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Department of Employment and Training

Course : TNPSC Group II Exam
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Topic : **Amendments to Constitution**

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**Commissioner,
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AMENDMENTS TO CONSTITUTION

- ❖ Article 368 in Part XX of the Constitution deals with the powers of Parliament to amend the Constitution and its procedure.
- ❖ The Parliament cannot amend those provisions which form the 'basic structure' of the Constitution. This was ruled by the Supreme Court in the Kesavananda Bharati case (1973).

Procedure for Amendment:

- ❖ An amendment of the Constitution can be initiated only by the introduction of a bill for the purpose in either House of parliament and not in the state legislatures.
- ❖ The bill can be introduced either by a minister or by a private member and does not require prior permission of the president.
- ❖ The bill must be passed in each house by a special majority, (more than 50 percent of the total membership of the house and a majority of two-thirds of the members of the house present and voting).
- ❖ Each house must pass the bill separately. In case of a disagreement between the two Houses, there is no provision for holding a joint sitting of the two Houses for the purpose of deliberation and passage of the bill.
- ❖ If the bill seeks to amend the federal provisions of the Constitution, it must also be ratified by the legislatures of half of the states by a simple majority, that is, a majority of the members of the House present and voting.
- ❖ After duly passed by both the Houses of Parliament and ratified by the state legislatures, where necessary, the bill is presented to the president for assent.



- ❖ The president must give his assent to the bill. He can neither withhold his assent to the bill nor return the bill for reconsideration of the Parliament.
- ❖ After the president's assent, the bill becomes an Act (i.e., a constitutional amendment act) and the Constitution stands amended in accordance with the terms of the Act.

Type of amendments:

- ❖ Amendment by simple majority of the Parliament
- ❖ Amendment by special majority of the Parliament, and
- ❖ Amendment by special majority of the Parliament, and the ratification of half of the state legislatures.

By Simple Majority of Parliament

1. Admission or establishment of new states
2. Formation of new states and alteration of areas, boundaries or names of existing states.
3. Abolition or creation of legislative councils in states.

4. Second Schedule – emoluments, allowances, privileges and so on of the president, the governors, the Speakers, judges, etc.
5. Fifth Schedule – administration of scheduled areas and scheduled tribes.
6. Sixth Schedule – administration of tribal areas.
7. Quorum in Parliament.
8. Salaries and allowances of the members of Parliament.
9. Rules of procedure in Parliament.
10. Privileges of the Parliament, its members and its committees.
11. Use of English language in Parliament.
12. Conferment of more jurisdiction on the Supreme Court.
13. Use of official language.
14. Citizenship acquisition and termination.
15. Elections to Parliament and state legislatures.
16. Delimitation of constituencies.
17. Union territories.
18. Number of puisne judges in the Supreme court.

By special Majority of Parliament

1. Fundamental Rights
2. Directive Principles of State Policy
3. All other provisions which are not covered by the first and third categories.

By simple Majority of Parliament and Consent of States:

1. Election of the President and its manner

2. Extent of the executive power of the Union and the states
3. Supreme Court and High Courts
4. Distribution of legislative powers between the Union and the states
5. Any of the lists in the Seventh Schedule.
6. Representation of states in Parliament.
7. Power of Parliament to amend the Constitution and its procedure (Article 368 itself).

LIST OF CONSTITUTIONAL AMENDMENTS AND THEIR PROVISIONS

SL. No	Amendment	Important Provisions
1	1st Amendment Act: 1951	<ul style="list-style-type: none"> • Added Ninth Schedule to protect the land reform and other laws included in it from the judicial review. • Added three more grounds of restrictions on freedom of speech and expression, viz., public order, friendly relations with foreign states and incitement to an offence. Also, made the restrictions 'reasonable' and thus, justiciable in nature. • Empowered the state to make special provisions for the advancement of socially and economically backward classes
2	2nd Amendment act: 1952	Readjusted the scale of representation in the Lok Sabha by providing that one member could represent even more than 7,50,000 persons.

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3	3rd Amendment act: 1954	Empowered the Parliament to control the production, supply and distribution of the foodstuffs, cattle fodder, raw cotton, cotton seed and raw jute in the public interest
4	4th Amendment act: 1955	Made the scale of compensation given in lieu of compulsory acquisition of private property beyond the scrutiny of courts.
5	5th Amendment Act: 1955	Empowered the president to fix the time-limit for the state legislatures to express their views on the proposed Central legislation affecting the areas, boundaries and names of the states
6	6th Amendment Act: 1956	Included a new subject in the Union list i.e., taxes on the sale and purchase of goods in the course of inter-state trade and commerce and restricted the state's power in this regard
7	7th Amendment Act: 1956	<ul style="list-style-type: none"> • This constitutional amendment act was brought to give effect to recommendations of state reorganisation commission. • Provided for the establishment of a common high court for two or more states. • Abolished the existing classification of states into four categories i.e., Part A, Part B, Part C and Part D states, and reorganised them into 14 states and 6 union territories. • Extended the jurisdiction of high courts to union territories. • Provided for the appointment of additional and acting judges of the high court.
8	8th Amendment Act: 1960	Extended the reservation of seats for the SCs and STs, and special representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a period of ten years (i.e., up to 1970).

