Article 368
Power of Parliament to amend the Constitution and procedure therefor

(1) Notwithstanding anything in this Constitution, Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article.

(2) An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon] the Constitution shall stand amended in accordance with the terms of the Bill:

Provided that if such amendment seeks to make any change in

(a) article 54, article 55, article 73, article 162, article 241 or article 279A; or

(b) Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part XI; or

(c) any of the Lists in the Seventh Schedule; or

(d) the representation of States in Parliament; or

(e) the provisions of this article, the amendment shall also require to be ratified by the Legislatures of not less than one-half of the States by resolutions to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent.

(3) Nothing in article 13 shall apply to any amendment made under this article.

(4) No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article whether before or after the commencement of section 55 of the Constitution (Forty-second Amendment) Act, 1976 shall be called in question in any court on any ground.

(5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article.

Amendment notes

1 Subs. by the Constitution (Twenty-fourth Amendment) Act, 1971, s. 3, for "Procedure for amendment of the Constitution" (w.e.f. 5-11-1971).

2 Ins. by s. 3, ibid. (w.e.f. 5-11-1971).

3 Art. 368 re-numbered as cl. (2) thereof by s. 3, ibid. (w.e.f. 5-11-1971).

4 Subs. by s. 3, ibid., (w.e.f. 5-11-1971).

5 Subs. by the Constitution (One Hundred and First Amendment) Act, 2016, s. 15, for the words and figures "article 162 or article 241" (w.e.f. 16-9-2016).

6 The words and letters "specified in Part A and Part B of the First Schedule" omitted by the Constitution (Seventh Amendment) Act, 1956, s. 29 and Sch. (w.e.f. 1-11-1956).

7 Ins. by the Constitution (Twenty-fourth Amendment) Act, 1971, s. 3 (w.e.f. 5-11-1971).

8 Ins. by the Constitution (Forty-second Amendment) Act, 1976, s. 55 (w.e.f. 3-1-1977). This section has been declared invalid by the Supreme Court in Minerva Mills Ltd. and Others Vs. Union of India and Others AIR 1980 SC 1789.