



IAS 100

A Civil Services Chronicle Initiative

CONSTITUTIONAL AMENDMENT



Add : D/108, Sec-2, Noida (U.P.), Pin - 201 301
Email id : helpdesk@campus100.in
Call : 09582948810, 09953007628, 0120-2440265

The procedure of amendment makes the Constitution of India neither totally rigid nor totally flexible, rather a curious mixture of both. Some provisions can be easily changed and for some others, special procedures are to be followed. Despite the fact that India is a federal state, the proposal for amending the Constitution can be initiated only in the House of the Union Legislature and the State Legislatures have no such power.

In fact, there are three methods of amending the Constitution. But Article 368 of the Constitution which lays down the procedure for amendment mentions two methods:

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

Most of the provisions of the Constitution can be amended by this procedure.

2. For amending certain provisions a special procedure to be followed,
 - (i) a Bill for the purpose must be passed in each House of Parliament by a majority of total membership of the House,
 - (ii) by a majority of not less than two-thirds of the members of that house present and voting and
 - (iii) it should be notified by the legislatures of not less than one-half of the States before the Bill is presented to the President for assent.

The provisions requiring this special procedure to be followed include- (a) manner of the election of the President, (b) matters relating to the executive power of the Union and of the State, (c) representation of the States in Parliament (d) matters relating to the Union Judiciary and High Courts in the States (e) distribution of legislative powers between the Union and the States (f) any of the List in the Seventh Schedule (g) provisions of Article 368 relating to the procedure for amendment of the Constitution, etc.

3. There are certain provisions which require simple majority for amendments. They can be amended by the ordinary law making process. They include (a) formation of new States and alteration of areas, boundaries or names of existing ones (b) creation or abolition of Legislative Councils in the States (c) administration and control of Scheduled Areas and Scheduled Tribes (d) the salaries and allowances of the Supreme Court and High Court Judges (e) laws regarding citizenship, etc. It is significant that the laws passed by Parliament to change the above provisions would not be deemed to be amendments of the Constitution for the purpose of Article 368.

Some important amendments are:

The Constitution (First Amendment) Act, 1951

In June 1951, the Constitution (First Amendment) Act was passed, and the following Amendment in the Constitution were inserted : (i) To Article 15, a new clause (4) was added; (ii) clauses (2) and (6) of Article 19 were recast; (iii) After Article 31, Article 31A and 31B were inserted; (iv) For original Article 85, a new Article was substituted; (v) In Article 87, clauses (1) and (2) were recast; (vi) For the original Article 174, a new Article was substituted; (vii) In Article 176, clauses (1) and (2) were recast; (viii) Clause (1) of Article 341 was recast; and similarly, clause

(1) of Article 342, sub-clause (a) of Article 342, sub clause (a) of clause (3) of Article 372, and clause (1) of Article 376 were also recast; (ix) After the Eighth Schedule to the Constitution a Ninth Schedule was added and thirteen laws passed by State Legislatures were included in it so that those Acts might not be challenged in courts.

The main purpose of the Amendment was the removal of certain practical difficulties created by court decisions in several cases such as Kameshwar Singh vs. State of Bihar, Romesh Thapar vs. State of Madras, Brij Bhusan vs. State of Delhi and Motilal vs. Government of Uttar Pradesh. The issues involved in these cases were numerous, such as the scope of the fundamental right of freedom of speech, acquisition of Zamindari (land) of intermediaries, conflict between a citizen's fundamental right to practise any profession, or to carry on any business or trade (Article 19) and State monopoly of any trade, and so on.

The Constitution (Second Amendment) Act, 1952

The Second Amendment, amended Article 81 in order to remove the prescribed limit of 7,50,000 of the population for one member to be elected to the Lok Sabha. According to the original provision, at least one member was to be elected to the Lok Sabha for every 7,50,000 of the population. It was further provided that the maximum number of elected member to the Lok Sabha should not exceed 500.

