

UPSC Civil Services Examination

Political Science & International Relations for IAS Prelims and Mains

Topic: 44th Amendment of Indian Constitution- Indian Polity Notes

What is 44th Amendment in Indian Constitution?

44th Amendment is an act that was introduced into the constitution by 45th Amendment Bill in the year 1978. In 1976, with the introduction of the 42nd Amendment Act, there were various provisions that were amended against the will of the citizens hence, to reverse those changes and safeguard the interests of the nation, 44th Amendment Act was called into action.

Similar to the 44th amendment act, there are several other important amendments in the Indian Constitution for UPSC that you may like to read from the linked article for civil services exam preparation.

What Changes 44th Amendment made in the Constitution?

44th Amendment made a few changes in the provisions of the constitution. They are given in points below:

- Any changes in the basic structure of the constitution can be made only if they are approved by the people of India by a majority of votes at a referendum in which at least fifty-one per cent of the electorate participated. Article 368 is being amended to ensure this.
- Right to Property was removed from the list of fundamental rights (Article 31) and was made a legal right under Article 300A.
- Proclamation of Emergency can be issued only when the security of India or any part of its territory is threatened by war or external aggression or by armed rebellion. Internal disturbance not amounting to armed rebellion would not be a ground for the issue of a Proclamation.
- An emergency can be proclaimed only on the basis of written advice tendered to the President by the Cabinet.
- The right to liberty is further strengthened by the provision that law for preventive detention cannot authorise, in any case, detention for a longer period than two months, unless an Advisory Board has reported that there is sufficient cause for such detention.
- Right of the media to report freely and without censorship the proceedings in Parliament and the State Legislatures.