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An Analysis of the Amendment to the Constitution of India on Human Rights Issues

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Abstract

The Constitution of India serves as a dynamic and comprehensive legal framework aimed at protecting human rights and promoting social justice. Since its enforcement in 1950, the Constitution has been amended several times to respond to changing socio-economic, political, and administrative realities. These constitutional amendments have played a crucial role in shaping the scope and interpretation of human rights in India.

While certain amendments have expanded the reach of fundamental rights and strengthened democratic governance, others have generated debates regarding the concentration of governmental power and potential erosion of civil liberties. This research paper examines the impact of constitutional amendments on human rights through a detailed analysis of their historical context, legislative intent, and legal consequences. It focuses on significant amendments, including the 24th, 38th, 42nd, 44th, 73rd, 74th, 86th, and 103rd Amendments, which have influenced the balance between state authority and individual freedoms.

The study also evaluates the role of judicial review in interpreting these amendments and safeguarding constitutional morality. By critically analysing the objectives and outcomes of these amendments, the research highlights the evolving relationship between constitutional change and human rights protection. The paper argues that while constitutional amendments are necessary for adapting the legal framework to contemporary challenges, their implementation must align with democratic values, the rule of law, and judicial oversight. The research concludes that constitutional amendments continue to be instrumental in the development of India's human rights regime, provided they maintain a balance between societal progress and individual liberty.

Keywords: Constitution of India, Constitutional Amendments, Human Rights, Fundamental Rights, Judicial Review, Democratic Governance, Social Justice, Civil Liberties

Introduction

The Constitution of India stands as the highest legal authority in the country and provides a structured framework for governance, administration, and protection of individual freedoms. It reflects the vision of the framers to establish a democratic society founded on justice, liberty, equality, and fraternity. These ideals are deeply embedded in the constitutional framework and form the core of the nation's commitment to safeguarding human rights. The Constitution not only defines the powers and responsibilities of various organs of government but also guarantees fundamental rights to citizens, ensuring protection against arbitrary state action. Part III of the Constitution contains provisions related to Fundamental Rights, which include the right to equality, freedom, protection against exploitation, freedom of religion, cultural and educational rights, and the right to constitutional remedies. These rights are enforceable through the judiciary and are considered essential for the preservation of individual dignity and democratic governance. In addition to Fundamental Rights, Part IV of the Constitution outlines the Directive Principles of State Policy, which aim to guide the government in establishing social and economic democracy by promoting welfare-oriented policies and reducing inequalities in society.

Despite its comprehensive nature, the Constitution was designed to be flexible in order to accommodate the evolving needs of society. The framers recognized that social, political, and economic conditions would change over time, requiring modifications to constitutional provisions. To address this need, a detailed amendment procedure was incorporated, enabling the legislature to modify or update constitutional provisions when necessary. Constitutional amendments have therefore become an essential tool in adapting the Constitution to contemporary challenges and emerging human rights concerns¹. Over the years, several amendments have expanded the scope of rights and strengthened social justice mechanisms. At the same time, certain amendments have

¹ To cite examples, the Preamble of the Constitution of India declares the character of the nation and its economy as "Socialist." Whereas, the current experiences reveal the adoption of a free market economy since the year, 1991. India has not made any changes in the text of the constitution so far. The Chinese experience witnesses a different approach. China has responded with explicit amendments to the 1982 Constitution of the People's Republic of China in the years 1988, 1993, 1999 and 2004. For a general discussion on amendments till 1999.

generated significant debate, particularly when they appeared to limit individual freedoms or expand governmental authority.

The relationship between constitutional amendments and human rights remains multifaceted and dynamic. Amendments often reflect the attempt of the state to balance competing interests, including individual liberties, national security, social justice, and economic development. In a diverse and complex society, the state frequently faces the challenge of ensuring equality while also addressing historical disadvantages faced by marginalized communities. Consequently, amendments have been introduced to promote affirmative action, strengthen welfare measures, and expand access to education and resources. However, such amendments sometimes raise concerns regarding the dilution of fundamental rights or the concentration of state power, leading to legal and political controversies.