The Constitution (Third 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 (Fourth Amendment) Act, 1955

Article 31 and 31A were amended by the Constitution Fourth Amendment Act. Clause (2) of Article 31 clause (1) of Article 31A were substituted by new clauses. As a result of these, the adequacy of the quantum of compensation paid for the compulsory acquisition of property for 'a public purpose' could not be questioned in a court of law. It also amended Article 305 and the Ninth Schedule.

The Constitution (Fifth Amendment) Act, 1955

The Constitution (Fifth Amendment) Act 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 as may be specified in the reference or within such further period, as the President may allow.

The Constitution (Sixth 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 Articles 269 and 286 dealing with inter-state Sales-tax.

The Constitution (Seventh Amendment) Act, 1956

The Seventh Amendment brought about the most comprehensive changes so far in the Constitution. This amendment was designed to implement the State Reorganisation Act. The Second and Seventh schedules were substantially amended for the purpose of the States Reorganization Act.

The Constitution (Eight Amendment) Act, 1959

The Act extended the period of reservation seats in Lok Sabha and State Legislatures for the Anglo-Indians, the Scheduled Castes and Scheduled Tribes by another 10 years.

The Constitution (Ninth Amendment) Act, 1960

It provided for the transfer of certain territories of India to Pakistan under an agreement between India and Pakistan as a part of a comprehensive settlement of border disputes between the two countries.

The Constitution (Tenth Amendment) Act, 1961

The Tenth Amendment integrates the areas of Free Dadra and Nagar Haveli with the Union of India and provides for their administration under the regulation making powers of the President.

The Constitution (Eleventh 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. It also obviates the necessity of a joint meeting of the two Houses of Parliament (Article 66) by constituting them into an electoral college for the election of the Vice-President.

The Constitution (Twelfth Amendment) Act, 1962

The main object of the Amendment was to add Union Territories of Goa, Daman and Diu to the Union of India and for this First Schedule of the Constitution was amended.

The Constitution (Thirteenth Amendment) Act, 1962

The Act provides the creation of Nagaland as the Sixteenth State of the Union. The Amendment provides also for the vesting of certain special responsibilities in the Governor of Nagaland.

The Constitution (Fourteenth Amendment) Act, 1962

The amendment provides for the incorporation of the former French Establishments in India, under the name Pondicherry, as an integral part of the territory of the Indian Union. It also amended Article 31 to increase, from a maximum 20 to 25, the number of seats assigned in the Lok Sabha for the Union Territories.

The Constitution (Fifteenth Amendment) Act, 1963

The amendment raised the retirement age of High Court Judges from 60 to 62 years. It also empowered the various High Courts to hear cases against the Union Government.

The Constitution (Sixteenth Amendment) Act, 1963

The Act seeks to enable Parliament to make laws provident penalty for any person questioning the sovereignty and integrity of India. Under the provisions of the this Amendment, a person shall not be qualified to be chosen to fill a seat in Parliament or in the Legislature of State unless, inter-alia, he makes or subscribes before a person authorised by the Election Commission an oath or affirmation that he will bear true faith and allegiance to the

Constitution and will uphold the sovereignty and integrity of India.

The Constitution (Seventeenth Amendment) Act, 1964

The Act amended the definition of the term 'estate' in Article 31A to include lands held under 'Ryotwari settlement' and also other lands in respect of which provisions are normally made in land reform enactments. It also amended the Ninth Schedule of the Constitution to include therein 44 State enactments related to land reforms in order to remove any uncertainty or doubt that may arise with regard to their validity.

The Constitution (Eighteenth Amendment) Act, 1966

The amendment provides for the creation of new States, namely, Punjab and Haryana as a result of the reorganisation of the former State of Punjab and the Union Territory of Himachal Pradesh.

The Constitution (Nineteenth Amendment) Act, 1966

The Act modified Article 324 so as to terminate the jurisdiction of Election Tribunals to decide election disputes. The Amendment withdrew from the Election Commission the power of setting up Election Tribunals.

