

www.prismaticinstitute.com



Brief History of Indian Constitution/Amendment

**Regd. Office:-A-53, 3rd Floor Prashant Vihar Rohini Sector 14
New Delhi-110085**

Regd. Office:-A-53 3rd Floor Prashant Vihar Rohani Sector 14, New Delhi-110085

CONTACT ON:9971053929/7275253434



Constitution of India

The Republic of India is located in South Asia and bordered by Pakistan, China, Bangladesh, Myanmar, Nepal and Bhutan – all historically part of the Indian subcontinent or greater India. It is the world's seventh largest country in terms of geographical size. It is also the world's largest democracy demographically and the second most populous country after China. It is also a very diverse country with different cultures and religions mutually coexisting. Hindi and English are the official languages for federal business while the constitution recognizes the existence of many other languages.

Political system and history

Its system of government is parliamentary and based on the Westminster model. India first came into contact with the west in the early 18th century when it was annexed by the British East India Company. In the mid 19th century, it fell under British colonial rule. The colonial administration in British India or British Raj – as it was also called - was headed by a Viceroy who also cumulated the title of Governor General until 1947 when a struggle for independence, marked by a widespread non violent resistance movement resulted in independence from the British Colonial Empire.

Constitutional history and development

Prior to the constituent assembly that convened in 1948 to draft the Indian constitution adopted in 1950 and still in force to date, the fundamental law of India was mostly embodied in a series of statutes enacted by the British Parliament. Key among them was the Government of India Acts of 1919 and 1935.

The Government of India Act of 1919

Passed as a measure of gratitude for India's role in world war one, the primary purpose of this act was to expand native participation in the government. Key reforms of the Act were the establishment of a dual form of government with limited powers for the major provinces. The imperial legislative council was transformed into a bicameral legislature for all India. Finally, the Act established the position of a High Commissioner with residence in London to Represent India in the United Kingdom.

The Government of India Act of 1935

- This Act was adopted in response to opposition and criticisms from the National Congress of India to the 1919 Act for doing too little in terms of granting autonomy. Its key provisions included:
- Abolition of the dual form of government or diarchy and the granting of a larger degree of autonomy for the provinces
- Establishment of a Federation of India (which never came into force though)
- Introduction of direct suffrage and extension of the franchise to 37 million people from the original 5 million
- Membership of the provincial assemblies was altered so as to include more elected Indian representatives, who were now able to form majorities and be appointed to form governments



- The establishment of a Federal Court

The Constituent Assembly of 1948 and the Constitution of 1950

In 1946, the British decided to examine the possibility of granting independence to India. As a result, a British cabinet mission was dispatched to India to (1) hold discussions with the representatives of British India and the Indian States in order to agree on the framework for writing a constitution, and (2), set up a constituent body and an executive council. Following this mission and the ensuing negotiations, a Constituent Assembly was indirectly elected by the provincial legislatures comprising 278 representatives and 15 women. Parties represented in the CA were the Congress Party which had a majority, Muslim League, Scheduled Caste Federation, the Indian Communist Party and the Union Party. The CA met for the first time in December 1946 and by November 1949 the draft constitution was approved. The constitution went into effect in January 1950 and the CA was transformed into a Provisional Parliament.

The Constitution which is still in force has been amended over 90 times making it one of the most frequently amended constitutions in the world. It is also known to be one of the longest and most detailed in the world with 395 articles and 10 appendixes called schedules. Extensively modeled on western legal and constitutional practice, its key features include:

- The establishment of a federal system with residual powers in a central government
- A list of fundamental rights
- A Westminster style parliamentary system of government

Key timelines in the 1948 constitutional process

1946 Britain decides on to grant independence to India and cabinet mission is dispatched to India to discuss modalities for transfer of power

29 August 1947 Drafting committee is established

6 December 1947 Constituent Assembly formally convenes for the first time, following elections, to start the process of writing a constitution.

4 November 1947 Draft is finalized and submitted

1948 – 1949 Constituent Assembly meets in sessions open to the public

26 November 1949 Constituent Assembly adopts final draft making it official

26 Jan 1950 Entry into force of the new constitution



PREAMBLE

- **WE, THE PEOPLE OF INDIA**, having solemnly resolved to constitute India into a **SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC** and to secure to all its citizens **JUSTICE SOCIAL, ECONOMIC** and **POLITICAL LIBERTY** of thought, expression, belief, faith and worship; **EQUALITY** of status and of opportunity; and to promote among them all **FRATERNITY** assuring the dignity of the individual and the **UNITY** and **INTEGRITY** of the nation; **IN OUR CONSTITUENT ASSEMBLY** this twenty-sixth day of November 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION**

- The phrase “**We the people of India**” emphasizes that the constitution is made by and for the Indian people and not given to them by any outside power.
 - It is indicated by the Preamble that the **source of authority** of the Constitution lies with the **people of India**.
 - Preamble declares India to be a **sovereign, socialist, secular and democratic republic**.
 - The objectives stated by the Preamble are to **secure justice, liberty, equality to all citizens and promote fraternity to maintain unity and integrity of the nation**.
-
- **Sovereign:** India is a sovereign state. It means that India is a supreme power and no internal groups or the external authority could undermine the authority of the Indian government.
 - **Socialist:** Indian form of socialism is democratic socialism and not communist socialism. Democratic socialism believes in mixed economy. While In communist socialism state owns the means of production and distribution and citizens rely on the government for everything, from food to healthcare.
 - **Secular:** India is a secular country which has no State religion. And that the state shall recognize and accept all religions, not favour or patronize any particular religion. The term ‘Secular’ was added to the preamble by the forty-second constitution Amendment Act of 1976.
 - **Democratic:** The term is derived from the Greek word dēmokratia, which was coined from dēmos (“people”) and kratos (“rule”) it is a system in which the government of a country is elected by the people.
 - **Republic:** India is a state where the Head of the state is elected by the people and not a hereditary monarch.
 - **Justice:** It is necessary to maintain order in society that is promised through various provisions of **Fundamental Rights** and **Directive Principles of State Policy** provided by the Constitution of India. It comprises three elements, which is **social, economic, and political**.
 - **Equality:** The term ‘Equality’ means no section of society has any special privileges and all the people have given equal opportunities for everything without any discrimination. Everyone is equal before the law.



- **Liberty:** The term 'Liberty' means freedom for the people to choose their way of life, have political views and behavior in society. Liberty does not mean freedom to do anything; a person can do anything but in the limit set by the law.
- **Fraternity:** The term 'Fraternity' means a feeling of brotherhood and an emotional attachment with the country and all the people. Fraternity helps to promote dignity and unity in the nation.

Salient Feature of the Constitution

LONGEST KNOWN WRITTEN CONSTITUTION

India's Constitution is the longest of all the world's written constitutions. It is an extremely thorough, elaborate, and detailed document. The original constitution, written in 1949, had 395 articles divided into 22 parts. The constitution originally had eight schedules. However, the constitution has been amended numerous times since its inception, adding new articles, parts, and schedules. The Indian Constitution has 448 articles divided into 25 parts and 12 schedules as of January 2019. Several factors have contributed to our Constitution's colossal size. They are as follows: The country's size and diversity are reflected in its geography.

The Government of India Act, 1935, is the source of the majority of the constitution. In the constituent assembly, legal luminaries have a disproportionate amount of power. Not only do the fundamental principles of governance appear in the Constitution, but so do the administrative provisions. Furthermore, issues that would normally be left to ordinary legislation or established political conventions in other modern democratic countries have been included in the Indian constitution. To reduce litigation, the Indian constitution incorporates some judicial interpretations, which has also added to the bulk of the Constitution.

