

UNDERSTANDING INDIAN CONSTITUTIONAL AMENDMENTS

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Indian Constitutional amendments are crucial modifications made to the Constitution of India, which is the supreme legal document governing the country. These amendments are essential for adapting the Constitution to the evolving needs and aspirations of the nation. In this detailed explanation, I will delve into the technical aspects of Indian Constitutional amendments, including the formulas and examples where applicable.

Formula for Indian Constitutional Amendments:

Amendment Process = Article 368 + Special Majority

EXPLANATION:

- 1. Article 368:** This is the primary provision in the Indian Constitution that outlines the procedure for amending the Constitution. It specifies that amendments can be made by the Parliament of India, but certain amendments require a special procedure.
- 2. Special Majority:** For most amendments, a special majority is required, which involves:
 - A majority of the total membership of each house of Parliament (i.e., Lok Sabha and Rajya Sabha).
 - At least two-thirds of the members present and voting.

Example 1: Basic Amendment

Suppose the Indian government wishes to amend a non-essential provision of the Constitution, such as changing the name of a state capital. In this case, they would follow the basic formula:

Amendment Process = Article 368 + Special Majority

Example 2: Fundamental Rights Amendment

Now, let's consider a more complex scenario where the government wants to amend a fundamental right, such as the right to freedom of speech. For such amendments, a special procedure is required:

Amendment Process = Article 368 + Special Majority + Ratification by States

Explanation:

- **Ratification by States:** In addition to the special majority in Parliament, some amendments affecting federal features of the Constitution (e.g., changes to the distribution of powers between the center and states) require ratification by at least half of the Indian states.

Table: Summary of Amendment Types

Amendment Type	Formula for Amendment Process	Example
Basic Amendment	Article 368 + Special Majority	Changing a state capital's name
Fundamental Rights	Article 368 + Special Majority + Ratification	Amending the right to freedom of speech
Federal Feature Amendment	Article 368 + Special Majority + Ratification	Changing the distribution of powers between center and states

1. Article 368: The Primary Mechanism

The primary provision governing the amendment of the Indian Constitution is Article 368. This article outlines the procedure and authority for amending the Constitution. The formula for this is straightforward:

Article 368 Procedure:

A bill to amend the Constitution can be introduced in either House of Parliament (Lok Sabha or Rajya Sabha).

The bill must be passed by a special majority, which requires a majority of the total membership of each House and a two-thirds majority of members present and voting.

After both Houses pass the bill, it is presented to the President for their assent.

Once the President gives their assent, the amendment becomes a part of the Constitution.

2. TYPES OF AMENDMENTS:

Amendments to the Indian Constitution can be broadly categorized into three types:

A. SIMPLE MAJORITY AMENDMENTS:

These amendments can be passed by a simple majority in both Houses of Parliament. The formula is:

Simple Majority = Majority in Lok Sabha + Majority in Rajya Sabha

Example: The 42nd Amendment Act of 1976, which added the word "Secular" and "Socialist" to the Preamble.

B. SPECIAL MAJORITY AMENDMENTS:

These amendments require a special majority, as mentioned in Article 368.

The formula remains the same as explained earlier:

Special Majority = Total Membership Majority + Two-thirds Majority of Members Present and Voting

Example: The 73rd Amendment Act of 1992, which introduced Panchayati Raj institutions.

C. AMENDMENT BY CONSENT OF STATES:

Some amendments require ratification by at least half of the Indian states. The formula is:

Ratified States = At least 50% of Total Indian States

Example: The 101st Amendment Act of 2016, which introduced the Goods and Services Tax (GST).

3. Schedule Amendments:

The Indian Constitution contains various schedules that provide additional details and provisions. Amendments can also be made to these schedules, which are defined under Article 368. However, these amendments do not require ratification by states.

4. JUDICIAL REVIEW:

Lastly, it's important to note that the Supreme Court of India has the authority to review and strike down constitutional amendments if they violate the basic structure of the Constitution. This doctrine was established in the Kesavananda Bharati case (1973).

The amendment of the Indian Constitution involves a clear procedure defined in Article 368. Amendments can be of various types, depending on the majority required and whether they need state ratification or not. Understanding these technical aspects is crucial for comprehending the process of amending the Indian Constitution.

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First Amendment Act (1951): Added the words "socialist" and "secular" to the Preamble and made certain restrictions on the right to freedom of speech and expression.

Second Amendment Act (1952): Incorporated new territories into India.

Third Amendment Act (1954): Made changes to the representation of states in Parliament.

Fourth Amendment Act (1955): Altered certain provisions related to property rights.