The Constitution (Twentieth 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 (Twenty-first Amendment) Act, 1967

It amended the Eighth Schedule to the Constitution by including 'Sindhi' therein.

The Constitution (Twenty-second 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 (Twenty-third Amendment) Act, 1969

It deals with the questions of reservation of seat in Parliament and State Assemblies for Scheduled Castes, Scheduled Tribes and Anglo-Indian and further extend the period of reservation by another ten years, which means in effect thirty years from the commencement of the Constitution.

The Constitution (Twenty-fourth Amendment) Act, 1971

It amended Article 13 and 368 with a view to removing all possible doubts regarding the power of Parliament to amend the Constitution and procedure thereof. It gets over the Golak Nath ruling and asserts the power of Parliament, denied to in the Golak Nath, to amend Fundamental Rights.

The Constitution (Twenty-fifth) Amendment Act, 1971

The 25th amendment of the Constitution in 1971 added a new clause, Article 31C to the Constitution. Upto 1971, the position was that Fundamental Rights prevailed over the Directive Principles of State Policy and that a law enacted to implement a Directive Principle could not be valid if it conflicted with a Fundamental Right. Article 31C sought to change this relationship to some extent by conferring primacy on Articles 39(b) and 39(c) over Articles 14, 19 and 31.

The Constitution (Twenty-sixth Amendment) Act, 1971

It abolished Articles 291 and 362 of the Constitution and also inserted a new Article 362A after Article 363. the cumulative effect of these changes was the end of the recognition granted to the former rulers of Indian States and the abolition of Privy Purses.

The Constitution (Twenty-seventh Amendment) Act, 1971

The Act was enacted to implement the decision to establish the Union Territory of Mizoram. It empowered Parliament to create a legislature and Council of Minister for the new territory.

The Constitution (Twenty-eight Amendment) Act, 1972

The amendment deleted Article 314 of the Constitution, which had given protection to the I.C.S. Officers, condition of service and privileges and inserted a new Article 312A.

The Constitution (Twenty-ninth Amendment) Act, 1972

By the twenty-ninth Amendment Act, 1972 two Kerala Acts dealing with land reforms were included in the 9th Schedule to the Constitution.

The Constitution (Thirtieth Amendment) Act, 1972

By this amendment, Article 133 was recast so as to redefine the Civil Appellate Jurisdiction of the Supreme Court. The result of this Amendment is that while any case involving an important question of law can reach the Supreme Court by way of appeal, a case however large the amount involved therein but involving no substantial point of law, would fail to reach the Supreme Court.

The Constitution (Thirty-first Amendment) Act, 1973

By this amendment, the strength of the Lok Sabha was increased from 525 to 545 members. This was done to accommodate the increase in population as revealed by the 1971 Census. Accordingly, Article 81(i)(a) was suitably amended.

The Constitution (Thirty-second Amendment) Act, 1973

The amendment Act was enacted to make few special provisions for the State of Andhra Pradesh to satisfy the aspirations of the people of the Telangana region.

The Constitution (Thirty-third Amendment) Act, 1974

It amended Articles 101 and 190. Before this Amendment, the resignation of a member of legislature became effective the moment it was tendered. This position is now changed. A resignation becomes effective only after it has been accepted by the Presiding Officer of the House concerned who may refuse to accept the same if he is satisfied that the resignation is not voluntary or genuine. This precautionary

provision appeared to be necessary to avoid the members of Parliament or state legislatures being forced to resign.

The Constitution (Thirty-fourth Amendment) Act, 1974

By this amendment twenty State Acts concerning land ceiling and land tenure reforms were added to the Ninth Schedule to the Constitution.

The Constitution (Thirty-fifth and Thirty-sixth Amendment) Acts, 1974-1975

The 35th Amendment Act introduced an innovation in the Indian Constitution by conferring on Sikkim the status of an associate in the Indian Union. This was however, a short-lined experiment. The people of Sikkim desired to be an integral part of India. Accordingly, the Constitution Thirty-sixth Amendment Act was enacted in 1975 to confer full-fledged statehood on Sikkim.