Judicial interpretation has played a crucial role in maintaining the balance between constitutional amendments and the protection of human rights. Courts have developed principles to ensure that amendments do not undermine the essential features of the Constitution or weaken democratic values. The evolution of judicial doctrines has significantly influenced the amendment process by imposing limitations on legislative power and safeguarding the core principles of constitutional governance². This research paper seeks to examine the relationship between constitutional amendments and human rights in India by analyzing the historical evolution of amendments, their impact on civil liberties, and the role of judicial review in preserving constitutional integrity³. It further evaluates whether constitutional amendments have effectively contributed to strengthening human rights protection or have created new challenges in the constitutional framework.

Meaning and Evolution of Human Rights in the Indian Constitution

² https://docs.manupatra.in/newslines/articles/Upload/82F6F397-6AE0-4253-940E-58C9B0BDEC32.%20Amartish%20Kaur_Human%20Rights.pdf

³ Some part of the constitution may be more affected than the other. For example, the legislative competence of taxation. To illustrate, the List II of Schedule 7 of the Constitution of India gives legislative competence on taxation with the state governments, for example entries 51 to 60 that relate to taxation on production and sale of goods and commodities. The trade agreements which the Central Government enters into may result in adding conditions to the legislative capacity and thereby affect the federal structure as well. While there may be restrictions on the legislative capacities, the part of the constitution that detail legislative procedure may not suffer any stress.

Human rights are fundamental entitlements that belong to every individual by virtue of being human. These rights are essential for the development of human personality, dignity, and freedom, and they ensure that individuals can live with equality and justice within society. Human rights generally include civil and political rights such as freedom of speech, equality before the law, and protection against arbitrary arrest, as well as economic, social, and cultural rights like the right to education, work, health, and adequate living conditions. In India, human rights form an integral part of the constitutional framework and are primarily safeguarded through Fundamental Rights. These rights ensure legal protection against discrimination, protect personal liberty, and guarantee equal treatment before the law. They act as a shield against the misuse of state power and provide citizens with the authority to challenge violations of their rights through judicial remedies.

The evolution of human rights in the Indian constitutional framework is deeply connected with the country's struggle for independence and its aspiration to establish a democratic and egalitarian society. The framers of the Constitution recognized the need to protect individual liberty while also addressing social inequalities that existed due to historical and social conditions. Consequently, the Constitution incorporated a comprehensive set of Fundamental Rights that guarantee equality, freedom, protection against exploitation, freedom of religion, cultural and educational rights, and the right to constitutional remedies. These rights were designed to ensure that individuals are protected from arbitrary actions of the State and that democracy functions effectively. The inclusion of these rights marked a significant departure from colonial governance, which was often characterized by restrictions on civil liberties and limited legal protections for individuals.

The Indian constitutional framework also reflects the influence of international human rights principles that emerged after global recognition of the need to protect individual freedoms and dignity. While drafting the Constitution, the framers drew inspiration from various global democratic traditions and human rights doctrines to create a balanced system that protects both individual rights and collective welfare. The Fundamental Rights are enforceable through the judiciary, making them legally binding on the State. Citizens can approach courts if their rights are violated, which ensures accountability and strengthens the rule of law. Alongside Fundamental Rights, the Constitution also includes Directive Principles of State Policy, which provide guidelines to the State for establishing social and economic justice. Although these principles are

not legally enforceable, they play a crucial role in shaping public policy and promoting welfare measures such as poverty reduction, equitable distribution of resources, and improvement of living standards⁴.

Over time, the scope of human rights in India has expanded significantly through constitutional amendments and progressive judicial interpretation. Courts have adopted a liberal approach in interpreting constitutional provisions, particularly the right to life and personal liberty. Judicial interpretation has broadened the understanding of human rights by recognizing that the right to life extends beyond mere survival and includes the right to live with dignity. This expanded interpretation has led to the recognition of several derivative rights such as the right to livelihood, right to privacy, right to a clean and healthy environment, and rights relating to humane working conditions. The judiciary has played a crucial role in strengthening human rights by addressing issues such as custodial violence, environmental degradation, gender discrimination, and protection of marginalized communities.

