

24. Some important Amendments of the Constitution

- **1st Constitutional Amendment Act, 1951 :** This amendment added Article, 15(4) and Article, 19(6) and brought changes in the right to private property in pursuance with the decision of Supreme Court concerning fundamental rights. Ninth schedule to the Constitution was also added by it.
- **7th Constitutional Amendment Act, 1956 :** Through this amendment the implementation of State Reorganisation Act, was made possible. The categorisation of States into Part A, Part B and Part C ceased henceforth. Part C states were redesignated as Union Territories. The seats in the Rajya Sabha and in the Union and State Legislatures were reallocated. It also effected changes regarding appointment of additional and acting judges. High Courts and their jurisdictions etc.
- **10th Constitutional Amendment Act, 1961 :** Incorporated Dadra and Nagar Haveli as Union Territory.
- **12th Constitutional Amendment Act, 1962 :** Inclusion of territories of Goa, Daman and Diu into the Indian Union.
- **13th Constitutional Amendment Act, 1962 :** Insertion of Art. 371 A to make special provisions for the administration of the State of Nagaland.
- **14th Constitutional Amendment Act, 1962:** Pondicherry, Karaikal, Malic and Yenam, the former French territories, were specified in the Constitution as the Union Territory of Pondicherry (now Puducherry). Enabled the UTs of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry to have Legislatures and Council of Ministers.
- **15th Constitutional Amendment Act, 1963 :** It raised the age of retirement of a High Court Judge from 60 to 62. Extended the jurisdiction of a High

Court to issue writs under Art. 226 to a Government or authority situated outside its territorial jurisdiction where the cause of action arises within such jurisdiction.

- **16th Constitutional Amendment Act, 1963 :** Changes were effected in Art. 19 to enable the Parliament to make laws providing reasonable restrictions on the freedom of expression in the larger interests of sovereignty and integrity of India. Amendments were made in the form of oath contained in the third Schedule with emphasis on upholding the sovereignty and integrity of India.
- **19th Constitutional Amendment Act, 1966 :** Art. 324 was amended to clarify the duties of the Election Commission. It deprived the Election Commission of the power to appoint election tribunals for deciding election disputes of members of Parliament and State Legislatures.
- **21st Constitutional Amendment Act, 1967 :** Sindhi language was included as 15th regional language in the Eighth Schedule.
- **24th Constitutional Amendment Act, 1971 :** It was a retaliatory act of the Parliament to neutralise the effect of the judgement in Golak Nath Case. It affirmed the parliament's power to amend any part of the Constitution, including Fundamental Rights by amending Arts. 368 and 13. It made obligatory for the President to give assent to Amendment Bills, when they are presented to him/her.
- **25th Constitutional Amendment Act, 1971 (came into force on 20.04.1972):** It restricted the jurisdiction of the Courts over acquisition laws with regard to adequacy of Compensation. This amendment came primarily in the wake of Bank Nationalisation case and the word 'amount' was substituted in place of 'compensation' in Article 31.
It also provided that no law passed by the State to give effect to Directive Principles specified under clauses (b) and (c) of Art. 39 can be declared void on the ground that it was inconsistent with Fundamental Rights conferred by Arts. 14, 19 and 31.