The Constitution (Thirty-seventh Amendment) Act, 1975

The Amendment upgraded the status of Arunachal Pradesh as a Union Territory. Articles 239A and 240 were amended so as to authorize Parliament to create for Arunachal Pradesh a Legislature and Council of Ministers.

The Constitution (Thirty-eighth Amendment) Act, 1975

This Amendment Act was enacted during the emergency to make certain modification in the emergency provisions. The Presidential 'satisfaction' to issue a proclamation was declared to be final and conclusive. A classificatory clause was added to Article 356(1) so as to make Presidential 'satisfaction' to issue a proclamation there under as 'final and conclusive' which shall not be questioned in any court on any ground.

This Amendment also declared that the 'satisfaction' of the President and a State Governor to issue ordinances would be 'final and conclusive' and shall not be questioned in any court on any ground'.

The Constitution (Thirty-ninth) Amendment) Act, 1975

The voiding of the election to the Lok Sabha of PM Indira Gandhi by the Allahabad High

Court in 1975 on the petition of Raj Narain led to the enactment of the 39th Amendment Act, 1975. It introduced changes in the method deciding election disputes relating to the four high officials of the state, viz. President, Vice-President, Prime Minister and the Speaker. Under the new Article 71(2), Parliament by the law was to establish some 'authority' or 'body' for deciding such disputes, and its decisions shall not be in question any court.

The Constitution (Fortieth Amendment) Act, 1976

The Amendment Act extended immunity to 64 Central and State statues by including them in the IX Schedule. These statues pertained to land reform, Urban Ceiling and prevention of publication of objectionable matter.

The Constitution (Forty-first Amendment) Act, 1976

The Constitution (Forty-first Amendment Act), 1976 raised the age of retirement of the chairman and members of State Public Service Commissions from 60 to 62.

The Constitution (Forty-second Amendment) Act, 1976

The 42nd Constitutional Amendment Act brought a number of changes in the Constitution. The Act inter-alia gave preponderance to the Directive Principles of State Policy over the Fundamental Rights. Established the supremacy of Parliament and curtailed the powers of Judiciary. The Act was first of its kind. It was the most comprehensive Act and touched almost all the sensitive areas of the Constitution. The Amendment was meant to enhance enormously the strength of the Government.

The major Amendments made in the Constitution by the 42nd Amendment Act are:

Preamble

The characterization of India as 'Sovereign Democratic Republic' has been changed to 'Sovereign Socialist Secular Democratic Republic'. The words 'Unity of the nation' have been changed to 'Unity and integrity of the nation'.

Parliament and State Legislatures : The life of the Lok Sabha and State Legislative Assemblies was extended from 5 to 6 years.

Executive : It amended Article 74 to State explicitly that the President shall act in accordance with the advice of the Council of Ministers in discharge of his functions.

Judiciary: The 42nd Amendment Act inserted Article 32A in order to deny the Supreme Court the power to consider the Constitutional validity of a State law. Another new provision, Article 131A, gave the Supreme Court an exclusive jurisdiction to determine question relating to the Constitutional validity of a central laws.

Article 144A and Article 128A, the creatures of Constitutional Amendment Act made further innovation in the area of judicial review of the Constitutionality of legislation. Under Article 144A, the minimum number of judges of the Supreme Court to decide a question of a Constitutional validity of a Central or State law was fixed as at least seven and further, this required two-thirds majority of the judges sitting declare law as unconstitutional. While the power of the High Court to enforce Fundamental Rights remained untouched, several restrictions were imposed on its power to issue writs 'for any other purpose'.

Federalism: The Act added Article 257A in the Constitution to enable the Centre to deploy any armed force of the Union, or any other force under its control. For dealing with any grave situation of law and order in any State.

Fundamental Rights and Directive Principles: A major change that was made by 42nd Constitutional Amendment was to give primacy to all Directive Principles over the Fundamental Rights contained in Articles 14, 19 or 31. the 42nd Constitutional Amendment added a few more Directive Principles - free legal aid, participation of workers in management of industries, protection for environment and protection of forests and wildlife of the country.