Constitutional amendments have also contributed to the evolution of human rights by strengthening democratic participation and promoting social justice. Amendments have expanded educational rights, reinforced local self-governance, and introduced provisions aimed at protecting disadvantaged sections of society. These changes demonstrate the dynamic nature of the Constitution, which adapts to social and economic developments while maintaining its core commitment to justice, liberty, and equality. The expansion of human rights protections reflects the continuous effort of the Indian legal system to respond to emerging challenges and societal transformations.

The human rights in India represent a vital component of the constitutional structure, ensuring the protection of individual freedom and promoting social welfare. The evolution of these rights illustrates the progressive development of constitutional values through legislative reforms and judicial interpretation. The Indian constitutional framework successfully balances individual liberties with social responsibilities, making human rights an essential pillar of democratic

⁴ S.N. Chaudhary, *Human Rights and Poverty in India: Theoretical Issues and Empirical Evidences*, Vol. 5, 216 (Concept Publishing Company, New Delhi, 1st edn., 2005).

governance. The continuing development of these rights highlights the commitment of the constitutional system to uphold human dignity, equality, and justice in a rapidly changing society.

Constitutional Amendment Process and Its Relevance to Human Rights

The constitutional amendment process plays a vital role in maintaining the balance between constitutional stability and societal progress, particularly in relation to the protection and advancement of human rights. Article 368 of the Constitution of India establishes the procedure through which amendments can be introduced and enacted. It empowers Parliament to modify, add to, or repeal provisions of the Constitution through a structured legislative process. Amendments under Article 368 generally require a special majority in both Houses of Parliament, meaning that the amendment must be approved by a majority of the total membership of each House and by a two-thirds majority of members present and voting. In certain cases, particularly those affecting federal features such as the distribution of legislative powers, representation of states, or provisions relating to the judiciary, ratification by at least half of the state legislatures is also required. This dual requirement reflects the federal nature of the Indian Constitution and ensures that constitutional changes affecting state interests receive broader democratic approval.

The amendment process highlights the flexibility and adaptability of the Constitution, allowing it to evolve in response to changing social, political, and economic realities. Since independence, numerous constitutional amendments have been enacted to address emerging governance challenges, expand fundamental rights, strengthen social justice measures, and promote equality. For instance, amendments have been used to introduce provisions related to education, local self-government, and socio-economic welfare. This adaptability ensures that the Constitution remains relevant and responsive to contemporary human rights concerns. However, while the amendment process grants Parliament considerable power, it is not absolute and is subject to important constitutional limitations designed to preserve the foundational values of the constitutional framework.

One of the most significant limitations on Parliament's amending power is the Basic Structure Doctrine, which prevents the alteration or destruction of essential constitutional principles. According to this doctrine, certain fundamental features such as democracy, secularism, rule of law, separation of powers, federalism, and the protection of fundamental rights cannot be amended

in a manner that damages their core identity. The doctrine serves as a crucial safeguard to ensure that constitutional amendments do not undermine human rights protections or weaken democratic governance. It preserves the spirit and identity of the Constitution while allowing necessary reforms.

The role of the Supreme Court of India has been central in interpreting and enforcing limitations on constitutional amendments through judicial review. The judiciary has consistently examined whether amendments violate the Basic Structure Doctrine and has struck down amendments that attempted to curtail fundamental rights or weaken constitutional governance. Judicial review thus acts as a vital mechanism for protecting individual liberties and maintaining constitutional supremacy. Through its interpretative role, the judiciary ensures that constitutional amendments serve public welfare and human rights objectives rather than political or majoritarian interests.

The constitutional amendment process demonstrates the dynamic nature of the Indian constitutional system. It balances the need for constitutional flexibility with the necessity of preserving fundamental values and human rights protections. By combining parliamentary authority with judicial oversight, the amendment framework ensures that constitutional evolution takes place within the boundaries of democratic principles and constitutional integrity.