DRAWN FROM VARIOUS SOURCES

The majority of the provisions of the Indian constitution are largely borrowed from other known world constitutions. The constituent assembly studied a number of constitutions before drafting one that incorporated all of the provisions that were most applicable to India's diversity. Dr. B R Ambedkar proudly declared that the Indian Constitution was drafted after "ransacking" all known world constitutions.

BLEND OF RIGIDITY AND FLEXIBILITY

One of the most distinguishing features of the Indian Constitution is that it aims to give a written federal constitution some flexibility. The American Constitution, for example, is a rigid Constitution that requires a special procedure for amendment. A flexible constitution, on the other hand, is one that can be changed in the same way that ordinary laws can be changed, such as the British Constitution. India's constitution is neither rigid nor flexible, but rather a hybrid of the two.



There are two types of amendments allowed under Article 368: A special majority of the Parliament, i.e. a two-thirds majority of the members of each House present and voting, and a majority (that is, more than 50%) of the total membership of each House, can amend some provisions. Other provisions can be changed with a special majority of the Parliament and ratification by half of the total number of states.

Simultaneously, the Parliament has been given the power to change or modify many of the constitution's provisions by simple majority and through ordinary legislative procedure, with the caveat that such changes will not be considered "amendments" to the constitution. These amendments are notable in that they are not covered by Article 368. The doctrine of basic structure has further limited the parliament's amending powers since Keshavananda Bharti.

FEDERAL SYSTEM WITH UNITARY BIAS

India's Constitution is primarily federal, with some unitary features. It contains all of the essential elements of a federal polity, including:

- Dual Government
- Division of Powers
- Supremacy of the Constitution
- Authority of Courts
- Bicameralism

The Indian Constitution, on the other hand, includes a strong Centre, a single Constitution, a single citizenship, constitutional flexibility, an integrated judiciary, the appointment of state governors by the Centre, all-India services, emergency provisions, and so on.

Furthermore, the term "federation" appears nowhere in the Constitution. Article 1 of the Indian Constitution refers to India as a "Union of States," implying two things: first, the Indian Federation is not the result of a state-to-state agreement, and second, no state has the right to secede from the federation.

As a result, the Indian Constitution has been dubbed "federal in form but unitary in spirit" by K C Where, "quasi-federal" by Morris Jones, "bargaining federalism" by Granville Austin, "co-operative federalism" by Granville Austin, "federation with a centralising tendency" by Sir Ivor Jennings, and so on.

Prof Alexandrowicz, an ardent observer of the Indian constitution, has gone to great lengths to refute the notion that the Indian federation is a "quasi-federation." In fact, he claims that "India is a one-of-a-kind case."



PARLIAMENTARY FORM OF GOVERNMENT

The Indian Constitution has chosen the British parliamentary system of government over the presidential system of the United States. The presidential system is based on the doctrine of separation of powers, whereas the parliamentary system is based on the principle of cooperation and coordination between the legislative and executive organs.

The Westminster model of government, responsible government, and cabinet government are all terms used to describe the parliamentary system. Not only at the federal level, but also at the state level, the Constitution establishes a parliamentary system. The following are the characteristics of India's parliamentary government:

- a) Presence of nominal and real executives;
- b) Majority party rule,
- c) Collective responsibility of the executive to the legislature,
- d) Membership of the ministers in the legislature,
- e) Leadership of the prime minister or the chief minister,
- f) Dissolution of the lower House (Lok Sabha or Assembly).

Despite the fact that the Indian Parliamentary System is largely based on the British model, there are some key differences. The Indian Parliament, for example, is not a sovereign body like the British Parliament. In addition, the Indian state has an elected (republic) head, whereas the British state has a hereditary head (monarchy). The role of the Prime Minister in a parliamentary system, whether in India or the United Kingdom, has become so important and crucial that political scientists refer to it as a "Prime Ministerial Government."

WESTMINSTER SYSTEM

The Westminster system is a democratic parliamentary system of government modelled after the parliamentary system of the United Kingdom. A series of procedures for running a legislature make up this system. The Sovereign (the Queen-in-Parliament), the House of Lords, and the House of Commons are the three parts of the British Parliament (the primary chamber). The two houses convene at the Palace of Westminster in the City of Westminster, one of London's inner boroughs.

RECONCILIATION BETWEEN PARLIAMENTARY SOVEREIGNTY AND JUDICIAL REVIEW

The Indian constitution brilliantly bridges the gap between the American system of judicial supremacy and the English principle of parliamentary supremacy by giving the judiciary the power to declare a law unconstitutional if it is beyond the legislature's competence under the constitution's distribution of powers, or if it is in violation of the constitution's fundamental rights or any other legally binding obligation. As much as is possible within the bounds of a written constitution, our constitution thus



places supremacy in the hands of the legislature (Art 368). As a result, the scope of judicial review in India is narrower than in the United States, and the Indian parliament is weaker than the British parliament. The Indian constitution is unique and appealing because of this beautiful synthesis. In a nutshell, India has steered clear of the extremes.

INTEGRATED AND INDEPENDENT JUDICIARY

The Indian Constitution establishes an integrated and independent judicial system. The Supreme Court is the highest court in India's integrated judicial system. There are state-level high courts beneath it. A hierarchy of subordinate courts, such as district courts and other lower courts, exists beneath a high court. Unlike the United States, where federal laws are enforced by the federal judiciary and state laws are enforced by the state judiciary, this single system of courts enforces both central and state laws. The Supreme Court is the highest court of appeal in the United States, as well as the guarantor of citizens' fundamental rights and the protector of the Constitution.

FUNDAMENTAL RIGHTS SUBJECT TO REASONABLE RESTRICTIONS

The term "fundamental rights" refers to a set of rights that protect liberty and freedom. They are fundamental, and the state cannot infringe on them. The American experience, on the other hand, shows that a written guarantee of fundamental rights has a tendency to create an individualistic-centered society and state, which can be dangerous to the general welfare at times. As a result, our constitution's guarantee of individual rights has been delicately balanced with the need for state security. This has been accomplished by including reasonable restrictions in Part III of the constitution (the section dealing with Fundamental Rights). Six fundamental rights are guaranteed by Part III of the Indian Constitution.

- 1) Right to Equality (Articles 14–18)
- 2) Right to Freedom (Articles 19–22)
- 3) Right against Exploitation (Articles 23–24)
- 4) Right to Freedom of Religion (Articles 25–28)
- 5) Cultural and Educational Rights (Articles 29–30)
- 6) Right to Constitutional Remedies (Article 32)

The purpose of the Fundamental Rights is to promote the idea of political democracy. They serve as checks on the executive's tyranny and the legislature's arbitrary laws. They are justiciable in nature, which means that they can be enforced by the courts if they are broken. For the restoration of his rights, the aggrieved person can go directly to the Supreme Court, which can issue writs of habeas corpus, mandamus, prohibition, certiorari, and quo warranto.



Fundamental rights are not absolute and can be limited in certain circumstances. Furthermore, they are not inviolable; Parliament can limit or repeal them through a constitutional amendment act. Except for the rights guaranteed by Articles 20 and 21, they can also be suspended during the operation of a National Emergency.

Political scientists go on to say that fundamental rights for Indians were created to address inequalities in pre-independence social practises. They've also been used to abolish untouchability, making it illegal to discriminate on the basis of religion, race, caste, sex, or birthplace. They also make human trafficking and forced labour illegal. They also protect ethnic and religious minorities' cultural and educational rights by allowing them to preserve their languages and establish and manage their own educational institutions.