Fundamental Duties : The 42nd Amendment Act inserted Article 51-A to create a new part called IV-A in the Constitution, which prescribed the Fundamental Duties to the citizens.

Emergency : Prior to 42nd Amendment Act, the President could declare emergency under Article 352 throughout the country and not in a part of the country alone. The Act authorised

the President to proclaim Emergency in any part of the country.

The dominant thrust of the Amendment was to reduce the role of courts, particularly, that of the High Courts. It also sought to strengthen Parliament in various ways which in effect, added to the power of the Central Government, It drew enormous criticism particularly for it was pushed through during Emergency.

The Constitution (Forty-third Amendment) Act, 1977

In 1977, the Emergency came to an end and the Janata Party came into power. It made an election pledge that it would repeal the 42nd Amendment and restore the status quo ante. The 43rd Amendment repealed some of the provisions of the 42nd Amendment. Article 31D has also been omitted.

The Constitution (Fourty-fourth Amendment) Act, 1978

The 44th Amendment passed in 1978 undid most of the distortions introduced into the Constitution by the 42nd Amendment of the Constitution. The salient features of the Amendment Act are as follows :

- It reduced the life of Lok Sabha and State Legislative Assemblies again to five years and thus restored the status quo ante.
- It cancelled 39th Amendment which had deprived the Supreme Court of its jurisdiction to decide disputes concerning election of the President and the Vice-President.
- A new provision was added to Article 74(1) saying that the President could require the council of ministers to reconsider its advice to him, either generally or otherwise and the President should Act in accordance with the advice tendered after such re-consideration.

Article 257A was Omitted

- It has been provided that an Emergency can be proclaimed only on the basis of written advice tendered to the President by the Cabinet.
- Right to Property has been taken out from the list of Fundamental Rights and has been declared a legal right.

The Constitution (Forty-fifth Amendment) Act, 1980

The purpose of the Amendment was to continue reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and the State Assemblies for another 10 years, i.e., upto 1990. The same concession is extended to the Anglo-Indians who may have representation by nomination in these chambers.

The Constitution (Forty-sixth Amendment) Act, 1982

The Forty-sixth Amendment enables the State Governments to plug loopholes and realise sales-tax dues on the one hand and on the other aims at bringing about some uniformity in tax rates in case of certain items.

The Constitution (Forty-seventh Amendment) Act, 1984

This Amendment adds 14 State Acts dealing with land to the IXth Schedule.

The Constitution (Forty-eighth Amendment) Act, 1984

The purpose of the Amendment was to extend President's rule in Punjab for two years. Under Article 356(5) President's rule can last in a State for a maximum period of one year. But the conditions in Punjab did not permit holding of fresh elections and accordingly, extension of President's rule became imperative.

The Constitution (Forty-ninth Amendment) Act, 1984

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 (Fiftieth Amendment) Act, 1984

This Amendment substitutes an expounded Article 33 for the old Article by the new Article 33, where Parliament is authorised to curtail the Fundamental Rights of the members of the armed forces, forces charged with the maintenance of public order, intelligence organisations or telecommunication systems set up for any force or Intelligence Bureau, with a view to ensure the proper discharge of duties by and maintenance of discipline among those persons in the interest of country's security.

The Constitution (Fifty-first Amendment) Act, 1984

The Amendment effectuates some changes in Articles 330 and 332 with a view to provide for reservation of seats in the Lok Sabha for Scheduled Tribes in Meghalaya, Arunachal Pradesh and Mizoram, as well as in the Legislative Assemblies of Nagaland and Meghalaya.

The Constitution (Fifty-second Amendment) Act, 1985

The amendment is designed to prevent the scourge of defection of Members of Parliament and State Legislatures from one political party to another.

The Constitution (Fifty-third Amendment) Act, 1986

The amendment Act elevated the Union Territory of Mizoram to the status of a State.