Early Constitutional Amendments and Human Rights Concerns

The early constitutional amendments in India played a significant role in shaping the balance between state authority and individual rights. These amendments emerged during a period of political transformation and social reform when the newly independent nation was striving to establish stability while protecting democratic values. However, the introduction of certain amendments generated debates concerning the protection of human rights and the scope of governmental power. The First Constitutional Amendment and the Twenty-Fourth Constitutional Amendment were particularly significant in redefining the relationship between the state, the legislature, and fundamental rights. These amendments reflected the challenges faced by the Indian constitutional framework in reconciling governance needs with civil liberty protections.

The First Constitutional Amendment, enacted in 1951, was one of the earliest and most controversial changes to the Constitution of India. The amendment primarily sought to address

concerns related to freedom of speech and expression, which is guaranteed as a fundamental right under Article 19(1)(a). During the initial years following independence, the judiciary interpreted this right broadly and struck down several government actions that attempted to impose restrictions on speech and press freedom. The government, however, faced increasing political instability, social conflicts, and threats to public order. To address these challenges, the First Amendment introduced reasonable restrictions on freedom of speech in the interests of public order, security of the state, friendly relations with foreign states, and prevention of incitement to an offence.

While the amendment aimed to maintain social harmony and national security, it also generated widespread human rights concerns. Critics argued that the expansion of permissible restrictions provided the government with excessive power to regulate expression, thereby limiting democratic dissent. The amendment enabled the state to impose restrictions on publications, political speeches, and public discussions that were perceived as threatening public order. This created apprehension regarding the potential misuse of governmental authority to suppress opposition voices⁵. The amendment also introduced provisions relating to land reform and social justice policies by placing certain laws in the Ninth Schedule to protect them from judicial review. Although these measures were designed to promote economic equality and eliminate feudal landholding systems, they further intensified debates about the limitation of judicial oversight and the protection of fundamental rights.

From a human rights perspective, the First Amendment highlighted the complex relationship between individual liberty and collective security. The government justified the restrictions by emphasizing the need to prevent communal violence, political extremism, and social unrest in a newly independent nation. However, civil liberty advocates expressed concerns that vague definitions of public order and security could lead to arbitrary restrictions. The amendment set an important precedent for subsequent constitutional debates by establishing that fundamental rights could be regulated to achieve broader societal interests. It also marked the beginning of an ongoing constitutional dialogue regarding the permissible limits of state intervention in civil liberties.

⁵ https://docs.manupatra.in/newslines/articles/Upload/82F6F397-6AE0-4253-940E-58C9B0BDEC32.%20Amartish%20Kaur_Human%20Rights.pdf

The Twenty-Fourth Constitutional Amendment, enacted in 1971, addressed another critical constitutional issue concerning the extent of parliamentary power to amend the Constitution. This amendment was introduced in response to judicial decisions that questioned Parliament's authority to alter fundamental rights through constitutional amendments. The amendment explicitly affirmed that Parliament possessed the power to amend any provision of the Constitution, including those relating to fundamental rights. It also made it mandatory for the President to give assent to constitutional amendment bills passed by Parliament, thereby removing any scope for executive resistance to constitutional changes.

The Twenty-Fourth Amendment significantly strengthened parliamentary sovereignty and legislative authority. The government argued that this amendment was necessary to implement social and economic reforms, including policies aimed at reducing inequality and promoting distributive justice. However, the amendment also raised serious concerns regarding the potential erosion of fundamental rights. By granting Parliament extensive amendment powers, critics feared that the legislature could alter or dilute basic civil liberties without adequate safeguards. This concern was particularly relevant in the context of political developments during the late 1960s and early 1970s, when tensions between the judiciary and the legislature intensified.

