

**UPSC**  
**NCERT Summary**  
**Amendment of Constitution**

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## **Introduction**

Part XX of the Constitution of India deals with the Amendment of the Constitution. The Article 368 specifies the power of Parliament to amend the constitution and the procedure of it. It is also mentioned in the Article that there will be no limitation on the constituent power of the Parliament for amending it by adding, removing or improving the provisions made in it. The method of an amendment to the Constitution is considered to be a highly complicated procedure. Amendment can be made by various methods, which have been modeled based on the South African Constitution. Since the enactment of the Constitution of India on 26 November 1949, there have been 94 amendments made to it till 2006. Number of Bills are introduced before Lok Sabha and Rajya Sabha for further improving the Constitution.

## **AMENDMENT PROCEDURE**

- By simple majority of the Parliament: Amendments in this category can be made by a simple majority of members present and voting, before sending them for the President's assent.
- By special majority of the Parliament: Amendments can be made in this category by a two-thirds majority of the total number of members present and voting, which should not be less than half of the total membership of the house.
- By special majority of the Parliament and ratification by at least half of the state legislatures by special majority. After this, it is sent to the President for his assent.

### **(i) AMENDMENTS IN BRIEF**

- **1st Amendment Act, 1951:** Amended Articles - 15, 19, 85, 87, 174, 176, 341, 342, 376. Inserted Articles - 31A, 31B. Added Schedule - IXth
- **2nd Amendment Act, 1952:** Amended Article - 81
- **3rd Amendment Act, 1954:** Amended Schedule - XIIth Schedule List III, Entry 33.

- **4th Amendment Act, 1955:** Amended Articles - 31, 31A, 305. Amended Schedule - IXth.
- **5th Amendment Act, 1955:** Amended Article - 3.
- **6th Amendment Act, 1956:** Amended Articles - 269, 286 Amended Schedule - VIIth Schedule - List II, Entry 54; List I, 92A inserted.
- **7th Amendment Act, 1956:** Amended Art.1,80, 131, 153 158, 168, 222, 224, 230, 231, 232, 298, 371 and 1st, 4th and 7th schedule. Also amended Part VIII and inserted new Articles - 258A, 290A, 350A, 350B, 372A and 378A. It made consequential and minor amendments and repeals under Article 392.
- **8th Amendment Act, 1959:** Article 334 amended - '20 years' substituted for '10 years'.
- **9th Amendment Act, 1960:** Act further amend the Constitution of India to give effect to the transfer of certain territories to Pakistan in pursuance of the agreements entered into between the Governments of India and Pakistan in year 1958, 1959 and 1960.
- **10th Amendment Act, 1961:** Article 240 and First Schedule amended to incorporate Dadra and Nagar Havelli as a Union Territory.
- **11th Amendment Act, 1961:** Articles 66(1) & 71(3) amended to narrow down grounds for challenging validity of election of President or Vice-President.
- **12th Amendment Act, 1962:** Goa, Daman and Diu were included as a Union territory in the First Schedule with an amendment in Article 240.
- **13th Amendment Act, 1962:** Inserted Article 371A to make special provisions for the administration of the state of Nagaland.
- **14th Amendment Act, 1962:** French establishments of Pondicherry, Karikal, Mahe and Yanam became territories of the Indian Union with amendments in Articles 81(1)(b) and 240 as well as 1st and 4th Schedule. New Art. 239A was inserted.
- **15th Amendment Act, 1963:** Amended Articles 124, 128, 217, 222, 224, 226, 297, 311, 316 and 7th Schedule. New Art. 224 A was inserted.
- **16th Amendment Act, 1963:** Amended Articles 19, 84, 173 and 3rd Schedule.
- **17th Amendment Act, 1964:** Amended Art. 31 A, Entries 21- 64 added to the IXth Schedule.
- **18th Amendment Act, 1966:** Added explanation to Art. 3, to clarify that the Parliament has the power to create a new state or Union Territory. Provision was made for formation of two states Punjab and Haryana.
- **19th Amendment Act, 1966:** Amended Art. 324 to clarify the duties of the Election Commission.
- **20th Amendment Act, 1966:** Art. 233 A inserted to validate the appointment of District Judges.

- **21st Amendment Act, 1967:** Incorporated Sindhi language in the Eighth Schedule.
- **22nd Amendment Act, 1969:** Inserted new Articles 244 A and 371 B.

Amended Part X and Article 275.