The Constitution (Fifty-fourth Amendment) Act, 1986

The Salaries of the Judges of the Supreme Court and the High Courts have been enhanced by the 54th Amendment Act, 1986. Accordingly, a Judge of the Supreme Court gets a salary of Rs. 9,000 per mensem and the salary of the Chief Justice is Rs. 10,000 per mensem. A Judge of the High Court gets a salary of Rs. 8,000 per mensem and the salary of the Chief Justice of the High Courts is Rs. 9,000 per mensem.

The Constitution (Fifty-fifth Amendment) Act, 1986

The Union Territory of Arunachal Pradesh was elevated to the status of a State by the 55th Amendment Act.

The Constitution (Fifty-sixth Amendment) Act, 1987

Constitution (56th Amendment) Act, 1987 inserted Article 394A, to make the Hindi text of the Constitution authoritative.

The Constitution (Fifty-seventh Amendment) Act, 1987

The Constitution (57th Amendment) Act, 1987 with the Goa, Daman and Diu Reorganisation Act, 1987 lifted Goa from the status of Union Territory to that of the 25th State of the Union of India.

The Constitution (Fifty-eighth Amendment) Act, 1987

The Amendment Act provides the reservation of seats for tribals in the Legislative Assemblies of Arunchal Pradesh, Meghalaya, Mizoram and Nagaland.

The Constitution (Fifty-ninth Amendment) Act, 1988

The Act empowered the Government to impose Emergency in Punjab on the grounds that India's integrity was threatened by internal disturbances.

The Constitution (Sixtieth Amendment) Act, 1988

The Amendment Act authorise State Governments to increase the ceiling on professional tax from Rs. 250 to Rs. 2,500 per person per annum.

The Constitution (Sixty-first Amendment) Act, 1988

The 61st Amendment reduces the voting age from 21 years to 18 years for the Lok Sabha and Assembly election.

The Constitution (Sixty-second Amendment) Act, 1990

The 62nd Amendment Act extends by 10 years the reservation of seats for the Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Assemblies as well as nomination representatives of the Anglo-Indian community.

The Constitution (Sixty-third Amendment) Act, 1990

The Amendment Act repealed the 59th Constitutional Amendment which empowered the Government to impose Emergency in Punjab.

The Constitution (Sixty-fourth Amendment) Act, 1990

The Amendment Act was to extend President's rule in Punjab for further six months.

The Constitution (Sixty-fifth Amendment) Act, 1990

Article 338 of the Constitution has been amended for the Constitution of a National Commission for Scheduled Castes and Scheduled Tribes consisting of a chairperson,

vice-chairperson and five other members who shall be appointed by the President by warrant under his hand and seal.

The Constitution (Sixty-Eight Amendment) Act, 1990

The Act protects fifty-five State Acts relating to land reforms and ceiling on agricultural land holdings, enacted by States of Andhra Pradesh, Karnataka, Kerala, Madhya Pradesh, West Bengal and Union Territory of Pondicherry, from challenge in courts, by including them in the Ninth Schedule to the Constitution.

The Constitution (Sixty-seventh Amendment) Act, 1991

The Amendment Act was to extend President's rule in Punjab for further six months i.e., upto May 10,1991.

The Constitution (Sixty-eight Amendment) Act, 1991

The Amendment Act was to extend President's Rule in Punjab for further six months after May 1991.

The Constitution (Sixty-ninth Amendment) Act, 1991

The Amendment Act was to grant Statehood to Delhi as 'National Capital Territory of Delhi'. It also provides a 70 member assembly and a 7 member Council of Ministers for Delhi.

The Constitution (Seventy Amendment) Act, 1992

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

The Constitution (Seventy-first Amendment) Act, 1992

The amendment facilitates for the inclusion of Nepali, Manipuri and Konkani in the Eighth Schedule of the Constitution. With the inclusion of these three languages, the number of languages in the Eight Schedule goes up to 18.