- **26th Constitutional Amendment Act, 1971 :** This amendment withdrew the recognition to the rulers of Princely States and their privy purses were abolished.
- **30th Constitutional Amendment Act, 1972 (27.02.1973):** It provided that only such appeals can be brought to the Supreme Court which involve a substantial question of law. The valuation aspect of Rs. 20,000 for appeals in civil cases to the Supreme Court was abolished.
- **31st Constitutional Amendment Act, 1973 :** By this amendment, the seats of the Lok Sabha was increased from 525 to 545 but reduced the representation of UTs in Lok Sabha from 25 to 20.
- **35th Constitutional Amendment Act, 1974 (01.03.1975):** Accorded status of Associate State to Sikkim by ending its protectorate kingdom status which was a novel concept introduced in the Constitution.
- **36th Constitutional Amendment Act, 1975 :** Made Sikkim a full fledged State of the Union of India.
- **38th Constitutional Amendment Act, 1975 :** Clarified that declaration of emergency by the President and promulgation of Ordinance by the President or Governor cannot be challenged in any Court on any ground.
- **39th Constitutional Amendment Act, 1975 :** The disputes or questions regarding elections of President, Vice-President, Prime Minister and Speaker of Lok Sabha were taken out of the purview of judicial review of the Supreme Court or High Courts.
- **42nd Constitutional Amendment Act, 1976 (Mini Constitution) :** The 42nd Amendment made fundamental changes in the constitutional structure and it incorporated the words 'SOCIALIST', 'SECULAR' and 'INDIAN' in the Preamble. Fundamental Duties were added in Part IVA. Directive Principles were given precedence over Fundamental Rights and any law made to this effect by the Parliament was kept beyond the scope of judicial review by the Court. It made the power of Parliament supreme so far as amendment to the Constitution was concerned. It authorised the Supreme Court to transfer certain cases from one High Court to another and redefined the writ jurisdiction of the High Courts. It provided for Administrative Tribunals for speedy justice. It empowered the Centre to deploy armed forces in any State to deal with the grave law and order situation. It authorised the President to make Proclamation of Emergency for any part of the country or to whole of India. It made it obligatory for the President to act on the advice of the Council of Ministers. Tenure of the Lok Sabha and the State Assemblies was increased by one year.
- **43rd Constitutional Amendment Act, 1977 (13.04.1978) :** The 43rd Amendment omitted many articles inserted by 42nd Amendment. It restored the jurisdiction of the Supreme Court and the High Courts, which had been curtailed under the 42nd Amendment.
- **44th Constitutional Amendment Act, 1978 (June-September, 1979):** The amendment was brought by the Janata Party Government which repealed some of the changes effected by 42nd Amendment, omitted a few and provided alterations. Right to property was taken away from the list of Fundamental Rights and placed in a new Art. 300A as an ordinary legal right. Constitutionality of the Proclamation of Emergency by the President could be questioned in a court on the ground of malafide (42nd Amendment had made it immune from judicial review). It brought the revocation of a Proclamation under Parliamentary control. In Article 352 regarding National Emergency, the words 'internal disturbance' were substituted by the words 'armed rebellion'. It authorised the President to refer back the advice to the Council of Ministers for reconsideration, but made it binding for the President to act on the reconsidered advice. The power of the Courts to decide disputes regarding election of Prime Minister and Speaker was restored. Constitutional protection on publication of proceedings of Parliament and State Legislatures was provided.
- **52nd Constitutional Amendment Act, 1985 :** This amendment was brought about during Rajiv Gandhi regime with a view to put an end to political defections. It added Tenth Schedule to the Constitution containing the modes for disqualification in case of defection from the Parliament or State Legislature.