From a human rights standpoint, the amendment highlighted the need to establish limits on constitutional amendment powers to prevent authoritarian misuse. The expansion of parliamentary authority raised fears that fundamental rights could be altered for political or ideological purposes. This led to increased judicial scrutiny and eventually contributed to the evolution of the basic structure doctrine, which emphasized that certain essential features of the Constitution, including the protection of fundamental rights, could not be altered even through constitutional amendments. The Twenty-Fourth Amendment thus became a turning point in the constitutional history of India by triggering a re-evaluation of the balance between parliamentary sovereignty and constitutional supremacy.

Both the First and Twenty-Fourth Amendments reflect the dynamic nature of the Indian constitutional framework. These amendments demonstrate how constitutional provisions evolved in response to changing political, social, and economic circumstances. At the same time, they underscore the persistent tension between state authority and individual freedoms. While the First

Amendment sought to regulate speech and maintain public order, the Twenty-Fourth Amendment expanded legislative power to amend the Constitution. Together, they illustrate the challenges of safeguarding human rights while ensuring effective governance.

The human rights concerns arising from these amendments also contributed to the development of stronger judicial safeguards and constitutional interpretations. They reinforced the importance of maintaining a system of checks and balances among the three organs of government. The debates surrounding these amendments continue to influence constitutional discourse in India, highlighting the need to preserve democratic values while addressing national security and social justice objectives. Ultimately, these early constitutional amendments played a crucial role in shaping India's constitutional identity by establishing the foundations for ongoing dialogue between governance authority and human rights protection.

Emergency Era Amendments and Human Rights

The period of internal emergency in India between 1975 and 1977 represents one of the most controversial phases in the constitutional and political history of the country. During this time, several constitutional amendments were enacted that substantially altered the balance of power between the executive, legislature, and judiciary, and had a profound impact on human rights and civil liberties. These amendments were introduced under the justification of ensuring political stability, strengthening governance, and promoting national unity. However, they also raised serious concerns about democratic accountability, concentration of power, and the protection of fundamental rights. Among the various constitutional changes introduced during this period, the Thirty-Eighth and Forty-Second Amendments are particularly significant due to their extensive influence on the constitutional framework and their implications for human rights protection in India.

- **The Thirty-Eighth Amendment**

The Thirty-Eighth Amendment marked a critical shift in the constitutional structure relating to emergency powers. Enacted during a time of political instability and national emergency, the amendment aimed to strengthen the authority of the executive by limiting the scope of judicial intervention in matters relating to emergency proclamations. One of the most significant changes

introduced by this amendment was the provision that made the declaration of national emergency by the executive final and conclusive, thereby placing it beyond the scope of judicial review. This meant that courts were prevented from examining the validity or necessity of the emergency declaration, effectively removing an essential safeguard against the misuse of executive power.

The amendment also extended similar protection to ordinances issued by the President and Governors, making their satisfaction in promulgating such ordinances non-justiciable. By restricting judicial scrutiny, the amendment significantly enhanced the discretionary powers of the executive. From a human rights perspective, this raised serious concerns because judicial review has traditionally served as a vital mechanism for protecting fundamental rights and preventing arbitrary state action. The absence of judicial oversight during emergency situations increased the risk of misuse of power, including unlawful detention, suppression of freedom of speech, and restrictions on political dissent.

During the emergency period, the suspension of fundamental rights further intensified the impact of the amendment. The ability of individuals to seek judicial remedies for violations of their rights was severely curtailed, leading to widespread allegations of human rights abuses. Critics argue that the amendment weakened the system of checks and balances that forms the cornerstone of democratic governance. By granting excessive authority to the executive and limiting the role of the judiciary, the amendment contributed to the erosion of constitutional safeguards designed to protect individual liberties.

However, supporters of the amendment contended that it was necessary to maintain political stability and ensure effective governance during extraordinary circumstances. They argued that emergencies require swift and decisive action by the government, and judicial interference could delay or obstruct necessary measures. Despite these justifications, the long-term impact of the amendment has been widely debated, particularly regarding its compatibility with democratic principles and the rule of law.