- **23rd Amendment Act, 1970:** Amending Arts. 330, 332, 333, 334 (to extend the period of reservation for Scheduled Castes and Tribes).
- **24th Amendment Act, 1971:** Inserting cl. (4) in Art. 13; amending Art. 368. The object of the amendment was to clarify that the Parliament has the power to amend every part of the Constitution.
- **25th Amendment Act, 1971:** Amended Article 31 and inserted new Art. 31 C.
- **26th Amendment Act, 1971:** Amended Article 366. Omitted Articles 291 and 362 and inserted a new Article 363 A.
- **27th Amendment Act, 1971:** Amended Articles 239 A and 240. Inserted new Articles 239B and 371C.
- **28th Amendment Act:** Inserted new Article 312 A and omitted article 314.
- **29th Amendment Act, 1972:** Amended Ninth Schedule.
- **30th Amendment Act, 1972:** Amended Article 133.
- **31st Amendment Act, 1973:** Amended Articles 81, 330 and 332.
- **32nd Amendment Act, 1973:** Amended Article 371 and 7th Schedule. Inserted new Articles 371D and 371E.
- **33rd Amendment Act, 1974:** Amended Articles 101 and 190.
- **34th Amendment Act, 1974:** Adding items 67-86 to the IXth Schedule.
- **35th Amendment Act, 1974:** Inserting Art. 2 A and amending Arts. 80-81; adding Xth Schedule. Sikkim was made an associate state.
- **36th Amendment Act, 1975:** Made special provisions for Sikkim through amendment of 1st and 4th Schedule. Inserted a new Article 371F.
- **37th Amendment Act, 1975:** Amended Articles 239A and 240.
- **38th Amendment Act, 1975:** Amended Articles 123, 213, 239B, 352, 356, 359 and 360.
- **39th Amendment Act, 1975:** Amended Article 329 and 9th Schedule. Substituted a new Article for Art. 71 and inserted a new Article 329A.
- **40th Amendment Act, 1976:** Substituting Art. 297; adding entries 125 to 188 to Schedule IX.
- **41st Amendment Act, 1976:** Amended Article 316.
- **42nd Amendment Act, 1976:** Known as a “ mini Constitution ” in itself. Amended the Preamble and Articles 31C, 39, 55, 74, 77, 81, 82, 83, 100, 102, 105, 118, 145, 166, 170, 172, 189, 191, 194, 208, 217, 225, 227, 228, 311, 312, 330, 352, 353, 356, 357, 358, 359, 366, 368, 371F and 7th Schedule. Also inserted new Articles- 31D 32A 39A 43A 48A 131A

139A 144A 226A 228A 257A and new Parts- IV A and XIV A. Substituted Articles- 103, 150, 192 and 226

- **43rd Amendment Act, 1977:** Omitting Arts. 31D, 32A, 131A, 144A; amending Art. 145. This amendment omitted many articles inserted by the 42nd Amendment Act. Some articles were changed.
- **44th Amendment Act, 1978:** The right to property was omitted from fundamental right and made legal right. Amended Art. 352, 132, 134 and a new Article 134A inserted. Art. 21 and 22 further strengthened.
- **45th Amendment Act, 1980:** Extended reservation under Art. 334 from 30 to 40 years.
- **46th Amendment Act, 1982:** Amending Arts. 269, 286, 366. List I, relating to Sales Tax.
- **47th Amendment Act, 1984:** Added entries 189-202, to the Ninth Schedule.
- **48th Amendment Act, 1984:** Inserted provision to cl. (5) of Art. 256 to extend President's Rule in Punjab.
- **49th Amendment Act, 1984:** Amended Art. 244. Fifth & Sixth Schedules. Sixth Schedule was made applicable to Tripura.
- **50th Amendment Act, 1984:** Substituted Art. 33. Its scope was enlarged and many other forces were included in its ambit.
- **51st Amendment Act, 1984:** Amended Arts. 330, 332.
- **52nd Amendment Act, 1985:** Amended Arts. 101, 102, 190, 191; added Xth Schedule (anti-defection). It was declared that a member who defects from his party would become subject to disqualification.
- **53rd Amendment Act, 1986:** Added Art. 377G. Mizoram was made a state.
- **54th Amendment Act, 1986:** Amended Articles 125, 221 and 2nd Schedule.
- **55th Amendment Act, 1986:** Inserted a new Article 371 H with special provisions for the State of Arunachal Pradesh.
- **56th Amendment Act, 1987:** Inserted Art. 371-I. Goa was made a state and provision for a state assembly was inserted, and Daman and Diu as a Union Territory.
- **57th Amendment Act, 1987:** As the 51st Amendment Act could not be fully implemented, the 57th Amendment Act was carried out.
- **58th Amendment Act, 1987:** Amended the heading of Part XXII and inserted a new Article 394A.
- **59th Amendment Act, 1988:** Amended Article 356 and insertion a new Article 359A.
- **60th Amendment Act, 1988:** Amended Article 276.
- **61st Amendment Act, 1988:** Amended Article 326.
- **62nd Amendment Act, 1989:** Amended Art. 334, to increase the period of reservation of seats for Scheduled Castes and Tribes for 10 years.