- **55th Constitutional Amendment Act, 1986 (20.02.1987) :** The formation of Arunachal Pradesh took place with special powers given to the Governor. It also provided for a 30-member State Assembly.
- **56th Constitutional Amendment Act, 1987:** Goa was made a full fledged State with a State Assembly but Daman and Diu stayed as UT.
- **57th Constitutional Amendment Act, 1987 :** It provided for reservation in seats for Scheduled Tribes of Nagaland, Meghalaya, Mizoram and Arunachal Pradesh in Lok Sabha. Seats were also reserved for the Scheduled Tribes of Nagaland and Meghalaya in the State Assemblies of Nagaland and Meghalaya.
- **58th Constitutional Amendment Act, 1987 :** An authoritative text in the Constitution in Hindi was provided to the people of India by the 42nd Amendment.
- **59th Constitutional Amendment Act, 1988 :** It amended Art. 356 to provide that the declaration of Emergency may remain in operation upto 3 years and also authorised the Government to proclaim emergency in Punjab on ground of 'internal disturbance'. The amendment made in Art. 352 thus provided that the emergency with respect to Punjab shall operate only in that State.
- **61st Constitutional Amendment Act, 1988 (28.03.1989):** It brought about an amendment to Article 326 for the reduction of voting age from 21 to 18 years.
- **62nd Constitutional Amendment Act, 1989 :** It increased the period of reservation of seats provided to the Scheduled Castes and Scheduled Tribes for another 10 years i.e. upto 2000 A.D. The reservation for Anglo-Indians through nomination in case of their inadequate representation, was also extended upto 2000 A.D.
- **65th Constitutional Amendment Act, 1990 (12.03.1992) :** A National Commission for Scheduled Castes and Scheduled Tribes with wide powers was provided to take care of the cause of SCs/STs.
- **66th Constitutional Amendment Act, 1990 :** This amendment provided for the inclusion of 55 new land reform Acts passed by the States into the Ninth Schedule.
- **69th Constitutional Amendment Act, 1991 (01.02.1992):** Arts. 239-AA and 239-AB were inserted in the Constitution to provide a National Capital Territory designation to Union Territory of Delhi with a legislative Assembly and Council of Ministers.
- **70th Constitutional Amendment Act, 1992 :** Altered Art. 54 and 368 to include members of legislative assemblies of Union Territories of Delhi and Pondicherry in the electoral college for the election of the President.
- **71st Constitutional Amendment Act, 1992 :** It included M'ansipuri, Konkani and Nepalese languages in the 8th Schedule.
- **73rd Constitutional Amendment Act, 1992 (24.04.1993) :** The institution of Panchayati Raj received Constitutional guarantee, status and legitimacy. XIth Schedule was added to deal with it. It also inserted part IX, containing Arts, 243, 243A to 243O.
- **74th Constitutional Amendment Act, 1992 (01.06.1993):** Provided for constitutional sanctity to Municipalities by inserting Part IX-A, containing Arts. 243P to 243ZG and the XIth Schedule which deals with the items concerning Municipalities.
- **77th Constitutional Amendment Act, 1995 :** By this amendment a new clause 4A was added to Art. 16 which authorised the State to make provisions for Scheduled Castes and Scheduled Tribes with regard to promotions in Government jobs.
- **78th Constitutional Amendment Act, 1995 :** This amended the Ninth Schedule of the Constitution to insert 27 Land Reform Acts of various States. After this the total number of Acts included in the Ninth Schedule went upto 284.
- **79th Constitutional Amendment Act, 1999 :** Amended Art. 334 to extend the reservation of seats for SCs/ STs and Anglo-Indians in the Lok Sabha and in the State Legislative Assemblies upto 60 years from the commencement of the Constitution (i.e., till 2010).
- **80th Constitutional Amendment Act, 2000 :** Amended Art. 269 and substituted a new Article for Art. 270 and abolished Art. 272 of the Constitution. This was based on the recommendation of the Tenth Finance Commission. This amendment was deemed to have come into operation from 1st April 1996.



The Amendment widened the scope of the Central taxes and duties on the consignment of goods levied by the Government of India and distributed among States.

