



LAST MINUTE PRELIMS RECKONER 2025

POLITY

CONSTITUTIONAL AMENDMENTS

THE HISTORY OF CONSTITUTIONAL AMENDMENTS

"If you make any Constitution rigid and permanent, you stop the nation's growth, the growth of a living, vital, organic people"

-Pt. Jawaharlal Nehru

Ironing out the flaws

1st Amendment Act

- Inserted articles 31A, 31B & Ninth Schedule to protect the land reform laws from judicial review
- Placed reasonable restrictions on fundamental rights (Article 19)
- In response to *Champakam Dorairajan v. State of Madras* case, it made provision for special treatment of educationally and socially backward classes

1951



1956

7th Amendment Act

- Reorganised states on linguistic lines
- Inserted articles 350A (Instruction in mother tongue) and 350B (Special officer for linguistic minorities)
- Empowered Parliament to create a High Court for two or more states
- Appointment of a Governor for two or more states

24th Amendment Act

- In response to *Golaknath case* (1967) verdict
- Declared that Parliament has the power to abridge any of the Fundamental Rights under Article 368 and that such an Act will not be a law under the meaning of Art. 13

1971

26th Amendment Act

- Abolished Privy purse and privileges given to former rulers of princely states

42nd Amendment Act

- Dubbed as the 'Mini constitution'
- Added three new words in the Preamble: "socialist", "secular" and "integrity"
- Added three new Directive Principles viz.,
 - secure opportunities for healthy development of children (Article 39)
 - Equal justice and free-legal aid (Article 39A)
 - Participation of workers in the management of industries (Article 43A)
 - Protection of environment, forests and wild life (Article 48A)
- Added Fundamental Duties (Part IVA)

1976

- Made the President bound by the advice of the cabinet
- Facilitated the proclamation of national emergency in a part of territory of India
- Constitutional amendments placed beyond judicial review
- Created administrative and other tribunals (Art 323A, 323B & Part XIV A)
- Raised the tenure of Lok Sabha and state legislative assemblies to 6 years
- Froze seats in Lok Sabha & Rajya Sabha
- Shifted five subjects from the state list to the concurrent list
- Provided for the creation of the All-India Judicial Service

Judiciary Vs. Executive

44th Amendment Act

Regarding Emergency provisions:

- Replaced the term 'internal disturbance' with 'armed rebellion'
- President to declare it only on the written recommendation of the 'cabinet'
- Added procedural safeguards with respect to national emergency and President's rule
- Fundamental rights guaranteed by Articles 20 and 21 cannot be suspended during a national emergency
- Deleted 'Right to Property' from fundamental rights and made it a legal right (Article 300A)
- President's satisfaction subjected to judicial review

52nd Amendment Act

Anti defection law:

- Laid down the process by which members of Parliament and state legislatures maybe disqualified on the ground of defection
- Added tenth schedule

1978

- Added Article 38 (2) in DPSP, which directs the state to minimize inequalities in income, & eliminate inequalities in status, facilities and opportunities
- Constitutional protection to publication in newspaper regarding proceedings of the Parliament and State Legislatures
- President can send advice of the Cabinet for reconsideration, but only once
- Restored powers of the Supreme Court and High Courts in respect to judicial review and issue of writs
- Restored the term of Lok Sabha and state assemblies back to 5 years

1985

61st Amendment Act

- Reduced the voting age from 21 years to 18 years

1989

1991

69th Amendment Act

- Accorded a special status to the Union Territory of Delhi by designing it as the National Capital Territory of Delhi

73rd Amendment Act

- Granted constitutional status and protection to the Panchayati raj institutions
 - Added a new Part-IX entitled as 'the panchayats'
 - Added a new Eleventh Schedule

1992

74th Amendment Act

- Granted constitutional status and protection to the urban local bodies
 - Added a new Part IX-A entitled as 'the municipalities'
 - Added a new Twelfth Schedule

1995

77th Amendment Act

- Provided for reservation in promotions in government jobs for SCs and STs

86th Amendment Act

- Created on the background of *Unni Krishnan v State of Andhra Pradesh* case
- Made elementary education a fundamental right
- Added Article 21-A:
 - State shall provide free and compulsory education to all children of the age 6-14 years
- Changed the subject matter of Article 45 in Directive Principles
- Added a new fundamental duty under Article 51-A (k)

2002

2003

91st Amendment Act

- Strengthened Anti defection law
 - debarred defectors from holding public offices
 - Deleted the exemption from disqualification in case of split by 1/3rd members of the party
- Restricted the size of the Council of Ministers to 15% of total strength of Lok Sabha/State legislative assembly

92nd Amendment Act

- Included four more languages (Bodo, Dogri (Dongri), Maithili (Maithili) and Santhali) in the Eighth Schedule.

