The Constitution (First Amendment) Act, 1951

Mains: *GS-II – Polity & Governance*

Why in News?

June 18, 2026, was marked the 75 years of the Constitution (First Amendment) Act, 1951.

What about the Constitution (First Amendment) Act, 1951?

- **Background** – It was enacted in June 1951, just 15 months after the Constitution came into force.
- **Purpose** – It was introduced by Prime Minister Jawaharlal Nehru to resolve difficulties arising from judicial interpretations of fundamental rights that struck down laws restricting speech and property rights.
- **3 fundamental changes in**
  - The right to freedom of speech,
  - The right to freedom from discrimination, and
  - The right to property.

What were the major provisions of the Constitution (First Amendment) Act, 1951?

- **Freedom of Speech & Expression** – Article 19(1)(a) was amended to allow reasonable restrictions on free speech.
- Restrictions could be imposed in the interests of
  - Security of the State
  - Public order
  - Friendly relations with foreign states
  - Decency or morality
  - Contempt of court, defamation, or incitement to an offence
- This effectively reintroduced limits similar to colonial-era sedition laws.
- **Land Reforms & Property Rights** – Article 31A & 31B were inserted to protect agrarian reform laws like zamindari abolition from being challenged in courts.
- The Ninth Schedule was created to shield specific land reform acts from judicial review.
- **Social Justice & Backward Classes** – Article 15(4) was added to permit special provisions for socially and educationally backward classes, Scheduled Castes, and Scheduled Tribes.
- It strengthened the Directive Principle in Article 46, which called for promoting the welfare of weaker sections.
- **Parliamentary & State Legislature Procedures** – The amendments to Articles 85,

87, 174, and 176 clarified rules on sessions, prorogation, and dissolution of Parliament and State Legislatures; it allowed more flexibility in legislative functioning.

What are the key judicial interpretations that led to the Constitution (First Amendment) Act, 1951?

- **Romesh Thapar v. State of Madras (1950)** – The Supreme Court struck down press censorship and public order laws.
- The Court ruled that the freedom of speech under Article 19(1)(a) could only be restricted on grounds explicitly listed in the Constitution.
- **State of Madras v. Champakam Dorairajan (1951)** – The Supreme Court struck down the Madras government's Communal General Order (caste-based quotas in educational institutions).
- The Court ruled that it violated the Articles 15(1) and 29(2) (prohibition of discrimination).
- This led to the insertion of Article 15(4), allowing states to make special provisions for socially and educationally backward classes, SCs, and STs.
- **Right to Property & Land Reforms** – Several High Courts across the country have struck down zamindari abolition laws as violating Article 31 (Right to Property).
- To safeguard these socioeconomic programs, the Parliament inserted Articles 31A & 31B and created the Ninth Schedule to protect agrarian reform laws from judicial review.

What are the criticisms of the First Constitutional Amendment Act?

- **Power under Article 31(A)** – Article 31(A) has protected land reform laws from judicial review cannot be challenged for violating Articles 14 and 19, but critics argued it weakened individual rights in favor of state authority.
- **Limitations on right to free speech & expression** – Three more grounds of restrictions (Public order, friendly relations with foreign states & Incitement to an offence) were introduced with this amendment, 1951.
- This raised several questions and was called ‘arbitrary state action’ by many judicial scholars, & it weakened constitutional protections against misuse of power.
- **Misuse of the Ninth Schedule** – Initially, the Ninth Schedule was inserted only for agrarian reforms; it later included around 270 laws.
- The Governments began placing any law that risked being struck down as unconstitutional into the Ninth Schedule.
- This practice was widely criticized as a misuse of power, since it allowed laws to bypass judicial review.

What is the significance of India’s first constitutional amendment act?

- **Balancing Freedom & Stability** – The First Amendment sought to balance individual freedoms with state stability by ensuring that democracy could survive in its early, fragile years.
- **Land Redistribution** – It enabled land reforms and redistribution, which became a cornerstone of India’s socio-economic transformation by empowering peasants and dismantling feudal structures.

- **Foundation for Affirmative Action** – It laid down the foundation for affirmative action policies, allowing special provisions for backward classes, Scheduled Castes, and Scheduled Tribes to promote social justice.
- **Judiciary-Legislature Relations** – It set a precedent for resolving conflicts between the judiciary and legislature through constitutional amendments, strengthening the role of Parliament in shaping India's governance.

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References

1. Indian Express | Revisiting the First Amendment - created the architecture of state control in India
2. S3Waas | The Constitution (First Amendment) Act, 1951