DIRECTIVE PRINCIPLES OF STATE POLICY

Part IV of the Constitution enumerates them. Socialistic, Gandhian, and liberal–intellectual are the three broad categories they fall into.

The directive principles are intended to promote social and economic democracy as a goal. They want India to become a "welfare state." The directives, unlike the Fundamental Rights, are non-judicial in nature, meaning that they cannot be enforced by the courts if they are violated. Yet, according to the Constitution, "these principles are fundamental in the governance of the country, and it shall be the duty of the state to apply these principles in making laws." As a result, they impose a moral obligation on state authorities to implement them. However, the real driving force (sanction) is political, i.e., public opinion.

The Supreme Court held in the *Minerva Mills Case* (1980) that "the Indian Constitution is founded on the bedrock of the balance between Fundamental Rights and Directive Principles."

FUNDAMENTAL DUTIES

Fundamental duties were not included in the 1949 constitution. On the recommendation of the Swaran Singh Committee, the 42nd Constitutional Amendment Act of 1976 added fundamental duties during the internal emergency of 1975–77. Part IV A of the constitution was created for it, as well as a new article, Article 51. The 86th Constitutional Amendment Act of 2002 added one more fundamental duty, bringing the total number of fundamental duties to eleven.

The fundamental duties serve as a reminder to citizens that, while exercising their rights, they must also be aware of the obligations they have to their country, society, and fellow citizens. However, the duties, like the Directive Principles, are non-justiciable in nature.

UNIVERSAL ADULT FRANCHISE

This section of the Constitution promotes the "one person, one vote" policy. According to this section of the Constitution, everyone over the age of 18 has the right to vote, regardless of their age, gender, race, colour, religion, or other factors. The Indian Constitution establishes universal adult franchise as the



basis for Lok Sabha and state legislative assembly elections. Every citizen over the age of 18 has the right to vote without regard to caste, race, religion, sex, literacy, wealth, or other factors. The 61st Constitutional Amendment Act of 1988 reduced the voting age from 21 to 18 years in 1989.

The Constitution-makers' decision to grant universal adult franchise was a risky experiment, especially given the country's vast size, large population, high poverty, social inequality, and widespread illiteracy.

The universal adult franchise broadens democracy, boosts common people's self-esteem and prestige, upholds the principle of equality, allows minorities to protect their interests, and provides new hope and vistas for the weaker sections.

SINGLE CITIZENSHIP

Despite the fact that the Indian Constitution is federal and envisions a dual polity (centre and states), it only recognizes one citizenship: Indian citizenship. In countries such as the United States, on the other hand, each person is not only a citizen of the United States, but also of the state to which he belongs. As a result, he owes allegiance to both and has two sets of rights: one granted by the federal government and the other by the state government.

In India, all citizens, regardless of where they were born or reside, have the same political and civil rights as other citizens throughout the country, with the exception of a few exceptions such as tribal areas, Jammu and Kashmir, and so on.

INDEPENDENT BODIES

The Indian Constitution establishes a number of independent bodies in addition to the government's legislative, executive, and judicial organs (both central and state). They are envisioned by the Constitution as the pillars of India's democratic government. These are the following:

- a) The Election Commission is responsible for ensuring free and fair elections to the Parliament, state legislatures, and the offices of President and Vice-President of India.
- b) The accounts of the central and state governments will be audited by the Comptroller and Auditor-General of India.

He serves as the public purse's guardian, advising on the legality and propriety of government spending.

- c) The Union Public Service Commission is responsible for conducting examinations for all-India services¹⁵ and higher Central services, as well as advising the President on disciplinary matters.

- d) Each state's State Public Service Commission, which administers examinations for state service recruitment and advises the governor on disciplinary matters.

The Constitution guarantees these bodies' independence through provisions such as tenure security, fixed service conditions, and expenditures being charged to the Consolidated Fund of India, among others.



EMERGENCY PROVISIONS

The Indian Constitution contains extensive emergency provisions that allow the President to effectively deal with any extraordinary situation. The rationale for these provisions is to protect the country's sovereignty, unity, integrity, and security, as well as the democratic political system and the Constitution. The Constitution recognises three different types of emergencies:

- a) Declared national emergency due to war, external aggression, or armed rebellion¹⁶ (Article 352);
- b) Declaring a state of emergency (President's Rule) due to a failure of constitutional machinery in the states (Article 356) or failure to comply with Centre directives (Article 365); and
- c) Financial emergency due to a threat to India's financial stability or credit (Article 360).

During a national emergency, the central government becomes all-powerful, and the states are placed under the central government's total control. Without a formal amendment to the Constitution, it transforms the federal structure into a unitary one. This type of shift in the political system from federal to unitary (during normal times) is unusual but not unheard of.

THREE-TIER GOVERNMENT

The 1949 Constitution established a federal polity between the federal government and the states, but the 73rd and 74th constitutional amendment acts established a third tier, namely PRIs and ULBs.

By adding a new Part IX and a new Schedule 11 to the Constitution, the 73rd Amendment Act of 1992 gave constitutional recognition to panchayats (rural local governments). Similarly, the 74th Amendment Act of 1992 added a new Part IX-A and a new Schedule 12 to the constitution, giving municipalities (urban local governments) constitutional recognition.

CO-OPERATIVE SOCIETIES

The 97th Constitutional Amendment Act of 2011 granted cooperative societies constitutional status and protection. In this context, it made the following three constitutional amendments:

- 1) It established the right to establish cooperative societies as a fundamental right (Article 19).
- 2) It included a new State Policy Directive on the Promotion of Cooperative Societies (Article 43-B).
- 3) It added a new Part IX-B, titled "The Cooperative Societies" (Articles 243-ZH to 243-ZT), to the Constitution.

The new Part IX-B contains a number of provisions aimed at ensuring that the country's cooperative societies operate in a democratic, professional, autonomous, and financially sound manner. It empowers the Parliament to make the appropriate law in the case of multi-state cooperative societies and state legislatures in the case of other cooperative societies.



NO COMMUNAL REPRESENTATION

The Indian constitution's framers abolished communal representation, which had resulted in the bloody and regrettable partition of India. Except for scheduled castes and tribes, as well as Anglo-Indians, there is no seat reservation in the Indian constitution.

Important Sources of Indian Constitution

Government of India Act 1935	Federal Scheme Emergency Provisions Public Service Commissions Office of Governor Judiciary Administrative Details
Constitution of the United States	Preamble Fundamental Rights The federal structure of government Electoral College Independence of the judiciary and separation of powers among the three branches of the government Judicial review President as Supreme Commander of Armed Forces Equal protection under law
British constitution	Parliamentary form of government The idea of single citizenship The idea of the Rule of law Writs Institution of Speaker and his role



	<p>Lawmaking procedure</p> <p>Procedure established by Law</p>
Irish constitution (Ireland)	<p>Directive Principles of State Policy</p> <p>Nomination of members to Rajya Sabha</p> <p>Method of Election of President</p>
Australian constitution	<p>Freedom of trade and commerce within the country and between the states</p> <p>Power of the national legislature to make laws for implementing treaties, even on matters outside normal Federal jurisdiction</p> <p>Concurrent List</p>
French constitution	<p>Republic and the ideals of Liberty, Equality and Fraternity in the Preamble</p>
Constitution of South Africa	<p>Procedure for amendment</p> <p>Election of Rajya Sabha members</p>
Constitution of Soviet Union (USSR)	<p>Fundamental Duties under Article 51-A</p> <p>A Constitutionally mandated Planning Commission to oversee the development of the economy</p>
Constitution of Germany	<p>Emergency powers to be enjoyed by the Union</p> <p>Suspension of Fundamental Rights during an emergency.</p>
Constitution of Japan	<p>Procedure Established by Law</p>
Constitution of Russia	<p>Fundamental Duties</p> <p>Idea of Social, Economic, and Political Justice in Preamble</p>



Amendments of the Indian Constitution

The constitutional amendment procedure reflects the desire of the constituent legislative assembly to put in place a dynamic document. The Constitution of India provides for three distinctive amending procedures which combine flexibility and rigidity.

