Major Constitutional Amendments: Part-3

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Seventy Third Amendment Act, 1992

- **Amendment:**
    - Granted constitutional status and protection to the **Panchayati Raj institutions.** 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

Seventy Fourth Amendment Act, 1992

- **Amendment:**
    - 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.

Seventy Seventh Amendment Act, 1995

- **Amendment:**
    - **Provided for reservation in promotions in government jobs for Scheduled Castes and Scheduled Tribes.** This amendment nullified the Supreme Court ruling with regard to reservation in promotions.

Eightieth Amendment Act, 2000

- **Amendment:**
    - 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 had recommended that out of the total income obtained from Central taxes and duties, 29% should be distributed among the states.

Eighty First Amendment Act, 2000

- **Amendments:**
    - **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 is not to be combined with the vacancies of the year in which they are being filled up to determine the **ceiling of 50% reservation** on total number of vacancies of that year. In brief, this amendment ended the 50% ceiling on reservation in backlog

vacancies.

Eighty Second Amendment Act, 2000

- **Amendments:**
    - **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

Eighty Fourth Amendment Act, 2001

- **Amendments:**
    - **Extended the ban on the readjustment of seats in the Lok Sabha and the state legislative assemblies for another 25 years (i.e., up to 2026)** with the same objective of encouraging population limiting measures. In other words, the number of seats in the Lok Sabha and the assemblies are to remain the 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.

Eighty Fifth Amendment Act, 2001

- **Amendments:**
    - Provided for 'consequential seniority' in the case of promotion by virtue of rule of reservation for the government servants belonging to the Scheduled Castes and Scheduled Tribes with retrospective effect from June 1995.

Eighty Sixth Amendment Act, 2002

- **Amendments:**
    - **Made elementary education a fundamental right under the Article 21A**
    - **Changed the subject matter of Article 45 in Directive Principles**
    - **Added a new fundamental duty under Article 51-A**

Eighty Seventh Amendment Act, 2003

- **Amendments:**
    - 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.

Eighty Ninth Amendment Act, 2003

- **Amendments:**
    - 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).

Ninety First Amendment Act, 2003

- **Amendments:**
    - Made the following provisions to limit the size of Council of Ministers, to debar defectors from holding public offices, and to strengthen the anti-defection law:

- 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.
- A member of either house of Parliament belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister.
- 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 less than 12.
- A member of either House of a state legislature belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister.
- A member of either House of Parliament or either House of a State Legislature belonging to any political party who is disqualified on the ground of defection shall also be disqualified to hold any remunerative political post. The expression "remunerative political post" means:
    - Any office under the central government or a state government where the salary or remuneration for such office is paid out of the public revenue of the concerned government or,
    - Any office under a body, whether incorporated or not, which is wholly or partially owned by the central government or a state government and the salary or,
    - Remuneration for such an office is paid by such a body, except where such salary or remuneration paid is compensatory in nature (Article 361-B).
- The provision of the Tenth Schedule (anti-defection law) pertaining to exemption from disqualification in case of split by one-third members of the legislature party has been deleted. It means that the defectors have no more protection on grounds of splits.

Ninety Second Amendment Act, 2003

- **Amendments:**
    - Included four more languages in the Eighth Schedule. They are **Bodo, Dogri (Dongri), Maithili and Santhali.** With this, the total number of constitutionally recognised languages increased to 22

Ninety Third Amendment Act, 2005

- **Amendments:**
    - **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.

Ninety Sixth Amendment Act, 2011

- **Amendments:**
    - Substituted "Odia" for "Oriya". Consequently, the "Oriya" language in the Eighth Schedule

shall be pronounced as “Odia”.

- **Ninety Seventh Amendment Act, 2011**
- **Amendments:**
    - **Gave constitutional status and protection to cooperative societies.** 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.
        - It added a new Part IX-B in the constitution which is entitled “The Co-operative societies”.

Ninety Ninth Amendment Act 2014

- **Amendments:**
    - Replaced the collegium system of appointing judges to the Supreme Court and High Courts with a new body called the National Judicial Appointments Commission (NJAC).
    - However, in 2015, the Supreme Court declared this Amendment Act as unconstitutional and void. Consequently, the earlier collegium system became operative again

One Hundredth Amendment Act, 2014

- **Amendments:**
    - Gave effect to the acquiring of certain territories by India and transfer of certain other territories to **Bangladesh** (through the exchange of enclaves and retention of adverse possessions) in pursuance of the **Land Boundary Agreement of 1974 and its Protocol of 2011.**
    - For this purpose, this amendment act amended the provisions relating to the territories of four states (Assam, West Bengal, Meghalaya and Tripura) in the First Schedule of the Constitution.

One Hundred and First Amendment Act, 2017

- **Amendments:**
    - **Introduction of the Goods and Services Tax**
    - Goods and Services Tax (GST) is an indirect tax (or consumption tax) used in India on the supply of goods and services. It is a comprehensive, multistage, destination-based tax: comprehensive because it has subsumed almost all the indirect taxes except a few state taxes.

One Hundred and Second Amendment Act, 2018

- **Amendments:**
    - **Constitutional status was provided to the National Commission for Backward Classes under India's Ministry of Social Justice and Empowerment.**
    - Article 338B into the Constitution after Articles 338 and 338A which deal with the National Commission for Scheduled Castes (SC) and National Commission for Scheduled Tribes (ST) respectively.

One Hundred Third Amendment Act, 2019

- **Amendments:**
    - It introduced **reservations for Economic Weaker Section** for the first time in

independent India
- Amendment in Article 16 allows a 10% reservation to EWS in public employment.

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