- **81st Constitutional Amendment Act, 2000 :** Amended Art. 16(1) of the Constitution and added a new clause (4-B) after clause (4-A) to Art. 16(1) of the Constitution. The new clause (4-B) ends the 50% ceiling on reservation for Scheduled Caste and Scheduled Tribes and other Backward Classes in backlog vacancies.
- **82nd Constitutional Amendment Act, 2000 :** This amendment restored the relaxation in qualifying marks and standards of evaluation in both job reservation and promotions to Scheduled Castes and Scheduled Tribes which was set aside by a Supreme Court's judgement in 1996.
- **84th Constitutional Amendment Act, 2001 (21.02.2002) :** This amendment provided that till the publication of the relevant figures of the first census after 2026 the ascertainment of the population of a State for following purposes shall be made on the basis of the census shown against each of them :
 - Election of the President under Art. 55 — 1971 census.
 - Allotment of seats to each State in Lok Sabha — 1971 census.
 - Division of State into territorial Lok Sabha constituencies — 1991 census.
 - Composition of Legislative Assemblies under Art. 170 — 1991 census.
 - Reservation of seats for SC / ST in the Lok Sabha under Art. 330 — 1991 census
- **85th Constitutional Amendment Act, 2001 :** It amended clause (4- A) of Art. 16 and substituted the words “in matters of promotion, with consequential seniority, to any class” for the words “in matter of promotion to any class”. The amendment provided for ‘consequential seniority’ to the SCs /STs for promotion in government service.
- **86th Constitutional Amendment Act, 2002:** Added a new Art. 21A after Art. 21 which makes the right of education for children of the age of 6 to 14 years a Fundamental Right. Substitutes Article 45 to direct the State to endeavour to provide early childhood care and education for all children until they complete the age of six years. Added a new Fundamental Duty to Part IV (Art. 51A) of the Constitution.
- **87th Constitutional Amendment Act, 2003 (19.02.2004):** Provided that the allocation of seats in the Lok Sabha and division of each State into territorial Constituencies will be done on the basis of population as ascertained by the ‘2001 census’ and not by ‘1991’ census.
- **88th Constitutional Amendment Act, 2003 (15.01.2004) :** This amendment inserted a new Article 268A after Article 268 which empowered the Union of India to levy ‘service tax’ . This tax shall be collected and appropriated by the Union and States in the manner as formulated by Parliament.
- **89th Constitutional Amendment Act, 2003 :** Provided for the establishment of a separate National Commission for Scheduled Tribes by bifurcating the existing National Commission for Scheduled Castes and Scheduled Tribes. The commission shall consist of a Chairman, Vice-Chairman and three other members. They shall be appointed by the President of India.
- **90th Constitutional Amendment Act, 2003 :** This amendment was necessitated due to creation of Bodoland Territorial Areas District within the State of Assam by agreement reached between the Centre and Bodo representatives for solving Bodoland problem. It stated that the representation of Scheduled Tribes and non-Scheduled Tribes in the Constitution of the Bodoland Territorial Areas District shall be maintained. It meant that the representation of the above categories shall remain the same as existed prior to the creation of Bodoland Territorial Areas District.
- **91st Constitutional Amendment Act, 2003 (01.01.2004) :** This amendment limits the size Of Ministries at the Centre and in States. According to new Clause (1-A) the total number of Ministers, including the Prime Minister in the Union Council of Ministers or Chief Minister in the State Legislative Assemblies shall not exceed 15 per cent of the total members of the Lok Sabha in the Centre or Vidhan Sabha in the states. The new Clause (1-B) of Article 75 provides that a member



of either House of Parliament belonging to any political party who is disqualified for being member of that house on the ground of defection shall also be disqualified to be appointed as a minister under Clause (1) of Art. 75 and 164 until he is again elected. However, the number of Ministers, including the Chief Minister in a State shall not be less than 12 (in smaller States like Sikkim, Mizoram and Goa).

- **92nd Constitutional Amendment Act, 2003 (07.01.2004) :** It amended the Eighth Schedule of the Constitution and has inserted 4 new languages in it, namely—Bodo, Dogri, Maithili and Santhali. After this amendment the total number of constitutionally recognised official languages has become 22.
- **93rd Constitutional Amendment Act, 2005 (20.01.2006) :** Provided reservation in admissions in private unaided educational institutions for students belonging to scheduled castes/tribes and other backward classes.
- **94th Constitutional Amendment Act, 2006 :** Excluded Bihar from the provision to Clause (1) of Art. 164 of the constitution which provides that there shall be a minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes in Bihar, Madhya Pradesh and Orissa (now Odisha). It extends the provisions of clause(1) of Art. 164 to the newly formed States of Chhattisgarh and Jharkhand.

- **95th Constitutional Amendment Act, 2009 :** Extended the reservation of seats for SCs and STs in the Lok Sabha and State assemblies by another 10 years (beyond January 25,2010). The time period of 60 years under Art. 334 of the constitution was to lapse on January 25, 2010. Through this amendment in Art. 334 the words ‘sixty years’ has been substituted by ‘seventy years’.

- **96th Constitutional Amendment Act, 2011 :** Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Ninety-sixth Amendment) Act, 2011.
2. In the Eighth Schedule to the Constitution, in entry 15, for the word “Oriya”, the word “Odia” shall be substituted.

- **97th Constitutional Amendment Act, 2011 :** Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows :

1. This Act may be called the Constitution (Ninety-seventh Amendment) Act, 2011. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In Part III of the Constitution, in article 19, in clause (/), in sub-clause (c), after the words “or unions”, the words “or co-operative societies” shall be inserted.
3. In Part IV of the Constitution, after article 43A, the following article shall be inserted, namely:—
“43B. The State shall endeavour to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.”