- **The Forty-Second Amendment: The Mini-Constitution**

The Forty-Second Amendment is often referred to as the “Mini-Constitution” because of the extensive and far-reaching changes it introduced to the constitutional framework. Enacted during

the emergency period, the amendment sought to redefine the relationship between the state and citizens by emphasizing social and economic objectives. One of its most notable contributions was the addition of the words “Socialist” and “Secular” to the Preamble, reflecting the government’s commitment to social equality and religious neutrality. These additions were intended to reinforce the ideological foundation of the Constitution and promote inclusive governance.

The amendment also strengthened the Directive Principles of State Policy by giving them greater importance in guiding state policies. By prioritizing socio-economic development and welfare measures, the amendment aimed to address social inequalities and promote distributive justice. Additionally, it introduced the concept of Fundamental Duties, emphasizing the responsibilities of citizens towards the nation, including the duty to respect the Constitution, promote harmony, and safeguard public property. These provisions sought to create a sense of civic responsibility and national unity.

Despite these progressive elements, the amendment also introduced provisions that significantly curtailed judicial review and enhanced the powers of the executive and legislature. It restricted the authority of courts to examine constitutional amendments and limited the jurisdiction of the judiciary in certain matters. This raised serious concerns regarding the independence of the judiciary, which is essential for protecting fundamental rights and maintaining constitutional supremacy. By reducing the ability of courts to review legislative and executive actions, the amendment weakened one of the primary mechanisms for safeguarding human rights.

The concentration of power in the executive during this period led to fears of authoritarian governance. Critics argued that the amendment undermined democratic values by diminishing institutional accountability and reducing the protection of individual liberties. The amendment also altered the balance between Fundamental Rights and Directive Principles, creating uncertainty regarding the enforceability of individual rights. While the emphasis on socio-economic justice was widely appreciated, the manner in which it was implemented raised concerns about the potential for state overreach.

In the years following the emergency, several provisions introduced by the Forty-Second Amendment were reconsidered and modified to restore constitutional balance and reinforce democratic safeguards. The experience of the emergency era highlighted the importance of

maintaining a strong system of checks and balances to prevent the misuse of power. It also underscored the need for judicial independence and robust constitutional protections to ensure the preservation of human rights.

The Emergency Era Amendments had a lasting impact on India's constitutional development and human rights framework. While they introduced certain progressive social objectives, they also exposed the vulnerabilities of democratic institutions during periods of political crisis. The lessons learned from this period continue to influence constitutional interpretation and reform efforts, emphasizing the importance of safeguarding civil liberties and maintaining institutional accountability in a democratic society.

Restoration of Human Rights through the Forty-Fourth Amendment

The Forty-Fourth Constitutional Amendment marked a significant turning point in the restoration and strengthening of human rights in India following the period of Emergency between 1975 and 1977. During the Emergency, several constitutional safeguards were diluted, and the executive acquired sweeping powers that resulted in widespread suspension of civil liberties. The amendment was introduced with the primary objective of preventing the misuse of emergency powers and re-establishing constitutional balance. One of the most crucial contributions of this amendment was the reinforcement of the protection of fundamental rights, particularly the right to life and personal liberty. The amendment ensured that these rights could not be suspended even during a proclamation of national emergency. This provision served as a strong safeguard against arbitrary state action and reinforced the principle that human dignity and personal freedom must remain protected under all circumstances.

Another important reform introduced by the amendment was the modification of the grounds on which a national emergency could be declared. The earlier provision allowed the declaration of emergency on the vague and broad ground of "internal disturbance," which created scope for misuse by the executive authority. The amendment replaced this expression with the more specific and narrower term "armed rebellion." This change significantly reduced the discretionary powers of the government and ensured that emergency powers could only be invoked in situations of serious internal threat to national security. By narrowing the scope of emergency declaration, the

amendment strengthened democratic governance and reduced the possibility of arbitrary suspension of constitutional rights.

The amendment also played a vital role in restoring judicial review, which had been weakened during the Emergency period. By reaffirming the authority of courts to examine the validity of governmental actions, the amendment strengthened the system of checks and balances that is essential in a democratic framework. Judicial review acts as a critical mechanism for protecting individual rights and preventing abuse of executive power. Furthermore, the amendment restored several democratic processes and reinforced the accountability of the government to constitutional principles.