- **Amendment by simple majority:** Certain provisions can be changed by a simple majority, almost like passing an ordinary law. For instance, creation of new states, alteration in the size of states, qualification of citizenship etc.
- **Amendment by the special majority:** A majority of 2/3rd members for voting is required under Article 249. To pass Rajya Sabha resolutions for making laws in the State list requires a special majority.
- **Amendment by special majority and ratification by at least one half of the State Legislatures:** This includes the provisions, for instance election of the President, list of subjects in the Seventh Schedule, the relationship between Centre and States etc.

Amendments in the Constitution

First Amendment, 1951

- The Constitution (First Amendment) Act, 1951 empowered the State to make special provisions to advance socially and economically backward classes.
- Savings legislation allowing for the purchase of estates, etc.
- Added Ninth Schedule to protect from judicial review the land reforms and other legislation included in it. Articles 31A and 31B were added after Article 31, respectively.
- Three more reasons for restricting freedom of speech and expression have been added: public order, friendly relations with foreign states, and incitement to an offence. It also made the restrictions 'reasonable' and, therefore, in nature, justiciable.
- Issues in the cases included freedom of expression, possession of Zamindari estate, State trade monopoly, etc. These laws breach property rights, freedom of speech, and equality before the law.
- Introduced the validity of the state's move to nationalize any business or trade and the same to not be invalid on the grounds of violation of the right to trade and business.



The Constitution (2nd Amendment) Act, 1952

- The ratio of representation of members to the population in the Lok Sabha was readjusted by relaxing Article 81(1) which states that 1 member can represent even more than 7.5 lakh people.
- This amendment removed the upper population limit by amending Article 81 of the Indian Constitution.

The Constitution (3rd Amendment) Act, 1954

- The third amendment brought about changes in the seventh schedule consisting of the three Legislative lists and entry 33 of the concurrent list was substituted by a new one

The Constitution (4th Amendment) Act, 1955

- This amendment fixed the ratio of compensation to be given for the compulsory acquisition of private property.
- Stated the fixing of maximum limits or holding of agricultural land that may be owned or occupied by any individual.
- Authorized the states to have full control over mineral and oil resources. The powers of cancellation or modification of the terms and conditions of any related licenses, mining leases and similar agreements were also handed over.
- Authorised the state to nationalise any commercial or industrial undertaking.
- It also amended article 305 and the ninth schedule
- Amended Article 31(2) with regards to acquisition or requisition of public property and transfer of the ownership or right to possession of any property to the State.
- Extended the scope of Article 31 A (savings of laws).

The Constitution (5th Amendment) Act, 1955

- Amended article 3
- In the constitution there was no time limit during which a state Legislature should express its boundaries, which the centre may like to make. With the help of this amendment it was provided that the state will be required to express its views on such matters within such period may be specified in the reference or within such further period, as the President may allow.



The Constitution (6th Amendment) Act, 1956

- In this Act, the Seventh schedule to the Constitution was amended and in the Union List, a new Entry was added after Entry 92 in the State list, a new Entry was substituted for Entry 54. It also amended Article 269 and 286 dealing with inner state sales tax.

The Constitution (7th Amendment), 1956

- Second and seventh schedules have been revised.
- The current division of states into four divisions (i.e., Part A, Part B, Part C, and Part D states) was repealed and reorganized into 14 states and 6 federal territories.
- Extended high court authority to union territories.
- Provided for two or more States to establish a common high court.
- Provided that additional and acting High Court judges are appointed.
- Implementing the State Reorganization Committee recommendations, and implementing 1956, State Reorganization Act. Linguistic reorganization of States. Class A, B, C, and D discontinued.

The Constitution (8th Amendment) Act, 1959

- Extended the period of reservation of seats for the **Scheduled Castes and Scheduled Tribes** and the Anglo-Indians in the Lok Sabha and the State Legislative Assemblies.
- Earlier, the reservation period was for ten years. Through this amendment, it was extended upto twenty years.

The Constitution (9th Amendment Act), 1960

- Facilitated the cession to Pakistan of the Berubari Union Indian territories (located in West Bengal) as provided for in the Indo-Pakistan Agreement (1958). Schedule 1 of the Constitution was amended.
- Adjustments to Indian territory as a result of an agreement with Pakistan. After this Union referred the matter to SC, which ruled that the Parliament's right to decrease a state's area (under Article 3) did not include the cession of Indian territories to a foreign government. Indian territory can therefore, only be ceded to a foreign State by amending the Constitution pursuant to Article 368.



The Constitution (10th Amendment Act), 1961

- Incorporation as a Union Territory of Dadra, Nagar and Haveli, as a consequence of the acquisition from Portugal.
- It amended the Constitution under Article 240.

The Constitution (11th Amendment Act), 1961

- It amended Article 71 so as to make it clear that the election of the president or the vice-president shall not be challenged on the ground of any vacancy for whatever reason in the appropriate electoral college.
- Changed the Vice President's election procedure by providing for an electoral college, rather than a joint parliamentary meeting of the two houses.

The Constitution (12th Amendment Act), 1962

- Goa, Daman and Diu were incorporated as Union Territory in the Indian Union.
- It amended the Constitution under Article 240.
- First schedule of the Constitution was amended.

The Constitution (13th Amendment Act), 1962

- Formation of Nagaland State, with special protection provided for in Article 371A.
- Article 170 of the Constitution was modified.

The Constitution (14th Amendment) Act, 1962

- The French establishments of Pondicherry, Karikal, Mahe, and Yanam became territories of India with the ratification of the Treaty of Cession by both the Government of India and France.
- The territories were together named as Pondicherry and the number of representatives in Lok Sabha from Pondicherry was increased.



The Constitution (15th Amendment Act), 1963

- Enabled the High Court to issue writs to any person or authority even outside the jurisdiction of its territory if the cause of action arises within its territorial boundaries.
- High court judges increased their retirement age from 60 to 62 years.
- Provided that retired high court judges are appointed as acting judges of the same court.
- Provided the compensatory allowance for the transfer of judges from one High Court to another.
- Allowed the retired High Court judge to act as the Supreme Court's ad-hoc judge.
- Provided for the age determination procedure of the judges of the Supreme Court and the High Court.

The Constitution (16th Amendment) Act, 1963

- Amended Article 19 of the Constitution and empowered the states to restrict the rights to freedom of speech and expression and peaceful assembly in the interest and sovereignty of India.
- Amended Article 84 and Article 173 for the qualifications of members of Parliament and Legislature of State respectively.
- Included sovereignty and integrity in the oaths or affirmations for the members of the legislatures, ministers, judges and CAG of India.

The Constitution (17th Amendment) Act, 1964

- Amended Article 31A(amended the definition of the term 'estate ') and provides that the acquisition of any land under personal cultivation by the state shall be held unlawful without payment of compensation equal to the market value.
- Amended the Ninth Schedule and added 44 state acts relating to land matters.

