



Major Constitutional Amendments: Part-2

Important Amendments

Thirty-Ninth Amendment Act, 1975

- **Reasons:**

- It was enacted in response to the ruling of the Allahabad High Court who declared the election of PM Indira Gandhi to Lok Sabha void on the petition of Raj Narain.

- **Amendments:**

- 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 Parliament.
- Included certain Central Acts in the Ninth Schedule

Forty Second Amendment Act, 1976

- **Amendments:**

- **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.
- Provided for administrative tribunals and tribunals for other matters (Added Part XIV A).
- Froze the seats in the Lok Sabha and state legislative assemblies on the basis of 1971 census till 2001 - Population Controlling Measure
- Made the constitutional amendments beyond judicial scrutiny.
- Curtailed the power of judicial review and writ jurisdiction of the Supreme Court and high courts.
- Raised the tenure of Lok Sabha and state legislative assemblies from 5 to 6 years.
- Provided that the laws made for the implementation of Directive Principles cannot be declared invalid by the courts on the ground of violation of some Fundamental Rights.
- Empowered the Parliament to make laws to deal with anti-national activities and such laws are to take precedence over Fundamental Rights.
- **Added three new Directive Principles viz., equal justice and free legal aid, the participation of workers in the management of industries and protection of the environment, forests, and wildlife.**
- Facilitated the proclamation of national emergency in a part of the territory of India.
- Extended the one-time duration of the President's rule in a state from 6 months to one year.
- Empowered the Centre to deploy its armed forces in any state to deal with a grave situation of law and order.
- 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.
- Did away with the requirement of quorum in the Parliament and the state legislatures.
- Empowered the Parliament to decide from time to time the rights and privileges of its

- members and committees.
- Provided for the creation of the All-India Judicial Service.
- Shortened the procedure for disciplinary action by taking away the right of a civil servant to make representation at the second stage after the inquiry (i.e., on the penalty proposed).

Forty-Third Amendment Act, 1977

▪ Amendments:

- Restored the jurisdiction of the Supreme Court and the High Courts in respect of judicial review and issue of writs.
- Deprived the Parliament of its special powers to make laws to deal with anti-national activities.

Forty-Fourth Amendment Act, 1978

▪ Amendments:

- Restored the original term of the Lok Sabha and the state legislative assemblies (i.e., 5 years).
- Restored the provisions with regard to the quorum in the Parliament and state legislatures.
- Omitted the reference to the British House of Commons in the provisions pertaining to the parliamentary privileges.
- Gave constitutional protection to publication in a newspaper of true reports of the proceedings of the Parliament and the state legislatures.
- Empowered the president to send back once the advice of the cabinet for reconsideration. But, the reconsidered advice is to be binding on the president.
- Deleted the provision which made the satisfaction of the president, governor, and administrators final in issuing ordinances.
- Restored some of the powers of the Supreme Court and high courts.
- **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.**
- Made certain procedural safeguards with respect to a national emergency and President's rule.
- **Deleted the right to property from the list of Fundamental Rights and made it only a legal right.**
- **Provided that the fundamental rights guaranteed by Articles 20 and 21 cannot be suspended during a national emergency.**
- Omitted the provisions which took away the power of the court to decide the election disputes of the president, the vice-president, the prime minister and the Speaker of the Lok Sabha.

Fiftieth Amendment Act, 1984

▪ Amendments:

- 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.

Fifty-Second Amendment Act, 1985

▪ Reasons:

- To stop defection and the politics of 'Aaya Ram, Gaya Ram'

▪ Amendments:

- 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.

Fifty Eighth Amendment Act, 1987

▪ Amendments:

- Provided for an authoritative text of the Constitution in Hindi language and gave the same legal sanctity to the Hindi version of the Constitution.

Sixty-First Amendment Act, 1989

▪ Amendments:

- Reduced the voting age from 21 years to 18 years for the Lok Sabha and state legislative assembly elections.

Sixty-Fifth Amendment Act, 1990

▪ Amendments:

- Provided for the establishment of a multi-member National Commission for Scheduled Castes and Scheduled Tribes in the place of a Special Officer for Scheduled Castes and Scheduled Tribes.

Sixty-Ninth Amendment Act, 1991

▪ Amendments:

- Accorded a special status to the Union Territory of Delhi by designing it as the National Capital Territory of Delhi. The amendment also provided for the creation of a 70-member legislative assembly and a 7-member council of ministers for Delhi.

Seventy-First Amendment Act, 1992

▪ Amendments:

- Included Konkani, Manipuri and Nepali languages in the Eighth Schedule. With this, the total number of scheduled languages increased to 18.

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