The Constitution (Seventy-second Amendment) Act, 1992

For restoring peace and harmony in the areas of the State of Tripura where disturbed conditions prevailed, Memorandum of Settlement was signed by the Government of

India with Tripura National Volunteers on August 12, 1988.

In order to implement the said Memorandum, Article 332 of the Constitution (Seventy-second Amendment) Act, 1992 for making a temporary provision for the determination of the number of seats reserved for the Scheduled Tribes in the State Assembly of Tripura, until the re adjustment of seats is made on the basis of the first census after the year 2000 under Article 170 of the Constitution.

The Constitution (Seventy-third Amendment) Act, 1992

The Seventy-third Constitutional Amendment Act, 1992 was passed by the Parliament on December 22nd, 1992 which was notified by the Central Government through Official Gazette on April 20, 1993 as it got rectification by the State legislatures and was assented to by the President of India. After notification, the Panchayati Raj Institutions have now got Constitutional legitimacy.

After part VIII of the Constitution, a separate part IX has been added to the Constitution with the addition in Article 243A and fresh Schedule called Eleventh Schedule enumerating the powers and functions of Panchayati Raj Institutions. The Act provides for Gram Sabha, a three-tier model of Panchayati Raj, reservation of seats for SCs and STs in proportion to their population and one-third reservation of seats for women.

The Constitution (Seventy-fourth Amendment) Act, 1992

The Act provides constitutional status to Urban Local Bodies. After part VIII of the Constitution, a separate part IXA has been added to the Constitution with the addition in Article 243A and a fresh schedule called Twelfth schedule enumerating the powers and functions of urban local bodies has been incorporated. The Act provides Municipal Panchayat, Municipal Council and Municipal Corporation, reservation of seats for SCs and STs in proportion to their population and one-third reservation of seats for women.

The Constitution (Seventy-fifth Amendment) Act, 1993

It has amended Article 323-B and added a new clause (h) providing for establishment of

tribunals for rent control cases.

The Constitution (Seventy-sixth Amendment) Act, 1994

This Amendment Act raises the reservation quota of government jobs and seats for admission in the educational institutions in favour of socially and educationally backward classes to 69 per cent in Tamil Nadu. Further, the Amendment Act has been included in the Ninth Schedule of the Constitution to exempt it from the purview of judicial scrutiny.

The Constitution (Seventy-seventh 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 provisions for reservation in promotions in Government jobs in favour of SCs and STs, if it is of opinion that they are inadequately represented in the services under the State. This has been done to nullify the effect of the Supreme Court Judgment in the Mandal Commission Case (Indra Sawhney vs. Union of India) in which the Court has held that reservation in promotions cannot be made.

The Constitution (Seventy-eighth Amendment) act 1995

This amended the Ninth schedule of the Constitution and inserted 27 Land 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 (Seventy-ninth Amendment) Act, 1999

By this Act, the Government has extended the reservation of seats for the Scheduled Castes and the Scheduled Tribes as well as for the Anglo-Indians in the House of the People and in the Legislative Assemblies of the States for another ten years.

The Constitution (Eightieth Amendment) Act, 2000

Based on the recommendations of the Tenth Finance Commission, an alternative scheme for sharing taxes between the Union and the State has been enacted by the Constitution (Eightieth Amendment) Act, 2000. Under the new scheme of devolution of revenue between Union and the

States, 26 per cent out of gross proceeds of Union taxes and duties is to be assigned to the States in lieu of their existing share in the income-tax, excise duties special excise duties and grants in lieu of tax on railway passenger fares.

The Constitution (Eighty-first Amendment) Act, 2000

By this amendment the unfilled vacancies of a year which reserved for the Scheduled Castes and the Scheduled Tribes for being filled up in that year in accordance with any provision of reservations made under Article 16 of the Constitution shall be considered as a separate class of vacancies to be filled up in any succeeding year or years, and such class of vacancies shall not be considered together with the vacancies of the year in which they were filled up for determining the ceiling of fifty per cent reservation against total number of vacancies of that year.