The Constitution (18th Amendment) Act, 1966

- Through the amendment of Article 3 of the Constitution, this amendment clarified that the power conferred on the Parliament also includes the power to form a new state by uniting part of any state or Union territories to any other.
- Created the new states of Punjab and Haryana.



The Constitution (19th Amendment) Act, 1966

- The act modified Article 324 so as to terminate the jurisdiction of election Tribunals to decide election dispute
- The amendment withdrew from the election commission the power of setting up election Tribunal
- The amendment also enabled the trial of election petitions by the High Courts.

The Constitution (20th Amendment) Act, 1966

- The act inserted a new Article 233A immediately after Article 233 in order to validate the appointment of district Judges, which might not have conformed fully to the different Constitutional requirements, which were in existent prior to 1966.

The Constitution (21th Amendment) Act, 1967

Sindhi language was included in the Eighth Schedule to the Constitution.

The Constitution (22th Amendment Act), 1969

- The amendment conferred legislative power on parliament for the purpose of creating an autonomous hill state within the state of Assam. Accordingly, Parliament passed the Assam Reorganization (Meghalaya) Act 1969 to set up the state of Meghalaya within the state of Assam.

The Constitution (23th Amendment Act), 1969

- Further Extend the period of reservation of seats for the **Scheduled Castes and Scheduled Tribes** and the Anglo-Indians in the Lok Sabha and the State Legislative Assemblies.
- Extend period of reservation by another ten years, which means in effect thirty years from the commencement of the Constitution.

The Constitution (24th Amendment Act), 1971

- Amended Articles 13 and 368, to change every aspect of the Constitution including constitutional rights.
- Made it compulsory that the President give his approval to a Constitutional Amendment Bill.



- The Twenty-fourth Constitutional Amendment Act was introduced in reaction to the Supreme Court's Golaknath decision (1967), which ruled that the Parliament has no authority to revoke constitutional freedoms by amending the Constitution.

The Constitution (25th Amendment) Act, 1971

- The Right to property was curtailed. It became a constitutional right by the amendment of Article 31, now removed.
- The amendment specifically stated that any legal authority can take the acquisition or requisition of a property after the payment of proper compensation.
- Through the insertion of new Article 31 C, it provided that any law passed under Directives of State Policy in Article 39(b) and (c) cannot be challenged on the ground that it removes or reduces any of the rights as provided under Article 14, 19 or 31.

The Constitution (26th Amendment) Act, 1971

- Article 291 and 362 abolished, insert new article 362A and 363.
- Abolition of Privy Purses, the end of the recognition granted to former rulers of Indian states

The Constitution (27th Amendment) Act, 1971

- To establish the union Territory of Mizoram. It empowered Parliament to create a legislature and council of minister for the new territory.
- A new article, 239B was inserted which provided the power to enforce Ordinances during the recess of the Legislature.
- Another new article, 371C was added which provided special powers to the State of Manipur.

The Constitution (28th Amendment) Act, 1972

- Deleted Article 314 which had given protection to the ICS officers, condition of service and privileges.
- Rationalize Civil Service rules to make it uniform across those appointed prior to Independence and post independence.
- Inserted 312A



The Constitution (29th Amendment) Act, 1972

- Amendment of 9th Schedule
- Place land reform acts and amendments to these act under Schedule 9 of the constitution.
- Two Kerala acts dealing with land reforms were included in 9th schedule to th constitution.

The Constitution (30th Amendment Act), 1972

- Amendment Article 133,as to redefine the civil appellate Jurisdiction of the supreme court.
- Change the basis for appeals in Supreme Court of India in case of Civil Suits from value criteria to one involving substantial question of law.

The Constitution (31st Amendment Act), 1973

- The strength of Lok Sabha was increased from 525 to 545.
- This was done because of the increase in the population of the country (1971 census).
- Accordingly, Article 81(i)(a) was suitably amended.
- In the 31st amendment of the Indian Constitution, Article 330 of the Indian Constitution, which provides the reservation of seats in the Lok Sabha for Scheduled Castes and Scheduled Tribes was held inapplicable for the tribal areas of Assam, Nagaland, Meghalaya, Arunachal Pradesh; and in Mizoram due to their significant tribal population.
- Article 332 regarding the reservation of seats in Legislative Assemblies in states was also held inapplicable in the tribal areas of Assam, in Nagaland and in Meghalaya.

The Constitution (32nd Amendment) Act, 1973

- The amendment provided special provisions in respect of admission to educational institutions and public employment, especially in civil services and the constitution of an Administrative Tribunal with jurisdiction to deal with disputes and grievances regarding public services.
- Provided a provision to establish a Central university in Andhra Pradesh.
- Amended the Seventh Schedule of the Constitution.



The Constitution (33rd Amendment) Act, 1974

- Amended Article 101 and Article 190.
- Provided that the resignation of the members of Parliament and the state legislatures should be handwritten and addressed to the Chairman or the Speaker. The resignation should only be accepted by the Speaker/Chairman only if he/she is satisfied that the resignation is voluntary or genuine. If not, the resignation shall not be accepted.

The Constitution (34th Amendment) Act, 1974

- Twenty state acts concerning land ceiling and land tenure reforms were added to the 9th schedule to the constitution.

The Constitution (35th Amendment) Act, 1974

- Sikkim was associated with the Indian Union.
- The Tenth Schedule was added which provided the terms and conditions in regards to the association of Sikkim with the Indian Union in this amendment.

The Constitution (36th Amendment Act), 1975

- Sikkim became the 22nd state of Indian Union.
- The 10th schedule was omitted.

The Constitution (37th Amendment Act), 1975

- Parliament passed it on April 26, 1975, to make way for a Legislative Assembly and a Council of Ministers for Arunachal Pradesh, the north-westernmost Union territory of the country.



The Constitution (38th Amendment) Act, 1975

- Articles 123, 213, 239B, 352, 356, 359 and 360 of the Constitution with regards to various powers and control of the President were amended.
- The amendment of Articles 123, 213 and 239B in regards to the promulgation of Ordinances President, Governor or Administrator respectively when the legislature is not in session is final and conclusive, not justifiable and cannot be questioned in a court of law, as provided by the amendment.
- Under this amendment, the power to declare an emergency by the President under Article 352, the power to run the government under Article 356 and the power to declare a financial emergency under Article 360 is final and conclusive and non-justifiable on any ground.
- Provided the President with the power to declare a national emergency on different grounds simultaneously.

The Constitution (39th Amendment Act), 1975

- The voiding of the election to the lok sabha of PM Indra Gandhi by the Allahabad high court in 1975 on the petition of Raj Narain led to the enactment of the 39th amendment act, 1975.
- The Act places in court the election of a person holding the office of Prime Minister or Speaker to Parliament, and the election of President and Vice-President, beyond challenge.
- In the case of the State of Uttar Pradesh v. Raj Narain 1976 (2) SCR 347, Article 329A was struck down by the Supreme Court for breach of the basic structure.

The Constitution (40th Amendment Act), 1976

- The Parliament was allowed to determine from time to time the borders of the territorial waters, the continental shelf, the Exclusive Economic Zone (EEZ) and India's maritime zones.
- Included in the 9th Schedule 64 more central and State laws, mostly concerning land reforms.

The Constitution (41st Amendment Act), 1976

- Amend article 316.
- Raise Retirement Age Limit of Chairmen and Members of Joint Public Service Commissions and State Public Service Commissions from sixty to sixty two.



