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EDITORIAL ANALYSIS

Seventy-Five Years of the First Amendment

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Seventy-Five Years of the First Amendment


The Indian Express 20 June 2026 **GS2**

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INTERVIEW ANGLE

"Was the First Amendment a necessary correction by the framers themselves, or the original sin of amending the Constitution to defeat the courts?"

Source: [Original editorial](#)  [The Indian Express](#)


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WHY THIS MATTERS NOW

This year marks seventy-five years since the First Amendment to the Constitution of India, enacted in 1951. It was the republic's first act of self-revision, made barely sixteen months after the Constitution came into force, and it touched the most sensitive nerves of the new democracy: free speech, equality, and property. The amendment reversed early Supreme Court rulings and, in doing so, set a precedent whose echoes run through every later clash between Parliament's power to amend and the judiciary's power to review.

THE CRUX IN 60 WORDS

When the Supreme Court read free speech and equality broadly in cases like *Romesh Thappar*, Parliament responded by amending the Constitution itself. The First Amendment added reasonable restrictions to Article 19(2), inserted Article 15(4) for backward classes, and created the Ninth Schedule to shield land reforms from review. It established the enduring template of amending rights to override the courts.

THE ISSUE, DECODED

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ELEMENT	WHAT IT IS	WHY IT MATTERS
First Amendment, 1951	Earliest constitutional amendment	Set the precedent for overriding court rulings
Article 19(2) change	Added reasonable and new grounds	Recalibrated limits on free speech
Article 15(4)	Special provisions for backward classes	Enabled reservation after a court setback
Ninth Schedule and 31B	Immunised listed laws from review	Protected land reforms from challenge
Romesh Thappar (1950)	Struck down a speech restriction	Triggered the free-speech recalibration

THE ANALYSIS: A FOUNDING RECALIBRATION

- The trigger was judicial.** Early rulings, especially Romesh Thappar on free speech and decisions threatening land reform and reservations, exposed gaps between the text as written and the policies the new state wished to pursue.
- Free speech was rebalanced.** The amendment inserted the word reasonable before restrictions and added grounds such as public order, friendly relations with foreign states, and incitement to an offence into Article 19(2), narrowing the expansive reading the Court had given.
- Equality and property were addressed.** Article 15(4) permitted special provisions for backward classes, while the new Ninth Schedule, read with Article 31B, placed listed land-reform laws beyond the reach of fundamental-rights challenge.
- The precedent outlived the moment.** Whatever its merits, the amendment normalised the practice of amending the Constitution to defeat an unwelcome judicial interpretation, a practice that recurred until the basic structure doctrine (<https://ujivari.com/terms/basic-structure-doctrine/>) set an outer boundary.

DATA AND INSTITUTIONS VAULT

Amended Articles 15, 19, 31; added Articles 31A and 31B and the Ninth Schedule.

Grounds for reasonable restrictions on free speech, expanded by the First Amendment.

Early free-speech ruling that the amendment responded to.

Mechanism to shield listed laws from judicial review (<https://ujivari.com/terms/judicial-review/>).

Basic structure doctrine that later limited the amendment power.

THE DEBATE

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The argument for is that the amendment was a legitimate, even necessary, correction by the framers themselves, responding to real gaps that early litigation had exposed in land reform, public order, and social justice.

The argument against is that it set the original template of using the amending power to override inconvenient court rulings, beginning a long pattern of legislative-judicial confrontation.

The balanced verdict: both readings hold truth. The amendment addressed genuine needs, yet it also normalised a risky practice. The eventual answer was not to deny the amending power but to bound it through the basic structure doctrine.

HOW TO THINK ABOUT THIS (TRANSFERABLE SKILL)

When evaluating a constitutional amendment, separate its substance from its precedent. The First Amendment's substance, enabling land reform and social-justice measures, may be defensible, while its precedent, amending to override courts, is troubling. Good constitutional analysis holds both in view rather than collapsing into pure praise or pure condemnation. The same dual lens applies to every later amendment that responded to a judicial ruling.