The Constitution (Eighty-second Amendment) Act, 2000

The amendment provides that nothing in Article 335 shall prevent the State from making any provisions in favour of the members of the Scheduled Castes and the Scheduled Tribes 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 (Eighty-third Amendment) Act, 2000

The Act amended Article 243M of the Constitution to provide that no reservation in Panchayats need be made in favour of the Scheduled Castes in Arunachal Pradesh wholly inhabited by tribal population.

The Constitution (Eighty-fourth Amendment) Act, 2001

The Act amended provisions to Article 82 and 170(3) of the Constitution to readjust and rationalise the territorial constituencies in the States, without altering the number of seats allotted to each State in the House of People and Legislative Assemblies of the States, including the Scheduled Castes and Scheduled Tribes Constituencies, on the basis of the population ascertained at the census for the year 1991 so as

to remove the imbalance caused due to uneven growth of population/electorate in different constituencies.

The Constitution (Eighty-fifth Amendment) Act, 2001

This Act 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 (Eighty-sixth Amendment) Act, 2002

With a view to making right to free and compulsory education a fundamental right, the Act inserts a new Article, namely, Article 21A conferring on all children in the age group of 6 to 14 years the right to free and compulsory education. The Act amends in Part-III, Part -IV and Part-IV(A) of the Constitution.

The Constitution (Eighty-seventh Amendment) Act, 2003

The Amendment provides for readjustment of electoral constituencies, including those reserved for the Scheduled Castes and the Scheduled Tribes, based on the population census for the year 2001, without affecting the number of seats allocated to States in the legislative bodies.

The Constitution (Eighty-Eighth Amendment) Act, 2003

The Act amends Article 268, 270 and VIIIth Schedule of the Constitution. It adds 92C just after 92B and makes provisions for Tax on Services.

The Constitution (Eighty-ninth Amendment) Act, 2003

The Act adds Article 338A and provides for the creation of National Commission for Scheduled Tribes.

The Constitution (Ninetieth Amendment) Act, 2003

The Act amends Article 332 and adds section (6) regarding representation in the Bodo Territorial Areas District in the State of Assam.

The Constitution (Ninety-one Amendment) Act, 2003

The Act makes provisions for limiting the size of the Council of Ministers at the Center and in the States and gives teeth to debar a defector from holding any remunerative political post for the remaining tenure of the legislature unless re-elected.

The Constitution (Ninety- two Amendment) Act, 2003

The Amendment facilitates for the inclusion of Bodo, Dogari, Maithili and Santhali in the VIIIth Schedule of the Constitution. With the inclusion of these four languages, the number of languages in the VIIIth Schedule goes upto 22.

The Constitution (Ninety- third Amendment) Act, 2005

Providing reservation for the socially and educationally backward classes, besides the Schedules Castes and the Scheduled Tribes, in private unaided educational institutions.

The Constitution (Ninety-fourth Amendment) Act, 2006

The Constitution provides that there shall be Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Casts and backward classes or any other work in the State of Bihar, Madhya Pradesh and Orissa.

The Constitution (Ninety-fifth Amendment) Act, 2010

The amendment aims to extend the reservation of seats for SCs and STs in the Lok Sabha and States, assemblies from Sixty years to Seventy years.

The Constitution (Ninety-sixth Amendment) Act, 2011

It has substituted "Odia" for "Oriya".

The Constitution (Ninety-seventh Amendment) Act 2012

Added the words "or co-operative societies" after the word "or unions" in Article 19(l)(c) and insertion of Article 43B i.e., Promotion of Co-operative Societies and added Part-IXB i.e., The Co-operative Societies.

The objective of amendment is to encourage economic activities of cooperatives which in turn help progress of rural India. It is expected to not only ensure autonomous and democratic functioning of cooperatives, but also the accountability of the management to the members and other stakeholders.

The Constitution (Ninety-eighth Amendment) Act, 2013

To empower the Governor of Karnataka to take steps to develop the Hyderabad-Karnataka Region.