The Constitution (42nd Amendment Act), 1976

- Amend articles 31, 31C, 39, 55, 74, 77, 81, 82, 83, 100, 102, 103, 105, 118, 145, 150, 166, 170, 172, 189, 191, 192, 194, 208, 217, 225, 226, 227, 228, 311, 312, 330, 352, 353, 356, 357, 358, 359, 366, 368 and 371F.
- Insert articles 31D, 32A, 39A, 43A, 48A, 131A, 139A, 144A, 226A, 228A and 257A.
- Insert parts 4A and 14A.
- Amend schedule 7 In the **Preamble**, three additional terms (i.e. socialist, secular, and integrity) were included.
- The 42nd amendment is the most comprehensive amendment in the history of Indian Constitutional Amendments. It consisted of **59 clauses** and carried out so many changes that it has been termed as a “**Mini Constitution**”.
- **The citizens have added fundamental duties (new part IV A).**
- **The President** was made bound by the cabinet’s advice. Except for administrative and other matters tribunals (Added Part XIV A).
- Froze the Lok Sabha seats and the state legislatures on the basis of the 1971 census up to 2001 — Population Management Mechanism. The constitutional amendments were made without judicial review.
- The Supreme Court and high courts had curtailed the power of judicial review and written jurisdiction.
- Raised Lok Sabha tenure and state legislatures from 5 to 6 years.
- Added three new guidelines, namely equal justice and free legal assistance(Article 39A), employee participation in industry management(article 43A) and environmental protection, forests and wildlife(article 48A).
- Facilitated declaration of a national emergency within a portion of India’s territories. Extended the one-time period of the law of the President of a State from six months to a year.
- Empowered the Center to deploy its armed forces to deal with a serious law and order situation in any state.(Added 257A)
- Shifted five subjects from the state list to the concurrent list, namely **education, forests, wildlife and bird protection, weights and measures and the administration of justice,** constitution and organization of all courts except the Supreme Court and the high courts.



- The Parliament was empowered to determine the rights and responsibilities of its members and commissions from time to time. Established for the development of the Judicial Service of all India.

The Constitution (43rd Amendment Act), 1978

- Amend articles 145, 226, 228 and 366.
- Remove articles 31D, 32A, 131A, 144A, 226A and 228A.
- This Act repeals the egregious fundamental clauses (42nd Amendment) legislation enacted during the Emergency. It restores civil liberties by deleting Article 31D which gave Parliament powers to curtail even legitimate trade union activity under the guise of anti-national activity prevention legislation.
- The new law, which, in accordance with the Constitution, has been ratified by more than half of the States, also restores legislative powers for the States to provide adequate provision for anti-national activities consistent with the fundamental rights. The Legislation also restored the judiciary to its rightful place.
- The Supreme Court will now have the power to invalidate state laws, a power which the 42nd Amendment Act takes away. The High Courts would now be able to resolve the question of the statutory legitimacy of Central Legislation requiring citizens residing in remote areas to seek timely justice without having to come before the Supreme Court.

The Constitution (44th Amendment Act), 1978

- Replaced the term 'internal disturbance' with the term 'armed rebellion' concerning the national emergency.
- Has made the President declare a national emergency only on the cabinet's written recommendation.
- Has rendered some constitutional provisions for a national emergency and the law of the Constitution.
- Deleted the right to property from the Fundamental Rights register, and made it a legal right instead.
- Provided that, during a national emergency, the fundamental rights guaranteed by Articles 20 and 21 can not be suspended.
- The original term of the Lok Sabha and the state legislatures (i.e., 5 years) was restored.



- Restored the rules in Parliament and state legislatures on quorum.
- Reference to the British House of Commons in the parliamentary privileges provisions was omitted.
- Gave fundamental immunity of the publishing of truthful accounts of legislative trials and state assemblies in a journal.
- The President was allowed to give the cabinet's recommendations back once for reconsideration. The reconsidered opinion, however, is to be binding on the President.
- It cancelled 39th amendment which had deprived the supreme court of its jurisdiction to decide dispute concerning election of the president and the vice-president.

The Constitution (45th Amendment) Act, 1980

- Amend article 334
- Amendment was to continue reservation of seats for SC and ST in the lok sabha and the state assemblies for another 10 years ,i.e.upto 1990.The same concession is extended to the Anglo-indian who may have representation by nomination in these chambers

The Constitution (46th Amendment) Act, 1982

- Amend articles 269, 286 and 366,schedule 7.
- This amendment provided the states the measures to prevent the avoidance of tax in various ways.
- Assigned the states to collect the levy of tax on the consignment of goods at the place of business in inter-State trade or commerce.
- Specified restrictions and conditions in regard to the system of levy, rates and other incidents of the tax on the transfer of goods involved in the execution of a works contract, on the delivery of goods on hire-purchase or any system of payment by installments and on the right to use any goods.

The Constitution (47th Amendment) Act, 1984

- This amendment included 14 land reform acts of various states of Assam, Bihar, Haryana, Tamil Nadu, Uttar Pradesh, West Bengal, and Goa, Daman, and Diu in the Ninth Schedule.



The Constitution (48th Amendment) Act, 1984

- Amend article 356
- Article 356 amended to permit President's rule up to two years in the state of Punjab.

The Constitution (49th Amendment) Act, 1984

- Provided constitutional sanctity to the autonomous District Council of Tripura.
- The purpose of this Amendment is to take out the Tribal areas of Tripura from Schedule V and put them in Schedule VI.

The Constitution (50th Amendment) Act, 1984

- Through this amendment by means of Article 33, the government was empowered to restrict the fundamental rights of the persons employed in armed forces, intelligence organizations, and telecommunication systems set up for the purposes of any Force, bureau, or organization to ensure discipline and proper discharge of duty.

The Constitution (51st Amendment Act), 1984

- Provide reservation to Scheduled Tribes in Nagaland, Meghalaya, Mizoram and Arunachal Pradesh in Lok sabha, similarly for Meghalaya and Nagaland in their Legislative Assemblies.

The Constitution (52nd Amendment Act), 1985

- Provided for disqualification on the ground of defection of parliamentary members and state legislatures, and added a new **Tenth Schedule** containing the details in this regard.
- It introduced **anti-defection laws** through the addition of a new Tenth Schedule in order to prevent the mischief of political defections lured by power or material benefits.
- The 52nd amendment was **unanimously** adopted by both houses of Parliament.
- The Act made defection of another party unlawful after elections. Any member who defects after elections to another party will be disqualified from being a member of parliament or a legislature of the state.



The Constitution (53rd Amendment Act), 1986

- The amendment act elevated the union territory of Mizoram to the status of the state

The Constitution (54th Amendment Act), 1986

- Increase the salary of Chief Justice of India & other Judges and to provide for determining future increases without the need for constitutional amendment.

The Constitution (55th Amendment Act), 1986

- The Union Territory of Arunachal Pradesh was elevated the status of a state by the 55th amendment act.

The Constitution (56th Amendment Act), 1987

- Inserted Article 394A to make the Hindi text of the Constitution authoritative.

The Constitution (57th Amendment Act), 1987

- The Constitution (57th Amendment) Act, 1987. 1. **It made a special provision for the setting up of the new State of Goa.** Consequently Daman and Diu were separated from the former to form a Union Territory.

The Constitution (58th Amendment Act), 1987



- Provided for an authoritative text of the Constitution in Hindi language and gave the Hindi version of the Constitution the same legal sanctity.
- This calls for special provisions for reserving seats for Scheduled Tribes in Arunachal Pradesh, Nagaland, and Mizoram and Meghalaya states.