Fifth Amendment Act (1955): Made changes to the acquisition of estates.

Sixth Amendment Act (1956): Reorganized states and union territories on the basis of language.

Seventh Amendment Act (1956): Provided for the reorganization of states in the North-Eastern region.

Eighth Amendment Act (1960): Included certain areas in Assam.

Ninth Amendment Act (1960): Included Dadra and Nagar Haveli as a Union Territory.

Tenth Amendment Act (1961): Included Goa, Daman, and Diu as Union Territories.

Eleventh Amendment Act (1961): Provided for the transfer of certain territories to Pakistan.

Twelfth Amendment Act (1962): Made changes to the representation of states in Parliament.

Thirteenth Amendment Act (1962): Incorporated new territories into India.

Fourteenth Amendment Act (1962): Made provisions for the establishment of autonomous districts in Assam.

Fifteenth Amendment Act (1963): Included Pondicherry as a Union Territory.

Sixteenth Amendment Act (1963): Provided for the abolition of legislative councils in states.

Seventeenth Amendment Act (1964): Made changes to the election of the President and Vice-President.

Eighteenth Amendment Act (1966): Made provisions for the abolition of privy purses.

Nineteenth Amendment Act (1966): Made changes to the election of the President and Vice-President.

Twentieth Amendment Act (1966): Provided for the reorganization of Punjab and Haryana.

Twenty-first Amendment Act (1967): Made changes to the election of the President and Vice-President.

Twenty-second Amendment Act (1969): Abolished certain special privileges of members of Parliament.

Twenty-third Amendment Act (1969): Extended the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Twenty-fourth Amendment Act (1971): Provided for the representation of the Anglo-Indian community in the Lok Sabha.

Twenty-fifth Amendment Act (1971): Made changes to the election of the President and Vice-President.

Twenty-sixth Amendment Act (1971): Abolished privy purses.

Twenty-seventh Amendment Act (1971): Included Sikkim as an associate state of India.

Twenty-eighth Amendment Act (1972): Made changes to the election of the President and Vice-President.

Twenty-ninth Amendment Act (1972): Provided for the transfer of certain territories to Bangladesh.

Thirtieth Amendment Act (1972): Made changes to the representation of states in Parliament.

Thirty-first Amendment Act (1973): Extended the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Thirty-second Amendment Act (1973): Made changes to the representation of states in Parliament.

Thirty-third Amendment Act (1974): Made provisions for the election of the President and Vice-President.

Thirty-fourth Amendment Act (1974): Extended the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Thirty-fifth Amendment Act (1974): Made changes to the representation of states in Parliament.

Thirty-sixth Amendment Act (1975): Included Sikkim as a full-fledged state of India.

Thirty-seventh Amendment Act (1975): Made changes to the representation of states in Parliament.

Thirty-eighth Amendment Act (1975): Made provisions for the election of the President and Vice-President.

Thirty-ninth Amendment Act (1975): Extended the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Fortieth Amendment Act (1976): Made changes to the representation of states in Parliament.

Forty-first Amendment Act (1976): Made provisions regarding the power of the President to issue ordinances during the period of a proclamation of emergency.

Forty-second Amendment Act (1976): Made significant changes to the Constitution, including the insertion of the words "Socialist," "Secular," and "Integrity" in the Preamble, and expanded the Directive Principles of State Policy.

Forty-third Amendment Act (1977): Made changes to the representation of states in Parliament.

Forty-fourth Amendment Act (1978): Restored some of the powers of the judiciary that were curtailed by the 42nd Amendment.

Forty-fifth Amendment Act (1980): Made changes to the representation of states in Parliament.

Forty-sixth Amendment Act (1982): Made changes to the election of the President and Vice-President.

Forty-seventh Amendment Act (1984): Made provisions for the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Forty-eighth Amendment Act (1984): Made changes to the election of the President and Vice-President.

Forty-ninth Amendment Act (1984): Provided for the transfer of certain territories to Bangladesh.

Fiftieth Amendment Act (1984): Made changes to the representation of states in Parliament.

Fifty-first Amendment Act (1984): Extended the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Fifty-second Amendment Act (1985): Made changes to the election of the President and Vice-President.

Fifty-third Amendment Act (1986): Made changes to the representation of states in Parliament.

Fifty-fourth Amendment Act (1986): Provided for the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Fifty-fifth Amendment Act (1987): Made changes to the election of the President and Vice-President.

Fifty-sixth Amendment Act (1987): Made changes to the representation of states in Parliament.

Fifty-seventh Amendment Act (1987): Extended the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Fifty-eighth Amendment Act (1987): Made provisions for the transfer of certain territories to Bangladesh.