DIAGRAM-IN-WORDS

Court reads right broadly -> Policy threatened -> Parliament amends right -> Ruling overridden -> Precedent set -> Basic structure later limits this

THE WAY FORWARD

- ① **Read the episode as constitutional history**, understanding both the genuine needs it met and the precedent it set.
- ② **Locate the discipline** that followed in the basic structure doctrine, which curbed unchecked amendment.
- ③ **Use it to teach** the perpetual negotiation between an amending legislature and a reviewing judiciary.
- ④ **Apply the lesson** to contemporary debates on amendments that respond to court rulings.
- ⑤ **Defend reasonable restrictions** while guarding against their expansion into suppression of dissent (<https://ujjiyari.com/vocab/dissent/>).

THE TAKEAWAY BOX

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A cornerstone for the amendment-versus-judiciary debate and the evolution of free-speech jurisprudence (<https://ujijari.com/terms/jurisprudence/>).

“When a court reads a right expansively, amend the right.”

First Amendment (1951), Article 19(2), Article 15(4), Ninth Schedule, Article 31A and 31B, Romesh Thappar, Kesavananda Bharati.

When a democratically elected legislature overrides a court, where does the legitimate exercise of popular will end and the erosion of constitutional checks begin?

Connects to past questions on the basic structure doctrine and the amendment power under Article 368.

Free speech jurisprudence, judicial review, land reforms, and reservation policy.

Sources: *Indian Express* (<https://indianexpress.com/section/opinion/editorials/>), *PRS Legislative Research* (<https://prsindia.org/>)

Source: [Seventy-Five Years of the First Amendment](#) — [Ujijari.com](https://ujijari.com) | Free UPSC & State PCS Editorial Analysis

KEY ARGUMENTS AT A GLANCE

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The 1951 First Amendment reversed early Supreme Court rulings on free speech and equality, setting the lasting precedent of amending the Constitution to override inconvenient judicial decisions.

 **SUPPORTING**

- It added the word reasonable and new grounds to the restrictions on free speech under Article 19(2).
- It created the Ninth Schedule to shield land-reform laws from judicial review.
- It inserted Article 15(4) to permit special provisions for backward classes after a court setback.

 **COUNTER**

The amendment was enacted by the very Constituent Assembly figures who framed the document, responding to genuine gaps exposed by early rulings on land reform and public order.

 **WAY FORWARD**

Treat the episode as a lesson in calibrating amendment power against judicial review, later disciplined by the basic structure doctrine.


MAINS ANSWER FRAMEWORK

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QUESTION

'The First Constitutional Amendment of 1951 reshaped the balance between free speech and the state. Critically evaluate its legacy for the amendment-versus-judiciary tension. (250 words)'

INTRODUCTION

Within sixteen months of the Constitution coming into force, Parliament amended it. The First Amendment of 1951 reshaped free speech, equality, and property rights, and in doing so framed a question that has never fully closed: how far may the legislature go to undo a court ruling?

BODY

The Supreme Court's early decisions unsettled the new republic. In *Romesh Thappar* the Court struck down restrictions on free speech that did not fit the narrow grounds then listed, while other rulings imperilled land-reform statutes and reservation policies.

The First Amendment responded by adding the word reasonable and fresh grounds, including public order and incitement to an offence, to the restrictions in Article 19(2). It inserted Article 15(4) to permit special provisions for socially and educationally backward classes, and it created the Ninth Schedule along with Article 31B to immunise listed laws, chiefly land reforms, from judicial review.

Defenders note that the amendment was steered by the same leaders who drafted the Constitution, plugging gaps that early litigation had exposed. Critics counter that it established a template: when a court reads a right expansively, amend the right.

That template recurred across decades, until the basic structure doctrine in *Kesavananda Bharati* placed an outer limit on amendment power.

CONCLUSION

At seventy-five, the First Amendment is neither villain nor hero but a founding lesson in the perpetual negotiation between an amending Parliament and a reviewing judiciary. Its true legacy is the basic structure check that eventually disciplined that power.


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