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9	9th Amendment Act: 1960	Facilitated the cession of Indian territory of Berubari Union (located in West Bengal) to Pakistan as provided in the Indo-Pakistan Agreement (1958).
10	10th Amendment Act: 1961	Incorporated Dadra and Nagar Haveli in the Indian Union
11	11th Amendment Act: 1961	<ul style="list-style-type: none"> • Changed the procedure of election of the vice-president by providing for an electoral college instead of a joint meeting of the two Houses of Parliament. • Provided that the election of the president or vice-president cannot be challenged on the ground of any vacancy in the appropriate electoral college.
12	12th Amendment Act: 1962	Incorporated Goa, Daman and Diu in the Indian Union.
13	13th Amendment Act: 1962	Gave the status of a state to Nagaland and made special provisions for it.
14	14th Amendment Act: 1962	Incorporated Puducherry in the Indian Union
15	15th Amendment Act: 1963	Increased the retirement age of high court judges from 60 to 62 years
16	16th Amendment Act: 1963	Included sovereignty and integrity in the forms of oaths or affirmations to be subscribed by contestants to the legislatures, members of the legislatures, ministers, judges and CAG of India.
17	17th Amendment Act: 1964	Prohibited the acquisition of land under personal cultivation unless the market value of the land is paid as compensation.
18	18th Amendment Act: 1966	Made it clear that the power of Parliament to form a new state also includes a power to form a new state or union territory by uniting a part of a state or a union territory to another state or UT.
19	19th Amendment Act: 1966	Abolished the system of Election Tribunals and vested the power to hear election

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20	20th Amendment Act: 1966	Validated certain appointments of district judges in the UP which were declared void by the Supreme Court.
21	21st Amendment Act: 1967	Included sindhi as the 15th language in the Eight Schedule.
22	22nd Amendment Act: 1969	Facilitated the creation of a new autonomous State of Meghalaya within the State of Assam.
23	23rd Amendment Act: 1969	Extended the reservation of seats for the SCs and STs, and special representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years (i.e., up to 1980).
24	24th Amendment Act: 1971	<ul style="list-style-type: none"> • Affirmed the power of Parliament to amend any part of the constitution including fundamental rights. • Made it compulsory for the president to give his assent to a Constitutional Amendment Bill.
25	25th Amendment Act: 1971	<ul style="list-style-type: none"> • Curtailed the fundamental right to property. • Provided that any law made to give effect to the Directive Principles contained in Article 39 (b) or (c) cannot be challenged on the ground of violation of the rights guaranteed by Articles 14, 19 and 31.
26	26th Amendment Act: 1971	Abolished the privy purses and privileges of the former rulers of princely states.
27	27th Amendment Act: 1971	Empowered the administrators of certain union territories to promulgate ordinances.
28	28th Amendment Act: 1972	<ul style="list-style-type: none"> • Abolished the special privileges of ICS officers and empowered the Parliament to determine their service conditions. • Twenty-Ninth Amendment Act, 1972 • Included two Kerala Acts on land reforms in the Ninth Schedule.
29	30th Amendment Act: 1972	Did away with the provision which allowed

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		appeal to the Supreme Court in civil cases involving an amount of `20,000, and provided instead that an appeal can be filed in the Supreme Court only if the case involves a substantial question of law.
30	31st Amendment Act: 1972	Increased the number of Lok Sabha seats from 525 to 545.
31	32nd Amendment Act: 1973	Made special provisions to satisfy the aspirations of the people of the Telangana region in Andhra Pradesh.
32	33rd Amendment Act: 1974	Provided that the resignation of the members of Parliament and the state legislatures may be accepted by the Speaker/Chairman only if he is satisfied that the resignation is voluntary or genuine.
33	34th Amendment Act: 1974	Included twenty more land tenure and land reforms acts of various states in the Ninth Schedule.
34	35th Amendment Act: 1974	Terminated the protectorate status of Sikkim and conferred on it the status of an associate state of the Indian Union. The Tenth Schedule was added laying down the terms and conditions of association of Sikkim with the Indian Union.
35	36th Amendment Act: 1975	Made Sikkim a full-fledged State of the Indian Union and omitted the Tenth Schedule.
36	37th Amendment Act: 1975	Provided legislative assembly and council of ministers for the Union Territory of Arunachal Pradesh.
37	38th Amendment Act: 1975	Empowered the president to declare different proclamations of national emergency on different grounds simultaneously.
38	39th Amendment Act: 1975	Placed the disputes relating to the president, vice-president, prime minister and Speaker beyond the scope of the judiciary. They are to be decided by such authority as may be determined by the

