influence of Federalism	Quasi-federal system allows the central government significant control, but state ratification is required for certain amendments. Balances national and state powers.	Federal system: State legislatures play a key role in the ratification process, ensuring smaller states have a voice	As a unitary state, regional approval is not required for amendments, but increasing decentralization (like the 2003 amendment) raises questions about future input.
Significant Amendments	<ul style="list-style-type: none"> • 42nd Amendment (1976) increased 	<ul style="list-style-type: none"> • 13th Amendment (1865) abolished 	<ul style="list-style-type: none"> • 1962 Amendment: Introduced direct

	executive powers; • the 44th Amendment (1978) curtailed those powers. • 101st Amendment (2016) introduced GST.	slavery. • 19th Amendment (1920) granted women the right to vote. • 26th Amendment (1971) lowered the voting age to 18.	election of the President. • 2000 Amendment: Reduced the presidential term. • 2008 Reform: Modernized French institutions.
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VIII. CONCLUSION

Both amendment processes of constitutions in India, the United States of America, and France share both similarities and differences, subject to their respective political and institutional contexts.

- **India's Amendment Process:** India has a relatively flexible amendment system under Article 368, requiring majority support from two-thirds of Parliament and ratification by states on matters related to changes in federalism. However, in line with the Basic Structure Doctrine, the amendments cannot alter fundamental properties like democracy and secularism.
- **United States Amendment Process:** Article V of the U.S. Constitution established a rather formal process, requiring a two-thirds congressional majority and ratification by three-fourths of state legislatures. Due to this formality, only 27 amendments have resulted, stabilizing the country but keeping it less responsive to urgent issues.
- **France's Amendment Process:** Under Article 89, an amendment is always flexible. It must be passed by a simple majority by the Parliament or even directly from the people through a referendum. It hence follows both parliamentary involvement and public direct participation, and the amendments in the history of India point to political requirements that are changing in the country, such as the swing of 1962 to a directly elected president.

India balances flexibility with judicial oversight, and the U.S. emphasizes stability and France incorporates elements of both parliamentary and public involvement.

(A) Implications for Constitutional Law and Democracy:

- **Judicial Review:** In India and in the US, judicial review acts as a check over noxious amendment. In India, judicial review can protect core democratic values through Basic Structure Doctrine while the role of the Supreme Court of the United States is primarily an interpretive one regarding amendments. The role of the judiciary in France is limited with amendments being more a political decision.
- **Public Participation:** The case of referendums of France illustrates the scope for direct democracy, whereas India and the U.S. employ representative bodies to ensure that the change takes place with a broader consensus.

(B) Future Research:

- **Judicial Review:** How effective is Basic Structure Doctrine? Whether this doctrine would succeed elsewhere too?
- **Direct Democracy:** French referendums long-term implications on Constitutional legitimacy and political manipulation.
- **Federalism and Amendment:** Federalism and amendment particularly in federal as compared to unitary states.
- **Amendment Frequency and Stability:** Looking at the way different frequencies of amendments affect the stability of governance in the respective countries.

In this comparative analysis, there is a possibility of knowing flexibility, stability, and public participation in the area of constitution amendment.

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