93rd Amendment Act

- To nullify the judgement in *P.A. Inamdar vs. State of Maharashtra* case
- Inserted Article 15 (5):
 - State to make special provisions for SEBCs/SCs/STs in educational institutions including private institutions, except in minority educational institutions

2005

2011

97rd Amendment Act

- Gave constitutional status and protection to cooperative societies
 - Right to form co-operative societies made a fundamental right under article 19
 - Inserted a new DPSP on promotion of co-operative societies (Article 43-B)
 - Added Part IX-B entitled "The Co-operative societies"

2014

99th Amendment Act

- Replaced the collegium system of appointing judges with a new body called the National Judicial Appointments Commission (NJAC)
- In 2015, Supreme Court declared this amendment act as unconstitutional and void

2016

101st Amendment Act

- Introduced Goods and Service Tax (GST)
- Constitution of a GST Council
- Amended several features of 7th schedule
- Conferred simultaneous power to Parliament and state legislatures to make laws on GST

2018

102rd Amendment Act

- Granted constitutional status to National Commission for Backward Classes

2019

103rd Amendment Act

- Provides 10% reservation for economically weaker sections
- Added new articles under 15(6) & 16(6)
- To give effect to DPSP under article 46

104th Amendment Act, 2019

✓ Reservation of seats to SC/ST:

- It **extends the deadline for the cessation for the reservation of seats for members from Scheduled Castes (SCs) and Scheduled Tribes (STs)** in the Lok Sabha and State Legislative Assemblies by a period of 10 years.
- The reservation of seats for the SCs and STs was set to expire on 26 January 2020, but was extended for **another 10 years** (upto 2030)

✓ Reservation of seats to Anglo-Indian Community:

- The amendment **does not extend** the period of reservation of the 2 Lok Sabha seats and one seat in State Legislative Assemblies **reserved for members of the Anglo-Indian Community**.
- Hence, the practice of nominating two members of the Anglo-Indian community by the President of India under the recommendation of the Prime Minister of India was effectively abolished.

105th Amendment Act, 2021

- ✓ The **102nd Constitution Amendment Act of 2018** gave constitutional status to the NCBC, and **empowered the President to notify the list Socially and Educationally Backward Classes (SEBC) for any state or Union Territory**.

✓ The 105th Amendment Act:

- **Restored state governments' power to prepare the SEBC list.** This list must be made by law, and may differ from the central list.
- Provides that the President may notify the list of socially and educationally backward classes only for **purposes of the central government**. This central list will be prepared and maintained by the central government.
- **Exempts states and Union territories from consulting the NCBC under Article 338B** for matters related to preparation of their list of socially and educationally backward classes.

"Nari Shakti Vandan Adhiniyam 2023"

On September 2023, the Constitution (106th Amendment) Act, 2023, was passed by Parliament to grant one-third reservation to women in the Lok Sabha, State Assemblies, and the NCT of Delhi.

Provisions:

- **Reservation:** Reserves 33% (one-third) of Lok Sabha seats (inserted Article 330A) and state assembly seats (inserted Article 332A) for women through direct election
- **For SC/STs:** Provides sub-reservation for SCs, STs, and Anglo-Indians among women candidates. Inserts a clause in Article 330 A, reserving one-third of seats for women within SCs and STs in Lok Sabha
- **For NCT, Delhi:** Inserts a subsection in Article 239 AA, reserving seats for women in the legislative assembly of the National Capital Territory of Delhi. Subsection (bb) reserves one-third of SC and ST seats in the Delhi Assembly for women
- **Duration:** The reservation period initially lasts for 15 years from the commencement of the act, with the possibility of extension by Parliament.
- **Enforcement:** The implementation of reservation begins after the completion of the delimitation process based on the first Census conducted after the Bill's passage
- **Rotation of seat:** Rotation for reserved seats occurs following each subsequent delimitation.