- **63rd Amendment Act, 1989:** The provision to clause (5) of Art. 356 and Art. 359A were omitted as the changes brought after 59th Amendment Act, 1988 were no longer required.
- **64th Amendment Act, 1990:** Amended Art. 356 to facilitate the extension of the proclamation issued under cl. (1) of Art. 356 on 11 May 1987 upto a total period of three years and six months in relation to Punjab.
- **65th Amendment Act, 1990:** Amended Art. 338 to provide for a National Commission for Scheduled Castes and Scheduled Tribes. Wide powers given to the commission.
- **66th Amendment Act, 1990:** Inserted entries 203 to 257 in the IXth Schedule.
- **67th Amendment Act, 1990:** Amended Art. 356, 3rd provision, cl. (a) extending President's Rule in Punjab to 4 years.
- **68th Amendment Act, 1991:** It further amends clause 4; of Art. 356, amended by the 67th Amendment Act, 1990. The amended period extended to five years.
- **69th Amendment Act, 1991:** Inserted new Articles 239AA and 239AB.
- **70th Amendment Act, 1992:** Amended Art. 54 and 368 to include Members of Legislative Assemblies of Union Territories of Delhi and Pondicherry in the Electoral College.
- **72nd Amendment Act, 1992:** Inserted cl. (3B) in Art. 332.
- **73rd Amendment Act, 1992:** Gave practical shape to Art. 40. Added Part IX and 11th Schedule and Articles 243A to 243O. Made Panchayati Raj Institutions constitutional.
- **74th Amendment Act, 1992:** Added Part-IX A, 12th Schedule and Articles 243P to 243ZG. Made constitutional provisions for Urban Local Government.
- **75th Amendment Act, 1993:** Inserted sub-cl. (h) in Art. 323B (2).
- **76th Amendment Act, 1994:** Inserted entry 237A in the IXth Schedule.
- **77th Amendment Act, 1995:** Amended Article 16.
- **78th Amendment Act, 1995:** Further added 27 entries to the IXth Schedule of the Constitution.
- **79th Amendment Act, 1999:** Substituted "Sixty Years" for the words in Art. 334.
- **80th Amendment Act, 2000:** Substituted new clauses for cls. (1) and (2) of Art. 269; new Article for Art. 270 and omitting Art. 272.
- **81st Amendment Act, 2000:** Inserted cl. (4B) in Art. 16.
- **82nd Amendment Act, 2000:** Inserted a Provision of Art. 335.
- **83rd Amendment Act, 2000:** Amended Article 243M.
- **84th Amendment Act, 2001:** Amended provisions to Art. 82 and 170(3) of the Constitution.
- **85th Amendment Act, 2001:** Amended Article 16.

- **86th Amendment Act, 2002:** Inserted new Art. 21A after Art. 21 to make education a fundamental right for children of age 6-14 year.
- **87th Amendment Act, 2003:** Substitution of figures “ 1991” by figures “2001” in cl.(3) , in the provision in cl. (ii) of Art. 81, in 3rd provision in cl. (ii) of Art. 82, in cl. (2), in the Explanation, in the provision of Art . 170 and in cl.(3), in the Explanation, in the 3rd provision of Art. 170. Same substitution in the Explanation, in the provision of Art. 330.
- **88th Amendment Act, 2003:** Insertion of Art. 268A after Art. 268. In Art. 270 in cl. (1) substitution of words, figures and letter “Art. 268, 268A and 269” for “Art. 268 and 269”. Insertion of entry 92C in VIIth Schedule in List I.
- **89th Amendment Act, 2003:** Amended Article 338 and inserted a new Article 338A.
- **90th Amendment Act, 2003:** Insertion of provision in cl. (6) of Art. 332 of the Constitution.
- **91st Amendment Act, 2003:** Insertion of clause after cl. (1) in Art. 75 limiting the membership of council of ministers to fifteen percent of the total membership of the House of the People. And in Art. 164, insertion of clauses after cl.(1) limiting the membership of Council of Ministers in the state to fifteen percent of the total numbers of the Legislative Assembly of that state.
- **92nd Amendment Act, 2003:** Addition of languages, “Bodo”, “Dogri”, “Maithili” and “Santhali” in the Eighth Schedule of the Constitution.
- **93rd Amendment Act, 2005:** Amended Article 15 to enable the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.
- **94th Amendment Act, 2006:** To provide for a Minister & Tribal Welfare in Jharkhand & Chhattisgarh.
- **95th Amendment Act, 2010:** To extend the reservation of seats for SCs and STs in the Lok Sabha and states assemblies from Sixty years to Seventy years
- **96th Amendment Act, 2011:** Substituted “Odia” for “Oriya”
- **97th Amendment Act, 2012:** Added the words “or Co-operative societies” in Article 19(1)(c) and inserted article 43 B.i.e. Promotion of Co-operative societies and added part-IX B i.e., the Co-operative, Societies.

## **(ii) Amendments which were Later Repealed**

- Some of the amendments introduced earlier have been repealed through subsequent amendments. This process started with the 43rd Amendment Act of 1977, which removed the restrictions imposed on the Supreme Court and the High Court jurisdiction with regard to the constitutional validity of laws and deleted the provisions regarding anti-national associations activities.
- These restrictions and the provisions were introduced through the 42nd Amendment during emergency. When the Janata Party came to power at the Centre, it wanted to undo most of the constitutional changes introduced during the Emergency. The process was continued through the 44th Amendment Act also. Similarly, when Janata Dal came to power at the Centre in 1989, it repealed 59th Amendment through the 63rd Amendment, as the former empowered the Government to impose internal emergency in Punjab.