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		Parliament.
39	40th Amendment Act: 1976	Empowered the Parliament to specify from time to time the limits of the territorial waters, the continental shelf, the exclusive economic zone (EEZ) and the maritime zones of India.
40	41st Amendment Act: 1976	Raised the retirement age of members of State Public Service Commission and Joint Public Service Commission from 60 to 62.
41	42nd Amendment Act: 1976	<ul style="list-style-type: none"> • It is also known as Mini-Constitution. It was enacted to give effect to the recommendations of Swaran Singh Committee.) • Added three new words (i.e., socialist, secular and integrity) in the Preamble. • Added Fundamental Duties by the citizens (new Part IV A). • Made the president bound by the advice of the cabinet. • Added three new Directive Principles viz., equal justice and free legal aid, participation of workers in the management of industries. • Shifted five subjects from the state list to the concurrent list, viz, education, forests, protection of wild animals and birds, weights and measures and administration of justice, constitution and organisation of all courts except the Supreme Court and the high courts. • Empowered the Centre to deploy its armed forces in any state to deal with a grave situation of law and order.
42	43rd Amendment Act: 1977	Restored the jurisdiction of the Supreme Court and the high courts in respect of judicial review and issue of writs
43	44th Amendment Act: 1978	<ul style="list-style-type: none"> • Empowered the president to send back once the advice of cabinet for

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		<p>reconsideration. But, the reconsidered advice is to be binding on the president</p> <ul style="list-style-type: none"> • Replaced the term 'internal disturbance' by 'armed rebellion' in respect of national emergency. • Made the President to declare a national emergency only on the written recommendation of the cabinet. • Deleted the right to property from the list of Fundamental Rights and made it only a legal right.
44	45th Amendment Act: 1980	Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years (i.e., up to 1990).
45	46th Amendment Act: 1982	Enabled the states to plug loopholes in the laws and realise sales tax dues.
46	47th Amendment Act: 1984	Included 14 land reforms Acts of various states in the Ninth Schedule.
47	48th Amendment Act: 1984	Facilitated the extension of President's rule in Punjab beyond one year without meeting the two special conditions for such extension.
48	49th Amendment Act: 1984	Gave a constitutional sanctity to the Autonomous District Council in Tripura.
49	50th Amendment Act: 1984	Empowered the Parliament to restrict the Fundamental Rights of persons employed in intelligence organisations and telecommunication systems set up for the armed forces or intelligence organisations.
50	51st Amendment Act: 1984	Provided for reservation of seats in the Lok Sabha for STs in Meghalaya, Arunachal Pradesh, Nagaland and Mizoram as well as in the Legislative Assemblies of Meghalaya and Nagaland
51	52nd Amendment Act: 1985	<ul style="list-style-type: none"> • This amendment popularly known as Anti-Defection Law

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		<ul style="list-style-type: none"> Provided for disqualification of members of Parliament and state legislatures on the ground of defection and added a new Tenth Schedule containing the details in this regard.
52	53rd Amendment Act: 1986	Made special provisions in respect of Mizoram and fixed the strength of its Assembly at a minimum of 40 members
53	54th Amendment Act: 1986	Increased the salaries of the Supreme Court and high court judges and enabled the Parliament to change them in future by an ordinary law.
54	55th Amendment Act: 1986	Made special provisions in respect of Arunachal Pradesh and fixed the strength of its Assembly at a minimum of 30 members.
55	56th Amendment Act: 1987	Fixed the strength of the Goa Legislative Assembly at a minimum of 30 members.
56	57th Amendment Act: 1987	Reserved seats for the STs in the legislative assemblies of the states of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland.
57	58th Amendment Act: 1987	Provided for an authoritative text of the Constitution in Hindi language and gave the same legal sanctity to the Hindi version of the Constitution.
58	59th Amendment Act: 1988	Provided for the declaration of national emergency in Punjab on the ground of internal disturbance.
59	60th Amendment Act: 1988	Increased the ceiling of taxes on professions, trades, callings and employments from Rs 250 per annum to Rs 2,500 per annum
60	61st Amendment Act: 1989	Reduced the voting age from 21 years to 18 years for the Lok Sabha and state legislative assembly elections.
61	62nd Amendment Act: 1989	Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and