The Forty-Fourth Amendment is widely regarded as a landmark reform in the constitutional history of India. It restored public confidence in democratic institutions and reaffirmed the commitment of the Constitution to protect civil liberties and human rights. By limiting emergency powers, strengthening judicial oversight, and safeguarding fundamental freedoms, the amendment ensured that the constitutional framework remained aligned with democratic values and the rule of law.

Social Justice Amendments and Human Rights Expansion

The evolution of constitutional amendments in India reflects the continuous effort to harmonize legal frameworks with the ideals of social justice and human rights. Over time, the Constitution has been amended to address structural inequalities and promote inclusive governance. Certain amendments have played a transformative role in expanding socio-economic rights, strengthening democratic participation, and ensuring access to education. These amendments illustrate the dynamic nature of constitutional law in responding to changing social realities and developmental challenges. Among these, significant milestones include the Forty-Seventh Amendment, which reinforced land reform measures, the Seventy-Third and Seventy-Fourth Amendments, which institutionalized local self-governance, and the Eighty-Sixth Amendment, which recognized education as a fundamental right.

- **The Forty-Seventh Amendment and Land Reforms**

The Forty-Seventh Amendment represented an important step in advancing agrarian reforms and addressing long-standing inequalities in land ownership. Land reforms were considered essential

for achieving socio-economic justice in a society where land distribution historically remained concentrated among a limited section of the population. By expanding the Ninth Schedule to include additional land reform laws, the amendment sought to protect these laws from judicial invalidation. The underlying objective was to facilitate the redistribution of land, eliminate intermediary interests, and ensure that agricultural resources were accessible to landless farmers and economically disadvantaged communities.

This amendment strengthened the government's authority to implement policies aimed at equitable resource distribution, thereby supporting the broader constitutional goal of reducing economic disparities. Land reforms contributed significantly to improving rural livelihoods by providing marginalized groups with ownership rights and economic security. The redistribution of land also had a social dimension, as it reduced feudal structures and promoted social mobility among historically oppressed communities.

However, the expansion of the Ninth Schedule raised important constitutional concerns. By shielding certain laws from judicial review, the amendment generated debates about the balance between socio-economic reform and the protection of fundamental rights. Critics argued that absolute immunity from judicial scrutiny could potentially allow the enactment of laws that might violate equality and property rights. The tension between promoting collective welfare and preserving individual rights highlighted the complexity of implementing transformative reforms within a constitutional democracy. Despite these concerns, the amendment remains significant for its role in advancing distributive justice and addressing structural inequalities in rural India.

- **The Seventy-Third and Seventy-Fourth Amendments**

The Seventy-Third and Seventy-Fourth Amendments marked a major shift in India's governance structure by granting constitutional recognition to local self-governing institutions. These amendments introduced a decentralized system of governance by strengthening Panchayati Raj institutions in rural areas and urban local bodies in cities and towns. The objective was to promote participatory democracy and ensure that governance became more responsive to local needs and developmental priorities.

One of the most transformative aspects of these amendments was the introduction of reservations for women, Scheduled Castes, and Scheduled Tribes in local governance institutions. By mandating representation for historically marginalized groups, these amendments aimed to address social exclusion and promote political empowerment. The reservation of seats for women, in particular, significantly increased female participation in public decision-making and contributed to the emergence of women leaders at the grassroots level. This shift not only enhanced gender equality but also ensured that governance structures became more inclusive and representative.

The amendments also strengthened accountability and transparency in governance by bringing decision-making closer to the people. Local bodies were empowered to plan and implement development programs related to health, education, sanitation, and infrastructure. This decentralization enhanced community participation and enabled citizens to actively engage in governance processes. By recognizing local self-governance as a constitutional principle, these amendments reinforced democratic values and expanded the scope of political rights as an essential component of human rights protection.

