

Constitutional Amendment

These notes are your ultimate revision weapon to revise the Constitutional Amendment. We've distilled years of previous exam questions (PYQs) into one powerful, concise resource. Everything you need to know, nothing you don't.

- **PYQs, Decoded:** All key concepts from past exams, organized and simplified.
- **Revise in Record Time:** Short, precise, and designed for last-minute review.
- **Focus on What Matters:** Master high-probability topics and boost your confidence.

Constitutional Amendments in India: A Comprehensive Overview

I. Governing Provision & General Procedure (Article 368)

- **Governing Article:** Article 368 of the Indian Constitution.
- **Initiation:** An amendment bill can be introduced in **either House of Parliament** (Lok Sabha or Rajya Sabha).
- **Passing Requirement:** Must be passed in **each House by a special majority**:
 - A majority of the **total membership** of that House.
 - A majority of **not less than two-thirds** of the members present and voting.
- **President's Assent:** After being passed by both Houses, the bill is presented to the President, who **must give assent** (the power to veto was removed by the 24th Amendment Act).
- **Deadlock Resolution:** There is **no provision for a joint sitting** of both Houses. If one House rejects the bill, it fails.

II. Types of Amendment Procedures

Amendments require different procedures based on the subject matter.

Procedure	Description	Examples of Applicability
1. Simple Majority	Passed by a simple majority of members present and voting in each House.	Abolition or creation of State Legislative Councils.
2. Special Majority	Passed by the special majority as defined in Article 368.	Most parts of the Constitution.
3. Special Majority + State Ratification	Passed by Parliament's special majority and ratified by not less than one-half of the state legislatures.	Amendments to specific federal provisions.

- **Provisions Requiring State Ratification:** These include amendments related to:
 - The election of the President.
 - The extent of executive and legislative powers of the Union and states.
 - The Supreme Court and High Courts.
 - The representation of states in Parliament.
 - The procedure for amending the Constitution itself (Article 368).
 - The distribution of legislative powers (any of the lists in the 7th Schedule).
- **Not Required For:** The creation of new states or changes to state boundaries.

III. Limitations on Amending Power: The Basic Structure Doctrine

- **Definition:** A judicial principle that certain fundamental features of the Constitution cannot be abrogated or destroyed by Parliament through amendments.
- **Landmark Cases:**

- **Golaknath vs. State of Punjab (1967):** Initially held that Parliament could not amend Fundamental Rights.
- **Keshavananda Bharati vs. State of Kerala (1973):**
 - Overturned the Golaknath ruling.
 - Formally enunciated the '**Basic Structure Doctrine**'.
 - Ruled that Parliament can amend any part of the Constitution, including Fundamental Rights, but **cannot alter its "basic structure."**
- **Minerva Mills Case (1980):** Strengthened the doctrine, striking down part of the 42nd Amendment that gave all Directive Principles of State Policy (DPSP) precedence over Fundamental Rights (Articles 14 & 19). It upheld that only DPSPs under Articles 39(b) and 39(c) can have precedence.
- **Current Position:** Parliament can amend Fundamental Rights, but this power is subject to judicial review based on the Basic Structure Doctrine.

IV. Significant Constitutional Amendment Acts

Amendment Act	Year	Key Provisions / Significance
1st	1951	• Added Articles 31A and 31B. • Introduced the 9th Schedule to protect laws (especially agrarian reforms) from judicial review.
24th	1971	• Affirmed Parliament's power to amend any part of the Constitution. • Made it mandatory for the President to give assent to a Constitutional Amendment Bill.
25th	1971	• Strengthened DPSPs over Fundamental Rights. Laws for Articles 39(b) & (c) cannot be void for violating Articles 14 and 19.
42nd	1976	• Often called the "Mini Constitution". • Added words Socialist, Secular, and Integrity to

		the Preamble. • Introduced Fundamental Duties (Article 51-A). • Shifted subjects (Forests, Education, etc.) from State List to Concurrent List.
44th	1978	• A corrective measure post the 42nd Amendment. • Restored the power of judicial review. • Abolished the Right to Property as a Fundamental Right (converted to a legal right).
52nd	1985	• Introduced the Anti-Defection Law by adding the Tenth Schedule.
58th	1987	• Authorized the publication of the authoritative text of the Constitution in Hindi.
61st	1988/89	• Reduced the voting age from 21 years to 18 years for Lok Sabha and State Legislative Assemblies. Effective March 28, 1989.
69th	1991	• Granted the Union Territory of Delhi the status of the National Capital Territory (NCT) of Delhi.
79th	1999	• Provided for 10 years of reservation for SCs, STs, and the Anglo-Indian community in Lok Sabha and State Legislatures.
86th	2002	• Introduced Article 21A, making the Right to Education a Fundamental Right for children aged 6-14 years. Effective April 1, 2010.
89th	2003	• Bifurcated the combined commission into two separate bodies: National Commission for SCs (NCSC) and National Commission for STs (NCST).
91st	2003	• Amended the Anti-Defection Law. • Limited the size of the Council of Ministers to 15% of the total members of the House. • Provided protection for SC/ST reservation in

		filling backlog vacancies.
93rd	2005*	• Paved the way for 27% reservation for Other Backward Classes (OBCs) in educational institutions.
95th	2009	• Extended reservation for SCs and STs in Lok Sabha and State Legislatures for another 10 years.
97th	2011/12	• Added the Right to form Co-operative Societies under Article 19(1)(c). • Gave constitutional status to cooperatives.
99th	2014	• Led to the formation of the National Judicial Appointments Commission (NJAC). • Struck down by the Supreme Court in 2015 for violating judicial independence.
101st	2016	• Facilitated the introduction of the Goods and Services Tax (GST).
104th	2019	• Ended the provision for nomination of members from the Anglo-Indian community in Lok Sabha and State Legislatures beyond January 25, 2020.
105th	2021	• Restored the power of states to identify and specify Socially and Educationally Backward Classes (SEBCs) for reservations.

Note: Commonly referred to as the 93rd Amendment Act, passed in 2005.

V. Amendments Related to Statehood

- **36th Amendment (1975):** Made **Sikkim** the 22nd state of India.
- **53rd Amendment (1986):** Granted full statehood to **Mizoram** (enforced in 1987).

VI. Miscellaneous Facts

- **Scope of Article 368:** It does **not** cover provisions related to the qualification, conditions, and tenure of the **President's office**.
- **Total Amendments (as of 2013):** By 2013, a total of **98 Constitutional Amendments** had been implemented.
- **98th Amendment Bill:** Was related to the constitution of the National Judicial Commission (a different proposal from the NJAC).

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- [Constitutional Amendment – Old Year Questions](#)
- [Constitutional Amendment One Liner Questions & Answers](#)