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		the state legislative assemblies for the further period of ten years (i.e., up to 2000).
62	63rd Amendment Act: 1989	Repealed the changes introduced by the 59th Amendment Act of 1988 in relation to Punjab. In other words, Punjab was brought at par with the other states in respect of emergency provisions.
63	64th Amendment Act: 1990	Facilitated the extension of the President's rule in Punjab upto a total period of three years and six months
64	65th Amendment Act: 1990	Provided for the establishment of a multi-member National Commission for SCs and STs in the place of a Special Officer for SCs and STs.
65	66th Amendment Act: 1990	Included 55 more land reforms Acts of various states in the Ninth Schedule.
66	67th Amendment Act: 1990	Facilitated the extension of the President's rule in Punjab up to a total period of four years.
67	68th Amendment Act: 1991	Facilitated the extension of the President's rule in Punjab up to a total period of five years
68	69th Amendment Act: 1991	Accorded a special status to the Union Territory of Delhi by designing it as the National Capital Territory of Delhi.
69	70th Amendment Act: 1992	Provided for the inclusion of the members of the Legislative Assemblies of National Capital Territory of Delhi and the Union Territory of Puducherry in the Electoral College for the election of the president.
70	71st Amendment Act: 1992	Included Konkani, Manipuri and Nepali languages in the Eight Schedule. With this, the total number of scheduled languages increased to 18.
71	72nd Amendment Act: 1992	Provided for reservation of seats for the STs in the Legislative Assembly of Tripura
72	73rd Amendment Act: 1992	1.Granted constitutional status and protection to the panchayati raj institutions.

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		2. For this purpose, the Amendment has added a new Part-IX entitled as 'the panchayats' and a new Eleventh Schedule containing 29 functional items of the panchayats.
73	74th Amendment Act: 1992	<ul style="list-style-type: none"> • Granted constitutional status and protection to the urban local bodies. • For this purpose, the Amendment has added a new Part IX-A entitled as 'the municipalities' and a new Twelfth Schedule containing 18 functional items of the municipalities.
74	75th Amendment Act: 1994	Provided for the establishment of rent tribunals for the adjudication of disputes with respect to rent, its regulation and control and tenancy issues including the rights, title and interest of landlords and tenants
75	76th Amendment Act: 1994	Included the Tamil Nadu Reservation Act of 1994 (which provides for 69 per cent reservation of seats in educational institutions and posts in state services) in the Ninth Schedule to protect it from judicial review. In 1992, the Supreme Court ruled that the total reservation should not exceed 50 percent.
76	77th Amendment Act: 1995	Provided for reservation in promotions in government jobs for SCs and STs. This amendment nullified the Supreme Court ruling with regard to reservation in promotions.
77	78th Amendment Act: 1995	Included 27 more land reforms Acts of various states in the Ninth Schedule. With this, the total number of Acts in the Schedule increased to 282. But, the last entry is numbered 284.
78	79th Amendment Act: 1999	Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and

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		the state legislative assemblies for a further period of ten years (i.e., up to 2010).
79	80th Amendment Act: 2000	Provided for an 'alternative scheme of devolution' of revenue between the Centre and states. This was enacted on the basis of the recommendations of the Tenth Finance Commission which has recommended that out of the total income obtained from Central taxes and duties, twenty-nine per cent should be distributed among the states.
80	81st Amendment Act: 2000	Empowered the state to consider the unfilled reserved vacancies of a year as a separate class of vacancies to be filled up in any succeeding year or years. Such class of vacancies are not to be combined with the vacancies of the year in which they are being filled up to determine the ceiling of 50 per cent reservation on total number of vacancies of that year. In brief, this amendment ended the 50 per cent ceiling on reservation in backlog vacancies.
81	82nd Amendment Act: 2000	Provided for making of any provision in favour of the SCs and STs for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to the public services of the Centre and the states.
82	83rd Amendment Act: 2000	Provided that no reservation in panchayats need be made for SCs in Arunachal Pradesh. The total population of the state is tribal and there are no SCs.
83	84th Amendment Act: 2001	<ul style="list-style-type: none"> Extended the ban on readjustment of seats in the Lok Sabha and the state legislative assemblies for another 25 years (i.e., up to 2026) with the same

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		<p>objective of encouraging population limiting measures.</p> <ul style="list-style-type: none"> • In other words, the number of seats in the Lok Sabha and the assemblies are to remain same till 2026. • It also provided for the readjustment and rationalisation of territorial constituencies in the states on the basis of the population figures of 1991 census.
84	85th Amendment Act: 2001	<p>Provided for 'consequential seniority' in the case of promotion by virtue of rule of reservation for the government servants belonging to the SCs and STs with retrospective effect from June 1995.</p>
85	86th Amendment Act: 2002	<ul style="list-style-type: none"> • Made elementary education a fundamental right. The newly-added Article 21-A declares that "the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may determine". • Changed the subject matter of Article 45 in Directive Principles. It now reads—"The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years". • Added a new fundamental duty under Article 51-A which reads—"It shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen years".