The Constitution (59th Amendment Act), 1988

- Impose Emergency in Punjab on the grounds that India's integrity was threatened by internal disturbances.

The Constitution (60th Amendment Act), 1988

- State governments to increase the ceiling on professional tax from Rs 250 to Rs.2500 per person per annum

The Constitution (61st Amendment Act), 1988

- Reduced the voting age for Lok Sabha and state legislative assembly elections from 21 years to 18 years.

The Constitution (62nd Amendment Act), 1990

- It called for the extension for another ten years of reservation of seats for the Scheduled Castes and Tribes in Parliament and State Legislatures and reservation for election for the Anglo Indian population.



The Constitution (63rd Amendment Act), 1990

- Repealed the 59th amendment which empowered the government to impose emergency in Punjab.

The Constitution (64th Amendment Act), 1990

- To extend President's rule in Punjab for further six month.

The Constitution (65th Amendment Act), 1990

- Article 338 of the Constitution has been amended to establish a National Commission for Scheduled Castes and Scheduled Tribes consisting of a Chairperson, a Vice-Chairperson and five other members appointed by the president by a warrant under his hand and seal.

The Constitution (66th Amendment Act), 1990

- The Act Protect fifty five state acts relating to land reforms and ceiling on Agricultural land holding, enacted by states of Andhra Pradesh, Karnataka,

The Constitution (67th Amendment Act), 1991

Article 356 amended to permit President's rule up to four years in the state of Punjab



The Constitution (68th Amendment Act), 1991

Article 356 amended to permit President's rule up to five years in the state of Punjab.

The Constitution (69th Amendment Act), 1991

- The Act of Parliament was to award Delhi Statehood as the 'Delhi National Capital Territory'. This also provides for Delhi with a 70 member assembly and a 7 member ministerial council.

The Constitution (70th Amendment Act), 1991

- It facilitates for member of Delhi and Pondicherry Assemblies to participate in the election of the President.

The Constitution (71st Amendment Act), 1992

- The amendment enables the inclusion of Nepali, Manipuri, and Konkani into the Constitution's Eighth Schedule.
- The number of languages in the Eighth Schedule ascends to 18 with the inclusion of these three languages.

The Constitution (72nd Amendment Act), 1992

- Provide reservation to Scheduled Tribes in Tripura State Legislative Assembly.

The Constitution (73rd Amendment Act), 1992

- On 22 December 1992, the Parliament passed the Seventy-third Constitutional Amendment Act, 1992, which was notified by the Central Government via the Official Gazette on 20 April 1993, when it was rectified by the legislators of the State and authorized by the President of India. The Panchayati Raj institutions have now become constitutional Legitimacy.



- Since Part VIII of the Constitution, a new section IX was added to the Constitution, with the inclusion of the powers and duties of Panchayati Raj Institutions in Article 243A and the fresh schedule called the Eleventh Schedule. The Act provides for Gram Sabha, a Panchayati Raj three-tier model, reservation of seats for SCs and STs in proportion to their population, and reservation of one-third seats for women.

The Constitution (74th Amendment) Act, 1992

- Granted constitutional status and protection to the urban local bodies.
- Part IX-A was added under the Amendment as the municipalities
- A new Twelfth Schedule was introduced which contains 18 functional duties to be executed by the municipalities.

The Constitution (75th Amendment Act), 1993

- Amended Article 323-B and added a new clause(h) providing for establishment of tribunal for rent control cases.

The Constitution (76th Amendment Act), 1994

- This Amendment Act increases the reservation limit for government employment and admission seats in educational institutions to 69 per cent in Tamil Nadu in favour of socially and educationally deprived classes. Additionally, the Amendment Act was included in the Constitution's Ninth Schedule to exempt it from the jurisdiction of judicial scrutiny.

The Constitution (77th Amendment Act), 1995

- This amendment has added a new clause (4-a) to Article 16 of the Constitution which empowers the State to make any reservation provisions in favour of SCs and STs in promotions in government jobs where it is of the opinion that they are inadequately represented in state services. This was done to nullify the effect of the judgment of the Supreme Court in the case of the Mandal Commission (Indra Sawhney vs. Union of India), in which the Court held that quotas on promotions cannot be made.



The Constitution (78th Amendment Act), 1995

- This amended the ninth schedule of the constitution and inserted 27 reform act of various states in the ninth schedule. After this the total number of act included in the ninth schedule has gone upto 284. Now these acts cannot be challenged in the courts on the plea for the violation of fundamental Rights.

The Constitution (79th Amendment Act), 1999

- It called for the extension for another ten years of reservation of seats for the Scheduled Castes and Tribes in Parliament and State Legislatures and reservation for election for the Anglo Indian population

The Constitution (80th Amendment Act), 2000

- The Constitution (Eightieth Amendment) Act, 2000, introduced an alternate scheme for the distribution of taxes between the Union and the Province, based on the recommendations of the Tenth Finance Committee. Under the current income-sharing arrangement between the Union and the States, 26% of the total revenues of Federal taxes and duties are to be transferred to the States instead of their present portion of income tax, excise duty, special excise duties, and exemptions instead of taxes on rail passenger fares.

The Constitution (81st Amendment Act), 2000

- Under this amendment, the unfulfilled vacancies of one year reserved for the Scheduled Castes and the Scheduled Tribes in compliance with the clause of Reservations made pursuant to Article 16 of the Constitution shall be regarded to be a distinct class of vacancies to be filled in every following year or year and these class of vacancies shall not be counted in accordance with the vacancies of the year in which they were filled to decide the limit of a quota of fifty percent against the existing number of vacancies of that year.

The Constitution (82nd Amendment) Act, 2000

- The amendment provides that nothing in Article 335 shall prevent the state from making any provision in favour of the members of the SC and the ST for relaxation in qualifying marks in any examination or lowering the standards of evaluation for reservation in matters of promotion to any class or classes of services or posts in connection with affairs of the union or of a state.



The Constitution (83rd Amendment) Act, 2000

- Exempt Arunachal Pradesh from reservation for Scheduled Castes in Panchayati Raj institutions.

The Constitution (84th Amendment Act), 2001

- The Act revised the terms of Articles 82 and 170(3) of the Constitution to readjust and rationalize the geographical constituencies of the States without altering the number of seats allotted to each State in the House of People and Parliamentary Assemblies of States, including Scheduled Castes and Scheduled Tribes Constituencies, on a population-based basis determined in the 1991 census to remove the gap created by unequal population/electoral growth in different constituencies.

The Constitution (85th Amendment Act), 2001

- Amended article 16(4A) of the constitution to provide for consequential seniority in the case of promotion by virtue of rule of reservation for government servants belonging to the scheduled castes and the scheduled tribes.

The Constitution (86th Amendment Act), 2002

- In order to make the right to free and compulsory education a fundamental right, the Act inserts a new Article, namely Article 21A, which confers the right to free and compulsory education on all children aged between 6 and 14 years. The Law amends the Constitution in Part-III, Part -IV, and Part-IV (A).
- One of the most critical changes, with the aid of government support, the government forced private schools to accept 25 percent of their class size from socially vulnerable or deprived classes in society by a random allocation process. This move was taken to seek to offer quality education to everyone.



The Constitution (87th Amendment Act), 2003

- Extend the usage of 2001 national census population figures for state wise distribution of parliamentary seats.
- The amendment provide for readjustment of electrol constituencies, including those reserved for the SC and the ST, based on the population census for the year 2001, without affecting the number of seats allocated to states in the legislative bodies.