- **The Eighty-Sixth Amendment and Right to Education**

The Eighty-Sixth Amendment marked a significant advancement in the recognition of education as a fundamental human right. By making education compulsory and free for children between the ages of six and fourteen years, the amendment acknowledged the central role of education in promoting human dignity, equality, and socio-economic development. Education was no longer treated merely as a directive principle but was elevated to the status of a fundamental right, thereby imposing a constitutional obligation on the state to ensure its implementation.

The amendment strengthened the social justice framework by recognizing education as a tool for empowerment and social transformation. Access to quality education enables individuals to develop skills, secure employment opportunities, and participate effectively in democratic processes. It also plays a crucial role in reducing poverty, eliminating social discrimination, and promoting gender equality. By guaranteeing educational access, the amendment sought to create a more equitable society where children from disadvantaged backgrounds could overcome structural barriers.

Furthermore, the amendment emphasised the responsibility of parents and guardians to ensure that children receive education, thereby reinforcing the shared responsibility between the state and society. Despite its progressive objectives, the effective implementation of the right to education has faced challenges such as inadequate infrastructure, teacher shortages, and disparities in educational quality. Nevertheless, the amendment remains a landmark development in the expansion of socio-economic rights and represents a crucial step toward realizing the constitutional vision of social justice and human development.

Judicial Interpretation and Protection of Human Rights

The judiciary has played a crucial role in interpreting constitutional amendments and protecting human rights⁶. The Basic Structure Doctrine, developed through landmark judicial decisions, ensures that constitutional amendments do not destroy fundamental constitutional principles.

Judicial interpretation has expanded the scope of human rights by recognising rights such as privacy, environmental protection, and access to justice. Courts have also provided remedies for violations of fundamental rights, including compensation and public interest litigation.

Challenges and Criticism of Constitutional Amendments

Despite their importance, constitutional amendments have faced several criticisms. Some amendments have been accused of centralizing power and limiting judicial review. Emergency-era amendments demonstrated how constitutional changes could be used to suppress civil liberties.

Another challenge is the conflict between Directive Principles and Fundamental Rights. While Directive Principles aim to promote social welfare, their implementation sometimes affects individual rights. Balancing these competing interests remains a significant challenge.

⁶ Justice J.S. Verma, Second Justice M. Hidayatullah Memorial Lecture “Protecting Human Rights through the Judicial Process” on 21 December 2002 at Raipur, 15, available at <http://nhrc.nic.in/Documents/JHidyaMemo-II.pdf>

Political motivations behind amendments also raise concerns regarding constitutional stability and protection of minority rights. Frequent amendments may undermine constitutional integrity and democratic values.

Comparative Perspective

Comparative constitutional analysis shows that many democratic nations adopt constitutional amendments to address evolving human rights challenges. India's amendment process reflects a balance between rigidity and flexibility. Judicial safeguards such as the Basic Structure Doctrine provide additional protection against constitutional misuse.

Future Prospects and Recommendations

To strengthen human rights protection, constitutional amendments must be guided by democratic principles and public participation⁷. Greater transparency in the amendment process is essential. Judicial independence must be preserved to ensure effective constitutional review.

The government should focus on effective implementation of socio-economic rights and ensure equitable distribution of resources. Legal awareness programs and institutional reforms can enhance human rights protection.

Conclusion

Constitutional amendments have played a vital role in shaping human rights in India. While some amendments have expanded civil liberties and social justice, others have raised concerns regarding executive authority and erosion of democratic safeguards. The dynamic nature of constitutional amendments reflects India's commitment to adapting its legal framework to changing societal needs.

The judiciary has emerged as a guardian of human rights by ensuring that amendments conform to constitutional principles. The Basic Structure Doctrine remains a powerful safeguard against

⁷ Constitution of the federal Republic of Iraq, Article 25: The State guarantees the reform of the Iraqi economy in accordance with modern economic principles to ensure the full investment of its resources, diversification of its sources and the encouragement and the development of the private sector.

constitutional misuse. Moving forward, constitutional amendments must prioritize human dignity, equality, and democratic governance to uphold the constitutional vision of justice and liberty.

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