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86	87th Amendment Act: 2003	Provided for the readjustment and rationalisation of territorial constituencies in the states on the basis of the population figures of 2001 census and not 1991 census as provided earlier by the 84th Amendment Act of 2001.
87	88th Amendment Act: 2003	Made a provision for service tax (Article 268-A). Taxes on services are levied by the Centre. But, their proceeds are collected as well as appropriated by both the Centre and the states in accordance with the principles formulated by parliament
88	89th Amendment Act: 2003	Bifurcated the erstwhile combined National Commission for Scheduled Castes and Scheduled Tribes into two separate bodies, namely, National Commission for Scheduled Castes (Article 338) and National Commission for Scheduled Tribes (Article 338-A). Both the Commissions consist of a Chairperson, a Vice-Chairperson and three other members. They are appointed by the President.
89	90th Amendment Act: 2003	Provided for maintaining the erstwhile representation of the Scheduled Tribes and non- Scheduled Tribes in the Assam legislative assembly from the Bodoland Territorial Areas District (Article 332 (6)).
90	91st Amendment Act: 2003	<ul style="list-style-type: none"> The total number of ministers, including the Prime Minister, in the Central Council of Ministers shall not exceed 15% of the total strength of the Lok Sabha (Article 75(1A)). The total number of ministers, including the Chief Minister, in the Council of Ministers in a state shall not exceed 15% of the total strength of the legislative Assembly of that state. But, the number of ministers, including the Chief Minister, in a state shall not be

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		<p>less than 12 (Article 164(1A)).</p> <ul style="list-style-type: none"> The provision of the Tenth Schedule (anti-defection law) pertaining to exemption from disqualification in case of split by one-third members of legislature party has been deleted. It means that the defectors have no more protection on grounds of splits.
91	92nd Amendment Act: 2003	Included four more languages in the Eighth Schedule. They are Bodo, Dogri (Dongri), Maithili (Maithili) and Santhali. With this, the total number of constitutionally recognised languages increased to 22
92	93rd Amendment Act: 2005	Empowered the state to make special provisions for the socially and educationally backward classes or the Scheduled Castes or the Scheduled Tribes in educational institutions including private educational institutions (whether aided or unaided by the state), except the minority educational institutions (clause (5) in Article 15). This Amendment was enacted to nullify the Supreme Court judgement in the Inamdar case (2005) where the apex court ruled that the state cannot impose its reservation policy on minority and non-minority unaided private colleges, including professional colleges. The court declared that reservation in private, unaided educational institutions was unconstitutional.
93	94th Amendment Act: 2006	Freed Bihar from the obligation of having a tribal welfare minister and extended the same provision to Jharkhand and Chhattisgarh. This provision will now be applicable to the two newly formed states and Madhya Pradesh and Orissa, where it has already been in force (Article 164(1)).

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94	95th Amendment Act: 2009	Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years i.e., upto 2020 (Article 334).
95	96th Amendment Act: 2011	Substituted “Odia” for “Oriya”. Consequently, the “Oriya” language in the Eighth Schedule shall be pronounced as “Odia”
96	97th Amendment Act: 2011	<ul style="list-style-type: none"> • Gave a constitutional status and protection to co-operative societies. In this context, it made the following three changes in the constitution: • It made the right to form co-operative societies a fundamental right (Article 19) • It included a new Directive Principle of State Policy on the promotion of co-operative societies (Article 43-B). • It added a new Part IX-B in the constitution which is entitled as “The Co-operative societies” (Articles 243-ZH to 243-ZT).
97	98th Amendment Act: 2013	To empower the Governor of Karnataka to take steps to develop the Hyderabad-Karnataka Region
98	99th Amendment Act: 2014	It provided for establishment of National judicial commission
99	100th Amendment Act: 2015	This amendment is Land Boundary Agreement (LBA) between India and Bangladesh
100	101st Amendment Act: 2016	Goods and Services Tax (GST) has commenced with the enactment of the 101st Constitution Amendment Act, 2016 on 8th September, 2016 and the subsequent notifications