The Constitution (88th Amendment Act), 2003

- Service tax collected and appropriated by the Union and States, levied by the Union. The Act amends Articles 268, 270 and VIIth schedule.

The Constitution (89th Amendment Act), 2003

- The acts adds Article 338A and provide for the creation of National commission for Scheduled tribes.

The Constitution (90th Amendment Act), 2003

- Reservation in Assam Assembly relating to Bodoland Territory Area.

The Constitution (91st Amendment) Act, 2003

- This amendment sought to limit the number of Council of Ministers, to debar defectors from holding public offices and to strengthen the anti-defection laws introduced by fifty second amendment.
- The total number of ministers including the Prime Minister in the central council of ministers shall not exceed 15% of the total strength of the Lok Sabha, as laid in Article 75(1A)
- A member of any house of Parliament disqualified under defection is also disqualified to get an appointment as a minister, as provided in Article 75(1B)
- In the council of ministers in the state, the total number of ministers, including the Chief Minister, shall not exceed 15% of the total strength of the legislative assembly of the state. But the total number of ministers shall not be less than 12, as provided under Article 164(1A)



- A member of any state legislative assembly who is disqualified on the ground of defection shall also be disqualified for the appointment as minister under Article 164(1B)
- Under Article 361B, a person disqualified on the ground of defection is also disqualified from holding any remunerative political post, office wholly or partially.
- The provision of the Tenth Schedule regarding anti-defection law that provided provisions of exemption from disqualification in the event of split by one-third members of the legislature has also been deleted by the amendment. It implies that a defector has no defence on grounds of splits.

The Constitution (92nd Amendment Act), 2003

- The amendment encourages the inclusion of Bodo, Dogari, Maithili, and Santhali into the constitution's VIIIth Schedule. The number of languages in the VIIIth Schedule ascends to 22 with the inclusion of these four languages.

The Constitution (93rd Amendment Act), 2005

- Providing reservation for the socially and educationally backward, classes besides the scheduled castes and the scheduled tribes, in private unaided educational institutions

The Constitution (94th Amendment Act), 2006

- To provide for a Minister of Tribal Welfare in newly created Jharkhand and Chhattisgarh States including Madhya Pradesh and Orissa.

The Constitution (95th Amendment Act), 2010

- The amendment aims to expand the quota of seats in the Lok Sabha and States for SCs and STs, legislatures from 60 to 70 years.

The Constitution (96th Amendment Act), 2011

- Replaced Odia for Oriya in Indian Constitution 8th Schedule.



The Constitution (97th Amendment Act), 2012

- Added the words “or cooperative societies” in Article 19(l)(c) after the word “or unions” and the insertion of Article 43B i.e., Promotion of cooperative societies and added Part-IXB i.e., Co-operative societies. The amendment aims to promote cooperative economic activities which in effect support rural India develop. It is required not only to ensure the independent and democratic operation of cooperatives but also to make the management accountable to members and other stakeholders.

The Constitution (98th Amendment Act), 2013

- To empower the governor of Karnataka to take steps to develop the Hyderabad-Karnataka region

The Constitution (99th Amendment Act), 2014

- It called for the setting up of the National Judicial Commission.
- This amendment replaced the collegiums system of appointment of judges with National Judicial Appointment Commission (NJAC) for the appointment of judges.
- Amended Article 124(2) regarding the appointment of Supreme Court judges and added Article 124A, 124B and 124C describing the constituent members, functions and Parliament’s power. The members of NJAC included the Chief Justice of India, two senior Supreme Court judges, Union law minister and two other nominated persons. The function included appointment and transfer of judges which is to be regulated by the Parliament.
- Article 127, 128, 217(1), 222, 224 and 231 was amended and the power was transferred to the NJAC instead of the President or the Chief Justice in connection with appointment of judges.
- In the case of Supreme Court Advocates-on-Record Association and another v. Union of India (2016), the constitutionality of this amendment was challenged. The Hon’ble Supreme Court held that the amendment violated the doctrine of **Separation of Power and the independence of judiciary**. It also restored the previous system of collegium and subsequently held the amendment null, void and unconstitutional.

The Constitution (100th Amendment Act), 2015

- Exchange of other enclave lands with Bangladesh. Conferring citizenship rights to enclave residents arising from the signing of the Treaty of Land Boundary Agreement (LBA) between India and Bangladesh.



The Constitution (101st Amendment Act), 2016

- Goods and Services Tax (GST) commenced on 8 September 2016 with the enactment and subsequent notices of the 101st Constitution Amendment Act, 2016.
- The constitution incorporated Articles 246A, 269A, and 279A. The amendment allowed amendments to the constitution's 7th cycle. Union List entry 84 earlier contained duties related to cigarettes, alcoholic liquors, marijuana, Indian hemp, medicines and drugs, medicinal and bathroom arrangements. Petroleum oil, high-speed gasoline, engine spirit (petrol), natural gas, and air turbine power, cigarettes, and cigarettes goods should be listed following the amendment.
- Entry 92 has been removed (newspapers and ads published therein), they are now under GST. Entry 92-C (Service Tax) is now deleted from the list of unions. Entry 52 (entry tax for in-state sale) has now been removed from the State register.
- Entry 54, Taxes on the export or purchasing of products other than newspapers, according to the provisions of Entry 92-A of the List I have now been supplemented by Taxes on the selling of petroleum oil, high-speed gasoline, motor spirit (petroleum), natural gas, aviation turbine fuel and alcoholic spirit for human consumption, but not including the sale or distribution in the form of inter-State commerce or commerce Reference 55 (Taxes on Advertising) was omitted. Entry 62 (Luxury taxes, including taxes on entertainment, entertainment, betting and gambling) has now been replaced by these taxes only to be levied by local authorities.

The Constitution (102nd Amendment Act), 2018

- The bill seeks to give the National Commission on Backward Classes a constitutional status. It seeks to insert into the constitution a new Article 338B which provides for NCBC, its mandate, composition, functions, and various officers. Inserted a new Article 342-A that empowers the President to notify that state/union territory 's list of socially and educationally backward classes.

The Constitution (103rd Amendment Act), 2019

- A maximum of 10% Reservation for Economically Weaker Sections of citizens of classes other than the classes mentioned in clauses (4) and (5) of Article 15, i.e. Classes other than socially and educationally backward classes of citizens or the Scheduled Castes and the Scheduled Tribes



The Constitution (104th Amendment Act), 2020

- This expanded seat quotas in the Lok Sabha for SCs and STs, and state legislatures.
- Amended Article 334 to extend the reservations of seats for Scheduled Castes and Scheduled Tribes in Lok Sabha and State assemblies.
- However, it did not extend 2 reserved seats in Parliament and 1 for the legislative assembly for Anglo-Indian communities under Article 331.

The Constitution (105th Amendment) Act, 2021

- The 105th amendment was introduced based on the Supreme Court ruling in the Maratha reservation case which had by a 3:2 majority.
- A list of socially and economically backward classes (SEBCs) should be prepared and maintained by the Central government under the central list.
- This amendment seeks to restore the power of states and Union Territories to identify socially and economically backward communities (SEBCs) and maintain a separate list of other backward communities other than the central list.
- Inserted Article 366(26C) and 338B with regards to the above.



Regd. Office:-A-53, 3rd Floor Prashant Vihar Rohani Sector 14, New Delhi-110085



:9971053929/7275253434

info@prismaticinstitute.com