Fifty-ninth Amendment Act (1988): Made changes to the election of the President and Vice-President.

Sixtieth Amendment Act (1988): Made changes to the representation of states in Parliament.

Sixty-first Amendment Act (1988): Provided for the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Sixty-second Amendment Act (1989): Made changes to the election of the President and Vice-President.

Sixty-third Amendment Act (1989): Made changes to the representation of states in Parliament.

Sixty-fourth Amendment Act (1990): Extended the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Sixty-fifth Amendment Act (1990): Made changes to the election of the President and Vice-President.

Sixty-sixth Amendment Act (1990): Made changes to the representation of states in Parliament.

Sixty-seventh Amendment Act (1990): Provided for the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Sixty-eighth Amendment Act (1991): Made changes to the election of the President and Vice-President.

Sixty-ninth Amendment Act (1991): Made changes to the representation of states in Parliament.

Seventieth Amendment Act (1992): Provided for the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Seventy-first Amendment Act (1992): Made changes to the election of the President and Vice-President.

Seventy-second Amendment Act (1992): Provided for the reservation of seats for Scheduled Castes and Scheduled Tribes in Panchayats and Municipalities.

Seventy-third Amendment Act (1992): Provided for the reservation of seats for Scheduled Castes, Scheduled Tribes, and women in Panchayats and Municipalities.

Seventy-fourth Amendment Act (1992): Provided for the reservation of seats for Scheduled Castes, Scheduled Tribes, and women in Municipalities.

Seventy-fifth Amendment Act (1993): Made changes to the representation of states in Parliament.

Seventy-sixth Amendment Act (1994): Provided for the reservation of seats for Scheduled Castes and Scheduled Tribes in Legislative Assemblies.

Seventy-seventh Amendment Act (1995): Made provisions for the appointment of a Commission to investigate the conditions of Scheduled Castes and Scheduled Tribes.

Seventy-eighth Amendment Act (1995): Made changes to the representation of states in Parliament.

Seventy-ninth Amendment Act (1999): Extended the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Eightieth Amendment Act (2000): Made changes to the election of the President and Vice-President.

Eighty-first Amendment Act (2000): Provided for the formation of a National Commission for Scheduled Castes and Scheduled Tribes.

Eighty-second Amendment Act (2000): Made changes to the representation of states in Parliament.

Eighty-third Amendment Act (2000): Provided for the reservation of seats for Scheduled Castes and Scheduled Tribes in Legislative Assemblies.

Eighty-fourth Amendment Act (2001): Made changes to the election of the President and Vice-President.

Eighty-fifth Amendment Act (2001): Made changes to the representation of states in Parliament.

Eighty-sixth Amendment Act (2002): Provided for the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Eighty-seventh Amendment Act (2003): Made changes to the election of the President and Vice-President.

Eighty-eighth Amendment Act (2003): Made provisions for the formation of a separate State of Jharkhand.

Eighty-ninth Amendment Act (2003): Extended the reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.

Ninetieth Amendment Act (2003): Made changes to the representation of states in Parliament.

Ninety-first Amendment Act (2003): Provided for the reservation of seats for Scheduled Castes and Scheduled Tribes in Legislative Assemblies.

Ninety-second Amendment Act (2003): Made changes to the election of the President and Vice-President.

Ninety-third Amendment Act (2005): Provided for the reservation of seats for Other Backward Classes in educational institutions.

Ninety-fourth Amendment Act (2006): Made changes to the election of the President and Vice-President.

Ninety-fifth Amendment Act (2009): Made provisions for the Land Boundary Agreement with Bangladesh.

Ninety-sixth Amendment Act (2011): Provided for the reservation of seats for women in Panchayats.

Ninety-seventh Amendment Act (2011): Provided for the reservation of seats for Scheduled Castes and Scheduled Tribes in Lok Sabha and State Legislative Assemblies for another ten years.

Ninety-eighth Amendment Act (2012): Provided for the formation of a separate State of Telangana.

Ninety-ninth Amendment Act (2014): Provided for the establishment of the National Judicial Appointments Commission.

One Hundredth Amendment Act (2015): Made provisions for the Land Boundary Agreement with Bangladesh.

One Hundred First Amendment Act (2016): Provided for the Goods and Services Tax (GST).

One Hundred Second Amendment Act (2018): Provided for the reservation of seats for Scheduled Castes and Scheduled Tribes in Lok Sabha and State Legislative Assemblies for another ten years.

One Hundred Third Amendment Act (2019): Provided for the economically weaker sections among the general category.

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